

RESOLUTION 2009-24

ORIGINAL

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, APPROVING
AGREEMENT WITH SUNNYSIDE POLICE OFFICERS GUILD
FOR EXTENSION OF COLLECTIVE BARGAINING
AGREEMENT FOR YEAR 2009
(Police Sergeants Unit)**

WHEREAS, the City of Sunnyside and Sunnyside Police Officers Guild have previously entered into collective bargaining agreements regarding the Police Sergeants bargaining unit; and

WHEREAS, the current provisions concerning wages, hours and working conditions between the City of Sunnyside and Police Sergeants have been set forth in Ordinance No. 2126, and the parties are engaged in negotiations for a collective bargaining agreement; and

WHEREAS, the parties have negotiated a Memorandum of Understanding setting forth the terms of wages, hours and working conditions for the term commencing January 1, 2009 through December 31, 2009; and

WHEREAS, the terms and conditions of such Memorandum of Understanding include modifications of certain terms and designation of compensation to be paid to bargaining unit members; and

WHEREAS, the City Council finds and determines that approval of such memorandum of Understanding is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare,

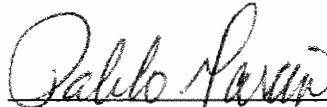
NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

SECTION 1. That the Memorandum of Understanding by and between the City of Sunnyside and Sunnyside Police Officers Guild, regarding the Police Sergeants bargaining unit of the City of Sunnyside, a copy of which memorandum of Understanding is attached hereto and incorporated herein by this reference as Exhibit "A," is hereby approved; and the City Manager is hereby authorized to execute and administer such agreement for and on behalf of the City of Sunnyside.

SECTION 2. This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law, and the provisions of the Memorandum of Understanding approved pursuant to section 1 above shall be effective as and from January 1, 2009 in accordance with its terms.

SECTION 3. The City Manager is authorized to prepare an Ordinance amending Ordinance No. 2126 in conformity herewith, and to present such to the City Council for consideration and action.

PASSED this 23rd day of March, 2009.



PABLO GARCIA, MAYOR

ATTEST:



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:



MARK A. KUNKLER, CITY ATTORNEY

COLLECTIVE BARGAINING AGREEMENT
By and Between
CITY OF SUNNYSIDE
and
SUNNYSIDE POLICE OFFICERS GUILD – SERGEANTS

MEMORANDUM OF UNDERSTANDING
January 1, 2009 – December 31, 2009

Employer, CITY OF SUNNYSIDE, and Union, SUNNYSIDE POLICE OFFICERS GUILD – Sergeants, enter into this Memorandum of Understanding for extension of the terms of Ordinance No. 2126 for a one-year term, subject to the terms and conditions below.

1. The provisions of Ordinance No. 2126 shall remain in full force and effect through December 31, 2009, except as specifically set forth below. It is the intention of the parties to “roll over” the current provisions of Ordinance No. 2126 for one (1) year with the following changes.
2. The wages existing as of December 31, 2008 for bargaining unit members shall be increased by five (5%) percent effective January 1, 2009.
3. Effective January 1, 2009, Section 1, subsection B of the Ordinance is hereby amended to read as follows:

B. VACATIONS/HOLIDAYS

Effective January 1, 2009 all eligible employees covered by this Ordinance shall accrue and be granted vacation/holiday with pay according to the following schedule:

Beginning with the first year and through four (4) years of employment, 176 hours.

Beginning with five (5) years and through six (6) years of employment, 200 hours.

Beginning with seven (7) years and through twelve (12) years of employment, 224 hours.

Beginning with thirteen (13) years of employment and each year of employment thereafter, 248 hours.

Vacation/Holiday hours will be accrued on a pay period basis.

A new employee will accrue vacation but shall not be entitled to utilize said vacation during the first six (6) months of employment except as determined by the Chief of Police. The maximum amount of vacation time which can be accrued shall be three hundred sixty (360) hours as of December 31st of any given year. Employees who accrue vacation time in excess of the maximum

shall have until March 31st of the year following such excess vacation accrual to utilize that excess accrued vacation. The City Manager may allow an employee to extend the use of vacation in excess of the 360 hours if he determines the cause of the excess accumulation was beyond the control of the employee and, upon the recommendation of the Chief of Police. Such extension must be requested by the employee in writing detailing the reasons for such request and the time frame in which that leave will be taken.

The intent and effect of the amended section above is to eliminate vacation buy-back effective as and from January 1, 2009, and to increase the maximum amount of accrued vacation time to 360 hours.

4. Call-Out. Ordinance No. 2126 currently provides a "holiday premium" which reads as follows:

Holiday Premium: Employees who are scheduled to work or who work on any portion of New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day or Christmas Day shall be compensated an additional "half-time" of their holiday rate of pay. Employees called in to work on a listed holiday shall be paid double time for all hours worked.

This provision will remain unchanged. Section 1(A) of Ordinance No. 2126 describes "Overtime," and includes a provision which reads: "All extra shift work and extra duty that is performed will be compensated for at time and one-half (1-1/2) pay." The Employer and Union agree to a separate "Call Out" provision corresponding to the existing provision for Patrol Officers, to read:

Call-Out. An employee who is called to work, other than the employee's regular shift, shall be paid a minimum of two (2) hours or paid the actual time worked if the time worked is more than two (2) hours for each call-out. Payment shall be paid at the employee's overtime rate pursuant to Section 1(A) of Ordinance No. 2126 pertaining to "Overtime."

For purposes of this agreement, call-out will apply to a call back to work occurring during employee's scheduled vacation.

5. Clothing Allowance. Subsection F of the Ordinance entitled "Clothing Allowance" is hereby amended to read as follows:

Clothing Allowance. Commencing January 1, 2009, and each January thereafter, each bargaining unit member assigned as a plain clothes officer will receive a clothing allowance of \$750.00. Said allowance shall be paid and included in the employee's January 15 paycheck, subject to all normal and required withholdings. In the event a plain clothes officer is reassigned during the ensuing year, the allowance is subject to repayment on a prorated monthly basis in the

EXHIBIT "A"

amount equal to the number of months remaining in the year after the officer is reassigned.

6. The parties agree and understand that this Memorandum of Understanding is the tentative agreement of the parties, subject to approval by the City Council on behalf of Employer, and by the bargaining unit members on behalf of the Union. Upon approval, the Employer reserves the right to amend Ordinance No. 2126 to conform to the provisions hereof.

EMPLOYER CITY OF SUNNYSIDE

SUNNYSIDE POLICE OFFICERS
GUILD – Sergeants

By: _____
Eric C. Swansen
City Manager

By: _____
Kent Coffman, President

Date: _____

By: _____
Jeff Cunningham, Vice President

ATTEST:

Date: _____

By: _____
Deborah A. Estrada
City Clerk

APPROVED AS TO FORM:

By: _____
Mark A. Kunkler
City Attorney