




Berkeley Housing Authority

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Office of the Executive Director

Item 6H
NEW BUSINESS
September 10, 2015

To: Honorable Chairperson and
Members of the Berkeley Housing Authority Board

From: Tia M. Ingram, Executive Director 

Subject: Memorandum of Understanding – Public Employees Union – Local One

RECOMMENDATION

Rescind Resolution No. 15-02, that authorized the 2014-2017 Memorandum of Understanding, and adopt a new resolution approving the revised 2014-2017 Memorandum of Understanding

BACKGROUND

Berkeley Housing Authority is a small agency with twelve full-time equivalent positions. The Executive Director and Executive Assistant are “exempt;” eight positions are represented by SEIU Local 1021, and two management positions are represented by Public Employees Union-Local One “Agency Shop.”

In an effort to sync the two contract documents- some sections within the Local One contract were rearranged to mirror the organization of the Local 1021 contract. The intent was to make it easier to find policies within each document, not to grant more, or reduce any existing provisions.

The Board approved the staff recommendation, and the Chief Negotiator, Executive Director and Local One agent executed the contract. We later noted some significant discrepancies that must be addressed:

1. Critical provisions, negotiated during previous negotiations, were inadvertently omitted in the revised Local One contract that impact the members, including:
 - Administrative Leave/Section 21
The entire section on Administrative Leave was omitted. Local One members, in specific positions designated as “exempt” receive 40-hours of Administrative Leave annually [this benefit is not available to employees represented by Local 1021].

Management must designate the “exempt” positions; critical designation impacting leave and accruals [this item is addressed separately on the Sept. 10 Board agenda].
 - Vacation/Section 22
Omits the table for (enhanced) accrual rates for “exempt” employees subject to (eligible for) administrative Leave.

- Sabbatical Leave/Section 22.11
After eight years of service, employees (exempt and non-exempt) eligible for up to six months leave. Time is not compensable, but employees retain Authority paid life and health insurance.
 - Dental Insurance Coverage/Section 33.2
The orthodontic benefit is a maximum of \$3,000 [maximum is \$2,000 for members of 1021].
 - Retirement Medical Rates/Section 34
The method for determining benefits, and caps are significantly different (see Section 34).
2. We failed to clarify (designate) the positions within the classification plan are “exempt” for over-time.
- The single position, Finance Manager classification, is the only position within the Authority authorized that: requires the exercise of discretion and independent judgment; acts on behalf of the Executive Director, and has regularly assigned duties that require work outside normal working hours. Formal adoption of the designation for this position is on the Sept. 10 Board agenda for action tonight.

STATUS

We discussed the errors/omissions identified above, and proposed solutions with Jeff Apkarian, Chief Negotiator for Local One, and James Diamond, Chief Negotiator for BHA. All are in agreement that reverting to the previous contract format, with the recently negotiated provisions is the most efficient way to ensure no unintentional change is negotiated to provisions/benefits, and to restore rights/benefits to eligible employees.

FINANCIAL OBLIGATIONS

None

CONTACT PERSON

Tia M. Ingram, Executive Director, 981-5471
Jesy Yturralde, Finance Manager, 981-5488

Attachments:

1. Resolution

RESOLUTION NO. 15-

RESCINDING RESOLUTION NO. 15-02, AND ADOPTING A NEW RESOLUTION, AUTHORIZING EXECUTION OF A LABOR CONTRACT WITH PUBLIC EMPLOYEES LABOR UNION-LOCAL ONE, JUNE 25, 2014 THROUGH JUNE 30, 2017

WHEREAS, the Authority is obligated under the provisions of California Government Code Section 3500-3510, commonly referred to as the Meyers-Milias-Brown Act, to meet and confer in good faith and attempt to reach agreement with representatives of recognized bargaining units on matters within the scope of representation including, but not limited to, wages, hours and other terms and conditions of employment; and

