

SENT VIA EMAIL

June 8, 2015

Karl Van Gastel
ABMEI Negotiation Team Member

Don Lindsey
ABMEI Negotiation Team Member

Ron Davis
ABMEI Negotiation Team Member

RE: Classification Issues

Dear Karl, Don and Ron:

This letter is to provide clarification regarding the classification changes currently being contemplated by the City. Some of these issues have been previously discussed, but we believe it would be helpful to have this information in writing for reference. In addition to the compensation changes, there are also operational issues the City would like to address via the classification change which are discussed in further detail below.

Regarding the classification changes, the proposed changes add new flexibly-staffed levels to the entry and supervisory levels, which is accompanied by updated pay ranges. The purpose of the additional flexibly-staffed levels is to recognize increasing job expertise as shown by additional certifications and to provide additional promotional opportunities. In order to increase the Department's ability to meet customer needs, all certification requirements will be at the commercial level for future hires; please note, however, that the City has developed a transition plan to allow current employees who currently possess a combination of commercial and residential certifications to advance to the appropriate higher level with a defined time frame for upgrading residential certifications to commercial.

For your reference, please find below the approximate pay ranges for the updated classifications. In addition, please find attached a copy of City Policy Manual Section 3.2.2. Flexibly Staffed Classes Policy, which may also provide you some helpful information. Furthermore, please find attached a draft transition plan regarding current employees for your reference as well. Once the job class specifications are available, we will send those to you as well.

No	Current Classification	Updated Classification	Expected Approximate Annual Salary Range	
			Minimum	Max
1	Building Inspector / Combination Certified	Building Inspector Combination Certified I	\$78,291	\$95,118
		Building Inspector Combination Certified II	\$80,392	\$97,968
		Building Inspector Combination Certified III	\$83,595	\$101,587
		Building Inspector Combination Certified Senior	\$87,776	\$106,932
2	Building Inspector, Supervisor Certified	Building Inspector Supervisor Certified I	\$94,640	\$115,356
		Building Inspector Supervisor Certified II	\$97,344	\$118,601

Once the classifications have been updated, the process to move current Inspectors to one of the new flexibly-staffed levels is for the Department to submit a Qualifying Promotional Request form to HR. The promotion will be effective the first pay period after HR receives and approves the request. The Department will coordinate with HR to determine the appropriate increased rate of pay for incumbent employees.

We also understand that there may be additional questions regarding the updated job duties that may accompany the classification changes described above. We wanted to clarify that the job duties in the new classifications (Building Inspector Combination Certified I/II/III/Senior and Building Inspection Supervisor certified I/II) will conduct inspections as assigned by the Chief Building Official or designee (Division Manager, Inspection Managers and Supervisors) based on each individual Inspector's experience, training and licensing. The Department shall also take into consideration an individual Inspector's level of readiness to safely conduct more complex inspections. It is not the expectation of the Chief Building Official/designee to assign inspection work to those who may not be capable and/or may not be qualified to perform specialty inspections. The assignments may vary depending on the business needs of the Department, but we wanted to make clear that assignments will not be based on the idea that a "Combo Inspection" = "Combo Inspection Everything." While this may result in the expanded areas of inspection by those who are qualified and capable of it, we wanted to provide some assurance to ABMEI that the classification changes being contemplated will **not** result in all Inspectors being mandated to conduct the types of inspections beyond an individual's training, qualification and experience. By the same token, we want to be clear that the Chief Building Official is responsible for work assignments and duties. The Chief Building Official or designees determine how individual inspectors are dispatched and the type of inspections individual inspectors perform.

We hope that this provides some clarity as to the City's intent with regards to the classification changes. We are eager to proceed with these changes as soon as possible, and hope to bring it to City Council for its consideration on June 23, 2015; please note that there are sunshine requirements the City is obligated to meet and thus we would need to know by Tuesday, June 9th, if ABMEI is amenable to the changes described above. If so, please confirm, in writing, that ABMEI does not perceive any issues with the City the moving forward with these classification changes no later than June 9th.

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Please let me know if you have any questions, and we look forward to working with you on this matter as well as our upcoming MOA negotiations.

Sincerely,



Marco Mercado
Assistant to the City Manager

c: Norberto Dueñas, City Manager
Dave Sykes, Assistant City Manager
Jennifer Schembri, Interim Director of Employee Relations
Harry Freitas, Director, PBCE
Peter Fenerin, President, ABMEI

Flexibly Staffed Classes**3.2.2****PURPOSE**

This section describes the uniform Citywide policy for flexibly staffed classifications, and the process for promoting incumbents of these classifications.

AUTHORITIES

San Jose Municipal Code (Civil Service Rules), Section 3.04.340: Qualifying examination. Qualifying examination means an examination that need not be competitively administered to determine fitness for appointment pursuant to the provisions of this chapter.

"Flexible staffing" is the alternate use of either of two or more classes in a designated series for filling a vacant position. When the vacancy is filled with an employee in the lower of the classes, that employee may be promoted to the higher class while staying in the same position.

"Underfilling" is filling a vacant position using a class lower than that authorized, such as using the lower class in a series designated for flexible staffing (e.g. filling a vacancy with Account Clerk I when Account Clerk II is authorized).

POLICY1. Objectives of flexible staffing.

- To place the City of San Jose, as an employer, in a more competitive position to recruit and retain well-qualified employees;
- To increase the capability of City Department Directors to effectively use the positions and employees within their departments;
- To reward employees who have succeeded in their entry-level jobs;
- To reduce the interdepartmental movement of employees within specified series, and thereby reduce the retraining of employees involved; and
- To keep employee turnover rate at minimal levels.

2. Responsibility for designating classes.

The Director of Human Resources is responsible for designating those classifications that are flexibly staffed classes, consistent with the concept of flexible staffing defined above.

Flexibly Staffed Classes**3.2.2**3. Effective dates.

The effective date of flexible staffing applicable to any specified series shall be the date of action taken by the Director of Human Resources. No retroactive promotions will be made prior to the date that the Director received and approved the promotion request.

4. Responsibility for using.

Primary responsibility for the most effective use of the designated flexibly staffed classes, including the alternative for flexibly staffed promotions, shall rest with the Department Director of the operating department.

5. Number of classes in designated series.

The span of flexible staffing within a designated series may be as few as the first two (2) classes of the series, starting with the lowest paid class, or as many as four (4) classes in a series.

6. Differences in levels.

The lower classes in designated series usually do not require professional experience. The higher classes are characterized by assignments that are typically performed with independence.

7. Eligibility for qualifying promotion to the next higher class.

- a. The employees must be currently occupying a lower level of a flexibly staffed class and must have completed probation in that class.
- b. The employees must possess the minimum qualifications, including the required experience for the higher level class.
- c. The employees must be recommended for a flexibly-staffed qualifying promotion by his/her Department Director to the Director of Human Resources.

Completion of the qualifying promotion results in the movement of both the employee and the position he/she is occupying to the higher class; it does not require a vacancy in the next higher class.

8. Qualifying promotion evaluations.

In most cases and at the determination of the Director of Human Resources, the qualifying promotion process consists of a written supervisor's evaluation on a Qualifying Promotional rating form. The Qualifying Promotional rating form is used by the employee's supervisor to evaluate the employee's promotability to the higher level.

Flexibly Staffed Classes**3.2.2****PROCEDURES**

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|------------------------|---|
| Supervisor | <ol style="list-style-type: none"> 1. Determines that an employee in a flexibly-staffed class will be recommended for promotion to the higher level. If necessary, confirms the employee's eligibility for qualifying promotion with the Department of Human Resources. 2. Informs employee of the process for qualifying promotions. Obtains the Qualifying Promotional (QP) Process Form and requests the employee to complete the page 2 of that form. Completes page 1 of the form, which includes ratings of the employee. |
| Department
Director | <ol style="list-style-type: none"> 3. Approves of the request for the qualifying promotion by signing the form. Signs, dates, and sends completed form to the Human Resources Department. |
| Human Resources | <ol style="list-style-type: none"> 4. Reviews the QP Process Form to verify that the nominated employee has completed probation in the lower class and meets the minimum qualifications for the higher class. 5. Appoint the employee to the higher class effective at the beginning of the next pay period. |

Approved:

 /s/ Alex Gurza
Acting Director of Human Resources

 12/05/13
Date

Flexibly-Staffed Classes

3.2.2

FLEXIBLY STAFFED CLASSES

Attachment
(Revised 5/12/15)

Lower Level	Higher Level	Higher Level	Higher Level
Account Clerk I PT/FT	Account Clerk II PT/FT		
Accountant I	Accountant II		
Airport Operations Manager I	Airport Operations Manager II		
Airport Operations Superintendent I	Airport Operations Superintendent II		
Airport Operations Supervisor I	Airport Operations Supervisor II	Airport Operations Supervisor III	
Analyst I PT/FT	Analyst II PT/FT		
Analyst I, Independent Police Auditor U	Analyst II, Independent Police Auditor U		
Apprentice Mechanic	Mechanic		
Apprentice Wastewater Mechanic	Wastewater Mechanic I	Wastewater Mechanic II	
Architect/Landscape Architect I	Architect/Landscape Architect II		
Assistant Environmental Services Specialist	Associate Environmental Services Specialist	Environmental Services Specialist	
Associate Legal Analyst	Legal Analyst I	Legal Analyst II	
Building Inspector Combo FT/PT	Building Inspector Combo Cert FT/PT		
Building Inspector Supervisor	Building Inspector Supervisor Cert		
Building Rehabilitation Inspector I	Building Rehabilitation Inspector II		
Buyer I	Buyer II		
Code Enforcement Inspector I	Code Enforcement Inspector II		
Computer Operator I	Computer Operator II		
Community Service Officer I	Community Service Officer II		
Council Assistant I (U)	Council Assistant II (U)		
Council Community Relations Aide U	Council Community Relations Representative U	Council Community Relations Coordinator U	Council Community Relations Director U
Council Policy & Legislative Aide U	Council Policy & Legislative Analyst U	Council Policy & Legislative Advisor U	Council Policy & Legislative Director U
Deputy City Attorney I (U)	Deputy City Attorney II (U)	Deputy City Attorney III (U)	Deputy City Attorney IV (U)
Electrician I	Electrician II		
Engineer I	Engineer II		

