

**COMPENSATORY TIME OFF
SIDE LETTER OF AGREEMENT
BETWEEN
CITY OF HAYWARD
AND
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS – LOCAL 1909**

This side letter of agreement is entered into by and between the City of Hayward (“City”) and the International Association of Firefighters, Local 1909 (“IAFF, Local 1909”), to confirm the parties’ prior agreement to amend the Memoranda of Understanding (“MOUs”) with both the IAFF, Local 1909, Firefighter and Fire Officers Units with respect to compensatory time off to ensure compliance with the Fair Labor Standards Act and applicable state wage and hour law. The parties’ intent is to align the rate at which accrued but unused compensatory time off is paid upon separation with the requirements of 29 C.F.R. §553.27(b) and not to modify the rate at which any other forms of accrued leave are paid.

1. Effective following City Council adoption of this side letter, the following language shall be added to Section 4.02 of the MOUs:

As set forth above, compensatory time off may be earned in lieu of overtime compensation at the rate of one and one-half (1.5) hours for each hour of overtime worked. Upon separation from employment, an employee shall be paid for all unused compensatory time at the higher of (1) the average regular rate received by the employee during the last three (3) years of employment, or (2) the employee’s final regular rate.

Employees may not accrue more than four hundred and eighty (480) hours of compensatory time off.

2. Effective following City Council adoption of this side letter, Section 13.07 of the Firefighter Unit MOU and Section 13.06 of the Fire Officers Unit MOU shall be deleted in their entirety.

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3. The Parties mutually agree to this Side Letter of Agreement and that it will be incorporated by reference to the current MOU and run with succeeding MOU, unless incorporated into the body of future agreements.

For Local 1909:

For City of Hayward:

Andrew Ghali, Local 1909 President

Jennifer Ott, City Manager

Jeff Dimick, Local 1909 Representative

Burke Dunphy, Chief Negotiator

Ian Tecson, Director of Human Resources

Dated _____

Dated _____