

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 MUNICIPAL EMPLOYEES' FEDERATION, AFSCME, LOCAL 101 (MEF) RELATING TO PAY INCREASES, APPROVING THE TERMS OF AN AGREEMENT BETWEEN THE CITY OF SAN JOSE AND CITY ASSOCIATION OF MANAGEMENT PERSONNEL, IFPTE, LOCAL 21 (CAMP) RELATING TO PAY INCREASES, AND AMENDING THE CITY OF SAN JOSE PAY PLAN**

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

1. That the terms of a Side Letter Agreement between the City and MEF are approved as follows:
  - a. Provide employees in the Code Enforcement Inspector I (3938) classification with an approximate 4.60% 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. Provide employees in the Code Enforcement Inspector II (3939) classification with an approximate 4.60% 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. That the terms of a Side Letter Agreement between the City and CAMP are approved as follows:
  - a. Provide employees in the Code Enforcement Supervisor (3940) classification with an approximate 4.60% 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. That the City of San Jose Pay Plan is amended as follows:
  - b. Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Code Enforcement Inspector I (3938) to \$72,176.00 – \$87,651.20, effective May 29, 2022;
  - c. Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Code Enforcement Inspector II (3939) to \$83,595.20 – \$101,608.00 effective May 29, 2022; and

- d. Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Code Enforcement Supervisor (3940) to \$94,640.00 – \$115,398.40, effective May 29, 2022.

4. The terms of the Side Letter Agreements are set forth in the Memorandum to the Mayor and City Council dated May 6, 2022 from Jennifer Schembri, Director of Employee Relations and Director of Human Resources, and attached hereto as Attachment A and incorporated in this Resolution.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jennifer Schembri

**SUBJECT:** SEE BELOW

**DATE:** May 6, 2022

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Approved

Date

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**SUBJECT: TERMS OF SIDE LETTER AGREEMENTS BETWEEN THE CITY OF SAN JOSE, THE MUNICIPAL EMPLOYEES' FEDERATION, AND THE CITY ASSOCIATION OF MANAGEMENT PERSONNEL 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 Code Enforcement Inspector I (3938) classification with an approximate 4.60% 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 Code Enforcement Inspector II (3939) classification with an approximate 4.60% 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. Approve the terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) to provide the following:
  - 1. Provide employees in the Code Enforcement Supervisor (3940) classification with an approximate 4.60% 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;
- C. 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 Code Enforcement Inspector I (3938) to \$72,176.00 – \$87,651.20, effective May 29, 2022;

May 6, 2022

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2. Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Code Enforcement Inspector II (3939) to \$83,595.20 – \$101,608.00 effective May 29, 2022; and
3. Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Code Enforcement Supervisor (3940) to \$94,640.00 – \$115,398.40, effective May 29, 2022.

## **OUTCOME**

Adoption of the resolution will approve a Side Letter Agreement between the City and MEF to allow for a pensionable pay increase for the of Code Enforcement Inspector I (3938) and Code Enforcement Inspector II (3939) classifications as provided in the table below:

Classification	Pensionable Increase
Code Enforcement Inspector I (3938)	4.60%
Code Enforcement Inspector II (3939)	4.60%

Adoption of the resolution will also approve a Side Letter Agreement between the City and CAMP to allow for a pensionable pay increase for the Code Inspector Supervisor (3940) classification as provided in the table below:

Classification	Pensionable Increase
Code Enforcement Supervisor (3940)	4.60%

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 Agreements.

## **BACKGROUND**

### *Code Enforcement Inspector I/II*

The Code Enforcement Inspector I/II classification is responsible for various tasks, including, but not limited to, the inspection and enforcement of applicable ordinances pertaining to housing, blight, building construction, environmental codes, zoning, land use, solid waste facilities, signs, health and safety, and other related municipal codes.

As part of an overall agreement on a successor Memorandum of Agreement (MOA) in 2021, the City and MEF entered into a side letter agreement whereby the City agreed to conduct a review of the Code Enforcement Inspector series salaries due to recruitment and retention concerns in the classification series (Attachment A). During these discussions, the issue of a training pay was raised by MEF for those employees in the same classification who were taking part in the training/mentoring of new staff.

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With respect to the review of the Code Enforcement Inspector series salaries, Article 22 of the MEF MOA defines the marketplace of cities and counties for the purpose of identifying comparable classifications for salary survey purposes, and a survey of these Bay Area agencies was conducted in November 2021 and revealed that the City of San José salary ranges for the Code Enforcement Inspector series were slightly under Bay Area market for similar classifications.

On April 28, 2022, the City and MEF signed a subsequent side letter agreement that would bring the salary ranges of the Code Enforcement Inspector series to 100% of the market rate determined in the November 2021 survey. In addition, the parties agreed to roll the cost of a training pay into base pay in lieu of any training pay and make the increases uniform across the various classifications in order to maintain the differential between the classifications. This results in the following pensionable wage increases (Attachment B):

<b>Classification</b>	<b>Pensionable Increase</b>
Code Enforcement Inspector I (3938)	4.60%
Code Enforcement Inspector II (3939)	4.60%

<b>Classification</b>	<b>Current Pensionable Salary Range (Annual)</b>	<b>New Pensionable Salary Range (Annual)</b>
Code Enforcement Inspector I (3938)	\$68,993.60 – \$83,803.20	\$72,176.00 – \$87,651.20
Code Enforcement Inspector II (3939)	\$79,913.60 – \$97,136.00	\$83,595.20 – \$101,608.00

As these classifications are represented by MEF, they will continue to receive a 5% ongoing non-pensionable compensation increase based on their pensionable rate of pay, per Article 12.1.1 of the MEF MOA.

In addition, changes are being made to the class specifications for the Code Enforcement Inspector series which will soon be submitted for adoption by the Civil Service Commission.

#### *Code Enforcement Supervisor*

Incumbents in the Code Enforcement Supervisor classifications are responsible for supervising assigned staff who enforce various codes and ordinances including but not limited to housing, building construction, zoning, solid waste, signs and health and safety. Code Enforcement Supervisors also perform administrative duties and other related work as required.

In order to maintain the current salary differential between the Code Enforcement Inspector Series and Code Enforcement Supervisor Classification (CAMP), which has additional management, policy, and strategic responsibilities, the following pensionable wage increases are also recommended (Attachment C):

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<b>Classification</b>	<b>Pensionable Increase</b>
Code Enforcement Supervisor (3940)	4.60%

<b>Classification</b>	<b>Current Pensionable Salary Range (Annual)</b>	<b>New Pensionable Salary Range (Annual)</b>
Code Enforcement Supervisor (3940)	\$90,480.00 – \$110,323.20	\$94,640.00 – \$115,398.40

As this classification is represented by CAMP, 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 CAMP MOA.

### **ANALYSIS**

The following is a summary of the key provisions contained in the Side Letter Agreements. In the side letter agreement with MEF, they have agreed that these increases are in lieu of any training pay.

<b>Code Enforcement Inspector I Base Pay Increase</b>	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 Code Enforcement Inspector I classification shall receive a pensionable base pay increase in the amount of 4.60%. This will result in an increase to the top and bottom of the salary range in the Pay Plan for the Code Enforcement Inspector I classification.
<b>Code Enforcement Inspector II Base Pay Increase</b>	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 Code Enforcement Inspector II classification shall receive a pensionable base pay increase in the amount of 4.60%. This will result in an increase to the top and bottom of the salary range in the Pay Plan for the Code Enforcement Inspector II classification.
<b>Code Enforcement Supervisor Base Pay Increase</b>	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 Code Enforcement Supervisor classification shall receive a pensionable base pay increase in the amount of 4.60%. This will result in an increase to the top and bottom of the salary range in the Pay Plan for the Code Enforcement Supervisor classification.

### **CONCLUSION**

Due to the recruitment and retention issues in the Code Enforcement Inspector series, it is recommended that the City Council adopt the Administration's recommendation outlined in this

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memorandum which would provide a pensionable base pay increase to the Code Enforcement Inspector I (3938) and Code Enforcement Inspector II (3939) classifications, as indicated above. 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 Code Enforcement Supervisor (3940) 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 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.

### **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 Code Enforcement Inspector (3938), Code Enforcement Inspector II (3939), and Code Enforcement Supervisor (3940) classifications are approximately \$400,000. Given the current level of vacancies, the increased costs for the remainder of 2021-2022 are anticipated to be absorbed within the Planning, Building, and Code Enforcement Department's existing budget. If necessary, the Administration will bring forward any increases to the existing appropriation in 2021-2022 as part of the year-end budget process. With City Council approval of the recommended actions,

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these increased costs will be adjusted, as necessary, for 2022-2023 as part of a future budget process and will 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 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



## SIDE LETTER AGREEMENT

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

### SPECIAL WAGE INCREASE – CODE ENFORCEMENT INSPECTOR I/II

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

Classification	Pensionable Increase
Code Enforcement Inspector I (3938)	4.60%
Code Enforcement Inspector II (3939)	4.60%

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

The parties further agree that:


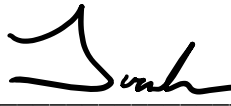
1. The wage increases are in lieu of providing a training pay; and
2. The Code Enforcement Inspector I/II classification specification will be updated to provide that certain employees with access to the California Law Enforcement Telecommunications System (CLETS) may be required to go through backgrounding.

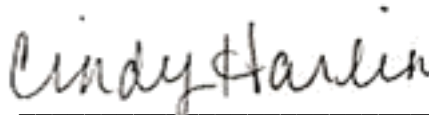
This side letter agreement shall become effective on the first full pay period after this agreement has been signed by all parties below and approved by City Council in open session.

#### FOR THE CITY:

 4/28/2022  
\_\_\_\_\_  
Jennifer Schembri Date  
Director of Employee Relations  
Director of Human Resources

#### FOR THE UNION:

  4/28/22  
\_\_\_\_\_  
John Tucker Date  
Business Representative, AFSCME

 4/28/2022  
\_\_\_\_\_  
Cindy Harlin Date  
MEF President

## SIDE LETTER AGREEMENT

BETWEEN  
THE CITY OF SAN JOSE  
And  
THE CITY ASSOCIATION OF MANAGEMENT PERSONNEL, IFPTE, LOCAL 21 (CAMP)

## SPECIAL WAGE INCREASE

### CODE ENFORCEMENT SUPERVISOR (3940)

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

Classification	Pensionable Increase
Code Enforcement Supervisor (3940)	4.60%


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:

 5/5/2022  
\_\_\_\_\_  
Jennifer Schembri Date  
Director of Employee Relations  
Director of Human Resources

#### FOR THE UNION:

 5/5/22  
\_\_\_\_\_  
Elizabeth Kamya Date  
Business Representative, IFPTE

 5/5/2022  
\_\_\_\_\_  
Julie Jennings Date  
CAMP President, IFPTE