

ORDINANCE NO. _____

AN ORDINANCE APPROVING COMPENSATION AND BENEFITS FOR UNIFORMED EMPLOYEES OF THE NORTH LITTLE ROCK FIRE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Resolution No. 9477, passed by the City Council on July 23, 2018, adopted the current salary scales for all uniformed employees of the North Little Rock Fire Department; and

WHEREAS, Resolution No. 8930, passed by the City Council on February 8, 2016, authorized the acceptance of a Memorandum of Understanding between the City of North Little Rock ("City") and the International Association of Firefighters, A.F.L.-C.I.O, Local No. 35 ("IAFF"); and

WHEREAS, the Memorandum of Understanding with the IAFF has expired; and

WHEREAS, compensation and benefits for NLRFD employees must be approved by City Council; and

WHEREAS, the approval of compensation and benefits for uniformed NLRFD employees will promote the mutual interests of the City and uniformed NLRFD employees, and will provide for the operations of the NLRFD's functions in a manner which will further the efficient operation of the NLRFD and the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That compensation and benefits for uniformed employees of the North Little Rock Fire Department, as set forth in Exhibit A attached hereto, are hereby approved and adopted, effective January 1, 2018.

SECTION 2: That compensation and benefits paid to uniformed NLRFD employees from January 1, 2018, or from date of implementation if not in effect on January 1, 2018, to the effective date of this Ordinance, are hereby ratified.

SECTION 3: That compensation and benefits payable to uniformed NLRFD employees were included in the 2018 budget.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5: That the City Council has determined that the interests of the City and uniformed NLRFD employees can best be served by the approval of compensation and benefits

for NLRFD uniformed employees set forth herein; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:

Joe A. Smith
Mayor Joe A. Smith *by AT*

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED	<u>11:10</u>	A.M.	_____	P.M.
By	<u>A. Fields</u>			
DATE	<u>11-6-18</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>S. Ussery</u>			

**NORTH LITTLE ROCK FIRE DEPARTMENT
COMPENSATION AND BENEFITS**

Effective January 1, 2018

A. Overtime Compensation

1. **Scheduled Overtime (Non-Executive Employees).** Effective January 1, 2019, the City has chosen a 28 day cycle as provided by the Federal Fair Labor Standards Act (FLSA) for the payment of overtime. Non-exempt employees assigned to 24-hour shifts will normally be scheduled to work 216 hours or 240 hours within the 28 day cycle. The FLSA requires overtime payment for hours worked in excess of 212. Only hours actually worked are included in the calculation for this overtime. The overtime payment will be made in the first pay period following the end of the 28 day period.

2. **Non-Scheduled Overtime (Non-Executive Employees).** Non-exempt employees who work hours in excess of their regularly scheduled work hours within a 28 day period are entitled to overtime compensation. The overtime threshold for 24-hour shift employees is 212 hours and 160 hours for 40 hour per week employees. For purposes of determining regular overtime eligibility, vacation and personal leave taken shall be counted as time actually worked. Regular overtime payment will be made in the first pay period following the end of the 28 day cycle.

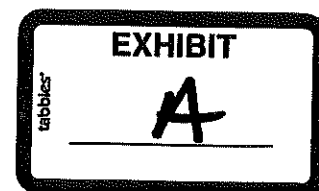
- (a) Call back. All employees who are called back for duty after having been off duty and away from the assigned duty station for more than 15 minutes shall be paid a minimum of 4 hours overtime.
- (b) Holdover. All employees who are required to work past their normal relief time after working a full shift shall be paid overtime in 15 minute increments. Partial increments will be rounded to the nearest quarter hour.
- (c) Overtime shall be paid when employees are required to report for administrative purposes, training, meetings, to appear in court, or when subpoenaed for Civil Service Commission hearings on departmental business during off duty hours.

3. **No Duplication of Payment.** Overtime cannot be for paid for both regular overtime and scheduled overtime for the same hours.

4. **Overtime Rate.** The overtime rate is calculated by combining the employee's annual base salary, longevity pay, educational incentive pay, and 40-hour worker pay, if applicable; then dividing that sum by 2920 for 24-hour shift employees and by 2080 for 40 hour per week employees; and then multiplying that result by 1.5.

B. Holiday Pay.

Because of the nature of the work, holidays off cannot be afforded uniform fire employees. Non-executive employees will be paid an additional amount equal to the employee's daily base pay for each holiday declared by the City up to eleven days per year. The payment will be added to the pay for the pay period in which the holiday occurs. Executive employees are given the holidays off work.



C. Career Development Bonus (Non-Executive Employees).

Educational incentive pay shall be paid at the rate of \$1.00 per month for each one credit hour of approved accredited college education up to a maximum of \$120.00 per month to all non-probationary employees who are enrolled in a minimum of 6 credit hours per semester and are participating in courses at an accredited college or university and are pursuing an acceptable degree. The amount of \$72.00 per month shall be paid to all permanent employees who have earned an Associate Degree, or \$144.00 per month to all permanent employees who have earned a Bachelor's Degree, or \$168.00 per month to all permanent employees who have earned an acceptable Master's Degree.

To be eligible for educational incentive pay, a non-probationary employee must furnish documentation of college enrollment and satisfactory completion of accredited college hours, or the certificate of degrees to the Fire Chief or his designee and the Human Resources Department of the City.

For employees hired after 1-1-92 the only Associate or Bachelor degrees eligible for this bonus are Nursing, Trauma, Management, Chemistry, Fire Science, Fire Engineering, Fire Administration, Environmental Health, Physical Education, and Paramedic.

A current Paramedic Certificate that is valid in the State of Arkansas shall be paid equivalent to a Bachelor's Degree in accordance with this Article. An employee may not be paid for both a college degree or hours and a paramedic certificate.

Employees who are certified and serving as Hazardous Materials Instructors or Emergency Medical Technician Instructors shall receive an additional \$10.00 per month.

An employee, after one year's service, shall be entitled to \$45.00 per month Journeyman's pay. The employee, after earning his/her Journeyman's certificate, shall be entitled to an additional \$55.00 per month, for a total of \$100.00 per month.

Career Development Bonus payment shall be made every 6 months, on or about June 1 and December 1 for the previous six months ending April 30 and October 31. Documents must be provided to the City in accordance with established procedure by May 1 and November 1 of each calendar year. The City shall not be liable for such pay if documents are not provided within the required time limit or appropriate format.

D. Work Hours.

Employees will be assigned to either 24 or 8 hour shifts depending upon the job assignment. Twenty-four hour shift workers will work a schedule of 24 hours on duty followed by 48 hours off duty. In the designated 28-day cycle, these employees will be scheduled to work either 9 (216 hours) or 10 shifts (240 hours). Typically, an employee will be assigned 10 shifts every third cycle. Eight-hour shift workers will work 5 days on and 2 days off for a total of 160 hours in the 28-day cycle. In the event of

emergencies, exigencies, or changing workload demands, work hours may be extended or altered with or without notice. Employees must make themselves available for call back to duty in accordance with fire department policy and directives.

E. 40 Hour Employee Pay Supplement (Non-Executive).

Non-executive employees assigned to a 40 hour position will receive supplemental pay in the amount of One Hundred Seventy Five & 00/100 Dollars (\$175.00) per month for the period of time assigned to that position.

Employees assigned 40 hour positions temporarily for training, light duty, or other temporary purposes are not eligible for this supplement.

F. Longevity Bonus (Non-Executive Employees).

A longevity bonus of \$5.25 per month is paid for each full year of service payable in June and December.

G. Working Out of Classification.

Non-executive employees assigned to temporarily perform the duties of a higher rank shall receive the pay and benefits of the beginning salary for the higher rank or position. The higher compensation shall begin with the first full work shift. Employees who do not wish to temporarily perform the duties of a higher rank will not be required to do so, unless no other on-duty personnel are available to work out of class.

