RESOLUTION NO. 2013 - 40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND THE FULLERTON MUNICIPAL EMPLOYEES FEDERATION DATED AUGUST 13, 2013.

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

Section 1: The First Amendment to the Agreement between the City of Fullerton and the Fullerton Employees Municipal Federation dated August 13, 2013 and attached hereto is approved.

ADOPTED BY THE FULLERTON CITY COUNCIL on AUGUST 20, 2013.

Bruce Whitaker

Bruce Whitaker, Mayor

ATTEST:

Lucinda Williams, City Clerk

August 22, 2013

Date

FIRST AMENDMENT TO
TO THE MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF FULLERTON
AND THE FULLERTON MUNICIPAL EMPLOYEES
FEDERATION
July 1, 2011 through June 30, 2014
with an option for July 1, 2014 through June 30, 2015

This First Amendment to the Memorandum of Agreement Between the City of Fullerton and the Fullerton Municipal Employees Federation, for the Period July 1, 2011 Through June 30, 2014 with an Option for July 1, 2014 through June 30, 2015, dated October 24, 2011 is made and entered into by the City of Fullerton (hereinafter referred to as "City") and the Fullerton Municipal Employees Federation (hereinafter referred to as "FMEF") and is intended to supersede Article 57 in the October 24, 2011 Agreement. No other changes, deletions or additions are agreed to herein. All other provisions of the October 24, 2011 Agreement remain unchanged.

ARTICLE 57: SAFETY REST PERIOD is hereby amended as follows:

ARTICLE 57: SAFETY REST PERIOD

A. An employee shall be granted an authorized safety rest period after being on duty sixteen (16) or more consecutive hours, excluding meal time breaks, if the employee so requests such a rest period.

    1. An employee who takes an authorized safety rest period during hours that would be part of his/her regularly scheduled work shift shall be allowed, at his/her option to go on authorized unpaid status or use accrued vacation leave or compensatory time off for the rest period hours that overlap with the employee's regular work shift.

    2. If the employee is a Class A or Class B licensed driver, the rest period shall be at least 10 hours.

    3. If such an authorized safety rest period overlaps an employee's regular work shift, the rest period must be structured such that it encompasses the balance of the impacted work shift, or with management approval, returns the employee to work at for least four hours of the regular work shift.

    4. When possible and upon mutual agreement, an employee may be allowed to alter his/her impacted work shift to begin later in the day,

thus eliminating or reducing the impact of the authorized safety rest period.

B. Effective July 1, 2013, an employee may be required to take a safety rest period under any of the following circumstances:

1. If deemed necessary to ensure adequate staffing levels for regular work shifts.

2. If deemed necessary to ensure availability of Class A or Class B licensed drivers.

3. If deemed necessary to protect the health and safety of the employee or his/her coworkers.

4. As required by law, statute, ordinance or regulation.

If an employee is required to take a safety rest period during hours that are part of his/her regularly scheduled work shift he/she shall be paid at his/her regular rate of pay for those hours of the required safety rest period that overlap his/her regularly scheduled work shift.

The effective date of this amendment shall be July 1, 2013.

DATED: August 13, 2013

FOR THE FULLERTON MUNICIPAL EMPLOYEES FEDERATION	FOR THE CITY OF FULLERTON
Andy Pizano, President	Gretchen Beatty, Director of Human Resources

City of Fullerton
RESOLUTION CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON)

RESOLUTION NO. **2013-40**

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certify that the whole number of the members of the City Council of the City of Fullerton is five; and that the City Council adopted the above and foregoing **Resolution No. 2013-40** at a regular meeting of the City Council held on the **August 20, 2013** by the following vote:

COUNCIL MEMBER AYES:	Whitaker, Chaffee, Sebourn, Flory
COUNCIL MEMBER NOES:	None
COUNCIL MEMBER ABSTAINED:	None
COUNCIL MEMBER ABSENT:	Fitzgerald

Lucinda Williams, MMC
City Clerk