



## Legislation Details (With Text)

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**Title:** RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE SAN DIEGO HARBOR POLICE OFFICERS ASSOCIATION

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**Attachments:** 1. 13. 2019-0334 Attachment A, 2. 13. 2019-0334 Draft Resolution

Date	Ver.	Action By	Action	Result
9/16/2019	1	Board of Port Commissioners	adopted	

**DATE:** September 16, 2019

**SUBJECT:**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE SAN DIEGO HARBOR POLICE OFFICERS ASSOCIATION**

### EXECUTIVE SUMMARY:

The San Diego Unified Port District (District) periodically meets with designated representatives of its bargaining units to discuss wages, hours and other terms and conditions of employment. The current Memorandum of Understanding (MOU) between the District and the San Diego Harbor Police Officers Association (SDHPOA) expires on September 30, 2019. Staff is requesting that the Board of Port Commissioners (Board) adopt a new MOU with this bargaining unit.

### RECOMMENDATION:

Adopt a Resolution Approving a Memorandum of Understanding between the San Diego Unified Port District and the San Diego Harbor Police Officers Association.

### FISCAL IMPACT:

If approved, the three (3) year agreement with the San Diego Harbor Police Officers Association will cost approximately:

Fiscal Year 2019/2020:    \$ 485,092  
Fiscal Year 2020/2021:    \$ 522,638

Fiscal Year 2021/2022:     \$ 523,013

These amounts have already been factored into the long-range cash flow and will be budgeted in each applicable fiscal year.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port with an innovative and motivated workforce.
- A financially sustainable Port that drives job creation and regional economic vitality.

### **DISCUSSION:**

The Meyers-Milias-Brown Act (MMBA) (*Government Code* Section 3500, *et seq.*) governs labor-management relations in California local government, including cities, counties, and most special districts.

The MMBA provides that the governing body of a public agency shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. The MMBA defines meeting and conferring in good faith as having the mutual obligation to personally meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals and to endeavor to reach agreement on matters within the scope of representation. In accordance with the MMBA, the District met and conferred with the SDHPOA with regard to salary, benefits, and other changes. Through the negotiations process, the District and the SDHPOA reached a tentative agreement.

The SDHPOA ratified the proposed tentative agreement on September 3, 2019. The term of the agreement is from October 1, 2019 through September 30, 2022. The following is a summary of the substantive economic terms and conditions:

1. Base Salary Increases

- |                    |      |
|--------------------|------|
| a. October 1, 2019 | 3.0% |
| b. October 1, 2020 | 3.0% |
| c. October 1, 2021 | 3.0% |

2. Release Time

The SDHPOA Executive Board will be provided 20 hours paid release time to attend PORAC events and trainings with the prior approval of the Chief of Harbor Police.

3. Retirement

- a. Holiday Pay for sworn employees hired on January 1, 2013, and after, and subject to the Public Employees Pension Reform Act (PEPRA) will be non-pensionable.
- b. The Defined Benefit Retirement Plan Document will be amended to add a psychiatric retirement benefit the same as that approved by charter amendment in November, 2018, for San Diego Police Department officers.

4. Differentials

- a. Effective October 1, 2019, Night Shift (1/2 of shift or more after 2300 hours) pay shall be increased from \$2.00/hour to \$2.50/hour.
- b. Effective October 1, 2019, Field Training Officer pay shall be increased from \$1.65/hour to \$3.00/hour.
- c. Effective October 1, 2019, add differential for Cross Border Violent Crimes Task Force of \$1.65/hour.
- d. Effective October 1, 2020, Maritime Tactical Team pay shall be increased from \$1.65/hour to \$2.00/hour.
- e. Effective October 1, 2020, various Instructor Pay shall be increased from \$1.65/hour to \$2.00/hour.

5. Staffing:

- a. Convert pilot program to hire retired Harbor Police Officers as part-time employees (background investigators) to a regular operational program.
- b. Continue pilot program to hire limited officers to backfill positions to a regular operational program.

6. Benefits

- a. SDHPOA members will have their basic life insurance increased from \$20,000 to \$50,000.

7. Overtime

Paid time off in the form of annual leave hours used as vacation or sick leave shall not be included as hours worked for the purpose of calculating overtime in the same pay period unless:

- a. The overtime hours worked are off-schedule mandatory staffing hours, or not voluntary;  
or
- b. The overtime hours worked are for mandatory off-duty court appearance time.

The above economic terms and conditions have been incorporated into a successor MOU (Attachment A) that was prepared by the parties for consideration and adoption by the Board. The MOU additionally contains clean-up language previously vetted and agreed-to by the District and the SDHPOA.

The negotiating employees, including the Executive Director and her designees, and General Counsel and his designees, and negotiators for the bargaining group, have declared and disclosed that they had only remote or non-interests (as defined by *Government Code* Sections 1091 and 1091.5) pertaining to the labor negotiations resulting in the proposed tentative agreement and successor MOU.

**General Counsel's Comments:**

The General Counsel's Office was the District's legal negotiator during these labor negotiations. The General Counsel's Office has reviewed this agenda sheet and the proposed MOU as presented to it and approves same for form and legality.

**Environmental Review:**

The proposed Board action, including without limitation, a resolution approving the MOU between the District and the SDHPOA, does not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

In addition, the proposed Board action complies with Sections 21 and 35 of the Port Act, which allow the Board to pass necessary resolutions for regulation of the district and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, the proposed Board action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

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**Attachment(s):**

Attachment A: Memorandum of Understanding between the San Diego Unified Port District and the San Diego Harbor Police Officers Association