

**SIDE LETTER TO
JULY 1, 2019 TO JUNE 30, 2022
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MURRIETA AND
THE MURRIETA SUPERVISORS' ASSOCIATION
May 2020**

Pursuant to the provisions of the Meyers-Milias Brown Act ("MMBA"), this side letter agreement is entered into by and between the City of Murrieta ("CITY") and the Murrieta Supervisors' Association ("ASSOCIATION"), collectively referred to as the Parties, with regard to the following:

WHEREAS, on October 1, 2019, the City Council adopted Resolution No. 19-4163 approving a Memorandum of Understanding ("MOU") between the CITY and the ASSOCIATION for the period July 1, 2019 through June 30, 2022;

WHEREAS, the CITY and the ASSOCIATION desire to modify Section 1.15 (Holidays) of the MOU;

WHEREAS, subsection D is added to Section 1.15, eliminating Holiday Leave Banks discussed in subsection C effective July 1, 2020;

WHEREAS, the CITY and the ASSOCIATION agree that the new language will supersede any previous agreements, whether oral or written, regarding matters contained herein and will serve as the controlling document for Section 1.15 of the MOU;

WHEREAS, a Cell Phone Allowance section was intended to be included in the MOU as it is listed in MOUs for other employee groups to be provided when the use of a personal cell phone is authorized and required;

WHEREAS, the CITY and the ASSOCIATION have met and conferred in good faith and agree to add Section 1.19.17 Cell Phone Allowance to the MOU;

WHEREAS, all other terms and conditions of the MOU shall remain in full force and effect.

NOW THEREFORE, the Parties have agreed to amend the MOU as follows:

1. The existing language of Section 1.15 Holidays is replaced with the following, adding subsection D:

SECTION 1.15 HOLIDAYS

- A. CITY employees shall be eligible for holidays as prescribed in this section of this MOU.
- B. The approved CITY holidays shall be as follows:
 - (1) January 1st, known as New Year's Day
 - (2) Dr. Martin Luther King Holiday (January)
 - (3) The third Monday in February, known as "Presidents' Day"
 - (4) The last Monday in May, known as "Memorial Day"
 - (5) July 4th, known as "Independence Day"

- (6) The first Monday in September, known as "Labor Day"
- (7) November 11th, known as "Veterans' Day"
- (8) The 4th Thursday in November, known as Thanksgiving Day
- (9) The day after Thanksgiving
- (10) December 24th, known as "Christmas Eve Day"
- (11) December 25th, known as Christmas Day
- (12) December 31st, known as "New Year's Eve Day" **
- (13) One (1) Floating Holiday

** Half Day Holiday.

C. Holiday Leave Bank

For accounting purposes, in fiscal year 2019/20, each employee on a flex schedule shall begin with a bank of one hundred twelve and one half (112.5) hours of Holiday Leave which will be added to the leave balances on the first payday in July. An employee's Holiday Leave Bank shall be reduced by the number of hours taken for each holiday.

Employees are required to use Holiday Leave each time a CITY authorized holiday falls on a day when the employee would normally be scheduled to work. When a CITY authorized holiday falls on a day when a CITY facility is normally closed, an additional day will not be designated as a holiday. When this occurs, no holiday hours will be deducted from employees' Holiday Leave Banks and employees will be able to use them as holiday leave at another time, provided the holiday has already occurred. The Floating Holiday may be used as paid leave at any time during the same fiscal year in which it was credited to the employee's Holiday Leave Bank. Such time must be scheduled in advance and approved by the Department Head with consideration given to sufficient staff being available to continue the efficient operation of the department.

Holidays, excluding the Floating Holiday, occurring during a Leave Without Pay are not earned. An employee on a Leave Without Pay for the entire fiscal year will not earn the Floating Holiday for that same year. Such unearned holiday hours will be deducted from the employees Holiday Leave Bank.

Employees in the position of CAD/RMS Administrator-Public Safety Dispatch Supervisor or Public Safety Dispatch Supervisor may cash out up to forty (40) hours of unused holiday leave hours on the first payday in June and December each year.

Any Holiday Leave Bank hours which are not used by the last payday that ends in June each year shall be forfeited.

Employees beginning employment during the fiscal year will start with a prorated Holiday Leave Bank. Hours will be credited as follows:

- a. Nine (9) hours for each full day CITY authorized holiday that has not yet occurred; and
- b. Nine (9) hours of floating holiday time; and
- c. Four and one-half (4.5) hours for each half day CITY authorized holiday that has not yet occurred (i.e. New Year's Eve Day).

Employees terminating employment with the CITY during the fiscal year will receive payment for unused holiday leave as follows:

- a. Nine (9) hours for each full day CITY authorized holiday that has already occurred during that fiscal year; and
- b. Four and one-half (4.5) hours for each half day CITY authorized holiday that has already occurred during that fiscal year; and
- c. Nine (9) hours for the Floating Holiday if the employee has not yet used their Floating Holiday during that fiscal year.

Necessary adjustments to the Holiday Leave Bank upon termination of employment will be deducted from the final pay check.

D. Elimination of Holiday Leave Bank

The CITY and the ASSOCIATION agree to eliminate the Holiday Leave Bank program under Section 1.15(C), above, effective July 1, 2020. Effective July 1, 2020, CITY-approved holidays under Section 1.15(B) of this MOU will be administered as follows:

Observance: With the exception of the one (1) fixed Floating Holiday, employees will be compensated for fixed holidays listed in Section 1.15(B) as the holidays occur. All fixed holidays will be paid based on the employee's assigned daily work schedule.

Holiday Value: The hour value for each holiday shall be equivalent to the employees' regularly scheduled work period, i.e. if the holiday falls on a regularly scheduled ten (10) hour workday, the employee's time off is ten (10) hours. If the holiday falls on a scheduled eight (8) hour day, the holiday time is eight (8) hours.

Holiday Credit: The one (1) fixed Floating Holiday will be credited to employees on July 1 of each year. The fixed Floating Holiday and any other holiday credit earned during the course of the year may not be used until credited.

Half-Day Holidays: Half-Day holidays shall be observed, and employees shall not be required to work the last half (½) of their scheduled shift that each employee would have worked were the holiday not observed. The hour value for each half (½) shift holiday shall be equivalent to half (½) of the employee's regularly scheduled work period, i.e. if the holiday falls on a regularly scheduled ten (10) hour workday, the employee's time off is five (5) hours. If the holiday falls on a scheduled eight (8) hour day, the holiday time is four (4) hours.

The hours of operation and/or the work schedules of employees may be adjusted on half-day holidays for operational efficiency. Employees will be notified at least fourteen (14) days in advance of such changes.

Procedure if Holiday Falls on Saturday or Sunday: For those employees whose normal workweek is Monday through Friday, when a holiday falls on Saturday, the preceding Friday shall be observed as a holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

Procedure if Holiday Falls on Dark Friday: When a fixed or observed holiday falls on a dark Friday it will be observed on the preceding Thursday.

Procedure if Holiday Falls on Regular Day Off: If a fixed or observed holiday occurs on a day which is the employee's regular day off and the employee is not required to work (on either the fixed or observed date), he/she shall be entitled to a holiday credit in the form of a Floating Holiday at the hour value that is equivalent to the employee's scheduled work period, i.e. for employees on a regularly scheduled ten (10) hour workday, the holiday accrual shall be ten (10) hours. For employees on a regularly scheduled eight (8) hour workday, the holiday credit shall be eight (8) hours. An employee shall only receive one Floating Holiday credit for such holiday.

Employees Required to Work on Holiday: Employees who work the actual or observed holidays listed in Section 1.15(B) shall receive a Floating Holiday for the value of that holiday and be paid at the rate of time and one-half for all hours actually worked on those holidays. An employee who works both an observed and actual holiday shall only be eligible for holiday pay on one (1) such date and shall only receive one Floating Holiday credit.

Use of Floating Holidays: All Floating Holiday hours must be used within the fiscal year in which they are earned. Any Floating Holiday hours remaining on the books at the end of the fiscal year shall be forfeited. Employees in the position of CAD/RMS Administrator-Public Safety Dispatch Supervisor or Public Safety Dispatch Supervisor may cash out up to forty (40) hours of unused holiday leave hours on the first payday in June and December each year.

Pay for Accumulated Floating Holidays: Employees who separate employment shall be paid for all accumulated Floating Holiday hours at his/her rate of compensation applicable at the time he/she leaves the employment of the CITY.

2. Section 1.19.17 Cell Phone Allowance is added to the MOU, as follows:

SECTION 1.19.17 CELL PHONE ALLOWANCE

All unit employees authorized/required to use a personal cell phone in the course and scope of performing their duties shall receive a \$40 per month cell phone allowance. Employees incurring cell phone expense/cost in excess of \$40 per month allowance may submit receipts for reimbursement for amounts above the per month cell phone allowance.

FOR THE CITY:

FOR MSA:

By: Kim Summers
Kim Summers
City Manager

By: Kelly Hungerford
Kelly Hungerford
President, MSA

Date: May 23, 2020

Date: May 21, 2020