

MEET & CONFER SESSION WITH APFFA

Friday, February 25, 2022

9:00-11:00 a.m.

In attendance: Gerald Randall, Jonathan Ingols, Elisabeth Kaylor, Dana Endsley, Mary Dennis, Don Crowson, Yoko Matsumoto, Kerry Sullins, Pedro Martinez, Jason Horne, Adrian Velasquez, Justin Robinson, Frank Berber, Dana Hathorn, Stephen Eck, Joe Markham, Trey Yelverton, Lemuel Randolph, Jennifer Wichmann, Al Jones, Pamela Hudson, Nastasha Anderson, Nick Mundell, Spenser Slider

Notes:

- Discussion began with procedural issues, per ground rules.
- Roll call was taken of each committee.
- All members present.

1. Deliberation over wages, salaries, rates of pay, hours of work or other terms, and conditions of employment

No discussion. This standing item will be continued to next meeting.

2. Updates to the Meet and Confer Process

Management clarified this item is to move toward finalizing the Ground Rules (**A – handout**).

ITEM	ASSOCIATION REQUESTS/COMMENTS	MANAGEMENT COMMENTS	AGREED
4.	Request for specialty overtime. Wants agreed-upon compensation in writing. Need consideration for provision in place that allows for future adjustments for board members' schedules. Currently, wants meeting schedule based on B-Shift. Wants scheduling done in advance, so members can decide if need for change.	Overtime compensation for attending meeting would be policy change. Need to consider implications before decision. AP is different from overtime and is more reasonable. Will schedule to minimize conflicts.	AP will be given. Revised verbiage at next meeting. Next meeting is Mar. 24.
6.	Questioned Management changing deadline of "by 8 AM" to "by 5 PM."	Management heard Association's concern about 8AM.	Deadline 5PM.
8.	Association wants amended to read: "The Personnel Policy Manual, Department ... and other applicable rules will be amended upon date of implementation to include "an impasse will be amended as necessary ... consensus to include a mutually agreed upon date of implementation. Documents will be amended to coordinate change throughout the various documents. Must comply with the Meet & Confer statue, requiring formal ratification. <i>See ...</i> ." (B – email) Wants agreement today.		Clarification agreeable.
9.	Add to last line: "An impasse ... by the City Manager or his designee <i>or the Association</i> ."	An impasse is an impasse, regardless of which side decides.	Add: "... <i>and the Association</i> ."
10.	Asked if package deal or item-by-item. Need clarification.	Prefer item-by-item to find some traction and solve some items. After understanding is reached, can be re-address if changes are needed later.	

The meeting broke for caucus at 9:34 a.m. Meet & Confer reconvened at 9:46 a.m.

Further discussion on #8 after caucus:

- Management clarified any Meet & Confer agreement resulting in policy change will be consistent in all documents. Can revisit any changes later, if needed.
- Association stated need to be open in future for Fire Administration changes. Isn't about an automatic SOP change but rather day-to-day operations.
- Association wants items Local Rules discussed in the Meet & Confer process because there was limited discussion before implementation, and this is the "new" Meet & Confer.
- Management said the Local Rules went through the Council process.
- Management and Association agreed when an impasse occurs, it can be addressed later, but there needs to be a cooling-off period.
- Association wants date decisions are made to become part of the document.

This item will be continued to next meeting.

3. Sick and Vacation Policy

AFD's Budget Administrator Spencer Slider was asked to join today's meeting because the complicated steps to reverse-engineer what was done in 2017 to bridge time from today to back then could have a substantial impact on the budget.

"Vacation/Sick Leave - Revert Back to Previous City Policy" (C – handout) was distributed. Its purpose is to help clarify and reach consensus.

