

LETTER OF AGREEMENT
BETWEEN
CITY OF SANTA MONICA
AND
ADMINISTRATIVE TEAM ASSOCIATES

Representatives of the City of Santa Monica (City) and Administrative Team Associates (ATA) have reached an understanding as to the impacts of the City's restructuring and budget reduction process approved by City Council on May 5, 2020, in response to the COVID-19 public health crisis, which has resulted in a reduction in force affecting employees represented by ATA.

This Letter of Agreement shall operate to amend the current Memorandum of Understanding between the parties (Contract No. 10542 (CCS)) that presently is in full force and effect, as follows:

1. Lay-off Severance Package

In addition to the accrued leave cash outs to which employees separated from City employment are legally or contractually entitled as of the date of their separation, the City will provide a severance package to each ATA employee being separated from the City due to layoff because either (a) the employee's position has been eliminated as a result of the City reorganization described above or (b) the employee has been bumped from his or her position because another employee's position was eliminated as a result of the City reorganization described above. The severance package, to be paid in each employee's last paycheck, will include:

- a. A lump sum payment of \$15,000; provided, however, that if the City agrees to a severance payment for laid off employees of more than an average of \$15,000 per separated employee (or agrees to provide any such laid off employee with an additional item of value that causes his/her severance package to exceed an average value of \$15,000) with any of the following bargaining units: IBT, FEMA, Local 1109, MEA, MTA, PALSSU, PAU, POA, SMART-TD, or STA, then the City shall provide such ATA employees with the same severance amount and/or item of value as agreed to with the other bargaining units; and
2. Sick leave cash-out per section 3.07 of the Memorandum of Understanding between the City and ATA, Contract No. 10542 (CCS), that the employee would have been eligible to receive had the separation from City service occurred after July 1, 2020.

Employees who received a layoff notice between the dates of May 11, 2020, and May 20, 2020, shall be separated from City employment effective June 20, 2020. Employees who receive a layoff notice between May 21, 2020, and June 4, 2020, shall be separated from City employment effective July 4, 2020. Employees who receive a layoff notice after June 4, 2020, shall be separated from City employment on July 18, 2020.

If the City agrees to a later separation date for employees represented by IBT, FEMA, Local 1109, MEA, MTA, POA, SMART-TD, or STA noticed during any of the above date ranges, then the separation date for ATA employees subject to separation due to lay off shall be extended by a commensurate amount of time for those employees noticed during the same date ranges. However, this commensurate extension does not apply in the case of employees in the foregoing bargaining units who, due to the

bumping process and the length of the bumping ladder, would separate from City service after July 18, 2020.

In consideration for the foregoing benefits, each laid off ATA employee shall execute a severance agreement and general release and waiver of all claims against the City, as specified in Attachment A.

3. Position Reinstatement

Notwithstanding the provisions of City Charter section 1109 and Santa Monica Municipal Code section 2.04.380, the parties agree as follows:

- a. If at any time between the execution of this Agreement and July 6, 2022, the City reinstates the same position or creates a position with substantially similar job duties to the position from which an employee was laid off, as provided in City Charter section 1109 and Santa Monica Municipal Code section 2.08.380, then the person(s) laid off from that position will be offered the position, in reverse order in which the layoffs occurred in a particular Department, as soon as practicable following position establishment. If all persons who were laid off from an eligible position have been offered and decline to accept the reinstated or created position, the City may recruit for the position through the City's regular hiring policies and procedures. If the reinstated or created position is included in the Fiscal Year 2022-2023 budget as adopted by Council, it will be deemed to be established for purposes of this provision. If an employee declines reinstatement, the employee shall be removed from the re-employment list.
 - b. If at any time between the execution of this Agreement and July 6, 2022, the City reinstates the same position or creates a position with substantially similar job duties (consistent with City Charter section 1109 and Santa Monica Municipal Code section 2.04.380) to the position from which one or more employees who received layoff notices exercised their "bumping rights," in accordance with Santa Monica Municipal Code section 2.04.390, to bump down into a position of lower rank, the employees who bumped down to a lower position will be offered the reinstated or created position, in the reverse order in which the layoffs occurred in a particular Department, as soon as practicable following position establishment. If the reinstated or created position is included in the Fiscal Year 2022-2023 budget as adopted by Council, it will be deemed to be established for purposes of this provision.
4. The City shall not cause any of the job duties performed by a laid off employee to be performed by an outside entity without first meeting and conferring to the extent required by law.
 5. The terms of the Letter of Agreement only apply to the reduction in force resulting from Council action on May 5, 2020.

IN WITNESS WHEREOF, the parties hereto have caused this Letter of Agreement to be executed this _____ day of _____, 2020.

ATTEST:

CITY OF SANTA MONICA
a municipal corporation

DocuSigned by:
Denise Anderson-Warren
E2F635B090A714C3
DENISE ANDERSON-WARREN
City Clerk
Manager

DocuSigned by:
Lane Dilg
FEC0DBA6A0D3400
BY: LANE DILG

Interim City

APPROVED AS TO FORM:

DocuSigned by:
George S. Cardona
ECB444B04A56432
GEORGE CARDONA
Interim City Attorney

ADMINISTRATIVE TEAM ASSOCIATES

DocuSigned by:
Benjamin M. Steers
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BY: BENJAMIN STEERS

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ROBERT SILVERSTEIN

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ROSS FEHRMAN

DocuSigned by:
Steve Gomez
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STEVE GOMEZ

DocuSigned by:
David Nanjo
DC48D20B6545437
DAVID NANJO

Attachments:

- A. Severance Agreement and General Release and Waiver