

2018 CITY OF SAN JOSE – CEO NEGOTIATIONS  
TENTATIVE AGREEMENT

CITY PROPOSAL TO CEO – HOUSEKEEPING – ARTICLE 34

City Proposed Language:

~~ARTICLE 34 – HUMAN RESOURCES POOL ASSIGNMENTS~~

~~34.1 – An Human Resources pool employee who has completed 2,080 hours of actual time worked in full-time service in the same assignment shall be granted regular employment status and receive benefits if the following conditions are met.~~

- ~~• A vacancy exists in a class in the department which the employee is eligible to fill.~~
- ~~• The department selects the employee for regular employment status.~~

~~34.2 – A Human Resources pool employee who has completed 2,080 hours of actual time worked in full-time service in the same assignment and who does not meet the conditions listed in 34.1 shall not be eligible for benefits and shall be removed from the position.~~

~~34.3 – Human Resources Pool employees who are assigned and work in excess of forty (40) hours per week shall be compensated at the time and one-half (1-1/2) rate. A part-time employee who is assigned and works in excess of forty (40) hours per week may elect to either be paid for such overtime or credited with compensatory time off, provided the following:~~

- ~~a. the employee makes such election during the pay period in which the overtime is worked.~~
- ~~b. in the event the employee requests payment for such overtime, the department's budget can accommodate such payment.~~

~~34.4 – However, at no time shall an Human Resources pool employee's compensatory time balance exceed forty (40) hours. Once an employee's compensatory time balance reaches forty (40) hours, employees shall be paid for all time assigned and worked in excess of forty (40) hours per week.~~

~~34.5 – Notwithstanding any other provision of Section 6.9 to the contrary, the Director of a Department may announce the intent of the Department to pay employees the appropriate rate for accrued compensatory time that is not used as of a date specified by the department. This announced intent may apply to an entire department or to a specified section(s) of a department. The announcement will also specify a date by which time each affected employee must elect to either:~~

~~34.5.1 – be paid for all accrued, unused compensatory time, OR~~

~~34.5.2 – be paid for all but twenty-four (24) hours of such accrued, unused compensatory time, OR~~

~~34.5.3 – retain all accrued, unused compensatory time, subject to other applicable provisions of this Section 6.10.~~

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~~34.6 — Any employee not making an election will retain his/her compensatory time, subject to other provisions of this Section.~~

~~34.7 — If an Human Resources pool employee is scheduled and reports to work for a shift which is then canceled, the employee shall, at the City's discretion, either work a minimum of two (2) hours or be credited with two (2) hours work at the employee's straight time pay rate. The employee is not entitled to the two (2) hour minimum if:~~

- ~~a. the pool employee is notified prior to the start of the shift that the shift is canceled; or~~
- ~~b. the pool employee is scheduled to work less than two (2) hours.~~

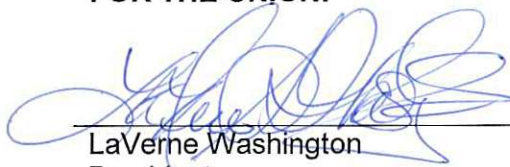
*\*This agreement is considered tentative and shall not be considered final or binding until a final agreement on all terms has been reached and both ratified by union members and approved by the City Council.*

**FOR THE CITY:**


  
\_\_\_\_\_  
Marco Mercado  
Assistant to the City Manager  
Office of Employee Relations

5/21/18  
Date

**FOR THE UNION:**

  
\_\_\_\_\_  
LaVerne Washington  
President  
CEO, AFSCME, Local 101

5/21/18  
Date

  
\_\_\_\_\_  
Charles Allen  
Business Agent  
AFSCME, Local 101

5-21-18  
Date