



BOSTON CITY COUNCIL

Committee on City Services and Innovation Technology

Brian Worrell, *Chair*

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REPORT OF COMMITTEE CHAIR

December 13, 2023

Dear Councilors,

The Committee on City Services and Innovation Technology was referred the following dockets:

Docket #1578, Message and order for your approval an Order to reduce the FY24 appropriation for the Reserve for Collective Bargaining by One Hundred Forty-Five Thousand Five Hundred Forty-Five Dollars (\$145,545.00) to provide funding for the Boston Public Schools for FY24 increases contained within the collective bargaining agreements between the Boston Public Schools and the Boston School Department Plant Administrators Association. Filed in the Office of the City Clerk on October 16, 2023.

Docket #1579, Message and order for a supplemental appropriation Order for the Boston School Department for FY24 in the amount of One Hundred Forty-Five Thousand Five Hundred Forty-Five Dollars (\$145,545.00) to cover the FY24 cost contained within the collective bargaining agreement between the Boston Public Schools and the Boston School Department Plant Administrators Association. The terms of the contract are September 1, 2020 through August 31, 2026. The major provisions of the contract include base wage increases of 2%, 2.5%, 2.5%, 2.5%, 2% and 2% to be given in September of each fiscal year of the contract terms. The agreement also includes increases to on call pay and comp-time policies

These matters were sponsored by the Administration and referred to the Committee on October 18, 2023.

Docket #1812, Message and order for your approval, an Order to reduce the FY24 appropriation for the Reserve for Collective Bargaining by SIXTEEN MILLION SEVEN HUNDRED NINETY NINE THOUSAND FOUR HUNDRED FORTY Dollars (\$16,799,440.00) to provide funding for the Boston Police Department for the FY24 increase contained within the collective bargaining agreements between the City of Boston and Boston Police Patrolman's Association.

Docket #1813, Message and order for a supplemental appropriation Order for the Boston Police Department for FY24 in the amount of THIRTY MILLION SEVEN HUNDRED NINETY NINE THOUSAND FOUR HUNDRED FORTY-FOUR dollars (\$30,799,440.00) to cover the FY24 cost items contained within the collective bargaining agreements between the City of Boston and the and Boston Police Patrolman's Association. The terms of the contract are July 1, 2020 through June 30, 2023 and July 1, 2023 through June 30, 2025. The major provisions of the contract include base wage increases of 2%, 1.5% and 2%, 1% and 2.5%, to be given in July of each year of the contract term, as well the

addition of the Transitional Career Award Program in July 2023. The contract also contains reforms relating to discipline officer return to duty, the paid detail system, and union release.

These matters were sponsored by the Administration and referred to the Committee on December 6, 2023.

Summary of Legislation:

Docket #1578 reduces funds from the Collective Bargaining Reserve to provide funding for Boston Public Schools to cover the cost of the **FY24 increases** totaling **\$145, 545.00** contained within the collective bargaining agreement between the Boston Public Schools and the *Boston School Department Plant Administrators Association* and **Docket #1579** supplementally appropriates the funds to the Boston School Department. The parties reached two three year agreements, the terms of which agree to wage increases totaling **\$1,580,071.00** over the course of a six year period beginning **September 1, 2020** through **August 31, 2026**.

The six (6) year annual wage increase pattern of the agreements are as follows, *to be paid retroactively where applicable:*

- | | | |
|--------------------------|------|-------------|
| • Year 1: September 2020 | 2% | FY21 |
| • Year 2: September 2021 | 2.5% | FY22 |
| • Year 3: September 2022 | 2.5% | FY23 |
| • Year 4: September 2023 | 2.5% | FY24 |
| • Year 5: September 2024 | 2% | FY25 |
| • Year 6: September 2025 | 2% | FY26 |

Additionally, the agreement provides a one time, lump sum payment of \$1,000.00 to be paid retroactively for FY22. Further, effective October 06, 2023, the agreement increases the “on-call” stipend from \$3,965.00 to \$5,750.00.

The agreement modified language regarding:

- **Compensatory Time** increased comp time limit from 240 hours to 500 hours
- **Holidays** added Juneteenth as a holiday + changed Columbus Day to Indigenous Peoples' Day

Docket #1812 reduces funds from the Collective Bargaining Reserve to provide funding for Boston Public Schools to cover the cost of the **FY24 increases** totaling **\$30,799,440.00** contained within the collective bargaining agreement between the City of Boston and the *Boston Police Patrolmen's Association* and **Docket #1813** supplementally appropriates the funds to the Boston Police Department. The parties reached two consecutive agreements, the terms of which agree to wage increases totaling **\$82.3M** over the course of a five year period beginning **July 1, 2020** through **June 30, 2025**.

The five (5) year annual wage increase pattern of the agreements are as follows, *to be paid retroactively where applicable:*

- | | | |
|---------------------|------|-------------|
| • Year 1: July 2020 | 2% | FY21 |
| • Year 2: July 2021 | 1.5% | FY22 |
| • Year 3: July 2022 | 2% | FY23 |
| • Year 4: July 2023 | 1% | FY24 |
| • Year 5: July 2024 | 2.5% | FY25 |

The agreement modified language and reformed policies regarding:

- **Holidays** added Juneteenth as a holiday
- **Career Awards Program** effective July 2023, the agreement establishes the *Transitional Career Awards Program*, which provides a weekly benefit to officers that shall be considered and calculated as part of regular compensation upon reaching the following milestones for years of service: five (5), ten (10), fifteen (15), twenty (20), and twenty-five (25) years.

- **Educational Incentive Plan** increased the qualifying schools to include the University of Massachusetts System, Northeastern University, and Boston University, as well as the qualifying degrees to include Sociology, Psychology, and Public Administration.
- **Union Release** limits the number of officers allowed to attend to union business while on duty to 45 shift representatives and 10 for regular Executive Board meetings.
- **Medical Leave** in situations where an officer's fitness to perform light duty is in dispute, rather than participating in arbitration, the City will appoint an independent medical examiner to render an opinion to settle the dispute.
- **Detail** prioritizes the assignment of details based on public safety and when detail shifts go unfilled, expands the eligibility criteria of who can perform detail duties. The agreement also eliminates the ability for an Officer to take on an additional detail assignment during day and time in which they are already being compensated for a different detail assignment
- **Discipline** disciplinary decisions will no longer be subject to grievance or arbitration if an officer is indicted or has had charges sustained against them through Internal Affairs for specific explicitly listed offenses.

Information Gathered at the Hearing:

The Committee held a hearing on Tuesday, December 12, 2023. The Chair was joined by Council President Flynn, Councilor Murphy, Councilor Durkan, Councilor Coletta, Councilor Flaherty, Councilor Lara, Councilor Breadon and Councilor Louijeune.

Testifying on behalf of the Administration included James Williamson, Director of the Office of Budget Management; Lou Mandarin, Senior Advisor for Labor; Jeremiah Hassan, Director of the Office of Labor Relations for Boston Public Schools (BPS); Boston Police Commissioner Michael Cox, and Nicole Taub, Chief of Staff and Senior Advisor for Policy and Legal Affairs for the Boston Police Department (BPD). The Administration testified as to how the above supplemental appropriations will affect the City's Collective Bargaining Reserve (The Reserve), explaining that since passing the FY24 budget with \$76.2M in reserve, the Council has passed 5 Collective Bargaining Agreements (CBAs), drawing \$28M from The Reserve. Further, upon passage of the following agreements, The Reserve would be reduced by \$16.9M, resulting in a remaining balance of \$31.3M.

Concerning Dockets #1578 and #1579, the Administration provided an overview of the Plant Administrators Association, including the roles and responsibilities of the employees they represent, as well as the minor and major provisions made during collective bargaining. The Administration testified that the Plant Administrators Association represents 16 BPS employees within Facilities Management who oversee custodial services and groundskeeping at all district buildings, including roughly 500 full and part-time custodians in the district. The Administration explained the critical role these employees play in making sure BPS buildings and schools in the district get the services they need. The Administration explained that during this round of collective bargaining, minor provisions agreed to include reformed language with respect to holidays. Major provisions discussed included salary increases, an increase to the "on-call" stipend, and an increase to the cap on employees earning compensatory time.

Councilors asked the Administration why the represented employees do not receive overtime pay and why there was a need to increase the cap on compensatory time. The Administration explained that historically, this group has agreed to be awarded compensatory time in lieu of overtime pay. Further, it was explained that it was necessary to raise the cap on compensatory time due to the fact that many employees reach that limit fairly easily due to the necessary overtime hours worked in the winter and summer. The Administration explained that this group of employees differs from other BPS employees in that they do not get a summer break or as much time off in the winter as they provide critical staffing and services during those times, like managing snow removal. Finally, in response to questions regarding the "on-call" stipend, the Administration explained that the stipend had not been increased in quite some time, further that the on-call schedule rotates every four (4) weeks with one employee "on-call" for the district. However, it was stated that under certain circumstances like snowstorms, more than one person will be

called in and that the agreed-upon increase reflects that anticipated need. It was stated that in determining the increase, the parties looked at the general wage increases for each year and used that as a measuring stick for how to calculate a reasonable increase.

Concerning Dockets #1812 and #1813, the Administration testified on the major and minor provisions made to the contract for the Boston Police Patrolmen's Association as well as the process in general and the rationales used in much of the decision-making. It was stated that at the start of negotiations, the Mayor laid out key reform markers and remained committed to them throughout the process. The Administration explained that during this round of collective bargaining, minor provisions agreed to include reformed language with regard to holidays. Major provisions discussed revolved around compensation and benefits as well as policy reforms in the areas of union release, medical leave, discipline and detail assignments.

With regard to compensation and benefit provisions, the Administration explained that changes were made with the hopes of improving recruitment and retention, acknowledging declining attrition rates experienced over the last few years, specifically with respect to officers within their first year of leaving the academy. The Administration highlighted the new career awards program TCAP, which issues an additional weekly benefit based on an officer's length of time on the job, beginning at the start of their 5-year mark with the Department. Responding to Councilor questions, the Administration clarified that this benefit provision is separate from the yearly cost of living increase, which all officers, regardless of length of service, will receive. The Administration also highlighted the expansion of eligible institutions and degrees under the Education Incentive Plan. The Administration clarified that the benefit does not necessarily function as a reimbursement but rather a financial "perk" of the job.

With regard to provisions reforming policies on union release, it was explained that this change was made to ensure adequate staffing levels at all times while still supporting union participation. It was stated that the agreement limited the number of employees allowed to attend to union business while on duty from 54 to 45.

With regard to provisions reforming policies on medical leave, the Administration explained that through previous contracts, the Department has, at times, had 10% of the Department out on medical leave for over a year. The agreement's provisions to the medical leave policy remove the arbitration process in situations where the Department's physician disagrees with the Officer's personal physician with respect to the Officer's ability to return to performing light duties. The Administration elaborated that rather than allowing the dispute to go to arbitration, the City will send the Officer to an independent medical examiner of their choosing. It was explained this decision was made to ensure the best medical decisions possible, reasoning that a board-certified physician would be better positioned to determine an officer's fitness than an arbitrator tasked with reviewing medical documentation.

With regard to provisions reforming disciplinary action policies, Councilors questioned the Administration about the current internal process for disciplinary action and how the agreement changes that. The Administration explained that currently, when an officer is disciplined, the Department's Internal Affairs Hearing Board will determine whether the charges against an officer should be sustained, and if sustained and appealed, the Department's Internal Affairs Trial Board will decide whether or not to uphold the hearing board's decision. Upon such determination, the Commissioner will then have the final say in disciplinary action. With respect to the provisions made in the current agreement, it was explained that following disciplinary action, if an officer is indicted or has had charges sustained against them by Internal Affairs as outlined above, the Officer will not be able to bring the Commissioner's decision to arbitration if they are charged with any of the offenses explicitly listed in the agreement.

Finally, with respect to provisions reforming policies surrounding detail assignments and shifts, the Administration highlighted the increased job and labor supply this provision achieves. The Administration stated that negotiations resulted in a new system of prioritizing detail assignments based

on public safety factors, differentiating detail assignments between Type 1 and Type 2 priority assignments. In responding to Councilor questions with respect to eligibility to perform detail duty, the Administration explained that Type 1 detail assignments will be prioritized first. Further, it was explained that Type 1 detail assignments (other than those for traffic control) must be filled by sworn officers. The Administration clarified that Type 1 traffic control assignments, if not filled by an officer from the Department, will be made available to Post Certified Officers followed by contracted civilian agencies. In response to Councilor questions about the technology platform that will be used to administer, manage, and assign detail, the Administration explained that BPD has its own technology Department that will work on contracting such service but could not yet provide a timeline for when the platform will be up and running. The Administration and Councilors also discussed provisions eliminating an officer's ability to take on an additional detail assignment while they are already being compensated and "on the clock" for another detail assignment. Finally, apart from reforming detail policies, the Administration explained that the agreement also increased the rate of pay for detail assignments, with Type 1 details paying \$68 an hour and \$60 for all others.

Recommended Action:

The Chair of the Committee on City Services and Innovation Technology, to which the following was referred:

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submits a report recommending that these dockets ought to pass.

Brian Worrell

Brian Worrell, Chair
Committee on City Services and Innovation Technology