

RESOLUTION NO. 2023-69

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
APPROVING A THIRD AMENDMENT TO THE MEMORANDUM OF
UNDERSTANDING (MOU) BETWEEN THE CITY OF SUISUN CITY AND THE
SUISUN CITY EMPLOYEES' ASSOCIATION (SCEA) EFFECTIVE JULY 1, 2021,
THROUGH JUNE 30, 2023, TO AMEND MOU PROVISIONS
TO RESTORE LEAVE ACCRUAL CAPS**

WHEREAS, on August 17, 2021, the City Council approved the Memorandum of Understanding between the City of Suisun City (City) and the Suisun City Employees' Association (SCEA), effective July 1, 2021 through June 30, 2023 (SCEA MOU 2021-23) with the adoption of Resolution No. 2021-82; and

WHEREAS, on April 5, 2022, the City Council approved a First Amendment to the SCEA MOU 2021-23 with the adoption of resolution No. 2022-52; and

WHEREAS, on May 23, 2023, the City Council approved a Second Amendment to the SCEA MOU 2021-23 with the adoption of resolution No. 2023-61; and

WHEREAS, the City and SCEA's authorized labor relations representatives met and conferred in good faith pursuant to the requirements of the Meyers-Milias-Brown Act (MMBA)(Gov't Code Sections 3500-3511) regarding certain proposed modifications in the SCEA MOU 2021-23 to restore leave accrual caps; and

WHEREAS, the foregoing proposed modifications to the SCEA MOU 2021-2023 have been ratified by SCEA membership; and

WHEREAS, the City Council now desires to accept, approve, and adopt the Third Amendment to the SCEA MOU 2021-23 (attached hereto as Exhibit "A"); and

WHEREAS, any additional costs of the Third Amendment to the SCEA MOU 2021-23 will not require additional budget appropriations for this fiscal year.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Suisun City as follows:

Section 1. The recitals set forth above are true and correct and incorporated herein by this reference.

Section 2. The Third Amendment to the SCEA MOU 2021-23, attached hereto as Exhibit "A." is hereby accepted, approved, and adopted.

Section 3. Effective Date. This Resolution is effective June 20, 2023.

1
2 **PASSED AND ADOPTED** at a Regular Meeting of said City Council of the City of Suisun City duly
3 held on Tuesday, the 20th day of June 2023, by the following vote:

4 **AYES:** Councilmembers: Dawson, Osum, Washington, Mayor Hernandez
5 **NOES:** Councilmembers: Pal
6 **ABSENT:** Councilmembers: None
7 **ABSTAIN:** Councilmembers: None

8 **WITNESS** my hand and the seal of said City this 20th day of June 2023.

9 
10 Anita Skinner
11 City Clerk

12 Exhibit A: Third Amendment to the SCEA MOU 2021-23

THIRD AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF SUISUN CITY AND THE SUISUN CITY EMPLOYEES'
ASSOCIATION EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2023

This Third Amendment to the Memorandum of Understanding between the City of Suisun City and the Suisun City Employees' Association effective July 1, 2021 through June 30, 2023 (SCEA MOU 2021-23) is made and entered into by and between the City of Suisun City, a municipal corporation (City), and the Suisun City Employees' Association (SCEA).

R E C I T A L S:

WHEREAS, on August 17, 2021, the City Council approved the SCEA MOU 2021-23 with the adoption of Resolution No. 2021-82;

WHEREAS, on April 5, 2022, the City Council approved the First Amendment to the SCEA MOU 2021-23 with the adoption of Resolution No. 2022-52;

WHEREAS, on May 23, 2023, the City Council approved the Second Amendment to the SCEA MOU 2021-23 with the adoption of Resolution No. 2023-61;

WHEREAS, the City and SCEA's authorized labor relations representatives met and conferred in good faith pursuant to the requirements of the Meyers-Milias-Brown Act (MMBA), Gov't Code Sections 3500-3511, regarding a further modification to the SCEA MOU 2021-23 to address excess leave caps;

WHEREAS, the City and SCEA now desire to further amend the SCEA MOU 2021-23 to modify contract provisions to restore leave accrual caps through City buy down and working with employees, which modified terms were ratified by the SCEA membership and then signed by the authorized representatives parties.

NOW, THEREFORE, it is hereby agreed that the SCEA MOU 2021-23 is amended in the following particulars only and made effective as indicated:

The following provision shall be inserted into Article X entitled Overtime and Compensatory Time Off; Article XIII entitled Vacation Leave; and Article XXXVIII entitled Municipal Holidays, as a new section titled "Restoring Leave Caps" (additions in ***bold italics***):

The parties agree that the previous contractually agreed upon leave caps shall be restored effective October 1, 2023. In order to effectuate this intent, the parties agree that the City will buy down any excess accrued leave to the original contractual accrued leave cap effective the last full payroll period in June 2023. The parties agree that employees will then have ninety (90) days, until October 1, 2023, to maintain and/or reduce their leave accruals below the contractual leave caps at which time employees will longer be allowed to exceed the leave caps. Those who are still over the cap on or after October 1, 2023, shall not accrue any more leave time until they bring their accrual balance below the leave cap and shall not be allowed to accrue over the cap from thereon. The parties understand that after buying down the excess accrued leave to the leave cap that it is likely in the first few payroll periods following that event that employees will exceed the caps again, so the

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SUISUN CITY EMPLOYEES' ASSOCIATION EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2023

parties have negotiated the ninety (90) day period to give employees time to sufficiently reduce their leave accruals to avoid future loss of accruals when the hard cap is imposed.

The representatives of the City and of the SCEA have jointly prepared this Third Amendment to the SCEA MOU 2021-23, and jointly presented to City Council of the City of Suisun City for determination pursuant to Government Code section 3505.1. Except as expressly provided for in this Third Amendment to the SCEA MOU 2021-23, all other provisions of the SCEA MOU 2021-23, including the the First Amendment and the Second Amendment thereto shall remain in full force and effect. The parties also knowledge that this Third Amendment to the SCEA MOU 2021-23 shall not be in full force and effect until adopted by resolution by the City Council of the City of Suisun City. Subject to the foregoing and in witness whereof, this Third Amendment is hereby executed by the authorized representatives of the City and the SCEA and entered into as of this 31st day of May 2023.

IT IS SO AGREED:

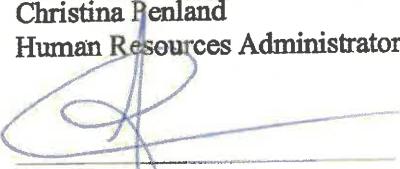
For The City:



Gregory Folsom
City Manager

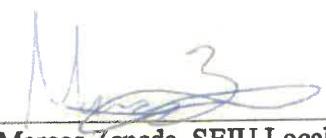


Christina Penland
Human Resources Administrator



Kris Lofthus
Deputy City Manager

For SCEA:



Marcos Zepeda, SEIU Local 1021
Field Representative



John Bryan, SCEA President



Jeremy Samo, SCEA Vice President



Tevita Sal, SCEA Secretary



Michelle Zunino, Negotiations Team Member

Approved as to form
Aleshire & Wynder, LLP



Elena Q. Gerli, City Attorney