

RESOLUTION NUMBER R- 315583

DATE OF FINAL PASSAGE JUN 11 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ACCEPTING AND APPROVING A SIDE LETTER AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE SAN DIEGO POLICE OFFICERS ASSOCIATION, REGARDING OUT-OF-CLASS ASSIGNMENTS FOR POLICE DETECTIVES FOR FISCAL YEAR 2025.

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, from December 2023 to April 2024, the City and the POA met and conferred on a successor MOU; and

WHEREAS, in April 2024, the City's Management Team for labor negotiations reached a tentative agreement with the POA on a successor MOU, and members of the POA ratified the tentative agreement; and

WHEREAS, the City's Management Team is presenting the tentative agreement and the successor MOU to the Council for final determination, in accordance with the Meyers-Milias-Brown Act (MMBA), the San Diego City Charter (Charter), and Council Policy 300-06; and

WHEREAS, the tentative agreement for a successor MOU covers a two-year period from July 1, 2024, through June 30, 2026; and

WHEREAS, Article 23, section B, of the current MOU and the proposed, successor MOU sets forth the requirements for additional pay for out-of-class assignments, stating that

employees will receive compensation for out-of-class assignments to higher classifications only when the assignment has been continuous for 30 days; and

WHEREAS, this section states that an employee assigned to a higher classification will begin to receive the out-of-class compensation on the 31st continuous day of the assignment and until that day, the employee will receive their regular rate of pay; and

WHEREAS, as part of the negotiations between the City and the POA for a successor MOU, the City reached a tentative agreement with the POA for a side letter agreement for Fiscal Year 2025, which makes a temporary exception to the 30-day waiting period for out-of-class assignment compensation, as set forth in Article 23, section B, of the MOU; and

WHEREAS, the negotiated exception to the 30-day requirement is proposed to begin on July 1, 2024, and end on June 30, 2025; and

WHEREAS, this side letter agreement requires final determination of the Council by a majority vote, in accordance with the MMBA, the Charter, and Council Policy 300-06; 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, that, under the authority of the Charter, the MMBA, and Council Policy 300-06, the Council accepts and approves the side letter agreement negotiated by the City's Management Team with the POA, to provide a temporary exception to Article 23, Section B, of the MOU, regarding out-of-class assignments for the Police Detective Classification, for Fiscal Year 2025, on file with the Office of the City Clerk as Document No.

RR-315583

APPROVED: MARA W. ELLIOTT, City Attorney

By Joan F. Dawson
Joan F. Dawson
Senior Deputy City Attorney

JFD:jfd
May 28, 2024
Or.Dept: Human Resources
Doc. No. 3665247

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 04 2024.

DIANA J.S. FUENTES
City Clerk

By Kristelle Medina
Deputy City Clerk

Approved: 6/11/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 04 2024, 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"/>
Henry L. Foster III	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 11 2024.

(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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
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