Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. _____B 320-12_____

AN ORDINANCE

pertaining to the operation of the Columbia Fire Department and conditions of employment of the Columbia Fire Department personnel; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

ARTICLE 1: PREAMBLE

It is the purpose of this Ordinance to achieve and maintain harmonious relations between the City of Columbia, hereinafter referred to as the City or the Employer or Management, and the Columbia Professional Fire Fighters, Local 1055 of the International Association of Fire Fighters, hereinafter referred to as the Union or the Employee(s), to provide for an equitable and peaceful resolution of any differences which may arise.

The Employer will not discriminate because of participation in or affiliation with any labor organization.

ARTICLE 2: RECOGNITION

The Employer recognizes the Union as defined April 18, 1978, Public Case No. 1977-008, by the Missouri State Board of Mediation or as may be modified by court action, as the recognized bargaining agent of all full-time permanent, bona fide City fire fighters assigned to the position classifications of fire fighters through captain. Specifically excluded from the bargaining unit shall be the classifications of Battalion Chief, Division Chief, Deputy Chief and Fire Chief.

ARTICLE 3: RESERVED MANAGEMENT RIGHTS

The City possesses the sole right to operate the Fire Department and all management rights repose to the City as defined in Chapter 19 of the Code of Ordinances.

ARTICLE 4: DUES CHECK OFF

A. Once a month, the Employer is to deduct the Union membership fees and dues from those employees who individually authorize in writing that such deductions be made. All authorizations delivered to the Employer prior to the first day of the month are to be effective during the succeeding month.

B. Dues are to be deducted from the first paycheck of each month and are to be remitted for deposit directly to the Union's General Fund with an itemized statement being sent to the Union Treasurer within fifteen (15) days after the deductions have been made.

C. The City is to deduct, as a service fee, $0.10 (ten cents) per participating employee per month from the total monthly remittance to the Union's General Fund.

D. An employee may cancel or revoke the authorization for check off deductions by written notice to the Employer and the Union. The cancellation is to become effective one month subsequent to the request for such cancellation.

E. The City is to annually supply each Fire Department employee represented by the Union two wallet-size shift calendars and with two letter-size calendars.

ARTICLE 5: UNION BUSINESS

A. Employees elected to Union Office may be granted a reasonable amount of on-duty time (as agreed by Management) to investigate matters relating to the administration of this ordinance, Chapter 19 of the Code of Ordinances and Department rules and regulations, or for resolving complaints and grievances, provided that such time does not detract from normally assigned duties and does not require replacement of such Union representative.

B. The Union's negotiating team will not suffer loss of pay to attend meetings mutually set by the Employer and the Union.

C. The Union president and two members of the Union's negotiating team may be allowed, while on duty, to meet with City Council regarding Meet and Confer sessions with the City, provided such absence does not affect the effectiveness and efficiency of the Fire Department operation as determined by the Fire Chief or his/her authorized representative.

D. There will be no discrimination by the Employer against any employee because of membership in the Union.

ARTICLE 6: RULES AND REGULATIONS

A. Departmental Operational Bulletins that affect working conditions and performance are subject to the grievance procedure set forth in Chapter 19 of the Code of Ordinances.

B. Except in cases of emergency, unless the Union requests to meet with the Fire Chief to discuss the proposed changes or additions within the ten (10) calendar day period, such changes or additions to the Operational Bulletins will become effective as proposed.

C. At the request of the Union, the Fire Chief may meet with Union representatives to discuss changes or additions to the Fire Department Operational Bulletins submitted by the Chief or proposed by the Union.

ARTICLE 7: WAGES

The wage schedule of Fire Department employees is set forth in the City's pay plan ordinance, a copy of which is to be made available at each fire station.

ARTICLE 8: EMERGENCY RECALL

In an emergency requiring the recall of off-duty personnel, the primary task is to establish an effective fire fighting mechanism (personnel and equipment) in the shortest amount of time. Such circumstances are relatively rare and, therefore, overtime equalization need not be considered. In emergencies, the Fire Chief or his/her designee may employ any available mechanism to locate and press into service off-duty personnel appropriate to the needs of the department. All available means of communication may be used to accomplish this goal. Emergency recall is to follow guidelines as set forth in Fire Department Operational Bulletins.

A. MINIMUM CALL-IN COMPENSATION: All employees covered by the terms of the Ordinance who are called back to work from off duty shall be paid for a minimum of three (3) hours. If more than one call is received, the employee shall continue to earn pay in addition to the first three (3) hours minimum, however, if the employee is required to work a total of three (3) hours or more, the standard pay provisions shall apply. Only one minimum three (3) hour call-in allowance shall be provided per day.

   Compensation for employees called to an emergency begins at the time they have arrived at the station where their fire fighting gear is located or their assigned location for that emergency, whichever can be accomplished sooner.

ARTICLE 9: NORMAL STAFFING

The normal minimum staffing levels for Columbia Fire units are to follow guidelines as set forth in Fire Department Operational Bulletins.

ARTICLE 10: Work Schedule

A. The work schedule and assignments continue to be a management right. From time to time, new assignments and reassignments are required. However, advance notice to employees is considered. The fifty-six (56) hour employees currently work an FLSA schedule of 27 day work period and shall be paid at one and one half times the regular rate of pay for overtime for all hours worked in excess of 204 hours during the work period. Currently, fifty-six (56) hour employees are divided into three (3) shifts and work a rotating schedule of 24 hours on duty and 24 hours off duty for three (3) duty tours followed by four (4) days off. The schedule is illustrated below with an "X" representing a 24-hour duty day and an "O" representing an off duty day.

(X O X O X O O O O)

Forty (40) hour employees work a seven (7) day work schedule beginning midnight on Sunday morning and paid at one and one half times the regular rate of pay for overtime for all hours worked in excess of forty (40) hours during the work period.

B. Forty (40) hour employees shall be subject to standby/on-call provisions as defined by Chapter 19 of the City Code of Ordinances, Section 19-97.

ARTICLE 11: INJURY LEAVE

Injury leave is to cover injuries to employees who are performing tasks on the emergency scene or participating in fire fighter training. Employees are reminded that Section 19-130 of the City Code, subparagraphs (n) and (o) apply to injury and sick leave. To help clarify the intent of Section 19-130, some examples are in order. These examples are not intended to be inclusive but are for illustrative purposes only.

A. INJURIES APPROPRIATE FOR INJURY LEAVE: Any injury which is related to and sustained while training for unique fire fighting tasks; any injury sustained while traveling in any fire department emergency vehicle or in an ambulance to or from an emergency scene, any injury sustained on an emergency scene and injuries resulting in association with any aspect of responding to an alarm.

B. INJURIES NOT APPROPRIATE FOR INJURY LEAVE: An injury resulting from entering or exiting a Fire Department vehicle during routine, non-emergency conditions; a fall at a fire station, a training facility, or administrative office; injuries resulting from vehicle accidents occurring while not traveling in an emergency mode;

cuts, scrapes, bruises, etc., while performing routine office tasks, writing reports, etc

ARTICLE 12: SENIORITY

A. Seniority is defined as the length of continuous service with the Columbia Fire Department since date of most recent hire to a permanent position.

B. Seniority for employees hired the same day, attending basic recruit school on or after October 1, 1985, is to be determined by final class standing upon graduation from basic recruit school. Final class standing is to be determined by total point accumulation for all applicable tests. Affected employees are to be notified in writing at the start of basic recruit school as to which tests are applicable and their respective point value.

C. The Fire Administration Office is responsible for maintaining and posting in each station, at least on an annual basis, a seniority list(s).

D. Seniority with the fire department is given primary consideration for purpose of vacation scheduling.

E. Seniority with the fire department is given primary consideration for the purpose of lay-offs and recalls to work.

F. Seniority-in-rank is given consideration for the purpose of transfer procedures.

G. When other factors are considered, seniority is to be given important consideration for promotions.

ARTICLE 13: COPIES OF OFFICIAL MATERIALS AND TRANSACTIONS

A. The City is to furnish to each Fire Station a copy of the following:

1. This ordinance;
2. Chapter 19 of the Code of Ordinances;
3. Administrative rules promulgated by the City Manager;
4. Fire Department Operational Bulletins; and
5. Changes and amendments to all of the above.

B. Employees, upon request, are to receive a copy of any personnel transactions or evaluations affecting them.

C. Employees may cause to be placed in their personnel file a written explanation of the reasons for an action or inaction resulting in a warning or reprimand.

D. Employees are responsible for complying with current departmental operational bulletins, City rules and regulations, etc.

ARTICLE 14: EXCHANGE OF WORKING HOURS (Trading Time)

A. Employees employed in the same capacity may agree (solely at their option) and with the approval of the Fire Chief or his designee, to substitute for one another during scheduled work hours. The hours such employee worked as a substitute shall be excluded by the City in the calculation of the hours for which the employee is entitled to overtime compensation. Where one employee substitutes for another, each employee will be credited as if he or she had worked his or her normal work schedule for that shift.

B. Trade time requests are to be made on the Request for Substitution of Exchange of Time form as soon in advance of the requested substitution as possible. The employee is to be notified, as soon as possible, if the request is approved or denied by his/her Chief Officer or his/her designee.

C. It is the responsibility of the employee requesting the trade time to see that the substitute employee reports for duty at the proper time and location, unless the employee has secured the signature of the substitute on the Request for Exchange of Time form and the trade time has been approved by the duty Division Chief or his/her designee.

D. An employee may trade time if it is determined the employee will be late for work. This trade time is subject to the approval of the Division Chief or his/her designee.

E. Should any employee who is substituting for another and calls in sick for that day's work, that employee will be charged the appropriate sick leave usage to their accrual. If an employee is substituting for another, has signed the appropriate form, and cannot fulfill their obligation, that employee will be responsible for securing another employee to fill the position traded. Should an employee, who has signed the appropriate form, become injured within five (5) calendar days prior to the date of the trade time, that employee will be responsible for securing another to fill-in during their absence. If no one can be found to work by the injured employee, that employee will be allowed to use vacation or sick leave from their accrued account to cover the traded shift.

F. Trading is a privilege granted by the Fire Chief to shift personnel and is to be used responsibly. Consideration should be given to scheduled training and company obligations. Abuse of this privilege could result in specific trades being denied, loss of pay, or the loss of this privilege by the abusing employee for a determined amount of time.

G. At the time an employee is promoted or demoted, that employee has seven (7) calendar days to notify his or her Division Chief of outstanding trade time obligations. The employee has ninety (90) calendar days to resolve any out-of-rank trade time debits. Trade times beyond ninety (90) calendar days will require the Fire Chief's prior approval.

H. Out of rank trade times are not to be permitted unless specifically approved by the Fire Chief. Personnel in "acting" positions will be allowed to trade time with employees in the same "acting" rank following the guidelines described in Section G. above.

ARTICLE 15: MEAL ALLOWANCE

Meal allowance is to be paid in accordance with Chapter 19 for each day an Emergency Services employee is on duty. Payment of this benefit is to be one-half on or about October 1, each year with an additional payment adjusted to reflect the actual days worked during the previous six (6) months on or about April 1, each year.

ARTICLE 16: COLUMBIA FIRE DEPARTMENT PROMOTIONAL GUIDELINE

A. GUIDELINE: It is the policy of the Columbia Fire Department to promote personnel in a manner that is consistent with City of Columbia personnel rules and regulations. Eligibility Rosters are to be listed in alphabetic order. Eligibility Rosters are closed records and will not be published. Individual ratings are to be provided to the Fire Chief and may be supplemented by relevant factors such as individual seniority, work performance, attendance, and past disciplinary action. Whenever possible and practical, a selection is to be made from the top five qualified candidates. Obvious exceptions to this guideline may be made in the case of acting assignments (e.g. Fire Marshal's Division).

This guideline is to apply to the ranks of Fire Engineer, Fire Lieutenant and Fire Captain.

B. PROCEDURE: Generally thirty (30) days, but at least three (3) weeks prior to the date testing begins, a written job announcement is to be posted to include the following information:

1. Job description (including minimum qualifications);
2. Tentative schedule of dates, times, and locations;
3. Study materials (if applicable); and
4. Application deadline.

Employees interested in participating in the promotional process are to submit intent to participate to the Human Resources Department by the established deadline. Minimum qualifications for the position must be met by the application deadline.

Generally, the testing process is to include a written test, report writing, practical or tactical evaluations. Specific components are to be listed on the notification as well as assigned weighting for each component. In addition, other relevant components are to be included in the process such as report writing and practical or tactical evaluations. Specific components are to be listed on the notification as well as assigned weighting for each component.

Once the promotional process is complete and the Eligibility Roster has been certified, applicants are to be notified of their ranking on the Eligibility Roster. At the time of notification, applicants will also be advised of their specific score for the written component. Limited individual results will be released by category for each remaining component of the testing process. Scores between 90% and 100% will be classified as Outstanding. Scores between 80% and 90% will be classified as Good. Scores between 70% and 80% will be classified as Acceptable. Scores below 70% will be classified as Failed.

C. ADDITIONAL INFORMATION: Additional information to be considered is to include:

1. Applicable education and experience;
2. Performance evaluations for the last two (2) years;
3 Attendance record;
4. Training record for the last two (2) years; and
5. Disciplinary action for the last two (2) years.

D. SELECTION: The Fire Chief or designee(s) is to meet individually with the top five qualified candidates to determine final selection. If, for valid reasons, the Chief is unable to select from the top five qualified candidates, at his or her discretion, additional candidates may be interviewed for consideration.

When a final selection is made by the Fire Chief all candidates are to be notified of the selection by the Chief or his or her department designee.

ARTICLE 17: TRAINING

Outdoor training is not to occur under inappropriate or unreasonable conditions. The Fire Chief, or his/her designee, will determine if conditions are appropriate for training.

ARTICLE 18: SAVINGS CLAUSE

Should a court or administrative agency of competent jurisdiction hold any provision of this Ordinance unlawful, all other provisions of this Ordinance are to remain in force. If the Union or Management deems replacement provisions necessary, they are to be discussed at a mutually agreeable time.

ARTICLE 19. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and shall remain in effect until December 31, 2013 unless sooner modified or repealed. The City Council expects that city management and Local 1055 will meet and confer and propose modifications to this ordinance by September 1, 2013.

PASSED this _____ day of _____, 2012.

ATTEST:

_____ _____

City Clerk Mayor and Presiding Officer

APPROVED AS TO FORM:

_____

City Counselor

Source: Human Resources

Agenda Item No:

To: City Council
From: City Manager and Staff

Council Meeting Date: Nov 5, 2012

Re: Work Ordinance - Columbia Professional Fire Fighters, Local 1055 of the International Association of Fire Fighters

EXECUTIVE SUMMARY:

Local 1055 and City staff have completed discussions and agreed to a renewal of provisions of the previous work ordinance (B 320-11) that is scheduled to expire December 31, 2012. One revision to the promotional process has been included.

DISCUSSION:

The proposed work ordinance is a renewal of the provisions agreed to in B 320-11 in November, 2011. That ordinance expires December 31, 2012. One change was discussed and agreed to during the meet and confer process regarding Article 16, Columbia Fire Department Promotional Guideline. Applicants wish to receive their individual score on any written examination included in a promotional process. That change is included in the proposed work ordinance.

Members of Local 1055 approved the proposed work ordinance during an election held the week of October 22, 2012.

This ordinance will be in effect until December 31, 2013. Staff expects any modifications will be proposed through the next meet and confer process.

FISCAL IMPACT:

No fiscal impact.

VISION IMPACT:

http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php

None.

SUGGESTED COUNCIL ACTIONS:

Adopt this Council Bill.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		**Program Impact**		**Mandates**	
City's current net FY cost		New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated		Duplicates/Epands an existing program?	No	**Vision Implementation impact**	
Amount of budget amendment needed		Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		**Resources Required**		Vision Impact?	No
One Time	$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing		Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	