

Side Letter of Agreement
Between
City of Fresno
and
Fresno Police Officers Association

The City of Fresno and the Fresno Police Officers Association (FPOA), representing Unit 4, Non-Management Police, have met and conferred, and have agreed to patrol matrix schedule changes and changing patrol matrix minimum staffing to patrol matrix preferred staffing. Section 7.13 shall be modified as follows in bold:

7.13 HOURS AND WORK SCHEDULES, MATRIX ASSIGNMENTS, DUTY OFFICE, NON-MINIMUM STAFFING, POLICE RESOURCE OPTIMIZATION SYSTEM, ABSENT WITH SUBSTITUTE AND PROXIMITY DETAIL

7.13.01 Hours and Work Schedules:

- (1) All members will be assigned to an eight (8), ten (10), or twelve (12) hour day as directed within this MOU. All shifts will include a paid thirty (30) minute meal break. If a member is unable to take their meal break due to work load, the member may complete an OTTO (Over Time, Time Off form) for thirty (30) minutes of straight time from the Vacation Time account. Members must notify their supervisor for OTTO approval if they are unable to take a meal break. If a member's meal break is interrupted due to work load, they may complete their meal break at a later time or complete an OTTO with supervisor approval. Meal breaks may not be taken within the first and last hour of a shift without supervisor approval.
- (2) Unless specifically modified in writing by the parties, a work week consists of four (4) ten-hour work days, completed beginning 0001 hours on Monday and ending on 2400 hours the following Sunday. Days off will be scheduled consecutively.
- (3) The work day shall be ten (10) work hours unless specifically modified in writing by the parties. Except as provided below for Task Forces, and as provided in Section 7.14.03 for Traffic Officers, uniformed personnel shall work a 10-hour work day.
- (4) Based on the needs of or significant benefit to the department, the Chief of Police may apply a "5/8" schedule to specified units outside of patrol matrix duties, either:

With the concurrence of the affected personnel, or

With thirty (30) days notice to affected personnel, on the condition that said affected personnel who wish to remain on a 4/10 schedule will be allowed to return to a patrol shift consistent with their seniority. In addition, affected members may be considered, at management's discretion, for transfer to another special unit with a 4/10 schedule.

- (5) Members who are assigned to training may be assigned on a 5/8 basis, to accommodate the training schedule. The department will make every effort not to schedule any member to training which will conclude immediately prior to the member's four or five-day work period.
- (6) The department has established a base work schedule for members assigned to Tactical Units that consists of a work week of five (5) ten-hour days followed by a week of three (3) ten hour days or vice-versa, with a total of six (6) days off during the two work weeks. Tactical Unit Officers and Sergeants will revert back to the 4/10 work week, at the discretion of the department. The decision to discontinue this work schedule and revert back to the 4/10 work week is not appealable or grievable.

7.13.02 Patrol Work Schedule/Matrix:

- (1) A 4/10 work week **or a platoon schedule** will be in effect for personnel assigned to day, swing, **and midnight** shifts for patrol matrix duties. The base work schedule for members assigned to the **swing and midnight** shift on patrol matrix duties will consist of a "**platoon schedule**" work week of five (5) ten-hour days followed by a week of three (3) ten hour days or vice-versa, with a total of six (6) days off during the two work weeks. * * * **Members will sign up for Monday and Tuesday off or Thursday and Friday off and receive every other weekend in conjunction with their selected days off. Day shift will have a blended schedule of fixed days off, rotating days off, and will include up to half the shift assigned a platoon schedule. The platoon schedule will be in effect for one patrol matrix year. No less than (60) days prior to the patrol matrix signups, the department and the FPOA will meet and evaluate the platoon schedule. At the end of the patrol matrix year, the department may assign the entire day shift to a platoon schedule, but not without the concurrence of the FPOA. The department or the FPOA may cancel the platoon schedule at the end of the**

patrol matrix year, at which time the patrol matrix schedule will revert back to the previous MOU language and a 4/10 schedule of fixed and rotating days off.

