

RESOLUTION NUMBER R- 314952

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 AMEND ARTICLE 69 OF THE MEMORANDUM OF UNDERSTANDING RELATED TO BEREAVEMENT LEAVE.

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, on September 29, 2022, California Governor Gavin Newsom signed Assembly (AB) 1949 into law, which was effective on January 1, 2023. AB 1949 entitles employees who have been employed by the City for at least 30 days to take the equivalent of up to five days of unpaid bereavement leave upon the death of a covered family member (FEHA Bereavement Leave); and

WHEREAS, on December 12, 2022, the City provided notice to POA regarding compliance with AB 1949 and submitted a proposal to amend the MOU to reflect the new state legislation; and

WHEREAS, the use of FEHA Bereavement Leave runs concurrently with the use of the City's existing paid bereavement leave benefit. Employees may use any accrued leave or go unpaid once their paid bereavement leave allocation for each fiscal year has been exhausted. In addition, this action will authorize employees to use FEHA Bereavement Leave within 12 months of the death of each covered family member; and

WHEREAS, the City and POA entered into a side letter agreement (Agreement) to amend Article 69 of the MOU related to eligibility, hourly totals, documentation, and guidelines for usage of paid bereavement leave and FEHA Bereavement 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 amend Article 69 of the MOU related to bereavement leave, presented to the Council and on file in the Office of the City Clerk as Document No. RR- **314952**, 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  
April 17, 2023  
Or.Dept: Human Resources  
CC No. N/A  
Doc. No. 3279280

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 *Cornie 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 0 6 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 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- **314952**