

**Side Letter
Between
Santa Clara County Central Fire Protection District
and
International Association of Firefighters, Local 1165**

Any employee in the job classification of Hazardous Materials Assistant Fire Marshal, Senior Hazardous Materials Specialist, or Hazardous Materials Specialist who is employed on a regular, full-time basis, and is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of on-scene fire investigation duties shall become entitled, regardless of his or her period of service with the District, to a leave of absence while so disabled without loss of salary in lieu of temporary disability payments, if any, that would be payable, for the period of the disability, but not exceeding one year, or until that earlier date as he or she is retired on permanent disability pension, and is actually receiving disability pension payments, or advanced disability pension payments. The District shall pay this contractual benefit, which shall be subject to all applicable withholdings.

Any employee eligible for the benefits contained in Labor Code § 4850, et seq. or for any benefit payable as a result of disability, insured or otherwise, under a plan sponsored or offered by the District or a payroll practice of the District, shall not be eligible for this contractual benefit (i.e., this contractual benefit and Labor Code § 4850 or any other District plan or payroll practice are mutually exclusive, and an employee shall not receive paid leave pursuant to this contractual benefit and pursuant to Labor Code § 4850 or any other District plan or payroll practice). In no event shall the employees listed above be eligible to benefits exceeding those available to firefighters under Labor Code § 4850.

Benefits payable or paid for a disability to an employee from the District pursuant to this Side Letter shall be reduced to offset against any other payment made or available to such employee and as a result of the same disability from a plan sponsored or offered by the District, insured or otherwise (including any retroactive disability retirement plan benefit whose effective date is on or after the date of disability for which a benefit is payable to the employee under this Side Letter), or a payroll practice of the District. Such benefit payment shall be considered an overpayment for which the District has the right to seek recoupment in any manner the District deems appropriate, including but not limited to, offsetting against any other benefit from the District or from any compensation payable to the employee by the District.

Any employee in the job classification of Hazardous Materials Assistant Fire Marshal, Senior Hazardous Materials Specialist, or Hazardous Materials Specialist who is employed on a regular, full-time basis shall be entitled to the same presumptions under Labor Code § 3212, et seq. that are available to firefighters to whom Labor Code § 3212, et seq. applies. In no event shall the employees listed above be eligible for benefits exceeding those available to firefighters under Labor Code § 3212.

If a qualifying injury results in a medical determination that precludes an employee in one of the above-identified classifications from returning to work due to permanent work restrictions, the employee shall file an application for either a PERS Industrial Disability Retirement or Disability Retirement, as applicable, within 15 days. The employee shall cooperate fully and work with the Department to select an effective retirement date.

 5/8/19

Tony Bowden
Fire Chief

Date

 5/8/19

Adam Cosner
IAFF 1165

Date

Approved as to Form and Legality



Masa Shiohira
Deputy County Counsel