

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE  
APPROVING THE TERMS OF AN AGREEMENT BETWEEN THE  
CITY OF SAN JOSE AND THE SAN JOSE POLICE OFFICERS'  
ASSOCIATION RELATING TO THE CITY-PAID PARENTAL  
LEAVE PROGRAM**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

1. That the terms of the Side Letter Agreement between the City of San José and the San José Police Officers' Association to amend the City-Paid Parental Leave Program are hereby approved. The City Manager is hereby authorized to execute an agreement with those terms on behalf of the City.
2. The general terms of the Side Letter Agreement are set out and described in the Memorandum to the Mayor and City Council dated October 9, 2024, from Director of Employee Relations, Jennifer Schembri, which is attached hereto as Attachment A and incorporated in this Resolution.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
MATT MAHAN  
Mayor

ATTEST:

\_\_\_\_\_  
Toni J. Taber, CMC  
City Clerk



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jennifer Schembri

**SUBJECT:** See Below

**DATE:** October 9, 2024

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Approved

Date:

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**COUNCIL DISTRICT:** Citywide

**SUBJECT: APPROVAL OF THE TERMS OF A SIDE LETTER AGREEMENT WITH THE SAN JOSE POLICE OFFICERS' ASSOCIATION (SJPOA) RELATING TO THE CITY-PAID PARENTAL LEAVE PROGRAM**

## **RECOMMENDATION**

Adopt a resolution to approve the terms of a Side Letter Agreement between the City and the SJPOA to amend the City-Paid Parental Leave Program and authorize the City Manager or her designee to execute an agreement with those terms.

## **SUMMARY AND OUTCOME**

Adoption of the resolution will approve a Side Letter Agreement to amend the City-Paid Parental Leave Program with the SJPOA. Full-time employees represented by the SJPOA will receive a maximum total of three hundred and twenty (320) hours of paid time off and will be eligible to use up to a maximum total of one-hundred and twenty (120) hours of their available sick leave for eligible births, adoptions, or foster care placements that occur on or after January 1, 2024.

## **BACKGROUND**

In 2023 and 2024, through the collective bargaining process, the City reached agreements with all City bargaining units to increase City-Paid Parental Leave from a maximum total of forty (40) hours to a maximum total of (320) hours for eligible full-time employees. These changes were not negotiated with the SJPOA at that time, as the Memorandum of Agreement between the City and the SJPOA does not expire until June 30, 2025.

On September 25, 2024, the City and the SJPOA reached a Side Letter Agreement with terms that are consistent with those reached with the City's other bargaining units, which will provide parity across the organization as it relates to the amount of City-paid parental leave hours available for eligible full-time employees and improve the administration of the program.

### **ANALYSIS**

Adoption of the Administration's recommendation will result in eligible full-time employees receiving a maximum total of three hundred and twenty (320) hours of paid time off and the ability to use up to a maximum total of one-hundred and twenty (120) hours of their available sick leave for eligible births, adoptions, or foster care placements that occur on or after January 1, 2024. For the period of January 1, 2024, through the effective date of the Side Letter Agreement, no retroactive timecard adjustments will be allowable and any additional City-Paid Parental Leave hours as provided for in the Agreement may only be used on a prospective basis. The terms of the Side Letter Agreement will be reflected in the City's Administrative Policy Manual.

City-Paid Parental Leave and use of available sick leave balances for City-Paid Parental Leave reasons must be used and completed no later than 12-months from the birth or placement of the child.

### **EVALUATION AND FOLLOW-UP**

None.

### **COST SUMMARY/IMPLICATIONS**

It is anticipated there will be no additional ongoing costs for the City-Paid Parental Leave Program. However, there potentially may be additional costs associated with backfilling positions that will be on leave. The Police Department will absorb, to the extent possible, any additional costs.

### **COORDINATION**

This memorandum was coordinated with the City Attorney's Office and the City Manager's Budget Office.

HONORABLE MAYOR AND CITY COUNCIL

October 9, 2024

**Subject: Terms of a Side Letter Agreement with the SJPOA**

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### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the October 22, 2024 City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

  
Jennifer Schembri  
Deputy City Manager

The principal author of this memorandum is Elsa Cordova, Deputy Director, City Manager's Office of Employee Relations. For questions, please contact [elsa.cordova@sanjoseca.gov](mailto:elsa.cordova@sanjoseca.gov) or (408) 535-8159.

### **ATTACHMENT**

SIDE LETTER AGREEMENT

BETWEEN

THE CITY OF SAN JOSE

AND

THE SAN JOSE POLICE OFFICERS' ASSOCIATION

**City-Paid Parental Leave Program**

The City of San Jose and the San Jose Police Officers' Association (POA) hereby agree to the following changes to the City-Paid Parental Leave Program:

Full-time employees shall be eligible for City-Paid Parental Leave and are subject to the terms and conditions of the City of San Jose's Paid Parental Leave Policy.

Effective January 1, 2024, for eligible births, adoptions, or foster care placements, full-time employees will receive a maximum total of three hundred and twenty (320) hours of paid time off and shall be eligible to use up to a maximum total of one-hundred and twenty (120) hours of their available sick leave for City-Paid Parental Leave reasons.

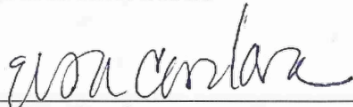
- For the period of January 1, 2024 through the effective date of this agreement, no retroactive timecard adjustments will be allowable and any additional City-paid parental leave hours as provided herein may only be used on a prospective basis.

City-Paid Parental Leave and the use of available sick leave balances for City-Paid Parental Leave reasons must be used and completed no later than 12 months from the birth or placement of child.

The parties hereby agree to incorporate the language in this Side Letter into any successor agreement reached between the City and the POA. This agreement shall become effective when signed by all parties below and approved by the City Council in open session.

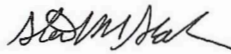
**FOR THE CITY:**

**FOR THE UNION:**



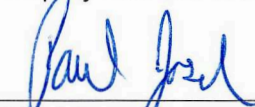
9/25/2024

Elsa Cordova  
Deputy Director of Employee Relations



09/24/24

Steve Slack  
President, SJPOA



9/25/2024

Paul Joseph  
Acting Chief of Police