



## SAN JOSE POLICE OFFICERS' ASSOCIATION

### Counter-Proposal #1 March 22, 2021

The Union has reviewed the City's March 12, 2021 Initial Proposal as well as the City's Initial List of Negotiation Interests & Issues. The Union continues to propose its original Comprehensive Proposal on Police Reforms, Retention, and Recruitment as part of a Police Reform reopener that would be included in this successor Memorandum of Agreement, except as modified by the provisions below:

1. **Term.** January, 1 2021 through June 30, 2022.
2. **Police Reform.** During the term of this Agreement, the parties agree to continue discussions on issues related to Police Reform.
3. **Rehired Retiree Program.** The Union shares the City's interest in establishing a Rehired Retiree Program to address the Department's chronic understaffing. *Please send proposed language.*
4. **911 Calls for Service/Modification of Bargaining Unit Work.** During the time the City is soliciting community input on Police Reform, the Union believes that work can be started on identifying certain calls for service that may be responded to by non-sworn personnel. *Please see attached Letter of Intent on this matter.*
5. **Arbitration.** The Union rejects the City's proposal to move to advisory discipline arbitration. *Please see attached Arbitration Reform Proposal that aligns with the current City adopted work plan on Police Reform.*
6. **Wages.**
  - a. January 1, 2021 ~~5%~~ 4.5% general wage increase.
  - b. July 1, 2021 ~~5%~~ 4.5% general wage increase.



## SAN JOSE POLICE OFFICERS' ASSOCIATION

### NEGOTIATIONS 2021

#### Proposal Regarding Police Discipline

##### a. Expediting Skelly Hearings

At the Chief of Police's sole discretion, she/he may deploy a Critical Incident Investigation Team to expedite the investigation and completion of the required steps to schedule an expedited Skelly Hearing as quickly as the City/Chief of Police determines. The department and the POA must meet certain timelines to complete the process. We remain open to expediting discovery, scheduling, and any briefing process.

##### b. Transparency in Disciplinary Arbitration

#### ARTICLE 25 GRIEVANCE PROCEDURE

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#### 25.8 Disciplinary Grievances

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25.8.6 An employee challenging a suspension, demotion, dismissal or disciplinary transfer shall have the option of choosing between the dispute-resolution provisions of this Agreement, or appeal to the Civil Service Commission. Any employee who wishes to preserve the right of appeal to the Commission must comply with the time requirements for filing such appeal as specified in the Civil Service Rules. Within twenty (20) days of the date of a Notice of Discipline, the employee may file an appeal with the Civil Service Commission or pursue the grievance procedure or both. The grievance procedure shall begin at Step IV Arbitration for this process. Immediate arbitration shall not apply.

25.8.6.1 Employees who elect to use the dispute-resolution provisions of this Agreement recognize that any resulting arbitrator's award will be published. The published version of the arbitrator's award will redact the name and any other identifying features of the officer.

**c. Arbitration Panel**

The parties shall agree upon the means for selecting a permanent panel of five (5) qualified arbitrators to determine police discipline cases.

**FOR THE CITY**

**FOR THE UNION**

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David Sykes  
City Manager

Date

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Paul Kelly  
President, SJPOA

Date

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Jennifer Schembri  
Director of Employee Relations

Date

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Sean Pritchard  
Vice President, SJPOA

Date

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Anthony Mata  
Chief of Police

Date



## **LETTER OF INTENT**

### **REIMAGINING POLICE RESPONSE TO “911” CALLS FOR SERVICE**

**March 18, 2021**

WHEREAS the CITY OF SAN JOSE (the City) and the SAN JOSE POLICE OFFICERS’ ASSOCIATION (the Union), collectively “the PARTIES,” are committed to working collaboratively to maintain community support for, and engagement with, the SAN JOSE POLICE DEPARTMENT (SJPD), and to safely institute an alternative response to certain calls for service; and,

WHEREAS on February 15, 2021, the Union presented a comprehensive set of proposals on Police Reform, which addresses numerous areas identified by many residents and our rank and file regarding policing in San Jose; and,

WHEREAS the SJPD continues to suffer from long-term, chronic understaffing, which leads to delayed emergency response times, increased neighborhood crime, and lower clearance rates, as well as the erosion of officer morale; and,

WHEREAS the Union and many residents have raised concerns about the use of San Jose police officers to respond to certain calls for service; and,

WHEREAS many residents and the Union agree that certain types of calls for service may not necessitate an armed response; and,

WHEREAS ceasing to respond to certain non-emergency calls as set forth below would allow San Jose police officers to more swiftly respond to emergencies, improve neighborhood safety, engage in community policing as it was originally envisioned, and improve police/community outcomes;

Now, THEREFORE, the PARTIES agree that the following types of 911 calls for service shall be evaluated for their suitability to be responded to by non-police officers in conjunction with the identification of which entities and/or agencies would respond instead of police officers:

1. Non-criminal and/or non-violent homeless and quality of life related calls;
2. Non-criminal mental health calls;
3. Well-being checks where there is not a crime in progress;



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### REIMAGINING POLICE RESPONSE TO “911” CALLS FOR SERVICE

**March 18, 2021**

4. Juvenile disturbance or juveniles beyond parental control calls;
5. Calls to schools unless the school administration is initiating a call for an emergency police response or making a mandatory reporting notification;
6. Certain Public Health Order violations (e.g., COVID);
7. Transports for other City departments (e.g., APS, CPS);
8. Calls for service at City parks;
9. Under the influence calls (alcohol and/or drugs) where there is no other crime in progress;
10. 10-33A – Commercial, Residential & Vehicular;
11. 10-53 – Person Down;
12. Welfare Check – WELCK;
  - a. Non-Criminal;
  - b. Courtesy request from Drs/Hospitals;
13. Non-Fatal Vehicle Accidents – 1181/1182/1183/1179;
  - a. Non-DUI/Non-Criminal;
14. Parking violations;
15. Driveway tow;
16. Abandoned vehicles;
17. Person dumping trash;
18. Vicious and dangerous dog complaints; and,



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**March 18, 2021**

19. Calls for service for loud noise, loud music, or 'party' calls that are anonymous or have no victim.

The Union agrees to cease providing a sworn police response to the calls listed above once the City initiates a new response protocol. The Union will work with the City/Department to implement safe protocols if a SJPD response becomes necessary once a non-sworn responder arrives on scene and evaluates the incident.

This Letter of Intent will initiate the process to determine the feasibility of enacting this new response protocol.

#### FOR THE CITY

#### FOR THE UNION

\_\_\_\_\_  
David Sykes  
City Manager

Date

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Paul Kelly  
President, SJPOA

Date

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Jennifer Schembri  
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Anthony Mata  
Chief of Police

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