RESOLUTION NO. R2M22-9

A RESOLUTION OF THE ALHAMBRA CITY COUNCIL APPROVING A SIDE LETTER TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ALHAMBRA AND THE ALHAMBRA FIRE DEPARTMENT MANAGEMENT ASSOCIATION AND AMENDMENT TO THE CITY OF ALHAMBRA COMPENSATION PLAN

WHEREAS, the California Public Employees' Retirement Law, at Section 570.5 of the California Code of Regulations Title 2. ("PERL"), requires the City Council of the City of Alhambra to duly approve and adopt the salary schedules and pay rates and updates to classification specifications in accordance with requirements of applicable public meetings law; and

WHEREAS, since March 2021, the City and AFDMA have met and conferred in good faith regarding wages and benefits requested by the AFDMA, the results of an FLSA Study confirming the exempt status of Battalion Chiefs, one-year extension of an existing Memorandum of Understanding between the City and AFDMA, and a one-time payment of American Rescue Plan Act of 2021 (ARPA) Funds – Premium Pay to AFDMA members; and

WHEREAS, on January 20, 2022, the City and AFDMA reached agreement regarding the terms and conditions of the Side Letter Agreement attached hereto as Attachment “A.”

NOW, THEREFORE, BE IT RESOLVED by the City of Alhambra City Council that it does hereby approve the Side Letter with the AFDMA attached hereto as Attachment “A,” and duly approves the changes be incorporated into the City of Alhambra Compensation Plan.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Alhambra at a regular meeting held on the 24th day of January, 2022.

____________________________________
KATHERINE LEE, Mayor

ATTEST:

____________________________________
LAUREN MYLES, City Clerk

APPROVED AS TO FORM:

____________________________________
JOSEPH M. MONTES, City Attorney
I HEREBY CERTIFY that the above and foregoing resolution was duly passed and adopted by the Alhambra City Council on the 24th day of January, 2022, by the following vote, to wit:

AYES: MAZA, MALONEY, PÉREZ, ANDRADE-STADLER, LEE
NOES: NONE
ABSENT: NONE

[Signature]
LAUREN MYLES, City Clerk
ATTACHMENT “A”
SIDE LETTER AGREEMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF ALHAMBRA AND THE ALHAMBRA FIRE DEPARTMENT MANAGEMENT
ASSOCIATION
NOVEMBER 25, 2019 TO JUNE 30, 2023

Pursuant to the provisions of the Meyers-Milius-Brown Act and the Memorandum of
Understanding between the City of Alhambra (the "CITY") and the Alhambra Fire Department
Management Association ("Association" or "AFDMA") effective November 25, 2019 through June
30, 2023 ("MOU"), this Side Letter of Agreement is entered into on this 20th day of January, 2022,
between the City and the Association ("Side Letter Agreement") as an amendment to the MOU.

It is understood and agreed that the specific provisions contained in this Side Letter Agreement
shall supersede any previous agreements, whether oral or written, regarding the matters
contained herein. Except as provided herein, all wages, hours and other terms and conditions of
employment presently enjoyed by the Association and contained in the MOU shall remain in full
force and effect.

Since March 2021, the City and the Association have met and conferred in good faith concerning
additional wages and benefits requested by the AFDMA and the results of an FLSA Study that
was completed in April 2021 and confirmed the exempt status of Battalion Chiefs within the
Association as indicated in Article 2, Section 2(A) of the MOU.

Having concluded the meet and confer process on the above issues, the City and AFDMA have
agreed to implement and provide the following:

American Rescue Plan Act of 2021 (ARPA) Funds Recitals.

ARPA provides federal relief funds to local government agencies for certain uses. As of
the date that the parties have entered into this Side Letter Agreement, the US Department
of Treasury ("Treasury") has published a Final Rule ("Final Rule") that provides that an
eligible use of the ARPA funds is Premium Pay. Subject to certain restrictions, the Final
Rule states that Premium Pay can be provided to employees who performed or are
performing essential work during the COVID-19 pandemic, such as protecting the health
and wellbeing of the residents of the City.

As established in the Treasury's Final Rule, it confirms and provides that Premium Pay is an
eligible use of ARPA funds and may be paid to Association members, the City and AFDMA
agrees to amend the existing MOU as follows:

Article 1, GENERAL PROVISIONS, Section 1. Term of MOU, shall be amended as
follows:

The term of this MOU shall commence on November 25, 2019, and shall remain in effect
through the last pay period of Fiscal Year 2022-2023. The terms of this MOU shall be
effective upon the adoption of this MOU by the Alhambra City Council, except as otherwise
provided by specific sections of this MOU.

