



Council Meeting: January 31, 2012

SUBJECT: Approval of Modification of Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA) Units for Senior Engineer Classification to move from SEA to SMA Unit.

BACKGROUND

The City of Sunnyvale Department of Human Resources received a request from Sunnyvale Employees Association (SEA) to modify their Unit designation for the classification of Senior Engineer. They requested that the Senior Engineer classification move from SEA into the Sunnyvale Managers Association (SMA) as they felt that the level of work and scope of responsibility was more appropriately placed in the SMA bargaining unit. In our review of their request, we agreed and further identified that there was a community of interest in the Senior Engineer classification and the classifications represented by Sunnyvale Managers Association. While Senior Engineers are not management employees, they are professional employees and it is common practice to merge management and professional employees into one represented bargaining unit.

The City of Sunnyvale recently had three vacancies in the Senior Engineer classification. The Department of Human Resources had made some modifications to the job description and asked for SEA to review and comment. Based on our request for their review, the SEA leadership came back with the proposal to modify their bargaining unit designation and remove the Senior Engineer classification from their representation and asked that the City of Sunnyvale consider that the classification be represented by Sunnyvale Managers Association.

As part of the determination for appropriateness of this request, the Director of Human Resources communicated with the Sunnyvale Managers Association to determine if they were receptive to this request. SMA stated that they were agreeable to adding the Senior Engineer classification in their bargaining unit.

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Once both bargaining units were agreeable, the City drafted an Agreement of Modification to the Memorandum of Understanding Between the City of Sunnyvale and both bargaining units for their approval for the classification change. Both parties signed the Agreements and they are included in this report for reference.

EXISTING POLICY

Council Policy 7.3.1 – Legislative Management

Goal 7.3D: Maintain a quality workforce, consistent with state and federal laws, City Charter, and adopted policies in order to assure that City services are provided in an effective, efficient and high quality manner.

Policy 7.3D.1: Maintain a recruitment and selection process that ensures a highly competent workforce.

Policy 7.3.D.1a: Maintain a competitive pay and benefit package for employees.

DISCUSSION

The City of Sunnyvale leadership agrees with this proposal as it makes sense for the Senior Engineer classification to be in the Sunnyvale Managers Association bargaining unit based on the level of responsibilities and scope of work required of the Senior Engineer classification. Both Sunnyvale Employees Association and the Sunnyvale Managers Association are in agreement with the unit modification that is necessary to make this change in bargaining unit designation.

FISCAL IMPACT

There will be a slight increase in benefits for the Senior Engineer classification. The difference between benefits received by SEA and SMA employees includes the following: 1) SEA employees receive up to 90 days per illness or injury; SMA employees receive Paid Time Off that is a combination of vacation and sick leave accrued on a sliding scale based on years of service with the City. 2) SEA employees receive the PEMHCA rate for retiree medical coverage; SMA employees receive the PEMHCA rate plus the difference of the actual cost of the retiree medical premium based on a vesting schedule; SMA employees receive 40 hours Administrative Leave to compensate them for additional hours

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required to work to accomplish the job and in recognition of their exempt status so they are not entitled to overtime compensation. 3) SEA employees receive dental insurance after 13 pay periods of service; SMA employees receive dental insurance the first of the month after date of hire. 4) SEA employees receive vacation time; SMA employees receive PTO that is combined vacation and sick leave (both of these benefits are on a sliding scale based on years of service). 5) SEA employees receive a premium contribution amount for medical and dental; SMA receives 100% premiums paid for employee and eligible dependents. 6) SEA employees receive 30 hours of floating holiday leave; SMA employees receive 20 hours of floating holiday leave. 7) SEA employees do not receive a City contribution to deferred compensation; SMA employees receive 2% of earnings paid by the City towards deferred compensation. 8) SEA employees receive the option to purchase life/AD&D insurance to a maximum coverage up to a combined total amount of \$175,000; SMA employees may purchase life/AD&D insurance to a maximum coverage amount to \$250,000, not subject to a combined maximum. This is a comparison of benefits to provide a detailed overview. The actual cost will vary depending upon the employee and their eligible dependents. Overall we feel that this action will be cost neutral because these employees will be moved from non-exempt to exempt status.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. Approve the requested unit modification for Sunnyvale Employees Association and Sunnyvale Managers Association moving the classification of Senior Engineer from Sunnyvale Employees Association to Sunnyvale Managers Association. It is further requested that this approval modifies Appendix A in both Memorandum of Understandings to reflect the appropriate designation of Senior Engineer.
2. Not approve the unit modification as requested and the Senior Engineer classification will remain in the Sunnyvale Employees Association bargaining unit.

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RECOMMENDATION

Staff recommends approval of Alternative #1. Approve the requested unit modification for Sunnyvale Employees Association and Sunnyvale Managers Association moving the classification of Senior Engineer from Sunnyvale Employees Association to Sunnyvale Managers Association. It is further requested that this approval modifies Appendix A in both Memorandum of Understandings to reflect the appropriate designation of Senior Engineer.

