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| TO: City Council   | DATE<br>December 2, 2020 |
| REFERENCE: COVID-19 and City Employee Parking  | COUNCIL FILE             |
| SUBJECT: <b>Proposed Letter of Agreement Modifying the Special Memorandum of Understanding on Commute Options and Parking – City Employee Parking and Temporary Suspension of Parking Fees</b>   |                          |
| <p><b><u>RECOMMENDATION:</u></b></p> <p>That the City Council approve a proposed Letter of Agreement (LOA) modifying the Special Memorandum of Understanding on Commute Options and Parking, providing terms and conditions for temporarily suspending employee parking fees for six pay periods.</p> <p><b><u>BACKGROUND:</u></b></p> <p>The City offers a variety of transportation benefits to eligible employees through what the Personnel Department has branded the COMMUTEwell Program. Transportation benefits include ridesharing programs as well as City-sponsored parking. Transportation benefits are established within the City’s Special Memorandum of Understanding on Commute Options and Parking (“Special Parking MOU”) and overseen by the City’s Joint Labor-Management Committee on Commute Options and Parking (JLMC-COP). The JLMC-COP includes four management member representatives – the Personnel Department, General Services Department (GSD), City Administrative Officer (CAO), and Department of Transportation (DOT) and four employee organization representatives – the American Federation of State, County and Municipal Employees (AFSCME), Laborers’ International Union of North America (LIUNA 777), Los Angeles Police Command Officers Association (LAPCOA), and Service Employees International Union, Local 721 (SEIU 721).</p> <p>The City’s civilian and sworn Police/Fire employees are eligible for the COMMUTEwell Program (excluding employees of the Los Angeles World Airports (LAWA), Harbor Department, and Department of Water and Power (DWP), each of which offers their own transportation benefit programs). The Personnel Department’s Employee Benefits Division/Commute Options and Parking Section (“Employee Benefits”) administers the COMMUTEwell Program. Employee Benefits has the ongoing responsibility of administering and promoting greater utilization of the City’s existing ridesharing benefits as well as administering parking benefits.</p> <p><b>(A) City Employee Parking Overview</b></p> <p>Eligible employees may receive parking at various City-owned or leased parking facilities on a space-available basis per parking priorities established in the Special Parking MOU. Currently, Employee Benefits issues permits, keycards, and keycard approvals for 22 lots. In total, approximately 6,000 permits have been issued at these various parking facilities.</p> |                          |

## **(B) Impact of COVID-19 on City Employee Parking**

### **(1) Temporary Parking Policy**

On March 12, 2020, in response to the COVID-19 pandemic, Los Angeles Mayor Garcetti issued Citywide COVID-19 guidelines to protect the City workforce while ensuring continuity of operations. These guidelines included directing General Managers of City departments to develop emergency COVID-19 telecommuting plans for their workforce and for employees to implement social distancing of six feet per person. Consequently, to maintain continuity of City department operations, on March 18, 2020, GSD implemented a temporary parking policy allowing City employees to park at the LA Mall and City Hall East garages without parking permits. The policy was subsequently extended to the Piper Tech and Marvin Braude Building garages. This temporary parking policy is in effect until further notice and is on a first come, first served basis. GSD monitors all parking levels daily to ensure there are spaces to accommodate employees with permits. Occupancy varies daily based on days off, employees telecommuting, and departments' staffing in response to COVID-19.

### **(2) Telecommuting and Employee Parking Payroll Deductions**

In accordance with the Special Parking MOU that establishes parking permit priorities and authorizes the issuance of such permits under certain conditions, City employees with parking permits pay a parking fee that is deducted from their paycheck on a biweekly basis. To support COVID-19 safety measures, many City employees are currently telecommuting and not utilizing their parking permit but continue to have a parking fee deducted from their paycheck.

Due to GSD's temporary parking policy allowing City employees to park at City parking facilities at no cost during the period of the Safer at Home Emergency Order, many City employees who currently have a biweekly parking payroll deduction have raised concerns regarding paying for parking they are currently not using and which is currently being provided to others at no cost. Many of these employees have requested that parking payroll deductions be suspended or that a refund be issued for parking fees that were paid while telecommuting.

## **(C) JLMC-COP Findings and Proposed Special Parking MOU Action**

Parking permits and monthly parking fees are issued in accordance with the provisions of the Special Parking MOU, which does not tie the application of these fees to usage frequency. Moreover, there is no provision in the Special Parking MOU providing the ability to temporarily stop or refund City employees for not using their parking permits due to an emergency situation such as that posed by the COVID-19 pandemic. However, the unusual circumstances created by the prolonged emergency response to COVID-19 (with respect to accessing certain City parking facilities at the same time parking permit rules and costs remain in effect) suggests that interim options be taken. The JLMC-COP established an Ad Hoc Interim Parking Policy Subcommittee (Subcommittee) to review options and develop recommendations for interim parking policies and practices in response to COVID-19. Those recommendations were adopted by the JLMC-COP at its meeting on November 20, 2020.

