

**AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND
THE SAN DIEGO POLICE OFFICERS ASSOCIATION RELATED TO
MILITARY LEAVE**

Pursuant to the provisions of the Meyers-Milias-Brown Act (MMBA), this Agreement is entered into between the City of San Diego (City) and the San Diego Police Officers Association (POA), to amend Article 27 of the Memorandum of Understanding (MOU) between the City and the POA, covering the term July 1, 2015 through June 30, 2020, approved by the City Council by San Diego Resolution R-309613 (April 22, 2015).

The City and POA are collectively referred to as the "Parties."

The Parties acknowledge that this Agreement is not binding on the City or POA unless and until it is approved by a two-thirds of the City Council, in accordance with San Diego Charter section 11.2.

The Parties agree, as follows:

1. The Parties have met and conferred in good faith in accordance with the MMBA on the subject matter and terms of this Agreement.
2. 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 City Council for final determination. This Agreement takes effect upon the date of final passage of a City Council resolution approving this Agreement.
3. Existing language at Section C.1., of Article 27 of the MOU will be removed entirely and replaced with the following language:
 - C.1. Employees who provide service in the "Uniformed Services," meaning the Armed Forces, the Army National Guard, and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency, are entitled to the rights and benefits provided by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), codified at 38 U.S.C sections 4301 through 4335, and as amended in the future.

These employees are also entitled to the leaves of absence provided by the California Military and Veteran's Code, as stated in Civil Service Rule X, codified at San Diego Municipal Code section 23.1107, and Personnel Manual Index Code I-10, Military Leave.

4. The existing language at Sections C.2., C.3. and C.4. of Article 27 of the MOU is not changed.
5. Specific provisions in this Agreement supersede any previous agreements, whether oral or 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.

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- 6. Specific provisions in this Agreement are to be applied retroactively to July 1, 2016.
- 7. Upon approval by the City Council, this Agreement is intended to be read in conjunction with the MOU.
- 8. The Parties will incorporate the amended language set forth in this Agreement in any successor MOU negotiated by the City and the POA and approved by the City Council.

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

San Diego Police Officers Association

By: _____

Brian R. Marvel, President

Date: _____

08/25/17

City of San Diego

By: _____

Tim Davis, Lead Negotiator

Date: _____

8/25/17

By: _____

Abby Jarl-Veltz
Deputy Director, Human Resources

Date: _____

8/25/17

By: _____

Erik Hanson
Human Resources Officer

Date: _____

8/28/17

Approved as to form this 14th day of September, 2017.

MARA W. ELLIOTT, City Attorney

By: _____

Joan F. Dawson
Deputy City Attorney