

**CITY OF FOUNTAIN VALLEY AND  
THE FOUNTAIN VALLEY POLICE OFFICERS' ASSOCIATION  
SIDE LETTER AGREEMENT  
REGARDING SICK LEAVE PROVISIONS**

The Memorandum of Understanding between the City of Fountain Valley and the Fountain Valley Police Officers' Association effective from August 1, 2014 through July 31, 2016 shall include the addition of:

**SECTION 1. Article 9 - Leave, Section 9.05 – Sick Leave Accrual Rate**. Section 9.05 of Article 9 will be repealed in its entirety and replaced with the following:

**Section 9.05 – Sick Leave Accrual Rate**. Sick leave shall accrue according to regular work assignment. Employees working a 5/8 schedule shall accrue sick leave at the rate of one (1) eight (8) hour day per month (3.69 hours per bi-weekly pay period), and employees working a 4/10 schedule shall accrue sick leave at the rate of one (1), ten (10) hour day per month (4.62 hours per bi-weekly pay period). Upon separation from service with the City, all accrued sick leave shall be converted to the eight (8) hour accrual rate.

In accordance with California Labor Code section 245 et seq., should a employee separate from employment with the City of Fountain Valley, and then return to City employment within one year from the date of separation, the employee's accrued, unused sick leave hours at the time of separation after any sick leave payoff if any, shall be reinstated upon re-hire.

**SECTION 2. Article 9 - Leave, Section 9.06 – Sick Leave Usage**. Section 9.06 of Article 9 will be repealed in its entirety and replaced with the following:

**Section 9.06 - Sick Leave Usage**. The first three days or work hours equivalent (e.g. 30 hours for employees on a 4/10 schedule) of paid sick leave taken each 12 month period will be considered sick leave used pursuant to the Healthy Workplaces, Healthy Families Act of 2014 (California Labor Code sections 245-249). The 12 month period is July 1 through June 30 for employees hired prior to July 1, 2015. For employees hired on or after July 1, 2015, the 12 month period is the 12 month period beginning on the employee's hire date, until the following July 1, at which point the employee's 12 month period will change to July 1 - June 30.

- A. **Employee's Sick Leave**. Employees can use sick leave for themselves for preventive care (such as physical exams) or care of an existing health condition;
- B. **Family Sick Leave**. Employees can use up to a maximum of one-half of one year's annual accrued sick leave (e.g. 60 hours for employees on a 4/10 work schedule) per year for family sick leave. Family sick leave may be used for the diagnosis, care, or treatment of an existing health condition of, or preventive care for family members. In this section the term "family members" means any of the following:

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| A child (biological, adopted, foster child, step child, legal ward or a child to whom the employee stands in loco parentis) regardless of age or dependency status.  |
| A biological, adoptive, or foster parent, step parent or legal guardian of an employee or the employee's spouse or registered domestic partner or a person who stood in loco parentis when the employee was a minor child. |
| A spouse.  |
| A registered domestic partner.   |
| A grandparent.   |
| A grandchild.  |
| A sibling.   |
| Individuals who live in the same household or whose relationship to the employee is that of a dependent or near-dependent.   |

- C. Employees can use the first three (3) days of sick leave for specified purposes if they are victims of domestic violence, sexual assault or stalking as set forth in California Labor Code section 230(f) and 230.1(a).

After an employee has used three sick leave days (or work hours equivalent) in a 12 month period, the use of sick leave shall be subject to the approval of the Police Chief who may request a physician's statement substantiating the illness and release to duty before allowing an employee to return to duty. Sick leave shall only be used for real medical illness or to seek medical evaluation or consultation and shall not be considered personal time to be used at the employee's discretion. Sick leave may be used for absences resulting from industrial injuries and illnesses.

**SECTION 3. Article 9 - Leave, Section 9.07 – Family Sick Leave.** Section 9.07 of Article 9 will be repealed in its entirety. Family sick leave provisions were included in Section 9.06.

All other provisions of the Memorandum of Understanding between the City of Fountain Valley and the Fountain Valley Police Officers' Association shall remain in full force and effect unless specifically modified or amended.

The parties hereto have caused this Side Letter Agreement to be executed this 7th day of May 2015.

FOUNTAIN VALLEY POLICE OFFICERS' ASSOCIATION

CITY OF FOUNTAIN VALLEY

By: Bill Hughes

By: Bob Hall, City Manager

By: Henry Hsu

By: Jean Hirai, Personnel Manager

*\*\*Original with signatures on file in the Personnel Department at the City of Fountain Valley.*