

**SIDE LETTER BETWEEN IBEW LOCAL 1245
AND CITY OF SANTA CLARA
RESOLVING DISPUTE REGARDING CERTIFICATION PAY
APPLICABLE TO ASBESTOS RELATED EXPOSURE AND TRAINING**

On or around January 3, 2018, the City of Santa Clara (City) and IBEW Local 1245 (IBEW) signed a Side Letter regarding "Working Around Asbestos-Containing Material" that provided in part that "employees required by the City to be trained and certified to work with asbestos-containing materials (Class III level training and certification) will receive certification premium of 2% into their base hourly rate." A copy of the January 3, 2018 Side Letter is attached.

On May 23, 2019, a group of IBEW represented employees filed a grievance alleging that the City has not been paying this 2.0% premium pay consistent with the Side Letter, Specifically, IBEW alleges that the City has failed to include the 2.0% premium pay when paying employees for overtime earned under the Memorandum of Understanding (MOU overtime).

In order to resolve this grievance, and without the City waiving or compromising its position that the City has in fact at all times paid IBEW employees consistent with the terms of the January 3, 2018 Side Letter, the City will agree to IBEW's grievance requests, and the parties thus agree as follows:

1. The City will prospectively apply the 2.0% premium pay to the overtime rate for all MOU overtime hours worked.
2. The City also will calculate and retroactively pay employees the additional amounts that would have been paid since January 1, 2018 if the 2.0% premium pay had been included in the overtime rate for all MOU overtime hours worked.
3. In exchange for these City agreements, and contingent on the City paying the amounts set forth in this Side Letter, IBEW and its members will withdraw with prejudice their May 23, 2019 grievance.
4. This Side Letter shall be effective following both execution by the signatories indicated below and approval by the Santa Clara City Council.



Deanna Santana, City Manager
City of Santa Clara

Dated: 10/16/19



Charley Souders, Business Representative
IBEW Local 1245

Dated: 8/23/19