

Proposal made by MEF - AFSCME Local 101 to the City of San Jose

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Submitted on: 05/24/2023 @_____

STAFF UP SAN JOSE Key Proposals

"After five years of service, the City is retaining only 60% of its employees. Said another way, the City is losing about 40% of staff after five years of service". Jennifer Schembri, Director of Human Resources

General Wage Increase over a three-year agreement: (Countered on 5/24/23)

The City must provide wages that genuinely compete with similar agencies in the South Bay and region, or our essential public services and our communities will continue to erode.

2023: 9% — 2024: 8% — 2025: 7%

2023: 8.5% 2024: 8% 2025: 6.5%

Restoration of the 5% Non-Pensionable wage increase (Proposed on 4/19/23)

One of the first things HR must explain to applicants is why not all wages would qualify for retirement. It hurts retention and workers alike. The City's unfunded liability is no longer a significant concern, and there's no reason to continue this practice that no other agency in California practices.

Retention Pay (Proposed on 4/26/23)

Every day, workers leave their employment in the City and provide public services elsewhere. The City spends tens of millions retraining new workers, only for the cycle to repeat. Our City staff – who have been here for five, ten, and more years – are our most precious resource. We *must* do whatever it takes to keep their institutional knowledge in-house. It's the *only* thing keeping the City running currently.

Eight weeks of Paid Family Leave and ADD a Childcare Benefit (Proposed on 4/19/23)

San Jose currently has an embarrassing paid family leave benefit of one week. It's wrong, discriminatory against women, and – like other San Jose benefits – is out of touch with what other regional public and private agencies provide. Similarly, San Jose currently provides ZERO assistance for workers with young families. If the City wants to attract young professionals, the City *must* address this shortcoming. The proposal made by the City on 5/10/23 was absolutely appalling in its content and unacceptable. To go a step further, the Union is adamantly opposed to the City doing any such RFP for any such services. What a complete waste of money that would be.

The Union will join HR at twelve (12) in-person recruitment events or "Hiring Pipeline Activities" per year. (Proposed on 4/19/23)

San Jose HR recruitment staff need help reaching and convincing community members to start a career in public service. AFSCME is willing to put its reputation as America's largest public-sector Union on the

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line and endorse the City of San Jose as a premier employer in the South Bay (assuming the City and the Union reach an agreement that the Union feels will reach our stated goals).

Create five (5) Social Worker positions for SJPL (and other Departments) (Proposed on 4/5/23)

Our libraries have become the front line for the changing needs of our communities. San Jose can achieve the dual goal of attracting library workers who want to focus on library programming while our new, top-tier Social Workers perform the vital work of performing casework for our community's most vulnerable populations.

Special Classification Market and Critical Need Wage Increases and redefine our "comparable agencies" moving forward. (See attached)

Some job classifications within the City are in a critical state concerning their vacancy rates. In some cases, our community is in danger. In addition to the above general wage increases, the City needs to address certain classifications with a sense of urgency it hasn't shown to date. The central issue with the City's compensation philosophy is how the City defines "the market." The City needs to compare with employers that it *genuinely* competes with for talent. The current crisis is proof enough of this.

Establish metrics for determining "hard-to-fill" classifications. (Proposed on 4/12/23)

The City needs metrics to measure which classifications are hard-to-fill and hard-to-keep. The current system of one or two people in the City making their judgments and reviewing classes "as needed" precipitates disaster. No other responsible agency in the region operates this way and has a subjective rather than objective approach to recruitment tracking.

The following proposals were made by the Union to the City, and the Union has yet to receive a response:

At least 17 Market equity adjustments and or proposed job studies or classification reviews: (Proposed on 5/3/23)

Proposals on Inclusion or Deletion of Existing Side Letters: (Proposed on various dates)

Bilingual proposal – Article 12.5 (Proposal made on 4/17/23)

Training Pays - Article 12.16(Proposed on 3/29/23)

Change the Shift Differential to a percentage-based rate and raise the minimum amount Article 12.4 (Proposed on 3/29/23)

Establish Fatigue Time – Article 7.6.3 (Proposed on 3/29/23)

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[Commute Benefits for part-time unbenefited employees](#) - Article 25.2/3 (Proposed on 3/29/23)

[Side Letter to renegotiate City's EERR](#) (Proposed on 4/12/23)

[Restoration of 5% Non-pensionable](#) (Proposed on 4/19/23)

[Retention Pay](#) – (Proposed on 4/26/23)

[Paid time off considered time worked when calculating overtime for employees mandated by the City to work overtime in a pay period](#) Article 7.3.4 (Proposed on 3/29/23)

[Full-time Union Release Time for 3 Union officers](#) – Article 6.2 (Proposed on 3/22/23)

[Creation of a Committee to Explore Downpayment Assistance for Housing for City Employees](#) (proposed on 5/3/23)

The following Union proposals have been rejected and not countered by the City, but the Union is holding to our position:

[The Union needs to be able to file grievances for allegations of discrimination](#) Article 3.4.1

[The Union needs to be able to file grievances for allegations of safety violations](#) Article 16.4

[Re-defining “the market” and which agencies the City compares with for salary surveys](#) Article 22.0

[Voluntary Deductions to create additional PAC tier for Union members who wish to do so](#) Article 6.5.1.1

[The Union needs to be able to file grievances when remote work is unreasonably denied](#) Article 7.10.1

The Union will withdrawal the following proposals:

City Proposals the Union is *Rejecting* and summary reasons why:

[Overpayments of Compensation](#) (Proposed 4/19/23)

When the Union made two (2) separate proposals to the City, the first being the right to file grievances over alleged discrimination, and the second being the ability to file grievances over alleged safety violations, the City rejected the proposals. The City informed the Union that the reason for rejection is that we may file in court allegations of discrimination and file complaints to OSHA for allegations of workplace safety violations. It should then come as no surprise to the City that the Union rejects this overpayment proposal and the Union reminds the City that they may use the current process of taking it workers to court. The Union will not agree to the City unilaterally garnish an employee's wages.

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[Pension Administrative Costs above 0.17% to be paid by the pension fund](#) Article 14.1.1 (Proposed on 3/29/2023)

For years, the City has raised the issue of the unfunded liability of the pension fund to the Union countless times. The unfunded liability has been used to justify the rejection of Union proposals and to buttress City backed cuts to pensions, wages, and benefits. For the City to now make a proposal that – no matter how small – increases the unfunded liability and reduces the pension fund is nothing short of astonishing. The Union rejects this proposal.

[Meet and Confer during the term of the agreement regarding Job Spec changes](#) Side Letter (Proposed on 4/5/23)

The City is well aware that when the City wishes to make changes to classifications in a holistic way, which includes reviewing the current wages of the class, the Union is more than willing to listen to the City's concerns and review in good faith any proposed changes. What is happening is that HR is attempting to address the ongoing recruitment and retention issues by diluting minimum qualifications, educational requirements, and other barriers to entry in a desperate attempt to increase the applicant pool and City staff. In some cases, these changes create safety concerns for our Union members. The Union is extremely upset that the City would hide behind racial and equity reasons and use those as a red herring. The Union is more than willing to tear down any barriers prohibiting people from marginalized communities from gaining entry to public service. It has been a central tenet of our organization since way back before workers in San Jose went on strike because San Jose was paying women less than men. The fact is that the City is looking for yet another band-aid approach to its recruitment and retention issues rather than addressing root causes like those put forward by the Union(s) in the course of these negotiations. Asking the Union to waive one of its central-held rights to achieve this goal is patently absurd. The Union rejects this proposal outright.

City Proposals or Counterproposals the Union will *Accept*:

[Employee Lists](#) Article 6.9 (Counter proposed 4/12/23)

[Incorporate Side Letter – Shift Differential Hours](#) Article 12.X (Proposed 4/26/23)

[Bereavement Leave](#) – Article 10.5 (Counter proposed 4/12/23)

[Higher Class Work](#) - Partial agreement: The Union agrees with the addition of the word “initial” in section 12.6. However, the Union REJECTS the remainder of the City's proposal on 12.6 in its entirety.) (Proposed 4/5/23)

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City Proposals the Union is Considering:

[Lunar New Year](#) (Proposed to Union on 5/10/23)

[Add Legal Secretary III Classification](#) (Proposed to Union on 3/29/23)

[City Healthcare Program – Side Letter Inclusion – No Change in Practice](#) Article 13 (Proposed to Union on 4/5/23)

Placeholder: Employees being sent home due to lack of work

Existing Tentative Agreements (TAs)

[Community Service Officer Duties](#) (TA on 4/21/23)

[Holiday in Lieu for Public Safety Radio Dispatchers](#) (TA on 4/21/23)

[Housekeeping](#) – Sick Leave (TA on 4/21/23)

[Employee Assistance Program \(EAP\) for Part-time unbenefited employees](#) (TA on 4/21/23)

[Bargaining Unit Representatives at the Bargaining Table](#) (TA on 4/21/23)

[Public Safety Radio Dispatchers Training Pay](#) (TA on 4/21/23)

[Airport Ops Specialist series & Animal Services Officer Series Shifts](#) (TA on 3/30/23)

[HCL Lists provided to Union](#) (TA on 3/30/23)

[New Employee Orientation in Person](#) (TA on 3/30/23)

[Release Time for Union Stewards](#) (3/30/23)