

2<sup>ND</sup> SPECIAL SESSION, WORK SESSION, AND EXECUTIVE SESSION –  
JANUARY 7, 2021

EXECUTIVE SESSION – January 7, 2021

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to conduct collective bargaining negotiations or consider matters that relate to the negotiations; #9 (Section 3-305(b)), on Thursday, January 7, 2021 at 3:00 p.m. in the Council Chamber, 2<sup>nd</sup> floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, Brooke Garver, Accounting and Budget Manager, Don Francis, Director of Human Resources, Police Chief Paul J. Kifer, Mark Chaney, Hagerstown Police Department Support Services Administrator, and Donna K. Spickler, City Clerk.

The meeting was held to discuss amendments to a union contract. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:48 p.m.

2<sup>ND</sup> SPECIAL SESSION AND WORK SESSION – January 12, 2021

Mayor E. Keller called this 2<sup>nd</sup> Special Session and Work Session of the Mayor and City Council to order at 4:01 p.m., Tuesday, January 12, 2021 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

Discussion of Amendments to Union Contract

Mark Chaney, Hagerstown Police Department Support Services Administrator, provided an overview of the current staffing at the Hagerstown Police Department. Wage reopener discussions were started in January, 2020 and were paused due to the COVID pandemic. Discussions resumed in December, 2020. The Hagerstown Police Department is authorized to have 112 sworn officers. There are currently 88 sworn officers. The Department anticipates adding 7 additional sworn officers. These 7 individuals are currently in training or police cadets.

Over the past 6 years, HPD has hired 51 new officers and lost 64. 25 of those went to other police departments. The hiring process is long and finding people to pass all portions of the testing is difficult. It takes a significant amount of time to get through the process. Tests will be held again at the end of January for the fall academy.

In 2013, there were 104 sworn officers.

When officers leave, the replacement time for that position is often one year or longer. Mr. Chaney provided an example of an officer who separated from employment on May 12, 2018. That employee was ultimately replaced by someone on November 4, 2019. It took 1 year and 5 months to fill the position. During that time, backfill overtime was required for a sworn officer to cover for another officer who departed. Even though a new employee was hired, the department still had to complete the training process. This employee went on patrol on September 4, 2020. This is 2 years and 2 months of backfill overtime. In addition, the new employee received a salary during the academy training.

Over the last 6 years, there has not been a hiring problem. Retaining officers is a challenge. There were 25 officers who left HPD for other jurisdictions. The average cost per officer is \$ 70,000 each year, making the total cost of the lost officers at nearly \$ 1,000,000. In the example, the new officer left HPD after just 4 months of becoming a sworn officer.

The Hagerstown Police Department can't continue to be the training department for other jurisdictions. The bulk of the officers are leaving between 3 to 5 years because they are marketable. They are a quick fix for other departments. When another department hires a Hagerstown Police Department, they can have them on the street within a month because they have completed certified training.

During the separation process, a majority of those officers indicated a contributing factor for their leaving is salary.

The Hagerstown Police Department falls on the low end of salary range for officers from comparable jurisdictions. The Evergreen Study completed by the City recommended the officer salary range of \$ 48,709 to \$ 73,312, which is lower than the current salary range.

Attrition has had a negative impact on the Hagerstown Police Department, and has left leadership with difficult decisions in order to maintain staffing levels in the Patrol Division, to ensure there is no decrease in police services. There are delays in filling vacant Criminal Investigation Division positions, Community Resource Offer positions, Narcotics Task Force positions, and in re-establishing the department's Street Crimes Unit.

Historically, staffing levels have rarely been over 104 sworn personnel on the street. The Department is budgeted for 112 sworn personnel. In most cases it takes two years to get someone back on the street after an officer leaves. All these things were considered when discussing wages with the union.

City representatives and members of the Negotiating Committee (AFSCME 3373) reconvened in December 2020, and negotiated the following agreement:

1. A 10% increase in career earnings (25 year career)

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- a. Increase ranges from 9.86% to 12.18%, depending on the employees service step, with the focus being on employees in the 3 to 5 years of service range
2. A 3% differential between steps
  - a. Step differentials currently range from 2.61% to 4.08%
3. Starting pay remains at current rate (\$ 40,106)
4. Reduce budgeted “sworn” staffing from 112 to 104
  - a. 2012 COPS Grant – 5 positions
  - b. 2013 COPS Grant – 2 positions
  - c. 2015 COPS Grant – 4 positions

This makes the salary range \$ 40,106 to \$ 68,580.

The following actions are being recommended in an effort to offset the financial costs associated with this contract:

1. Covert vacant Lieutenant position to a Sergeant position
2. Reduce the Officer to Sergeant rank differential from 20% to 15%
  - a. Sergeants scale will see an increase ranging from 5.29% to 6.55% (5.45%)
3. Reduce the Sergeant to Lieutenant rank differential from 15% to 12%
  - a. Lieutenants scale will see an increase ranging from 2.54% to 3.77% (2.70%)
4. Reduce the Lieutenant to Captain rank differential from 20% to 17.5%
  - a. Captains scale will see an increase ranging from .40% to 1.61% (.56%)
5. Captain to Chief rank differential remains at 10%
  - a. Chiefs scale will see an increase ranging from .40% to 1.61% (.56%)

Mr. Chaney stated a budget increase is needed to support a 10% increase for 112 employees, along with the current rank differential percentage, have been estimated at \$ 1.46 million over the next 18 months.

The following actions reduce that budget impact to approximately \$ 576,818 over the next 18 months:

1. Reduce staffing level to 104 sworn positions (Reduces impact by \$ 415,841)
2. Adjustment to rank differentials (reduces impact by \$ 447,886)
3. Covert Lieutenant position to Sergeant position (Reduces impact by \$ 18,456)

The FY21 costs of \$ 123,710 (6 months) will be paid out of the existing HPD budget. The FY22 costs of \$ 453,108 (Full year and includes s cost associated with step increases). \$ 206,000 of the FY22 costs can be contributed to annual step increases. \$ 247,000 can be contributed to this contract. The FY21 budget submitted is \$ 360,000 under the FY19 actual expenditures.

Historical data has shown that the Hagerstown Police Department has rarely been over 104 sworn officers. The last time HPD had 104 sworn officers was in February, 2018. The highest staffing level ever reached was 110 in January, 2017. However, only 105 of those employees were operational at that time. Implementation of a more efficient schedule will reduce the staffing requirements in the Patrol Division. This will permit

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HPD to provide the current level of services with 104 positions. Being fully staffed at 104 will still allow HPD to staff the vacant assignments outlined earlier in the presentation (e.g., CID, Community Resource Officers, NTF, and Street Crimes Unit). A total of 112 sworn officers is unattainable if retention continues to be an issue. It is the department's leadership responsibility to be fiscally responsible. Through review of the budget and processes and practices, staff identified funding to implement these changes.

Chief Paul "Joey" Kifer thanked Mr. Chaney for working through the process to get to this point. Chief Kifer noted being fully staffed at 104 sworn officers allows HPD to do far more than what they are currently able to do. By dropping the authorized strength does not impact what they do or the work that has been done or will be done in the future. A new, more efficient schedule provides the ability to use the same staffing in a more efficient way. This negotiated plan provides a way to reallocate the funding available to pay the men and women who work here to stay here. The HPD is the best department anywhere. When officers leave and go to other agencies they are highly trained and the new department is getting the best of the best from Hagerstown. Chief Kifer wants to make sure those best of the best stay in Hagerstown. Staff essentially found a way to pay for all of the enhancements within the police department budget.

Councilmember Aleshire noted he had asked previously if something like this plan could be reviewed. The City has been heading in this direction for some time.

Chief Kifer pointed out this plan was being reviewed in 2019. He noted recent events of the last year had no impact on the proposal.

Councilmember Aleshire stated citizens have made it clear during the last two elections that public safety is what they want elected officials to focus on. Every deliberation includes a discussion on how to fix the retention issue. He is not convinced this wage increase will stop the retention issue. When the City of Baltimore is looking for 1,000 officers, they take them from other departments, who then replaces their officers with officers from other departments, etc. There was a time Hagerstown was not competing with Chambersburg, Pennsylvania; Martinsburg, West Virginia; and other rural areas. Those jurisdictions now have the resources to enhance their police departments. The message to citizens is the City and HPD are trying to do more with their money rather than depositing it in a bank and not addressing what has been noted as most important to citizens.

Mr. Nicewarner, City Administrator, thanked Mr. Chaney, Don Francis, Director of Human Resources, the negotiating team, and Chief Kifer for their efforts. This plan generates revenue within the department. There is no CARES Act money in the proposal. He noted use of the CARES funding will be reviewed on January 12, 2021.

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:34 p.m.

**Approval of Increase to AFSCME 3373 Local Pay Scale effective January 11, 2021**

**Action:** On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve of the increase in an attached AFSCME 3373 Local pay scale, effective on January 11, 2021.

The cost of the AFSCME 3373 Local pay scale will be paid for as a result of internal savings within the Police Department for the remainder of FY21 to include changes in approved sworn staffing count. Budget increases will be necessary for FY22.

**Approval of Non-Union Sworn Pay Scale Effective January 11, 2021**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve of an attached modified pay scale as of January 11, 2021 for regular full-time, sworn, non-union HPD employees.

The cost of the step increase for non-union sworn officers will be paid for as a result of internal savings within the Police Department for the remainder of FY21 to include changes in approved sworn staffing count. Budget increases will be necessary for FY22.

The Special Meeting was then closed at 4:36 p.m.

**CITY ADMINISTRATOR'S COMMENTS**

*Scott A. Nicewarner, City Administrator*, thanked the Mayor and City Council for agreeing to meet on a Thursday to get this resolved.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember K. B. Aleshire* had no additional comments.

*Councilmember R. E. Bruchey, II* thanked everyone involved in this issue for working hard to get it resolved. As Councilmember Aleshire pointed out, budget savings within the department has been discussed to provide funds for retention efforts.

*Councilmember T. Burnett* had no additional comments.

*Councilmember T. Martinez* had no additional comments.

*Councilmember S. McIntire* stated it is never easy to negotiate. Businesses look for ways to retain their good people and the City needs to do what is necessary to retain good officers.

*Mayor E. Keller* echoed all the comments. As we watch what is going on in this country currently, she urged people to be kind to each other.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 4:38 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: February 23, 2021