WHEREAS, representatives of the Authority and Public Employees Union Local One met and conferred in good faith; reached agreement on a new Memorandum of Understanding that incorporated all changes and modifications in wages, hours and other terms and conditions of employment agreed to by the parties; and

WHEREAS, representatives of the Authority and Public Employees Union Local One executed the contract on February 10, 2015 with an effective date of June 25, 2014; and

WHEREAS, unintentional errors and/or omissions were later identified in the Local One contract that changes material provisions of previously negotiated employee benefits; and

WHEREAS, the Authority has conferred with Local One representatives regarding the errors, and reached agreement on a means of restoring all the previously granted benefits.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Berkeley Housing Authority rescinds Resolution No. 15-02 that authorized the Memorandum of Understanding with Local One for the period June 25, 2014 through June 30, 2017.

BE IT FURTHER RESOLVED that the Board of Commissioners acknowledges a new contract document, Memorandum of Understanding, has been created (revised) that contains all the previously negotiated benefits, and the key economic provisions negotiated in 2014 including:

1. COLA: 3% Cost-of-Living-Adjustment (COLA) annually, effective the first pay period of the fiscal year, beginning July 2014;
2. Employee Pension: Employee pension contribution of 1% throughout and during of contract, beginning first pay period after MOU is executed;

3. Office Closure: BHA to close for business from Christmas to New Year's Day each year of the MOU; staff can use accumulated leave, or borrow from future (next year) floating holidays (Attachment 1);
4. Holiday Treatment: Modified schedule for pay periods including the July 4th and Thanksgiving holidays (Attachment 2);
5. Taxable Salary Adjustment: BHA shall authorize a retroactive salary adjustment of \$400.00 to all staff, arising from foregone salary during the non-paid furlough at the end of calendar year 2013, payable the first pay period in December 2014;
6. Hours of work, medical, dental, life, long term disability, vision, Commuter Checks, Fitness benefit, deferred compensation and SRIP to remain unchanged from the prior MOU (June 24, 2012 through July 31, 2014) for the duration of the new agreement;
7. Classification of Management Analyst is moved from being represented by SEIU 1021 to being represented by Public Employees Union Local One.

FURTHER RESOLVED, that the term of the contract shall be June 25, 2014 through June 30, 2017;

FURTHER RESOLVED, that the steps within the salary range for each represented classification is revised (Attachment 3);

FURTHER RESOLVED that the Executive Director is hereby authorized to execute and implement said Memorandum of Understanding including all changes in wages, hours, and other terms and conditions of employment. A fully executed original of said contract will be filed in the Berkeley Housing Authority Office.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on September 10, 2015 by the following vote:

Ayes:

Noes:

Absent:

