

SIDE LETTER AGREEMENT

BETWEEN
THE CITY OF SAN JOSE
AND
THE MUNICIPAL EMPLOYEES' FEDERATION, AFSCME, LOCAL NO. 101 (MEF)

Police Data Specialist Transfer Policy

The City and MEF hereby agree to implementation of the attached Police Data Specialist Transfer Policy.

This Agreement shall become effective when signed by all parties listed below.

FOR THE CITY:

J Schembri 6/1/2022
Jennifer Schembri Date
Director of Human Resources
Director of Employee Relations

Paul Joseph 6/1/22
Paul Joseph Date
Assistant Chief of Police

FOR THE UNION:

Cindy Harlin 6/1/2022
Cindy Harlin Date
President, MEF, AFSCME Local 101

[Signature] 6/1/22
John Tucker Date
Union Representative, AFSCME Local 101

Attachment

Police Data Specialist Transfer Policy

BACKGROUND

To provide the most effective and efficient service to the public, the San Jose Police Department must utilize to the fullest, the talents and abilities of all Police Data Specialists.

PROCEDURE

The published entry criteria, and performance standards for each category of specialized assignment shall be established by Unit Commanders. Proposals for changes in these or other conditions of the Assignment shall be submitted to the Bureau Chief of Police through the chain of command. The Bureau Chief of Police will forward these to the Division Managers for review and recommendations. Except for those rights enumerated herein, this policy is not intended to create a general waiver of rights. Changes in excess of the provisions of this policy remain subject to any applicable statutory or charter obligation to meet and confer unless waived in the MOA or other agreement between the parties.

ORDER

PDSTP-100: SELECTION OF STAFF FOR SPECIALIZED ASSIGNMENTS

It is recognized that experience in a number of organizational units and specialized assignments is necessary for career development. It is intended that staff have the opportunity to apply and be selected for such specialized assignments. This policy is not intended to create a general waiver of employee's rights. Changes in excess of the provisions of this Policy remain subject to any applicable statutory or charter obligation to meet and confer unless waived in the MOA or other agreement between the parties.

PDSTP-101: DEFINITION OF SPECIALIZED ASSIGNMENT

Specialized assignments are "full-time" assignments not available through any Shift Bid Process. Temporary Duty Assignments (TDY) of six months or less, and "full-time" "Modified Duty Assignments" are excluded from these procedures.

PDSTP-102: ELIGIBILITY REQUIREMENTS

Police Data Specialists applying for specialized assignments shall demonstrate they meet the minimum entry requirements.

PDSTP-102.1 MINIMUM ENTRY REQUIREMENTS

Applicants must have a minimum rating of Meets Standard on their past appraisal and no sustained Internal Affairs complaints that would directly relate to the applicant's suitability for the special assignment.

PDSTP-102.2 PUBLISHED ENTRY CRITERIA

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Published entry criteria may specify formal and/or informal training, experience, prior documented performance, or any other job-related objectives determined to be pertinent to the assignment.

PDSTP-103: DEFINITION OF REQUIRED SERVICE TIME

The time period of employment as a Police Data Specialist, must meet the minimum hiring requirements for the Specialized Unit(s) and must be uninterrupted service prior to the final filing date for application.

PDSTP-104: RETURN TO SAME UNIT

All Police Data Specialists covered by this policy shall be excluded from returning to a previously assigned specialized unit for a period of one (1) year from "date of exit" from that "Specialized Assignment".

PDSTP-105: ASSIGNMENT TERM

The assignment will be for a two (2) year rotational period with a possibility of a one (1) year extension. The two (2) year rotational period will begin at the onset of the transfer into the specialized unit and end exactly two (2) years later. Assignment durations that expire two (2) or fewer months from shift change shall be deemed to expire at the time of said shift change and PDS(s) shall be placed back on the shift bid rotation for the upcoming shift change. Prior to the conclusion of the two (2) year rotational period, a subsequent memorandum will go out to all PDS(s) announcing the vacancy. If there are no applicants to the subsequent memorandum, a one (1) year extension may be granted to the current PDS(s) in the specialized assignment.

After a one (1) year extension has been granted and should there be no applicants in response to the vacancy announcement, the incumbent shall be placed back on the shift bid rotation and the Chief of Police may initiate an administrative assignment, as needed, in order to effectively manage Department operations. Administrative assignments, or TDY's, shall have at least one year experience as a PDS II and assignments shall not exceed a 6 month time period, as noted in PDSTP-101.

PDSTP-106: MAINTENANCE & AVAILABILITY OF INFORMATION

"Specialized Assignment" files shall be created by the "Police Personnel Unit" using information provided by the Unit Commanders. Files shall be reviewed regularly by Unit Commanders and changed as necessary following the procedures set out under the "Police Data Specialist Transfer Policy". These files may be viewed by any member of the Department. The files shall contain Assignment descriptions, information on published entry requirements, performance standards and duration of Assignments.

PDSTP-107: PUBLISHED "ENTRY CRITERIA"

Police Data Specialists applying for "Specialized Assignments" shall demonstrate that they meet

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the published "Entry Criteria". "Entry Criteria" may specify formal and/or informal training, experience, prior documented performance, physical condition or any other job-related objectives determined to be pertinent to the Assignment

PDSTP-108: NOTIFICATION OF VACANCY

The Unit Commander who has a vacancy, shall no later than two (2) pay periods prior to the final filing date, send to the Police Personnel Unit a memorandum announcing the vacancies in the Bureau. The memorandum will describe the assignments, the duration, the published entry requirements, final filing date, interview dates, any selective certification and special skill needs, and any other relevant information.

