

RESOLUTION 16-05 B

**A RESOLUTION TO AUTHORIZE SUPPLEMENTAL VACATION 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 taken 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; due to the implementation of Ordinance 15-11, Fire Department personnel will use vacation time at two (2) times the time they were using vacation time prior to the adoption of Ordinance 15-11; and

WHEREAS, during the period of time when Ordinance 15-11 was being considered, debated and voted upon, members of the BOMA expressed concern regarding the effect an immediate change in the calculation and administration of vacation time would have on the morale and well-being of Fire Department personnel and their families; and

WHEREAS, the intention of this Resolution is to authorize a one-time supplemental vacation time credit for certain affected Fire Department personnel to ease the transition from the former City vacation policy to the new policy expressed in Ordinance 15-11, to be referred to as Supplemental Vacation 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 Vacation Hours for affected Fire Department personnel to ease the transition from the former City vacation policy to the new policy expressed in Ordinance 15-11; and

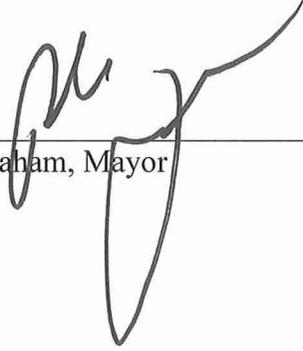
BE IT FURTHER RESOLVED, that the key provisions of the Supplemental Vacation Hours Plan shall include, but not be limited to:

1. Fire Department personnel hired prior to July 1, 2015 shall be eligible for The Plan.
2. The Plan shall provide for a one-time vacation hours 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. Said one-time allotment shall be in addition to such employee’s regular allotted vacation time calculated pursuant to the policy

set forth in Ordinance 15-11 and shall be calculated as of July 1, 2015. The time allotted under this provision shall be referred to as "Supplemental Vacation Hours".

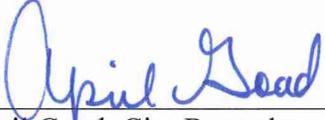
3. Supplemental Vacation Hours shall have no cash value whatsoever.
4. Use of Supplemental Vacation Hours by Fire Department personnel is subject to Department Head administration approval to ensure appropriate staffing levels are met and budgeted overtime levels are not exceeded.
5. Supplemental Vacation Hours shall not expire.
6. Supplemental Vacation Hours shall not be subject to any maximum carry-over provision.
7. 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

jonathan.duda@charter.net | jduda@springhilltn.org

Home: 615.614.1118

Cell: 615.557.8400

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

TISHER, WOLAVER, FREE, CARTER & LYNN, PLLC
809 South Main Street
P.O. Box 1431
Columbia, TN 38402-1431
☎ Phone: (931) 388-8868
☎ Fax: (931) 388-6717
pcarter@tgwlawfirm.com

CONFIDENTIALITY NOTICE: If you have received this email in error, please immediately notify the sender by email at the address shown. This email transmission may contain confidential information. This information is intended only for the use of the individual(s) or entity(ies) to whom it is intended, even if addressed incorrectly. Please delete it from your files if you are not the intended recipient. Thank you for your consideration.

