

City Council Special Called Meeting Transcript – 01/22/2015

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>> Mayor Adler: A quorum is present so I'm going to call this meeting of the Austin city council on Thursday, January 22, 2015 to order. We're meeting in the council chambers at 301 west second street here in Austin, Texas, and the time is 12 minutes after 10, to take up the posted item pursuant to section 551.071 of the government code, the city council will consult with legal council regarding item number one, which is the legal issues related to hiring in the Austin fire department, United States of America versus the city of Austin. [No audio] >> Mayor Adler: -- Labor negotiations with employees in the Austin fire department. Are there any objections going into executive session on this item? Okay. Hearing none, we're going to go into executive session, after which we're going to come back so we can continue in a public forum. Our policy conversation about the city as an employer. And I want to thank the folks that have joined us today for that public part of this process, and we'll endeavor to get back out here just as quick as we can. All right? So let's move >> Mayor Adler: We are now out of closed session. In closed session we discussed items related to item 1. The next item on the agenda is a briefing and a discussion on the city as an employer and workforce

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issues and city staff is available I think to make a brief presentation and then we have some folks here that are going to talk. So let's talk about how we're going to do logistically, how we're going to do eating food because some of us have wanted to -- have expressed a keen desire to do that. So we have

different options. One option that might be best, as we're making these presentations, which I understand might be the custom, since there's food back here that we can get and we have screens so that you could see the person who is speaking and you could see the materials that are brought up, if we could just go back, two or three folks at a time, just look at the dais and maybe go back that way. Most of us will be out here for the presentation. The ones that aren't out here would hustle their way back to the dais as quickly as they could so that another couple could go. Does that work with you all rather than stopping the meeting? There have been folks that have been waiting and might be better to go D that work? Let's go ahead and do that. So we're going to go ahead -- assistant manager snipes, why don't you start the program for us and why don't two or three people head on back and get something to eat. >>> Good morning, mayor and council. It's indeed my honor to be before you today. The city of Austin is proud to be an employer of choice and takes pride in having one of the best workforces in the entire country. We understand that our most valuable resource is our employees and we are committed to providing affordable benefits and a great work environment where our employees are both supported and appreciated. The purpose of today's presentation has provided the services and benefits provided with the city of Austin as one of the largest employers of the city. So today mark Washington,

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who is our human resources and civil services director, will remind you with an overview of key issues facing the city as an employer. He will then be followed by Devin design, our labor relations officer, who will provide you with some historical information related to bargaining. We believe that working for the city of Austin should be more than just a day's pay. That's why we strive to provide a holistic philosophy that assists our employees in being mentally and physically healthy while taking pride in the careers and their service to our citizens. So with that I'm going to ask mark Washington if he would to give you the overview that he alluded to earlier. >> >> Mayor Adler: That would be great, thank you. >> Thank you, acm snipes. I'm here to help you in a more substantive issue in the issues we began discussing last week -- during the orientation. The majority of the time discussing key matters as it relates to paying benefit. I will highlight very briefly some areas surrounding municipal civil service and respond to some questions that were raised last week regarding the employment of youth and veterans and workforce and other benefits that might apply to our veterans. Just in a broad context, in order to ensure that we attract and retain the best employees in our workforce, competitive compensation and benefits is very important. And when we consider pay there are two elements of pay that we utilize in determining what is the appropriate level of compensation. One is which we look at the external market and decide which entities we're competing with and what is

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the labor pricing for the jobs outside of our organization. And recognizing many times we're not just comparing ourselves just to municipalities because of the diversity of services that we offer not only in public safety, but we also have utilities, specific services in which on occasion we may be competing with other public and private sector employers as well as their specific functions related to support services like technology and stem-related jobs that we compete with employers all over not only the city, state, but the entire country. We look at what level of job, what is the relevant competition and who should we compare ourselves against. As well we also balance the external market forces against the internal considerations for equity and more importantly we only consider our wage floor that is currently different in many cases than the market floor when determining the entry level because we use a living wage. And our current living wage rate is \$11 and 39 cents despite what the market might indicate would be living wage for? Jobs. Excuse me. An entry wage. So by way of background, in fy '14 as we began the budget process we had approximately 41% of our jobs. We're speaking specifically non-sworn, non-public safety that were under market. And I shared with you last time that approximately 74% of our workforce is non-sworn. As we began that process the general manager from Austin energy and our cio from -- our chief information officer from our

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communication technology management department identified some challenges we were having in terms of recruiting and retaining talent in some key areas. So we could not address competitiveness of wages across the entire organization, but there was a decision to do a market review for key positions, some positions within Austin energy, about half the jobs, and also our information technology positions, our I.T. Positions. So there were adjustments that were made in fiscal year '14 based on market pressures. As a result, we also in fy '15 there was an improved 3.5% across the board and that resulted in us being only 30% of non-sworn jobs behind the market instead of the previously mentioned 41% that I shared in fy '14. So that's our current status. We still have about a third of our workforce that's behind the market. At the last council orientation there was a question that was asked what percentage of positions are above the market? And so we went back and looked at the data and there is about a third of our jobs that are above the market. So a third below, a third at market, a third that's above. That's at least five percent or more above market. And in looking at the data -- the market in many instances could indicate for lower skilled jobs, customer service jobs, that they be paid 7.25, \$8 an hour, but because we have a living wage we pay those positions at entry, \$11.39.

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So our living wage policy for lower skilled positions forces us to pay some positions above market. The other jobs that are above market we went back and had a chance to look at some of them. And many of them are jobs that are difficult to fill and which we've had some issues retaining employees or high turnover. Some of the positions that are above the market are some of our 911 call taker positions. We've also had positions in our library that we've had difficulty filling in. There are several others that there's a reason why we've tried before at what was the market rate and was not successful in bringing on the kind of talent that is needed in the department or retaining talent. So we had to make some adjustments in our compensation strategy. Just by way of background, just to underscore the importance of continuing competitive wages and implementing a market, in 2007-'08, fy '08, the city had one of the most aggressive pay packages for non-sworn employees since in the past eight years. As you will see by the chart in fiscal year '08, non-sworn employees could receive 3.5% base wage increase based on performance, a level of performance would have indicated what their actual increase would have been. The city also began implementing a market study as a result of the work that was done by an outside consultant and the strategy was to evaluate all jobs in the organization, but apply the market rate changes systematically to which a

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third of the positions would be adjusted each year. So for the course of three years the entire workforce would receive a market increase and that would continue. That a third of the workforce would be reviewed every year. And that's how we would maintain our market position. Well, around -- the wage increases began to decrease and in fy '10 was one of the few years because of economic belt tightening that non-sworn employees were not able to receive a pay increase. As a result of the economic downturn not only was there lower base wage increases, but the market study implementation had been suspended. And it wasn't until fiscal year '12 where the balance of the implementation market occurred for the rest of the non-sworn employees. I alluded to the special I.T. Market for Austin energy - - excuse me, the special market study for Austin energy and our information technology professionals that occurred in fiscal year '14, but that's only for a small portion of our workforce. I believe it's about 800 employees in Austin energy and perhaps another 400 or so in I.T. That experienced a benefit of that market study in fy '14. So as you can see, we have been very behind in implementing the market and most of the reason is based on affordability and all the other economic pressures that is felt through the other considerations along with the budget process. It is -- what you will see

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is since 2010 there is a decreasing trend of lowering unemployment. And as a matter of fact at the end of 2014 the Austin area unemployment rate was 3-point #%. One of the lowest rates since almost 2008. And what we've noted as an organization as the unemployment rate has decreased in our community, we've seen our turnover rate increase as well. And so at the end of fiscal year '14 our turn overrate as an organization was 2.4% and although it is respectable and not double digit like other organizations, it is still concerning given the trend and it is another indicator that we must be mindful of the need to remain competitive in our wages. And understandably there are other factors that attribute to turnover, but that is a major concern. I also shared at the bottom of the survey that I listened to the workforce survey in this we asked all our employees about the satisfaction and the various issues in the workplace, indicated that 50% of our employees -- feature than 50% of our employees were satisfied with their pay. This slide emphasizes some of the other salary adjustments that were implemented in other large cities around the state. And you'll see with the exception of the city of Houston in fiscal year '15 all other cities made significant compensation adjustments that were greater than the 3.5% that we implemented for our employees, which also attributes to us remaining our lagging behind the market. What I'd like to do in response to some of the questions that you may --

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excuse me. You will be hearing about recommendations that are forthcoming from the stakeholder group regarding living wage. And I mentioned earlier some of the pressures are on the market or the results of the market analysis and that some of the positions on the market are a result of the living wage. I want to highlight that our living wage which applies not to the entire community, but -- just with the city who are not operating construction contracts, our living wage is respectable currently when we look at some of the other entities both federally, the highest state with current minimum wage is at \$9.15. I believe that's the state of Vermont. And the other cities that have been making news lately, the city of San Francisco and city of Seattle have been making news about their future declaration of a minimum wage at \$15 an hour. Those are goals that will be achieved by 2018 and 2017 respectively in San Francisco and Seattle. But as you will see their current living wage or minimum wage is lower than the city of Austin's currently. >> Mayor, may I can a quick question about that graph? Mr. Washington, do you know what the minimum wage is in San Francisco and Seattle for their city employees? Because at least in the case of Seattle that \$15 an hour applies to all workers regardless of whether they're city employees, is that correct? >> Right. That's correct, that's correct. So no, I did not get the actual lowest paid employee in each entity. I certainly can get that. >> That would be helpful because the comparison

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between Seattle's nine dollars an hour and Austin's 11.13 is compare Seattle's lowest paid private employees to the city's lowest paid public employees, is that correct? >> Well, it's comparing their policy for all wages in the community, both public and private. >> Casar: Right. So that graph would show the difference between Seattle's minimum wage for someone and McDonald's in Austin's minimum wage for our entry level employees. Here, but not compared -- >> So slide 10, I've just highlighted the history of the living wage in Austin. And it's always exceeded the federal minimum wage. In our most recent adjustment in 2014 occurred by adjusting the rate from \$11 since 2008 to 11.39. And the previous council passed a resolution in June adopting the city to -- prior to the budget process to enter into a living wage study, and our approach to that recommendation was to adjust the minimum pay for the organization, the living, by the same amount as other salaries are adjusted in the organization. So when we passed on the 3.5% increase to across the board increase to all employees, base salary, we also adjusted the living -- the minimum pay for all employees by that same amount to 11.39. Post-budget adoption in October of 2014, the council created the stakeholder group, which is a study that is currently undergoing -- a study that is being currently conducted of several stakeholders from

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labor, several of the chambers of commerces are a part of that group. There's over 15 voices from the community and others that have began to have the conversation per direction in the resolution, what is an important living wage policy for the city to consider. And that stakeholder group -- this is not a staff report, but a stakeholder group is due to report back to the city council by March 1st of 2015. Staff is simply facilitating and assisting the stakeholder group in administrative tasks. The stakeholder group has met twice and the next meeting is towards the end of this month. So the living wage is a very important social, welfare and affordability concern specifically as there are community conversations about making sure Austin is affordable and the quality of life is something that every resident can experience. I also just want to mention the other impact of of living wage and the compression issue that it may cause in the organization and ensuring that as we adjust the living wage at the lowest level that we're prepared as an organization to remedy any impact of those wage adjustments at various levels within the organization to ensure that there's no compression. I mentioned previously that the living wage policy is not only applicable to us as an employer, but it does apply to all contracts except those contracts that are construction contracts. And they are governed by the davis-bacon act and requires that the city not pay living

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wage, but the prevailing wage. And we have gotten our -- we have gotten various opinions from the attorney general's office that has indicated that the city could not require those contractors or construction contracts that are federally funded to be subject to the living wage versus the prevailing wage. >> Casar: Mayor, may I ask a quick question again. Mr. Washington, I know this is probably a question for legal, but could it be scheduled for us to have an explanation for why that attorney general opinion is being interpreted in that fashion? Because I'm very familiar with it and it specifically states that home rule cities are not subject to that attorney general's opinion. It's explicitly written. I'm just concerned about -- about why we would be --. >> Thank you. And we'll work with the law department and our procurement office to make sure that we also provide you the information. The employee benefits fund is our self-funded medical plan, and many of you are familiar with it. During your orientation you were provided options for enrollment in our very robust cafeteria plan of benefits that we offer all of our employees and retirees. We're very proud, feel like we have a very competitive plan that allows us, even if we are not as competitive on the pay side, many people do recognize the benefit of working for city government and that we have very good benefits. Just to give you some context in terms of the cost, our total requirements or the total costs for all of our health and welfare benefits are approximately

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\$209 million and the city as an employer contributes about \$147 million. And that averages out roughly to about \$11,000 per employee. And I share that information because there were questions last time about what would the implications be to extend benefits to our temporary employees, and as a barometer, that is the cost per employee, for budgeted positions. And I'll talk a little bit more later on about the number of temporary employees that we have and what our estimates would be in offering that. We also had some discussions about the affordable care act and the fact that temporary employees were not covered under that, but just in general we have been very mindful of controlling costs. As I mentioned earlier we're over \$200 million a year in our total requirements, city contribution is 147 million, but our average cost increase over the past five years have been under double digits. About eight percent per year, which is good considering what some other employers are experiencing. Of that cost increase, about \$3.3 million a year is what is anticipated or what has been our experience and will continue to be our experience for the affordable care act. So as a way to mitigate unnecessary costs through chronic illnesses and disease management, we try to increase awareness of our employees and promote healthy lifestyles through our wellness programs for both employees and retirees. You will see just a trend since the turn of the century in terms of healthcare costs and I have shown that the city was initially experiencing over

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the first period about 12% per year cost increase in terms of medical and benefits. We were able to manage and get that cost down about 10% annually, but the cost still continues to go up. And as I mentioned earlier, we're at about eight percent per year. So the more can employees -- we believe that's directly attributable to our engagement in our wellness program. And our wellness program really took off in fiscal year 2010. Prior to that we had less than one to two percent of our employees that were participating. Now we have 30% of our workforce. Ideally we would like to see 100% of the workforce participate. And we believe that the more participation the better experience we will have in terms of mitigating costs. >> Can I ask a question? Can you go back to the previous slide? So you're saying that that eight percent increase is due in part to more people participating in the wellness program, which in the long run should have the effect of lowering long-term healthcare costs. >> And let me clarify. Not solely attributable to it because there are some plan design changes and other things that would encourage consumerism, but yes, we believe the education awareness is a big factor. >> So this can be seen as an investment in the future with the expectation that that eight percent would then decrease as healthcare costs also decrease due to higher participation in wellness programs. >> Absolutely, absolutely. >> So is there a goal, is there a specific percentage goal that the city is trying to get to as far as the percentage increase? >> As I mentioned earlier, there is not a goal -- a council approved goal. There's a staff desire to have 100% of our employees participate in the wellness program. We have in the past proposed

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several strategies to the council to encourage participation of employees and increase awareness during the last council there was a discussion of incentivizing employees either through -- right now we allow employees to receive either time off or a rebate, if you will, for participating in wellness program. There were also discussions about either increasing the incentives or staff did propose to the council of mandatorily having physicals for employees as a condition of enrollment in the health program. And if employees did not have an annual physical they would have a higher premium, but that was not approved by the council. >> And then so do we know where we stand compared to peer cities on this eight percent number? >> Our trend compared to peer cities is very favorable. As I mentioned, we'll find out more on what they're projecting in the forthcoming year, but last year we know that there were several cities that were wrestling with double digit increases both for the employer and employee. >> Thanks for your work to keep costs down and employees healthy. >> So relative to the types of employees that we have, this gets into the discussion about a temporary work force. For all city employees and regular budgeted positions, the almost 13,000 positions that I mentioned last week, if they work 30 hours or more, the city pays 100% of their premium for our preferred provider option. If they work part-time 20 to 29 hours a week, the city reduces the subsidy to 50% of the premium. And if they work less than 20 hours they are available -- they can get the health benefit at the

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negotiated discounted rate for our group plan, but there is no subsidy for part time employees that work less than 20 hours. We do have about 32,000 lives covered on our plan to include the employees, retirees and their dependents. And for dependent costs, we pay 50% of dependent coverage as long as the city is paying a subsidy for the employee premium. Temporary employees, as we discussed earlier, are not eligible for the city's medical benefits. We are in compliance with the affordable care act because we have the majority of our permanent regular workforce who works more than 30 hours a week -- excuse me. We have the majority of our workforce that works more than 30 hours a week covered. About 98%, with the exception of those few employees who are temporary that work more than 30 hours a week. Adding temporary employees is a policy decision for the council and one that obviously comes with concern about the health and welfare of employees, but also the fiscal health and welfare of the fund. And we have approximately 3,000 temporary employees. That number fluctuates based on the season of the year and the demand. It could be higher, could be lower, but when we last evaluated, applying the threshold of providing benefits for temporary employees who work at least 30 hours or more a week, the actuarial estimate was that the city could be expected to add about a million dollars a year to its cost. We have not began evaluating the issue from our discussions last week and asking the actuaries to run scenarios or begin incurring the costs from actuaries

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scenarios to provide benefits for the balance of the temporary employees, but this is the best information that we have at this point. >> Mayor? >> Mayor Adler: Is your speaker on. >> As I was saying, thank you for looking into this and I know that you will continue to provide some -- continue to look into this to provide some further information. And I would just ask that when you make an estimate of cost, do you think of it in terms of a net? Because to the extent that which people remain uninsured, they still cost the city. They may cost the city in a different way. They may cost the city through our public health department or through E.M.S., but they still cost the city. So I would be curious as you go through this analysis to understand of these 3,000 employees, how many of them have the opportunity for coverage through the affordable care act, because not all of them will, and if it's possible to understand that, and also then to look at the cost from a net perspective. >> Mayor Adler: Hold on just a second. Kathie, did you have something? >> Tovo: I do unless Mr. Washington had a response. Or are you moving on? >> No, no. I was going to respond to her question. So our expertise is to determine employer costs. I would certainly invite the health department to help us understand the social impact on the community costs and to the public in terms of the lack of coverage and perhaps that's something we could work together with them to begin to review. >> Thank you very much. And yes, there's levels

of costs. There's an actual cost to the city in terms of city services as well as a broader community cost.
>> Tovo: Mr. Washington, thanks very much. And I appreciate this additional information as

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well. I also, as I mentioned during the orientation, previous council had had discussed this issue from a couple of perspectives. One was what it would -- what it would look like if some of the contract employees that the council -- that the city currently employs were more permanent employees? Because there are, I believe, in some instances, long-term contract employees or departments that have used contracts for long periods of time to fulfill what are really permanent needs. And I think I offered the Austin energy custodial contract as one example. So I wonder if you could help us pull together some of the information that's already been provided to the past council on this issue. It seems to me we got a very large packet of responsive information and after a council resolution related to that issue. And there may also be some information within last year's budget questions or the prior year budget questions -- I say this for my colleagues' benefit, about the cost of converting some of those contract employees to full time employees or permanent employees, rather. And I know the last council did do that in the council process, did convert a few of the positions with a goal of trying to bring more people into permanent status. So it's not exactly related to the health coverage, except it is because if they're long-term contract employees of the city, it's an issue we need to address as well. And I guess what I'm saying is I'm not asking you to provide new information, but if you could help us identify those studies that are already out there that were done in the last few years, that would be helpful. >> And councilmember tovo, we did -- based on your feedback from the last orientation, have begun those discussions with our finance department and building services department, Austin energy. I'm not sure if any of them are here today to provide a

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brief update, but we're not prepared now to brief in detail, but we have begun those discussions. >> Tovo: I sure appreciate that. >> And then talk about providing -- resurfacing the information that was provided previously. >> Tovo: That's great. I know you have a lot of information requests coming at you. >> As a follow-up to mayor pro tem tovo's request, I believe that the reasoning for those costs is because there's an interpretation that we cannot require private contractors to provide health insurance within our contracting power, is that correct? >> That's my understanding of what I was briefed on. >> Casar: So the incurred costs of bringing those employees into our healthcare coverage because the living wage would apply to those workers working for subcontractors as well as us, so it wouldn't be a wage increase, but it would be coverage under health insurance. >> That's correct. >> Casar: Along with sort of

the legal interpretation on whether or not we can apply living wage to construction contracts, I think there's also some legal debate as to whether or not we can require that health insurance as we contract out or if we can require some sort of penalty or higher wage to those that are contractors that do not want to provide health insurance so that we can provide a level playing field to those private entities that do the right thing and provide health insurance. So I would just ask if any of that is a part of that memo, that would be I think particularly helpful, so that we're not just looking at dollars and cents, but understand the reason for those costs. >> I think we'll work with the law department to ensure that's part of the response. >> Tovo: Councilmember kitchen. >> Kitchen: Thank you. As you follow up, I would also like to suggest when you're working with the legal department to recognize and bring forward

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that there are other cities that have determined a solution to the -- to the situation that councilmember Casar just brought up. I know in Houston there's a mechanism by which there's funding available for -- you know, for supplementing health insurance for those -- the types of employees that you're talking about, and that funding is obtained from contractors who are not offering health insurance on their own. So the point being is that there may be mechanisms that we can use or tools that we can use to help ensure that those type of employees also have access to health coverage. >> Casar: Mayor pro tem? I'm not sure what the process is, but I do know that we have representatives here for our policy deep dive and I guess we'll just -- perhaps let me know if we need to wait for mayor Adler to explain to us at which point we might be asking them questions, if we should be saving that for the end or when we're sort of on the Jermaine subject with Mr. Washington if we should ask the questions. So just as a -- I know that you weren't the one that plotted this whole thing out so it might be an unfair question. >> Tovo: Sure. Maybe we'll wait for the mayor to get back to determine how he wants to flesh it out. For know it looks like the city manager or the assistant city manager had a comment. >> Council, I think the intent was to allow the staff to provide a general overview and then to engage the invited guests to present or ask questions as needed. So that would be our preference, but ultimately you reserve the right to ask questions as you see fit. Phrasers. >> Casar: And mayor pro tem, I'll defer my questions to the end, but would like to ask one last question on the slide, if you will let me. Mr. Washington, I'm so glad we became friends before this because today is labor questions today and I will have lots of questions for you, I apologize.

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As far as temporary employees, what is the metric that we use to determine when somebody should stay a temporary employee or when they've sort of crossed over the line to be considered for a

permanent position? >> Good question. So our guidelines -- we actually have an internal policy. In order to ensure that we're being both responsible and in terms of budgeting as well as to the employee, what we ask departments, they have the ability to hire part-time, seasonal, temporary employees, and we employ for a threshold of six months. And we would presume that they would have a position filled if they were hiring within six months. Now, if it's a project and it's clearly a seasonal project and it may take a year, eight, nine months, what we would do is review the position either at the point of hire to get it clarified upfront that this is more of a long-term kind of project or at the point of six months there would be a review to determine whether there should be an extension of the service for another six months. So any temporary employee that is employed more than -- that the department would foresee the need to have longer than that one year period, at the point that year occurs we would then have conversations with the department inquiring -- asking about their intent to propose positions in their budget, to go through the budget process. Or their plans for utilizing vacancies and has this person applied for other positions within the department, etcetera. Now, because of municipal civil service we cannot just place a temporary employee in a vacant position because some may ask, well, if you have vacancies in other departments why don't you just convert them.

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Because of municipal civil service they have to go through a competitive process for all jobs. Even if there are new ones allotted in the budget. So we would have those discussions within the departments and I think some were done last year in the parks department and other departments in terms of making arguments to the -- to get their authorized strength increased to allow the conversions of temporary positions. But we have a process that we monitor at six months, at a year and then at the point it's at a year we escalate the discussions to the appropriate assistant city manager over that department. >> Casar: Great. So I imagine you have a place where you keep track of how many temporary employees we've had over six-month and over a year without benefits at the city. >> We do, we do. >> Casar: Great. That would be, I think, helpful to me and I see heads nodding on the dais. I think that would be helpful to me alongside the guidelines for how we determine when somebody has been on for too long without benefits. >> I'd be happy to provide that. I thought I had the information with me, but I'm not able to put my hands on it right away. Perhaps a staff member could help me. Any other questions? I mentioned -- I won't spend a lot of time on this slide. I talked earlier about our wellness program and our goal of 100% participation as I alluded to earlier and the positive impact that we believe it will have on our workplace. And we have been recognized for our efforts in that area. I mentioned real briefly municipal civil service and those rules were approved based on a charter amendment in 2012 that allows the employees in our workforce to be entitled to certain

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protections, just cause protections, and certain rights. There are all employees who are non-sworn with the exception of those who are listed in the slide. There are personnel policies that are in the entire workforce, but to the extent that there are personnel policies that -- the charter with the municipal civil service rules prevail. A couple of emerging issues regarding the commission, it's a five member commission with staggering terms. And there are two members whose terms expire this may. And so there will be a need for this council to reappoint -- to appoint members to the commission prior to then. There is also the public safety civil service commission, which is not covered by charter, but covered by state law, and you will be seeing a recommendation from the city manager and staff to appoint those to the public safety civil service commission, three-member commission, I believe it will be on your January 29th agenda. But there is -- there is an upcoming -- the commission has been meeting and they have been -- it will require both staff to propose rules, the commission to approve them and the council ultimately to adopt them in the event that there are changes made on appeal hearings, but they're still in discussion at this point. When the council adopted the civil service rules last year, staff did commit to coming back to the council in a year to revy the effectiveness of our new

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civil service process. So there will be a report forthcoming to the council. We will have perspective from staff, from labor, as well as from the commission as part of our report. Finally just a couple of items real quickly. We talked last week about our talent pipeline and some of the things that we are doing in the organization to better brand our employment. Our workplace is an attractable place for millennials and others to coming work for us. We do have several interns and fellowship programs. And for the sake of brevity I will provide a memo to the council outlining the specific programs that I have listed in the presentation. But I do want to highlight just a couple of things. We have a big career fest upcoming in April for our youth in the community. Our goal is to get over a thousand young people there. We have historically collaborated with the chamber of commerce to do a community-wide employment fair for major employees and we had over 4,000 job seekers to come and hear about opportunities within the city and other surrounding employers. We're doing something similar for our youth and that is anticipated to be on April the 7th. And this year we're also expanding our summer youth employment program to have a more focus on steam opportunities, our position and jobs, our careers related to science, technology, engineering, arts and math. And finally, regarding questions that were asked last week on veteran services, we do have a

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veterans commission that was established by the council. Works very closely with our veterans office. We have dedicated staff whose sole focus is to assist current veterans in the workforce and in the community. We do have preferential benefits for our veterans. We make up the difference in salary if they were ever deployed and the wages in which they were being paid by the military is less than their city wage. The city does have a military supplemental pay benefit. And we also ensure that when possible if there's a qualified veteran applicant pool, at least one of every five persons who are interviewed will be a veteran as part of the interview pool. There is a subsequent study for veterans -- that will include veterans and it's part of the ease lewis that council adopted for the -- resolution that the council adopted for the disparity study and there are aspects of that study that will include the inclusion of veterans as small business owners. And that study is currently on the way and our small minority and business resource department will be working with the consultant and studying -- and the council in terms of bringing that study forward. So in summary, it's important to consider competitive pay. Certainly at the entry level, but other areas, other levels of the organization in which there may be difficulty in recruiting our retaining employees as well as all the implications of expanding benefits to our workforce, both permanent and -- regular and temporary employees. And we will continue to focus on our talent pipeline and our ability to employ

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youth and veterans in our workforce. I believe that concludes the portion of my presentation. I believe Devin Desigh, our labor relations officer is also available. >> Can you tell me if y'all have a high school intern program? >> We do. They took the slide down, but if you look on -- >> 23. >> Slide 24, those are all programs just for high schools. We have the Austin Corps program that we work with three high schools. We're trying to expand the number of schools that are included in there, but they work throughout the school year and get an opportunity to shadow departments, come with their teachers, their counselors, and have an opportunity to understand how the city works in terms of civic purposes. We also have the Austin Youth Council that is a representative of -- I think there's 17 or so high schools in which there are students from each high school that are part of the council, and it's about 50 or so students who can convene -- throughout the school year. There are other -- >> What I was really asking is do the city council members have an opportunity to have -- I know we have an opportunity to bring in college interns to work in our office. Do we have the opportunity to have high school students come and work in our office? >> Absolutely. In the past we have worked with council offices before in terms of either allowing a summer youth employee, the

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program that we have with the county in which we hire over 800 youth to either work with the council or you could use some of the funding that you have in your office for staffing to work and hire someone during the summer or after hours. >> Thank you. >> Tovo: Councilmember Zimmerman. >> Zimmerman: Thank you, mayor pro tem tovo. Mr. Washington, thank you for all the terrific information here. I have one question on consultants. There's been quite a bit of criticism I've heard in district 6 and around the city that we spend a lot of money on consultants and studies and it seems like it's one of the pathways to full-time employment in some instances. So is there a policy kind of regarding this on part-time consultants who wind up being hired full time by the city? >> Outside of -- I believe I would need the law department to help me in terms of our conflict of interest policy for different officers. I am not aware of any specific guidelines on consultant services and their ability to become city employees, but I do think there's a provision in terms of doing business with the city within a year for an officer of the city to then go and work and become a consultant. But I'm not sure about -- about the reverse. >> Zimmerman: You can't think of anybody who was a consultant, part-time consultant and did a study and some time shortly thereafter they became a manager in the city? >> I can't recall off the top of my head. We would have to look into that and see what the occurrence is. >> At this time I would like

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to thank Mr. Washington for providing an overview to council. At this time we are going to ask Devin Desi, our labor relations officer and a good amount of his presentation will be provided related to the sworn part of our organization and provide some historical context. >> Tovo: I'm going to have to apologize. I do actually have a last question for Mr. Washington. And this gets back to an earlier slide. First of all, I want to thank councilmember Zimmerman. I think I question he asked gave rise about page 5 about which positions were over market, jobs that were above market because of the living wage. But I wasn't clear on whether it was 25% of the total 32% or 25% of the non-sworn jobs that are above market? >> Thank you for asking that. It's a quarter of the 32%. So approximately one-fourth of those that are over market. >> Tovo: Thank you. >> As a result of the living wage. >> Tovo: That was the only question I had for you. So Mr. Desigh, thanks. >> Mayor pro tem, councilmembers, good afternoon. Our presentation here said good morning, but it's turned into afternoon. I want to thank you for opportunity to continue our presentation that I gave you last week, very high level eight-minute presentation, I might add, on labor negotiations. And today what I want to do is delve a little bit deeper into what our history is here in Austin. And how we got from the point of civil service being implemented to the point of negotiations being allowed to occur through the legislature to where we are today. And kind of what our history is with all three

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organizations. So the Texas legislature passed in the early 40's those set of laws that we refer to as public safety civil service. But they didn't impose it on any municipality. What they said was cities, you have the choice through your voters if you want to impose these laws on yourself. In 1947 our city of Austin voters approved state civil service for our police officers and firefighters. In 1995 -- for almost 50 years both the associations and the cities had to live with whatever those laws were, even if we wanted to change them we couldn't, unless of course the legislature changed them. But in 1995 the legislature relented and said do you know what? We realize what works in Austin may not work in San Antonio. That may not work in el Paso. You as the city and you as the associations, may have a better way Tom cog up with something to operate your city. So they allowed the ability to negotiate a contract and supersede those state laws, but if you don't have a contract or your contract doesn't cover a certain provision of the state law then that portion of state law still applies. In 2007 is when we had the ability to bargain with our E.M.S. Personnel and in 2012 in the same election that our voters voted in 10-1, our state also voted in civil service for our E.M.S. Personnel. So today's presentation really focuses in on the 1995 amendment and what have we done in the city since we've had the ability to bargain a contract with our three associations. And I want to start with our police association. I'll move to our E.M.S. Association and then I'll finish with our fire association. You'll see that our first meet and confer contract with our police officers happened in 1998. Even though the statute was passed in '95, there's a couple of reasons why we didn't get our first contract until February of 1998 and the first and foremost is the police officers said they wanted to wait until firefighters were done bargaining their contract with the city and then they wanted to come in and bargain a contract. But also as you cannage init's easier -- I won't say

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easy. It's easier to renegotiate an existing contract than it is to come up with a contract for the very first time. So obviously the very first contract took its time. But the main takeaway that I want you to get from this slide is that ever since we had our first contract with the police association we've always had a contract with them. We have never had a gap in contracts to where we've had to revert back to state civil service law. I know Mr. Washington talked a little bit about our pay for our civilian workforce and he had a little slide -- a little bullet point that said our uniformed employees are all above market so I want to go through a little bit about the pay history on all three of our associations. In the first meet and confer agreement with our police officers it was a three-year deal and they got three percent across the board each year. And let me explain to you what across the board wage increase is. An across the board wage increase is an increase that every police officer or every firefighter or every E.M.S. Personnel gets at the same time. So regardless of when you started in the department, you're going to get the same -- you will get a percentage pay increase on the same date. For example, something similar to that happen is when council passes a budget and if you pass a budget giving civilians a pay increase, all of the civilian workforce gets an increase on the same day. So that's what an increase the board increase is and all of our police, fire and E.M.S. Associations have a different wage increases as well, but I wanted to keep

that separate from the across the board increase. And the rationale behind our pay practice in the city of Austin is that we want to recruit the best, we want to hire the best, and we want to retain the best. And to do that we know that our pay has to be competitive. And what you will see over the course of the next few slides is our pay for all three is more than competitive. In fact, we're at the top of the market in Texas and among the leaders nationally. So in our second meet and

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confer contract with our police officers, they received actually six increases over the course of three years, one every six months. The first year they got a six and a half percent increase. The second year eight percent. And the third year was between six and eight percent. And the reason that that's there is they gave certain ranks a little bit more to alleviate some compression issues. Our third meet and confer contract was a four-year contract which ended up being five and a half percent increases all four years. And the reason I say ended up is because of some of those terms that are up there. So the contract had what's known as a me too clause and that basically stated we want -- we understand that you as a city are going to pay your civilian workforce a certain percentage every year for the next four years. We want whatever you give them. And that's called the me too clause. But then they added on to that by saying we also want you to recognize the dangerous work that we do and so we want two percent on top of whatever you give your civilians and that's what's known as the public safety premium. So as a result, it just happened that those four years our civilian workforce got a three and a half% increase each year, so that meant our police officers received five and a half percent each of those years. Our fourth meet and confer contract is the first contract that we negotiated under city manager Ott's arrival and what you will see here is that we've eliminated the public safety premium. Through negotiations with our police officers, we eliminated that additional two percent or additional amount of money that they would get on top of whatever the civilians got. I want to explain a little bit about this 2008 contract because it gets a little confusing. Originally the 2008 contract was supposed to be a three-year guaranteed contract with a fourth year city option. So at the end of three years, the city had the choice in deciding do we want to extend this one more year or do we not want to extend it? Do we want to go back to the table? And the first year our

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police officers received two and a half percent. Well, as we all know in this city, things took an economic downturn really quickly in 2009 and our city was facing some pretty severe financial constraints. At the time the only two organizations that had a contract in October of 2008 was our police officers and our E.M.S. Personnel, which you will see in a few slides, is we were not able to get a contract with our

firefighters at that time. So at the time our police officers and our E.M.S. Personnel were scheduled to make a three percent increase in 2009. What we did as a city is we sat down and we asked our associations to do something that associations don't like to do, and that's voluntarily give up money for the benefit of the city. And what they did in October of 2009 is that they waived the three percent increase. And I know we as a city thanked the police and E.M.S. Associations in 2009, and I want to reiterate that thanks to them today for doing what they did. They really helped and stepped up the city in a time that we needed it. One thing that we did as a result of that is we renegotiated the contract in '09 and we added a year at the end of the contract in which we gave our police officers three percent then. Obviously giving three percent at the end of a contract is much more cost efficient for the city than giving it at the beginning. So it ended up being a total of a five-year deal with one year as a zero as far as a wage increase. And they received three percent their last three years and they had what's known as a me too clause. That was a little different. This said let's contract for a three percent increase for our police workforce, but if you end up giving your civilians more than three percent, then we want that higher amount. As it turned out we never had to use this clause because our civilians never received higher than three percent these three years. So at the end of this contract we were preparing for the 2013 negotiations. And as part of that most

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cities do what's known as a market study just to find out where our workforce is, where is our police officer force, where is our fire force, where is our E.M.S. Personnel. And one of the reasons we do that is obviously to see where we are in the market and to make sure when that bright, young, energetic, intelligent person is looking to work in our fire department, our police department, our E.M.S. Department, that they don't pick cedar park or pflugerville or Round Rock because of pay. We don't want them to go to another city simply because of pay. We want to be able to retain higher and retain the best. Well, what we realized in the 2013 market was that our police officers were the highest paid in Texas. And they were second nationally only to San Jose, California in peer cities, who has a much higher cost of living than us. Realizing where we were in the market, we took that into consideration when we sat down and negotiated our 2013 contract. And we tried to exercise some fiscal constraint and you can see that we were able to do that. They've got a four-year contract with a one and a half percent increase the first year, one percent each of the next two years and a two percent increase in the final year. We also negotiated the elimination of the me too clause. And this was done on purpose at the table and in fact the police officers' association said we understand you have a need to bring up your civilian workforce and we hope that the elimination of this me too clause gives you a little bit more flexibility in bringing up and using some of those funds on the civilian workforce. We anticipating about back to the table in 2017 to renegotiate an extension. So other than pay what are we giving and what are we getting in these contracts? -- >> Mayor pro tem? One quick clarifying question if I may?

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We didn't consider the pay rates of cities that were significantly larger in Austin. >> I don't think -- we had a third-party vendor do it because, obviously, any time we as city of Austin folks do it, I can understand saying you had your own folks do it, it's an incentive to say you're the highest paid, so I'd be more than happy to send you those studies. For example, New York City is not in there. Los Angeles is not in there. But I think Phoenix, Portland, San Jose, San Antonio, Fort Worth, those cities are in there. >> Uh-huh. >> So other than pay, obviously there's a lot of benefits that the city gets and there's a lot of benefits that the association members get, and we don't have time to go through this presentation and talk about all of them but I do want to talk about the highlights. Under state civil service law, the only way you can promote a police officer, firefighter or ems personnel is by giving a hundred-question written exam. You tell them which books to study, you give them a few months to study it. They take down, they take a multiple choice test, which basically has verbatim, word for word, what was in the book, and they have to remember what was in there, then whoever scores first gets promoted first. Whoever scores second gets promoted second. Well, in the city of Austin and most -- and every city that I know of, and I would submit to you most employers think that that's not necessarily the best way to promote anybody. When we have, for example, a rash of burglaries in a neighborhood, and we have an anbola outbreak, a rash of fires, and your constituents are scared, worried about what's going to happen, we need somebody not just to tell us what's in a book, we need somebody to tell us -- through a written,

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hundred-question exam. You can measure it through oral exams and you can measure it through injury I don't-based testing. Let me give you a scenario and you tell me how you would react in this situation. That's some of the things we've been able to change in our police, ems, and fire contracts and previous contracts when they were in existence. Another major change that I really can't give due justice, as far as the time that it deserves, is citizen oversight. If you recall, last week I told you that's no of the files in these public safety departments are confidential and that includes some of our higher profile police officer incidents. Well, in the early 2000s we had some high profile police incidents, and our citizens were demanding that we form a panel that has access to that confidential information that can then make a recommendation to the chief as far as what they think, as individual citizens, as a group, about what the discipline should or shouldn't be. Well, to do that, you have to have a contract because we'd be in violation of state law to let anybody look at those files outside of a contract. So we worked diligently and very hard and looked at citizen oversight in places like San Francisco, los Angeles, lots of places all around the country to see what's the best way we can do it here. And this is a significant gain for the city and the police officers will tell you it's a significant elimination of some of their privacy rights, but they understood where the city was and where citizens were, and so we agreed to that in a contract.

One of the other things is hiring, as we mentioned before, just like promotions, the only way under state civil service law you can hire is by giving a hundred-question written exam. Our police officers and ems personnel have, through contract, said that the chief can completely ignore what's in the state law and can come up with whatever process he or she chooses, and can change it throughout the course of this contract. As far as benefits for the association members, obviously, there's a lot that we can talk about. Sorry. It's a low battery. But one of the benefits is

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so he is business leave. This is time that we allot for them to conduct union business, to have their general member meetings, other things like that. And, obviously, a big one is they have guaranteed financial benefits, which can't we changed unless, of course, they're willing to come back to the table and agree to those changes. And there's a lot of other benefits that I really don't have time to get into, but I'd be more than happy to send you all the contracts if you'd like. So moving on to the ems contracts, if you recall, we didn't have the ability to bargain with our ems department until 2007. So in 2008 is when our first meet and confer agreement went into place, and just like brings, we've had a contract with our ems officials, personnel, ever since the beginning of contract negotiations. We've never had a gap to where we've had to revert back to state law. And our first agreement with our ems personnel, they also received the two and a half percent increase and, as mentioned before, they waived what would have been a three percent increase in 2009. They then got the same provision that police got for the remaining three years, which is three percent, and, oh, by the way, if you give your civilians more, we would like that too. Our 2013 market study showed they're the highest paid not just the Texas but also nationally. So having taken that into consideration, we have a four-year deal where they get the same increases that our police officers got, and we negotiated the elimination of the me too clause here as well. Did I see a hand up? Sorry. Okay. For our ems association, as far as the benefits go, we have significant improvements and promotions just like we do in police. I talked about the hiring that our ems personnel have given their chief, and the association enhancements. There's numerous others, but to be -- for the sake of

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brevity, they have also association business leave and guaranteed financial benefits. That brings us to our firefighters. Our firefighters have had ability to bargain before our ems personnel. As you recall, back when police officers had their ability to bargain. So here's our history with our firefighters. Unfortunately, everything you see in red is times that we've gone without a contract with our firefighters. Negotiations were suspended in 2002. It was continued impasse in 2003. It was until the

very, very end of 2004 we had a contract. In 2008 we again went without a contract, and for a little over a year now we've also been without a contract, since October of 2013. But despite these six instances of no contracts with our firefighters, what you'll see is we've retained them as far as their position in the market, similar to where police and ems where. The history for our firefighters, as far as the pay increases, is that the first one was a two-year contract for a three and a half percent increases each year. The second one actually started in one year. They received a twelve percent increase. And I say more than twelve percent because it came in four bunches of three percent, three percent, three percent, three percent, over the course of a few months. And I know that compounding three on top of three on top of three on top of three is more than 12, but I can't do that math; that's why I went to law school. So the last three years of the contract were a three percent increase each year -- well, actually, it was three percent every few months, so in March of 2001 they received three percent, September of '01 they received another three percent, then March of '02 they received three percent. In 2002, we gave a two percent increase while we were in the middle of bargaining, then a few months later, bargaining was

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suspended and our firefighters started taking steps to get collective bargaining in the city of Austin. So our first collective bargaining agreement with our firefighters was only a one-year contract for five and a half percent increase. Our second one was a three-year contract, and the first year we say the average seven percent because there were some steps that were included, I believe, and some other things. So an average of seven percent increase. And then five percent each of the next two years. The 2008 agreement is the one that the firefighters rejected and they didn't receive an across the board increase. Our third collective bargaining agreement started in 2009. If you recall, in '09, we did not -- we asked our police and ems personnel to give back money, and they did that, and our firefighters also received zero percent that year. And I know this is October of 2009, but actually our contract didn't start until December of '09. October of 2010, '11, and '12, they received the same three percent with a "Me too" clause which never came to fruition, which we discussed earlier. The 2013 market study showed firefighters were highest in Texas and second nationally to San Jose. And I think -- and I can give you, I think, some of these status. For police officers we are \$20,000 above the average. For ems personnel, I believe we are \$27,000 above the average. And for firefighters, we're \$23,000 above the average. And so having seen that, that was our 2013 market study. We did not conduct one in 2014. However, in 2014, two other Texas cities with their firefighters and they conducted a study. Dallas and San Antonio did studies on their

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firefighters and comparable studies including Austin. Their studies even showed Austin firefighters were the highest paid in Texas. 2013 and '14 as we've talked about before we unfortunately were not able to get a deal. In 2013, we had impasse at the table. In 2014, our firefighters -- we got a deal at the table, but our fire fights association membership rejected it. And as we discussed last week, we do anticipate being back at the table with them soon. So, one of the -- one of the clarifications I want to make is, I know I talked about an across the board increase earlier on, and that's a pay raise that everybody gets in those three departments, at the same date, at the same time. Well, all three of them, police, fire, and ems, will things enjoy what's known as step increases, and that is a pay raise that you, as an individual employee, get on certain anniversary dates of your employment with the city. So, if you started in October 10th of 2004, come October 1st of 2005, if there's a contract which gives you five and a half percent increase, you get that increase, and then on October 10th, you would be in line for a step increase yourself, on top of the increase you just received. And all three of them have different places where they receive their step increases, which are something that we negotiated, but I know there's some confusion as to whether or not the firefighters have not received any wage increase since the expiration of the contract in October of 2013, and that's just not the case. Our firefighters continue to receive their step increases, and the step increases range anywhere from higher amounts early on in their careers to five percent at year 6, 10, 13, 16, 19, and 22. These are raises that each individual firefighter gets

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on their anniversary date, even without a contract. So I did want to make that clear. As far as some of the concessions back and forth, what did we get, what did they receive, in previous contracts, obviously, currently we're under state law. For promotions our firefighters gave significant improvements from state law, as far as our promotions, so we've moved away from just a pencil and paper test for every rank. For hiring, we didn't get the flexibility that police and ems have given us, but they did give us some flexibility from the state law in previous contracts. As far as the association enhancements, they also receive association business leave. They also receive and are guaranteed financial benefits, obviously, but there are some things that we've given our firefighters that actually we haven't given our police and ems personnel. Our firefighters have had control over training standards, contractual control over training standards, how new employees would be trained, and under what conditions the city of Austin and the fire chief must terminate someone's employment. They've also had guaranteed hours of work, guaranteed overtime opportunities, guaranteed shift trades and control over some assignments. Let's see. I know the law department gave you a briefing today about the current consent decree, and I want to tell you, unfortunately, that's not our first -- federal consent decree in the Austin fire department. In 1977, the federal government felt that we were we were discriminating against African Americans, hispanics, and female applicants, so they filed suit against the city. We had a consent decree entered, and it lasted for about five years. I forget when in 1982. Maybe it was the tail end of 1982 that the

subsequent decree was lifted by the courts. What I want to tell you is, a lot of the diversity that we've had in the department

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for many years was a result of those consent keys, and unfortunately, by 2015, almost all of those diverse -- firefighters that were hired under the consent decree have now retired or are eligible for retirement for sure. It's been over 30 years since the end of the consent decree process. Now, briefly I want to talk about some of the operational issues within the Austin fire department. And that, first and foremost, and really the only topic I want to talk about as far as operational issues within AFD is the vacancies. In 2014 we had 95 vacancies in the Austin fire department, uniformed, not civilian staff at headquarters or any other place, but 94 vacancies. Since that time, I believe we have 105 vacancies today and we average about four new vacancies per month, mainly through, obviously, retirements. The way that we've been able to fill those vacancies so far is by volunteer overtime, up to very recently, actually. Very recently, our fire department had to actually institute mandatory overtime for our employees because of the fact that we need to fill these spots on -- we have a desperate need to fill these vacancies. So I can't stress to you enough how much of a concern this is that we fill these spots. Obviously, at some point, fatigue will set in for our employees, and it's a -- something that the department is very concerned about, as far as the proper way to run the department and serve our citizens. But with that -- and that was part of my going forward, so with that, I'm ready for any questions.