Reviewed by:

Teri Silva, Director, Human Resources Department

Prepared by: Teri Silva, Director, Human Resources Department

Approved by:

Gary M. Luebbbers
City Manager

Attachments

- A. Modification to Memorandum of Understanding Between the City and SMA
- B. Modification to Memorandum of Understanding Between the City and SEA

**MODIFICATION TO MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF SUNNYVALE AND
THE SUNNYVALE MANAGERS ASSOCIATION
FOR CHANGE IN CLASSIFICATION**

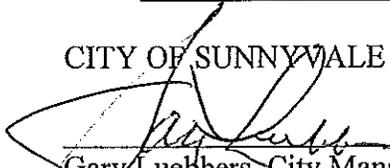
Whereas, the Sunnyvale Employees Association ("SEA") requested a change in membership designation for the classification of Senior Engineer. The SEA requested that the Senior Engineer be designated to the Sunnyvale Managers Association (SMA) based on the job specifications and areas of responsibility as a senior professional employee of the City of Sunnyvale ("City"). Based on this request, the City communicated with SMA who stated agreement.

Whereas, the City and the SMA have agreed to grant this request and hereby modify the current SMA Memorandum of Understanding ("MOU") scheduled to expire on June 30, 2014, as described more fully below:

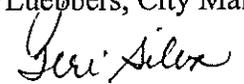
1. Article 2 of the current SMA MOU states that SMA is hereby acknowledged as the exclusively recognized employee organization for those full-time employees in the classifications listed in Exhibit A as it currently reads or as modified by agreement of the parties during the term of the MOU. In accordance with this Article, this agreement modifies Exhibit A to add the classification of Senior Engineer.
2. In accordance with the MOU, the parties agree that this change in bargaining unit designation is authorized with approval from both the SMA bargaining unit and the City.
3. The parties agree that the classification of Senior Engineer is more appropriately designated in the Sunnyvale Managers Association (SMA) rather than the Sunnyvale Employees Association (SEA) based upon the high level of professional responsibilities. Moreover, there is a finding that the Senior Engineer classification meets the criteria for community of interest with the SMA.
4. Upon execution of this document, it is confirmed that this action has been approved by SMA on behalf of their Association. Once signed by the Association, this amendment will be presented to the Sunnyvale City Council for approval of this contract amendment.
5. Parties mutually agree to waive the petition procedure for the modification of established units under SMC 2.24.210.

Date: 12/05/11

CITY OF SUNNYVALE



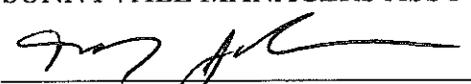
Gary Luebbers, City Manager



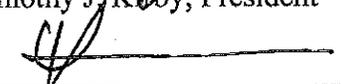
Teri Silva, Director of Human Resources

Date: 11/30/11

SUNNYVALE MANAGERS ASSOCIATION



Timothy J. Kirby, President



Lorrie Gervin, Vice-President

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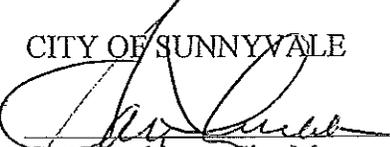
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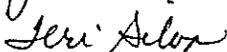
Whereas, the City and the SMA have agreed to grant this request and hereby modify the current SEA Memorandum of Understanding ("MOU") scheduled to expire on June 30, 2012, as described more fully below:

1. Article 2 of the current SEA MOU states that SEA is hereby acknowledged as the exclusively recognized employee organization for those employees in the classifications listed in Exhibit A ("Classifications Represented by the SEA") as it currently reads or as modified by agreement of the parties during the term of the MOU. In accordance with this Article, this agreement modifies Exhibit A to remove the classification of Senior Engineer.
2. In accordance with the MOU, the parties agree that this change in bargaining unit designation is authorized with approval from both the SEA bargaining unit and the City.
3. The parties agree that the classification of Senior Engineer is more appropriately designated in the Sunnyvale Managers Association (SMA) rather than the Sunnyvale Employees Association (SEA) based upon the high level of professional responsibilities. Moreover, there is a finding that the Senior Engineer classification meets the criteria for community of interest with the SMA.
4. Upon execution of this document, it is confirmed that this action has been approved by SEA on behalf of their Association. Once signed by the Association, this amendment will be presented to the Sunnyvale City Council for approval of this contract amendment.
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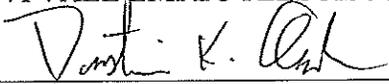
CITY OF SUNNYVALE

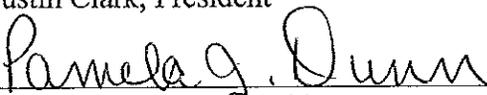

Gary Luebbers, City Manager


Teri Silva, Director of Human Resources

Date: 11/29/11

SUNNYVALE EMPLOYEES ASSOCIATION


Dustin Clark, President


Pamela Dunn, Vice-President