



City Council Staff Report

DATE: October 7, 2015

NEW BUSINESS

SUBJECT: APPROVE SIDE LETTERS OF AGREEMENT WITH THE PALM SPRINGS FIRE MANAGEMENT ASSOCIATION AND THE FIRE SAFETY ASSOCIATION MODIFYING THE FIRE SUPPRESSION SHIFT SCHEDULE ON A TRIAL BASIS

FROM: David H. Ready, City Manager

BY: Palm Springs Fire Department

SUMMARY

This action would approve Side Letters of Agreement with the Palm Springs Fire Management Association (PSFMA) and the Palm Springs Fire Safety Association (PSFSA) modifying the current fire suppression work schedule from a "Kelly" schedule to a "48/96" schedule for a 384 day trial period.

The change to a 48/96 schedule for all 56 hour fire suppression personnel would commence on October 11, 2015 and last until October 29, 2016 and be in compliance with the Fair Labor Standards Act (FLSA).

The 48/96 schedule and the Kelly schedule have the same number of work hours in a year. The only difference is the schedule.

It is anticipated that the 48/96 shift schedule will not have any additional fiscal impact other than implementation cost. During the trial period, the Fire Chief will closely monitor and evaluate the revised schedule and any impacts, both positive and negative, in order to make a recommendation to the City Council as to its viability going forward.

RECOMMENDATION:

- 1) Approve Side Letters of Agreement with the Palm Springs Fire Management Association and the Fire Safety Association modifying the fire suppression shift schedule to a "48/96" schedule for a 384 day trial period to be in compliance with Fair Labor Standards Act.
- 2) Authorize the City Manager to execute all necessary documents.

Item No. 56

STAFF ANALYSIS:

At the request of both the PSFMA and the PSFSA the City met and conferred over modifying the fire suppression shift schedule. During the meet and confer process it was agreed to modify the fire suppression shift schedule from the current "Kelly" schedule to a "48/96" schedule for a one year trial period. The trial period would commence on October 11, 2015 and end on October 29, 2016 in compliance with the Fair Labor Standards Act.

The 48/96 schedule and the Kelly schedule have the same number of work hours in a year. The only difference is the schedule. A comparison of the two schedules is as follows:

48/96 Schedule XXOOOO Repeat
Kelly Schedule XOXOXOOO Repeat

X = 24 Hours on Duty O = 24 Hours off Duty

Because the 48/96 schedule is new to the Fire Department the impacts need to be evaluated for a period of time by the Department and the City. The trial period will allow everyone to analyze the impacts and make recommendations whether to keep the schedule or revert back to the Kelly schedule. The Department will monitor and report any changes in productivity, fatigue, injuries, or sick leave usage. Fire departments across California, that have adopted the 48/96 schedule, have reported positive results such as reduced commute time, increased family time, and increased moral. A few of the California fire departments that have adopted the 48/96 schedule include:

- | | | |
|------------------------------|----------------------|---------------------|
| Sacramento City | Fresno | Salinas |
| Sacramento Metro Fire | El Segundo FD | Fallbrook |
| Orange County Fire Authority | Livermore-Pleasanton | South Placer |
| Rocklin | Colton | Montclair |
| Idyllwild | Loma Linda | Visalia |
| Stockton | Borrego Springs | Rio Vista |
| Fort Irwin | Hemet | Big Bear Lake |
| Selma | Mountain View FD | Santa Fe Springs |
| Upland | Salinas | Newport Beach |
| La Verne | Berkeley | San Jose |
| Chino Valley Fire | Sierra Madre | Cathedral City |
| Protection District | South Pasadena | Menlo Park |
| Santa Barbara City | Pechanga | Montecito |
| San Bernardino | Contra Costa | North Tahoe |
| San Mateo | San Gabriel | San Ramon |
| San Mateo County | Woodside | South San Francisco |
| | Lakespur | Tahoe Douglas |

