

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

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Submitted on: 06/14/2023 @_____

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: (Counter proposed on 6/7/23)

The City is already far behind what many other regional public agencies are paying their staff. San Jose *must* take meaningful steps to provide wages that *genuinely* compete with similar agencies to address the staffing crisis and rebuild our essential public services, or communities will continue to erode.

2023: 7% 2024: 6.5% 2025: 6%

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

This practice is seriously harming recruitment & retention, and service delivery alike. The City’s unfunded liability is rapidly eroding, and there’s little reason to continue this practice that no other agency in California practices.

Retention Pay (Counter proposed on 6/14/23)

Every day, City staff leave their employment in the City to 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.

Eight weeks of Paid Family Leave (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 out of touch with what other regional public and private agencies provide.

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

If the Union and City reach an agreement, the Union is willing to recommend its members ratify, AFSCME is willing to put its reputation as America’s largest public-sector Union on the line and endorse the City of San Jose as a premier employer in the South Bay.

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.

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Market Increases for grossly underpaid classifications and critically understaffed classifications

(Proposed 5/3/23)

Many job classifications within the City are in a critical state concerning their vacancy rates. In some cases, our community is in danger. Additionally, many classifications are grossly behind the market, putting them at risk of becoming severely vacant. 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.

Redefine the "market" and update the list of agencies that San Jose compares itself against when determining wages (Counter proposed on 6/7/23)

The City needs to compare wages with agencies that it realistically competes with for attracting talent and establish 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 Union is waiting on responses or counter proposals on the following topics in addition to the key proposals outlined above:

Counterproposal on Library schedules: (Proposed on 5/3/23)

Bilingual Pay (Counter proposed on 5/31/23)

Guarantee of pay for reporting to work and split shift pay (Proposed 5/31/23)

5% Training Pay for Animal Service Officers: (Proposed on 6/14/2023, attached)

Uniform Allowance (Counter proposed on 6/7/23)

Union Release time for Officers (Counter proposed on 6/7/23)

A side letter to discuss metrics for defining "hard to fill" classifications (Discussion on 6/7/23)

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

ADD new language regarding work performed after-hours and delete reference to minimum rest in lieu of Union's proposal on "fatigue time.": (Counter proposed on 5/3/23)

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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[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)

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

The Union will withdraw the following proposals:

[The ability for employees to be able to change from 30 to 60 day LTD:](#) (Proposed on 5/3/23)

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

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

[ADD a Childcare Benefit](#) (see above)

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

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

[ACA and AHT Schedule bidding:](#) (Proposed on 5/3/23)

[Counterproposal for two \(2\) Union seats on Library Safety Committee:](#) (will agree to 1) (Proposed on 5/3/23)

[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 claims of safety violations](#) Article 16.4

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 it may use the current process of taking its 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 pension fund's unfunded liability 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 Childcare RFP](#): The Union is adamantly opposed to the City's proposed RFP about a childcare search provider.

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)

[Protective footwear](#): (As proposed to Union in City Package C on 5/24/23)

[Meal Allowance](#): (As proposed to Union in City Package C on 5/24/23)

[Apparel allowance](#): As proposed to Union in City Package C proposal on 5/24/23)

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[Add Legal Secretary III Classification](#) (As proposed to Union in City Package C on 5/24/23)

[Library committee](#) (As counter-proposed to the Union on 4/12/23)

[Cash in lieu of healthcare](#) (As counter proposed in City package A on 4/26/23)

City Proposals the Union is Considering:

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

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

[Reallocation appeal process](#) (As counter proposed by City on 4/12/23)

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)

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New Counter Proposals:

Retention Pay (pensionable) shall be paid as follows:

- One percent (1%) of base salary after the equivalent of five (5) years of full-time City service (10,400 hours).
- An additional one and one-half percent (1.5%) of base salary (for a total of one and one-half percent (1.5%) after the equivalent of ten (10) years of full-time City service (20,800 hours)
- ~~An additional one and one-half percent (1.5%) of base salary (for a total of three percent (3%)) after the equivalent of twenty (20) years of full-time City service (41,600 hours)~~
- ~~An additional two percent (2%) of base salary (for a total of six percent (6%)) after the equivalent of twenty-five (25) years of full-time City service (52,000 hours).~~

12.16 Training Pays

12.16.1 Communications Dispatcher Training Pay. Public Safety Communication Specialists or Public Safety Radio Dispatchers shall be eligible for additional pay equal to approximately five percent (5%) of the employee's current rate of pay for each hour the employee is assigned and is actually engaged in one-on-one training of a Dispatcher trainee.

12.16.2 Police Data Specialist Training Pay. Police Data Specialists shall be eligible for additional pay equal to approximately five percent (5%) of the employee's current rate of pay for each hour the employee is assigned and is actually engaged in one-on-one training of a Data Specialist trainee.

12.16.3 Community Service Officer Training Pay. Community Service Officers (CSOs) shall be eligible for an additional pay equal to approximately five percent (5%) of the employee's current rate of pay for each hour the employee is assigned and is actually engaged in one-on-one training of a Community Service Officer trainee during the CSO Academy and field training.

12.16.4 Animal Services Officer Training Pay. Animal Services Officers shall be eligible for additional pay equal to approximately five percent (5%) of the employee's current rate of pay for each hour the employee is assigned and is actually engaged in one-on-one training of an Animal Service Officer trainee.

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ARTICLE XX POSITION REALLOCATION REQUEST PROCESS XX.1

The parties agree that San Jose Municipal Code 3.04.540 provides that the Director of Human Resources has the authority to determine if a Reallocation Program should be in place at any given time and may establish procedures for allowing an individual employee to request reallocation of their position, if it is determined by the Director of Human Resources that providing a means for individual employees' job classifications to be reviewed and changed, if appropriate, is beneficial to the quality of the City of San Jose's employment systems.

The Director of Human Resources will review ~~any~~ **all** reallocation requests ~~on a case-by-case basis,~~ provided that such request is (1) made directly by the Department Director or the Union, **and** (2) is based on ~~extenuating circumstances~~ **added, modified or deleted duties; functions outside of the classification's current duties language; and changes to required knowledge, skills, abilities and education/training**, and (3) ~~is supported by the Department Director. Any such requests should be made prior to the submission of the Position Reallocation Request Form.~~

The Director of Human Resources will analyze relevant job information, **conduct a desk audit for the worker, and any other additional supportive evidence (written or verbal) on behalf of the employee** and approve or deny the Department Director and/or Union's request to review the reallocation. If the review request is approved, the Department may then submit the Position Reallocation Request Form to Human Resources for processing. Approval to review a position reallocation request does not guarantee approval of the request itself.

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In the event the reallocation request has been approved for review and was subsequently denied by the Director of Human Resources, the Union: **1) may appeal to the Civil Service Commission, pursuant to SPMC 3.04.560 or, 2)** may submit the matter to mediation with the California State Mediation and Conciliation Service (SMCS). The mediator shall be provided as determined by SMCS. This mediation process shall be the only resolution process and there shall be no appeal process such as an appeal to

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the Civil Service Commission. The parties further agree that this Section XX.1 shall not be subject to the Grievance Procedure provided in this Agreement.