



Date: June 8, 2023

To: Board of Directors

From: David Aranda, Interim General Manager

Subject: Adjust the Wording in Previous Memorandum of Understandings (M.O.U.'s) between the Kensington Police Protection Community Services District (KPPCSD) and the Kensington Police Officers Association (KPOA) Regarding Holiday Pay as Required by CalPERS

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### **Recommendation**

Approve the following: 1) Approve adjustments to the wording in the previous M.O.U.'s between the KPPCSD and the KPOA regarding holiday pay as required by CalPERS and 2) Make a motion that the KPPCSD Board authorizes the Interim General Manager to execute M.O.U. amendments on behalf of the District, specific to amendments that conform the definition of holiday pay to CalPERS regulations to be incorporated in a side letter for the July 1, 2014-December 31, 2017 M.O.U., January 1, 2018-December 31, 2018 M.O.U., January 1, 2019-October 31, 2019 M.O.U., October 31, 2019-July 30, 2021 M.O.U., and the August 1, 2021-June 30, 2022 M.O.U.

### **Background**

At the April 13, 2023 the KPPCSD Board of Directors meeting the Board approved an adjustment in the current M.O.U. regarding holiday pay. CalPERS accepted this adjustment as did the KPOA.

CalPERS has now requested that this adjustment be made in prior M.O.U.'s going back to 2014. There is no financial effect on this administrative request for either party, but rather this will meet the compliance requirements of CalPERS and thus avoid future fines and administrative confusion.

The President of the KPOA, upon approval of this Board, will sign off on all the side letters being presented.

### **Exhibit(s)**

- Exhibit 1 – 7.1.14 Amended MOU
- Exhibit 2 – 1.1.18 Amended MOU
- Exhibit 3 – 1.1.19 Amended MOU
- Exhibit 4 – 10.31.19 Amended MOU
- Exhibit 5 – 8.1.21 Amended MOU

**Kensington Police & Protection Community Services District side letter MOU for July 1, 2014 - December 31, 2017**

Article XII Holiday Pay Definitions

A. Holiday In Lieu Pay for Police personnel

For Classic and PEPR Members:

- Holiday Pay is defined additional compensation for employees who are normally required to work on an approved holiday because they work in positions that require scheduled staffing without regard to holidays. If employees are paid over and above their normal monthly rate of pay for approved holidays, the additional compensation is holiday pay and reportable to PERS. All employees (except for the Chief) are required to work without regard to holidays.
1. Each Employee shall be paid 14 holidays, listed below, at 8 hours per holiday.
  2. Each Employee shall be paid at their current base salary rate for 112 hours (14 holidays at 8 hours) in-lieu pay each year divided equally among semimonthly paychecks.
  3. Any Employee receiving in-lieu pay as described above shall not be entitled to time off on holidays.
  4. New employees who commence employment during the year shall receive in-lieu pay, as described above, on a pro-rated basis.

Holidays

- News Years Day
- Martin Luther King's Birthday
- President's Day
- Cesar Chavez Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Admission Day
- Indigenous People's Day
- Veterans Day
- Thanksgiving Day
- The day after Thanksgiving
- Christmas

**Kensington Police & Protection Community Services District side letter MOU for January 1, 2018 - December 31, 2018 – First Extension Agreement**

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**Kensington Police & Protection Community Services District side letter MOU for January 1, 2019 - October 31, 2019**

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**Kensington Police & Protection Community Services District side letter MOU for October 31, 2019 - July 30, 2021**

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## **Kensington Police & Protection Community Services District side letter MOU for August 1, 2021 – June 30, 2022**

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