



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Monday, March 5, 2018**

The Public Safety Commission convened a meeting Monday, March 5, 2018 at City Hall 301 W. 2nd Street in Austin, Texas.

Chair, Rebecca Webber called the Board Meeting to order at 4:00p.m..

Board Members in Attendance:

Rebecca Webber, Chair	Daniela Nunez
Sam Holt	Ed Scruggs
Carol Lee	Brian Haley
Rebecca Gonzales	Noel Landuyt
Kim Rossmo	

Board Member Preston Tyree was not in attendance.

Staff in Attendance:

Troy Gay, Assistant Chief, Austin Police Department
Jasper Brown, Chief of Staff, Austin/Travis County Emergency Medical Services
Aaron Woolverton, Assistant Chief, Austin Fire Department

1. APPROVAL OF MINUTES

The minutes for the February 5, 2018 meeting were motioned for approval by Commissioner Holt and second by Commissioner Haley. **The minutes were approved with a unanimous vote (9 approved 0 disapprove).**

2. CITIZEN COMMUNICATIONS –

- **Carlos Leon** – Austin Public Library – No sleeping
- **Louis Barahona** – Update on Emergency Medical Services Contract #3
- **Eric Chandler** - Item #3
- **Barbara Szalay** – Item #3

3. Update on October 2017 Austin/Travis County Emergency Medical Services contract expiration – sponsored by Commissioner Rebecca Webber

- Tony Marquardt, President of ATCEMS Employees Association
- Selena Xie, ATCEMS Employees Association Representative
- Craig Deats, Attorney with Deats Durst & Owen

Citizens Louis Barahona, and Eric Chandler spoke for 3mins on their personal job experience with ATCEMS.

Commissioner Webber invited Tony Marquardt to begin the presentation. Tony commented he would share an overview of where we (ACTEMS Employee Association) are now and where we have come from, and then I would like to turn the time over to Craig Deats. It has been stated that 67% of the City of Austin's budget is spent for Public Safety Departments. The Austin Travis County Emergency Medical Services only receives about 4.2% of the general fund. Our EMS salaries are below the average market in comparison to other Emergency Medical Services salaries in the country. On October 30, 2017 the City of Austin ended contract talks/negotiations and when we (ATCEMS Employees Association) asked for an extension it was denied which left us without a contract. Within days of the contract ending the city council put in a resolution to protect the pay of the medics in the interim. The current status: we met on February 6, 2018 and we will meet again on March 7, 2018 and we will be asking for a 2% increase in base pay.

Craig Deats was invited to begin his presentation; he commented on Austin EMS Contract Status and presented an economic proposal for Austin Emergency Medical Services. He presented base pay figures for Austin in comparison to Baton Rouge, La, Boston, Ma, Wake County, NC and Williamson County, TX and in all comparisons Austin was at the bottom.

The cost of not having a contract means people are not eligible to promote into the medic 2 ranks until 2 years with the department. Current vacancies are being covered with overtime employees which adds significantly more cost to the city. The City's Transparent Budget Web Application shows that EMS Department has already spent 43.48% of the yearly budgeted civil service overtime, and only one month past the 1st quarter. We will return to negotiations with council on March 7, 2018 and we will ask for a 2% increase. We believe the 2% increase would enable us to give our people something this year and enable them to catch up in subsequent years.

Selena Xie – a ATCEMS Employee Association Representative is a 5 year medic and she shared her thoughts on the salaries (her personal starting salary), and the time it takes to promote. Selena commented she would like for the department to secure a 2% increase and 1 year to promote ability. Her closing comments, ATCEMS is one of the most progressive agencies in Travis County. Our Medical Director is planning for some of the most progressive medicine in EMS and I hope the city is able to attract and retain the talent by paying appropriately and provide the best and progressive care.

Anthony Marquardt ended the presentation with questions and answers from/with the board.

4. Department policies for addressing of harassing workplace behavior by a member of department's executive team – Sponsored by Commissioners Noel Landuyt and Rebecca Webber

Commissioner Webber introduced the topic and asked **Commissioner Landuyt** to weigh in. Commissioner Landuyt commented given the heightened awareness of these situations in the country and high profile cases I think it is a good time to have a refresher course on policy harassment for sworn and unsworn along with leadership individuals as well.

Assistant Chief Troy Gay – directed the board to the copy of the Austin Police Department policy #914 that was included in their back up documents. Assistant Chief Gay reviewed each of the main topics for the board.

- Reviewed the purpose of the policy
- Who can accept a complaint?
- The role of the supervisor
- Who can accept a harassment complaint?
- Internal Affairs investigations of sworn employees and non-sworn personnel

There were questions and comments from Commissioners Haley, Nunez, Rossmo, Landuyt and Webber for Assistant Chief Gay.

There was one follow up request for Assistant Chief Gay to forward a copy of the most recent Harassment Training Packet currently used by Austin Police Department to all board members.

