

RESOLUTION 16-05 A

**A RESOLUTION TO AUTHORIZE SUPPLEMENTAL HOLIDAY HOURS FOR
UNIFORMED FIRE DEPARTMENT SHIFT PERSONNEL**

WHEREAS, in July 2015, the Spring Hill Board of Mayor and Aldermen (“BOMA”) adopted Ordinance 15-11 which amended the City’s policy for the calculation of vacation time earned by the City’s uniformed Fire Department shift personnel on a 28-day work cycle (“Fire Department personnel”) by redefining the workday for such employees to a 24-hour shift from the previously used 12-hour shift definition of a workday; and

WHEREAS, the effective date of Ordinance 15-11 is January 1, 2016; and

WHEREAS, the implementation of Ordinance 15-11 has resulted in the reduction by one-half (½) of the value of 2015 holiday hours earned but not yet taken for Fire Department personnel that have not taken their 2015 holiday hours prior to January 1, 2016; and

WHEREAS, the intention of this Resolution is to authorize a one-time supplemental holiday time credit equal to holiday hours earned but not yet taken for Fire Department personnel that have not taken their 2015 hours prior to January 1, 2016, to be referred to as Supplemental Holiday Hours Plan (“The Plan”).

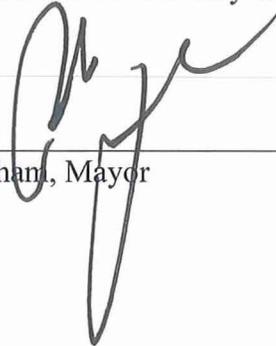
NOW, THEREFORE, BE IT RESOLVED, that the City of Spring Hill Board of Mayor and Aldermen authorizes City staff, and the City Attorney as necessary, to provide and administer Supplemental Holiday Hours for affected Fire Department personnel for holiday hours earned but not taken prior to January 1, 2016; and

BE IT FURTHER RESOLVED, that the key provisions of the Supplemental Holiday Hours Plan shall include, but not be limited to:

1. The Plan shall provide for a one-time holiday hour supplement of an affected employee’s 2015 holidays earned but not yet taken. The time allotted under this provision shall be referred to as “Supplemental Holiday Hours”.
2. Supplemental Holiday Hours shall be available for use on an immediate basis.
3. Use of Supplemental Holiday Hours by Fire Department personnel is subject to Department Head administration approval to ensure appropriate staffing levels are met and budgeted overtime levels are not exceeded.
4. Supplemental Holiday Hours provided by The Plan shall expire on December 31, 2016.

5. All other terms deemed necessary by the City attorney and City staff for legal and/or administrative reasons.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 19th day of January, 2016.



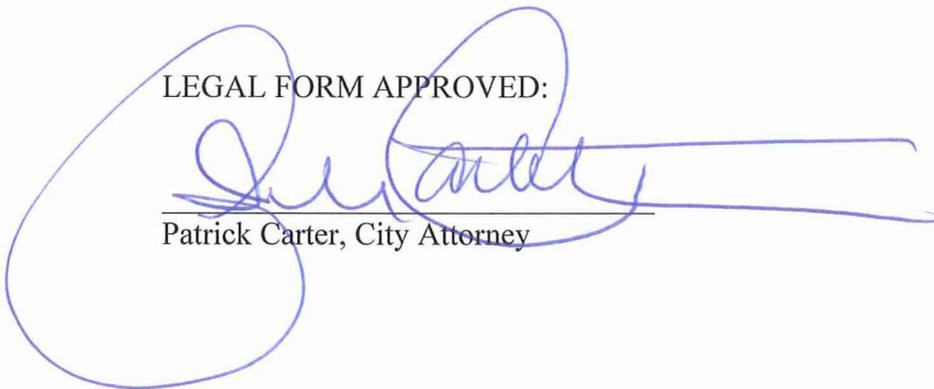
Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney



REQUEST: *Approval of a Supplemental Vacation and Holiday Plan Hours for Uniform Fire Personnel on a 28 Day Cycle*

SUBMITTED BY: Jonathan Duda, Alderman

DATE: 12/30/2015

RE: **Fire Department Shift Personnel Supplemental Vacation and Holiday Plan Hours**

PURPOSE:

This Supplemental Plan would be provided to Uniform Fire Personnel on a 28 Day Cycle. There are two components of the plan that will be addressed: 1) Supplemental Vacation Plan Hours, and 2) Supplemental Holiday Plan Hours. The resolution has been drafted in a form to allow for amendments and to ultimately provide direction to the City Attorney to draft a formal plan agreement reflecting the provisions (*if any*) that the board has arrived at consensus on.

