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OAKLAND

2016 NOV 17 PM 4: 34

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Kip Walsh
Acting Director of Employee
Relations

SUBJECT: OPL-SEIU 1021 2016 Holiday Side
Letter

DATE: November 16, 2016

City Administrator Approval

Date:

11/17/16

RECOMMENDATION

Staff Recommends The City Council Adopt:

RESOLUTION TO IMPLEMENT THE TERMS OF THE SIDE LETTER AGREEMENT BETWEEN THE CITY OF OAKLAND AND SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 1021 TO MODIFY ARTICLE 11.2 –CHRISTMAS AND NEW YEAR’S EVE OF THE CURRENT LABOR AGREEMENT.

EXECUTIVE SUMMARY

Staff recommends that City Council adopt a resolution approving a side letter SEIU 1021 addressing the holiday hours for employees at the Oakland Public Library. (**Attachment**) The side letter addresses an inadvertent operational barrier in Article 11.2 of the Memorandum of Understanding (MOU) with SEIU as amended by a Tentative Agreement regarding Article 11.2 dated August 7, 2015, which governs holiday schedules. The multiple options for full or half days off during the holiday season provided in Article 11.2 of the MOU present a unique operational challenge for OPL in order to adequately staff the 18 library branches. Further, the schedule proposed in the side letter provides a clear and consistent holiday schedule for library employees.

The City met and conferred with SEIU and Library employees on August 18, 2016 to develop the proposed side letter and reached agreement on its language on October 20, 2016.

BACKGROUND

Under the terms of Article 11.2 of the SEIU 1021 MOU, employees have the following options for paid holiday time off for the Christmas Eve and New Year’s Eve Holidays: one-half of the work shift as paid time off on two of the following: December 24, December 26, December 31, or January 2; Or one full work shift as paid time off on either December 24, December 26, December 31 or January 2.

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Further, Article 11.2 provides that employees whose regular work week is Monday through Friday, when December 24th and December 31st occur on Saturdays or Sundays, shall be entitled to one of the following: one-half of the work shift on both the Friday preceding Christmas Eve, and the Friday preceding New Year's Eve, or one full work shift as paid time off on either the Friday preceding Christmas Eve or the Friday preceding New Year's Eve.

Both December 24, 2016 and December 31, 2016 fall on Saturdays.

Oakland Public Library (OPL) has had the historical practice of closing all of its branches on Christmas Eve rather than having two half days on December 24 and December 31. OPL operates 18 libraries that are open varying days and hours including seven days per week, Mondays through Fridays, and Tuesdays through Saturdays. Accordingly, some full time OPL employees work regular schedules of Monday through Friday and some work regular schedules of Tuesday through Saturday. The practice of closing all branches on December 24 has provided clarity to the public and has provided consistent staffing levels for the various operational schedules of all OPL branches.

The variety of options for holiday time off during for the Christmas Eve and New Year's Eve Holidays, as provided in the 2015-2017 MOU, would be operationally difficult for OPL in attempting to schedule decentralized OPL branches, and potentially confusing for employees scheduled to work during the holiday season.

ANALYSIS

Due to logistical, technical, scheduling and public communication needs to operate the 18 libraries with the necessary staff within the provisions of Article 11.2 of the MOU, OPL is requesting that all library locations be closed starting Friday, December 23, 2016, through Monday, December 26, 2016, and reopen to the public on Tuesday, December 27, 2016. In addition, OPL is requesting that all library locations be closed on Saturday, December 31, 2016 and reopen on Tuesday, January 3, 2017.

The side letter provides that Full-Time Library employees who work a Tuesday through Saturday schedule will receive Holiday Pay (HDP) on Friday, December 23, Saturday, December 24, and Saturday, December 31, 2016. Full Time Library employees who work a Monday through Friday schedule will receive Holiday Pay (HDP) on Friday, December 23, Monday, December 26, and Monday, January 2, 2017.

This schedule will not affect staff leave or overall compensation.

This Side Letter will modify language contained in the August 7, 2015 Tentative Agreement to substitute entitled HVA (accrued leave) with HDP (paid time off) for library staff working various schedules. SEIU 1021 initiated this request on behalf of its members in the Oakland Public Library. A meeting was held on August 18, 2016 that included representatives from the union, employees, OPL management and Employee Relations to discuss the concerns and proposed solution. All parties have agreed to and signed the side-letter and it is now being advanced to the City Administrator and City Council for approval.

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FISCAL IMPACT

There are no fiscal implications associated with this report.

INTERNAL CITY OUTREACH / INTEREST

Oakland Public Library management will provide notice of the library holiday closures at all branches to notify the public of the holiday hours for the library.

COORDINATION

Several City departments were consulted in the preparation of this report, including, but not limited to: City Administrator's Office, Oakland Public Library, Employee Relations, Controllers Bureau, and the City Attorney's Office.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

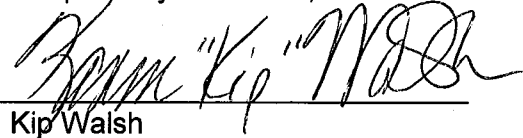
Social Equity: There are no social equity opportunities associated with this report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends the City Council Approve a Side Letter amending the SEIU 1021 MOU with respect to Oakland Public Library Employees Entitled to Holiday Benefits for Christmas Eve, 2016, Christmas Day, 2016 and New Year's Day, 2017.

For questions regarding this report, please contact Kip Walsh, Acting Employee Relations Director, at (510) 238-7334.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kip Walsh", is written over a horizontal line.

Kip Walsh
Acting Employee Relations Director

Prepared by:
Spruce Metzger
Senior Employee and Labor Relations Analyst
CAO/Employee Relations Department

Attachments (4):

A: City/SEIU Side Letter Agreement

SIDE LETTER REGARDING LIBRARY HOLIDAY SCHEDULE

**AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021
(SEIU LOCAL 1021)**

The City of Oakland and SEIU, Local 1021 enter into the following agreement regarding the schedule of library employees entitled to holiday benefits for Christmas Eve 2016, Christmas Day 2016 and New Year's Day 2017 only:

Full Time Library employees who work a Tuesday – Saturday schedule will receive Holiday Pay (HDP) on Friday, December 23rd, Saturday, December 24th and Saturday, December 31st, 2016.


Full Time Library employees who work a Monday – Friday schedule will receive Holiday Pay (HDP) on Friday, December 23rd, Monday, December 26th and Monday, January 2nd, 2017.

For SEIU




Alice McCain, Secretary

Date: 10/30/16



Alison Bowman, Library Steward

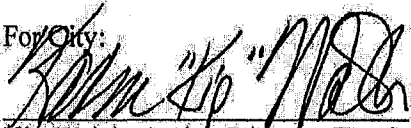
Date: 10/20/16



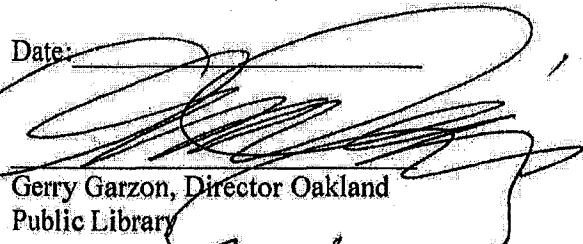
Eve Buckner, Library Steward

Date: 10/20/16

For City:



Kip Walsh, Acting Director Employee Relations


Date: _____


Gerry Garzon, Director Oakland Public Library

Date: 10/20/16

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City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION TO IMPLEMENT THE TERMS OF A SIDE LETTER AGREEMENT BETWEEN THE CITY OF OAKLAND AND SEIU 1021, TO MODIFY ARTICLE 11.2 – CHRISTMAS EVE AND NEW YEARS' EVE OF THE CURRENT LABOR AGREEMENT

WHEREAS, the City of Oakland and the Service Employees International Union (SEIU) Local 1021 have a labor agreement (Memorandum of Understanding (MOU) (July 1, 2013 through June 30, 2015), that has been amended by Tentative Agreements that the parties subsequently negotiated); and

WHEREAS, pursuant to the Tentative Agreement dated August 7, 2015 regarding Article 11 *Holidays*, section 11.2 *Christmas Eve and New Years' Eve*, employees assigned to schedules which require them to work both December 24 and December 31 shall be entitled to one full work shift on December 24, December 26, December 31 or January 2 as paid time off, or one half of a full work shift for two of those dates as paid time off; and

WHEREAS, SEIU and its members in the Oakland Public Library (OPL) sought clarity and uniformity with regard to the 2016 holiday schedule for Library employees; and

WHEREAS, OPL sought a holiday closure schedule that will meet the operational needs of all eighteen branches; and

WHEREAS, the City and SEIU have met and conferred in good faith and reached a Side Letter Agreement to implement a holiday schedule for the Oakland Public Library; and now, be it

RESOLVED, that the City hereby adopts the attached Side Letter Agreement; and be it

FURTHER RESOLVED, that the current labor agreement between the City of Oakland and SEIU Local 1021 shall be modified by the Side Letter Agreement; and be it

FURTHER RESOLVED, that the City Attorney will approve the Side Letter Agreement as to form and legality and a copy will be on file in the Office of the City Clerk; and be it

FURTHER RESOLVED, that the Director of Employee Relations shall be responsible for administering the Side Letter Agreement, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately upon its passage.

Attachment: Side Letter Agreement regarding the OPL Holiday Schedule in 2016 between the City of Oakland and SEIU 1021

IN COUNCIL, OAKLAND, CALIFORNIA, _____

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____