



Item No. 16 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

**FROM: GEORGE RODERICKS, CITY MANAGER
THERESA DELLASANTA, CITY CLERK/ATCM**

DATE: OCTOBER 19, 2016

**SUBJECT: RESOLUTION ADOPTING AN AMENDMENT TO THE APOA MOU
REGARDING SECTION 27, ALTERNATIVE SCHEDULING,
DISPATCHERS**

RECOMMENDATION

It is recommended that the Council adopt the attached Resolution ratifying an Amendment to the Memorandum of Understanding via Side Letter between the Town of Atherton and the Atherton Police Officers Association (APOA) regarding Section 27: Alternative Scheduling, Dispatchers.

BACKGROUND

The Atherton Police Officers Association (APOA) Memorandum of Understanding (MOU) was adopted last month at the regular City Council meeting. As advised, the City Manager and the APOA continued to meet to discuss alternative work schedules for Dispatchers as it pertains to the recent CalPERS audit and FLSA rules.

The audit was conducted by CalPERS to assess Town compliance to applicable sections of the California Government Code, California Code of Regulations and the Town's contract with CalPERS. One of the findings dealt with the 84-hour work week schedules for Atherton Dispatchers.

Dispatchers are required to work seven 12-hour shifts each two week pay period, totaling 84 hours, or the equivalent of 42 hours per work week. The Town of Atherton currently reports 36 scheduled hours one week, and 48 hours the following week with four hours of that time as overtime pay (Non-PERS) for each two week pay period. The alternative work week is not specifically defined within the current MOU and CalPERS requires that it be defined with more specificity.

ANALYSIS

The Town recognizes that all earnings worked on a normal work schedule should be reported as regular earnings. However, FLSA says that time worked in excess of 12 hours during a regularly scheduled shift or in excess of forty (40) hours in the assigned workweek shall be compensated as overtime. To address this, the Town must create an 84-hour two-week pay period for Dispatchers with specified alternative work weeks such that the Town reports 42 hours of earnings per week. This situation is similar to what occurs when employees are placed on a 9/80 schedule.

To accomplish this, the standard work week for Dispatchers assigned to twelve (12) hour shifts will begin exactly six hours into an employee's last twelve (12) hour shift, which constitutes the employee's four day work week.

FISCAL IMPACT

None. There is no change to current pay rates, overtime calculations, or pension obligation. The work week schedules are not changing – the MOU is providing details with respect to how they operate.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENT

Resolution adopting the ratification
Side Letter Agreement

RESOLUTION NO. 16-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON RATIFYING AN AMENDMENT TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE TOWN AND THE ATHERTON POLICE
OFFICERS ASSOCIATION**

WHEREAS, the City Manager, representing the Town, has met and conferred with the Atherton Police Officers Association; and

WHEREAS, the Atherton Police Officers Association and the Town have reached a an agreement for modification to Section 27 of the Memorandum of Understanding addressing Dispatchers;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the Town of Atherton hereby ratifies the attached amendment to the Memorandum of Understanding and the City Manager is authorized and directed to sign said memorandum on behalf of the Town.

PASSED AND ADOPTED at a meeting of the City Council of the Town of Atherton held on the 19th day of October, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:
ABSENT: Council Members:

Elizabeth Lewis, Mayor
Town of Atherton

ATTEST:

Theresa N. DellaSanta, City Clerk

APPROVED AS TO FORM:

William B. Conners, City Attorney

**SIDE LETTER OF AGREEMENT BETWEEN THE TOWN OF ATHERTON AND THE
ATHERTON POLICE OFFICERS' ASSOCIATION**

October 19, 2016

Representatives for the Town of Atherton, hereinafter the "Town" and representatives for the Atherton Police Officers Association, hereinafter "Association" have met in good faith and agreed to modify the Memorandum of Understanding between the Town and the Association, which expires on June 30, 2019, to add the following:

Section 27: Alternative Scheduling

Dispatchers

"The standard work week for Dispatchers assigned to twelve (12) hour shifts will begin exactly six hours into an employee's last twelve (12) hour shift, which constitutes the employee's four day work week. It is understood that this may cause an individualized work week for those affected employees."

Additionally, the Police Chief may assign the overlap dispatch, which is a special assignment, position to an alternative work schedule. (The special assignment is defined per this MOU)

If this in accordance with your understanding please review, please indicate your approval and acceptance below:

FOR THE TOWN OF ATHERTON

**FOR THE ATHERTON POLICE
OFFICERS' ASSOCIATION**

City Manager

President, Atherton Police
Officers' Association