

ARTICLE V -- LEAVES

Section 2 – Vacations

B. When an employee resigns or otherwise leaves the service of the City and has not used his earned post-petition vacation, payment shall be made for the benefit of the employee in to the City's 401 (a) plan ~~employee~~ for the earned portion of their~~his~~ vacation. Any payment exceeding the 401 (a) annual contribution limit for defined contribution plans shall be paid to the employee.

Calculation of the payment for earned vacation or deduction for unearned vacation upon separation ~~termination to determine the amount to be contributed to the 401(a) plan~~ shall be made in accordance with the wage rate in effect on the final day of employment.

H. Once per year, members of the bargaining unit will be granted the option of selling up to ~~convert~~ one-quarter (1/4) of their unused post-petition vacation and holidays ~~leave into a contribution to the City's 401 (a) plan. An eligible employee shall notify the City by August 1 of their request for sellback for the prior fiscal year ending June 30.~~ The City shall compensate eligible employees ~~make the contribution~~ on the first payday in September. Any contribution exceeding the 401 (a) annual contribution limit shall be paid to the employee as wages, subject to customary withholding.

In addition, once per year, members of the bargaining unit will be granted the option of selling up to one-quarter (1/4) of their post-petition holiday leave to the City. An eligible employee shall notify the City by August 1 of their request for sellback for the prior fiscal year ending June 30. The City shall compensate eligible employees on the first payday in September.

Section 3 -- Holidays

A. Employees shall be entitled to thirteen (13) City-designated holidays and two (2) floating holidays, the equivalent of 150 holiday hours each year, as listed below.

New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Juneteenth
Independence Day
Labor Day
Veteran's Day (November 11)
Thanksgiving Day
Day After Thanksgiving
Christmas Eve
Christmas Day
New Year's Eve

EXHIBIT B

Employees shall accrue 20 hours from floating holidays effective January 1 of each year. Only unit employees who have satisfactorily served in the employ of the City continuously for at least six (6) months in a full-time position shall be eligible to take floating holidays. Employees shall not be allowed to use unearned holiday time.

Demands of work permitting, employees of this unit may utilize holiday leave on the holidays designated above. ~~If~~ the demands of work are such that the employees cannot take off on a designated holiday, the employees shall bank the time for cash-out at the end of the calendar year. When a holiday falls on an employee's regularly scheduled day off, the employee shall bank 10 hours of holiday leave for cash-out at the end of the calendar year.

SBPMA members shall be paid for their unused holiday account balance, at the end of each calendar year at the employee's ~~regular wage~~ rate of pay in effect at the time of the payoff. The regular rate of pay, for purposes of holiday pay, includes base pay plus the hourly equivalent of the following eligible special compensation for the employee, Education Incentive, Longevity Pay, POST, Technology Allowance, Professional Development, and Uniform Allowance. Employees who separate from employment with a holiday leave balance shall be paid at the wage rate on the final day of their employment.

Section 5 -- Payment for Unused Sick Leave

B. Employees ~~or the estate of any such deceased employee who dies during employment,~~ after the completion of five (5) years of continuous full-time employment with the City, upon retirement, death or termination of employment, except through dismissal or resignation with prejudice, or the estate of a deceased employee who has met the aforementioned service requirement but dies during employment shall receive compensation of 50 percent of accumulated and unused post-petition sick leave. After 20 years of continuous ~~full-time employment service~~ with the City ~~of San Bernardino,~~ compensation will be seventy-five percent (75 %) of all accumulated and unused post-petition sick leave. Compensation shall be deposited for the benefit of the employee into the City's 401(a) plan. Any compensation exceeding the 401 (a) annual contribution limit shall be paid to the employee as taxable wages, subject to customary withholdings.

D. Sick leave accrued as a result of an industrial disability will not be subject to the accrual maximums and will be paid out in full if the disability results in an industrial retirement with the payout being deposited for the benefit of the employee into the City's 401(a) plan. Any payout exceeding the 401 (a) annual contribution limit shall be paid to the employee as taxable wages, subject to customary withholdings. -

E. Each fiscal year an employee ~~will may elect to~~ receive ~~payment~~ a contribution in lieu of accrued post- petition sick leave to the City's 401(a) plan pursuant to the terms set forth below:-

1. 1. ~~An eligible employee shall notify the City by August 1st of his/her desire to receive such payment.~~ The City shall ~~compensate eligible employees make the contribution~~ on the first payday in September. Any contribution exceeding the 401 (a) annual contribution limit shall be paid to the employee as taxable wages, subject to customary withholding.

EXHIBIT B

2. ~~An employee receiving such pay shall receive at the then current salary rate pay for~~The contribution shall be equal to the value of one-fourth (1/4) of the number of hours of post-petition sick leave accrued as of the date of the contribution. The value shall be calculated using the then current wage rate. The employee's accrued post-petition sick leave shall be reduced by the number of post-petition sick leave hours ~~for which pay is provided~~converted to a contribution on behalf of the employee to the City's 401(a) plan.

F. At the time of separation from service, any employee having at least fifteen (15) years of continuous full time employment service with the City ~~of San Bernardino, may shall~~ cash out ~~up to~~ 50% of unused post- petition sick leave. At the time of separation from service, any employee having at least 20 years of continuous full-time employment service with the City of San Bernardino, ~~shall may~~ cash out ~~up to~~ 75% of unused post- petition sick leave. Cash outs shall be deposited into the member's 401 (a) plan. Any cash outs exceeding the 401 (a) annual contribution limit shall be paid to the employee as taxable wages, subject to customary withholdings.