Travis County Commissioners Court Agenda Request

Meeting Date: 7/22/14
Prepared By/Phone Number: Todd L. Osburn, 854-2744
Elected/Appointed Official/Dept. Head: Leroy Nellis, 854-9066
Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE: HRMD IS ASKING COMMISSIONERS COURT TO CONSIDER AND TAKE APPROPRIATE ACTION REGARDING MOVING 6 POSITIONS WITHIN THE FIRE MARSHAL'S OFFICE TO THE NON-TCSO POPS SCALE. SPECIFICALLY HRMD RECOMMENDS:

A. THE TITLES OF ASSISTANT FIRE MARSHALL, DEPUTY FIRE MARSHALL III, AND DEPUTY FIRE MARSHALL II SHOULD BE PLACED ON THE NON-TCSO POPS SCALE.

B. 1. THE ASSISTANT FIRE MARSHALL TITLE SHOULD BE PLACED AT 95% OF THE INVESTIGATIONS LIEUTENANT TITLE.

2. THE DEPUTY FIRE MARSHALL III TITLE SHOULD BE PLACED AT 95% OF THE INVESTIGATOR TITLE.

3. THE DEPUTY FIRE MARSHALL II TITLE SHOULD BE PLACED AT 90% OF THE FIRE MARSHALL DEPUTY III TITLE.

C. STEP PLACEMENT FOR CURRENT AND FUTURE EMPLOYEES IN THE AFFECTED POSITIONS SHOULD BE GUIDED BY CURRENT POPS POLICY. EMPLOYEES NEGATIVELY IMPACTED BY THIS PLACEMENT WOULD BE PLACED AT THE NEXT AVAILABLE STEP.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:
Please see attached back-up memo.

STAFF RECOMMENDATIONS:
HRMD recommends approval of placing 6 Fire Marshal positions on the non-TCSO POPS Scale.

ISSUES AND OPPORTUNITIES:
Please see attached back-up memo.

FISCAL IMPACT AND SOURCE OF FUNDING:
Please see attached back-up memo.

REQUIRED AUTHORIZATIONS:
Debbie Maynor, Human Resources Management Department, 854-9170
Leroy Nellis, Planning & Budget Office, 854-9066.
County Attorney's Office, 854-9415
County Auditor's Office, 854-9125

Human Resources Management Department

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BACKUP MEMORANDUM

DATE: July 11, 2014

TO: Members of the Commissioners Court

VIA: Leroy Nellis, County Executive, Planning & Budget Office

FROM: Debbie Maynor, Director, Human Resources Management Dept. DM

SUBJECT: Fire Marshall Employees move to Peace Officer Pay Scale (POPS)

HRMD is requesting that Commissioners Court move six Fire Marshal's Office positions from the Classified Pay Scale to the Peace Officer Pay Scale.

Origin of Request: Deputy Fire Marshals have approached the County Judge, through their AFSCME representative, about having Deputy Fire Marshal positions moved from the Classified Pay Scale to the POPS Scale.

What is the rationale behind the request for moving these employees to the POPS scale? The stated rationale for moving these Fire Marshal positions to the POPS scale is that these positions are the only positions within Travis County that require TCOLE certification that are not on the POPS scale. In other words, employees within these positions must be certified peace officers, and as certified peace officers should be on the Peace Officer Pay Scale along with all other Travis County employees that require this certification.

In addition to internal equity considerations, the Fire Marshall has indicated that it has become extremely difficult to recruit for Deputy Fire Marshalls at their current rate of pay.

What titles and how many positions would be involved in such a move? There are five (5) classifications within the Fire Marshal series. These are:

- Fire Marshal, Asst Deputy I – PG 18
- Fire Marshal Asst Deputy II – PG 20
- Fire Marshal Asst Deputy III – PG 22
- Asst Fire Marshal – PG 24
- Fire Marshal – PG 26

The Assistant Deputy I classification would not be eligible for inclusion on the POPS Scale because it does not require TCOLE certification (see 10.0295(b)). Currently there are no incumbents in this classification. The incumbent Fire Marshall has no interest in moving to the

POPS scale, nor is it recommended. That leaves one Assistant Fire Marshal, four Deputy III positions, and one Deputy II Position under discussion, so six (6) positions total. Of these six positions, two are vacant; one of which is a Deputy II position and one of which is a Deputy III position.

How do other major Texas jurisdictions address this question? The data indicate only one clear trend. Major cities universally place Fire Marshall positions on their Fire pay scales, not on their law-enforcement pay scales. Since most major counties do not have separate fire suppression operations, they do not have separate fire pay scales. Consequently, Fire Marshall positions appear either on classified pay scales or law enforcement pay scales. Among counties, there is no clear trend. Bexar County, like Travis County currently, places all Fire Marshall positions on their classified scale. Dallas County places all similar positions on their law enforcement scale. Tarrant County places deputies on their law enforcement scale and managers on their management scale. Harris County does not use formalized pay scales, but similar positions appear in civilian and law enforcement schedules.

If placed on the POPS Pay Scale, where on the scale should these Fire Marshall jobs be placed? The POPS scale consists of two sides. On one side are the jobs located within the Sheriff's Office (TCSO). On the other side are all the other law enforcement jobs not housed with TCSO. Since the positions in question are not housed within the Sheriff's Office, these positions would have to reside on the non-TCSO side of the POPS scale. In August of 2008, Commissioners Court linked all non-TCSO positions, either directly or indirectly, to positions on the TCSO POPS scale. The purpose of this move was to establish and maintain internal equity relationships between jobs on both halves of the scale. Since the Fire Marshall positions were not included in the analysis that led to these connections, the relative placement of these positions needs to be determined separately from the original study.

