

RESOLUTION NO. RES-2022-157

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CORRECTING A CLERICAL ERROR IN THE MEMORANDUM OF UNDERSTANDING FOR THE CITY OF SANTA ROSA'S UNIT 9 – POLICE SAFETY MANAGEMENT, REPRESENTED BY THE SANTA ROSA POLICE MANAGEMENT ASSOCIATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDE LETTER AGREEMENT SO THAT ALL UNIT 9 EMPLOYEES WILL CONTINUE TO BE ELIGIBLE FOR THE 3% BILINGUAL PAY

WHEREAS, the City Council has authorized the City Manager or their designee to implement and administer the Memorandum of Understanding and execute any supplements, modifications or amendments to the Memorandum of Understanding that are operational and not financial in nature, which may be necessary from time to time to implement its terms, subject to approval as to form by the City Attorney; and

WHEREAS, the Police rank and file unit has bilingual pay of 5% for officers who are verbally fluent in Spanish and a 3% pay incentive for officers who are not verbally fluent but are able to converse in Spanish well enough to complete a basic investigation; and

WHEREAS, prior to 2007, the Police Managers Association, 2006-2009 Memorandum of Understanding covered only Sergeants, and provided for the same two levels of bilingual pay as the police rank and file unit; and

WHEREAS, on March 6, 2007, the City Council passed Resolution 26792 recognizing the Police Management Association (PMA) as the exclusive representative for the Police Lieutenants; and

WHEREAS, on January 13, 2009, the City Council passed Resolution 27291 recognizing the PMA as the exclusive representative for the Police Captains; and

WHEREAS, the 2009-2011 PMA MOU, which was subsequently negotiated, continued to provide 3% and 5% levels for Sergeants but only the 5% level for Lieutenants and Captains; and

WHEREAS, notwithstanding this omission, the City paid Lieutenants and Captains at the 3% and 5% levels, depending on their skill levels; and

WHEREAS, the City discovered the omission of the 3% level from the text of the PMA MOU in March 2022, and stopped payment of that benefit;

WHEREAS, the City then investigated the matter and concluded that the omission was a clerical error.

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NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa determines and declares that:

The City Manager is hereby authorized to correct the error in a Side Letter Agreement with the PMA that recognizes that Unit Employees who have been receiving the 3% bilingual pay shall continue to receive it for as long as they remain qualified, or until the MOU is amended. Because the employees actually received the pay, this correction shall be deemed retroactive to March 6, 2007, for pension purposes. Employees who previously received the pay shall be reimbursed for the period of March 1, 2022, to the date of Council approval of the agreement.

IN COUNCIL DULY PASSED this 26th day of July, 2022.

AYES: (7) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney