

MEMORANDUM

Milpitas Police Department



DATE: January 27, 2023

TO: Mayor and Councilmembers

THROUGH: Steve McHarris, City Manager

A blue ink signature of Steve McHarris, written over the name "Steve McHarris" in the "THROUGH" line.

FROM: Jared Hernandez, Chief of Police

A black ink signature of Jared Hernandez, written over the name "Jared Hernandez" in the "FROM" line.

SUBJECT: Crossing Guard Program Update

In June of 2022, City Council received an Informational Memorandum outlining the current Crossing Guard Program. In summary, the memorandum provided an update on the forthcoming crossing guard needs assessment, results of a preliminary salary study, and the recruitment strategy to fill vacant crossing guard positions for the 22/23 school year. The full memorandum can be accessed [here](#).

Crossing Guard Needs Assessment Update

The City of Milpitas adopted the current crossing guard program deployment criteria in 2006 and posts guards primarily at intersections with high volumes of school-age pedestrians and vehicles during any one-hour period in a day and other factors consistent with the State of California Manual of Traffic Control Devices (CAMUTCD). Other factors include vehicle sight distance obstructions, traffic accident history, complex roadway geometry design, safety, City Council support, and/or Chief of Police support.

Due to the significant population growth in recent years and the opening of the Mabel Mattos Elementary School, school-age pedestrian travel volumes, travel routes, and vehicle traffic patterns have changed. As a result, Staff completed a school-age pedestrian crossing count data collection using a traffic data consultant in November of 2022. Using the methodology described above, the study identified twenty-one (21) out of thirty-four (34) locations assessed, for guard placement.

Current Crossing Guard Compensation and Staffing

The Crossing Guard Program is managed by the Milpitas Police Department and is funded by the General Fund. For FY22-23, \$512,946 is budgeted for the program, which includes \$510,946 for staff salary costs and \$2,000 for equipment and supplies. It should be noted that the budgeted amount does not reflect the total program cost as it is calculated using the hourly pay rate and does not include the fully loaded rate. The budgeted amount also does not include the time spent by police officers assigned to cover vacant crossing guard positions due to staffing vacancies. Total program cost using the fully loaded rate will be discussed below.

Crossing Guards are part-time "temporary" employees with an hourly pay range between \$16.40 to \$18.46, and they receive an additional hour of pay in compliance with the State law related to split shifts. Beginning January 1, 2022, crossing guards have been hired at \$18.46 per hour (top of the range) to bolster recruitment and remain competitive with surrounding cities. Additionally, the Crossing Guard program is supervised by one (1) part-time Crossing Guard Supervisor. This supervisor position has a pay range between \$17.71 to \$21.21 per hour and also receives an additional hour of pay in compliance with State law related to split shifts.

In 2019, the City's program was staffed with one (1) Crossing Guard Supervisor and thirty-six (36) Crossing Guards. Over the past three years, several guards resigned from the program. Current staffing is one (1) Crossing Guard Supervisor and twenty-six (26) Crossing Guards. Due to vacancies,

the current staffing is insufficient to staff the thirty-four (34) identified locations in the 2014 survey on which the current deployment model is based. The lack of crossing guard staffing is further exacerbated by five (5) guards that are currently unavailable for duty, due to various personal reasons, reducing the total number of available guards to twenty-one (21).

Due to Crossing Guard vacancies, police department employees including Community Service Officers and Police Officers are regularly reassigned to staff intersections to provide crossing guard services. Collectively they backfill guard vacancies 16 to 25 hours per month. The fully loaded cost (including salary, benefits and overhead) of a Community Service Officer to provide this service is \$156 per hour. The fully loaded cost of a Police Officer to provide this service is \$274 per hour. Thus, staffing costs to cover the vacancies can range between \$2,500 to almost \$7,000 per month. This staffing model is not cost effective nor is it sustainable as a long-term solution to Crossing Guard vacancies.

Based on a recent school-age pedestrian crossing count completed in November, staff is evaluating potential changes to the deployment model. A change in the deployment model will directly impact the fiscal impact of alternative program models described below for consideration.

Crossing Guard Retention and Recruitment

To encourage retention of our current guards and remain competitive with surrounding agencies, all guards were elevated to the top of the pay range. In addition, the police department holds an annual Crossing Guard Appreciation luncheon to recognize guards for their contributions to the City and guard program as employee recognition is an important component to employee retention.

In 2021, the Police Department began ramping up recruitment efforts as our community began recovering from the impacts of the COVID-19 pandemic. In 2022, the Police Department initiated an aggressive recruitment campaign which included word of mouth recruitment, the placement of hard media advertisements in City facilities and cooperating businesses, digital advertisements on sites such as NeoGov, social media sites and websites, advertisement at community events and meetings, and advertisement through volunteer organizations and community groups. The Police Department also produced a recruitment video that was released on social media.

Recruitment efforts have not been successful and current guards continue to leave the program due to attrition. Staff has conducted extensive analysis to ensure our public safety objectives are met and is offering the below alternatives to Council for consideration.

Alternative Crossing Guard Program Models for Consideration

Based on the dire condition of the current program, strain on current Police Department resources, recruitment challenges, and review of program models being used in other cities, staff is presenting several alternatives to the existing program. Each alternative provides an estimated cost analysis based on the current deployment model of thirty-six (36) guards and one (1) supervisor, and a modified deployment model of twenty-seven (27) guards based on the most recent pedestrian count analysis. The City completed an updated school-aged pedestrian crossing study in November, which identified twenty-one (21) locations that meet the criteria for guard deployment. A reduction in the deployment model of the thirty-four (34) locations identified in 2014 to the twenty-one (21) locations identified in 2022, will require twenty-seven (27) guards to properly staff the twenty-one (21) locations. Due to the complexity of some locations near the high school, they will require multiple guards for safety.

Option A: Continue with the current program model and increase department staffing to manage the program.

Considerations: The Police Department would continue to be responsible for the program implementation and management. This includes recruitment, retention, equipment, and operations, including staffing vacant positions with Community Service Officers and Police Officers. The Police Department no longer has the capacity to effectively manage the program, and additional staffing will be required if this alternative were to be selected; therefore, the addition of one (1) full-time Lead Community Service Officer (CSO) position will be necessary for program administration, management, and operations. A classification study will be required to add this position. An additional vehicle would also need to be added to the existing fleet to accommodate the out-of-office work necessary for this position.

Due to recruitment challenges, Council may choose this option and to also increase the hourly wage to attract additional applicants. However, raising the hourly pay rate for the Crossing Guard and Crossing Guard Supervisor classifications without a comprehensive review of all temporary classification pay rates may create internal pay alignment issues and result in the need to raise other classification rates to realign.

Fiscal Impact FY23-24 (36 guard deployment): The cost of maintaining the hourly rate for crossing guards at \$18.46 and adding department staffing (1 full-time Lead CSO) to manage the program under the current deployment model (36 guards) is \$707,312 (\$526,900 for crossing guards and \$180,412 for the CSO). This is an increase of \$194,366 over the current \$512,946 budgeted for the program in the Police Department's FY22-23 operating budget. The fully loaded cost of this options is \$1,010,880.

Fiscal Impact FY23-24 (27 guard deployment): The cost of maintaining the hourly rate for crossing guards at \$18.46 and adding department staffing (1 full-time CSO) to manage the program under the recently recommended deployment model (27 guards) is \$526,541 (\$346,129 for crossing guards and \$180,412 for the CSO). This is an increase of \$13,595 over the current \$512,946 budgeted for the program in the Police Department's FY22-23 operating budget. The fully loaded cost of this options is \$758,160.

Option B: Transition the program management to a third-party contract service.

Considerations: All City Management Services (ACMS) is an all-inclusive contract service that provides Crossing Guard services to cities throughout the Bay Area, including several cities within Santa Clara County. ACMS handles scheduling, supervision, staffing, certified training, recruitment, worker's compensation claims, complaint and problem resolution, safety inspections, uniforms, and safety equipment. **If the City transitions management of the Crossing Guard program to ACMS, ACMS will retain current City employed guards to ensure consistent service is provided to the community. Current guards will not lose their jobs or be displaced to other jurisdictions.** Additionally, ACMS will provide guard coverage at vacant positions with substitute guards they retain on staff, thus ensuring no lapse in coverage and alleviating the current strain on Police services to backfill vacancies.

Fiscal Impact FY23-24 (36 guard deployment): The cost of transitioning to ACMS under the current deployment model (36 guards) and retaining the hourly pay rate of \$18.46 per hour with an additional hour of split shift pay pursuant to California law would be \$784,339. This is an increase of \$271,393 over the current \$512,946 budgeted for the program in the Police Department's FY22-23 operating budget. These calculations include fully loaded costs.

Fiscal Impact FY23-24 (27 guard deployment): The cost of transitioning to ACMS under the recently recommended deployment model (27 guards) and retaining the hourly pay rate of \$18.46 per hour with an additional hour of split shift pay pursuant to California law would be \$593,309. This is an increase of \$80,363 over the current \$512,946 budgeted for the program in the Police Department's FY22-23 operating budget. These calculations include fully loaded costs.

Option C: Eliminate the crossing guard program.

Considerations: Eliminating the crossing guard program would be a significant reduction in public safety service.

Fiscal Impact (36 guard deployment): Cost savings of \$512,946 (assuming no changes to the existing program are made). This does not factor in overhead costs or the costs associated with deploying police officers or CSOs due to crossing guard vacancies.

Fiscal Impact (27 guard deployment): N/A

Cost Comparison of Options

The table below shows the total fiscal impact for all three options. Both Options A and B include fully loaded costs (including salary, benefits, and overhead). Option C denotes annual savings; however, it does not factor in fully loaded costs, or the costs associated with backfilling vacant crossing guard positions with a CSO or Police Officer. Thus, the actual total savings is greater than the budgeted amount of \$512,946.

	Option A	Option B	Option C
36 Guards	\$1,010,880	\$784,339	\$512,946*
27 Guards	\$758,160	\$593,309	N/A
One Time Costs	\$70,000**	N/A	N/A

*Denotes annual savings

**Denotes one-time costs (additional vehicle and equipment)

Program Comparisons in Santa Clara County

Staff has gathered information about other crossing guard programs in Santa Clara County including type of program, funding sources, and compensation [see Table 1]. Of the eleven cities surveyed, seven cities (about 64% of the cities) utilize a contract service, three are managed by the respective city, and one is managed by the city's school district. Besides Milpitas, there are only three other cities that manage their own crossing guard program, and two of the three cities are currently evaluating a contract service model due to challenges with recruitment and program management.

Table 1

City	Funding Source	Program Managed By	Hourly Rate (Max)	On-Site Hours Daily	Paid Hours Daily	Daily Compensation
Gilroy	School District	School District	\$15.50*	Varies	Varies	\$ Varies
Santa Clara	City	City	\$24.00	3	3	\$72.00
San Jose	City	City	\$26.45	2	2	\$52.90
Milpitas	City	City	\$18.46*	3	4	\$73.14
Campbell	School District/City	City	\$23.00*	2	3	\$69.00
Cupertino	City	Contract Service	\$16.00**	1.75	4	\$64.00
Los Altos	School District	Contract Service	\$16.40*	2	3	\$49.20
Los Gatos	School District	Contract Service	\$17.00**	1.50	3	\$51.00
Mountain View	City	Contract Service	\$17.10**	1.75	3.50	\$59.80
Palo Alto	School District/City	Contract Service	\$16.45**	1.75	4	\$65.80
Saratoga	City	Contract Service	\$18.00**	2	4	\$72.00
Sunnyvale	City	Contract Service	\$20.00*	2	3	\$60.00

* Indicates one additional hour of pay in compliance with State Split Shift Premium Pay

** Indicates 1.50 to 2.25 additional hours of pay in Split Shift Premium Pay (exceeds requirement)

Split Shift Premium

Per California state law, employees who earn the minimum wage per hour are entitled to additional pay known as “split shift premium” when their work schedule includes a “split shift.” A “split shift” is defined as a work schedule interrupted by unpaid non-working hours established by the employer. A split shift premium applies to our crossing guards because their work schedule includes a morning shift and an afternoon shift that is interrupted by unpaid non-working hours. California law requires the split shift premium pay to equal one (1) hour of pay at the rate of the minimum wage. Currently, the minimum wage in Milpitas is \$16.40/hour. The City currently exceeds this regulation by paying Crossing Guards one (1) additional hour per day at their current hourly rate of pay (\$18.46/hour).

The split shift premium can be reduced or eliminated if the employee’s hourly wage exceeds the minimum wage. The difference in hourly wage that exceeds the minimum wage is credited towards the employer’s obligation to pay the split shift premium. The law related to split shift premium is illustrated in the below examples:

Employee A: Paid \$16.40 an hour, works 2 hours on site (1 morning, 1 afternoon) is paid 3 hours of work (because 1-hour shift premium) for a total daily compensation of \$49.20.

Employee B: Paid \$24.60 an hour, works 2 hours on site (1 morning, 1 afternoon) is paid 2 hours of work for a total daily compensation of \$49.20. No split shift premium pay is required because it is off-set by the higher wage.

Funding Options

In addition to program models, Council may consider pursuing a cost sharing model with the Milpitas Unified School District. Historically, the City of Milpitas has funded the program using General Fund monies allocated to the Milpitas Police Department. As noted in Table 1 above, of the eleven cities surveyed, five cities have crossing guard programs that are fully or partially funded by the school districts.

ATTACHMENT 1 – COMPARISON OF PROGRAM OPTIONS

	Option A	Option B	Option C
Program Description	Continue current model; maintain the hourly wage to a minimum of \$18.46; increase department staffing to manage the program.	Transition the program management to a third-party contract service (All City Management Services).	Eliminate the Crossing Guard program
Managed By	City	Third-Party Contract Service (ACMS)	N/A
Cost FY23-24 36 Guards @ 34 Locations	\$1,010,880	\$784,339	N/A
Cost FY23-24 27 Guards @ 21 Locations	\$758,160	\$593,309	N/A
Pros	<ul style="list-style-type: none"> • Maintains current model • Added staffing will allow better management of the program 	<ul style="list-style-type: none"> • Scheduling, supervision, staffing, certified training, recruitment, worker's compensation claims, complaint and problem resolution, safety inspections, uniforms, and safety equipment would all be handled by ACMS • Existing Crossing Guards would become ACMS employees and retain assignments in Milpitas • ACMS would backfill vacancies with their staff eliminating need to staff with sworn officers 	<ul style="list-style-type: none"> • Cost savings of \$512,946 based on current program allocation for FY22-23 (does not reflect fully loaded costs)
Cons	<ul style="list-style-type: none"> • Will require significant additional funding which could otherwise be used for other essential City services • May still result in ongoing recruitment challenges requiring expensive supplemental staff of sworn officers 	<ul style="list-style-type: none"> • There could be a perception of potential impacts on current Crossing guards • Will require additional funding but will still cost less than Option A 	<ul style="list-style-type: none"> • Significant reduction in public safety
Considerations	<ul style="list-style-type: none"> • Consider cost sharing with the Milpitas Unified School District to mitigate budget impact • Consider reducing number of locations based on traffic study for a more cost-effective program • Increasing hourly wage may improve recruitment and eliminate the need to staff locations with sworn officers 	<ul style="list-style-type: none"> • Consider cost sharing with the Milpitas Unified School District to mitigate budget impact • Consider reducing number of locations based on traffic study for a more cost-effective program • Police department will ensure contractual obligations are met • Increasing hourly wage may improve recruitment 	<ul style="list-style-type: none"> • Community concerns