

SIDE LETTER

between

Mendocino County Department Head Association

And

County of Mendocino

The County of Mendocino and the Mendocino County Department Head Association (“Association”), collectively referred to as “Parties,” agree to address the issue of constructive receipt by modifying section 6.5 of the Parties’ Memorandum of Understanding (MOU) as follows:

6.5 Cash Out for Vacation

Association employees may at their request receive compensation in lieu of unused vacation leave, not to exceed the eighty (80) hours per fiscal year, subject to the requirements of this section. Said compensation shall be paid to the employee following the submission of the request to the Human Resources Department, as well as a submission of an Irrevocable Election Form the prior calendar year as described below. The amount of compensation paid to an employee shall be calculated at the employee’s current rate of pay. ~~Employee must submit irrevocable election form no later than December 15 of prior calendar year.~~

The Department Head may request that said benefit be paid out of County miscellaneous budget.

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.

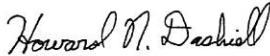
Employees who irrevocably elect to cash out leave in the subsequent calendar year are not required to do so. However, employees may only cash out leave in an amount up to the amount set forth in their Irrevocable Election Form.

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 THE MENDOCINO COUNTY DEPARTMENT HEAD ASSOCIATION



Digitally signed by Howard Dashiell
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Date: 2020.11.24 15:31:04 -08'00'

Howard N. Dashiell, Dept. Head Asso.

November 24, 2020

Date

FOR THE COUNTY OF MENDOCINO



11-24-2020

Date