

**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-Milias-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 on 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 our 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, per the management rights provisions of POA's current Memoranda of Understanding, Article 9, Section A (10), the City has the right to take all necessary actions to carry out its missions 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. To the implementation of the Updated COVID-19 Protocol (Attachment 1) and discontinuing Temporary COVID-19 Protocol for Public Safety Departments: Notification/Telework/Leave (Attachment 2) dated April 15, 2020.
3. The City's temporary workers' compensation presumption for first responders diagnosed with COVID-19 includes all active City police officer members during the City's proclaimed local emergency, as provided for in the Updated COVID-19 Protocol. Consistent with California worker's compensation law, this presumption is a disputable presumption and may be controverted by other evidence.
4. The presumption coverage noted in section 3 above, and in the Updated COVID-19 Protocol (Attachment 1), will be terminated upon the occurrence of either of the following, whichever is earlier: a) declaration by the Chief Operating Officer (COO) or designee, in accordance with the termination of the City's proclaimed local emergency; or b) the State establishes a workers' compensation presumption related to COVID-19, the City will discontinue the City's Temporary Worker's Compensation Presumption for First Responders Diagnosed with COVID-19 and act in accordance with State law.

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5. 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.
6. This Agreement will terminate upon declaration by the COO or designee, in accordance with the termination of the City's proclaimed local emergency.

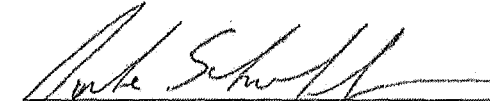
Attachments:

Attachment 1 – Updated COVID-19 Protocol

Attachment 2— Temporary COVID-19 Protocol for Public Safety Departments:
Notification/Telework/Leave

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

POA



Jack Schaeffer, President

9/16/2020

Date


City of San Diego



David Nisleit, Police Chief
San Diego Police Department

9/16/20


Date



Abby Jarl-Veltz, Assistant Director,
Human Resources Department

09/16/20

Date



Abegaile Serafico, Senior Human
Resources Officer
Human Resources Department

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Date

Approved as to form this 16th day of September, 2020.

MARA W. ELLIOTT, City Attorney

By: 

Miguel Merrell
Deputy City Attorney