Assistant Fire Chief Aaron Woolverton – provided the Austin Fire Department Policy and Procedure #E202.1 (Harassment Prevention Policy) to all of the board members (back up documentation) prior to his presentation. **Woolverton** commented that two years ago Austin Fire Department rewrote their harassment policy as we realized there was an area that wasn't really covered (sexual/relationship harassment). We wrote a sister policy to go along with the harassment policy. Harassment in the workplace is handled/investigated by our Professional Standard Office (SPO). Sexual Harassment is actually investigated by HRD (Human Resource Department, City of Austin). The rest of the policy talks about reporting harassment and who is required to report harassment. The supervisor is always responsible for reporting harassment as soon as it is brought to their attention. **Commissioner Webber** asked him the same question she asked Assistant Chief Gay for the police department, how does a subordinate address investigating a superior? **Woolverton** responded that AFD has Internal Affairs to handle some of the investigations and those are high ranking officers. If it is a sexual harassment charge then City of Austin, Human Resource Department handles the investigation. In the past we have referred some of our high ranking harassment case to Austin Police Department. There were no further questions from the board and Jasper Brown, Chief of Staff; EMS was next on the agenda.

Chief of Staff, Jasper Brown – began his presentation by referencing each question submitted by the board concerning harassment in the workplace and linked the answer to each appropriate policy. Copies of the policies were provided to all board members as well.

The policies were:

202- Responsibility to Coworkers

200 - Individual Responsibilities

205 - Internal Investigations

HR-01.07.02 – Administrative Investigation Procedures for Sworn Personnel

COS Brown addressed each question individually and entertained questions and comments from the board members such as:

Does the department protect the identity of anonymous reporting? **Commissioner Nunez**

- Yes, we do and when there is an Open Records Request we redact all names and then the information is reviewed by our Law Dept before being released.

It seems that when it comes to the investigation of a case the Chief has a lot to say on how and who will conduct the investigation. Is that correct? **Commissioner Webber**

- Yes, that is correct for all three departments

Maybe Austin Police department could consider having Texas Rangers handle their investigations when it comes to your own staff in an effort to show the investigation is not partial. **Commissioner Holt**

Maybe the City Auditor's office could be considered for some of the investigations?
Commissioner Webber

Commissioner Landuyt –shared the UT Harassment Policy and commented it was fairly extensive policy. He provided the policy as a comparison of a local large organization.

Commissioner Webber – may draft a recommendation to bring back to the board. The recommendation language may ask that the harassment cases not be handled on a case by case basis.

Commissioner Gonzales agreed that all of the departments need to have consistent policies, because currently they are not at all connected.

5. Fleet update regarding carbon monoxide exposure of APD officers caused by APD Ford Explorers- Sponsored by Commissioner Edward Scruggs

Commissioner Scruggs introduced this item and explained his reason for asking for an update. It's been about a year since the incident happened with the vehicles and I wanted sort of a quick synopsis of what happened and where are we now? **Assistant Chief Newsom** commented – March 2017 was our first incident with carbon monoxide exposure. Since that time there were different detectors paper and electronic devices placed in the vehicles to improve detection process. There were 30 cases where the alarms sounded and after 30 of those calls a decision was made to pull all cars until we got a better handle on the situation. There were 332 vehicles pulled off line and went to Fleet. This started a project with Ford on trying to solve how it started and how to move forward. Per, **Jennifer Walls**, Director of Fleet Services, we also worked with the National Highway Safety Administration to resolve the issue.

We started getting the cars returned to us at a rate of about 30 a week. Approximately 170 cars have come back and we have an exhausted protocol that we go through once they are back with City of Austin. Commissioner wanted to know what caused the problem in the first place. Has there been any compensation offered by Ford? How long does it take to repair one of the vehicles?

Jennifer Walls stated the problem was fixed with the sealing of the back half and the sawing down of tailpipe on the vehicles. Ford has covered the cost of all repairs, however for additional information on compensation that would have to come from the Law Department. We are looking to have all cars back by June 2018. One of Fleet department's plans going forward is to have a diverse fleet going forward.

Commissioner Webber and Commissioner Scruggs agreed to bring this item back at a later date to hear the overall cost to the City of Austin as a result of the malfunctioning vehicles and if Ford is being pursued to cover the cost.

The board commended Austin Police and Fleet Services for a job well done.

7. Formation of a working group regarding security at schools and other public facilities –
Sponsored by Commissioner Scruggs

Commissioner Scruggs asked for a working group in light of the recent schools shootings. It's time for us to look at getting some proactive plans/training before something happens. We need to work with our emergency service personnel and our immediate focus would be on the school district and emergency services. **Commissioner Gonzales** has agreed to be a part of the group; **Commissioner Webber** motioned to form a working group and **Commissioner Haley** second. Webber asked for discussion before taking a vote. **Commissioner Holt** commented he wanted to join the working group. A vote was called for the three member working group.

VOTE WAS UNANIMOUS (9 approved and 0 disapproved)

8. Meeting adjourned @ 6pm