



## Agenda Memorandum

Agenda Item – {{section.number}}.B.

City Council Meeting  
July 8, 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. 12 Adopting the Proposed 2025-2026 Firefighter Collective Bargaining Agreement with the International Association of Fire Fighters, Local 2889

**Prepared By:** Ron Arguello, Assistant City Attorney  
Erik Birk, Acting Fire Chief  
Davy Godfrey, Human Resources Director  
Lisa Chrisman, Human Resources Manager

### Recommended City Council Action:

Adopt Resolution No. 12 authorizing the Mayor to execute the proposed Agreement between the City of Westminster and the Westminster Professional Firefighters, International Association of Fire Fighters, Local 2889, along with the proposed 2025-2026 Fire Commissioned Pay Plan effective January 13, 2025, through January 10, 2027.

### Summary Statement:

- Staff recommends that City Council adopt the proposed 2025-2026 Firefighter Collective Bargaining Agreement (CBA) between the City of Westminster (Employer) and the International Association of Fire Fighters (IAFF), Firefighter Local 2889 that was ratified by Local 2889 on June 30, 2024. The proposed CBA is a two-year contract to be in effect

January 13, 2025, through January 10, 2027, and includes a proposed 2025-2026 Fire Commissioned Pay Plan (attached).

- The proposed CBA and Fire Commissioned Pay Plan is compliant with the rules and regulations outlined in the Westminster Municipal Code (W.M.C.), Title 1, Chapter 34 titled "Collective Bargaining for Firefighters," which permit the following items as subjects for collective bargaining: wages, benefits, items related to personal safety, 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.
- The collaborative Interest Based Bargaining (IBB) 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:**

\$3,500,000 (estimated) in expenditures over two years

**Source of Funds:**

2025 and 2026 General Fund Operating Budgets

**Policy Issue(s):**

Should City Council approve the 2025-2026 Firefighter CBA between the City of Westminster and the Local 2889 as proposed?

**Alternative(s):**

1. Do not approve the proposed 2025-2026 Firefighter CBA with the accompanying Fire Commissioned Pay Plan. Staff does not recommend this as an alternative since the CBA was negotiated through a collaborative IBB process and represents the City's interest 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 complete and retain quality personnel in the public sector labor market.
2. Do not approve the proposed 2025-2026 Firefighter CBA with the accompanying Fire Commissioned Pay Plan and request Staff to re-open IBB negotiations with suggested changes and edits for consideration by the Firefighter Local 2889. If IBB is re-opened, the City and Local 2889 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:**

On November 8, 2016, Westminster voters approved the City of Westminster Firefighters' Safety and Collective Bargaining ballot question. After the ballot question's passage by the electorate, the Employer and Firefighter Local 2889 representatives met frequently to develop the ordinance

that would create the structure for collective bargaining. On May 30, 2017, the City Council passed on second reading Ordinance Number 3882 amending Chapter 34 of the W.M.C. titled "Collective Bargaining for Firefighters" in sections 1-34-1 through 1-34-11.

The first CBA with the Employer and the Firefighter Local 2889 was ratified by the Union and Adopted by City Council at a Special Meeting on April 2, 2018, and went into effect on January 7, 2019. The approved contract was in effect through January 3, 2021.

The second CBA with the Employer and the Firefighter Local 2889 was ratified by the Union and Adopted by City Council at a Special Meeting on April 6, 2020, and went into effect on January 4, 2021. The approved contract was in effect through January 2, 2023.

The third CBA with the Employer and the Firefighter Local 2889 was ratified by the Union and Adopted by City Council at a City Council Meeting on April 25, 2022, and went into effect on January 3, 2023. The approved contract is in effect through January 12, 2025.

On January 7, 2024, the Local 2889 of the IAFF requested to enter into collective bargaining for a CBA to be effective January 2025 per the guidelines outlined in the W.M.C.

On February 12, 2024, City Council passed on second reading Ordinance Number 4237 amending Chapter 34 of the W.M.C. titled "Collective Bargaining for Firefighters" in sections 1-34-7, 1-34-9, and 1-34-10. The amendment moved the notice and bargaining commencement deadlines from February 1 and April 1, respectively, to April 1 and June 1, allowed 60 days instead of 30 to reach an agreement on a CBA, allowed 24 days instead of 12 for non-binding arbitration, and clarified that a special election shall be held as soon as practicable while the agreement already in place continues until the election results are finalized.

The Employer and Local 2889 representatives mutually agreed again to collectively bargain using IBB, a collaborative negotiating process where each party states its respective interests related to the negotiations and items subject to collective bargaining. Once all interests have been identified, negotiating members work together to reach agreements based on the common interests. The IBB process is based on transparency and collaboration, as all information is shared with the negotiating teams and includes many sub-committees designed to collectively research, draft contract language, and develop other tools beneficial to the process. With this approach, the CBA was developed progressively on each day of negotiations by reaching consensus and satisfying mutual interests. This style of negotiation leads to a high ratification rate by each party and is in line with the strong values-based, collaborative organizational culture of the City.

In early April 2024, the Local 2889 provided Staff with a document titled "IAFF Local 2889 Westminster Professional Firefighters Issues Statements and Context, April 2024," that outlined economic and non-economic issues from their perspective. This document greatly helped Staff in preparation for negotiations and spoke to the collaboration and professionalism that has been nurtured during this process. This also gave Staff an opportunity to cordially respond to the document with a May 6, 2024, letter that outlined some issues that were not subject to bargaining, which ended up saving time during negotiations.

City Council was provided an information only item regarding the overview of the collective bargaining process and was briefed in executive session on the CBAs from both departments on April 29, 2024.

Members of both parties' negotiating teams participated in IBB training on May 13, 2024, led by Ron Morrison, Daniel Sims, and Derek Burns from the Federal Mediation and Conciliation Service

(FMCS), and formal negotiations began on May 14, 2024. Per the Collective Bargaining Ordinance, negotiations are required to be completed within 60 days from the negotiation start date, with a CBA ratified by Local 2889 membership and approved by City Council no later than July 13, 2024. Under the terms of the Ordinance and agreed-upon guiding principles, the Employer and Local 2889 bargained in good faith on subjects that included wages, benefits, items related to personal safety, 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.

The negotiation teams, including outside Legal Counsel, Lisa Callaway, spent four days bargaining from May 14 to May 17, 2024, supported by the FMCS facilitators. In addition, Staff spent significant time researching regional fire department contracts for market-based wages, area pay plans, and benefits to support and inform the bargaining process. On Friday, May 17, both parties reached a Tentative Agreement.

If adopted, the proposed CBA will be a two-year contract effective January 13, 2025, through January 10, 2027. As documented in the preamble of the CBA, agreements were made between both parties that express the mutual interests of the Employer and Local 2889 with the values-based opening statement being an important continued commitment to the City culture:

*It is the intent and purpose of this Agreement to set forth the parties' entire agreement with respect to the subjects for collective bargaining, as defined by Chapter 34 of the Westminster Municipal Code, titled Collective Bargaining for Firefighters (hereinafter referred to as "the Ordinance"), that will be in effect during the term of this Agreement for employees covered by this Agreement; to prevent interruptions of work and interference with the operations of the City; to encourage and improve efficiency and productivity; to maintain the highest standards of safety, personal integrity and conduct at all times; to facilitate harmonious relations and communications between the Employer and the Union; and to provide procedures for the prompt and peaceful adjustment of grievances as provided herein. The parties commit to maintaining a healthy, inclusive culture where all employees are respected as contributing members of the City workforce with the same vision and values toward serving our community.*

The content of the CBA emphasizes the City's continued desire to invest in its employees by providing a quality, safe work environment with competitive salaries, comprehensive benefits, and additional staffing that builds capacity to support the City's succession planning efforts and the Strategic Plan. The City develops a comprehensive Total Compensation Package through an in-depth review of pay and benefits of other cities and special districts that are direct competitors for quality staff. The full analysis of market data is completed each year as part of the City's budgeting process. The study takes approximately six months and begins with the completion of a Colorado Municipal League (CML) survey and includes a market analysis of approximately 75 benchmark positions. This includes a comprehensive benefits survey and review. A specific assessment of Firefighter pay and benefits was completed in April 2024 in preparation for the CBA negotiations. Human Resources staff are currently beginning the evaluation of all other City benchmark classifications, as well as a full benefits review as part of the 2025 budget process.

The proposed CBA and accompanying Fire Commissioned Pay Plan includes both non-monetary and monetary components, and is in compliance with the W.M.C., Chapter 34, Collective Bargaining for Firefighters. Much of the 2025-2026 Collective Bargaining Agreement is consistent with terms in the 2023-2024 CBA with the following changes, to include:

- Continuation of the City Total Compensation Philosophy to provide market-based wages in

the proposed 2025-2026 Fire Commissioned Pay Plan that addresses current market pay issues and reflects market increases. This includes implementing a “basis pay” system where each pay classification is a percentage of the highest step Firefighter and reducing the number of steps to reach maximum pay as a Firefighter. Because of these changes, in 2025, the effective increases for the Firefighter rank range from 4.1 percent to 14.2 percent. The effective 2025 increases for Engineer through Captain range from 4.3 percent to 5.5 percent. In 2026, all ranks receive a 3.75 percent increase.

- Adding a pay grade for the Safety and Medical Officer (FS4D) that falls between Lieutenant and Captain;
- Increasing compensation for Acting Pay to 10 percent based on market data and industry comparisons;
- Adding Paramedic Field Training Instructor Pay of \$2.00 per qualified hour based on market data and industry comparisons;
- Increasing the maximum allowable annual amount for tuition assistance to \$4,000 in accordance with the City's current Tuition Reimbursement Program.
- The City will pay the entire premium for the Statewide Death & Disability (SWDD) Plan through the Fire & Police Pension Association of Colorado (FPPA), amounting to an increase from one percent of salary to 3.6 percent.
- A City agreement in a Side Letter to explore changes to the current 24-day FLSA schedule to address concerns regarding the delay in the payment of overtime;
- Amends Article VI (Benefits and Leave) to enumerate existing benefits in the CBA, including the addition of the Maternity Benefits section and clarifying the current premium payment and coverage under the Colorado Firefighter Heart, Cancer, and Behavioral Health Benefits Trust;
- Adds list of recognized holidays, increasing from 10 to 11 by adding Juneteenth (June 19), and reduces floating holidays from two to one;
- Amends the Retiree Health Subsidy Program to allow previous full-time paid and career sworn fire employment experience with another agency and/or military service by granting up to a maximum of five years of service credit that will apply toward the 80-point formula (age plus service = 80 or more) in order to participate in the retiree health subsidy program;
- Amends Article VII (Promotion Process) to capture the existing process and ensure processes are held unless the parties mutually agree to cancel; and
- Further defines the committees that are enumerated in the current CBA.

Funding for the first year of the Proposed CBA and attached Fire Commissioned Pay Plan will be included in the proposed 2025 Budget later this summer.

The proposed CBA, with the attached Fire Commissioned Pay Plan, between the Employer and Local 2889 of the IAFF, was drafted as a result of a collaborative IBB process and supports the interests of the City. Providing a comprehensive Total Compensation Package to employees with

fair, market-based wages, a balanced benefits package, and a quality, safe and supportive work environment supports the City's Strategic Plan priorities of Community Health and Safety and Organizational Vitality, through investment in innovative and collaborative approaches to provide a continuum of services that preserve, promote, and protect the health, safety, and environment of Westminster and by developing and maintaining an environment where employees and the organization are equipped and supported to deliver outstanding service to everyone in Westminster.

Respectfully submitted,

A handwritten signature in blue ink that reads "Mark A Freitag". The signature is written in a cursive, flowing style.

Mark A. Freitag  
City Manager

**Attachments:**

Resolution No. 12

2025-2026 Collective Bargaining Agreement and Proposed 2025-2026 Fire Commissioned Pay Plan