

CITY COUNCIL WORK SESSION

Citywide Overtime Study

April 24, 2006 – 6:30 p.m.

Council Chambers

City Council Present: Mayor Marchand, Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Whitehouse, Smith and Hynes

Officials Present: John P. Bohenko, City Manager, Gerald Howe, and John Russo, Police Commissioners, Cindy Hayden, Deputy City Manager, David Moore, Community Development, Mary Ann List, Library Director, Nancy Carmer, Manager Economic Development, Gail Cunningham, Controller, Andrew Purgiel, Controller, Steve Parkinson, Public Works Director, Nancy Clayburgh, Kent LaPage, Sheri Ham Garrity, Carson Smith, School Board members and Dianne M. Kirby, Deputy City Clerk

Mayor Marchand opened the meeting at 6:35 p.m. He thanked everyone for coming and turned the meeting over to City Manager Bohenko.

City Manager Bohenko reviewed the timeline for the Citywide Overtime Study, which began in November 2005 at a City Council Work Session when the City Council unanimously agreed to direct the City Manager to move forward with a Citywide Overtime Study. In December 2005 City staff issued a request for proposals. On January 17, 2006, key department heads interviewed three firms and chose Matrix Consulting to move forward with the study and on January 23, 2006 the City Council authorized the City Manager to spend up to \$60,000.00 of contingency funds to fund the study. He stated that on March 20, 2006 Matrix presented their charge to the City Council in a work session and explained its Overtime Study approach with the City Council providing their input on the issue of overtime. On April 18, 2006, Matrix provided a draft report to key department heads, which is being presented to the Council tonight. He went on to state that the report has not been voted on by the City Council and will not be voted on until a thorough review has been made. City Manager Bohenko thanked all involved with this project and turned the meeting over to Richard Brady, Project Manager from Matrix for the presentation.

Richard Brady stated that his team spent two months working on this project, interviewing staff and managers alike. He started the PowerPoint presentation by stating that the scope of the project was to develop an in-depth understanding of key overtime issues; to conduct a detailed analysis of overtime utilization and expenditures, especially in the Police, Fire and Public Works Departments where the most overtime is generated; to compare the City's overtime environment to other municipalities and "best management practices"; and to evaluate alternatives and develop performance standards.

He went on to outline his team's project approach of extensive interviews of staff in the City's municipal and selected school functions; data collection to document how overtime is generated within the context of service level targets and existing staff resources; review of City and department policies and procedures as well as Collective Bargaining agreements impacting use of overtime; comparative analysis of overtime utilization and control to other

jurisdictions in New England and to 'best practices', analysis of management and supervisory issues as they relate to control of overtime; and analysis of alternative approaches to reduce overtime while retaining existing service levels.

Mr. Brady reviewed the positive aspects of Portsmouth's use and control of overtime by stating that compared to other communities in New Hampshire and elsewhere in New England, Portsmouth has less publicly supported overtime in Police and Public Works; has centralized the accounting and billing of private details; and has on-line budget systems in place so that departmental managers can monitor overtime use. He stated that compared to 'best management practices', Portsmouth uses its labor agreements to spell out appropriate overtime uses; has several departments which go further in developing policies and procedures to control overtime and compensatory time and continually evaluates alternative scheduling and policies which impact overtime and compensatory time.

Mr. Brady outlined improvement opportunities regarding the Collective Bargaining agreements. He suggested the City negotiate to obtain greater flexibility in scheduling; negotiate to better define how overtime is calculated; negotiate to better define and where possible, reduce standby time and minimum overtime compensation; negotiate to expend the use of 'acting pay' to reduce the need to call-in employees when other staff can perform these roles; and negotiate to better control compensatory time while retaining the ability to use this in certain situations (e.g., night meetings).

Mr. Brady stated that while labor agreements dictate most overtime provisions, there are steps which the City, Commissions and School Board can take to better inform employees of overtime use and control. He suggested the City, Police/Fire Commissions and School Board develop comprehensive policies, which cover the appropriate uses and control of overtime and comp time; maximum overtime and comp time accruals in a pay period; the oversight of overtime and compensatory time by managers and supervisors and review how compensatory time can be accrued, taken off and/or paid.

Mr. Brady stated that the City needs to better monitor and report how overtime and compensatory time is used and controlled. He recommended reports in Pentamation or other databases to provide reports on overtime use by department and cause for overtime; detailed overtime reporting by employee on a pay period and annual basis; comparison of overtime and leave reporting and compensatory time earned, used and accrued by employees.

Mr. Brady recommended the City should hire an additional firefighter on each shift, converting overtime into 'straight time'. He suggested the City negotiate the ability for Fire Department personnel to work out of class for short periods to reduce the need to call-in staff. He suggested assigning overtime monitoring as a collateral duty to one of the Police Department's ranking officers. He recommended the Police Department should conduct a workload and staffing study to ensure an appropriate match of workloads, service level commitments and deployments. He further suggested reducing the number of training days for dispatchers to benchmark levels. He stated that the Police Department and Police Commission should limit the number of overtime hours, which can be worked in a pay period. He stated that the Public Works Department needs to better collect and evaluate information on overtime utilization and

continue to explore alternative approaches to scheduling which could impact the use of overtime.

Mr. Brady concluded his presentation by thanking the City Manager and his staff for allowing Matrix to perform this study.

Mayor Marchand opened the meeting to questions and discussion.

Assistant Mayor Ferrini asked, out of the issues seen, what percentage of the changes that the City can make, would have a direct financial impact are Collective Bargain driven. Mr. Brady stated that without naming a specific percentage, it is going to be the majority.

City Manager Bohenko stated that Matrix was asked to put the report in its present format so that when the City sits down with the City Negotiator this report can be used as a template that can be used within the Collective Bargaining agreement. He stated that the issues of comp time are already being worked. He stated that the City is going to try to unify the issues where there is no Collective Bargaining agreement that would effect that. He stated that with most of the comp time, we do not back fill those positions. He stated that 70% of the city's overtime is snow related. He stated that when someone is out sick or on vacation typically we do not fill that slot with overtime unless it is a very specific job. He stated that the key issue is the Collective Bargaining issue. He stated that with this report we can go back at a later date and look into the issues. He stated that we are already working on the issues with the municipal side.

Mr. Brady stated that they did not find any abuse of the overtime. He stated that the study with regards to collective bargaining is a way to provide an encyclopedic approach for the City to say what is going to be important in the future in terms of getting management controls over things that have an impact on the cost and the way we provide services. He further stated that operational issues are a mixed bag of things, some relating to deployment as well as special assignments. He stated that the City has the power to look at tomorrow within a department or as a City you have the power to look to the next budget. He stated that they tried not to look for things the City could do tomorrow, but things that would have long term use for the City.

Councilor Reynolds said that the report stated that the City should hire an additional firefighter on each shift. He requested if Mr. Brady could assure the Council that all costs of hiring those extra firefighters were considered, including benefits, such as medical, retirement system, and that they looked at the whole package. Mr. Brady stated that there is a twelve-page spreadsheet that backs that up. William Gay, Matrix Consulting, stated that the report depicts a loaded figure. He stated that all the benefits that go with basic pay for these personnel have been considered.

City Manager Bohenko stated that one thing that is important is that they do take a look at the individual as a one or two year employee. He stated that one of the things the Council will find in the Collective Bargaining agreement in the Fire Department is that there are multiple stipends in the department. He stated that because of the way the Federal Wage Law is now, even though it is called a stipend, it needs to be rolled in as your hourly rate. He stated that as

you become more experienced and you add more stipends to your skill level, you could end up having a situation where their numbers, when you extrapolate them out maybe seven years, may cost you a lot more than what is in their first two years.

Councilor Reynolds stated that in the last Public Works slide it stated that, *“the Public Works Department should continue to explore alternative approaches to scheduling, which could impact the use of overtime”* is it correct that you are trying to say there is the same kind of matching issue as in the Police Department. Mr. Brady stated that this is a little different and is really about getting weekend coverage and seasonal coverage.

City Manager Bohenko stated that as a City today, Public Works has more and more become a 24/7 operation. He stated that we need to work with our union to collectively bargain and have the ability to work outside the regular hours of operation. He stated that we did that with the Recycling Center. He stated this is an area that will be subject to collective bargaining with our union and we certainly will look at that.

Councilor Whitehouse asked Mr. Brady is they looked at our Charter because a lot is regulated on what we can and can not do. Mr. Brady stated that they did look at the Charter. Councilor Whitehouse asked if they recommended any changes to the Charter. Mr. Brady stated that they did not recommend any changes.

Councilor Dwyer stated that she glanced at a couple of the charts referencing by class of employee. She requested if she is right in saying that generally the pattern is considerably more for higher level employees than for lower ranking and lower paid employees. The higher-ranking employee might have twice as much overtime hours as the lower ranking employee. Mr. Gay stated that this is not the case. He stated that it varies in each of those employee classes. He stated it is kind of a random event. Councilor Dwyer asked Mr. Gay if he found that it was randomly distributed across the different levels of salary. Mr. Brady stated that it is not completely random because you have fewer supervisors than line people, but it is pretty random.

Assistant Mayor Ferrini stated that with respect to compensatory time, he understands that there is a state wages and hours law on the books. He stated that in private companies it doesn't happen until you get down to a specific level of clerical or administrative worker. He requested if there is a Collective Bargaining agreement that addresses higher level municipal workers. Mr. Brady stated that there is. Assistant Mayor Ferrini requested if all of the comp time is driven by those contracts even at the managerial level. Mr. Brady stated yes. City Manager Bohenko stated that it is not on a one for one or time and one half basis. He stated that there is a declining scale to it. Assistant Mayor Ferrini asked is our Collective Bargaining agreement in access of what the state law allows for management. He stated, in other words, the state law requires a certain amount of compensatory time for an individual who is a salary employee and is acting in a management fashion. He asked if with our Municipal Department Heads is our Collective Bargaining agreement more liberal in the granting of comp time or is it the same. Mr. Brady stated that it fits closely.

City Manager Bohenko stated that all the people he has dealt with over the last nine years that are in management positions have a job to do and do it. He stated that another thing Collective Bargaining has done is cap the comp time that can be carried over. Consequently what happens towards the end of the year – Supervisors are taking a lot of time off, but he says there have been many days when someone is out on comp time and he has called them for answers or assistance. He stated that yes we do provide comp time for management people, but many do not get chance to use all of it and lose it.

City Manager Bohenko stated that he would like the Council to review this report. He stated that after the budget is passed, we would be starting to review our Collective Bargaining agreements. This report will be valuable when we are negotiating our Collective Bargaining agreements.

City Manager Bohenko thanked David Moore from the Community Development Staff. He stated that David did a great job coordinating this project and was the key factor in bringing it all together.

Assistant Mayor Ferrini asked if there would be an opportunity for the Council to go into greater depth with Matrix after they have had a chance to review the report in detail. City Manager Bohenko stated that they have negotiated the fee less than was originally intended so, he would suggest that after the budget is approved something can be set up.

Councilor Raynolds stated that everyone should try to do things better for less. Councilor Pantelakos stated that the report is very good. She stated that the Council is paid by the taxpayer and we should do all we can to save them money.

At 7:40 p.m., Mayor Marchand closed the meeting.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk