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ORDINANCE NUMBER O- 20272 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 11 2013

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE FISCAL YEAR 2014 SALARY ORDINANCE TO CONFORM TO NEGOTIATED AGREEMENTS BETWEEN THE CITY OF SAN DIEGO AND ITS RECOGNIZED EMPLOYEE ORGANIZATIONS AND TO EXTEND COMPARABLE COMPENSATION MODIFICATIONS TO UNREPRESENTED EMPLOYEES FOR FISCAL YEAR 2014.

WHEREAS, on May 14, 2013, the San Diego City Council (Council or City Council) adopted a Salary Ordinance for Fiscal Year 2014 (San Diego Ordinance O-20260 (May 14, 2013)), in accordance with San Diego Charter (Charter) sections 11.1, 70, 130, and 290, and other applicable provisions; and

WHEREAS, Charter section 11.1 states that the Council must adopt a Salary Ordinance not later than May 30, of each year; and

WHEREAS, Charter section 290(a) states, in part, that the Salary Ordinance must be proposed by the Mayor for Council consideration “in a form consistent with any existing Memorandum of Understandings with recognized labor organizations, or otherwise in conformance with procedures governed by the Meyers-Milias-Brown Act [MMBA] or any other legal requirements governing labor relations that are binding upon the City”; and

WHEREAS, Charter section 290(a)(3) states that the Salary Ordinance approved by the Council is a controlling document for preparation of the Annual Appropriation Ordinance for the ensuing fiscal year; and

WHEREAS, Charter section 70 provides, in part, that all increases and decreases of salary or wages of officers and employees must be determined at the time of preparation and adoption of the budget; and

WHEREAS, Charter section 130 states that the Council must by ordinance, prior to the beginning of each fiscal year, establish a schedule of compensation for officers and employees in the Classified Service, which must establish a minimum and maximum for any grade and provide uniform compensation for like service; and

WHEREAS, on May 14, 2013, in adopting a Salary Ordinance for Fiscal Year 2014, the Council expressly recognized that negotiations between the City and each of its six recognized employee organizations for Fiscal Year 2014 terms and conditions of employment were ongoing; and

WHEREAS, under the MMBA and City Council Policy 300-06, the terms and conditions of employment, including salaries and other benefits for represented employees, must not be modified or changed until the parties have either (1) reached agreement on the change, or (2) bargained to impasse and completed any applicable impasse procedure; and

WHEREAS, on May 28, 2013, the City and the California Teamsters Local 911 (Local 911) reached a tentative agreement on terms and conditions of employment for Fiscal Year 2014, subject to ratification by Local 911-represented employees and approval by the Council; and

WHEREAS, the agreement between the City and Local 911 has been ratified by Local 911 members and approved by the Council; and

WHEREAS, ratification of the agreement by Local 911 members and approval by the Council now requires modification of certain provisions of the approved Salary Ordinance for Fiscal Year 2014, to conform to the negotiated and approved agreement; and

WHEREAS, on May 28, 2013, the City and the Deputy City Attorneys Association (DCAA) reached a tentative agreement on terms and conditions of employment for Fiscal Year 2014, subject to ratification by DCAA-represented employees and approval by the Council; and

WHEREAS, the agreement between the City and the DCAA has been ratified by DCAA members and approved by the Council; and

WHEREAS, ratification of the agreement by DCAA members and approval by the Council now requires modification of certain provisions of the approved Salary Ordinance for Fiscal Year 2014, to conform to the negotiated and approved agreement; and

WHEREAS, on May 28, 2013, the City and the San Diego Municipal Employees' Association (MEA) reached a tentative agreement on terms and conditions of employment for Fiscal Year 2014, subject to ratification by MEA-represented employees and approval by the Council; and

WHEREAS, the agreement between the City and MEA has been ratified by MEA members and approved by the Council; and

WHEREAS, ratification of the agreement by MEA members and approval by the Council now requires modification of certain provisions of the approved Salary Ordinance for Fiscal Year 2014, to conform to the negotiated and approved agreement; and

WHEREAS, Local 911; DCAA; MEA; San Diego City Firefighters, International Association of Firefighters Local 145; the San Diego Police Officers Association; and Local 127, American Federation of State, County, and Municipal Employees, AFL-CIO have all agreed that, pursuant to Charter section 70.2, the salary schedules set forth in the Fiscal Year 2011 Salary Ordinance (San Diego Ordinance O-19952 (adopted May 4, 2010)) will remain in effect for a

five-year period from July 1, 2013 through June 30, 2018, in exchange for negotiated increases to non-pensionable compensation; and

WHEREAS, the Mayor proposes to extend comparable increases to non-pensionable compensation to the City's unrepresented employees, and the Council now considers that proposal under Charter section 290 and other applicable provisions; and

WHEREAS, upon consideration of all information before it, the Council determines that it is necessary to revise the compensation established in the approved Salary Ordinance for Fiscal Year 2014 by the provisions set forth in this Ordinance; and

WHEREAS, it is the intent of the Council that this Ordinance be read and construed together with the approved Salary Ordinance for Fiscal Year 2014, so that all provisions of each Ordinance are given effect; however, if an actual conflict is found to exist between the Salary Ordinance as approved on May 14, 2013, and this Ordinance as adopted and in effect, it is the Council's intent that the provisions set forth in this Ordinance control over any conflicting provisions in the Salary Ordinance as approved on May 14, 2013; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Section 2.1 of San Diego Ordinance O-20260 (May 14, 2013) related to Salary Reductions is amended, to read as follows:

Section 2.1. Salary Reductions

Pursuant to the MMBA and City Council Policy 300-06, represented employees had their compensation reduced by approximately 6 percent in Fiscal Years 2010, 2011, 2012, and 2013. This reduction in compensation continues in Fiscal Year 2014 for certain represented and unrepresented employees, subject to Charter sections 70 and 130, and to the provisions of this Ordinance. Further, this reduction in compensation for represented employees is subject to compliance with the MMBA and City Council Policy 300-06. The Council acknowledges that

labor negotiations with all six employee organizations are ongoing as of the date San Diego Ordinance O-2013-79 (San Diego Ordinance O-20260, as adopted on May 14, 2013) is being introduced.

Pursuant to the MMBA and City Council Policy 300-06, and consistent with negotiated agreements, the City agrees, for Fiscal Year 2014, to restore a percentage of the approximately 6 percent reduction in compensation for represented employees, which was implemented in Fiscal Year 2010. Compensation will be restored, consistent with any agreements approved by the Council, under the MMBA and Council Policy 300-06. The Council desires to extend a comparable, partial restoration of the approximately 6 percent reduction to the City's unrepresented employees, under the terms set forth in this Ordinance.

Effective July 1, 2006 and continuing in Fiscal Year 2014, subject to compliance with the MMBA and City Council Policy 300-06, employees in the SDPOA and DCAA bargaining units who are participating in the Deferred Retirement Option Plan (DROP) must take a 3.2 percent reduction in base compensation.

The City and MEA have agreed that effective July 1, 2013, the 52 hours of mandatory unpaid furlough, implemented in Fiscal Year 2010 and which continued through Fiscal Year 2013, are eliminated for MEA-represented employees in the following classifications and the subdivisions of these classifications:

- Cal-ID Technician
- Crime Scene Specialist
- Criminalist I
- Criminalist I (DNA)
- Criminalist II
- Criminalist II (DNA)
- Dispatcher I
- Dispatcher II
- DNA Technical Manager
- Document Examiner I
- Document Examiner II
- Document Examiner III

Fire Dispatch Administrator  
Fire Dispatch Supervisor  
Fire Dispatcher  
Interview and Interrogation Specialist I  
Interview and Interrogation Specialist II  
Interview and Interrogation Specialist III  
Latent Print Examiner I  
Latent Print Examiner II  
Parking Enforcement Officer I  
Parking Enforcement Officer II  
Parking Enforcement Supervisor  
Police Code Compliance Officer  
Police Code Compliance Supervisor  
Police Dispatch Administrator  
Police Dispatch Supervisor  
Police Dispatcher  
Police Investigative Aide I  
Police Investigative Aide II  
Police Investigative Aide II (Latent Print Examiner Aide)  
Police Investigative Service Officer I  
Police Investigative Service Officer II  
Police Lead Dispatcher  
Police Property and Evidence Clerk  
Police Records Clerk  
Police Records Data Specialist  
Police Records Data Specialist Supervisor  
Police Service Officer I  
Police Service Officer II  
Property and Evidence Supervisor  
Public Works Dispatcher Supervisor  
Public Works Dispatcher  
Senior Parking Enforcement Supervisor  
Senior Police Records Clerk  
Senior Police Records Data Specialist  
Senior Property and Evidence Supervisor  
Special Events Traffic Control Supervisor  
Special Events Traffic Controller I  
Special Events Traffic Controller II  
Supervising Cal-ID Technician  
Supervising Crime Scene Specialist  
Supervising Criminalist  
Supervising Criminalist (DNA)  
Supervising Latent Print Examiner

The City and MEA have agreed that, effective July 1, 2013, all full-time employees represented by MEA, who are not in one of the classifications listed above, will have their mandatory unpaid furlough reduced by 26 hours, so that these employees must take 26 hours of mandatory unpaid furlough in Fiscal Year 2014. The mandatory unpaid furlough will be adjusted on a pro rata basis for employees who work half or three-quarter time and for any employee hired after the beginning of the fiscal year.

Full-time employees in the MEA bargaining group, including three-quarter and half-time employees with standard hours, who are hired on or after July 1, 2009, must take a 3 percent reduction in "compensation," as "compensation" is defined in the SPSP plan document. Employees in the MEA bargaining group who are hourly, with no standard hours, must take a 1.25 percent reduction of their SPSP-H eligible pay.

