

**SIDE LETTER OF AGREEMENT
BETWEEN THE
TOWN OF LOS GATOS AND THE LOS GATOS POLICE OFFICERS' ASSOCIATION**

With a goal of developing a more effective operational deployment model for the Patrol Teams, the Town of Los Gatos (Town) and the Los Gatos Police Officers Association (LGPOA), collectively referred to as "parties," having met and conferred in good faith, agree as follows:

- As soon as practicable, the Los Gatos-Monte Sereno Police Departments Patrol Teams will have the ability to bid on three different Patrol Team schedules that work 12-hour shifts known as the Hybrid Wellness Schedule. These shifts are:
 - a. Day Shift (7:00 am – 7:00 pm)
 - b. Night Shift (7:00 pm – 7:00 am)
 - c. Swing Shift (3:00 pm – 1:00 am)
- The parties agree that the Day or Night shift will consist of one work week of four 12-hour shifts, and one work week of three 12-hour shifts in one pay period. These schedules result in eighty-four (84) scheduled hours of work per pay period. The parties agree that the four hours in excess of eighty (80) will be used as needed at the discretion of the Watch Commander based on staffing and operational needs.
- The parties agree that the Swing Shift will consist of four 10-hour shifts per week.
- This side letter incorporates the contractual overtime set forth in Section 20 of the parties' MOU. Notwithstanding the Town's contractual overtime obligations, the Town has established and hereby memorializes a 28-day work period pursuant to the Fair Labor Standards Act at section 29 U.S.C. 207(k) for all eligible law enforcement personnel, regardless of title or rank. Under the town's 28-day 207(k) work period, no statutory overtime is owed unless and until a covered employee actually works in excess of 171 hours in the 28-day work period. The Town's 28-day work period is contiguous with two biweekly pay periods and regular recurs.
- This side letter will continue at the discretion of the Chief of Police based on periodic reviews and evaluations of the operational needs of the Department. Should the Chief of Police decide to discontinue the Hybrid Wellness Schedule, the employees will receive advanced notice for the next shift bidding process. The termination of the 12-hour alternative work schedule is not subject to any grievance or appeal procedure.
- The parties agree that this side letter is not subject to any applicable grievance or other appeal procedure. If a LGPOA member has questions about their payments under this side letter, the member should direct their questions to the LGPOA.

- The parties agree that this side letter is subject to Council approval.

FOR POA:

Richard Rondeau, Police Sergeant

TOWN OF LOS GATOS:

Laurel Prevetti, Town Manager

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney