

RESOLUTION NO. 144-19(2)

AMENDMENT NO. 2 TO RESOLUTION 144-19 APPROVING THE MEMORANDUM OF UNDERSTANDING “MOU” SETTING SALARIES AND RELATED BENEFITS FOR THE EMPLOYEES OF THE BAKERSFIELD POLICE OFFICERS ASSOCIATION.

WHEREAS, Resolution No. 144-19 sets salaries and related benefits for employees of the Police Unit and was amended and replaced in its entirety by Resolution No, 144-19(1) in October 2021 with a new Memorandum of Understanding; and

WHEREAS, special compensation (such as uniform allowance, holiday and education pay) are a few examples of what a member may be paid, in addition to the base regular rate, pursuant to a labor policy or agreement to similarly situated members of a group or class of employment (i.e. MOU) and is reported in addition to and separately from base salary; and

WHEREAS, eligibility of pensionable special compensation, which is reported and used to calculate retirement benefits, is defined by the California Public Employees' Retirement System (CalPERS); and

WHEREAS, CalPERS has recently become more particular in how special compensation is reported to better comply with Gov. Code section 20636 and CCR section 571; and

WHEREAS, CalPERS recently notified CITY that it must change the language in some of labor agreements in order to continue to meet the requirements that special compensation remains an element of pensionable income eligible for final compensation calculations for retirement benefits; and

WHEREAS, to rectify this matter, language modifications are needed to the existing Memorandum of Understanding for salaries and related benefits for employees of the Police Unit which requires an Amendment to Resolution 144-19(1); and

WHEREAS, the updated language expresses the intent and understanding of the existing benefit and does not expand or otherwise create any new benefit for applicable members.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bakersfield that:

1. The above recitals are true and correct and incorporated herein by reference.

2. Effective immediately, Section 8.02.00 attached to Resolution No. 144-19(1), titled "Holidays" is hereby amended to read as follows:

Section 8.02.00 Holidays

Holidays. For the term of the agreement, shift employees in the unit will be entitled to thirteen (13) holidays (12 of 13 are pensionable; 1 of the floating holidays that is not associated with a designated holiday is nonreportable) per fiscal year. Holiday pay will be paid on a 26 week bi-weekly basis at 7.5% of base wages. Effective January 3, 2022, all Detectives will be paid holidays as shift employees.

3. Except as amended herein, all other provisions of Resolution No. 144-19 (1) remain in full force and effect.

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I HEREBY CERTIFY that the foregoing Resolution was passed and adopted, by the Council of the City of Bakersfield at a regular meeting thereof held on _____ by the following vote:

AYES:	COUNCILMEMBER ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, KAUR
NOES:	COUNCILMEMBER _____
ABSTAIN:	COUNCILMEMBER _____
ABSENT:	COUNCILMEMBER _____

JULIE DRIMAKIS, CPMC, MMC

CITY CLERK and Ex Officio of the Council
of the City of Bakersfield

APPROVED: _____

By _____

KAREN GOH

Mayor

APPROVED AS TO FORM:

VIRGINIA GENNARO

City Attorney

By: _____

VIRGINIA GENNARO

City Attorney

VG/vlg

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