

**SIDE LETTER AGREEMENT**

BETWEEN  
THE CITY OF SAN JOSE  
AND  
INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 3 (OE#3)

**LUNAR NEW YEAR**

The City and OE#3 agree that the following will become effective as soon as practicable once this can be implemented for all City employees:

Lunar New Year shall be observed in accordance with the State of California's holiday schedule and New Year's Eve Day shall no longer be a City-observed holiday. The following changes will also be implemented at the time the holiday change is implemented:

17.4 Personal Leave. Each full-time employee shall be entitled to a total of ~~twenty-fourthirty-two~~ (2432) hours per payroll calendar year, eight (8) hours of which is granted in recognition that City employees may wish to observe a personal holiday that is not observed by the City. Such leave may be scheduled in fifteen (15) minute increments, at any time, subject to approval of the supervisor. Personal leave does not accrue. Any such leave not taken by the date of separation for employees separating during the year, or by the end of the last pay period in the calendar year for other employees shall not be paid out nor carried over to subsequent years. Under no circumstances, such as promotion, transfer, and/or rehire, shall an employee receive more than ~~twenty-fourthirty-two~~ (2432) hours of Personal Leave in any given calendar year.

17.4.1 Full-time employees hired on or after July 1<sup>st</sup> shall be entitled to only ~~twelve-sixteen~~ (1216) hours of personal leave in the first payroll calendar year in which they were hired.

17.4.2 Effective the first pay period of payroll calendar year 2022, ~~a~~n employee on a reduced work week schedule will receive Personal Leave as indicated in the chart below, even if the actual hours worked exceed that amount.

Scheduled Work Hours per Week	Benefit Level	Hours of Personal Leave
35 – 39.9 hours per week	100%	<del>24-32</del> hours
30 – 34.9 hours per week	75%	<del>48-24</del> hours
25 – 29.9 hours per week	62.5%	<del>45-20</del> hours
20 – 24.9 hours per week	50%	<del>42-16</del> hours
Less than 20 hours per week	Unbenefited	None

17.4.3 Effective the first pay period of payroll calendar year 2022, ~~a~~n employee who is promoted or demoted into an OE#3-represented classification will have the number of Personal Leave hours they receive upon promotion or demotion reduced on an hour-for-hour basis based on their usage of Personal Leave and/or Executive Leave within the same payroll calendar year.

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### LUNAR NEW YEAR

The terms of this Side Letter Agreement shall become effective when signed by all parties below and approved by the City Council in open session and shall be incorporated into any successor OE#3 Memorandum of Agreement.

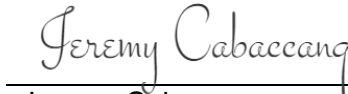
#### FOR THE CITY:

  
\_\_\_\_\_  
Jennifer Schembri  
Director of Employee Relations  
Director of Human Resources

8/30/2023

Date

#### FOR THE UNION:

  
\_\_\_\_\_  
Jeremy Cabaccang  
OE#3 Business Representative

8/29/23

Date