

**SIDE LETTER AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND  
SAN DIEGO POLICE OFFICERS ASSOCIATION  
RELATED TO THE CHILD CARE ANNUAL LEAVE EXCHANGE PROGRAM**

Pursuant to the provisions of the Meyers-Milias-Brown Act (MMBA) and the San Diego City Council (Council) Policy 300-06, this Agreement is entered into between the City of San Diego (City) and the San Diego Police Officers Association (POA) related to the Child Care Annual Leave Exchange Program (Program). The City and POA are collectively referred to as the "Parties."

**Background**

On July 1, 2019, the City created the Program in order to allow annual leave to be transferred between City employees who jointly parent a child (which includes a biological, adopted, or foster child, a stepchild, or a legal ward, and is under 18 years old or has a mental or physical disability and is incapable of self-care), for the purpose of the birth of the child or joint adoption of the child, or for child care purposes. The Program was initially offered to a limited number of employees and is now being offered city-wide as of July 1, 2020.

The Parties agree to the following:

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. In accordance with the Program, annual leave may be exchanged upon the request of both the receiving employee and the transferring employee, and with approval of the employees' Appointing Authority, under the following conditions:
  - a. The receiving employee is required to be absent from work due to the birth of the employee's child or due to the joint adoption of a child, or for childcare purposes.
  - b. Each transfer must be for a minimum of eight hours and in whole hour increments thereafter.
  - c. The transferring employee must have at least 160 hours of annual leave (which includes donated Medical Leave) and Catastrophic Leave remaining after the donated time has been deducted.
  - d. The total annual leave received by an employee for the purposes of the Child Care Annual Leave Exchange bucket shall normally not exceed 350 hours per fiscal year; however, if approved by the employee's Appointing Authority, the total credits may be up to 700 hours. Total annual leave hours in excess of 700 hours will be considered on a case-by-case basis by the Appointing Authority.
  - e. The transfers are irrevocable and will be placed in a separate bucket for Child Care Annual Leave Exchange.


**SIDE LETTER AGREEMENT BETWEEN THE CITY AND POA RELATED TO THE CHILD CARE ANNUAL LEAVE EXCHANGE PROGRAM**

Page 2 of 3


- f. The leave cannot be used for pay-in-lieu cash outs. The transferring employee will be taxed for the leave when it is transferred to the receiving employee.
- 3. The Program will go into effect on July 1, 2020.
- 4. Unless expressly covered in this Agreement, all wages, hours, and other terms and conditions of employment presently enjoyed by POA-represented employees, whether stated in an MOU, Personnel Regulation, Administrative Regulation or in any other enforceable document, remain in full force and effect.
- 5. 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.
- 6. This Agreement will remain in effect unless it is modified through further negotiations in accordance with the MMBA and Council Policy 300-06.
- 7. The Parties will incorporate the language set forth in this Agreement into any successor MOU negotiated by the City and POA which is approved by the City Council.

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

**San Diego Police Officers Association**


By:  \_\_\_\_\_  
Jack Schaeffer, President

Date: June 29, 2020


By:  \_\_\_\_\_  
Brad Fields, Lead Negotiator

Date: 6/29/2020

**City of San Diego**

By:  \_\_\_\_\_  
Timothy Davis, Lead Negotiator

Date: 07 01 20

By:  \_\_\_\_\_  
Abby Jarl-Veltz, Assistant Director,  
Human Resources Department

Date: 06/29/20

**SIDE LETTER AGREEMENT BETWEEN THE CITY AND POA RELATED TO THE CHILD CARE ANNUAL LEAVE EXCHANGE PROGRAM**

Page 3 of 3



**By:** \_\_\_\_\_  
Abegaille Serafico, Senior HR Officer,  
Human Resources Department

**Date:** 06/29/20  
\_\_\_\_\_

Approved as to form this 1st day of July, 2020.  
MARA W. ELLIOTT, City Attorney



**By:** \_\_\_\_\_  
Miguel Merrell, Deputy City Attorney