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Staff Report

Date: April 11, 2017

To: City Council

From: Valerie J. Barone, City Manager

Reviewed by: Elia Bamberger, Director of Human Resources

Prepared by: Justin Ezell, Director of Public Works
Justin.ezell@cityofconcord.org
(925) 671-3231

Subject: **Considering adopting Resolution No. 17-4735.2 approving a Side Letter Agreement between the City of Concord and Teamsters Local Union 856 creating a flexibly staffed General Laborer and Maintenance Worker I classification series and providing a pay differential of 10% to General Laborers who operate a gang mower.**

Report in Brief

To provide greater promotional opportunity and enhance the City's ability to more effectively utilize Public Works staff, City staff and Teamsters Local Union 856 representatives worked together to create a flexibly staffed General Laborer and Maintenance Worker I classification series and agreed upon a 10% pay differential for General Laborers who operate a gang mower.

Recommended Action

Adopt Resolution No. 17-4735.2 approving a Side Letter Agreement between the City of Concord and Teamsters Local Union 856, creating a flexibly staffed General Laborer and Maintenance Worker I classification series and providing a pay differential of 10% to General Laborers who operate a gang mower.

Background

The most basic entry-level position in the Public Works Department is the General Laborer classification; it requires completion of the twelfth grade or the equivalent, but no other job-specific experience. The next higher classification is Maintenance Worker I. One year of experience in field construction or maintenance work is necessary to

meet the minimum qualifications of Maintenance Worker I. The Public Works Department identified a need to create a flexibly staffed General Laborer/Maintenance Worker I series. Doing so will provide more flexibility for the assignment of duties while developing a more progressive career path for entry-level employees.

Creation of this flexibly-staffed series means that General Laborer incumbents may progress to the Maintenance Worker I classification without further competitive examination upon successful completion of the probation period (6 months) and an additional twelve (12) months of satisfactory performance following completion of the probationary period. The intent of creating this career ladder is to establish more stability in delivering maintenance services and to provide unskilled employees with an opportunity for development and growth within the organization.

This side letter also proposes to increase compensation for General Laborers who operate a gang mower. On July 5, 1988 the City deleted the classification of "Gang Mower Operator." Mowing operations, and the equipment used, continued after 1988 by assigning the work to various other landscape classifications, and by using other types of equipment, including a gang mower. At some point in time General Laborers were assigned the task of mowing athletic fields. In 2013 a new gang mower was purchased and General Laborers continued the practice of mowing athletic fields on the new equipment.

Per Teamster MOU provisions, Public Works provides a 5% pay differential to General Laborers who are assigned to operate a gang mower. Teamster MOU provisions also provide a 5% pay differential to Maintenance Workers who operate various types of heavy equipment, including a gang mower. City staff and Teamsters representatives have agreed, as documented in a Side Letter Agreement attached herein, to increase differential pay for General Laborers from 5% to 10% for the hours performing gang mower operation. Doing so acknowledges that there is a base pay differential between General Laborers and Maintenance workers and allows the General Laborers to receive a 10% pay increase while operating the gang mower vs the 5% differential received by the higher paid Maintenance Workers.

Analysis

Public Works has experienced a continued challenge in recruiting and retaining employees in the Maintenance Worker classification. Without adequate staff, maintenance levels are reduced. The difficulty of recruiting and retaining qualified Maintenance Worker candidates has forced Public Works to begin recruiting for the entry-level General Laborer classification. Establishing a flexibly staffed General Laborer/Maintenance Worker I classification will provide more incentive to future candidates, thereby establishing more stability in delivering maintenance services. Unskilled employees who perform satisfactorily and gain on-the-job experience will be

guaranteed opportunity for development and growth within the organization, making the job more attractive to applicants.

By increasing the differential pay from 5% to 10% for General Laborers who operate a gang mower, the City will be addressing the gap that was created when the Gang Mower classification was deleted, and when General Laborers were assigned the task of mowing athletic fields using a gang mower at a lower wage.

Financial Impact

The total cost of this change is estimated at \$31,300 for Fiscal Year 2017-18. The increase in costs for the current Fiscal Year can be absorbed in the existing departmental budget.

Public Contact

The City Council Agenda was posted and a copy of this report was provided to Teamsters Local Union 856.

