

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE IDENTIFYING THE TERMS AND CONDITIONS  
FOR FIRE PERSONNEL RESPONSE AWAY FROM THEIR  
OFFICIAL ASSIGNMENT AND REASSIGNED TO AN  
EMERGENCY INCIDENT**

**WHEREAS**, the City of San José (“City”) is a public agency located in the County of Santa Clara, State of California; and

**WHEREAS**, it is the City’s desire to provide fair and legal payment to all its employees for time worked; and

**WHEREAS**, the City employs, fire emergency response personnel including Fire Chief, Assistant Fire Chief, Deputy Fire Chief, Battalion Chief, Fire Captain, Fire Engineer, Firefighter, Arson Fire Captain (working title Supervising Arson Investigator), Arson Investigator, Fire Prevention Inspector, Supervising Public Safety Dispatcher, Senior Public Safety Dispatcher, and Public Safety Radio Dispatcher; and

**WHEREAS**, the City will compensate its employees portal-to-portal while in the course of their employment and away from their official assignment and reassigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response; and

**WHEREAS**, the City will compensate its employees' overtime while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response;

**NOW, THEREFORE,** BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. Personnel shall be compensated according to the Memorandum of Understanding (MOU), Personnel Rules and Regulations, and/or other directives that identify personnel compensation in the workplace.
2. In the event a personnel classification does not have an assigned compensation rate, a “Base Rate” as outlined in an organizational policy, administrative directive, or similar document shall be used to compensate such personnel.
3. The City shall maintain a current salary survey or acknowledgment of acceptance of the “base rate” on file with the California Governor’s Office of Emergency Services, Fire Rescue Division.
4. Personnel shall be compensated (portal-to-portal) beginning at the time of dispatch to the return to jurisdiction when equipment and personnel are in service and available for agency response.
5. Fire emergency response suppression personnel include the rank of Fire Chief, Assistant Fire Chief, Deputy Fire Chief, Battalion Chief, Fire Captain, Fire Engineer, and Firefighter.
6. Fire emergency response non-suppression personnel include Arson Fire Captain (working title Supervising Arson Investigator), Arson Investigator, Fire Prevention Inspector, Supervising Public Safety Dispatcher, Senior Public Safety Dispatcher and Public Safety Radio Dispatcher.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk