CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jennifer Schembri

SUBJECT: SEE BELOW

DATE: May 6, 2022

Approved _Jennifer Schembri Maguire_   Date 05/06/22

SUBJECT: **TERMS OF SIDE LETTER AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE MUNICIPAL EMPLOYEES' FEDERATION, AFSCME, LOCAL 101 (MEF) AND AMENDING THE PAY PLAN**

RECOMMENDATION

Adopt a resolution to:

A. Approve the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to provide the following:

1. Provide employees in the Latent Fingerprint Examiner I (2241) classification with an approximate 15.92% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

2. Provide employees in the Latent Fingerprint Examiner II (2242) classification with an approximate 14.31% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

3. Provide employees in the Latent Fingerprint Examiner III (2246) classification with an approximate 1.27% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council; and

B. Amend the City of San Jose Pay Plan as follows:

1. Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Latent Fingerprint Examiner I (2241) to $72,508.80 – $88,129.60, effective May 29, 2022;

2. Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Latent Fingerprint Examiner II (2242) to $81,120.00 – $98,675.20, effective May 29, 2022; and

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3. Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Latent Fingerprint Examiner III (2246) to $100,796.80 – $122,470.40, effective May 29, 2022.

OUTCOME

Adoption of the resolution will approve a Side Letter Agreement between the City and MEF to allow for a special pensionable pay increase for the following classifications:

Classification	Union	Pensionable Increase
Latent Fingerprint Examiner I (2241)	MEF	15.92%
Latent Fingerprint Examiner II (2242)	MEF	14.31%
Latent Fingerprint Examiner III (2246)	MEF	1.27%

Further, the City of San Jose's Pay Plan will be amended to change the salary ranges for the classifications noted above in accordance with the terms of the Side Letter Agreement.

BACKGROUND

Classifications in the Latent Fingerprint Examiner series provide identification services in support of criminal investigations including, but not limited to, finger and palm print analysis, writing reports based on findings, and giving expert witness testimony in court.

As part of the City's efforts to fill vacancies, the City has taken efforts to update classification specifications to clarify and streamline minimum and desirable qualifications and ensure that the duties contained in classification specifications align with the City's expectations for incumbents in these positions. As a result of recent recruitments in the Latent Fingerprint Examiner series that failed to yield many applicants, the City made updates to the classification specifications for the Latent Fingerprint Examiner I/II/III classifications, including revisions to minimum qualifications, revised competencies, skills, and abilities. These revisions were approved by the Civil Service Commission on March 3, 2022. Simultaneously, the City identified that recruitment and retention issues exist within the Latent Fingerprint Examiner series.

As a result of the classification specification revisions and the identification of recruitment and retention issues within this classification series, the City conducted a survey that found that the City's classifications were below the average of comparable classifications within the City's marketplace of agencies. The City and MEF reached an agreement to provide these classifications with the following special pensionable wage increases that would increase the rates of pay for each classification to the average of comparable classifications within the City's marketplace of agencies:

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Classification	Union	Pensionable Increase
Latent Fingerprint Examiner I (2241)	MEF	15.92%
Latent Fingerprint Examiner II (2242)	MEF	14.31%
Latent Fingerprint Examiner III (2246)	MEF	1.27%

The Side Letter Agreement is attached to this memorandum. The increases shown in the table, above, would result in the following changes to the salary ranges of classifications within the Latent Fingerprint Examiner series:

Classification	Current Pensionable Salary Range (Annual)	New Pensionable Salary Range (Annual)
Latent Fingerprint Examiner I (2241)	$62,545.60 - $76,024.00	$72,508.80 - $88,129.60
Latent Fingerprint Examiner II (2242)	$70,969.60 - $86,320.00	$81,120.00 - $98,675.20
Latent Fingerprint Examiner III (2246)	$99,528.00 - $120,931.20	$100,796.80 - $122,470.40

In addition to the pensionable rates of pay indicated above, per Article 12.1.1 of the MEF MOA, incumbents in the Latent Fingerprint Examiner I/II/III classifications currently receive a 5.00% ongoing non-pensionable compensation increase.

ANALYSIS

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

Latent Fingerprint Examiner I Base Pay Increase	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 Latent Fingerprint Examiner I (2241) classification shall receive a pensionable base pay increase in the amount of 15.92%. This will result in an increase to the top and bottom of the salary range in the Pay Plan for this classification.
Latent Fingerprint Examiner II Base Pay Increase	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 Latent Fingerprint Examiner II (2242) classification shall receive a pensionable base pay increase in the amount of 14.31%. This will result in an increase to the top and bottom of the salary range in the Pay Plan for this classification.

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Latent Fingerprint Examiner III Base Pay Increase	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 Latent Fingerprint Examiner III (2246) classification shall receive a pensionable base pay increase in the amount of 1.27%. This will result in an increase to the top and bottom of the salary range in the Pay Plan for this classification.

CONCLUSION

Due to the recruitment and retention issues in the Latent Fingerprint Examiner series, 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 Latent Fingerprint Examiner I (2241), Latent Fingerprint Examiner II (2242), and Latent Fingerprint Examiner III (2246) classifications, as indicated above.

Based on the recommended adjustments to the salary ranges of the various classification as set forth above, the City of San Jose's Pay Plan will be amended to change the salary ranges for the classifications in accordance with the terms of the Side Letter Agreements

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 memo 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 May 17, 2022, City Council Meeting Agenda.

COORDINATION

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

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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 Latent Fingerprint
Examiner I (2241), Latent Fingerprint Examiner II (2242), and Latent Fingerprint Examiner III
(2246) classifications are approximately $15,900, which is all funded by the General Fund. With
City Council approval of the recommended actions, these increased costs will be absorbed by the
Police Department's budget in both 2021-2022 and 2022-2023 and will be factored into the
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 was Bill Gold, 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.

Attachment

SIDE LETTER AGREEMENT

BETWEEN
THE CITY OF SAN JOSE
AND
THE MUNICIPAL EMPLOYEES' FEDERATION, AFSCME, LOCAL NO. 101 (MEF)

SPECIAL WAGE INCREASE – LATENT FINGERPRINT EXAMINER I/II/III

Pursuant to the side letter agreement titled Recruitment and Retention Discussions, dated August 6, 2021, the City and the Municipal Employees' Federation (MEF) have met and engaged in discussions regarding recruitment, retention, and/or staffing issues in the Latent Fingerprint Examiner series. The parties agree that the agreement in reaching the pensionable increases, below, is not precedent setting for future classifications.

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:

Classification	Pensionable Increase
Latent Fingerprint Examiner I	15.92%
Latent Fingerprint Examiner II	14.31%
Latent Fingerprint Examiner III	1.27%

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 the City Council in open session. This agreement shall resolve the portion of the Recruitment and Retention Discussions side letter agreement, dated August 6, 2021, pertaining to the Latent Fingerprint Examiner series.
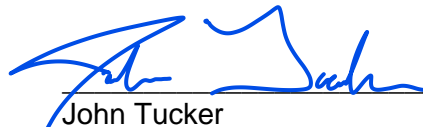
FOR THE CITY: **FOR THE UNION:**

_____ 5/3/2022   _____ 5/3/22
Jennifer Schembri   Date   John Tucker   Date
Director of Employee Relations   Business Representative, AFSCME
Director of Human Resources

                                               _____ 4/27/2022
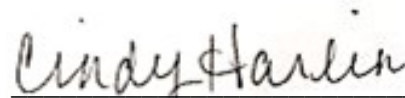   Cindy Harlin   Date
                                               MEF President, AFSCME