

RESOLUTION 2014-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE 2014-2016 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA POLICE OFFICERS' ASSOCIATION, INC. AS IT PERTAINS TO CONDITIONS FOR PAYMENT OF LEAVE BANK ACCRUALS

WHEREAS, On August 4, 2014, the City Council approved Resolution 2014-94 approving the 2014-2016 Memorandum of Understanding (MOU) between the City of Pomona and the Pomona Police Officers' Association, Inc. (PPOA);

WHEREAS, the terms of the MOU allow for employees to accrue leave for on-call duty and for time worked on a holiday, pursuant to Article V., Section G, Leave Bank, that does not have any cash value except in limited circumstances; and

WHEREAS, the City Council desires to authorize the cash out of said leave in the event of death of an employee, retroactive to October 1, 2014.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona, California as follows:

SECTION 1. That the 2014-2016 Memorandum of Understanding between the City of Pomona and PPOA be amended to add death of an employee as a reason to cash out leave accrued pursuant to Article V., Section G, "Leave Bank."

SECTION 2. That the proposed Amendment shall be retroactive to October 1, 2014.

SECTION 3. That the City Manager of the City of Pomona is hereby authorized, empowered, and directed to meet and confer with PPOA regarding this proposed Amendment and thereafter enter into the Amendment, in substantially the form submitted and attached hereto as Exhibit A, for and on behalf of the City of Pomona.

SECTION 4. The City Clerk is directed to attest the execution of the Memorandum of Understanding.

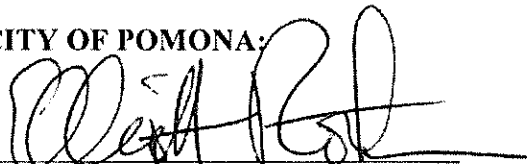
SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution, and it shall become effective immediately upon its adoption.

APPROVED, PASSED AND ADOPTED THIS 17th DAY OF NOVEMBER, 2014.

ATTEST:

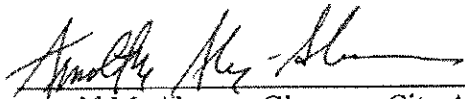


Eva Buice, MMC, City Clerk

CITY OF POMONA:


Elliott Rothman, Mayor

APPROVED AS TO FORM:



Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 17th day of November, 2014 by the following vote:

AYES: Nolte, Robledo, Carrizosa, Lantz, Escobar, Martin, Mayor Rothman
NOES: None
ABSENT: None
ABSTAIN: None



Eva Buice, MMC, City Clerk

**AMENDMENT TO THE
2014 – 2016 MEMORANDUM OF UNDERSTANDING BETWEEN
CITY OF POMONA
AND
THE POMONA POLICE OFFICERS' ASSOCIATION, INC. (PPOA)**

PREAMBLE

The Amendment to the Memorandum of Understanding (MOU) on wages, hours and working conditions is entered into between the Pomona City Council (City) and the Pomona Police Officers' Association, Inc. (PPOA) (Association), collectively referred to as "Parties".

On August 4, 2014, the City Council approved Resolution 2014-04 approving the 2014-2016 MOU between the parties.

This amendment is to authorize the cash out of leave accrued pursuant to Article V., **ATTENDANCE AND LEAVES**, Section G. Leave Bank, to be cash out upon the death of an employee. The amendment will be effective retroactive to October 1, 2014.

AMENDED ARTICLE V. ATTENDANCE AND LEAVES

G. LEAVE BANK.

1. The parties have agreed that several types of pay shall be added to this leave bank so that employees shall enjoy additional paid leave and the City shall save the cost of paying employees with cash. This leave bank includes hours worked for: 1) off-duty court on-call compensation (Article IV.M); 2) investigative services on-call compensation (Article IV.N); and 3) Holiday in Lieu Pay (Article V.F.3).
2. An employee may use leave from this bank with his/her supervisor's approval as long as it does not cause the department to have to backfill the employee's shift with another employee to cover the shift. This leave bank has no cash value. Compensation which is provided to employees for being on call or working on a holiday is accrued as leave in this bank and must be taken as a leave and can never be cashed out, even at the end of employment. The parties acknowledge the provision in California Labor Code Section 227.3 which provides that unless provided by an MOU, vacation leave (and the parties interpret the leave to be similar to vacation in that it can be used like vacation) can be subject to a use it or lose it provision and has no cash value. The bank shall remain in effect until otherwise agreed to by the parties.
3. Although the parties agree that the leave bank has no cash value, if an employee is laid off from the City or has not exhausted this leave prior to going out on a leave which prevents the employee from returning to work and the employee then receives a disability retirement, the leave in this bank shall be cashed out. Effective October 1, 2014, the leave shall also be cashed out in the event of a current employee's death. Under no

circumstances shall this leave be cashed out for employees who retire on a service retirement, resign or are terminated from City employment.

4. Annual Leave Buy Back. Effective October 1, 2015, employees who have at least 300 hours of leave in this leave bank may elect to sell back a maximum of 80 hours of the leave hours each year. This payment shall be based on the leave in this bank on the books as of the last pay period of October each year with said payment to be made by the first pay day in December.

Except as modified herein, all other wages, hours and terms and conditions of employment listed in the 2014-16 MOU are to remain in full force until a successor agreement is reached.

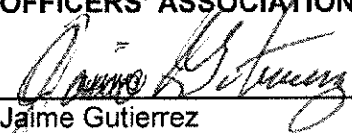
DATED: 2-1-14

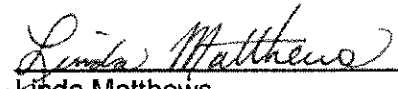
DATED: 12-1-14


THE CITY OF POMONA:

THE POMONA POLICE
OFFICERS' ASSOCIATION:


Linda Lowry
City Manager


Jaime Gutierrez
President


Linda Matthews
Human Resources/Risk Management
Director

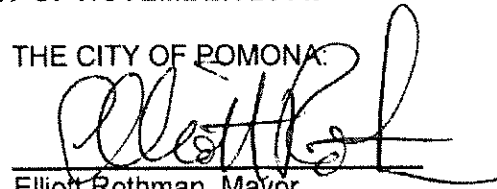

Brad Paulson
Director

APPROVED, RATIFIED AND ORDERED IMPLEMENTED BY THE CITY COUNCIL OF
THE CITY OF POMONA ON THIS 17th DAY OF NOVEMBER 2014.

ATTEST:

THE CITY OF POMONA:


Eva Buice, MMC, City Clerk


Elliott Rothman, Mayor

APPROVED AS TO FORM:


Arnold Alvarez-Glassman, City Attorney