

**SIDE LETTER BETWEEN CITY OF SAN PABLO
AND SAN PABLO POLICE EMPLOYEES ASSOCIATION
RE: HOLIDAY PAY**

WHEREAS, the City of San Pablo ("City") and the San Pablo Police Employees' Association ("SPPEA" or "Association"), (collectively the "parties"), have entered into a Memorandum of Understanding (MOU) covering a term of July 1, 2022 through June 30, 2027;

WHEREAS, in 2022, the parties agreed to modify Section 13 of the MOU regarding Holidays to provide clarification on holiday pay;

WHEREAS, the interpretation of the revised holiday pay provisions created confusion between the parties, and the parties ultimately agreed to revert to the holiday pay system provided in the 2021 MOU;

WHEREAS, the parties now agree that the 2021 holiday pay model will be modified to better reflect the current practice;

NOW THEREFORE, the parties hereby agree to modify Section 13 of the Memorandum of Understanding between the parties as follows:

SECTION 13. HOLIDAYS

13.1 City Paid Holidays Observed

The City shall ~~observe~~recognize the following ~~fifteen~~fourteen (14~~5~~) paid ~~H~~holidays:

1. January 1 - New Year's Day
2. January - Third Monday - Martin Luther King Birthday
3. February - Third Monday - Presidents' Day
4. May - Last Monday - Memorial Day
5. June 19 - Juneteenth
6. July 4 - Independence Day
7. September - First Monday - Labor Day
8. October - Second Monday - Indigenous Peoples' Day~~Columbus Day~~
9. November 11 - Veterans' Day
10. and 11. November - Fourth Thursday and Friday - Thanksgiving and the day after Thanksgiving
12. December 24 - Christmas Eve Day
13. December 25 - Christmas Day
14. December 31 - New Year's Eve Day

The value of each holiday shall be ten (10) hours for employees assigned to the 4/10 work schedule, and twelve and one half (12.5) hours for employees assigned to the 3/12.5 work schedule.

In addition to the above fourteen (14) paid holidays, employees will earn one (1)

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Floating Holiday in the amount of ten (10) hours for employees assigned to the 4/10 work schedule, and twelve and one half (12.5) hours for employees assigned to the 3/12.5 work schedule. (Pay Code FH). ~~to Unused floating holiday time will be added to vacation time on an annual basis every July 1st, beginning each July.~~

New employees shall be credited a prorated amount of Floating Holiday hours based on hire date as follows:

<u>Hire Date</u>	<u>Hours Credited</u>
Jul 1 through Sep 30	100% of floating holiday hours
Oct 1 through Dec 31	75% of floating holiday hours
Jan 1 through Mar 31	50% of floating holiday hours
Apr 1 through Jun 30	0

~~The value of each holiday shall be ten (10) hours for employees assigned to the 4/10 work schedule, and twelve and one half (12.5) hours for employees assigned to the 3/12.5 work schedule.~~

13.2 Employees in an Assignment who are Not Normally Required to Work on Paid Holidays

A. Holiday Paid Time Off: Employees who are not normally required to work on paid holidays, who are in full paid status (including use of accrued paid leave) for the pay period in which the holiday(s) fall, shall receive paid holiday time off at their straight time rate for the number of hours of their normal shift (8, 10 or 12.5 hours) on the observed holiday. (Pay Code HO).

B. Holidays Falling on Regular Day(s) Off: ~~Non-sworn~~ Employees who are not normally required to work on paid holidays, excluding the Police Services Technician in the Jailer assignment, who work a normal work week of Monday through Thursday will celebrate/recognize holidays in the following manner:

1.A. If a holiday falls on a Sunday, the following Monday is considered as the holiday;

2.B. If the holiday falls on a Saturday, the ~~proceeding~~preceding Thursday is considered as the holiday;

3C. If the holiday falls on a Friday, the ~~proceeding~~preceding Thursday is considered as the holiday;

If consecutive holidays fall on a Friday and Saturday (e.g., December 24th and 25th), concurrently the Friday will be observed on the ~~proceeding~~preceding Wednesday and the Saturday holiday will be observed on the ~~proceeding~~preceding Thursday. (Pay Code HO)

Employees who are not normally required to work on paid holidays, who work a normal work week of Tuesday through Friday will celebrate/recognize

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holidays in the following manner:

1. If the holiday falls on a Saturday, the preceding Friday is considered as the holiday;
2. If a holiday falls on a Sunday or Monday, the following Tuesday is considered as the holiday;

***If consecutive holidays fall on a Sunday and Monday (e.g., December 24th and 25th), the Sunday will be observed on the following Tuesday and the Monday holiday will be observed on the following Wednesday. *** (Pay Code HO)

C. Time Worked on an Observed Holiday

The Captain shall determine employees required to work on an observed holiday.

