

RESOLUTION NO. 1324

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, regarding the implementation of mandatory furloughs for all non-represented regular employees for the period beginning March 1, 2016, and ending December 31, 2016.

WHEREAS, the City of Des Moines ("City") is experiencing a significant budget shortfall and must take cost savings measures to preserve essential services and ensure the City's ongoing ability to meet its financial obligations, and

WHEREAS, the City's non-represented employees exclude all those who are represented by labor organizations, specifically, the International Association of Machinists District 160, Teamsters Local 763, Des Moines Police Guild, and Des Moines Police Management Association, and

WHEREAS, the City's non-represented regular employees fall into three groups; the General Employees, those who are eligible for overtime compensation under the Fair Labor Standards Act (FLSA), the Exempt Employees, those who are exempt under the FLSA; and the remaining exempt employees group known as the Directors, which for purposes of this Resolution consists of all department heads, the Assistant City Manager and the City Manager, and

WHEREAS, the General Employees Negotiation and Advisory Committee and the Exempt Employees Negotiation and Advisory Committee were established to promote the relationship between non-represented employees and City management and to foster communication regarding employee relations issues such as compensation and benefits that affect non-represented employees, and

WHEREAS, City management met with the above committees and gave employees an opportunity to have a voice in determining how furloughs would be applied, yet no consensus was reached, and

WHEREAS, the City Council has determined that it is in the best interest of the City to implement mandatory furlough days to meet its financial obligations, and

WHEREAS, the City reserves the right to set wages for non-represented employees, to schedule and assign work, and to determine its hours of operation, and

WHEREAS, the City recognizes that for those employees whose hours are reduced because of furloughs, less work will be performed, and certain delays and/or reductions in service levels may result, and

WHEREAS, the City will make every reasonable effort to adjust work expectations to be commensurate with the reduced schedule, and

WHEREAS, the City Council sincerely appreciates the dedication and hard work of its staff and regrets the impact that furloughs will have on them, and now, therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Sec. 1. The City will shut down its facilities on the following dates to observe ten and one half (10-1/2) furlough days:

<p align="center">City Hall & Other Facilities <u>Primarily the First Friday of the Month</u></p>	<p align="center">Marina <u>Primarily the First Wednesday of the Month</u></p>
March 4, 2016	March 2, 2016
April 1, 2016	April 6, 2016
May 6, 2016	May 4, 2016
June 3, 2016	June 1, 2016
July 1, 2016	July 6, 2016
August 5, 2016	August 3, 2016
September 2, 2016	September 7, 2016
October 7, 2016	October 5, 2016
November 4, 2016	November 2, 2016
December 2, 2016	December 7, 2016
December 23, 2016 (4th Friday)	December 24, 2016 (Saturday)

The half-day (1/2-day) furlough on December 23 will be a full-day closure; full-time employees will be paid for four (4) hours if they use accrued vacation, pro-rated for part-time employees. The furlough on December 24 will also be a half-day

furlough with a full-day closure, with full-time employees receiving the usual four (4) holiday hours for Christmas Eve.

Sec. 2. To administer the above furlough days, all regular non-represented employees shall take one of the following two options:

(1) **Unpaid furlough days.** Regular employees will take the above above-referenced days off without pay to the extent that they are regularly scheduled to work on those days (including days they have requested to use vacation or sick leave). To the extent that one or more of the above-referenced days falls on a regularly scheduled day off, the affected employee will select, with supervisor approval, equivalent alternate unpaid furlough hours during the same pay period.

(2) **Paid furlough days with benefit reduction.** Alternatively, eligible employees may choose a reduction in the City's contribution toward their healthcare benefits. Each employee who participates in the City's healthcare plans may choose this option provided they agree to contribute an additional share toward their healthcare coverage by payroll deduction effective March 1 through December 31, 2016, or when the furloughs are discontinued, whichever comes first. Such additional employee contribution will be equal to the savings the City would have experienced, including wage-related costs and benefits, had the employee taken the unpaid furlough days. In exchange for this benefit reduction, the employees will take the above-referenced days off with pay to the extent that they are regularly scheduled to work on those days (including days they have requested to use vacation or sick leave). Paid furlough hours shall not count as hours worked towards the overtime threshold.

Sec. 3. Furlough administration.

(1) To the extent that one or more of the above-referenced days falls on a regularly scheduled day off, the affected employee will select, with supervisor approval, an equivalent alternate furlough day during the same pay period. A furlough day is defined as eight (8) hours for full-time employees. Regular part-time employees will take furlough days on a prorated basis.

(2) Employees normally scheduled to work more hours on a scheduled furlough day than they are required to take in furlough time, e.g., employees scheduled to work ten (10) hours, will be permitted to: (i) revise their schedule during the workweek (e.g. switch to eight (8) hour days for the week or work additional hours during the workweek); or (ii) use paid vacation leave; or (iii) take unpaid leave to account for the difference between their normally scheduled shifts and their furlough time.

(3) Employees shall not perform City work during a furlough day except as follows:

(a) When a work assignment is necessary on a furlough day for business operations or due to an emergency or urgent matter, the employee and City may mutually agree that the employee will select, with supervisor approval, an equivalent alternative furlough day within the same pay period; such an assignment will require the pre-approval of the department director; or

(b) An employee may be assigned to work on a furlough day provided a contractor or other customer agrees to pay an additional fee to cover the cost for the employee to physically report to work. When so assigned, the employee will be paid at the overtime rate of one and one-half (1-1/2) times their straight-time hourly rate for hours worked plus the commute time from employee's residence to the job site and the return commute time afterward. If the employee completes the call back assignment in less than three (3) hours, including the allowed commute time, the employee will receive a minimum of three (3) hours at the overtime rate. Such an assignment will require the pre-approval of the department director.

Sec. 4. Where a conflict exists between the terms of this Resolution and the Des Moines Personnel Manual, this Resolution shall control.

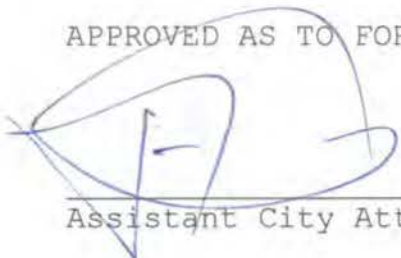
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Sec. 5. Any acts consistent with the authority and prior to the effective date of this Resolution are hereby ratified and confirmed.

ADOPTED BY the City Council of the City of Des Moines, Washington this 11th day of February, 2016, and signed in authentication thereof this 11th day of February, 2016.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk