



OFFICE OF THE CITY MANAGER

CONSENT CALENDAR

April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Monica Walker, Interim Director of Human Resources

Subject: Amend Berkeley Police Association (BPA) MOU Section 19.5 *Administrative Leave for Captains* (50 hours increased to 60 hours)

RECOMMENDATION

Adopt a Resolution amending Memorandums of Understanding (MOUs) for Berkeley Police Association (BPA) MOU Section 19.5 *Administrative Leave for Captains* to increase administrative leave from 50 to 60 hours.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact for four Captains is approximately \$4,422.00 annually.

CURRENT SITUATION AND ITS EFFECTS

In the most recent round of labor negotiations with Local One, the City increased the amount of administrative leave from 50 hours to 60 hours. This increase triggered a meet and confer requirement outlined in BPA MOU Section 19.5.3 which states, "During the term of this Agreement, in the event of another represented management level City employees group receive an increase to Administrative Leave resulting in greater than fifty (50) hours of Administrative Leave per year, the parties agree to meet and confer regarding comparable benefits for Police Captains."

BACKGROUND

BPA represents Police Officers, Police Sergeants, Police Lieutenants, and Police Captains. Of these, Police Captain is the only classification designated as FLSA exempt, meaning employees in this classification do not earn overtime. In lieu of earning overtime, Police Captains have been credited with 50 hours of Administrative Leave each January.

Internal

Amend Berkeley Police Association (BPA) MOU Section 19.5 *Administrative Leave for Captains* (50 hours increased to 60 hours)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There is no environmental impact.

RATIONALE FOR RECOMMENDATION

Amending the BPA MOU to increase the amount of administrative leave from 50 hours to 60 hours annually fulfills the City's meet and confer requirement that was triggered by the increase of similar hours granted to Local One and awards comparable benefits for Police Captains.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Monica Walker, Interim Director of Human Resources, (510) 981-6818.

ATTACHMENTS

1. Resolution: Amend Berkeley Police Association (BPA) MOU Section 19.5 *Administrative Leave for Captains* (50 hours increased to 60 hours)
 - a. Exhibit A: Side Letter Agreement Between City of Berkeley and Berkeley Police Association, Revise MOU Section 19.5 *Administrative Leave for Captains* (50 hours increased to 60 hours)

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RESOLUTION NO. ##,###-N.S.

AMEND BERKELEY POLICE ASSOCIATION (BPA) MOU
SECTION 19.5 ADMINISTRATIVE LEAVE FOR CAPTAINS

WHEREAS, the Berkeley Police Association (BPA) Memorandum of Understanding (MOU) Section 19.5 *Administrative Leave for Captains* currently credits Police Captains with fifty (50) hours of Administrative Leave in lieu of overtime; and

WHEREAS, the Berkeley Police Association (BPA) Memorandum of Understanding (MOU) Section 19.5.3 states, "During the term of this Agreement, in the event of another represented management level City employees group receive an increase to Administrative Leave resulting in greater than fifty (50) hours of Administrative Leave per year, the parties agree to meet and confer regarding comparable benefits for Police Captains;" and

WHEREAS, in the most recent round of labor negotiations with Local One, the City increased the amount of administrative leave from 50 hours to 60 hours, which triggered a meet and confer requirement outlined in BPA MOU Section 19.5.3; and

WHEREAS, during the meet and confer process, the City and BPA tentatively agreed to increase the administrative leave for Police Captains from 50 hours to 60 hours.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Berkeley Police Association (BPA) MOU Section 19.5 *Administrative Leave for Captains* will be amended to increase administrative leave for Police Captains from 50 hours to 60 hours, credited every January 1 thereafter during the term of the agreement, with the balance of 10 hours for 2025 effective the first full pay period following Council authorization.

Internal

Amend Berkeley Police Association (BPA) MOU Section 19.5 *Administrative Leave for Captains* (50 hours increased to 60 hours)

Exhibit A: Side Letter Agreement – Revise MOU Section 19.5 Administrative Leave for Captains (50 hours increased to 60 hours)

**SIDE LETTER AGREEMENT
BETWEEN THE CITY OF BERKELEY AND
BERKELEY POLICE ASSOCIATION**

The parties to this Side Letter Agreement are the City of Berkeley (the “City”) and Berkeley Police Association (the “BPA”).

The City and BPA have met and conferred and reached agreement on this Side Letter Agreement, which pertains to the Memorandum of Understanding regarding Administration Leave. In December of 2024, Local 1 and the City concluded their labor negotiations, allowing Local 1 to increase the Administrative Leave allotment from fifty (50) to sixty (60) hours.

After a review of the current language in the BPA MOU and the conclusion of the meet and confer, the Union and the City tentatively agreed that the Administrative Leave should be increased to sixty (60) hours. This Side Letter aims to clarify the language regarding Administrative Leave.

The parties hereby agree that:

19.5 Administrative Leave for Captains

19.5.1 Effective the first full pay period after City Council authorization and every January 1 each year thereafter, Captains shall be credited with sixty (60) hours of Administrative Leave. Such leave shall be in lieu of overtime earned by individuals in the ranks of Lieutenant and below. After successful completion of six (6) months of initial employment, employees are able to use Administrative Leave. Administrative Leave which is not utilized during any calendar year will be credited to the individual's vacation balance at the end of the calendar year. All rules governing vacation balances and when vacation can be scheduled in Section 22 shall apply to Administrative Leave.

WHEREFORE, the parties by and through their authorized agents and representatives agree to the terms of this Side Letter Agreement subject to adoption or ratification of this Agreement by the City Council of the City of Berkeley.

FOR BPA

FOR THE CITY OF BERKELEY

By _____

By _____

Date _____

Date _____

APPROVED AS TO FORM

City Attorney

Date