

**AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO POLICE OFFICERS
ASSOCIATION RELATED TO LATERAL AND RECRUITMENT INCENTIVE PROGRAMS
IN THE POLICE DEPARTMENT**

The City of San Diego (City) and the San Diego Police Officers Association (POA) enter into this Agreement, in accordance with the Meyers-Millas-Brown Act (MMBA) and City Council (Council) Policy 300-06 related to the Lateral and Recruitment Incentive Programs in the Police Department. The City and POA are collectively referred to as the "Parties".

The Parties agree to the following:

1. The Parties have satisfied all obligations under the MMBA, Council Policy 300-06, and other applicable laws and regulations to meet and confer in good faith on the subject matter of this Agreement.
2. Specific provisions in this Agreement supersede any previous agreements, whether oral and written, regarding the subject matter of this Agreement.
3. Except as provided in this Agreement, all wages, hours, and other terms and conditions of employment presently enjoyed by SDPOA-represented employees, and in the MOU, remain in full force and effect, and all rights of the City as set forth in Article 9 of the MOU also remain in full force and effect.
4. This Agreement is not binding on the City or POA unless and until it is approved by a two-thirds vote of the entire City Council, in accordance with San Diego Charter section 11.2. The Parties submit this Agreement to the Council for final determination. This Agreement takes effect upon final passage of a Council resolution approving this Agreement.
5. This Agreement will remain in effect unless it is modified through further negotiations in accordance with the MMBA and Council Policy 300-06.
6. To implement for Fiscal Years 2019 and 2020 the following Lateral Police Officer II Incentive Program (Program):
 - a. The Lateral Police Officer II Incentive Program would provide lateral applicants, who are hired after the start of the Program, a \$15,000 incentive for joining the San Diego Police Department (SDPD). The payments would be dispersed incrementally as described below.
 - b. The Parties agree and understand that the Program pay is processed and paid under a newly created earnings code as non-pensionable performance pay taxable income, and the City will update the earnings codes to reflect this as a non-pensionable performance pay taxable income.
 - c. The Parties agree that the Program is a pay for performance plan consistent with San Diego Municipal Code § 24.0103, rewarding performance in qualifying for hire and completing Program milestones.
 - d. Lateral Police Officer II Incentive Program Guidelines

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- (1) Lateral Police Officer II -- For the purposes of this Program, the definition of Lateral Police Officer II will mean any applicant who qualifies as a POII.
 - (2) Qualifying experience -- Two years of full-time paid experience as a sworn peace officer (as defined by the California Penal Code), with a California City Police, County Sheriff, or State law enforcement agency performing correction duties, patrol functions, or traffic enforcement.
 - (3) The applicant must be hired into a full-time, permanent position as a POII.
 - (4) If a candidate is required to reenter the Regional Academy at Miramar College, there would be no impact on POII status. This decision is determined on a case-by-case basis, with the primary decision factor being whether the candidate has a CA POST certificate or a POST certificate from another state.
 - (5) The Program is not retroactive. Laterals who join SDPD prior to the start of the Program are not eligible to receive this pay.
 - (6) Any employee who receives written or property rights discipline (misconduct or performance) is automatically disqualified from participation in the Program and is not eligible to receive additional compensation.
- e. Lateral Police Officer II Incentive Program Funding
- (1) \$5,000 will be paid to the Lateral Police Officer II on hire date.
 - (2) \$5,000 will be paid to the Lateral Police Officer II upon successful completion of phase training, as determined by the Police Department.
 - (3) \$5,000 will be paid to the Lateral Police Officer II after one year of continuous employment as a SDPD Police Officer II following the date of successful completion of phase training, as determined by the Police Department.
 - (4) The Program is contingent upon available funding in accordance with the approved budget and will terminate once the \$200,000 in Fiscal Year 2019 and \$200,000 in Fiscal Year 2020 have been exhausted, unless mutually agreed to by the Parties or agreed to in a successor MOU.
 - (5) The Lateral Police Officer II shall receive the above recruitment incentives identified in d(1)-(4) above in the pay period following the officer's successful completion of the step identified. The Lateral Police Officer II Incentive Program performance pay will be reported as non-pensionable, taxable income.

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f. Reinstated Employees

For the purpose of this Program, a reinstated employee is defined as any former SDPD Police Officer II who resigned and has applied to return to the Department in their former classification within twelve (12) months from the date of their resignation. The reinstated employee must have at least a six month break in service from the City to participate in the Program. This Program does not apply to officers returning from a Civil Service Special Leave Without Pay Absence.

7. To implement for Fiscal Years 2019 and 2020 the following Police Officer Recruitment Incentive Program (RIP):

- a. The RIP would only be available for active, sworn police personnel who recruit applicants for the classifications of Police Recruit, Police Officer I (POI) or Police Officer II (POII).
- b. Active SDPD Officers, Sergeants, Lieutenants, and Captains (Referrer) who refer candidates for employment with the City of San Diego as a Police Recruit, POI or POII may receive a recruiting performance incentive award of up to a total of \$3,000 for Police Recruit or POI referrals, or \$4,000 for POII referrals.
- c. The Parties agree that the RIP is a pay for performance plan consistent with San Diego Municipal Code § 24.0103, rewarding performance in recruiting qualified candidates for hire that complete RIP milestones.
- d. RIP Program Guidelines
 - (1) Current Police Officers, Sergeants, Lieutenants, or Captains assigned to the Backgrounds & Recruiting Unit are not eligible to receive the recruiting performance incentive award during their tenure in the assignment and for six months thereafter. In addition, Department personnel assigned to the Regional Academy are not eligible to receive the recruiting performance incentive award during their tenure in the assignment and for six months thereafter.
 - (a) The Backgrounds & Recruiting Unit and the Training Division will provide a list of sworn personnel assigned to the Backgrounds & Recruiting Unit and the Regional Academy respectively to the SDPOA and immediately notify them of any transfers in or out of the unit. Employees must be out of the ineligible units for a minimum of six months before participating in the program.
 - (2) The Department will provide a quarterly update of the monies paid and to whom during a Labor/Management Committee (LMC) meeting.
 - (3) The Parties agree and understand that a new earnings code will be created for the Recruitment Incentive Program pay and it will be non-pensionable performance pay taxable income, and the City will update

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the earnings codes to reflect this as a non-pensionable performance pay taxable income.

(4) The applicant must provide the Referrer's name on his or her Preliminary Investigative Questionnaire (PIQ) and certify that the Referrer referred and/or assisted in recruiting them, and that the applicant will not receive any portion of the incentive award provided to the Referrer. This is the only way a Department member can receive this recruitment performance pay.

(a) The applicant may list only one (1) Referrer on their PIQ.

(b) Backgrounds personnel who administer the PIQ will remind applicants to list their Referrer's name on their PIQ.

(5) The applicant must be hired into a full-time, permanent vacancy as either a Police Recruit, POI or POII for the recruitment performance pay to be received.

e. RIP Definitions

(1) A Police Recruit is defined, for purposes of the RIP, as someone who meets the minimum requirements for hiring, and who does not possess a POST degree.

(2) A Police Officer I is defined, for purposes of the RIP, as someone who possess a California POST degree dated within the last one year, or someone who has full-time paid experience as a sworn peace officer with a city police, county sheriff, state or federal law enforcement agency performing correction duties, patrol functions, or traffic enforcement within the last one year.

(3) A Police Officer II is defined, for purposes of the RIP, as someone who has two years of full-time paid experience as a sworn peace officer with a city police, county sheriff, state or federal law enforcement agency performing correction duties, patrol functions, or traffic enforcement.

(4) The Referrer, for purposes of this Program, is defined as an active, sworn Police Officer, Sergeant, Lieutenant, or Captain employed with the City of San Diego, and a current SDPOA-represented member.

f. RIP Funding

(1) If the above criteria are met, the Referrer is eligible to receive the recruitment performance pay as follows:

(a) Police Recruit or Police Officer I (up to a total of \$3,000)

1. \$1,000 will be paid to the Referrer upon hire date of the successful applicant.

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2. \$1,000 will be paid to the Referrer upon the new employee's successful completion of the San Diego Regional Public Safety Training Institute (San Diego Regional Police Academy).
3. \$1,000 will be paid to the Referrer upon the new employee's successful completion of phase training, as determined by the Police Department.

(b) Police Officer II (up to a total of \$4,000)

1. \$1,000 will be paid to the Referrer upon hire date of the applicant.
2. \$1,000 will be paid to the Referrer upon completion of the FTO program or any required training.
3. \$2,000 will be paid to the Referrer upon the new employee's successful completion phase training, as determined by the Police Department.

(2) The Referrer shall receive the above recruitment performance incentives e(1)(a) - e(1)(b) in the pay period following the referred employee's successful completion of each step identified above. The Recruiting Incentive Program pay will be reported as non-pensionable, taxable income.

(3) The RIP is contingent upon available funding in accordance with the approved budget and will terminate once the \$200,000 in Fiscal Year 2019 and \$200,000 in Fiscal Year 2020 have been exhausted, unless mutually agreed to by the Parties or agreed to in a successor MOU.

- g. The City and the SDPOA agree that this Recruitment Incentive Program (RIP) shall replace the current referral program for sworn police personnel recruiting sworn police personnel whereby Department members are awarded up to 20 hours of discretionary leave for referring applicants for Police Recruits, POI's and POII's. This will not affect the referral program for other City classifications under which Department members may refer a candidate.
- h. Any concerns or disputes regarding the RIP will be directed to the Commanding Officer of the Backgrounds & Recruiting Unit.

l. Former SDPD Officers

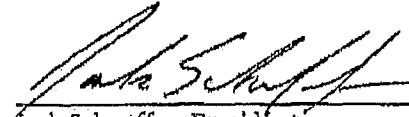
(1) Referrers are eligible for RIP pay if a referral is made for former SDPD Officers who have resigned and separated from the Department for over ninety (90) days. SDPD Officers returning from a Civil Service Special Leave Without Pay absences are not considered resignations; therefore, their referral is not eligible for RIP pay.

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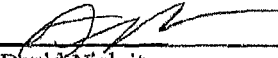
This Agreement is executed on this 4th of December 2018, by the following authorized representatives:

San Diego Police Officers Association

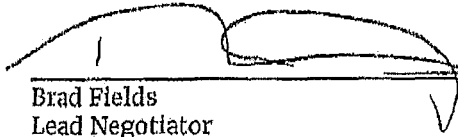
City of San Diego




Jack Schaeffer, President
San Diego Police Officers Association



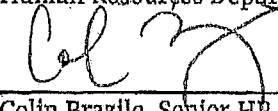
David Nisleit
Police Chief



Brad Fields
Lead Negotiator



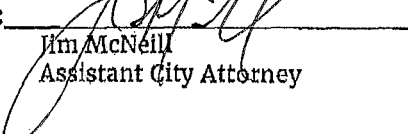
Abby Jarl-Veltz, Deputy Director
Human Resources Department



Colin Brazile, Senior HR Officer
Human Resources Department

Approved as to form this 12th
day of December,
2018.

MARA W. ELLIOTT, City Attorney

By: 

Jim McNeill
Assistant City Attorney