

**SIDE LETTER AGREEMENT
BETWEEN THE CITY OF BERKELEY AND
PUBLIC EMPLOYEES UNION, LOCAL 1
Resolution No. 68,251-N.S.**

The parties to this Side Letter Agreement are the City of Berkeley (the "City") and Public Employees Union, Local 1 (the "Union").

The City of Berkeley and the Union have met and conferred and reached agreement on this Side Letter of Agreement to the Memorandum of Understanding regarding the implementation of Assembly Bill 119 (AB 119). This Side Letter of Agreement is intended to memorialize the agreement reached between the parties and is not intended to supersede any other terms and conditions of employment contained in the Memorandum of Understanding now in effect between the City and the Union, which covers the period of June 21, 2015 through October 20, 2018.

In consideration of the foregoing, the parties agree to the following:

4.6 New Employee Orientation

This provision shall apply to new hire employees appointed to classifications covered by this Agreement.

4.6.1 **Onboarding:** The parties acknowledge that the City provides a new employee orientation (onboarding) to each new employee hired by the City. As such, the Union will be provided with not less than 10 calendar days' advanced notice of the time, date, and location of the onboarding of any new employee represented by the Union. The Union will be given 30- minutes at the start of the new employee onboarding in a room designated by the City for no more than one (1) representative to present Union membership information. The City representative will excuse him or herself during the Union portion of the onboarding. The Union agrees in its portion of the onboarding not to engage in speech that could cause disruption or material interference with City activities.

The City will provide 30 minutes of Union Release Time to the Union representative presenting the Union membership information during the scheduled onboarding. The Union shall provide the Union representative's immediate supervisor with the Union representative's name at least five (5) days prior to the onboarding. The Union representative shall be released for this purpose unless unusual operation needs interfere with such release in which case the Union representative's immediate supervisor will provide a written explanation of why release could not be approved. If the Union representative is not released due to department operational needs, the Union representative may arrange an alternative date and time to meet with the newly hired

employee within the first two (2) weeks of employment, subject to the 30-minutes onboarding and Union Release Time requirements as stipulated above.

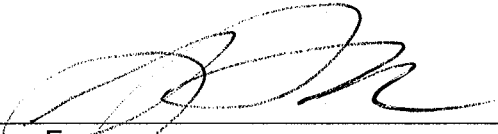
4.6.2 **Information Provided:** On a quarterly basis (March, June, September, and December), the City will provide the Union with a digital file via email to the email address designated by the Union. The Union acknowledges and understands that the City is working diligently and in good faith to update its contact information database functionality to incorporate all the fields of contact information listed below. As a result, the City may not initially be able to provide the employee's work telephone number, personal phone number, and personal email address until the completion and implementation of the City's new Enterprise Resource Management Application (ERMA) system.

The City will provide the Union with the following information on file, to the extent the City has it on file:

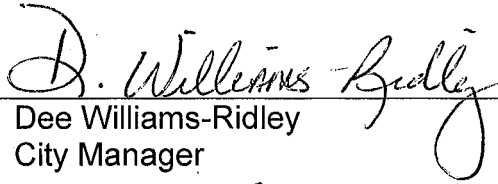
- Name.
- Job Title.
- Department.
- Work Location.
- Home telephone number.
- Home address.
- Personal cellular telephone number (new hires hired on or after October 1, 2017).
- Work telephone number (*upon implementing ERMA*).
- Personal email addresses on file with the City (*upon implementing ERMA*).

Notwithstanding the foregoing, limited to the express purpose of the requirements of Government Code section 3558 only, an employee may opt out via written request to the City (copy to the Union) to direct the City to withhold disclosure of the employee's: Home address; home telephone number; personal cellular telephone number; personal email address; and date of birth.

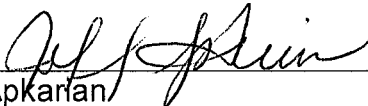
WHEREFORE, the parties by and through their authorized agents and representatives agree to the terms of this Side Letter Agreement subject to the adoption or ratification of this Agreement by the City Council of the City of Berkeley.



Sue Ferrera
For PEU Local 1



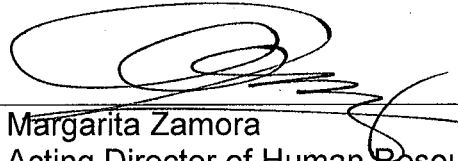
Dee Williams-Ridley
City Manager



Jeff Apkarian
Business Agent
PEU Local 1



Jovan Grogan
Deputy City Manager



Margarita Zamora
Acting Director of Human Resources

RESOLUTION NO. 68,251-N.S.

SIDE LETTER AGREEMENT – PUBLIC EMPLOYEES UNION, LOCAL 1

WHEREAS, on May 24, 2016, the City Council adopted Resolution No. 67,484-N.S. and Resolution No. 67,485-N.S. that authorized the City Manager to execute and implement a Memorandum of Understanding (MOU) with the Public Employees Union, Local 1 (PEU Local 1) that set forth the wages, hours and other terms and conditions of employment for employees represented by the Union; and

WHEREAS, on June 19, 2017, the California Legislature adopted Assembly Bill 119 (AB 119), which requires public employers to provide exclusive union representatives with access to new employee orientations and contact information for newly hired employees; and

WHEREAS, on July 12, 2017, the City extended an offer to the PEU Local 1 to meet and confer on the implementation of AB 119; and

WHEREAS, representatives of the City and representatives of the PEU Local 1 met and conferred in good faith and reached a tentative agreement on a Side Letter Agreement that amends the PEU Local 1 MOU, Section 4 (Union Security), by adding Section 4.6 (New Employee Orientation) and related sub-sections; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute and implement the Side Letter Agreement, which is attached hereto and made a part of hereof with the PEU Local 1 pertaining to the specific provisions set forth in the Side Letter Agreement.

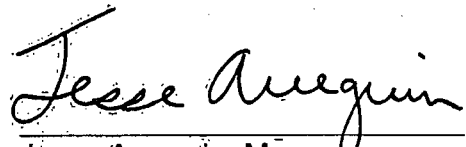
BE IT FURTHER RESOLVED that a copy of the executed Side Letter Agreement will be filed in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on December 5, 2017 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.


Jesse Arreguin, Mayor

Attest:


Mark Numainville, City Clerk