

**2.7 Establish a Temporary Hiring Incentive Program for Associate Engineers and Senior Engineers in the Planning Building and Code Enforcement Department.**

**Recommendation:**

Adopt a resolution establishing a hiring incentive program for eligible new hires in the Associate Engineer and Senior Engineer classifications in the Planning, Building and Code Enforcement Department who are hired after February 12, 2024 through December 31, 2024.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jennifer Schembri

**SUBJECT:** SEE BELOW

**DATE:** May 23, 2024

Approved

Date

5/24/24

**SUBJECT: ESTABLISH A TEMPORARY HIRING INCENTIVE PROGRAM FOR ASSOCIATE ENGINEERS AND SENIOR ENGINEERS IN THE PLANNING BUILDING, AND CODE ENFORCEMENT DEPARTMENT**

## **RECOMMENDATION**

Adopt a resolution to establish a hiring incentive program for eligible new hires in the Associate Engineer and Senior Engineer classifications in the Planning, Building, and Code Enforcement Department who were hired on or after February 12, 2024 through December 31, 2024.

## **SUMMARY AND OUTCOME**

Adoption of this resolution will establish a hiring incentive program for the Associate Engineer and Senior Engineer classifications in the Planning, Building, and Code Enforcement Department (PBCE) for eligible new employees hired into those classifications between February 12, 2024 and December 31, 2024. The hiring incentive shall be a \$5,000 one-time, non-pensionable lump sum amount and shall be structured such that employees who receive the hiring incentive would be required to forfeit and/or refund the hiring incentive to the City should the employee leave City service or transfer to another position within the City prior to their one year anniversary of passing probation in the Associate Engineer or Senior Engineer classification in PBCE.

## **BACKGROUND**

The hiring incentive program is intended to provide a monetary incentive to potential candidates for PBCE's Associate Engineer and Senior Engineer classifications to help alleviate the department's need to utilize peak staffing consultants to meet service delivery during times of increased workload and high vacancy rates.

On or about May 25, 2023, the Association of Engineers and Architects, IFPTE, Local 21 (AEA) filed an Unfair Practice Charge with the Public Employment Relations Board (PERB) alleging that the City failed to meet and confer before renewing third-party peak staffing contracts related to plan review work performed in PBCE during times of increased workload and high vacancy rates. On May 3, 2024, the City and AEA entered into a settlement agreement in which AEA agreed to withdraw its PERB charge, and the City agreed to take certain steps to address its high vacancy rate and reduce its use of peak staffing consultants for plan review work in PBCE. Among other things, the parties agreed to provide a one-time, non-pensionable lump sum payment hiring incentive for new Associate Engineer and Senior Engineer hires listed below.

<b>Associate Engineer and Senior Engineer in PBCE February 12, 2024 – December 31, 2024</b>	
<b>Timing</b>	<b>Hiring Incentive</b>
Upon Hire	\$2,500
Passing Probation	\$2,500
<b>Total</b>	<b>\$5,000</b>

This hiring incentive will be available to new hires in the Associate Engineer and Senior Engineer classifications in PBCE who have or will be hired from February 12, 2024 through December 31, 2024.

### **ANALYSIS**

Employees hired into the Associate Engineer and Senior Engineer classifications in PBCE on or after February 12, 2024, shall be eligible to receive a \$5,000 one-time, non-pensionable lump sum hiring incentive, subject to certain requirements.

The payment of the one-time, non-pensionable lump sum hiring incentive to new hires in the Associate Engineer or Senior Engineer classification in PBCE is contingent on the employee being continuously employed in the Associate Engineer or Senior Engineer classification through their one year anniversary of passing probation as an Associate Engineer or Senior Engineer in PBCE.

If an employee receives any portion or all of the one-time, non-pensionable lump sum hiring incentive and leaves City service or transfers to another position within the City before their one year anniversary of passing probation in the Associate Engineer or Senior Engineer classification, the employee forfeits the entirety of the one-time, non-pensionable lump sum hiring incentive and, to the extent permitted by law, will be required to reimburse the City for the entire amount of the hiring incentive they have received. The employee may sign an agreement to deduct the bonus amount from their final paycheck of wages, subject to applicable laws. In the absence of such agreement, the City shall deduct the hiring incentive amount from the employee's sick leave payout, if applicable, and the employee's vacation leave payout, if applicable. If the employee's leave amounts are not adequate to cover the entire amount of the

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hiring incentive, the City shall pursue reimbursement of the bonus through any other lawful means, including the collection process.

### **EVALUATION AND FOLLOW-UP**

No further follow-up with the City Council related to this action is anticipated at this time.

### **COST SUMMARY/IMPLICATIONS**

As discussed above, the proposed hiring incentive program would provide a one-time, non-pensionable lump sum payment of \$5,000 for new Associate Engineers and Senior Engineers in PBCE hired between February 12, 2024 through December 31, 2024. At this time, three Associate Engineers hired in March 2024 would be eligible for the hiring incentive program, and with three Associate Engineer positions currently vacant, it is anticipated that the maximum cost would be \$30,000. It is anticipated that PBCE will absorb, to the extent possible, the current and potential costs of the hiring incentive program within its existing budget.

### **COORDINATION**

This memorandum was coordinated with the City Attorney's Office and the City Manager's Budget Office.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the June 4, 2024 City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Not a Project, File No. PP17 010, City Organizational and Administrative Activities resulting in no changes to the physical environment.

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**PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.



JENNIFER SCHEMBRI

Director of the City Manager's Office of  
Employee Relations  
Director of Human Resources

For questions, please contact Jennifer Schembri, Director of Employee Relations, at (408) 535-8150.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE APPROVING IMPLEMENTATION OF A  
TEMPORARY HIRING INCENTIVE PROGRAM FOR ELIGIBLE  
NEW HIRES IN THE ASSOCIATE ENGINEER AND SENIOR  
ENGINEER CLASSIFICATIONS IN THE PLANNING, BUILDING  
AND CODE ENFORCEMENT DEPARTMENT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

1. That the implementation of a temporary Hiring Incentive Program for eligible new hires in the Associate Engineer and Senior Engineer classifications in the Planning, Building and Code Enforcement Department who are hired after February 12, 2024 through December 31, 2024, is hereby approved
2. The general terms of the temporary Hiring Incentive Program are set out and described in the Memorandum to the Mayor and City Council from Jennifer Schembri, Director of Employee Relations, dated May 23, 2024, and attached hereto as Attachment A and incorporated in this Resolution.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
MATT MAHAN  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jennifer Schembri

**SUBJECT:** SEE BELOW

**DATE:** May 23, 2024

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Approved

Date

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**SUBJECT: ESTABLISH A TEMPORARY HIRING INCENTIVE PROGRAM FOR ASSOCIATE ENGINEERS AND SENIOR ENGINEERS IN THE PLANNING BUILDING AND CODE ENFORCEMENT DEPARTMENT (PBCE)**

## **RECOMMENDATION**

Adopt a resolution to establish a hiring incentive program for eligible new hires in the Associate Engineer and Senior Engineer classifications in the Planning, Building and Code Enforcement Department (PBCE) who are hired after February 12, 2024 through December 31, 2024.

## **SUMMARY AND OUTCOME**

Adoption of this resolution will establish a hiring incentive program for the Associate Engineer and Senior Engineer classifications in the Planning, Building and Code Enforcement Department (PBCE) for eligible new employees hired into those classifications between February 12, 2024 - December 31, 2024. The hiring incentive shall be a \$5,000 one-time, non-pensionable lump sum amount and shall be structured such that employees who receive the hiring incentive would be required to forfeit and/or refund the hiring incentive to the City should the employee leave City service or transfer to another position within the City prior to their one (1) year anniversary of passing probation in the Associate Engineer or Senior Engineer classification in PBCE.

## **BACKGROUND**

The hiring incentive program is intended to provide a monetary incentive to potential candidates for PBCE's Associate Engineer and Senior Engineer classifications to help alleviate the Department's need to utilize peak staffing consultants to meet service delivery during times of increased workload and high vacancy rates.

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On or about May 25, 2023, AEA filed an Unfair Practice Charge with the Public Employment Relations Board (PERB) alleging that the City failed to meet and confer before renewing third-party peak staffing contracts related to plan review work performed in PBCE during times of increased workload and high vacancy rates. On May 3, 2024, the City and AEA entered into a settlement agreement in which AEA agreed to withdraw its PERB charge and the City agreed to take certain steps to address its high vacancy rate and reduce its use of peak staffing consultants for plan review work in PBCE. Among other things, the parties agreed to provide a one-time, non-pensionable lump sum payment hiring incentive for new Associate Engineer and Senior Engineer hires as follows:

<b>Associate Engineer and Senior Engineer in PBCE February 12, 2024 – December 31, 2024</b>	
<b>Timing</b>	<b>Hiring Incentive</b>
Upon Hire	\$2,500
Passing Probation	\$2,500
<b>Total</b>	<b>\$5,000</b>

This hiring incentive will be available to new hires in the Associate Engineer and Senior Engineer classifications in PBCE starting February 12, 2024, through December 31, 2024.

### **ANALYSIS**

Employees hired into the Associate Engineer and Senior Engineer classifications in PBCE after February 12, 2024, shall be eligible to receive a \$5,000 one-time, non-pensionable lump sum hiring incentive, subject to certain requirements.

The payment of the one-time, non-pensionable lump sum hiring incentive to new hires in the Associate Engineer or Senior Engineer classification in PBCE is contingent on the employee being continuously employed in the Associate Engineer or Senior Engineer classification through their one (1) year anniversary of passing probation as an Associate Engineer or Senior Engineer in PBCE.

If an employee receives any portion or all of the one-time, non-pensionable lump sum hiring incentive, and leaves City service or transfers to another position within the City before their one (1) year anniversary of passing probation in the Associate Engineer or Senior Engineer classification, the employee forfeits the entirety of the one-time, non-pensionable lump sum hiring incentive and, to the extent permitted by law, will be required to reimburse the City for the entire amount of the hiring incentive they have received. The employee may sign an agreement to deduct the bonus amount from their final paycheck of wages, subject to applicable laws. In the absence of such agreement, the City shall deduct the hiring incentive amount from the employee's sick leave payout, if applicable, and the employee's vacation leave payout. If the employee's leave amounts are not adequate to cover the entire amount of the hiring incentive, the



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City shall pursue reimbursement of the bonus through any other lawful means, including the collection process.

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### **COORDINATION**

This memorandum was coordinated with the City Manager's Budget Office, and the City Attorney's Office.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the June 4, 2024, City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

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**DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.**

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**PUBLIC SUBSIDY REPORTING**

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