



## Legislation Text

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**DATE:** October 11, 2022

**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) expired on September 30, 2022. 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 2023:	\$1,336,250
Fiscal Year 2024:	\$ 649,192
Fiscal Year 2025:	\$ 556,600

Funds for Fiscal Year 2023 have been budgeted. Funds required for future fiscal years will be budgeted in the appropriate year, subject to board approval upon adoption of each fiscal year's budget.

**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 October 3, 2022. The term of the agreement is from October 1, 2022, through September 30, 2025. The following is a summary of the substantive economic terms and conditions:

1. Base Salary Increases

- a. October 1, 2022 Employees will be placed in a new salary structure at a step that is, on average, 5.5% above their current base pay, not including longevity pay, differential pay or incentive pay.
- b. October 1, 2023 4.0%
- c. October 1, 2024 3.0%

2. Experience Compensation

- a. Effective October 1, 2022, employees will be eligible to receive longevity pay as follows:
  - Employees who have completed at least 10 years of active service as a Harbor Police Officer are eligible to receive five percent (5%) longevity pay, calculated on their base rate of pay.
  - Employees who have completed at least 15 years of active service as a Harbor Police Officer are eligible to receive an additional four percent (4%) longevity pay, calculated on their base rate of pay.
  - Employees who have completed at least 19 years of active service as a Harbor Police Officer are eligible to receive an additional three percent (3%) longevity pay, calculated on their base rate of pay.

3. P.O.S.T. Education Incentive

- a. Effective October 1, 2022, Intermediate P.O.S.T Education Incentive will increase from \$308.33/month to \$400/month. Advanced P.O.S.T Education Incentive will increase

from \$408.33/month to \$500/month.

- b. Effective October 1, 2023, Intermediate P.O.S.T Education Incentive will increase from \$400/month to \$450/month. Advanced P.O.S.T Education Incentive will increase from \$500/month to \$550/month.

4. Differentials

- a. Effective October 1, 2022, Field Training Officer pay shall be increased from \$3.00/hour to \$6.00/hour.
- b. Effective October 1, 2022, various Instructor and Special Assignment Pay shall be increased from \$1.65/hour to \$2.00/hour.

5. Compensatory Time Off

- a. Effective October 1, 2023, Employees may accrue up to 20 hours of compensatory time off in lieu of overtime compensation.

6. Sick Leave

Effective July 1, 2023, employees shall be entitled to forty (40) hours of sick leave per calendar year. Sick leave hours are not carried over from year to year and are not paid out at termination.

7. Retention Stipends

Retention stipends will be paid on a sliding scale depending on staffing levels each year of the MOU. The stipends encourage officers to remain with the department for an additional year and includes a claw-back provision providing for the repayment of the stipend if the officer leaves during the retention period.

- a. Year 1 - Effective January 1, 2023, eligible employees will receive \$5,000.
- b. Years 2 and 3 - Based on average staffing levels for the months of July, August and September of the preceding contract year, employees will receive retention bonuses as follows:
  - 0-5% vacancy rate = \$2,000.
  - 6-10% vacancy rate = \$3,000.
  - 10+% vacancy rate = \$4,000.

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 his 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 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, resolution approving a memorandum of understanding between the San Diego Unified Port District and the San Diego Harbor Police Officers Association, does not constitute a project under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because there is not a potential to result in a direct or indirect physical change in the environment. Therefore, the proposed Board action is not subject to CEQA and no further action under CEQA is required.

The proposed Board action complies with Sections 21 and 35 of the Port Act, which allow the Board to pass resolutions; 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.

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 an exclusion finding is not required.

**Diversity, Equity, and Inclusion Program:**

This agenda sheet has no direct impact on District workforce or contract reporting at this time.

**PREPARED BY:**

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Director, Human Resources

**Attachment(s):**

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