* * *

- (2) **Dayshift** Scheduling will consist of both fixed days on and off as well as rotation of days on and off. No member shall be scheduled to work for more than forty (40) hours in any work week **except those assigned to a platoon schedule.**
- (3) A minimum of 20% of the available positions will be assigned to fixed days on and off, and all other positions will have rotating **days off. For the purposes of determining the 20%, the department and FPOA agree that the platoon schedule is considered fixed days off.**
- (4) Patrol Matrix sign-ups are in the month of December. Every 12 months, all work assignment positions in the patrol matrix shall be declared open for the purpose of bidding by Sergeants, **Corporals**, Specialists, and Officers according to date of hire as a Police Officer, or in the case of Sergeants, the date of promotion, for the district preference, shift assignment, and days off and on. For the purpose of bidding, Sergeants will precede Officers, **Corporals, and Specialists.**
- (5) Any member who is absent at the time of bidding is solely responsible for obtaining and reviewing the matrix drafts and instructions, and for securing a proxy to represent him/her during the bidding process.
- (6) Personnel assigned to patrol who are on injury or other absence status seven days prior to bidding will not be allowed to participate.
- (7) At the time of bidding, the number of shifts available for Officer/**Corporal**/Specialist/Sergeant bid shall be equal to the number of member positions allocated to the patrol matrix. Personnel assigned to patrol who are on injury or other absence status shall not sign up for a patrol shift. Upon return of a member to patrol duty status, the member will make a selection from the original matrix commensurate with the member's shift/district/days off. It is understood that this may result in duplication of an assignment.

- (8) Nothing in the preceding sub-sections precludes moving probationary employees.
- (9) Assignments as a result of the bidding process will begin on the first day of the first pay period following January 1st of each year. During the 12-month assignment cycle, if a hardship exists, a special request for a change in district and/or shift can be submitted. A member may submit one request during a twelve month assignment cycle. The request will be considered based on the needs of the department. A response will be issued to the member within thirty (30) calendar days. Barring a training need, approved requests may be honored once a vacant position that addresses the hardship becomes available.
- (10) Probationary Police Officers, **Sergeants** or Recruits may not be permitted to bid for positions but may instead be assigned to a district, shift and detail. With a 28-day notice, these Officers may also be subject to district and shift reassignment.
- (11) Police management reserves the right to designate specific detail numbers for probationary Officers and Recruits to prevent the concentration of probationary personnel on any given shift in a given district. Any such allocation will apply only to swing, lap, and/or midnight shifts, and will be accomplished in such a manner as to ensure balance of probationary employees between policing districts and shifts. Subject to the aforementioned considerations, police management may also designate certain detail numbers as "not available for sign-up" based upon the anticipated deployment of any Officers or Recruits in the Training Program at the time of the matrix bidding.
- (12) Police management reserves the right to determine the allocation, by shift and district, of **Corporal assignments** based upon the needs of the department. Any **Corporal** who elects not to participate in the matrix as a result of these allocations shall declare his/her intention in writing no later than two calendar weeks prior to the matrix bidding process.

7.13.03 Patrol Schedule Exploratory Committee - There is created a Patrol Schedule Exploratory Committee. The purpose of this committee will be to research various patrol scheduling systems in an attempt to develop a schedule that will allow for on-duty training of patrol personnel while still meeting minimum staffing needs. This committee will be composed of

members selected by the Chief of Police or designee and the Association. The recommendation of the committee will be advisory to the Chief of Police.

7.13.04 Duty Office:

- (1) Officers assigned to the Duty Office may be scheduled to work a modified "3/12" schedule consisting of three (3) twelve (12) hour work shifts one week, followed by three (3) twelve (12) hour work shifts and one (1) eight (8) hour work shift the next, or vice versa.
- (2) Officers working in the Duty Office not scheduled on a "3/12" basis will be scheduled on a "4/10" basis.
- (3) Work schedules will contain specific hours and day off patterns established and/or modified by agreement of Police Department Management, acting on behalf of the City, and the Association, acting on behalf of the affected members.
- (4) Hours worked in excess of the scheduled eight (8), ten (10) or twelve (12) hour work shift, or in excess of the scheduled thirty-six (36), forty (40) or forty-four (44) work week, will be compensated as overtime.
- (5) Either the City or the Association may discontinue this section with thirty (30) days written notice to the other party. The decision to discontinue this agreement is not grievable or appealable. Discontinuation of this section will result in the reinstatement of all schedule and overtime provisions existing in the current MOU.

