

SIDE LETTER TO AMEND MEMORANDUM OF  
UNDERSTANDING BETWEEN THE CITY OF POWAY AND THE  
NON-SAFETY EMPLOYEES DATED JULY 1, 2021 THROUGH  
JUNE 30, 2027

WHEREAS, the City and Non-Safety employees, represented by Teamsters (Teamsters), have entered into a Memorandum of Understanding (MOU) for the period of July 1, 2021 through June 30, 2027, covering specified items which are within the scope of representation, within the meaning of Government Code section 3504;

WHEREAS, pursuant to the terms of the MOU, Article 9 (Special Pay), Section 5 (On-Call Time) includes procedures and additional pay for employees who have agreed to participate in the Standby/Callback program;

WHEREAS, this program provides a mechanism for employees to respond to afterhours public works related emergencies and be compensated for working during hours that are not regularly scheduled;

WHEREAS, the City wants to increase participation in the program to continue providing the Poway community with exceptional customer service outside of regular City business hours;

WHEREAS, the City also endeavors to stay competitive in the labor market so that it may recruit and retain qualified and talented employees;

WHEREAS, the City is increasing the amount of standby pay from \$350 for each seven-day Standby period (or \$50 for each day/twenty-four hour period served) to \$700 for each seven-day Standby period (or \$100 for each day/twenty-four hour period served);

WHEREAS, the City is increasing the two-hour minimum paid for each call-out to a three-hour minimum for each call-out;

WHEREAS, certain supervisor positions in the Management/Confidential Employee Group, not previously considered as eligible to be placed on the Standby roster, will be eligible at the discretion and approval of the Public Works Director; and

WHEREAS, the City and Teamsters have met and conferred in good faith, in compliance with Government Code section 3505, on the subject covered in this Amendment.

NOW, THEREFORE, the City and Teamsters agree to amend the MOU for the period of February 21, 2024 through June 30, 2027, to read as follows:

**Article 9. Special Pay**

**Section 5 - On-Call Time**

**A. Field Forces**

1. On-call time shall be governed by the Public Works on-call procedures.
2. The City shall maintain a list of eligible field personnel who have agreed to standby

for callback (Standby) as required.

3. The call-out list shall consist of qualified employees as determined by the Public Works Director and may include supervisors and/or other employees of the Management/Confidential Employee Group.
4. Each employee shall be paid \$700 for each seven-day Standby period served.
5. The Standby employee will receive an additional \$100 for each Designated Holiday (as defined in Article 6, Section 3 of this MOU) that falls within the Standby period for which they stand by for callback. This additional compensation shall be awarded for the Designated Holiday, not the day observed, for those holidays falling on a Saturday or Sunday.
6. In the event a Designated Holiday falls on the last day of a Standby period (e.g., Standby period ends on a Wednesday which is a Designated Holiday), the employee will remain on Standby until the following day and shall be compensated an additional \$100 (1/7<sup>th</sup> of pay for full Standby period) for the additional day of Standby.
7. Substitution by another member of the Standby duty list is allowed if the scheduled Standby employee cannot respond because of special circumstances. In the event of a substitution for Standby duty, the substituting employee must perform Standby for a minimum of one 24-hour period. The substituting employee will be compensated \$100 for each 24-hour period served. The total amount paid to the substituting employee(s) will be offset against and reduce the Standby compensation paid to the regular Standby employee.
8. List members shall meet the following qualifications:
  - a. Must reside within a community that allows a reasonable response time to an emergency, as determined by the Public Works Director.
  - b. Must be approved by the appropriate division manager with the concurrence of the department Director.
9. The Standby person will be on call from the end of the scheduled workday to the scheduled start of the next workday. During weekends, from the end of the work week to the beginning of the next workday, and the 24 hours of a Designated Holiday.
10. A three-hour minimum will be paid for each call-out.
  - a. Time starts for the call-out when the Standby person receives the call from the Filtration Plant.
  - b. Time stops and call-out is complete when the Standby person notifies the Filtration Plant that the call is completed.
  - c. An employee who is contacted while serving a call-out (as defined above) and is called to another site for additional duties shall not be compensated for a second or subsequent call-out for this assignment. However, if the employee has left the work site, or sites, is actually returning, or has returned to their original point of

contact, and is then called out again, the employee shall be compensated for an additional call-out.

