

**SIDE LETTER AGREEMENT
BETWEEN THE
CITY OF SAN DIEGO (CITY) AND
THE SAN DIEGO POLICE OFFICERS ASSOCIATION (SDPOA)
RELATED TO THE RESTORATION OF ELIGIBILITY FOR INDUSTRIAL
DISABILITY RETIREMENT**

Pursuant to the provisions of the Meyers-Milias-Brown Act (MMBA), this Side Letter Agreement (Agreement) is entered into on June 6, 2016, between the City of San Diego (City) and the San Diego Police Officers Association (SDPOA). The City and SDPOA are collectively referred to herein as the "Parties."

The Parties agree to the following facts supporting this Agreement:

- I. The City and SDPOA have met and conferred in good faith in accordance with the MMBA concerning the terms and conditions of this Agreement and its implementation.
- II. This Agreement relates to a change to Article 44, G.3., of the Memorandum of Understanding (MOU) between the City and the SDPOA regarding the date of the Charter section 143.1 vote of the electorate for the restoration of eligibility for the Industrial Disability Retirement for mental or nervous disorders caused by a violent attack.
- III. The City entered into a Side Letter Agreement with the SDPOA on January 29, 2016 as Resolution R-310268 (date of final passage March 2, 2016), to amend Article 44, G.3. to change the date of the Charter section 143.1 vote of the electorate from June 2016 to November 2016. The City and SDPOA have mutually agreed to change that date to June of 2018.
- IV. This Agreement is intended to be read in conjunction with the current MOU between the City and the SDPOA.
- V. Specific provisions in this Agreement supersede any previous agreements, whether oral and written, regarding the subject matter of this Agreement.
- VI. Except as provided in this Agreement, all wages, hours, and other terms and conditions of employment presently enjoyed by SDPOA-represented employees, and in the MOU, remain in full force and effect, and all rights of the City as set forth in Article 9 of the MOU also remain in full force and effect.
- VII. This Agreement is entered into under the authority of Article 59 of the MOU, with the approval of the Mayor or his designee and the President of the SDPOA or his designee. Under San Diego Charter section 57, the Chief of Police, with the approval of the Mayor, appoints, directs, and supervises the personnel in the Police Department (Department), subject to Civil Service Rules and Personnel Regulations.

In consideration of the facts recited above and the Parties' mutual obligations under the MMBA, the Parties agree to the following changes to Article 44, Section G3 as follows:

ARTICLE 44

RETIREMENT

G. 3. Eligibility for Industrial Disability Retirement Change.

a. A Police Safety Member may be eligible for an industrial disability retirement if it has been medically determined that the Police Safety Member has become psychologically or mentally incapable of performing his or her normal and customary duties as a result of a violent attack on the member with deadly force, such as a shooting or stabbing that causes great bodily injury, and that resulted in a nervous or mental disorder. This provision will sunset on June 30, 2010, and no such applications may be made after that date.

b. City agrees to take the following actions necessary to restore Section G.3.a:

- 1) Initiate a Charter Section 143.1 vote of the electorate for the **June 2018** election.
- 2) Implement change after necessary Municipal Code provisions have been adopted by City Council.

VII. This amendment will become effective upon approval by the City Council.

VIII. This Agreement will remain in effect unless it is modified through further negotiations in accordance with the MMBA and Council Policy 300-06.

This Agreement is executed on this sixth of June 2016, by the following authorized representatives of each party:

San Diego Police Officers Association

City of San Diego

Signature on File
Brian Marvel, President
San Diego Police Officers Association

Signature on File
Timothy Davis, Lead Negotiator

Signature on File
Bradley Fields
San Diego Police Officers Association

Signature on File
Judy von Kalinowski, Director
Human Resources Department

Signature on File
Karen DeCrescenzo, Deputy Director
Human Resources Department

APPROVED as to form.

Signature on File
Roxanne Story Parks, Deputy City Attorney
City Attorney's Office

