

#103
11/15/22

(R-2023-233)

RESOLUTION NUMBER R- 314442

DATE OF FINAL PASSAGE NOV 28 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY AND THE SAN DIEGO MUNICIPAL EMPLOYEES ASSOCIATION, TO AMEND ARTICLE 47 OF THE MEMORANDUM OF UNDERSTANDING RELATED TO HOLIDAY PAY FOR DISPATCHERS AND GOLF OPERATIONS DIVISION EMPLOYEES.

WHEREAS, by San Diego Resolution R-313568 (June 11, 2021), the San Diego City Council (Council) approved a Memorandum of Understanding (MOU) between the City of San Diego (City) and the San Diego Municipal Employees Association (MEA), which establishes terms and conditions of employment for employees represented by MEA for Fiscal Years 2022 and 2023; and

WHEREAS, Article 47, section A of the MOU lists the City's fixed holidays and provides, "If January 1, March 31, July 4, November 11, or December 25 falls on a Sunday, the Monday following is the City-observed holiday. If any of the dates listed in this section fall on a Saturday, the preceding Friday is the City-observed holiday"; and

WHEREAS, Article 47, section A(3) of the MOU addresses holiday pay for Dispatchers and provides, "When Christmas, New Year's Day, or July 4th falls on either a Saturday or Sunday, Police, Fire and Public Works Dispatchers only, shall receive holiday compensation, including premium overtime, for all hours worked on the actual holiday when the employee is scheduled to work on that day. In such instances, holiday compensation will not be paid on the day the holiday is observed"; and

WHEREAS, City golf course facilities are open year-round. Employees in the Golf Operations Division in the Parks and Recreation Department who are scheduled to work on a

fixed holiday that occurs on the weekend receive holiday pay on the City-observed holiday. This has created difficulty in finding employees willing to cover shifts that occur on the holiday weekend; and

WHEREAS, the City and MEA entered into a Side Letter Agreement (Agreement) that Golf Operations Division employees who are scheduled to work on a fixed holiday that occurs on the weekend will receive holiday pay for the fixed holiday and not the City-observed holiday, a copy of which is on file in the Office of the City Clerk as Document No. RR-314442; and

WHEREAS, the Agreement also extends this holiday pay provision for Police, Fire, and Public Works Dispatchers to include March 31 and November 11; and

WHEREAS, the Agreement was negotiated pursuant to the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06, and is subject to Council approval to take effect; and

WHEREAS, the Agreement is now presented to the Council for final determination, in accordance with the MMBA and Council Policy 300-06; and

WHEREAS, the Agreement requires approval of a two-thirds majority vote of the Council pursuant to San Diego Charter section 11.2; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Agreement between the City and MEA to amend Article 47 of the MOU related to holiday pay, on file in the Office of the City Clerk as Document No. RR-314442, is approved and takes effect upon the date of final passage of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Miguel Merrell
Miguel Merrell
Deputy City Attorney

MM:jvg
October 24, 2022
Or.Dept: Human Resources
CC No. N/A
Doc. No. 3122977

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 15 2022

ELIZABETH S. MALAND
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 11/21/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 15 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOV 28 2022

Date of final passage _____.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
314442
Resolution Number R-_____