

**RESOLUTION NO. 2011-33**  
**RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO ADOPTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR THE FIRE SAFETY EMPLOYEES.**

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2           WHEREAS, the City made a last, best, and final offer on November 20,  
3 2010, which included a salary concession of \$806 per month subject to  
4 retroactive adjustments to November 1, 2010; two-tier retirement formula;  
5 employee pick-up of Employer Paid Member Contributions (EPMC) over a 15  
6 year period; continuation of MOU articles B, D, F, and G of side letter 2009-140;  
7 employer health insurance contribution freeze; sick leave cap; and new overtime  
8 language; and

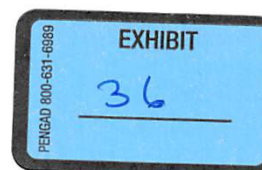
9           WHEREAS, having met with the Fire Safety Employees on January 24,  
10 2011 and participated in an Impasse Resolution meeting and having not reached  
11 agreement, the parties have completed the impasse procedures contained in the  
12 City of San Bernardino Resolution No. 10584; and

13           WHEREAS, having completed the negotiation process including impasse  
14 procedures, the City may implement its last, best and final offer pursuant to  
15 Government Code Section 3505.4.

16           **NOW THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE CITY**  
17 **OF SAN BERNARDINO HEREBY RESOLVES AS FOLLOWS:**

18           SECTION 1. The following terms and conditions of employment for  
19 bargaining unit members represented by Local 891 of the International  
20 Association of Firefighters, AFL-CIO are approved and adopted for  
21 implementation effective November 1, 2010:

- 22           1. For the period commencing the payday of February 28, 2011 and  
23 continuing through June 30, 2011, the City will implement a salary  
24 concession of \$1432.88 per month. This amount is adjusted from the  
25 City's Last, Best, and Final offer to reflect that the retroactive amount  
26 due is deducted on a pro-rata basis over the remaining pay periods  
27 between implementation and June 30, 2011;



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2. Individuals hired on or after February 22, 2011 shall pick-up 9% of the EPMC cost. After one year of full time employment the City will pay 1%; after five years the City will pay 2%; after ten years the City will pay 3%; after fifteen years the City shall pay 6%.

3. Effective <sup>9/1/11 (PERS Contract MC-1360)</sup> February 22, 2011 the City of San Bernardino will amend the current PERS contract to provide a two-tier retirement benefit of 3% @ 55 for all employees hired on or after the contract amendment approval date.

4. Effective February 22, 2011, the City will adopt articles B, D, F, G of Side Letter 2009-140 attached hereto as Exhibit "A", with changes, as follows:

D. "Employees will sell back a minimum of 48 hours of vacation leave on or before June 30, 2011. All sell back forms will be submitted to the Finance Department by May 31, 2011."

5. Employees hired on or before June 30, 2010, will accrue sick leave at the rate of 4.0 hours per semi-monthly pay period for employees scheduled to work 40 hours per week, or 6.0 hours per semi-monthly pay period for shift employees, with no limit as to the number of days/shifts that may accrue. Employees hired after July 1, 2010 shall have a sick leave maximum accumulation of 480 hours.

6. Beginning health plan year 2011, effective January 1, 2011 the City shall contribute a flat rate of \$571.66 for employee only and \$992.56 for employee +1/family per month for each employee to be used to purchase City medical, dental, vision, and life insurance. The City contribution amount is based on the employee's medical selection. Any City contribution not used by the employee shall revert to the City.

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7. Definition: Overtime is defined as all hours worked in excess of the established 7 (k) work period. All overtime shall be reported increments of six (6) minutes and is non-accumulative and non-payable when incurred in units of less than six (6) minutes. Overtime will be paid in accordance with FLSA standards.

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I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and the Common Council of the City of San Bernardino at a joint regular meeting thereof, held on 22nd day of February, 2011, by the following vote, to wit:

COUNCILMEMBERS:	AYES	NAYES	ABSTAIN	ABSENT
MARQUEZ	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
VACANT	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
BRINKER	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
SHORETT	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
KELLEY	<u>      </u>	<u>X</u>	<u>      </u>	<u>      </u>
JOHNSON	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
MCCAMMACK	<u>      </u>	<u>X</u>	<u>      </u>	<u>      </u>

*Rachel G. Clark*  
\_\_\_\_\_  
Rachel G. Clark, City Clerk

The foregoing resolution is hereby approved this 24<sup>TH</sup> day of February, 2011.

*Patrick J. Morris*  
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Patrick J. Morris, Mayor  
City of San Bernardino

Approved as to form:  
JAMES F. PENMAN,  
City Attorney

By: *decline to sign due to charter issue. J.F.P.*

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WHEREAS, in meeting its commitments to the citizens of the City of San Bernardino to maintain a safe and secure community while providing access to cultural, recreation and governmental activities and institutions to all citizens, the City has employed a workforce; and

WHEREAS, most City employees are entitled to collectively bargain with the City regarding terms and conditions of employment; and

WHEREAS, eighty percent of the City's general fund expenditures are related to salaries and benefits for its employees; and

WHEREAS, despite cost savings measures previously taken by the City, its general fund revenues have been extensively depleted by the ongoing recession; and

WHEREAS, revenues are projected to continue to decline significantly for the 2010/11 fiscal year; and

WHEREAS, in an effort to further reduce costs, the City proposed a ten (10) percent salary and benefit concession for all represented employees and implementation of a new lower tier of retirement benefits for new employees; and

WHEREAS, the City negotiated in good faith with the represented bargaining units for a period of six months over the terms and conditions under which this salary concession and new tier of retirement benefits would be implemented; and

WHEREAS, the City has reached agreement or furloughed all the bargaining units except one; and

WHEREAS, the City was unable to reach agreement with the Fire Safety Employee Unit notwithstanding having met on seven separate occasions; and