
As identified in the State’s notice to exclusive representatives dated May 14, 2021, the May Revision of the 2021-2022 Budget Act reflects the state’s fiscal status has improved due to higher-than-anticipated tax revenue and new federal funding from multiple stimulus bills. Looking to the fiscal year ahead, the State’s improved financial condition warranted renewed discussions relative to the BU 5 COVID-19 Pandemic Recession Side Letter and Side Letter entered into between the parties on June 29 and June 30, 2020, respectively.

This Agreement is a Side Letter of the current Memorandum of Understanding (MOU) effective July 1, 2019, through June 30, 2023, between the California Association of Highway Patrolmen (CAHP) Bargaining Unit 5 (BU 5) and the State of California (State). This Side Letter replaces the referenced June 2020 side letters, except as stated herein.

I. Personal Leave Program 2020

It is the intent of the parties that PLP 2020 ends July 1, 2021. Effective the first day of the pay period following ratification by the union and approval by the Legislature, the Personal Leave Program 2020 (PLP 2020) will end. This will result in the elimination of the 4.62% reduction of employees' pay. Employees will no longer receive PLP 2020 leave credits effective the first day of the pay period following ratification. Provisions related to the use and compensability of PLP 2020 leave credits will remain unchanged.

II. Restoration of Pay Decreases

Effective the first day of the pay period following ratification by the union and approval by the Legislature, the following items are hereby restored consistent with the MOU:

- The $920 per year allowance for uniforms provided for in Section 69.
- The $25 per month for uniform maintenance and cleaning provided for in Section 69.
III. Restoration of Employee and Employer Other Post-Employment Benefits (OPEB) Contributions

Notwithstanding Government Code sections 22940, 22942, 22943, 22944, 22944.2, 22944.3, and 22944.5, the employees’ monthly contribution for prefunding other post-employment benefits is restored per the terms of this Side Letter as set forth below and shall be withheld from employees’ salaries beginning on the first day of the pay period following ratification by the union and approval by the Legislature. The employer’s monthly contribution for prefunding other post-employment benefits will also be restored per the terms of this Side Letter.

The OPEB cost sharing between the employees and the employer, as provided for in Section 41, will be amended as follows to achieve a 50/50 percent cost sharing of actuarially determined total normal cost:

- Effective the first day of the pay period following ratification by the union and approval by the Legislature: employee share of 0.9 percent of pensionable compensation and employer share of 5.9 percent of pensionable compensation for a total of 6.8 percent of pensionable compensation.

- Effective July 1, 2022: employee share of 1.7 percent of pensionable compensation and employer share of 5.1 percent of pensionable compensation for a total of 6.8 percent of pensionable compensation.

- Effective July 1, 2023: employee share of 2.6 percent of pensionable compensation and employer share of 4.2 percent of pensionable compensation for a total of 6.8 percent pensionable compensation.

- Effective July 1, 2024: employee share of 3.4 percent of pensionable compensation and employer share of 3.4 percent of pensionable compensation for a total of 6.8 percent pensionable compensation.

For purposes of the salary survey, the employee share for OPEB will be 3.4 percent, effective the first day of the pay period following ratification by the union and approval by the Legislature.

IV. Return of Retirement Contribution to Employees’ Compensation

The 1 percent of salary redirected from employee compensation pursuant to the July 1, 2019 salary survey toward retirement shall be returned to employees’ compensation on July 1, 2023, pursuant to Section 36 Retirement Benefits, subsection (c) (4).
V. Restoration of Employees' Retirement Contributions

Increases to employees’ retirement contributions shall be restored as provided in Section 36 (c) (6), effective July 1, 2021.

VI. Leave Hours Cap

Leave balance caps for employees' Annual Leave and Vacation Leave banks shall be allowed for up to 924 hours for no less than the duration of this Side Letter, and shall be extended in the event the employer is not able to reduce balances for operational reasons.

VII. Leave Hours Cash Out

In addition to Section 55, employees shall have a one-time option to cash out up to 80 hours of leave credits as set forth in CalHR policy. This cash out shall be completed in the fall of 2021.

VIII. Other Terms of the MOU

Except as amended by this Side Letter, all other terms of the MOU remain in effect.

IX. Federal Funding for Essential Worker Premium Pay

A. It is understood by the parties that the federal stimulus enacted in March 2021, known as the American Rescue Plan Act, includes money to be provided to states for the purposes of distributing essential worker premium pay to some or all essential workers in both the private and public sector. It is further understood by the parties that federal and state guidelines will dictate the manner in which premium pay will be distributed and that income levels may be a consideration in the distribution.

B. The parties agree that when federal and state guidelines are released regarding essential worker premium pay, the state will meet and confer with Bargaining Unit 5 to determine the impact on BU 5 members.

X. Duration

This Side Letter extends the term of the MOU from June 30, 2023, to July 3, 2024.