

MEMORANDUM

TO: Management and Fiscal Policy Committee
Public Safety Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Worksession:** Amendments to County government collective bargaining agreement with IAFF – Special Pay for ALS Providers

Background

A proposed resolution to approve an out-of-cycle amendment to the County's collective bargaining agreement with the International Association of Fire Fighters (IAFF), representing members of the fire and rescue bargaining unit, was introduced by the Council President at the request of the County Executive on July 20. The IAFF Agreement and Summary is at ©1-4. The proposed IAFF Resolution is at ©12-13.

This Agreement resulted from additional bargaining after the Council indicated its intent to reject certain negotiated items due to fiscal impact in May. The Agreement was not completed during the statutory 9-day period provided for renegotiation after the Council indicated its intent to reject certain negotiated provisions. Therefore, this Agreement must be considered an out-of-cycle amendment to a collective bargaining agreement. The Council, in approving the FY11 Operating Budget on May 27, 2010, did not fund any of the provisions in any of the collective bargaining agreements providing for cost of living increases, service increments, imputed compensation for calculating retirement benefits beyond FY10, additional special pay, tuition assistance, or new equipment for volunteers.

Legal Background

Under the County Fire and Rescue Collective Bargaining Law, County Code §§33-147 through 33-157, the Council must review any term or condition of each final collective bargaining agreement requiring an appropriation of funds or enactment, repeal, or modification of a county law or regulation. In addition, the Council must approve any item in a collective bargaining agreement covering the fire and rescue bargaining unit that "has or may have a present or future fiscal impact." The Council President must set the schedule and deadline for Council action on an out-of-cycle bargaining agreement. The Council is not bound by the agreement on those matters over which the Council has final approval. The Council may address contract items individually rather than on an all-or-nothing basis.

July 27 Council Meeting

The Council discussed the IAFF Agreement along with out-of-cycle agreements between the Executive and the FOP and MCGEO at the July 27 Council session, but did not take final action on the IAFF Agreement. The IAFF Agreement contains a provision that would increase the special pay differential for Advanced Life Support (ALS) providers. OMB, in a fiscal impact statement, estimated the annual cost of this increase to be \$199,670. See ©5-6. The Council deferred action on the resolution and referred this matter to the MFP/PS Committee for a recommendation.

The ALS Special Pay Agreement

The starting salary for a newly hired Paramedic is \$41,613. The following chart shows the current annual lump sum differential and the proposed new lump sum differential for a paramedic hired **before July 1, 2005**.

Years of Service	Current differential	Proposed new differential	% Increase
0-4 years	\$5830	\$6080	4.3%
5-8 years	\$6891	\$7391	7.2%
8+ years	\$7951	\$8701	9.4%

A certified paramedic hired after July 1, 2005 receives an annual lump sum differential of \$3000. In addition a paramedic hired after July 1, 2005 receives an hourly differential for all hours assigned to a transport unit. The following chart shows the current hourly differential and the proposed new differential for paramedics hired on or **after July 1, 2005**.

Years of service	Current hourly differential	Proposed new differential	% Increase
0-4 years	\$2.00	\$4.00	100%
5-8 years	\$2.50	\$4.50	80%
8+ years	\$3.25	\$5.25	62%

These increases were part of the collective bargaining agreement with the IAFF that was considered by the Council last May. The Council expressly rejected this increase in special pay when approving the FY11 Operating Budget on May 27, 2010 in order to adopt a balanced budget. The Council rejected this provision along with every other increase in regular and special pay for all County employees. In addition, the Council approved a temporary reduction in pay for all County employees through the adoption of a furlough plan for FY11. **This agreement, if approved, would be the only increase in pay for any County employee in FY11.** After the Council rejected these increases in May, the parties again negotiated the same special pay increases as an out-of-cycle agreement and submitted them to the Council in July. The Executive and the IAFF further agreed to pay for the estimated additional \$199,670 per year for this additional special pay with the following savings:

- a. eliminate random drug/alcohol testing for fire and rescue employees for FY11 and FY12 for a savings of \$34,280¹;

¹ OHR's responses to questions about the County's current drug testing policies is at ©14-15.

- b. eliminate one filled Grade 27 exercise physiologist position in the Fire and Rescue Occupational Medical Services (FROMS) program as of August 1, 2010 for a savings of \$129,420; and
- c. save the balance through undefined salary lapse.

Issues

1. What is the justification for the increased special pay?

MFP Chair Trachtenberg and PS Chair Andrews requested further information from the Executive Branch concerning the increased special pay in a July 30 memorandum. The Executive Branch response to these questions is at ©22-26. The rationale, as explained by the Executive Branch, is to encourage current MCFRS employees to obtain ALS certification and to retain current ALS providers.

Firefighter/Rescuer I, II, III, and Master Firefighter/Rescuer positions each require EMT-A certification (Basic Life Support or BLS). MCFRS tags some, but not all, positions in each class beyond Firefighter/Rescuer I as an ALS provider. The Department has developed minimum staffing requirements for ALS providers for each shift. MCFRS reports 18 currently vacant ALS tagged positions. However, the Department has overfilled its complement of BLS providers in order to fill the number of authorized positions in the budget. ALS training and certification takes approximately one year. Although filling these vacant positions is expected to reduce overtime, this would not happen in the near future due to the one-year training period for ALS certification. MCFRS expects the increased special pay for ALS providers to encourage current BLS providers to voluntarily obtain ALS certification. OHR provided answers to follow-up questions from Council staff that show that the County's current starting salary plus special pay lags behind Fairfax County, Fairfax City, and Prince William County. See ©29-30.

The County has not actively recruited outside candidates to fill ALS vacancies for more than 10 years. OHR did successfully recruit outside candidates with ALS certification or who agreed to obtain ALS certification in the late 1990's. However, MCFRS reports that the recruit class did not "have a sufficient amount of diversity." See ©23-24. Of the 2600 candidates who took the most recent firefighter/rescuer examination, only 10 had current ALS certification.

2. What happened to the exercise physiologist position that the parties agreed to eliminate?

The position was eliminated last month and the incumbent was subjected to a reduction-in-force. The employee was subsequently hired to fill a vacant position in the Department of Recreation.

3. Why did the parties agree to postpone the random drug testing program for MCFRS employees?

The Executive Branch reports that the random drug testing program was never implemented because the IAFF filed a prohibited practice charge against the Executive alleging that the program was a negotiable item. See ©26. The Executive also pointed out in a July 23 memorandum to the Council that no County employees are currently subject to random drug and

alcohol testing except for employees with a commercial driver's license and undercover police officers. See ©18.

The Executive also noted in his July 23 memorandum that the IAFF agreed to random drug testing in return for other provisions in the collective bargaining agreement that were ultimately rejected by the Council. Although the IAFF may have taken that position, it is not supported by the law. County Code §33-153(p) only permits the parties to renegotiate "matters that the Council has indicated its intention to reject." Therefore, the previously agreed to provision for random drug and alcohol testing was outside the limited scope of the "further negotiations" authorized by the Council's rejection of pay increases last May under §33-153(p).

OHR responded to questions from Council staff concerning the effect of delaying the random drug and alcohol testing at ©14-15. OHR reported that the County is not subject to Federal grant conditions requiring random drug and alcohol testing of MCFRS employees. The County does conduct drug and alcohol testing of MCFRS employees when there is probable cause.

4. Does this agreement comply with the County's policy for a structurally balanced budget?

On June 29, the Council, at the request of the Executive, adopted new fiscal policies in Resolution No. 16-1415 providing for a structurally balanced budget where only recurring revenue is used for recurring expenses. This agreement would not follow that policy. The additional special pay would be a recurring expense into the foreseeable future. The proposed savings from the delay in random drug/alcohol testing and undefined salary lapse would not. The savings from terminating the exercise physiologist would recur if the position is never refilled.

5. Should the Council approve the increased special pay?

Despite the Executive Branch argument that the identified budget savings would recur, (See answer to #10 at ©26) only the savings from the elimination of the exercise physiologist position would do so. OHR points out that the random drug testing program may never be implemented because it depends upon union negotiations and subsequent Council appropriation. See ©30. However, the money for the random drug and alcohol testing is in the approved FY11 Operating budget. Using it to partially fund an increase in special pay is only a recurring savings if the program is never implemented. The significant increases in the special pay would become a recurring expense.

The inability to attract enough employees willing and able to obtain ALS certification to fill the 18 vacancies supports the need for increases in pay.² The OHR comparison of starting pay for ALS providers with surrounding jurisdictions places the County significantly behind 3 local jurisdictions in Northern Virginia. Although MCFRS has identified a problem, it is not clear that this solution is affordable over the long term. A one-time signing bonus or a new push to recruit outside candidates with ALS certification or a willingness to obtain it could be

² However, these increases would benefit existing ALS providers along with new ALS providers.

alternatives to these across-the-board increases. Most importantly, the Executive Branch has not identified either a new recurring revenue stream or a positive change in the County's structural budget deficit that would sustain these increases into the future. **Council staff recommendation:** do not approve the increase in special pay unless a recurring revenue stream is identified to pay for it.

<u>This packet contains:</u>	<u>Circle #</u>
Executive Transmittal Memo for IAFF Agreement	1
IAFF Agreement and Summary	2
OMB Fiscal Impact Statement	5
July 7 OHR responses to MFP questions	7
July 8 OHR follow-up responses on ALS special pay differentials	10
Proposed IAFF Resolution	12
July 23 OHR responses to questions about drug testing	14
Executive's July 23 Memorandum	16
September 16 Executive Branch Response to MFP/PS Questions	22
Draft Amended IAFF Resolution	27
OHR follow-up answers dated September 22, 2010	29

F:\LAW\TOPICS\Collective Bargaining\10collbar\June 2010 Agreements\MFP-PS 9-27.Doc

Count



BD
CC
SCF
LA
MF
MD
JF

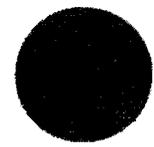
Isiah Leggett
County Executive

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

MEMORANDUM

June 21, 2010

057657



TO: Nancy Floreen, President
Montgomery County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Memorandum of Agreement between the County and IAFF

I have attached for the Council's review the Memorandum of Agreement resulting from additional collective bargaining negotiations between the County and the Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664, AFL-CIO (IAFF). Following the Council's resolution of intent, the parties bargained under Section 33-153(p) of the County Code but did not reach a final agreement until after the expiration of the 9-day period provided therein. This agreement reflects changes to the existing Collective Bargaining Agreement effective July 1, 2010 through June 30, 2011. This is an out of cycle amendment for Council review under Section 33-153(s). Because this agreement has fiscal impact and, in fact, is contrary to budget resolution ¶ 18, it requires Council approval. I have also attached a summary of those changes.

Attachments

cc: Joseph Adler, Director, Office of Human Resources
Richard Bowers, Chief, Fire and Rescue Service

IL: sw

15 JUN 21 13 38 54
MONTGOMERY COUNTY
ADMINISTRATIVE SERVICES

MEMORANDUM OF AGREEMENT
BETWEEN
MONTGOMERY COUNTY GOVERNMENT
AND THE
MONTGOMERY COUNTY CAREER FIRE FIGHTERS ASSOCIATION,
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 1664, AFL-CIO

Montgomery County Government (Employer) and the Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664, AFL-CIO, (Union) have met pursuant to Section 33-153(p) of the Montgomery County Fire and Rescue Collective Bargaining Law and have reached the following agreements. These agreements shall be effective as of July 1, 2010 unless otherwise stated.

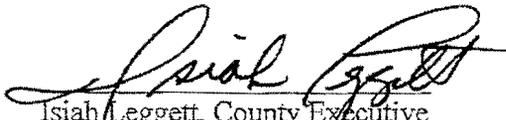
1. Compensatory Leave. Article 49 of the parties' existing Collective Bargaining Agreement is amended to include a new Section 49.5 as follows:
Section 49.5 Additional Compensatory Leave Credit
Effective January 1, 2011, each bargaining unit employee who is assigned to a 2,496-hour work year and who: (1) will not receive a service increment in FY 2011 or (2) will not receive a longevity step increase in FY 2011 shall be credited with 48 hours of compensatory leave. Effective January 1, 2011, each bargaining unit employee who is assigned to a 42-hour or 40-hour workweek and who: (1) will not receive a service increment in FY 2011 or (2) will not receive a longevity step increase in FY 2011 shall be credited with a prorated number of hours of compensatory leave. Leave under this section may not be used if it causes the need to backfill with overtime. Leave granted under this section cannot be paid out under the procedure outlined in 49.1 above and will not apply to the maximum carryover described therein. These hours may be rolled over from leave year to leave year. Leave granted under this section will not be paid out upon separation.
2. The parties agree to a side letter stating: Neither the County Executive nor any of his representatives shall publicly or privately oppose the Union's proposal submitted to the County Council to amend Expedited Bill 16-10 so that the 4% FY '10 imputed GWA for retirement purposes shall apply to bargaining unit employees who have on file before July 1, 2010 an application for disability retirement benefits that is approved after July 1, 2010.
3. *Special Pay Differentials.* The increases in CRT, EMT-I and EMT-P pay differentials scheduled to take effect the first full pay period on or after July 1, 2010 pursuant to Section 17.2(A-D) of the parties' existing Collective Bargaining Agreement shall go into effect as scheduled.
4. The parties agree to a side letter stating: Random alcohol/drug testing of bargaining unit employees shall be suspended in FY '11 and FY '12. No random alcohol/drug testing program applicable to bargaining unit employees shall be implemented in any fiscal year following FY '12 unless the Employer and the Union negotiate an agreement as part of normal term negotiations

covering the decision to implement a testing program and the procedures of such program.

5. The Employer agrees to eliminate the FROMS Physiology Program, effective August 1, 2010, with the exception of the \$100,000 budgeted for the purchase of equipment. The Employer will recommend that the savings from the elimination of the FROMS Physiology Program will be used to fund the Special Duty Differentials described in Section 3 above.

Any claimed violation of any section of this Memorandum of Agreement (either in whole or in part) may be grieved and arbitrated in accordance with Article 38 (Contract Grievance Procedure) of the parties' existing Collective Bargaining Agreement.

FOR THE EMPLOYER:


Isiah Leggett, County Executive

Date 5/29/2010

FOR THE UNION:


John J. Sparks, President

Date May 19, 2010

Summary of Memorandum of Understanding between IAFF and MCG – May 2010

No	Article/ Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Consistent with Personnel Regulations
1	17, Special Duty Differentials	Effective the first full pay period on or after: 7/1/2010 - Increase the Cardiac Rescue Technician pay differential to \$4,515; increase the Emergency Medical Technician – Paramedic as follows: 0-4 years: \$6,080, 5-8 years:\$7,391, and 8+ years: \$8,701; and increase the CRT, EMT-1, and EMT-P hourly differential by \$2.00	Yes*	Yes*	No	Yes
2	49.5, Compensatory Leave	On 1/1/2011 bargaining unit members working 2,486 hour work year will be credited 48 hours of comp leave and unit members working 40/42 hour work week will be credited a prorated number of hours to be used only as leave and when overtime to-backfill is not required These hours will roll over from leave year to leave year Leave will not be paid out upon separation	No	No	No	Yes
3	Sideletter	County Executive and his representatives shall not oppose union’s proposal to amend Bill 16-10 to allow for unit members filing for disability retirement prior to 7/1/2010 to receive the 4% imputed GWA	No	No	No	Yes
4	Sideletter	Random drug/alcohol testing program shall be suspended for FY 11 and FY 12 Union and Employer must negotiate an agreement for random testing for fiscal years after FY 12	No	No	No	Yes
5		Employer agrees to eliminate the FROMS Physiology Program effective 8/1/2010 with the exception of \$100,000 budgeted for the purchase of equipment. Employer to recommend that savings from this elimination be used to fund the special duty differentials listed in #1 of this table	No	Yes	No	Yes

***Savings from the elimination of the FROMS Physiology Program will fund the Special Duty Differentials**



057762

has - BD
CC
SISF
has - LL
MO
SIF
MF
OLO

OFFICE OF MANAGEMENT AND BUDGET

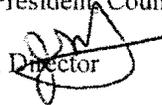
Isiah Leggett
County Executive

Joseph F. Beach
Director

MEMORANDUM

June 24, 2010

TO: Nancy Floreen, President, County Council

FROM: Joseph F. Beach, Director 

SUBJECT: Fiscal Impact Statement – FY11 Memoranda of Understanding (MOU) between Montgomery County Government and Municipal and County Government Employees Organization (MCGEO), Local 1994, Fraternal Order of Police (FOP), Lodge 35, International Association of Fire Fighters (IAFF), AFL-CIO, Local 1664, and Montgomery County Volunteer Fire Rescue Association (MCVFRA)

JUN 25 11:24
MONTGOMERY COUNTY

The purpose of this memorandum is to transmit a fiscal impact statement to the Council on the subject labor agreements.

The County Executive's FY11 recommended operating budget did not fund general wage adjustments, service increments, or tuition assistance for County government employees. Since the Council voted unanimously to reject these and other provisions that would have required an appropriation of funds, it designated a representative to meet with the parties and present the Council's views in further negotiations. This fiscal impact statement concerns the MOUs resulting from those discussions.

FY11 MCGEO and FOP MOUs

On January 1, 2011, MCGEO and FOP bargaining unit members will receive, on a one-time basis, twenty-six (26) hours of compensatory leave¹. There is no fiscal impact due to this provision because this leave may only be taken when no overtime is required to cover absent employees and it may not be paid out at any time, including at separation.

FY11 IAFF MOU

The individual provisions noted below have a fiscal impact, but the net impact requires no additional appropriation.

¹ Please note that this leave will be extended to non-represented and Management Leadership Service employees.

- Section 17.2, A-D: The increases in certain special pay differentials for cardiac rescue technicians and emergency medical technicians for FY11 provided for in the collective bargaining agreement with IAFF, as originally negotiated, shall go into effect the first full pay period on or after July 1, 2010. Relative to the budget approved by the County Council, the estimated FY11 cost for the increased special pay differentials is \$199,670.
- Random Alcohol/Drug Testing: This program is suspended in FY11, which will save an estimated \$34,280 in FY11.
- Fire and Rescue Office of Medical Services (FROMS) Physiology Program: This program will be eliminated, effective August 1, 2010, resulting in the abolishment of one Exercise position and the cessation of the peer fitness component of the program, for a total savings of \$129,420.

The remaining \$35,970 in required savings will be realized through increased lapse.

FY11 MCVFRA MOU

In FY11, the same 100% discount on all recreation fees received by career Fire and Rescue Service personnel will be extended to active MCVFRA members. This increases a partial discount¹ to a full discount for recreational facility classes, pool passes, and weight room fees. The impact on revenues can not be quantified because it is not known how many of the eligible volunteers will take advantage of this benefit but is not expected to be significant.

JFB:lob

- c: Kathleen Boucher, Assistant Chief Administrative Officer
Dee Gonzalez, Offices of the County Executive
Joseph Adler, Director, Office of Human Resources
Thomas Manger, Chief, Montgomery County Department of Police
Richard Bowers, Chief, Montgomery County Fire and Rescue Service
Dominic Del Pozzo, Montgomery County Fire and Rescue Service
Alex Espinosa, Office of Management and Budget
John Cuff, Office of Management and Budget
Blaise DeFazio, Office of Management and Budget

¹ MCVFRA members are currently entitled to receive partial recreation discounts of 20% off classes, 20% off pool passes, and 50% off weight room fees.

MFP Committee Questions on MOA with IAFF

1. For FY11, the Council did not approve pay increases of any type (no general wage adjustments, no service increments, and no increases in any pay differentials). Why does the proposed Memorandum of Agreement restore the increases in the special differentials for CRT, EMT-I and EMT-P which the Council already disapproved?

The restoration of any previously negotiated differential to members of the IAFF in the course of mandatory negotiations under Section 33-153(p) of the Montgomery County Code was the result of a negotiated settlement and was offered within the context of reaching agreement on a total package. The cost of the restoring the above referenced differentials was offset by the elimination of the FROMS Physiology Program.

2. Why does the Executive feel it is urgent to restore these pay differential increases? Are CRTs, EMT-Is, or EMT-Ps leaving County employment? Is it difficult to recruit individuals to become certified at these levels? Do you have any unfilled positions for these certifications? Are there other difficulties in attracting or retaining individuals to fill these positions?

CRTs, EMT-Is and EMT-Ps (ALS providers) are generally not leaving County employment for other higher paying jurisdictions. Rather MCFRS has always strived for a healthy internal recruitment and retention program targeting ALS providers. Unfortunately, this has not always been successful. MCFRS loses ALS providers to promotions or the employee's interest in being an ALS provider abates, with a historical average time of paramedic service about eight to ten years.

In addition, due to the opening of new stations and the expansion of ALS service within existing MCFRS resources, the demand for ALS providers is greater than the supply. Currently, we have 18 vacant medic positions.

Maintaining all current ALS providers and recruiting incumbents to receive the ALS training is a priority for MCFRS.

3. How does the County's compensation for CRTs, EMT-Is, and EMT-Ps compare with compensation for these positions in other neighboring jurisdictions? Is the compensation in other nearby Counties creating an incentive for EMS personnel to move to other jurisdictions for better pay or benefits?

Surrounding jurisdictions pay ALS providers on average anywhere from \$7000 to \$10,000 more than a BLS firefighter. ALS providers

hired after July 1, 2005 are on a pay scale where they receive a base differential of \$3000 and then an hourly differential for time spent on an ALS transport unit. This hourly differential was scheduled to nearly double July 1, 2010 thus bringing the compensation to comparable levels with ALS providers hired prior to July 1, 2005.

Surrounding jurisdictions who have recently advertised for Firefighter/Paramedics:

DC	\$48,731
Fairfax County	\$53,887
Fairfax City	\$48,870 (increases to \$51,674 after ALS internship)
Prince William	\$48,182 (not including hourly riding differential)
Montgomery Co.	\$41,673 (not including hourly riding differential)

4. To what extent are other jurisdictions hiring new personnel at this time?

Other jurisdictions are cautiously hiring. ALS providers are in high demand causing some jurisdictions to offer lucrative signing bonuses (\$7K in DC).

5. What is the current status of the random drug and alcohol testing program in MCFRS?

We currently do not have a random drug testing program in operation.

6. What would be the impact of suspending the program in FY11 and FY12?

Random testing will not occur during these years if the program is suspended. The cost of conducting the program will not be incurred. It is important to note that "suspended" may be read to indicate that there is a random testing program in place and we will stop it. However, MCFRS has never implemented a random testing program.

7. Is a random drug and alcohol testing program required to meet any State or federal requirements regarding safety-sensitive or first responder positions?

No. Firefighters are exempt from the drug testing requirements imposed by the federal Department of Transportation for CDL's. Other testing requirements remain in place.

8. Why must any random drug and alcohol testing program after FY12 be negotiated as part of normal term negotiations? Why not just restart the existing random drug and alcohol testing program?

The need to renegotiate the random alcohol testing was a term of the final agreement. The agreement was negotiated as a total package. The inclusion of this provision was necessary to obtain an agreement between the parties.

9. Please briefly describe the FROMS Physiology Program.

The program was created when the County adopted the Wellness Fitness Initiative, and represents the Fitness portion of the initiative. The Fitness program includes the design and implementation of specific fitness activities and exercises that are used by recruits and incumbents on a daily basis. It also includes supervision of ACE Certified Peer Fitness Trainers (PFTs). The PFTs provide advice and guidance to personnel concerning fitness activities, etc. The Fitness program was also designed to provide all personnel with individualized fitness assessments and prescriptions (in conjunction with medical evaluations at FROMS). The Exercise Physiologist worked in the Fitness Program and was responsible for the development and oversight of the program as well as maintaining the inventory of fitness equipment.

10. What will be the impact of eliminating the program as of August 1?

MCFRS will no longer have the Exercise Physiologist position and will no longer support the PFTs. The immediate impact will be that our fitness and exercise methods will not be updated. MCFRS will continue to require Recruit Firefighter/Rescuers and incumbents to complete fitness activities. Fitness assessments and fitness prescriptions will no longer be performed.

11. What will happen to the filled Exercise Physiologist position if the FROMS Physiology Program is eliminated on August 1?

The position will be eliminated.

Drummer, Bob

From: Adler, Joseph
Sent: Thursday, July 08, 2010 11:24 AM
To: Drummer, Bob
Cc: Lacy, George; Radcliffe, Edward; Milewski, Jeremy
Subject: FW: Questions on MOA with IAFF

Bob
FYI

*Joe Adler
Director, Office of Human Resources
Montgomery County, MD
101 Monroe Street 7th Fl
Rockville, MD 20850
240-777-5100 voice
240-777-5162 fax
joseph.adler@montgomerycountymd.gov*

-----Original Message-----

From: Milewski, Jeremy
Sent: Thursday, July 08, 2010 10:41 AM
To: Adler, Joseph
Cc: Lacy, George
Subject: RE: Questions on MOA with IAFF

Starting salary for a newly hired Paramedic is \$41,613

A paramedic who was hired prior to June 30, 2005 is currently on the following lump sum differential schedule:

0-4 years EMT-P Service	\$5,830/year
5-8 years EMT-P Service	\$6,891/year
8+ years EMT-P Service	\$7,951/year

Increases to this schedule were negotiated to increase to the following:

0-4 years	\$6,080
5-8 years	\$7,391
8+ years	\$8,701

For paramedics hired after July 1, 2005, the following differentials currently apply:

All certified Paramedics receive a \$3,000/year lump sum differential. In addition, these paramedics also receive an hourly differential for all hours they are assigned to a transport unit:

0-4 years certification	\$2.00/hour
5-8 years certification	\$2.50/hour
8+ years certification	\$3.25/hour

Increases to this schedule were negotiated to increase to the following:

0-4 years	\$4.00/hour
5-8 years	\$4.50/hour
8+ years	\$5.25/hour

These hourly differentials are only paid during hours that a paramedic is scheduled to be riding in a transport position. They do not receive the differential during other assignments so the total differential received for paramedics hired after July 1, 2005 varies based upon schedule and assignment.

In regards to the language from the MCVFRA agreement, the reference to the Transportation discount is the

same discount granted to volunteers under section 21-21(g) of the County Code. The language of the agreement grants volunteers the same recreational discounts as career firefighters and places a reference to the transportation discount they already receive into their bargaining agreement. No change was made to the transportation discount

Jeremy Milewski, PHR
Human Resources Specialist
Office of Human Resources
Montgomery County Government
240-777-5017

-----Original Message-----

From: Adler, Joseph
Sent: Wednesday, July 07, 2010 6:33 PM
To: Milewski, Jeremy; Radcliffe, Edward
Cc: Lacy, George; Weisberg, Stuart
Subject: Fw: Questions on MOA with IAFF

Jeremy
Pls compile the information ASAP
Thanks

Resolution No: _____
Introduced: July 20, 2010
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

Subject: **Collective Bargaining Agreement with Career Fire Fighters Association**

Background

1. Section 510A of the County Charter authorizes the County Council to provide by law for collective bargaining with binding arbitration with authorized representatives of County career fire fighters.
2. Chapter 33, Article X of the County Code implements Section 510A of the Charter and provides for collective bargaining by the County Executive with the certified representatives of the County's fire fighters and for review of the resulting contract by the Council.
3. The Executive and Local 1664, International Association of Fire Fighters, entered into an amendment to the existing agreement effective July 1, 2010 though June 30, 2011. The Memorandum of Agreement is attached to this Resolution.
4. On June 21, 2010, the Executive submitted to the Council the terms and conditions of the out-of-cycle collective bargaining agreement that require or may require an appropriation of funds, changes in County law or regulation, or may have a present or future fiscal impact.
5. The Management and Fiscal Policy Committee is scheduled to consider and make recommendations on the agreement at a worksession scheduled for July 26, 2010.
6. The County Council has considered these terms and conditions and is required by law to indicate its intention to fund or approve any legislation or regulations required to implement the agreement.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

The County Council intends to approve funding for the following amendments:

1. on January 1, 2011, a one-time award of **48 hours** of compensatory leave to each bargaining unit member working a 2496-hour work year and a prorated number of compensatory leave hours for each bargaining unit member working a 42-hour or 40-hour work week. This compensatory leave may not be taken when it would require backfilling with overtime and cannot be paid out at any time;
2. an increase of special pay for CRT, EMT-I and EMT-P pay on July 1, 2010 that was previously rejected by the Council in the FY11 Operating Budget approved on May 27, 2010;
3. a suspension of random alcohol and drug testing for FY11 and FY12; and
4. the elimination of the FROMS Physiology Program effective August 1, 2010, except for the \$100,000 budgeted for equipment. This provision would eliminate one filled Grade 27 exercise physiologist position.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Drummer, Bob

From: Adler, Joseph
Sent: Friday, July 23, 2010 1:30 PM
To: Drummer, Bob
Cc: Cook, Sarah; Lacy, George; Boucher, Kathleen; Miller, Sally; Miller, Dorothy; Lacefield, Patrick
Subject: FW: MFP Questions for drug testing--priority
Importance: High

Bob

As per your request. Only Commercial Drivers License holders and undercover police officers are randomly drug tested by Montgomery County Government. Please contact Sarah Cook 7/5064 for any follow up dealing with labor issues, or Dorothy Miller, Manager of OMS for any medical protocol questions.

*Joe Adler
Director, Office of Human Resources
Montgomery County, MD
101 Monroe Street 7th Fl
Rockville, MD 20850
240-777-5100 voice
240-777-5162 fax
joseph.adler@montgomerycountymd.gov*

- 1) Have we received federal funding through a grant or contract that requires random drug testing; this language is typically written in the terms and conditions as required through federal Drug-Free Workplace regulations? **We receive funding through Federal DOT (Department of Transportation) from FTA (Federal Transit Administration) and FMCSA (Federal Motor Carrier Safety Administration) for DOT related drug testing. There is no funding for Fire/Rescue.**
- 2) Have we specifically received either state or federal funding to do random drug testing in the workplace? When have we applied for such funding if at all? **Currently, funding is received only from DOT for employees whose jobs require a CDL (Commercial Drivers' License). Maryland does not require Fire Rescue to have a CDL.**
- 3) If so, when were we required to accomplish this by? If we haven't implemented such testing although we've received funding, why not? **N/A**
- 4) What exactly has been agreed to in terms of required drug testing, random or not with ALL three unions: MCGEO, IAFF, and FOP? **AP 4-11 (Employee Drug/Alcohol Abuse) refers to the Drug Free Workplace Act as does Section 32 of the Personnel Regulations. The MCGEO CBA references AP 4-11 for OPT and SLT employees subject to drug/alcohol testing. Substance abuse testing for FOP members is regulated by Appendix A of the FOP contract. During negotiations with the IAFF for contract years FY 09-11, the parties agreed, by sideletter, to amend the current MCFRS drug/alcohol testing policy to include random drug testing. Agreement on the procedure of random testing for firefighters is pending a ULP settlement.**
- 5) What kind of education has been provided to management on Drug-Free Workplace best practices? Is any training offered? **OMS offers training through OHR's Training Program – Substance Abuse in the Workplace – that provides information on regulation compliance, testing types and requirements, what drugs are tested, recognizing when post accident or reasonable suspicion testing is necessary, and what to do with a positive test and necessary follow up. There are two classes a year offered for general knowledge and two classes a year for DOT specific regulations. MCFRS also offered a Substance Abuse – in service (2008-2010) that they will continue to offer and possibly provide**

7/23/2010

14

online.

6) What options are available to employees and management should there be drug use/abuse situation? Specifically, what is the standard response if management experiences a difficulty with an employee who has apparent drug use/abuse issues? Are ALL three unions handling this kind of employee situation in the same manner? Or does it vary in terms of what has been specifically bargained or agreed to? If so, how? OMS and EAP act as resources for supervisors and employees facing substance abuses issues. OMS conduct all drug and alcohol testing for the three unions using the same procedures as those established, and approved, by DOT. Although there are a few differences between the DOT policy and the County's policy - specimen collection, handling, transport to the testing lab, review by the Medical Review Officer, and communication of results are all the same. Differences include that 2 supervisors must approve a 'For Cause' test while DOT only requires 1 for the same test type, referred to by them as 'Reasonable Suspicion' and the DOT urine drug screen tests for only 5 drugs while the County panel is for 10 drugs.

In most cases, when an employee receives positive drug/alcohol test results, the employee is sent to EAP with a referral for substance abuse counseling. First offense employees typically receive a last chance agreement to include unannounced drug testing for up to five years. Employees receive EAP approval to return to the workplace.

-----Original Message-----

From: Drummer, Bob
Sent: Thursday, July 22, 2010 12:03 PM
To: Adler, Joseph
Cc: Boucher, Kathleen; Bowers, Richard (FRS)
Subject: MFP Questions for drug testing

Joe,

Duchy asked me to send you the following questions about our need for drug testing of fire employees.

- 1) Have we received federal funding through a grant or contract that requires random drug testing; this language is typically written in the terms and conditions as required through federal Drug-Free Workplace regulations?
- 2) Have we specifically received either state or federal funding to do random drug testing in the workplace? When have we applied for such funding if at all?
- 3) If so, when were we required to accomplish this by? If we haven't implemented such testing although we've received funding, why not?
- 4) What exactly has been agreed to in terms of required drug testing, random or not with ALL three unions: MCGEO, IAFF, and FOP?
- 5) What kind of education has been provided to management on Drug-Free Workplace best practices? Is any training offered?
- 6) What options are available to employees and management should there be drug use/abuse situation? Specifically, what is the standard response if management experiences a difficulty with an employee who has apparent drug use/abuse issues? Are ALL three unions handling this kind of employee situation in the same manner? Or does it vary in terms of what has been specifically bargained or agreed to? If so, how?

I apologize for the late request, but MFP is reviewing the labor agreements on Monday morning.

*Robert H. Drummer
 Senior Legislative Attorney
 Montgomery County Council
 100 Maryland Ave.
 Rockville, MD 20850
 240-777-7895*

7/23/2010



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

July 23, 2010

TO: Nancy Floreen, President, County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Collective Bargaining Agreements

This memorandum is intended to convey my continuing and strong support for the Memorandum of Agreements (MOA) with the Montgomery County Career Fire Fighters Association (IAFF); Municipal and County Government Employees Organization (MCGEO); and the Fraternal Order of Police (FOP) which the Council will consider and act on in the coming week and which affect all County employees.

The County continues to face difficult fiscal challenges. Over the past four years, I have worked with the Council and with County employees to make the difficult choices to reduce the size of the County budget, which have included significant sacrifices by County employees, in order to produce a more sustainable budget.

In negotiating these agreements, I considered both the significant and painful sacrifices and concessions made by County employees in both the FY10 and FY11 budgets as well as our need to work closely with our County employees in the coming years as we continue to meet our fiscal challenges and provide critical community services during these difficult economic times.

Several issues have been raised about these MOAs, which should be addressed so that the Council has an accurate understanding of the context and impact of these agreements.

1. Compensatory Leave: As stated in the Office of Management and Budget's (OMB) fiscal impact statement, the compensatory leave improvements contained in these agreements do not have a fiscal impact because they do not require any additional appropriation and the leave can not be taken if it would result in backfill with overtime, and the leave can not be paid out in any fiscal year.

I very strongly disagree with the Office of Legislative Oversight's (OLO) description of the fiscal impact of these agreements. OLO maintains in its estimate that compensatory leave will result in additional costs to the County Government in two ways: 1) compensatory leave is taken as an alternative to using annual leave and results in higher leave balances that would be available for cash out at the end of an

Nancy Floreen, President, County Council
July 23, 2010
Page 2

employment with the County; and 2) the award of compensatory leave induces an employee to increase the amount of time away from work.

The OLO analysis neglected to mention that maximum caps exist for annual leave for all County employees which limit the amount of carryover and subsequent leave payouts (see attached chart).¹

The OLO estimate is misleading in that it implies that the subject agreements will result in \$7 million in additional unbudgeted costs for the County Government. This is absolutely not the case.

Even the OLO analysis itself admits that the time away from work as a result of the compensatory leave **“does not affect the amount of public dollars expended.”**

Further, the OLO analysis is inconsistent with its earlier analysis of the impact attributed to the furlough leave imposed on all County Government employees. In the case of furlough leave, the only fiscal impact identified by both OLO and OMB was the reduction in pay and benefits (Social Security contribution) to County employees. While unpaid, furlough leave would have the same purported impact as the additional compensatory leave in that it could result in employees carrying a higher annual leave balance available for cash out at the end of his/her employment.

In addition, the furloughs increase the amount of time away from work, yet such a fiscal impact was not quantified by OLO in its review of either the Executive's or the Council's furlough plans.²

The fact is that neither furlough leave nor compensatory leave have the “fiscal impact” described in the OLO analysis. Given the conditions placed on furlough leave in Council Resolution 16-1373 and in the subject MOA's on the additional compensatory leave, neither requires an additional appropriation or the additional expenditure of public funds.

As per the opinion of the County Attorney, this provision requires neither an appropriation nor a legislative change by the County Council. I am sharing it with you as “information only” – as per Council directives from our late good friend Marilyn Praisner, who wanted the Council to see all parts of an agreement, not just those that required approval.

Further, the Council staff recommendation on the compensatory leave provision fails to consider that this benefit was exchanged as part of the give and take of the collective bargaining process. I can not simply reject the Union's proposals as the Council is in the position to do so, but rather I must negotiate in good faith with our employee representatives and take into consideration the significant concessions they have already made in developing the FY11 budget.

The staff analysis unfortunately leaves out that arithmetic.

Let's take a good look at the concessions I negotiated and the Council supported and the other changes to the pay and benefits that we have jointly supported to help get this County through these difficult fiscal times.

¹ As the attached chart indicates, the cap provisions vary depending on date of hire and hours worked per year, but generally the maximum leave carryover per year is 240 hours for most employees. The average annual leave balance for County employees is 173.4 hours.

² OLO conceded that time away from work “does not affect the amount of public dollars expended...” but only “...represents a measurable reduction in service received for government expenditures.”

Nancy Floreen, President, County Council
July 23, 2010
Page 3

These County Government savings totaled \$28.8 million in FY10 and \$32.6 million in FY11 when you take into account the elimination of COLAs, steps and increments, tuition assistance, as well as furloughs for all County Government employees, and the elimination of the calculation of imputed compensation from retirement benefits. These concessions and other savings represent substantive, real, continuing savings that address the County's immediate and long-term fiscal needs.

The granting of additional leave is a reasonable and modest concession in light of the sacrifice and concessions made by County employees. In the Council's initial rejection of provisions in these contracts, you made it clear you wanted nothing that would require additional appropriations. This does not.

2. Tuition Assistance: The MOA with the FOP included a provision for \$135,000 for tuition assistance in FY12. As the Council staff packet notes, capping the program at \$135,000 produces significant savings over previous FOP tuition expenditures which were approximately \$450,000 and at the same time preserves a valuable career development program for the County's police officers. You will recall that previous contracts permitted FOP members alone to continue to receive tuition assistance, even after the appropriated amount was expended, up to a maximum of \$1,730 for each police officer. As you know, we have not funded any part of the Tuition Assistance program in FY11.

I would also note that this item remains subject to the appropriation process and Council can defer this issue as part of the FY12 budget approval process.

3. Random Drug and Alcohol Testing: Except for those with commercial drivers' licenses and undercover police officers, there is currently no random drug testing of County employees, including fire fighters.

The staff packet does not mention that the IAFF previously agreed to such testing in exchange for other provisions you rejected. Since those provisions were not approved, the IAFF would not agree to include the provision in the renegotiated agreement.

In closing, I believe supporting these agreements is the right thing to do -- especially in light of the millions of dollars in economic concessions made by our employees in the FY11 budget and especially to sustain employee morale in these difficult times.

Leadership means looking beyond the short-term to the medium and long-term. As we work to continue to put our fiscal house in better order and to restructure and make more effective our County government, we are going to need to work with our County employees -- whether represented or unrepresented -- as partners.

We are not out of the "fiscal difficulties" woods yet -- not by a long shot -- and we may need to engage our employees in further sacrifices and changes in the coming years.

Rejection of these MOAs will send a very negative message to our employees during these very stressful and difficult economic times -- times in which they are already doing more with less. I urge the Council to approve these agreements.

IL:cs

Attachment

Annual/Comp/Sick Leave Accrual and Roll-Over

MCGEO

- Annual Leave
 - Accrues at 120 hours/year for employees with less than 3 years of service, 160 hours/year for employees with 3-15 years of service, 208 hours/year for employees with more than 15 years of service.
 - Employees hired before 12/31/56 may accumulate a maximum of 560 hours, employees hired between 1/1/57 and 7/1/72 may accumulate up to 320 hours, employees hired after 7/1/72 may accumulate a maximum of 240 hours. At the end of the calendar year, any annual leave in excess of these maximums is converted to sick leave. Subject to budget limitation up to 50% of the excess hours may be paid out instead of rolling to sick leave.
- Sick Leave
 - Employees accumulate sick leave at 120 hours/year.
 - There is no maximum to the amount of sick leave that can be accrued.
- Comp Leave
 - Comp leave balances of up to 80 hours can be rolled over from year to year. Any balance over 80 hours is to be paid out at the end of the year or rolled over for one year at the employee's option.

FOP

- Annual Leave
 - Accrues at 120 hours/year for employees with less than 3 years of service, 160 hours/year for employees with 3-15 years of service, 208 hours/year for employees with more than 15 years of service.
 - Employees hired before 12/31/56 may accumulate a maximum of 560 hours, employees hired between 1/1/57 and 7/1/72 may accumulate up to 320 hours, employees hired after 7/1/72 may accumulate a maximum of 240 hours. At the end of the calendar year, any annual leave in excess of these maximums is converted to sick leave. Subject to budget limitation up to 50% of the excess hours may be paid out instead of rolling to sick leave.
- Sick Leave
 - Employees accumulate sick leave at 120 hours/year.
 - There is no maximum to the amount of sick leave that can be accrued.
- Comp Leave
 - Comp leave balances of up to 120 hours can be rolled over from year to year. Any balance over 120 hours is to be paid out at the end of the year or rolled over for one year at the employee's option..

IAFF

- Annual Leave
 - Bargaining unit employees with less than 3 years of County service earn annual leave at the rate of 120 hours per leave year. Full-time employees

with at least a minimum of 3 years, but less than 15 years of County service earn annual leave at the rate of 160 hours per leave year. Full-time employees with 15 years or more of County service earn annual leave at the rate of 208 hours per leave year. Bargaining unit employees assigned to a 2,496-hour work year earn annual leave at the following rates: Less than 3 years County service - 144 hours per leave year; with at least a minimum of 3 years but less than 15 years of County service - 192 hours per leave year; with 15 years or more of County service - 249 hours per leave year. Further, Bargaining unit employees assigned to a 2,184-hour work year earn annual leave at the following rates: less than 3 years County service - 126 hours per leave year; with 3 years but less than 15 years of County service - 168 hours per leave year; with 15 years or more of County service - 219 hours.

- An employee who began work on or before December 31, 1956, may accumulate annual leave up to a maximum of 560 hours, provided the employee has been continuously employed since that date. An employee assigned to a 2,496 or 2,184-hour year and who meets this condition may accumulate annual leave up to a maximum of 672 or 588 hours respectively. An employee who began work on or before December 31, 1956, who subsequently has used accumulated annual leave in excess of 320 hours for the purposes of purchasing retirement service credits may only accumulate annual leave up to a maximum of 320 hours. Bargaining unit employees assigned to a 2,496 or 2,184-hour work year and who meets this condition may accumulate annual leave up to 384 or 336 hours respectively. An employee hired on or after January 1, 1957, but prior to July 1, 1972, may accumulate annual leave up to a maximum of 320 hours. A bargaining unit employee assigned to a 2,496 or 2,184-hour work year and who meet this condition may accumulate annual leave up to 384 or 336 hours, respectively. An employee hired on or after July 1, 1972, may accumulate annual leave up to a maximum of 240 hours. A bargaining unit employee assigned to a 2,496 or 2,184-hour work year and who meets this condition may accumulate annual leave up to 288 or 252 hours, respectively.

- Sick Leave

- Bargaining unit employees assigned to a 2,496-hour work year earn 144 hours of sick leave per year. Bargaining unit employees assigned to a 2,184-hour work year earn 126 hours of sick leave per year. Notwithstanding the accrual rate provided for above, employees in the bargaining unit who work a schedule of 2,080 hours in the work year earn 120 hours of sick leave per year.
- There is no maximum to the amount of sick leave that can be accrued.

- Comp Leave

- A bargaining unit employee who has a compensatory time balance in excess of 80 hours at the end of the leave year (96 hours for an employee assigned to a 2496-hour work year) may elect to be paid for the excess hours by the first pay period following March 15 of the succeeding year or

to carry them over for one year. The carry-over of excess compensatory time must be reduced by no later than December 31 of the succeeding leave year.

Personnel Regulations

- Annual Leave
 - Accrues at 120 hours/year for employees with less than 3 years of service, 160 hours/year for employees with 3-15 years of service, 208 hours/year for employees with more than 15 years of service.
 - Employees hired before 12/31/56 may accumulate a maximum of 560 hours, employees hired between 1/1/57 and 7/1/72 may accumulate up to 320 hours, employees hired after 7/1/72 may accumulate a maximum of 240 hours. MLS can carryover 320 hours, former State/County employees may carry a maximum of 400 hours. At the end of the calendar year, any annual leave in excess of these maximums is converted to sick leave. Subject to budget limitation up to 50% of the excess hours may be paid out instead of rolling to sick leave.
- Sick Leave
 - Employees accumulate sick leave at 120 hours/year.
 - There is no maximum to the amount of sick leave that can be accrued.
- Comp Leave
 - Comp leave balances of up to 80 hours can be rolled over from year to year. For exempt employees any balance over 80 hours is to default to sick leave at the end of the year or be rolled over for one year at the employee's option. For non-exempt employees any balance over 80 hours is to be paid out at the end of the year or rolled over for one year at the employee's option.



OFFICE OF HUMAN RESOURCES

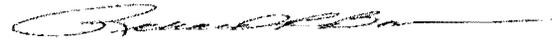
Isiah Leggett
County Executive

Joseph Adler
Director

MEMORANDUM

September 16, 2010

TO: Duchy Trachtenberg, Chair, Management and Fiscal Policy Committee
Phil Andrews, Chair, Public Safety Committee

FROM: Joseph Adler, Director 
Office of Human Resources
Richard Bowers, Chief 
Montgomery County Fire and Rescue Services

SUBJECT: Response to Questions Regarding IAFF Agreement to increase Special Pay for ALS Providers

On July 30, 2010, the joint MFP and Safety Committee issued a memo requesting a response to specific questions regarding the IAFF Agreement to increase special pay for ALS providers. Staff from both the Fire and Rescue Services department and Office of Human Resources worked together to provide the responses to the questions below.

- 1. What is the rationale for the proposed increase? What is the problem, and how would the increase address it? Has the problem changed in recent years due to a change in policy? If so, what was the change?**

The restoration of any previously negotiated differential to members of the IAFF in the course of mandatory negotiations under Section 33-153(p) of the Montgomery County Code was the result of a negotiated settlement and was offered within the context of reaching a total agreement.

Attaining the desired number of (Advanced Life Support ALS) providers has always been a challenge for MCFRS. The amount of additional training ALS providers must obtain, and the workload of responding to a high number of EMS incidents during their shift, have been factors of being able to recruit ALS providers. However, this is not a unique issue to Montgomery County. The recruitment of paramedics has been an emphasis for most Departments nationally that deliver ALS service.

Implementing our ALS service delivery model of Advanced First Responders Apparatus (AFRA)'s in stations that traditionally did not have an ALS transport unit and the opening of new stations has increased the need and the number of ALS providers for MCFRS.

Increasing the differential will not solely solve the problem. Compensation is one piece in attracting, recruiting and retaining ALS providers. Increasing the number of ALS providers in addition to providing a competitive differential is another important piece in reducing the reliance on overtime for ALS staffing. Other jurisdictions also use compensation to attract ALS providers. Here are the starting salaries of a few jurisdictions that have recently advertised for Firefighter/Paramedics, including Montgomery County:

DC	\$48,731*
Fairfax County	\$53,887*
Fairfax City	\$48,870*
Prince William	\$48,182*
Montgomery County	\$41,673*
Prince George's County	\$40,848.*

** All of these starting salaries do not include pay differentials and/or hourly riding differentials.*

2. What information do you have that convinces you that this increase would help solve the problem?

We currently have 18 paramedic vacancies. ALS positions cannot be filled by Basic Life Support (BLS) providers because of certification requirements for ALS providers. Increasing the number of ALS providers is a critical pathway in reducing the reliance on overtime to staff ALS positions. The differential increases will provide an incentive for incumbent firefighters to become MCFRS ALS providers.

It takes approximately one year to train a BLS provider (EMT-B) to become a paramedic. However, to take the course, the EMT-B must have either one year of experience as an EMT-B, or 150 calls as a "charge" EMT-B responsible for patient care. There is also a qualification exam with language, reading comprehension, and math skills. The actual hours involved to go from EMT-B to EMT-Intermediate (still a paramedic, but with fewer skills and knowledge) is 524 hours of didactic and clinical time. To become a full paramedic (EMT-P) it takes 737 hours of didactic and clinical time. This may be done in a weekday type of setting, or a combination of night and weekend sessions. Both levels require an internship based on proficiency. The absolute minimum is 108 hours though the average is closer to 400 hours.

3. What efforts have we made to recruit ALS provides from outside County employment? Are we currently advertising for outside applicants?

During the late 1990s, MCFRS sought to increase the number of ALS providers by having recruit classes that were comprised of either current ALS providers or candidates that signed a contract agreeing they would obtain their ALS certification with 1 year of employment, or be terminated. This was effective in bringing the number of ALS providers into MCFRS. However, there was not a sufficient amount of diversity in the class. MCFRS recently advertised for new employment for firefighter rescuer candidates. Out of the 2600 candidates who took our entrance exam, only 10 were ALS certified.

MCFRS has recruited ALS providers from the State of Maryland, Pennsylvania, and the National Registry of EMTs. Recruiting from within the State speeds up the hiring process by negating the need for equivalency of licensure. Pennsylvania and other nearby states are targeted based on geography, and the ability for employees to commute. As a "National Registry State", Maryland is able to accept training from any other jurisdiction and add a minimum of certification for Maryland licensure. The inherent difficulty here is that this is the same resource for most departments in the region and nation. There remains a very high level of competition in the DC region and nationally. It is not uncommon for the department to be competing with not only Washington DC, but Kansas City, MO or Pittsburgh, PA.

4. **What is the recruitment problem you now encounter? Are the vacant ALS positions filled by BLS providers? How many vacant ALS positions do you currently have and how many vacancies have you had over the past 2 years? What is the time period needed to train a BLS provider to become and ALS provider?**

The recruitment challenge is that MCFRS needs to attract our incumbent firefighter-rescuers to become ALS providers. The recruitment and retention of MCFRS ALS providers is a critical part of the multidimensional challenge to increase our paramedic capacity.

As indicated in response #2, it takes approximately one year to train a BLS provider (EMT-B) to become a paramedic. However, to take the course, the EMT-B must have either one year of experience as an EMT-B, or 150 calls as a "charge" EMT-B responsible for patient care. There is also a qualification exam with language, reading comprehension, and math skills. The actual hours involved to go from EMT-B to EMT-Intermediate (still a paramedic, but with fewer skills and knowledge) is 524 hours of didactic and clinical time. To become a full paramedic (EMT-P) it takes 737 hours of didactic and clinical time. This may be done in a weekday type of setting, or a combination of night and weekend sessions. Both levels require an internship based on proficiency. The absolute minimum is 108 hours though the average is closer to 400 hours.

5. **If the purpose of the increase is to attract current employees to obtain ALS certification, why does the agreement increase the special pay for the ALS providers who receive the largest lump sum supplement because they were hired before July 1, 2005? Did you consider offering signing bonuses for employees who fill current vacancies?**

The ALS providers who were hired prior to July 1, 2005 are those paramedics that MCFRS wants to retain along with our other paramedics. The increase of ALS differential pay is in itself a signing bonus for those personnel that fill the current vacancies. The ALS pay differential increases will help in the recruitment and retention of ALS providers from the MCFRS ranks.

6. **How many ALS positions are regularly filled with overtime on an average daily basis? What is the cost of this overtime? To what extent would the cost be mitigated by the proposed increase in the supplement? When could we see this overtime cost drop if we are able to induce current employees to take ALS training?**

We currently have 18 paramedic vacancies. ALS positions cannot be filled by BLS providers because of certification requirements for ALS providers. Increasing the number of ALS providers is a critical pathway in reducing the reliance on overtime to staff ALS positions. The differential increases will provide an incentive for incumbent firefighters to become MCFRS ALS providers. Interested incumbent firefighter-rescuers would need to be trained and certified as ALS providers over a 12 month time period.

