

FIRE EDUCATION INCENTIVE PROGRAM**SIDE LETTER OF AGREEMENT****BETWEEN****CITY OF HAYWARD****AND****INTERNATIONAL ASSOCIATION OF FIREFIGHTERS – LOCAL 1909 &
HAYWARD FIRE OFFICERS ASSOCIATION**

This side letter of agreement is entered into by and between the City of Hayward (“City”) and the International Association of Firefighters, Local 1909 and Hayward Fire Officers Association (“Union”), to amend the Memorandum of Understanding (“MOU”) for the period of January 1, 2010, through December 31, 2023, and extends through the duration of the current MOU period of January 1, 2024, through December 31, 2029.

In February 2024, California Public Employees’ Retirement System (“CalPERS”) noticed a member of the Union through a “compensation compliance review” that there appeared to be a misapplication of the educational incentive within the current MOU, to a retirement benefit. As a result, the City and the Union have met and conferred on the matter and entered into this Side Letter of Agreement to clarify MOU language with respect to the Fire Education Incentive program.

Effective July 1, 2021, Article 13.00 Miscellaneous Allowances shall be amended as set forth below.

13.01 Fire Education Incentive Program**1. Purpose**

This program is intended to encourage members of the department to avail themselves of the wide variety of education and training opportunities offered to individuals in the fire service. The need for such a program is apparent because of the increasing trend towards professionalization in this field, and the high quality of performance demanded of employees. The experienced Firefighter will be better qualified to meet these demands if they can improve skills by participating in academic training and participation in specialized training programs. Additional compensation will be provided to those employees who qualify.

2. Eligibility

- a) Candidates must be members of the Hayward Fire Department.
- b) All classifications represented by this bargaining unit shall be eligible to participate.

3. Qualification Requirements

- a. Candidates must complete a minimum of fifty (50) hours of approved study and training during each qualification period as defined below.
- b. Approved Study and Training
 1. Credit will be provided for approved study and training in accredited outside training programs (defined below) provided courses taken do not substantially duplicate the in-service training provided by the Hayward Fire Department.
 2. Candidates may take courses in accredited public or private schools, colleges, or universities if the courses are identified as courses that would improve their efficiency, knowledge or competency in the performance of their duties.
 3. Candidates may receive credit for participation in any California Fire Training Course offered by the State Department of Education Fire Training Program. Credit for participation in these courses shall be on the basis of one (1) hour of credit for each hour of classroom study.

Courses available from other non-college sources, and future courses which may be offered under the California State Fire Training Program will be evaluated by the Program Review Committee, and a determination made as to whether or not credit will be given.
 4. Enrollment in correspondence courses and educational television courses may be approved providing such courses are acceptable for credit towards a baccalaureate degree by a college or university with maximum accreditation from the Western Association of Schools and Colleges. Such courses must also be consistent with the general aims and requirements of the Program.
 5. Four (4) or more units of approved public school, college, or university work shall be equivalent to fifty (50) hours of classroom study. Credit for special classroom study or training obtained by participation in State Fire Training Courses, or other approved sources, may be combined with college enrollment to obtain the required fifty (50) hours only upon approval of the Fire Chief.
 6. Candidates who wish to enroll in an outside school college, or university must submit, in advance of enrollment, a report in duplicate to the Director of Training showing the name of the school, the subject, the number of

credits or units, the name of the instructor, and the class schedule for approval by the Fire Chief. Candidates who wish to appeal the decision of the Fire Chief with respect to the suitability of intended training or course work, may do so by fully stating their position in writing to the Program Review Committee whose decision shall be final.

7. Candidates attending outside schools, colleges or universities will be required to complete the selected course of study with a minimum grade of C or its equivalent. Transcripts or other official notifications from the institution shall be furnished to the Fire Chief. For non-graded courses or training programs, a certificate of completion together with evidence of satisfactory attendance shall be required.

c. Teaching

1. Candidates who hold a valid California teaching credential or who have completed the requirements for the teaching credential may secure credit by teaching without compensation in an accredited fire service training program or school.

4. Additional Compensation

- a. Employees completing forty-eight (48) hours of approved study or training shall receive additional compensation of two and one-half percent (2.5%) above the salary step currently held. Said compensation shall be paid for a twelve (12) month period as defined in Subsection 4(a)-1 and 4(a)-2 below and shall be reported to CalPERS as special compensation. All time spent in qualifying for the program shall be off-duty time and shall entail no cost to the City, nor shall compensation be received from any other source. Benefits allowed an employee under the *GI Bill* shall not be precluded by the provisions of this Section.
 1. Employees shall be eligible for additional compensation as defined in Section 4(a) on July 1 providing, they have completed necessary program requirements between January 1 and June 30 during the preceding twelve (12) months. Recertification as required shall take place during the following twelve (12) month period.
 2. Employees shall be eligible for additional compensation as defined in Section 4(a) on January 1 providing, they have completed necessary program requirements between July 1 and December 31 during the preceding twelve (12) months. Recertification as required shall take place during the following twelve (12) month period.
- b. A candidate who obtains an associate degree in Fire Science or an appropriately related field as determined by the Program Review Committee shall be entitled to additional compensation of two and one-half percent (2.5%) above the salary

step currently held. Credit under this section will be allowed for approved State Fire Training Courses successfully completed by employees on the basis of eighteen (18) hours of classroom study being equivalent to one (1) *quarter* unit of academic work. (Equivalent *quarter* unit)

A maximum substitution of thirty (30) equivalent quarter units will be allowed in qualifying for the compensation allowed by this section. Candidates who have completed ninety (90) quarter units or more of academic work with thirty (30) units in Fire Science, but who do not possess an associate degree, may apply to the Fire Chief for the additional compensation authorized by this section. The Fire Chief may either approve such request or refer it to the Program Review Committee for determination. The decision of the Program Review Committee shall be final.

- c. A candidate who obtains a bachelor's degree shall be entitled to additional compensation of five percent (5%) above the salary step currently held. Compensation shall be provided under this section to candidates who obtain a bachelor's degree prior to employment provided that they hold a Fire Science Certificate, or its equivalent, as determined by the Program Review Committee. For the purpose of this section, the work required for a Fire Science Certificate shall be the program requirements currently in effect at Chabot College, Hayward. Candidates who have completed two-hundred quarter units or more of academic work with thirty (30) units in Fire Science, but who do not possess a bachelor's degree, may apply to the Fire Chief for the additional compensation authorized by this section. The Fire Chief may either approve such request or refer it to the Program Review Committee for determination. The decision of the Program Review committee shall be final.
- d. Employees who qualify for additional compensation under Sections 4(b) and 4(c) may obtain an additional education incentive of two and one-half percent (2.5%) by continuing their work in the program as set forth by paragraph 4(a) above. Course work which is taken while an employee is on duty and/or the cost of which is paid for by the City, including workshops or mandatory training programs, may be used to qualify for additional compensation under Sections 4(b) and 4(c).
- e. Employees who qualify for additional compensation under subsection 4(c) above, and who have completed two hundred and forty (240) hours of additional education calculated at a maximum of forty-eight (48) hours per year, shall be entitled to additional *permanent* compensation of seven and one-half percent (7.5%) above the salary step currently held without the need to continue work in the program as required in subsection 4(c) above.
- f. In no event shall any employee receive an Education Incentive Premium in excess of seven and one-half percent (7.5%) by reason of the employee's participation in this program.

- g. The City will report all of the above outlined educational incentives in Section 13.01 Fire Education Incentive Program, to CalPERS as special compensation.

5. Program Review Committee

A Program Review Committee consisting of the City Manager, Fire Chief, Director of Human Resources, or their designated alternates; and two (2) representatives of the Union shall assist in the administration of the Program. The Staff Captain in charge of training shall serve as a non-voting, advisory member of the Committee. The Committee shall resolve questions of eligibility, hear appeals from candidates with respect to acceptability of course work or training programs and decide any other questions which may arise in the administration of the Program, or the interpretation of this section. A quorum of three (3) voting members shall be required, and decisions of the Committee shall be by majority vote of those in attendance.

6. General Instructions

- a. Each course of study, training or teaching assignment must be approved in advance by the Fire Chief.
- b. No credit will be given for seminars, workshops, or mandatory training programs except as provided in Section 13.01 4(d).

Impacts and Effects of Current MOU Language

CalPERS has determined the existing MOU Language conflicts with CCR section 571(a); and therefore, does not allow for the education incentive currently received by employees to be counted as pensionable compensation. It was, and remains, the intent of the parties that the education incentive be counted as special compensation and available to all members of the bargaining unit who obtain the requisite education.

The parties to the current MOU have acknowledged CalPERS' assessment of existing contract language and have made the above adjustments in Section 13.01 (2), (a), (b); 13.01 (4) (a), (b), (c), (d), (e), (f), and (g).

The Parties mutually agree to this Side Letter of Agreement and that it will be incorporated by reference to the current MOU and run with succeeding MOUs, unless incorporated into the body of future agreements.

For City of Hayward:

DocuSigned by:

Dustin Claussen

Dustin Claussen, Interim City Manager

6/20/2024

Dated

DocuSigned by:

Designed by:
Barney Lyle

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Brittney Frye, Human Resources Director

6/19/2024

Dated