

December 21, 2021

John Tucker
1150 N First Street #101
San Jose, CA 95112

RE: Higher Class Pay Assignments

Dear John,

The City is in receipt of your letter dated December 14, 2021 regarding the *Suspension of all Union Agreements Extending "Higher Class Level" Work Assignments*. Based on the letter and our conversation regarding MEF's decision not to extend higher class pay assignments, I understand that MEF believes that the City is using higher class assignments to circumvent the hiring process rather than fill vacant positions and that MEF's intent in denying *all* higher class pay extensions is to "force" the City to fill vacant positions.

As we have discussed extensively over the last several months, the City is working very diligently to creatively fill vacant positions as quickly as possible, including using Employee Relations staff to support the Human Resources Employment team both with recruitments and in classification and compensation projects. Recruiting also takes resources from Departments including time from hiring managers and employees to sit on interview panels.

Departments and central HR are prioritizing recruitments based on organizational need. When another employee in a lower classification is capable of taking on the duties of a vacant position, this allows us to focus our recruitment efforts on other positions for which there is no one capable of taking on those duties in a higher class capacity. We believe this is the best and most efficient means of delivering services to our community. While the City may prioritize recruitments where there is no one able to higher class, we are still filling every vacancy as quickly as possible. By denying the City the ability to higher class someone into a position, we may reprioritize recruitments, but this will not allow us to recruit any faster than we already are.

We understand that MEF has the discretion to deny the City's request to extend higher class assignments but making a decision that the union will not extend *any* higher class pay assignments is detrimental. Not only does it adversely affect our ability to serve the community, but it also deprives employees of the opportunity to take on additional responsibilities and be compensated accordingly, to gain experience they might not otherwise receive, and to further their own professional development. Moreover, higher class pay assignments are a great opportunity for employees to gain experience that is often required for future career opportunities and a way for them to gain experience towards minimum qualifications that they may not otherwise have been able to meet. MEF's decision to deny all future extension requests will deny employees some of these opportunities.

Lastly, many of the current higher class assignments involve Covid-19 recovery work, of which many are limit-dated positions due to available funding for this work. Limit-dated/temporary

positions can be difficult to fill as there is no guarantee that a newly hired employee will be able to continue employment beyond the cycle for which the position has been authorized, due to the one-time nature of the position's funding. Offering these positions for higher class assignments allows employees to higher class into these positions in order to get experience, as mentioned above, with the knowledge that they can return to their own classification at the end of the assignment. This also avoids unnecessary time recruiting where a recruitment may not be successful. Services that we are providing to the community through our recovery work, such as providing services to the unhoused and providing food to the community, are critical to our community. The City has limited resources and if we intend to continue providing high quality services to the most vulnerable members of our community, we need the support of all of our unions, including MEF, to do so. If we are unable to utilize capable employees in a higher class capacity to provide services, the work will still exist and it may require overtime assignments for other employees to ensure that the necessary work to serve the community is performed.

Historically, the City has had a strong and collaborative working relationship with MEF and we want to continue that relationship with the new MEF leadership team. Rather than taking immediate action on issues as they arise, it has been very productive in the past if we both first seek to discuss potential solutions with each other to address any concerns that either of us encounter. I understand from our conversation that MEF will be discussing this matter further in January and I encourage MEF to reconsider its position on the extension of higher class assignments. If you would like to meet with the City in advance of your next internal meeting, I will make myself available at your convenience.

Sincerely,



Jennifer Schembri
Director of Employee Relations
Director of Human Resources

c: Jennifer Maguire, City Manager
Lee Wilcox, Assistant City Manager
Cindy Harlin, MEF President