

# LETTER OF AGREEMENT

BETWEEN

CITY OF EL MONTE

AND

SEIU LOCAL 721  
GENERAL UNIT

This Letter of Agreement ("LOA") between the City of El Monte ("City") and employees in the General Unit represented by the Service Employees International Union Local 721 ("Union") is entered into on December 18, 2019 with respect to the following:

**WHEREAS**, the City and Union have met and conferred over a winter holiday closure for 2019 and 2020;

**WHEREAS**, this holiday closure will result in closure of City Hall and all other City departments (with the exception of the Police Department) during the designated time periods, which but for the holiday closure would be a combination of regularly scheduled workdays, recognized/observed City holidays, and/or regularly scheduled days off; and

**WHEREAS**, as a result of this meet and confer, the following sets forth the understanding and agreement:

1. The City agrees to a holiday closure for 2019 and 2020. Per this LOA, unless specifically excluded from participation in the closure, all unit employees will be off work as follows:

- 2019: Tuesday, December 24, 2019 through Wednesday, January 1, 2020.

All departments will re-open on Thursday, January 2, 2020 and employees scheduled to work on that day will return to work.

- 2020: Thursday, December 24, 2020 through Friday, January 1, 2021.

All departments will re-open on Monday, January 4, 2021 and employees scheduled to work on that day will return to work.

Employees regularly scheduled to work on Saturday, January 2, 2021 and/or Sunday, January 3, 2021 shall have the option to take the time off or report to work as regularly scheduled.

2. On each of the holiday closure days which fall on the employee's regularly scheduled work day, employees may use any of the following accrued leaves to cover the absence: vacation, compensatory time off, holiday, or personal leave.

Excluding Personal Leave, employees are not permitted to use sick leave for holiday closure days, unless they comply with the requirements of paragraph 3 below.

Employees shall also have the option of not using accrued paid leave for any or all of the holiday closure days and taking the day(s) off as an absence without pay.

3. For any of the holiday closure days, if an employee wishes to convert the paid leave they have chosen to sick leave to cover the day(s), he/she must produce a health provider's certification for the day(s).

This additional certification is not required for employees with approved advance sick leave usage due to FMLA/CFRA/PDL (or any other protected leave).

4. If an employee does not have enough accrued paid leave (as authorized to be used above in paragraph 2) to cover the days off during the holiday closure (or any portion thereof or due to an upcoming pre-planned vacation in 2020), he/she may request an advance credit of the paid leave time (floating holiday and vacation only) he/she will earn in the following calendar year (i.e. 2020 and 2021).

Such advance credit shall begin to be repaid starting with the pay period following the holiday closure. The annual floating holiday credited on January 1<sup>st</sup> of each year shall be the first full hours repaid (i.e., the employee will not actually earn the floating holiday and those hours will be credited towards what the employee owes to cover the leave hours used during the holiday closure). Starting with the next pay period, vacation hours shall be repaid at the rate of fifty percent (50%) of the employee's accrual rate (i.e., an employee who accrues five (5) hours per pay period shall repay the advance credit at a rate of two and one-half (2.5) hours per pay period) until the advance credit is fully repaid.

5. In addition to the compensation outlined in Section 4.05K – Standby Pay, per the terms of this LOA, an employee assigned to standby shall receive an additional four (4) hours of compensation for each regularly scheduled work day assigned to standby duty during the holiday closure.

The additional pay allowed per this LOA only applies to each day the employee is assigned to standby and has to use any type of paid leave for the holiday closure, because it is their regular work day.

These employees, like all employees subject to the holiday closure, shall still use paid leave to cover their regular shift(s) while remaining in standby mode and available for callback. However, if an employee is recalled during their regular work hours, the time spent on recall shall be deducted from the paid leave for that day.

For example:

*An employee who is regularly scheduled to work 6:00 a.m. - 4:30 p.m. on December 26, 2019 shall use ten (10) hours of accrued leave (i.e. vacation) to cover that day. If that employee is recalled from 8:00 a.m. - 10:00 a.m., he/she will only have eight (8) hours of vacation deducted from his/her vacation accrual.*

6. Section 6.01G – Ordered to Work Holidays provides additional compensation for employees who are required to work on a holiday. Per the terms of this LOA, this additional compensation shall apply to every day of the designated holiday closure.

7. Section 4.05L – Call Back Pay provides compensation for call backs. An employee subject to this holiday closure who is recalled to active duty on any of the holiday closure days, regardless if recalled during his/her regularly scheduled work hours or outside of his/her regularly scheduled work hours, or whether he/she has used any type of paid leave during the defined FLSA workweek, shall be paid at the rate of one and one-half (1½) times his/her regular hourly rate of pay, with the required minimum payments outlined in the MOU, for each such call back.
8. The City will provide the Union with a confirmed full list of all worksites, departments, positions, classifications and/or individuals to be excluded from the holiday closure by no later than December 13, 2019 (i.e. in addition to all employees in the Police Department).

