

**SIDE-LETTER BETWEEN
THE CITY OF CARPINTERIA AND
THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 620
REPRESENTING THE CITY OF CARPINTERIA GENERAL SERVICES
BARGAINING UNIT AND PUBLIC WORKS BARGAINING UNIT**

JUNE 4, 2015

SUBJECT: LEAVE REGULATIONS – SECTION 46 (A) – (I)

The following constitutes the agreement between the SEIU Local 620 and the City regarding the language of Sections 46(A) – (I) of the Memorandum of Understanding. Below shall replace the existing provisions in the Memorandum of Understanding. Sections 46(J) – (M) remain unchanged.

46. LEAVE REGULATIONS

A. ANNUAL LEAVE

Annual leave for regular full-time employees and regular part-time employees is inclusive of all leave benefits (vacation, sick, floating holidays, paid administrative leave and approved paid personal leave), and can be used for vacations, personal time off, sick leave purposes and other time away from work consistent with the terms of this section. As discussed in this section of the MOU, the use of annual leave for ‘Sick Leave Purposes’ means 1) time off to diagnose, care, or treat an existing health condition, or for preventative care for the employee or for the employee’s child, spouse, domestic partner, parent, parent of employee’s spouse or domestic partner, grandparent, grandchild, or sibling; and 2) time off for employees who are victims of domestic violence, sexual assault, or stalking may also use annual leave to seek medical attention, obtain services from a shelter or crisis center, obtain counseling, or go to court.

Employees covered by this Memorandum of Understanding who have served less than thirty (30) days within a year of the commencement of employment in the service of the City are not eligible for annual leave. However, leave credits for the time will accrue for each such regular full-time employee.

B. ANNUAL LEAVE BANK ACCRUAL

Eligible employees will accrue annual leave time based on years of service in accordance with the following established schedule:

LEAVE BANK SCHEDULE

(Days on leave bank schedule are figured as eight (8) hour days)

<u>Years of Service</u>	<u>Accrual</u>	
One through three	144 hours	(18 days)
Four through six	160 hours	(20 days)
Seven through ten	184 hours	(23 days)
Eleven	192 hours	(24 days)
Twelve	200 hours	(25 days)
Thirteen through fifteen	208 hours	(26 days)
Sixteen through eighteen	224 hours	(28 days)
Nineteen or more	232 hours	(29 days)
Thirty years (longevity benefit)	24 additional hours	3 additional days

For employees employed with the City as of July 1, 2015, at the beginning of each fiscal year eligible employees will receive a leave bank equal to his/her annual leave entitlement.

For employees whose employment with the City starts after July 1, 2015, his/her annual leave entitlement for his/her first year of employment shall be based on the number of full months that employee will work for the City prior to the July 1 following their date of hired. For example, if an eligible employee's first day of employment is December 15, her/his annual leave entitlement for their year of employment will be 50% of 144 hours, which equals 72 hours. However, the amount of the leave bank entitled for the first year of employment will not be less than twenty-four (24) hours or three (3) days, whichever is greater. The first year amount of annual leave will be credited to the employee's leave bank after the employee completes thirty (30) days of employment in the service of the City. The amount of annual leave credited to the employee's leave bank for their first year of employment will not be subject to the maximum leave bank accumulation as provided in subsection "F."

Effective the July 1 following the employee's date of hire, and every July 1 thereafter, employees will receive a leave bank equal to his/her annual leave entitlement.

Regular part-time employees who work less than full-time, but are scheduled to work more than 1040 hours a year are eligible for annual leave benefits, and shall be credited leave bank time on a prorated basis.

In the event one or more municipal holidays fall within an authorized leave with pay, such holidays shall not be charged as leave, and the leave shall be extended accordingly.

Accrued leave time can be taken off prior to the date of retirement and used to delay final date of employment if it is requested in writing and approved at least thirty (30) days prior to the scheduled date that such leave would begin.

At the beginning of each fiscal year, regular full-time public works and general service employees will receive sixteen (16) hours of leave in their leave bank in addition to his/her annual leave entitlement set forth above.

C. LEAVE ELIGIBILITY

Employees are eligible to use annual leave benefits beginning on their ninetieth (90th) day of employment.

D. NOTIFICATION FOR USE OF LEAVE BANK

Except for annual leave used for Sick Leave Purposes, in cases of emergency or when the need to use leave time is not otherwise reasonably foreseeable, notification for use of leave bank hours will be as follows:

Employees are required to make written requests through the appropriate supervisory channels for the use of accrued leave time. The written request shall be submitted at least two (2) full working days in advance for leave requests of up to four (4) working days; for leave requests of five (5) working days or more, the written request shall be submitted at least ten (10) working days, but not earlier than ninety (90) calendar days, prior to the beginning date of the requested leave. No use of accrued leave time or related absence is authorized until the employee's written request is approved in writing.

Leave periods shall be scheduled by management to provide adequate staffing. Such scheduling shall be subject to the needs of the City but shall take into account employee seniority and personal preference. The City will make every effort to give maximum possible advance notice to the affected employee in the event scheduled leave must be cancelled or modified due to the needs of the service.