The City and Teamsters Local 911 have agreed that effective July 1, 2013, the 52 hours of mandatory unpaid furlough, implemented in Fiscal Year 2010 and which continued through Fiscal Year 2013, are eliminated for all full-time Local 911 employees and for all half or three-quarter time Local 911 employees.

For Fiscal Year 2014, employees in the Local 911 bargaining unit who are hourly, with no standard hours, must take a 0.75 percent reduction in their SPSP-H eligible compensation.

For Fiscal Year 2014, all unrepresented Police Safety employees, including employees in DROP, must take a 0.15 percent reduction in "compensation." For Fiscal Year 2014, the 1.7 percent reduction in compensation for all unrepresented Fire Safety employees is eliminated.

For Fiscal Year 2014, Lifeguard Safety Member employees who are both unrepresented and unclassified, and all unrepresented General Member employees will receive a 1.25 percent reduction in "compensation," as "compensation" is defined in the SPSP plan document.

For Fiscal Year 2014, all unrepresented employees who are hourly, with no standard hours, and all Provisional employees, will receive a 1.25 percent reduction in “compensation,” as “compensation” is defined in the SPSP plan document.

Section 2. That Section 2.2 of San Diego Ordinance O-20260 (May 14, 2013) related to Mandatory and Voluntary Furloughs is amended, to read as follows:

Section 2.2. Mandatory and Voluntary Furloughs

The City and the DCAA have agreed that effective July 1, 2013, the 32 hours of mandatory unpaid furlough, implemented in Fiscal Year 2010 and which continued through Fiscal Year 2013, are eliminated for DCAA-represented employees.

All employees have the option of participating in a voluntary work furlough program with the approval of the employee’s appointing authority, consistent with the Mayor’s Voluntary Work Furlough Program.

Section 3. That Section 11 of San Diego Ordinance O-20260 (May 14, 2013) related to City-Paid Offset of Employees’ Retirement Contributions is amended, to read as follows:

Section 11. CITY-PAID OFFSET OF EMPLOYEES’ RETIREMENT  
CONTRIBUTIONS

Subject to compliance with the Charter, the San Diego Municipal Code, the MMBA and City Council Policy 300-06, the City will pay into the Retirement System a portion of eligible officers’ or employees’ biweekly employee contributions, as set by the Retirement System’s Board of Administration.

No City employee has a property right or continuing vested entitlement to the Retirement Offset. Retirement Offset contributions are deemed employer contributions for tax purposes; they are not credited to the employees’ individual retirement contribution accounts, but remain an asset of the Retirement System.



The City and MEA have agreed that effective July 1, 2013, no retirement offsets will be paid for any MEA-represented employees.

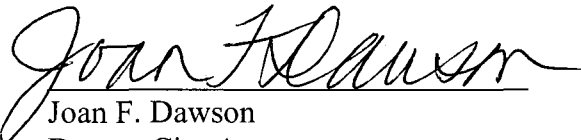
The City and Local 911 have agreed that effective July 1, 2013, no retirement offsets will be paid for any Local 911-represented employees.

Further, the City will not pay any retirement offset for any represented or unrepresented employee, in compliance with Charter section 141.2.


Section 4. That a full reading of this Ordinance is dispensed with before its passage, a written or printed copy having been available to the City Council and the public before the day of its passage.

Section 5. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage, with the provisions relating to Fiscal Year 2014 pay and affecting payroll to be effective the first full pay period that begins on or after July 1, 2013.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Joan F. Dawson  
Deputy City Attorney

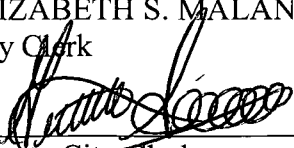
APPROVED: BURKE, WILLIAMS & SORENSEN, LLP, Outside Labor Counsel

By   
Timothy Davis, Esq.

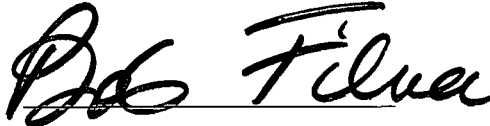
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I certify that the foregoing Ordinance was introduced by the Council of the City of San Diego, at its meeting of JUN 10 2013.

ELIZABETH S. MALAND  
City Clerk

By  for DLC  
Deputy City Clerk

Approved: 7/11/13  
(date)

  
BOB FILNER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor

I certify that the foregoing Ordinance was introduced by the Council of the City of San Diego on JUN 10 2013; approved by the Mayor pursuant to San Diego Charter section 290 on JUL 11 2013; and passed by the City Council at its meeting of JUN 25 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Passed by the Council of The City of San Diego on JUN 25 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 11 2013

AUTHENTICATED BY: BOB FILNER  
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JUN 10 2013, and on JUL 11 2013.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 20272