

RESOLUTION NUMBER R- 315846

DATE OF FINAL PASSAGE NOV 06 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING TWO AGREEMENTS BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO POLICE OFFICERS ASSOCIATION TO AMEND THEIR MEMORANDUM OF UNDERSTANDING FOR FISCAL YEARS 2025 AND 2026 RELATED TO THE RESTRUCTURE OF THE SAN DIEGO POLICE DEPARTMENT MANAGEMENT AND HOLIDAY PAY.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. By San Diego Resolution R-315582 (June 11, 2024) and in accordance with the San Diego City Charter (Charter), the Meyers-Milias-Brown Act (MMBA), and Council Policy 300-06, the 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 Fiscal Years 2025 and 2026.

B. The City's management team for labor negotiations is now presenting two proposed agreements to amend the MOU to the Council for determination. The first agreement relates to the negotiable impacts of the recent change to the management structure of the San Diego Police Department (Police Department). The second agreement clarifies provisions in the MOU related to holiday pay and the City's floating holiday.

C. On May 13, 2024, the Council confirmed the Mayor's appointment of Scott Wahl to serve as the Chief of Police for the Police Department, and Chief Wahl was sworn in on June 7, 2024.

D. Upon taking office, Chief Wahl announced his intent to restructure the Department, including Police Department management, to bring efficiencies to the Police Department and establish more balanced workloads. The Police Department restructure took effect on August 3, 2024.

E. As part of the Police Department restructure, Chief Wahl reduced the number of Assistant Chief positions from seven to three, and he added and filled four Police Commander positions. Chief Wahl also changed the name of the position of Executive Assistant Chief to Deputy Chief, and he has assigned an Assistant Chief to oversee the Internal Affairs Division.

F. The proposed amendments to the MOU are necessary to conform to the management changes. The proposed amendments clarify that the newly assigned Police Commanders may hear specified appeals, and the proposed amendments conform MOU references to the appropriate Police Department managers. The proposed amendments also change references in the MOU from “Executive Assistant Chief” to “Deputy Chief” and clarify the duties of the Assistant Chief of Internal Affairs.

G. On August 30, 2024, the City and the POA reached a tentative agreement (August 30, 2024, Agreement) to amend the MOU related to the bargainable impacts of the Police Department restructure, including to extend certain duties related to disciplinary appeals, previously done by the Assistant Chiefs, to the Police Commanders.

H. As part of the August 30, 2024, Agreement, the City and the POA agreed that the proposed amendments will be retroactive to August 3, 2024, the date the restructure took effect.

I. The City’s management team for labor negotiations now presents the August 30, 2024, Agreement, which is tentative until approved by the Council, to the Council for final determination.

J. On July 30, 2024, the City provided notice to POA regarding its proposed amendments to the Personnel Manual, Index Code: H-2, to conform the holiday provisions to the negotiated and approved MOUs between the City and its recognized employee organizations.

K. On September 12, 2024, at POA's request, the POA and the City's management team met to discuss POA's proposed changes to the MOU, at Article 8, section A, to address holiday names, and at Article 8, section E, to address the need to clarify that the floating holiday hours must only be used for a single-day absence. The POA also requested that the MOU state that POA-represented employees, who work 12-hour days, receive 12 hours of credit for their floating holiday.

L. The POA and the City's management team met and conferred in good faith and, on October 4, 2024, the POA and the City's management reached a tentative agreement (October 4, 2024, Agreement) to amend Article 8 of the MOU to describe the holidays associated with January 1, July 4, and December 25 by their names, as well as the dates. The POA and the City's management team further agreed to allow POA-represented employees to accrue floating holiday credits equal to the hours worked in the employee's regularly scheduled shift up to 12 hours, which must be used as a one-time absence.

M. The City's management team for labor negotiations now presents the October 4, 2024, Agreement, which is tentative until approved by the Council, to the Council for final determination.

N. If approved by the Council, the October 4, 2024, Agreement will take effect on November 11, 2024.

O. The Council must approve the August 30, 2024, Agreement and the October 4, 2024, Agreement to amend the MOU, by a two-thirds vote, under Charter section 11.2, for the MOU amendments to take effect.

P. 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.

ACTION ITEMS

Based on the Recitals set forth above, the Council resolves as follows:

1. Under the authority of the Charter, the MMBA, and Council Policy 300-06, the Council approves the August 30, 2024, Agreement, on file with the Office of the City Clerk as Document No. RR-315846-1, to amend Articles 41 and 57 of the MOU, between the City and the POA, covering Fiscal Years 2025 and 2016, approved by the Council by San Diego Resolution R-315582 (June 11, 2024), with the August 30, 2024, Agreement to apply retroactively to August 3, 2024.

2. Under the authority of the Charter, the MMBA, and Council Policy 300-06, the Council approves the October 4, 2024, Agreement, on file with the Office of the City Clerk as Document No. RR-315846-2, to amend Article 8 of the MOU, between the City and the POA, covering Fiscal Years 2025 and 2016, approved by the Council by San Diego Resolution R-315582 (June 11, 2024), with the October 4, 2024, Agreement to take effect November 11, 2024.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Joan F. Dawson
Senior Deputy City Attorney

JFD:cm
October 15, 2024
November 7, 2024 COR. COPY
Or.Dept: Human Resources
Doc. No. 3806099_2

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on

~~_____~~
~~OCT 29 2024~~

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(See attached memo and signature page.)

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: November 7, 2024
TO: Krystell Medina, Legislative Recorder
FROM: City Attorney
SUBJECT: Correction to City Attorney Resolution R-2025-196 COR. COPY (Item #107 on the City Council agenda of Tuesday, October 29, 2024)

The City Attorney's Office has corrected San Diego Resolution R-2025-196 to correct a typographical error in Action Item #1. The reference to "Article 51" has been changed to read "Article 57," as follows:

1. Under the authority of the Charter, the MMBA, and Council Policy 300-06, the Council approves the August 30, 2024, Agreement, on file with the Office of the City Clerk as Document No. _____, to amend Articles 41 and 57 of the MOU, between the City and the POA, covering Fiscal Years 2025 and 2016, approved by the Council by San Diego Resolution R-315582 (June 11, 2024), with the August 30, 2024, Agreement to apply retroactively to August 3, 2024.

No other changes have been made.

JFD:cm

Doc. No. 3872066

Attachment: R-2025-196 COR. COPY, dated November 7, 2024

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
OCT 29 2024

DIANA J.S. FUENTES
City Clerk

By *Kristell Medina*
Deputy City Clerk

Approved: 11/1/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on OCT 29 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 NOV 06 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 *Joselyn Medina*, Deputy

Office of the City Clerk, San Diego, California

315846

Resolution Number R-_____