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

Employee #	422 FIRE DEPT					Carry over	
	Department:	Em Hire Date	Leave Code	Earned	Taken	Adjustments	Hours as of 1-Jan-16
1-1187	1	AD 07/26/2006	3-Fire Annual	180.00	276.00	236.50	140.5
	2		VAC-Holiday Fire	96.00	12.00	0.00	84
	3						
1-1326	4	BEI 11/28/2005	3-Fire Annual	240.00	246.00	323.00	317
	5		VAC-Holiday Fire	96.00	24.00	0.00	72
	6						
1-1307	7	BEI 03/07/2007	3-Fire Annual	180.00	224.00	144.00	100
	8		VAC-Holiday Fire	96.00	36.00	0.00	60
	9						
1-1075	10	BO 08/02/2004	3-Fire Annual	240.00	257.00	299.00	282
	11		VAC-Holiday Fire	96.00	0.00	0.00	96
	12						
1-1108	13	BO 10/10/2005	3-Fire Annual	240.00	132.00	180.00	288
	14		VAC-Holiday Fire	96.00	24.00	0.00	72
	15						
1-1360	16	BO 10/01/2008	3-Fire Annual	180.00	228.00	216.00	168
	17		VAC-Holiday Fire	96.00	36.00	0.00	60
	18						
1-1140	19	BR 08/21/2006	3-Fire Annual	180.00	204.00	276.00	252
	20		VAC-Holiday Fire	96.00	0.00	0.00	96
	21						
1-1365	22	BR 01/01/2009	3-Fire Annual	0.00	60.00	252.00	192
	23		VAC-Holiday Fire	96.00	2.00	0.00	94
	24						
1-1617	28	Bu 08/17/2015	VAC-Holiday Fire	48.00	0.00	0.00	48
	29						
1-1044	30	CA 04/28/2006	3-Fire Annual	180.00	144.00	83.00	119
	31		VAC-Holiday Fire	96.00	12.00	0.00	84
	32						
1-1618	33	CaI 08/17/2015	VAC-Holiday Fire	48.00	0.00	0.00	48
	34						
1-1289	35	CU 02/28/2007	3-Fire Annual	0.00	213.50	281.00	67.5
	36		VAC-Holiday Fire	96.00	12.00	0.00	84
	37						
1-1014	38	DA 11/18/2006	3-Fire Annual	180.00	252.00	311.00	239
	39		VAC-Holiday Fire	96.00	12.00	0.00	84
	40						
1-1284	41	DE 08/02/2004	3-Fire Annual	240.00	186.00	132.00	186
	42		VAC-Holiday Fire	96.00	36.00	0.00	60
	43						
1-1325	44	EA 11/30/2008	3-Fire Annual	180.00	180.00	276.00	276
	45		VAC-Holiday Fire	96.00	0.00	0.00	96
	46						
1-1251	47	ES 08/02/2004	3-Fire Annual	240.00	283.00	218.00	175
	48		VAC-Holiday Fire	96.00	0.00	0.00	96
	49						
1-1287	50	EZl 11/29/2008	3-Fire Annual	180.00	36.00	156.00	300
	51		VAC-Holiday Fire	96.00	12.00	0.00	84
	52						

1-1236	53	FIL 05/30/2006	3-Fire Annual	180.00	225.00	132.00	87
	54		VAC-Holiday Fire	96.00	0.00	0.00	96
	55						
1-1007	56	FLI 12/19/2003	3-Fire Annual	240.00	252.00	312.00	300
	57		VAC-Holiday Fire	96.00	0.00	0.00	96
	58						
1-1433	59	FO 08/08/2011	3-Fire Annual	120.00	315.00	259.00	64
	68		VAC-Holiday Fire	96.00	12.00	0.00	84
	69						
1-1090	70	GA 12/17/2003	3-Fire Annual	240.00	228.00	348.00	360
	71		VAC-Holiday Fire	96.00	60.00	0.00	36
	72						
1-1159	73	GL 08/02/2004	3-Fire Annual	240.00	150.00	180.00	270
	74		VAC-Holiday Fire	96.00	36.00	0.00	60
	75						
EMP00009	76	Ha 09/14/2015	VAC-Holiday Fire	0.00	0.00	36.00	36
	77						
1-1092	78	HA 05/16/2005	3-Fire Annual	240.00	252.00	185.00	173
	79		VAC-Holiday Fire	96.00	12.00	0.00	84
	80						
1-1241	81	HIC 07/12/2006	3-Fire Annual	180.00	228.00	126.50	78.5
	82		VAC-Holiday Fire	96.00	36.00	0.00	60
	83						
1-1447	84	HIF 08/18/2014	3-Fire Annual	180.00	144.00	120.00	156
	85		VAC-Holiday Fire	96.00	0.00	0.00	96
	86						
1-1323	89	HU 07/19/2006	3-Fire Annual	180.00	177.00	189.00	192
	90		VAC-Holiday Fire	96.00	0.00	0.00	96
	91						
1-1448	92	JAC 09/06/2011	3-Fire Annual	120.00	36.00	132.00	216
	93		VAC-Holiday Fire	96.00	24.00	0.00	72
	94						
1-1314	95	JOI 08/29/2006	3-Fire Annual	180.00	180.00	204.00	204
	96		VAC-Holiday Fire	96.00	12.00	0.00	84
	97						
1-1398	98	KIF 04/17/2006	3-Fire Annual	180.00	271.75	91.75	0
	99		VAC-Holiday Fire	96.00	12.00	0.00	84
	100						
1-1387	101	KLI 10/30/2006	3-Fire Annual	180.00	276.00	228.00	132
	102		VAC-Holiday Fire	96.00	0.00	0.00	96
	103						
1-1610	104	Lee 05/26/2015	3-Fire Annual	0.00	0.00	60.00	60
	105		VAC-Holiday Fire	72.00	0.00	0.00	72
	106						
1-1588	107	LEC 09/23/2014	3-Fire Annual	120.00	0.00	60.00	180
	108		VAC-Holiday Fire	96.00	48.00	0.00	48
	109						
	111						
1-1019	112	PA 11/28/2005	3-Fire Annual	240.00	132.00	252.00	360
	113		VAC-Holiday Fire	96.00	24.00	0.00	72
	114						
1-1277	115	PEI 04/19/2004	3-Fire Annual	240.00	240.00	240.00	240
	116		VAC-Holiday Fire	96.00	0.00	0.00	96
	117						
1-1578	118	PII 08/18/2014	3-Fire Annual	120.00	84.00	96.00	132