For the Supplemental Vacation Plan Hours, a one-time bonus deposit of Vacation Hours to the accrual bank of each Fire Department Shift Personnel effective January 1st, 2016 would be made. The purpose of the Supplemental Vacation Plan Hours is to recognize the difficulty the changes of administration of Vacation Hours will have on employees and their families, and will also serve to retain and reward these employees who have remained with the City during these changes.

For the Supplemental Holiday Plan Hours, a supplemental deposit to the remaining 2015 Holiday Hours earned (but not taken) for each Fire Department Shift Personnel would be made. The purpose of this deposit is to transition Holiday Hours earned from a 12 hour credit provided in 2015 for a Shift, to 24 hours taken for a Shift effective January 1st, 2016.

BACKGROUND:

In June 2015, the Board of Mayor and Aldermen adopted Ordinance 15-11, amending the Spring Hill Employee Handbook in regards to the Fire Department shift personnel vacation time. The enactment of this Ordinance was adopted with an effective date of January 1, 2016.

Under the Employee Handbook, shift personnel earn and were entitled to use vacation based on the following accrual schedule:



1st to 4th anniversary: 10 hours per month (120 total hours annually)
5th to 9th anniversary: 15 hours per month (180 total hours annually)¹
10th anniversary+: 20 hours per month (240 total hours annually)

Prior to adoption of Ordinance 15-11, administratively, the City would only account for 1/2 of the actual time when vacation was taken, effectively doubling the amount of time that was taken by an employee. With the implementation of Ordinance 15-11, the administration of vacation time taken will equal the actual amount of vacation time taken.

During the period of time where Ordinance 15-11 was debated and voted on, members of the Board expressed concern with the effect an immediate change in the administration of the policy would have on employees and families.

This Vacation Supplemental Plan Hours is an attempt at providing these employees that are effected with a one-time bonus deposit, equal to the accrual amount they would have been eligible for prior to the adoption of this ordinance. For purposes of calculating this amount, a July 1, 2015 date is proposed. These bonus hours would not expire (i.e., if somebody wanted to spread them over 3 to 5 years, they could), which affords the individual employee to manage the use of these hours (subject to minimum staffing requirement, just as other time-off is taken).

As an example: If an employee is entitled to receive 120 hours, but we had effectively administered taking of the time to be 240 hours, we would give that employee a one-time bonus of 120 hours to their accrued hours bank.

Additionally, with adoption of Ordinance 15-11 defining the “workday” as 24 Hours for Uniformed Fire Personnel on a 28 day cycle, Holiday Pay provided by the Employee Handbook has been effected. Under the Holiday Pay provision for Fire Personnel, each personnel receives one additional day of vacation in lieu of the holiday, credited in 2015 at 12 hours for each Holiday. Beginning January 1, 2016, Holiday hours taken will be taken at 24 hours per shift. For personnel who have not yet taken their Holiday hours earned in 2015, the value of those hours will be reduced by half.

The Holiday Supplemental Plan Hours would provide a supplemental deposit to each personnel of their remaining 2015 Holiday Hours earned (but not taken) to provide for a conversion to the 24 hour definition of “workday” effective in 2016.

The resolution has been prepared in a manner that individual provisions can be adopted, amended or removed.

PROVISIONS AS PROPOSED:

¹ Ordinance 15-11 amended the 5th to 9th anniversary accrual rate to increase it to 16 hours per month (192 total hours annually).



- 1) Uniform Fire Personnel on a 28 Day Cycle hired prior to July 1, 2015 are eligible for the Supplemental Vacation Plan.
- 2) Supplemental Vacation Plan Hours are provided as a one-time vacation supplement for affected employees of the number of vacation hours the employee would have been additionally ordinarily eligible for if not for the adoption of Ordinance 15-11 on July 1, 2015.
- 3) Supplemental Holiday Plan Hours are provided as a one-time holiday hour supplement of an affected employee's 2015 holiday hours earned but not yet taken as of January 1, 2016.
- 4) In order to ensure retention of employees, the Supplemental Vacation Plan Hours are made available for use after July 1, 2016.
- 5) Supplemental Holiday Plan Hours are effective immediately as they have been previously earned.
- 6) If an employee does leave, Supplemental Vacation Plan Hours are not eligible to be redeemed for cash. However, Supplemental Holiday Plan Hours are eligible, just as regular unused Vacation Hours are eligible should an employee leave as they are already earned.
- 7) Availability of time taken is subject to Department Head administrative approval, consistent with the ability to take time off under the standard policy (i.e. ability to take time off is subject to administrative approval to ensure minimum staffing levels are met and budgeted overtime levels are not exceeded).
- 8) Supplemental Vacation Plan hours credited do not expire and would not be subject to the maximum carry over provision for regular Vacation Hours of the Employee Handbook.
- 9) Supplemental Holiday Plan hours credited should be used prior to December 31, 2016.
- 10) Additional provisions as required by City Staff to administer the plan.

