

August 1, 2012

Gregg McLean Adam  
CARROLL, BURDICK & McDONOUGH LLP  
44 Montgomery Street  
Suite 400  
San Francisco, CA  
94104-4606

**Re: San Jose POA – Outsourcing Background Investigations  
File NO. 038780**

Dear Gregg:

We are in receipt of your letter dated July 26, 2012, responding to the City's proposal to outsource background investigations pursuant to Section 51.2 of the Memorandum of Agreement between the City of San Jose and the San Jose Police Officers' Association ("SJPOA"). Your letter indicates that the SJPOA has a still pending information request that seeks to verify the number of positions civilianized/outsourced. We have fulfilled this information request in a letter dated April 5, 2012, from Gina Donnelly, Deputy Director of Employee Relations. Her letter attaches two documents, both dated February 23, 2012, which detail 16 positions that were civilianized. In addition to this, please see the attached March 8, 2012, letter to Jim Unland, which details the civilianization of three other positions.

We will be responding separately on your filing of a grievance related to this issue by Wednesday, August 8, 2012. If you have any further questions or concerns regarding any of the above, please do not hesitate to contact Jennifer Schembri at (408) 535-8154.

Sincerely,



Alex Gurza  
Deputy City Manager

- c. Chris Moore, Chief of Police  
Edgardo Garcia, Deputy Chief  
Jim Unland, President, San Jose POA

Enclosure

SENT VIA EMAIL

April 5, 2012

Gregg McLean Adam  
Carroll, Burdick & McDonough LLP  
44 Montgomery Street  
San Francisco, CA 94104-4606

**RE: Civilianization of 3 Additional Positions and California Public Records Act Request**

Dear Gregg:

We are in receipt of your PRA request dated March 23, 2012. Please see below for the City's responses.

- **Any draft or final form RFP;**

The City has no documents responsive to this request in regards to the civilianization of the Lieutenant over Police Personnel or the two Police Officer positions in Permits.

- **Any "Business Case Analysis" document or any other City prepared document concerning the cost savings associated with contracting out;**

The City has no documents responsive to this request in regards to the civilianization of the Lieutenant over Police Personnel, the two Police Officer positions in Permits.

- **Any documentation establishing the inability of existing staff to complete background checks;**

The City has no documents responsive to this request in regards to the civilianization of the Lieutenant over Police Personnel or the two Police Officer positions in Permits.

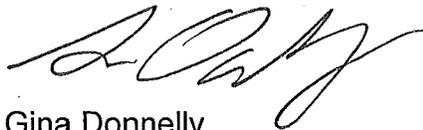
- **Any description of the anticipated job duties/scope of responsibility for the positions referenced in your letter;**

Please clarify this request by providing the date of the letter referenced above.

- **A list of any positions civilianized in Fiscal years 2009-10, 2010-11, 2011-12.**

Please find enclosed the previous notifications provided to the POA regarding the civilianization of various positions since FY 2009-2010.

Sincerely,



Gina Donnelly  
Deputy Director of Employee Relations

c: Alex Gurza, Deputy City Manager

Enclosures

March 8, 2012

Jim Unland  
President  
San Jose Police Officers' Association (SJPOA)  
1151 North Fourth Street  
San Jose, CA 95112

**RE: Article 51 of POA Memorandum of Agreement (MOA)**

Dear Jim:

Section 51.1 of the current MOA with the San Jose Police Officers' Association, states the following:

*The City has the discretion to contract out and/or civilianize twenty positions during the term of this Agreement.*

During the Fiscal Year 2011-2012 budget process, the City civilianized/contracted out 16 of these 20 positions.

We are writing to provide you notice that the Police Department will be using 3 of the remaining 4 positions, for the following:

- Civilianization of the Lieutenant over Police Personnel
- Civilianization of two Police Officer position in Permits

Please let Deputy Chief Phan Ngo know if you have any questions.

Sincerely,



Alex Gurza  
Deputy City Manager

c: Chris Moore, Chief of Police  
Rikki Goede, Assistant Chief of Police  
Phan Ngo, Deputy Chief of Police  
Gregg Adam, SJPOA General Counsel

February 23, 2011

George Beattie  
President  
San Jose Police Officers' Association (SJPOA)  
1151 North Fourth Street  
San Jose, CA 95112

**RE: Notice Regarding Potential Outsourcing of Police Artist Position**

Dear George:

I am writing to provide you advance notice of a budget proposal submitted by the Police Department for the Fiscal Year 2011-2012 budget involving outsourcing of the Police Artist position. This proposal is preliminary and may be subject to change, however, we wanted to provide you notice of it as early as possible.

We understand that the City is required to meet and confer with the POA over this issue. We will be including this issue in the current negotiations with the POA.

Sincerely,



Alex Gurza  
Director of Employee Relations

c: Chris Moore, Chief of Police  
John Tennant, SJPOA General Counsel

February 23, 2011

George Beattie  
President  
San Jose Police Officers' Association (SJPOA)  
1151 North Fourth Street  
San Jose, CA 95112

**RE: Notice Regarding Civilianization Budget Proposals**

Dear George:

I am writing to provide you advance notice of budget proposals submitted by the Police Department for the Fiscal Year 2011-2012 budget involving civilianization. These proposals are preliminary and may be subject to change, however, we wanted to provide you notice of them as early as possible. The details of these proposals are below:

1. Strategic Support/BTS/Systems – This proposal would eliminate 1.0 Captain position and associated vehicle, 1.0 Lieutenant position (TDY from Patrol), 1.0 Officer position and add civilian positions. This proposal reorganizes the Police Systems Development Unit (SDU) and allows for funding of two support positions for the AFR/RMS project Implementation Team. In addition, the new staffing will allow the Department to have more coverage around the clock and reduce overtime expenses for ITD.
2. Strategic Support/Management/Building Maintenance – This proposal would eliminate 1.0 Sergeant position and add a civilian position. The Facilities Manager position coordinates maintenance and repairs with General Services and outside service providers for the police campus. This position is the key point of contact for Police Department staff requesting maintenance and repairs as well as for working with maintenance and repair vendors and has been instrumental to keeping maintenance and repair costs down for the Department.
3. Strategic Support/ Management/Fleet Management – This proposal would eliminate 1.0 Sergeant position and add a civilian position. The Fleet Manager position oversees the procurement, acts as a liaison to General Services for maintenance/repair issues, and assignment of the unmarked fleet.
4. Strategic Support/Management/Research and Development - This proposal would eliminate 1.0 Sergeant position and add a civilian position. The responsibilities of the Research and Development Unit provides management information on resource deployment through research and analysis of departmental or bureau-generated data, conducting crime analysis, maintaining the master Departmental Duty and Uniform and Equipment Specifications manuals, and conducting long-range planning. This Sergeant position is responsible for creating Department policy, analyzing best practices, research tactical and investigative strategies, and research law enforcement technology.

5. Respond to Calls for Service/BFO/Crisis Intervention - This proposal would eliminate 1.0 Officer position and add a civilian position. The objectives of this program are to defuse potentially dangerous situations involving unstable or mentally ill individuals, and decrease the incidents of injuries to those individuals, the public and officers; provide critical incident stress management to members of the Department involved in critical incidents through individual contacts, defusing and debriefings; maintain a healthy work environment by providing support to members of the Department requesting assistance via referrals or one-on-one contacts. This position also acts as a liaison to the City's Managed Health Network.
6. Regulatory Services/BOA/Permits Processing – This proposal would eliminate 3.0 Officer positions and add civilian positions. The Permits Unit is responsible for processing application fees and issuing permits for specific businesses requiring a police regulatory permit under the San José Municipal Code. The Permits Unit also conducts on-site inspections and either educates permit holders or takes enforcement action to compel compliance with local permitting codes and ordinances. Permits Officers are assigned to handle administrative issues pertaining to one of four main areas regulated by the Unit: taxi, private property towing, peddlers, and the massage industry.
7. Investigative Services/BOI/Court Liaison/Case Management – This proposal would eliminate 2.0 Case Management Detail Officer positions and add civilian positions. The Case Management Detail Officers are generally responsible for receiving and routing cases to the appropriate investigative unit, and preparing and processing all other felony and misdemeanor cases generated from the Bureau of Field Operations patrol units.
8. Investigative Services/BOI/Court Liaison/Witness Coordination – This proposal would eliminate 2.0 Witness Coordination Officer positions and add civilian positions. Witness Coordination Officers generate and track traffic court notices, distribute and track subpoenas for criminal/civic courts and/or hearings for both civilians and officers, maintain Officer data files, and act as liaisons with the District Attorney's Office.
9. Crime Prevention & Community Education/BFO/Crossing Guard Program – This proposal would eliminate 1.0 Sergeant position managing the Crossing Guard Program and add a civilian position. This Sergeant position supervises two civilian supervisors who in turn oversee the 37.44 FTE (approximately 190 staff) part-time hourly Crossing Guards.

We understand that the City is required to meet and confer with the POA over these issues. We will be including these in the current negotiations with the POA.

Sincerely,



Alex Gurza  
Director of Employee Relations

c: Chris Moore, Chief of Police  
John Tennant, SJPOA General Counsel