



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jennifer Schembri

**SUBJECT:** SEE BELOW

**DATE:** June 14, 2022

Approved

Date

06/16/22

**SUBJECT: TERMS OF SIDE LETTER AGREEMENTS BETWEEN THE CITY OF SAN JOSE, THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 3 AND THE ASSOCIATION OF MAINTENANCE SUPERVISORY PERSONNEL IFPTE, LOCAL 21, AMENDING THE PAY PLAN**

## RECOMMENDATION

Adopt a resolution to:

- (a) Approve the terms of a Side Letter Agreement with the International Union of Operating Engineers, Local No. 3 (OE#3) to provide the following effective July 10, 2022:
  - (1) Provide employees in the Parking & Traffic Control Officer FT/PT (2451/2452) classification with an approximate 15.17% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and
  - (2) Provide employees in the Senior Parking & Traffic Control Officer (2453) classification with an approximate 13.24% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties.
- (b) Approve the terms of a Side Letter Agreement with the Association of Maintenance Supervisory Personnel IFPTE, Local 21 (AMSP) to provide employees in the Parking & Traffic Control Supervisor (2455) classification with an approximate 10.40% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties effective July 10, 2022:
- (c) Amend the City of San José Pay Plan as follows:
  - (1) Increase the annual salary range of the classification of Parking & Traffic Control Officer FT/PT (2451/2452) to \$57,492.86 – \$69,805.92, effective July 10, 2022;
  - (2) Increase the annual salary range of the classifications of Senior Parking & Traffic Control Officer (2453) to \$73,158.48 – \$88,916.05, effective July 10, 2022; and
  - (3) Increase the annual salary range of the classification of Parking & Traffic Control Supervisor (2455) to \$89,074.25 – \$108,524.08, effective July 10, 2022.

**OUTCOME**

Adoption of the resolution will approve a Side Letter Agreement between the City of San José (City) and OE#3 to allow for a pensionable pay increase for the Parking & Traffic Control Officer FT/PT (2451/2452) and Senior Parking & Traffic Control Officer (2453) classifications as provided in the table below:

<b>Classification</b>	<b>Pensionable Increase</b>
Parking & Traffic Control Officer FT/PT (2451/2452)	15.17%
Senior Parking & Traffic Control Officer (2453)	13.24%

Adoption of the resolution will also approve a Side Letter Agreement between the City and AMSP to allow for a pensionable pay increase for the Parking & Traffic Control Supervisor (2455) classification as provided in the table below:

<b>Classification</b>	<b>Pensionable Increase</b>
Parking & Traffic Control Supervisor (2455)	10.40%

The City of San José Pay Plan will be amended to change the salary ranges for the classifications noted above in accordance with the terms of the Side Letter Agreements.

**BACKGROUND**

*Parking & Traffic Control Officers (FT/PT) and Senior Parking & Traffic Control Officers*

Incumbents in the Parking & Traffic Control Officer FT/PT classification are responsible for enforcing on-street parking regulations including the San José Municipal Code and California Vehicle Code parking codes and regulations. Parking & Traffic Control Officers also investigate citizen parking complaints, observe and report unauthorized activities, hazards, and other conditions or emergencies, and perform vehicle abatement duties including, but not limited to, issuing citations and implement towing for violations.

Senior Parking & Traffic Control Officers have lead responsibilities and perform work of greater complexity and scope, such as developing and leading the work of field staff, traffic control implementation, administrative tasks, and training.

The Department of Transportation has experienced recruitment and retention issues in the Parking & Traffic Control Officer series and currently has a 21.43% vacancy in the Parking & Traffic Control FT/PT classification and a 20% vacancy rate in the Senior Parking & Traffic

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Control Officer classification. A survey of comparable classifications in agencies in the City’s marketplace found that the Parking & Traffic Control Officer and Senior Parking & Traffic Control Officer classifications were paid below 100% of market.

The City and OE#3 engaged in the meet and confer process over potential wage adjustments to the Parking & Traffic Control Officer FT/PT and Senior Parking & Traffic Control Officer classifications, and on June 10, 2022, reached a side letter agreement to provide special wage adjustments to the Parking & Traffic Control Officer FT/PT and Senior Parking & Traffic Control Officer classifications with the further understanding that vehicle abatement duties are typical essential dues for Parking & Traffic Control Officers and as adjustments are made to the criteria used in the vehicle abatement program, vehicle abatement duties may be increased and/or expanded as part of the ordinary scope of their responsibilities (Attachment A):

<b>Classification</b>	<b>Current Pensionable Salary Range (Annual)</b>	<b>New Pensionable Salary Range (Annual)</b>	<b>Pensionable Increase</b>
Parking & Traffic Control Officer FT/PT (2451/2452)	\$49,920.00 – \$60,611.20	\$57,492.86 – \$69,805.92	15.17%
Senior Parking & Traffic Control Officer (2453)	\$64,604.80 – \$78,520.00	\$73,158.48 – \$88,916.05	13.24%

*Parking & Traffic Control Supervisors*

Incumbents in the Parking & Traffic Control Supervisor classification supervise Parking & Traffic Control Officers and Senior Parking & Traffic Control Officers and perform duties of greater scope and complexity. Among other things, Parking & Traffic Control Supervisors are responsible for the management of the parking control program, coordination of services and events, and negotiation and oversight of contracts.

In order to maintain an appropriate salary differential between the Parking & Traffic Control Officer series and the Parking & Traffic Control Supervisor classification (AMSP), the following pensionable wage increases are also recommended (Attachment B).

<b>Classification</b>	<b>Current Pensionable Salary Range (Annual)</b>	<b>New Pensionable Salary Range (Annual)</b>	<b>Pensionable Increase</b>
Parking & Traffic Control Supervisor (2455)	\$80,683.20 – \$98,300.80	\$89,074.25 – \$108,524.08	10.40%

As this classification is represented by AMSP, it will continue to receive a 5% ongoing non-pensionable compensation increase based on their pensionable rate of pay, per Article 10.1 of the AMSP Memorandum of Agreement.

**ANALYSIS**

The following is a summary of the key provisions contained in the Side Letter Agreements:

<b>Parking &amp; Traffic Control Officer FT/PT Base Pay Increase</b>	<p>Effective the first pay period after the agreement has been signed by all parties and has been approved by the City Council, employees in the Parking &amp; Traffic Control Officer FT/PT classification shall receive a pensionable base pay increase in the amount of 15.17%. This will result in an increase to the top and bottom of the salary range in the Pay Plan for the Parking &amp; Traffic Control Officer FT/PT classification.</p> <p>As adjustments are made to the criteria used in the vehicle abatement program, vehicle abatement duties may be increased and/or expanded for Parking &amp; Traffic Control Officers as part of the ordinary scope of their responsibilities.</p>
<b>Senior Parking &amp; Traffic Control Officer Base Pay Increase</b>	<p>Effective the first pay period after the agreement has been signed by all parties and has been approved by the City Council, employees in the Senior Parking &amp; Traffic Control Officer classification shall receive a pensionable base pay increase in the amount of 13.24%. This will result in an increase to the top and bottom of the salary range in the Pay Plan for the Senior Parking &amp; Traffic Control Officer classification.</p> <p>As adjustments are made to the criteria used in the vehicle abatement program, vehicle abatement duties may be increased and/or expanded for Parking &amp; Traffic Control Officers as part of the ordinary scope of their responsibilities.</p>
<b>Parking &amp; Traffic Control Supervisor Base Pay Increase</b>	<p>Effective the first pay period after the agreement has been signed by all parties and has been approved by the City Council, employees in the Parking &amp; Traffic Control Supervisor classification shall receive a pensionable base pay increase in the amount of 10.40%. This will result in an increase to the top and bottom of the salary range in the Pay Plan for the Parking &amp; Traffic Control Supervisor classification.</p>

**CONCLUSION**

Due to the recruitment and retention issues in the classifications, it is recommended that the City Council adopt the Administration’s recommendation outlined in this memorandum which would provide a special pensionable base pay increase to the Parking & Traffic Control Officer FT/PT (2451/2452) and Senior Parking & Traffic Control Officer (2453) classifications, as indicated above.

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Additionally, it is recommended that the City Council adopt the Administration's recommendation outlined in this memorandum which would provide a pensionable base pay increase to the Parking & Traffic Control Supervisor (2455) classification, as indicated above.

Based on the recommended adjustments to the salary ranges of the various classification as set forth above, the City of San José Pay Plan will be amended to change the salary ranges for the classifications.

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

No further follow-up with the City Council related to this action is anticipated at this time.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

This memorandum has been posted on the City Clerk's website as part of the June 28, 2022 City Council meeting agenda.

### **COORDINATION**

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

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

### **COST SUMMARY/IMPLICATIONS**

The additional ongoing costs pertaining to the base pay increase for the Parking & Traffic Control Officer FT/PT (2451/2452), Senior Parking & Traffic Control Officer (2453), and Parking & Traffic Control Supervisor (2455) classifications are approximately \$818,000 in all funds, \$715,000 in the General Fund. With City Council approval of the recommended actions, these increased costs will be adjusted, as necessary, for fiscal year 2022-2023 as part of a future

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budget process. The increased costs will be offset by a decrease in the Salaries and Benefits Reserve within the General Fund, from individual Unrestricted Ending Fund Balances or alternative reserve offsets within Special Funds, and/or included in various project expenditure appropriations budgeted within Capital Funds, as appropriate. The ongoing increased costs will be factored into the annual development of the 2023-2024 Base Budget.

### CEQA

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

  
JENNIFER SCHEMBRI  
Director of Employee Relations  
Director of Human Resources

The principal author of this memorandum is Carolyn Gibson, Senior Executive Analyst in the Office of Employee Relations. For questions, please contact Jennifer Schembri, Director of the Office of Employee Relations and Director of Human Resources, at (408) 535-8150.

### Attachments

- A – Side Letter Agreement between the City of San José and The International Union of Operating Engineers, Local No. 3 (OE#3)
- B – Side Letter of Agreement between the City of San José and The Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP)

**SIDE LETTER AGREEMENT**

BETWEEN  
THE CITY OF SAN JOSE  
AND  
THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 3 (OE#3)

**PARKING & TRAFFIC CONTROL OFFICER SERIES SPECIAL WAGE ADJUSTMENT**

Effective the first full pay period after this agreement is signed by all parties below and approved by the City Council in open session, employees in the classifications listed below shall receive the following pensionable wage increase:

<b>Classification</b>	<b>Pensionable Increase</b>
Parking & Traffic Control Officer FT/PT (2451/2452)	15.17%
Senior Parking & Traffic Control Officer (2453)	13.24%

This will result in an increase to the top and bottom of the salary range of employees in the classifications noted above.


Further, the City and OE#3 acknowledge that Citywide vehicle abatement duties are typical essential duties for Parking & Traffic Control Officers. The parties understand that as adjustments are made to the criteria used in the vehicle abatement program, vehicle abatement duties may be increased and/or expanded for Parking & Traffic Control Officers as part of the ordinary scope of their responsibilities.

This Side Letter shall become effective on the first full pay period after this agreement has been signed by all parties below and approved by the City Council in open session.

**FOR THE CITY:**

**FOR THE UNION:**

 6/10/2022  
\_\_\_\_\_  
Jennifer Schembri Date  
Director of Employee Relations  
Director of Human Resources

 6/10/2022  
\_\_\_\_\_  
Jeremy Cabaccang Date  
Business Representative, OE#3

 6/10/2022  
\_\_\_\_\_  
Elsa Cordova Date  
Assistant to the City Manager  
Office of Employee Relations

**SIDE LETTER AGREEMENT**

BETWEEN  
THE CITY OF SAN JOSE  
And  
THE ASSOCIATION OF MAINTENANCE SUPERVISORY PERSONNEL, IFPTE, LOCAL 21  
(AMSP)

**PARKING & TRAFFIC CONTROL SUPERVISOR SPECIAL WAGE ADJUSTMENT**

Effective the first full pay period after this agreement is signed by all parties below and approved by City Council, employees in the classification listed below shall receive the following pensionable wage increase:


<b>Classification</b>	<b>Pensionable Increase</b>
Parking & Traffic Control Supervisor (2455)	10.40%

This will result in an increase to the top and bottom of the salary range of employees in the classifications noted above.


This side letter agreement shall become effective on the first full pay period after this agreement has been signed by all parties below and approved by City Council.

**FOR THE CITY:**

 6/13/2022  
\_\_\_\_\_  
Jennifer Schembri Date  
Director of Employee Relations  
Director of Human Resources

 6/13/2022  
\_\_\_\_\_  
Elsa Cordova Date  
Assistant to the City Manager  
Office of Employee Relations

**FOR THE UNION:**

 6/13/2022  
\_\_\_\_\_  
Elizabeth Kamya Date  
Business Representative, IFPTE