H. Food Allowance.

Non-executive employees will receive a food allowance of \$120.00 per month and will be allowed the use of the kitchen facilities at each station. Employees on long-term leave or who otherwise work no 24 hour shifts in a month will not be eligible for the food allowance for that month. Payment will be made twice per year, on or about June 1 and December 1.

I. Detail Expense Allowance.

Twenty-four hour employees who report for duty and are then detailed to work at a station other than the station which he/she is assigned and must use a personal vehicle for transportation will be compensated at the rate of \$5.00 per detail. An employee is considered assigned to a station when he/she arrives at his/her initial work assignment for the day.

J. Vacation Leave.

Eight-hour shift employees who have completed less than 15 years of continuous service with the department will be granted 120 hours of paid vacation leave annually. Employees with 15 or more years of continuous service will be granted 160 hours of vacation leave annually.

Twenty-four hour shift employees with less than 15 years of continuous service with the department will be granted 192 hours of paid vacation leave annually. Those with 15 or more years of continuous service will be granted 264 hours of vacation leave annually.

Vacation leave will be awarded bi-weekly in conjunction with pay periods at a rate that results in the total leave granted as stated above.

Upon implementation of this policy: Employees with at least one year of continuous service prior to January 1, 2018 will accrue vacation leave retroactively to January 1, 2018. Employees whose 1 year employment anniversary date falls after January 1, 2018 but before implementation of this policy, accrual will begin on the 1st year anniversary date. For employees who begin employment on or after January 1, 2018, accrual will begin on the date of employment.

Employees may carry forward vacation leave from one calendar year to the next in the amount of 120 hours for 8-hour shift employees and 192 hours for 24-hour shift employees.

Accrued vacation leave for employees that move between 24 hour and 8 hour shift assignments will be adjusted by multiplying the 24 hour accumulation by .625 and the 8 hour accumulation by 1.6. Leave accrual rates will be adjusted to the appropriate rate for the shift configuration.

K. Personal Leave.

Each employee will be granted paid personal leave time in addition to vacation leave as follows:

<u>Continuous years of service</u>	<u>24-hour shift employee</u>	<u>8-hour shift employee</u>
2-4 years	24 hours	8 hours
5-9 years	48 hours	16 hours
10 – 19 years	72 hours	24 hours
20 years or more	96 hours	32 hours

Personal leave time will be awarded on the first business day of each year based on the employee's years of service on that day. Partial awards will not be made. Leave balances for employees moving between 24 hour and 8 hour shift assignments will be adjusted by dividing the 24 hour balance by 3 and multiplying the 8 hour balance by 3. Personal leave time may not be carried over from one calendar year to the next.

L. Sick Leave.

After the first year of employment, employees will be granted paid sick leave equal to 20 work shifts per year. Sick leave will be accrued bi-weekly in hours coinciding with the pay periods.

Unused sick leave may accumulate up to a maximum of 2,160 hours (90 days) for 24-hour shift employees and 1,584 hours (198 days) for 8-hour shift employees. If an employee moves to an 8-hour shift position from a 24-hour shift position, total accumulated sick leave shall be adjusted by dividing the total accumulated hours by .73334. If a 40-hour worker transfers to a shift position, total accumulated sick leave shall be multiplied by 1.36364.

Sick leave is a benefit provided employees so that there is no loss of income when the employee is sick or injured and is unable to work. Sick leave may be used for the employee's medical, dental, and

optical exams when the appointments can't reasonably be made during off-duty times, but only for the time necessary to complete the exam. Sick leave may be taken in one hour increments. Sick leave is not to be viewed as additional time off for other purposes.

Sick leave is a benefit provided by the City to protect employees from financial loss in the event of illness and should not be viewed as additional discretionary paid time off work. Abuse of sick leave is a form of fraud and could result in disciplinary action up to and including termination.

Where the pattern of sick leave usage indicates abuse, the Fire Chief or his designated representative may require the employee to have a complete fitness for duty medical examination performed by a medical provider selected by the City. Abuse shall be defined as an employee taking more than 5 random tours of duty in any 12-month period without written documentation from a medical provider stating the period of care and inability to perform duties. The physical, if required, shall be done while the employee is on duty and at the City's expense. The employee shall also be required to obtain a doctor's excuse for any subsequent illness occurring within the following 90-day period after the fifth day taken off for sick leave.

