

# Seguin Prof. Firefighters Association– Additional Chapter 143 Facts Regarding Costs and Other Data

## General Assumptions and Findings

**The total cost estimate for the first year is \$111,850.00.** However \$41,100.00 of this amount could be subject to overtime at time and one half if it is necessary to call back personnel due to staffing considerations. Because the \$41,100.00 is **(potentially)** being paid, the overtime increase would be one-half of that amount, or \$20,550.00. Addition of this amount brings the total cost to \$132,400.00. Due to missing data, there are also no calculations related to employment such as TMRS, FICA, Health Insurance or other non-salary benefits. **So the worst case scenario, the total cost estimate would be 132,400.00**

The city's **current** liability of sick time, vacation time etc. before civil service is 560,000. So when they tell you the tax payer that it is going to cost 600,000-700,000, they are not telling you that they are already liable for 560,000 of that with the current policies that are already in place.

## Vacation

### **Current**

Out of 47 total full time fire fighters:

23 receive 120 hours of vacation each year

16 receive 180 hours of vacation each year

8 receive 240 hours of vacation each year

### **Under Chapter 143**

Using the date of employment from the Texas Commission on Fire Protection website, specific data was used in this model. 23 fire fighters will receive 180 instead of 120 hours each year.  $180 - 120 = 60$  hour increase

$60 \text{ hours} \times 23 = 1380$  hour increase or the equivalent of  $\frac{1}{2}$  a fire fighter's salary or \$29,500 per year, based on the salary from the City's "Impact" paper.

The city has stated that under Chapter 143 vacation must be used every year with no allowance for rollover which is currently in place. **Under 143, vacation may be carried over from year to year. (Local Government Code §143.046(c))**

## Sick Leave

Sick leave is provided for under §143.045. The City's Impact paper has two major flaws. To begin with, the sick leave accrued after the implementation of Chapter 143 may be treated differently from the sick leave accrued prior to that date. An old court case (which is still valid) indicates that the prior leave is not counted for the purpose of separation pay. See, Austin Fire and Police Departments v. City of Austin, 149 T 101, 228 SWd 845 (copy provided). Secondly, a city may require that a person who is injured or ill must use sick leave accrued after the date of implementation before using sick leave earned prior. **This significantly reduces the City's first year exposure** from, using the scenario in their Impact paper (item # 2), from three fire fighters leaving with 90 days each, to 15 days each at a maximum. If post implementation sick leave is used when a person is ill, this number goes down from 15 days. If you take 3 fire fighters x 90 days it equals 270 days total. Using the correct numbers however, with each person earning 15 days the amount becomes 45 days or less. 45 days times 12 hours equal 540 hours. In money that's about \$11,600.00. **This greatly reduces the numbers that the city has published in their impact paper. The city is adding their current (already budgeted) liability to the total cost of civil service.**

## Part Time Fire Fighter Issue

If the City complies completely with the statute, the use of part time fire fighters is not permitted. Based on the Texas Commission on Fire Protection website, there are currently ten part time fighters being utilized. Under Government Code §419.0321(e) (2), a part time fire fighter can only be utilized for a maximum of 500 hours per year. §419.0321(f) restricts the use of part time fire fighters for the limited purpose of filling vacancies due to vacation, illness, injury or administrative leave. This sub-section further provides that part time fire fighters may not be utilized in a manner "that will cause a reduction in the number of authorized full time positions in the fire department". Assuming that the city is complying with (f), and based on the TCFP data, part time fire fighters may only be used for a maximum of 5000 hours per year. This equals a little over \$107,000 to add 1.82 additional full time personnel. Assuming the City pays the part time fire fighters Federal minimum wage, this is also reduced. \$7.25 times 5000 hours equals \$36,250.00 for an increase of \$70,750.00.

Furthermore Part Time Firefighters are just that part time. They are not required to be Firefighter/Paramedic like full time staff are, they don't fall under the required 20hrs of training per month, they are unfamiliar with our target hazards, they are unfamiliar with our equipment, unfamiliar with how we provide EMS, and not all of them are familiar with the area. As a taxpayer you should want a Firefighter/Paramedic that works here full time, takes pride in their job, knows the area, and knows the equipment. Someone that wants to work a long career here! **You as a taxpayer deserve the best possible Firefighter/Paramedic working here.**

## **Remaining Propaganda**

The truth is that the estimate for the increase in legal expenses and for salary/benefits/office equipment and supplies for an added administrative staff person is totally optional for the City. They could hire an attorney to provide resources to the City and the Civil Service Commission and the same holds true for the administrative position. However, the bigger truth is that Chapter 143 requires neither.

All the City has to do is provide a meeting place for the Commission such as the Council chamber and storage for records. In most Cities the in house city attorney is adequate to provide legal resources. The administrative function is (99 times out of 100) handled by an existing city employee. Although getting the initial rules and procedures in place will take a degree of work, in no case should this come to the point of requiring an extra full time or a part time employee.

The city has stated that *“a penny on Seguin’s .46 cents per \$100 tax rate is about \$112,000. The city’s property tax on a home with \$100,000 of taxable value is \$460. If civil service is approved by voters, city officials estimate the property tax would go up about 6 cents to .52 cents per \$100 would be \$520 — an increase of \$60 per year”*. **Civil Service has been in existence since the 1950’s and no city has ever had to raise taxes to pay for it.** Again the city is adding their current liability to it employees into the total cost. If taxes go up, it won’t be due to civil service. The city is using a tax increase as a scare tactic to get you to vote against this. There are only two things guaranteed in life, death and taxes. As a taxpayer your taxes are going to go up. But they are not going to go up because of Civil Service. They just want you to believe that!

The city has talked about “Division of City Staff”, the truth is that we are already divided. After the last salary survey all public safety personnel were put on a different pay classification than the rest of the city employees. Firefighters are the only city staff that spends the night or “lives” in a city building. Each Firefighter spends a minimum of 120 24hr days a year at the fire station. Other city employees are salary or paid hourly and work on a 40hr work week getting overtime or call in pay for anything over 40hrs. Firefighters are on a 56hr work week, not a 40hr week. Public safety personnel are held to much higher moral standards than non public safety personnel.

During the last 5yrs, over 25 Firefighter/Paramedics have left the City of Seguin Fire/EMS Department for other opportunities. Some have left to go to other Fire Departments (mainly New Braunfels and San Antonio), both of which are civil service, and some have left the fire service to pursue other careers. In other departments that have civil service in place, they usually have anywhere from 100-250 people apply and take the civil service examination. Seguin typically has 3-6 apply for the position(s) that come available. There is no way that you the City of Seguin Taxpayers is getting the “cream of the crop” to work for the City. As Taxpayers don’t you deserve to have the best of the best working for the City and providing you the best in Fire and EMS? We as the Seguin Professional Firefighters Association think that **YOU DO!**