- Point 1 – Returning vacation hours to pre-Civil Service – Creates vacation scheduling issue. Influx of available vacation, so Chief will have to work through it. Suggest allowing 240 hours based on seniority, allowing pre-CS when additional dates open after normal vacation policy process, restore maximum vacation allowable accrual to 480 (24-hour schedule) as maximum allowed at separation, scheduling process reverts to prior policy based on project annual accrual and Chief will have to help people burn down to that amount. Based on October 30 new allocation. If separate before accrual used, then reimbursed to City for hours used but not during the full 12 months.
- Point 2 – Returning sick leave to pre-Civil Service policy – Reverting to 1800 maximum (24-hour employees) and 1200 maximum (8-hour employees). Pre-CS and post-CS will have to meld. Will have to figure out what to do about those above the cap. Restored based on tenure and amount of time in pay period. Annual sick leave sellback, which hasn't happened under CS. Retirement 1440 sick leave cash-out (1080 under CS) for terminal pay. Rescind 1080 cash-out separation to encourage people to stay and build a career at AFD.
- Point 3 – Implementing changes at end of October – That's when conversion happens, and schedules are arranged.
- Point 4 – Pro-rate new hires – Sick leave accrues per COA policy.
- Point 5 – Implementation – Civil Service Ordinance modifications would need to be implemented.

Management clarified this is part of the M&C process because anything changed in the Sick and Vacation Policy is required to follow Statute, and what we're trying to do is something not part of the Statute.

Association asked how close this change would mirror the Deputy Chief process. Chief confirmed it affects Deputy Chiefs.

Association asked how closely what's proposed by City Manager mirrors the Deputy Chief process. Chief says there needs to be some clean-up about accumulation of sick leave hours about the conversion impact to people. Taking 240 from the 300 means they'd get back 60 hours.

The meeting broke for caucus at 10:11 a.m. Meet & Confer reconvened at 10:33 a.m.

Association asked about how long through DC promotion process to restore previous to those members. Slider said ideally it happens within two weeks, but there's no set time. It depends on the amount of time passed. Depends on payroll verified through Fire and Finance. The estimated two-week timeframe depends on Finance.

Association asked if a Deputy Chief was promoted today then exited if the DC got his/her time at that point. Spenser said it would be treated as an employee under Civil Service.

Association wants time back as if every employee prior to Civil Service was promoted to Deputy Chief. Per Spenser, on promotion, the Deputy Chief can have his/her time restored within two or more weeks. For this ask, Association stated Council will have to approve it to be restored. Association wants time restored as whole, and then can work toward Council presentation.

Management explained part of this proposal allows everyone to get their time back within a few weeks. It also puts the old policy caps back in place and rescinds the 1080-hour separation. The offer of restoring sick leave sellback is not necessarily relevant. Vacation is use it or lose it, so Management will fix that.

Association wants time restored back to pre-Civil Service, just like Deputy Chief promotions. After that, the topic of caps can be addressed.

Management will handle the Council piece. What it needs help on is the financial perspective. This puts liability back on the city, which is real, consequential dollars. Today's proposal was provided for the Association to review and come back with input.

Association said it isn't earned time. It's in the same framework as DCs. Down the road, there will be individuals who will be getting their time back. Association understands there is a financial impact. Wants to get this out of the way to work on relations, but this is a stumbling block.

Association wants to be involved in the process to establish those caps and put before Council.

Association wants a show of good faith by getting this restored.

Management clarified the ask is: restore old hours; no sick leave sellback; no caps; no 1080. Association concurred and said once the old hours are restored, other issues can be addressed.

Management says that while this simpler, it has a large financial impact. Without offsetting costs there will be increased expenditures. Will need to talk to collective body to quantify it. Ideas can always be put forward and then any actions taken, so everyone will know what commences for the long-term. Civil Service doesn't provide for what's being asked to put back and the Association is still asking to keep what Civil Service does provide. Management cannot commit today.

Association is willing to participate in the process of discussing the caps. Not asking for any more than is already done for Deputy Chiefs, who are Civil Service employees in tested positions.

Chief clarified this was a good-faith proposal from the City Manager in hopes of finding reasonable solutions. Meet & Confer is about working through issues brought forth.

Management will do the calculations and work through Council.

This item will be continued to next meeting.

4. Discussion of Hiring Practices

Chief brought copies of the ISR "Arlington Fire Department Hiring Process" (D – **handout**) presented to Council on February 22. This issue needs to be discussed through Meet & Confer about how new members are brought into the organization.

In a previous conversation the City Manager had with Association President Martinez, concern about diversity was expressed. Biggest obstacle was recruitment funds, so City Manager found money to help increase presence in the region and at colleges to accomplish this. Also willing to consider the certified candidate as a lateral transfer. Body art policy was talked about previously as well, and Chief has agreed to modify the policy, as it relates to items on hands. May need to talk further about rings. Also talked about Civil Service being the baseline process as written in the Statue, which causes barriers. The first three can be controlled administratively but the fourth one can't be controlled without cooperation. Don't have to use Fort Worth's process but need to finetune that part of the recipe not straight-line Statute and come up with a new checklist everyone can agree will have a positive impact on pools.

Association not ready to respond without looking through what's been presented, to decide if can and will work through it.

Management asked if this was an item of mutual interest and other items in this area as well. Association concurred.

Association doesn't want to do it piecemeal. Other cities can be guidelines, but Arlington is unique. Wants thoughtful conversations. Management concurred.

Association says may need to bring the Recruitment Lieutenant to a meeting. Asked how many people have been positively impacted by adding 2 points to their overall score. Management will have to provide that data later.

Association asked how \$50,000 budget would be used for recruitment. Chief, his team, and the Recruitment Lieutenant will work on allocating funds for recruitment-specific use to bring in more diverse, qualified candidates.

Association asked the date of the next scheduled meeting: Thursday, March 24. Association said this was an agreeable date.

This item will be continued to next meeting.

Meet & Confer February 25, 2022, adjourned at 11:02 a.m.

The next meeting is scheduled for Thursday, March 24, 2022, 9-11 a.m., City Hall Council Briefing Room, 101 W. Abram – 3rd floor. Agenda requests and notices of how much extra time may be needed for a specific agenda item, extending the meeting longer than two hours, are to be submitted to the City Manager's Office by 8 a.m. on Thursday, March 17.

GROUND RULES FOR MEET AND CONFER NEGOTIATIONS
BETWEEN CITY OF ARLINGTON MANAGEMENT AND AND
ARLINGTON FIRE ASSOCIATION LABOR

1. At the initial meeting, each party (City Management and the Association Labor) will designate the Primary Members of their bargaining team. Primary Members will be able to vote on decisions. Each party may name up to sevenfive (75) Primary Members, and each Primary Member may designate an alternate. Parties must designate one Negotiating Representative and an alternate who will act as the spokesperson for their team in negotiating all aspects of the Meet and Confer Agreement (also referred to as a Meet and Confer MOU). Each party may also have in attendance advisors (i.e. Legal, Human Resources, etc.) or “interested” parties who may participate in discussion but cannot vote. *See Texas Local Government Code 142.060, 142.110.*
2. A Facilitator will be designated by the City Manager to ensure the smooth flow of discussions and maintain order during the meeting. The Facilitator will be the HR Director or designee.
3. Negotiations will be held at City of Arlington, Texas facilities, as determined by the Facilitator. All meetings are subject to the Texas Open Meetings laws and will be generally pursuant to the *Robert’s Rules of Order*, as needed. Recording devices will not be used to record the meeting, but minutes will be taken, and each party may take their own notes. Should City employees create a record of a meeting with their own device, such as a phone, camera, or recorder, that information will be considered a government record and should be retained in accordance with state law.
4. Negotiations will occur during weekday business hours, defined as Monday through Friday, 8:00 AM to 5:00 PM, excluding holidays.
5. Negotiating Representatives will speak for their respective teams and extend common courtesy to each other by having only one person speak at a time. Team members may speak when recognized by their respective Negotiating Representative. During meetings, participants shall treat others with courtesy and respect. Inappropriate conduct will result in removal from the meeting.
6. The parties will exchange their respective statement of interests to be negotiated. The parties will exchange an electronic version in PDF format via e-mail by 5 PM five (5) business days prior to the scheduled meeting, or by a date agreed up by the parties.
7. Either party may call a caucus. However, the caucusing party will make every effort to avoid unnecessarily delaying the negotiations. Caucuses will normally last no more than one hour unless further time is requested. A caucus will not be the first order of business at any meeting, unless it is mutually agreed to by both Negotiating Representatives.
8. ~~Management reserves the right not to discuss any topic.~~—It is presumed that the Personnel Policy Manual, Department Directives, Standard Operating Procedures, Civil Service Commission Local Rules, and other applicable rules all have their own approval processes and will be amended as

necessary as the result of any meet and confer consensus. *See* Texas Local Government Code 142.059, 142.109.

9. City Management and the Association reserve the right not to discuss any topic. If it is determined that the parties will not likely reach an agreement on a matter, or if a matter has been determined to be outside the scope of ~~negotiations~~ the posted agenda items, it will not be subject to further discussion unless there is a mutual agreement to reconsider. An impasse will be determined by the City Manager or his designee.

10. If a consensus is reached and a meet and confer agreement is successfully negotiated, then the City will prepare the final draft for review. An initial consensus will be reached when a majority of the Primary Members vote to proceed with the draft agreement. The parties will then have ~~thirty~~ forty-five (45) calendar days to review the agreement for errors and come to a consensus on a final version. The agreement will not be contractually binding without approval by a majority of the voting members of the designated bargaining unit and without approval by a majority vote of City Council. In the event the Council does not accept the agreement, the parties will reconvene within fifteen (15) calendar days to reopen negotiations. In the event the designated bargaining unit does not approve the agreement, the parties will reconvene within thirty (30) calendar days to reopen negotiations. *See* Texas Local Government Code 142.064, 142.114.



APFFA MEET & CONFER – Fri, February 25, 2022
From Association to Management

From: Joseph Markham
Sent: Friday, February 25, 2022 9:33 AM
To: Trey Yelverton; Yoko Matsumoto; Lemuel Randolph; Don Crowson; Jonathan Ingols; Gerald Randall
Subject: Item 8 amendment

Item 8— amend to read “The personnel policy manual, department directives, standard operating procedures, civil service commission local rules, and other applicable rules will be amended as necessary as the result of any meet and confer consensus to include a mutually agreed upon date of implementation. Documents will be amended to coordinate change throughout the various documents. Must comply with the Meet & Confer statute, requiring formal ratification. See Texas Local Government Code 142.059, 142.109.”

Vacation / Sick Leave – Revert Back to Previous City Policy

1. Return Pre-Civil service vacation leave hours to FD members (amount before Civil Service conversion)
 - Allow scheduling of up to 240 vacation hours based on seniority during annual vacation scheduling.
 - Allow use of pre-civil service vacation time when additional open dates are available after normal vacation scheduling process per dept policy.
 - Allow maximum vacation time cash out at **480** hours (24-hour schedule) at separation.
 - Vacation scheduling reverts to previous City/Department policy
 - Annual vacation time allotment based on projected annual accrual – Scheduling follows dept policy
 - If employee leaves with vacation use more than up to date accrual calculation, then the employee must reimburse COA per City policy
2. Return Sick Leave to Pre-Civil Service policy
 - Sick leave reverts to 1800 maximum (24-hour) 1200 maximum (8-hour)
 - Add Pre-Civil service sick leave bank and current Civil Service sick leave bank together
 - Sick leave accrual per City policy
 - Allow **annual** sick leave sell back. **60** hours (24) 40 hours (8)
 - Allow sick leave cash out at 1440 hours (**at retirement**) = **+360** as compared to civil service 1080
 - 960 for 8-hour employees.
 - Resend 1080 hours cash out at separation - Civil Service
3. Implement changes at end of October
4. Newly hired employees vacation time pro-rated at entry. Sick leave accrues per COA policy
5. Civil Service Ordinance modifications needed to implement changes



Informal Report to Mayor and Council

Arlington Fire Department Hiring Process

City Council Meeting Date: 02/22/2022

ISSUE

Brief Mayor and Council on the Arlington Fire Department hiring process and potential opportunities to improve diversity.

DISCUSSION

In the FY11 budget, a Fire Recruitment Lieutenant position was added and charged with improving community recruitment outreach efforts and to help implement a more inclusive hiring process to improve diversity in the Fire Department. As a result of this effort (2011 to 2017) the average diversity of recruit schools was 40%.

The hiring process for firefighters initiated in 2011 included:

- A written test with no additional points for military service.
 - The top 250 written scores moved forward to the next process step with all 250 candidates being considered equivalently scored (all candidates considered equal) from this point candidates must succeed at each step to move forward in the process.
- A timed pass/fail 1½ mile run.
- A timed pass/fail physical ability (work sample) test.
- A firefighter interview panel where candidates were scored based on interview performance. The top scoring candidates were then sent to the Chief's panel.
- Chief's panel interview process resulted in a final ranking order.
- Conditional job offers were made pending the completion of background and medical/fitness checks.

With the implementation of Civil Service (October 30, 2017), the previous hiring process was modified in order to comply with civil service law.

Current Civil Service hiring process for firefighters consists of:

- A written test with a 5-point bonus for military service.
 - Candidates are then ranked according to written scores plus military bonus points. No change in rank order from this point forward. Candidates must succeed at each step to move forward in the process
- A timed pass/fail 1½ mile run.
- A timed pass/fail physical ability test.
- Application review/verification process.
- Highest-ranking written test score candidates are given conditional job offers pending the completion of background and medical/fitness checks.

The 2011-2017 pre-civil service open hiring process resulted in 40% Diversity. Civil service hiring through FY2021 resulted in 14% Diversity. Ten to twenty percent is the current expected average range of diversity for annual attrition hiring. With the one-time authorization of 45 new firefighter positions in the FY2022 budget, the Department exhausted the 2021 civil service test list and most of the 2022 civil service test list which helped increase hiring diversity numbers to 25%.

ACTION

Process changes are needed to improve hiring diversity within the Fire Department.

- The City has authorized an additional \$50,000 in current funding to expand recruitment efforts.
- Modify elements of body art policy to allow fewer candidate eliminations.
- Evaluate if hiring certified candidates could improve diversity.
- Propose modifications to civil service hiring to improve diversity through the Meet and Confer process. Elements that exist at other civil service departments that could be considered include:
 - A written test with a 5-point bonus for military service and a 2-point bonus for being a city resident.
 - Seven points is the maximum points that can be added to test scores.
 - Candidates with passing test scores on the entry-level test could be placed on an eligibility list in the order of their overall eligibility scores (test score plus additional points).
 - An eligibility list could be divided into bands based on the eligibility scores of candidates who pass the entry-level test. All candidates within a band could be considered to have an equivalent eligibility score.
 - Physical ability test
 - Scored interviews based on decision-making, communication skills, and interpersonal skills following a structure rating point process.
 - Final score must be above a specific point level to be considered for the hiring range.
 - Utilize interview boards (e.g., review boards), polygraph examinations, drug screens, background reviews, and personal references to assess candidates as long as the methods have been reviewed by the Human Resources Department and found to be objective and job-related and applied consistently in processing candidates.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in City Secretary's Office:	None

STAFF CONTACT(S)

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