

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

State Disability Insurance (SDI) MOU Provision

The City of Fresno and the International Union of Operating Engineers, Stationary Engineers, Local 39 have met and conferred, and have agreed to amend and replace Article VII. Section I. in its entirety as follows:

I. STATE DISABILITY INSURANCE

1. Employees who are members of this Unit have been enrolled in the State Disability Insurance (SDI) coverage plan pursuant to an Agreement by the parties.
2. Employees shall file claims in the same manner as required under the SDI Plan.
3. The City shall maintain SDI through employee payroll deductions to be funded by employee contributions.
4. **All employees with an approved SDI/Paid Family Leave (PFL) claim must notify the City within fourteen (14) calendar days of receipt of approval and fill out a form made available by the City indicating whether or not the employee desires to integrate leave with the claim. Extensions beyond fourteen (14) calendar days due to exigent circumstances, such as the employee being incapacitated, may be considered on a case-by-case basis by the Director of Personnel Services or designee.**

Eligible Employees who are absent from duty and are receiving SDI/PFL benefits who are eligible to use Sick Leave, Vacation Leave, Holiday Leave, or Compensatory Time Off, shall be eligible to integrate a portion of their individual leave balances with SDI/PFL benefits as noted below.

Integrating leave balances is defined as the SDI/PFL benefit and the monetary value of the employee's leave balances added together to provide a bi-weekly net income.

Integrating leave balances with SDI/PFL benefits will continue only if leave balances are available and the employee remains eligible to receive SDI/PFL benefits.

5. An employee who has elected to **integrate leave balances** will be considered to be **in paid** status for the purpose of accumulation of leave and other benefits. Once an employee's Sick Leave bank is depleted, the employee has the option of requesting to use other accumulated leave banks. Request of and approval of other accumulated leave banks will be per City policy requiring management's approval. If the employee chooses not to **integrate** leave or has

- e. Eligible permanent part-time and permanent intermittent employees shall be included in this program on a pro-rata basis.
- 8. **If elected as described above, integration will end upon notification from the employee that SDI/PFL benefits have terminated, the employee exhausts all leave balances and/or donated time resulting in LWOP status, the employee's return to work, or the employee's separation from City employment; whichever comes first in time.**
- 9. In the event the City determines that legislative, administrative or judicial determinations cause changes which in any way restricts, reduces or prohibits any provision of this Agreement, the parties shall immediately meet to discuss necessary amendments and/or modifications.

This Agreement shall be effective on the date below until the implementation of a successor MOU. This subject will be addressed in the successor MOU.

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

FOR THE CITY OF FRESNO:

BART FLORENCE
Business Manager

KENNETH G. PHILLIPS
Labor Relations Manager

STEVE CROUCH
Director of Public Employees

MARINA MAGDALENO
Business Representative

DATE: _____

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY: 
for Assistant City Attorney