

Attachment B

**AMENDMENT-1 TO  
EMPLOYMENT AGREEMENT BETWEEN  
MORAGA-ORINDA FIRE DISTRICT AND DAVID WINNACKER**

This Amendment to the Employment Agreement is made and entered into as of the effective date, by and between the Moraga-Orinda Fire District ("District") and David Winnacker ("Employee" or "Fire Chief"), becoming effective June 1, 2018 (the "Effective Date"), with respect to the terms and conditions of employment of Employee as Fire Chief for the District.

**Recitals**

A. The District and David Winnacker are parties to that certain Employment Agreement, dated December 20, 2017, which provided for annual vacation hours and leave without pay for annual reserve military service.

B. California law requires the District to pay an employee his or her salary for the first 30 days of active duty training if the employee is on a temporary military leave of absence for a period of ordered active duty training not exceeding 180 calendar days, and the employee has completed at least one year of service at the District, recognized military service, or a combination of both, immediately prior to the day on which the absence begins.

C. The parties now desire to amend the Employment Agreement to decrease Employee's annual vacation hours and to provide for 30 calendar days of paid temporary military leave of absence for ordered active duty training in accordance with California law.

**AMENDMENT**

Section 5.5. Vacation of the Agreement is hereby amended to read as follows:

Section 5.5. Vacation.

For the 2018 calendar year, employee shall accrue vacation at the rate of one hundred sixty-eight (168) hours per year however, maximum accrual shall be four hundred sixty-five (465) hours. Employee may not sell back any unused vacation.

Section 5.14. Military Service is hereby added to the Employment Agreement to read as follows:

Section 5.14. Military Service.

District shall pay Employee his salary for the first 30 calendar days of a temporary military leave of absence for ordered active duty training in accordance with California law. District shall not provide paid temporary military leave of absence for periods of inactive duty training.

"District"

"Employee"

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Craig Jorgens, Secretary

David Winnacker

Approved As To Form:

Jonathan Holtzman, District Counsel