

*San Jose Police and Fire Department Retirement Plan  
 Federated City Employees' Retirement System  
 Joint Governance Committee  
 January 29, 2024*

**Phase 2: Compatibility Analysis of Remaining San Jose City Policies for ORS Operations**

City Policy Name	Summary of City Policy	Recommendation
<b>Chapter 1.3 - Health &amp; Safety</b>		
<b>1.3.11 - COVID-19 Prevention Program</b>	This policy: <ul style="list-style-type: none"> <li>• Describes the City's measures to prevent the spread of SARS-CoV-2 virus in the workplace.</li> <li>• Applies to all City officers, employees, unpaid interns, volunteers, contractors, vendors, and suppliers.</li> </ul>	Adopt.
<b>1.3.12 - COVID-19 Mandatory Vaccination</b>	Policy No. 1.3.12 was recently withdrawn by City.	Not applicable.
<b>Chapter 2.1 - Employee/Labor Relations</b>		
<b>2.1.1 - Employer-Employee Relations Resolution #39367</b>	This policy: <ul style="list-style-type: none"> <li>• Outlines dispute resolution between City Management and its employee organizations regarding wages, hours, and other terms and conditions of employment.</li> <li>• Designates the City Manager as the City's principal representative in all matters of employer-employee relations.</li> <li>• Explains how impasses are to be resolved.</li> </ul>	Adopt.

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<b>2.1.2 - Administrative Grievance Procedure</b>	<p>This policy provides the procedure for resolving employee grievances:</p> <ul style="list-style-type: none"> <li>• Step (1): The employee may present the Administrative Grievance to their immediate supervisor.</li> <li>• Step (2): The employee may appeal the Administrative Grievance to the Department Director or designee.</li> <li>• Step (3): The employee may appeal the Administrative Grievance to the City Manager or designee. After this step, the decision is final.</li> </ul>	Adopt for all ORS staff, <u>except</u> for ORS' CEO and CIO per Measure G (City Charter § 810.1(d)).
<b>2.1.3 - Discipline Policy</b>	<p>This policy:</p> <ul style="list-style-type: none"> <li>• Specifies that ORS employees are <u>not</u> subject to the City Manager's authority for disciplinary actions.</li> <li>• Applies only to <u>classified service positions</u>, i.e. not temporary, probationary, unclassified, or "at-will" employees.</li> </ul>	Adopt.  Recommend Boards adopt similar disciplinary policy per Measure G (City Charter § 810.1(c)).
<b>2.1.4 - Investigation Principles</b>	<p>This policy:</p> <ul style="list-style-type: none"> <li>• Specifies that the City Manager's Office of Employee Relations is <u>not</u> responsible for overseeing personnel investigations related to ORS, unless ORS' CEO (as the Appointing Authority over ORS per Measure G) so chooses.</li> </ul>	Adopt.
<b>Chapter 3.1 - Hiring</b>		
<b>3.1.1 - Hiring Policies</b>	<p>This policy:</p> <ul style="list-style-type: none"> <li>• Applies only to <u>classified service positions</u>.</li> <li>• Describes the process of hiring employees into classified service and interprets general principles codified in Civil Services Rules pertaining to hiring.</li> <li>• Provides the City's fair hiring policies.</li> </ul>	Adopt.

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	<ul style="list-style-type: none"> <li>• Explains Human Resources’ role in the recruitment and hiring processes.</li> <li>• Explains the request for reconsideration process for non-selection and disqualification.</li> <li>• Explains the probationary review process.</li> </ul>	
<b>3.1.2 - Temporary Staffing - Classified</b>	<p>This policy:</p> <ul style="list-style-type: none"> <li>• Applies only to <u>classified service positions</u>.</li> <li>• Describes the process of hiring employees into classified service on a temporary basis.</li> <li>• Explains that temporary classified employees are “at-will.”</li> <li>• Explains a temporary employee’s eligibility for permanent appointment.</li> </ul>	Adopt.
<b>3.1.3 - Temporary Staffing - Unclassified</b>	<p>This policy:</p> <ul style="list-style-type: none"> <li>• Applies only to <u>unclassified service positions</u>.</li> <li>• Describes hiring process for employees into unclassified service on a temporary basis.</li> <li>• Explains that per the City Charter, the maximum term for each of these positions is limited to two (2) calendar years.</li> <li>• Confirms that temporary unclassified classifications are excluded from the Federated Retirement and/or Police and Fire Retirement Plans.</li> <li>• Describes pre-employment requirements for temporary employees and a temporary employee’s eligibility for permanent appointment.</li> <li>• Explains that retired members of Federated or the Police and Fire Plan must un- retire to be considered for permanent part-time or full-time appointments.</li> <li>• Specifies temporary unclassified employees are “at-will.”</li> </ul>	Adopt for all ORS staff, <u>except</u> for ORS’ CEO and CIO per Measure G (City Charter § 810.1(a)).

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<b>3.1.4 - Temporary Staffing Services</b>	<p>This policy:</p> <ul style="list-style-type: none"> <li>• Explains the process for obtaining employees from the City’s Temporary Pool or from an outside employment agency for temporary assignments.</li> <li>• Establishes the maximum assignment length for a pool employee as one year (2,080 work hours) and a temporary employee’s eligibility for transfer to a permanent position.</li> <li>• Describes when it is appropriate to use an outside temporary employment agency.</li> </ul>	Adopt for all ORS staff, <u>except</u> for ORS’ CEO and CIO per Measure G (City Charter § 810.1(a)).
<b>3.1.5 - Reemployment of Retirees</b>	<p>This policy:</p> <ul style="list-style-type: none"> <li>• Explains the process for reemploying Federated and Police and Fire retirees, who may be hired into <u>unclassified service</u> to perform duties of a temporary or intermittent nature.</li> <li>• Confirms that Federated or Police and Fire retirees rehired under the program are temporary, unclassified, and unbenefited employees subject to a maximum of 960 hours in any payroll calendar year.</li> <li>• Explains when retired City employees are eligible for rehire under the program and that they are “at will.”</li> </ul>	Adopt for all ORS staff, <u>except</u> for ORS’ CEO and CIO per Measure G (City Charter § 810.1(a)).
<b>3.1.6 - Student Interns - Paid and Unpaid</b>	<p>This policy:</p> <ul style="list-style-type: none"> <li>• Describes the policy and procedures relating to the employment of student interns.</li> <li>• Confirms that paid student interns are “at-will,” temporary, unclassified, and unbenefited employees</li> </ul>	Adopt.

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<b>Chapter 3.2 - Employment &amp; Classification</b>		
<b>3.2.1 - Employee Placements</b>	This policy: <ul style="list-style-type: none"> <li>• Discusses Human Resources placement and reassignment procedures, which are done in collaboration with Department Director (i.e., ORS' CEO).</li> <li>• Explains that if ORS' CEO disagrees with a placement decision made by the Director of Human Resources, then ORS' CEO may prepare a memo to the City Manager explaining why the placement is not recommended.</li> </ul>	Adopt for all ORS staff, <u>except</u> for ORS' CEO and CIO per Measure G (City Charter § 810.1(a)).
<b>3.2.2 - Flexibly Staffed Classes</b>	This policy: <ul style="list-style-type: none"> <li>• Describes the uniform Citywide policy for flexibly staffed classifications, and the process for promoting incumbents of these classifications.</li> <li>• Provides a list of flexibly staffed classes.</li> </ul>	Adopt for all ORS staff, <u>except</u> for ORS' CEO and CIO per Measure G (City Charter § 810.1(a)).
<b>3.2.3 - Provisional Appointments</b>	This policy: <ul style="list-style-type: none"> <li>• Explains the process for making provisional appointments to temporarily fill positions.</li> <li>• Clarifies, pursuant to the SJMC, that provisional appointments are <u>unclassified service</u>.</li> <li>• Outlines the criteria and time limits associated with provisional appointments.</li> <li>• Explains that provisional appointments can only be made upon approval of the Director of Human Resources.</li> </ul>	Adopt for all ORS staff, <u>except</u> for ORS' CEO and CIO per Measure G (City Charter § 810.1(a)).

