

SIDE LETTER AGREEMENT

BETWEEN

THE CITY OF SANTA CLARA

AND

THE PUBLIC SAFETY NON-SWORN EMPLOYEES ASSOCIATION (UNIT 10)

EMPLOYEE FITNESS PROGRAM


The City of Santa Clara (City) and the Public Safety Non-Sworn Employees Association (Unit 10) agree to the following Employee Fitness Program.

- 1) Effective the first pay period after an overall tentative agreement for a successor Memorandum of Understanding (MOU) between the parties has been ratified by membership and approved by the City Council, all Santa Clara Police Department employees in represented classifications have the option to participate in the Employee Fitness Program set forth below. The Police Department shall require all those electing to participate in this voluntary exercise program to sign an Informed Consent form prior to participating, and require that participants adhere to the conditions and policies as described in this document. The City shall not have any liability for injuries resulting from strenuous fitness activities performed by the employee.
 - a. Employees will be authorized up to one (1) hour to participate in the Employee Fitness Program each shift, however, fitness time must be approved by the employee's direct supervisor only as staffing levels and operational needs as determined by the Police Department will allow. This time includes the time it takes to change into workout gear, shower, and change back into uniform/work attire.
 - b. All voluntary work outs will take place at the Santa Clara Police Department exercise facilities, except for outdoor cardiovascular activities. Cardiovascular activities that take an employee outside from the department are allowed but must start and finish at the Police Department.
 - i. Employees in the Public Safety Dispatcher or Senior Public Safety Dispatcher classifications must remain onsite for any cardiovascular activities to be available for immediate response by the Communications Center, if needed.
 - c. Employees may not return to duty in a sweaty, exhausted, or malodorous condition and are expected to take advantage of the shower facilities if necessary.
 - d. Community Service Officers assigned to the Patrol Division, Dispatchers, Jail Service Officers, and Records Specialists must keep and monitor a police radio while exercising. Personnel shall respond to their call sign when called. All other non-sworn personnel not listed above will keep and monitor a cell phone while exercising.

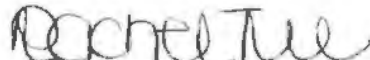
- e. Community Service Officers assigned to the Patrol Division must be logged on to their patrol vehicle MDC and their patrol vehicle must be loaded and ready to respond to calls for service while exercising.
 - f. Program participants are required to immediately report all injuries or serious illnesses that require medical attention. Following an injury, exercise privileges will be suspended immediately until the employee obtains clearance, in writing, from their treating physician.
- 2) This Side Letter Agreement is considered part of the tentative agreement for a successor MOU between the parties, and shall become effective only as part of the overall tentative agreement for a successor MOU, and when signed by all parties below and approved by the City Council.
- 3) The parties agree that this Side Letter Agreement shall not serve as precedent for future agreements and that this Side Letter Agreement shall not be construed or implied to obligate the parties to enter into any similar agreements in the future.


FOR THE CITY:

 02/02/2023
Aracely Azevedo Date
Director of Human Resources

 02/02/2023
Marco Mercado Date
Assistant Director of Human Resources

FOR UNIT 10:

 01/17/2023
Rachel Thomas Date
PSNSEA President

 1/20/23
Peter Hoffman Date
Lead Negotiator, PSNSEA