If a holiday is observed on a day that is not a court holiday, one Police Administrative Clerk assigned to the Records Division will be designated to come in by the head of Division. (Police Support Supervisor or Police Support Services Manager).

Employees who are not normally required to work on paid holidays and who are required to work and actually work on an observed holiday, as listed above in Section 13.1 (not including the floating holiday), shall be paid their regular straight pay for time worked, in addition to holiday bank time for such holiday (8, 10, or 12.5-hour shift). (Pay Code HENP).

D. Time Worked on an Actual Holiday: (Moved from below) The Captain shall determine employees required to work on an actual~~designated~~ holidays.

If an actual holiday ~~is observed~~falls on a day that is not a court holiday, one Police Administrative Clerk assigned to the Records Division will be designated to come in by the head of Division. (Police Support Supervisor or Police Support Services Manager).

Employees who are not normally required to work on paid holidays and who are required to work and actually work on an ~~observed~~actual holiday, as listed above in Section 13.1 (not including the floating holiday), shall be paid straight time pay (including special assignment and incentive pays) plus one half of their base rate for time worked (one-half coded using Pay Code AHNP) at the rate of one and one half (1 ½) times their regular hourly rate for the hours worked, in addition to holiday bank time for such holiday (8, 10, or 12.5-hour shift). (Pay Code HENP).

Overtime Payment is received in the pay period when the holiday occurs.

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Employee may elect to receive compensatory time off in lieu of cash overtime payments.

E. In no case will the employee receive holiday bank time twice, or holiday time off plus holiday bank time, for the same holiday, except in the event an employee who is not normally required to work on paid holidays takes holiday time off on an observed holiday and then is called in to work on the actual holiday which is the employee's normal day off.

13.23 Employees in an Assignment who are Normally Required to Work on an Observed Paid Holidays~~Holiday Rate of Pay~~

~~The parties mutually agree to reopen this section 13.2 during the term of the agreement. No change to the current practice of compensation for holidays shall be made absent mutual agreement of the parties.~~

~~Patrol Division personnel shall be considered essential personnel for the purpose of reporting holiday pay to CalPERS. Payments will be handled in accordance with CalPERS regulations. The City shall report holiday pay to CalPERS in accordance with California Public Employees' Retirement Law.~~

A. Holiday Bank Time

Full time Patrol Division personnel and the Police Services Technicians in the Jailer assignment are normally required to work on actual, paid holiday because they work in positions that require scheduled staffing without regard to holidays.

Instead of holiday time off, full time Patrol Division personnel and the Police Services Technicians in the Jailer assignment who are in full paid status (including use of accrued paid leave) for the pay period in which the holiday falls, shall earn the number of hours corresponding to the employee's regular work shift (8, 10, or 12.5 hours) placed in a holiday bank for each actual holiday listed in Section 13.1 (not including the floating holiday). Full time Patrol Division personnel and the Police Services Technicians in the Jailer assignment earn Holiday Bank Pay for each holiday regardless of whether the employee is regularly scheduled to work on the holiday. (Pay Code HE).

Holiday Bank Time (paid at straight time) are to be received twice a year: on or about June 5th and on or about December 5th. Holiday bank payments shall be paid by direct deposit. Holiday Bank Time will not be subject to the special assignment and incentive pay cap described in Section 4.3 of the MOU between the City and SPPEA.

B. Pay when Regularly Scheduled to Work on an Actual Holiday

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Full time Patrol Division personnel and the Police Services Technicians in the Jailer assignment who are regularly scheduled to work on an actual holiday, and do work on the holiday, will receive their straight time pay (including special assignment and incentive pays) plus one half of their base rate for time worked (one-half coded using Pay Code AHP). Payment for time worked will be paid in the pay period when the holiday occurs.

