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**RESOLUTION NO. 2016-16**

**A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING THE SIDE  
LETTER AGREEMENT BETWEEN THE CITY OF ALBANY AND SERVICE  
EMPLOYEES INTERNATIONAL (SEIU), LOCAL 1021.**

**WHEREAS**, the Memorandum of Understanding is the collective bargaining agreement between the City of Albany and SEIU; and


**WHEREAS**, the current Memorandum of Understanding between the City of Albany and SEIU was effective April 1, 2014 through March 31, 2018; and

**WHEREAS**, the City of Albany and representatives of SEIU have met and conferred in good faith, and have reached agreement on a Side Letter amending Section 5.6 to include 5% Acting Pay for employees performing Passport Processing Agent duties; and

**WHEREAS**, the Side Letter between the City of Albany and SEIU has been amended to reflect those mutual agreements including Hours, Days, Standby Pay, and other changes to the terms and conditions of employment; and

**WHEREAS**, the Side Letter agreement between the City of Albany and SEIU is approved and in effect for the duration of the current MOU that expires on March 31, 2018.

**NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY CITY COUNCIL** that the Side Letter, attached here to as Exhibit A, is approved effective April 4, 2016 and that the City Manager and Human Resources Manager are authorized to sign same on behalf of the City.



\_\_\_\_\_  
PETER MAASS, MAYOR

**SIDE LETTER  
BETWEEN  
THE CITY OF ALBANY  
AND  
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021  
CONCERNING  
PASSPORT PROCESSING AGENT DUTIES**

March 16, 2016

This Side Letter reflects an agreement between the City of Albany (the "City") and the Service Employees International Union, Local 1021 ("Union" or "SEIU"), and collectively, "the Parties."

WHEREAS, the Department of State's Bureau of Consular Affairs, Office of Passport Services/Customer Service, designates government agencies including post offices, clerks of court, public libraries and other state, county, township, and municipal government offices to accept passport applications on its behalf; and,

WHEREAS, on behalf of the Department of State, the City provides passport application processing service (commonly known as "Passport Processing Agent") to its citizens and other members of the public; and,

WHEREAS, in an effort to supplement and alleviate the duties performed by the City's Deputy City Clerk and Secretary to the City Manager during absences and vacation, the City desires to assign the Passport Processing Agent duties to employees in the SEIU representation unit ("Employee" or "Employees"), to include, but not limited to, the Administrative Secretary classification, on an as-needed basis; and,

WHEREAS, SEIU represents employees in the Administrative Secretary classification and is the exclusive bargaining representative of said Employees with regards to wages, hours, and other terms and conditions of employment; and,

WHEREAS, the Parties have completed meeting and conferring and reached agreement on the appropriate specialty pay concerning the time spent performing the Passport Processing Agent duties by SEIU Employees; and,

THEREFORE, the Parties intend to be legally bound and do enter into this Side Letter and agree to execute this document and its terms and conditions as described below:

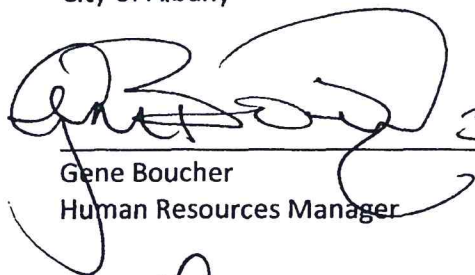
1. The Parties agree to amend Section 5.6 of the current Memorandum of Understanding ("MOU") between the City and SEIU, effective April 1, 2014 through March 31, 2018, titled, "Compensation for Working at Higher Rank." Specifically, when an Employee is directed by City management to perform Passport Processing Agent duties, the Employee will be compensated for the actual time spent at a rate of pay equal to five percent (5%) above compensation normally received by the Employee.

2. In order for an Employee to perform the Passport Processing Agent duties in accordance with paragraph one (1) above, the Employee must obtain and maintain the necessary certification required by the Department of State, including passing any requisite examination(s).
3. The Parties agree that the minimum time paid for the Passport Processing Agent duties performed in accordance with paragraph one (1) above will be one (1) hour or the actual time spent on a scheduled workday, whichever is greater. The Parties further agree that the requirement that the Employee works in such an assignment for a minimum of two days under Section 5.6 of the MOU does not apply to the Passport Processing Agent duties performed in accordance with paragraph one (1) above.
4. The Parties agree that consistent with the City's rights under Section 3 of the MOU, the City has the exclusive right to determine the nature and extent of services to be performed, and the Passport Processing Agent duties shall remain in the unrepresented City staff unit (currently assigned to the Deputy City Clerk and Secretary to the City Manager classification).
5. The Parties agree and acknowledge that this Side Letter constitutes the entire understanding and agreement of the Parties and is the sole and entire agreement in this matter.
6. The Parties agree that pursuant to the Meyers Milius Brown Act (Govt. Code Section 3500 *et seq*; "MMBA"), they have met and conferred in good faith concerning the appropriate specialty pay concerning the time spent performing the Passport Processing Agent duties by SEIU Employees, that they have satisfied all their duties and obligations under the MMBA, that they have reached an agreement and that such agreement is memorialized in this Side Letter.

In witness hereof, the undersigned have executed this Side Letter on the dates set forth hereinafter.

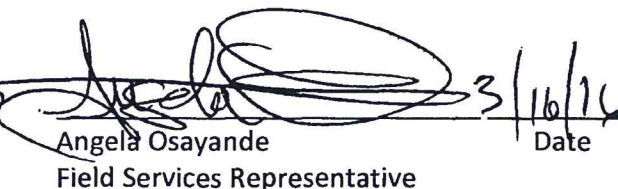
City of Albany

SEIU, Local 1021



Gene Boucher  
Human Resources Manager

3/16/16  
Date



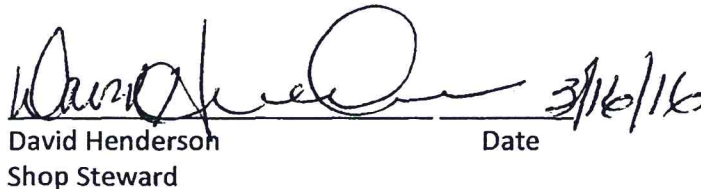
Angela Osayande  
Field Services Representative

3/16/16  
Date



Penelope Leach  
City Manager

3/17/16  
Date



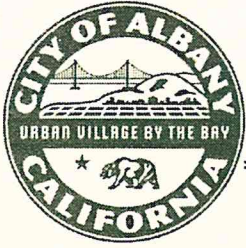
David Henderson  
Shop Steward

3/16/16  
Date

**Ratified by the City Council**

Date April 4, 2016

By Eileen Harrington  
Deputy City Clerk



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

## RESOLUTION NO. 2016-16

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,  
the 4th day of April, 2016, by the following votes:

AYES: Council Members Barnes, McQuaid, Nason, Pilch and Mayor Maass

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this  
5th day of April, 2016.

*Eileen Harrington*

Eileen Harrington  
DEPUTY CITY CLERK