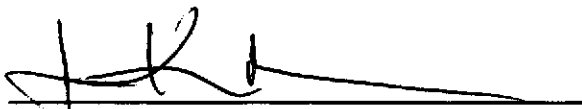
Truckee	Murrieta	Vacaville
Union City	Hermosa Beach	Modesto
Atascadero	Torrance	Shasta Lake
Taft FD	Tulare	Folsom
Elk Grove	Kern County	Benicia
Half Moon Bay	Barstow	Glendale
North County Fire Authority	Selma	Auburn City
Redondo Beach	Fremont	Millbrae
Northstar	Foster City	Downey
Vallejo	Gardena	
Manhattan Beach	Marin County	
	Richmond	


In coordination with the 48/96 schedule trial period, it has been agreed to implement a 75 mile residency requirement (from the City limits) for all new employees hired, and the residency requirement will stay in place regardless if the 48/96 schedule continues. This mile limit will ensure that fire suppression employees live within a reasonable distance from the City for emergency callback.

A vote was taken by the fire association members to adopt the 48/96 schedule trial period and was supported by 80% of the members being affected and staff recommends adoption of the 48/96 trial period.

FISCAL IMPACT:

There is minimal cost for administrative and payroll changes to accommodate the 48/96 schedule which is currently covered in the current FY 15/16 budget. Other potential costs, such as overtime and use of leave, will be evaluated during the trial period evaluation.


J. Kevin Nalder
Fire Chief


David H. Ready, Esq. Ph.D.
City Manager

Attachments:

1. PSFMA Side Letter Agreement
2. PSFSA Side Letter Agreement

SIDE LETTER OF AGREEMENT

**BETWEEN
CITY OF PALM SPRINGS
AND
PALM SPRINGS FIRE MANAGEMENT ASSOCIATION**

This Side Letter of Agreement (Agreement) between the City of Palm Springs (City) and the Palm Springs Fire Management Association (Association) (collectively "Parties") is entered into with respect to the following:

WHEREAS, the parties' Memorandum of Understanding (MOU) contains a provision which allows the Association to request to reopen negotiations on the subject of work schedules; and

WHEREAS, the Association exercised that right in March 2015, and presented the City with a proposal expressing an interest in working a 48/96 schedule on a trial basis; and

WHEREAS, the parties met and conferred, and reached an agreement on a 48/96 work schedule; and

WHEREAS, the Parties agree that their MOU shall be amended as follows:

7. OVERTIME

Fire Management employees, including the Fire Suppression Captains, Fire Prevention Captains, Battalion Chiefs and the Deputy Chief shall be compensated for overtime worked at a rate of fifty percent above the employee's regular hourly rate of pay for work performed in excess of two hundred and four (204) hours per twenty seven (27) day work period (in accordance with Section 7(k) of the Fair Labor Standards Act) or in excess of forty (40) hours a week for those assigned positions. In addition to the foregoing, when an employee is required to work outside the City per the City's agreement to provide mutual aid in the City's California Fire Assistance Agreement with the Governor's Office of Emergency Services, the employee will be paid at the rate of time and one half for the total hours assigned on such mutual aid. Effective October 11, 2015, the FLSA work period will change to the 24-day work period during the trial period of the 48/96 work period which is addressed below. Per the 24-day work period, overtime shall be compensated at time and one half for the work performed in excess of one hundred and eighty two (182) hours in the work period.

20. WORK SCHEDULES

20.1

Fire Management Unit positions assigned to the classification of Fire Prevention Captain and Deputy Chief shall be allowed to work either a 4/10 schedule or a 9/80 schedule, with the understanding that such schedule is at the discretion of the Fire Chief.

The City reserves the right to schedule hours of work. City and Association agree to meet and confer on the impacts of any significant work schedule changes made to the work schedules of members of Fire Management Unit, other than the 4/10 or 9/80 schedule described above.

20.2

Effective October 11, 2015 at 8:00 a.m., the parties will commence a 384 day trial period for fire suppression personnel to work a "48/96" work schedule. The "48/96" work schedule shall consist of two 24-hour shifts (for a total of 48 consecutive hours) of scheduled work followed by four consecutive days (for a total of 96 consecutive hours) off-duty. The parties agree that a 24-day work period in accordance with Section 7(k) of the Fair Labor Standards Act will apply during this 384 day trial period.

The 384 day trial period will sunset at 7:59 a.m. on October 29, 2016, unless, prior to that date and time, the parties affirmatively agree in writing to continue the "48/96" work schedule. If the parties do not agree to continue the "48/96" work schedule prior to the end of the 384 day trial period, the "48/96" work schedule will revert to the "Kelly schedule" in effect prior to the trial period. The return to the "Kelly schedule" will also result in a return to the 27 day work period authorized by section 7(k) of the Fair Labor Standards Act.

39 RESIDENCY REQUIREMENT

Unit members hired on or after 8:00 a.m. on October 11, 2015 must live within 75 miles of the City limits.

FOR THE CITY OF PALM SPRINGS

Perry Madison, Director of Human Resources

Date

Peter Brown, Labor Attorney

Date

David Ready, City Manager

Date

FOR THE PALM SPRINGS FIRE MANAGEMENT ASSOCIATION

Jason Loya, Association President

Date

Mike Powell, Association Labor Representative

Date

SIDE LETTER OF AGREEMENT

**BETWEEN
CITY OF PALM SPRINGS
AND
PALM SPRINGS FIRE SAFETY ASSOCIATION**

This Side Letter of Agreement (Agreement) between the City of Palm Springs (City) and the Palm Springs Fire Safety Association (PSFSA) (collectively "Parties") is entered into with respect to the following:

WHEREAS, the Parties' current Memorandum of Understanding (MOU) contains a provision which allows the PSFSA to request to reopen negotiations on the subject of work schedules; and

WHEREAS, the PSFSA exercised that right in March 2015, and presented the City with a proposal expressing an interest in working a 48/96 schedule on a trial basis; and

WHEREAS, the Parties met and conferred, and reached an agreement on a 48/96 work schedule; and

WHEREAS, the Parties agree that their MOU shall be amended as follows:

7. OVERTIME

7.1

Personnel Rule 5.10.4, Fire Safety Unit Overtime Rate, shall continue to read: "Fire Safety Unit shift members shall be compensated for overtime worked at a rate of fifty percent (50%) above the member's regular hourly rate of pay for the work performed in excess of two hundred four (204) hours per twenty-seven (27) day work period." This work period is in accordance with Section 7(k) of the Fair Labor Standards Act (FLSA). Effective October 11, 2015, the FLSA work period will change to the 24-day work period during the trial period of the 48/96 work period which is addressed below. Per the 24-day work period, overtime shall be compensated at time and one half for the work performed in excess of one hundred and eighty two (182) hours in the work period.

7.2 "48/96" WORK SCHEDULE

Effective October 11, 2015 at 8:00 a.m., the parties will commence a 384 day trial period for fire suppression personnel to work a "48/96" work schedule. The "48/96" work schedule shall consist of two 24-hour shifts (for a total of 48 consecutive hours) of scheduled work followed by four consecutive days (for a total of 96 consecutive hours) off-duty. The parties agree that a 24-day work period in accordance with Section 7(k) of the Fair Labor Standards Act will apply during this 384 day trial period.

The 384 day trial period will sunset at 7:59 a.m. on October 29, 2016, unless, prior to that date and time, the parties affirmatively agree in writing to continue the "48/96" work schedule. If the parties do not agree to continue the "48/96" work schedule prior to the end of the 384 day trial period, the "48/96" work schedule will revert to the "Kelly schedule" in effect prior to the trial period. The return to the "Kelly schedule" will also result in a return to the 27 day work period authorized by section 7(k) of the Fair Labor Standards Act.

Current Articles 7.2 – 7.6 will be renumbered to 7.3 – 7.7 to accommodate the new 7.2 above

41 RESIDENCY REQUIREMENT

Unit members hired on or after 8:00 a.m. on October 11, 2015 must live within 75 miles of the City limits.

FOR THE CITY OF PALM SPRINGS

Perry Madison, Director of Human Resources

Date

Peter Brown, Labor Attorney

Date

David Ready, City Manager

Date

FOR THE PALM SPRINGS FIRE SAFETY ASSOCIATION

Mark Diaz, Association President

Date

Mike Powell, Labor Representative

Date