

**SIDE LETTER AGREEMENT BETWEEN THE CITY OF SAN BERNARDINO AND THE MIDDLE MANAGEMENT UNIT**

The following sets forth an amendment to Resolution 2007-343 for full-time, non-safety Middle Management Unit employees and further clarifies the Side Letter Agreement approved by the Mayor and Common Council in Resolution No. 2009-34:

**1. ARTICLE III - COMPENSATION, SECTION 6 - Overtime**, the following language is added:

"Effective March 1, 2009 through June 30, 2010, employees who work a 36-hour work week shall be paid overtime compensation at the rate of time and one-half for hours worked over 36 hours in the designated work week. Employees who continue to work a 40-hour work week due to health and safety concerns as determined by the City Manager will continue to be paid overtime compensation as outlined in the Memorandum of Understanding and in compliance with the Fair Labor Standards Act. Vacation, sick, holiday, compensatory time, and concession leave hours will not apply towards hours worked in the work week."

**2. ARTICLE III - COMPENSATION, SECTION 1 - Wages**, the following language is added:


"For the period of March 1, 2009 through June 30, 2010, employees' salary merit increases will not be impacted by the 36-hour reduced work week."

**3. ARTICLE III - COMPENSATION, SECTION 5 - PERS**, the following language is added:



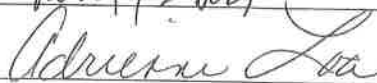
"Effective March 1, 2009 through June 30, 2010, the City shall continue to report the pay rate to PERS as the full monthly salary approved by the Mayor and Common Council in Resolution No. 6413, Section 11."

DATE: 4/9/09

FOR THE CITY:

  
Alex Livingston  
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REPRESENTATIVES OF:  
MIDDLE MANAGEMENT UNIT  
EMPLOYEES

  
Bonnie E. Clarke  
  
Robert J. Jones  
  
Adrienne Lee  
\_\_\_\_\_

**SIDE LETTER AMENDMENT/AGREEMENT TO RESOLUTION 2007-343  
MIDDLE MANAGEMENT UNIT**

The following sets forth the Amendment to Resolution 2007-343 for full-time, non-safety, Middle Management Unit employees. This Side Letter amends the current language in Article III, Compensation, Section 1, Wages and Article VII, General Provisions, Section 4, Term of Memorandum of Understanding (MOU):

A. ARTICLE III, COMPENSATION, SECTION 1, WAGES

“Salaries are per Resolution No. 6413, Section Eleven, as amended by the Mayor and Common Council.”

Effective March 1, 2009 through June 30, 2010, all non-safety employees will be reduced to a 36 hour work week resulting in four (4) hours of no pay per week, except for those employees not participating in the reduced work week due to health and/or safety concerns as determined by the City Manager.

Employees not participating in the reduced work week due to health and/or safety concerns as determined by the City Manager, will participate by reducing their compensation by four (4) hours per week, and in return will accrue, four (4) hours of leave time to be used at a later time. The hours will have no expiration date or cash value. \*

Department Heads will consider employees' requests for scheduling the hours and will not unreasonably withhold permission to take time off.

The reduced work week will not alter existing MOU articles on overtime, leave accruals, merit increases, and reportable PERS monthly salaries.

The City agrees to restore the ten percent (10%) employee concession prior to June 30, 2010 if sales tax, utility tax, and property tax totals restore to the FY 07-08 levels or if the City of San Bernardino receives a Federal or State bailout or other windfall that can be applied to the General Fund with no limitations equal to or greater than the amount of savings achieved through the employee concessions.

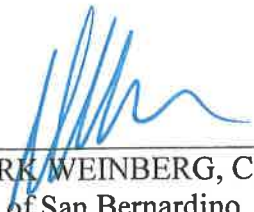
B. ARTICLE VII, GENERAL PROVISIONS, SECTION 4, TERM OF MEMORANDUM OF UNDERSTANDING

“The term of this MOU extends through June 30, 2010. If negotiations regarding an MOU are in progress at the time the current MOU expires, or if the parties are at impasse, the current MOU shall remain in effect until a successor MOU is adopted by the Mayor and Common Council.”

DATE: February 19, 2009

ATTEST: Rachel G. Clark  
City Clerk

**FOR THE CITY:**

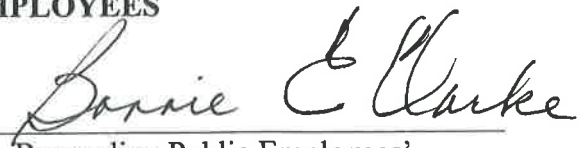


MARK WEINBERG, City Manager  
City of San Bernardino

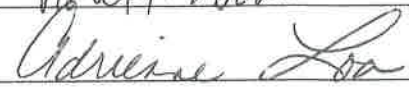
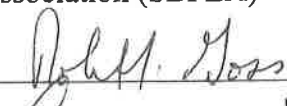


LINN LIVINGSTON,  
Director of Human Resources

**REPRESENTATIVES OF:  
MIDDLE MANAGEMENT UNIT  
EMPLOYEES**



San Bernardino Public Employees'  
Association (SBPEA)



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