- d. Weekday and Saturday call-out time will be paid at one and one-half (1.5) times the hourly rate of pay.
  - e. Sunday and holiday call-out time will be paid at double the hourly rate of pay. Holidays will be rotated equally among those persons on the list inasmuch as possible.
  - f. When in a Standby status and required to respond to a trouble call through telephone action, Standby personnel will be compensated for telephone time in 15-minute increments on an overtime basis.
11. It is agreed that the On-Call procedure is subject to revision by the Public Works Director, following consultation with representatives of the Bargaining Unit. It is understood that this Section does not allow for a reduction in Standby compensation.

B. Operational Conditions

1. The Standby person will carry a City cell phone when away from their listed contact phone number.
2. The Standby person cannot engage in any activity that would impair judgment or prohibit a response while on Standby.
3. Calls to the Standby person will be placed by an on-duty Water Treatment Plant Operator.
  - a. The Water Treatment Plant Operator will screen calls to determine need to contact Standby person.
  - b. Upon being contacted by the Water Treatment Plant Operator, the Standby person is responsible to determine the course of action.
  - c. Should the Standby person fail to respond to a call, (s)he forfeits Standby pay for that day.
  - d. The Water Treatment Plant Operator stands by to assist, when possible, in contacting additional employees when needed.
  - e. Should the Standby person need assistance, the Water Treatment Plant Operator will first attempt to call list members in sequential order. When the assistance requires specialized personnel, who are better qualified to perform a specific task, the Water Treatment Plant Operator may call back the first person(s) from the list qualified to perform the specific task.
  - f. Upon call completion, the Standby person will advise the Water Treatment Plant Operator of the action taken so that it can be properly logged.
4. During a serious emergency, such as a water main break, the Standby person will

stand by to assist the crew in making repairs but will remain flexible in case of other call-outs during this time.

5. Employees who are assigned Standby duty may request the use of a City truck, subject to department Director approval. The City truck shall be available to the employee during Standby for use as is necessary to ensure that the employee is readily available for call out. However, the employee should use discretion and common sense in the use of the vehicle and at all times be aware that they are a public relations representative to the public and their actions will be scrutinized by the public. Further, the employee must ensure any personal use is consistent with City policy.

C. Filtration Plant

1. The City shall maintain a list of eligible Public Works personnel who have agreed to stand by for callback as required.
2. The call-out list shall consist of qualified employees as determined by the Public Works Director and may include supervisors and/or other employees of the Management/Confidential Employee Group.
3. Each employee shall be paid \$700 for each seven-day Standby period.
4. The Standby employee will receive an additional \$100 for each Designated Holiday (as defined in Article 6, Section 3 of this MOU) that falls within the Standby period for which they stand by for callback. This additional compensation shall be awarded for the Designated Holiday, not the day observed, for those holidays falling on a Saturday or Sunday.
5. In the event a Designated Holiday falls on the last day of a Standby period (e.g., Standby period ends on a Wednesday which is a Designated Holiday), the employee will remain on Standby until the following day and shall be compensated an additional \$100 (1/7<sup>th</sup> of pay for full Standby period) for the additional day of Standby.
6. Substitution by another member of the Standby duty list is allowed if the scheduled Standby employee cannot respond because of special circumstances. In the event of a substitution for Standby duty, the substituting employee must perform Standby for a minimum of one 24-hour period. The substituting employee will be compensated \$100 for each day served. The total amount paid to the substituting employee(s) will be offset against and reduce the Standby compensation paid to the regular Standby employee.
7. List members shall meet the following qualifications:
  - a. Must reside within a community that allows a reasonable response time to an emergency, as determined by the Public Works Director.
  - b. Must be rated as a Utility Systems Mechanic, Utility Systems Technician, Senior Utility Systems Mechanic, Senior Utility Systems Technician, or one of the utility supervisor positions in the Management/Confidential Employee Group and approved by the appropriate division manager or assistant director with the

concurrence of the department Director. Once an employee leaves a position in these class series, all rights to on-call time are forfeited.

