

## MEET & CONFER SESSION WITH APFFA

Thursday, March 24, 2022

9:00 a.m. - 1:00 p.m.

**In attendance:** Spenser Slider, Jonathan Ingols, Don Crowson, Jimmy Studer, Joe Markham, Jason Horne, Frank Berber, Justin Robinson, James Donavan, Joshua Skinner, Pete Arevalo, Nick Mundell, John Updegraff, Steve Eck, Pete Martinez, Gerald Randall, Elisabeth Kaylor, May Dennis, Dana Endsley, Dana Hathorn, Al Jones, Adrian Velasquez, Jennifer Wichmann, Kerry Sullins, Pamela Hutson, Trey Yelverton, Lemuel Randolph, Yoko Matsumoto, Nastasha Anderson

### 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

Association asked about AP time and back fill for Meet & Confer activities. Management is reviewing. Chief doesn't have research information but will plan to schedule meetings around off-Shift time.

Association reminded Management the information requested in February was to be provided at the March meeting. This is not a new item (September 2010 as "time off bank of hours for purposes of Association business") with promise it would be reviewed in the upcoming year but wasn't. Need to revisit because makeup of Association will change and will be difficult to schedule meetings.

Management said it had worked with the previous Association President, and there was a solution. Chief said the conversation was about the President and not all Association team members. Management asked Association to provide data about proposed AP allocation hours that Management would be asked to allow. Chief said a middle ground solution could be reached. Management said agreement was to minimize the need for AP hours and look at a reasonable amount set aside for the AP purpose. HR said there was originally a five-person bargaining team, and Management agreed to extend the team to seven people.

Association says there was an issue in the past about canceled meetings due to no quorum. The current seven can accommodate meeting schedule if C-Shift is taken into consideration.

Management wants a reasonable allocation of hours. Additional people make it difficult to meet a quorum of four. Still working on the Ground Rules, but every person can have a designee, and the Association decided to increase number from five to seven. That's an additional cost to cover all seven.

AP time will be considered.

2. Continued Discussion on Updates to the Meet and Confer Process

Association expressed concern about information leaving the Meet & Confer meeting room before agreed-upon. Didn't ask for this but doesn't want info provided to the public if not fully vetted. Talked about the spirit of the Meet & Confer process, saying the released document was tabled and not ready for public view.

Management said this is about transparency. Recommend documents being shared through proposals are not finalized until mutually agreed upon. Suggested Association having a conversation with its membership about working documents. Information has to be provided to the public at this public meeting. There is no privacy of documents. Deliberations and documents behind closed doors weaken the process. Imperative to have an open process. Proposals suggested by either side recognized as a draft. Expectation to hold those proposals from public view, that's unrealistic. If Association needs to carefully consider what documents it brings forward, that's fine.

Association agreed to move on. The Association comes to the Meet & Confer meetings in good faith and expects professionalism on both sides of the table.

Legal stated the Ground Rules are not required, but the statute is specific to the process. Open public meetings follow those processes. The City and the Association are feeling their ways through the process until the Ground Rules are approved.

Management clarified there are no additional requested changes to the Ground Rules as discussed at the February meeting, but AP issues are still undecided and would need to be incorporated. Association will provide requested data proposal as soon as possible.

This item will be continued.

3. Continued Discussion on Sick and Vacation Policy

Started meeting with Item 3 because the City Manager needs to leave early. City Manager thanked Association for feedback on Management's February document.

Association said from the beginning it has wanted time earned to be restored and to use the Meet & Confer process to work toward a binding agreement. Concerned Management's February 28 handout (A – handout) was shared outside the Meet & Confer process before it was mutually agreed upon. It was distributed without explanation among Fire Administration and the Deputy Chiefs. At the March 8 Work Session, Management briefed City Council, which Association agreed should happen, and the entire proposal was released to the public with no agreement which created confusion amongst membership and tremendous turmoil. Request is to use the Meet & Confer process to go through finer details. A written statement was distributed (B – handout): *“Our members have instructed us to stick with the original ask, which was, is, and continues to be – Please restore the sick time and vacation time that was frozen by the City. We know it can be restored by following the procedures used for promoting an individual from Captain to Deputy Chief. We further know that Finance can accomplish this within two weeks, as testified by Spenser Slider in the February 2022 meeting.”* The Association's membership expressed a strong desire to rescind its original revised document provided just prior to this meeting, and the document distributed today on APFFA letterhead is the official document. The revised document, in good faith, is how the Association feels it can work with Management to restore time.

Management says no need to review the Association's revised document (**C – handout**), since it was rescinded. Will focus on sick and vacation balances and accruals and feels the document it provided last meeting achieves the way to work through them. Want to achieve an agreement, but every action has a fiscal consequence. Every plus must be counterbalanced with a minus because there will be a fiscal impact on all employees.

Association restated being serious about the process and its understanding some things being asked are probably not desirable but will work through it. Like Management works with citizen groups, the Association has groups it must work with as well. This is a public meeting with guests that's being recorded. However, time cannot be a bargaining chip.

Management will narrow perspective and try to solve two items.

The meeting broke for caucus at 9:18 a.m. Meet & Confer reconvened at 10:23 a.m.

Management asked for clarification on restoring time same as Deputy Chiefs to understand restorations, fixes or problems the Association believes the Deputy Chief process addresses. Time is there. No hours were lost but are segmented with processes and procedures in each area. Vacation time is there to cash-out when leave. Sick leave is there for when sick. Hours are there if not taken but are categorized with access procedures. Association concurred.

Association addressed availability of time when an employee needs it, requiring access to the bank. Association understands managerial classification and believes it was because of the salary dollar amount. DCs were brought into the conversation based on previous time-restoration talks stating it was harder to unpack due to work that went into the change and the monetary impact to the budget, which Council heard March 8. At beginning, City Manager talked about apples and oranges employee groups with Council. Deputy Chiefs earn time like all other Association employees earn time, and the Association wants restoration of lost sick/vacation time. There will be work involved. City Manager is in a difficult position to fund future liability. Five years ago, time was frozen, but DC time was rolled over. A number of fire employees exited the city during the transition, which resulted in cost savings to the City. Some employees didn't come close to the 1080 cash-out with considerable time at the City of Arlington. Association sees this as simple. Guarantees there won't be a rush of departures costing the City a considerable sum right away. Personnel policy language says nothing is construed as a contract. Still not even close to the 960 hours regular employees get. Some individuals will leave and individuals who left a lot of monetary-value time on the table. Association doesn't want to impact another Fire employee, including Deputy Chiefs who are in the Association membership. Used DCs only for mechanic purposes.

Management said there are approximately 350 Fire Department employees as "pluses" of which only 8-9 are DCs, will need to avoid negatives, if possible. Can't achieve perfection for everyone. Looking at today's handout verbiage "restore the sick time and vacation time that was frozen by the City." For vacation time, asked for agreement of what was there and is available at separation, add time for every Civil Service year, then hours are restored. Complicating factor is October 31 Civil Service year start and this is March 24. Six months to use all those hours, per Civil Service rules, or lose it. Management has concern of protecting that.

Association and Management agreed not to get hung up on Deputy Chief comparison.

Association says it will have to work together for mutual agreement. At the January meeting, there was a statement about this very concerning matter. Acknowledges there will be a trigger for vacation rollover. This is just brainstorming, not something Association wants to be held to. Could look at options – pay-out time pool, overtime pay-out, issue overage check, time pool for special circumstances could be another avenue to move some of that time. At the January meeting, highlighted the vacation rollover needed to occur. There are other avenues but looking at ways to burn time. Burden on command staff to keep adequate staffing.

Management says there are unintended consequences. Full-on vacation schedule is set with an October 31 “shot clock” that needs alternative protection for that time. Association concurs.

Association said Management’s proposal had a way to schedule time. Chief clarified one thing is restoration of hours and the other is the process. Management’s proposal allowed 240 hours based on seniority. Chief says the hours only have certain amount of time to get scheduled. Association believes there could be more time scheduled.

Association says it’s in Civil Service 143.046 Vacations, Subsection C, must be approved by City Council that a fire fighter may not accumulate vacation from year to year. Even if can’t happen right away, the time would be in the bank and could carry over vacation from year to year. If an employee gets too many hours and loses it, the rollover takes care of it. Chief said bank would be carried forward until separation. Association says things will have to change because of onboarding between now and October.

Management says that was not in Association’s ask. Association said it is a recurring ask and was in its January ask. Requires this action in Civil Service. Management says having things in black and white will be conducive to agreements. To be clear relative to today’s statement, this is about restoring vacation and providing for a one-year rollover of that amount of time while working on other issues, taking it from a 6-month (October 31) to an 18-month “shot clock.” Association says Civil Service has year-to-year rollover, continuous, similar but not exactly the same as pre-Civil Service.

Management addressed the sick leave piece with hours before made available and new hours accrued based on Civil Service. Restoring the old hours in relation to roll-forward and 142 versus 143 sick time. Association says to combine the two things into one bank, like DCs have one bank, that is also Civil Service-protected.

Management clarified the ask is rollover on vacation but leaves unlimited balances for sick. Association agreed that statement was correct.

Management suggested an option that might make the rollover piece unnecessary. Just for brainstorming purposes – instead of roll-forward for vacation, quantify amount of vacation available today and keep Civil Service year-to-year accrual, per law, and take amounts there now and cash-out to get rid of the liability.

Association said that might be a way to alleviate some of this. Cash-out option might be agreeable to membership. Will need to discuss with its membership. Wants to ensure the ask is simple. Association will continue helping figure out how to burn or move time. Under current sick time standard, there are challenges with accrual time under Civil Service. The simple approach is how long it takes to get to the time benchmarks (1080),

which is six years. How long it takes to get to 2912 is about 16 years. Sick time is used for baby bonding and other things. Sixteen years into a career is a commitment to the City of Employment. What 2912 does is allow an employee who is a good steward of time take full time for recovery. When time was converted, the way it was done hurt employees. That time is needed. Time is not a dollar amount, it's for full recovery. Five years in, they don't have 1080. If you have an injury, that's not much time. Restoration into banks will help Management's concern about compounding time. Can work on flattening trajectory.

Management said trajectory just part of it. Every hour created in sick leave is a long-term liability for the City. Trying to get that pool smaller. Can use time. Can retire and never have used it, leave it on the table. Can donate it. A lot of employees leave sick time and walk away. Payout liability of 1080 hours and operating liability in heavy work areas where employees have a need for more time off due to injuries. Operating cost of year or two out with the back-fill need. Liability and operating costs to how those hours are burned down. Need a way to shrink the pool that benefits both sides.

Association said, still brainstorming, sick leave sellback is an opportunity. Can find a number that could help alleviate some of the challenges. The Meet & Confer process is where this needs to be discussed and agreed upon. Will take these ideas to the membership, and Management has to take it to City Council. Wants time restored. This is the ask.

Management says vacation breakdown is what employees earn and take with them when they leave. On the sick side, it's like an insurance policy if needed but not to take away like vacation. Looking at banks and accruals, the sick side calculation will have a piece never cashed in. City needs some value back that's not always pay. Sick leave sellback burns down hours, but it's paid. Shrinking liability is how to avoid some of those hours, a combination of pay and avoidance. Association says current restrictions limit ability for employees to truly use the hours. After Civil Service some things were done that put in stumbling blocks during the transition. Association has more checks and balances than most other employee groups. Chief said it's the internal rules and essential workers. Association says fire employees are required to do more things than regular employees. Doesn't want to continue talking about time for another two months.

Management says hours earned are hours that are there and it's about rules for access. Trying to make it easier for employees to have access.

Association asked about pay-out on vacation, if pre-earned 180 or 240 hours used to front-load time would be used in cash-out. Easier to take pre-2017 hours. If you get 180 hours during year and frontload, straight-line burn down and leave in first part of year, there's reconciliation for cash-out. Chief says now if you leave mid-year and used all vacation time, there for cash-out back. If don't use, then nothing. It's the pre-2017 hours that if not used, then lost. Chief said vacation hours calculated with frontloaded Civil Service hours. Association wants that info before caucus. Management says discussion about new current load, not fresh 180, but a rolled-forward from bank. Offer to cash-out would include hours that rolled forward.

Association asked for clarification if leave now pre-2017 dollars and cash-out calculation. Management hopes it would be at current rate for cash-out, which is a big item.

The meeting broke for caucus at 11:12 a.m. Meet & Confer reconvened at 11:43 a.m.

Association asked where Management is with restoration time and wants it in writing to move forward – how time will be restored, pay-out looks appealing but will take that to membership for feedback.

Management asked for clarification if hours are rolled forward into vacation time, then restoration of vacation time is about access or those who had hours deducted now being rolled forward. Association says it's both because it's about all the earned time.

Management asked if just vacation or sick. Association said same for both.

Management said it was frontloaded from the October balance. People with no hours were given hours, and some with hours were pushed to that time. Not talking about 100% of fire fighters in that situation, just those who are to be given back sick leave and vacation hours. Association concurred.

Association wants separate agreements for vacation and sick leave.

Management will provide a written vacation document (go back to that date; identify those with hours taken from current time, rolled forward into new time), will share that information, and will take action to restore vacation hours. Chief says can get to vacation quickly but not sure about sick leave and asked if preference is cash-out for vacation.

Association will address it with membership for feedback.

Management wants clarification about pay-out that does not include rollover, which is still use it or lose it. Association said cash-out didn't include rollover and will have to follow Civil Service from year-to-year. Rollover's not on the table. Cash-out did not include rollover. Association says the first option included rollover for someone with more than one year's vacation to use, then following Civil Service, would lose. Wants City Council to approve year-to-year rollover. Management said restore hours and take action on rollover or if cash-out option elected, then that's the dollar amount. Association is done talking about rollover at this time but not about potential rollover in the future. Management suggests if want rollover, then not look at cash-out; can't be double dip. If pay today, it's the use it. Association says Civil Service doesn't allow cash-out. Management says still cost whether cash-out or rollover. Association says it's still earned time. Management says yes, earned time. If get cash-out now, then will bring rollover back in the future. Association said yes. Since rollover is issue, it's 100% allowed in Civil Service 143, not a Local Rule. Management not concerned about rollover with a cap because of the liability to taxpayers. Will not cash-out twice. Cash-out is one thing. Using it is another thing. Both cost City. Will be of concern to Management with cash-out and future rollover. Chief said could cash-out or calculation vacation time into the system and cash-out then. If roll vacation time in, it's use it or lose it because system only allows so much time off. Not a perfect proposition. No cash-out in 143.

Management says not on same page about sick leave. Chief says no confusion on calculation of sick leave. Took same scenario.

Management will provide document about restoring sick leave and vacation hours based on 143 hours that got shifted, the process, and the people who are impacted. Will need more discussion about rollover. Association will have time to talk with membership and provide feedback.

Association says time shouldn't be in the bargaining process. When there's a consideration, want to look at implementation as soon as possible and not wait for a fiscal year. If can agree on time earned and keep moving, both agreed. Management will include that in the written piece. Ordinances require two public readings.

This item will be continued.

#### 4. Continued Discussion of Hiring Practices

Chief asked for feedback on the Fort Worth hiring process to move forward with recruitment. Association says this is what the Meet & Confer process is for: Bullet 2 – asks Fire Admin and City look into.

Chief clarified it's about body art, which HR said is on page 2 of the February 22 Staff Report to Council. Association asked Fire Administration to look at the recent change in the police department. Chief said that's happening.

Association wants to add items for consideration, a big ask. Nepotism was visited twice (2008 and 2012) for normal recruitment and diversity. Wants the City to look at it to assist in the recruitment process for its diversity efforts. Wants to institute nepotism as a consideration to the hiring process.

Management asked for a specific proposal. Chief says he will add nepotism to the list.

Chief asked for feedback on the Fort Worth hiring process as a basis for Arlington. Association reviewed it. It was not part of the February 22 SR. The Fort Worth process document will be provided for discussion at the next meeting.

Association's intent is to work with the Chief to come up with a better process to help him achieve what he's been tasked with.

Management will provide the document about the Fort Worth process. This discussion will be continued when the document is provided.

Other non-agenda items:

- Association asked for correction to the February 22 Meet & Confer history summary on point 3. Should not list "no 1080" that's still in negotiation. Management said there will be a notation in the March 24 history summary instead.
- Instead of the scheduled April 28 meeting date, the B-Shift option is April 8. Association's lead will be Frank Berber that date.

Meet & Confer March 24, 2022, adjourned at 12:35 p.m.

The next meeting is scheduled for Friday, April 8, 2022, 9-11 a.m., City Hall Council Briefing Room, 101 W. Abram – 3<sup>rd</sup> floor. Agenda requests and notices an agenda item may require meeting longer than two hours are to be submitted to the City Manager's Office by 8 a.m. on Friday, April 1.

## 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





Our members have instructed us to stick with the original ask, which was, is, and continues to be— Please restore the sick time and vacation time that was frozen by the City. We know it can be restored by following the procedures used for promoting an individual from Captain to Deputy Chief. We further know that Finance can accomplish this within two weeks, as testified by Spenser Slider in the February 2022 meeting.

## 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. **Allows 1 year of VA time to roll over.**
  - **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**
    - **Short term VA usage**
2. Return Sick Leave to Pre-Civil Service policy
  - Sick leave **reverts** to **1800** 2912 maximum (24-hour) **1942.334** maximum (8-hour)
  - **Add Pre-Civil service sick leave bank and current Civil Service sick leave bank together. Civil Service sick leave bank**
  - Sick leave accrual/**usage** 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 at separation**)= **+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 Implementation by May 1<sup>st</sup> 2022.**
4. Newly hired employees vacation time **pro-rated accrual** at entry. Sick leave accrues per COA policy

5. Civil Service Ordinance modifications needed to implement changes
6. **Remove 30 day recertification for FMLA**
7. **Light duty assignments back within FD.**