The JLMC-COP considered and/or reached findings with respect to the following:

- Issuing refunds retrospectively (as “refunds”) would be administratively impractical due to the volume of parking deductions occurring since March 2020 and the variations in individual circumstances regarding working schedule and hours.
- A more practical and administratively feasible approach would involve prospectively suspending parking deductions for a limited period of time (recommended for six pay periods, or approximately three months, with the specific pay periods to be determined pending ratification of the LOA by City Council), resulting in a zero deduction for the applicable paydays.
- The approximate cost of suspending the parking fee deductions for six pay periods is \$564,000, which can be funded from the existing Ridesharing Trust Fund unallocated balance of \$3.3 million. This represents a reasonable use of unallocated funds given the unusual circumstances and outcomes related to the pandemic, and the limited applications of this fund which is for enhancing ridesharing benefits.
- After approximately 60 days from the effective start date of the parking fee suspension, the status of employee parking (including a review of whether more employees are returning to City offices and increasing demand on available spaces) and the status of the City’s Ridesharing Trust Fund would be reassessed by the JLMC-COP for consideration of whether the parking fee suspension should be extended.
- The Subcommittee obtained guidance from CAO, Employee Relations Division, indicating that in order to execute an agreement as proposed by the Subcommittee, a LOA can be executed between the labor and management representatives of the JLMC-COP, subject to ratification by the City Council.

Based on these findings, the JLMC-COP approved a proposed LOA in **Attachment A** providing terms and conditions for temporarily suspending employee parking fees for six pay periods. The LOA provides for the following key provisions:

- (1) Suspension of parking fees for parking deduction payroll codes for six consecutive pay periods (not including no-deduction paychecks) beginning as soon as administratively practical.
- (2) Review of the status of the parking fee suspension by the JLMC-COP within approximately sixty days from the effective start date of the suspension.
- (3) An option to extend the parking fee suspension for an additional period of time upon further action by the JLMC-COP.

#### **(D) CONCLUSION**

COVID-19 impacts, particularly greater telework prevalence, is ushering in a fundamental rethinking of how and where the City’s workforce performs services and, should telework policies be established and greater telework prevalence made permanent, over the medium- to long-term this will have a significant impact on the structure of City parking benefits and commuter incentives, including consideration of moving to a daily-use parking option offering employees greater flexibility to mix utilization of telework, rideshare commuting, and driving options. However, the unusual circumstances created by the prolonged emergency response to COVID-19 and its impact on how and where employees perform their work require that flexible, interim solutions be considered to address the impact of the pandemic on employee parking. Accordingly,

the JLMC-COP recommends that the City Council approve the proposed Letter of Agreement (LOA) modifying the Special Memorandum of Understanding on Commute Options and Parking, providing terms and conditions for temporarily suspending employee parking fees for six pay periods.



PATRICIA HUBER, CHAIRPERSON



CARMEN HAYES WALKER, VICE CHAIRPERSON

**JOINT LABOR-MANAGEMENT COMMITTEE – COMMUTE OPTIONS & PARKING (JLMC-COP)**

**JOINT LABOR-MANAGEMENT COMMITTEE ON COMMUTE OPTIONS AND PARKING  
LETTER OF AGREEMENT  
Employee Parking**

This Letter of Agreement (“LOA”) is entered into between the City of Los Angeles (“City”) management and employee organization representatives of the City’s Joint Labor-Management Committee on Commute Options and Parking (JLMC-COP).

WHEREAS, in accordance with the Special Memorandum of Understanding Regarding City Employee Parking and Commute Options (“Special Parking MOU”), Article 5, City employees with parking permits pay a parking fee that is deducted from their paycheck on a biweekly basis;

WHEREAS, to support COVID-19 safety measures, many City employees are currently teleworking and not utilizing their parking permits but continue to have parking fees deducted from their paychecks;

WHEREAS, to maintain continuity of City department operations, and in recognition of increased parking capacity created by increased City employee teleworking, on March 18, 2020, the Department of General Services (GSD) implemented a temporary parking policy allowing City employees to park at many City parking facilities at no cost;

WHEREAS, the emergency response to COVID-19 and unusual conditions creating increased prevalence of telecommuting and additional parking capacity continue to be in effect; and

WHEREAS, a temporary suspension of parking fees will support greater equity for employee parking for a portion of the time under which the unusual conditions related to COVID-19 continue to be in effect;

NOW THEREFORE, the undersign parties agree to the following provisions:

1. The JLMC-COP agrees to suspend employee parking fee deductions, as outlined in Special MOU Article 5, for six consecutive pay periods (excluding no-deduction pay periods), beginning as soon as administratively practical upon ratification of the LOA, resulting in an effective zero cost of parking being applied to the employee’s paycheck for those six pay periods. The suspension of parking fee deductions will not otherwise affect an employee’s parking permit privileges during the period of the suspension.
2. The JLMC-COP agrees that, after approximately 60 days from the effective starting date of the parking fee suspension, the status of employee parking (including a review of whether more employees are returning to City offices and increasing demand on available spaces), and the further impact of suspending parking fees on the City’s Ridesharing Trust Fund, will be assessed by the JLMC-COP.
3. The JLMC-COP agrees it may extend, modify, or terminate the parking fee suspension by



revising this Letter of Agreement.

For Employee Organizations Members: Date

Carmen Hayes-Walker 12/8/2020

American Federation of State, County  
and Municipal Employees

DocuSigned by:  
Cr 12/16/2020  
39A20730A367474  
Service Employees International  
Union

[Signature] 12/17/20  
Los Angeles Police Command Officers  
Association

[Signature] 12/28/20  
Laborer's International Union of  
North America (LIUNA)

Los Angeles Professional Managers'  
Association (LAPMA)

For Management Members:

Date

[Signature] 12-29-2020  
Personnel Department

[Signature] 12/8/2020  
City Administrative Officer

Valerie Mullooff 12/8/2020  
General Services Department

[Signature] 12/9/20  
Department of Transportation

Approved:

[Signature] 1-5-21  
City Attorney's Office