Article 2, COMPENSATION, Section 1. Salaries, shall be amended as follows:

A. Salary Schedules. Base rate of pay for Association members shall be the amounts
reflected in Appendix "A."
1. Salary Increase.

   a. Effective the first pay period of FY 2022-2023, that includes July 1, 2022, all Association members shall receive a two percent (2%) base salary increase.

Article 2, COMPENSATION, Section 1. Salaries, shall be amended to include the following new section:


   The City recognizes that as essential workers and public safety employees, members of the Association continued to diligently work through the COVID-19 pandemic. ARPA provides federal relief funds to local government agencies for certain uses. As of the date that the parties have entered into this MOU, the US Department of Treasury ("Treasury") has published a Final Rule ("Final Rule") that provides that an eligible use of the ARPA funds is Premium Pay. Subject to certain restrictions, the Final Rule states that Premium Pay can be provided to employees who performed or are performing essential work during the COVID-19 pandemic, such as protecting the health and wellbeing of the residents of the City.

   The City agrees to provide a Premium Pay benefit with ARPA funding to Association members pursuant to this paragraph. After publication of the Final Rule, the City agrees to make a one-time, lump-sum payment to members of the Association in the amount of seven percent (7%) of the employees’ annual base rate pay. Payments will be distributed on a special payroll as soon as practical after the Final Guidance has been published. The City and AFDMA agrees that this one-time payment of funds to Association members shall not be pensionable.

The City and the Association agree that this Side Letter Agreement will be presented to the Alhambra City Council for its determination prior to implementation and shall not be effective until or unless the Alhambra City Council renders its approval.

---

CITY OF ALHAMBRA REPRESENTATIVE

Dated: 1/20/2022

By: MARIAM LEE KO, DIRECTOR OF HUMAN RESOURCES & RISK MANAGEMENT

ALHAMBRA FIRE DEPARTMENT MANAGEMENT ASSOCIATION REPRESENTATIVE

Dated: 1/20/2022

By: ERIK SARAFIAN, PRESIDENT
APPENDIX “A”

CITY OF ALHAMBRA
ALHAMBRA FIRE DEPARTMENT MANAGEMENT ASSOCIATION (AFDMA)
COMPENSATION PLAN & SALARY SCHEDULE

FISCAL YEAR 2022-2023 (2% COLA)

<table>
<thead>
<tr>
<th>POSITION TITLE</th>
<th>RATE</th>
<th>STEP 1</th>
<th>STEP 2</th>
<th>STEP 3</th>
<th>STEP 4</th>
<th>STEP 5</th>
<th>STEP 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Chief</td>
<td>Monthly</td>
<td>$10,643.66</td>
<td>$11,175.74</td>
<td>$11,734.52</td>
<td>$12,321.25</td>
<td>$12,937.31</td>
<td>$13,584.18</td>
</tr>
<tr>
<td></td>
<td>Bi-weekly</td>
<td>$4,912.41</td>
<td>$5,158.03</td>
<td>$5,415.93</td>
<td>$5,686.73</td>
<td>$5,971.07</td>
<td>$6,269.62</td>
</tr>
<tr>
<td></td>
<td>Hourly</td>
<td>$43.86</td>
<td>$46.05</td>
<td>$48.36</td>
<td>$50.77</td>
<td>$53.31</td>
<td>$55.98</td>
</tr>
<tr>
<td>Battalion Chief</td>
<td>Monthly</td>
<td>$10,131.97</td>
<td>$10,638.57</td>
<td>$11,170.49</td>
<td>$11,729.02</td>
<td>$12,315.47</td>
<td>$12,931.24</td>
</tr>
<tr>
<td></td>
<td>Bi-weekly</td>
<td>$4,878.29</td>
<td>$4,910.11</td>
<td>$5,155.61</td>
<td>$5,413.39</td>
<td>$5,684.06</td>
<td>$5,968.27</td>
</tr>
<tr>
<td></td>
<td>Hourly</td>
<td>$41.75</td>
<td>$43.84</td>
<td>$46.03</td>
<td>$48.33</td>
<td>$50.75</td>
<td>$53.29</td>
</tr>
</tbody>
</table>