

AGENDA

**Recommendation for Council Action****AUSTIN CITY COUNCIL****Regular Meeting: December 14, 2017**Item Number: **018**

Management Services

Discuss and take appropriate action regarding the proposed Meet and Confer Agreement between the City of Austin and the Austin Police Association relating to wages, hours, and terms and conditions of employment for Austin Police Officers.

Lead Department	Labor Relations Office, Management Services.
Fiscal Note	Funding for year one of this contract agreement is available in the FY 2017-2018 Austin Police Department's Operating Budget.

Additional Backup Information:

In 1995, the Texas Legislature amended state civil service law (Texas Local Government Code Chapter 143) to allow the City of Austin to negotiate and enter into written agreements with firefighters and police officers regarding wages, salaries, rates of pay, hours of work, other terms and conditions of employment or other personnel issues. An agreement reached through this "Meet and Confer" process supersedes any contrary statute, local ordinance, policy, or rule adopted by the State, City, or Civil Service Commission.

Under the statute, the "manager or chief executive" and "police chief or fire chief" designate a team to represent the public employer to negotiate an agreement. The process resulted in a Tentative Agreement for the Austin Police Association's (APA) membership to consider. In accordance with the ratification process set forth in Chapter 143, a majority of the APA's membership voted to approve the proposed Meet and Confer Agreement attached hereto as Exhibit "A" on November 18, 2017. The Austin Police Department is submitting this Agreement

for ratification by Council as required by Chapter 143. The Agreement achieves key City goals and provides pay enhancements while staying within current financial constraints.

Key Provisions:

Term of the Agreement:

- 5 years (Effective December 14, 2017 and expiring on September 30, 2022.).

Citizen Oversight of the Austin Police Department:

- Broader role for Citizen Review Panel (CRP) to recommend changes to Police Chief on training and procedure issues
- CRP can observe subject officer's Internal Affairs interview from an adjoining room
- CRP can obtain more information and ask questions of the complainant and fact witnesses during the public portions of their meetings
- Greater public access to CRP recommendations, including Police Chief's response, even if the officer does not receive discipline provided that identifying information is redacted
- Verbal, written, and anonymous complaints are now accepted
- The Police Monitor can initiate a complaint
- Complainants are not required to make a sworn complaint under oath anymore
- Police Monitor can give more information to the complainants in close-out meetings
- Police Monitor can present cases to the CRP without a request from the complaint
- Term limits for CRP members have been added (2 year terms with a maximum of 2 terms)

Discipline:

- The 180-Day Discovery rule for alleged criminal conduct requires discovery by an Assistant Chief or the Chief of Police
- Suspensions of 3 days or less will be reduced to a written reprimand after a specified period of time provided the officer does not have another sustained similar violation. This reduction does not apply to suspensions involving Response to Resistance (use of force) or Biased Based Policing

Hiring: Retains the Department's right to deviate from the Chapter 143 process for hiring cadets by:

- The Chief establishes the eligibility requirements for cadets
- No written entrance examination
- Structured oral interview board used
- Police Internship: interns who successfully complete the program will be placed at the top of the hiring list. Up to 38% of an academy class may consist of interns
- Modified hiring process for experienced officers with a shorter academy
- Extends the probation period for 12 months from date of hire to 15 months from date of commission
- Hiring list is valid for 24 months rather than 6-12 months

Promotions: Retains the Department's right to deviate from the Chapter 143 process for promotions by:

- Written examination based upon score of 100% (70% passing)
- Promotion to Corporal/Detective requires 4 years continuous service in the classification of police officer
- Increases seniority points added to the written test score from 10 to 15 for Corporal/Detective
- Maximum 7 points for time in rank added to written test score for Sgt., Lt., and Cmdr.
- Maximum of 2 points added to test score for educational achievement
- Optional Assessment Center or Technical Skills Evaluation for Sgt., Lt., & Cmdr.
- Eligibility lists valid for 24 months
- Indefinite suspension creates a vacancy
- Promotional reinstatement lists have no expiration date

Drug Testing:

- City retains the right to conduct random and reasonable suspicion drug (including steroids) and alcohol testing of officers

Economic Provisions:

Base Pay:

- FY 17-18: 1% increase - effective March 18, 2018
- FY 18-19: 1% increase
- FY 19-20: 2% increase
- FY 20-21: 2.5% increase
- FY 21-22: 3% increase

Patrol Assignment Pay: officers, corporals and sergeants assigned to patrol for 4 years:

- Effective first pay period after October 1, 2018
- FY 18-19: \$200/month
- FY 19-20: \$250/month
- FY 20-21: \$300/month
- FY 21-22: \$350/month

Agreement Ratification Incentive:

- \$1,000 incentive payment upon ratification of the agreement by Council

Overtime:

- Vacation leave is non-productive for overtime calculations
- Chief has the discretion to allow vacation time to be considered productive time under specific circumstances such as overtime due to work shortages for special events

Holiday Pay:

- Officers that work Thanksgiving Day receive holiday stipend of 1 ½ times regular wages

Additional Pays:

- No change in the amount of Longevity Pay, Field Training Officer Pay, Shift Differential, Bilingual Pay, Education or Certificate Pay, or Mental Health Officer Pay
- Changes shift differential pay for evening or night shifts for a 28-day cycle from 2:00 pm to 12:00 pm if 50% or more of the shift begins after 12:00 pm

Retirement:

- No increase in the City's contribution rate

FLSA Exemption:

- Retains exempt status for Lieutenants and Commanders for FLSA overtime purposes

Budget Projections:

Budget Year	Annual Projection	5-Year Cumulative Estimate
FY-2017-2018	\$2.5 million	\$2.5 million
FY 2018-2019	\$4.8 million	\$5.4 million
FY 2019-2020	\$4.8 million	\$10.1 million
FY 2020-2021	\$6.0 million	\$16.1million
FY 2021-2022	\$7.3 million	\$23.4 million
5-YEAR TOTAL	New Pay Items	\$57.5 million
5-YEAR	Existing Step Cost Projection	\$22.5 million
TOTAL 5 -YEAR	Estimated Contract Cost	\$80.0 million