

**AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND  
THE SAN DIEGO POLICE OFFICERS ASSOCIATION  
RELATED TO COVID-19**

Pursuant to the provisions of the Meyers-Millias-Brown Act (MMBA) and 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 COVID-19. The City and POA are collectively referred to herein as the "Parties."

Based on the State and Federal declarations of emergency due to COVID-19, the County of San Diego (County) issued a Declaration of Local Health Emergency on February 14, 2020, and the County Board of Supervisors ratified the Declaration of Local Health Emergency on February 19, 2020. On March 12, 2020, the Mayor proclaimed a local emergency, and the City Council ratified the emergency proclamation via Resolution R-312895 on March 17, 2020.

Pursuant to Government Code section 3504.5(b), during this public health emergency the City may move forward with implementing necessary actions due to the emergency prior to meeting and conferring with the City's recognized employee organizations. Given the continuing significant public health risks arising from COVID-19, it is imperative that the City take action to provide for the well-being of its workforce. The City will take action to comply with Local, State, and Federal orders and regulations related to COVID-19 and will provide POA with notice of those actions and the opportunity to meet and confer at the earliest practicable time.

In addition, in accordance with the Management's Rights provision of POA's current Memorandum of Understanding (MOU), Article 9, Section A (10), the City has the right to take all necessary actions to carry out its mission in emergencies.

The Parties agree to the following:

1. The Parties have met and conferred in good faith in accordance with the MMBA and Council Policy 300-06 on the subject matter of this Agreement.
2. The City has implemented an updated Temporary COVID-19 Protocol: Notification/ Telework/Leave, effective September 17, 2020 (Attachment 1), incorporating Public Safety Department employees. Therefore, the City has discontinued its Temporary COVID-19 Protocol for Public Safety Departments: Notification/Telework/Leave, dated April 15, 2020 (Attachment 2).
3. On April 15, 2020, the City implemented a Temporary Workers' Compensation Presumption for First Responders Diagnosed with COVID-19, which covered active sworn City police officers represented by POA during the City's proclaimed local emergency. On September 17, 2020, the State of California adopted Senate Bill 1159 (SB 1159), which added California Labor Code sections 3212.86, 3212.87, and 3212.88, and provides workers' compensation presumptions related to COVID-19. The State presumptions went into effect on September 17, 2020 and run through January 1, 2023. Therefore, the City is discontinuing its Temporary Workers' Compensation Presumption for First Responders Diagnosed with COVID-19.
  - a. SB 1159 requires that an employee exhaust any available Families First Coronavirus Response Act (FFCRA) Emergency Paid Sick Leave before any workers' compensation benefits will go into effect based on the employee testing positive or being diagnosed with COVID-19. However, as noted in the City's Temporary COVID-19 Protocol: Notification/Telework/Leave, dated September 17, 2020 (Attachment 1), if an employee has exhausted their FFCRA Emergency Paid Sick Leave, at the Police Chief's discretion, in consultation with the Medical Director or City Medical Representative, consistent with the protocols of the particular Department, Paid Administrative Leave will be provided for testing when the Medical Director or City Medical Representative determines the employee was at high-risk for exposure to COVID-19 for an extended period of time without personal protective equipment.

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**December 8, 2020**

4. Specific provisions in this Agreement supersede any previous agreements, whether oral and written, regarding the subject matter of this Agreement. However, all wages, hours, and other terms and conditions of employment presently enjoyed by POA-represented employees, and in the MOU, remain in full force and effect.


**Attachments:**

Attachment 1 – Temporary COVID-19 Protocol: Notification/Telework/Leave, dated September 17, 2020  
Attachment 2 – Temporary COVID-19 Protocol for Public Safety Departments: Notification/Telework/Leave, dated April 15, 2020

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

**POA**

**City of San Diego**



\_\_\_\_\_  
Jack Schaeffer, President



\_\_\_\_\_  
David Nisleit, Police Chief  
San Diego Police Department

December 16, 2020

Date

December 17, 2020

Date



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

December 16, 2020

Date



\_\_\_\_\_  
Abegaile Serafico, Senior Human Resources Officer  
Human Resources Department

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December 16, 2020

\_\_\_\_\_

Date

Approved as to form this 18th day of December, 20 20.

MARA W. ELLIOTT, City Attorney

By:  \_\_\_\_\_

Miguel Merrell  
Deputy City Attorney