ORDINANCE NO. 20230223-061

AN ORDINANCE ESTABLISHING PAY AND BENEFITS FOR OFFICERS OF THE AUSTIN POLICE DEPARTMENT AND ESTABLISHING AUTHORITY OF THE OFFICE OF POLICE OVERSIGHT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Council finds:

A. The current meet and confer agreement between the City and the Austin Police Association (the "APA") effective as of November 15, 2018 (the "Current Agreement") will expire on March 31, 2023.

B. Despite best efforts of the City and the APA, there is a likelihood that the parties will not reach agreement on a successor to the Current Agreement before its expiration on March 31, 2023.

C. In Resolution No. 20220915-091 the Council established a City policy to continue the current pay and benefits for APD officers for a limited time, including payout of sick leave hours upon separation, in the event the Current Agreement expires without an approved successor agreement in place.

D. In light of significant staffing concerns within the Austin Police Department ("APD"), and in order to maintain effective recruiting and retention of APD officers and continuity of pay and benefit practices while the City and the APA continue to seek a successor to the Current Agreement, it is necessary to provide wage and benefit stability for the officers covered by the Current Agreement to the extent not inconsistent with state civil service laws.

E. The City's Office of Police Oversight ("OPO") is integral to a robust and effective civilian oversight program and to the City Manager's Charter authority to supervise, direct, and manage APD.

F. Clearly establishing the authority of the OPO as an investigator permitted by state law to review allegations of police officer misconduct, and establishing the OPO as an independent resource for both residents and APD officers to make anonymous complaints alleging misconduct by APD officers, are necessary and healthy components of the City's civilian oversight program for APD and implement important community values and expectations of Austin residents.

PART 2. Except as provided in Part 3 of this Ordinance, and unless otherwise prohibited by state law, the following pay and benefit provisions of the Current Agreement shall continue in effect until either the effective date of a successor meet and confer agreement or other Council action inconsistent with this Ordinance, whichever comes first:

A. Base wages as provided in Article 7, Section 1(d) of the Current Agreement;

B. Special pays as provided in Article 7, Sections 2, 3, 4, 5, 6(b), 7, 8, 9, and 10 of the Current Agreement;

C. Overtime and other assignment pay as provided in Article 8, Sections 1, 2, 3, and 4 of the Current Agreement;

D. Sick leave pay upon separation as provided in Article 9, Section 3 of the Current Agreement; and

E. Christmas holiday, vacation leave and sick leave accrual rates and caps as provided in Article 10, Sections 1, 3, 4, and 5 of the Current Agreement.

PART 3. The City Manager is directed to develop and implement by no later than March 31, 2023, a program to address the current and projected shortage of police officers within APD that includes the following compensation elements:

A. A base wage rate increase for all APD officers below the rank of Assistant Chief;

B. A set of financial incentives paid when new cadets:

1. Join an APD cadet training academy;

2. Complete an APD cadet training academy;

3. Complete APD field training; and/or

4. Successfully complete the APD probationary period;

C. A financial component to incentivize current APD officers to remain with APD;

D. A financial component for APD officers that incentivizes the Austin Police Association to resume immediately good faith bargaining for a new meet and confer labor agreement with the City; and

E. A residency incentive program for officers living in the City of Austin that should consider but not be limited to toll exemptions, utility assistance, lease of rental unit assistance, childcare assistance, residency stipend, and home purchase assistance.

The City Manager is further directed to bring to the Council for consideration any elements of this program that require Council approval.

PART 4. Parts 2 and 3 of this Ordinance shall become effective if and only if the Current Agreement expires without an approved successor agreement, and shall remain in effect until either the effective date of a successor meet and confer agreement or March 31, 2024, whichever comes first.

PART 5. The Director of OPO and such other OPO personnel as identified by the Director are designated as investigators under Section 143.312 of the Texas Local Government Code and may receive and investigate misconduct complaints against APD officers, including anonymous complaints from APD officers or local residents, as permitted by state law.

PART 6. The Director of OPO and such other OPO personnel as designated by the Director shall have independent and unfettered access to APD personnel, records, and processes necessary to carry out the functions and responsibilities in Part 5 of this Ordinance, including without limitation access to APD records maintained under Section 143.089(g) of the Texas Local Government Code.

PART 7. This ordinance takes effect on March 6, 2023.

PASSED AND APPROVED:

February 23, 2023

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Kirk Watson
Mayor

APPROVED:

Anne L. Morgan
City Attorney

ATTEST:

Myrna Rios
City Clerk