

Resolution No. 2009-48

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2 **RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF**
3 **SAN BERNARDINO APPROVING A SIDE LETTER TO RESOLUTION NO. 2006-291**
4 **FOR FULL-TIME, POLICE SAFETY EMPLOYEES, AMENDING ARTICLE IV –**
5 **FRINGE BENEFITS: SECTION 1 – HEALTH/LIFE INSURANCE – ACTIVE**
6 **EMPLOYEES, SUBSECTION (A); ARTICLE IV – FRINGE BENEFITS: SECTION 3 –**
7 **RAIN GEAR/UTILITY UNIFORMS/UNIFORM ALLOWANCES, SUBSECTION (C);**
8 **ARTICLE V – LEAVES: SECTION 1 – VACATIONS, SUBSECTIONS (F) AND (H);**
9 **ARTICLE V – LEAVES: SECTION 4 – PAYMENT OF UNUSED SICK LEAVE; AND**
10 **ARTICLE VII – GENERAL PROVISIONS: SECTION 4 – TERM OF MEMORANDUM**
11 **OF UNDERSTANDING; AND ADDING SUBSECTIONS (E) AND (F) TO ARTICLE V –**
12 **LEAVES: SECTION 4 – PAYMENT FOR UNUSED SICK LEAVE; AND ADDING**
13 **SECTION 9 – BUDGET CONCESSIONS LEAVE TO ARTICLE V – LEAVES.**

9 **BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY**
10 **OF SAN BERNARDINO AS FOLLOWS:**

11 SECTION 1: The City Manager of the City of San Bernardino and the Director of Human
12 Resources are hereby authorized and directed to execute on behalf of said City a Side Letter to
13 Resolution No. 2006-291 for full-time, Police Safety employees amending Article IV - Fringe
14 Benefits: Section 1 - Health/Life Insurance – Active Employees, Subsection (A); Article IV –
15 Fringe Benefits: Section 3 - Rain Gear/Utility Uniforms/Uniform Allowances, Subsection (C);
16 Article V - Leaves: Section 1 – Vacations, Subsections (F) and (H); Article V – Leaves: Section
17 4 - Payment for Unused Sick Leave; and Article VII - General Provisions: Section 4 - Term Of
18 Memorandum Of Understanding; and adding Subsections (E) and (F) to Article V – Leaves:
19 Section 4 – Payment for Unused Sick Leave; and adding Section 9 – Budget Concessions Leave
20 to Article V – Leaves; a copy of which is attached hereto and incorporated herein marked as
21 Exhibit A.

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1 RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF
2 SAN BERNARDINO APPROVING A SIDE LETTER TO RESOLUTION NO. 2006-291
3 FOR FULL-TIME, POLICE SAFETY EMPLOYEES, AMENDING ARTICLE IV -
4 FRINGE BENEFITS: SECTION 1 - HEALTH/LIFE INSURANCE - ACTIVE
5 EMPLOYEES, SUBSECTION (A); ARTICLE IV - FRINGE BENEFITS: SECTION 3 -
6 RAIN GEAR/UTILITY UNIFORMS/UNIFORM ALLOWANCES, SUBSECTION (C);
7 ARTICLE V - LEAVES: SECTION 1 - VACATIONS, SUBSECTIONS (F) AND (H);
8 ARTICLE V - LEAVES: SECTION 4 - PAYMENT OF UNUSED SICK LEAVE; AND
9 ARTICLE VII - GENERAL PROVISIONS: SECTION 4 - TERM OF MEMORANDUM
10 OF UNDERSTANDING; AND ADDING SUBSECTIONS (E) AND (F) TO ARTICLE V -
11 LEAVES: SECTION 4 - PAYMENT FOR UNUSED SICK LEAVE; AND ADDING
12 SECTION 9 - BUDGET CONCESSIONS LEAVE TO ARTICLE V - LEAVES.

13 I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and
14 the Common Council of the City of San Bernardino at a joint special meeting thereof, held
15 on 9th day of March, 2009, by the following vote, to wit:

16 COUNCILMEMBERS:	AYES	NAYES	ABSTAIN	ABSENT
17 ESTRADA	X			
18 BAXTER	X			
19 BRINKER	X			
20 VACANT				
21 KELLEY	X			
22 JOHNSON	X			
23 MCCAMMACK			X	

