



OFFICE OF THE CITY MANAGER

CONSENT CALENDAR

May 20, 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: Revise SEIU-MC MOU Section 17.13 Special Class Commercial Driver's License Premium to Apply 5% to Employees on Out-of-Class Lists for Tractor Trailer Driver and Construction Equipment Operator

RECOMMENDATION

Adopt a Resolution revising the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical ("Union") Memorandum of Understanding Section 17.13 Special Class Commercial Driver's License Premium to apply 5% differential to employees who maintain a Class A driver's license and are approved to serve on out-of-class lists for Tractor Trailer Driver and Construction Equipment Operator.

FISCAL IMPACT

The revision would add 2% pay to 16 current drivers across both out-of-class lists, for an approximate amount of \$31,482 annually at current base pay rates, funded mainly from Enterprise Funds.

CURRENT SITUATION AND ITS EFFECTS

Employees who qualify and have approval to serve in an out-of-class capacity are needed operationally as a reserve crew to cover illnesses, leaves, and other absences of employees in the career classifications. The proposed wording in the MOU seeks to clarify how those who serve on the out-of-class list will receive the differential. The City's recommendation is that the 5% differential should also be applied to those who qualify and have approval to serve on the out-of-class list, with the rationale that reserve crews must also maintain Class A licenses in the same manner as those in the career classification.

BACKGROUND

In previous agreements with the Union, employees required to possess and maintain a valid California Class B driver's license as a condition of employment received a 3% differential. During the most recent round of labor negotiations with the Union in 2024, the City agreed to pay an extra 2% differential (for a total of 5%) to employees required to possess and maintain a Class A commercial driver's license and assigned to drive a tractor-trailer vehicle or serving in the classification of Construction Equipment Operator.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts or opportunities associated with the subject of the report.

RATIONALE FOR RECOMMENDATION

Employees who qualify and have approval to serve in an out-of-class capacity are needed operationally to cover illnesses, leaves, and other absences of employees in the career classification and must also maintain Class A licenses in the same manner as those in the career classification.

Revise SEIU-MC MOU Section 17.13 Special Class Commercial Driver's License Premium to Apply 5% Differential to Employees Who Maintain a Class A Driver's License and are on Out-of-Class Lists for Tractor Trailer Driver and Construction Equipment Operator

CONSENT CALENDAR  
May 20, 2025

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

ATTACHMENTS

1. Resolution  
Exhibit A: Side Letter

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

REVISE SEIU-MC MOU SECTION 17.13 SPECIAL CLASS COMMERCIAL DRIVER'S LICENSE PREMIUM TO APPLY 5% DIFFERENTIAL FOR CLASS A DRIVERS ON OUT-OF-CLASS LISTS FOR TRACTOR TRAILER DRIVER AND CONSTRUCTION EQUIPMENT OPERATOR

WHEREAS, employees required to possess and maintain a valid California Class B driver's license as a condition of employment received a 3% differential; and

WHEREAS, during the most recent round of labor negotiations with the Union in 2024, the City agreed to pay an extra 2% differential (for a total of 5%) to employees required to possess and maintain a Class A commercial driver's license and assigned to drive a tractor-trailer vehicle or serving in the classification of Construction Equipment Operator; and

WHEREAS, employees who qualify and have approval to serve in an out-of-class capacity are needed operationally as a reserve crew to cover illnesses, leaves, and other absences of employees in the career classification; and

WHEREAS, employees on the out-of-class lists are required to maintain a Class A license in the same manner as those in the career classification; and

WHEREAS, the proposed wording seeks to clarify how those who serve on the out-of-class list will receive the differential; and

WHEREAS, the City's recommendation is that the 5% differential should also be applied to those who qualify and are approved to serve on the out-of-class lists for Tractor Trailer Driver or Construction Equipment Operator, with that rationale that reserve crews are needed for coverage at all times, and those individuals are required to maintain a Class A license in the same manner as those in the career classification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that employees with approval to serve on the out-of-class list for Tractor Trailer Driver or Construction Equipment Operator, who maintain a Class A license, shall receive a 5% differential retroactive to the pay period beginning February 2, 2025.

BE IF FURTHER RESOLVED that the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical ("Union") Memorandum of Understanding Section 17.13 *Special Class Commercial Driver's License Premium* be revised to apply the 5% differential to employees who maintain a Class A driver's license and are approved to serve on out-of-class lists for Tractor Trailer Driver and Construction Equipment Operator.

Exhibit A:  
Side Letter

Exhibit A:  
Side Letter

**SIDE LETTER AGREEMENT  
BETWEEN THE CITY OF BERKELEY AND  
SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 1021**

The parties to this Side Letter Agreement are the City of Berkeley (the "City") and Service Employees International Union (SEIU) Local 1021, Maintenance (the "Union"), regarding the above referenced matter.

The agreement is as follows:

17.13 Special Class Commercial Driver's License Premium

Employees required to possess and maintain a valid California Class B Commercial Driver's License as a condition of employment shall receive a three percent (3%) differential to base pay. Employees ~~assigned by the department to drive a tractor trailer vehicle serving in the classification (or with approval to serve on the out-of-class list) for Tractor Trailer Driver~~ or serving in the classification of Construction Equipment Operator, shall receive a five percent (5%) differential to base pay if they are required to possess and maintain a valid California Class A Commercial Driver's License as a condition of employment. The maximum number of employees placed on the out-of-class list for classification of Tractor Trailer Driver is ten (10) employees (the current out-of-class assignment list is at 13 employees, no new employees will be added to the out-of-class list until the total number drops to below 10, and the maximum number will then stay at 10). The maximum number of employees placed on the out-of-class list for Construction Equipment Operator is five (5) employees. The maximum differential shall not exceed 5% for each employee. The differential is effective at the beginning of the full pay period after which employees obtain or possess a commercial license. This differential shall be reported to CalPERS as Special Class Driver's License Pay. However, any hours worked on overtime are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

The agreement is retroactively effective to the pay period beginning February 2, 2025.

This Agreement does not establish a precedent, nor does it interpret any employee rights under the language of the Labor Agreements, the Personnel Rules and Regulations, or any applicable policies and procedures of the Public Works or the City of Berkeley, except as expressly stated herein.

This Agreement memorializes and constitutes the entire understanding between the parties as to all matters referred to or included herein and supersedes and replaces all prior negotiations, proposed discussion, whether written or oral.

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

**AGREED TO FOR THE CITY**

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Paul Buddenhagen  
City Manager

**AGREED TO FOR THE UNION**

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Danny Walker  
Service Employees International Union (SEIU)  
Local 1021, Maintenance

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Nathan Hansford  
Service Employees International Union (SEIU)  
Local 1021, East Bay Supervisor

**APPROVED AS TO FORM**

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Farimah Faiz Brown  
City Attorney

