

To the Mayor and Members of the City Council**August 4, 2020**

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**SUBJECT: MEET AND CONFER AGREEMENT NEGOTIATION PROCESS**

M&C (20-0356) on the August 4th City Council agenda recommends approval of a four-year agreement with the Fort Worth Police Officers Association on wages, benefits and other working conditions. This agreement was the result of negotiations that took place over several months from August 2019 through April 2020. The purpose of this Informal Report is to provide a background of the Meet & Confer process and provide detail of what has occurred to date.

Background

The agreement before you on today's agenda represents the fourth contract since the Mayor and Council approved the Meet & Confer process in November 2006. There have been three contracts:

1. 2008-2013;
2. 2013-2017; and
3. 2017-2020.

The Fort Worth Police Department operates under Chapter 143 of the Texas Local Government Code ("TLGC") which is commonly known as "Civil Service." The TLGC allows the City of Fort Worth to enter into a Meet and Confer Agreement, with the recognized employee association's sole and exclusive bargaining agent, which is the Fort Worth Police Officer Association (POA).

In order for any negotiated Meet & Confer agreement to come into effect two actions must occur:

1. Be ratified by a majority vote of the Police Officers Association members (approved in May 2020); and
2. City Council vote to approve entering into the agreement in a public meeting.

New Contract

A four-year agreement that will replace the current contract that expires on September 30, 2020. Since this is the fourth such agreement there were many articles (18 of the original 28) were unchanged or required only minor revisions because they were considered to be working well or represented what one or both parties wanted to remain in the contract.

The other ten articles, including a new article, where more significant changes were made included:

- Article 4 - Time Off for Association Business
- Article 7 - Disciplinary Action
- Article 10 - Wages and Certain Pays
- Article 11 - Hiring For Beginning Positions In The Fort Worth Police Department
- Article 14 - Physical Fitness Program
- Article 15 - Promotions, Demotions, and Reinstatements
- Article 16 - Vacant Promotional Positions Resulting from Military Leave of Absence
- Article 17 - Non-Discrimination
- Article 18 - Maintenance of Standards
- Article 27 - Duration and Termination
- Article 28 - Special Leave Provision (New Agreement Article)

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Some of the more noteworthy discussions centered Articles 10, 16 and 28. These articles set-forth forms of payment to Officers that include annual pay increases during the contract period, terminal pay-outs of sick leave and adjustments for Officers that use Military Leave. All of these were accomplished within the specified budget equivalent of a three percent annual increase over the term of the contract. Additionally, both parties agreed to a provision, given the current economic environment to adjust pay increases if sales taxes are below budget estimates.

Other areas of focus were changes to Article 7 concerning disciplinary action. These included:

- Administrative interview procedures;
- Guidance regarding relationship of criminal and administrative (non-criminal) cases where Officers are indicted or charged with felonies or Class A or B misdemeanors;
- Editing of language to clarify an officer's rights during an internal investigation;
- Suspends internal investigations during an officer's military deployment until they return to permit the department to utilize the full 180 days allowed under state law to conduct the investigation if needed;
- Provide more flexibility to procedures used during disciplinary by the Chief and Command Staff to allow for settlements that eliminate appeals by Officers; and
- Establishes guidelines to schedule disciplinary appeal hearings within 180 days by both parties

On July 21st, City staff held an online forum that presented information on the Meet & Confer agreement process, as well as outlined the various proposed changes to the agreement. City staff answered questions that were submitted by residents in advance and during the presentation. Based on the data pulled from the system, the video reached 17,173 followers with 8,700 people viewing the video for at least some portion.

The City Manager recommends approval of the Meet and Confer agreement with the Fort Worth Police Officer's Association as currently negotiated.

Please contact Jay Chapa, Deputy City Manager at jesus.chapa@fortworthtexas.gov if you have any questions.

David Cooke
City Manager