

RESOLUTION NO. 2013-78

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE  
MUNICIPAL EMPLOYEES' ASSOCIATION (MEA), BY ADOPTING THE SIDE LETTER OF  
AGREEMENT**

WHEREAS, the City of Huntington Beach elects to permit MEA employees the option to take leave with pay without the use of existing accrual banks for select dates over the period December 24, 26, 27, 30, and 31, 2013 and will permit MEA employees to defer repayment to the City of this compensation as unpaid time over a period of three (3) months; and

WHEREAS, on November 19, 2007, the City Council of Huntington Beach adopted Resolution No. 2007-85 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Municipal Employees' Association (MEA);

Subsequent to the adoption of the MOU, the City of Huntington Beach and MEA agreed to changes, corrections, and clarifications to the MOU that are reflected in a Side Letter of Agreement between the City of Huntington Beach and MEA ("Side Letter Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference. The Side Letter Agreement pertains to Holiday Closure.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Huntington Beach as follows:

- Section 1. The Side Letter Agreement attached hereto as **Exhibit A** is approved and adopted.
- Section 2. The Side Letter Agreement amends the MOU between the City of Huntington Beach and MEA.

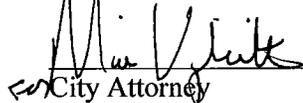
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 16th day of December, 2013.

  
Mayor

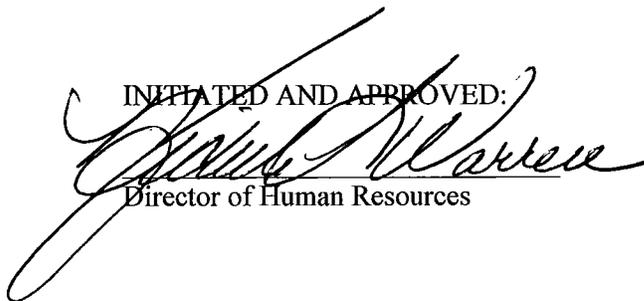
REVIEWED AND APPROVED:

  
City Manager

APPROVED AS TO FORM:

  
City Attorney

INITIATED AND APPROVED:

  
Director of Human Resources

**City of Huntington Beach  
SIDE LETTER AGREEMENT**

**Representatives of the Municipal Employees' Association ("MEA") and the City of Huntington Beach ("CITY") hereby agree to the following terms related to the MEA MOU with respect to the following:**

**Article XII – LEAVE BENEFITS**

A. Leave With Pay

1. General Leave

b. Eligibility and Approval

General Leave must be pre-approved except for illness, injury or family sickness, which may require a physician's statement for approval. General Leave accrued time is to be computed from hire date anniversary. Employees shall not be permitted to take general leave in excess of actual time earned. Employees shall not accrue General Leave in excess of six hundred forty (640) hours. An employee who earns General Leave hours in excess of six hundred forty (640) hours shall be paid the cash value of those additional hours in their paycheck. Employees may not use their General Leave to advance their separation date on retirement or other separation from employment.

- i. **Employees with General Leave accrual balances may elect to request time off with pay (without use of accrued time banks) and may defer reimbursement to the City of this paid leave via future payroll deductions in accordance with the following provisions:**
  - ii. December 24, 26, 27, 30, and 31, 2013, may be taken off with compensation, which will be repaid to the City via future payroll deductions as unpaid time for the dates specified.
  - iii. Employees who are at 640 hours of General Leave accrual (and are receiving GL Overage pay out) as of the beginning of the pay period of December 21, 2013, may not elect future payroll deductions as deferred repayment for the dates specified.
  - iv. Employees must complete and have pre-approved, the "**DEFERRED REPAYMENT Time Off Request Form**" and specify which dates will be taken as future payroll deductions without pay.
  - v. All approved compensated time off to be repaid to the City in future pay periods as payroll deductions without pay will be repaid to the City in equivalent installments each pay period until all time is repaid.
  - vi. Employees requesting future payroll deductions without pay to reimburse the City for compensation received for the dates specified will be required to repay all hours of paid time off **by not later than the pay period ending March 28, 2014.**
  - vii. Employees who initially elect compensated time off to be repaid as future payroll deductions without pay may elect to substitute approved leave accruals (general leave or compensatory time) by submitting the "DEFERRED REPAYMENT Time Off Request Form" to payroll cancelling the deferred repayment without pay option and substituting any accrued time bank in exchange for all remaining hours that have not yet been repaid.
  - viii. The City may require, at the discretion of the department head, certain employees to work a regular or partial schedule on one or more days listed herein. (12/24/13, 12/26/13, 12/27/13, 12/30/13, 12/31/13). Employees required to work will not have those days available as compensated days off which are eligible for deferred repayment without pay.

Time Accounting

- i. Members of this unit will be required to account via payroll, for the appropriate time associated with future payroll deductions as Deferred Repayment Without Pay.
- ii. Payroll accounting for the future payroll deductions associated with "Deferred Repayment Without Pay" not specifically listed herein must be approved by the City Manager or designee.

- iii. The payroll accounting methods listed herein may be used in any approved combination for a period not to exceed three-months or the end of the pay period ending **March 28, 2014**, whichever is later.
- iv. All future payroll deductions associated with "Deferred Repayment Without Pay" hours are to be accounted for via payroll within three-months or the end of the pay period ending **March 28, 2014**.
- v. Any "Deferred Repayment Without Pay" hours not voluntarily accounted for via payroll as of the end of the pay period ending **March 28, 2014**, shall be accounted for in the following order until a zero-balance is achieved:
  - 1. General Leave
  - 2. Compensatory Time
- vi. Employees separating from City service must reconcile all unaccounted "Deferred Repayment Without Pay" hours at time of separation. Time will be accounted for in the following order until a zero-balance is achieved:
  - 1. General Leave
  - 2. Compensatory Time
- vii. Payroll accounting of the "Deferred Repayment Without Pay" shall not impact service for purposes of seniority, shall not affect probationary periods, and shall not affect health or retirement benefits.
  - i. All provisions pursuant to MEA MOU Exhibit E – Leave Benefits 4(a) and 4(b) shall apply.
  - ii. All provisions pursuant to MEA MOU Exhibit F – Leave Benefits 4(a) and 4(b) shall apply.

**Sunset Clause**

All provisions contained in this side-letter agreement pertaining to the option to elect paid leave (without use of accrued time banks) for the dates specified (December 24, 26, 27, 30 and 31, 2013), and the deferred repayment without pay via payroll deduction shall sunset effective March 28, 2014.

**Side-Letter Implementation**

The parties agree that this side-letter agreement and the implementation thereof will not be subject to Personnel Rule 19 – Grievance Procedure/Non-Disciplinary Matters nor Article XIV-Miscellaneous (A) – Grievance Arbitration, or otherwise appealed either administratively or in a court of competent jurisdiction.

IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on DECEMBER 16, 2013.

**Huntington Beach  
Municipal Employees' Association**

*Gregorio Daniel*  
Gregorio Daniel, Teamsters 911

Dated: 12-16-13

*Judy Demers*  
Judy Demers, MEA President

Dated: 12-16-13

**City of Huntington Beach**

*Fred A. Wilson*  
Fred A. Wilson, City Manager

Dated: 12/16/2013

*Michele Warren*  
Michele Warren, Director of Human Resources

Dated: 12/10/13

**APPROVED AS TO FORM:**

*Jennifer M. McGrath*  
Jennifer M. McGrath  
City Attorney

Dated: \_\_\_\_\_

STATE OF CALIFORNIA  
COUNTY OF ORANGE ) ss:  
CITY OF HUNTINGTON BEACH )

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **December 16, 2013** by the following vote:

**AYES:** Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
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City Clerk and ex-officio Clerk of the  
City Council of the City of  
Huntington Beach, California