

SIDE LETTER NO.1
TO AGREEMENT NO. C2019 007 BETWEEN
THE CITY OF NAPA
POLICE MANAGEMENT UNIT

The City of Napa (“City”) and the Police Management Unit (“PMU”) are parties to a Memorandum of Understanding (“MOU”) with a term of January 1, 2019 through December 31, 2020. The parties are committed to maintaining cooperative labor relations, including discussions over matters outside of the MOU now and in the future.

RECITALS:

1. In August of 2019, the City reached agreement with NPOA on a successor MOU which included changes to POST pay which both increased its value and converted it from a flat dollar amount to a percentage. This change implicated section 3.7 of the PMU MOU, which provides:

If during the term of this MOU, the City reaches an agreement with NPOA which has a net impact in terms of changes to wages and benefits which exceeds (during the term of this MOU) the net impact in terms of changes to wages and benefits provided under this MOU, Management Unit shall receive an equivalent benefit which shall be negotiated by the parties.

2. The Parties began discussions to implement increased POST Pays in or around August of 2019 with the intention to address POST Pay in a Sideletter. Because of the delays in finalizing this Sideletter, the parties recognize the need to provide a benefit to cover the period from August 2019 until June 2020.
3. In addition, the Parties understood and intended that both Supervisory and Management POST pays be pensionable. However, the parties have recently become aware that the structure of the POST pay in the PMU MOU is such that it may preclude Supervisory POST pay from being pensionable for Captains.

THEREFORE, the Parties have agreed that the following steps satisfy the requirements of Section 3.7 of the PMU MOU: (1) change the structure of POST pay in the PMU MOU to address the PERSability issue; (2) increase the POST pay in the PMU MOU to address the increased value of the POA POST pay effective June 27, 2020; and (3) address the delay in the implementation of the new benefit through calculation of a retroactive payment amount.

- A. POST Pay. To address the pensionability of POST pay and the impact of the increased value of POA’s POST Pay, MOU Section 3.2 is amended to read as follows:

3.2 In recognition of the management structure of the Police Department, members will be compensated for Peace Officers Standards & Training (POST) Certificate Pay as follows, effective the pay period beginning August 9, 2019. The changes in section (a) below do not change the amounts received for POST pays and do not result in any retroactive payments. The changes simply reflect the Parties' continued intention that the full amount of the POST pays be pensionable.

a. Effective the pay period beginning August 9, 2019, Supervisory and Management POST pays will no longer "stack." An employee may receive Supervisory POST or Management POST but not both. The amounts for Supervisory and Management POST pays shall be as follows:

For possession of a POST Supervisory Certificate, Lieutenants shall be compensated one hundred sixty-one dollars and ninety-six cents (\$161.96) per pay period and Captains shall be compensated an additional one hundred eighty-two dollars and nine cents (\$182.09) per pay period.

For possession of a POST Management Certificate, Lieutenants shall be compensated an additional four hundred and four dollars and ninety cents (\$404.90) per pay period and Captains shall be compensated four-hundred and fifty-five dollars and twenty-three cents (\$455.23) per pay period. These amounts are equivalent to the combined amounts paid for Supervisory and Management POST Certificates and reflect the fact that as of August 19, 2019, employees no longer receive pay for both Supervisory and Management POST certificates.

b. Effective the pay period beginning June 27, 2020, the following POST pays are in effect:


For possession of a POST Supervisory Certificate, Lieutenants shall be compensated two-hundred thirty-four dollars and fifty-eight cents (\$234.58) per pay period and Captains shall be compensated an additional two-hundred eighty-eight dollars and forty-nine cents (\$288.49) per pay period.

For possession of a POST Management Certificate, Lieutenants shall be compensated five-hundred dollars and seventeen cents (\$500.17) per pay period and Captains shall be compensated an additional six-hundred forty-five dollars and thirteen cents (\$645.13) per pay period.


c. POST Certificate Pays do not "stack." An employee may receive Supervisory POST or Management POST but not both. Such POST supervisory certificate and POST Management certificate pay will be solely during the term of this MOU or until a successor memorandum of understanding is negotiated.

- B. Retroactive POST Pay. In recognition of the fact that the POA POST pay benefit was increased in August of 2019, the parties agree to the following to implement the terms of Section 3.7 from the first full pay period beginning August 10, 2019 through the last pay period in June 2020 (“Retro Period”):
1. Each Lieutenant will be paid seventy-five dollars and ninety cents (\$75.90) in additional POST Pay for each pay period they were employed by the City as a Lieutenant during the Retro Period.
 2. Each Captain will be paid eighty-seven dollars and sixty cents (\$87.60) in additional POST Pay for each pay period they were employed by the City as a Captain during the Retro Period.
 3. Retroactive POST Pay will be treated as pay for the highest level of POST pay the individual has achieved (e.g., if the highest level POST certificate an individual has achieved is the Management POST certificate, the Retroactive POST Pay will be treated as Management POST Pay).
- C. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute the Amendment on behalf of the respective legal entities of PMU and the City Therefore, the agreements documented in this Side Letter No. 1 are approved by the parties on the dates set forth below.

Dated: June 30, 2020

By: 
Elizabeth Habkirk, Deputy City Manager
City of Napa

Dated: June 30, 2020

By: 
Jennifer Gonzales, Captain
Police Management Unit

ATTEST:

Caitlin Saldanha for

TIFFANY CARRANZA, City Clerk

Caitlin Saldanha, Deputy City Clerk

COUNTERSIGNED:

Joy Reisenberg

JOY REISENBERG, City Auditor

APPROVED AS TO FORM:

Michael W. Barrett

MICHAEL W. BARRETT, City Attorney

ATTACHMENT A TO
SIDE LETTER NO.1 TO AGREEMENT NO. C2019 007 BETWEEN
THE CITY OF NAPA and POICE MANAGEMENT UNIT

Legislative Edit to Section 3.2

The Following represents the changes to Section 3.2 of the MOU in Legislative format:

3.2 In recognition of the management structure of the Police Department, members will be compensated for Peace Officers Standards & Training (POST) Certificate Pay as follows:

- a. **Effective the pay period beginning August 9, 2019, Supervisory and Management POST pays will no longer “stack.” An employee may receive Supervisory POST or Management POST but not both. The amounts for Supervisory and Management POST pays shall be as follows, effective the pay period beginning August 9, 2019. The changes in section (a) below do not change the amounts received for POST pays and do not result in any retroactive payments. The changes simply reflect the Parties’ continued intention that the full amount of the POST pays be pensionable.:**

For possession of a POST Supervisory Certificate, Lieutenants shall be compensated an additional one hundred sixty-one dollars and ninety-six cents (\$161.96) per pay period and Captains shall be compensated an additional one hundred eighty-two dollars and nine cents (\$182.09) per pay period.

For possession of a POST Management Certificate, Lieutenants shall be compensated an additional ~~two hundred forty-two dollars and ninety-four cents (\$242.94)~~ **four hundred and four dollars and ninety cents (\$404.90)** per pay period and Captains shall be compensated an additional ~~two hundred seventy-three dollars and fourteen cents (\$273.14)~~ **four-hundred and fifty-five dollars and twenty-three cents (\$455.23)** per pay period. **These amounts are equivalent to the combined amounts paid for Supervisory and Management POST Certificates and reflect the fact that as of August 19, 2019, employees no longer receive pay for both Supervisory and Management POST certificates.**

- b. **Effective the pay period beginning June 27, 2020, the following POST pays are in effect:**

For possession of a POST Supervisory Certificate, Lieutenants shall be compensated an additional two-hundred thirty-four dollars and fifty-eight cents (\$234.58) per pay period and Captains shall be compensated an additional two-hundred eighty-eight dollars and forty-nine cents (\$288.49) per pay period.

For possession of a POST Management Certificate, Lieutenants shall be compensated an additional five-hundred dollars and seventeen cents

(\$500.17) per pay period and Captains shall be compensated an additional six-hundred forty-five dollars and thirteen cents (\$645.13) per pay period.

- c. **POST Certificate Pays do not “stack.” An employee may receive Supervisory POST or Management POST but not both.** Such POST supervisory certificate and POST Management certificate pay will be solely during the term of this MOU or until a successor memorandum of understanding is negotiated.