



July 19, 2022

LETTER FROM THE CITY COUNCIL REGARDING FIRE NEGOTIATIONS

To our concerned residents:

We continue to be surprised by the tenor of the Fire Association's communications regarding the fire negotiations and want to be sure we clarify much of the misunderstanding and incorrect allegations.

The City Council has made numerous proposals in an effort to come to an equitable agreement only to be rejected by the Association:

The City has made significant modifications from its opening proposal at the beginning of 2021 in an effort to move closer to an agreement. Additionally, for over 15 months of the negotiations, the Association has simply rejected 6 of the City's 9 substantive proposals that remain at issue in our negotiations. That is why we find ourselves at an impasse. The next step in this process is a Factfinding Hearing scheduled for August 5. Contrary to the Association's assertion that the City is not willing to mediate, this is another opportunity for us to continue to work toward an acceptable contract. At that hearing, a neutral party will listen to both sides. Our hope is that this will move us closer to a fair and balanced agreement that addresses the excessive overtime, claims of firefighter fatigue, burnout and stress, provides increased management control, and maintains local fire services now and into the future.

The safety of our community is not compromised:

The City Council has not and will not discredit the exemplary services that our Fire Department provides. The City Council has not turned its back on the Fire Department. Positions in the Firefighters' Association have been fully staffed since September 2021, and all service continues to be provided at the level our community expects. However, the Association continues to falsely report there are unfilled vacancies.

CITY COUNCIL

STEVE NAPOLITANO

Mayor

RICHARD MONTGOMERY

Mayor Pro Tem

JOSEPH FRANKLIN

City Councilmember

SUZANNE HADLEY

City Councilmember

HILDY STERN

City Councilmember

MANHATTAN BEACH
CITY HALL

1400 Highland Avenue,
Manhattan Beach, CA 90266

www.manhattanbeach.gov
(310) 802-5400

Under the City's proposal, paramedic staffing is not only maintained, but the City has the ability to reassign existing employees from administrative assignments to emergency medical services, which could be made permanent by a future Council action. In combination with hiring professional employees in the fire prevention bureau, the proposal enhances fire services to the community. We are extremely concerned to see unfounded comments that our community's safety is at stake. That is simply not true.

The City has not proposed outsourcing to L.A. County Fire:

The Association's campaign displaying the "Keep our MBFD local" slogan on t-shirts, their website and social media platforms is misleading. In truth, there is absolutely no threat to keeping our Fire Department local. In fact, this hasn't been discussed in over 3 years since the Council unanimously rejected the feasibility study to contract with L.A. County Fire in 2019. The City Council is proposing changes as part of our labor negotiations process that will actually help keep our Fire Department local and sustainable into the future.

The City has complete confidence in the management of the Fire Department:

The City Council fully supports our Fire Chief, who has been with the City for over a year providing consistent and capable leadership. However, the Firefighters' Association continues to communicate a message of "mismanagement" while rehashing concerns with management that occurred over 5 years ago. The misleading assertions are most obvious in the statements regarding the "5 Chiefs in 4 years" to support their message of "mismanagement." In fact, one of those chiefs was the Police Chief stepping in as Acting Fire Chief during a transition period. Another was an interim fire chief who was hired during the pandemic. And, a third was a Fire Captain acting as chief for two weeks, who was appointed as a courtesy to fill a gap. All of these were positions filled to support the Department while the City conducted a thorough search for a fire chief.

In addition, and of particular concern to Council, the Association has personalized their campaign with damaging allegations about the City Manager and other current and former City employees. We invite the Association to bring forward, through the appropriate channels, any actual allegations of wrongdoing to be investigated, rather than continuing to perpetuate insinuations and rumors that have the potential to harm the individuals who are the subjects of this narrative. Without evidence or merit, these insinuations and rumors have crossed the line.

The City's proposal is a clear path to reduce overtime:

The excessive overtime received by the Association has been going on for many years even when positions in the Association were fully staffed. While it is in the interest of the Association to distract residents from this fact, members of the Association have been the highest in the state in average (per employee) compensation above every city fire department since at least 2015, and have been the top earners in the City for many years prior to that due to the overtime received. Although the Association continues to focus on overtime associated with unfilled vacancies, the reality is that

overtime spent to fill in for vacancies is actually offset from the salary and benefit savings associated with such vacancies.

The City's proposals have consistently included several solutions that will address overtime, all of which were previously rejected by the Association. Simply put, the City's proposals would give management the flexibility to address staffing. The first proposal is to have the ability to hire additional firefighters by eliminating the prescribed "maximum staffing" provision. Only last week, after a year and a half of stalled negotiations, has the Association made an offer that would allow the City to remove the prescribed staffing number. The City hopes this is a step in the right direction of reaching a fair and balanced agreement, but there are additional proposals in combination with the "constant staffing" provision that the City views as important in order to reduce overtime.

The Firefighters' Association has repeatedly stated they receive overtime for hours worked beyond their normal hours. This is not true. Just because a firefighter receives overtime does not mean they are working time over their regularly scheduled hours. For example, a firefighter can be on vacation for two shifts but work another shift in the same week and receive overtime. Similarly, two firefighters can work each other's vacation shifts and receive overtime without working any additional hours. This is because vacation, holiday leave, and injury pay count as "hours worked" to qualify for overtime.

One of the City's proposals to reduce overtime addresses the current system in which every shift taken as leave is automatically backfilled with overtime by allowing shift trades (two firefighters working for each other). This proposal allows employees to take the same amount of time off while reducing the payment of time and a half overtime when firefighters are not working any additional hours. This, in effect, limits the number of shifts that will be backfilled on an overtime basis. The City is also proposing to remove the ability to convert unused sick leave into vacation, which creates further backfill of overtime. The Association has not agreed to these simple provisions because it will reduce the amount of overtime pay they receive.

Battalion Chief compensation is a separate discussion from the Manhattan Beach Firefighters' Association (MBFA) negotiation:

Instead of working with City leaders on a dignified compromise that actually addresses some of the City's key proposals, the Firefighters' Association remains more interested in negotiating the compensation of the Battalion Chief positions. The Association has further claimed that the City did not fill Battalion Chief vacancies, which in turn created additional overtime. It's important to note during this time, although there were several internal candidates on the list offered the position, none of them would accept the promotion in the over 2 years they were eligible. During this time, the Association agreed via a formal side letter to serve as acting Battalion Chiefs, receiving the same level of compensation they had requested. This agreement was in place from May 2021 through December 2021. Because of this agreement, those employees serving in an acting capacity each made an average of \$403,290 in 2021, including an average of \$190,634 per person in

overtime. While the City appreciates their efforts during this time, the Association entered into this agreement because it was beneficial for them to do so. If they had not entered into this agreement, the City would have found other options to staff the Battalion Chiefs during injury leaves and to fill vacancies.

The City Council made changes to the Fire Management (Battalion Chief) contract, anticipating that it would make commensurate changes to the MBFA contract, which would keep the promotional path in place. However, the City altered its course through the negotiations process, making compromises and concessions when it was essentially negotiating against itself. The City has repeatedly told the Association that its goal is to complete the Fire negotiations before it returns to propose adjustments to the Fire Management contract, the association that represents the Battalion Chief. Unfortunately, forward progress has not been made in the MBFA negotiations to get to that point.

The City Council is committed to public safety and a path forward in negotiations:

The bottom line is that the Council fully supports the Fire Department and all its personnel, including the Fire Chief. The decisions of the entire City Council in relation to labor negotiations are not personal. The Council has unanimously directed every action related to the Fire negotiations since 2018, and remains united on resolving these negotiations in a way that is more sustainable for the Fire Department.

While the City Council remains disappointed with the Association's lack of movement throughout the entire negotiations process, it still desires to mutually resolve these negotiations. The proposed structural changes to their employment agreement will accomplish the Council's goals of reducing excessive overtime, staffing more efficiently, increasing staffing levels, and providing management more decision making and autonomy, while maintaining all firefighters as paramedics. Public safety continues to be our number one priority. These negotiations have been going on for far too long, and the City Council has had no choice but to enter into the final stages of the negotiation process.

For more information on the fire negotiations and the City Council's proposal, please visit www.manhattanbeach.gov/firenegotiations.

###