8. The Standby roster will be scheduled as follows with the participation of list members:
  - a. Scheduled quarterly with the Public Works Director or designee.
  - b. Order of names to be maintained as consistent as practical.
  - c. Names to be rotated progressively up the list weekly from the bottom position on up to the top Position 1.
  - d. The member in Position 1 will be the Standby person on call.
  - e. List members may substitute positions temporarily among themselves to allow for special circumstances as stated in this section.
9. The Standby person will be on call from the end of the scheduled workday to the scheduled start of the next workday. During weekends from the end of the work week to the beginning of the next workday, and the 24 hours of a Designated holiday.
10. Employees who are assigned Standby duty may request the use of a City truck, subject to department Director approval. The City truck shall be available to the employee during standby for use as is necessary to ensure that the employee is readily available for call out. However, the employee should use discretion and common sense in the use of the vehicle and at all times be aware that they are a public relations representative to the public and their actions will be scrutinized by the public. Further, the employee must ensure any personal use is consistent with City policy.
11. A three-hour minimum will be paid for each call-out.
  - a. Time starts for the call-out when the Standby person receives the call from the Filtration Plant.
  - b. Time stops and call-out is complete when the Standby person notifies the Filtration Plant that the call is completed.
  - c. An employee who is contacted while serving a call-out (as defined above) and is called to another site for additional duties shall not be compensated for a second or subsequent call-out for this assignment. However, if the employee has left the work site, or sites, is actually returning, or has returned to their original point of contact, and is then called out again, the employee shall be compensated for an additional call-out.
  - d. Weekday and Saturday call-out time will be paid at one and one-half (1.5) times the hourly rate of pay.
  - e. Sunday and holiday call-out time will be paid at double the hourly rate of pay. Holidays will be rotated equally among those persons on the list inasmuch as possible.

- f. When in a Standby status and required to respond to a trouble call through telephone action, Standby personnel will be compensated for telephone time in 15-minute increments on an overtime basis.

12. It is agreed that the On-Call procedure is subject to revision by the Public Works Director, following consultation with representatives of the Union. It is understood that this Section does not allow for a reduction in Standby compensation.

**Section 7 - Callback Time**


Employees called back to work after expiration of their regularly scheduled workday or work week to perform emergency work shall be guaranteed minimum callback time of three hours at the appropriate overtime rate.

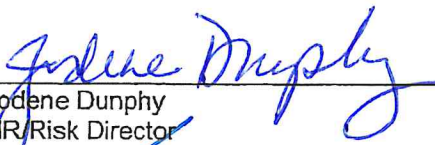
Employees who respond to an after-hours trouble call through telephone action will be compensated for telephone time in 15-minute increments.

Except as expressly provided herein, all other terms and conditions of the July 1, 2021 through June 30, 2027 MOU shall otherwise remain in full force and effect.

The City of Poway and Teamsters Local 9-1-1 agree to this Side Letter as a Second Amendment to the MOU for the period of February 20, 2024 to June 30, 2027 for the City and Teamsters as contained herein.


**City of Poway:**

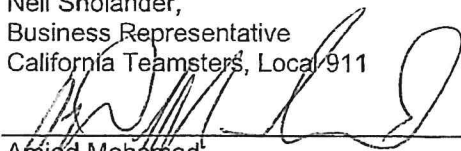
  
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Chris Hazeltine  
City Manager

  
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Jodene Dunphy  
HR/Risk Director

  
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Eric Heidemann  
Director of Public Works

**City of Poway Non-Safety Employees  
Bargaining Unit (California Teamsters  
Local 911):**

  
\_\_\_\_\_  
Neil Sholander,  
Business Representative  
California Teamsters, Local 911

  
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Amjad Mohamad  
Wastewater Utilities Crew Leader  
Chief Steward