

RESOLUTION NUMBER R- 313393

DATE OF FINAL PASSAGE DEC 09 2020

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO ESTABLISHING THE SAN DIEGO FAMILIES
FIRST CORONAVIRUS RESPONSE ACT EMERGENCY PAID
LEAVE FOR ALL CITY EMPLOYEES AND APPROVING
RELATED AGREEMENTS BETWEEN THE CITY AND ITS
RECOGNIZED EMPLOYEE ORGANIZATIONS.**

WHEREAS, on February 19, 2020, the San Diego County Board of Supervisors ratified the declaration of local emergency related to the novel coronavirus, SARS-CoV-2, which causes the COVID-19 disease (“COVID-19”); and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, the Mayor of the City of San Diego proclaimed the existence of the local emergency in the City as a result of COVID-19, which was ratified by the City Council on March 17, 2020; and

WHEREAS, on March 18, 2020, the President of the United States signed into law the Families First Coronavirus Response Act (“FFCRA”), which requires certain employers to provide until December 31, 2020 up to 80 hours of FFCRA Emergency Paid Sick Leave and up to 12 weeks of FFCRA Emergency Family and Medical Leave (10 weeks paid, 2 weeks unpaid) to eligible employees for specified qualifying COVID-19 related reasons, collectively referred to as “FFCRA Emergency Paid Leave”; and

WHEREAS, in order to provide City employees who have not exhausted their FFCRA Emergency Paid Leave, and to newly hired City employees, with paid leave for COVID-19 related reasons after the FFCRA expires on December 31, 2020, the City desires to establish the

San Diego Families First Coronavirus Response Act Emergency Paid Leave to provide SDFFCRA Emergency Paid Sick Leave and SDFFCRA Emergency Family and Medical Leave, collectively referred to as “SDFFCRA Emergency Paid Leave”; and

WHEREAS, for City employees who have not exhausted their FFCRA Emergency Paid Leave as of the close of business on December 31, 2020, any unused FFCRA Emergency Paid Sick Leave and FFCRA Emergency Family and Medical Leave hours will be converted into SDFFCRA Emergency Paid Sick Leave and SDFFCRA Emergency Family and Medical Leave hours, respectively, effective January 1, 2021; and

WHEREAS, newly hired City employees, hired on or after January 1, 2021, may use the hourly equivalent of up to 2 workweeks (up to 80 hours) of SDFFCRA Emergency Paid Sick Leave and up to 12 workweeks of SDFFCRA Emergency Family and Medical Leave for specified qualifying COVID-19 related reasons; and

WHEREAS, City employees who have exhausted their FFCRA Emergency Paid Leave as of the close of business on December 31, 2020 may not use SDFFCRA Emergency Paid Leave; and

WHEREAS, SDFFCRA Emergency Paid Leave may be used from January 1, 2021 through June 30, 2021, or until the termination of the City’s declared local emergency, extension of the FFCRA, or enactment of federal or state law providing similar leave, whichever occurs first; and

WHEREAS, the United States Department of Labor implementation regulations and guidance pertaining to FFCRA Emergency Paid Leave will be used for purposes of applying SDFFCRA Emergency Paid Leave; and

WHEREAS, section 24 of the Fiscal Year 2021 Salary Ordinance (San Diego Ordinance O-21191) authorizes the Council to establish new benefit programs for represented and unrepresented employees; and

WHEREAS, the City met and conferred in good faith, in accordance with the Meyers-Milias-Brown Act and Council Policy 300-06, with the City's recognized employee organizations including the Deputy City Attorneys Association of San Diego ("DCAA"); American Federation of State, County and Municipal Employees, AFL-CIO, Local 127 ("Local 127"); San Diego City Firefighters, I.A.F.F., Local 145 ("Local 145"); Teamsters Local 911 ("Local 911"); San Diego Municipal Employees Association ("MEA"); and San Diego Police Officers Association ("POA"), and reached agreements with each recognized employee organization on the establishment of SDFFCRA Emergency Paid Leave; and

WHEREAS, the terms of the agreements reached with DCAA, Local 127, and MEA are the same; and

WHEREAS, the terms of the agreements reached with Local 145, Local 911, and POA are the same, requiring their represented City employees to use SDFFCRA Emergency Family and Medical Leave in full shift increments; and

WHEREAS, the Council desires to extend SDFFCRA Emergency Paid Leave to unrepresented employees under the same terms of the agreements reached with DCAA, Local 127, and MEA; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council establishes SDFFCRA Emergency Paid Leave for represented City employees, subject to the terms of each applicable agreement between the City and DCAA, Local 127, Local 145, Local 911, MEA, and

POA related to the establishment of SDDFCRA Emergency Paid Leave, on file in the Office of the City Clerk as Document No. ^{RR}**313393**

BE IT FURTHER RESOLVED, that the Council establishes the SDDFCRA Emergency Paid Leave for unrepresented employees, subject to the same terms of each agreement between the City and DCAA, Local 127, and MEA related to the establishment of SDDFCRA Emergency Paid Leave, on file in the Office of the City Clerk as Document No. ^{RR}**313393**

APPROVED: MARA W. ELLIOTT, City Attorney

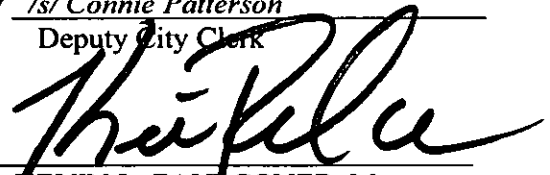
By /s/Miguel Merrell
Miguel Merrell
Deputy City Attorney

MM:jvg
11/23/20
Or.Dept: Human Resources
CC No. N/A
Doc. No.: 2532119

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 12/08/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Connie Patterson
Deputy City Clerk


KEVIN L. FAULCONER, Mayor

Approved: 12/9/2020
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on DEC 08 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<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"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 09 2020

(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:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313393