

Date: April 11, 2019

To: Salary Setting Commission

From: Michael J. Sellers, Chief of Police

Subject: Salary Setting Commission Consideration for the Chief of Police Salary

I am submitting this letter to the Salary Setting Commission for your consideration because I believe it is important that the Commission has a historical perspective to serve as a foundation for future discussions.

I have been a Santa Clara Police Department Officer for over 34 years. I rose up through the ranks to Assistant Police Chief. In 2012, I was elected as Chief of Police. The City of Santa Clara has the only elected Chief of Police position in the State of California. Generally, Sheriff's, District Attorneys and the Attorney General are the only other elected law enforcement officials across the state.

Based upon the Council Agenda Report dated February 10, 1994, the Chief of Police position was a member of Bargaining Unit 9A (Unclassified Police Management). On July 5, 1994, City Council voted unanimously that the Chief of Police shall not be assigned as a represented employee in any employee bargaining unit but would receive the same annual cost-of-living and other benefit increases as negotiated by Bargaining Unit 9A. Bargaining Unit 9A also has past practice of a "Me To" clause with the Police Officers Association Bargaining Unit 2, to address pay compaction between the ranks. The "Me To" past practice for the Chief of Police ended as a result of City Council action on March 20, 2018. The City Council decided to end the long-standing practice for unknown reasons.

The Police Officers Association Unit 2 negotiates salary and benefits directly with the city and is eventually approved by City Council. As Chief of Police, I am not involved with proposing or approving any salary or benefits with any of the bargaining units.

The Police Officers Association (POA) bargaining Unit 2 consists of all sworn police officers up to the rank of Police Lieutenant. Bargaining Unit 9A consists of Captains and the Assistant Police Chief. Unit 9A and the Chief of Police also can receive merit increases above and beyond the MOU contract increases. It is the city's past practice to provide merit increases to the Chief of Police. Merit increases are generally tied to performance and range on a scale of 0-5%.

Working for the City of Santa Clara is much different than the private sector. I know in many cases the owner or CEO might not make as much salary as their subordinates, but they are given stock or other compensation options. In the public sector, department heads don't receive stock options or bonuses. Therefore, having a spread between ranks to avoid salary compaction is not only important to civil service employees, but it is a common practice amongst all public safety agencies and in all local government jobs.

Recommendations for the Commission to consider:

- The Committee should consider asking the Human Resources Director to provide salary compaction and benefit comparisons with other department heads and their second in commands within the City of Santa Clara. I believe the average salary separation is around 23% percent. The current separation between the Chief of Police and Assistant Chief of Police is about 11%. The compaction will potentially be less after Unit 2 and 9A negotiations are implemented. These comparisons should be verified and provided for the Commission to review.

- As a result of City Council action in March, 2018, the Assistant Chief currently receives 40 more hours of management leave and more money toward medical benefits than the Chief of Police. Prior to that action, the benefits were always the same.
- Ask Chief of Police to provide a list of his roles and responsibilities that are over and above the Assistant Chief.
- Ask Chief of Police to provide a list of accomplishments.
- Consider reinstating the long-standing past practice of the "Me To" clause of the Chief of Police to avoid salary compaction, differing benefit levels and eliminating politics from the salary setting practice. Establishing a process for merit increases for the Chief of Police whereby the community could have input on performance benchmarks and meeting established milestones.
- Alternatively, while the Chief of Police is not in a represented bargaining unit, the Commission could establish a process that would allow for the Chief of Police to similarly negotiate wage and benefit increases based upon performance or some metrics.
- Salary and benefits should be based on level of experience and contribution to the department. When the Chief of Police separates employment, the Salary Setting Commission should re-establish a new salary / benefits compensation package based on the new incumbents' qualifications. The Chief of Police current term will end December 2020.

Conducting a compensation study amongst Police Chiefs is important to understand their roles and responsibilities and compensation packages. The primary difference between an appointed Chief of Police and Santa Clara's Chief is the electorate process. No other municipal Chiefs' of Police are elected. Instead, they are "At Will" and are hired by the City Manager and approved by the City Council. The qualifications for an elected Chief of Police and appointed Chief of Police are similar and there is a set of very high standards for each. The position is the ultimate point person to foster public trust, to insure the organization is well run, well trained and professional. This position is one of the most visible to the public and is entrusted with police-community relations, accountability, and is ultimately responsible for the safety and security of our community.

Thank you for your consideration.

**cc:**                Teresia Zadroga-Haase, Human Resources Director