

RESOLUTION NO. 2014-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE MANAGEMENT EMPLOYEES' ORGANIZATION (MEO), 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 MEO employees to take paid leave for select dates over the period December 24, 26, and 31, 2014, and January 2, 2015, and

WHEREAS, on March 17, 2014, the City Council of Huntington Beach adopted Resolution No. 2014-13 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Management Employees' Organization (MEO); and

WHEREAS, on August 4, 2014, the City Council of the City of Huntington Beach adopted Resolution No. 2014-57 extending the term of the Memorandum of Understanding between the City and the Management Employees' Organization (MEO); and

Subsequent to the adoption of the MOU and the extension thereof, the City of Huntington Beach and MEO 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 MEO ("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:

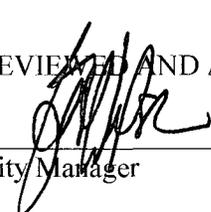
- Section 1. The Side Letter Agreement attached hereto as **Exhibit "A"** is approved and adopted.
Section 2. The Side Letter Agreement amends the MOU between the City of Huntington Beach and MEO.

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 .



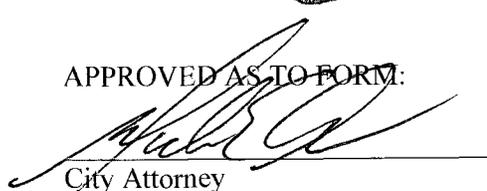
Mayor

REVIEWED AND APPROVED:



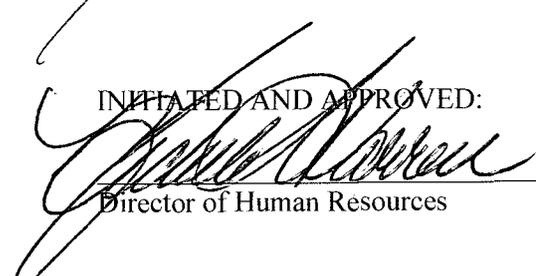
City Manager

APPROVED AS TO FORM:



City Attorney

INITIATED AND APPROVED:



Director of Human Resources

**City of Huntington Beach
SIDE LETTER AGREEMENT**

Representatives of the Management Employees Organization (MEO) and the City of Huntington Beach (CITY) hereby agree to the following terms related to the MEO MOU with respect to the following:

Article IX – HOURS OF WORK/ADMINISTRATIVE LEAVE

B. Administrative Leave

All unit employees shall be entitled to fifty (50) hours of administrative leave per calendar year. Administrative leave shall not carry over to the next year and holds no cash value.

D. Holiday Closure

- i. 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.
- ii. Employees will use approved leave accruals (administrative leave or general leave) to account for the time away from work during the Holiday Closure.
- iii. Employees who wish to take time off in addition to the Holiday Closure must seek approval to do so from their department head.
- iv. 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 December 24, 2014 and/or December 31, 2014 must be documented and accounted for as leave time. 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 December 24, 2014 and December 31, 2014. Employees electing to work full days on December 24, 2014 and December 31, 2014 will only need to account for Holiday Closure time applied to December 26, 2014 and/or January 2, 2015. Employees electing to request a full day off on December 24, 2014 and December 31, 2014 must utilize leave for the entire work day and will also need to account for Holiday Closure time applied to December 26, 2014 and/or January 2, 2015.
- v. Employees on the 9/80 work schedule A, will not be required to account for Holiday Closure hours for December 26, 2014 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 January 2, 2015 as this will be considered as the appropriate “Flex” Friday.

a. Time Accounting

- i. Members of this unit will be required to account via payroll for the appropriate leave time associated with the Holiday Closure and any additional elective approved time off.

- ii. The payroll accounting of the Holiday Closure will include use of approved leave accruals (2014 calendar year administrative leave or general leave) or alternative equivalent time taken in-lieu of the specific Holiday Closure dates referenced herein. Payroll accounting for Holiday Closure time 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.
- iv. All Holiday Closure hours are to be accounted for via payroll effective the pay period ending January 2, 2015.
- v. Any Holiday Closure hours not voluntarily accounted for via payroll as of the end of the pay period ending January 2, 2015, shall be accounted for in the following order until a zero balance is achieved:
 - 1. Administrative Leave
 - 2. General Leave

ARTICLE XII - LEAVE BENEFITS

A. General Leave

2. 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 the employee's anniversary of their hiring date. Employees are not 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.

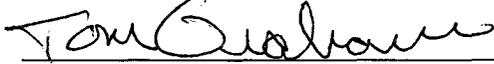
- a.) Employees with General Leave accrual balances may elect to request time off with pay (via the advance use of 2015 Administrative Leave). Employees who elect this option will have his/her 2015 Administrative Leave allocation REDUCED by the amount of any advance use of 2015 Administrative Leave for the pay period ending January 2, 2015.
- b.) 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 the advance use of 2015 Administrative Leave for any of the dates specified herein.

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 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
Management Employees Organization**



Tom Graham
President

Dated: 12/11/14



Scott Smith
Vice-President

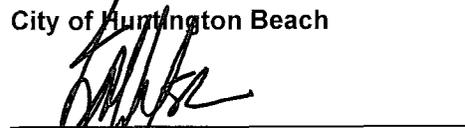
Dated: 12-11-14

Aaron Peardon
OCEA Representative

Dated: _____

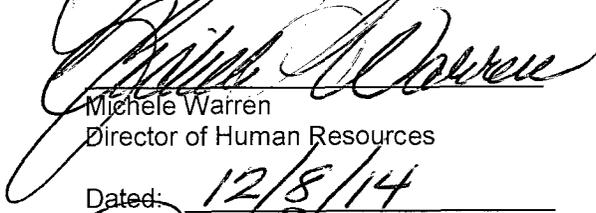
COUNTERPART

City of Huntington Beach



Fred A. Wilson
City Manager

Dated: _____



Michele Warren
Director of Human Resources

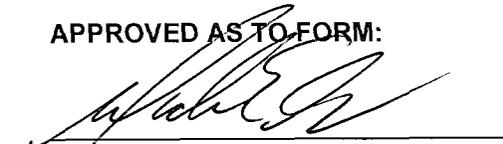
Dated: 12/8/14



Kerri Dorn
Assistant City Manager

Dated: 12-8-14

APPROVED AS TO FORM:



Michael Gates
City Attorney

Dated: 12/8/2014

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 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
Management Employees Organization**

City of Huntington Beach

Tom Graham
President

Fred A. Wilson
City Manager

Dated: _____

Dated: _____

Scott Smith
Vice-President

Michele Warren
Director of Human Resources

Dated: _____

Dated: _____



Aaron Peardon
OCEA Representative

Ken Domer
Assistant City Manager

Dated: 12/12/14

Dated: _____

COUNTERPART

APPROVED AS TO FORM:

Michael Gates
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 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