

SIDE LETTER OF AGREEMENT

BETWEEN

CITY OF MANHATTAN BEACH

AND

THE MANHATTAN BEACH POLICE MANAGEMENT ASSOCIATION

This Side Letter of Agreement (Agreement) between the City of Manhattan Beach (“City”) and the Manhattan Beach Police Management Association (“MBPMA”), collectively “Parties”, is entered into with respect to the following:

WHEREAS, the City and the MBPMA are currently parties to a Memorandum of Understanding (MOU) with a term of January 1, 2022 through June 30, 2025; and

WHEREAS, the City Council authorized changes to benefits and other terms and conditions of employment during the term of the parties’ MOU in order to provide additional recruitment and retention incentives; and

WHEREAS, the parties have met and conferred on these changes; and

WHEREAS, the following sets forth the Parties’ Agreement:

1. Effective the pay period that includes January 1, 2024, each employee in the MBPMA will receive a new Paid Time Off (PTO) leave bank of 100 hours. The PTO bank is non-cashable and must be used on or before December 31, 2025. Any employee promoted into the unit who received the PTO bank as part of the Police Officers’ Association will not receive a new bank of PTO hours.
2. The parties agree to modify Chapter 4 of their MOU as follows:

CHAPTER 4 – LEAVES OF ABSENCE

ARTICLE 15: LEAVES OF ABSENCE

1) General Leave

- a) General Leave Accrual and Caps: General Leave is provided to employees as paid time off of work for vacations and sick leave. General Leave shall be earned for continuous periods of City of Manhattan Beach service (including full-time, non-sworn service), plus total full-time equivalent sworn law enforcement experience (as defined by California Penal Code sections 830.1, 830.2, 830.32 and 830.33 or the out-of-state equivalent). Should there be any question as to whether prior sworn law enforcement experience should apply to the vacation accrual, the determination will be made by the Police Chief, subject to the review and approval of the Human Resources Director.

Accrual rates and maximum accrual levels are as follows:

<u>Time Employed with the City of MB plus total sworn LE service</u>	Annual Accrual	Biweekly Accrual	Maximum Accrual
0 – 5 full years	200 hours	7.692 hours	600 hours
> 5 years to 10 full years	240 hours	9.231 hours	720 hours
>10 full years	280 hours	10.769 hours	840 hours

As indicated in the above chart, employees may accumulate up to three times their annual accrual of general leave. If an employee reaches the general leave accrual maximum, that employee will not accumulate further leave until such time that the employee's accrual rate returns to below the maximum amount. Under special circumstances, and with City Manager approval, an employee may be allowed to accrue over the maximum on a temporary basis.

- b) Conversion of Vacation and Sick Leave: Employees who have been promoted to a position within the unit from a position that accrues vacation and sick leave will have their existing leave accruals converted as follows:
1. Vacation leave will be converted to General Leave.
 2. Sick leave hours will be frozen and may only be used in the following circumstances:
 - i. For any illness or non-work related injury that causes an employee to be out for ten (10) consecutive working days or more. Absences for the first ten days will initially be charged to General Leave. Following 10 consecutive working days, the General Leave will be reinstated and the sick leave will be used retroactive to the first day of the absence. Sick leave may then be used for the duration of the absence or until exhausted
 - ii. For illness or injury of any length when general leave is exhausted.

Employees who retire from the City with frozen sick leave hours will have their sick leave converted to service credit in accordance with the City's contract with CalPERS.

- c) Use of General Leave: Accrued General Leave may be used as earned for vacation, personal time off or for any reason that would qualify for sick leave pursuant to City policy or as required by applicable law. Approval of requests to use General Leave for vacation or personal time off is at the sole discretion of the Police Chief or their designee, subject to operational feasibility and assuring continuity of services.

Employees wishing to use General Leave for vacation, personal reasons, and sick leave where advance notice is possible (e.g., prescheduled doctor's appointments or procedures) should request such leave as far in advance as they are able, in accordance with department procedures.

Employees wishing to use General Leave for sick leave purposes in cases where such advanced notice is not possible or practical should inform their supervisor such leave is needed (e.g., "calling in sick" for themselves or a family member). Requests for General leave to be used for sick leave purposes will be reviewed and granted consistent with applicable law.

When an employee uses general leave for a purpose which qualifies for leave per the Federal Family and Medical Care Leave Act (FMLA) and/or the State California Family Rights Act (CFRA) or is disabled by pregnancy, the City may run the employee's FMLA/CFRA leave and/or Pregnancy Disability Leave (PDL) concurrently with the general leave. In addition, if an employee uses FMLA/CFRA or PDL for a purpose which these laws would entitle the City to require the use of general leave the City may do so.

- d) General Leave Cash Out: On or before the pay period which includes December 15 of each calendar year, an employee may make an irrevocable election to cash out up to one hundred and twenty (120) hours of accrued general leave which will be earned in the following calendar year at the employee's base rate of pay. On the pay day for the first pay period in December each year in the following year, the employee will receive cash for the amount of General Leave the employee irrevocably elected to cash out in the prior year. However, the employee's General Leave balance cannot be reduced below 80 hours. Thus, if by receiving cash for employee's General Leave, the employee's General Leave balance is less than 80 hours, the employee will receive cash (up to a maximum 120 hours) for the amount above 80 hours.

When an employee leaves City employment, the employee will be paid for their General Leave at their current base rate of pay.

2) Administrative Leave

On January 1 of each year, each employee will have administrative leave added to their administrative leave bank so that they have exactly twenty-eight (28) hours of administrative leave in their bank. Administrative leave has no cash value and cannot be cashed out. It can be used in the same manner as General Leave by requesting it of the Police Chief or their designee.

3) Holidays

- a) Employees will receive 110 hours paid holidays each calendar year. Holiday leave shall vest at the rate of 4.231 hours each bi-weekly pay period, however, each employee's holiday leave bank shall be advanced the entire year's accumulation (110 hours) in the pay period including January 1st of each calendar year.
- b) When an employee separates from City employment, they will be paid for the unused pro-rata portion (i.e., what they have earned to that point in the year) of the holiday leave hours for that calendar year. Any holiday leave that has been advanced (used but not accrued) will be

deducted from the employee's final paycheck (if the final check is not sufficient to cover the cost of the advanced leave, the City reserves the right to collect the monies owed).

- c) Employees may use their holiday leave hours within the calendar year they are earned. At the end of the pay period that includes January 1st of each calendar year, any holiday leave not used will be cashed out, and a new leave bank of 110 hours will be added.

4) Birthday Holiday

Beginning January 1, 2024, each employee will receive one day (equivalent hours to the employee's normal work shift, for example 12.5 hours for employees working a 3/12.5 + 10 and 10 hours for employees working a 4/10) as a "birthday holiday". The employee may utilize their birthday holiday 1) on any day in their birthday month or 2) on any day within the pay period of, immediately before, or immediately after their birthday. The birthday holiday should be requested in the same manner vacation is requested and is subject to supervisor approval. The birthday holiday is non-cashable and cannot be carried forward if it is not used in the specific time period.

3) Christmas Eve and New Year's Eve

Beginning in calendar year 2024, City Hall and other facilities observing City Hall hours will close at noon on Christmas Eve and New Year's Eve. Subject to the discretion of the Police Chief based on operational feasibility, employees assigned to work on either holiday whose presence is not required for field coverage (e.g. employees in administrative assignments) may be released to leave work and receive paid holiday leave for the remainder of their work hours. Employees taking paid leave for all or part of the holiday will not receive this holiday closure pay.

4) 4) Bereavement Leave

An employee may use up to 40 total hours of bereavement leave per calendar year for grieving, receiving counseling, making arrangements, or carrying out last wishes as a result of the death of a member of the employee's immediate family (i.e., the employee's husband, wife, parent, registered domestic partner, brother, sister, child, mother-in-law, father-in-law, sister-in-law, brother in law, foster child, foster parent, grandparent or grandchild). If an employee experiences the death of more than one family member, the employee may request an exception to use additional 40 hours of bereavement leave, subject to verification and approval of the Human Resources Department.

2) 5) Workers' Compensation Leave

Employees in the unit are eligible to receive salary continuation in accordance with Labor Code section 4850.

3) 6) Military Leave

Employees in the unit shall enjoy military leave rights and benefits in accordance with both state and federal law.



4) 7) Leave of Absence Without Pay

The City Manager may grant an employee of the unit a leave of absence without pay for up to one year at their discretion. Such a leave will not be granted unless the employee has exhausted all other accrued leaves. An employee who fails to promptly return from a leave without pay may be subject to termination.



5) 8) Jury Duty

It is the City's policy to provide up to 80 hours paid leave time to full-time employees summoned for jury duty in accordance with the City Policy on jury duty. Officers summoned to appear in court for jury duty purposes shall notify their supervisor when so summoned and will be required to provide court documentation of such appearance.

FOR THE CITY OF MANHATTAN BEACH

DocuSigned by:  D1A13C56864A441... Bruce Moe City Manager	12/21/2023 _____ Date
DocuSigned by:  B419676654F642A... Lisa Jenkins Human Resources Director	12/21/2023 _____ Date

FOR THE MANHATTAN BEACH POLICE MANAGEMENT ASSOCIATION

DocuSigned by:  E60B6B510472435... Andrew Enriquez President	12/20/2023 _____ Date
DocuSigned by:  0346DD0C177C40A... Matt Sabosky Vice President	12/21/2023 _____ Date

APPROVED AS TO FORM

DocuSigned by:

Peter J. Brown, LLW

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Peter Brown

Liebert Cassidy Whitmore

12/21/2023

Date