PDSTP-109: PUBLISHING OF VACANCY

The Police Personnel Unit shall make public all vacancies at least two (2) pay periods prior to the final filing date.

PDSTP-110: APPLICATION FOR SPECIALIZED ASSIGNMENTS

Applicants interested in any special assignment and who meet the eligibility requirements outlined in PDSTP-102, may submit applications (Appendix I) and an interest letter to the Unit Commander. The Unit Commander shall be responsible to maintain all materials for the application and selection process.

PDSTP-111: DEADLINE FOR FILING APPLICATION

There shall be no extension of final dates for specialized assignment applications, unless for whatever reason, no applicants apply by the final date published on the announcements.

PDSTP-112: REVIEW OF APPLICANTS

The Unit Commander will review all applications to ensure applicants meet the entry criteria. If an applicant fails to meet the entry criteria, the Unit Commander shall notify the applicant as soon as possible, advising the applicant that s/he will not be considered for the specialized assignment and shall explain the reason. The Bureau Chief shall notify applicants at least three days prior to the interview process.

PDSTP-113: INTERVIEW PROCESS

Selected Applicants shall be interviewed by an "Interview Panel". The Unit Commander shall select at least three (3) members for the Panel from within the Unit. The Unit Commander shall be a member of the Panel, and the other members shall reflect the ranks within the Unit and may include the Unit Commander's Supervisor.

PDSTP-114 SPECIALIZED ASSIGNMENT SCORING

The below listed scores shall be used when determining an applicant's ability to perform when tested for a position.

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Highly Qualified

Applicant demonstrates extensive knowledge and awareness of unit goals and objectives. Past performance indicates very strong capability to achieve unit duties and responsibilities and to work cooperatively with others. Applicant reflects very valuable experience and productivity in dealing with unit related public contacts.

Qualified

Applicant demonstrates knowledge about many of the Unit's goals and objectives. Past performance indicates capability to achieve most unit duties and responsibilities and to work cooperatively with others. Applicant reflects experience and productivity in dealing with unit related public contacts.

Unacceptable

Applicant fails to demonstrate knowledge of the goals and objectives. Past performance indicates lack of ability to achieve unit duties and responsibilities and/or work cooperatively with others. Applicant lacks experience and would be unproductive when dealing with unit related public contacts.

PDSTP-115: RETENTION INTERVIEW RESULTS

All materials shall be retained by the Bureau Chief for at least one year, or as ordered by the Assistant Chief of Police for a longer period of time.

PDSTP-116: NOTIFICATION PROCEDURE

The Unit Commander shall notify the selected applicant and will give the Police Personnel Unit Division Manager and the Division Manager the name of the applicants selected to fill the vacancies. The Unit Commander shall notify those applicants not selected. The individual unit commanders shall be responsible to complete the Department Transfer Form and submit to the Police Personnel Unit prior to the transfer date.

PDSTP-117: PERFORMANCE STANDARDS

The standards set out shall be the "minimum performance" levels expected of Police Data Specialists. These standards may include, but are not limited to, ability to work, initiative, organization, enthusiasm, compatibility with co-workers, or any other circumstance or condition pertinent to the performance of the assignment.

PDSTP-120: FORMATION OF NEW SPECIALIZED UNITS

Any newly created unit shall be reviewed by the San Jose Police Department and MEF to ensure that it complies with the Transfer policy.

PDSTP-121: VACATING AND RECONSTITUTING DISBANDED SPECIALIZED UNITS

The following procedures shall be followed in fully or partially disestablishing any specialized unit of the SJPDP:

(a) In the event of a partial disestablishment, the Department shall first solicit volunteers to leave

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the unit. Additional required vacancies shall be achieved by vacating the unit based upon inverse unit seniority based on current assignment. All members leaving a specialized unit pursuant to this provision shall have the "lid" (i.e., the maximum duration of assignment) governing his/her duration of assignment in that unit tolled at the moment the employee vacates the unit.

(b) An employee who vacates a specialized unit pursuant to this section shall be allowed to resume a position in the unit in the event of reconstitution/re-establishment, with the following caveats: (1) The employee has not worked in another specialized assignment since that employee was forced to leave the unit; (2) The amount of time that has expired since the employee was forced to leave the unit does not exceed two years.

(c) In the event that the unit is reconstituted/re-established, that unit's positions shall be filled according to unit seniority.

(d) Upon re-entry into the formerly disestablished unit, the employee's unit time shall begin to run again. For example, a unit with a two (2) year assignment is disbanded one (1) years after employee "A" is first assigned to the unit. The unit is reconstituted one (1) year later and employee "A" who has not worked in any other specialized assignment, returns to the unit pursuant to this section. At that time, employees "A" has one (1) year left.

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SPECIALIZED ASSIGNMENT APPLICATION

INSTRUCTIONS: Complete each inquiry below & return to Unit Commander			
APPLICANT'S NAME:			
	(Last)	(First)	(M.I.)
BADGE #			
SJPD APPOINTMENT DATE:			
SJPD SERVICE BREAKS:			
POLICE EXPERIENCE:	SJPD		
		(Years/Months)	
	OTHER AGENCIES		
		(Years/Months)	
	If yes, list Agencies:		
List any training or supervisory experience relative to this position:			
PRESENT ASSIGNMENT:			
	(Shift)	(# Days Off)	
Current dates of present OSSD Assignment:			
PRESENT SUPERVISOR:			
LAST TWO SUPERVISORS:	(Name)	(Dates)	(Name) (Dates)
Have you previously applied for other Special Assignments?			
If yes, list:			(Y/N)
Do you speak a foreign language? (If yes, list languages and estimate fluency)			
			(Y/N)
List training courses and applicable dates (Basic OSSD Academy excluded):			
Signature:		Date:	