7.13.05 Non Patrol Matrix * * * Staffing - Flexing of Hours:

To accommodate the personal needs of members and to create the best working environment, given the context of a police department whose primary goal is service to the community, members assigned to **Units outside of the patrol matrix * * *** may request and be assigned flexible hours of work. The member's Supervisor may adjust hours of work under the following conditions:

- (1) The operational needs of **units outside of the patrol matrix** shall be the primary concern for a Supervisor when determining a request for flexing of hours.

- (2) A Supervisor may grant a member's request to flex hours up to one (1) hour before or after the standard shift hours beginning at 0700 and ending at 1730.
- (3) The occasional granting of a flex schedule pursuant to this subsection will be only for specific qualified purposes as determined by a Supervisor. Examples of a specific qualified request by a member may include attending his or her child's baseball game, a doctor's appointment, meeting someone who is arriving at the airport, or some other qualified event.
- (4) Granting a long-term flex schedule shall require concurrence of the Bureau Commander. Examples of the need for a long-term flex schedule may include home nurse care for a spouse and the need to relieve the care giver, circumstances involving a "special needs" child, continuing education, or some other qualified event.
- (5) A Supervisor may require the members to decide amongst themselves who is to be granted a flex schedule. The decision by the members shall be by mutual agreement. If the members are unable or unwilling to make such decision, the Supervisor shall have the discretion to make whatever decision he or she deems appropriate.
- (6) With the concurrence of the Bureau Commander and in lieu of granting a flex schedule, a Supervisor may offer to a member the option of a fixed 5/8 schedule with the hours of 0730 to 1600, for a minimum of thirty (30) days.
- (7) In order to meet departmental operational and service needs, a Supervisor may terminate, at any time, a member's flexed schedule upon thirty (30) days written notice to the affected member. The decision to discontinue a flex hour schedule is not appealable or grievable.

7.13.06 Staff Wizard/Corona Solutions:

The department and FPOA agree to create preferred staffing in lieu of minimum staffing. Preferred staffing is defined as a staffing level for patrol matrix shifts and policing districts determined by the Chief of Police or his/her designee that meets the needs of the department, the safety needs of the community, and follows the terms and conditions set below. Preferred staffing will be reviewed annually, with the department and FPOA meeting no less than thirty (30) days prior to the annual patrol matrix signups. Both the

department and the FPOA must agree to continue preferred staffing or the MOU will revert back to the prior minimum staffing language.

The department may utilize Staff Wizard/Corona Solutions in the deployment of patrol personnel (policing districts). Deployment is inclusive of the number and scheduling of shifts, the number and configuration of policing districts, members assigned to each shift, and the day off configuration and/or rotation of days off. Data used to develop Staff Wizard/Corona Solutions recommendations at the beginning of each matrix period, and the resulting district and shift **preferred** staffing levels will be based on the number of personnel assigned to the patrol matrix who are not expected to be on injury or other absence status longer than thirty (30) days into the matrix period.

Staff Wizard/Corona Solutions recommendations can be implemented up to a maximum of two (2) times in a fiscal year provided that all affected members receive the change that will occur at sign-ups. No shift shall start before 0600. Although Staff Wizard/Corona Solutions may recommend Summer/Winter base shift hours, management reserves the right at any time to adjust those hours with five (5) calendar days advance notice based on operational/service needs.

The department reserves the right to determine initial **preferred** staffing levels in patrol, by shift and district, at the beginning of the matrix period.

During the course of the matrix period, the department may review and **adjust preferred** staffing levels. * * *

The Association will designate a representative who will participate in the process of determining annual Staff Wizard/Corona Solutions recommendations.

These provisions will take effect on January 9, 2017. These provisions will expire on June 30, 2017, unless the FPOA and City mutually agree to extend this agreement in writing.

FOR THE FRESNO POLICE
OFFICERS ASSOCIATION:

FOR THE CITY OF FRESNO:

JACKY PARKS
FPOA President

KENNETH G. PHILLIPS
Labor Relations Manager

JERRY DYER Police Chief

Date: _____

**APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE**

BY: 

Assistant City Attorney