

SIDE LETTER
To
MEMORANDUM OF UNDERSTANDING
IAFF, Local 1699 and City of Milpitas
Regarding 10% Special Assignment Pay applied to employees assigned to the
Fire Captain 40 Hour Classification

International Association of Firefighters, Local 1699 ("the Association") and the City of Milpitas ("City") have entered into a memorandum of understanding effective from July 1, 2018 through June 30, 2022 ("the MOU").

As a side letter to that Agreement, and subject to approval by the City of Milpitas City Council at an upcoming public meeting, the Association and the City agree as follows:

1. Section 38.03 of the MOU provides the City with discretion to establish various special assignments for the classifications covered by the MOU for purposes of Fire Prevention, Training, and administrative functions, without permanent appointments or promotions.
2. In exercise of this discretion, the City has created a "Fire Captain 40 hour" assignment that is currently assigned to a 5-day, 40-hour per week schedule, although this discretion may be later exercised to assign a 4-day, 10-hour per week schedule.
3. The City and the Association have agreed that special assignment pay of 10% above base pay shall apply to employees assigned to the Fire Captain 40 Hour indefinitely or as a temporary long-term appointment under Rule 7.05 of the personnel rules. Shorter-term assignments to cover the absence of the appointed incumbent in the Fire Captain 40 Hour assignment shall not receive such special assignment pay; however, other sorts of premium pay provided in the City's personnel rules or the MOU, such as out-of-class pay may apply.
4. The parties intend that the 10% special assignment pay under this Side Letter will be pensionable compensation and referred to as Fire Staff Premium Pay for payroll purposes (i.e. special compensation subject to CalPERS contributions and for which benefits determinations can include.)
5. The employee assigned to the Fire Captain 40 Hour role shall receive City-designated paid holidays (e.g. Memorial Day, Labor Day, etc.) as time off, and as such is not eligible for holiday-in-lieu pay applicable to other classifications or assignments that do not receive such time off.
6. Eligibility requirements (training, experience, education) for the Fire Captain 40 Hour assignment shall be determined in the discretion of the Fire Chief. All qualified employees who meet such eligibility criteria shall be eligible for the assignment. The current selection method will continue unless and until the City and the Association discuss a new selection method.

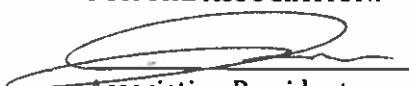
FOR THE CITY OF MILPITAS:



City Manager

Date: 1/13, 2020

FOR THE ASSOCIATION:



Association President

Date: January 9th, 2020

January 9, 2020