

10/31/06

City Proposal II to Local 127: Water Systems Technicians II without Water Distribution Operator Certification

Final Proposal: Response to Local 127 Counter Proposal dated 10/5/06:

1. The City acknowledges that employees who have not been successful in obtaining the Department of Health Services, D2 Distribution Operator certification (D2 DO) are valuable to the organization and should be retained as employees.
2. Employees who are known to have attempted the certification exam (or can show proof of such attempt) to obtain a D2 DO certification, but have not yet been successful in passing the exam as of December 31, 2006, would be demoted from WST II to Equipment Technician I. Equipment Technician I is an approximate 5% reduction in salary from WST II.
 - a. All such employees must meet the current minimum qualifications of the Equipment Technician I class to be eligible.
 - b. All such employees would voluntarily submit a Personnel Action Request form to demote to Equipment Technician I.
 - c. All such employees would not have a disciplinary demotion document in their file or be eligible to appeal the demotion.
 - d. The demotion would be effective January 1, 2007.
 - e. The Personnel Department will extend, for two years, the "sunset" clause of January 1, 2007, from the career advancement/under filling provisions of the Personnel Manual Section D-3, Water Systems Technician III, for the following classes: Equipment Technician I and II, Plant Technician I, Tank Service Technician I and II.
 - f. All such employees would remain in the Equipment Technician I class, under filling their current Water Systems Technician III position, until they obtain the D2 DO cert and if they meet the other qualifications, career advance to Water Systems Technician III OR otherwise vacate the position (transfer, promote to a different class series, retire, etc, OR until the sunset of the career advancement clause. If the employee has not obtained D2 DO certification by the end of the sunset, the Water Department would request reclassification of the position to Equipment Technician II. If the employee obtains D2 DO certification, OR vacates the position, the Water Department would request reclassification of the position back to Water Systems Technician III. The Personnel Department agrees to expedite such reclassification requests.
 - g. D2 DO certification is not required for Equipment Technician I.
3. Employees who have NOT attempted the certification exam (or cannot show proof of such attempt) to obtain a D2 DO certification, as of December 31, 2006, would be demoted from WST II to Water Utility Worker. Water Utility Worker is an approximate 14% reduction in salary from WST II.
 - a. All such employees must meet the current minimum qualifications of the Water Utility Worker class to be eligible.

- b. All such employees would voluntarily submit a Personnel Action Request form to demote to Water Utility Worker.
 - c. All such employees would not have a disciplinary demotion document in their file or be eligible to appeal the demotion.
 - d. The demotion would be effective January 1, 2007.
 - e. The Personnel Department will remove the "sunset" clause of January 1, 2007, from the career advancement/under filling provisions of the Personnel Manual Section D-3, Water Systems Technician III, for Water Utility Worker.
 - f. All such employees would remain in the Water Utility Worker class, under filling their current Water Systems Technician III position, until they obtain the D2 DO cert and if they meet the other qualifications, career advance to Water Systems Technician III OR otherwise vacate the position (transfer, promote to a different class series, retire, etc).
 - g. All such employees who take the February 2007 D2 DO exam, but are not successful, will be recommended to the Personnel Department for career advancement to Equipment Technician I, if the employee meets all other qualifications. This provision is applicable to the February 2007 exam only and not to other future D2 DO certification exams. The provisions of "2, e." above, regarding the sunset of the under filling provision for Equipment Technician I, also apply to these employees.
 - h. D2 DO certification is not required for Water Utility Worker.
4. The Personnel Department will extend sunset of the under filling provision of "Equipment Maintenance" classes, including Equipment Technician II, Equipment Technician I, Plant Technician I, Tank Service Technician II, Tank Service Technician I, for a period of two years.
- a. For employees in any of these Equipment Maintenance classifications at the end of the sunset period and have not yet obtained D2 DO certification, the Water Department would request reclassification of the position to the employee's class at that time. If the employee obtains D2 DO certification, OR vacates the position, the Water Department would request reclassification of the position back to Water Systems Technician III. The Personnel Department agrees to expedite such reclassification requests.
5. The under filling sunset of the Water Utility Worker classification will be removed.
6. Employees without a D2 DO certification as of December 31, 2006, who choose not to voluntarily demote will be required to take a leave without pay, transfer out of their position, retire, or otherwise vacate their current WST II (under filling WST III) position as of January 1, 2007.
7. The City and AFSCME Local 127 recognize that the study provisions and issues of Distribution Operator certification and Class B license are bifurcated and will be discussed separately.

8. The City agrees to offer AFSCME Local 127 any more favorable provisions that may be offered to classifications in MEA bargaining units similarly affected by Distribution Operator certification requirements.

9. This agreement and the negotiations which preceded it satisfy the requirement for the joint study addressed in Article 44 concerning: "... issues related to D2 certification and employees who do not receive the certification as required by the state."

Agreed:

City of San Diego:

[Signature] / *[Signature]*
Water Department

11/20/06 / *11/16/06*
Date

[Signature]
Labor Relations

11/27/06
Date

[Signature]
City Attorney

11/27/06
Date

AFSCME Local 127

[Signature]

November 9, 2006
Date