



CITY OF SALINAS COUNCIL STAFF REPORT

DATE: SEPTEMBER 10, 2019

DEPARTMENT: ADMINISTRATION

FROM: RAY E. CORPUZ, JR., CITY MANAGER

THRU: JIM PIA, ASSISTANT CITY MANAGER

BY: MARINA HORTA-GALLEGOS, HUMAN RESOURCES DIRECTOR
DONNA WILLIAMSON, ATTORNEY, LIEBERT, CASSIDY &
WHITMORE

TITLE: SALINAS POLICE OFFICERS ASSOCIATION

RECOMMENDED MOTION:

A motion to approve a Resolution imposing the City's last, best, and final offer to the Salinas Police Officers Association (SPOA) law enforcement unit, pursuant to Government Code sections 3505.4, 3505.5, and 3505.7.

RECOMMENDATION:

It is recommended that the City Council approve a Resolution imposing the City's last, best, and final offer to the Salinas Police Officers Association (SPOA) law enforcement unit, pursuant to Government Code sections 3505.4, 3505.5, and 3505.7.

EXECUTIVE SUMMARY:

The Memorandum of Understanding (MOU) between the City of Salinas and the Salinas Police Officers Association expired on December 31, 2018. The City and SPOA conducted negotiating sessions in 2018 and 2019. On April 2, 2019, the City declared impasse after the parties were unable to reach an agreement for a successor MOU. Subsequently, the parties attended mediation and factfinding.

BACKGROUND:

On August 31, 2019, in accordance with Government Code section 3505.5, the factfinding panel submitted findings of fact and recommended terms of settlement (the factfinding report) to the parties.

Pursuant to Government Code section 3505.7, after any applicable mediation and factfinding procedures have been exhausted, but no earlier than 10 days after the factfinders' written findings of fact and recommended terms of settlement have been submitted to the parties, a public agency that is not required to proceed to interest arbitration may, after holding a public hearing regarding the impasse, implement its last, best, and final offer, but shall not implement a memorandum of understanding.

The City's last, best, and final offer includes cost savings, including the following:

- Wages: No adjustments
- Health Benefits: The SPOA unit members will share in the cost of health coverage by paying 5% of their premiums.
- The Physical Examination section in the MOU has been eliminated.
- The Physical Fitness/Wellness program in the MOU has been eliminated.
- One floating holiday per calendar year in the MOU has been eliminated.
- Schedules: The Police Chief can change from a 4/10 work schedule following any meet and confer and impasse requirements.

CEQA CONSIDERATION:

Not a Project. The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

STRATEGIC PLAN INITIATIVE:

This item accomplishes the goal of Effective Sustainable Government.

DEPARTMENTAL COORDINATION:

This item is being brought forward as a result of coordination between several city departments including Administration, Human Resources, Legal, Police and Finance.

FISCAL AND SUSTAINABILITY IMPACT:

The last, best, and final offer will generate approximately \$175,000 cost savings for the balance of the fiscal year.

ATTACHMENTS:

1. Resolution of City Council
2. Factfinding Report and Recommendations dated August 31, 2019
3. Last, Best, and Final Offer dated August 16, 2019, of the City of Salinas to the Salinas Police Officers Association

RESOLUTION NO. _____ (N.C.S.)

A RESOLUTION OF THE SALINAS CITY COUNCIL IMPOSING THE CITY'S LAST, BEST, AND FINAL OFFER TO THE SALINAS POLICE OFFICERS ASSOCIATION LAW ENFORCEMENT UNIT PURSUANT TO GOVERNMENT CODE SECTIONS 3505.4, 3505.5, AND 3505.7

WHEREAS, the City of Salinas (hereinafter "Salinas") and the Salinas Police Officers Association (hereinafter "SPOA") were signatories to a Memorandum of Understanding (hereinafter "MOU") that expired on December 31, 2018, setting certain terms and conditions of employment for employees in the SPOA; and

WHEREAS, in late September 2018, the City and SPOA negotiation teams began to meet and engage in extensive negotiations over the terms of a successor to said MOU; and

WHEREAS, on April 2, 2019, after extensive negotiations on the terms of a successor MOU, the parties arrived at an impasse and the City provided the SPOA with a written declaration of impasse; and

WHEREAS, the City and SPOA, per mutual agreement, engaged in mediation in an effort to resolve the impasse; and

WHEREAS, following completion of the mediation process, per California Government Code section 3505.4, the SPOA timely requested that the parties' differences be submitted to a factfinding panel; and

WHEREAS, the City negotiation team and the SPOA participated in a factfinding hearing on August 1 and 6, 2019 with a three-member factfinding panel, consisting of Paul D. Roose (neutral panel chair), Rocky Lucia (SPOA representative) and Donna Williamson (City representative); and

WHEREAS, in accordance with Government Code section 3505.5, the factfinding panel submitted findings of fact and recommended terms of settlement (the factfinding report) to the City and SPOA on August 31, 2019; and

WHEREAS, on September 10, 2019, in accordance with Government Code section 3505.5, the City of Salinas made the findings and recommended terms of settlement (report) from the factfinding panel publicly available by posting for public inspection; and

WHEREAS, in accordance with Government Code section 3505.7, no earlier than ten (10) days following receipt of the findings of fact and recommended terms of settlement from the factfinding panel, the City Council of the City of Salinas held a public hearing on September 10, 2019, and has considered the impasse between the City and the SPOA and the report and all recommendations from the factfinding panel. The City Council has concluded that it is appropriate to implement the City's Last, Best, and Final offer effective September 23, 2019.

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF SALINAS, in regular session assembled on September 10, 2019, that this Resolution is approved, thereby adopting and implementing the City's Last, Best and Final Offer, attached to the City Council Report and incorporated herein, effective September 23, 2019.

PASSED AND APPROVED this 10th day of September 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk