

RESOLUTION 2023-106

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE SIDE LETTERS/MODIFICATIONS TO VARIOUS MEMORANDA OF UNDERSTANDING, TERMS OF EMPLOYMENT AND SCHEDULE OF BENEFITS FOR THE PERIOD JULY 1, 2022 TO JUNE 30, 2027 FOR THE FOLLOWING GROUPS: ASSOCIATION OF INTERMEDIATE EMPLOYEES, SAN PABLO POLICE EMPLOYEES ASSOCIATION, SAN PABLO POLICE EMPLOYEES ASSOCIATION (MANAGEMENT UNIT), DIVISION MANAGERS, CONFIDENTIAL EMPLOYEES, EXECUTIVE MANAGEMENT, AND CONTRACT EMPLOYEES, IN COMPLIANCE WITH CHANGES IN CALIFORNIA LAW EFFECTIVE JANUARY 1, 2023

WHEREAS, the current Labor Agreements between the City of San Pablo and the various represented, and unrepresented groups have Memoranda of Understanding (MOU's), Terms of Employment or Schedule of Benefits in effect July 1, 2022 – June 30, 2027;

WHEREAS, effective January 1, 2023, AB 1041 amended the California Family Rights Act and the Healthy Workplaces, Healthy Families Act (Labor Code section 245 et al.) to add a “designated person” (meaning a person identified by the employee at the time the employee requests paid sick days) to the definition of family member, thus expanding the class of people for whom an employee may take leave to provide care.

WHEREAS, the current definition of family member in current MOUs with represented groups, and Terms of Employment or Schedule of Benefits for unrepresented groups, do not include “designated person”;

WHEREAS, effective January 1, 2023, AB 1949 entitles eligible employees to five days of bereavement leave.. For employees on a 8/75 or 9/75 work schedule, where one full workweek for an employee is less than five (5) work days, such employee may take one additional day of bereavement leave for the death of an immediate family member for a total of five (5) days). The additional day shall be unpaid or the employee may use accrued paid leave.

WHEREAS, currently the Memoranda of Understanding, Terms of Employment or Schedule of Benefits provide one full work week of paid bereavement leave but do not address how the five days are provided to employees who work a 8/75 or 9/75 work schedule.

WHEREAS, the City has been successful in reaching agreement with the following recognized employee represented organizations: SPPEA; SPPEA (Management Unit); OE3 and AIE to revise the MOU to include “designated Person” to the definition of family member and to provide that if an employee assigned work week is less than five days they make take additional day off for a total of five days off for the purposes of

bereavement leave. The signed side-letters, all of which are subject to approval by the City Council, are attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby authorizes the City Manager or his designee to execute Side-Letters/Modifications to Memoranda of Understanding with represented groups, and Terms of Employment and Schedule of Benefits for unrepresented employees, to include "designated person" (meaning a person identified by the employee at the time the employee requests paid sick days) to the definition of family member, and provide for employees on a 8/75 or 9/75 work schedule, where one full workweek for an employee is less than five (5) work days, such employee may take one additional day of bereavement leave for the death of an immediate family member for a total of five (5) days. The additional day shall be unpaid or the employee may use accrued paid leave.

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ADOPTED this 20TH day of June 2023, by the following votes:

AYES:	COUNCILMEMBERS:	Xavier,Pabon-Alvarado, Cruz and Ponce
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Pineda
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ Dorothy Gantt
Dorothy Gantt, City Clerk

/s/ Patricia Ponce
Patricia Ponce, Vice Mayor