

RESOLUTION NUMBER R- 309696

DATE OF FINAL PASSAGE MAY 28 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING AND RATIFYING AN
AMENDMENT TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY AND THE
DEPUTY CITY ATTORNEYS ASSOCIATION REGARDING
TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL
YEARS 2014 THROUGH 2018.

WHEREAS, the City of San Diego (City) currently provides a Catastrophic Leave Plan Program (Program) that permits City employees to donate their annual leave to other City employees who face extended leaves without pay due to a catastrophic occurrence in their lives; and

WHEREAS, in order to receive certain tax benefits, a leave-sharing policy (such as the City's Catastrophic Leave Plan Program) must be limited to extended absences that are due to a serious health condition of the employee or a member of the employee's family; and

WHEREAS, the Mayor wishes to broaden the current Catastrophic Leave Plan Program to allow annual leave donations for employees who must take extended leaves due to other types of catastrophic events that are not based on serious health conditions; and

WHEREAS, to maintain the tax advantages of the current Program, the City must ensure that the Program conforms to federal tax law governing medical leave-sharing plans; and

WHEREAS, other catastrophic events must be covered in a separate program, which will not enjoy the same tax advantages as a medical leave-sharing plan program; and

WHEREAS, this modification will create two separate Programs – a Catastrophic Leave Plan Program and a Medical Leave-Sharing Plan Program (collectively, the Leave-Sharing Plans), which will permit City employees to donate accrued annual leave to assist other City employees who face extended leaves without pay due to either a catastrophic occurrence or a major health crisis, whether their own, or that of a family member; and

WHEREAS, under the Medical Leave-Sharing Plan Program, the recipient employee of the donated annual leave will be taxed at the time the leave is taken by the recipient; and

WHEREAS, under the Catastrophic Leave Plan Program, the donor employee will be taxed on their annual leave donations when the leave is donated to the recipient; and

WHEREAS, the City has met and conferred and reached agreement with its recognized employee organizations on the Leave-Sharing Plans, including reaching a tentative agreement with the Deputy City Attorneys Association (DCAA), pending ratification of the DCAA Board on April 24, 2015; and

WHEREAS, on October 1, 2013, by San Diego Resolution R-308477 (Oct. 15, 2013), the City Council approved a Memorandum of Understanding (MOU) between the City and DCAA regarding terms and conditions of employment for Fiscal Years 2014 through 2018; and

WHEREAS, the MOU must be amended to implement the Leave-Sharing Plans; and

WHEREAS, the City and DCAA have mutually agreed to add a new Article 38 to the MOU to set forth the terms and conditions of the Leave-Sharing Plans; and

WHEREAS, the City and DCAA have mutually agreed that no other provisions of the MOU are affected by this proposed amendment; and

WHEREAS, under the Meyers-Miliias-Brown Act (MMBA), the state law related to collective bargaining between the City and its represented employees, and Council Policy 300-06, it is within the discretion of the Council to approve and ratify the negotiated agreement related to the Leave-Sharing Plans; and


WHEREAS, the Council desires to approve and ratify the agreement, which amends the MOU, by adding Article 38, related to the terms and conditions of the Leave-Sharing Plans;

NOW, THEREFORE,

BE IT RESOLVED that, pursuant to the authority of the MMBA and Council Policy 300-06, the Council of the City of San Diego approves and ratifies the agreement between the City and DCAA to amend the MOU by adding Article 38, related to the Leave-Sharing Plans, on file in the office of the City Clerk as Document No. RR- 309696.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Roxanne Story Parks
Deputy City Attorney

RSP:JFD:GJH:ccm

March 30, 2015

Or.Dept:Human Resources

Doc. No.: 986335_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 12 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5/28/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAY 12 2015, 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"/>
Lorie Zapf	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 28 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By  Deputy

Office of the City Clerk, San Diego, California

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