

**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**

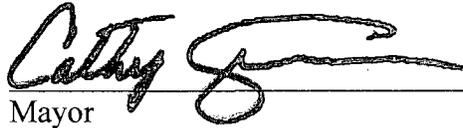
WHEREAS, on November 19, 2007, the City Council of Huntington Beach adopted Resolution No. 2007-85 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Municipal Employees' Association (MEA); and

WHEREAS, 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 temporary suspension of payment of General Leave earned in excess of six hundred forty (640) hours.

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 1st day of March.

  
\_\_\_\_\_  
Mayor

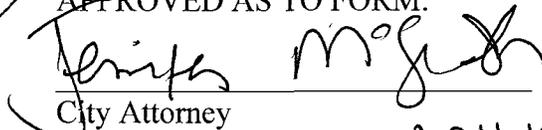
REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED:

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

APPROVED AS TO FORM:

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

2.24.10

**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 XII – LEAVE BENEFITS**

A. 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. Effective the pay period beginning March 6, 2010, and continuing until the end of the pay period which includes September 30, 2011, employees shall not accrue General Leave in excess of seven hundred (700) hours. Employee's will not earn General Leave hours in excess of seven hundred (700) hours and shall not be paid the cash value of any additional hours beyond seven hundred (700) in their paycheck for the full duration of the time provided herein. Employees may not use their General Leave to advance their separation date on retirement or other separation from employment.

The provisions contained in this side letter will expire effective October 1, 2011, and the parties agree to return to the original language contained in *Article XII, Section 1 – General Leave, (b.) Eligibility and Approval* of the MEA Memorandum of Understanding as of July 1, 2007. However, all General Leave accruals exceeding 640 hours as of October 1, 2011 will not be eligible for cash-out at separation or for overage payment. Employees separating City service shall be limited to 640 hours of General Leave as final pay out. Employees will have until the end of the pay period that includes December 31, 2011, to use any hours above 640. All hours above 640 not utilized by the end of the pay period that includes December 31, 2011 shall be forfeited.

**Side-Letter Implementation**

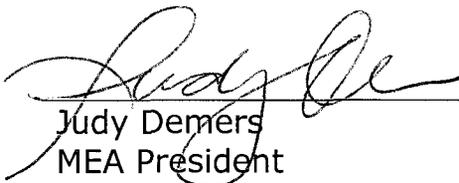
The parties agree that this side-letter agreement and the implementation thereof will not be subject to Personnel Rule 19 – Grievance Procedure/Non-Disciplinary Matters nor Article XIV-Miscellaneous (A) – Grievance Arbitration, or otherwise appealed either administratively or in a court of competent jurisdiction.

IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on MARCH 01, 2010.

**Huntington Beach  
Municipal Employees'  
Association**

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

Dated: 2/11/10

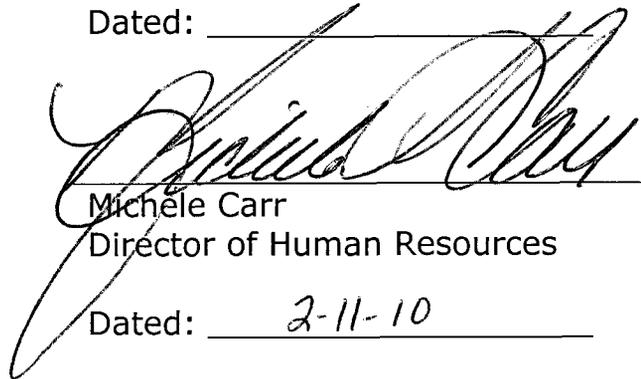
  
\_\_\_\_\_  
Judy Demers  
MEA President

Dated: 2-11-10

**City of Huntington Beach**

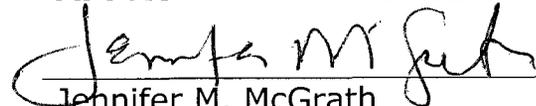
  
\_\_\_\_\_  
Fred A. Wilson  
City Administrator

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

  
\_\_\_\_\_  
Michele Carr  
Director of Human Resources

Dated: 2-11-10

**APPROVED AS TO FORM:**

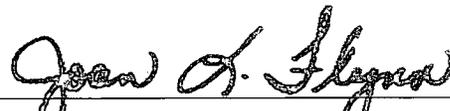
  
\_\_\_\_\_  
Jennifer M. McGrath  
City Attorney

Dated: 2.24.10

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 **March 1, 2010** by the following vote:

**AYES:**       Carchio, Coerper, Hardy, Green, Bohr, Dwyer, Hansen  
**NOES:**       None  
**ABSENT:**   None  
**ABSTAIN:**  None



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