SIDE LETTER AGREEMENT

Between

The City of San Jose

And

The Municipal Employees' Federation, AFSCME, Local 101 (MEF)

The City of San Jose ("City") and the Municipal Employees' Federation, AFSCME, Local 101 ("MEF") acknowledge that the MEF Memorandum of Agreement ("MOA") has the following language:

ARTICLE 8 SHIFT BIDDING

8.1 The work unit may determine the method for assigning shifts, subject to approval by the Department Director or designee and advance notice to the Union, pursuant to Section 6.7. Absent any existing method for shift bidding, seniority in class shall be used to assign shifts subject to:

1. *operational needs,*
2. *the Department Director's, or designee's, right to deny a shift assignment based upon the need to provide quality service to the public, or*
3. *the need to assign employees based on special skills.*

The City and MEF hereby agree that the attached "Guidelines for Shift Bidding for Animal Services Officers" shall be the method for assigning shifts for employees in the classification of Animal Services Officer (3252).

This agreement and attached "Guidelines for Shift Bidding for Animal Services Officers" shall not supersede any other section of the MEF MOA, including Article 5 entitled "Management Rights."

This agreement shall become effective when signed by all the parties.

FOR THE CITY:

JSchembri 9/13/16

Jennifer Schembri Date
Director of Employee Relations

Jon Cicirelli 9/13/16

Jon Cicirelli Date
Assistant Director of Public Works

FOR THE UNION:

Robyn Zamora 9/12/16

Robyn Zamora Date
President
MEF, AFSCME, Local 101

9-12-16

Charles Allen Date
Business Agent
AFSCME, Local 101

Enclosure

Guidelines for Shift Bidding for Animal Services Officer

PURPOSE

To outline general procedures for the Animal Services Officer classification during the twice annual shift bidding process.

AUTHORITIES

Authority over staff scheduling; including processes and parameters of the shift selection, resides with the Director of Animal Care & Services or their designee.

POLICY

1. All fully trained non-probationary employees in the classification of Animal Services Officer (3252) will bid based on seniority as follows:
   (a) Number of hours in the classification of Animal Services Officer (3252);
   (b) If there are two or more individuals who have the same number of hours in the classification, Total City Wide hours will determine seniority;
   (c) In the event there are two or more individuals who have the same number of Total City Wide hours, the following methodology will be followed:
      i. The sum total of the last four (4) digits of the employee's social security numbers will determine seniority, with the lowest sum being the least senior and the highest sum total being the most senior.
      ii. In the event the sum total of the last four digits of the employee's social security number should result in a tie, a random draw shall be conducted consisting **only** of the employees with the sum total tie. The first drawn name will be the least senior and the last drawn name will be the most senior.
2. Officers may not spend more than two (2) consecutive six (6) month rotations on the same shift, meaning Day Shift and Swing Shift.
   (a) For example, an employee who has been on the Day Shift for one year (i.e. two (2) consecutive six (6) month rotations) is ineligible to bid for the Day Shift on the third six (6) month rotation.
3. All trainees will be administratively assigned on varying shifts until the completion of training. After training, these employees will be administratively assigned to shifts based on operational need or training requirements as determined by the Department.
4. An employee may be administratively assigned to a shift for reasons including, but not limited to, operational needs or an employee being on extended, intermittent or continuous leave resulting from a worker's compensation claim, work restrictions provided by the employee's medical provider, and/or FMLA

leave. Employees on extended leave during the time of bid will be administratively assigned upon return until the next shift bid.

5. In the event an existing shift becomes vacant for any reason, there will be no rebids.

6. On or about the first Monday in February and the first Monday in August, the Supervisor for Animal Services Operations will supply all Animal Services Officers with three (3) items in preparation for shift selection:

   (a) A copy of these guidelines describing the process that will be followed for the shift bid;
   (b) A blank schedule showing all available shifts; and
   (c) A seniority list of employees in the Animal Services Officers classification as determined by Section 1 above.

7. The Supervisor for Animal Services Operations will schedule a meeting with all Animal Services Officers during the last two weeks in March or earlier to determine the shift selection for the six month rotation beginning on the first Sunday in April, and schedule another meeting during the last two weeks in September or earlier to determine the shift selection for the six month rotation beginning the first Sunday in October. During those meetings, the officer with the most seniority will select first from the list of available shifts, the second most senior officer will select next, and so on until all officers have selected a shift.

8. If an employee does not select a shift, they will be administratively assigned a shift for that specific rotation.

9. For the purposes of these Guidelines for Shift Bidding for Animal Service Officers, a "shift trade" shall be defined as an employee trading the entirety of their six (6) month long, ongoing, regularly scheduled work shift with another employee at any point in time before or after the shift bidding process has been conducted. There will be no shift trades allowed.

10. The Department retains the ability to administratively assign employees at any time for operational needs.

RESPONSIBILITIES

Supervisor: Prepare relevant documents and notify the Animal Services Officers of the shift selection time frame.

Workgroup/Classification: Select shift according to seniority at shift selection meeting.

Approved:

Assistant Director of Public Works
Director Animal Care & Services

9/13/16
Date