



Date: March 31, 2016
To: Mayor and City Council
From: Alan H. Shear, Assistant City Manager
Subject: Reclassification Request for Police Assistant

Recommendation

By motion, direct staff to work with the appropriate employee representatives and follow the processes outlined in the applicable Memorandum of Understanding and the Civil Service Rules, to create a job classification of Police Assistant II.

Background

The City Council received a recommendation on November 25, 2015 from representatives of Police Assistant Robin Gonzales for the City Council to create a new position in the Martinez Police Non-Sworn Employees Association (MPNSEA) of Training and Evidence Coordinator. The request was submitted to the City Council pursuant to the Memorandum of Understanding (MOU) between the City of Martinez and MPNSEA, the Union can submit a recommendation to the City Council to create a new classification. Article XI, section 7.5 provides:

Upon consideration of a recommendation by the Commission, the Personnel Officer, or the Union, the City Council may adopt a resolution to create new classes, modify, divide, combine, or abolish existing classes. The City Council shall establish the nature of the duties to be performed by each class; however, the language describing these duties shall be subject to meet and confer. The City Council may reassign a class from one pay range to another, or assign a newly created class affecting existing employees to the basic salary schedule, after the meeting and conferring process with the Union.

Staff has reviewed the request by Ms. Gonzales and does not support the recommendation to create a position of Training and Evidence Coordinator and thereby requests denial of said recommendation.

Discussion

The job description for the Police Assistant position includes “maintenance of the evidence/property room” and “to perform other duties as required.” The list of representative duties for the position state that the employee in the position: “maintains and organizes the evidence/property storage room; arranges for the legal release or destruction of evidence, narcotics, and property; prepares inventory lists; . . . [and] may perform duties relating to the collection of evidence in criminal cases,” among others.

These provisions definitely encompass the crime scene and evidence technician duties that Ms. Gonzales states that she performs and also encompass her training duties under “other duties as required.” Therefore, I find that Ms. Gonzales performs no new duties that are not already encompassed in the Police Assistant job description.

Nevertheless, I find that the Police Assistant duties that Ms. Gonzales performs appear to be more complex and require more qualifications and skill than the Police Assistant duties performed by the other police assistants.

Ms. Gonzales, in her current position as Police Assistant, performs such evidence room duties as logging property into and out of the evidence room; storing property in boxes and placing them on the shelving systems; and using the computer to research the disposition of cases for evidence purging. Although she asserts that she performs the duties of crime scene technician, she has not been used in the collection of evidence from crime scenes in a number of years. However, of the above evidence room duties, the ones performed appear to be more advanced and require more skill and responsibility than the evidence room duties performed by the other assistants.

The “other duties as required” performed by Ms. Gonzales appear to be more complex and more involved than the “other duties as required” performed by the other police assistants. Her other duties include such things as making reservations for classes, lodging, and travel; arranging for payment through the completion of required forms for City check requests and POST reimbursements; entering training information into the POST data base; and updating training files. However, she does not have final approval for deciding which training is authorized, for scheduling personnel to backfill vacant patrol shifts, and for evaluating training needs, each of which is currently at the lieutenant level or higher. Furthermore, Ms. Gonzales does not make any final decisions or have any final responsibility with respect to training and training budgets.

Based upon the reasoning above, staff recommends the City Council create a new classification in the non-sworn unit entitled Police Assistant II. This new classification is in recognition of the more complex duties performed by Ms. Gonzales in her current position as a Police Assistant, which appear to require less supervision and more complex skills than that needed for the existing Police Assistant position. The new classification will incorporate all of the current duties of Police Assistant I, but will add the additional responsibilities cited above.

Fiscal Impact

None at this point. A new job classification of Police Assistant II will provide a higher pay range than a Police Assistant I. Staff and employee representatives will meet and confer on the appropriate pay range and bring it back to City Council for approval.

Attachments

1. November 25, 2015 Letter from Mastagni Holstedt
2. Police Assistant Job Description

APPROVED BY:



Interim City Manager

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Attachment 1

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November 25, 2015

Via Electronic & U.S. Mail

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Re: Martinez Police Non-Sworn Employees' Association Recommendation for City Council to Create New Position in Non-Sworn Unit.

Martinez City Council:

I am writing this letter on behalf of the Martinez Police Non-Sworn Employees' Association (MPNSEA). This letter serves as a recommendation to the City Council to create a new classification in the non-sworn unit.

MPNSEA represents Robin Gonzales in the non-sworn unit. Currently, Mrs. Gonzales is classified as a "Police Assistant." However, Mrs. Gonzales performs the dual duties of Evidence Technician and of the Training Manager. The Police Assistant job description does not include the Training Manager duties and no other employee in the Police Assistant classification performs these additional duties. Mrs. Gonzales has attempted to achieve a reclassification within the department submitting a memorandum through the chain of command all the way back in July 2014. To date, there has not been any progress or resolution on the issue.

Background Information Concerning the Reclassification Attempts:

On July 11, 2014, Mrs. Gonzales attempted to address the reclassification issue through her chain of command. Mrs. Gonzales sent a memorandum to Sergeant Mathers proposing she be reclassified and describing her additional responsibilities. On or about July 20, 2014, it proceeded to Captain Eric Ghisletta. Mrs. Gonzales asked numerous times what was happening with the reclassification but was not given a resolution. Again on May 20, 2015, Captain Ghisletta informed Mrs. Gonzales that he was "still" working on the reclassification issue. Unfortunately, neither MPNSEA nor Mrs. Gonzales have received a resolution to an issue she attempted to address almost a year and a half ago.

Because this matter has not been resolved and there does not appear to be any clear progress, MPNSEA now seeks to resolve the issue directly with the City Council.

MPNSEA Recommends City Council Create A New Classification in the Non-Sworn Unit:

Pursuant to the Memorandum of Understanding (MOU) between the City of Martinez and the MPNSEA, the Union can submit a recommendation to the City Council to create a new classification. Article XI, section 7.5 provides:

Upon consideration of a recommendation by the Commission, the Personnel Officer, or the Union, the City Council may adopt a resolution to create new classes, modify, divide, combine, or abolish existing classes. The City Council shall establish the nature of the duties to be performed by each class, however, the language describing these duties shall be subject to meet and confer. The City Council may reassign a class from one pay range to another, or assign a newly created class affecting existing employees to the basic salary schedule, after the meeting and conferring process with the Union.

Additionally, article XI, section 7.2 of the MOU provides:

All existing positions and new positions in the classified service created or established by the City Council shall be allocated to the proper class in the classification plan. Such allocation of a position to a class shall be determined by duties and responsibilities of the position based on the principle that all positions shall be included in the same class if:

- (A) Positions are sufficiently similar in respect to duties and responsibilities that the same description title may be used; and

- (B) Substantially the same test of capacities and fitness may be used in choosing qualified appointees; and
- (C) The same pay range may be made to apply with equity.

Since 2007, Mrs. Gonzales has performed additional duties as a Training Manager and Evidence Technician. Mrs. Gonzales' current position is not sufficiently similar in respect to duties and responsibilities of other Police Assistants to justify including her work in the same classification pursuant to section 7.2. In fact, the Martinez Police Department is one of the only jurisdictions in which the responsibilities of a Training Manager and Evidence/Property Technician are held by one individual. The following chart provides clarification:

| Jurisdiction | Training Manager | Evidence/Property Technician |
|-----------------------------|---------------------------------|-------------------------------------|
| Antioch PD | \$8554-\$10,398 (Sgt) | \$3977-4834 (Non-Sworn) |
| Brentwood PD | \$7681-\$9337.83 (Sgt) | \$4653-\$5656 (Non-Sworn) |
| Concord PD | \$7598-\$11,772 (Sgt) | \$4213-\$5378 (Non-Sworn) |
| Hercules PD | \$7354-\$8525 (Sgt) | \$4360-\$5564 (Non-Sworn) |
| Pinole PD | \$6847-\$8323 (Sgt) | \$3608-\$4386 (Non-Sworn) |
| Pleasant Hill PD | \$6407-\$7870 (Sgt) | \$4244-5472 (Non-Sworn) |
| San Pablo PD | \$5259-\$6392 (Non-Sworn) | \$5259-\$6392 (Non-Sworn) |
| San Ramon PD | \$5315-\$6644 (Sgt & Non-Sworn) | \$4595-\$5744 (Non-Sworn) |
| Martinez PD | \$3832.70-\$4733.76 | |
| *Pay Scales as of July 2014 | | |

Based on the chart, Mrs. Gonzales, or any subsequent employee in her position, should not be within the same pay range as other "Police Assistants." The position Mrs. Gonzales currently holds requires the individual to perform duties as a both a Training Manager and Evidence/Property Technician. In San Pablo and San Ramon, the non-sworn Training Managers receive higher pay than Mrs. Gonzales and do not have to perform additional duties as Evidence/Property Technicians. Those positions are filled by other employees. Therefore, under section 7.2, Mrs. Gonzales' position should not be designated the "same pay range" as other Police Assistants because her position requires substantially different work. Such classification would be inequitable.

Therefore, MPNSEA recommends the City Council create a new classification entitled "Training and Evidence Coordinator." To help assist City Council's decision and clarify the recommended position, MPNSEA has attached a proposed job description.

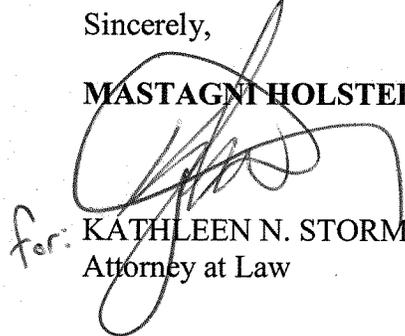
If the City Council does not grant MPNSEA's recommendation, the Association requests City Council return a correspondence describing why it does not believe a new classification is necessary.

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If the City Council does grant MPNSEA's recommendation, please contact Aaron Donato to schedule a meet and confer pursuant to section 7.5. Mr. Donato can be reached at (916) 955-4140. Thank you in advance for your attention to this matter.

Sincerely,

MASTAGNI HOLSTEDT, A.P.C.


for: KATHLEEN N. STORM
Attorney at Law

cc: Aaron Donato, Negotiator:
adonato@mastagni.com

Alan Shear, Assistant City Manager:
ashear@cityofmartinez.com

POLICE ASSISTANT

DEFINITION:

Under general supervision, to perform a variety of routine tasks in the Police Department involving parking enforcement, Municipal Code Enforcement, maintenance of the evidence/property room and to perform other duties as required.

DISTINGUISHING CHARACTERISTICS:

Persons in this classification work for the Police Department in a non-sworn capacity. Police Assistants wear a uniform, but do not carry firearms. Incumbents will work inside the police department building and on the street, including relief as fill-in dispatchers with duties rotating on an as-needed basis.

EXAMPLE OF DUTIES:

Writes citations for parking, standing or stopping violations of the Municipal Code and California's Vehicle Code; determines violations of parking infractions and laws by observation and marking parked vehicles; observes and processes abandoned vehicles; assists citizens in parking and with disabled vehicles; answers citizens' complaints regarding traffic problems and attempts to alleviate them by enforcement or other appropriate means; assists in searches for lost persons and misplaced vehicles; directs traffic when congestion develops; assists in crowd control; assists in vehicle collision investigations; and testifies in court when required; operates fingerprinting and photographic equipment.

Performs duties relating to code enforcement; maintains files on evidence, narcotics, seized property, and found property. Maintains and organizes the evidence/property storage room; arranges for the legal release or destruction of evidence, narcotics, and property; prepares inventory lists; arranges for the removal of abandoned vehicles from public or private property; completes appropriate written documents for the removal of abandoned vehicles from public or private property; issues specified Municipal Code citations; may operate dispatch equipment on a fill-in or relief basis; may perform duties relating to the collection of evidence in criminal cases; may require working some nights, weekends, and holidays.

QUALIFICATIONS:

Minimum: High school graduate or equivalent; two years paid experience in work involving heavy public contact or one year of experience with a law enforcement agency in either a paid or volunteer position; valid California's driver's license with a satisfactory driving record; must be able to pass a physical examination and a comprehensive background examination prior to employment.

Desirable: Knowledge of the Vehicle Code as it relates to parking rules and regulations; ability to read, understand and enforce ordinances, laws and regulations; ability to observe and remember details of incidents; ability to operate the police dispatch equipment; knowledge and experience in stock and inventory control; prior work experience within or around a Police Department. Have the ability to work independently with minimal supervision. Be able to deal effectively and tactfully with the public and fellow employees.