




Agenda Item: D-4
Agenda Date: June 18, 2020
Agenda Placement: Admin.
Estimated Time: N/A
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Aeron Arlin Genet, Air Pollution Control Officer 

CONTACT: Kristina Aguilar, CPA, Administrative Division Manager, (805) 961-8813

SUBJECT: Memorandum of Understanding with Engineers and Technicians Association

RECOMMENDATION:

Authorize the Air Pollution Control Officer to enter into a side letter agreement between the Santa Barbara County Air Pollution Control District (District) and the Engineers and Technicians Association (ETA) to amend provisions of the current Memorandum of Understanding (MOU), including an extension through June 30, 2023 (Attachment 1).

DISCUSSION:

ETA represents 20 active employees in our Technical and Professional groups. Their current contract will expire June 30, 2021. Consistent with parameters set by your Board, we have negotiated a two-year extension of the MOU through June 30, 2023.

The District's negotiating team, comprised of Draza Mrvichin, Consultant, and Kristina Aguilar, Administrative Division Manager, completed a collaborative negotiation while jointly working toward a common goal with ETA's team of Bryan Wong, Air Quality Specialist II; Steve Nailor, ETA President; and Henry Bongiovi, ETA Labor Representative.

The most significant terms of this agreement are as follows:

1. Term – Agreement effective September 10, 2018 through June 30, 2021 will be extended through June 30, 2023;

2. Salaries –3% cost of living adjustment (COLA) effective July 1, 2020. A 2.5% COLA will be effective July 1, 2021 as long as the District’s operating revenue does not decrease by 15% or more after 9 months (i.e., by March 31, 2021). Due to economic uncertainties related to COVID-19, if the District recognizes a loss of operating revenue of 15% or more, both parties agree to meet and re-negotiate the July 1, 2021 salary increase;
3. Medical Benefits – \$33.66 effective July 1, 2020 increase in the District’s contribution for medical premiums to a new maximum of \$569.16 per month. Additional increase of \$30.84 effective July 1, 2021 in the District’s contribution for medical premiums to a new maximum of \$600 per month;
4. Holiday Closure - District wide holiday closure between Christmas Day and New Year’s Day. Employees will receive pay for normal legal holidays (Christmas Day and New Year’s Day) as usual. For normal workdays within this period, employees may take accrued paid leave, voluntary leave without pay, or work/telework during the holiday closure. The parties will meet in approximately March 2021, if needed, to determine the success of the 2020 Holiday Closure and decide whether it should be explored in future years.
5. An agreement to a re-opener on two (2) issues for each party in the last year of the extension with the MOU expiring June 30, 2023.

FISCAL IMPACT:

During recent years, the District has reduced in staff size and seen its budget process further refined. With the adoption of the Fiscal Year 2020-2021 budget, the District is able to provide an increase in benefits and a cost of living adjustment for salary. Throughout the process, the negotiating teams worked together to create an MOU extension that worked for everyone, while staying within the parameters set by your Board. The below outlines the fiscal impact of these changes to ETA:

1. Providing an increase in the District paid employee-only portion of the medical plan effective July 1, 2020 will have an impact for the 2020-2021 Fiscal Year of \$8,100, and \$7,400 the 2021-2022 Fiscal Year.
2. Providing a 3% COLA effective July 1, 2020, will have an impact for the 2020-2021 Fiscal Year of \$78,450, and the negotiated 2.5% COLA for the 2021-2022 Fiscal Year has an \$65,400 impact.

ATTACHMENT:

- A. ETA Side Letter
- B. Holiday Closure Plan

ATTACHMENT A

ETA Side Letter

June 18, 2020

Santa Barbara County Air Pollution Control District
Board of Directors

260 San Antonio Road, Suite A
Santa Barbara, California 93110

SIDE LETTER OF AGREEMENT

Between

Engineers and Technicians Association and Santa Barbara County Air Pollution Control District

July 1, 2020

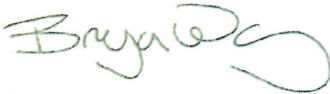
TERM OF AGREEMENT: Extend the end date of the Current MOU from June 30, 2021 to be June 30, 2023 with reopeners on two (2) Articles effective July 1, 2022.

MEDICAL: \$33.66 effective July 1, 2020 increase in the District's contribution for medical premiums to a new maximum of \$569.16 per month. Additional increase of \$30.84 effective July 1, 2021 in the District's contribution for medical premiums to a new maximum of \$600 per month.

SALARY: 3% cost of living adjustment (COLA) effective July 1, 2020. A 2.5% COLA will be effective July 1, 2021 as long as the District's operating revenue does not decrease by 15% or more after 9 months (i.e., by March 31, 2021). Due to economic uncertainties related to COVID-19, if the District recognizes a loss of operating revenue of 15% or more, both parties agree to meet and re-negotiate the July 1, 2021 salary increase.

HOLIDAY CLOSURE: District wide holiday closure between Christmas Day and New Year's Day. Employees will receive pay for normal legal holidays (Christmas Day and New Year's Day) as usual. For normal workdays within this period, employees may take accrued paid leave, voluntary leave without pay, or work/telework during the holiday closure. See attached for full holiday closure plan. The parties will meet in approximately March 2021, if needed, to determine the success of the 2020 Holiday Closure and decide whether it should be explored in future years.

ETA



Bryan Wong
Bargaining Unit Representative



Henry Bongiovi
Bargaining Unit Representative

DATE: 6/10/20

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
District Counsel

By Victoria Parks Tuttle



Kristina Aguilar
Administrative Division Manager



Aeron Arlin Genet
Air Pollution Control Officer

DATE: 06/10/2020

ATTACHMENT B

Holiday Closure Plan

June 18, 2020

Santa Barbara County Air Pollution Control District
Board of Directors

260 San Antonio Road, Suite A
Santa Barbara, California 93110

HOLIDAY CLOSURE PLAN

The District intends to enact the following Holiday Closure Plan in 2020. To that end, the District may implement a holiday closure for some or all operations with employees using paid leave, unpaid time, or working, consistent with the plan included below.

Employees will receive pay for normal legal holidays (Christmas Day and New Year's Day) as usual. The District reserves the right to cancel the Holiday Closure, and/or to call some or all available employees back to work in the event of a crisis or emergency.

EFFECT ON EMPLOYEES:

Employees in operations that close for the holiday closure period will have several options for their normal workdays. They may choose to:

- 1) **Take accrued paid leave.** Employees may use accrued paid leave from their accrued leave balances.

Employees with less than six months of continuous employment who are not otherwise entitled to vacation credits or accruals may use payroll code "VAC" for authorized absences, subject to the following conditions:

- The absence(s) occurred during the Holiday Closure of 2020 and the employee's request to code the absence(s) "VAC" is received no later than December 24, 2020;
- The employee is not eligible for any other form of paid leave for the absence(s) (including, but not limited to, holiday or compensatory time off; and
- Hours coded "VAC" for the absence(s) will be deducted from, and cannot exceed, the vacation balance the employee is granted after six continuous months of employment.

- 2) **Take voluntary leave without pay.** Employees who prefer leave without pay for all or part of the time may have the portion of time they were on unpaid leave spread over the remaining pay periods paid in the fiscal year, beginning the first pay period in which the unpaid leave is taken. As with all unpaid leaves of absence, some benefits (such as paid time off and retirement contributions) will not accrue during the unpaid leave. However, the Holiday Closure will not affect monthly health, life or disability insurance premium contributions. Employees who opt to spread leave without pay over the remaining pay periods in the fiscal year, will be required to reimburse the District upon termination of employment if the full value of the time off has not been recouped.
- 3) **Work.** Employees may choose to work or telework one or more days during the Holiday Closure. Employees who wish to work during the Holiday Closure must advise their Manager no later than November 15th.

Work assignments during the Holiday Closure period may or may not fall within the employee's normal job duties, hours, or location. However, consideration will be given to the employee's normal job functions in making assignments, and such assignments will not be made for arbitrary or capricious reasons. Employees reassigned during the closure will receive a minimum of two

weeks notice of the location and job function of the reassignment, and management will make reasonable efforts not to change such assignments thereafter, consistent with the needs of the District. It is anticipated that since all staff will have been provided laptops by the District, employees will be entitled to telecommute to perform work during the Holiday Closure period. Both North County and South County employees with assigned vehicles may home garage their assigned vehicle in accordance with the District's Vehicle Use Policy to complete site visits. It is anticipated that field staff, including inspectors and monitoring staff, may also complete reports via telecommuting rather than perform inspections or site visits during the Holiday Closure period, unless timing issues require that an inspection or site visit be performed during the Holiday Closure period.

Some employees may be required to work during the closure. Management will make reasonable efforts to allow those employees who wish to take time off to be able to do so. Employees who wish to be off will not be denied the use of accrued paid leave unless an insufficient number of qualified volunteers are available to perform essential services.