

RESOLUTION NO. 12-24

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA
APPROVING THE SIDE LETTER REGARDING A TEMPORARY OVERTIME
AGREEMENT BETWEEN THE CITY OF RICHMOND AND THE
INTERNATIONAL FIREFIGHTERS ASSOCIATION LOCAL 188**

WHEREAS, the City has negotiated in good faith with International Association of Firefighters Local 188 regarding mandatory overtime issues; and

WHEREAS, the parties have executed a Side Letter for a temporary overtime agreement for Fire Engineers and Fire Captains; and

WHEREAS, the Side Letter shall not bind the parties until they are ratified by a majority of the International Association of Firefighters Local 188 and ratified by the City Council; and

WHEREAS, the Side Letter will establish a temporary overtime agreement for the above identified classifications; and

WHEREAS, the adoption of this Side Letter will support a stable and amicable labor relations environment in the City.

NOW THEREFORE, BE IT RESOLVED, that effective February 27, 2024, that the City Council of Richmond approves the Side Letter between the City of Richmond and International Association of Firefighters Local 188 regarding a temporary overtime agreement, the terms of which are set forth and marked as Exhibit A to this resolution.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held February 27, 2024, by the following vote:

AYES: Councilmembers Bana, McLaughlin, Robinson, Willis, Zepeda,
Vice Mayor Jimenez, and Mayor Martinez.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ
Mayor

Approved as to form:

DAVE ALESHIRE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 12-24**, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on February 27, 2024.



Pamela Christian, Clerk of the City of Richmond

EXHIBIT A

Agreement Between Richmond Fire Department and International Association of Firefighters Local 188

Overtime Staffing Selection

The International Association of Firefighters Local 188 ("Local 188") and the Richmond Fire Department ("Department") (hereinafter collectively referred to as "Parties") hereby enter into this Agreement effective on the date set forth below.

Both Parties acknowledge that the Department is currently experiencing mandatory overtime and at various times in the past when the Department was experiencing issues with mandatory overtime, an agreement was made to temporarily allow members of higher ranks to voluntarily work overtime in lower ranks to reduce the amount of mandatory overtime worked.

Currently, overtime is staffed according to the Department Policy Manual 103.04 Section 8 which states:

B. Overtime Pick List

1. Rank for rank members signed up for OT will be first on the list, sorted by:
 - Lowest cumulative OT hours in the current period; if tied then
 - Lowest cumulative OT hours in the previous period; if tied then
 - Promotion Date (oldest first); if tied then
 - Seniority Date (oldest first)
2. In the event that the signups are exhausted, or there is no one signed up for OT, all off-duty members within the rank will be contacted.
3. If an open opportunity still exists, the Battalion Chief (BC) will look for on-duty move-ups.
4. If there are no on-duty move-ups to be made, off-duty actors will be contacted in the order used in Section B (1), above.
5. If an OT job is not accepted, it will be filled by the BC via the Mandatory List
6. The regular OT period" will be six (6) months: January to June and July to December.

The Department Policy Manual 103.04 Section C.4 states:

C.4 If a person volunteers to work the mandatory overtime after it has been assigned, that person would relieve the last person who was mandated ('last mandated, first to go home'), using the following procedure:

- The person volunteering to work overtime shall contact the mandatory overtime personnel in order of last assigned to first assigned. If any person accepts relief, both shall notify the Battalion Chief, who shall update the roster.
- A person already assigned mandatory overtime shall have the right of refusal to keep the mandatory overtime.
- A person may only be relieved of their mandatory overtime if they are the last person mandated or the person below them has been offered relief and opted to keep the mandatory overtime.

The Parties agree as follows:

1. Commencing on the date of this signed Agreement and ending six (6) months later, Fire Captains and Fire Engineers can voluntarily work overtime in the rank of Fire Engineer , following the temporary modification to Policy 103.04 Section B to read as follows (bold areas added):

B. Overtime Pick List

1. Rank for rank members signed up for OT will be first on the list, sorted by:
 - Lowest cumulative OT hours in the current period; if tied then
 - Lowest cumulative OT hours in the previous period; if tied then
 - Promotion Date (oldest first); if tied then
 - Seniority Date (oldest first)
2. In the event that the signups are exhausted, or there is no one signed up for OT, all off-duty members within the rank will be contacted.
3. If an open opportunity still exists, the Battalion Chief (BC) will look for on-duty move-ups.
4. If there are no on-duty move-ups to be made, off-duty actors will be contacted in the order used in Section B (1), above.
- 5. If there are no members available to work in the Engineer rank, the BC will contact members who have signed up to work in the Captain rank and give them the option to work the Engineer shift.**
6. If an OT job is not accepted, it will be filled by the BC via the Mandatory List.
7. The regular OT "period" will be six (6) months: January to June and July to December.

2. Additionally, during the term of this Agreement, Policy 103.04 Section C.4 will be temporarily modified to read as follows (bold areas added):

C.4 If a person volunteers to work the mandatory overtime after it has been assigned, that person would relieve the last person who was mandated ('last mandated, first to go home'), using the following procedure:

- The person volunteering to work overtime shall contact the mandatory overtime personnel in order of last assigned to first assigned. If any person accepts relief, both shall notify the Battalion Chief, who shall update the roster.
- A person already assigned mandatory overtime shall have the right of refusal to keep the mandatory overtime.
- A person may only be relieved of their mandatory overtime if they are the last person mandated or the person below them has been offered relief and opted to keep the mandatory overtime.
- Mandatory overtime relief in an employee's current rank will take precedence over mandatory overtime relief in a lower rank.
- Members agreeing to work overtime in a lower rank will be subject to existing mandatory overtime policy in their assigned rank. This will not be included in the Telestaff rules for mandatory in the lower rank.

3. Eligibility.

The following criteria will be used to determine eligibility and minimum requirements for Fire Captains to work down in the Fire Engineer rank:

- Current Fire Engineer Subject Matter Experts (SMEs), or personnel currently working in the rank of Fire Captain and that have held the rank of Fire Engineer within the last nine months are immediately eligible to work down in the rank of Fire Engineer.
- Personnel currently working in the rank of Fire Captain and that have held the rank of Fire Engineer more than nine months ago, but within the last two years, are eligible to work down in the rank of Fire Engineer after completing the items listed below, as stated in the Operational Training Section for Fire Engineer, Policy #501.01 (Return-to-Work Training).
 1. Complete a pumping evolution which requires the engineer to pump a 1.75" crosslay, establish a permanent water supply, pump a second 1.75" crosslay, and then pump the 2.25" hose line.
 2. Engine Evolution #14 (Drafting).
 3. Successfully navigate the Serpentine and Alley Dock Rodeo Events.
 4. Complete Road Course in ladder truck.
 5. Deploy the aerial ladder and perform a short jack operation.
 6. Truck Evolution #4.
 7. If the employee returns to duty during peak wildland firefighting season, Wildland Evolution #1 and Wildland Evolution #2 must also be completed.

- Personnel currently working in the rank of Fire Captain and that have held the rank of Fire Engineer more than two years ago, or a Fire Captain that has never held the rank of Fire Engineer, are eligible to work down in the rank of Fire Engineer after completing the Acting Engineer Certification process. The Acting Engineer Certification study guide can be found in Target Solutions at: *Richmond Fire Department File Center > Richmond Fire Department Files > Promotional & Acting Resources > Acting Engineer Study Guide Packet (2021)*.

4. Exception.

The terms of this agreement shall not apply to any vacancy which arises on a tractor drawn aerial (TDA) apparatus. Only an appointed engineer which has completed the TDA qualification training may fill that vacancy. TDA qualification will not be part of the Acting Engineer Certification process for Fire Captains.

5. Duration.

The temporary changes in Department policy set forth in this Agreement will be effective from February 1, 2024, to June 30, 2024. The Agreement expires at 7:30 a.m. on July 1, 2024., but may be amended and/or extended by written mutual agreement of the Parties.

6. Non-Waiver.

Nothing in this Agreement shall constitute or be deemed a waiver of the City's, Local 188's or individual member's existing rights, privileges, past practices or terms and conditions of the Memorandum of Understanding ("MOU") between Local 188 and the City of Richmond.

7. Non-Modification.

This Agreement is not intended to supplant or modify any terms or conditions of the existing MOU. In the event of a conflict between this Agreement and the MOU, the more specific terms shall control.

8. Disputes.

Any disputes concerning the implementation, application or interpretation of this Agreement will be resolved pursuant to the grievance procedure identified in the current MOU.

This Agreement shall be effective on February 1, 2024.

For Local 188:



 Carolyn D. Conry

 Local 188 Business Agent

For the City of Richmond:



 MICHAEL E. SMITH

 Interim Fire Chief
