

**SIDE LETTER OF AGREEMENT – HOLIDAY LEAVE**

**City of Gardena**

**And**

**Gardena Police Officers Association**

**July 10, 2024**

The City of Gardena ("City") and the Gardena Police Officers Association ("GPOA") (collectively the "Parties") hereby enter into this Side Letter of Agreement ("Agreement") and hereby agree to the following:

1. On or around August 1, 2019, the Parties entered into a Memorandum of Understanding ("MOU") with the effective dates of August 1, 2019 to July 31, 2024. On or around May 16, 2020, the Parties entered into a Side Letter that modified the terms of the MOU. Under the terms of the MOU and the May 16, 2020 Side Letter, GPOA members can accrue holiday leave and sell back accrued holiday leave.
2. To clarify that the Holiday Leave Buy-Back is only for holiday leave accrued during that calendar year, the Parties agree to modify Article II, Section 16 and Article IV, Section 8 as follows:

**REMOVE Article II, Section 16, Subdivision A, Paragraph 2.**

**REPLACE Article IV, Section 8 with the following:**

**SECTION 8. HOLIDAY LEAVE**

**A. HOLIDAY LEAVE EARNED**

- 1) These hours earned (hereinafter referred to as "holidays") are in lieu of legal holidays or other holidays. Use of such holidays shall be in increments of hours.
- 2) Employees will receive 12.31 hours for each recognized City holiday.
- 3) The City recognized holidays are as follows:
  - New Year's Day: January 1 or the first regular City Hall workday of the year
  - Martin Luther King Jr. Birthday: Third Monday of January
  - Presidents Day: Third Monday of February
  - Memorial Day: Last Monday of May
  - Juneteenth: June 19
  - Independence Day: July 4
  - Labor Day: First Monday of September
  - Veterans Day: November 11
  - Thanksgiving Day: Fourth Thursday of November
  - Friday after Thanksgiving Day
  - Christmas Eve: December 24

- Christmas Day: December 25
  - New Year's Eve: December 31
- 4) Employees will accrue holidays at a rate of 13.33 hours per month.
  - 5) The amount of holiday pay is the base rate plus special assignment pay bonus, education incentive program bonus, and longevity bonus.
  - 6) Employees may use holiday leave in accordance with the Department's general practice for requesting leave.
    - a. Cash Outs for CalPERS Classic Members: Holiday leave can be cashed out twice annually. With the exception of the floating holidays discussed in Section 7 below, Holiday leave can be cashed out twice annually. Any leave accrued between January 1 and June 30 can be cashed out on the last full pay period in June. Any unused holiday hours can be carried over until December 31. Any remaining holiday hours will be automatically cashed out on the pay period that includes December 31.
    - b. Cash Outs for CalPERS New Members: For employees who are defined as "new members" under the California Public Employees' Pension Reform Act ("PEPRA"), they will be able to carry over holiday hours from year-to-year, up to the cap of 400 hours. If the maximum accrual cap is reached, the affected employee shall cease to accrue holiday leave until such bank is reduced below the maximum accrual amount of 400 hours. In addition, new members may irrevocably elect in November or December to cash out up to 160 hours of holiday pay that they will accrue in the upcoming year.
  - 7) Employees will also receive 40 hours of floating holiday on January 1 of each year. Any amount remaining as of December 31 will be automatically cashed out on the pay period that includes December 31. The floating holiday hours will not be reportable to CalPERS for inclusion in pension benefits.
  - 8) Since the holidays may be used as leave or cashed out, neither the 160 hours accrued nor 40 hours floating holiday leave is reportable to CalPERS for inclusion in pension benefits for new members. For CalPERS classic members, only the 160 hours accrued will reportable, to the extent CalPERS determines that the amount is reportable for inclusion in pension benefits.

#### B. HOLIDAY LEAVE ACCRUAL AND USE

- 1) Unused holiday hours shall appear on the employee's paycheck stub.

C. **PAY-OUT AT SEPARATION:** Unused holiday leave will be cashed out at separation at the current rate of separation.

3. For CalPERS classic members, holiday hours in employee holiday banks as of July 23, 2024 will be placed in a grandfathered leave bank. Employees may use this bank for leave in accordance with the Department's general practice for requesting leave. Any cash outs from this bank will not be reportable to CalPERS for inclusion in pension benefits. This provision shall not apply to CalPERS new members.
4. The above modifications will be effective, retroactively to May 16, 2020.


This Side Letter Agreement is not intended to waive the Parties' respective legal rights or the rights of individual members of the GPOA under the laws of the State of California. Additionally, this Side Letter Agreement is not meant to confer any new benefit, or to remove any prior benefit, other than what is provided for above.

Agreed to on this 10<sup>th</sup> day of July, 2024 by the undersigned authorized representatives of the Parties:

Representatives for the City:

Representatives for Gardena Police Officers Association (GPOA):

  
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Clint OSORIO

  
\_\_\_\_\_  
ROBERTO ROSALES