

City of San Marcos – San Marcos Police Officers Association
MEET AND CONFER AGREED CHANGES RATIFIED BY THE SMPOA PENDING CITY COUNCIL APPROVAL
June 8, 2023 – September 30, 2026

In additional to the following list of issues, the City and the SMPOA agreed to adapt the ground rules to provide streamed negotiation meetings.

Authority of An Arbitrator/Third Party Hearings Examiner:

Unless there is evidence that the Chief's decision was:

- A. The result of unlawful discrimination (discriminatory);
- B. based on sudden and unaccountable changes of mood or behavior (capricious); or
- C. based on random choice or personal whim, rather than any reason or system (arbitrary).

The arbitrator may not substitute his/her judgment of the Chief's on the disciplinary penalty when the conduct has been found to constitute gross or sustained insubordination that has not been corrected by documented progressive discipline/coaching/counseling, untruthfulness, or allegations of criminal misconduct.

Investigations and Disciplinary Suspensions (180-day rule):

Negotiated to keep the additional 180-day period, which doubles the amount of time specified in the Texas Local Government Code.

Transparency of files:

Provided for the review of prior performance to the officer's promotional scoring and ranking process which includes letters of reprimand and suspensions.

- Add performance review, which is review of the employee's past performance. This incorporates positive and negative conduct in promotional scoring and ranking. This counts as 20% of the promotional score.

Duration of Agreement:

- Modified for the term of the new agreement to be a longer first year from the effective date of June 8, 2023 through September 30, 2024 plus two successive fiscal years through September 30, 2026.

Investigations and Disciplinary Suspensions – Maintained in the proposed agreement:

- Non-criminal provides chief must file complaint within 180 days of occurrence and take formal discipline no later than 180 days after the date of the complaint.
- Add provisions for sexual harassment violations allowing a complaint within 300 days of the occurrence to align with state and federal law and to take formal discipline no later than 180 days.
- Criminal violations – Chief must file written complaint within 180 days of the Chief's discovery of the act and take formal discipline no later than 180 days after the chief files the complaint. The 180-day period shall be extended for a period not to exceed 30 days after the final disposition of any pending criminal proceedings regarding the alleged act.
- Pausing of deadlines – timelines are paused at the Chief's discretion because of state or federally mandated leaves (for example: FMLA, military leave and workers' compensation).

Wages:

- Base pay increase of:
 - Year 1 – Extended year beginning with adoption of the agreement – 6/8/2023 – five percent (5%)
 - Year 2 – Effective 10/1/2024 - five percent (5%)
 - Year 3 – Effective 10/1/2025 - five percent (5%)
- Add certification pay:
 - Year 1 (\$55 intermediate, \$100 advanced, \$155 master) (effective 10/1/2023)
 - Year 2 (\$60 intermediate, \$110 advanced, \$160 master) (effective 10/1/2024)
 - Year 3 (\$75 intermediate, \$150 advanced, \$200 master) (effective 10/1/2025)