

**Side Letter of Agreement
Between
City of Fresno
And
International Union of Operating Engineers, Stationary Engineers, Local 39**

AB1522, Healthy Workplace Healthy Family Act of 2014

The City and the International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39), have met and conferred over the impact of AB1522, Healthy Workplace Healthy Family Act of 2014 and agree to add the following provisions to Article VII, Section H., Subsection 2. – Sick Leave.

The first three days of sick leave used by an employee on or after July 1st of each fiscal year will be considered Leave taken under AB1522, Healthy Workplace Healthy Family Act of 2014 and will not be subject to corrective and/or disciplinary action.

The first three days of sick leave on or after July 1st of each year can be used for:

- a. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee;
- b. Diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee's parent (a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), child (a child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis - this definition of a child is applicable regardless of age or dependency status), spouse, registered domestic partner, sibling, grandparent, or grandchild; or,
- c. For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in Labor Code Section 230(c) and Labor Code Section 230.1(a).

After the employee has taken the first three days of sick leave on or after July 1st of each year the provisions regarding AB1522, Healthy Workplace Healthy Family Act of 2014 will not be applicable.

Employees who terminate City employment and return within one year of such termination will be entitled to reinstatement of their sick leave balances at the time of termination from City employment, up to a total of 48 hours.

Any leave taken under these provisions which would also apply to other sick leave provisions (e.g. Family Care Leave and/or family and medical leave) would also count toward those provisions.

These provisions will be effective July 1, 2015.

**FOR THE INTERNATIONAL UNION OF
OPERATING ENGINEERS, STATIONARY
ENGINEERS, LOCAL 39:**

FOR THE CITY OF FRESNO:

STEVE CROUCH
District Representative

KENNETH G. PHILLIPS
Labor Relations Manager

MARINA MAGDALENO
Business Representative

Date: _____

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY:  _____
Supervising Deputy