The Union reserves the right to meet & confer on any new additions (other than those already listed above) proposed by the City after December 13, 2019 (if any) to this list of exclusions.

**FOR THE CITY OF EL MONTE**

**FOR SEIU LOCAL 721 – GENERAL UNIT**



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Alma Martinez  
City Manager



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Wendy Thomas  
SEIU 721 Chief Negotiator



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Ed Rardin  
Chapter President

In addition to all employees in the Police Department, below are the additional classifications or individuals that will be excluded from the Holiday Closure.

<b>CLASSIFICATION</b>	<b>DIVISION</b>	<b>DEPARTMENT</b>	<b># of EE</b>	<b>NOTES/COMMENTS</b>
Animal Control Officer	Neighborhood Services Division	Community & Economic Development	2	Ongoing animal control operations (e.g. responding to animal complaints, animal apprehension and transfer).
Neighborhood Services Officer	Neighborhood Services Division	Community & Economic Development	4	Ongoing code enforcement operations (e.g. responding to complaints and maintaining compliance).
City Planner	Planning	Community & Economic Development	1	City Planner has the authority to sign/issue any zoning related permit including sign permits, business license permits, sign banner permits, tree removal permits, construction permits or demolition permits. The issuance of these permits can be time sensitive. This is especially the case with some code compliance cases and times when a structure is deemed unsafe, or when a tree is at risk of falling.
Deputy City Clerk/Records Manager	City Clerk's Office	City Manager's Office	1	December 24 through January 2 <sup>nd</sup> is the Public Examination Period- Rebuttals for any measures on the ballot. Deadlines will need to be met with the Los Angeles County Recorder's Office for the Ballot Measure being proposed to the voters during the March 3, 2020 Election.
Public Works Maintenance Supervisor	Maintenance	Public Works	1	Continue to maintain and perform day to day public work operations (e.g. street repair, graffiti, park maintenance).
Public Works Maintenance Field Supervisor	Maintenance	Public Works	2	Continue to maintain and perform day to day public work operations (e.g. street repair, graffiti, park maintenance). Except Vincent Ramirez, who will be included in the holiday closure
Transportation Operations Manager	Transportation	Public Works	1	Maintain and operate ongoing public transportation services (e.g. fixed routes buses).
Transportation Sr. Program Specialist	Transportation	Public Works	1	Maintain and operate ongoing public transportation services (e.g. fixed routes buses).
Transportation Coordinator	Transportation	Public Works	2	Maintain and operate ongoing public transportation services (e.g. fixed routes buses).

In addition to all employees in the Police Department, below are the additional classifications or individuals that will be excluded from the Holiday Closure.

Transportation Driver	Transportation	Public Works	3	Maintain and operate ongoing public transportation services (e.g. fixed routes buses). Except Clara Jaimes, who will be included in the holiday closure.
Sr. Shift Operator	Utilities	Public Works	1	Continue to maintain and perform day to day public work operations (e.g. testing and sampling of wells)
Wastewater Collection Systems Lead	Utilities	Public Works	1	Continue to maintain and perform day to day public work operations (e.g. testing and sampling of wells).
Shift Operator	Utilities	Public Works	3	Continue to maintain and perform day to day public work operations (e.g. testing and sampling of wells)
Water Meter Reader	Utilities	Public Works	1	Continue to maintain and perform day to day public work operations (e.g. testing and sampling of wells)
Wastewater Maintenance Worker I	Utilities	Public Works	2	Continue to maintain and perform day to day public work operations (e.g. testing and sampling of wells). Except David Gallegos, who will be included in the holiday closure

Total # of  
Employees

26

INDIVIDUAL	CLASSIFICATION	DIVISION	DEPARTMENT	NOTES/COMMENTS
Gomez, Jairo	Maintenance Lead	Maintenance	Public Works	Continue to maintain and perform day to day public work operations (e.g. street repair, graffiti, park maintenance).
Bullock, Kenny	Maintenance Worker	Maintenance	Public Works	Continue to maintain and perform day to day public work operations (e.g. street repair, graffiti, park maintenance).
Garibay, Juan	Maintenance Worker	Maintenance	Public Works	Continue to maintain and perform day to day public work operations (e.g. street repair, graffiti, park maintenance).
Leal, Luis	Maintenance Worker	Maintenance	Public Works	Continue to maintain and perform day to day public work operations (e.g. street repair, graffiti, park maintenance).
Sale, Michael	Maintenance Worker	Maintenance	Public Works	Continue to maintain and perform day to day public work operations (e.g. street repair, graffiti, park maintenance).
Velasquez, Fabian	Maintenance Worker	Maintenance	Public Works	Continue to maintain and perform day to day public work operations (e.g. street repair, graffiti, park maintenance).
Avalos, Richard	Shift Operator	Utilities	Public Works	Continue to maintain and perform day to day public work operations (e.g. street repair, graffiti, park maintenance).