



Agenda Memorandum

Agenda Item – {{section.number}}.A.

City Council Meeting
September 9, 2024



Strategic Priority 3: Community Health and Safety

Invest in innovative and collaborative approaches to provide a continuum of services that preserve, promote, and protect the health, safety, and environment of Westminster.



Strategic Priority 6: Organizational Vitality

Develop and sustain an environment where employees and the organization are equipped and supported to deliver outstanding service to everyone in Westminster.

Subject: Resolution No. 24 Adopting the Proposed 2025-2026 Collective Bargaining Agreement Between the City and Westminster Fraternal Order of Police, Lodge 25, and Adopting the 2025-2026 Non-Exempt Police Sworn Pay Plan

Prepared By: Davy Godfrey, Human Resources Director
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Adam Nielsen, Police Commander
Norm Haubert, Chief of Police
Ron Arguello, Assistant City Attorney II

Recommended City Council Action:

Adopt Resolution No. 24 authorizing the City Manager to execute the proposed Agreement between the City of Westminster and the Westminster Fraternal Order of Police Lodge 25, along with the proposed 2025-2026 Non-Exempt Police Sworn Pay Plan, effective January 13, 2025 through January 10, 2027.

Summary Statement:

- The current Collective Bargaining Agreement between the City and Westminster Fraternal Order of Police Lodge 25 (FOP) expires December 29, 2024.
- Westminster Municipal Code (W.M.C.) stipulates that bargaining on successor agreements commence no later than June 1 and last no longer than 60 days. On July 26, the City and the FOP agreed, per W.M.C. 1-34-11, to extend the negotiating period so that it would end on August 31, 2024.

- The City and FOP began negotiations on June 1, 2024, and reached a tentative agreement on August 14, 2024. On August 29, 2024, the FOP notified the City of Westminster that the Collective Bargaining Agreement (CBA) was ratified. The agreement in front of City Council is the one overwhelmingly ratified by the FOP.
- The proposed CBA and Non-Exempt Police Sworn Pay Plan is compliant with the rules codified in the W.M.C. Title I, Chapter 35, titled "Collective Bargaining for Police Officers," which permit the following items as subjects for collective bargaining: wages, benefits, and items related to personal safety as well as representation in the disciplinary process, but not the decision to discipline, promotional procedures but not the content/criteria for promotions nor the decision to promote, grievance procedures, dues deduction, and the payment of fair share fees.
- Staff recommends that City Council adopt the proposed 2025-2026 Police CBA between the City and the FOP, along with the 2025-2026 Non-Exempt Police Sworn Pay Plan. The current agreement will remain in place from December 30, 2024, to January 12, 2025. The ratified CBA covers January 13, 2025 to January 10, 2027, to begin on the first day of the first full pay period in 2025 and end on the last day of the last full pay period that begins in 2026.
- The negotiation process and ensuing CBA reinforce the City's values-based culture. The proposed CBA reflects the continued organizational commitment to provide a comprehensive total compensation package to employees that includes market-based wages; a well-rounded, balanced benefits package; and a quality, safe work environment.

Fiscal Impact:

Estimated \$4,200,000 in additional expenditures during the contract period

Source of Funds:

2025 and 2026 General Fund: Police Department Operating Budgets

Policy Issue(s):

Should City Council approve the 2025-2026 Police CBA between the City of Westminster and the FOP, along with the 2025-2026 Non-Exempt Police Sworn Pay Plan?

Alternative(s):

- Do not approve the proposed 2025-2026 Police CBA with the accompanying 2025-2026 Non-Exempt Police Sworn Pay Plan. Staff does not recommend this as an alternative since the CBA was negotiated through a traditional process and represents the City's interests of providing employees with a comprehensive total compensation package, including market-based wages, a well-rounded benefits package, and a quality, safe work environment, which contributes to the organization's ability to compete and retain quality personnel in the public sector labor market.
- Do not approve the proposed 2025-2026 Police CBA with the accompanying 2025-2026 Non-

Exempt Police Sworn Pay Plan and request Staff to re-open the traditional negotiations with suggested changes and edits for consideration by the FOP. If negotiations are re-opened, the City and the FOP would need to agree to an extension for negotiations. If either party declines to agree to an extension, any unresolved subjects shall be submitted to non-binding arbitration.

Background Information:

The City and the FOP have a collective bargaining agreement in place that expires December 29, 2024. The Westminster Municipal Code mandates that bargaining on renewal agreements should commence no later than June 1 and last no longer than 60 days. It also mandates that the agreement begins on the first day of the first full pay period of a calendar year and lasts no longer than three years.

The FOP and City labor attorneys met on June 1, 2024 to initiate the negotiations process and the 60-day negotiations window. The FOP counsel provided the City's counsel with the FOP proposal. The City team consisting of Deputy Police Chief Dean Villano, Police Commander Adam Nielsen, Human Resources Director Davy Godfrey, Human Resources Manager Martee Erichson, Policy and Budget Administrator Erin Ferriter, Labor Consultant John Prejzner, and outside legal counsel Brent Case from the law firm of Semple, Farrington, Everall, and Case met on June 3 to confer regarding the proposal received from FOP counsel on June 1, and also met with City leadership to discuss a framework of a counterproposal as well as all financial implications of a potential agreement. The FOP and City negotiating teams met on June 4. At the June 4 meeting, ground rules regarding negotiations were agreed upon and the FOP provided an overview of its initial proposal. The negotiating teams met on June 4, 5, 19, and 20, and again on August 14.

At the scheduled negotiation sessions and discussions, the City and the FOP engaged in productive, collaborative, and respectful negotiations through several exchanges of proposals and counterproposals. On August 14, 2024, the City and the FOP reached a total tentative agreement, and the FOP notified the City that their ratification meetings on August 26, 28, and 29 resulted in an affirmative vote for ratification. The proposed CBA and accompanying 2025-2026 Non-Exempt Police Sworn Pay Plan, both non-monetary and monetary components, is compliant with the W.M.C., Chapter 35, Police Collective Bargaining.

Contract highlights include:

- **Duration:** Two-year agreement covering a period of January 13, 2025, to January 10, 2027, and extending the current agreement to cover the period of December 30, 2024, through January 12, 2025. (The previous two contracts were for one-year periods.)
- **Holidays:**
 - Current: 10 holidays plus two floating holidays
 - Proposed: 11 holidays (adding Juneteenth) plus one floating holiday
- **Uniform Allowance**
 - Current: Annual equipment and uniform allowance of \$600.
 - Proposed: Annual equipment and uniform allowance of \$700.
- **Wages**
 - Current: 3.5% increase in 2024 and a one-time lump sum payment that varies based on length of service at the City.

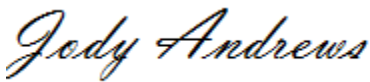
- Proposed: Staggered increases in 2025 up to 6%, 4% increase in 2026, along with restructuring the pay plan to allow for more even percentages between steps.

- **Retiree Health Subsidy**

- Current: \$460 per month at age 50 with 30 years of service or 55 with 25 years of service.
- Proposed: \$600 per month using rule of 80 formula at age 50 or older (age plus years of service), increasing by an equal percentage as employee's contribution to employee-only coverage increases.

Providing a comprehensive Total Compensation Package to employees with fair, market-based wages, a balanced benefit package, and quality, safe and supportive work environment supports the City's Strategic Priority of Community Health and Safety. An exceptional workforce supports the City's Strategic Priority of Organizational Vitality, thus allowing the City to be prepared and resilient, helping ensure its ability to continue providing quality of life to the Westminster community.

Respectfully submitted,



Jody L. Andrews
Acting City Manager

Attachments:

- Resolution No. 24 Approving the 2025-2026 Collective Bargaining Agreement Between the City and Westminster Fraternal Order of Police, Lodge 25, and Adopting the 2025-2026 Non-Exempt Police Sworn Pay Plan
- Proposed Agreement between the City of Westminster and Westminster Fraternal Order of Police, Lodge 25, for the period January 13, 2025, through January 10, 2027, that includes the proposed 2025-2026 Non-Exempt Police Sworn Pay Plan