Where use of accrued leave time is requested for Sick Leave Purposes, in cases of emergency or when the need to use leave time is not otherwise reasonably foreseeable, notification for use of leave bank hours will be as follows:

Where the need to use annual leave for Sick Leave Purposes is foreseeable, employees must provide reasonable advance notice, orally or in writing, to their supervisor or Human Resources. If the request for the use of five (5) or more days of leave time is related to planned medical treatment, when possible the employee should make the request for use of leave time at least ten (10) working days in advance. When the need to use annual leave for Sick Leave Purposes is not foreseeable, is being used in cases of emergency or when the need to use leave time is not otherwise reasonably foreseeable, employees are required to notify their supervisor or Human Resources, orally or in writing, as soon as practicable.

E. UNAUTHORIZED LEAVE

An employee's absence shall be unauthorized if the employee does not report his or her absence to his or her supervisor or Human Resources as required under subsection "D" above.

F. LEAVE BANK ACCUMULATION

A maximum of one hundred and twenty hours (15 days), pro-rated for regular part-time employees, of leave accrual will be the maximum allowed for carry-over at the end of a fiscal year, provided however, if at the end of year there are any leave bank hours over 120, the hours will be carried over and a commensurate number of hours shall be deducted from the employee's annual accrual in order that the maximum leave bank accrual not exceed an employee's annual accrual plus 120 hours.

G. LEAVE BANK CASH-OUT/OPTIONS

1. Each employee may cash-out up to eighty (80) hours of any unused leave hours accrued at the beginning of the fiscal year, provided the employee retains an accrued leave balance of at least forty (40) hours in their leave bank. Compensation for such cash-out of unused accrued leave hours will be based on the employee's existing salary at the time the request is made.
2. Further, each employee may direct that all or any portion of the allowed cash-out amount be used to buy benefits offered under the Flexible Benefit Program.

H. TREATMENT OF ACCRUED LEAVE UPON TERMINATION

At the time of termination of employment, employees shall be paid the cash value of all unused accrued leave hours based on the employee's then existing salary rate; or, in the alternative, the employee may exercise the option to invest the cash value of such unused accrued leave hours in the Employee Flexible benefit Program.

If a retiring employee terminates employment during the year and is legally entitled to a distribution of unused leave, the employee may submit, in writing, his or her request for the agency to "hold" payment of his or her accumulated leave until the following year. Such request must be submitted in writing in advance of the date of retirement and requires written approval by the City Manager before any disbursement can be made.

I. PAID SICK LEAVE

1. LEAVE ELIGIBILITY

Part-time employees scheduled to work less than 1040 hours a year, seasonal employees, provisional employees, temporary employees and any other employees other than regular

full-time and regular part-time employees will earn paid sick leave consistent with the following terms. Regular full-time and regular part-time employees are not covered by this section "1."

To be eligible for paid sick leave, covered employees must work at least 30 days within one year of their start date. Covered employees are eligible to use paid sick leave benefits beginning on their ninetieth (90th) day of employment. However, the right to accrue and take paid sick leave does not take effect until July 1, 2015.

2. USE OF PAID SICK LEAVE

Accrued paid sick leave may be used for the Sick Leave Purposes as described in subsection "A" above. Paid sick leave may be used in increments of two (2) hours or more.

Paid sick leave is paid at the employee's regularly hourly rate. Employees whose pay fluctuated in the ninety (90) days preceding the use of leave are paid at the rate equal to their total wages over the preceding 90-day period (not including overtime premium pay) divided by the total hours worked during that period. The employee will be paid for leave when taken no later than the payday for the next regular payroll after the leave was taken.

3. LEAVE ACCRUAL AND ACCUMULATION

Employees accrue paid sick leave at the rate of one (1) hour for every thirty (30) hours worked. Employees hired on or before July 1, 2015 will begin accruing paid sick leave on July 1, 2015. For employees hired after July 1, 2015, they will begin to accrue paid sick leave on their first day of employment.

Covered employees may use accrued paid sick leave up to a maximum of three (3) days or twenty-four (24) hours of paid sick leave per year, whichever is greater. Unused accrued sick leave will carry over to the following year up to a maximum of six (6) days or forty-eight (48) hours, whichever is greater. For purposes of this policy, the "year" for employees hired on or before July 1 is July 1 through June 30, and the "year" for other employees begins on their first day of employment (their "anniversary date").

Covered employees are not paid for unused sick leave at separation of employment or any other time.

4. NOTIFICATION FOR USE OF PAID SICK LEAVE

Where the need to use paid sick leave is foreseeable, covered employees must provide reasonable advance notice, orally or in writing, to their supervisor or Human Resources. When the need to use paid sick leave is not foreseeable, covered employees are required to notify their supervisor or Human Resources, orally or in writing, as soon as practicable.

FOR SEIU LOCAL 620:

Michael Woods 3 June, 2015
Michael Woods Date

Manuel Gonzalez 6/4/15
Manuel Gonzalez Date
Employee Representative

Lorena Esparza 6/4/15
Lorena Esparza Date
Employee Representative

FOR THE CITY:

Dave Durlinger 6/2/15
Dave Durlinger Date

Arlene Balmadrid 6/4/15
Arlene Balmadrid Date