



DATE: September 28, 2021

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adopt a Resolution Approving and Authorizing the City Manager to Execute the Memorandum of Understanding between the City of Hayward and the Hayward Fire Chiefs' Association

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the Memorandum of Understanding between the City of Hayward and the Hayward Fire Chiefs' Association (HFCA) for the period of September 16, 2021 through June 30, 2024 and authorizing the City Manager to execute the Memorandum of Understanding.

SUMMARY

The current Memorandum of Understanding ("MOU"), extended by side letter, between the City of Hayward and HFCA expired on December 31, 2018. The attached resolution will allow staff to execute a successor agreement with HFCA for the term of September 16, 2021 through June 30, 2024. The new agreement will grant members the ability to cash out management leave similar to other management units, increase the alternate benefit amounts to match the amounts provided to all other employee groups, increase the base rate differential between the classification of Deputy Fire Chief and the Fire Marshal classification, and allow members to receive deployment pay upon meeting specific criteria in emergency situations. The successor MOU has also been updated to reflect previously agreed upon modifications to the original MOU contained in side letter agreements extending the term of the original contract.

BACKGROUND AND DISCUSSION

The Deputy Fire Chiefs represented by HFCA have been out of contract with the City since December 31, 2018. Although members of HFCA have received cost of living adjustments (COLAs), in conjunction with the International Association of Firefighters ("IAFF"), Local 1909 ("Local 1909"), to address salary compaction between Local 1909 classifications and the Deputy Fire Chiefs, no other changes to the MOU had been bargained with HFCA following the expiration of the most recent MOU extension. The membership was particularly interested in modifications to the agreement to ensure the benefits afforded under the MOU remain

competitive in comparison with benefits provided to Local 1909 and other IAFF locals in the Bay Area to encourage employees in said groups to apply for the promotional opportunity of Deputy Fire Chief.

The most recent HFCA agreement includes the term “administrative leave” to describe the management leave benefit. This language has been updated to align terminology with the other management employee groups that receive this benefit. In addition, unlike management groups such as Unrepresented Executive and non-Executive staff, the Hayward Police Management Unit (“HPMU”), and the Hayward Association of Management Employees (“HAME”), under the most recent contract, HFCA members do not have the ability to cash out management leave. This successor agreement would allow members to cash out up to forty (40) hours of management leave per calendar year and will provide the Fire Chief with the ability to authorize the cash out of additional management leave upon request.

The MOU will also increase the monthly alternate benefit amount available to employees for whom no City contribution is made towards premiums for medical benefits because they are covered under a provider other than the City of Hayward. Currently, all other employee groups receive a higher alternate benefit amount than HFCA members receive. The successor MOU would align the monthly alternate benefit amount for HFCA members with all other City employees (\$210 for employee only, \$380 for employee and one dependent, and \$500 for employee and two or more dependents). In addition, the successor MOU would increase the required ten percent (10%) differential between the classification of Deputy Fire Chief and Fire Marshal (the highest paid classification represented by Local 1909) to fifteen percent (15%).

Most significantly, the successor MOU would allow for members to receive deployment pay in an amount not-to-exceed 1.5 times the employee’s hourly rate of pay when they must be deployed to an incident or event that: (1) occurs outside the City of Hayward and/or any contracting jurisdictions; (2) is in response to a mutual aid request in support of any local, state, or federal emergency; and (3) is reimbursable to the City. All three conditions must be met for an employee to be eligible to receive deployment pay. During fire season, it has become a more common practice to deploy fire personnel to other parts of the state to battle devastating wildfires. Deployment pay would recognize and compensate HFCA members for deployment with minimal fiscal impact to the City, as a required condition of the new contract term is that such costs are reimbursable to the City.

FISCAL IMPACT

The total proposed changes result in an estimated cost of approximately \$40,431 over the contract period when compared to projections in the General Fund budget model for the same period.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to one of the Council’s Strategic Roadmap.

NEXT STEPS

If adopted, Human Resources staff will finalize the MOU, the City Manager will execute the MOU, and the Finance Department will implement the above changes in coordination with HR.

Prepared by: Kakshi Master, Senior Human Resources Analyst

Recommended by: Jana Sangy, Director of Human Resources

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager