

Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: July 18 2023
To: Honorable Mayor and City Councilmembers
From: Ron Nelson, Chief of Police, James Hinkey, Police Captain
Deborah Muchmore, Human Resources Consultant
Subject: Execute a Side Letter with the Sebastopol Police Officers’ Association (SPOA) regarding work schedules
Recommendation: It is recommended that the Council: Authorize the City Manager to execute a Side Letter with the Sebastopol Police Officers’ Association regarding employee and Police officer schedules.
Funding: Currently Budgeted: _____ Yes _____X_____ No _____ N/A
Net General Fund Cost: _____

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION:

The item tonight is for City Council approval of a Side Letter with the Execute a Side Letter with the Sebastopol Police Officers’ Association (SPOA) regarding work schedules and authorize City Manager or his designee to execute said side letter. Approval of this Resolution will authorize the City Manager to execute the Letter of Agreement and a change in schedule can occur directly after immediately reducing overtime costs.

BACKGROUND

The current 12-hour work schedule in place for employee of the Police Department requires a minimum of four hours of overtime per employee per pay period, induces additional overtime because there are no overlapping shifts for training and has shifting days off that can challenge an employee’s work-life balance. In the face of a City-wide structural deficit and to respond to the City, Department, and staff desires for a more sustainable scheduling model, the City and the SPOA met and conferred and agreed upon a new scheduling model that maintains a consistent 160 hours of work every 28 days, has no built-in overtime, and creates more opportunities for training and work-life balance. This model and agreement are incorporated into the attached Letter of Agreement between the City and the SPOA.

The Sebastopol Police Officers’ Association (SPOA) and the City met and conferred in 2021 to establish a 12-hour schedule pilot for Police Officers. The pilot schedule was to reduce overtime and provide more consistent coverage in the Department during a time of significant staffing shortages. Overtime was not significantly reduced and the shifting days off inherent in the schedule created an undesirable challenge for officers, dispatchers, and strained employee work-life balance. Additionally, some employees had greater accruals for sick and holiday leave than other employees based on their schedule. The 12-hour schedule Sebastopol Patrol and Dispatch employees have been working since 2021 that has four hours of built in overtime each pay period and with no overlapping shifts, the current model induces additional overtime to allow for training and coverage.

DISCUSSION:

Staffing a 24/7 operation is challenging in the best of times, coming out of a pandemic and into the current labor market has made the challenge even greater. The current 12-hour schedules were an attempt to meet scheduling needs during times of significantly low staffing levels. However, it had a cost in dollars and for some, in staff morale. The proposed schedule is supported by both management and labor as well as the employees who will work the schedule.

The key information for the schedule follows:

All Employees:

- Will work 160 hours per 28-day work period (about a month) with no built-in overtime
- The total hours worked per year will be 2080 for all employees
- All employees in the department who work this schedule will accrue equal amounts of sick leave at 10 hours of sick leave a month and have the same holiday pay.

Police Officers

Approximately half of the officers will work 37.5 hours a week (three 12.5-hour shifts) and make up one 10-hour day in a 28-day cycle which will be worked on a set Wednesday and allow for coverage and training. The other half will work four 10's. The shifts will rotate every 28 days. All officers will be paid straight time to equal 160 hours in 28 days.

Dispatchers:

Will work 3-12 hour shifts each week on regular time and one 8 -hour shift every other week to equal 80 hours in a pay period.

Administrative staff will work 4:10's

The schedules allow for certainty of schedule, time to recover and rest, and one day every month for training. Staff recommends Council authorize the City Manager to execute this Letter of Agreement.

CITY COUNCIL AND/OR GENERAL PLAN GOALS

Goal 6: Maintain a highly qualified Staff that works to provide services to serve and protect the residents, visitors, and businesses of this community.

ENVIRONMENTAL REVIEW

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, according to CEQA Guideline section 15378.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the consent calendar.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours before the scheduled meeting date.

FISCAL IMPACT:

There is no anticipated fiscal impact from this action. It is anticipated that this new work schedule will save an estimated \$115,000. This OT has also been reduced in the FY 23-24 approved budget and any unintended impact will be absorbed in the currently approved FY 2023-2024 budget.

RECOMMENDATION:

That the City Council approve the Resolution authorizing the City Manager to execute the Letter of Agreement between the City and the SPOA regarding Police Department staffing schedules.

