

**SIDE LETTER AGREEMENT BETWEEN THE CITY OF SAN DIEGO  
AND SAN DIEGO MUNICIPAL EMPLOYEES ASSOCIATION  
RELATED TO THE FISCAL YEARS 2022 AND 2023 SPECIAL SALARY ADJUSTMENTS  
FOR THE PROCUREMENT CONTRACTING OFFICERS**

Pursuant to the provisions of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06, this Side Letter Agreement (Agreement) is entered into between the City of San Diego (City) and the San Diego Municipal Employees Association (MEA) related to the Fiscal Years (FY) 2022 and 2023 Special Salary Adjustments (SSAs) for the Procurement Contracting Officer classification series. The City and MEA are collectively referred to as the “Parties.”

On May 11, 2021, the City proposed SSAs for the Procurement Contracting Officer classification series in order to achieve comparable pay between the Contracts Specialists (option classes of the Civil Engineer classification series) and Procurement Contracting Officers that will be performing similar work within the Purchasing and Contracting Department (P&C). On May 13, 2021, MEA signed the Tentative Agreement related to Article 21, section B, Special Salary Adjustments, which includes SSAs for the Procurement Contracting Officers totaling between 43.15% and 49.36% during the term of the two-year Memorandum of Understanding (MOU) (Attachment 1).

The City Council approved the successor MOU with MEA for FY 2022-2023 by Resolution No. R-313568 on June 11, 2021. However, after formal approval of the MOU had been completed, the City informed MEA that it had made a mistake in the calculation of these SSAs such that through the City’s inadvertence, the approved MOU did not accurately reflect the Parties’ mutual intention when reaching agreement. Specifically, the City acknowledged that, as currently written and unless amended, the Procurement Contracting Officers’ new base pay after the SSAs are applied will be substantially more than their Contract Specialist counterparts because the two classification series were incorrectly matched – i.e., the Assistant Procurement Contracting Officer was matched with the Assistant Engineer-Civil (Contract Specialist), the Associate Procurement Contracting Officer was matched with the Associate Engineer-Civil (Senior Contract Specialist), and the Senior Procurement Contracting Officer was matched with the Senior Engineer-Civil (Principal Contract Specialist), leaving the Supervising Procurement Contracting Officer with no matching classification. In order to achieve the Parties’ original mutual intent to establish comparable pay between Procurement Contracting Officers and Contract Specialists for performing similar work, MEA and the City agree to adjust and correct the SSAs by an amendment to the MOU so that the original intent of the Parties is implemented in a manner and on a timeline which is just, proper and in compliance with applicable legal principles.

The Parties agree as follows:

1. The Parties have satisfied all obligations under the MMBA, Council Policy 300-06, and other applicable law and regulations to meet and confer in good faith on the subject of this Agreement.
2. To ensure comparable pay differential between the Contracts Specialists and Procurement Contracting Officers that will be performing similar work within the Purchasing and Contracting Department, the base pay of the following classifications will be used for purposes of comparison:

<b>Contract Specialist Series</b>	<b>Procurement Contracting Officer Series</b>
No matching classification	Procurement Contracting Trainee
No matching classification	Assistant Procurement Contracting Officer

Assistant Engineer-Civil (Contract Specialist)	Associate Procurement Contracting Officer
Associate Engineer-Civil (Senior Contract Specialist)	Senior Procurement Contracting Officer
Senior Engineer-Civil (Principal Contract Specialist)	Supervising Procurement Contracting Officer

3. Since the Procurement Contracting Trainee and Assistant Procurement Contracting Officer classifications are not commonly utilized, the Parties agree to withdraw the following SSAs, effective July 1, 2022, and will be reflected in the FY 2023 Salary Ordinance. The City will hold and not fill any vacant Procurement Contracting Trainee and Assistant Procurement Contracting Officer positions in FY 2022.

Classification	7/1/2021	1/1/2022	1/1/2023
Assistant Procurement Contracting Officer	28.95%	N/A	N/A
Procurement Contracting Trainee	28.95%	N/A	N/A

4. To maintain comparable pay\* differential between the Procurement Contracting Officers and Contract Specialists by January 1, 2023, as shown on the charts below, Parties agree to withdraw the 10% SSA for the Procurement Contracting Officers in FY 2023, and will be reflected in the FY 2023 Salary Ordinance.

Classification	7/1/2021	1/1/2022	1/1/2023
Associate Procurement Contracting Officer	23.15%	10%	N/A
Estimated Hourly Rate:	42.93	47.22	49.58
Assistant Engineer-Civil (Contract Specialist)	N/A	10%	10%
Estimated Hourly Rate:	37.20	40.92	47.27

Classification	7/1/2021	1/1/2022	1/1/2023
Senior Procurement Contracting Officer	29.36%	10%	N/A
Estimated Hourly Rate:	49.53	54.48	57.20
Associate Engineer-Civil (Senior Contract Specialist)	N/A	10%	10%
Estimated Hourly Rate:	42.93	47.22	54.54

Classification	7/1/2021	1/1/2022	1/1/2023
Supervising Procurement Contracting Officer	29.36%	10%	N/A
Estimated Hourly Rate:	55.83	61.41	64.48
Senior Engineer-Civil (Principal Contract Specialist)	N/A	10%	10%
Estimated Hourly Rate:	49.54	54.49	62.93

\*The rates shown are based on E-Step. The pay differential between the other steps may not be the same.

5. Based on the foregoing, Article 21, section B(4) will be revised in FY 2023, as follows:
4. In addition to (but also separate from) the general salary increases specified under Section A(1) and A(2) above, the following special salary adjustments for the Procurement Contracting Officer series will be effective July 1, 2021, and January 1, 2022:

Classification	7/1/2021	1/1/2022
Assistant Procurement Contracting Officer	28.95%	-
Associate Procurement Contracting Officer	23.15%	10%
Senior Procurement Contracting Officer	29.36%	10%
Supervising Procurement Contracting Officer	29.36%	10%
Procurement Contracting Trainee	28.95%	-

6. Unless expressly covered in this Agreement, all wages, hours, and other terms and conditions of employment presently enjoyed by MEA-represented employees, whether stated in an MOU, Personnel Regulation, Administrative Regulation or in any other enforceable document, remain in full force and effect.
7. This Agreement is intended to be read in conjunction with the MOU, and where in conflict on the specific issue covered by this Agreement, this Agreement will control.
8. This Agreement will remain in effect unless it is modified through further negotiations in accordance with the MMBA and Council Policy 300-06.
9. The Parties agree to incorporate the terms set forth in this Agreement into any successor MOU negotiated by the City and MEA which is approved by the City Council.

Attachment:

1. Tentative Agreement Related to Article 21, section B, Salaries, signed May 18, 2021

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

For MEA

By:   
Ann M. Smith  
Lead Negotiator

Date: September 7, 2021

For the City of San Diego


By:   
Timothy Davis  
Lead Negotiator

Date: 09/09/21

By:   
Abby Jarl-Veltz  
Assistant Human Resources Director

Date: September 9, 2021


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By:   
Joniabelle Domingo  
Senior Human Resources Officer

Date: September 9, 2021

Approved as to form this 9th day of September, 2021.

MARA W. ELLIOTT, City Attorney

By:   
Miguel Merrell  
Deputy City Attorney