

**SIDE LETTER AGREEMENT BETWEEN
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND
SAN BERNARDINO COUNTY PROFESSIONAL FIREFIGHTERS IAFF, LOCAL 935**

MODIFIED BENEFIT OPTION

Section 1. General Provisions

- a) All full-time employees in regular positions in the classifications of Fire Suppression Aide II, Fire Suppression Aide III, Firefighter EMT, Firefighter Paramedic, Engineer, and Captain shall be provided an opportunity to convert from a regular position with traditional benefits (i.e., traditional benefit option) to a regular position with modified benefits and a wage differential (i.e., the Modified Benefit Option).
- b) Employees may choose to enroll in the Modified Benefit Option (MBO) at hire or during the annual open enrollment period, and may choose to change to the traditional benefit option during subsequent open enrollment periods.
- c) Employees who select the Modified Benefit Option must commit to work a minimum of 1,560 hours per calendar year.
- d) In order to receive the benefits and wage differential of the MBO, the employee must specifically choose the Option.

Section 2. Modified Benefit Option Wage Differential

- a) Employees in the classifications of Fire Suppression Aide II, Fire Suppression Aide III, Firefighter EMT, Firefighter Paramedic, Engineer, and Captain who select the MBO shall receive a wage differential of 4% above the base rate of pay. The wage differential shall be paid on all paid hours (e.g., REG, PTO, etc.).
- b) The wage differential shall be considered as part of the base hourly rate when calculating the County's contribution to the employee's Retirement Medical Trust (RMT) account and sick leave conversion cash-out pursuant to the RMT Article, and other leave cash-outs if any. Provided below is an example of how the County's contribution to the RMT would be calculated:

Example: A Captain with 17 years of continuous County service selects the MBO. The employee's base hourly rate is \$35 per hour. This employee is eligible for a County contribution to the RMT equal to 2.75% of the employee's base bi-weekly salary. The County contribution to the RMT is calculated as follows:

112 hours X (\$35.00 per hour X 1.04 MBO Wage Differential) = \$4,077 base bi-weekly salary for purposes of County contribution to the RMT

\$4,077 X 2.75% Contribution Rate = \$112.12

The County will contribute \$112.12 to the RMT on behalf of the employee that pay period.

Section 3. Benefits and Leaves

Except as provided in this Article’s Section 3 and Section 4, employees who select the MBO shall receive the same benefits and leaves that employees who select the traditional benefit option receive.

- a) Medical Coverage. Employees who select the MBO shall have the same medical plan options as employees who select the traditional benefit option (e.g., Blue Shield HMO, Kaiser HMO, Blue Shield Access + HMO, Kaiser Choice HMO, and Blue Shield PPO).
- b) Medical Premium Subsidy (MPS).
 - 1. Firefighter EMT, Firefighter Paramedic, Engineer, and Captain. Employees in the classifications of Firefighter EMT, Firefighter Paramedic, Engineer, and Captain who select the MBO shall receive MPS in the following amounts per pay period:

Coverage Type	MPS Amount
Employee Only	\$126.85
Employee + 1	\$311.88
Employee + 2	\$427.29

Effective July 17, 2021, the MPS amounts shall increase to the following amounts per pay period:

Coverage Type	MPS Amount
Employee Only	\$128.62
Employee + 1	\$314.95
Employee + 2	\$431.39

Effective July 16, 2022, the MPS amounts shall increase to the following amounts per pay period:

Coverage Type	MPS Amount
Employee Only	\$130.40
Employee + 1	\$318.03
Employee + 2	\$435.49

- 2. Fire Suppression Aide II and Fire Suppression Aide III. Employees in the classifications of Fire Suppression Aide II and Fire Suppression Aide III who select the MBO shall receive MPS in the following amounts per pay period:

Coverage Type	MPS Amount
Employee Only	\$144.71
Employee Only – Grandfathered	\$166.60
Employee + 1	\$290.76
Employee + 2	\$412.80

Effective July 17, 2021, the MPS amounts shall increase to the following amounts per pay period:

Coverage Type	MPS Amount
Employee Only	\$145.12
Employee Only – Grandfathered	\$166.60
Employee + 1	\$290.76
Employee + 2	\$412.80

Effective July 16, 2022, the MPS amounts shall increase to the following amounts per pay period:

Coverage Type	MPS Amount
Employee Only	\$146.90
Employee Only – Grandfathered	\$166.60
Employee + 1	\$292.67
Employee + 2	\$412.80

Section 4. Paid Time Off (PTO) and Holiday Pay/Leave

- a) Paid Time Off Definition. Employees who select the MBO shall be granted Paid Time Off (PTO) in lieu of any other Vacation or Sick accrual leave provisions. Additionally, employees in the classifications of Firefighter EMT, Firefighter Paramedic, Engineer, and Captain shall accrue holiday leave in accordance with this Article’s Section 4(b)(5).
- b) Firefighter EMT, Firefighter Paramedic, Engineer, and Captain.
 - 1. PTO Accumulation. Employees in the classifications of Firefighter EMT, Firefighter Paramedic, Engineer, and Captain shall accrue, on a pro rata basis, PTO for completed pay periods provided, however, that the maximum combined vacation and PTO accrual that may be carried over to future calendar years shall not be prorated. Such PTO shall be available for use on the first day following the pay period in which it is earned, provided an employee has completed thirteen (13) pay periods or its equivalent of continuous service from the employee’s hire date.
 - 2. PTO Allowance.

Length of Service From Hire Date	PTO Allowance	Approximate Accrual Rate Per Pay Period	Maximum Allowed Unused PTO Balance	Maximum Allowed Combined Unused Vacation Leave and PTO Balance for Employees Who Convert to the Modified Benefit Option
After 13 & through 104 pay periods	180 hours	6.92 hours	270 hours	286 hours*
Over 104 & through 234 pay periods	236 hours	9.08 hours	356 hours	381 hours*
Over 234 pay periods	292 hours	11.23 hours	440 hours	493 hours*

*The employee's maximum allowed PTO balance may not exceed 270, 356, or 440 hours, as applicable.

3. PTO Administration.

- i. PTO for Vacation Leave Purposes. When PTO has been requested for vacation leave purposes, PTO shall be administered according to the Leave Provisions Article Section 1(b)(3) and (4).
- ii. PTO for Sick Leave Purposes. When PTO has been requested for sick leave purposes, PTO shall be administered according to the Leaves Provisions Article Section 2.
- iii. Separation. Employees separating from County employment shall have any unused PTO administered in the same manner that Vacation Leave is administered at separation according to the Leaves Provision Article Section 1(b)(5).
- iv. Employees who are subsequently hired into a position in a bargaining unit that does not contain the MBO, shall carry over their existing PTO balance and begin accruing vacation and sick leave immediately.

4. PTO Cash-Out.

- i. Option 1 – Future Accruals. On one occasion each calendar year an employee who had used one hundred and twelve (112) or more hours of PTO during the preceding calendar year may elect to convert up to one hundred and twelve (112) hours of accrued PTO into a cash payment, at the base rate of pay in effect at the time of the cash-out. In order to sell back PTO, an employee must make an irrevocable election (i.e., pre-designation) during the month of December (beginning in December of 2021), specifying the number of hours to be sold back from the next year's PTO accrual. During the calendar year following the pre-designation, no more than three (3) requests may be made to cash out the PTO in a single block of not less than fourteen (14) hours and no more than one hundred and twelve (112) hours. An employee shall be eligible to cash-out PTO hours accrued up to the preceding pay period in which he/she requested the cash-out. For example, an employee who requests a cash-out in pay period 15 can only cash-out the PTO accrued through pay period 14. The number of hours requested for cash-out shall not exceed an amount equal to or less than the amount accrued. Once an election is made, if the employee does not request that the designated number of hours be sold back by pay period 25 of the calendar year in which the election is effective, the hours will be automatically converted to cash in pay period 26.
- ii. Option 2 – Existing Accruals. Existing PTO accruals may be cashed out in whole hour increments with a minimum of fourteen (14) hours and a maximum of one hundred and twelve (112) and will be subject to a ten percent (10%) penalty.
- iii. In lieu of cash, an eligible employee may designate that part or all of the value of PTO time to be sold back is allocated to a deferred income plan if such a plan is approved by the District and credit for vacation time is allowed under the plan.

5. Holiday Leave.

- i. Holiday Accumulation. Employees in the classifications of Firefighter EMT,

Firefighter Paramedic, Engineer, and Captain shall accrue on a pro-rated basis, holiday leave for completed pay periods. Such holiday leave allowance shall be available for use on the first day following the pay period in which it is earned, provided an employee has completed thirteen (13) pay periods or its equivalent of continuous service from the employee's hire date. Employees in regular positions scheduled less than one hundred and twelve (112) hours per pay period shall receive holiday leave accruals and maximum accumulations on a prorated basis.

ii. Holiday Allowance.

Hours Per Year/Accrual Rate Per Pay Period	Maximum Allowed Unused Balance
143 hours/5.5	310 hours

iii. Holiday Administration. Holiday Leave shall be administered according to the Leave Provisions Article Section 3(b)(2), (3), (4), (6), and (7).

iv. Holiday Cash-Out. Employees may elect to sell back accrued holiday leave according to the Leave Provisions Article Section 3(b)(5) except that, under Option 1 (Future Accruals), employees may elect to convert up to one hundred thirty-one (131) hours of accrued holiday leave into a cash payment, at the base rate of pay in effect at the time of the cash-out.

c) Fire Suppression Aide II and Fire Suppression Aide III.

1. Accumulation. Employees in the classifications of Fire Suppression Aide II and Fire Suppression Aide III shall accrue, on a pro rata basis, PTO for completed pay periods. Employees in regular positions paid less than eighty (80) hours per pay period or job-shared positions shall receive PTO accumulation on a pro-rata basis provided, however, that the maximum combined vacation and PTO accrual that may be carried over to future calendar years shall not be prorated. Such PTO allowance shall be available for use on the first day following the pay period in which it is earned, provided an employee has completed 1,040 hours of continuous service from the employee's hire date.

2. PTO Allowance.

Length of Service From Hire Date	PTO Allowance	Approximate Accrual Rate Per Pay Period	Maximum Allowed Unused Balance	Maximum Allowed Combined Unused Annual Leave and PTO Balance for Employees Who Convert to the Modified Benefit Option
From hire date through 10,400 service hours	180 hours	6.92 hours	270 hours	320 hours*
Over 10,400 service hours	216 hours	8.31 hours	324 hours	404 hours*

*The employee's maximum allowed PTO balance may not exceed 270 and 324 hours, as applicable.

3. Administration.

i. PTO for Vacation Leave Purposes. When PTO has been requested for vacation

leave purposes, PTO shall be administered according to the Leave Provisions Article Section 1(c)(3) and (4).

- ii. PTO for Sick Leave Purposes. When PTO has been requested for sick leave purposes, PTO shall be administered according to the Leave Provisions Article Section 2.
 - iii. Separation. Employees separating from County employment shall have any unused PTO administered in the same manner that Vacation Leave is administered at separation according to the Leave Provision Article Section 1(c)(5).
 - iv. Employees who are subsequently hired into a position in a bargaining unit that does not contain the MBO, shall carry over their existing PTO balance and begin accruing vacation and sick leave immediately.
4. PTO Cash-Out. On one occasion each calendar year, an employee who had used eighty (80) or more hours of PTO during the preceding calendar year may elect to convert up to sixty (60) hours of accrued PTO into a cash payment, at the base rate of pay in effect at the time of the cash-out. In order to sell back PTO, an employee must make an irrevocable election (i.e., pre-designation) during the month of December, specifying the number of hours to be sold back from the next year's PTO accrual. During the calendar year following the pre-designation, no more than three (3) requests may be made to cash out the PTO in a single block of not less than eight (8) hours and no more than sixty (60) hours. An employee shall be eligible to cash-out PTO hours accrued up to the preceding pay period in which he/she requested the cash-out. Once an election is made, if the employee does not request that the designated number of hours be sold back by pay period 25, or 26 when applicable, of the calendar year in which the election is effective, the hours will be automatically converted to cash in the last pay period of the calendar year.
5. Holiday Pay. Employees shall not accrue any holiday leave, but shall be paid twice their base hourly rate for all hours actually worked up to 12 hours per shift on the following holidays:

January 1	Thanksgiving
Last Monday in May	Day after Thanksgiving
July 4 th	December 24 th
First Monday in September	December 25 th
November 11 th	December 31 st

d) Accrual Carryover Following Benefit Change.

1. Traditional Benefit Option to Modified Benefit Option.
 - i. Employees who convert from the traditional benefit option to the MBO shall carry over and may utilize their existing vacation, holiday, and sick leave balances; provided, however, that employees in the classifications of Firefighter EMT, Firefighter Paramedic, Captain, and Engineer shall no longer accrue vacation leave and sick leave after converting to the MBO, and employees in the classifications of Fire Suppression Aide II and Fire Suppression Aide III shall no longer accrue vacation leave, holiday leave, and sick leave. After converting to the MBO the employee shall be immediately eligible to accrue PTO.
 - ii. Vacation Cash-Out. Employees who met the eligibility requirements for the vacation cash-out prior to selecting the MBO, and pre-designated to cash-out

vacation leave during the required pre-designation period while in the traditional benefit option, shall remain eligible to cash-out vacation leave. However, employees enrolled in the MBO shall not be eligible to pre-designate to cash-out vacation leave while enrolled in the MBO unless employee intends to convert to the traditional benefit option during next calendar year's open enrollment period and start accruing vacation that calendar year. Additionally, employees in the classifications of Firefighter EMT, Firefighter Paramedic, Captain, and Engineer who select the MBO will continue to have the option to cash-out existing vacation accruals provided by Option 2 in the Leave Provisions Article Section 1(b)(6).

2. Modified Benefit Option to Traditional Benefit Option.

- i. Employees who convert from the MBO to the traditional benefit option shall carry over and may utilize their existing PTO balance (if any) and begin accruing vacation, holiday, and sick leave immediately according to the Leave Provisions Article; however, the maximum combined PTO and vacation accrual that may be carried over to a future calendar year shall not exceed this employee's allowed maximum vacation accrual balance at the end of the calendar year as established in the Leave Provisions Article Section 1(b)(2) for employees in the classifications of Firefighter EMT, Firefighter Paramedic, Captain, and Engineer; and Section 1(c)(2) for employees in the classifications of Fire Suppression Aide II and Fire Suppression Aide III.
- ii. PTO Cash-Out. Employees who met the eligibility requirements for the PTO cash-out prior to converting from the MBO to the traditional benefit option, and pre-designated to cash-out PTO during the required pre-designation period while in the MBO, shall remain eligible to cash-out PTO. However, employees enrolled in the traditional benefit option shall not be eligible to pre-designate to cash-out PTO while enrolled in the traditional benefit option unless employee intends to convert to the MBO during next calendar year's open enrollment period and start accruing PTO that calendar year. Additionally, employees in the classifications of Firefighter EMT, Firefighter Paramedic, Engineer, and Captain who convert from the MBO to the traditional benefit option will continue to have the option to cash-out existing PTO according to this Article's Section 4(b)(4)(ii).

Dated: 3/5/21



County Fire

James Grigoli

Local 935