

**SIDE LETTER AGREEMENT**

Between

The City of San Jose

And

The International Union of Operating Engineers, Local No. 3 (OE#3)

Shift Bidding for Parking & Traffic Control Officers (2451/2452)

The City of San Jose ("City") and the International Union of Operating Engineers, Local No. 3 (OE#3) hereby agree that the enclosed "Shift Rotation Policy" shall be the method for assigning shifts for employees in the classification of Parking & Traffic Control Officers (2451/2452), or PTCO.

The parties agree that the shifts of employees in the PTCO classification shall remain the same until the enclosed Shift Rotation Policy has been finalized and has become effective.

The parties further agree to continue discussions on the following operational items:

- Holiday Schedules/Shifts and coverage; and

This agreement and attached "Shift Rotation Policy" shall not supersede any other section of the OE#3 MOA, including Article 8 entitled "Management Rights."

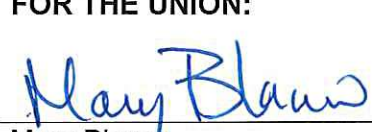
This agreement shall become effective when signed by all the parties.

**FOR THE CITY:**

**FOR THE UNION:**

  
 \_\_\_\_\_  
 Jennifer Schembri  
 Director of Employee Relations

7/5/17  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Mary Blanco  
 Business Representative, OE#3

6/28/17  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Kevin O'Connor  
 Assistant Director of Transportation

6-29-17  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Marco Mercado  
 Assistant to the City Manager, OER

6-30-17  
 \_\_\_\_\_  
 Date

Enclosure

<b>TITLE:</b> <b>SHIFT ROTATION POLICY</b>		<b>NUMBER:</b> <b>20-015</b>	<b>REVISION:</b> <b>C</b>
<b>APPROVED:</b>	<b>EFFECTIVE DATE:</b> <b>JULY 5, 2017</b>	<b>LAST RATIFIED:</b> <b>June 13, 2016</b>	

**A. PURPOSE:**

To establish a fair, equitable and manageable rotation policy to provide quality and timely services to our customers in the most productive manner while supporting the development and well-being of each team member.

**B. Desired Outcomes**

- 1) Implement full rotation cycle for PTCOs.
- 2) Develop skills and cross training of all shifts within a specified time period and maintain active status on special equipment.
- 3) Meet program needs for coverage while providing opportunities to accommodate individual needs.
- 4) Sustain a team approach in delivering services to citizens, visitors to the City, and stakeholders.

**C. Rotation Policy**

- 1) All full-time non-probationary employees in the classification of Parking Traffic & Control Officers (2451) will bid for a six (6) month rotation based on seniority as follows:
  - a. Number of hours in the classification of Parking Traffic & Control Officer (2451);
  - 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) 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.
- 3) In the event an existing bid becomes vacant for any reason, there will be no rebids.
- 4) The Supervisor for On-Street Parking Services will designate a day no later than two weeks prior to shift change (i.e. January and July) for employees to bid on the next six (6) month shift rotation. Employees will be provided a pre-designated time slot and will have fifteen (15) minutes to submit their bid selection either in person, via telephone or e-mail.
- 5) If an employee does not select or is unavailable to select a shift as described above, they will be administratively assigned a shift for that specific rotation.
- 6) The Department retains the ability to administratively assign employees at any time for operational needs.

### **D. Shift Trade**

For the purposes of this policy, a "Shift Trade" shall be defined as an employee trading the entirety of their six (6) month long, ongoing, regularly scheduled work shift or rotation 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.

### **E. Administrative Shift Assignments**

An officer may be administratively assigned to a shift for reasons including, but not limited to, operational needs, training requirements, or an officer being on extended, intermittent or continuous leave resulting from a worker's compensation claim, work restrictions provided by the officer's medical provider, and/or FMLA leave. Officers on extended leave during the time of shift assignment will be administratively assigned upon return.

### **F. Cross Reference / Related Documentation**

DOT Parking Compliance Unit Rotation Policy - 2/7/2011  
DOT Parking Compliance Shift Rotation Policy Revision B – 6/13/2016

### **G. Guideline History**

Original No. 20-015, Established 6-13-16  
Ratified 02-07-11 Revision A