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>> Mr. Casar. >> Casar: If you wouldn't mind going back to the slide about the consent decree in the '70s? >> Several of many of those that were hired under that consent decree are ready for retirement, which makes sense to me, considering that that was some time ago, but are you saying that a large number of our firefighters of color are those specific applicants, or those specific people that are that old, or -- >> No. >> Casar: Okay. >> No, no. What I'm saying is, for a long time -- for example, let's say the mid-'90's, a good portion of our diversity in the fire department was a result of the consent decree. And now I would say almost all of those female and African American and hispanic firefighters that were hired as a result of the consent decree have already retired. So the diversity we have today is not a result of that, but our diversity today is extremely low. So that's the point I was trying to make. >> Casar: Yeah. I understand why you said it's unfortunate that's low, but why is it unfortunate that the had hires under the consent decree are retiring? >> Well, I don't mean, I guess, that they're retiring, it's just unfortunate that, with the retirement, our Numbers keep dwindling. >> Casar: Okay. Thank you. That's

helpful. >> Mayor Adler: Any other questions? >> Yes. And I have quick question about the step wage increases. >> Yes, sir. >> Are those step wage increases unique to the fire department? -- It didn't appear in the other slides. >> Yeah. I have the step increases that our police officers and ems personnel enjoy and I'd be more than happy to forward that to you. But the reason it's in here

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is because I was making a point of clarification because there's been some thought out there that our firefighters haven't received any increase, even in the absence of a contract. And what I was trying to say is, the other two have their contract so they not only get the across the board increases, but they get their step increases. But even in the absence of a contract, we've continued the step increases for our firefighters. That exists in the contract. >> I appreciate that clarification. >> Sure. No problem. >> Go ahead. Ms. Galo. >> Mayor Adler: It's slow. Excuse me. This may not be the appropriate place to have this discussion, but I hope we'll have a discussion on the pension funds, how that compares with other cities and what potential ramifications we need to be aware of in the budgeting process. This may be a longer discussion than we have time for today but I would like to be educated on that, please. >> I'll tell you -- I see Greg Nowley right over my shoulder. As far as the health of the pension funds, it's not something we will discuss at the table. What we have discussed in the past is our city's contribution percentages to those pension amounts. But I think Greg can give you some more info on the health of the funds. >> Good afternoon. Gag Greg canally, financial services. We are coming back to you to talk deeper about our pensions. As Elaine talked during orientation, we have three separate pension systems, one for workforce, the ers, and one each for fire and police. We'll come back in detail, talk to but health of those pension systems, and what we've done over the past five to ten years to get them auto even healthier and look at a go-forward plan. That is on our list to come back to in more detail. >> Okay. Thank you. >> Mayor Adler: Ms. Garza, did you have something? >> Garza: When these market studies are are done, and you mentioned that Austin is

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higher paid than, I think you said, all Texas cities -- is that correct? >> Yeah. Comparable to Texas cities. >> When those market -- is cost of living taken into account? >> I believe there is a -- the exact study is pretty lengthy, and so I'll be more than happy to send that to you, but I believe there is a portion in there which discusses benefits, and I think there's a portion -- don't quote me on it -- but I think there's a portion on cost of living, but I can't be sure right now. >> Okay. And do ems and police have collective bargaining? >> No. They have meet and confer. >> So is it fair to compare when it's two different processes, you know, the bargaining -- there's two different processes involved? >> I think from the

city's perspective we've treated all three the same. We understand legal requirements of collective bargaining. Collective bargaining requires us to sit down and bargain with the firefighters for at least 60 days. But from a process perspective of the city and from a policy perspective, we've always bargained with all three of them, even though we have the right to say no to our police and ems associations, and we don't even want to sit down at the table with you, we've always sat down. So I think we've always historically done the comparisons with all three because as far as bargaining goes, we treat everybody the same. >> Thank you. Can you explain what guaranteed hours of work and guaranteed overtime opportunities -- >> Sure. So in previous contracts with our firefighters, they have received -- they have a provision in there which says all firefighters will either be on a 40-hour work week or 53-hour work week. With our other two entities, we have the right to say, you know what, we have south by southwest coming. We need you to work 46 hours a week and that's an order from your chief. The fire contract restricts the chief's ability as far as which hours she can set. It's either 40 hours a week

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or 53. The guaranteed overtime opportunities -- council member Garza, I know you're aware of Kelly shift. It might take me a little bit longer to explain to council members, but firefighters when they're on 24-hour shift, in compliance with flsa, over 19th shift is a, quote-unquote, day off. It's a day that they otherwise would have been scheduled to work, but they're at home to comply with flsa. So on previous contract have said, on that day, when it's your day off, we still have to fill that spot. So we have provisions which said you will be off for that -- you will be offered that opportunity first to work that if you want it, instead of us calling, for example, a lower paid firefighter or battalion chief or somebody else. We will give you that opportunity if you want it. That's what I mean when I say guaranteed overtime opportunities because not every firefighter, obviously, took advantage of that. >> But if it's your Kelly shift and there's no need for additional personnel -- >> If it's your Kelly shift and there's no need for personnel, you wouldn't get the overtime. Correct? >> Well, when we have to fill that spot on your Kelly shift, so, for example, you work on what we call C shift, let's just say, there's three different shifts there, a, B, and C. Let's say you work on C shift, and I know the fire department is here and I think they would probably be the better ones to answer it because I took a full day to understand how Kelly shifts operate from our chief, but Dotts, do you mind coming down and explaining? >> Good afternoon, council members. Tom Dotts with the fire department. Council member Garza is correct in that we have minimum staffing that we have to achieve every shift. When we fall short of that minimum staffing, we have to backfill with added time. That minimum staffing is based on four-person

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staffing per apparatus. So Kelly days are explained correctly on how they fall and it's your typical day off -- on how they fall and it's your typical day off. -- Working a Normal assignment on that 19th shift. In that regard, if there were no vacancies, if we were fully staffed that Kelly day would just be your day off and you would not have opportunity to earn overtime, that is correct. But for general purposes today, if that clause was in effect, most people who are on Kelly day would have that opportunity to earn added time. >> Thank you. >> Mayor Adler: Okay. Any other questions? Thank you very much. >> Thank you. >> Mayor Adler: Okay. Now we've had presentation from the staff. At this point we would invite the associations to come up and talk to us. Afa, do you want to come up and talk? Or to answer questions? >> Council members, thank you for your time and thank you for your service. I just want to say very quickly, I'm really encouraged about this vision of mayor Adler, about having deep down discussions and doing things more in public assembly, the vision of council, I'm very supportive of that. I think this could be the beginning of that. I expected a little bit meeting today, so I don't have a presentation. I expected that after executive session there would be some legal questions so I have my attorneys standing by to answer those. But I will comment on the

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presentation. The presentation was clearly designed to make afa and the members and firefighters look bad. And that's not anything new. We're kind of used to that this has been going on for years, and I've briefed many of you about that during the campaign trail. I'd be happy to, point by point, refute much of that information. It's very misleading and a lot of half truths, but I won't do it here. I'll review the tape and get with you individually. If you have any particular questions about the presentation I'll be happy to discuss those right now. Also, I have Kevin terrazos, our attorney. I thought maybe we were preparing for question and answer after the legal session that might be legal based so he's also here to answer questions if that be your pleasure. So I stand ready for any questions. >> Does anyone want to lead with questions? >> I have a question for the attorney. In your interpretation of the consent decree, is there a timeline that requires an rfp to be done in a certain -- at a certain timeline? And what is that timeline? >> Yeah. Council member Garza, that's a great question. And whoo I what I'm going to do to answer that question is point you to specific sections in the consent decree, as well as findings of fact, in order to generally understand this. The basic answer to your question is no. So some of the provisions that are in here, we're talking about interim hires, which is using the 2013 process, and there's absolutely no calling for that. That can be done if not. For the priority hires, those are governed by specifically section 3 and letter F, and it starts on, if you're looking at the consent decree itself, on the very top page, it's starting on page 28. So according to the decree, there's several steps that

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need to happen before a priority hire could actually be hired. And that process doesn't talk at all about the rfp, but it informs us about when the -- >> Excuse me. Can you hold on one second? I'm sorry. We have some printed copies. Just so that I could follow along with you. I think we got these from staff. I'd love to know if we could be on the same page. I think most of us have these paper copies. Can I bring these to you and see if the papers match? >> If you look up at the top, it says document 64? Is that the one? >> Let me just bring it to you to make sure. >> Absolutely. >> Section 3 what? >> I'm sorry, what I'm looking at, document 64, is the one that was actually entered by the court. What I've been handed is document 5-1, which is not a document that's been entered by the court, but of the same -- the same text. And so what I'll do is I'll start referring to document 5-1 and try to get to the same page Numbers on that. And so if we look at, on that page -- or excuse me, in that document 5-1, and you look at, starting on page 28 is the same number that I was talking about before, at the bottom at section 4 it says potentially eligible claimants to submit release forms, that's already happened. That was 75 percent for anyone who is interested in becoming a priority hire could actually submit an interest form. And they would have to be submitted, from what we understand, there's only approximately 200, 200, maybe 50, that's submitted out of the 800 possible that could, so we're talking about a fairly small number of hires -- or excuse me -- potential priority hires, that even submitted an interest in being hired from the 2012 process. After that 75 days, 105 days

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after the entry of the decree, which would be February 20th, the city has to file the preliminary priority hire list with -- excuse me -- the doj has to give a list of all the eligible candidates. And so that's going to be of those 200 plus, the doj just has to submit that list. 180 days, or may 6th, the city has to file with the court the preliminary priority hire list. And that's on page -- if you turn to page 32 and 33. And that's when it talks about the determination of the claimants for individual relief, it starts so section 6b so that's on page 33. Section 7 talks about the 180-day requirement. After that, the court needs to have a fairness hearing, and the court can't set a fairness hearing until 90 days after that list is filed. So there's another 90 days that have to occur. If everything occurred right on time, that 90 days would be no earlier than August 4th. After August 4th, the claims administrator -- excuse me -- after the 90 days for when the fairness hearing is set, the claims administrator has to provide notice to the candidates on the final priority hire list within 30 days. We've got 120 days for the preliminary hire list, another 90 days for the fairness hearing, before the court enters

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the final priority list, there's still another 30 days that has to happen to notify those claimants that might be on the final priority hire list, which would be no earlier than September 3rd. And then the candidate has to accept consideration for that within 60 days of the list being finalized, so no earlier than October 3rd. So when you talk about an rfp that has to be submitted, there is nothing in the consent decree, there's no provision, there's no provision in the findings of fact that requires an rfp to be submitted at any time. The only thing it says, if we're looking at this document 5-1, is that an appendix E, paragraph 3, that the city may initiate the priority hire selection process after receiving the preliminary priority hire candidate list. And that's after the 105 days. So it can begin to do that by February 20th. It can. It does not have to. The only thing that the consent decree does say, though, is that you can't hire, you can't finish the selection process until after the October 3rd date, until after the candidates have been selected. And so there's no way for a candidate to be selected as a final priority hire before, under these timelines, somewhere around October 3rd. I apologize for a long-winded answer but the basic answer is, no, there's nothing in the consent decree that requires an rfp process to be conducted right now or at any time, even after -- even up to I guess, October 3rd. It says after the October 3rd date, that the hiring process will be conducted promptly. And that's not defined. >> Thank you. >> So to that end on that question, if you were trying to start the process promptly after

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you were allowed to go on October 3rd, if you were trying to start it right after that when would you have to start an rfp process? >> There's nothing in the consent decree that requires that >> As a practical matter, I guess I'm asking for timing. You have to have that process in order to be able to hire? Is that -- do you have to have the rfp process to identify the hiring process so that you could start? >> You know, the rfp process has to be taken into consideration, try to go back to October, in my opinion, figure out how to start it right, so when we get it completed, it's done the right way. Now, the city of Austin has already spent quite a bit of time and expense starting the same hiring process rfp last year, between, I believe it was July to September, wasted a tremendous amount of city time and vendor time and staff time and stopped the process. In my opinion, they stopped it because they didn't get the vendor they wanted. It's another example of this game we're seeing as we are involved with the hiring process and a lack of trust we have in management to do it right. So they stopped the process and they're starting it again. Very token involvement on the association's part. And as they rewrite it, to me it's very clear they have a vendor in mind, and they're rewriting it to focus on a particular vendor, not the one that would have been selected on the other process. So again, I think it's really important we don't focus on how to get this done quickly as possible, we need to focus on how do we get it done involving important stakeholders and getting it done right. And I really want to address a really pervasive misconception that is put in the press sometimes and perpetrated by staff many times about the firefighters association. We do not want to run the hiring process. We never have run the hiring process. We do not want to run the training standards. We never have run the training

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standards. That's always been a management imperative. What we have been involved in is negotiating professional standards that are universal across the nation, in hiring, best practices, and in training, best practices. And that's totally appropriate for a labor group to do that. And so we have many times pitched as an unreasonable group, we -- we try to negotiate sound, professional standards, and, Mr. Mayor, you and I did a lot of what-ifs yesterday at a meeting. And after listening to me and asking me many questions, you said what if we did this, bob? What if we came up with this professional criteria and had you some involvement so you can verify, then you guys can be out of the hiring process. It is uncanny, I sent you an extract from our contract proposal in 2013, what you described is almost verbatim exactly what we proposed. It's flat out denied without even consideration. It's simply definition of professional standards that any good organization hiring would try to adhere to. I think it's very important that we we set and look at what our role is. Our role is to make sure political influence is out of hiring, that in high stake jobs like firefighters, we hire the best firefighters while being inclusive and getting diverse results. And the firefighters have proved to be good Stewart and shake holders in that process and we want to continue in that process. Any sort of presentation trying to put us in a bad light is misrepresentation, communes our integrity and character and it's dishonorable. >> Mayor Adler: And I think in this process here, we're just trying to ask questions as we go back. I appreciate you answering my questions too. Ask it again in terms of a what-if question. How long does the process take? If we were to start or initiate

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an rfp process now, how long would it take us -- >> I could give you my opinion. I've been involved before, but I would say off the top of my head, I would say being involved in past years, it would probably take three or four months. Is there anybody in purchasing that can answer that better? >> Mayor, also, if I may add, it depends on what process you're using because if you're just using state law, which is a hundred-question written exam -- excuse me, a hundred points -- >> Let's assume you're doing a process whatever process it is, so a good process -- >> Mayor, I would say a hundred question written exam can be a very, very good process, particularly if you're talking about priority hires, because what most people are talking about is adverse impact. But with priority hires, there will be adverse impact because there will be discrepancies between hispanics and fren African Americans. >> If it's not the hundred question test, how long does it take to go out with an rfp, make an rfp selection of a provider, have a provider begin to go through the process of developing the test so that you could, in fact, administer a test? >> Usually you pull a stakeholder group together and come up with a scope of work with the help of purchasing, and that takes, you know, several weeks, usually. Then you put it out

to bid and there's a process, you have to do that. The bids are usually at least a month, and vendors will bid on it. Then on an important item like this, you have further meetings and discussions while they're in the process of discussing a vendor. My experience has been that usually takes three to four months >> Okay. Thanks. Go ahead Ms. Galo. >> Thank you for being here.

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All being new to this, our education curve is extensive and thank you for that. It's very important to me to listen to the people to understand concerns. And in doing that, what I would ask of you is, help me understand clearly the concerns you have with the current rfp. And so my question is, so that we can help understand and we can understand where the issues are with the current rfp. >> Sure. I can give that to you in writing but I can also speak to you right now if that would be your pleasure >> I would loves to it in writing because it can then be a document we can address in comparing the two as we go through this process, but I'd like to hear, but I'd like to see it in writing also, too, please >> Sure. Very general, looking at mile high, it's a very important part of getting people on our job, once we hire somebody, they're usually on the job 30 years plus, so it's a then important investment to the city. High stakes job requires certain skill sets, cognitive and non-cognitive that need to be assessed. We want to make sure that's all done in a way that gets the best employees, still reduces adverse impact and decreases increases diversity. You're not going to get it good as a process or decision in outcome. I have example after example over the last several years where huge missteps have been made by management that cost the city hundreds of thousands of dollars. You know, for instance, just 2012, we all know how that played out. Originally was the firefighters' fault and they were blamed, but as the truth unraveled, we found out that they had close to a million-dollar process with recruiting and hiring, and they failed to give the test the right length of time. The same people that made those

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decisions and were unable to initiate properly, are still making the same decisions, still in the same places, and still unidentified. So having developing a process, where there's a lack of trust in the people that are running the process because of objective evidence that we can cite -- I've got powerpoints I could put up right now if you want me to and auto cite that evidence, but I'd prefer to do it in writing to you, already it's going to harm the process. But the process, in general, is very, very open. They make -- they make statements -- they talk about validity, and I need to send to you a video, there's an inference between the test and how good you're going to do on the job, so high validity measures. There's no objective measurements of validity, like I discussed with mayor Adler yesterday on the rfp. It's all very open ended. We want to have a valid process to reduce adverse impact. That means nothing. That

means nothing. There's no professional criteria within that rfp. So what it means is, the decision makers that have had -- have the flexibility to continue these bad practices. The firefighters are giving up pay raises because we're taking a principal stand that this should not be stood for for >> Okay. You mentioned the rfp. I want to ask a follow-up question with respect to to that. If the afa had a preferred provider, and if that provider was responding to the rfp in a way that the afa thought would result in a good test, would it be responsive to the rfp that is currently posted? >> If we could -- this is a what-if, me standing here --

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able to negotiate professional standards -- >> Mayor Adler: No, no, my question is, could you -- is there a preferred -- if there was a preferred provider that you have, that was proposing the kind of test that you thought, the afa thought, was necessary and the best test to have, because it met whatever validity or challenges you thought was -- would that submittal be responsive to the rfp? > is there anything about the rfp -- >> I'm not sure I understand >> Mayor Adler: Is there anything about the rfp that would preclude you getting -- a submittal being submitted to the city that would have the test that you think would be appropriate? >> If I understand you correctly, you're asking me, if we let the current rfp go forward, is there any way we could still work within that current environment and still have a quality process? Is that correct? >> Mayor Adler: No, if you would hav a quality rfp response from a provider, a provider comes in to the city and says, in response to the rfp request, this is what I would appropriates doing. >> Uh-huh >> Mayor Adler: Could somebody, in response to that rfp, in fact, make the response that you think would -- that the afa thinks would be -- >> Oh, that is possible, why. It's so flexible the way it's written, it's possible to get a good proposal >> Mayor Adler: Is that -- you may not know, or you may know, is there someone that is a preferred provider that's submitting that kind of proposal as part of the rfp process? >> I don't know. I mean, I'm sure there's some qualified vendors that are submitting rfps. I'm really not concerned so much with a vendor that's trying to do what they think is best based on the professional standards. What I'm concerned with is what we've seen in the past within this decision group we have currently in the city, that they take a vendor recommendation and manipulate it and change it to something that invalidates the process >> Mayor Adler: My question is, I'm trying to figure out what is the right time, because this is

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our deep dive on policy and we're all learning, I'm trying to figure out, when all the rfp responses come in, at some point the staff is going to make, I guess, a recommendation to the council -- are going to say -- to the valid result, or they could ask questions about the contract as part of the proposal. And at that

point, they could also say, but as I understand, there was another proposal that gave us everything. Why wasn't that the right proposal? Why wasn't that the proposal recommended? Or maybe the proposal that ultimately gets recommended by the city is a proposal that is also one that the afa also believes is the appropriate proposal. >> And I understand your question now. I'm sorry for the initial confusion. >> Mayor Adler: No problem >> Yes, I think it's possible that a vendor could come forward and have a process that we think would be a good process, or not, and then we could go forward or stop it at that point. I think that's a possibility, yes. I don't think that's the preferred way of developing a process. The preferred way of developing a process is to do it together, do it with all the stakeholders, get it right at the front end so you don't have to wait a few months down the road and decide to restart it again. And it's really about process, not about what the outcome is going to be, and the process is going to produce -- council also makes a policy decision. That train is moving down the road and you can't affect it again. There are going to be policies made to policy makers that may never be upheld after it leaves these chambers. But collective bargaining will hold that vendor and the city to these professional criteria that are important to our job. It's absolutely important firefighters are involved to that basis, not more than that, not less than that. Let's make sure that the test is

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legitimate, it seeks to get the best firefighters and reduce adverse impact and increase inclusion, and we can verify it. For instance, we arbitrated a process in 2010, and they made a change to the process that took it from a moderate validity to zero validity, but yes, sir the vendor gave us a certification report saying it had validity. Until we took it to arbitration and got discovery and got the raw data, we found out they were flat-out lying to us. And so having somebody say a process, having a department say they're going to do certain actions does not satisfy, I think, what the citizens of this great city need. They need to be assured that they're going to have the best firefighters hired, and it's a fair process to all. And we're not getting that >> Mayor Adler: Does anybody else have any other questions? >> Mr. Mayor, I'd ask could we please go back to the earlier rfp, and maybe in the clerk could many of them me of what that rfp number is, the one that's on there now is rfp-8300. What was that prior rfp number, so I can go look it up and refer it. And can you dig back into why that thing was pulled, in your opinion, and maybe somebody else can speak to why was that cut off? >> In my opinion, and Greg pope is in the audience who was on that committee. They went through the process and started calling down the vendors till they got to just a couple. And what they discovered was, it's very likely they're going to hire the vendor that they basically just got a consent decree on. They're going to hire a vendor that produced the best process this city has ever seen in terms of diversity. And I think the city, because that vendor really is -- holds professional standards, probably but the heads on some of the decisions on the process. They want somebody they can tell what to do, not somebody that's going to have integrity in their professional standards, in my opinion. And so they scuttled the whole process and started it over. My opinion, of course >> So the mayor's question of the what if, what if, what if,

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if we were just to go back to that original rfp and just do some more deliberation on the possible, you know, providers, would that be a good place to go back? Let's go pack in time. It sounds like you are more agreeable with what happened with the former rfp. Could we go back to that? >> Well, yes, but still, I was -- because, you know, we have history with the vendor, we've seen what they've done in Kansas City and really, really hard areas to get diversity and good firefighters, and in Memphis and other areas, they have a proven track record. The first time out of the box, they had the best process ever here. I certainly think that they're worthy of consideration, yes. But still, it would even be better if we were involved at the very beginning with scope of work and everything else. >> Mayor Adler: Ms. Kitchen. >> Kitchen: I just want to clarify that I'm understanding correctly. So if I'm hearing you correctly, your concern is about professional standards, and your thinking is about where in the process that should be discussed, and your thinking is that that should occur in the negotiation process. >> Correct. >> Kitchen: And because it has not, the rfp is premature? >> Yes. It is. >> Kitchen: Or not necessarily? >> It is premature >> Kitchen: Or is it not necessary? >> We could work together while negotiating. Our desire is to not hold things up. When you were in executive session, what we're reflecting on is how close we are in certain things. We share the same community goals as you do, council. We want to make sure we have the best firefighters and be fair and diverse and reduce adverse impact. Nobody has done more as an organization than Austin firefighter association to research the principal it takes to do that. We are so close. With your help we can all work together and get this done. The city staff has flat-out denied our involvement. So the way to do it would be through collective bargaining. But there's also ways we might work concurrently while we're doing that to speed it up, and we are open to that also. >> Mayor Adler: If I may add

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just very quickly, on the question of why is it so important to establish the professional standards now, as opposed to later, it's because if you send an rfp out to ten different vendors, and it's an open rfp, so anything that they submit back will be valid, it will meet the rfp requirements, and then you go through the rfp and you find there's only three of those ten vendors that actually would meet the professional important requirement, then your choices are narrowed to three right off the bat. But if you start out with the rfp having the professional standards in there, you submit it to ten, eight come back with meeting the criteria. So now you have a choice of eight. You are more likely to get the very best vendor for the job when you submit it originally, rather than trying to call it down later, when one of the vendors says, well, I didn't know you had a professional responsibility standard. I could have designed this test to meet those, but I didn't know. Because the rfp is what they have to go after. And that's why

it's so important to do that at the outset rather than wait until you receive all the responses back. >> Mayor Adler: Okay. Comments? Ms. Pool. >> Pool: Thank you, mayor. Bob, can you tell me what it would look like for you, for afa or for the department, for you to have a role, a seat at the table for these deliberations? >> What would it look like? The role? The model would be last contract and last mou we're under. And, you know, what happened, our last contract was, the city manager's office changed the vendor recommendation, so we had to arbitrate. So we had an mou. We offered an olive branch to the city and said let's not throw out a million-dollar process, let's just take a situation and make it better. We wrote down specific criteria, professional standards that we should adhere to. And it always gave management

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deference to control. For instance, on the rfp committee, we had two members from ours and three members from management, and we had this principle of we'll always try to operate under consensus, but we could always override later. And guess what, we developed and hired a vendor through a consent process. We never took a vote. And that process ended up producing the best process we ever had in the history of this department. And until, until the doj stepped in, we were shoulder to shoulder. The beginning of negotiation went to impasse, the lead negotiation with the city started out by saying, you guys are experts in the field. No one has gone around and learned what you had about hiring process, bring them back to try to solve the problem. We're leaning heavy on you to help us with this process. What happened between that preamble speech about how responsible stewards the association was, and impasse, the only thing that changed was an opportunity the city had to totally push us out of the hiring process through the eeoc complaint. We've always been good stewards. We've always added value, and we want to continue to. We don't want to run it but we do want to make sure professional standards are upheld. That's always been our goal and always will be our goal. >> Thank you >> Hope that answered your question. >> Thank you. >> Mayor Adler: Ms. Garza. >> Garza: Just for clarification then, full disclosure to people who don't know, I am a former Austin firefighter so I do understand a lot of these terms very easily, but for my colleagues up here who are trying to piece this all together, we have the consent decree over here, then you have negotiations that are not happening right now, and I just want to make sure I understand fully what the association's asking for and that all of us understand it. And so -- the association -- hiring process, and my follow-up to that, is there anything in the consent decree that prohibits that from happening?

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>> Well, yes, but let me back up a little bit. You know, my first goal was to do exactly what you said. We need to stop the rfp process. We need to negotiate, and that's what we need to do. And then shortly after the election, mayor Adler talked about a hundred-day more to rem -- moratorium on decisions. Then there was something I never experienced in my career, the policyholders really make some great decisions. We're very, very supportive of that. All I'm asking is, if the state -- if the policy holders can't make decisions -- look forward to and I don't know that this is it. I hope this isn't it. Our stakeholder discussion would really decide together what's the best way to do the process. I do believe in the end it has to be codified somewhere. Once the policy makers are the process, with management it needs to be codified in the collective bargaining environment. That will ensure that the standards are upheld. That will ensure we have the accountability to make sure what was promised is actually done. And you will, too. >> So as the association going to request to go back to the table? Because I understand that's what starts that process. >> So what we're doing here today, I guess, is, you know, it's no secret that I've been trying to stop the hiring of rfp. The reason we're trying to stop the hiring rfp is to slow down the staff side at the same rate as the policy side so we can have these deep discussions. So, yes, it is designed to do only that not do anything else. But part of the resolution talks about codifying. Whatever we do in the discussions, whatever we decide involvement should be of the association, some other important factors about hiring process, eventually it needing to somewhere where it's codified, looked at and upheld and that would be collective

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bargaining >> And does the consent decree prohibit that from happening? >> No, council member, it does not. And there's been several statements made both by the city and the department of justice explaining how collective bargaining can still occur. In fact, the district court relied on that in terms of denying the intervention by the association. >> How does that impact timing? If we were to enter into collective bargaining now forum, in order to be able to decide that question, we'd have to go through a collective bargaining process. And at the end of that's pro, then we would in addition the rfp. How -- how much beyond the October date where we're supposed to hire the new employees, you know, the beginning of process in October, would that push us past that date? >> It would not. It does not need to. As soon as the association would submit a collective bargaining request, then a month later, collective bargaining wouldn't have to occur for 60 days, and then if you started the rfp process immediately after that, it would still be before, I believe, August, which would allow it -- the rfp to be completed in three to four-month period before any October hiring needed to occur. >> Mayor Adler: Okay. Any other questions? >> Thank you, mayor. Mr. Nixon -- and sir, I'm sorry, I -- >> I apologize >> For your information, I have a question about professional standards. I don't know what those are. Could you give me just one or two of what -- or three of what you're talking about when you're talking about professional standards? >> Well, really, maybe criteria would be a better term. If we were to design the rfp like we did the last mou that produced a very good process, we would talk about validity coefficients,

talk about content validity, what cognitive areas need to be included. And those aren't notions we came up with, these are notions that professionals in the field come up with when they do a main

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study. I'm going to send everybody a video on this later on. We did an educational piece for our own members a few years ago, and it's a really dramatic speaker talking about a very dry subject, myself, but it gives you an idea of what validity means. It means something very important. It's a correlation between job test and your ability to do the job. And the higher validity the exam is, what that means is that when you give that test, and the test is high validity, and you have very good chance of hiring really, really good people that meet the job domain that is studied when you have no or low validity, what that means, you could have the highest score on the exam and be the worst person, or the lowest score and be the best person. It becomes a lottery. What the city has done over the years, they try to go with low validity, kind of a lottery, and they do this to increase the diversity without having merit in the exam. What we've been able to do, which is kind of remarkable, we've been able to blend the process that still increases diversity better than the city ever had before. Go ahead >> So professional standards are not about firefighters and how they -- the job that they will be hired into, it's about the standards of the testing instrument. >> It's a criteria of how effective the test will be in predicting good employees while reducing adverse impact. Yes. >> Thank you. >> Mayor >> So in an effort to try to get the conversations moving forward and get things in the right places, do you anticipate filing the request -- >> Do I anticipate what? >> Do you anticipate the request to move forward with contract negotiations? Do you anticipate sending one in? >> I believe the -- I believe the request for contract negotiations are forthcoming very soon. Really, I've been busy this week at council is the reason they haven't been turned in but we're

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not trying to drag our feet there. I recommend council support the resolution to stop the hiring -- I think we should have a deep down discussion and talk as stakeholders how to move forward, and I think we negotiate as quickly and expediently as possible. We've failed contracts but a lot of work was done on those contracts so a lot of articles are worked out. I think we can have something done in 60 days if everybody is willing >> Mayor Adler: I certainly wouldn't presume to advise you on how to do the business for the -- there would be a place nor negotiations to happen, and right now we kind of have a place where it's kind of amorphous so I'm not sure how that happens, for what it's worth >> Well, you know, we have to have trust in any system for this thing to work, and I really think in the past the city council has been set up more as part of the management arm of this negotiation. And what I would like

to see as a vision, and I hope this council can embrace that, is, you're set up March of arbiters of what's going on in negotiations. And if you think the association is dragging their feet or acting in bad faith, slap our wrist and say no more of that, and then exclude us if that's the way we're behaving. But in the same token, if you think management is not operating in good faith, I'm hoping council will be arbiters of that. And that is, I think, a good policy role for council, in my opinion, and I think that will make for a good process >> Mayor Adler: I think everybody up here is looking forward directionally as well. The good thing is, we don't have to decide anything here today. This is in our series of policy conversations. Does anybody have any additional questions that they want to ask? Go ahead, Mr. Casar. >> Casar: Just two questions. First, I don't want to mischaracterize some of your what-ifs, Mr. Mayor, so you can tell me if I am confused about them, but I think one question that was a what-if is if the rfp

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process moves forward, and there are a variety of vendors, could this council choose the vendor that met the professional standards the best, and perhaps satisfy all sides, but my question is a different what-if. If those vendors come forward and there's a few that meet the professional standards, but we determine or decide as a council that none of them are good enough to get us both the diversity we want and the professional standards that we want, would that then make it difficult for us to reinitiate the rfp process in time to meet our late fall or winter deadline? >> Well, first of all, let me just back up a little bit, and then I'll answer your question. I think it's really germane. That's why I want to answer different questions. Kevin alluded it to it when mayor Adler was speaking. There's some creative ways to get there quicker, and a lot cheaper -- 12 African Americans for the prior hires. We know selection rates are going to be a hundred percent hispanic and African American -- do not have to worry about adverse impact. So when you have to -- what we could do, speed up the priority hires, give them a hundred percent quality exam, which is much cheaper and quicker, enter great the 30 into the 2013 pool so there's no taint, they're mixed in, everybody nose who's who, that's the way it should be. They should come out feeling like they earned the job because they did. It's a faster and cheaper and way to do it rather than rushing a hiring rfp through without stakeholder involvement. That's the kind of ideas we could have if we sat down as stakeholders and everybody spoke. But when we're included, we can't have the input like this. And I'm sorry, now I'm going to answer your question. I forgot what it was, so please let me know what it is.

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>> Mayor Adler: In terms of you could end one rfp process and still have enough time. Again, I want to stay Rachel the word deadline because there actually is not a deadline even in the consent decree, just

after the October time frame that needs to be done promptly, that could be three months, it could be six months. Remember, if the department. Justice comes back in and looks at -- and so there isn't a deadline. That's probably one of the reasons consent decree doesn't require there to be a deadline for any rfp process >> I guess the simple answer, I think we could meet the October deadline or close to it even if it's collectively bargained. I guess a broader answer is, I'm not sure that should be the goal. The goal is as quickly and properly as possible, not just as quickly. Even if it took another month or two, I don't think that harms in any way what's stipulated in the consent decree. It doesn't harm materially the individual or the department in achieving their goal of hiring more firefighters. >> Let me clarify that question. It's not if this rfp process were ended prematurely before bids were presented to council, but rather, if this process were to go forward, the current rfp that's been issued, and it were to be determined -- council determined that those closer to that deadline, if we were to let this whole process go through -- I guess that -- I think you've sort of already answered that question >> Again, I have grave concerns, if we're not involved with the process, that we can say that we feel very strongly that this vendor is going to do a good job in meeting all of our professional criteria. Since we're not involved, we're not part of it, and we're not having those stakeholder discussion, like just about every other of my cohorts across

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the nation get, by the way, they get much more involvement than we do, it's hard for us to ever make a recommendation. And we're doing it wrong. We're doing it backwards. We're excluding people that are important in the process in pushing it forward. We need to stop and include people, all the stakeholders are important, and make the best decisions. >> Mayor Adler: And my second question I think is the important one for me, and I don't mean it either to be offensive or softball, so I hope you take it the right way, but if you are to go back if you were to go back to the negotiating table, which organization would be committed to doing things differently than in the past, in decades past, or recent past, to fight for racial diversity to make sure that adverse impact is at the lowest level possible to comply with the consent decree, but also the values, I believe, of this city, is that something that you're committed to doing, and within your answer, can you speak briefly to the 2013 process? I know that you have spoken to it being a good process, but also we have heard about the oral examination possibly harming some hispanic applicants and some possible negotiation of the 13 process having less adverse impact. So can you answer my first question, but also sort of refer to the 2013 process and what flaws will may or may not have been? >> Yeah. The association is absolutely committed to making sure we hire the best firefighters while reducing adverse impact and increasing inclusion. We've always been there. The reason I got involved with this, really quickly, is chief attorney, I saw undue political influence and passed through people at the academy that probably shouldn't have got through. I got involved with the association because of that, and I thought back then there's got to be a way that we can have a process and get diversity. And when we went to impasse the first time in 2008, we formed a group across the nation looking at the best processes. The city didn't do that. The city never made that investment.

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We did it. And we found a process we thought would be the best in the nation. We invited the city to come up to Memphis and view these processes. They agreed, wow, this vendor has a track record, they're doing it right, and it looks like a good way to do it. And so we have not only talked about trying to be more diverse, we have done a lot of actions to prove that that's our value and our goal. And I can commit to everybody here at council that it'll always be our goal to make sure the process is fair and inclusive and reduces adverse impact to zero. And what you have to do to do that is not just have a good hiring process, but you have to have an even better recruiting process. If I identify that a firefighter needs skills a, B, C, and D, and these are tough skills for people in the general populous to have, we better be recruiting people with these skills, not inviting everybody in. So there's some really definitive things that we've researched that can be done, that we've employed in '13 that worked. And we've learned a little bit what we can even do better. And if we have the ability to be a stakeholder with some sort of involvement in this, I think we can make it even better the next time. >> And just -- the 2013 process, you had that question about the adverse impact that of the exhibited in 2013. One point to note is that we're talking about 30 priority hires in the 2012 process. If you add those 30 priority hires to the 2012 process, the Numbers are not as good as what you'd find in the 2013 process. The 2013 process is better than what the consent decree has. And we are using, under the consent decree, the intent is to use the 2013 process. If it has horrible adverse impacts, if it violates -- and the court signed off on it as being the process we should use, it exhibited great results. >> Yeah. You know, when you look at

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adverse -- first of all, when you have any predictive exam, there's a cognitive component. Every single exam like that in the nation will have some degree of adverse impact. It is not like we had it, no one else got it. It's really something that happens across the nation, globally. The idea is to keep the process and reduce it. In the top 175, there was virtually no adverse impact for African Americans. That is unheard of. The hispanics were higher, we think we have some good reasons why, but still we doubled on percentage Numbers of hispanics one year to the next with our process. And so we have done the process. We know we can add value. We also know the only people that can allow us to add value is the council. >> Yes. You know, all due respect to the firefighters association. You know, growing up here in Austin, I've lived with the discrimination and the -- you know, there always seems to be one test that minorities just can't pass, so we're not part of it, you know. And within the firefighters and the ems -- I mean, I'm sorry, the police department and the ems have been able to negotiate with the city and give leeway so that we could have more minorities in there, and it has approved that, you know, by looking

at the police association, that, you know, we had a lot -- they have a lot more minorities that really reflect in the population here in Austin. And it kind of bothers me that -- to keep seeing this, that we're fighting over and over, we can't just get a negotiation with a firefighter. And, you know, what's the big problem here? You know, I just can't seem to understand the resistance, you know? And as we look at all the

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recruiting classes that have been coming out, it still doesn't reflect the minority diversity that we have in the city. Is it just that minorities can't qualify for these kind of -- to be a firefighter? >> No, there's millions of minorities, there's hispanic, family, and African American that can score a hundred percent on these exams very well, I think the '13 process highlights that. We had 13% African American in the top 100, which is much, much higher than the population of Austin. So that's really remarkable results. And since -- when you look at the slide, Devin had some accurate information, we've been negotiating since '97 in giving flexibility to the city in hiring processes. And they've continued to take flexibility with no plan, they've continued to misuse it and they've continued to have adverse impact. Why we got involved, we got sick of it just like you got sick of it. We decided these guys will never be able to do it on their own. They really need help. They need an important stakeholder and that's why we got involved. For years they would misuse their flexibility because they really had no plan, shooting from the hip every time they negotiated, and then they blame us. And then the next year, they would do -- more flexibility, misuse it, and blame us. And we're getting sick of it. And I think the results of '13 are not an outlier, they're not something that happened without purpose, they happened because of a purpose, they happened because we were involved, we brought really great principles forward and produced the best process in history. We produced a couple of those, we'll continue to not have this racial inequality. That was the first process in our history. We had more than 50% minorities. And we doubled the number of hispanics. So we're not just talking about what we think, we can demonstrate what we're able to do >> I have a policy question to kind of change issue here, take a step back. The -- historically, have the firefighters had the same

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participation in hiring that the police association and the ems association have? Or is it different? >> Yeah. Under civil service law -- remember, this is law, this is state law, and, you know, Devin talked about we voted in state law. Why did cities decide to vote in state law? >> Mayor Adler: My question is, do you have, the firefighters, the same kind of participation in the hiring process that the police association has and ems has? >> No. They've decided to give total authority to hire the way they wish >>

Mayor Adler: All right. If you look nationally or if you look around Texas, what's more ordinary? What's more frequently found? >> Well, civil service law usually tries to keep political influence out of three key areas, hiring, promotion, discipline. So any civil service system has that requirement. Now, if you have got good management relationships, if management is doing what they say they're going to do, if management is getting results that they should be getting, trust is built >> Mayor Adler: No in, my question is, the practice that our police have, and ems has is different than what firefighters have? >> The law is not to ask you -- try to put that in perspective. >> Mayor Adler: My next question -- the first question I have, is the practice that we see with our police and our emergency people more usual or less usual as we look at police and firefighters and ems around the state? Or is what we do with firefighters more usual for what we see? > >> -- Hiring criteria than -- >> Mayor Adler: What about nationally? >> I'm not sure. I'm not certain >> Mayor Adler: Can you explain to the council -- this is kind

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of -- we're learning here. Would you explain to the council what the policy reason would be for the firefighters to have a different participation in hiring than our police have or ems has, or most others around the state? >> Well, I would have to speculate why they are different than us. I can say why we are different but -- >> Mayor Adler: Policy justification for why it should be different for firefighters. >> Yeah. I just know that the Austin firefighters are a very caring group. They care about the professional standards. They care about people that work with them. They care about serving citizens. When we started negotiating for hiring, we did have a big separation between what reflected the community and what was in the Austin fire department. There was a tremendous amount of pressure put on management to correct that, and they should have. In order to correct that is to believe for most firefighters, they gave up a motion of a merittous process and process to reviews adverse very quickly. There was gaming going on, a lot of things going on that was inappropriate. The firefighters know that they sense that, and they become sensitized to that and want to do something about it. Rather than doj everything you're doing with hiring, they're saying we don't trust everything you're doing with hiring. We want to talk about how to do it properly and right and get most things, a merit or just process. That's why maybe their involvement is more than ems and police. We may have less trust in what we've seen in the past, and for good reason. Maybe they have more trust in what they've seen in the way their departments operate. I don't know for sure. I do know our experience. Our experience is, we want to be involved, we want to be involved in a level that we can make it better, and we think that that involvement will add value to the process and make it a better process for everybody. >> Mayor Adler: And I think there's also a difference in

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training, isn't that right, in terms of the involvement in training? >> Well, you know, there's some difference -- many times, we have an attrition rate of less than two percent. So we don't have a culture where we weed out people. We don't overhire or we don't have this notion that we're going to get rid of 25%. The people we hire we pretty much retain. So that's another good reason why, early on, you need to have the right people coming in the door to begin with. >> Mayor Adler: And I think that affects, in terms -- if the association had more control over the training standards, it wouldn't matter so much in terms of hiring, because you're still ensuring that you get the most per tore -- meritorious people there. The police have more involvement in training, so it doesn't matter who's being hired. With 25% attrition, you can be sure everybody out there, hiring standards aren't as important, they can concede that part to the city, then take over most of the training, that's not happening with the firefighters. >> Could that snap >> Absolutely. Mayor, it would be involved with the collective bargaining process. It has not happened, has not been given to the association over the many cycles in the last several years. >> , So you know, there's always been this notion that if you give -- if you graduate a police officer from a job, from the academy and give him a gun and a car and he's out by himself, that's a big liability. We want to make sure we have the best of the best hitting the streets so we're going to have this attrition rate and the academy to deal with it. The fire department, we can put them on a crew with somebody else and it'll be okay, and we want to make sure that we are -- >> Mayor Adler: Any additional questions? Ms. Tovo. >> Thank you. I have a few question. I want to back up to the rfp for just a few minutes. Mr. Nix, I don't know if you're the appropriate person to answer these questions or if Mr. Pope

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might be willing to step in here, but during -- as I understand, he did participate in some of the discussions during the development of the rfp, and I'd like to hear from him directly if he's willing to and you can a little bit about what his input was. >> Absolutely. >> I've been involved in three rfp processes. The one that started in July of 2014 was the first one that seb stopped, and stopped after pretty much the entire process had been done. We were about ready to invite three vendors, in oral interview, have them fly into Austin for oral interview, and we were given the reason, the reason that the process was stopped was because that we needed more training as the evaluators. We had two chiefs, Dr. Paulson, Teresa Redding from purchasing, and myself were on the rfp committee, and that was the reason we were given. It wasn't because of the consent decree. It wasn't because that we were being forced to stop. It was because we needed more training. We needed more input from professional strictly industrial psychologists. So this is the first of the three that I've been involved in that were actually stopped >> Tovo: So were you part of the group that was reviewing what that rfp looked like before it was released? >> Yes, ma'am. >> Tovo: So I heard some concerns and I hope I'm going to characterize them correctly from Mr. Nix, that the rfp is too general, it doesn't include professional -- professional criteria for the test? Is that part of the -- did you offer that feedback to the group that was helping create the rfp? >> Yes. >> Tovo: And you felt like that

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was incorporated into the rfp language? >> In the one that we just did, in the fall of 2014, I believe it was incorporated. >> Tovo: It was? And that was the first or second rfp? >> It was the first one because there was only one in 2014. So the one that we were going to start, the one that was started in the fall and stopped -- it was stopped somewhere around August 19th, that was one -- that was -- the second one that we're doing right now is the one that's still in process. >> Tovo: From your perspective, the first rfp language was more to your liking than the final -- than the 2015? >> Yes. >> Tovo: Again, I'm not sure who can speak for the association -- >> We were not involved in the scope of work on either of them. Neither were specific as we'd like to see them, but the second one, the one that's current right now, ongoing, it makes it where you could -- the criteria is almost nonexistent. You could hire a vendor that has very little experience and never ever done a test for fire departments before, let alone having a criteria of having one that's done -- test for firefighters of a certain municipal size. So it's very, very open ended. And my concern is, it's very open to manipulate the way they wish. And in my reading of the rfp shows that three people will decide who the vendor is, and one of them is a hired consultant by the city, Dr. French. Now we've eliminated more you've made people, we've opened up the criteria, and we inserted a consultant as one of the

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decision makers. So to me, it gives me a lot of concern. >> This is pint of information, the rfp 8300, which is the one that's on now, the dates on that were December 22nd through January 28th, which, of course, is the day before we meet the next Thursday. I'm not sure what the significance -- what is the significance of that closing date of January 28th, on rfp 8300? >> I don't know if there's any significance. I believe that \$just -- trying to get it through as quick as possible. I don't think it coincides with before the decision makers take place, council, if it does, I have in this of that. >> I have a few more questions about this. I think I'm understanding your concerns about the rfp. I want to go back to the timeline, from the discussion that you had with council member Casar, it sound -- as if -- I'm trying to finite out, from your perspective, proceeding on with the rfp, it's broader than you'd like, so there may be some vendors who respond who, in the end, aren't as competitive as others? That would certainly be something that this council could evaluate, stakeholders could provide input. You could say, look, these vendors have never done -- we could have and would have that discussion about, you know, which of those responding vendors, if they made it into the top recommendation if the staff, were qualified or not, and why. So help me understand why, from your perspective, it would be an issue to set it more broadly >> Because the rfp process is about hiring a vendor and putting them under contract of performance. And in that contract of performance you should have the criteria which they're going to operate under. And

when you don't, they're not bound to that criteria. And so if you have the stakeholders develop the criteria during the scope of work, which is a very important part of the development, and then you put out the bids, they

