

**SIDE LETTER AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND
SAN DIEGO MUNICIPAL EMPLOYEES ASSOCIATION TO AMEND THE MEMORANDUM OF
UNDERSTANDING TO CREATE A SPECIAL ASSIGNMENT PAY FOR POOL GUARDS
IN THE PARKS AND RECREATION DEPARTMENT**

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 Municipal Employees Association (MEA) to amend the Memorandum of Understanding (MOU) between the City and MEA, effective July 1, 2021 through June 30, 2023, approved by San Diego City Council by Resolution R-313568 dated June 11, 2021. The City and MEA are collectively referred to as the "Parties."

The duties of the Pool Guard classification include overseeing the safety of pool patrons by monitoring the pool and deck areas to prevent accidents; explaining and enforcing facility regulations, policies and procedures; rescuing swimmers in distress or in danger of drowning; administering first aid and cardiopulmonary resuscitation (CPR) as needed; receiving fees from patrons; assisting patrons in aquatic class and activity registration; maintaining records and preparing reports; conducting swim and safety instruction; and performing other duties as assigned. Pool Guards must possess the following credentials: American Red Cross Lifeguard Training Card or equivalent; American Red Cross CPR for the Professional Rescuer or American Heart Association Basic Life Support for the Health Care Provider; and First Aid for Public Safety Personnel Certificate. Pool Guards are vital in keeping patrons safe at City pools.

As of September 30, 2021, the City recorded 130 Pool Guard vacancies with continuous recruitment. However, the Parks and Recreation Department has experienced serious recruitment and retention issues, which have impacted its ability to keep City pools open.

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 the MOU by adding a new subsection 14 to section C of Article 21, as follows:

"Effective the first full pay period following City Council approval, Pool Guards I and II in the Parks and Recreation Department will receive 10% of base pay as a special assignment pay. This special assignment pay will continue until it is converted into 10% of base pay increase, pending City Council approval of the Fiscal Year 2023 Salary Ordinance."
3. Unless expressly covered in this Agreement, all wages, hours, and other terms and conditions of employment presently enjoyed by MEA-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 intended to be read in conjunction with the MOU, and where in conflict on the specific issue covered by this Agreement, this Agreement will control.
5. 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.

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

For MEA

By: Ann M. Smith
Ann M. Smith
Lead Negotiator

Date: October 25, 2021

For the City of San Diego

By: Timothy Davis
Timothy Davis
Lead Negotiator

Date: December 7, 2021

By: Andrew Field
Andrew Field
Parks and Recreation Director

Date: 12/7/21

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

Date: December 7, 2021

By: Jonnabelle Domingo
Jonnabelle Domingo
Senior Human Resources Officer

Date: December 7, 2021

Approved as to form this 7th day of December, 2021.

MARA W. ELLIOTT, City Attorney

By: Miguel Merrell
Miguel Merrell
Deputy City Attorney