

ORDINANCE NO. 5764

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE 2012-2016 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA CITY SUPERVISORY EMPLOYEES' BARGAINING UNIT, ADOPTED BY ORDINANCE NO. 5587 AND PREVIOUSLY AMENDED BY ORDINANCE NOS. 5623 AND 5704, AND EXTENDING THE TERM THROUGH JUNE 30, 2017.

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The 2012-2016 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit, adopted by Ordinance No. 5587 and amended by Ordinance Nos. 5623 and 5704, is hereby amended to include the supplemental agreement attached hereto and incorporated herein by reference as Exhibit A.

SECTION 2. The City Administrator is authorized to apply the changes to salaries and benefits contained in this supplemental agreement to the City's confidential supervisors.

SECTION 3. During the term of the M.O.U., the City Administrator is hereby authorized to implement the terms of the M.O.U. without further action by the City Council, unless such further Council action is required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and changes to the salary schedule(s) that were adopted with the annual budget.

SEP 13 2016 #3 440.02

2016-2017 SUPERVISORS SUPPLEMENTARY AGREEMENT

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et seq. of the Government Code, the duly authorized representatives of the City of Santa Barbara ("The City") and the Santa Barbara City Supervisory Employees' Bargaining Unit ("The Association"), having met and conferred in good faith, agree that the existing 2012-2016 Memorandum of Understanding (MOU), as previously amended, shall be amended and supplemented with the following agreement:

1. TERM

The term of the agreement will be extended by 12 months, through June 30, 2017.

2. SALARIES

There will be a base salary increase of 3% for all classifications effective June 25, 2016 (6/25/2016).

3. CAFETERIA PLAN CHANGES

The City may make changes to the cafeteria plan that are cost-neutral to the City based on impacts of the Affordable Care Act (ACA), including but not limited to:

- Affordability Calculations: Should changes or interpretation of law lead to the City's cafeteria plan contribution not being credited as an employer contribution toward minimum essential coverage under affordability provisions of the Affordable Care Act (ACA), the City may make changes to the structure of the benefit that are cost-neutral to the City to ensure treatment of its contribution as an employer contribution.
- Cadillac Tax: City may make changes to the cafeteria plan that are cost-neutral to the City in order to avoid insurance premium increases resulting from the 40 percent excise tax on high-cost employer-sponsored health plans (the "Cadillac Tax") or other penalties or liability as a result of the ACA.

The City will meet and consult over the proposed changes with the Association at least 3 months prior to implementation of the changes, but will not be obligated to delay implementation or to negotiate to impasse.

4. FAMILY SICK LEAVE

Effective January 1, 2016, **Article 49 (e)** is replaced with the following: "A full-time employee may use up to six days (48 hours) of available accrued sick leave per calendar year for the diagnosis, care, or treatment of an existing health condition of, or preventive care for, a family member of the employee. "Family member" means any of the following: a spouse or registered domestic partner; a child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis, regardless of age or dependency status); a parent (biological, adoptive, or foster parent, stepparent, or legal guardian) of an employee or the employee's spouse or registered domestic partner; a person who stood in loco parentis when the employee was a minor child; a grandparent; a grandchild; or a sibling. Part-time employees may use the equivalent of six (6) months of sick leave accrual at their prorated accrual rate for such purposes. All rules for use of sick leave will apply, including those regarding physician statement requirements and use of sick leave for medical appointments."

5. SICK LEAVE CONVERSION UPON RETIREMENT

Effective for retirement on or after July 1, 2016, the 90% cap calculation for conversion of accrued sick leave upon retirement for PERS safety employees will be removed.

6. VACATION ACCRUAL CAP

Effective July 9, 2016, the language of Article 55(a) is amended as follows "[...] No employee may accrue a vacation balance in excess of three hundred and twenty (320) hours unless approved for excess accrual based upon **extenuating circumstances** ~~City need or personal emergency~~. [...]"

7. SALARY SURVEY

The City and the Association will continue to meet weekly, or as otherwise agreed, to discuss the ongoing total compensation survey, with the goal to have the results finalized for reference during negotiations for a successor labor agreement.

8. HOLIDAY CLOSURE

If the City chooses to close some or all offices to the public during the 2016 and/or 2017 holiday period, employees will either work, use their own paid leave banks, or take unpaid leave in accordance with the 2012 Holiday Closure Plan contained in Appendix F, with the following updates:

- The closure periods are tentatively planned to be, subject to change:
 - 2016 Closure: Monday, December 26th, 2016 through Monday, January 2nd, 2016
- Employees who wish to work during the Holiday Closure must advise their Manager no later than:
 - 2016 Closure: November 15, 2016.

Signed:

For the City	For the Association
 <hr/> Kristine Schmidt Employee Relations Manager	 <hr/> Victor Garza, President Parking Superintendent