

**RESOLUTION NO. 98-18**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,  
APPROVING THE SIDE LETTER AGREEMENTS BETWEEN THE CITY OF  
RICHMOND AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS  
(IAFF LOCAL 188)**

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**WHEREAS**, the Memorandum of Understanding (MOU) is the collective bargaining agreement between the City of Richmond and IAFF Local 188; and

**WHEREAS**, the City of Richmond and IAFF Local 188 executed an extension to the existing Memorandum of Understanding effective June 6, 2016; and

**WHEREAS**, Section 26.1.B: Holiday Pay of the MOU provides for additional special compensation in lieu of paid time off for holiday; and

**WHEREAS**, the City of Richmond was notified by CalPERS that Section 26.1.B: Holiday Pay does not meet California Code of Regulations (CCR 571(b)(1)(B) requirements for special compensation ; and

**WHEREAS**, a Side Letter is required to clearly indicate the conditions for payment of holiday pay, including, but not limited to, eligibility for, and amount of, the special compensation; and

**WHEREAS**, the City of Richmond and IAFF Local 188 have met and conferred in good faith; and

**WHEREAS**, a Side Letter agreement between the City of Richmond and RPOA has been created that incorporates the information required by the California Code of Regulations; and

**WHEREAS**, the changes incorporated are reflective of previous and current practice; and

**NOW, THEREFORE, BE IT RESOLVED** that the Richmond City Council hereby authorizes the execution of the Side Letter attached hereto as Attachment 2.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held December 18, 2018, by the following vote:

AYES: Councilmembers Beckles, Choi, Martinez, Myrick,  
Recinos, Vice Mayor Willis, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN  

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CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

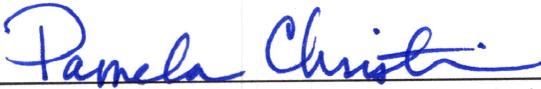
TOM BUTT  
Mayor

Approved as to form:

BRUCE GOODMILLER  
City Attorney

State of California            }  
County of Contra Costa        }       : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 98-18**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 18, 2018.

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Pamela Christian, Clerk of the City of Richmond

**Side Letter of Mutual Agreement Between I.A.F.F. Local 188 and the City of Richmond  
Pertaining to  
I.A.F.F. Local 188 2009-2022 MOU Section 26.1.B HOLIDAYS**

CalPERS recently conducted an audit of certain aspect of the MOU between the City of Richmond and the I.A.F.F. 188. During the course of the audit, PERS determined that the MOU needed to description of which components are used to calculate holiday pay.

Currently, the MOU language reads as follows:

B. Bargaining unit members working a fifty-six (56) hour week shall be paid for thirteen (13) holidays a year at a rate of twelve (12) hours per holiday. They shall receive fifty (50) percent of their holiday pay on June 15 and fifty (50) percent on December 15<sup>th</sup> each year. Employees who have been on paid status less than twelve (12) months will receive pro-rated payments.

The thirteen (13) holidays to be reimbursed for include the twelve (12) holidays listed in section 26.A. and the day before Christmas.

To address the concern raised by PERS during the course of their audit, the following language has been mutually agreed to by the City and the Local 188:

**26.1.B. HOLIDAYS:** Firefighters working a fifty-six (56) hour week shall be permitted to exercise either of the following options for utilization of holiday allowances:

A. Sworn Fifty-six (56) will receive twelve (12) equal installments of thirteen (13) hours of pay monthly.

~~Employees shall elect by December 1<sup>st</sup>, of each year whether to receive holiday pay semiannually or monthly. Semiannual reimbursement will be paid in two equal installments with the second pay check in June and the second pay check in December; monthly reimbursement will be paid in twelve equal installments with the second pay check in each month.~~

***The rate at which an employee is compensate for holiday pay pursuant to MOU Section 26 includes: straight pay (base salary) and all other special compensation including but not limited to longevity differentials, bilingual, advanced skills incentive, EMT, EMT 135, Hazmat (advanced skills incentive, EMT, EMT 135 and Hazmat were rolled into based salary as of 01/01/18), and any other differentials which may be negotiated between the parties.***

The language shown in bold above will be added. As such, the MOU language will read:

**26.1.B. HOLIDAYS:** Firefighters working a fifty-six (56) hour week shall be permitted to exercise either of the following options for utilization of holiday allowances:

A. Sworn Fifty-six (56) will receive twelve (12) equal installments of thirteen (13) hours of pay monthly.

The rate at which an employee is compensate for holiday pay pursuant to MOU Section 26 includes: straight pay (base salary) and all other special compensation including but not limited to longevity differentials, bilingual, advanced skills incentive, EMT, EMT 135, Hazmat (advanced skills incentive, EMT, EMT 135 and Hazmat were rolled into based salary as of 01/01/18), and any other differentials which may be negotiated between the parties.

*\*All tentative agreements previously reached by the parties during the negotiations process, will be included as part of this tentative agreement and will be incorporated into the MOU. This tentative agreement shall not bind the parties until it is ratified by the I.A.F.F. 188 and by the Richmond City Council.*

Date: 4/30/18

FOR THE IAFF LOCAL 188:

*[Signature]*  
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\_\_\_\_\_  
\_\_\_\_\_

FOR THE CITY:

*[Signature]*  
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