



DATE ISSUED: September 6, 2006

REPORT NO: 06-122

ATTENTION: Council President and City Council
Docket of September 11, 2006

REPORT TO THE CITY COUNCIL

SUBJECT: Step VI Grievance from Police Officers Association regarding Annual Leave Cap

REQUESTED ACTION:

STAFF RECOMMENDATION: Hear the Grievance and decide the outcome.

SUMMARY: The San Diego Police Officers Association (POA), on behalf of Officer Jeff Chione, has appealed the Step V grievance response prepared by the Labor Relations Office on behalf of the Mayor (Attachment 1) to the full City Council. Step VI of the Grievance process, Article 24, Grievance Procedure, of the Memorandum of Understanding (MOU) between the City of San Diego and the San Diego POA provides for this option. The language of Article 24 is attached. (Attachment 2)

The grievance cites a difference in interpretation of the language regarding the applicable annual leave cap. Officer Chione resigned from the City in 1992 and was rehired in 1995. Specifically, Officer Chione is grieving the interpretation of POA MOU, Article 18, Section 5.B. (Attachment 3) indicating that his original hire date of July 14, 1989 should be used to determine his annual leave cap. However, the City Personnel Department determined that Officer Chione had a new hire date because he had a break in service, and that July 14, 1989 was no longer recognized for purposes of determining the appropriate annual leave cap. Officer Chione returned to the City as a new hire and his break in City service was complete.

It should be noted that over 200 current employees are similarly situated and have new hire dates similar to Officer Chione. This policy has been consistently applied by the City's Personnel Department and Mayor's Labor Relations Office. The Personnel Manual section (Attachment 4) on ANNUAL LEAVE, I-2, III, A, 1.f. states, "For all employees hired after July 1, 1994, the maximum accumulation of annual leave is 350 hours." Additionally, the language of POA MOU, Article 18, Section 5.B. is not ambiguous. It states, "***For employees hired on or after July 1, 1994, the maximum accumulation of annual leave is 350 hours.***"

FISCAL CONSIDERATIONS: Unknown

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: NONE

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Police Officers Association
City of San Diego

Scott Chadwick
Labor Relations Manager

Rich Snapper
HR/Personnel Director