

**SIDE LETTER AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND
SAN DIEGO POLICE OFFICERS ASSOCIATION TO AMEND ARTICLE 69 OF THE MEMORANDUM OF
UNDERSTANDING REGARDING BEREAVEMENT LEAVE UNDER ASSEMBLY BILL 1949**

Pursuant to the provisions of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06, this Side Letter Agreement (Agreement) is entered into between the City of San Diego (City) and the San Diego Police Officers Association (POA) to amend the Memorandum of Understanding (MOU) between the City and POA approved by San Diego Resolution R-314185 dated June 23, 2022. The City and POA are collectively referred to as the "Parties."

On September 29, 2022, Governor Gavin Newsom signed Assembly Bill (AB) 1949 into law, which was effective on January 1, 2023. AB 1949 entitles employees who have been employed by the City for at least 30 days to take the equivalent of up to five days of unpaid bereavement leave upon the death of a covered family member.

On December 12, 2022, the City provided notice to POA regarding compliance with AB 1949 and submitted a proposal to amend the MOU to reflect the new state legislation. This unpaid bereavement leave (i.e., "FEHA Bereavement Leave") runs concurrently with the City's existing paid bereavement leave. Employees may use any accrued leave or go unpaid once their paid bereavement leave allocation for each fiscal year has been exhausted. The City will authorize FEHA Bereavement Leave to be used within 12 months of the death of each covered family member.

Therefore, the Parties agree as follows:

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. The Parties agree to amend Article 69 of the MOU, as follows:

~~"Paid Bereavement Leave totaling 50 hours (regardless of the number of eligible deaths) each full-time employee for use during each fiscal year of this MOU upon the death of an employee's spouse or state-registered domestic partner, parent (biological, adoptive, in-law), sibling (biological, step, foster, or adopted), child (biological, step, foster, adopted, miscarried, stillborn), grandparent, grandparent-in-law and grandchild (biological, adopted). Bereavement Leave is not authorized for the death of a relative that occurred before the employee's hire date with the City of San Diego. Bereavement Leave must be taken within 12 months of the eligible death, not to exceed 50 hours total per eligible death.~~

~~Unused bereavement leave during a fiscal year does not carry over to the next fiscal year. Proof of death (death certificate, obituary notice, funeral program, etc.) or proof of miscarriage/stillbirth (a note from a healthcare provider) must be submitted within 30 calendar days of when the employee returns to work. If such proof is not submitted within the specified timeframe, the bereavement leave will revert to available compensated leave, or unpaid leave, at the employee's discretion. The number of hours of Bereavement Leave is prorated for employees working 3/4 time (37.5 hours) and 1/2 time (25 hours).~~

A. "Eligibility"

Under the terms of this Article and the California Fair Employment and Housing Act (FEHA) at Government Code section 12945.7, employees who have been employed by the City for at least 30 days are entitled to take up to five days of unpaid bereavement leave upon the death of each covered family member listed in Government Code section 12945.7. This unpaid bereavement leave will be referred to in this Article as "FEHA Bereavement Leave."

Paid Bereavement Leave is available to full-time, three-quarter time, and half-time employees for use during each fiscal year of this MOU upon the death of an employee's spouse or registered domestic partner; parent (biological, step, adoptive, in-law, foster, legal guardian, or other person who stood in *loco parentis* (i.e., in place of a parent) to the employee when the employee was a child); sibling (biological, step, foster, adopted); child (biological, step, foster, adopted, miscarried, stillborn, legal ward, a child of a domestic partner, or a person to whom the employee stands in *loco parentis*); grandparent (biological, in-law); and grandchild (biological, adopted).

Bereavement leave is not authorized for a death that occurred before the employee's hire date with the City of San Diego.

B. Bereavement Leave Hourly Totals

Five days of FEHA Bereavement Leave is the equivalent of 50 hours for full-time employees, 37.5 hours for three-quarter time employees, 25 hours for half-time employees, and 10 hours for non-standard hour employees.

Paid Bereavement Leave totaling 50 hours (regardless of the number of covered deaths) is available to each full-time employee for use during each fiscal year of this MOU upon the occurrence of a covered death as described above.

Paid Bereavement Leave is prorated for three-quarter time employees at 37.5 hours and half-time employees at 25 hours per fiscal year of this MOU. Non-standard hour employees are not eligible for Paid Bereavement Leave.

C. Documentation

Documentation of the death of the family member (death certificate; published obituary; written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency; employee written attestation; etc.) or proof of miscarriage/stillbirth (a note from a healthcare provider) must be submitted within 30 calendar days of when the employee returns to work. Proof related to miscarriage/stillbirth may be submitted directly to the Human Resources Department in lieu of the employee's department payroll specialist or supervisor, if preferred by the employee. If such proof is not submitted within the specified timeframe, the bereavement leave will revert to available compensated leave, or unpaid leave, at the employee's direction.

D. Guidelines for Usage

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Paid Bereavement Leave runs concurrently with FEHA Bereavement Leave. However, the leave days need not be consecutive. For FEHA Bereavement Leave in excess of an employee's Paid Bereavement Leave allotment, the employee may use any accrued unused leave available to the employee or unpaid leave. Both Paid Bereavement Leave and FEHA Bereavement Leave must be taken in whole-hour increments.

Bereavement Leave must be taken within 12 months of the covered death, not to exceed 50 hours of Paid Bereavement Leave total for any one covered death, which is prorated for three-quarter time and half-time employees. Unused Paid Bereavement Leave during a fiscal year does not carry over to the next fiscal year."


3. 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.
4. This Agreement is not binding on the Parties until it is approved by a two-thirds vote of the City Council, in accordance with San Diego Charter section 11.2.

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

For San Diego Police Officers Association

By: 
Bradley M. Fields
President

Date: 3/24/2023

By: 
Jared Wilson
President

Date: 3/28/2023

For the City of San Diego

By: 
Timothy Davis
Lead Negotiator

Date: June 7, 2023

By: 
Abby Jarl-Veltz
Assistant Director, Human Resources


Date: June 13, 2023

By: 
For Dianne Mitra
Senior Human Resources Officer

Date: June 13, 2023

Approved as to form this 13th day of June, 20 23.

MARA W. ELLIOTT, City Attorney

By: 
Miguel Merrell

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Deputy City Attorney