Flexibly-Staffed Classes

3.2.2

Lower Level	Higher Level	Higher Level	Higher Level
Engineering Technician I	Engineering Technician II		
Environmental Inspector I	Environmental Inspector II		
Equipment Mechanic Assistant I	Equipment Mechanic Assistant II		
Executive Analyst I (U)	Executive Analyst II (U)		
Geographic Systems Specialist I	Geographic Systems Specialist II		
Hazardous Materials Inspector I	Hazardous Materials Inspector II		
Industrial Process Control Senior Specialist I	Industrial Control Senior Specialist II		
Industrial Process Control Specialist I	Industrial Process Control Specialist II	Industrial Process Control Specialist III	
Instrument Control Technician I	Instrument Control Technician II	Instrument Control Technician III	Instrument Control Technician IV
Investigator Collector I	Investigator Collector II		
Laboratory Technician I	Laboratory Technician II		
Latent Fingerprint Examiner I	Latent Fingerprint Examiner II	Latent Fingerprints Examiner III	
Legal Administrative Assistant Trainee	Legal Administrative Assistant I	Legal Administrative Assistant II	
Librarian I	Librarian II		
Maintenance Assistant FT/PT	Maintenance Worker I FT/PT		
Network Technician I FT/PT	Network Technician II FT/PT		
Office Specialist I FT/PT	Office Specialist II FT/PT		
Park Maintenance Repair Worker I	Park Maintenance Repair Worker II		
Permit Specialist	Permit Specialist, Senior		
Planner I	Planner II	Planner III	
Police Data Specialist I	Police Data Specialist II		
Police Property Specialist I	Police Property Specialist II		
Program Performance Auditor I (U)	Program Performance Auditor II (U)		
Property Manager I	Property Manager II		
Public Information Representative I	Public Information Representative II		
Public Safety Radio Dispatcher Trainee	Public Safety Radio Dispatcher		
Real Property Agent I	Real Property Agent II		
Retirement Actuarial Analyst I	Retirement Actuarial Analyst II		
Senior Airport Operations Specialist I	Senior Airport Operations Specialist II	Senior Airport Operations Specialist III	
Senior Deputy City Attorney I (U)	Senior Deputy City Attorney II (U)	Senior Deputy City Attorney III (U)	Senior Deputy City Attorney IV (U)
Senior Property Manager I	Senior Property Manager II		
Structure/Landscape Designer I	Structure/Landscape Designer II		
Systems Applications Programmer I	Systems Applications Programmer II		

Flexibly-Staffed Classes	3.2.2
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Lower Level	Higher Level	Higher Level	Higher Level
Traffic Checker I	Traffic Checker II		
Warehouse Worker I	Warehouse Worker II		
Wastewater Operator Trainee	Wastewater Operator I	Wastewater Operator II	Wastewater Operator III
Wastewater Operations Foreperson I	Wastewater Operations Foreperson II		
Wastewater Operations Superintendent I	Wastewater Operations Superintendent II		
Wastewater Senior Mechanic I	Wastewater Senior Mechanic II		
Wastewater Mechanical Supervisor I	Wastewater Mechanical Supervisor II		
Workers' Comp Claims Adjuster I	Workers' Comp Claims Adjuster II		

Building Inspector Transition Plan

Current employees who move to a higher level and do not upgrade their certifications within the designated time will revert to their original level.

Current Class	Current Cert Status	New Class	Comments
Building Inspector Combo Cert	1 Commercial in specialty	Building Inspector Combo Cert I	
Building Inspector Combo Cert	1 Commercial in specialty, 1 additional cert (commercial or residential)	Building Inspector Combo Cert II	Residential cert must be upgraded to commercial within one year
Building Inspector Combo Cert	1 Commercial in specialty, 2 additional certs (commercial or residential)	Building Inspector Combo Cert III	Residential cert(s) must be upgraded to commercial within one year per cert (max two years)
Building Inspector Combo Cert	1 Commercial in specialty, 3 additional certs (commercial or residential)	Building Inspector Combo Senior Cert	Residential cert(s) must be upgraded to commercial within one year per cert (max three years) (May substitute another cert such as Plan Check or CASp for one commercial cert)
Building Inspector Supervisor Cert	1 Commercial in specialty, 3 additional certs (commercial or residential)	Building Inspector Supervisor Cert II	Residential cert(s) must be upgraded to commercial within one year per cert (max three years) (May substitute another cert such as Plan Check or CASp for one commercial cert)