

SENT VIA E-MAIL

September 27, 2022

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

Re: Expansion of Library Hours

Dear John,

We are in receipt of MEF's letter dated September 20, 2022, regarding SJPL planned Sunday hours expansion wherein MEF states the City is "moving forward recklessly with an arbitrary timeline in the expansion of library hours without first addressing serious defects and safety concerns..." As you are aware and acknowledge in your letter, the City and MEF have engaged in several discussions regarding Sunday hours. These discussions began in June 2022, and continued through September 2022. As outlined in more detail below, the primary issue that MEF raised during these discussions was related to scheduling and schedule rotations. At no time during those discussions were any of the "serious defects or safety concerns" contained in your September 20, 2022 letter raised, and, therefore, this is the first time the City has been made aware of MEF's additional concerns. Below is the City's response to each of the issues raised by MEF in the September 20th letter:

Notice and Opportunity to Bargain

- On June 17, 2022, SJPL met with MEF to discuss the Library Budget direction and the potential for library hours to be expanded to include seven days a week.
- On July 7, 2022, SJPL met with MEF to discuss City Council's approval to expand Sunday hours. At that time, MEF was informed that additional information would be forthcoming regarding SJPL's implementation plan to accommodate Sunday hours.
- On August 10, 2022, the City met with MEF and discussed the addition of a third schedule rotation (Sunday-Thursday) along with various schedule transition options. During this meeting, MEF raised concerns about compensation for employees who did not receive two consecutive days off when rotating between schedules. In response, the City provided that currently when employees rotate between schedules there are instances in

which they do not have two consecutive days off and this in and of itself does not warrant any additional compensation. Further, the addition of Sunday hours is not increasing the number of times this will occur and therefore is not creating any additional impacts.

Additionally, during this meeting it was briefly discussed that contract language related to holidays may need to be addressed further for Sunday-Thursdays schedules. No other concerns were raised during this meeting regarding impacts of adding Sunday hours.

- On August 12, 2022, SJPL provided communication to MEF which included visuals for the proposed schedule rotations including Sunday schedules and a summary of the conversation from the August 10th meeting.
- On August 18, the City met with MEF to continue discussions regarding the addition of Sunday hours. During this meeting MEF again raised concerns about the compensation when employees did not receive two consecutive days off during schedule changes and inquired about the possibility of shift bidding. The City reiterated the information provided during the August 10th meeting. Again, no other issues were raised related to the impacts or effects of expanding Library Hours to Sundays.

Safety and Security for Library Patrons and Staff

While MEF is asserting that the expansion of Library Hours creates safety and security issues for Library patrons and staff, it's important to note that Libraries are already operating Saturdays and in prior years were operating on Sundays as well. The City is committed to addressing any safety and security issues; however, those being raised by MEF are not specifically related to the implementation of Sunday hours as evidenced by the fact that this has been an ongoing topic of conversation between MEF and the City, and has remained a regular agenda topic on the Library Labor Management Committee (LLMC) meeting for several years.

During each LLMC meeting, including the most recent which occurred on September 1, 2022, MEF is provided with an update on steps the City is taking to address safety and security concerns. Specifically, the following has occurred:

- A service order with a safety consultant was initiated in 2020. SJPL has worked extensively with the consultant to ensure that individual branch assessments for all 24 branch locations include actionable recommendations according to the Tools for Assessing Site Security (TASS) Methodology. Reports are anticipated for final review and release in late 2022.
- The Staff Safety Committee launched in June 2021, providing staff from throughout the SJPL with a venue for discussing safety concerns and influencing library procedures and policy development.
- SJPL continues to emphasize staff learning opportunities, including addressing public behaviors, workplace violence, active shooter, Trauma Informed and Resiliency, and emergency procedures.
- Budgeted positions – SJPL has increased internal Security staff positions from .75 FTE to 1 FTE (2016); to 2.5 FTE (2018); to 5.5 FTE (2022). While the SJPL has

experienced a limited number of extreme security emergencies, the number of security incidents is currently trending below pre-pandemic levels.

As provided above, the safety and security of Library patrons and staff continues to be a priority for the City. While SJPL continues to work through enhancements to security, contract security (First Shield) has been assigned to specific branches, including the weekends with the ability to add locations as appropriate and required. Due to vacancies, since reopening from Pandemic closures, City security staff was only available to branches Monday-Friday; however, effective October 2, 2022, City security staff will be available seven days a week.

Staffing Needs and Administrative Support

SJPL currently has the appropriate number of employees to ensure at-least minimum staffing levels are met seven days a week at the designated 16 branch locations, in addition to maintaining minimum staffing levels six days a week at the remaining branch locations and Martin Luther King library. Additionally, the implementation of Sunday hours does not create a new impact regarding the protocol and procedures to follow when an employee calls out for a scheduled shift.

The *Ranking Senior Librarians* protocol currently in place for Saturdays will also be implemented on Sundays to ensure the appropriate level of support is available for the 16 designated branches that will be open seven days a week.

Further, as noted in the City's September 13, 2022, letter, SJPL did seek volunteers who wanted to work weekends and those employees will be scheduled accordingly.

Pool and On-Call Staff

MEF inquired during the September 1, 2022, LLMC meeting about utilizing pool/on-call staff even when the branch/unit does not have a vacancy. At that time, SJPL explained they do not have the budget to use pool/on-call staff without the savings created from a vacancy at the location. However, SJPL does recognize that there may be occasional instances when a branch is unable to meet their minimum staffing needs due to unexpected illness or other impacts; in those instances, staff are directed to work with their respective Division Manager on available options to augment staffing needs which could include the approval to use pool/on-call staff on a limited basis. The addition of Sunday hours does not change this protocol, nor does it create any new impact that could not already be present currently Monday-Saturday.

MEF's List of Effects

1. Sunday Library Security - Please see above.
2. Minimum staffing levels for safe branch operations - Please see above.
3. Childcare and Family care costs and scheduling for Sundays - It is the City's position that there are no new impacts regarding the implementation of Sunday hours as the City does not provide for any of these costs during current operations Monday-Saturday.

4. Commuter costs for people traveling to branches other than their “home library” - It is the City’s position that there are no new impacts regarding the implementation of Sunday hours as there are currently times that employees are required to work at other branch locations.
5. Holiday hours and pay resulting from Sunday hours - As stated in the City’s letter dated September 13, 2022, no additional compensation is warranted for employees working on a Sunday as part of their regular schedule. The City is open to further discussion on modifying the contract language for holidays for employees assigned Sunday-Thursday schedules consistent with current contract language related to employees assigned Tuesday-Saturday schedules.
6. Effects on library programming- It is the City’s position that there are no new impacts regarding the implementation of Sunday hours as minimum staffing levels will continue to be maintained each day the library branch is open.
7. Employee burnout and retention- It is the City’s position that there are no new impacts regarding the implementation of Sunday hours as employees will continue to be scheduled in accordance with their benefit level.
8. Others- Unable to respond as there is insufficient information provide by MEF.

Next Steps

As the City believes we have met our obligation to provide notice and an opportunity to bargain regarding the implementation of Sunday hours and MEF has not provided any new impacts or effects related to the implementation of Sunday hours, the City will be moving forward with Sunday hours effective October 2, 2022.

The City looks forward to continuing to discuss any questions or concerns MEF may have regarding the expansion of Library hours.

Sincerely,



Jennifer Schembri
Director of Employee Relations
Director of Human Resources

c: Jill Bourne, City Librarian
Cindy Harlin, MEF President