

SIDE LETTER AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO CITY FIREFIGHTERS, I.A.F.F., LOCAL 145, FOR A TEMPORARY EXCEPTION TO ARTICLE 19, SECTION F OF THE MEMORANDUM OF UNDERSTANDING REGARDING OUT-OF-CLASS ASSIGNMENTS FOR THE FIRE ENGINEER CLASSIFICATION

Pursuant to the provisions of the Meyers-Milias Brown Act (MMBA) and San Diego City Council (Council) Policy 300-06, this Side Letter Agreement (Agreement) is entered into by and between the City of San Diego (City) and the San Diego City Firefighters, I.A.F.F, Local 145 (Local 145), to extend the temporary exception approved by San Diego Resolution R-313637 (July 12, 2021) to the requirement in Article 19, section (f) of the Local 145 Memorandum of Understanding (MOU) and applicable Staffing Manual Polices of the Fire-Rescue Department (Department) that employees who work an out-of-class assignment (OCA), specifically in the Fire Engineer Classification series, must work 30 days in the OCA before being compensated at the OCA rate. This extension temporary exception will terminate on June 30, 2022. The City and Local 145 are collectively referred to as the "Parties".

The Department is currently understaffed in the Fire Engineer classification. In order to fill daily minimum staffing needs, the Department has regularly mandatory assigned Fire Engineers. The Fire Chief is extending the current declared emergency regarding staffing to meet the required minimum staffing levels as required under the Fire-Rescue Staffing Policy Manual. The Department is currently short 24 Fire Engineers, 30 Captains and 17 Firefighter Paramedics causing multiple mandatory assignments each day. These assignments are mostly 24 hours in length and do not allow the employee to return home. Additionally, the Department is not receiving enough applicants to fill the rank of Fire Engineer. Currently the Department and Personnel Department are working to certify the Fire Engineer promotional exam. The Fire Engineer promotional list has 13 candidates and all 13 will be promoted early January 2022, resulting in an exhausted list. The next Fire Engineer exam will take approximately six months to promulgate a promotional list. The shortages in all three constant staffing positions (Captain, Engineer and Firefighter Paramedic) have caused the Fire Chief to extend the declared state of emergency to June 30, 2022.

The Department has taken steps to solve the staffing emergency through:

1. Additional fire academies in fiscal year 2022
2. Concurrent fire engineer exams
3. 96-hour rule staffing changes
4. Compaction pay-related issues through negotiations

The Department does not have mandatory refusal issues at the classification of Fire Captain. The Fire Engineer classification has been short staffed for an extended period, and the mandatory refusals are much higher in this classification. Additionally, there are 12 names on the promotion list for Fire Captain.

The Department is 10 positions over in the Firefighter classification (non-medic). In addition, the Department will have approximately 26 Firefighters and six Firefighter/Paramedics graduating the fire academy in March 2022. The Department will also graduate approximately 15 Firefighter/Paramedics from medic school around June 2022 that will adjust the above numbers. The Department is not experiencing mandatory refusal issues in the Firefighter/Paramedic rank. The Department will have sufficient Firefighters and Captains to OCA in the Engineer rank.

AGREEMENT BETWEEN THE CITY AND LOCAL 145 REGARDING OCA FOR THE FIRE ENGINEER CLASSIFICATION.

Currently, the Department will only need to OCA for the Fire Engineer classification.

The MOU, at Article 19, provides, in part, that employees working an OCA will be compensated at the rate of the higher paid class only after 30 cumulative days of being assigned to the OCA. Compensation would begin on the 31st day and would be prospective.

Local 145 has confirmed their membership has ratified this Agreement pending Council approval.

The Parties agree to the following:

1. The Parties have satisfied all obligations under the Meyers-Milius-Brown Act, Council Policy 300-06, and other applicable law and regulations to meet and confer in good faith on the subject matter of this Agreement.
2. The Parties mutually agree to make a temporary exception to the 30-day time frame in Article 19 of the MOU that an employee is required to work an OCA in the Fire Engineer classification before being compensated at the higher classification. Employees who are assigned to the Fire Engineering classification as an OCA will be compensated at the higher paid class immediately upon serving in that capacity and only while working the OCA. This exception to Article 19 will terminate on June 30, 2022. This action is not intended to modify the Personnel Manual Section H-3.
3. The Parties mutually agree to temporarily modify the Staffing Policy Manual as noted in Section 1, to allow OCA prior to mandatory callbacks. This temporary modification will terminate on June 30, 2022.
4. The Parties acknowledge and understand that this Agreement will only take effect upon Council approval, and the effective date of this Agreement will be the date of final passage of the Council Resolution required for approval of this Agreement.
5. This Agreement will remain in effect through June 30, 2022 unless it is modified through further negotiations in accordance with the MMBA and Council Policy 300-06.

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

San Diego City Firefighters, I.A.F.F.
Local 145


City of San Diego

By:



Jesse Conner, President

By:



Colin Stowell, Fire Chief


Date:

1-10-22


Date:

1/25/22

AGREEMENT BETWEEN THE CITY AND LOCAL 145 REGARDING OCA FOR THE FIRE ENGINEER CLASSIFICATION.


By: 
Abby Jarl-Veltz, Assistant Director
Human Resources Department

Date: 1/25/2022

By: 
Curt Glaser, Sr. HRO
Human Resources Department

Date: 1/25/2022

Approved as to form this 26th day of January, 2022.
MARA W. ELLIOTT, City Attorney

By: 
Miguel Merrell
Deputy City Attorney