(R-2023-756)

RESOLUTION NUMBER R- **314947**

DATE OF FINAL PASSAGE ___**JUN 1 2 2023**___

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING A SIDE LETTER AGREEMENT
BETWEEN THE CITY AND THE CALIFORNIA TEAMSTERS
LOCAL 911, TO AMEND ARTICLE 80 OF THE
MEMORANDUM OF UNDERSTANDING RELATED TO PAID
SICK LEAVE FOR HOURLY EMPLOYEES AS AMENDED BY
ASSEMBLY BILL 1041.

WHEREAS, by San Diego Resolution R-314186 (June 23, 2022), the San Diego City

Council (Council) approved a Memorandum of Understanding (MOU) between the City of

San Diego (City) and the California Teamsters Local 911 (Local 911) regarding terms and

conditions of employment for employees represented by Local 911 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 Local 911 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 Local 911 entered into a side letter agreement (Agreement) to amend Article 80 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 Local 911 to amend Article 80 of 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**314947** 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. 3312783

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____ JUN 0 6 2023 _____.

DIANA J.S. FUENTES
City Clerk

By _Connie Patterson_
Deputy City Clerk

Approved: ___6/12/23___
(date)

TODD GLORIA, Mayor

Vetoed: _____
(date)

_____
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on _____ **JUN 0 6 2023** _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Monica Montgomery Steppe	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☐	☐	☒	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage _____ **JUN 1 2 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

Resolution Number R- **314947**