

TENTATIVE SIDE LETTER OF AGREEMENT

between

CITY OF HAYWARD

and

HAYWARD ASSOCIATION OF MANAGEMENT EMPLOYEES (HAME)

Representatives of the City of Hayward (the "City") and Hayward Association of Management Employees (the "Association") met and conferred in good faith on the City's anticipated revenue shortfall for FY 2021 resulting from the COVID-19 pandemic and reached a Side Letter Agreement (the "Original Agreement"), dated June 23, 2020 through which the City instituted an unpaid furlough leave program (the "Furlough Program") for FY 2021 for all Association members in order to aid the City's ability to maintain routine and necessary services while attempting to minimize negative fiscal impacts for employees. As part of the Original Agreement, the City agreed to provide a single, one-time lump sum payment to employees if a certain set of criteria were met.

In the spring of 2021, the Parties met and conferred in good faith to discuss amending the repayment provisions of the Original Agreement considering updated data regarding the City's revenues. As a result of these discussions, the Parties have agreed to amend the Original Agreement as set forth below.

If there is any conflict in language between this Agreement, the Original Agreement, and the Memorandum of Understanding, the provisions in this Agreement will supersede.

NOW THEREFORE, the City and the Association agree as follows:

- 1) Employees who have either (i) not utilized eighty (80) furlough hours or (ii) not paid back eighty (80) furlough hours pursuant to the "Furlough Payback" option on or before June 30, 2021 will not be required to take any additional furlough hours under the Furlough Program.
- 2) The "One Time Lump Sum Payment" provision of the Original Agreement shall be replaced in its entirety by the following language:

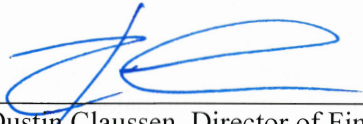
Cash Payment for Furlough Hours Used

The City agrees to provide a single, one-time lump sum payment to members of the Association equal to the value of furlough hours actually used or "paid back" under this Agreement, calculated using the employees' pay rate as of the date(s) on which the furlough leave was taken.

This payment shall be processed and paid as a separate paycheck on an off-cycle payroll date within three weeks following ratification and Council approval of this Agreement (i.e. if the regular payday is on the 1st and 3rd Friday of the month then the payment shall be made on either the 2nd or 4th Friday of the month). To be eligible for such payment, employees must be on City payroll during the pay period the one-time payment is processed.

- 3) Employees covered by this Agreement shall forfeit any right to the One Time Lump Sum Payment provided for under the Original Agreement.
- 4) All other provisions of the Original Agreement shall remain in full force and effect.

For the City:



Dustin Claussen, Director of Finance/
Interim Director of Human Resources

For the Association:



*Digitally signed by Doris Tang
Date: 2021.07.13 17:27:30 -07'00'*

Doris Tang, HAME President

Dated

7/14/21

Dated

7/13/2021