

**2021 AMSP NEGOTIATIONS
PACKAGE PROPOSAL C**

TERM

- July 1, 2021 – June 30, 2023

WAGES

- Fiscal Year 2021-2022

In recognition of work performed during the COVID-19 pandemic, a \$1,000 one-time, non-pensionable lump sum payment shall be made to full-time employees holding positions in classifications assigned to AMSP effective the first full pay period in Fiscal Year 2021-2022 following union ratification and Council approval in open session. To receive the one-time, non-pensionable lump sum payment, a full-time employee must have been employed in an AMSP represented position on May 11, 2021, and still be employed in an AMSP represented position effective the first full pay period in Fiscal Year 2021-2022 following union ratification and Council approval in open session.

In recognition of work performed during the COVID-19 pandemic, a one-time, non-pensionable lump sum payment shall be made to part-time AMSP represented employees as follows:

Benefit Level	Amount of One-Time Non-Pensionable Lump Sum Payment
30.00 – 34.00 Hour Benefit Level	\$750
25.00 – 29.00 Hour Benefit Level	\$625
20.00 – 24.00 Hour Benefit Level	\$500
Part-Time Unbenefited Employees	\$250

To receive the one-time, non-pensionable lump sum payment, a part-time employee must have been employed in an AMSP represented position on May 11, 2021, and still be employed in an AMSP represented position effective the first full pay period in Fiscal Year 2021-2022 following union ratification and Council approval in open session. In addition, a part-time unbenefited employee must have worked at least 520 hours from May 3, 2020, through May 1, 2021, and must still be employed in an AMSP represented position effective the first full pay period in Fiscal Year 2021-2022 following union ratification and Council approval in open session.

2.25% general wage increase effective the first full pay period in Fiscal Year 2021-2022 following union ratification and Council approval in open session. Effective the first full pay period in Fiscal Year 2021-2022 following union ratification and Council approval in open session, all salary ranges for employees holding positions in classifications assigned to AMSP shall be increased by approximately 2.25%.

- Fiscal Year 2022-2023

2.5% general wage increase effective the first full pay period of Fiscal Year 2022-2023. Effective the first full pay period of Fiscal Year 2022-2023, all salary ranges for employees holding positions in classifications assigned to AMSP shall be increased by approximately 2.5%.

2021 AMSP NEGOTIATIONS PACKAGE PROPOSAL C

LEAVES

- Personal Leave Proration (As proposed on April 30, 2021)

BENEFITS

- Professional Development Program (As counterproposed on May 19, 2021)

CONTRACTING OUT

- Contracting Out (As counterproposed on April 23, 2021)

SIDE LETTERS

- Reallocation Program (As counterproposed on April 30, 2021)
- Bilingual Pay (As proposed on May 19, 2021)
- Management Performance Program (Counterproposal – See Attached)
- Paid Parental Leave (Counterproposal – See Attached)

TENTATIVE AGREEMENTS

- Flexible Workplace Policy (As counterproposed on May 19, 2021)
- Resuming On-Site Work Safely (As counterproposed on May 19, 2021)
- Absent Without Leave (As proposed on April 16, 2021)
- Bereavement Leave (As proposed on April 16, 2021)
- Professional Development Program Proration (As proposed on April 16, 2021)
- City Paid Union Release Time Code (As proposed on April 16, 2021)

OTHER TERMS

This package proposal is submitted in an attempt to reach a settlement. In the event the package proposal is not accepted in its entirety, the City reserves the right to modify, amend and/or add proposals.

2021 CITY OF SAN JOSE – AMSP NEGOTIATIONS

CITY COUNTERPROPOSAL – MANAGEMENT PERFORMANCE PROGRAM

City Proposed Language:

The City will make the attached changes to the Management Performance Program policy.

Attachment:

City Policy Manual 3.3.2 Management Performance Program

Management Performance Program

3.3.2

PURPOSE

The Management Performance Program (MPP) is intended to: (1) increase the accountability of City Management employees by ensuring that their job performance is evaluated at least annually, and (2) reinforce and recognize job performance results that exceed pre-established targets and expectations.

AUTHORITY

San Jose Council Resolution #51870 (October 10, 2001) establishes the manner in which management employees are compensated within their respective salary ranges, based on annual evaluations of job performance, and describes the basic rules for the administration of the MPP.

San Jose Municipal Code, Section 3.04.1700 states that the Director of Human Resources, in cooperation with the Appointing Authority, shall establish and maintain a method of rating the performance of employees in the classified service and that ratings shall be done not less than annually.

POLICY

1. Annual Evaluations.

The job performance of each management employee shall be evaluated at least annually and this evaluation shall be used to determine the employee's rate of compensation within the salary range established for his/her job class.

2. Scope of Coverage.

The MPP applies to employees in positions defined as management (Unit 99—Executive Management and employees represented by AEA, AMSP, CAMP), except for employees in Temporary Unclassified positions and Council Appointees. Also, certain provisions of the MPP do not apply to management employees in the offices of the City Attorney or City Auditor, and these are specified in Section 4A of Council Resolution #51870.

3. Appraisal Periods.

The appraisal period for a management employee generally begins the first day of appointment to the management position and ends upon completion of the employee's probationary period.

(Please note that unclassified and temporary employees do not serve a probationary period since they are "at-will" employees. "At-will" employees should be evaluated after completing six months of full time service and annually thereafter consistent with other MPP employees.) After an employee completes probation, or has completed six months of service, the appraisal period corresponds to the City's fiscal year, July 1 through June 30. In the case where an employee has been supervised by more than one supervisor during the MPP rating period, the prior supervisor's input should be sought and considered in the current supervisor's evaluation of the employee. An exception to this is a special appraisal, which may be given at any time to communicate marginal or unsatisfactory performance. A special appraisal covers the period from the time of the last

Management Performance Program

3.3.2

review to the designated special appraisal date. An employee shall be provided notice that they are going to receive a special appraisal, ideally when they receive an appraisal that warrants a special appraisal.

4. Switch from Initial Review to Annual Schedule.

Since management employees' appraisal dates convert after completing probation (or for "at-will" employees after six months), to a common annual date in July, there will usually be one appraisal cycle for each individual where the appraisal period will be more, or less than twelve (12) months. Employees whose initial review occurs in January through June, and who receive a salary increase at the end of this period, shall not be eligible for an additional salary increase until the following appraisal year. Consequently, because of the conversion, they will have an appraisal period of thirteen (13) to eighteen (18) months.

Employees whose initial review occurs sometime in the first half of the appraisal year—July through December will be included in the next annual appraisal (the following July). Therefore, because of the conversion, they will have an appraisal period of six (6) to eleven (11) months.

5. Rating Criteria and MPP Form.

There are 5 "Key Elements" for the MPP employees. The MPP form should be used to document the appraisal results, with supplemental narrative and information attached. Employees should be made aware of performance issues throughout the rating period and not just upon receipt of an appraisal. Relevant conversations or counselings should be cited in the appraisal.

The "Accomplishments" portion of the form should be used to describe specific goals and objectives that were established at the beginning of the appraisal period. These should directly relate to the Key Elements and the resulting performance ratings for each.

The "Achievement Plan" should document specific goals for the next appraisal period. It should be developed jointly by the manager and the MPP employee. The Achievement Plan should be described in terms of anticipated results. This is an opportunity to focus incorporating the corporate priorities (or the portions that apply) into the organization's way of doing business.

6. Management Pay Structure.

MPP job classes represented by AMSP, CAMP, AEA and classes in Executive Management—Unit 99 are in open ranges and do not have steps.

7. Annual Appraisal Salary Changes.

There are no automatic step increases in the MPP. For MPP classifications, the annual performance appraisal may include recommendations for merit increases up to the top of their salary ranges.

During the Fall of each year, the City Manager will provide guidelines for the types of salary changes that are typically appropriate for annual appraisal salary changes, corresponding to the overall performance rating.

Management Performance Program

3.3.2

Movement within the range is based on the overall performance appraisal rating.

Salary changes recommended through the annual appraisal process are effective at the beginning of the first pay period of the fiscal year, which typically falls around July 1.

8. Additional Executive Leave.

All participants in the annual appraisal process, and those probationary employees who served in an MPP job in a different class for the appraisal year, may be eligible for additional executive leave. Additional executive leave may be considered when the employee has received a particular rating. During the Fall of each year, the City Manager will provide guidelines for the additional executive leave, corresponding to the overall performance rating.

The following rules apply for additional executive leave:

- From one to five days may be awarded. For employees in Units 99 (Executive Management), CAMP, and AEA, this is in addition to the currently authorized five (5) days, for a maximum possible of ten (10) days. For employees in AMSP, five (5) days is the maximum possible.
- Employees who receive additional executive leave may also receive performance pay increases, if warranted.
- Executive leave is tracked (through PeopleSoft) on a calendar year basis, so additional executive leave approved through the annual performance appraisal process in July, will not be credited and available to use until the next calendar year, beginning in January.

9. Follow-up Performance Appraisal.

A management employee who receives an overall rating of "Improvement Needed" as a result of a performance appraisal should be given a follow-up performance appraisal 120 days after the initial evaluation. The supervisor and employee should have a discussion about what is necessary to improve the rating. It is recommended that this conversation is documented. The purpose of the follow-up appraisal is to encourage performance improvement and assess the level of improvement that occurred in the intervening time period.