C. Only full time Patrol Division personnel and the Police Services Technicians in the Jailer assignment are permitted to use Pay Codes HE and AHP.

D. Time Off on an Actual Holiday When Scheduled to Work

Full time Patrol Division personnel and the Police Services Technicians in the Jailer assignment who request time off on a holiday for which they are regularly scheduled to work will be required to use accrued paid leave for the time off in accordance with City policies.

E. Pay for Overtime Worked on an Actual Holiday

Full time Patrol Division personnel and the Police Services Technicians in the Jailer assignment, who are not regularly scheduled to work on an actual holiday, but who work overtime on an actual holiday, as listed above in Section 13.1 (excluding the floating holiday), shall be paid at the rate of one and one half (1 ½) times their regular hourly rate for the hours worked. Payment for time worked will be paid in the pay period when the holiday occurs. The employee may elect to receive compensatory time off in lieu of cash overtime payments. (Pay Code OT).

~~C. In addition, the employee shall earn the number of hours corresponding to the employee's regular work shift (8, 10, or 12.5 hours) placed in a holiday bank for each full holiday the employee is required to work during the year (8, 10, or 12.5-hour shift). If the employee works a partial holiday during their regular shift, the employee shall accrue the number of hours worked on the holiday, which shall be placed in the holiday bank. Holiday bank hour payments (paid at straight time) are to be received twice a year: on or about June 5th and on or about December 5th. Holiday bank hour payments shall be paid by direct deposit~~

~~—Employees Working on Observed Holidays~~

~~A. In addition, the employee shall earn the number of hours corresponding to the employee's regular work shift (8, 10, or 12.5 hours) placed in a holiday bank for each full holiday the employee is required to work during the year (8, 10, or 12.5-hour shift). If the employee works a partial holiday during their regular shift, the employee shall accrue the number of hours worked~~

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~~on the holiday, which shall be placed in the holiday bank. Holiday bank hour payments (paid at straight time) are to be received twice a year: on or about June 5th and on or about December 5th. Holiday bank hour payments shall be paid by direct deposit.~~

~~D. The following table summarizes holiday compensation for an employee assigned to a 4/10 and 3/12.5 hour work shift:~~

~~Employees working their regular full shift or working a full overtime shift on a holiday:~~

Regular Shift or Overtime Shift	Hours Placed in Holiday Bank	Overtime Pay or Comp Time	Total Hours Earned
10.00	10.00	15.00	25.00
12.50	12.50	18.75	31.25

~~* Employees working an overtime shift on a holiday shall earn the number of Holiday Bank hours associated with the shift and be paid their overtime rate, an amount equal to one and one-half (1-1/2) times the prevailing hourly rate of pay.~~

~~* Employees working a special event or a partial over time shift on a holiday, shall be paid their overtime rate for hours worked and they shall earn the number of Holiday Bank hours associated with their regular shift.~~

~~* Employees working less than a full regular shift, which is outside of any overtime shift, shall receive Holiday Bank hours equivalent to the number of hours actually worked, up to the amounts indicated above (see Section 13.2.C).~~

~~Employees Not Working on Observed Holidays~~

~~A. Employees who are on scheduled days off or other off duty paid leave status including Workers Compensation Disability Leave, shall be paid at straight time for all holidays that occur during such leave.~~

~~B. Said employees do not receive any additional pay for holidays not worked.~~

~~Employees not working their regular full shift on a holiday and the holiday falls on a regularly scheduled day off:~~

Work Schedule	Holiday Bank (HE)
10.00	10.00
12.50	12.50

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Employees on vacation leave or sick leave during a holiday:

Work Schedule	Holiday Off (HO)	Holiday Bank (HE)	Total Hours
10.00	10.00	0.00	10.00
12.50	12.50	0.00	12.50

13.43 Unpaid Leave

An employee on unpaid leave shall not accrue paid leaves (including sick leave, vacation, or holiday pay) unless required by law.

SO AGREED:
FOR THE CITY



Signature

Kelly Tuffo, Liebert Cassidy Whitmore

Name

August 30, 2024

Date

FOR SPPEA



Signature

Joe Higby, Rains Lucia Stern St. Phalle & Silver

Name

September 11, 2024

Date: