

Tentative Agreement

City of Cupertino Counter Proposal to Union's 5/2 proposal

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SECTION 15: SICK LEAVE CONVERSION

15.1 Sick Leave is not vested under California statutory law.

15.2 At the time of termination, the value of non-vested hours is converted to an incentive compensation bank equal to the employee's base hourly rate.

15.3 If upon retirement an employee has a minimum of 320 non-vested hours, payment shall be made for up to eighty-five percent (85%) of the value of the incentive compensation bank.

15.4 If upon resignation an employee has a minimum of 320 non-vested hours, payment shall be made for up to seventy percent (70%) of the value of the incentive compensation bank.

15.4. a. Employees shall have the option of cashing out sick leave in accordance with Section 15 - Sick Leave Conversion. Any employee who is retiring will have the option of applying any remaining sick leave to service credit. If an employee is resigning, he/she will not have the option of applying sick leave hours to service credit.

15.5 Represented employees will have the option, subject to approval, of converting sick leave to vacation leave on a two-to-one basis only if the employee's remaining sick leave balance is 40 hours or more. The maximum allowable exchange will be 96 hours of sick time for 48 hours of vacation leave per calendar year. Minimum exchange will be eight hours sick leave for four hours of vacation. An employee may convert sick leave in excess of 320 hours to vacation leave on a one-to-one basis to a maximum of 48 hours and a minimum of four hours.

As a condition of converting sick leave to vacation, all employees will be required to use at least one-half (1/2) of vacation accrued during the previous twelve (12) months.

Such conversions, either to exchange sick leave for vacation or vice versa, shall be subject to the following conditions:

- a. All requests to exchange sick leave for vacation time shall be submitted in writing to the Department Head at least ~~60~~ 14 calendar days in advance of intended vacation utilization.
- b. The granting of such exchange and subsequent use will be at the discretion of the Department Head.
- c. If twelve (12) months have elapsed since approval of the exchange of sick leave for vacation, and the employee has not been permitted the use of the converted vacation time, (after submitting at least one written request for utilization) the employee will have the right to re-convert the vacation time to sick leave in reverse ratio to the

original exchange. This exchange will be allowed only for previously converted sick time to vacation and will not be permitted for regularly accrued vacation time.

- d. If the employee's vacation accrual exceeds the maximum allowable accrual, he/she will have the option to re-convert vacation time back to sick leave on a reverse ratio basis. Such re-conversion shall be limited to previously converted sick leave/vacation and may not exceed the amount necessary to reduce the accrued vacation to the maximum allowable.

Regularly accrued vacation time will not be eligible for this re- conversion to sick leave and any regularly accrued vacation time accrued in excess of the maximum allowable will be disallowed and not subject to utilization by the employee.

NOTE: As used in this document, "reverse ratio" is intended to mean that the ration of sick leave to vacation will revert to the original ratio at the time the initial exchange was implemented.

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