

SIDE LETTER

between

Mendocino County Association of Confidential Employees

And

County of Mendocino

The County of Mendocino ("County") and the Mendocino County Association of Confidential Employees ("Association"), collectively referred to as "Parties," agree to address the issue of constructive receipt by modifying Article 10.2 of the Parties' Memorandum of Understanding (MOU) as follows:

10.2 Vacation Buy-Out

A. Employees may buy-out up to 40 hours of their vacation time per fiscal year, at their rate of pay at the time of buy-out, subject to the requirements of this section.

B. This right to buy-out accrues upon an employee being covered by this MOU.

C. The cost of this buy-out shall not be charged to an employee's particular Agency, Department, or Appointing Authority.

D. Irrevocable Election

To buy out vacation leave in the subsequent calendar year, each employee must fill out an Irrevocable Election Form and submit it to Human Resources during the County open enrollment period. In calendar year 2020, the County will accept these forms up to December 15, 2020. The County will provide employees with the Irrevocable Election Form in advance of the deadline for receipt of the form.

Employees who do not submit a completed Irrevocable Election Form by the required date will not be permitted to buy out leave in the subsequent calendar year.

On the Irrevocable Election Form, an employee must irrevocably elect the number of vacation leave hours he or she wishes to buy out in the subsequent calendar year. For example, if an employee wishes to buy out up to 40 hours of vacation leave in calendar year 2021, he or she must irrevocably elect to do so in calendar year 2020.

Employees who irrevocably elect to buy out leave in the subsequent calendar year are not required to do so. However, employees may only buy out leave in an amount up to the amount set forth in their Irrevocable Election Form.

Employees must submit an Irrevocable Election form on an annual basis.

E. Buy Out Must Be Accrued in the Same Calendar Year

An employee may only buy out vacation leave accrued in the same calendar year as the ~~each~~ buy-out – regardless of how many vacation leave hours the employee has accrued in previous years. For example, if an employee has properly submitted the Irrevocable Election form and wishes to buy out 40 hours of vacation leave in February but has only accrued 24 hours in the calendar year at the time of the request, the employee may only buy-out 24 hours at the time of the request.

FOR THE ASSOCIATION

Marianne Lawrence, Chair

11/24/20
Date

FOR THE COUNTY OF MENDOCINO

[Signature]

11-27-20
Date