

RESOLUTION NUMBER R- 309697

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, on September 10, 2014, California's Governor signed Assembly Bill 1522 (A.B. 1522), which enacted the Healthy Workplaces, Healthy Families Act of 2014 to provide that an employee, who, on or after July 1, 2015, works in California for 30 or more days within a year from the commencement of employment is entitled to paid sick leave for prescribed purposes, to be accrued at a rate of no less than one hour for every 30 hours worked; and

WHEREAS, under A.B. 1522, which is codified in the California Labor Code, including, in part, sections 245 through 249, an employee is entitled to use accrued sick leave beginning on the 90th day of employment, and an employer may limit an employee's use of paid sick leave to 24 hours in each year of employment; and

WHEREAS, the City of San Diego (City) provides its benefitted employees with paid annual leave, which can be used for sick leave and which satisfies the requirements of A.B. 1522, but the City also employs hourly workers without any paid leave; and

WHEREAS, the San Diego City Council (City Council) intends to provide a paid sick leave benefit consistent with the benefit created by A.B. 1522 to its hourly employees who do not earn paid annual leave; and

WHEREAS, the City has met and conferred and reached agreement with its recognized employee organizations, including the Deputy City Attorneys Association (DCAA), on creation of a benefit, to be referred to as Hourly Sick Leave (A.B. 1522), for eligible employees; 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 Hourly Sick Leave (A.B. 1522); and

WHEREAS, the City and DCAA have mutually agreed to add a new Article 37 to the MOU to set forth the terms and conditions of the Hourly Sick Leave (A.B. 1522) benefit; 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-Milias-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 Hourly Sick Leave (A.B. 1522); and

WHEREAS, the Council desires to approve and ratify the agreement, which amends the MOU, by adding Article 37, related to the terms and conditions of the Hourly Sick Leave (A.B. 1522) benefit; 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 37, related to the Hourly Sick Leave (A.B. 1522) benefit, on file in the office of the City Clerk as Document No. RL-309697.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Joan F. Dawson  
Deputy City Attorney

JFD:ccm  
March 30, 2015  
Or.Dept:Human Resources  
Doc. No.: 986327

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

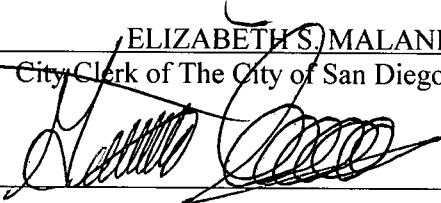
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

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

(Seal)

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

By  Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 309697