

2010-343

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF SAN BERNARDINO AND THE SAN BERNARDINO
POLICE MANAGEMENT ASSOCIATION
REGARDING BUDGET CONCESSIONS**

This Memorandum of Understanding is entered into by the City of San Bernardino ("CITY") and the San Bernardino Police Management Association ("SBPMA") pursuant to and subject to *Government Code* Sections 3500 et seq. as follows:

WHEREAS, the CITY is seeking concessions from its employee organizations in an effort to address a budget deficit;

WHEREAS, the CITY acknowledges the SBPMA is the recognized employee organization, which within the scope of representation, represents the bargaining unit composed of all Police Department management-level employees;

WHEREAS, representatives of the CITY and representatives of the SBPMA have met and conferred in good faith, exchanged proposals, and have reached agreement regarding employee concessions equating approximately a ten percent (10%) reduction in salary;

NOW, THEREFORE, the CITY and the SBPMA hereby agree to the following budget concessions as follows:

1. Budget Concessions:
 - a. Police Management employees will forego their March 2011 and March 2012 annual uniform allowance.
 - b. Effective October 1, 2010, and continuing through December 31, 2012, the City's monthly contribution towards health care benefits will be reduced by \$886 for Captains and \$794 for Lieutenants.
 - c. All newly hired Police Management employees hired on or after January 1, 2011 will be in the 3% @ 55 retirement formula, as provided by Government Code Section 31664.2.
 - d. Effective for the August 1, 2010 and August 1, 2011 Charter section 186 salary surveys, the City and the SBPMA agree to negotiate the 186 formula to result in no financial impact to both sides.
 - e. Effective October 1, 2010, and continuing through June 30, 2012, on a monthly basis, all Police Management employees' vacation balance will be reduced by 2.7 hours (total 40 hours) and employees' holiday balance will be reduced by 1.9 hours (total 28 hours). Additionally, employees will not be able to sell back vacation, holiday and sick hours until July 1, 2012.

2. Budget Concessions Leave:

In return for assisting the City during a severe budget deficit, effective October 1, 2010, and continuing through June 30, 2012, all Police Management employees shall accrue four (2) hours of leave time per week to be used in the same manner as vacation leave. These hours will have no expiration date nor cash value.

3. Leave Balance Payouts:

Effective October 1, 2010, and continuing through December 31, 2012, upon retirement, any applicable leave balance payout shall be in the form of a lump sum.

4. Restoration of Budget Concessions:

The CITY agrees to restore the ten percent (10%) employee concession prior to December 31, 2012, if sales tax, utility tax, and property tax totals restore to the FY 07-08 levels or if the City of San Bernardino 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 the amount of savings achieved through the employee concessions.

6. Term of Memorandum of Understanding:

This Memorandum of Understanding will remain in effect through December 31, 2012.

Date: 10/20/10

Charles McNeely
Charles McNeely, City Manager

Linn Livingston
Linn Livingston, Director of
Human Resources

ATTEST:

Rachel G. Clark
Rachel Clark, City Clerk

Approved as to Form:

James F. Penman
James F. Penman
City Attorney

B. Boom
San Bernardino Police Management
Association (SBPMA)

T. H. P.

