COUNCIL AGENDA: 12/19/2017
FILE:: 17-429
ITEM: 2.8

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Jennifer Schembri

SUBJECT: SEE BELOW

DATE: December 5, 2017

Approved Jennifer A Maguire Date 12-7-17

SUBJECT: TERMS OF SIDE LETTER AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE MUNICIPAL EMPLOYEES' FEDERATION, AFSCME, LOCAL 101 (MEF) RELATED TO THE PUBLIC SAFETY RADIO DISPATCHER CLASSIFICATION SERIES

RECOMMENDATION

It is recommended that the City Council adopt a resolution approving the terms of a Side Letter Agreement as follows:

(a) Approve the terms of an agreement between the City of San Jose (City) and the Municipal Employees' Federation, AFSCME Local 101 (MEF) to provide employees in the Public Safety Radio Dispatcher class series with overtime or compensatory time at 2.0 times the hourly rate for all hours worked past twelve (12) hours in a single shift for a period of fifteen (15) consecutive pay periods, effective December 3, 2017, and expiring on June 30, 2018.

OUTCOME

Adoption of the resolution will approve a Side Letter Agreement between the City and MEF, to authorize employees in classifications in the Public Safety Radio Dispatcher class series to be compensated for overtime or compensatory time at 2.0 times the hourly rate for all hours worked past twelve (12) hours in a single shift for a period of fifteen (15) consecutive pay periods, effective December 3, 2017, and expiring on June 30, 2018. This will continue a portion of a side letter agreement between the City and MEF, effective December 6, 2015, through December 4, 2016, and will continue the terms of a subsequent side letter agreement between the City and MEF, effective December 4, 2016, through December 2, 2017.

BACKGROUND

Classifications in the Public Safety Dispatcher class series are responsible for various tasks, including, but not limited to, handling the full range of telephone answering and dispatch functions and under general supervision, performing work of moderate difficulty in dispatching Police, Fire, and emergency medical personnel and equipment, and performing related work as required.

On December 1, 2015, the vacancy rate for the *Public Safety Radio Dispatcher class series* was approximately twenty percent (20%), and the vacancy rate for the *Public Safety Radio Dispatcher classification* alone was approximately twenty-eight percent (28%). To address concerns related to the recruitment and retention of employees in the *Public Safety Radio Dispatcher class series*, the City Council approved a side letter agreement between the City and MEF on December 1, 2015. The side letter agreement, in part, authorized employees covered by the agreement to be compensated for overtime pay or compensatory time at 2.0 times the hourly rate for all hours worked past twelve (12) hours in a single shift for a period of twenty-six (26) consecutive pay periods, and was set to expire on December 3, 2016. This Agreement applied to the following classifications:

- Public Safety Communications Specialist
- Public Safety Communications Specialist (PT)
- Public Safety Radio Dispatcher
- Public Safety Radio Dispatcher (PT)
- Senior Public Safety Dispatcher
- Senior Public Safety Dispatcher (PT)
- Supervising Public Safety Dispatcher

As was noted in staff's memorandum on December 1, 2015, due to the training requirements of employees in the Public Safety Dispatcher class series and the length of the recruitment process, there was a need to maintain staffing levels while new staff are hired and trained. This Agreement has assisted in ensuring the reliable operations of the Communications Division of the Police and Fire Departments. The overtime provision described above was intended to provide an incentive to employees in the Public Safety Radio Dispatcher classifications who have been experiencing recruitment and retention issues, and are often required to work mandatory overtime shifts due to the workload demands and the twenty-four hour operations of the Police and Fire Departments, to continue their service while new hires are provided with the necessary training to bolster Dispatch's staffing.

As of December 13, 2016, while there had been a decrease in the vacancy rates of the Public Safety Radio Dispatcher series to approximately fourteen percent (14%), and twenty-one percent (21%) in the Public Safety Radio Dispatcher classification (including employees who are in training and are not yet approved to work independently), there remained a significant workload on staff. Police Dispatch staff reported that they worked an average of approximately twenty-eight (28) hours of scheduled mandatory overtime per person, per month. Due to these

circumstances, on December 13, 2016, the City Council approved a successor side letter agreement between the City and MEF extending the overtime provision for an additional twenty-six (26) consecutive pay periods, effective December 4, 2016, which was set to expire on December 2, 2017.

As of the date of this memorandum, while there has been a decrease in the vacancy rates of the Public Safety Radio Dispatcher series to approximately thirteen percent (13%), there remains a significant workload for current staff. Additionally, there is currently a fourteen and one-half percent (14.5%) vacancy rate in the Public Safety Radio Dispatcher classification (including employees who are in training and are not yet approved to work independently). Police Dispatch staff worked an average of approximately thirty-three (33) hours of scheduled mandatory overtime per person in October 2017, and an average of approximately twenty-seven (27) hours of scheduled mandatory overtime per person in November 2017.

In addition to the existing vacancies in the Public Safety Radio Dispatcher class series, a contributing factor necessitating mandatory overtime shifts is that, as of the date of this memorandum, there are currently sixteen (16) employees at varying stages of the training process, but are not yet able to work independently. The training process to work independently as a Public Safety Radio Dispatcher is as follows:

No	Issue	Approximate Timeframe
1	Begin employment as Public Safety Radio Dispatcher Trainee	
2	Successfully complete the Basic Dispatch Academy	Eight (8) weeks
3	Successfully complete desk training	Sixteen (16) weeks – ▪ 4 Rotations ▪ 4 Weeks per Rotation
4	Promoted to the Public Safety Radio Dispatcher classification, but must complete additional steps to be signed off to work independently	
5	Successfully complete the Radio Dispatch Academy	Five (5) weeks
6	Successfully complete radio training	Twenty-four (24) weeks ▪ 4 Rotations ▪ 6 Weeks per Rotation

During the entirety of this training process, these employees are unable to work independently. It is the City's experience that many employees in the training process require an extension of their training period beyond their fourth (4^{th}) rotation of radio training in order to obtain the necessary skills to work independently. Additionally, it is important to note that the Police Department has estimated that there is a sixty percent (60%) success rate for the entirety of their training process.

ANALYSIS

This overtime provision is intended to provide an incentive to employees in the Public Safety Radio Dispatcher classifications who have been experiencing recruitment and retention issues, and are often required to work mandatory overtime shifts due to the workload demands and the twenty-four hour operations of the Police and Fire Departments. Extending this provision will continue the incentive for staff in these classifications through the remaining duration of the current MEF MOA, approximately six (6) months, and will allow sufficient time for new hires to be approved to work independently and further bolster Dispatch's staffing, which would reduce the mandatory overtime that staff is required to work.

Effective December 3, 2017, and remaining in effect for a total of fifteen (15) consecutive pay periods, employees in classifications in the Public Safety Communications Specialist and Public Safety Radio Dispatcher series experiencing recruitment and retention issues shall be compensated by overtime pay or compensatory time at 2.0 times the hourly rate for all hours worked past twelve (12) hours in a single shift.

EVALUATION AND FOLLOW-UP

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

PUBLIC OUTREACH/INTEREST

This memorandum will be posted on the City's Council Agenda website for the December 19, 2017, City Council meeting.

COORDINATION

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

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

COST IMPLICATIONS

The cost implications pertaining to the recommendation related to compensating overtime pay or compensatory time at 2.0 the hourly rate for a total of fifteen (15) pay periods, effective

December 3, 2017, and expiring on June 30, 2018, will result in additional cash compensation for overtime hours worked of approximately $84,000. Of this amount, $78,200 is estimated for the Police Department ($72,800 in 2017-2018, and $5,400 in 2018-2019), and $5,800 is estimated for the Fire Department ($5,400 in 2017-2018, and $400 in 2018-2019). It should be noted that the 2018-2019 figures may vary due to any potential negotiated general wage increase with the Municipal Employees' Federation for FY 2018-2019. These amounts will be absorbed in the annual budgets for the Police and Fire Departments.

CEQA

Not a Project, File No. PP10-069(b), Municipal Code or Policy change, Title 3 (Personnel).

JENNIFER SCHEMBRI
Director of Employee Relations

For questions please contact Jennifer Schembri, Director of Employee Relations, at (408) 535-8150.

Attachment: Side Letter Agreement

SIDE LETTER AGREEMENT

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

CALCULATION OF OVERTIME FOR EMPLOYEES IN THE PUBLIC SAFETY RADIO DISPATCHER CLASS SERIES

In acknowledgement of the significant recruitment and retention issues of classifications within the Public Safety Radio Dispatcher class series, the City and MEF agree to extend the following section of the previous side letter agreements between the parties entitled, "Lump Sum Bonus and Calculation of Overtime for Employees in the Public Safety Radio Dispatcher Class Series," dated November 5, 2015, and entitled, "Calculation of Overtime for Employees in the Public Safety Radio Dispatcher Class Series," dated December 5, 2016:

The City and the Union acknowledge that the MEF Memorandum of Agreement (MOA) has the following language regarding the calculation of overtime compensation:

7.3.2 Paid time off (excluding Sick Leave) shall be considered time worked for the purpose of calculating eligibility for overtime compensation for employees in the classifications listed below:

- *Public Safety Communications Specialist*
- *Public Safety Communications Specialist (PT)*
- *Public Safety Radio Dispatcher*
- *Public Safety Radio Dispatcher (PT)*
- *Public Safety Radio Dispatcher Trainee*
- *Public Safety Radio Dispatcher Trainee (PT)*
- *Senior Public Safety Dispatcher*
- *Senior Public Safety Dispatcher (PT)*
- *Supervising Public Safety Dispatcher*

7.11.1 Hours assigned and worked in excess of forty (40) hours per week shall be compensated by overtime pay or compensatory time at 1.5 times the hourly rate for the number of overtime hours worked. With the exception of Holiday Leave, paid time off shall not be considered time worked for the purpose of calculating eligibility for overtime (except as modified in section 7.3.2 for the classifications listed above).

In recognition of the circumstances listed above, effective December 4, 2016, after this agreement is signed by all parties below and has been approved by the City Council, overtime compensation shall be calculated at 2.0 times the hourly rate for all hours

worked past twelve (12) hours in a single shift for employees in the classifications listed above.

The parties agree that the provision above which states that "Overtime compensation shall be calculated at 2.0 times the hourly rate for all hours worked past twelve (12) hours in a single shift for employees in the classifications listed above," shall be extended for an additional **fifteen (15) consecutive pay periods**.

Upon approval by the City Council, this side letter agreement shall (1) become effective on December 3, 2017, (2) shall supersede previous side letter agreements between the parties entitled, "Lump Sum Bonus and Calculation of Overtime for Employees in the Public Safety Radio Dispatcher Class Series," dated November 5, 2015, and entitled, "Calculation of Overtime for Employees in the Public Safety Radio Dispatcher Class Series," dated December 5, 2016, and (3) shall expire on June 30, 2018.

FOR THE CITY:

11/29/17
Jennifer Schembri — Date
Director of Employee Relations

FOR THE UNION:

Robyn Zamora 11/29/17
Robyn Zamora — Date
President
MEF, AFSCME, Local 101

11-29-17
Charles Allen — Date
Business Agent
AFSCME, Local 101