



128-0052017-002

Agenda Item **Nos. 5(e), 5(f) and 5(g)**
Meeting of June 20, 2017

MEMORANDUM

TO: Community Investments and Infrastructure Commissioners

FROM: Nadia Sesay, Interim Executive Director

SUBJECT: Authorizing approval of a First Amendment to the Memorandum of Agreement with the International Federation of Professional and Technical Engineers (IFPTE) Local 21 (Resolution No. 25-2017)

Authorizing approval of a First Amendment to the Memorandum of Agreement with the Service Employees International Union (SEIU) Local 1021 (Resolution No. 26-2017)

Establishing classifications of positions and compensation schedules for successor agency staff and establishing authority for appointment to and vacation from positions under said classifications and other matters (Resolution No. 27-2017)

EXECUTIVE SUMMARY

The Office of Community Investment and Infrastructure (“OCII”) seeks First Amendments to extend the current Memoranda of Agreements with International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (“IFPTE”) and with the Service Employees International Union Local 1021 (“SEIU”), both of which expire on June 30, 2017 (together the “Agreements”). The First Amendments extend the terms of the Agreements by two years until June 30, 2019 and provide a three percent (3%) salary increase on July 1, 2017 and another three percent (3%) on July 1, 2018 (the “First Amendments”). The July 2018 increase is subject to a delay if the City and County of San Francisco (“City”) has a budget deficit projected for FY 2018-2019. The two year extension and the salary increases are the only changes to the Agreements and are consistent with the labor agreements that the City has negotiated with its separate Local 21 and Local 1021 bargaining units. In addition, the First Amendments include a side letter regarding OCII’s review of paid parental leave. IFPTE and SEIU (together the “Unions”) support the approval of the First Amendments.

DISCUSSION

Labor Agreements

The existing OCII Memoranda of Agreements with the Unions cover two OCII bargaining units with a total of 49 OCII management, professional, technical and administrative level employees. On February 3, 2015, the Commission approved the existing Agreements, which expire on June 30, 2017. After several negotiation sessions, OCII and the Unions have tentative agreements on First Amendments to the Agreements to cover the period of July 1, 2017 through June 30, 2019. Following is a brief summary of the changes and side letter included in the First Amendments:

Edwin M. Lee
MAYOR

Nadia Sesay
INTERIM
EXECUTIVE DIRECTOR

Marilyn Mondejar
CHAIR

Miguel Bustos
Leah Pimentel
Mara Rosales
Darshan Singh
COMMISSIONERS

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1 SALARY INCREASES

The First Amendments provide a three percent (3%) salary increase effective the first full pay period of July 2017 and another three percent (3%) increase effective in July 2018. The July 2018 increase, however, will be delayed by six months if the March 2018 Joint Report, prepared by the City Controller, the Mayor's Budget Director and the Board of Supervisors' Budget Analyst, projects a budget deficit for fiscal year 2018-2019 that exceeds \$200 million. Under that circumstance, the salary increase will be effective at the beginning of January 2019. The City labor agreements with the Unions have the same salary increases and condition relating to a possible delay of a July 2018 increase.

2 SIDE LETTER TO AGREEMENT

OCII currently provides parental leave consistent with federal and state law requirements. The City provides, under the City Charter, supplemental paid parental leave for its City employees. The City Charter does not apply to employees of OCII, which is a public entity separate from the City. Under a side letter to the First Amendments, OCII agrees to study and prepare a report by June 30, 2018 to determine the issues related to OCII's adoption of a parental leave policy similar to the Paid Parental Leave Policy and Procedures (the "Policy") adopted by the City for its employees. Section A8.365 of the City Charter. The City adopted the Policy in 2002 and subsequently amended it in 2015. OCII's report will consider the Policy's fiscal impact on OCII, its consistency with CalPERS requirements, and the implementation steps associated with adopting a policy similar to the City Policy. In preparing and reviewing the report, OCII will consult with representatives of the OCII bargaining units for Local 21 and Local 1021. The report shall be provided to inform the Agency's Executive Management, but OCII shall have no obligation to adopt any of the report's recommendations either in full or in part. The parties further agree that, notwithstanding any other provisions of the Agreements, a dispute arising over the OCII's response to the report shall not be subject to the grievance provision of the Agreements. The Unions support the side letter.

Salary Resolution

The Salary Resolution establishes rates of pay for all OCII classifications, including those positions in bargaining units subject to labor agreements and those covering unrepresented classes of employees. The proposed salary resolution will implement the salary increases in the First Amendments and authorize the same increases for the unrepresented classifications.

