

**SIDE LETTER AGREEMENT  
BETWEEN THE CITY OF SAN DIEGO  
AND CALIFORNIA TEAMSTERS LOCAL 911  
Public Safety Officers Procedural Bill of Rights Status for Lifeguards**

**December 8, 2014**

Pursuant to the provisions of the Meyers-Milias-Brown Act (“MMBA”), the City of San Diego (“City”) and the California Teamsters Local 911 (“Local 911”) have met and conferred in good faith concerning the terms and conditions of this Side Letter Agreement (“Side Letter”) and its implementation and agree as follows.

This Side Letter is entered into on December 8, 2014, between the City and Local 911 for the purpose of amending the Memorandum of Understanding (MOU) in effect between them for the term July 1, 2013, through June 30, 2018. Local 911 and the City are collectively referred to herein as the “Parties.”

The City and Local 911 agree to the following:

In accordance with the the San Diego Municipal Code, Section 63.20.6, certain City lifeguards who are regularly employed and paid for duties performed in Mission Bay which are commonly performed by Harbor Police, be designated by the City as Boating Safety Unit members. “Boating Safety Unit” means a unit of the lifeguard service, which, in addition to regular lifeguard functions, is responsible for functions similar to those performed by Harbor Police. Those lifeguards designated as Harbor Police are peace officers as defined in Section 830.33 of the California Penal Code; however, they are not peace officers for the purposes of California Penal Code, sections 171c, 171d, or 12027 which deal with the possession of firearms.

The Boating Safety Unit (BSU) has three levels of certification (Level 1, 2, and 3) with Level 3 being the highest and Level 1 being the entry level. All members of the BSU must be at least permanent Lifeguard II’s. Only those in the classification of permanent Lifeguard II, or a higher rank, who have obtained a BSU Level 1 Boat Operator certification or higher shall be designated BSU members. Any designations of Lifeguards to a BSU member at all certification levels shall be made solely at the Lifeguard Chief’s discretion. In order to be considered for BSU Level 1 certification, eligible Lifeguards shall meet all of the following minimum criteria:

1. Completion of a background investigation to determine good moral character.
2. Pass a psychological exam for peace officers.
3. Pass a physical exam for peace officers.
4. Completion of the California Commission of Peace Officer Standards and Training (POST) 832 training.
5. Present proof of: a) U.S. citizenship, or b) U.S. permanent residency and eligibility for and a current application for U. S. citizenship as required by POST.
6. Take the oath of office as a peace officer.
7. Any future additional requirements as designated by POST or California Law.
8. Completion of BSU Level 1 Boating Academy which includes:
  - a. Instruction
  - b. Demonstration
  - c. Level 1 Boat Operator Practical Skill Training
9. Completion of the BSU Level 1 Field Training Guide for Boat Operator.
10. Pass all BSU Level 1 practical skills testing.
11. Pass the BSU Level 1 written test.
12. Any additional requirements designated by the Lifeguard Chief.

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Only Lifeguards who are designated BSU members, and therefore also peace officers, will be covered by the Public Safety Officers Procedural Bill of Rights (POBOR). All Lifeguards not designated as BSU members are not eligible for POBOR protections.

Public Safety Officers Procedural Bill of Rights for the Lifeguard division eligible members will be effective ~~April 1, 2015~~ July 1, 2015. (*Signatures on file for this amendment*)

This Agreement is executed by the following authorized representatives of each party:

**For California Teamsters Local 911:**

<i>(Signature on File)</i>	12/8/14
_____	_____
Chester Mordasini, President	Date

**For City of San Diego:**

<i>(Signature on File)</i>	12/8/14
_____	_____
Tim Davis, Lead Negotiator	Date

<i>(Signature on File)</i>	12/8/14
_____	_____
Rick Wurts, Lifeguard Chief	Date

<i>(Signature on File)</i>	12/8/14
_____	_____
Joy Freeman, Human Resources Deputy Director	Date

**AMENDMENT – 8/21/15**

The Lifeguard Division confirmed POBOR training was completed on or about July 1, 2015. Local 911 agrees to extend the effective date of coverage of POBOR for the Lifeguard Division eligible members to July 1, 2015 from the original April 1, 2015 (see note above).

This Amendment to the Agreement is executed by the following authorized representatives of each party:

<i>(Signature on File)</i>	8/21/15
_____	_____
Chester Mordasini, President Teamsters Local 911	Date

<i>(Signature on File)</i>	8/21/15
_____	_____
Tim Davis, Lead Negotiator	Date

AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND CALIFORNIA TEAMSTERS LOCAL 911

*(Signature on File)*

8/21/15

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Rick Wurts, Lifeguard Chief

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Date

*(Signature on File)*

8/21/15

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Joy Freeman, Administrative Services Director,  
Fire-Rescue Department

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Date

*(Signature on File)*

8/21/15

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Abby Jarl-Veltz, Labor Relations Manager

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Date