

Agenda Item Details

Meeting	Jan 10, 2023 - Bryan City Council Second Regular Meeting
Category	7. Regular Agenda - This agenda consists of items requiring individual consideration by Council.
Subject	B. Consider approval of a proposed Meet and Confer Agreement between the City of Bryan and the Bryan Firefighters Association, International Association of Firefighters Local 1204
Type	Action
Preferred Date	Jan 10, 2023
Absolute Date	Jan 10, 2023
Fiscal Impact	Yes
Budgeted	Yes
Budget Source	General Fund - Fire Department
Goals	Public Safety

Summary:

On September 13, 2016, the City Council passed Resolution No. 3678, which granted recognition of the Bryan Firefighters Association, International Association of Firefighters Local 1204 (a.k.a., Association or Union) as the sole and exclusive bargaining agent for all firefighters employed by the City of Bryan, excluding the head of the Fire Department and excluding employees of the Department under Section 142.108(b) of the Texas Local Government Code (i.e., essentially all Civil Service employees).

After passing Resolution No. 3678, a Meet and Confer Agreement between the City and the Union was drafted, and subsequently ratified/approved by the City Council on May 16, 2017, which was the first such agreement. On January 14, 2020, the City Council ratified/approved the second and more extensive Meet and Confer Agreement, which was to expire on December 31, 2022, but was mutually extended by one month – through January 31, 2023 – per the Agreement terms (reference: Article XX – Duration of Agreement, Section 4 – Extension for Successor Agreement).

On October 12, 2021, the City Council ratified/approved an Agreement amendment to allow the Fire Chief an opportunity to appoint a deputy chief and assistant chief. This amendment revised the Agreement ratified/approved by the City Council on January 14, 2020.

This Council Action Form (CAF) is for the City Council to consider ratifying/approving a new Meet and Confer Agreement.

Staff Analysis and Recommendation:

Meet and Confer for firefighters is provided in Chapter 142, Subchapter C of the Texas Local Government Code.

Based on the City Council's historic action, including approval of the Meet and Confer Agreements in 2017, 2020, and 2021, City staff recommends ratifying/approving the proposed Agreement. The proposed Agreement includes new articles proposed by the Union and new articles proposed by City staff.

A City team, including the Fire Chief, has been involved with reviewing and suggesting new articles within the Meet and Confer Agreement. The proposed Agreement associated with this Council Action Form is the result of multiple hours of negotiations between the City team and the Union.

Below is a summary of agreed upon articles within the proposed Meet and Confer Agreement. The summary includes an article summary and the entity responsible for proposing the article. If only grammar or formatting changes were made, the article is recognized as "not changed," otherwise, the article is either "revised" or "new." The below Roman numeral corresponds with an article as provided in the attached proposed Meet and Confer Agreement, which serves as a reference for more details.

- **Definitions:** Revised
 - Summary: provides definitions for certain terms within the Agreement; two new definitions added: 1) "Association Officer" to define certain members of the Association, and 2) "Company Officer" was added to allow for better comparison between other cities (that is, lieutenant and captain are somewhat interchangeable and can be captured with the new definition) (note: the Bryan Fire Department has lieutenant positions but not captain positions)

- Proposed by: City

I. Purpose of Agreement: Revised

- a. Summary: provides the purpose of the Agreement; revised to correct reference to Texas Local Government Code, Subchapter C., 142.101
- b. Proposed by: Union

II. Recognition: Not changed

- a. Summary: recognizes the Union as the sole and exclusive bargaining agent for all City Firefighters; similar to Resolution No. 3678
- b. Proposed by: existing article (not changed)

III. Preemption Provision: Not changed

- a. Summary: states this Agreement supersedes certain other documents
- b. Proposed by: existing article (not changed)

IV. Civil Service Rules: Not changed

- a. Summary: states this Agreement shall take precedence over Civil Service law provisions
- b. Proposed by: existing article (not changed)

V. Non-Discrimination: Not changed

- a. Summary: Union recognizes that no Employee is required to join the Union, but each Employee has the right to choose of his/her own free will; references applicable federal and state laws relating to discrimination based on certain characteristics
- b. Proposed by: existing article (not changed)

VI. Management Rights, No Strike Clause, Fire Chief Appointments, and Fire Specialist: Revised

- a. Summary: addresses management rights for the City, provides a no strike clause for the Union, and addresses the Fire Chief's appointed positions (a deputy chief and an assistant chief – other positions are tested); **revised** to add "Fire Specialist" as an assigned position
- b. Proposed by: City

VII. Association Rights: Revised

- a. Summary: recognizes dues are deducted from the pay of an Association member; provides for bulletin board space at fire stations; **revised** to allow a Union representative to be present with a firefighter during an oral or written reprimand, suspension, or other disciplinary matter with a Chief Officer, Fire Marshal, or City Management as established by the Weingarten Rights (a U.S. Supreme Court decision for unions)
- b. Proposed by: Union

VIII. Association Business: New article

- a. Summary: allows firefighters who are Union officials to be granted time off without loss of pay to conduct certain union business, which is a practice that has been used by the Department for years; the article specifically excepts political activity
- b. Proposed by: Union

IX. Public Confidence: New article

- a. Summary: requires the Union to annually review, by the end of the first quarter of each calendar year, its policies and practices to ensure confidence is not eroded in the Fire Department, City Management, and especially the public
- b. Proposed by: City

X. Fiscal Responsibility: New article

- a. Summary: requires the Union to submit finance requests through the Fire Chief, except in Meet and Confer negotiation years
- b. Proposed by: City

XI. Age Limit For Hiring: Not changed

- a. Summary: establishes maximum age for beginning firefighter (age 41)
- b. Proposed by: existing article (not changed)

XII. Hiring Process: Revised

- a. Summary: provides for a firefighter hiring process; **revises** weighted scores (e.g., written exam from 20% to 40%; oral from 80% to 60%); **revises** additional points from five to ten; **revised** to add points for fire certification plus EMT certification; **revised** to remove B-PAD; and other revisions
- b. Proposed by: City

XIII. Promotions: Revised

- a. Summary: establishes a promotional process, inclusive of a possible assessment center and a written exam; **revised** to include posting requirements for the Fire Marshal's Office
- b. Proposed by: City

XIV. Reappointment of Firefighter: Not changed

- a. Summary: outlines the process to reappoint a firefighter who voluntarily resigned from the Department
- b. Proposed by: existing article (not changed)

XV. Comparable Cities: Revised

- a. Summary: lists eight cities as comparable cities for a salary survey; **revised** to reflect a goal for firefighters to be paid competitively and commensurate with the cities
- b. Proposed by: Union

XVI. Staffing: Revised

- a. Summary: the current agreement references staffing goals as outlined in Resolution No. 3865; **revised** to remove reference to the resolution; **revised** to remove goals and instead adds standards (the resolution's goals); and **revised** to add an Emergency Staffing section to address staffing in an emergency situation
- b. Proposed by: Union

XVII. Wellness and Fitness Initiative: Not changed

- a. Summary: establishes a Wellness and Fitness Initiative Program, a voluntary/non-punitive program; as part of the program, employees have an annual physical examination, a baseline fitness evaluation, fitness/training goals, etc.
- b. Proposed by: existing article (not changed)

XVIII. Health and Safety Committee: Revised

- a. Summary: establishes a Health and Safety Committee to review occupational injuries and matters relating to health and safety equipment; **revised** such that the Committee meets quarterly instead of twice a year
- b. Proposed by: Union

XIX. Grievances: New article

- a. Summary: creates a grievance procedure for any dispute, claim, or complaint involving the interpretation, application or alleged violation of any provision of this Agreement; the process is initiated with a complaint being submitted through the chain of command and if not resolved, the complaint can be submitted to the Union's Grievance Committee or the Fire Chief; the process includes possible arbitration but only if both parties agree (the City Manager has sole discretion for the City)
- b. Proposed by: Union

XX. Notices: Revised

- a. Summary: formal process for the parties to notify one another; **revised** to reflect a new email address for the Union president
- b. Proposed by: Union

XXI. Amendment: Not changed

- a. Summary: provides the process for amendments to the Agreement
- b. Proposed by: existing article (not changed)

XXII. Savings Clause: Not changed

- a. Summary: keeps valid other provisions of the Agreement should one part be deemed inoperative, void, or invalid by a court
- b. Proposed by: existing article (not changed)

XXIII. Complete Agreement Clause: Not changed

- a. Summary: states the Agreement constitutes the full and complete Agreement of the parties and there are no other agreements, oral or written, except as specified in this Agreement
- b. Proposed by: existing article (not changed)

XXIV. Duration of Agreement: Revised

- a. Summary: states the time period of the Agreement and is **revised** to reflect updated dates
- b. Proposed by: Union
- c. Note: the City suggested a five (5) year term but the Union was only agreeable to a three (3) year term with a possible two (2) year option, if both parties agree; previous agreements resulted in negotiations at the end of the first term

Options:

1. Ratify/Approve the proposed Meet and Confer Agreement as proposed
2. Do not ratify/approve the proposed Meet and Confer Agreement and provide direction to the City team
3. Provide other direction to the City team
4. Take no action and provide direction to the City team

Note: The existing Meet and Confer Agreement was to terminate on December 31, 2022, but was extended through January 31, 2023, by mutual agreement of the two parties' negotiation teams.

Attachments:

1. Proposed Meet and Confer Agreement
2. Meet and Confer Agreement as amended on October 12, 2021 (Term: October 12, 2021 – December 31, 2022)

[MCA_FINAL_01012023.pdf \(693 KB\)](#)

[BRYAN FIREFIGHTERS ASSOCIATION IAF LOCAL 1204_MEET AND CONFER AGMT \(3\).pdf \(2,229 KB\)](#)