

RESOLUTION NUMBER R- **314945**

DATE OF FINAL PASSAGE **JUN 12 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING A SIDE LETTER AGREEMENT  
BETWEEN THE CITY AND THE SAN DIEGO POLICE  
OFFICERS ASSOCIATION, TO ADD ARTICLE 77 TO THE  
MEMORANDUM OF UNDERSTANDING RELATED TO PAID  
SICK LEAVE FOR HOURLY EMPLOYEES AS AMENDED BY  
ASSEMBLY BILL 1041.

WHEREAS, by San Diego Resolution R-314185 (June 23, 2022), the San Diego City Council (Council) approved a Memorandum of Understanding (MOU) between the City of San Diego (City) and the San Diego Police Officers Association (POA) regarding terms and conditions of employment for employees represented by POA for fiscal years 2023 and 2024; and

WHEREAS, the City provides paid sick leave to hourly employees, regardless of classification, who receive no paid annual leave or other paid leave. This benefit is consistent with the paid sick leave benefit provided under Assembly Bill (AB) 1522, which enacted the Healthy Workplaces, Healthy Families Act of 2014, set forth in Labor Code (LC) sections 245 through 249; and

WHEREAS, on September 29, 2022, Governor Gavin Newsom signed AB 1041 into law, which went into effect on January 1, 2023. AB 1041 amends LC section 245.5 by adding “designated person” to the list of family members for whom an eligible employee can take paid sick leave, which means a person identified by the employee at the time the employee requests paid sick days. An employer may limit an employee to one designated person per 12-month period for paid sick days. However, the City proposes to allow an employee to redesignate their

“designated person” within that 12-month period if the initial designated person passes away;  
and

WHEREAS, the City provided notice to POA regarding compliance with AB 1041 effective on January 1, 2023, and submitted a proposal to amend the MOU to reflect the new state legislation; and

WHEREAS, the City and POA entered into a side letter agreement (Agreement) to add Article 77 of the MOU related to paid sick leave; and

WHEREAS, the Agreement must be approved by a two-thirds majority vote of the Council to take effect, in accordance with 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 POA to add Article 77 to the MOU related to paid sick leave, presented to the Council and on file in the Office of the City Clerk as Document No. RR- **314945**, is approved, and takes effect upon the date of final passage of this Resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Miguel Merrell  
Deputy City Attorney

MM:jvg  
May 22, 2023  
Or.Dept: Human Resources  
CC No. N/A  
Doc. No. 3312756

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 06 2023

DIANA J.S. FUENTES  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 6/12/23  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 06 2023, 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"/>
Kent Lee	<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"/>

Date of final passage JUN 12 2023.

(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)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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