Attachments

1. Resolution No. 17-4735.2
2. Side Letter Agreement between the City of Concord and Teamsters Local Union 856

BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

**A Resolution approving a Side Letter Agreement
Between the City of Concord and Teamsters Local
Union 856 Creating a Flexibly Staffed General
Laborer and Maintenance Worker I Classification
Series and Providing a Pay Differential of 10% to
General Laborers who Operate a Gang Mower**

Resolution No. 17-4735.2

WHEREAS, the City Council, at its meeting on April 11, 2017, considered a staff recommendation to create a flexibly staffed General Laborer and Maintenance Worker I classification series and provide a pay differential of 10% to General Laborers who operate a gang mower.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES RESOLVE AS FOLLOWS:

Section 1. Approves the creation of a flexibly staffed General Laborer and Maintenance Worker I classification series with an effective date of February 27, 2017.

Section 2. Approves a pay differential of 10% for General Laborers who operate a gang mower with an effective date of February 27, 2017.

Section 3. Authorizes the City Manager to execute the Side Letter Agreement with Teamsters Local Union No. 856.

Section 4. This resolution shall become effective immediately upon its passage and adoption.

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2 **PASSED AND ADOPTED** by the City Council of the City of Concord on April 11, 2017, by
3 the following vote:

4 **AYES:** Councilmembers -

5 **NOES:** Councilmembers -

6 **ABSTAIN:** Councilmembers -

7 **ABSENT:** Councilmembers -

8 **I HEREBY CERTIFY** that the foregoing Resolution No. 17-4735.2 was duly and regularly
9 adopted at a regular meeting of the City Council of the City of Concord on April 11, 2017.

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Joelle Fockler, MMC
City Clerk

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APPROVED AS TO FORM:

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Susanne Meyer Brown
City Attorney

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**SIDE LETTER AGREEMENT BETWEEN THE
CITY OF CONCORD AND TEAMSTERS LOCAL UNION 856**

This Side Letter is by and between Teamsters, Local 856 ("Union") and the City of Concord ("City") and is effective on February 27, 2017, following approval of the City Council.

The City and the Union, in the interest of establishing a career path for General Laborers and advancing the service of the Public Works Department to the City, hereby enter into a side letter of agreement to memorialize the following:

1. The City shall establish a new "flexibly staffed" classification series consisting of General Laborer and Maintenance Worker I classifications. This provides employees in the General Laborer classification who are performing satisfactorily the ability to directly promote (without engaging in a competitive process) to the Maintenance Worker I classification upon achieving the minimum qualifications for that position as described below.
2. Each employee currently in the classification of General Laborer shall, based on satisfactory performance, be promoted to Maintenance Worker I effective February 27, 2017.
3. Any General Laborer hired after the effective date of this agreement shall advance to Maintenance Worker I upon completion of the probation period (6 months), and an additional twelve (12) months of satisfactory performance following completion of the probationary period.
4. At the time of this agreement, one employee is scheduled to start as a General Laborer in March of 2017. This employee was previously a temporary employee with the City and the parties agree to credit six (6) months towards the twelve (12) months of satisfactory performance requirement, after the probationary period is completed.

General Laborers may be required to operate the gang mower based upon the needs of the Public Works Department. General Laborers will be compensated when assigned to the gang mower consistent with Section 9.3.5. General Laborers shall receive a ten (10) percent differential for hours spent operating the gang mower. This new pay differential will be memorialized in a successor MOU as follows:

Section 9.3.2.2.1 Exception for General Laborer Operating the Gang Mower

The sole exception to section 9.3.2.2 is in the event an employee within the General Laborer classification is operating a gang mower, then the General Laborer will receive a pay differential of 10% for hours worked while operating the gang mower. Section 9.3.5 of the MOU also applies.

5. The City, based upon qualifications of candidates or an established eligibility list, will continue to hire entry-level employees into the General Laborer and Maintenance Worker classifications.
6. This agreement will not modify the job descriptions of General Laborer or Maintenance Worker.

Signed:

For The Field & Operations Unit:

Peter Finn Date: 3/24/17
Peter Finn, Secretary/Treasurer
Teamsters, Local 856

Rudy Gonzalez Date: 3/24/17
Rudy Gonzalez, Vice President
Teamsters, Local 856

For the City of Concord:

Date: _____
Valerie Barone
City Manager

Date: _____
Elia Bamberger
Director of Human Resources