

## SIDE LETTER AGREEMENT

BETWEEN

THE CITY OF SAN JOSE

AND

THE CONFIDENTIAL EMPLOYEES' ORGANIZATION (CEO)  
AFSCME Local 101

### **Mayor and City Council Offices Administrative Assistants (1159/8159)**

The City and the Confidential Employees' Organization, AFSCME Local 101 (or "CEO"), acknowledge that, as of the date of this Side Letter Agreement, there are four (4) City Council Offices with filled Administrative Assistant positions:

- District 2
- District 3
- District 7
- District 9

The parties also acknowledge that there is an unfilled Administrative Assistant position in District 8, and that the Mayor's Office and City Council Districts 1, 4, 5, 6, and 10 have elected not to staff those offices with an Administrative Assistant position.

The parties hereby agree to the following:

1. The Mayor's Office and City Council Offices that do not currently staff an Administrative Assistant position as of the date of this Side Letter Agreement (Districts 1, 4, 5, 6, 10), as well as District 8, shall have any current Administrative Assistant position eliminated.
  - a. Should the Mayor's Office or a City Council Office elect to staff a position with similar duties and characteristics as described in the Administrative Assistant classification specification, the unrepresented Executive Assistant (8021) classification shall be used in lieu of the Administrative Assistant (1159/8159) classification.
2. Current Administrative Assistant Positions

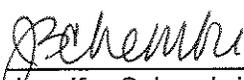
The employees who are in the Administrative Assistant classification in the City Council Offices for Districts 2, 3, 7, and 9 as of the date of this Side Letter Agreement may remain in their position in that District Council Office until and unless the following occurs:

- a. The City Councilmember elects not to have an Administrative Assistant position staffed in their Office.

- i. When a City Councilmember makes an election pursuant to Section 2(a), the Administrative Assistant position shall be eliminated. Should the City Council Office elect to staff a position with similar duties and characteristics as described in the Administrative Assistant classification specification, the unrepresented Executive Assistant (8021) classification shall be used in lieu of the Administrative Assistant (1159/8159) classification.
  - ii. If there is an incumbent employee in the position, through the employment placement process between the City and the incumbent employee, the City shall place the incumbent employee in another position with the City consistent with the City's Civil Service Rules and Memorandum of Agreement with CEO. The parties acknowledge that incumbent employees in the Administrative Assistant position in City Council Offices as of the date of this Side Letter Agreement have rights to an Administrative Assistant position or a comparable position with comparable pay subject to the City's Civil Service Rules.
- b. The incumbent employee in the Administrative Assistant position as of the date of this Side Letter Agreement vacates the position in the City Council office, either voluntarily or involuntarily.
- i. When a vacancy occurs pursuant to 2(b), the City Councilmember in Districts 2, 3, 7, and/or 9 can elect to continue staffing an Administrative Assistant position if there is an Administrative Assistant in an overstrength or other nonpermanent or temporary position and the City Councilmember agrees with the placement.
  - ii. Should the City Councilmember elect not to have an Administrative Assistant position staffed in their office or no viable placement is available, the position shall be eliminated pursuant to Section 2(a).
  - iii. Should the City Council Office elect to staff a position with similar duties and characteristics as described in the Administrative Assistant classification specification, the unrepresented Executive Assistant (8021) classification shall be used in lieu of the Administrative Assistant (1159/8159) classification.

This Side Letter Agreement and its terms shall become effective when signed by all the parties below.

**FOR THE CITY:**

 3/8/17  
Jennifer Schembri Date  
Director of Employee Relations

**FOR THE EMPLOYEE ORGANIZATION:**

 3/8/17  
LaVerne Washington Date  
President, CEO

 3-8-17  
Charles Allen Date  
AFSCME Local 101