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try to meet that criteria with their bids. So if you have a very open ended process, you're not binding them to perhaps the criteria that are in the collective bargaining contract that negotiate later on, unless you have that in their contract specifically. So there's a contractual reason, but I think the biggest reason is, again, a process reason. We want all the stakeholders to develop the scope of work, not a select group that may have a certain motive of who they're trying to get. It needs to be an open process, it needs to be purely about the purpose of selecting the best vendor for this job, it needs to be open and transparent to all stakeholders to have involvement and we don't have that right now >> Tovo: And so -- it's my understanding that purchasing would be negotiated in the contract and would be including a more specific scope of work and standards and criteria, once there's been a vendor selected. I guess there are a few points, and this is one of them, that I'd like the staff to later clarify for us because it seems like we certainly could address and would, and do all the time, address those kinds of very specific contract requirements in the contract itself. >> It's kind of getting -- >> Tovo: Which might address the concern you're raising about not being in the rfp >> It could be getting the cart in front of the horse. Let's say the vendor we take low balls and expect to do an oral interview, you know. And then in the contract -- we get a better idea of the personalities coming to the department that fit the job. We really need to have one of those. Well, you can't ask for that in bargaining because we didn't write that up in the rfp. So the rfp can harm the bargaining environment from good ideas that could occur. So really, we need to get things in the right process and sequence. The right process is, you stop the rfp, in my opinion, and negotiate this thing -- the stakeholders, everybody's

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involvement correctly. Right now it's just a push for the city to get this thing done as fast as possible and quite frankly to exclude us from involvement >> Couldn't the rfp proposal provide for -- I mean the proposal that came back in response to the rfp, provide for the oral portion? >> If it did provide for all that, then it wouldn't be -- it wouldn't be constraints on the bargaining environment. But if a vendor puts in a bid, expecting to do it a certain way, and then you change the way he's got to do it through negotiating to maybe a different way that's more expensive, or something that he's not -- that they don't have the skill set to do, then you're constrained on what type of ideas we can bring forward. I'm just simply stating the best way to do it is in the right sequence. Get your team and stakeholders

together, define how you want to do and operate, then design an rfp to do that. We're doing it backwards. >> Mayor Adler: And I understand that, too. If we have an absolute won't it -- whiteboard, we could do that maybe. I'm also trying to figure out what the impacts are of working from where we are now, which goes to that question, which is, there's also a scenario that has this rfp proceeding. It's broad enough to have responses that everyone would agree would be great products at the end. You have asked for collective bargaining, and the negotiation process has begun on that, and both those things are happening hand parallel and tandem. At some point, coming back to this council, is going to be the contracts associated with that rfp, and this council at that point would look at those and say, you know, we don't like any of the contracts, or we do like this contract proposal that was made, and maybe what we're deciding at that point gets informed by the negotiations that are going on, if there are negotiations that are going on

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at that point. I mean, that's a scenario that could also result at us being in a good place all around. It doesn't necessarily get us there, but it could get us there. >> It's possible that putting things in a that sequence still results in a good output. I think that's a possibility. I just think it's less likely. So a vendor is going to turn in a bid on the 28th or 29th, and it's going to have a cost for that bid, but then we're going to develop criteria later on. It just doesn't seem like the right sequence to do business. >> Mayor Adler: I understand >> We also have to take into consideration what council member Casar was asking, which is, what if you get back all these bids and you find out none of them are really that great, because they weren't -- none of the standards were defined in there, and then you look at it and say -- the question is, is this council and is the city going to say, well, we'll just take the best of the lot, or are we going to start over? And why do we need to start over? If we establish the standards now, there's no risk of that because everyone should be able to meet those standards, then you pick the best one, whereas there's a huge risk of sending out an rfp that if something comes back in as a response, it's going to be unacceptable. And there's a risk that all of them will come back as unacceptable. And that doesn't seem like it's efficient, effective, especially costwise. >> Mayor? >> Mayor Adler: Yes >> I have a follow-up question. Mr. Nix, I'm merely trying to be sure I understand you. Would it be fair to summarize your concern about the rfp happening now as wanting it to be more closely linked with the collective bargaining process? I think that's what I'm hearing from you, that you want those -- you want those to be linked, and if the rfp happens now, it won't be, as you said earlier, codified in the negotiation. >> That is it. Yes. I think that the type of

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agreements the stakeholders have, the perfect place to codify is where we have in the past, collective bargaining that ensure that going forward, what we agreed to is upheld, and putting rfp before the collective bargaining could produce a good outcome like mayor Adler is suggesting but I'm saying it's unlikely to because it should be written up front before the bid is turned in >> So that's the risk from your perspective, the downside of moving forward? >> Yes. Could he have seen -- a suggestion earlier that for the priority hires, that the city might consider doing a testing process that would be just a hundred-question test, rather than -- rather than go through an rfp, hire a vendor, and do a more comprehensive testing process, just use a test, which I think we heard some discussions about earlier some of the pros and cons about that >> That's what I would recommend considering. Again, this would probably be a better discussion sitting around a table and mulling over ideas, but we know that good cognitive exams have validities in the .6, .65 range, which is more robust than a process will do with an oral interview. So the likelihood of achieving very highly qualified candidates from a strict cognitive exam like that is very high. And so if you don't have to worry about adverse impact, that's a very cheap alternative that can produce really good employee group and it can be done quickly and it can be mixed in with the '13 class and nobody would need to know which class they came from, it removes taint, things like that, so we could actually speed it up rather than slowing it down and doing another rfp for this priority hire. >> Tovo: Okay. Thank you. -- If they can give us their response about that suggestion. Then lastly, on a very different

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subject, can you talk a little bit about the association's perspective on the vacancy rate? >> On what? >> Tovo: The existing vacancies, you know, it's been a constant source of discussion over the last year about what would be the most expedient way to move forward with hiring because of the vacancies and the cost associated with -- >> -- A contract, I'm working on the job, which I enjoy, so I staff every shift, and staffing is not an issue. It's not like we don't have firefighters to fill the seats. We don't anticipate that to happen for some time many. Usually when you have a lack of -- or a lower number personnel because of attrition or because you can't hire, there's two main issues, one would be fatigue and one would be overtime costs. Fatigue could be an issue later on but there's ways we can deal with it. Right now, we don't -- we make a decision to hire the cheapest person for overtime. We're the only department of the three public safety agencies that do that, by the way. The other ones, men get overtime and all ranks get it fairly equally. We do it very cheaply. We always hire the cheapest employee. So we have a list based on their overtime -- based on their overtime rate. And if I have non-productive time, I'm on straight time rate so I'm getting paid straight time instead of overtime, so I'm in that list somewhere. We're selecting employees based on the cheapest way of doing it. But we also have constraints as far as certain officers, 50%, on duty, and other things like that. So fatigue and seating people are not an issue right now, nor do I think most of my cohorts would think it would be. So the other issue is cost. Does it cost more to pay overtime than to hire salaried employees to do the job? And you've heard things about sweet spots and stuff like that, and the truth is, and I'd be happy to give you

guys a more involved presentation of this, always cheaper to pay overtime. It's always cheaper to pay overtime than it is to hire a

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salaried person and pay them benefits. And I can give you really quick, really quick down and dirty. If my salary is a hundred dollars, the city pays \$some for that salaried employee for the benefit package and their salary. Okay? So it's about 34% of payroll. And that employee just hired is not there 20% of the time. He's on vacation, he's sick or other things. So even if you hire an employee, 20% of the time you have to hire somebody else to cover that position. Overtime is 1.5 salary. Right? It's overtime, so it would be \$150. But for non-productive time, sick or vacation, you don't pay overtime, you pay straight time. So even if you -- if you pay the cheapest employee, which we do, you pay only straight time, when non-productively in their pay cycle, which we do, and you have a very rich benefits package which all the city of Austin employees enjoy, about 30% of payroll, it's always cheaper to pay overtime than to hire a salaried employee. We shouldn't be looking at how much overtime costs go up, we should be looking at total payroll costs, which includes salary, overtime, and benefits. And what you will find -- if, this is an important if -- if they're budgeting the fire department correctly by budgeting for every budgeted position and not removing money as kind of a shell game, which the budget department does sometimes, it's always cheaper to pay overtime. Always. >> Tovo: Well, I know in the past you've put together some of that information and maybe you could make that available to -- >> Yeah. I'd be happy to write that out where we can dissect it >> Tovo: I think the staff have done a similar thing and I think that might be relevant to this conversation >> I'm also aware those are commonly put out as reasons to do things quickly so I would love the time to refute that and provide you the correct information >> Mayor Adler: That would be great. Thank you. Ms. Troxclair >> Troxclair: I want to address this from a different perspective if you'll indulge me for just a second. So these vendors are private companies, private companies that we're asking for bids from.

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>> Right >> Troxclair: So if we are putting out a broad rfp with lots of different potential responses, me, as a potential vendor, I'm spending my business's time, money, and energy putting together a proposal for the city to review, and we're kind of openly discussing that after we receive those proposals, we might decide actually or criteria are a little bit more specific than what we originally stated >> Right >> Troxclair: Seems like that process may be a little bit backwards because then those vendors who have spent time, money, and energy on trying to be responsive to our requests, we're not going to seriously consider their proposals. >> I agree. >> Troxclair: Okay. And I'm going to take a stab at really

oversimplifying this because you made a comment earlier, back to council member tovo's question about what is the benefit of having a more specific rfp, and you said that it would increase our chances of getting a higher number of good responses. >> That's right. >> Troxclair: So can you elaborate on that a little more? >> Council member, it goes along with your question before and your statement in terms of if you're changing the criteria after the fact, one thing that that private vendor who spent all this time developing an rfp is going to say is that, I could have met that. If I would have known ahead of time, I would have developed a process that would have met those standards, but I didn't know. And so I'm being excluded now because I didn't know what the standards were going to be. And so if we set out the standards ahead of time, everyone who responds will meet those standards. Because that's in the rfp. If they don't meet the standard, they shouldn't be able to provide -- or excuse me -- they shouldn't provide a response, and that's their -- for them to know, this is what I need to do

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in order to be successful here >> So in order to simplify this, if we put out a request and say we're looking for vendors who make triangles, squares, and circles, we get a lot of responses from people who say, yeah, I can do all three of those things, I can be flexible. Somebody who specializes in making circles might not respond because they might not think it's as appropriate for their particular process or their particular company. But if we say from the beginning, we're really looking for a circle maker, then we'll get people who are going to be the best fit for what we're looking for >> Also, if you say that you want to make a circle, then you're going to get a bid for making a circle. One of the other risks that you have is that if you say, hey, I'm okay with anyone who makes squares, circles or triangles, then you're going to get a bid for a hundred dollars, even though it costs \$150 to make the circle. And you select that person because they have the lowest bid, and then they come back to you later on and say, oops, we're over budget because making a circle costs 150. So not only do you now say, well, I thought it was only going to cost a hundred dollars, and it's an overrun so it's 150, but you don't get that other vendor who said I could do a circle for \$125. >> Okay. Thank you for that explanation. >> Mayor Adler: Ms. Kitchen. Did you have something else? >> Kitchen: No. I was just -- I think the discussion has been very, very helpful to me, and I appreciate your time, as well as the time of our staff that's been here today. I'm really more trying to understand the rest of the day, and I'm wondering if we'll have other opportunities to continue this discussion >> Mayor Adler: You know, my consensus, we've asked staff to help us block time, and I know that there's a desire to have these kind of conversations while we're together that will have us working harder and more

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programmed in the first hundred dollars than we might be after that, but we should soon get a list of days that we can block on our calendars, which we can then fill with these policy conversations, and we could pick back up on this and others. But we should have a schedule pretty fast come out to us to do that. We also have, with respect to today, some other people and other associations that have come, and I think we should give them the opportunity to visit with us as well. And then we have a meeting that, obviously, has been noticed for and is going to start at 5:30, and I think everybody would like a little bit of a break before we get to that. So if we could all keep that in mind while we're asking questions. Does that sound good? >> Yeah. That was -- I'm mindful of the fact that we have an opportunity for public input later in the day and that's fast approaching so I just wanted to make sure we keep our commitment at that time. >> If we could do that, we could have thousands of people for that. Thank you you all for your time >> Thank you, mayor and council for tackling this issue which is so important. If you [inaudible] We think we deserve, we think it will add value to the process, we won't let you down, you'll be proud of the project and we'll do a good job for you and jury citizens. Thank you for your time. >> Thank you. >> Mayor, I've just been informed by the police association they need to leave in the next 20 minutes, if you don't mind calling them first. >> Mayor Adler: That would be great. You guys come on up. >> Good afternoon, mayor, council, city manager, I'm ken

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Cassidy, the president of the police association. I've provided packets for you, explaining who we are, where we've come from, and where we're trying to go. I know we're on a short time period so I will just go ahead and open it up and let you guys ask me questions if you have any. >> Your hiring practice is different from the fire fire fire department's hiring practice, in terms of the involvement. Involvement. As a group, we're trying to understand what the policy justifications are of one versus the other, or what the advantages and disadvantages are, or apparently something which trades off involvement in hiring for increased control over training. On a policy level, could you just help educate us up here how you all see those things interplaying with one another? >> Absolutely. In our last bargaining session, it was very important for the city to -- relinquish that control to the city, as long as we could maintain control with our training program and fta program, which we've been able to do. The city is allowed to hire whoever they want, as long as they meet basic standards set by the hire department, and we feel that once they graduate, the field training program for the officers, if they can make it through that, they're well on the way to being a successful police officer for the city of Austin. But as you heard earlier, we do have a high attrition rate, not only in the academy, but once they graduate and get out to the program, we had did the out of the last class of 30, I think we lost five on that program. They're very strict handles.

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The state of Texas has very strict licensing on training. Once they pass that and pass the program, they feel like they're conserving and can go on to being a successful police officer >> I'd like to add to that that it's been my experience that it takes a certain person to want a police officer, and the job really weeds you out if you're not meant to be, you don't -- you either don't make it out of the academy or you take a few rides in a patrol car, then you go find something else to do. That's just the reality of our profession, and so it's sort of -- in a way, it's self-regulating, so I think that's one of the -- one of the things that I heard today that's -- that was particularly resonant with me was, we do have a high attrition rate and usually it's with those young officers. They learn pretty quick what the job is about and they figure out whether it's for them or not. >> Do you think if you have more control over the hiring process -- I mean, it's kind of a trade-off? In order to end up with the best police officer in the field, it looks like there are two different models, one where you have more control over the hiring, you have less attrition, one where you have less control over the hiring but you have more control over the training and more attrition. Do you end up in the same place? >> In my opinion, I haven't seen the big drop-off from when we relinquished control. You know -- to relinquish that control to the city. >> I mean, it's hard for us to predict, since this is really the only way that -- I mean, I don't think you -- and you would probably have to study this I don't think you'll see a difference between the attrition rate versus whether we

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control -- had an lines in the hiring process and have the same attrition rate between the officers, and I think that's just because it's a different profession, it's a different job task. The fact that the attrition rate is so low over the entirety of their career was somewhat surprising to me compared to what we experienced. >> Mr. Mayor, point of privilege, I'm having trouble hearing Mr. Cassidy. The microphone -- >> Is that better? >> Any other questions? >> Is there anything you can think of -- we're trying to learn here -- is there anything you'd like to impart on the council relative to the conversation about the city as an employer that you think would be important for us to know? >> Absolutely. There's some big issues coming up. As you know, over a period of time I've spoken to almost every one of you about our issues with south by southwest. I know it's big for the city and our department right now with setting a physical fitness standard for us, that will be a big issue coming up. And right now that's kind of what I see on the - - in the next five to six months with issues with us. >> Mayor Adler: What are the issues? What are the issues associated? Just real -- on the 64,000-foot level, what are the issues -- that are involved with both those? So the south by southwest -- >> 40 police officers -- to assist and making a private entity money, and I have a

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philosophical difference. To me, I just don't get it. I know there's -- if we can work together, the city management and the department -- south by southwest. >> What are the issues -- >> I think it can be worked out. >> What are the issues associated with the fitness test? >> The fitness test? We've never had one. Right now, all you have to do is pass the standard upon graduation, and there is no requirement after the day you graduate to maintain physical fitness or any type of a standard. And I know the fire department has one. There's lots of issues with us just because that's going to be something new going forward for our guys and girls, so I think that's something -- >> Mayor Adler: Have you had a chance to look at that to see whether or not that -- >> Couple weeks ago, myself and drew Ramirez sat in with the department of public safety and the program they've gone to. Everyone that we've looked at, there are issues that -- there are ideas that I really like and then there's some that I really don't. And it's just a matter of sitting down and hammering out a process, and I think we can move forward from there. >> Mayor Adler: Okay >> I perceive this being an issue. I think everybody that has had conversations about instituting a wellness program or fitness standards have foreseen that being something that goes forward through the negotiation process. We would have to sit down during the next contract negotiations and work something out that is something that our members would seek see benefit in, and the city would see benefit. And from seeing the conversations or previous presentations today, one of the

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things that I'd like to illustrate is that, you know, the association has a long history of working with the city in solving its, you know, transparency issues, with, you know, privileged information that remains confidential for the officers, we've agreed contractually to relinquish those, in the best interest for more transparency for the city. So we look forward to working with this council like we have previous countless to solve our problems in in -- council to solve our problem in a beneficial way that's good for our citizens >> Mayor Adler: Anybody have questions before we go to the next -- >> We're having a lot of -- you all are having a lot of problems solving property crime. Can you give me a little bit of information of what's going on in that field there? >> I will. The department has put a very high priority over the past several years on violent crime. We've created metro tack units, we've bolstered homicide, we've bolstered robbery, and -- how we solve property crimes. It's just a matter to me of how much you want to spend to pay extra officers to work on that issue. And for me, violent crime will always take priority over anything else. And we have a very high solvability rate on homicide and robbery, and I think that's priority. >> I recently was at a crime commission meeting where one of the chiefs was discussing the statistics of property crime, and I believe his latest statistics are showing that we are moving in a better direction of having a higher clearance rate with high -- violent crime, but

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absolutely it's the allocation of resources. We have so many officers. We're trying to solve the community's problems in the priority that we -- that the administration, really the chiefs decide how to implement our resources and our overtime to best meet the needs of the citizens. And I apologize, I didn't identify myself. For those of you who don't know me, I'm drew Romero, I'm not ken Cassidy's lawyer, I'm one of the police association. >> One other thing, it's not that we don't catch burglars and people stealing things. One other thing that you have to look at is, there's a very low prosecutorial rate on crimes. It's not that we don't catch them, we often do, but most of the people that have burglary, theft, they hardly do any jail time >> Where do you stand on community policing? >> I'm sorry, I'll take that up. Every police officer in this department, in APD, is trained, community based policing, the importance of it. We go through community immersion programs. Most likely if you are a white police officer, you're going to be put into the community, either in hispanic community -- to try to give everyone a different idea of what it's like to be -- come from a different area of town and a different community. But it's in our heart, but to be quite honest with you, we just don't have enough police officers now per capita because our call load is so high, we do not have time to practice community -- 911 calls, which is

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priority. And we used to have a lot more time where we could get out in the community and practice community based policing. The great example is south congress. If you've lived here for any period of time, south congress used to be crime ridden and run over with prosecution. Community based policing fixed that, getting out in the community, getting people involved, that's the way to fix problems, and I know that's what we're doing up on rundberg now. Don baker is doing a fantastic job up there on the rundberg project. But it comes down to time and having time to practice that. >> The only reason I brought that up is because, I've seen the positive effect they've done in my community, in 707 and the hispanic part, by us working with the police officers, has helped extremely in the situation. And it seemed like, you know, we almost get to know our officers that patrol that area by a first-name basis. So, I really would, you know, encourage that, you know, the council here, we should really get behind that. Because it does, you know, reduce the cost. It lowers the crime. It gives people -- empowers people to report. Because a lot of the parts that's going on in the burglaries and property crime, people just say, oh, well, they're never going to solve it. When we catch someone in the process of doing this, we never file charges. So, I know it's not your fault, it's just the community not -- thank you. >> One thing I can promise you is that it is drilled into your head at the academy, and

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unfortunately, once you get out, 911 calls takes priority over everything else. Years ago, when I was a patrol officer, I had 40% of my day to practice community-based policing, but it's just not that way. >> Mayor Adler: We have perhaps other associations, we have to give up this room at 4:30. >> Mine is going to be really quick, I want to segue from what councilmember Renteria said. When I was campaigning, the people, the business owners, the small business owners being squeezed by property taxes, are also complaining about property crimes and nobody responding to them. So I just wanted to say, it's not just in his district, it's in my district, as well. And I want to applaud you all for even talking about health and finance to some of your officers, because I've seen some. [Chuckling] >> Houston: And I need to get out there with them, but I've applied to and been accepted in the citizen's academy and I will attend starting on February on Tuesday night, just to kind of see what kind of training. I look forward to that experience. Thank you. >> I compliment you on doing that, and I encourage every down -- council person, the mayor, to see what officers go through. There's nothing like going down there, and you'll see where all the use of force complaints come from, and just how people can act pretty shameful. But, I encourage everyone to go out and take the civilian police academy. >> Mayor Adler: Last question, then the next association. >> You know I'd do that, right? >> Yes, sir. >> Mayor. One quick comment for you. In northwest Austin, mostly in the newly annexed areas, there's

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a great deal of frustration. I want to caution you about getting excited about seeing property crime going down, because people are so frustrated they don't report it anymore, because they know nothing's going to get done. >> It is very frustrating. I live in far southwest Austin, the circle sea area, and I hear it all the time. I wish I had a magic wand to make it go away, but I don't. We can work with you on that, and we're excited to talk about it. >> Thank you very much. Appreciate your time. Do that they can get it ready. All right, so that's our time constraint. Go ahead, Tony. >> Thank you, I'm president of the Austin travel -- county ems association. Fortunately, I'm incapable of exceeding three minutes, just based on how council is. And usually I'm in my car ten minutes from now, based on the interest in my subject. But, what I'm here to talk to you today, since I, you know, was given an invitation, which also has never happened since I've been affiliated with the leadership of our organization, was to kind of understand what was being asked. And with such a broad, I guess, agenda item, what I want to address is just contract, because that seems to be what the direction is we're talking about. So, in our contract, ems providers gained modest increases in exchange for the document that maintains manager of rights in a number of key areas relevant to hiring, retention, and accountability. Our objectives were to build

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assurances to maintain a safe, healthy workforce. We disagree with Mr. Desai's market study of 28%, but, wages have not been our chief concern, typically, with our providers. During our contract negotiations, we had probably a different experience than the other two entities. Ours was somewhere in the middle. And I will tell you that we tried very hard to get a contract that was reasonable and protected medics' rights, which is essential to what we do. So, in our contract, management is exclusively responsible in key areas of operational aspects, and the contract assures used essentials of medics rights. The areas of contention at bargaining was the medical director process, which brought us to impasse. In order to sort of the situation, we had to come to an agreement on the side. The city was unwilling to address it in the contract. The issue for us is that in our situation, the medical director hold credentialing matters behind closed doors, and our concern was through experience, that we were not able to participate with due process in things as important as accusations such as withholding care and so on. Those are cardinal events, and our take on the meaning of that ability is the ability to approve our system as a system, to learn from our mistakes, and become a smarter, better, more safe system. How it's used is to take our providers, when there's an issue identified, and they can move from a training aspect into a credentialing aspect. We're not invited, it happens

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behind closed doors. So, for us, a loss of credentialing is a loss in almost every -- and the few I've been affiliated with are not geared towards a systemic improvement. They are very much geared towards a disciplinary side of how we do things, and that's extremely unfortunate in a city like Austin where, in our practice, which is primarily successful -- based on the front line providers -- negotiate an understanding of when people could have representation within this realm, and we disagree on how this is being looked at, as well. So, we -- overall, we're a nationally respected providers provider of ems because of the men and women every day exceeding the demands with almost no support. Currently, there are eoc investigations into the violation of rights regarding medical privacy. The department is conducting a disproportionate amount of investigations. Each investigation is -- and creek credential review takes away from the workforce. It's the same as the city's merf staffing policy. We agree we should be available if a disaster happens. We're more than willing to come in if there's an infectious outbreak, a plane crash. Our staffing is being driven by this concept, which is the same as emergency staffing. We had emergency staffing regularly as a Normal means of

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addressing management routines exclusive rights over. So, unlike the over two associations we've heard from, we are in the position where we have bargained a contract in good faith, and we are looking for accountability based on a failure of a metric of performance. If we're going down this road and looking at accountability, which I think is a very big, important thing, we need to have a means of, once we identify these issues, which I will email to each and every one of you for your own opinion, we need to make sure we're moving forward in a way that we would expect. So, a lot of the things that we have identified are either through surveys or through the officer of the auditor. There are several ems audits that have been going on for the last ten years, or about. I propose we look at those audits again and identify the issues that are still relevant, and then build a measure of accountability into that. Identify, you know, which chief should be responsible for each matter, and then look at a metric of performance on how we're going to work to improve it, rather than hiring additional staff that specialize in fixing the problem, it's accountability. I propose if we cannot find, among our chiefs, a purpose, that that position be frozen until we fix our staffing issue on the frontline. The people immediately dedicated to providing services to the community. Until those services are filled, I would recommend not entertaining that. That's my opinion, it's beyond the purview of the purpose today. But, again, I think these are relevant issues, and I'm about to wrap up, I think, by now. So, you know, I'm willing to work with the city manager, and his team to address the matters, but encourage the council's oversight when considering how we evaluate accountability. I know committees are on your

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horizon, and it makes sense to look into the issues of concern in that format or another. And try to contract, just to review, some of the things relevant that are on our priority list, reduction of workweek to 42 hours. That's negotiated within the contract as a means for us to do. Medical oversight is what happens now, has led to further isolation and fragmentation of our staff. The results of that are devastating and they're real. The other issue is retirement. As most of you are aware, the ems, along with the rest of the city employees, are on a 30-year retirement. And so, our new hires are expected to come in and get retirement at 30 years. What the concern is, if you can't -- a job like ours is such a high-stress -- it takes a toll. Some of us are on the 23-year retirement system, and I only know four people that made it to retirement in my 16 years here from the frontline, so I think that's going to affect our ability to recruit and maintain essential staff moving forward. >> I appreciate your time today, and I hope -- I know it's late and I'm the last person -- well, Carol has important things to say to you. I hope that, you know, I can outline these things to you in a way that we can move forward together, and really make some changes that are incredibly necessary. And I thank you for your time. >> Mayor Adler: Thank you for your time. We know you lost a colleague, and our thoughts go out to you and the others with ems, and to his family. Does anybody have any questions

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before we have -- there will be opportunities for us to program in in additional information sessions. If you felt you want to provide anything to the council, we're in a mode to receive information. So, feel free to send us something. >> Okay. This is more hospitality than I'm used to receiving. I appreciate your time. Thank you. >> Mayor Adler: Okay. Thank you. And then, the asme representative. >> While we're waiting for Carol to come up, I thought I'd say something. >> Mayor Adler: Go ahead. >> I just want to tell Tony and the other folks who spoke earlier this afternoon who have had to go on to other events and activities, we do really, really appreciate all your work. Thanks. >> Good afternoon. >> Mayor Adler: Hi. >> Mayor and council, it is a pleasure to be here. I was really trying to figure out, you know, what your expectation was of what we were to bring forward today. So, I wasn't clear on that. So, I will talk to you about a few things that of C have occurred since December. I believe we have been working very well with city staff. We have finally been able to identify an issue that we both agree on. [Chuckling] And that issue will be coming forward soon from the auditor's office. And we have been asked to participate, along with other stakeholders, and it's been a very open process, one of the most open processes I've seen in a very long time. So, I think we're going to be able to reach a consensus and come together on that one, and bring that forward to all of you. I wish they were all like that. The only other thing that we

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would come before you with soon would be, if, in fact, the municipal civil service commission did decide to reopen their rules. Which, you know, we're hoping that they don't. It was a long, very long process that we went through the last time to get the rules that we have in place now. And we think those rules are actually pretty good. And would like to see those. I guess something I don't know is, we are going to have the positions that are going to become up for either reappointment or a new appointment to the commission, and do you all do that as a full council, or does that still go to the audit committee? Because I know y'all are doing a lot of changes, and so I don't know what the rule is, so. >> Mayor Adler: I don't know what that rule is, either. >> Okay. >> Mayor Adler: At this point. >> Then we're in the same place. But, that will be coming shortly, I think, because they have to be re-appointed in may. >> A lot of it was the opportunity for you to come to us. If there were issues that were outstanding, we wanted to give you an opportunity. Does anybody have any questions while we're here? Ms. Houston. >> Houston: I don't believe you told us what that first issue was that might come up soon. >> It is -- it will come from the auditor's office, and they are defining the role of the ethics review commission, and their role. And for us, we felt like there was some overstepping into the city manager's role, and so that's kind of what we've been working out. And so, that's what's coming to

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you. Okay? You're welcome. Anything else? >> Mayor Adler: Anybody have questions? >> I just wanted to say I believe -- it's on the draft January 29th agenda. >> It's very close. >> Tovo: I don't know whether it will stay on the agenda, but, I'm glad to hear some of those issues have been worked out. That's very good news. >> Thank you. >> Mayor Adler: Yes. >> So, we were asking a little bit about temporary employees, and their time at the city and when they qualify for benefits. Since we still have a couple of minutes left, could you elaborate on where your union stands on those issues as of this time? >> I will. I think for us, I mean, there are a couple of contractors at Austin energy that are actually contractors that bring in those contract employees, and they do pay health benefits. So, I think the ones that y'all are really looking at are your temps. And seasonal workers. For us, if the person is really a seasonal worker, someone that you're going to bring in during the summertime, like a lifeguard, right, and they're really only going to be there four months, five months, six months, you know, we don't have a problem with them not having benefits. But, many times what occurs -- and for me it's mostly at the parks department -- is they will have what they tag "Seasonal workers" and then once they reach that year-long amount where they shouldn't have that person on-board any longer, they'll have the person resign for a week or two so that they don't get the benefit, or their benefits. Because if you're a temporary worker and then you go perm, any sick time and vacation time that you would have earned during that period of time you get to start out with that, once you become a permanent employee.

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So in order to break that, they have them have that little break in service, and they hire them right back into the same position doing the same job. And for us, that's not a seasonal position, if you need that person for more than a year. And those individuals should be either converted to a permanent position, or have benefits, because obviously, that's why they're hanging around, so that they can get perm to have benefits. So, I think -- and it may not show up in a report that would come to you all about, you know, how long this person has been a temp, because they're going to have a break in service, because they got smart enough to say, "Get off the payroll for a week or two, then we hire you back." So I think the only way that you would be able to figure that out is to actually get a list that has names, and you would see the same name coming back. >> Your suggestion is that the reports that come back not be of continuous time of service, but instead, the amount of service that a person has cumulatively regardless of breaks? >> Yes. >> Or especially if the breaks are small. >> Absolutely. >> Okay, thank you. >> You're welcome. Thank you. >> Mayor Adler: Thank you very much. >> You're welcome. Thank you all. This has been awesome. >> Mayor Adler: Thank you. All right, so what we'll do right now is we'll go ahead and adjourn this meeting without objection. We reconvene, or we convene, our meeting at 5:00 -- 6:00, which is our public forum opportunity. Anybody have any questions or thoughts? All right, we'll see you all back. Thank you.