

RESOLUTION NO. 2018-86

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 AGREEMENT RELATED TO 2018 HOLIDAY CLOSURE

WHEREAS, the City of Huntington Beach elects to implement a holiday closure for the period of Monday December 24, 2018, (including Christmas Day, Tuesday, December 25, 2018), and Monday December 31, 2018 (including New Year's Day, Tuesday, January 1, 2019), 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 to take paid leave for select dates over the period December 24, 2018 and December 31, 2018, and

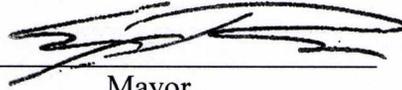
WHEREAS, on November 5, 2018, the City Council of Huntington Beach adopted Resolution No. 2018-63 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Municipal Employees' Association (MEA); and

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 2018 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 17th day of December, 2018 .

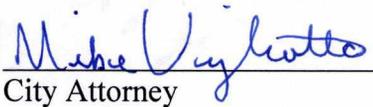


\_\_\_\_\_  
Mayor

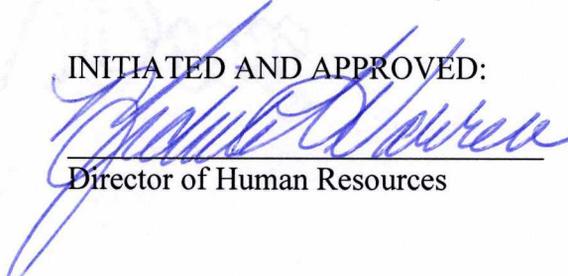
REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
For City Attorney

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Human Resources

## City of Huntington Beach and MEA 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. Monday, December 24, 2018 (Christmas Eve), Tuesday, December 25, 2018 (Christmas Day), Monday, December 31, 2018 (New Year's Eve), and Tuesday, January 1, 2019 (New Year's Day), will be known and referred to as "Holiday Closure" for the dates specified. Some departments, at the discretion of the Department Director and with the approval of the City Manager, will be excluded from the holiday closure, and those select employees must work as scheduled. Public Safety operations are not impacted by the Holiday Closure. Police and Fire Personnel are required to report to work as scheduled on 12/24 and 12/31, unless otherwise advised by the Police Chief or Fire Chief.
- b. Employees will use approved leave (Personal Leave, General Leave or Compensatory Time) to account for the time away from work during the Holiday Closure. Holiday Closure days requiring use of leave include Monday, December 24, 2018 and Monday, December 31, 2018.
- c. Employees who wish to take time off in addition to the Holiday Closure must seek approval to do so from their Department Director.
- d. Employees working 8/5, 9/80, and Monday-Thursday 4/10 work schedules will need to account for Holiday Closure time applied to Monday, 12/24/18 and Monday, 12/31/18 depending upon work schedules.
  - i. Employees on 4/10 schedules (Tuesday - Friday) are not impacted.
  - ii. Tuesday, 12/25/18 and Tuesday, 01/01/19 are (paid) City Holidays.

##### 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, use of approved leave (Personal Days, General Leave, or Compensatory Time) or alternative equivalent time taken in-lieu of the specific Holiday Closure dates referenced herein for employees required by the Department Director to work. 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 January 11, 2019.
- d. Any Holiday Closure hours not voluntarily accounted for via payroll as of the end of the pay period ending January 11, 2019, shall be accounted for in the following order until a zero balance is achieved:
  1. Personal Leave
  2. General Leave
  3. Compensatory Time
  4. Time Off Without Pay

### City of Huntington Beach and MEA SIDE LETTER AGREEMENT

ii. Payroll accounting of the Holiday Closure shall not impact seniority, probationary periods, and health or retirement benefits.

#### 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 17th, 2018.

**Huntington Beach  
Municipal Employees' Association**

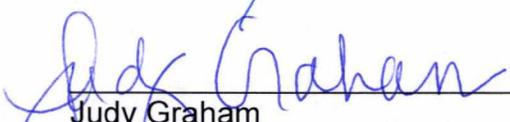
**City of Huntington Beach**

  
\_\_\_\_\_  
Gregorio Daniel  
Teamsters 911

  
\_\_\_\_\_  
Fred A. Wilson  
City Manager

Dated: 11/25/18

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

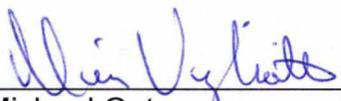
  
\_\_\_\_\_  
Judy Graham  
MEA President

  
\_\_\_\_\_  
Michele Warren  
Director of Human Resources

Dated: 11/30/18

Dated: 11/28/18

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Michael Gates  
City Attorney

Dated: 12-4-18

Res. No. 2018-86

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

I, ROBIN ESTANISLAU, 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 17, 2018** by the following vote:

**AYES:**        Brenden, Carr, Semeta, Peterson, Posey, Delgleize, Hardy  
**NOES:**        None  
**ABSENT:**    None  
**RECUSE:**    None



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