

**RESOLUTION NO. 2015-7**

**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 MANAGERS' ASSOCIATION AS IT PERTAINS TO CONDITIONS FOR CARRY OVER OF LEAVE BANK ACCRUALS**

**WHEREAS**, on August 4, 2014, the City Council approved Resolution 2014-95 approving the 2014-2016 Memorandum of Understanding (MOU) between the City of Pomona and the Pomona Police Managers' Association (PPMA);

**WHEREAS**, the terms of the Pomona Police Officers' Association, Inc. (PPOA) MOU allow for employees to accrue leave for on-call duty pursuant to Article V, Section G, Leave Bank, that does not have any cash value except in limited circumstances; and

**WHEREAS**, there is no provision for allowing employees promoting from PPOA to PPMA to carry over this leave;

**WHEREAS**, the City Council desires to authorize the carryover of said leave for up to five (5) years from the date of promotion with no cash value, retroactive to June 1, 2014; and

**WHEREAS**, the City and PPMA have met and conferred regarding the proposed changes;

**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 PPMA be amended to allow the carryover of leave accrued pursuant to Article V., Section G, "Leave Bank."

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

**SECTION 3.** That the City Manager of the City of Pomona is hereby authorized, empowered, and directed to implement this proposed Amendment to the 2014-2016 Memorandum of Understanding (MOU) between the City of Pomona and PPMA 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 amendment to 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 AND ADOPTED THIS 2<sup>ND</sup> DAY OF FEBRUARY 2015.

ATTEST:

CITY OF POMONA:

Eva M Buice  
Eva M. Buice, MMC City Clerk

Elliott Rothman  
Elliott Rothman, Mayor

APPROVED AS TO FORM:

[Signature]  
for Arnold Alvarez-Glasman, City Attorney  
by Teresa Chen, Deputy City Attorney  
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES 2/12/15.  
CITY OF POMONA

I, EVA M. BUICE, MMC, 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 2<sup>nd</sup> day of February 2015, by the following vote:

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 3<sup>rd</sup> day of February 2015.

Eva M Buice  
Eva M. Buice, MMC, City Clerk

**AMENDMENT TO**  
**2014-2016 MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE CITY OF POMONA AND**  
**THE POMONA POLICE MANAGERS' ASSOCIATION**

**PREAMBLE**

This Amendment to the 2014-2016 Memorandum of Understanding (MOU) between the City of Pomona (hereinafter referred to as "City") and the Pomona Police Managers' Association (hereinafter referred to as the "PPMA"), collectively referred to as "parties."

On August 4, 2014, the City Council approved Resolution 2014-95 approving the 2014-2016 MOU between the parties.

This amendment is to authorize the carryover of leave accrued in the Pomona Police Officers' Association (PPOA) Leave Bank for five (5) years upon promotion from a classification represented by PPOA to a classification represented by PPMA. The amendment will be effective retroactive to promotions occurring on or after June 1, 2014.

The modifications are as follows:

**V. ATTENDANCE AND LEAVE**

**P. PPOA LEAVE BANK**

1. Employees in the unit represented by the Pomona Police Officer's Association, Inc. (PPOA) have created a "Leave Bank". This "Leave Bank" may include hours worked for: 1) off-duty court on-call compensation; 2) investigative services on-call compensation; and 3) Holiday in Lieu Pay. Employees that promote into PPMA from PPOA on or after June 1, 2014 that have hours accrued in the PPOA Leave Bank upon promotion may carry over those Leave Bank hours. Such hours may be carried over for up to five (5) years from the date of promotion.
2. The PPOA Leave Bank has no cash value. Leave in this bank must be taken as a leave and can never be cashed out, even at the end of employment. Further, any leave not used within five (5) years of the date of promotion shall be forfeited and removed from the leave bank. 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.

3. 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.

Except as modified herein, all other wages, hours and terms and conditions of employment in the 2014-16 MOU are to remain the same.

DATE: 2-25-15


DATE: 2/25/2015

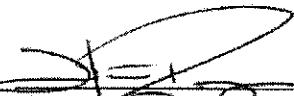
**CITY OF POMONA:**

**POMONA POLICE MANAGERS' ASSOCIATION:**

BY:   
Linda Lowry, City Manager

BY:   
Alex Rilloraza, President

BY:   
Linda Matthews,  
Human Resources/Risk Management  
Director


BY:   
Hector Rodriguez, Vice President

**APPROVED, RATIFIED AND ORDERED IMPLEMENTED BY CITY COUNCIL  
RESOLUTION NO. 2014-95 ADOPTED ON THE 2<sup>nd</sup> DAY OF FEBRUARY, 2015.**


ATTEST:

THE CITY OF POMONA:

  
Eva Buice, MMC, City Clerk

  
Elliott Rothman, Mayor

APPROVED AS TO FORM:

  
for Arnold Alvarez-Glasman  
City Attorney

by Tereza Chen, Deputy City Attorney