

SIDE LETTER AGREEMENT
 BETWEEN
 THE CITY OF SAN JOSE
 AND
 THE SAN JOSE POLICE OFFICERS' ASSOCIATION

Vacation Accrual for Lateral Police Officers

The City of San Jose (City) and the San Jose Police Officers' Association (SJPOA) acknowledge that the POA Memorandum of Agreement contains the following language:

- 30.5 Effective May 16, 2021, the City Manager or designee is authorized to adjust the annual vacation accrual of a Lateral Police Officer, for the purpose of hiring or rehiring that Officer into City service. This action allows hiring managers to place new or rehired Lateral Police Officers with prior sworn public service credit at a vacation accrual rate commensurate with their total years of sworn public service with the approval of the City Manager or designee.

Process/Guidelines

A Lateral Police Officers' vacation accrual may be adjusted upon first hire or rehire date to provide the Officer with credit for previous sworn public service upon the approval of the City Manager or designee.

1. Credit for sworn public service shall only be given for completed years of sworn service as a full-time benefitted employee.
 - a) If an Officer worked at a public service agency on a part-time benefitted basis, completed years will be based on the completion of 2,080 hours.
 - b) For example, if an Officer has previously worked six (6) complete years in another public agency or a combination of sworn public service and sworn service with the City of San Jose, the City Manager or designee may authorize the Officer to accrue vacation at the 6-10 annual hourly rate, which is 120 hours per year. The below table illustrates the vacation annual hourly accrual rates by years of service in the POA MOA:

Years of Service	Hours of Vacation Per 26 Pay Period Cycle
1 st 5 years	80 hours
6 th year – 10 th year	120 hours
11 th year – 12 th year	140 hours
13 th year – 14 th year	160 hours
15 th year or more	180 hours

Vacation accrual caps shall apply to the designated annual hourly accrual rate.

2. Sworn Public service credit shall not apply to any other benefits.


3. The Officer has the responsibility to prove certification of previous sworn public service from the Officer's previous employer(s), if so requested.
 - a. A public service agency may be defined as a(n) International Federal, State, City, County, Special District, or other publicly funded agency that provides programs, goods, or services. A public agency is not defined as a not-for-profit organization or non-governmental organization that relies on donations and volunteers to operate.

In recognition of the experience and benefits of hiring Lateral Police Officers in the San Jose Police Department, the parties now agree to the following:

- Effective March 3, 2024, Lateral Police Officers hired *prior* to May 16, 2021, will have their vacation accrual adjusted to provide the Officer with credit for previous sworn public service upon the approval of the City Manager or designee consistent with the POA MOA, Section 30.5, and any and all subsections contained therein.
- Effective as soon as practicable, there will be a one-time retroactive adjustment to the Officer's available vacation balance consistent with their adjusted vacation accrual rate as of May 16, 2021.
 - This shall only apply to eligible Lateral Police Officer's hired prior to May 16, 2021.
 - Any retroactive adjustment may not exceed an Officer's vacation accrual cap.
 - If the Officer is at their vacation accrual cap at the time of implementation no retroactive adjustments will be made.

The parties hereby agree to incorporate the language in this Side Letter into any successor agreement reached between the City and the POA, unless the terms are modified during the negotiation process.

FOR THE CITY:



Jennifer Schembri
Director of Employee Relations
Director of Human Resources

3/5/2024

Date

 # 3148

Paul Joseph
Assistant Chief of Police

3-05-24

Date




Elsa Cordova
Assistant to the City Manager
Office of Employee Relations

3/5/2024

Date

FOR THE UNION:



Steve Slack
President, SJPOA

03 / 01 / 2024

Date



Gregg Adam
SJPOA Counsel

3-1-24

Date