The Salary Resolution also includes a table of OCII classes and the City classes that have been determined to be comparable. The table attached to the Salary Resolution specifies the actual salary rates, and includes the extended range as well as the normal range. The publication of the extended range is necessary in order to allow such compensation to be fully pensionable. The Salary Resolution provides the Executive Director with the appointment authority for all OCII classifications except for the Executive Director position itself, which is subject to the appointment authority of the Commission. Finally, the Salary Resolution contains administrative positions that provide for payment of such items as bilingual pay for translators, word processing and supervisory differentials.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Adopting the Salary Resolution and Personnel Policy Amendment is an administrative activity of OCII and is not a project as defined by the California Environmental Quality Act Guidelines Section 15378(b)(5). This administrative activity would not independently result in a significant physical effect on the environment.

Staff recommends approval of the First Amendments, attached as Attachment "A".

(Originated by April Ward, Senior Personnel Analyst)



Nadia Sesay
Interim Executive Director

**FIRST AMENDMENT TO
MEMORANDUM OF AGREEMENT 2015-2017 BY AND BETWEEN
OFFICE OF COMMUNITY INVESTMENT AND
INFRASTRUCTURE/SUCCESSOR AGENCY TO THE SAN FRANCISCO
REDEVELOPMENT AGENCY AND
INTERNATIONAL FEDERATION OF PROFESSIONAL TECHNICAL
ENGINEERS LOCAL 21 AFL-CIO**

This FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT ("First Amendment") is made and entered into as of July 1, 2017 by and between the Office of Community Investment and Infrastructure/ Successor Agency to the San Francisco Redevelopment Agency (hereinafter called "OCII") and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (hereinafter called "Union").

RECITALS

- A. The OCII and Union entered into a Memorandum of Agreement effective from February 3, 2015 until June 30, 2017 ("Agreement").
- B. The parties have agreed to certain mutually beneficial modifications of the Agreement related to salary and term for the period of July 1, 2017 through June 30, 2019, have agreed to a side letter, and wish to amend the Agreement as described more particularly below.

NOW, THEREFORE, the Agreement is amended as follows:

- 1. Section 1 Term of Agreement of Article I is deleted and replaced with the following:

"This Agreement is effective from February 3, 2015 and shall remain in full force and effect until June 30, 2019."

- 2. Section 1.A. Rates of Pay of Article II is deleted and replaced with the following:

"Represented employees shall receive the following base wage increases:

- 1. Effective the first full pay period in July 2017: 3%.
- 2. Effective the first full pay period in July 2018: 3%, except that if the March 2018 Joint Report, prepared by the City Controller, the Mayor's Budget Director and the Board of Supervisors' Budget Analyst, projects a budget deficit for fiscal year 2018-2019 that exceeds \$200 million, then the base wage adjustment of 3% due on July 1, 2018, will be delayed by six (6) months and be effective the pay period including January 1, 2019."

3. Section 3. D. Family Medical Leave of Article II is amended to add the following sentence:

“Pursuant to a side letter, which is attached to the First Amendment, the OCII will review, by June 30, 2018, the issues related to the adoption of a parental leave policy similar to the Paid Parental Leave Policy and Procedures adopted by the City and County of San Francisco for its employees under the authority of Section A8.365 of the City Charter.”

4. Except as expressly amended and modified by this First Amendment, the Agreement remains in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the OCII and Union have executed this First Amendment to the Agreement as of the day and year first above written.

OFFICE OF COMMUNITY INVESTMENT
AND INFRASTRUCTURE/ SUCCESSOR
AGENCY TO THE SAN FRANCISCO
REDEVELOPMENT AGENCY

INTERNATIONAL FEDERATION
OF PROFESSIONAL AND
TECHNICAL ENGINEERS
LOCAL 21, AFL-CIO

Nadia Sesay, Interim Executive Director

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Emma Erbach,
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Elizabeth Colomello,
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Monica Davis Stean
Human Resources/Administrative
Services Manager

Ferry Lo
Bargaining Unit Negotiator

April Ward, Senior Personnel Analyst

Side Letter of the First Amendment

To the Memorandum of Agreement

**Between the Office of Community Investment and Infrastructure/Successor
Agency to the San Francisco Redevelopment Agency And**

**International Federation of Professional and Technical Engineers Local 21
AFL-CIO**

PARENTAL LEAVE

OCII agrees to study and prepare a report by June 30, 2018 to determine the issues related to OCII's adoption of a parental leave policy similar to the Paid Parental Leave Policy and Procedures (the "Policy") adopted by the City and County of San Francisco ("City") for its employees under the authority of Section A8.365 of the City Charter. The City adopted, by a City Charter amendment, the Policy in 2002 and subsequently amended the Policy in 2015. The report will consider the Policy's fiscal impact on OCII, its consistency with CalPERS requirements, and the implementation steps associated with adopting a policy similar to the City's policy. In preparing and reviewing the report, OCII will consult with representatives of the OCII bargaining units for Local 21 and Local 1021. The report shall be provided to inform the Agency's Executive Management, but OCII shall have no obligation to adopt any of the report's recommendations either in full or in part. The parties further agree that, notwithstanding any other provisions of this MOA, a dispute arising over the OCII's response to the report shall not be subject to the grievance provision of this MOA.

**FIRST AMENDMENT TO
MEMORANDUM OF AGREEMENT 2015-2017 BY AND BETWEEN
OFFICE OF COMMUNITY INVESTMENT AND
INFRASTRUCTURE/SUCCESSOR AGENCY TO THE SAN FRANCISCO
REDEVELOPMENT AGENCY AND
SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 1021**

This FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT ("First Amendment") is made and entered into as of July 1, 2017 by and between the Office of Community Investment and Infrastructure/ Successor Agency to the San Francisco Redevelopment Agency (hereinafter called "OCII") and Service Employees International Union Local 1021 (hereinafter called "Union").

RECITALS

- A. The OCII and Union entered into a Memorandum of Agreement effective from February 3, 2015 until June 30, 2017 ("Agreement").
- B. The parties have agreed to certain mutually beneficial modifications of the Agreement related to salary and term for the period of July 1, 2017 through June 30, 2019, have agreed to a side letter, and wish to amend the Agreement as described more particularly below.

NOW, THEREFORE, the Agreement is amended as follows:

- 1. Section 1 Term of Agreement is deleted and replaced with the following:

"This Agreement is effective from February 3, 2015 and shall remain in full force and effect until June 30, 2019."

- 2. Section 6.A. Rates of Pay is deleted and replaced with the following:

"Represented employees shall receive the following base wage increases:

- 1. Effective the first full pay period in July 2017: 3%.
- 2. Effective the first full pay period in July 2018: 3%, except that if the March 2018 Joint Report, prepared by the City Controller, the Mayor's Budget Director and the Board of Supervisors' Budget Analyst, projects a budget deficit for fiscal year 2018-2019 that exceeds \$200 million, then the base wage adjustment of 3% due on JuJy 1, 2018, will be delayed by six (6) months and be effective the pay period including January 1, 2019."

3. Section 9.D Family Medical Leave is amended to add the following sentence:

“Pursuant to a side letter, which is attached to the First Amendment, the OCII will review, by June 30, 2018, the issues related to the adoption of a parental leave policy similar to the Paid Parental Leave Policy and Procedures adopted by the City and County of San Francisco for its employees under the authority of Section A8.365 of the City Charter.”

4. Except as expressly amended and modified by this First Amendment, the Agreement remains in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the OCII and Union have executed this First Amendment to the Agreement as of the day and year first above written.

OFFICE OF COMMUNITY INVESTMENT
AND INFRASTRUCTURE/ SUCCESSOR
AGENCY TO THE SAN FRANCISCO
REDEVELOPMENT AGENCY

SERVICE EMPLOYEES
INTERNATIONAL UNION
LOCAL 1021

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Bree Mawhorter, Deputy Director,
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Nikki Henry
Bargaining Team Member

James B. Morales, Deputy Director and
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Laura Shifley
Bargaining Team Member

Monica Davis Stean
Human Resources/Administrative
Services Manager

April Ward, Senior Personnel Analyst

Side Letter of the First Amendment

**To the Memorandum of Agreement Between the Office of Community
Investment and Infrastructure/Successor Agency to the San Francisco
Redevelopment Agency And**

Service Employees International Union

Local 1021

PARENTAL LEAVE

OCII agrees to study and prepare a report by June 30, 2018 to determine the issues related to OCII's adoption of a parental leave policy similar to the Paid Parental Leave Policy and Procedures (the "Policy") adopted by the City and County of San Francisco ("City") for its employees under the authority of Section A8.365 of the City Charter. The City adopted, by a City Charter amendment, the Policy in 2002 and subsequently amended the Policy in 2015. The report will consider the Policy's fiscal impact on OCII, its consistency with CalPERS requirements, and the implementation steps associated with adopting a policy similar to the City's policy. In preparing and reviewing the report, OCII will consult with representatives of the OCII bargaining units for Local 21 and Local 1021. The report shall be provided to inform the Agency's Executive Management, but OCII shall have no obligation to adopt any of the report's recommendations either in full or in part. The parties further agree that, notwithstanding any other provisions of this MOA, a dispute arising over the OCII's response to the report shall not be subject to the grievance provision of this MOA.