SIDE LETTER AGREEMENT BETWEEN COUNTY OF TUOLUMNE AND COUNTY OF TUOLUMNE MANAGEMENT ASSOCIATION

FY 25-26 Accrual Caps and Rates for County of Tuolumne Management Association

The County and of Tuolumne ("County") and the County of Tuolumne Management Association ("Association") agree pursuant to this Side Letter Agreement to amend the existing terms and conditions of Section B (Personal Leave) of Article 16 (Leave Provisions) of the Memorandum of Understanding ("MOU") with the below language, which shall replace, in its entirety, the existing terms and conditions language within Section B, Article 16 of the MOU. All other sections of the terms and conditions of Article 16 of the MOU not specifically listed below remain unchanged and in effect.

Article 16. Leave Provisions

Section B: Personal Leave

The following personal leave accrual rates shall be established for permanent employees hired on or before July 1, 2013:

ANNUAL PERSONAL LEAVE ACCRUAL RATE	YEARS OF SERVICE
240 Hours	0-3 years
280 Hours	4-9 years
320 Hours	10 and above years

Employees may not accrue personal leave time in excess of:

• with less than 10 continuous years of County employment	=	four (4) times
• with more than 10 but less than 15 continuous years	=	five (5) times
• with more than 15 continuous years of County employment	=	six (6) times

their annual personal leave accrual rate, provided that no employee shall lose personal leave to meet the needs of the service.

Effective July 1, 2013, newly hired employees shall receive the following personal accrual rates:

ANNUAL PERSONAL LEAVE ACCRUAL	YEARS OF SERVICE	ACCRUAL CAP
200 Hours	0-3 years	750 Hours
240 Hours	4-9 years	750 Hours
280 Hours	10 years and above	750 Hours

300 Hours	20 years and more	750 Hours

Employees in this unit hired prior to July 01, 2023, will receive an additional 100 hours of accrued personal leave to be effective and available for use upon the first pay period following Board of Supervisors approval of this Side Letter Agreement.

Employees in this unit hired between July 01, 2023, and July 31, 2025, will receive an additional 50 hours of accrued personal leave to be effective and available for use upon the first pay period following Board of Supervisors approval of this Side Letter Agreement.

The following rules and regulations are established for the administration of personal leave benefits:

1. All personal leave must be approved by the Department Head or designated representative.

2. **Notice.** Where appropriate, employees shall request personal leave time at least one work week in advance of taking leave. In cases of sickness or emergencies, in twenty-four (24) hour departments the Department Head or designee must be notified at least two (2) hours prior to the start of the employee's scheduled tour of duty of a sickness on the first day of absence. In other departments, the Department Head or designee must be notified within one-half (½) hour after the start of the employee's scheduled tour of duty of a sickness on the first day of absence.

3. **Sickness or Emergency Leave.** It is the responsibility of the employee to keep the Department Head or designee informed as to continued absence beyond the first day for reasons due to sickness, occupational disability, or emergency. Failure to make such notification may result in denial of personal leave with pay. The County Administrator may review and determine the justification of any request for sickness or emergency personal leave with pay and may, in the interest of the County, require a medical report by a doctor to support a claim for leave pay. A doctor's certificate or other adequate proof shall be provided by the employee in all cases of absence due to illness prospectively when requested by the Department Head. Evidence substantiating the use of personal leave for willful injury, gross negligence, intemperance, trivial indispositions, instances of misrepresentation, or violation of the rules defined herein will result in denial of personal leave with pay.

   Personal Leave will be coordinated with Short and Long Term Disability Insurance to ensure the employee receives full salary.

4. Employees in permanent positions shall accrue, on a pro-rata basis, personal leave for completed pay periods. Such personal leave shall be available for use on the first day following the pay period in which it is earned, provided the employee has completed five hundred twenty hours (520) of service from the employee's hire date. Employees in permanent positions budgeted less than eighty (80) hours per pay period or job shared positions shall receive personal leave accumulation on a pro-rata basis.

5. No employee shall be permitted to take leave in advance of accrual.

6. Personal leave shall be compensated at the employee's base hourly rate of pay.

7. An employee about to retire, or who is to be laid off, may request utilization of their accrual prior to the effective date of any such retirement or lay-off or a lump sum payment for accrued personal leave, up to the applicable maximum accrual. Determination of whether the employee is permitted to use his/her accrued personal leave prior to separation, or whether leave time will be paid to the employee in a lump sum, shall be at the sole discretion of the County Administrator.

8. When an employee is transferred from one County department to another, said transfer shall have no effect upon the employee's leave benefits. However, if the transfer results in an employee being in a bargaining unit that utilizes the traditional sick and vacation leave rather than personal leave, those rules will apply and the employees personal leave balance will be allocated to sick and vacation leave based upon an established formula.

9. Employees with a minimum personal leave accrual balance in excess of eighty (80) hours shall be entitled to cash out those hours in excess of eighty (80) hours and up to a maximum of three hundred (300) hours accrued personal leave in a fiscal year. Employees may cash out leave in any increment at any time during a fiscal year. Requests for personal leave accrual cash-out shall be by memorandum to the Auditor-Controller's Office. For a request to be approved said employee must have used 80 hours of leave, which can include management leave or bereavement leave, within the last fiscal year.

   The above cash outs can also be applied to an employee's 457 plan deferred contribution account, within the legal limits allowed or to a post-retirement medical plan should one be established for employees of this unit.

10. **Leave Balance Conversion Option.** An employee who separates in good standing from County service and desires to retain his/her group health insurance coverage, may be permitted to convert his/her personal leave accrual balances to cash in accordance with the formula described in paragraph 7 of this Article, and authorize the County to apply any part of the payoff to the cost of premiums for his/her group health insurance coverage, or to a post-retirement medical plan should one be established, or 457 plan subject to any coverage restrictions. In the event of the death of an employee, any unused portion of his/her cash payoff shall be paid to his/her designated beneficiary subject to appropriate taxes. Determination of whether an employee is permitted to convert his/her leave balance as described by this paragraph shall be at the sole discretion of the County Administrator and, if permitted, shall be in lieu of a cash payout.

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In addition to the executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Side Letter, including signatures, shall be deemed to constitute evidence of the Side Letter having been executed.

COUNTY

Karen McGettigan, Director
Human Resources & Risk Management

09/03/2025
Date

ASSOCIATION

Jason Jasmine, Chief Negotiator
Messing, Adam, Jasmine & Shore LLP

8/25/25
Date