

October 18, 2013

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

Re: Outsourcing Backgrounding

Dear Jim:

We have received a copy of the enclosed Membership Alert that was sent from the POA to retired San Jose Police Officers. Once again, we are very concerned with the inaccuracies and misinformation the POA continues to provide to new San Jose Police recruits, San Jose Police Officers, and now San Jose Police retirees.

As you are well aware, there is an urgent need to have more Police Officers in patrol, rather than performing other functions within the Police Department that do not necessarily require an active sworn Police Officer. One of those functions that was identified by the Police Department was the backgrounding process for San Jose Police Department applicants. Despite the fact that this would not have resulted in the layoff of any San Jose Police Officer and on the contrary, would have allowed the Department to have more sworn Police Officers in the patrol function, the POA previously fought the City on this issue and took us to grievance arbitration, in which the City prevailed.

This past year, the City utilized two outside contractors to perform the backgrounds, which resulted in two successful Police academies. Many of the employees hired by the two outside contractors were retired San Jose Police Officers.

In order to reduce costs and achieve efficiencies, the Department plans to hire retired San Jose Police Officers directly in temporary non-sworn employee classifications. This will not result in layoffs or bumping of any active police officers, as you incorrectly indicated in your membership alert and will continue to allow us to have more Police Officers on the street. This new process will not supplant or civilianize any existing authorized positions in the Police Department. Current staffing levels will not allow the Police Department to utilize sworn personnel to conduct background investigations as done in the past.

This new approach is almost identical to the approach that we took with the contractors who hired retired San Jose Police Officers. Therefore, we are perplexed as to what is different with this new approach other than there would no longer be a third party directing the work of the retired San Jose Police Officers and the Police Department will be able to directly manage the work.

We also want to be clear that there is no intent to "manipulate and divide" as you indicated in this Alert. The Police Department's intent is to have as many Police Officers as possible in patrol and not performing functions that could otherwise be performed by non-sworn employees. Your intent to undermine this goal by telling retired Police Officers not to sign up for these positions is apparent in your email. We would hope that we would share the same goal of doing what we can to provide quality police services to our residents.

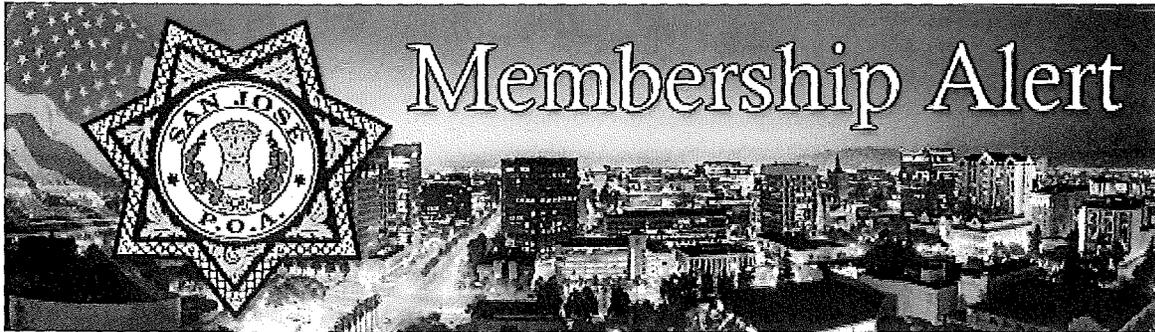
Sincerely,



Alex Gurza
Deputy City Manager

c: Larry Esquivel, Chief of Police
Jennifer Schembri, Deputy Director of Employee Relations
John Robb, SJPOA Vice President
Gregg Adam, POA Counsel
Charles Sakai, Renne, Sloan, Holtzman and Sakai

Enclosure



To our retired brothers and sisters, we need your help!

The City is planning on hiring retired police officers as independent contractors in a civilian capacity to conduct the backgrounding function of the Police Department's hiring process. The active members of the SJPOA are asking all of you NOT to participate.

As you know, the background process is critical to ensuring the high standards of the SJPDP. The POA's position continues to be that this job is best done by active, full-time police officers.

Many of you know that last year Chuck Reed and his Council majority (Liccardo, Nguyen, Constant, Oliverio, Khamis and Herrera) outsourced the job of backgrounding Department applicants. They did so against the wishes of the POA and ignored repeated warnings that their outsourcing plan would not work. The POA went to arbitration over the issue of outsourcing police work. We lost that fight and Chuck Reed went ahead with his plan to outsource backgrounds.

The POA conveyed to the City our concerns about the selection process, quality control and the ability of this new model to handle this important work. The City told us that only hand selected retired SJPDP officers with solid reputations would be used. The City hired two firms who then, in turn, hired retired police officers to conduct the backgrounds. It didn't take long for the City to realize that they did not have enough retired officers to do the job. Before we knew it, retired officers from other agencies were doing the backgrounds of future SJPDP officers. At this point, we could find no one who could or would explain the hiring and selection process. After one year, we have been told that the City has decided not to renew the contracts with the two outside firms.

Instead, the City has decided to hire retired officers directly as independent contractors in a non-sworn, civilian capacity to conduct the background checks.

We want to convey to our retirees how serious a breach in trust, brotherhood and solidarity we would take anyone's participation in this program. The active members of this Association consider you family. That sentiment must be a two-way street. We need you to have our back.

The actives have shown an incredible amount of unity over the last four years. As you know, we are in a fight that has devastated our ranks. Our pension costs have ballooned beyond anyone's imagination and every attempt at negotiating legal reforms to our pensions has been rejected by the City in favor of the unlawful Measure B. It is a reality that today's active SJPOA members are paying over twice the amount many retired members paid for retiree healthcare (9.5% of pay as opposed to 3.7%). That extra money supplements the retiree healthcare fund and keeps it solvent so that current and future retirees can enjoy the benefits they were promised. At the same time, active member POA dues were increased 50% while retiree's POA dues have been kept at \$5 per month.

It is not easy for our active members to continue to make these payments. We are in the third year of a 10% wage giveback. Our last raise (1.5%) was in 2008 and 1.25% of that was immediately taken back to pay for retiree healthcare. Our active officers are taking home less today than they did in 2004. During that same time period, retirees have rightfully continued to receive their yearly 3% COLA. Many retirees take home more money than our actives.

Active members honor your service; you did your time here, paid your dues, and you have earned the retirement you enjoy today. We are happy for you and maybe even a bit jealous. Your work, dedication and sacrifice over the course of your careers built this Department. We are proud to carry on the traditions you began.

One of those traditions is UNITY. You stood together during the blue flu and other challenges. Our current members have shown the same UNITY. At a time when all of our members desperately need a higher wage, the active membership stood together and voted down a 3% wage restoration by a vote of 954 to 2, virtually unanimous.

There may be some retirees who will be interested in doing the background work. They'll make a few extra bucks, feel like they're still a part of things here, keep busy and even do all they can to find quality applicants. But at what cost? If retirees start to do this job, then what's next, the training unit, permits or perhaps the range? With every outsourced position, an active officer is bumped.

I want to remind the retirees who would consider taking this job of the assault the City has carried out against you. Chuck Reed and his Council minions are currently trying to gain the authority to suspend your COLA, they have already suspended your SRBR payments and are fighting to take them away forever. They have moved you to a different healthcare plan resulting in increased costs to you. Think about it for a minute. We are asking you to stand with us, like we stood by you in challenging various parts of Measure B that threaten to take away rights from retirees. If any retiree takes the job, working for the City as a backgrounder, they are siding with the entity responsible for the attacks on their hard earned benefits. Please don't do it.

We can never allow the City to manipulate and divide us this way. If the active members

of this Association ever reach a point where they view the retired members of this Association detrimentally, we are done. The damage wrought by such a turn of events would be devastating. As an active member who will soon join the ranks of the retirees, I can tell you that the actives would come out on top of that fight. The active members of this Association have shouldered the costs of the litigation over Measure B. This fight will cost the members millions of dollars. The outcome of this legal battle will affect actives and retirees alike.

Officer [REDACTED] receives a disability retirement. He was hit by a motorist while on motorcycle patrol. He broke his neck and back. He was not yet a top-step officer at the time and lives off of a 50% retirement based on Step-5 wages (\$49,200 per year). During this last year he was supplementing his income by working for one of the firms hired by the City to do the backgrounding for SJPD.

He was ready to sign up with the City as an independent contractor and continue that work. That is until he heard of our call to boycott the job. He came to me and told me that he would not cross the line. He understood the larger picture and would look for other work. It was not easy for me to make that ask of him. If he can support us, if he can stand shoulder to shoulder with us if he can forgo the temptation of the City's easy money, then surely you can as well.

We know that you support the active members and are there for us. You earned the peace that comes with retirement. What we are asking of you today is to stand with us and fight the tyranny coming out of City Hall. Do not sign up for this latest scheme by Chuck Reed to outsource our police department. Your active brothers and sisters need you to say NO to this latest divisive and destructive scheme being pushed by City Hall.

Jim Unland president@sjpoa.com 925.785.8094