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3.2.4 - Employee Separations	This policy: <ul style="list-style-type: none"> <li>• Establishes a procedure for employees leaving City service because of resignation, retirement, death, or involuntary termination of employment.</li> <li>• Describes the steps that City employees and department representatives must complete to separate an employee from City employment.</li> <li>• Does not apply to contract employees.</li> </ul>	Adopt.
3.2.5 - Layoff & Reassignment	This policy: <ul style="list-style-type: none"> <li>• Describes the procedure for administering layoffs and explains employee options if laid off.</li> <li>• Applies only to full-time City employees in <u>classified service</u>.</li> </ul>	Adopt.
<b>Chapter 3.3 - Performance Assessment</b>		
3.3.1 - Probationary Periods	This policy: <ul style="list-style-type: none"> <li>• Applies only to <u>classified service positions</u>.</li> <li>• Provides guidelines for probationary period review.</li> </ul>	Adopt.
3.3.2 - Management Performance Program	This policy: <ul style="list-style-type: none"> <li>• Provides guidelines for appraising the work performance of the City's management employees.</li> </ul>	Adopt for all ORS staff, <u>except</u> for ORS' CEO and CIO per Measure G (City Charter § 810.1(a)).
3.3.3 - Non-Management Performance Program	This policy: <ul style="list-style-type: none"> <li>• Provides guidelines for appraising the work performance of the City's non-management employees.</li> </ul>	Adopt.

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<b>3.3.4 - Employee Personnel Files</b>	This policy: <ul style="list-style-type: none"> <li>• Explains that individual personnel files are maintained for all City employees in the Human Resources Department, in accordance with U.S. Privacy Act of 1974.</li> <li>• Confirms that personnel files are not maintained for contract employees, City Council members, or members of Boards or Commissions.</li> <li>• Provides the procedure for reviewing personnel files.</li> <li>• Explains who may have access to employee personnel files and provides a list of documents that may be included in such files.</li> </ul>	Adopt.
<b>Chapter 4.3 – Training &amp; Development</b>		
<b>4.3.1 - Education Reimbursement</b>	This policy: <ul style="list-style-type: none"> <li>• Provides requirements for City employees who seek reimbursements for coursework attendance specifically at educational institutions (e.g., colleges).</li> </ul>	Adopt.
<b>4.3.2 - Professional Development Program</b>	This policy: <ul style="list-style-type: none"> <li>• Applies to the Professional Development Program (PDP), which is a <u>specific City program</u> available to employees represented by the Association of Engineers and Architects (AEA), Units 41, 42, and 43, City Association of Management Personnel (CAMP), Association of Maintenance Supervisory Personnel (AMSP), the Association of Legal Professionals (ALP), and Executive Management and Professional Employees (Unit 99).</li> </ul>	Adopt.

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<b>Chapter 5.2 – Purchasing: Surplus Property</b>		
<b>5.2.1 - Transfer of Surplus Property</b>	This policy: <ul style="list-style-type: none"> <li>• Applies only to <u>any City-owned property</u> that is unused, unwanted, or no longer needed by a department, but does not include real estate.</li> <li>• Explains how a City department director or authorized employee may request a transfer of surplus property to or from their department for a City purpose.</li> </ul>	Adopt – Not applicable.  City property not within the Plans’ or ORS’ authority.
<b>Chapter 5.3 – Loans</b>		
<b>5.3.1 - Interfund Loans</b>	This policy: <ul style="list-style-type: none"> <li>• Applies only to <u>City controlled funds</u>.</li> <li>• This policy regards the rules around one City department loaning money to another City department.</li> </ul>	Adopt – Not applicable.  The Plans and ORS do not participate in any interfund loans.
<b>5.3.2 - Check Processing</b>	This policy: <ul style="list-style-type: none"> <li>• Requires that <u>all checks be made to the City</u> as a requirement for acceptance and processing.</li> <li>• Applies to all City employees responsible for handling and processing checks <u>received by the City</u>.</li> <li>• Provides best practices for processing check payments.</li> </ul>	Adopt, with clarification.  ORS currently follows this City policy in practice, but a change in practice recommended.  Change recommended to require checks be made solely in the name of the Plans for compliance with Constitution, art. XVI, § 17 and 26 U.S.C. § 401(a) (IRS rule for tax-qualified status). Clarification to policy required to reflect that.



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<b>5.3.3 - Collection and Safeguarding Revenue</b>	This policy: <ul style="list-style-type: none"> <li>• Applies to <u>revenue received by the City</u> and explains how to handle the revenue for safeguarding.</li> </ul>	Adopt – Not applicable.  The Plans and ORS do not handle City revenue, and only deal with Plan assets.
<b>5.3.4 - Revenue Recording</b>	This policy: <ul style="list-style-type: none"> <li>• Applies to <u>revenue received by the City</u> and explains how to record it in the City’s bank account and the Citywide Financial Management System (FMS).</li> </ul>	Adopt, with clarification.  The Plans and ORS do not handle City revenue, and only deal with Plan assets.  However, ORS currently follows this City policy in practice.  Clarification is needed to revise and specify that the recording policy applies to payments made to the Plans.
<b>5.3.5 - Cash Overages and Shortages</b>	This policy: <ul style="list-style-type: none"> <li>• Applies to cash overages and shortages in <u>revenue collection done by the City</u>.</li> </ul>	Adopt – Not applicable.  The Plans and ORS do not handle City revenue, and only deal with Plan assets.

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<p><b>5.3.6 - General Guidelines for Accounts Receivable, Revenue Collection</b></p>	<p>This policy:</p> <ul style="list-style-type: none"> <li>• Establishes guidelines for accounts receivable and <u>revenue collection done by the City</u>.</li> <li>• Applies to all City employees who are responsible for recording and collecting accounts receivable.</li> <li>• Explains that departmental billing procedures should be approved by the Department Director and sent to the City’s Director of Finance for review and approval.</li> </ul>	<p>Adopt, with modifications.</p> <p>The Plans and ORS do not handle City revenue, and only deal with Plan assets.</p> <p>However, ORS currently follows the guidelines for recording and collecting accounts receivable stated in the policy, but does not collect revenue for the City.</p> <p>Clarification needed to specify that recording and collecting accounts receivable procedures applies to monies related to Plan assets.</p> <p>Modification to policy is needed to reflect that the Boards (or their delegates) have authority over the approval of departmental billing procedures for ORS—not the City Director of Finance. Required for compliance with Constitution, art. XVI, § 17 and 26 U.S.C. § 401(a) (IRS rule for tax-qualified status).</p>

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<b>5.3.7 - General Guidelines for Cash Handling Procedures</b>	This policy: <ul style="list-style-type: none"> <li>• Applies to City employees that handle <u>City funds</u>.</li> <li>• Provides procedures for managing and controlling payments to and from the City.</li> </ul>	Adopt, with clarification.  The Plans and ORS do not handle City funds, and only deal with Plan assets.  However, ORS currently follows this City policy in practice.  Clarification is needed to revise and specify that the policy's process for handling cash applies to Plan assets, not City funds.
<b>Chapter 6.1 – General Procedures</b>		
<b>6.1.9 - Energy Fund Transfers and Deposits</b>	This policy: <ul style="list-style-type: none"> <li>• Outlines the procedures for money deposited into the <u>City's Energy Fund</u>.</li> <li>• Establishes a formal procedure for implementing fund transfers and rebate/incentive deposits related to the City's energy improvements.</li> </ul>	Adopt.