

## SIDE LETTER

between

Service Employees' International Union, Local 1021

And

County of Mendocino

The County of Mendocino and the Service Employees International Union, Local 1021 ("SEIU 1021"), collectively referred to as "Parties," agree to address the issue of constructive receipt by modifying Article 13(8)(A) of the Parties' Memorandum of Understanding (MOU) as follows:

### 13(8)(A) Vacation Cash Out

Once each fiscal year, an employee who is accruing 6.157 hours or more of vacation per pay period and who has utilized 80 hours of vacation in the previous twenty-six (26) pay periods may cash-out up to forty (40) hours of vacation, subject to the requirements of this section, and provided the employee is left with an accrued balance of at least forty (40) hours.

#### 1. Irrevocable Election

To cash 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 cash 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 cash out in the subsequent calendar year. For example, if an employee wishes to cash 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.

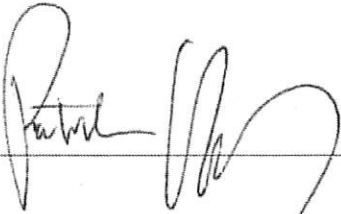
Employees who irrevocably elect to cash out leave in the subsequent calendar year are not required to do so. However, employees may only cash out leave in an amount up to the amount set forth in their Irrevocable Election Form.

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

#### 2. Cash Out Must Be Accrued in the Same Calendar Year

An employee may only cash out vacation leave accrued in the same calendar year as the cash 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 cash 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 cash out 24 hours at the time of the request.

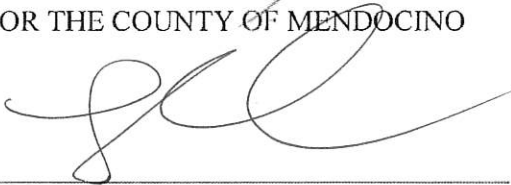
FOR SEIU 1021



---

11-23-2020  
Date

FOR THE COUNTY OF MENDOCINO



---

11-23-2020  
Date