The Family Medical Leave Act (FLMA) may apply to sick leave usage. The FMLA provisions are covered in an executive order.

Subject to limitations, sick leave may also be used for serious illness of a member of the employee's immediate family (spouse, children, mother, father, mother-in-law, and father-in-law) and the presence of the employee is reasonably required for the care of the family member. When scheduling cannot reasonably be done during off-duty hours, employees may use sick leave to accompany children under the age of 18 to medical, dental, and optical exams, but only for the time necessary to complete the exam. The use of sick leave for these purposes may not exceed 72 hours for 24-hour shift workers and 32 hours for 8-hour shift workers in a calendar year.

Work-related injuries or illness may not be charged to the accumulated sick leave of the employee.

M. Sick Leave Bonus. After the maximum allowed accumulation of sick leave has been reached, compensation for sick days accrued above the maximum during a calendar year, up to 20 days, shall be paid as follows:

0 – 3 days taken	\$10.00 per day
4 – 6 days taken	\$ 5.00 per day
7 or more	\$ 0.00 per day

For 24- hour shift employees, a day is 24 hours and for 8-hour shift employees, a day is 8 hours. The sick leave bonus will be paid before the 31st day of January for the previous year.

N. Sick Leave Retirement/Death Payout. Upon retirement or death while in service, the employee will be paid for unused sick leave at the employee's final base rate of pay as follows:

Employees will be paid for up to 1,440 hours at the employee's base hourly rate, not to exceed an amount equal to 3 months base salary.

Employees with at least 20 years of continuous service will be paid for up to 2,160 hours at the employee's base hourly rate not to exceed an amount equal to 4.5 months base salary.

For purposes of this bonus, 8-hour shift employees final accumulated sick leave will be determined by multiplying the accumulated hours by .73334.

Retirement means separation from employment with at least 10 years of continuous service or due to a duty-related disability and eligibility to immediately begin receiving retirement benefits from a City sponsored fire employee retirement program.

O. Bereavement Leave. In the event of a death in the immediate family of an employee, the employee shall be allowed time off with pay; 48 hours for 56-hour employees or 32 hours for 40-hour employees. For these purposes, immediate family means spouse, children, and the grandmother, grandfather, mother, father, brother, and sister of the employee or employee's spouse.

The immediate family shall be defined as the spouse and children of the employee; and the mother, father, brother, sister, grandmother, and grandfather of the employee and of the employee's spouse.

P. Trading Time. Employees may exchange time with qualified employees in accordance with department policy when the change does not interfere with the operation of the fire department. The time exchange is an agreement between two employees and is not subject to overtime payment or inclusion as time worked in determining overtime eligibility.

Q. Uniforms. All uniforms, protective clothing or protective devices required of employees in the performance of their duties shall be furnished, without cost, to employees. Worn or damaged items will be replaced in a timely manner while on duty. Provisions will be in place to make immediate emergency replacement of protective clothing and safety equipment.

R. Specialty Medical Examinations. Medical examinations required for special assignments or certifications beyond the scope of the annual wellness exam provided for within the medical insurance plan or other provision such as for hazardous materials handling will be provided by the City.

S. Definitions as used in this resolution:

Executive Uniform Employee – the fire chief, assistant fire chief, police chief, and assistant police chief.

Exempt Uniform Employee - the fire chief and assistant fire chief are declared exempt under the Federal Fair Labor Standards Act and are therefore not eligible for the overtime pay.

Non-exempt Employee – All uniform employees of the fire department other than the fire chief and assistant fire chief.

Uniform Employees (Employee)– the full-time members of the police and fire departments of the City that consist of fire fighters, fire lieutenants, fire captains, fire battalion chiefs, assistant fire chief, and fire chief.

Shift or Work Shift—means the continuous period of time an employee is scheduled to work within the day, unless the usage would clearly have another common meaning.