



## MEMORANDUM

TO: Mayor and City Council Members

FROM: Spencer Cronk, City Manager *sc*

DATE: November 9, 2018

SUBJECT: Austin Police Association Meet and Confer Tentative Agreement

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I am pleased to inform you that late yesterday, negotiating teams for the City and the Austin Police Association (APA) reached a Tentative Agreement (Agreement) on a new, four year Meet and Confer Agreement. The following attachment provides a summary of the significant provisions of the Agreement.

I would like to recognize the commitment exhibited by both negotiating teams to reach a fair and mutually beneficial agreement that I believe is both fiscally responsible and makes enhancements to civilian oversight of the Austin Police Department that will increase transparency and accountability. This Agreement will benefit our entire community and continue to support our 1,929 uniformed men and women that will be impacted by this Agreement.

The APA will conduct a membership vote that should be concluded by 10:00 a.m. on Thursday, November 15. Should the Association membership approve the Agreement, I am recommending that Council approve this Agreement at your November 15 Council meeting.

As our community grows, our approach to safety, accountability and transparency must evolve as well. Consistent with your direction, we have identified three pillars that are critical for this transformation: establishing the City of Austin's Office of Police Oversight, clearly identifying the future staffing needs for the Police Department, and finally, the provision within this Agreement.

I look forward to our continued work together to support these efforts.

cc: Executive Team

Brian Manley, Chief of Police

Farah Muscadin, Police Monitor

Deven Desai, Chief Labor Relations Officer

Attachment: APA Meet and Confer Tentative Agreement Executive Summary

**Austin Police Association Meet and Confer Tentative Agreement**

*Executive Summary*

**1. Term of the Agreement**

The Agreement begins on the date Council approves it and ends on September 30, 2022. Should the Agreement expire without a new Agreement in place, the terms of this Agreement shall remain in effect until a new Agreement is ratified, but no later than March 31, 2023. This guarantees the City the ability to use Assessment Centers in the promotional examination process anticipated for December 2022 and January 2023.

**2. Civilian Oversight of the Austin Police Department**

In accordance with Council Resolution 20180322-047, the City was able to negotiate the following enhancements to the civilian oversight process:

- The City may create an Office of Police Oversight and a Community Panel/Board that will have access to confidential police department files necessary to perform their functions under the Agreement.
- The Panel will review critical incidents as well as any other tasks or duties assigned to it by the City Manager that are not inconsistent with the Agreement. The definition of a critical incident has also been greatly expanded in the Agreement.
- The City may accept and investigate anonymous and non-sworn complaints.
- The Director of the Office of Police Oversight may be the complainant.
- The Office of Police Oversight may make recommendations to Internal Affairs on the classification of external complaints, and those recommendations will be made public.
- The Office of Police Oversight and Panel may make non-binding disciplinary recommendations on critical incidents, which will be released in their entirety after a disciplinary decision has been rendered by the Chief, even if no discipline was imposed. Redactions that are required by state or federal law will still be required but the 143.089(g) exception will no longer apply.
- The Agreement provides for the release of the Office of Police Oversight and Panel recommendation in their entirety on other subjects (e.g. Department policies and procedures that warrant review and/or change).
- The responses from the Chief of Police to Office of Police Oversight and Panel recommendations are public.
- Panel members will no longer be required to view case files at the Office of Police Oversight office, but rather, at any secured City facility.
- The Director of the Office of Police Oversight may provide detailed information to the complainant during a close-out meeting.
- The Agreement provides for the creation of a mediation process.
- The Association has agreed to dismiss its lawsuit regarding access by the Police Monitor to confidential APD files.

### 3. Hiring

Rather than being limited to a written test based upon a score of 100%, the City may hire new officers using the following criteria, which promotes diversity:

- The Chief establishes the eligibility requirements for cadets.
- There is no written entrance examination.
- A structured oral interview board is used.
- Allows for a modified hiring process for experienced officers with a shorter academy.
- Extends the probationary period of a new hire to 15 months from date of first assignment upon graduation from the academy.
- The hiring list is valid for 24 months.

The Agreement allows the City to establish an internship program with high school and college students who may attend the academy after they have completed their educational requirement. Interns who successfully complete the program will be placed at the top of the hiring list. Up to 38% of an academy class may consist of interns.

### 4. Promotions

Rather than being limited to a written test based upon a score of 100%, the City may promote using the following criteria:

- Must pass the written examination with a score of at least 70%.
- Promotion to Corporal and/or Detective requires 4 years continuous service in the classification of police officer.
- Increases seniority points added to the written test score from 10 to 15 for Corporal and/or Detective.
- Seniority points replaced by points for years of service in rank up to 7 for Sergeant and 5 for Lieutenant and Commander.
- Optional Assessment Center or Technical Skills Evaluation for Sergeant, Lieutenant, and Commander.
- Incorporates the Chief's statutory right to bypass an officer for promotion.
- The eligibility lists are valid for 24 months.

### 5. Annual Wage Provisions and Costs

<b>Fiscal Year</b>	<b>Wage Increase</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
FY 2018-19	1%, effective 12/23/2018	\$1.6 M	\$1.6 M	\$1.6 M	\$1.6 M
FY 2019-20	2%, effective January 2020		\$3.8 M	\$3.8 M	\$3.8 M
FY 2020-21	2%, effective January 2021			\$4.5 M	\$4.5 M
FY 2021-22	2%, effective January 2022				\$4.6 M

4-Year Cumulative Contract Cost:

Base Wages	\$31.4 M
Budgeted Step Pay	\$13.2 M
<b>Total</b>	<b>\$44.6 M</b>

## **6. Stipends and Leave**

- Reduces Court time compensation when off-duty from 4 hours to 3 hours.
- The Agreement does not change the amounts from the previous (2013-17) Agreement for Longevity Pay, Field Officer Training Pay, Mental Health Pay, Bilingual Pay, Education/Certification Pay, Shift Differential Pay, or On-Call or Call-Back Pay
- Vacation Leave is no longer productive time for overtime purposes.
- Increases service time from 12 years to 16 years to be eligible for a sick leave payout upon separation.
- For employees with less than 16 years of service, no sick leave payout upon separation.
- For employees hired after the effective date of this Agreement, sick leave payout upon separation is capped at 900 hours with 16 years of service required.
- Reinstates the Sick Leave Donation program for sworn employees

## **7. Investigations & Discipline**

- Eliminates the reduction of a 3-day suspension or less to a written reprimand.
- Provides that if the act of misconduct is allegedly related to criminal activity, the 180-day statutory period to suspend the officer begins on the date the Chief or an Assistant Chief becomes aware of the conduct.

## **8. Property Tax Cap Provision**

Should the Legislature enact a property tax cap that modifies the City's budgetary and revenue authority such that the City's anticipated revenues are impaired, the Agreement allows the City Council to make a proportionate adjustment to any additional costs in the Agreement after meeting and conferring with the Association regarding those adjustments.

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