Attest: _____
Tia M. Ingram, Secretary

ATTACHMENT 1

1	FY14-15 Christmas to New Year –including holidays, RDO and weekends, the total number of days that we will be closed will be 12 days . Total vacation hours usage: 44 hours . Office re-opens on January 5, 2015 .		
	12/24/14 (Wednesday)		VL – 9 hours
	12/25/14 (Thursday)	Christmas	
	12/26/14 (Friday)	RDO	
	12/27-28/14 (Sat-Sun)	Days off	
	12/29/14 (Monday)		VL – 9 hours
	12/30/14 (Tuesday)		VL – 9 hours
	12/31/14 (Wednesday)		VL – 9 hours
	01/01/15 (Thursday)	New Year	
	01/02/15 (Friday)		VL – 8 hours
	01/03-04/15 (Sat-Sun)	Days-off	
	01/05/2015 (Monday)	Office re-opens	
	FY15-16 Christmas to New Year –including holidays, RDO and weekends, the total number of days that we will be closed will be 11 days . Total vacation hours usage: 36 hours . Office re-opens on January 4, 2016 .		
	12/24/15 (Thursday)	Staff will take Christmas holiday on 12/24/15	
	12/25/15 (Friday)	Christmas and RDO	
	12/26-27/15 (Sat – Sunday)	Days-off	
	12/28/15 (Monday)		VL- 9 hours
	12/29/15 (Tuesday)		VL – 9hours
	12/30/15 (Wednesday)		VL – 9 hours
	12/31/15 (Thursday)		VL - 9 hours
	01/01/16 (Friday)	New Year	
	01/02-03/16 (Sat-Sun)	Days-Off	
	01/04/2016 (Monday)	Office re-opens	
	FY16-17 Christmas to New Year –including holidays, RDO and weekends, the total number of days that we will be closed will be 11 days . Total vacation hours usage: 35 hours . Office re-opens on January 3, 2017 .		
	12/23/16 (Friday)	RDO	
	12/24/16 (Saturday)	Day off	
	12/25/16 (Sunday)	Christmas and day off	
	12/26/16 (Monday)	Staff will take holiday on 12/26/16	
	12/27/16 (Tuesday)		VL – 9 hours
	12/28/16 (Wednesday)		VL – 9 hours
	12/29/16 (Thursday)		VL – 9 hours
	12/30/16 (Friday)		VL – 8 hours
	12/31/17 (Saturday)	Day off	
	01/01/17 (Sunday)	New Year and day off	
	01/02/17 (Monday)	Staff will take New Year holiday on 01/03/2017	
	01/03/17 (Tuesday)	Office re-opens	

ATTACHMENT 2

1	4th of July		
	FY14-15 (Friday)	Office closure: July 4-6, 2014. (3 days)	
	FY15-16 (Saturday)	Staff will take holiday on Friday, July 3, 2015. Office closure: July 3-5, 2015. (3 days)	
	FY16-17 (Monday)	Office closure: July 2-4, 2016. (3 days)	
2	Thanksgiving		
	FY14-15: 11/ 27/2014. 11/28/ 2014 (Fri) is RDO	Day after Thanksgiving is an RDO. Staff will take holiday on Nov 26 (Wednesday) Office closure: November 26-30, 2014. (5 days, including weekend)	
	FY15-16: 11/ 26/2015. 11/24/2015 (Fri) is RDO	Day after Thanksgiving is an RDO. Staff will take holiday on Nov 25 (Wednesday) Office closure: November 25-29, 2015. (5 days, including weekend)	
	FY16-17: 11/24/2016. 11/25/2016 (Fri) is RDO	Day after Thanksgiving is an RDO. Staff will take holiday on Nov 23 (Wednesday) Office closure: November 23-27, 2014. (5 days, including weekend)	

Berkeley Housing Authority

Public Employees Union, Local One

Salary Ranges in Effect from June 25, 2014 to June 30, 2017

Salary Ranges In Effect From June 22 , 2014 Through June 20, 2015

Rep Unit	Classification Title	FLSA	Step A	Step B	Step C	Step D	Step E
M1	BHA Finance Manager	E	7,777	8,150	8,551	8,972	9,402
M1	BHA Housing Occupancy Manager	E	6,757	7,094	7,450	7,822	8,211
M1	BHA Management Analyst	E	6,955	7,259	7,587	7,912	8,260

Salary Ranges In Effect From June 21, 2015 Through June 18, 2016

Rep Unit	Classification Title	FLSA	Step A	Step B	Step C	Step D	Step E
M1	BHA Finance Manager	E	8,010	8,395	8,808	9,241	9,684
M1	BHA Housing Occupancy Manager	E	6,960	7,306	7,673	8,056	8,457
M1	BHA Management Analyst	E	7,163	7,477	7,815	8,150	8,507

Salary Ranges In Effect From June 19, 2016 Through June 17, 2017

Rep Unit	Classification Title	FLSA	Step A	Step B	Step C	Step D	Step E
M1	BHA Finance Manager	E	8,250	8,647	9,072	9,519	9,974
M1	BHA Housing Occupancy Manager	E	7,168	7,526	7,904	8,298	8,711
M1	BHA Management Analyst	E	7,378	7,702	8,049	8,394	8,763