FINANCIAL IMPACT:

Based on preliminary figures, the total Financial Impact of providing the Vacation Supplemental Plan Hours is 6,720 total hours, or approximately \$112,771. However, we have not yet amended the budget to recognize the reduction in Vacation hours as provided by the adoption of Ordinance 15-11. *Therefore, it is anticipated that the financial impact of this plan does not require a budget amendment.*

The total Financial Impact of providing the Holiday Supplemental Plan is currently being evaluated and will be provided once an accounting of Holiday hours not taken prior to January 1, 2016 can be provided.



Additional costs include drafting of a Plan Agreement by legal counsel, but this cost is expected to be nominal.

ACTION REQUIRED (INCLUDE DEADLINE /PRIORITY):

- 1) Adoption of Resolution by the Board of Mayor and Aldermen authorizing the City Attorney to prepare a Plan Agreement and a final Resolution.
- 2) If the initial resolution is adopted, adoption of a 2nd Resolution once a formal Plan Agreement is prepared is proposed.
- 3) Execution of a Plan Agreement with employees.

April Goad

From: Jonathan Duda
Sent: Wednesday, December 30, 2015 3:48 PM
To: BOMA Group; Rick Graham
Cc: Victor Lay; Dan Allen; April Goad; Billie Gaye Haywood; Patrick Carter
Subject: RE: Resolution
Attachments: Memo BOMA Resolution Fire Department Supplemental Vacation and Holiday Plan vJD3 12-2015.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Mayor Graham and fellow Board Members,

Attached is a memo that I have prepared to accompany the resolution that Patrick had prepared and submitted at my request. It was with thoughtful consideration that I submitted this request as I know this is a difficult issue, and one that has the potential to be divisive. I did my best to incorporate feedback that I had received since introducing this item in November.

My intent with this resolution is that we provide direction to Patrick and Staff regarding two issues related to Fire Department Vacation and Holiday: First, a proposal to provide for a transition of the effect of the change to vacation, and Second, a proposal to allow for a one time bonus for Holiday Hours accrued in 2015 but not yet taken as the hours will be effectively reduced on January 1.

As currently proposed, the resolution, if adopted, would authorize Patrick to prepare a more formal legal agreement. This was intentional as I did not want to expend city resources having a legal document prepared that the board ultimately may choose to not approve.

The language in the resolution is much better at summarizing the proposal. The memo provides more detail, including the purpose, rationale for the proposals, and more information for each of the provisions as proposed.

I welcome any questions or suggestions and I am open to alternatives.

Best,

Jonathan Duda

City of Spring Hill Alderman

City of Spring Hill Planning Commissioner

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Follow me on Facebook: <http://www.facebook.com/jonathan.duda> or Twitter: [@AldermanDuda](https://twitter.com/AldermanDuda)

"Great communities are intentional, not accidental" - Nelson C. Andrews

From: Patrick Carter <pcarter@tgwlawfirm.com>
Sent: Wednesday, December 30, 2015 2:32 PM
To: BOMA Group; Rick Graham; Jonathan Duda
Cc: Victor Lay; Dan Allen; April Goad; Billie Gaye Haywood
Subject: FW: Resolution

BOMA-

Please find attached a proposed Resolution that will be on Monday's agenda for consideration. The Resolution is sponsored by J. Duda. The Resolution has been prepared in such a way that it may be scaled in terms of features if you direct me to prepare a Resolution Providing for Fire department Vacation and Holiday Hours for Uniformed Fire Department Shift Personal.

I am now forwarding this proposed Resolution at J. Duda's request. Please let me know if you have any questions or concerns that can be addressed on an individual basis prior to Monday's meeting.

April-please add to packet as I previously requested that you include a placeholder for this item.

If I do not speak to you please have a safe and wonderful New Year.

Best,

Patrick

Patrick M. Carter

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Please consider the environment before printing this email.

From: Billie Gaye Haywood
Sent: Wednesday, December 30, 2015 2:19 PM
To: Patrick Carter <pcarter@tgwlawfirm.com>
Subject: Resolution