



DATE: June 23, 2020

TO: Mayor and City Council

FROM: Assistant City Manager/Interim Director of Human Resources

SUBJECT: Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 for Implementation of an Unpaid Furlough in Fiscal Year 2021, and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving a Side Letter of Agreement between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 for implementation of an unpaid furlough in Fiscal Year 2021 and authorizing the City Manager to execute the agreement.

SUMMARY

The City of Hayward is experiencing an unexpected drop in revenues as a result of State and County Shelter in Place Orders due to the COVID-19 pandemic. As a result, the City has taken a number of cost-saving measures to limit the impact this crisis has on its employees and residents, such as reducing expenditures, laying off temporary staff, and seeking concessions from its employee groups.

The City and the International Federation of Professional and Technical Engineers, Local 21 (Local 21) have met and conferred in good faith and have reached a tentative agreement in which Local 21 members will be required to meet a thirty (30) hour unpaid furlough obligation in fiscal year 2021. If certain financial indicators are met, employees would be required to meet an additional furlough obligation of twenty-five (25) hours, for a total of fifty-five (55) furlough hours in FY 2021. The proposed agreement would result in a General Fund savings of approximately \$224,589 and a total projected savings across all funds of \$328,182 in FY 2021.

In recognition of Local 21 agreeing to an unpaid furlough in fiscal year 2021, in addition to the annual vacation cash-out available to Local 21 employees pursuant to the current Memorandum of Understanding, full-time employees will be permitted to cash out up to an additional ten (10) hours of vacation leave in FY 2021, and part-time employees will be permitted to cash out an additional five (5) hours of vacation leave in FY 2021.

BACKGROUND

In response to the COVID-19 pandemic and the rapid spread of the disease, on March 16, 2020, the Health Officer of the County of Alameda, along with the Health Officers of Contra Costa, Marin, Santa Clara, San Mateo, and Santa Cruz counties, issued an Order for the public to shelter-in-place of residence, limiting the public's ability to leave their homes except to perform essential work and obtain essential services. On March 19, 2020, Governor Newsom also issued a state-wide Order to shelter-in-place of residence, followed by state guidance on a phased reopening of businesses if certain quantifiable indicators are met to demonstrate progress in the battle to quell the spread of the virus.

As a result of these Shelter in Place Orders and the closure of all but non-essential businesses and services, City revenues have been severely impacted. Based on updated revenue projections, by the close of Fiscal Year 2020, the revenue decline resulting from COVID-19 is projected to require the use of approximately \$12 million of the City's \$36 million General Fund operating reserve (or savings account).

As a result, the City has implemented a number of cost saving measures. First, a vast majority of temporary staff were released from their positions. Second, City-wide non-emergency expenses have been limited to \$250,000 per month (previously averaged around \$750,000 per month) for the entire organization, with the Director of Finance and the City Manager closely reviewing all City expenditures. Third, the City Manager and Executive team have agreed to forego the value of their cost-of-living (COLA) increases scheduled for July 1, 2020, either by forgoing the COLA itself or agreeing to an 80-hour furlough obligation in Fiscal Year 2021. Bargaining groups were asked to forego the value of their cost-of-living (COLA) increases scheduled for July 1, 2020, either by forgoing the COLA itself or agreeing to an 80-hour furlough obligation in Fiscal Year 2021. The City Manager, Finance Director, interim HR Director, and the City negotiating team have been negotiating with all bargaining groups to try to effectuate cost savings that can be implemented as part of the FY2021 budget. Cost savings contributed by bargaining groups are critical to the City's fiscal health as labor costs make up approximately 85% of the General Fund budget and these labor cost savings help avoid layoffs and reductions in services to the community. Currently, the City has not laid off any permanent City employees and has paid full salary and benefits to all employees during the shelter-in-place order time period.

The International Association of Fire Fighters Local 1909 and the Hayward Fire Officers Association were among the first of the employee groups to forego a previously agreed upon salary survey adjustment (capped at 2%) scheduled to take effect July 1, 2020. Similarly, the City Manager volunteered to forego the July 1, 2020 scheduled 2% COLA currently provided for in her employment agreement, and the Mayor and City Council volunteered to reduce their salary by 2% and reduce their travel and miscellaneous budget by 50% for FY 2021. The City Council approved these actions on May 19, 2020.

On May 26, 2020, the City Council also approved a tentative agreement for an eighty (80) hour unpaid furlough for members of the Police Management Unit in Fiscal Year 2021. Council also approved amendments to the Salary and Benefits Resolution for Unrepresented Executives, Management, City Manager's Office, Human Resources, and City

Attorney Employees providing for either an eighty (80) hour unpaid furlough in FY 2021 or a deferment of a previously scheduled July 1, 2020 COLA.

Most recently, on June 9, 2020, the City Council approved a tentative agreement for up to fifty-five (55) unpaid furlough hours for members of the Service Employees International Union, Local 1021, in Fiscal Year 2021, and a tentative agreement for an eighty (80) hour unpaid furlough for members of the Hayward Association of Management Employees (HAME).

DISCUSSION

To contribute to the necessary cost savings, Local 21 has agreed to a thirty (30) hour furlough obligation in FY 2021 for its members. Employees will be required to meet an additional furlough obligation of twenty-five (25) hours, for a total of fifty-five (55) hours in FY 2021, if the City's combined General Fund Revenue for Sales Tax, Real Property Transfer Tax, Transient Occupancy Tax, and Utility Users Tax (the "Four Tax Revenues") attributable to the months of September, October, and November of 2020, combined with additional financial aid through a federal stimulus that may be used to replace lost General Fund Revenues, cover General Fund staffing costs, or that is entirely discretionary in nature, is ninety percent (90%) or less than the Four Tax Revenues attributable to the months of September, October, and November 2019. Part-time employees who regularly work twenty (20) or more hours per week will be required to take a pro-rated number of furlough hours based on their regularly scheduled hours.

To minimize the financial impact of the furlough on employees, employees may elect to evenly spread the furlough payback obligation throughout the fiscal year.

In recognition of Local 21 agreeing to an unpaid furlough in fiscal year 2021, in addition to the annual vacation cash-out available to Local 21 employees pursuant to the current Memorandum of Understanding, full-time employees will be permitted to cash out up to an additional ten (10) hours of vacation leave in FY 2021, and part-time employees will be permitted to cash out an additional five (5) hours of vacation leave in FY 2021.

FISCAL IMPACT

The proposed agreement would result in a General Fund savings of approximately \$224,589 and a total projected savings across all funds of \$328,182 in FY 2021 over previous contractual obligations.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

NEXT STEPS

If approved, staff will finalize the resolution and the City Manager will execute and implement these changes.

Prepared by: Kakshi Master, Human Resources Analyst II

Recommended by: Maria A. Hurtado, Assistant City Manager/Interim Director of Human Resources

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager