

RESOLUTION NO. 2014-103

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 implement a holiday closure for the period of noon, Wednesday December 24, 2014, through and including Friday, December 26, 2014 (which includes Christmas Day, December 25, 2014) and noon New Year's Eve, Wednesday December 31, 2014 through and including Friday, January 2, 2015 (including New Year's Day, Thursday, January 1, 2015), which will result in City Hall and other non-essential City of Huntington Beach operations being closed to the public over the specified closure period; and

WHEREAS, the City of Huntington Beach elects to permit MEA employees the option to take paid leave and/or leave without pay for select dates over the period December 24, 26, and 31, 2014, and January 2, 2015, and will permit employees to repay any unpaid leave time over a period of three (3) months; and

WHEREAS, on July 7, 2014, the City Council of Huntington Beach adopted Resolution No. 2014-34 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.

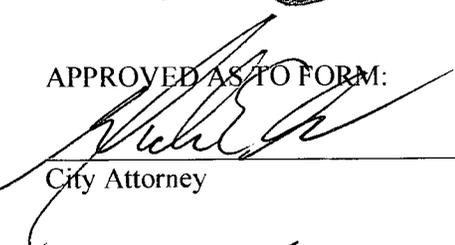
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 15th day of December, 2014.



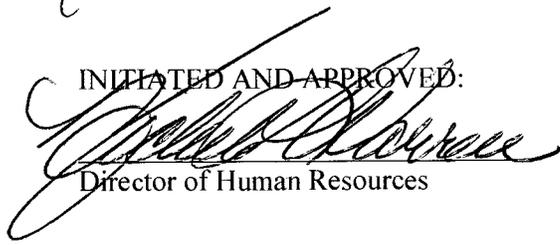
Mayor

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 IX – HOURS OF WORK/OVERTIME

A. Work Schedule

4. Holiday Closure

- a. Noon Wednesday, December 24, 2014, Friday, December 26, 2014, noon Wednesday, December 31, 2014, and Friday, January 2, 2015, will be known and referred to as "**Holiday Closure**" for the dates specified. Some departments will be excluded from the holiday closure and employees must work a normal work schedule.
 - b. Employees will use approved leave accruals (general leave, compensatory time or personal days) or voluntary furlough (unpaid leave) to account for the time away from work during the Holiday Closure.
 - c. Employees who wish to take time off in addition to the Holiday Closure must seek approval to do so from their department head.
 - d. Employees who report to work on December 24, 2014 and December 31, 2014, may opt to leave at noon on those days. Time taken off after noon on 12/24 and/or 12/31 must be documented and accounted for as leave time.
 - e. Employees will not report to work December 26, 2014, and January 2, 2015. The total number of hours of leave charged to Holiday Closure will vary, depending upon the employee's choice to work a full or half day on 12/24/14 and 12/31/14.
 - f. Employees electing to work full days on 12/24/14 and 12/31/14 will only need to account for Holiday Closure time applied to 12/26/14 and/or 1/2/15. Employees electing to request a full day off on 12/24/14 and 12/31/14 must utilize leave for the entire work day and will also need to account for Holiday Closure time applied to 12/26/14 and/or 01/02/15.
 - g. Employees on the 9/80 work schedule A, will not be required to account for Holiday Closure hours for 12/26/14 as this will be considered as the appropriate "Flex" Friday. Employees on the 9/80 work schedule B, will not be required to account for Holiday Closure hours for 01/02/15 as this will be considered as the appropriate "Flex" Friday.
- i. Time Accounting
- a. Members of this unit will be required to account via payroll for the appropriate time associated with the Holiday Closure and any additional elective approved time off.
 - b. The payroll accounting of the holiday closure will include, time off without pay (voluntary furlough), use of approved leave accruals (general leave, compensatory time or personal days) or alternative

equivalent time taken in-lieu of the specific Holiday Closure dates referenced herein. Payroll accounting for the Holiday Closure not specifically listed herein must be approved by the City Manager or designee.

- c. The payroll accounting methods listed herein may be used in any approved combination on or before the end of the pay period ending March 27, 2015.
 - d. Employees without adequate leave accruals may borrow against future accruals earned – up to and including time accrued as of the end of the pay period ending March 27, 2015.
 - e. All Holiday Closure hours are to be accounted for via payroll on or before the end of the pay period ending March 27, 2015.
 - f. Any Holiday Closure hours not voluntarily accounted for via payroll as of the end of the pay period ending March 27, 2015, shall be accounted for in the following order until a zero balance is achieved:
 1. Personal Days
 2. Compensatory Time
 3. General Leave
 4. Time Off Without Pay
- ii. Payroll accounting of the Holiday Closure through voluntary furlough (time off without pay) shall not impact seniority, probationary periods, and health or retirement benefits.

Article XII – LEAVE BENEFITS

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 provisions herein
- ii. 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 20, 2014, may not elect future payroll deductions as deferred repayment for the dates specified.

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.

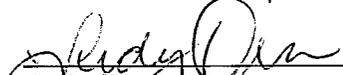
IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on DECEMBER 15, 2014.

**Huntington Beach
Municipal Employees' Association**



Gregorio Daniel
Teamsters 911

Dated: 12/15/14



Judy Demers
MEA President

Dated: 12/10/14

City of Huntington Beach



Fred A. Wilson
City Manager

Dated: _____



Michele Warren
Director of Human Resources

Dated: 12/8/14

APPROVED AS TO FORM:



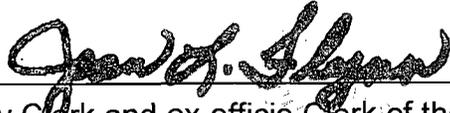
Michael Gates
City Attorney

Dated: 12/8/2014

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 an **Regular** meeting thereof held on **December 15, 2014** by the following vote:

- AYES:** O'Connell, Katapodis, Hardy, Sullivan, Delgleize, Peterson
- NOES:** None
- ABSENT:** Posey
- ABSTAIN:** None



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