RESOLUTION NO. 20-105, SERIES 2020

RESOLUTION APPROVING SIDE LETTER AMENDING THE MEMORANDUM OF UNDERSTANDING WITH INDIVIDUAL SWORN POLICE MANAGERS

WHEREAS, the City of Davis and the Individual Sworn Police Managers have met and conferred in good faith in accordance with the provisions of the Meyers-Milias-Brand Act of the California Government Code; and

WHEREAS, the parties have reached agreement on the attached side letter (Exhibit A) to the Memorandum of Understanding that was adopted for the term July 1, 2019 to June 30, 2023; and

WHEREAS, the parties agree to cost savings by way of employee furloughs as per the terms of the side letter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davis that the terms and conditions contained in said Side Letter are hereby adopted and directs the City Manager to take all steps that are proper and necessary to implement this agreement.

PASSED AND ADOPTED by the City Council of the City of Davis on this 30th day of June, 2020 by the following vote:

AYES: Arnold, Carson, Frerichs, Partida, Lee

NOES: None

[Brett Lee]
Brett Lee
Mayor

ATTEST:

[Signature]
Joe S. Mirabile, CMC
City Clerk

Page 1 of 3
THE CITY OF DAVIS
AND
INDIVIDUAL SWORN POLICE MANAGERS
SIDE LETTER AGREEMENT
TO
JULY 1, 2019 – JUNE 30, 2023
MEMORANDUM OF UNDERSTANDING

WHEREAS, the CITY is facing a dramatic reduction in revenues due to the COVID19 crisis, and;

WHEREAS, the parties have met and agreed to amend the terms and conditions of employment to capture savings and avoid potential layoffs;

NOW THEREFORE, the parties agree as follows:

- Furlough Pay Reduction:
  o Seven (7) furlough days (56-hour reduction in paid time) between 7/1/2020 and 6/30/2021 – over 26 pay periods.
  o Equates to a reduction in pay of 2.69%.
  o Special compensation paid as a percentage of pay will be calculated based on the reduced earnings.
  o Base hourly rate (salary table hourly rate) does not change as a result of the furlough for purposes of compensation reporting to CalPERS.
  o Special compensation is reported to CalPERS as earned and is, therefore impacted by furloughs.
  o To the extent permitted by CalPERS, in the event an employee retires within 12 months of the furlough program, CalPERS will utilize a worksheet to capture the lost value of special compensation for the purpose of accurately calculating retirement payments.

- Furlough leave bank.
  o Furlough leave will accrue each pay period at a rate consistent with pay reduction of 2.69% over 26 pay periods to equal 56 hours between 7/1/2020 and 6/30/2021.
  o Furlough leave must be used in full-day increments and can be scheduled and used like vacation.
- Employees may use furlough leave prior to accrual resulting in a negative leave balance.
- If employee leaves City employment with a negative leave balance, value of the negative leave amount will be adjusted out of the employee’s final paycheck.
- If employee leaves City employment with a positive leave balance, remaining balance has no cash value.
- Furlough leave must be used by June 30, 2022.

**FLSA Exempt Employee Impact:**
- During the week in which the furlough time is used, for purposes of the Fair Labor Standards Act, the employee normally exempt from overtime, will be non-exempt for that 7-day period only. During that week, employee is prohibited from working more than 40 hours without express authorization of the employee’s department head. All hours worked will be recorded. Leave time is not considered worked time for purposes of overtime. For all 7-day periods in which a furlough day is not used, the exempt employee remains exempt under the Fair Labor Standards Act.

---

**City of Davis**

Mike Webb, City Manager

7/8/2020

Date

**Individual Sworn Police Managers**

By: Paul Doroshov

By: Tom Waltz

By: Michael Munoz

6-25-2020

Date

By: Arturo Camacho

By: Ilya Bezuglov

#1