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Date: April 13, 2023  
To: Board of Directors  
From: David Aranda, Interim General Manager  
Subject: Approval to adjust the wording in the Memorandum of Understanding (MOU) between KPPCSD and Kensington Police Officer's Association (KPOA) regarding holiday pay as required by CalPERS

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### **Recommendation**

Motion to approve accepting the changes of holiday pay in the KPPCSD MOU with the KPOA in conjunction with meeting the CalPERS retirement requirements.

### **Background**

As noted on the attached e-mail, our CPA firm received approval from CalPERS regarding the wording that is being presented tonight for holiday pay for the employees.

The audit CalPERS conducted a number of months ago found that holiday pay as described in the current MOU was not sufficient in accurately describing how holiday pay was handled by the District. The attached wording is acceptable to CalPERS and with the approval of this change and the minutes of this action, CalPERS will allow the District to move forward in regard to avoiding any future fines and in the handling of pay to the officers in conjunction with their retirement benefits.

### **Attachments**

- Kensington Police & Protection Community Services District side letter MOU for July 1, 2022 until June 30, 2025

**Kensington Police & Protection Community Services District side letter MOU for July 1, 2022 until June 30, 2025**

Article XII Holiday Pay Definitions

A. Holiday In Lieu Pay for Police personnel

For Classic and PEPRA Members:

- Holiday Pay is defined additional compensation for employees who are normally required to work on an approved holiday because they work in positions that require scheduled staffing without regard to holidays. If employees are paid over and above their normal monthly rate of pay for approved holidays, the additional compensation is holiday pay and reportable to PERS. All employees (except for the Chief) are required to work without regard to holidays.
1. Each Employee shall be paid 14 holidays, listed below, at 8 hours per holiday.
  2. Each Employee shall be paid at their current base salary rate for 112 hours (14 holidays at 8 hours) in-lieu pay each year divided equally among semimonthly paychecks.
  3. Any Employee receiving in-lieu pay as described above shall not be entitled to time off on holidays.
  4. New employees who commence employment during the year shall receive in-lieu pay, as described above, on a pro-rated basis.

Holidays

- News Years Day
- Martin Luther King's Birthday
- Lincoln's Birthday
- President's Day
- Cesar Chavez Day
- Memorial Day
- Independence Day
- Labor Day
- Admission Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- The day after Thanksgiving
- Christmas