Recommendations

1. The titles of Assistant Fire Marshall, Deputy Fire Marshall III, and Deputy Fire Marshall II should be placed on the Non-TCSO POPS Scale.

Rationale

Since Travis County does not have a pay scale for fire-fighting personnel, the primary question is whether employees within the Fire Marshall's Office should remain on the Classified Pay Scale or be moved to the POPS scale. The jobs under consideration require TCOLE certification, and are the only jobs requiring such that are not currently on the POPS pay scale. From an internal equity standpoint, movement of these jobs to the POPS Scale would improve the County's consistency regarding the placement of jobs on the POPS scale. If placed on the POPS scale, these jobs, since they are not located within TCSO, clearly belong on the non-TCSO side of the POPS scale.

In addition to consistency of placement, the Fire Marshall's Office is experiencing difficulty in recruiting entry level Deputy III employees. Currently, this job is placed in PG 22 on the

classified pay scale. Per standard posting guidelines (minimum to midpoint is shown), the posted recruiting range for this job is $55,578.85 to $69,473.65. If placed at the recommended level on the POPS scale, the Fire Marshall can recruit effectively at Step 1 at a salary of $67,240.51. This would make the County more competitive vis-à-vis the local Emergency Service Districts (ESDs).

2. a. The Assistant Fire Marshall title should be placed at 95% of the Investigations Lieutenant title.

   b. The Deputy Fire Marshall III title should be placed at 95% of the Investigator title.

   c. The Deputy Fire Marshall II title should be placed at 90% of the Fire Marshall Deputy III title.

Rationale:

The job description for the Deputy Fire Marshall III title is, in many ways, similar to the Investigator job description on the non-TCSO POPS scale. The primary difference is that the Fire Marshall Deputy title includes some duties related to building inspection that would not necessarily be law enforcement related. In much the same way that Constable Deputy and Park Ranger positions are set to a 95 percent match with TCSO Deputy positions, the Deputy III positions within the Fire Marshall's Office are recommended to be set at 95% of the Investigator title.

The Deputy II title is recommended to be set at 90% of the Deputy III title. This would mean that a career ladder action would result in a 10% increase, which is consistent with what happens when a Law Enforcement Deputy moves from a Deputy to Deputy Senior position.

Consistent with the recommendation for the Deputy III title, the Assistant Fire Marshall title is recommended to be set at 95% of the Investigation Lieutenant title.

These recommendations would make these titles more market competitive, particularly at entry, and be consistent with how other titles on the non-TCSO POPS scale are placed,

3. Step placement for current and future employees in the affected positions should be guided by the current POPS policy. Employees negatively impacted by this placement would be placed at the next available step.

Rationale:

Since the current employees that hold these positions are not on a step, it will be necessary to place these employees on a step within their respective pay grades. Section 10.0295 (d)(4) specifies the manner in which non-TCSO POPS employees are placed on steps within their

respective pay grades. Essentially, all new non-TCSO POPS employees are to be placed at Step 1 except for the following exceptions:

a) Those with 5-9 years prior relevant law enforcement experience and an Intermediate TCOLE License will be placed on the scale at Step 3;
b) Those with 10+ years prior relevant law enforcement experience and an Advanced TCOLE License will be placed at Step 5.

This methodology was used when Constable 2's Office was placed back on the POPS Scale in 2009. Consistent with that action, HRMD recommends placement either at Step 1, Step 3, or Step 5 based upon the Officers experience and certification level. If an employee would be adversely impacted by the placement methodology, the employee would be placed at the next available step.

Cost:

The annualized cost for FY 2015 is $41,029. This includes differences in salary, benefits, certification pay, and overtime. If implemented August 1 2014, the additional cost for FY 2014 is estimated at $6,835.43

Proposed change with placement on POPS at 95% of Investigator

Title	Position Number	FY 2015 Budget	Proposed	Difference	FICA	Medicare	Retirement	Workers Comp
Fire Marshal Deputy Asst II	30004587	$ 55,175.00	$ 60,516.46	$ 5,341.46	$ 331.17	$ 77.45	$ 730.18	$ 82.79
Fire Marshal Deputy Asst III	30004588	$ 76,481.11	$ 77,014.60	$ 533.49	$ 33.08	$ 7.74	$ 72.93	$ 8.27
Fire Marshal Asst	30004589	$ 84,693.79	$ 85,876.56	$ 1,182.77	$ 73.33	$ 17.15	$ 161.68	$ 18.33
Fire Marshal Deputy Asst III	30004591	$ 58,876.21	$ 67,240.51	$ 8,364.30	$ 518.59	$ 121.28	$ 1,143.40	$ 129.65
Fire Marshal Deputy Asst III	30004592	$ 64,924.14	$ 67,240.51	$ 2,316.37	$ 143.61	$ 33.59	$ 316.65	$ 35.90
Fire Marshal Deputy Asst III	30004593	$ 64,924.14	$ 70,013.04	$ 5,088.90	$ 315.51	$ 73.79	$ 695.65	$ 78.88
	Cert Pay		$ 6,000.00	$ 6,000.00	$ 372.00	$ 87.00	$ 820.20	$ 93.00
	Overtime			$ 4,565.00	$ 283.03	$ 66.19	$ 624.04	$ 70.76
	Total			$ 33,392.00	$ 2,070.00	$ 484.00	$ 4,565.00	$ 518.00
	Total of Proposed	**$ 41,029.00**						