

## **RESOLUTION NO. 2019-026**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AUTHORIZING AND APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF ROHNERT PARK AND THE ROHNERT PARK EMPLOYEES' ASSOCIATION TO PROVIDE COMPENSATION FOR DISASTER SERVICE WORKERS**

**WHEREAS**, on April 25, 2017, the Rohnert Park City Council adopted resolution 2017-047 approving the Memorandum of Agreement (MOA) between the City of Rohnert Park and the Rohnert Park Employees' Association ("RPEA") for the period of April 30, 2017 through June 30, 2021; and

**WHEREAS**, State law declares all City employees disaster service workers; and

**WHEREAS**, in the event of a local declared emergency City employees may be required to work as disaster service workers; and

**WHEREAS**, disaster service workers may be required to work hours in excess of their normally scheduled 40 hours a week; and

**WHEREAS**, the RPEA MOA provides overtime compensation for non-exempt employees working in excess of normally scheduled hours; and

**WHEREAS**, the MOA in section 2.4 specifically excludes overtime compensation for positions that are exempt under the Fair Labor Standards Act; and

**WHEREAS**, a number of exempt positions in RPEA are likely to be required to work as disaster service workers in the event of a local declared disaster; and

**WHEREAS**, the City wants the ability to provide additional compensation for exempt employees working in excess of 40 hours in a week as disaster service workers during a local disaster; and

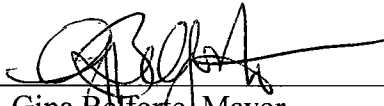
**WHEREAS**, the City has negotiated a side letter with the RPEA providing such additional compensation to RPEA Unit members as non-pensionable compensation equivalent to the employee's straight time at the time of accrual.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rohnert Park that it does hereby approve the attached Side Letter Agreement between the City of Rohnert Park and the Rohnert Park Employees' Association.

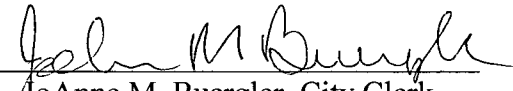
**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized and directed to execute documents pertaining to same for and on behalf of the City of Rohnert Park.

**DULY AND REGULARLY ADOPTED** this 12<sup>th</sup> day of March, 2019.

**CITY OF ROHNERT PARK**

  
\_\_\_\_\_  
Gina Belforte, Mayor

**ATTEST:**

  
\_\_\_\_\_  
JoAnne M. Buergler, City Clerk

Attachment: Exhibit A

ADAMS: AYE MACKENZIE: AYE STAFFORD: AYE CALLINAN: AYE BELFORTE: AYE  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )

**EXHIBIT A**  
**SIDE LETTER AGREEMENT BETWEEN**  
**THE CITY OF ROHNERT PARK**  
**AND**  
**THE ROHNERT PARK EMPLOYEES' ASSOCIATION**  
**COMPENSATION FOR DISASTER SERVICES WORKERS**  
**March 12, 2019**

**WHEREAS**, on April 25, 2017, the Rohnert Park City Council adopted resolution 2017-047 approving the Memorandum of Agreement (MOA) between the City of Rohnert Park and the Rohnert Park Employees' Association ("RPEA") for the period of April 30, 2017 through June 30, 2021; and

**WHEREAS**, State law declares all City employees disaster service workers; and

**WHEREAS**, in the event of a local declared emergency City employees may be required to work as disaster service workers; and

**WHEREAS**, disaster service workers may be required to work hours in excess of their normally scheduled 40 hours a week; and

**WHEREAS**, the RPEA MOA provides overtime compensation for non-exempt employees working in excess of normally scheduled hours; and

**WHEREAS**, the MOA in section 2.4 specifically excludes overtime compensation for positions that are exempt under the Fair Labor Standards Act; and

**WHEREAS**, a number of exempt positions in RPEA are likely to be required to work as disaster service workers in the event of a local declared disaster; and

**WHEREAS**, the City wants the ability to provide additional compensation for exempt employees working in excess of 40 hours in a week as disaster service workers during a local disaster.

**NOW THEREFORE**, the parties agree as follows:

1. To add to the current MOA Section 2.6 Declared Emergency Situations – Exempt Employees as follows:

**2.6 Declared Emergency Situations – Exempt Employees**

Exempt employees, when working as disaster service workers, shall be eligible for overtime for hours worked beyond forty (40) hours in a work week due to a City Council declared emergency. Such pay is non-pensionable compensation. Overtime shall be equivalent to the employee's straight time pay at the time of accrual, and shall not be accrued as compensatory time. Under no circumstances shall an exempt

employee be paid overtime except under the circumstances set forth in this provision, or as may be set forth by the Rohnert Park City Council.

This agreement is contingent upon approval by the City Council.

**For the City of Rohnert Park:**

**For the Rohnert Park  
Employees' Association:**

\_\_\_\_\_  
**Darrin Jenkins, City Manager**

Date: \_\_\_\_\_

\_\_\_\_\_  
**Angie Smith, RPEA President**

Date: \_\_\_\_\_