



SIDE LETTER of AGREEMENT

between the

Santa Clara Valley Water District (Valley Water)

and the **Employees Association (EA), AFSCME Local 101**

regarding

Modification to the Limited-Term Appointment Policy (AD-2.2.107)

In order to perform Valley Water's responsibility, the Chief Executive Officer (CEO) is altering the procedures in AD-2.2.107 as follows:

Water Conservation Program

On April 27, 2021, Valley Water's Board of Directors increased the Landscape Rebate Program and increased the desired water conservation percentage due to Santa Clara County's drought and water supply conditions. Valley Water staff was directed to encourage additional water savings which resulted in an increased workload in order to add visibility and participation to the conservation program.

Considering the Board's direction and the county's drought, Valley Water has an immediate need to add the following two (2) limited-term positions to the Water Supply Planning and Conservation Unit (#445):

- One (1) Management Analyst I/II
- One (1) Water Conservation Specialist I/II

The terms of this agreement are as follows:

1. For the two (2) limited-term positions identified, recruitment will be both internal and external, concurrently.
 2. Development of job postings for the limited-term positions will be expedited. Limited-term job postings shall be clearly marked as such and shall be very specific about the assignment so interested candidates have a clear picture of what the assignment entails, the type of experience required and the conditions and terms of employment.
 3. These limited-term positions will be for a period of three (3) years.
 4. If the limited-term appointee is internally hired and released from the position prior to the end of the time period, the appointee will be subject to Valley Water's reassignment process and/or appropriate Memorandum of Understanding (MOU) layoff provisions.
 5. An internally hired limited-term appointee will be covered by the EA MOU and eligible for all pay and benefits described in the MOU.
 6. An externally hired limited-term appointee will be considered "at-will" and may be terminated at any time with or without cause.
 7. An externally hired limited-term appointee will be covered by the EA MOU and eligible for all pay and benefits described in the MOU with the exception of the following articles/sections:
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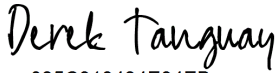
Side Letter of Agreement - Modification to Limited-Term Appointment Policy (AD-2.2.107)

Valley Water & EA

July 13, 2021

- a. Article 3, Section 10: Temporary Promotion Pay
 - b. Article 3, Section 11: Out-of-Class Assignment
 - c. Article 6, Section 4(D): Deferred Compensation (*Limited-term appointees may participate in Valley Water's 457 deferred compensation program however they will be ineligible for Valley Water matching funds and participation in Valley Water's 401(a) plan.*)
 - d. Article 8: Leaves of Absence (*Valley Water will provide a leave of absence as required by law under the Family Medical Leave Act (FMLA), California Family Rights Act (CFRA) and Pregnancy Disability Leave (PDL).*)
 - e. Article 11: Workforce Development
 - f. Article 12: Employee Performance/Evaluation
 - g. Article 13: Classification
 - h. Article 14: Discipline Process
 - i. Article 16: Layoff
8. Valley Water will endeavor to provide a sixty (60) day notice to limited-term appointees when their services will no longer be needed due to completion of assignment.
9. If a limited-term position covered by this agreement is vacated prior to the end of the specified term, that vacant, limited-term position may be filled for the duration of the time period as a limited-term appointment or a temporary staff hire at Valley Water's discretion.
10. Valley Water agrees to meet and confer with the Union if after three (3) years from the date of this signed side letter, the need for the limited-term positions associated with this program are still in existence.

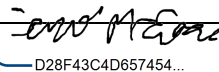
**Authorized Union
Representatives:**

DocuSigned by:

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Derek Tanguay
 President
 Employees Association, AFSCME Local 101

7/13/2021

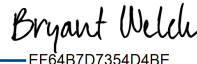
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Carol McEwan
 Business Agent
 AFSCME Local 101

Date: _____

**Authorized Valley
Water Representative:**

DocuSigned by:

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Bryant Welch
 Labor Relations Manager
 Valley Water

7/13/2021

Date: _____