

SSOS
6/29/2021

(R-2021-532)

RESOLUTION NUMBER R- 313635

DATE OF FINAL PASSAGE JUL 12 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO IN ACCORDANCE WITH THE FISCAL YEAR 2022 SALARY ORDINANCE, AMENDING THE JOB CLASSIFICATIONS IN THE CITY OF SAN DIEGO THAT ARE ELIGIBLE FOR OVERTIME COMPENSATION FOR FISCAL YEAR 2022.

WHEREAS, this Resolution is intended to be consistent with the overtime provisions set forth in the Fiscal Year 2022 Salary Ordinance adopted by the San Diego City Council (Council) on April 27, 2021 (O-21314), as subsequently amended by Council; and

WHEREAS, consistent with the provisions of the Fiscal Year 2022 Salary Ordinance, on June 8, 2021, Council approved the job classifications in the City's Classified Service that are eligible for overtime compensation in Fiscal Year 2022, as set forth in Personnel Manual Index Code H-4, Addendum A (R-313573); and

WHEREAS, at the time of consideration of the Fiscal Year 2022 Salary Ordinance and the Resolution approving the job classifications eligible for overtime compensation in Fiscal Year 2022 (R-313573), the City had not completed the Meyers-Miliias-Brown Act-required collective bargaining process with the San Diego Police Officers' Association (SDPOA); and

WHEREAS, the City has now completed the meet and confer process with five of its six recognized employee organizations, including the SDPOA; and

WHEREAS, the City and SDPOA reached agreement that SDPOA represented employees who are eligible for overtime will work a 28-day work period in accordance with 29 U.S.C. section 207(k) and are eligible for overtime, in accordance with the Fair Labor Standards Act (FLSA), after they have worked more than 171 hours in a 28-day work period; and

WHEREAS, the Council wishes to approve the amended Personnel Manual Index Code H-4, Addendum A: Overtime Compensation, attached hereto as amended Attachment A, reflecting that the classifications listed in Group D (police classes) are covered by the FLSA partial exemption at 29 U.S.C. section 207(k); NOW THEREFORE,

BE IT RESOLVED, the Council approves the job classifications in the City's Classified Service that are eligible for overtime compensation for Fiscal Year 2022, set forth in amended Personnel Manual Index Code H-4, Addendum A: Overtime Compensation, and as amended Attachment A to this Resolution. The Council also authorizes overtime compensation for employees in compliance with the FLSA.

BE IT FURTHER RESOLVED, that the Council authorizes the Mayor, in consultation with the Personnel Director, Comptroller, and City Attorney, to make any necessary adjustments to overtime calculations in Fiscal Year 2022 to ensure compliance with the FLSA, including applicable regulations and case law interpreting the statute.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Thomas J. Brady
Thomas J. Brady
Deputy City Attorney

TJB:jvg
6/21/21
Or.Dept:Human Resources
CC No. N/A
Doc. No.: 2693819

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 06/29/21

ELIZABETH S. MALAND
City Clerk

By /s/Linda Irvin
Deputy City Clerk

Approved: 7/12/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 29 2021, 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"/>
Chris Cate	<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 JUL 12 2021

(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)

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

By Ginda Iruen, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>313635</u>