

SIDE LETTER AGREEMENT
Between
MERCED COMMUNITY COLLEGE DISTRICT
And
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION
And Its
CHAPTER #274

Winter Holiday, 2020

This side letter of agreement is agreed between Merced Community College District ("District") and the California School Employees Association and its Chapter 274 (together "CSEA") concerning the winter break schedule for 2020.

WHEREAS, Article 22 of the collective bargaining agreement provides for the following holidays:

New Year's Day,
Labor Day,
King's Day,
Admission Day (Good Friday in lieu of),
Lincoln's Day,
Veteran's Day,
Washington's Day,
Thanksgiving Day and following Friday,
Memorial Day,
Christmas Day,
Independence Day; and

WHEREAS, Christmas Eve is not a recognized holiday in the collective bargaining agreement; and

WHEREAS Administrative Procedure 4010, Academic Calendar, states:

The academic year consists of 175 days.

The academic calendar includes four flexible calendar days.

The starting and ending dates of the academic calendar are negotiated between the District and the Merced College Faculty Association.

The following are considered possible holidays:

- New Year's Day (January 1)
- Dr. Martin Luther King, Jr. Day (Third Monday in January)
- Lincoln Day (February, date to be determined annually)
- Washington Day (Third Monday in February)
- Cesar Chavez Day (March 31)
- Admission Day (Good Friday, date to be determined annually, in lieu of)
- Memorial Day (Last Monday in May)
- July 4th (Independence Day)
- Labor Day (First Monday in September)
- Veterans Day (November 11)

- Thanksgiving Day (Fourth Thursday in November)
- The Friday following Thanksgiving Day
- December 24 & 25 (Christmas Eve & Christmas)
 - Four consecutive working days, to include December 24 when possible, designated by the Board of Trustees at the end of the calendar year

WHEREAS, the collective bargaining agreement provides for four (4) days of paid winter break in addition to Christmas Day, as follows (Article 22):

In addition to the above, all employees will receive four (4) consecutive working days of holiday designated by the Board of Trustees during the period of time when classes are not in session at the end of the calendar year.

WHEREAS, the parties now recognize that Christmas Eve has been scheduled on the Academic Calendar as a holiday – in error – in the past as well as on the 2020-2021 Academic Calendar; and

WHEREAS, both parties bear a responsibility to address errors in the application of the collective bargaining agreement language when they are recognized; and

WHEREAS, the parties recognize that the Academic Calendar was not/has not been a negotiated item between the parties and does not supersede the agreed upon collective bargaining agreement language;

THEREFORE, the parties agree to the following conditions:

- 1) Christmas Eve will remain marked as a holiday on the Academic Calendar for winter break 2020, and
- 2) The four days of additional paid winter break holiday will be December 28 through December 31, 2020, and
- 3) The parties will bargain Article 22, Holiday Schedule, in good faith during the pending successor agreement negotiations in order to rectify the error of the additional and unrecognized holiday (Christmas Eve).

This agreement will be effective for winter break 2020 only. If the parties fail to successfully negotiate and ratify a successor agreement prior to December 2021, the existing bargaining agreement language will be in full force and effect and Christmas Eve will not be a recognized holiday in December 2021 except as it may be included in the four days of additional paid holiday time.

FOR THE DISTRICT:



Superintendent/President

9/8/2020

Date

