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**AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND
LOCAL 127, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL
EMPLOYEES, AFL-CIO, RELATED TO THE MIRAMAR LANDFILL CLOSURE ON
SUNDAYS AND SUMMER HOLIDAYS IN ENVIRONMENTAL SERVICES
DEPARTMENT, DISPOSAL AND ENVIRONMENTAL PROTECTION DIVISION**

This Agreement is between the City of San Diego (City) and Local 127, American Federation of State, County, and Municipal Employees, AFL-CIO (Local 127), related to the closure of the Miramar Landfill on Sundays and summer holidays, which are defined as Memorial Day, Fourth of July, and Labor Day. The City and Local 127 are collectively referred to as the "Parties." This Agreement applies to employees in the Environmental Services Department, Disposal and Environmental Protection Division (Division).

The Mayor intends to implement San Diego Works Proposal FY 2016-219 – "Miramar Landfill Sunday Closure" – which is attached as Attachment 1 and incorporated into this Agreement by this reference, if the City Council approves the proposal to modify hours of operation at the Miramar Landfill. Implementation of Attachment 1 is also subject to the Miramar Landfill's Solid Waste Facility Permit and the Miramar Greenery's Compostable Materials Handling Facility permit, as approved by the City's Solid Waste Local Enforcement Agency (LEA) with the concurrence of the State of California's CalRecycle.

This Agreement modifies the terms and conditions of employment for Local 127 employees as specified, and is intended to be read in conjunction with the Memorandum of Understanding (MOU) covering the term July 1, 2013 to June 30, 2018, approved by the City Council by San Diego Resolution R-308253 (Jun. 18, 2013) (MOU).

The Parties agree to the following:

1. The Parties have satisfied all duties under the Meyers-Milias-Brown Act related to implementation of Attachment 1.
2. This Agreement is authorized by Article 55 of the MOU, which states that the City has the right to modify existing schedules of Local 127 employees or create new schedules during the term of the MOU. Attachment 2 is an example of a modified schedule. The City has notified Local 127 of its intent to modify Division schedules and has satisfied its obligation to meet and confer, in accordance with the provisions of Article 55.
3. The Division's hours of operation will be modified on July 1, 2016 if the City Council approves the closure of the Miramar Landfill on Sundays and summer holidays.
4. There will be no loss of positions as a result of the change in hours of operation.
5. The Landfill will be at full staff the work day following a Sunday or Sunday and Monday (due to a holiday) closure.
6. The City may need to staff the Landfill Greenery Section on Sundays because of the need to turn the compost rows over on a scheduled basis and process stockpiled feed sources to ensure regulatory compliance or perform maintenance activities, such as road repairs. If

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staff is required to work a Sunday, it will be done on a rotating basis, from the least senior employee to the most senior employee in the Division.

7. Specific provisions in this Agreement supersede any previous agreements, whether oral and written, regarding the subject matter of this Agreement. However, all wages, hours, and other terms and conditions of employment presently enjoyed by Local 127 represented employees, and in the MOU, remain in full force and effect.
8. This Agreement will remain in effect unless it is modified through further negotiations in accordance with the MMBA and Council Policy 300-06.

Attachments:

1. San Diego Works Proposal FY 2016-219 – Miramar Landfill Sunday Closure and supporting materials
2. Example of a Modified Landfill Operations Schedule, dated April 17, 2016

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This Agreement is executed, by the following authorized representatives of each party:

Local 127

By: 

Frank Pitarro, President

Date: April 11, 2016

City of San Diego

By: 

Michael D. Thompson
Deputy Director, Disposal and
Environmental Protection Division

Date: 4/11/16

By: 

John O'Neill, Human Resources Officer
Human Resources Department

Date: 4/11/16

By: 

Abby Jarl-Veltz, Labor Relations Manager
Human Resources Department

Date: 4/11/16

Approved as to form this _____ day of _____, 20____.
JAN I. GOLDSMITH, City Attorney

By: _____

Joan F. Dawson
Deputy City Attorney