



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 NOV 17 PM 4:20

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Kip Walsh
Acting Employees Relations
Director

SUBJECT: Side Letter with IAFF Local 55
Regarding Hazardous Materials Pay

DATE: November 7, 2016

City Administrator Approval

Date:

11/17/16

RECOMMENDATION

Staff Recommends that the City Council:

Adopt a Resolution Approving a Side Letter with the International Association of Fire Fighters (IAFF), Local 55 Regarding Incentive Pay For Bargaining Members Who Have Completed A Fire Department Approved Hazardous Materials Certification Program And Are Assigned to Work At Fire Station 3.

EXECUTIVE SUMMARY

Adoption of the proposed resolution is recommended to provide clarity and uniformity in the application of Hazardous Materials Pay incentive pay for sworn Fire Department personnel who qualify for the pay and are assigned to Fire Station 3.

BACKGROUND / LEGISLATIVE HISTORY

Fire Station (FS) 3 is located at 1445 14th Street. With a staffing of nine (9) personnel, FS 3 houses an Engine Company (4), Truck Company (5) and the Hazardous Material Unit. The Hazardous Material Unit is staffed with the same personnel who staff both the Engine and Truck Company.

All personnel assigned to FS 3 are required to have completed a Fire Department approved Hazardous Materials Certification program. The Hazardous Material Unit responds to all Hazardous Material incidents (i.e. spills and leaks) and is responsible for the pickup and disposal of illegally dumped household hazardous waste materials, as well as responds to medical, fire and other emergency type calls.

The City of Oakland Memorandum of Understanding (MOU) with the International Association of Fire Fighters, Local 55 that expires on October 31, 2017, Section 2.8.3 states:

A bargaining unit member who has completed a Fire Department approved hazardous materials certification program and who, thereafter, maintains

Item: _____

City Council
November 29, 2016

current such certification and is permanently assigned to Station 3 shall receive six percent (6%) in addition to his/her regular base rate of pay.

A bargaining unit member who has completed a Fire Department approved hazardous materials certification program and who, thereafter, maintains current such certification and is temporarily assigned to Station 3 by virtue of classified relief, temporary detail, numbered day relief or vacation relief shall receive \$15.00 per 24 hour shift for such assignment at Station 3.

Under existing policy in the MOU, the Fire Department allows members to take temporary or "TFN" assignments for up to one (1) year, or up to two (2) years if taking a forty-hour temporary position. A bargaining member permanently assigned to FS 3 can take a temporary assignment at another fire station and continue to receive the six percent incentive pay without having to perform the duties of this specialized position. Further, any bargaining member who is temporarily assigned to FS 3 to backfill for the other member on TFN, does not receive the six percent premium pay; rather, policy dictates that such members receive an incentive of fifteen dollars (\$15.00) per 24-hour shift. In order to correct this imbalance, this policy is being revised.

ANALYSIS AND POLICY ALTERNATIVES

Lack of clarity in the MOU language has given rise to grievances and outstanding concerns. As a result, the City met with representatives from the International Association of Fire Fighters, Local 55 to discuss clarifying language. The City and the Union agreed to a side letter attachment clarifying that employees would receive the Hazardous Materials Pay differential when working at FS 3 and not when they are temporarily assigned elsewhere. Additionally, employees assigned temporarily to FS 3 who have met the requirements to qualify for the Hazardous Materials Pay incentive would receive the same rate, rather than a flat per-day lesser amount.

FISCAL IMPACT

It is anticipated that the change in application of the Hazardous Materials Pay differential will have little or no fiscal impact because employees who had previously been on temporary assignments at other sites would no longer qualify for the pay, and employees temporarily assigned to FS 3 would now qualify for the pay. Individuals who work temporarily at FS 3 will now receive six percent of their salary as incentive pay versus the previous rate of fifteen dollars (\$15.00) per day.

PUBLIC OUTREACH / INTEREST

No public outreach was required.

COORDINATION

In preparing this report, Employee Relations coordinated with the Fire Department, City Attorney's Office, Controller's Bureau, and the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

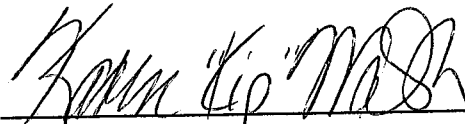
Social Equity: There are no social equity opportunities associated with this report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that the City Council Adopt a Resolution Approving a Side Letter with the International Association of Fire Fighters (IAFF), Local 55 Regarding Incentive Pay For Bargaining Members Who Have Completed A Fire Department Approved Hazardous Materials Certification Program And Are Assigned to Work At Fire Station 3

For questions regarding this report, please contact Kip Walsh, Acting Employee Relations Manager, at (510) 238-7334.

Respectfully submitted,



Kip Walsh
Acting Employee Relations Director

Attachments (5):

A: City/IAFF 55 Side Letter Agreement

2016 NOV 17 PM 4: 21

SIDE LETTER REGARDING HAZARDOUS MATERIALS PAY

AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 55 (IAFF LOCAL 55)

The City of Oakland and IAFF, Local 55 enter into the following agreement regarding Hazardous Materials Premium Pay:

The City / Local 55 Memorandum of Understanding (MOU) that expires on October 31, 2017, Section 2.8.3 states:

- (1) A bargaining unit member who has completed a Fire Department approved hazardous materials certification program and who, thereafter, maintains current such certification and is permanently assigned to Station 3 shall receive six percent (6%) in addition to his/her regular base rate of pay.*
- (2) A bargaining unit member who has completed a Fire Department approved hazardous materials certification program and who, thereafter, maintains current such certification and is temporarily assigned to Station 3 by virtue of classified relief, temporary detail, numbered day relief or vacation relief shall receive \$15.00 per 24 hour shift for such assignment at Station 3.*

For the duration of the existing contract, until October 31, 2017, the City shall implement the following provision for Hazardous Materials Premium Pay:

For bargaining unit members "permanently" assigned to Station 3 (first paragraph above), if the member accepts a temporary or TFN assignment at another location, the member shall not receive the Hazardous Materials Pay premium while serving in the temporary or TFN assignment.

For bargaining unit members temporarily assigned to Station 3 (second paragraph above), the members so assigned shall receive six percent (6%) in addition to his/her regular base rate of pay for such assignment at Station 3.

For IAFF, Local 55

Dan Robertson, President

Date: _____

Zac Unger, Vice President

Date: _____

For City:

Kip Walsh, Acting Employee
Relations Manager

Date: _____

Teresa Deloach Reed, Chief of Fire

Date: _____


City Attorney

2016 NOV 17 PM 4:20 RESOLUTION No. _____ C.M.S.

RESOLUTION APPROVING A SIDE LETTER WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), LOCAL 55 REGARDING INCENTIVE PAY FOR BARGAINING MEMBERS WHO HAVE COMPLETED A FIRE DEPARTMENT APPROVED HAZARDOUS MATERIALS CERTIFICATION PROGRAM AND ARE ASSIGNED TO WORK AT FIRE STATION 3

WHEREAS, the language of the City of Oakland Memorandum of Understanding (MOU) with the International Association of Fire Fighters, Local 55, Section 2.8.3 governing the Hazardous Materials Pay incentive was found to contain ambiguity; and

WHEREAS, it is in the best interest of the City and the Union to have language that is clear and unambiguous for the term of the MOU, which remains in effect until October 31, 2017; and

WHEREAS, the language as currently written allows an employee to receive the incentive pay when assigned to a Fire Station where the related work is not performed and assigns a lesser incentive to employees who are temporarily assigned to Fire Station 3 where the work is performed; and

WHEREAS, existing budgeted allocations in the Fire Department are sufficient to account for the Hazardous Materials Pay incentive as described in a Side Letter agreement between the City and the Union; now therefore be it, and

RESOLVED, that the City Council hereby authorizes the City Administrator to enter into a side letter with the International Association of Fire Fighters, Local 55 regarding incentive pay for bargaining members who have completed a Fire Department approved hazardous materials certification program and are assigned to work at Fire Station 3; and be it

FURTHER RESOLVED, the authorized Side Letter shall be effective upon passage of this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILEN, KALB, KAPLAN, REID and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California