	119		VAC-Holiday Fire	96.00	6.00	0.00	90
	120						
1-1215	121	PI# 04/17/2006	3-Fire Annual	180.00	216.00	48.00	12
	122		VAC-Holiday Fire	96.00	0.00	0.00	96
	123						
1-1219	124	PU 05/16/2005	3-Fire Annual	240.00	310.00	145.50	75.5
	125		VAC-Holiday Fire	96.00	0.00	0.00	96
	126						
1-1160	127	RE# 10/03/2005	3-Fire Annual	240.00	192.00	228.00	276
	128		VAC-Holiday Fire	96.00	48.00	0.00	48
	129						
1-1412	130	SH.05/16/2005	3-Fire Annual	240.00	84.00	192.00	348
	131		VAC-Holiday Fire	96.00	0.00	0.00	96
	132						
1-1434	133	W# 08/08/2011	3-Fire Annual	120.00	185.00	224.75	159.75
	134		VAC-Holiday Fire	96.00	0.00	0.00	96
	135						
1-1619	137	W# 08/17/2015	VAC-Holiday Fire	48.00	0.00	0.00	48

1/6/2016 1:55:22 PM



Years Service as of 7/1/2015	Supplemental Vacation Schedule			Supplemental Holiday Hours	Total Hours Carry over plus Supplemental	Total Days Carry over plus Supplemental
	<1 year	0	Hours			
	1 - 4 years	120	Hours			
	5 - 9 years	180	Hours			
	10+ years	240	Hours			
8	180			84	320.5 168	13.35 7.00
9	180			72	497 144	20.71 6.00
8	180			60	280 120	11.67 5.00
10	240			96	522 192	21.75 8.00
9	180			72	468 144	19.50 6.00
6	180			60	348 120	14.50 5.00
8	180			96	432 192	18.00 8.00
6	180			94	372 188	15.50 7.83
-1	0			48	96	4.00
9	180			84	299 168	12.46 7.00
-1	0			48	96	4.00
8	180			84	247.5 168	10.31 7.00
8	180			84	419 168	17.46 7.00
10	240			60	426 120	17.75 5.00
6	180			96	456 192	19.00 8.00
10	240			96	415 192	17.29 8.00
6	180			84	480 168	20.00 7.00

9	180	96	267 192	11.13 8.00
11	240	96	540 192	22.50 8.00
3	120	84	184 168	7.67 7.00
11	240	36	600 72	25.00 3.00
10	240	60	510 120	21.25 5.00
-1	0	36	72	3.00
10	240	84	413 168	17.21 7.00
8	180	60	258.5 120	10.77 5.00
0	0	96	156 192	6.50 8.00
8	180	96	372 192	15.50 8.00
3	120	72	336 144	14.00 6.00
8	180	84	384 168	16.00 7.00
9	180	84	180 168	7.50 7.00
8	180	96	312 192	13.00 8.00
0	0	72	60 144	2.50 6.00
0	0	48	180 96	7.50 4.00
9	180	72	540 144	22.50 6.00
11	240	96	480 192	20.00 8.00
0	0		132	5.50

		90	180	7.50
9	180	96	192	8.00
10	240	96	315.5	13.15
9	180	48	456	19.00
10	240	96	588	24.50
3	120	96	279.75	11.66
-1	0	48	96	4.00