Attachment:

Resolution and Exhibit Side Letter

RESOLUTION NUMBER: XXXX-2023

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF SEBASTPOL AND
THE SEBASTOPOL POLICE OFFICERS ASSOCIATION (SPOA)

WHEREAS, The City of Sebastopol and the Sebastopol Police Officers” Association have a current Memorandum of Understanding that is in force until June 30, 2024, and

WHEREAS, The parties have met and conferred in good faith regarding scheduling for members of the unit and mutually desire to enter into a side letter of agreement regarding terms and conditions of employment that will modify the terms of the existing agreement, and

WHEREAS, The parties have reached agreement on a side letter spelling out the terms of the agreement and attached hereto.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Sebastopol hereby authorizes the City Manager or his designee to execute the Side Letter of Agreement regarding Police Department staffing between the City of Sebastopol and the Sebastopol Police Officers’ Association consistent with the Side Letter attached and incorporated herein by this reference.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 18th day of July 2023.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

VOTE:

Ayes:

Noes:

Absent:

Abstain:

APPROVED:

Neysa Hinton, Mayor

ATTEST:

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Larry McLaughlin, City Attorney

**CITY OF SEBASTOPOL (CITY)
AND
SEBASTOPOL POLICE OFFICERS' ASSOCIATION (SPOA)
SIDE LETTER AGREEMENT
TO
JULY 1, 2022 – JUNE 30, 2024
MEMORANDUM OF UNDERSTANDING (MOU)**

All employees:

- Work 160 hours per month (28-day cycle) with no built-in overtime.
- Work the standard 2080 hours in a year.
- All personnel affected by this schedule change will accrue sick leave and holiday pay at the same rate due to the fact they are working the same number of hours in a 28-day cycle and per year (160 hours, 2080 hours). They will accrue 10 hours of sick leave per month at the rate of 4.6154 per pay period.

Police Officers:

- Combo 3/12.5 & 4/10 - Officers will work fixed days and fixed shifts:
 - The scheduled regular 12.5 shifts will be on Sunday, Monday, Tuesday.
 - The scheduled regular 10-hour shifts will be on Wednesday through Saturday
- Officers working the 3-12.5 hours shifts will work 37.5 hours per week and will end up owing 2.5 hours per week to the city. This will be “made up” one day per month which will be worked during one 10-hour shift on a set Wednesday. The payback day will be regularly scheduled generally on the 3rd Wednesday of the month; however, it can be changed with 14 days advance written notice based upon operational or emergent needs.
- One month, the 10-hour shift officers work patrol while the 12.5 hours shift officers work their 10-hour payback and train. The next month they trade off with the 12.5-hour officers covering patrol while the 10-hour shift officers train.
- All officers will be working during one Wednesday per month on their respective shifts. Officers working their “make-up” day will be assigned a shift with hours consistent with their normally scheduled working hours; i.e., dayshift will work day shift, and graveyard will work graveyard.
- An exception will be for officers who are scheduled to work the 12.5-hour shift overnight and are scheduled for their training make-up day on a Wednesday. Those officers will be adjusted to an earlier start time to better accommodate training but consistent with the MOU. They will not report to work until they have had 8 hours off between their last shift; but the tradeoff is that they will be off-duty earlier, will not have to work all night and will go into their days off immediately following their training.
- Should a training not be scheduled, or needs to be cancelled, officers can be assigned to supplement patrol, or to conduct other operational duties consistent with their job description (Special operations, community policing efforts, special events, investigative related tasks).

- During one, two week pay cycle, the officers working the 12.5 hour shifts will be paid straight time for 75 hours. The next pay cycle they will work and be paid for 85 hours of straight time equaling the same 160 hours of regular pay per 28 days.

Dispatchers:

- Work 3- 12 hour shifts each week on regular time.
- One week out of the two-week pay period, they will work an 8-hour shift on regular time to equal 80 hours each pay period.
- The Records Supervisor and the Police Technician positions will work a 4-10 schedule.

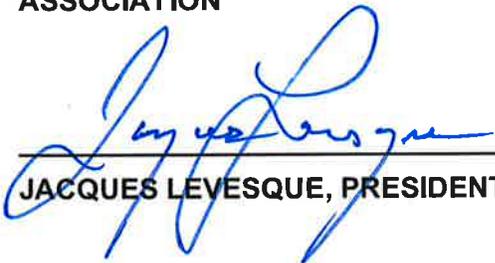
This schedule is intended to remain in effect until the expiration of the current MOU on June 30, 2024 and will be implemented July 1, 2023 or as soon as all parties have agreed to and signed the modification letter, and the modification has been adopted by City Council resolution.

CITY OF SEBAS0TOPOL

LARRY , CITY MANAGER

DATE: _____

**SEBASTOPOL POLICE OFFICERS'
ASSOCIATION**



JACQUES LEVESQUE, PRESIDENT

DATE: 07-03-2023