

AGENDA



Thursday, September 25, 2008

Police RECOMMENDATION FOR COUNCIL ACTION

Item No. 44

Subject: Approve a Resolution ratifying the Meet and Confer Agreement between the City and the Austin Police Association relating to wages, hours, and terms and conditions of employment for Austin Police Officers.

Amount and Source of Funding: Funding is included in the Fiscal Year 2008- 2009 Operating Budget of the General Fund. Funding for subsequent years is subject to appropriation by City Council.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

For More Information: Chief of Police Art Acevedo, 974-5030

Prior Council Action: March 11, 2004 - Approval of third Police Meet and Confer contract.

In 1995, the Texas Legislature amended state Civil Service law to allow the City of Austin to negotiate and enter into written agreements with firefighters and police officers regarding wages, salaries, rates of pay, hours of work, other terms and conditions of employment or other personnel issues. An agreement reached through this "Meet and Confer" process supersedes any contrary statute, local ordinance, policy, or rule adopted by the State, City, or Civil Service Commission.

The Austin Police Association (APA) anticipates that the membership will vote on the proposed contract by September 12, 2008. In anticipation that the membership will approve the contract, the Police Department is submitting the Meet and Confer Agreement for ratification by Council, as required by the Texas Local Government Code. The contract achieves key City goals and provides pay enhancements while staying within the City's current financial constraints.

Key Provisions

Consolidation of PSEM Officers into APD

- Provides a structure and process for consolidating the Public Safety Officers in the Public Safety and Emergency Management Department (PSEM) into APD.
- Creates a unified command structure during the consolidation transition, placing the Chief of Police over all City police officers effective upon Council ratification of the Agreement.
- Ensures that PSEM officers who transfer to APD do not lose pay.
- Requires a training program tailored to the PSEM officers, providing any additional training and orientation necessary for them to succeed at APD.
- Provides that PSEM officers who successfully complete the training program become Civil Service employees.
- Creates a plan by which the Austin Police Retirement System will join the statewide Proportionate Retirement Program so that a PSEM officer's years of service can be combined with service at APD in calculating retirement eligibility.

Note re effective date of Consolidation: Although Council action on this agenda ratifies the negotiated agreement, additional Council approval will be required for the Consolidation provision to become effective. The actuary for the Austin Police Retirement System will determine, on or before November 14, 2008, whether the City's contributions to the System must increase as a result of participation in the Proportionate Retirement Program, as required by state law. If the actuary determines that the City's contribution rate must increase by more than 0.25%, Council must approve the increase in order for Consolidation to proceed.

Citizen Oversight Program

- Permits the Police Monitor staff to take the initial complaint, with recording of meeting for future reference and to ensure integrity.
- Expands ability of Police Monitor staff to attend Internal Affairs Division interviews of officers.
- Increases time for Citizen Review Panel members to review investigation file.
- Streamlines training requirements for Citizen Review Panel members.

Hiring Processes

- Creates a Modified Hiring Process for hiring experienced police officers from other jurisdictions, using a specialized screening process and training program
- Expands the authority of the Chief of Police to customize the Department's hiring process for its Training Academy.
- Authorizes the creation of a Police Internship Program as an alternate to the traditional hiring process. Interns who complete the Program are placed at the top of the hiring eligibility list. Up to 25% of each Training Academy may be graduates of the Internship Program.
- Increases the maximum hiring age to 45 to enhance the hiring of experienced police officers and military veterans.
- Extends the life of the hiring eligibility list to 24 months.

Promotional Processes

- Expands the authority of the Chief of Police to use an Assessment Center or Technical Skills Evaluation for promotion to Sergeant.
- Retains Assessment Centers as part of the promotional process for Lieutenant and Commander ranks.
- Extends the life of promotional eligibility lists from 18 months to 24 months.

Discipline Procedures

- Allows an officer and the Chief to agree to a 30 day extension of the 180-day deadline for imposing discipline.
- Creates an expedited appeal process for demotions based on disciplinary or performance issues.
- Allows the Civil Service Commission or Hearing Examiner the option of reinstating a terminated officer with a demotion to a lower rank.
- Provides option for indefinitely suspended officer to be paid for some accrued leave while appeal is pending.

Term of Agreement

- Three-year Agreement with City option to extend for one additional year.

Economic Provisions:

Base Pay increases: Year One 2.50%
 Year Two 3.00%, reduced to 2.75% if the majority of non-Civil Service employees receive base wage increase of less than 2.50%
 Year Three 3.00%
 Option Year* 3.00%, but if majority of non-Civil Service employees receive base wage increase more than 3.00%, officers would receive same.

Retirement Contributions: Year Three Increase City contribution rate by 1.0%
 Option Year* Increase City contribution rate by 1.0%

*If City exercises option to extend for fourth year.

Budgeted Cost

- Year 1: \$2.7 million
- Year 2: \$7.9 million
- Year 3: \$13.8 million
- Total Contract Cost: \$24.4 million

If City exercises option to extend for fourth year:

- Option Year 4: \$19.7 million
- Total Contract Cost with Option Year: \$44.1 million

Note regarding the cost of Consolidation: The cost of the Consolidation provision is not included in the above figures, which is estimated to be \$1.6 million in FY 2009. This funding is included in the FY 2009 Approved Budget in PSEM and Aviation Departments. When final Council approval of Consolidation occurs, anticipated to be on December 11, 2008, a budget amendment will be proposed to reallocate funding and FTEs to APD for the cost of Consolidation. At this time, there is no additional unanticipated fiscal impact for FY 2009.