It is unlikely that the increase of the differentials will have an immediate impact on OT. However, with an increase in the number of ALS providers, the reliance on overtime will be decreased. The ALS differential increases are seen as a long term commitment to the recruitment and retention of ALS providers.

7. **How was the \$199,670 annual cost estimated? What were the assumptions used to calculate this estimate? Is this still our best estimate of the cost? If not, please revise it? What would you project this cost to be over the next 6 years?**

In the fall of 2008, a count was made of current IAFF and Fire Management employees in each differential category. At the same time, a count was made of the number of hours paid in each hourly differential category.

The number of employees receiving the pay differentials was multiplied by the increase in the differential in each category (0-4, 5-8, and 8+ EMT-P Service).

In addition, the number of hours devoted to time qualifying for the hourly differential was multiplied by the increase in the differential.

Calculation includes both differentials estimated for IAFF members (\$198,580) and differentials estimated for Fire Management employees (\$1,090).

Differential increases were originally scheduled to go into effect the last year of the FY09-FY11 IAFF MOU, beginning July 1, 2010.

Is this still our best estimate of the cost? If not, please revise it? What would you project this cost to be over the next 6 years?

This is still the best estimate of the cost and it may increase/decrease in future years based on the number of certified MCFRS personnel who are eligible.

8. **With regard to the proposed elimination of the exercise physiologist position, what is the cost offset to the County, not just to MCFRS, if the position is being transferred to Recreation?**

The position was not transferred to recreation. The employee was laid off (subject to a RIF) from the MCFRS position and hired to fill a vacant recreation position. Instead of paying for two employees – one in recreation and another in MCFRS – the county is only paying for the one in recreation.

9. **If random drug and alcohol testing has previously been agreed to by the Executive and the IAFF, why did we fail to implement it? Why should we not implement it now?**

The random drug testing program was not implemented because the Union filed an Unfair Labor Practice against the County arguing that the process of the random drug testing was negotiable.

At the time of the Concession MOU, the parties were close to settling on a random drug testing program process. However, as part of the final reopener Memorandum of Agreement with the local IAFF, it was agreed that the Random Drug Testing program implementation would be discussed after FY13. Presently, MCFRS has “for cause” and post collision drug testing for career and volunteer personnel.

10. **As you know, the Council just adopted a revised fiscal plan that requires recurring expenditures to be paid with recurring revenues. If the Council decides that the cost to increase this special pay can only be approved if the corresponding savings used to offset this cost must be recurring savings, what do you propose we eliminate or reduce to provide these recurring savings?**

The identified savings are recurring.

cc: Valerie Ervin
Nancy Navarro
Roger Berliner
Marc Elrich
Steve Farber
Bob Drummer
Joseph Beach, OMB
John Sparks, IAFF

Resolution No: _____
Introduced: July 20, 2010
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

Subject: **Collective Bargaining Agreement with Career Fire Fighters Association**

Background

1. Section 510A of the County Charter authorizes the County Council to provide by law for collective bargaining with binding arbitration with authorized representatives of County career fire fighters.
2. Chapter 33, Article X of the County Code implements Section 510A of the Charter and provides for collective bargaining by the County Executive with the certified representatives of the County's fire fighters and for review of the resulting contract by the Council.
3. The Executive and Local 1664, International Association of Fire Fighters, entered into an amendment to the existing agreement effective July 1, 2010 though June 30, 2011. The Memorandum of Agreement is attached to this Resolution.
4. On June 21, 2010, the Executive submitted to the Council the terms and conditions of the out-of-cycle collective bargaining agreement that require or may require an appropriation of funds, changes in County law or regulation, or may have a present or future fiscal impact.
5. The Joint Management and Fiscal Policy and Public Safety Committee ~~[[is scheduled to consider and make]]~~ made recommendations on the agreement at a worksession ~~[[scheduled for July 26, 2010]]~~ on September 27, 2010.
6. The County Council has considered these terms and conditions and is required by law to indicate its intention to fund or approve any legislation or regulations required to implement the agreement.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

The County Council intends to approve funding for the following amendments:

1. [[on January 1, 2011, a one-time award of **48 hours** of compensatory leave to each bargaining unit member working a 2496-hour work year and a prorated number of compensatory leave hours for each bargaining unit member working a 42-hour or 40-hour work week. This compensatory leave may not be taken when it would require backfilling with overtime and cannot be paid out at any time;
- 2.]] an increase of special pay for CRT, EMT-I and EMT-P pay on July 1, 2010 that was previously rejected by the Council in the FY11 Operating Budget approved on May 27, 2010.]];
3. a suspension of random alcohol and drug testing for FY11 and FY12; and]]
- [[4. the elimination of the FROMS Physiology Program effective August 1, 2010, except for the \$100,000 budgeted for equipment. This provision would eliminate one filled Grade 27 exercise physiologist position.]]

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

1. I appreciate the list of starting salaries for ALS providers recently advertised by other jurisdictions. However, it is difficult to compare these salaries without the inclusion of any special pay differentials in each jurisdiction. What are the special pay differentials for ALS providers in each jurisdiction?

Jurisdiction	Starting Salary	Lump Sum Pay Differential	Hourly Differential	Annual Retention Supplement	Signing Bonus
DC	\$48,731	\$4,430	none		\$9,000
Fairfax County	\$53,887*		\$2 - \$3		
Fairfax City	\$48,870	\$5,000	\$4		
Prince William	\$48,182	\$5,291	\$2 - \$3	3% - 5%	
Montgomery Co.	\$41,673	\$3,000	\$2 - \$3.25		
Prince Georges	\$40,848	N/A			

*ALS Providers begin at a higher pay grade and step

2. Since we last recruited for outside ALS candidates more than 10 years ago, what are our current plans to do so in the near future to fill our 18 ALS vacancies?

MCFRS would be interested in hiring a class of currently trained ALS providers, or requiring new hires to obtain ALS status within a specified time-period as a condition of employment. However, our current recruitment process shows that there is a significantly lower labor pool of trained ALS providers to draw from. In the current pool of candidates who passed the most recent written examination, there are only 10 ALS providers, not all of which will pass the other elements of the hiring process.

3. I am still confused about the 18 ALS vacancies. Do we have 18 vacant positions in FRS or are the positions filled with BLS certified providers?

We have 18 vacant ALS provider positions – not filled by BLS providers.

4. I understand that ALS providers hired before July 1, 2005 receive a larger lump sum pay differential. If a current BLS provider who was hired prior to July 1, 2005 becomes certified as an ALS provider in 2010, would that employee receive the pre-2005 lump sum or the post 2005 special pay differential?

Any ALS provider who receives ALS certification after July 1, 2005 will receive the post 2005 pay differential. (This does not include a small group of employees listed in a 2006 Side Letter.)

5. I understand how the elimination of the exercise physiologist position can be considered a recurring savings. However, how can you consider the undefined salary lapse a recurring savings? What FRS positions are currently vacant that will result in the salary lapse? Also, how does the 2-year delay in the random drug testing program create recurring savings beyond 2 years?

The salary lapse is a recurring savings because there are no plans to add back this budget authority. MCFRS currently has several vacant positions with many more to come as there are no recruit classes scheduled this year to offset attrition. MCFRS is not certain it will be funded two years from now because it is dependant on the outcome of union negotiations and the county's budget process. Ultimately, the funding could not be added back to the MCFRS budget without approval from council. Until then, since there is no random drug test program, it seems reasonable to use that budget authority to offset the cost of this agreement.