

**SIDE LETTER #2 TO
JULY 1, 2019 TO JUNE 30, 2022
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MURRIETA AND
THE MURRIETA SUPERVISORS' ASSOCIATION
December, 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 on May 5, 2020 the City Council adopted Resolution NO. 20-XXX approving a Side Letter modifying Section 1.15 (Holidays) of the MOU, eliminating Holiday Leave Banks effective July 1, 2020;

WHEREAS the CITY and the ASSOCIATION agree that additional clarifying language is required in Section 1.15.D, Procedure if Holiday Falls on Dark Friday and Employees Required to Work on Holiday;

WHEREAS the CITY and the ASSOCIATION agree that the following 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 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:

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. ADMINISTRATION OF HOLIDAYS

Effective July 1, 2020, City-approved Holidays under Section 1.15.B. 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 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 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 except, if the preceding Thursday is also a fixed or observed holiday, the fixed or observed holiday falling on the Dark Friday will be granted as a floating holiday.

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 a full work day on 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. A full workday is defined as the number of work hours comprising the employee's normal workday. Employees who work a partial day, defined as fewer hours than the employees normal work day, shall be paid at the rate of time and one half for all hours actually worked on those holidays and a floating holiday credit equal to the number of hours worked. An employee who works both an observed and actual holiday shall only be eligible for holiday pay on one 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.

D. Public Safety Dispatcher Holiday Bank

Effective in the first full pay period following December 1, 2020, Public Safety Dispatcher Supervisors will receive a Holiday Leave Bank. Employee Banks will be credited twelve (12) hours of leave for each full day holiday and six (6) hours for every half-day holiday scheduled between December 1, 2020 and June 30, 2020. Thereafter, in coordination with the City's fiscal year calendar, eligible employees will receive an annual Holiday Leave Bank on the first payday in July in an amount equal to (12) hours of leave for each full day holiday and six (6) hours for every half day holiday through the following June 30. The number of hours accrued to the Banks is based upon the current dispatch work schedule (3/12). Should the schedule to changed, resulting in a change in hours worked (i.e. 4/10 or 9/80), the number of holiday hours credited will be correspondingly adjusted for any holidays remaining in that accrual year and going forward.

The Dispatch Center operates twenty-four (24) hours a day, seven (7) days a week:

- If an employee is scheduled to work on a holiday and actually works, no hours will be deducted from the Bank and the employee will be compensated at a rate of time and one-half (1.5) for hours actually worked.
- If an employee is scheduled to work on a holiday and is granted time off, hours shall be deducted from the employee's leave bank in an amount equal to the work day.


- If an employee is not scheduled to work on the holiday, the no hours shall be deducted from the employee's Bank and no overtime hours will be earned.

Holiday Leave Bank hours may be used any time after the Holiday has occurred, unless the City Manager has granted an exception. 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 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 employee's Holiday Leave Bank.

Employees can cash out up to forty (40) hours of unused holiday leave hours on the first payday in June and December each year. Any remaining Holiday Leave Bank hours which are not used by the last workday that ends in June each year shall be forfeited. Employees beginning employment during the fiscal year will start with a prorated Holiday Leave bank.

Employees terminating employment with the City during the fiscal year will receive payment for unused holiday leave for each holiday that has already occurred during that fiscal year. Necessary adjustments to the Holiday Leave Bank upon termination of employment will be deducted from the final paycheck.

FOR THE CITY:

By: 
Kim Summers
City Manager

Date: February 3, 2021

FOR MSA:

By: 
Kelly Hungerford
President, MSA

Date: January 8, 2021