24 Rachel G. Clark
Rachel G. Clark, City Clerk

25 The foregoing resolution is hereby approved this 10TH day of
March, 2009.

26 Patrick J. Morris
Patrick J. Morris, Mayor
City of San Bernardino

27 Approved as to form:

28 JAMES F. PENMAN,
City Attorney

29 By: James F. Penman

**SIDE LETTER AMENDMENT/AGREEMENT TO RESOLUTION 2006-291
POLICE SAFETY EMPLOYEES**

This Side Letter amends the current language in Resolution No. 2006-291 for full-time, Police Safety employees amending Article IV - Fringe Benefits: Section 1 - Health/Life Insurance – Active Employees, Subsection (A); Article IV – Fringe Benefits: Section 3 - Rain Gear/Utility Uniforms/Uniform Allowances, Subsection (C); Article V - Leaves: Section 1 – Vacations, Subsections (F) and (H); Article V – Leaves: Section 4 - Payment for Unused Sick Leave; and Article VII - General Provisions: Section 4 - Term Of Memorandum Of Understanding; and adding Subsections (E) and (F) to Article V – Leaves: Section 4 – Payment for Unused Sick Leave; and adding Section 9 – Budget Concessions Leave to Article V – Leaves, by adding the following language to the referenced articles, sections and subsections:

A. ARTICLE IV, FRINGE BENEFITS: SECTION 1, HEALTH/LIFE INSURANCE – ACTIVE EMPLOYEES, SUBSECTION (A)

“For the temporary period commencing with the payroll period beginning March 16, 2009, and continuing through June 30, 2010, the City will reduce its healthcare premium contribution by \$400 per month per employee.”

B. ARTICLE IV, FRINGE BENEFITS: SECTION 3, RAIN GEAR/UTILITY UNIFORMS/UNIFORM ALLOWANCES, SUBSECTION (C)

“For the temporary period of benefit years 2009 and 2010, employees will forego their annual uniform allowance.”

C. ARTICLE V, LEAVES: SECTION 1, VACATIONS, SUBSECTION (F)

“Effective March 16, 2009, vacation credit accruals may accumulate an additional 15% as follows:

<u>Current Cap</u>	<u>Cap With 15% Increase</u>
160	184
240	276
320	368
400	460”

D. ARTICLE V, LEAVES: SECTION 1, VACATIONS, SUBSECTION (H)

“Effective March 16, 2009, and continuing through June 30, 2010, employees will not be allowed to sell back any vacation or holiday time.

Effective July 1, 2010, employees will be allowed to sell back up to one-quarter (1/4) of their vacation or holiday accrual for the year at any time throughout the year as long as a minimum of 10 hours is requested per sell-back.”

E. ARTICLE V, LEAVES: SECTION 4, PAYMENT FOR UNUSED SICK LEAVE

"E. Effective March 16, 2009, and continuing through June 30, 2010, employees will not be allowed to sell back any accrued sick leave.

F. Effective July 1, 2010, an employee may elect to sell back up to one-quarter (1/4) of his/her annually accrued hours of sick leave provided such employee has used 32 hours or less of sick leave during the twelve (12) months prior to sell-back."

E. ARTICLE V, LEAVES:

"SECTION 9: BUDGET CONCESSIONS LEAVE

Effective March 16, 2009, and continuing through June 30, 2010, all employees will accrue four (4) hours of paid leave time per week with no expiration date or cash value. In all cases, leave use will be arranged for and used according to established department policy."

G. ARTICLE VII, GENERAL PROVISIONS: SECTION 4, TERM OF MEMORANDUM OF UNDERSTANDING

"Mayor and Common Council action taken on March 9, 2009, extends the term of this Memorandum of Understanding (MOU) for one (1) year commencing January 1, 2010, through December 31, 2010."

The City and members of the Police Safety Employees Unit agree that if the economy were to improve prior to June 30, 2010, the following "trigger" language would be followed:

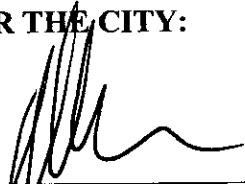
"The City agrees to restore the ten percent (10%) employee concession prior to June 30, 2010, if the City receives a Federal or State bailout or other windfall that can be applied to the General Fund with no limitations equal to or greater than 75% of the City's total projected deficit for that year."

The Police Officers' Association (POA) will have input into the selection of the new Police Chief.

DATE: March 10, 2008

ATTEST: Rachel G. Clark
City Clerk

FOR THE CITY:

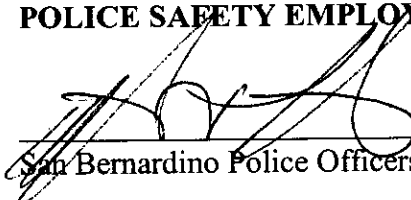


MARK WEINBERG, City Manager
City of San Bernardino



LINN LIVINGSTON
Director of Human Resources

**REPRESENTATIVES OF:
POLICE SAFETY EMPLOYEES**



San Bernardino Police Officers Association