10. Evaluation Appeals.

If a management employee with permanent status (not provisional or probationary) receives an overall rating of "Improvement Needed," the employee may appeal the decision by first, requesting in writing, a hearing with the department head, within ten (10) calendar days after receiving the evaluation. The Department Director will conduct the hearing with the employee within twenty (20) calendar days after receiving the request to hear the employee's concerns. The Department Director will render a written decision on the appeal within five calendar days of the hearing.

If the decision of the Department Director is not satisfactory to the employee, he or she may file a further appeal in writing to the appropriate Appointing Authority, within ten (10) calendar days after receiving notification from the Department Director. This appeal request should include a

Management Performance Program

3.3.2

statement describing the reasons for the appeal. The Appointing Authority shall review the statement from the employee, make a final decision and inform the employee in writing within thirty (30) days from receipt of the appeal.

PROCEDURES

- | | |
|---------------------|---|
| Supervisors | 1. Discuss performance rating criteria and process with management employee at the beginning of the appraisal period. |
| Supervisors | 2. Complete performance appraisal at the end of probation period and submit to Human Resources. |
| Human Resources | 3. Provide Department Director with information and timelines for the annual appraisal process. |
| Department Director | 4. Communicate instructions to supervisors on the annual appraisal process and timelines. |
| Supervisors | 5. Prepare performance appraisals and submit recommended awards to Department Director. |
| Department Director | 6. Determine the performance pay and executive leave recommendations for the department and submit recommendations to the Director of Human Resources. |
| Supervisors | 7. Conduct performance appraisal discussions and communicate any pay or executive leave changes to the management employees. Discuss Achievement Plans for the next appraisal period. |
| Human Resources | 8. Review recommendations for compliance with City Manager guidelines. |
| Department Director | 9. Send the MPP performance reports and the record of approved pay and executive leave changes to the Human Resources Department. |
| Human Resources | 10. Ensure implementation of all changes through Payroll changes and documentation in employee personnel files. |

Approved:

Management Performance Program

3.3.2

DRAFT

Director of Employee Relations
Director of Human Resources

DRAFT

Assistant City Manager

DRAFT

Date

DRAFT

Date

SIDE LETTER AGREEMENT

BETWEEN
THE CITY OF SAN JOSE
AND

THE ASSOCIATION OF ENGINEERS AND ARCHITECTS (AEA) IFPTE, Local 21
ASSOCIATION OF MAINTENANCE SUPERVISORY PERSONNEL (AMSP), IFPTE, Local 21
CITY ASSOCIATION OF MANAGEMENT PERSONNEL (CAMP), IFPTE, Local 21

City-Paid Parental Leave Pilot Program

Effective as soon as practicable, the City of San Jose ("City") and the Association of Engineers and Architects (AEA), the Association of Maintenance Supervisory Personnel (AMSP), and the City Association of Management Personnel (CAMP) agree to conduct a City-Paid Parental Leave Pilot Project ("Pilot Program").

The terms and conditions of the Pilot Program shall be as follows:

- Effective for births, adoptions or foster care placements that occur after the implementation of the Pilot Program, full-time employees shall be eligible for City-Paid Parental Leave for a maximum of one (1) week consisting of up to forty (40) hours of continuous paid time off for the following City-Paid Parental Leave reasons:
 - a) The birth of a child of the employee or the employee's registered domestic partner.
 - b) The placement, through adoption or foster care, of a minor child with the employee or the employee's registered domestic partner

In addition to the forty (40) hours of continuous paid time off, full-time employees shall also be eligible use up to 120 hours of their available sick leave for City-Paid Parental Leave reasons

- "Child" means a biological, adopted, or foster child who is under 18 years of age.
- An individual may be eligible for City-Paid Parental Leave on any day in which he or she is unable to perform his or her regular or customary work because of one or more City-Paid Parental Leave reasons.
- To be eligible for the City-Paid Parental Leave an employee must have passed probation and completed at least 2,080 hours of service from the most recent date of hire.
- Employees must complete a Leave of Absence Application 30 days prior to the commencement of leave where possible and submit required documentation upon request by the City. Requests for City-Paid Parental leave are subject to approval by the employee's Department Director/designee.
- City-Paid Parental Leave shall be provided once per payroll calendar year. City-Paid Parental Leave is not an accrued benefit and not subject to pay out upon termination of employment. Thus, employees are not paid out their City-Paid parental Leave when they leave the City and City-Paid Parental Leave may not be carried over beyond the end of the last day of pay period 26 for each payroll calendar year. City-Paid Parental Leave is a "use it or lose it" benefit based on the payroll calendar year. The payroll calendar year begins the first day of pay period one and ends the last day of pay period 26.

