

**SIDE LETTER OF AGREEMENT
BETWEEN
EAST BAY MUNICIPAL UTILITY DISTRICT
AND
AFSCME, LOCAL 444
January 2021**

Representatives for AFSCME, Local 444 and representatives for the East Bay Municipal Utility District (EBMUD) agree to extend the use of any unused portion of the Emergency Paid Sick Leave (EPSL) using ETS codes ESP1 and ESP2 and Emergency Family Leave (EFL) using ETS code EFME through June 30, 2021. These benefits were originally provided under the Families First in Coronavirus Response Act (FFA), which expired on December 31, 2020. The extension of these benefits is in response to the ongoing nature of the COVID-19 Pandemic. The provisions of this extension are provided for below:

- 1.) Employees who have any unused hours of Emergency Paid Sick Leave (EPSL) remaining as of December 31, 2020, may submit a NEW application to use EPSL consistent with its use under the original FFA.
 - Full time employees are eligible for a maximum of 80 hours of EPSL. Maximum EPSL hours for non-Full Time employees hired before 4/1/2020 was set based on a 6 month look back of hours worked. The maximum EPSL hours for non-full Time employees hired after 4/1/2020 were set by creating a per pay period amount based on the maximum allowable annual work hours for their employment status (1040 annual Intermittent 40 hours max leave), (1040 annual Job Share 40 hours max leave), (832 annual Part Time 32 hours max leave). Temp6 are treated as Full Time – 80 hours max leave. Non full time employees hired through June 30, 2021 will be afforded EPSL hours using this same structure.
 - Once these maximum amounts are exhausted, employees shall not be eligible for additional EPSL.
 - All EPSL hours used prior to January 1, 2021, count against the maximum eligible hours that may be used.
 - Employees will be paid their base hourly rate for each EPSL hour used.
 - The EPSL will expire at 11:59 pm on June 30, 2021; therefore, employees requiring leave after this time will be required to use available accrued sick or vacation leave or take the leave as unpaid, unless the leave qualifies as District paid leave under other conditions. Any unused EPSL after June 30, 2021 becomes null and void.

- 2.) Employees who have any unused EFL hours may apply to use these hours to care for a dependent child (<18 years of age) whose school or day care is closed or unavailable due to the COVID-19 pandemic.

- Full time employees are eligible for a maximum of 12 weeks (480 hours) of EFL. Non full time employees are pro-rated. Employees may use the EFL all at once or intermittently based on childcare needs. Once these maximum amounts are exhausted, employees shall not be eligible for additional EFL.
- All EFL hours used prior to January 1, 2021, count against the maximum eligible hours that may be used.
- The first two weeks of EFL shall be unpaid. However, employees may use any unused EPSL hours or accrued vacation or sick leave to be paid during this time.
- The 10 weeks of EFL, paid using ETS code EFME, will be paid at 2/3 of the employee's base hourly rate, up to a maximum of \$200 per day. EFL can be paid in conjunction with sick and vacation leave to supplement the pay. Employees must work with Employee Services staff to understand how to use the EFL time code EFME in coordination with sick and vacation leave.
- Hours taken for EFL will no longer be counted against the employee's entitlement under the Federal Family Medical Leave Act (FMLA) provisions after December 31, 2020. EFL is a temporary District benefit that will expire at 11:59 pm on June 30, 2021, at which point all unused EFL becomes null and void.

3.) Wages paid under EPSL and EFL shall be based on the employee's base hourly rate and are treated the same as District sick leave.

- Wages are subject to applicable taxes.
- Hours attributed to EPSL and/or EFL shall count towards service and retirement credit.

The parties agree that this Side Letter of Agreement represents the entirety of the agreement between the parties regarding this matter. This Agreement shall be effective January 1, 2021, and will expire June 30, 2021.

For AFSCME, Local 444:

For EBMUD:

Eric Larsen, President

Laura Acosta, HR Manager

Lisa Davis, Business Agent

Niger Edwards, ER Manager

Date: _____

Date: _____