RESOLUTION - ACTION REQUESTED 2017-40

MEETING: January 24, 2017

TO: The Board of Supervisors

FROM: Tony Stobbe, Public Works Director

RE: Public Works Hours of Operation and Work Schedules

RECOMMENDATION AND JUSTIFICATION:
Approve Implementation of the Hours of Operation and Revisions to Work Schedules for the Public Works Department with an Effective Date of April 1, 2017.

Hours of operation and works schedules in the Public Works Department are currently guided by at least 11 Board actions that have accumulated over a 20 year period. This item proposes to consolidate this guidance into a single action implementing previously-approved standard hours of operation, concurrent with revisions to work schedules affecting portions of the Department, with the objective of furthering a safe, efficient, and customer service focused workplace.

Employees of the Public Works Department are represented by either the Mariposa Managerial and Confidential Organization (MCMCO) or the Service Employees International Union (SEIU), and work schedule changes are guided by Section 8.2 of the Memorandum’s of Understanding (MOUs) with each union.

As required by Section 8.2 of the MOU’s, changes to the hours of operation and work schedules were proposed to MCMCO and SEIU, with a copy to each employee, on August 30, 2016. This proposal was guided by prior Board action on this subject, including the previous approval of hours and a schedule Policy / Procedure on May 10, 2016, and the September 13, 2016 approval of an amended Policy that was the outcome of an August 23, 2016 Stipulated Decision to Arbitration between the County and SEIU.

The work schedules proposed for each Division were initiated by the Division Manager and approved by the Deputy Director and Director. Each schedule serves to either bring work schedules into alignment with the standard five day a week eight hours per day “5/8’s” schedule outlined in the Policy, or provide for alternate work schedules where there are tangible identifiable benefits to customer service, employee safety, and operational efficiency. It is important to note that the analysis approach starts with the standard schedule of “5/8’s” per the approved Policy, and proposes alternate work schedules where tangible benefits are found, and where the alternate schedule does not bring other undesirable effects. The collective resultant proposals represent a change in schedule for approximately one quarter of the Department’s employees.
MCMCO and the Department previously reached agreement on the proposal, so the MCMCO portion is brought forward as a recommendation to the Board of Supervisors for approval.

Through multiple informal and formal meetings that occurred between September 22 and December 16, 2016, the Department and SEIU were able to reach concurrence on the majority of the work schedule proposal. The area with which SEIU does not agree is the shift of schedules in the Fleet Division from a “4/10’s” to a “5/8’s” schedule. The expressed concern from SEIU is a lack of sufficient justification for this change. The Fleet Manager and Department leadership believe the proposed change brings the Fleet work schedule into alignment with the standard schedule for the Department, as defined in the Policy, and that there are no tangible benefits to an alternate work schedule.

One additional consideration regarding this schedule will be an increase in employee safety through elimination of two days per week of reduced staffing in what can be classified as an industrial shop environment. Recognizing that the Fleet schedule had been a topic of discussion for nearly 12 months, and that further movement on the subject was not forthcoming, the County, in accordance with the MOU procedure, declared impasse on December 16, 2016. Continuing with the provisions of the MOU, this item is now brought to the Board for resolution, which will be a final binding decision on all parties, and not subject to the grievance procedure.

It is the recommendation of the Department that the Board approve the implementation of the Hours of Operation described in the Policy, and work schedules outlined in the Proposal, with an effective date of April 1, 2017. This deferred effective date will allow sufficient time for employee and stakeholder notifications, and has the additional benefit of aligning the start of the month and the start of the workweek. The Department plans to re-evaluate the schedules in six months, and will bring forth any additional modifications that are identified through the lens of customer service, employee safety, and operational efficiency.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**
On May 10, 2016 the Board unanimously approved Resolution 2016-228 which revised the Hours of Operation for the Public Works Department, and authorized the Director of Public Works to establish policies and procedures for work schedules for the Department. No further action was taken on this item by the Department due to a grievance filed on May 17, 2016 which culminated in a August 23, 2016 Arbitration.

On September 13, 2016 the Board unanimously approved Resolution 2016-473 which approved revisions to the Policy and Procedures for Work Schedules for the Public Works Department.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
The Board could choose to modify the previous approval of the changes in hours of operation for the Department, but this action is not recommended as the new hours are anticipated to result in an increase in customer service capability.

The Board could choose to reject all or portions of the work schedule proposal, but this action is not recommended as the proposal represents a cohesive and consistent
approach to the subject of work hours throughout the Department, and is aligned with the Policy on work schedules previously approved by the Board.

FINANCIAL IMPACT:
The proposed changes to work hours will not negatively impact Department budgets.

ATTACHMENTS:
DPW Work Schedule Proposal Sep 2016  (PDF)
Work Schedule Policy (revised 8_2016)  (PDF)
MCMCO MOU Section 8.2  (PDF)
SEIU MOU Section 8.2  (PDF)
Memo to DPW Employees RE Work Hours Aug 2016  (PDF)
Letter from Mark Stephens  (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Dallin Kimble
Dallin Kimble, Interim CAO  1/18/2017

RESULT:  ADOPTED [UNANIMOUS]
MOVER:  Kevin Cann, District IV Supervisor
SECONDER:  Merlin Jones, District II Supervisor
AYES: Menetrey, Smallcombe, Jones, Long, Cann