



CONSENT CALENDAR

Agenda Item # 10 A

AGENDA REPORT SUMMARY

Meeting Date: December 14, 2021

Subject: Resolution 2021-63: A Side Letter Agreement between City of Los Altos & Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”); Side Letter Agreement of the Memorandum of Understanding (MOU)

Prepared by: Irene Barragan Silipin, Human Resources Manager

Reviewed by: Gabriel Engeland, City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- TEAMSTERS Side Letter Agreement
- Resolution No. 2021-63

Initiated by:

Staff

Previous Council Consideration:

Closed session on April 13, 2021 and May 25, 2021

Fiscal Impact:

FY 2021/22: \$68,000.00

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to adopt Resolution 2021-XX and the terms within the Side Letter Agreement between City of Los Altos and Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”)?

Summary:

- The City met and consulted with Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”) to establish an agreement of the Perfect Attendance Program removal.
- Passing this Resolution will achieve the goal of replacing the Perfect Attendance Program with the terms within the Side Letter Agreement between City of Los Altos and Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”).

Staff Recommendation:

Move to approve the terms and conditions outlined in the TEAMSTERS Side Letter Agreement and its implementation.



Subject: Resolution 2021-63 A Side Letter Agreement between City of Los Altos & Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”); Side Letter Agreement of the Memorandum of Understanding (MOU)

Purpose

The recommended terms of the Side Letter Agreement will allow for City of Los Altos to end the Perfect Attendance Program with the employees represented by TEAMSTERS. This is the last employee group receiving this benefit. Thus, this action will allow to end this program citywide.

Background

The City had the need to establish terms to replace the Perfect Attendance Program between the City, employees and their labor groups. The Perfect Attendance Program has ended for all other employees, TEAMSTERS was the last labor group to establish the terms.

After significant thought and discussion brought about by the COVID pandemic, the city believes the events of the past two years demonstrate that taking sick leave when experiencing symptoms of illness is critically important for the health and safety of our workplace and the community at large. Per recent good faith negotiations between the city and Teamster’s representatives, both parties have agreed to the removal of the perfect attendance program.

The City has satisfied its legal bargaining obligations with all the City’s recognized employee organizations prior to Council adoption of this Resolution. Thus, the Council can approve this Resolution without objection from labor.

Discussion/Analysis

Options

- 1) Adopt Resolution 2020-63 as outlined in the Side Letter Agreement within the City of Los Altos.

Advantages: The parties have met and consulted in good faith in accordance with the Meyers Milias Brown Act (MMBA) to establish the terms in the Side Letter Agreement.



Subject: Resolution 2021-63 A Side Letter Agreement between City of Los Altos & Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”); Side Letter Agreement of the Memorandum of Understanding (MOU)

Disadvantages: None. Parties have mutually reached agreement with the terms of this Side Letter Agreement in accordance with the MMBA.

2) Do not approve the terms outlined in the Side Letter Agreement between the City of Los Altos and Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”).

Advantages: None. The City will continue to allow TEAMSTERS employees to accrue Perfect Attendance hours for employees that do not use their sick leave balances throughout the year.

Disadvantages: Without this resolution, the TEAMSTERS will continue to receive the benefits of the Perfect Attendance Program. Taking sick leave when experiencing symptoms of illness is critically important for the health and safety of our workplace and the community at large

Recommendation

The staff recommends Option 1.



**1 North San Antonio Road
Los Altos, California 94022-3087**

December 10, 2021

Matthew Estrella, President
Sanitary Truck Drivers and Helpers Union Local #350
295 89th St. Suite 304
Daly City, CA 94015

Dear Mr. Estrella,

Pursuant to the provisions of the Meyers-Millias-Brown Act (“MMBA”), this Side Letter Agreement is entered into on December 7, 2021, between the City of Los Altos (“City”) and the Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”) (“Side Letter Agreement”) as an amendment to the Memorandum of Understanding (“MOU”) effective July 1, 2019, through June 30, 2022.

TEAMSTERS and the City are collectively referred to herein as the “Parties”. It is understood and agreed that the specific provisions contained in this Side Letter Agreement shall supersede any previous agreements, whether oral and written, regarding the matters contained herein. Except as provided herein, all wages, hours and other terms and conditions of employment shall remain in full force and effect.

The Parties have met and conferred in good faith on July 14, July 29, August 31, and December 3, 2021, concerning the terms and conditions of this Side Letter Agreement and its implementation and agree that the following language will replace Article 11.1 and 12.3 in its entirety.

The Parties agree with the following updates in the MOU with Appendix C.

Sincerely,

Gabriel Engeland
City Manager
City of Los Altos

TEAMSTERS #350 Representative

ARTICLE 11. VACATIONS

11.1 Vacation Accrual

Annual paid vacations shall be required for the good of the service. Full-time employees (probationary and non-probationary) shall be entitled to accrue vacation time in accordance with the following schedule revised the January 14, 2022, pay date to accurately reflect the city’s vacation accrual months of service tiers, provide employees with an additional 32 hours of vacation accrual per year, and increase the vacation maximum accrual by 24 hours per year:

Months of Continuous Service (“MOS”)	Annual Accrual	Vacation Maximum Accrual
0-47 MOS	112 hours	264 hours
48-59 MOS	152 hours	384 hours
60-83 MOS	160 hours	408 hours
84-107 MOS	168 hours	432 hours
108-131 MOS	176 hours	456 hours
132-155 MOS	184 hours	480 hours
156-227 MOS	192 hours	504 hours
228+ MOS	212 hours	564 hours

For the purposes of this section, “Months of Continuous Service” shall mean an employee’s length of continuous full-time service for the City since his/her last date of hire, less any adjustments due to layoff or approved leaves of absence greater than thirty (30) days, unless otherwise required by law.

Vacation accrual changes will begin the first full pay period following the employee’s anniversary date.

ARTICLE 12. LEAVE PROVISIONS

12.3 Perfect Attendance

Effective December 25, 2021, employees will no longer accumulate perfect attendance, but will have the ability to cash out their remaining perfect attendance per Resolution #85-34 one final time on the December 30, 2021, pay date via the completion of a Perfect Attendance Payout Request Form.

Thereafter, employees will have the following options:

- Between now through January 8, 2022, employees may take paid time off by using their unused perfect attendance hours, and/or;
- After January 8, 2022, remaining unused perfect attendance hours will be converted into pre-tax contributions to the employee's deferred compensation account on the January 14, 2022, pay date (Subject to Medicare Taxation)
- For any remaining unused perfect attendance hours after the conversion to deferred compensation, the city will cash out the remaining unused perfect attendance hours on January 14, 2022, via a separate check. Each hour of unused perfect attendance will be cashed-out at the employee's base hourly rate as taxable wages.

Effective the January 14, 2022, pay date, all employees will receive sixteen (16) hours of vacation in their respective vacation bank.

RESOLUTION NO. 2021-63

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS TO
ADOPT THE SIDE LETTER TO REMOVE THE PERFECT ATTENDANCE
PROGRAM WITH SANITARY TRUCK DRIVERS AND HELPERS UNION
LOCAL #350 (“TEAMSTERS”)**

WHEREAS, Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”) Memorandum of Understanding dated July 1, 2019 – June 30, 2022; and

WHEREAS, Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”) reached a Side Letter Agreement to remove the Perfect Attendance Program; and

WHEREAS, representatives from the City and Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”) met and conferred in good faith to reach a Side Letter Agreement; and

WHEREAS, on December 2, 2021, members of the Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”) ratified the Side Letter Agreement.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby:

1. Approves the Side Letter Agreement to remove the Perfect Attendance Program from the current Memorandum of Understanding (MOU) with Sanitary Truck Drivers and Helpers Union Local #350 (“TEAMSTERS”) as stated in the side letter agreement attached to this resolution as Exhibit A

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of December 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Anita Enander, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK