



## City Council Agenda Report

Meeting Date: March 21, 2023

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TO: City Council

FROM: Chelsea Phebus, Director of Human Resources & Risk Management

RE: Amending the City of Chico and CFME's Memorandum of Understanding effective July 1, 2022 – June 30, 2025, to include the Fire Marshal position.

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### **REPORT IN BRIEF:**

Upon approval, this item updates the City of Chico and the Chico Fire Management Employee's (CFME), Memorandum of Understanding effective July 1, 2022 through June 30, 2025 with the provisions of the Letter Agreement, which includes Fire Marshal as a represented position.

Recommendation: Staff Recommends approval of the CFME Letter Agreement.

### **FISCAL IMPACT:**

No additional fiscal impact.

### **BACKGROUND/DISCUSSION:**

Section 1.4 of the CFME Memorandum of Understanding provides for a Letter Agreement for Variation of Provisions, which allows the City and Union to vary from strict adherence to the provisions agreed upon in the MOU when it is to the mutual benefit for the City and Union to do so. Additionally, pursuant to the Meet and Confer provisions within Section 2R.72.250 of the Chico Municipal Code, when the meet and confer process is concluded between the City and a recognized employee organization, all agreed-upon matters shall be incorporated in a written memorandum of understanding and signed by the City and bargaining representative. Said memorandum of understanding shall be submitted to the City Council for determination and implementation on matters over which the Council has authority. A memorandum of understanding shall not be binding on the City or recognized employee organization until approved by the City Council.

The agreed-upon Letter Agreement provides a conclusion to the recent meet and confer process regarding inclusion of the Fire Marshal as a represented position under CFME.

Prepared by:

Chelsea Phebus  
Director of Human Resources & Risk Management

Approved and Recommended by:

Mark Sorensen  
City Manager

### **DISTRIBUTION:**

City Clerk (3)

### **ATTACHMENTS:**

CFME Letter Agreement  
Appendix B-1

## LETTER AGREEMENT

### LETTER AGREEMENT BETWEEN CITY OF CHICO AND CHICO FIRE MANAGEMENT EMPLOYEES (CFME) REGARDING FIRE MARSHAL CLASSIFICATION

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**WHEREAS**, pursuant to the provisions of the Meyers-Milias-Brown Act (“MMBA”) and Subarticle 1.4, entitled “Letter Agreement for Variation of Provisions” of the Memorandum of Understanding between the City of Chico (“City”) and Chico Fire Management Employees (“CFME”) effective July 1, 2022 through June 30, 2025 (“2022 MOU-CFME”), this Letter Agreement is entered into on March 21, 2023, between the City and the CFME (“Letter Agreement”) as an amendment to the 2022 MOU-CFME.

**WHEREAS**, it is understood and agreed that the specific provisions contained in this Letter Agreement shall supersede any previous agreements, whether oral and/or written, regarding the matters contained herein; and

**WHEREAS**, the City and CFME have agreed to modify Section 2.2 of Article II and Section 5.1 of Article V; and have agreed to include the job classification of Fire Marshal as a position assigned to the CFME bargaining unit, with approval of City Council.

#### **THEREFORE, IT IS AGREED AS FOLLOWS:**

1. Establishment of a “Fire Marshal” classification as a position lateral to the assignment of “Battalion Chief.”
2. Initial Fire Marshal shift assignments to be set at the 40-hour per week schedule. Battalion Chiefs shall remain at a 56-hour per week schedule. Modification of schedules shall be in compliance with 2022 MOU-CFME section 4.2, Hours and Shifts, as applicable.
3. Addition of the “Fire Marshal” job description to the list of approved positions within the City classification plan, with the job description drafted by the City, reviewed for comment by CFME, and approved for initial plan inclusion by the City Manager on September 30, 2022.
4. Amendment of Budget Appendix B-1, Employee Pay Schedules, section IX, *Chico Fire Management Employees (CFME)*, as attached.
5. Amendment of the following sections within the 2022 MOU-CFME:

#### **SECTION II: EXEMPT AND AT-WILL STATUS**

**2.2 At-will.** All CFME Employees except Battalion Chiefs and Fire Marshals are at-will employees who serve at the pleasure of the appointment authority. Battalion Chiefs and Fire Marshals shall not be considered at-will and the same procedures as are set forth in Chico Municipal Code section 2R.72.150, which are applicable to the discipline of

classified employees, shall apply to the discipline and termination of Battalion Chiefs and Fire Marshals.

### **SECTION III: BASIC PAY PLAN**

#### **3.9 Call-Back Pay.**

**A. Call-Back Pay - Minimum Hours.** Battalion Chiefs and Fire Marshals who are called back to work from an off-duty status shall be paid for in accordance with the provisions of this MOU relating to overtime...

**B. Deputy Chief Coverage.** The Deputy Chief of Fire shall receive a stipend of fifteen hundred dollars (\$1,500.00) for a full twenty-four (24) hour shift coverage in relief of a Battalion Chief. Said coverage shall be limited to twelve (12) shifts per year. The limit may be extended as an extraordinary exception, as approved by the Fire Chief and the Director of Human Resources.

