

**Side Letter Agreement #4
To the 2019-2022 Memorandum of Understanding
Between the City of El Monte and
Service Employees International Union, Local 721 – General Unit**

This Side Letter #4 to the current July 1, 2019, through December 31, 2022, Memorandum of Understanding (“MOU”) and Side Letters #1, #2, and #3 between the City of El Monte (“City”) and Service Employees International Union, Local 721 – General Unit (“SEIU” or “GU”) is made and entered into by and between the City and SEIU this 28th day of July 2022. For purposes of this Side Letter #4, the capitalized term “Parties” shall be a collective reference to both the City and SEIU, and the capitalized term “Party” shall refer to either the City or SEIU interchangeably as appropriate.

WHEREAS, the Parties have agreed to modify the payment schedule for unused Holiday Pay to improve accuracy and efficiency in properly reporting these forms of pay to the California Public Employees’ Retirement System (“CalPERS”); and

WHEREAS, except as expressly set forth in this Side Letter #4, the Parties have agreed that all other terms and conditions of the 2019-2022 MOU and Side Letters #1, #2, and #3 shall remain in full force and effect; and

WHEREAS, the terms of this Side Letter #4 were ratified by a majority vote of the members of the GU on July 21, 2022; and

WHEREAS, the terms of this Side Letter #4 were ratified by the El Monte City Council at its Regular Meeting on August 2, 2022 as agenda item #4.3; and

NOW, THEREFORE, the Parties to agree as follows:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. Section 6.01(B) (Annual Holiday Bank) of Article VI of the MOU is hereby amended in its entirety to state as follows:

B. Holiday Pay

1. Whenever a holiday occurs (or is observed by the City) on a unit employee’s scheduled work day, the unit employee shall not work and shall be paid using holiday hours for that work day, unless one of the following conditions applies:
 - a. The unit employee received advanced approval from their supervisor to work on the holiday.
 - b. The unit employee is assigned to a classification that regularly

works on a holiday.

- c. The unit employee is unable to work due to a work-related injury or illness.
2. If a holiday occurs (or is observed by the City) on a day when the unit employee is not regularly scheduled to work, or on a day when one of the conditions in Section 6.01(B)(1) applies, unit employees may do either of the following:
 - a. With advanced approval of the unit employee's supervisor, use the holiday hours on a different day within the same pay period that the holiday occurred or was observed; or
 - b. Elect to convert the unused holiday hours to personal leave hours for use in a different pay period. Holiday hours converted to personal leave shall be subject to all terms and conditions applicable to the use of personal leave outlined in Section 6.04 of Article VI of this MOU, as amended by Section 14 of Side Letter #2. The election to convert holiday hours to personal leave must be made in writing on a form provided by the City no less than five (5) calendar days prior to the end of the applicable pay period.
 3. Any holiday hours not used by the unit employee within the pay period in which a holiday occurs or is observed by the City or which are not converted to personal leave hours in accordance with Section B of subsection 2 above, will be paid out to the unit employee on the pay check for that the corresponding pay period. Payments for unused holiday hours will be paid at the unit employee's then current base rate.
 4. Unit employees with unused holiday hours for the following 2022 holidays may elect to convert the unused holiday hours to personal leave hours for use in a different pay period in calendar year 2022. Holiday hours converted to personal leave shall be subject to all terms and conditions applicable to the use of personal leave outlined in Section 6.04 of Article VI of this MOU. The election to convert unused 2022 holiday hours to personal leave must be made in writing on a form provided by the City no later than August 22, 2022. Unit employees who do not timely elect to convert unused 2022 holiday hours to personal leave will be paid out for those hours at the unit employee's current base rate within thirty (30) days following City Council ratification of this Side Letter #4.
 - a. New Year's Day – January 1, 2022
 - b. Martin Luther King Jr. Day – January 17, 2022


- c. President's Day – February 21, 2022
- d. Memorial Day – May 30, 2022
- e. Independence Day – July 4, 2022

SECTION 3. Subsections C, D, and E of Section 6.01 of Article VI of the MOU are hereby deleted.

IN WITNESS THEREOF the Parties have caused the duly authorized representatives to execute this Side Letter #4 as of the dates stated below.

CITY OF EL MONTE

SEIU LOCAL 721, GENERAL UNIT

By: 
Alma Martinez, City Manager

By: 
Steve Koffroth, Chief Negotiator

Date: 8/4/22

Date: 8/4/22

APPROVED AS TO FORM:

By: 
Richard Padilla, Assistant City Attorney