

RESOLUTION NUMBER R- 304829
DATE OF FINAL PASSAGE MAY 01 2009

4/21

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A TENTATIVE AGREEMENT BETWEEN THE CITY AND LOCAL 145, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO, REGARDING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2009-2010 AND 2010-2011.

WHEREAS, from January 15, 2009 until April 2, 2009, the Management Team of the City of San Diego [City] met and conferred with Local 145, International Association of Fire Fighters, AFL-CIO [Local 145], regarding wages, hours, and other terms and conditions of employment for employees represented by Local 145 in the Classified Service of the City, and made detailed recommendations to the City Council in relation thereto; and

WHEREAS, the Meyers-Miliias-Brown Act [MMBA], at California Government Code section 3500 *et seq.*, is the state law that governs labor relations between the City of San Diego and its represented employees in the City's recognized employee organizations, including Local 145; and

WHEREAS, the MMBA requires the City to participate in collective bargaining with its recognized employee organizations, including Local 145, in an effort to reach agreement on terms and conditions of employment within the scope of representation prior to the adoption of the City's final budget for the ensuing fiscal year; and

WHEREAS, California Government Code section 3505.1 provides if agreement is reached by the designated representatives of the City, as defined by the MMBA and local rules, and a recognized employee organization, the City's designated representatives and the recognized employee organization shall jointly prepare a written memorandum of understanding

[MOU], which shall not be binding, until approved by the City Council, and present it to the City Council, as the governing body, for determination; and

WHEREAS, on April 14, 2009, following initiation of the City's impasse procedures, as set forth in City Council Policy 300-06, the City's designated representatives and representatives of Local 145 reached tentative agreement on terms and conditions of employment for a two-year MOU, for a term to begin July 1, 2009; such tentative agreement is subject to ratification and approval by the City Council and the members of Local 145, and further subject to the approval of the MOU by the City Council, as provided by the MMBA, specifically California Government Code section 3505.1, and San Diego City Charter section 11.2; and

WHEREAS, it is the desire of the City Council that the terms set forth in the tentative agreement, referenced herein, and attached hereto as Exhibit A and fully incorporated herein, be documented in an MOU and brought before the City Council at a later date for final determination; and

WHEREAS, San Diego City Charter section 11.2 requires that any multiple year MOU with any recognized employee organization concerning wages, hours, and other terms and conditions of employment is within the exercise of legislative discretion of the City Council so long as the City Council determines it is in the best interests of the City to enter into a multiple year MOU and approves the MOU by a two-thirds vote of the entire Council; and

WHEREAS, it is the City Council's determination that given the current fiscal issues facing the City, it is in the best interests of the City to enter into a multiple year MOU with Local 145, which includes reduction in total compensation for Local 145 members, because the MOU, in part, reduces the City's projected budget deficit for fiscal years 2009-2010 and 2010-2011 and creates two years of stability of employee compensation; and

WHEREAS, the City Council desires to approve the terms set forth in the tentative agreement, attached to this Resolution as Exhibit A, so long as this approval is contingent upon and subject to ratification and approval of the tentative agreement and MOU by a simple majority of Local 145 members and further contingent upon and subject to the City and Local 145 jointly bringing forward an MOU at a later date for final determination by the City Council; and

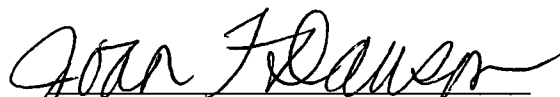
WHEREAS, by ballots taken on April 16, 2009, and April 17, 2009, members of Local 145 ratified and approved the tentative agreement, attached as Exhibit A, by a final vote of 210 members in favor and 5 members against ratification and approval.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the authority of the MMBA and City Council Policy 300-06, the Council of the City of San Diego hereby approves the tentative agreement between the City and Local 145, attached as Exhibit A and fully incorporated herein by reference; and

BE IT FURTHER RESOLVED that the City Council directs the City's designated representatives to jointly prepare with representatives of Local 145 the written MOU and present it to the City Council at a later date for final determination.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Joan F. Dawson
Deputy City Attorney

JFG:cfq
Or.Dept: C.A
R-2009-1081

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 21 2009.

ELIZABETH S. MALAND
City Clerk

By *Mary Sumaya*
Deputy City Clerk

Approved: 5-1-09
(date)

JS
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

EXHIBIT A

Tentative Agreement Term Sheet

Between the City of San Diego and the Fire Local 145

(Tentative Agreement reached on April 14, 2009)

Local 145's "Fair Share" Target (\$5.82M)

ISSUE	SAVINGS (per year)
Term - 2 Years	Bargaining Costs
Two-year general salary freeze	Savings to be determined by the SDCERS actuarial valuation
Salary Survey in Year Two	N/A
Elimination of City paying the SDCERS Employee Pickup/Offset in the amount of 4.3%	\$2.8M
DROP <ul style="list-style-type: none"> - Effective 7/1/09, any interests to DROP accounts be credited at a rate determined by the SDCERS Board - Acknowledge that Local 145 reserves the right to meet and confer and/or challenge any proposed change resulting from the City's definition of DROP's "cost neutrality" - The parties agree to reopen meet and confer if any aspect of DROP is found by a court of competent jurisdiction or PERB determines to be a mandatory subject of meet and confer under the MMBA 	N/A
Retiree Medical Plan <ul style="list-style-type: none"> - Suspension of Automatic Benefit Escalator Provision for 2-year period - Joint Study of Retiree Medical Benefit (FY10) - Reopening of meet and confer on Retiree Medical Benefit (FY11) - Eligibility change from 5 to 10 years of creditable service for 50% benefit and 10 to 20 years for 100% benefit, with 5% graduated eligibility increases for each year of creditable service beyond 10 years 	Savings from Suspension of Automatic Benefit Escalator Provision and eligibility change to be determined by actuarial valuation on a representation group basis.
Elimination of 24 FTEs associated with D-Division	\$1.0M
Reduce Uniform Allowance to \$475 a year (950 FTEs)	\$0.403M
Elimination of 140 hours of annually accrued holiday time. This includes the reduction of 24 hours for a Floating Holiday, 12 hours for Cesar Chavez Day, and 104 scheduled holiday hours for all 56 hour employees who were not previously relieved from D-Division.	\$1.722M
Elimination of Hyatt Legal Plan	N/A

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<p>Flexible Benefit Allotment for FY10 and FY11</p> <ul style="list-style-type: none"> • Waiver increase \$1,750 • Employee \$4,750 • Employee/Adult \$7,800 • Employee/Children \$7,225 • Employee/Family \$9,400 • Effective 8/1/10, Local 145 will make available its own HMO medical plan through the City's Flexible Benefit Plan • Local 145 members will have the option of enrolling in the City's Kaiser HMO Medical Plan, the City's PPO Medical Plan, and Local 145 HMO Medical Plan • During the period of 8/1/09 through 8/1/10, the City will report eligibility data for Local 145 enrolled employees separately to all medical, dental, and vision insurance carriers, in addition to, all premium and claims experience reports. 	<p>Cost to the City (\$0.1M)</p>
Elimination of Presidential Leave Program	N/A
Require that proof of death be provided in order to receive Bereavement Leave	N/A
Use of City email for union and employer-employee relationship purposes	N/A
Cross Divisional Station Bids - Policy	N/A
Unscheduled Annual Leave - Policy	N/A
Retention of Sealed Discipline Records - Policy	N/A
Overtime Assignment - Policy	N/A
Total	\$5.825M
Local 145 Fair Share	\$5.820M
Difference	\$0.005M

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