### **SECTION V: EMPLOYEE BENEFITS**

#### **5.1 Holidays.**

- A.** Employees assigned to a forty (40) hour per week assignment shall be eligible for Holiday Pay for the following established City holidays: January 1 (New Year's), the third Monday in January (MLK observance), third Monday in February (President's Day), last Monday in May (Memorial Day), July 4 (Independence Day), first Monday in September (Labor Day), November 11 (Veteran's Day), Thanksgiving Day and the day after Thanksgiving, December 24 (Christmas Eve), December 25 (Christmas Day), and such other days as may be proclaimed by the City Council as public holidays. In observing such holidays, the following procedures shall be utilized:
- 1.** Holiday – Sunday: When a holiday falls on a Sunday, the following Monday shall be observed.
  - 2.** Holiday – Saturday: If a holiday falls on a Saturday, time off or pay shall be granted at the discretion of the City Manager provided that sufficient funds have been appropriated in the Annual Budget for payment of holiday pay. If time off is granted for Christmas Eve, the holiday shall be observed on the Employee's last regular workday prior thereto.
  - 3.** Christmas Holiday – Monday: Should the Christmas holiday fall on a Monday, the Christmas Eve holiday shall be observed on the Employee's last regular workday prior thereto.

**EXHIBIT "A" BI-WEEKLY PAY SCHEDULE**, as attached.

This Letter Agreement shall remain in effect for the duration of the 2022 MOU-CFME, which expires June 30, 2025. All other sections of the 2022 MOU – CFME shall remain in full force and effect.

Any amendments or modifications to this Letter Agreement shall be in writing, signed and dated by both parties.

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Signed and dated as follows:

For Chico Fire Management Employees:


  
\_\_\_\_\_  
Wesley Metroka (Mar 10, 2023 14:22 PST) Mar 10, 2023  
Wesley Metroka (Date)

  
\_\_\_\_\_  
Chris Zinko Mar 10, 2023  
Chris Zinko (Date)

For the City of Chico:

*Mark Sorensen*  
\_\_\_\_\_  
Mark Sorensen, City Manager Mar 13, 2023  
Mark Sorensen, City Manager (Date)

Approved As To Form:

  
\_\_\_\_\_  
Vincent Ewing (Mar 13, 2023 18:03 PDT)  
Vincent C. Ewing, City Attorney\*  
\*Pursuant to The Charter of the City of  
Chico, Section 906 (D)

CITY OF CHICO  
FY2022-23 ANNUAL BUDGET  
EMPLOYEE PAY SCHEDULES

VIII. Chico Police Management Employees (CPM)<sup>1</sup>

A. Basic Pay Schedule (Effective 01/01/2018)

POSITION TITLE	HOURLY PAY RATES														BIWEEKLY PAY RATE		ANNUAL PAY RATE	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
	Police Captain	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4,588.10	5,922.42	119,290.60
Police Lieutenant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4,171.00	5,384.02	108,446.00	139,984.52

<sup>1</sup> Pursuant to Council Resolution No. 54-20.

IX. Chico Fire Safety Management Employees (CFME)<sup>1</sup>

A. Basic Pay Schedule - Employees hired prior to July 1, 2018 (Effective 03/21/2023)

POSITION TITLE	HOURLY PAY RATES							BIWEEKLY PAY RATE		ANNUAL PAY RATE	
	A	B	C	D	E	F	G	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
	Battalion Chief (56 Hour)	33.02	34.67	36.4	38.22	40.13	42.14	44.24	3,698.24	4,954.88	96,154.24
Deputy Fire Chief (40 Hour)	59.21	62.17	65.28	68.54	71.97	75.57	79.34	4,736.80	6,347.20	123,156.80	165,027.20
Fire Marshal (40 Hour)	46.23	48.54	50.96	53.51	56.18	59.00	61.94	3,698.40	4,955.20	96,158.40	128,835.20

B. Basic Pay Schedule - Employees hired on or after July 1, 2018 (Effective 03/21/2023)

POSITION TITLE	HOURLY PAY RATES														BIWEEKLY PAY RATE		ANNUAL PAY RATE	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
	Battalion Chief (56 Hour)	32.10	32.90	33.72	34.56	35.42	36.31	37.22	38.15	39.10	40.08	41.08	42.11	43.16	44.24	3,595.20	4,954.88	93,475.20
Deputy Fire Chief (40 Hour)	57.56	59.00	60.47	61.98	63.53	65.12	66.75	68.42	70.13	71.88	73.68	75.52	77.41	79.34	4,604.80	6,347.20	119,724.80	165,027.20
Fire Marshal (40 Hour)	44.94	46.06	47.21	48.38	49.59	50.83	52.11	53.41	54.74	56.11	57.51	58.95	60.42	61.94	3,595.20	4,955.20	93,475.20	128,835.20

<sup>1</sup> Pursuant to Council Resolution No. 16-23 and Letter Agreement "Fire Marshal" Classification