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2 BILL NO. 5 - 2014
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4
5 Moved by: Wanda R. D. Williams
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9 An Ordinance striking Chapter 2-711, as amended, entitled "Residency," of the Codified
10 Ordinances of the City of Harrisburg and repealing Ordinance No. 20 of 2002.,
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12
13
14 **WHEREAS**, the City of Harrisburg enacted Ordinance No. 20 of 2002, codified at
15 Chapter 2-711, "Residency," which required certain employees to reside within the corporate
16 limits of the City; and
17

18 **WHEREAS**, on or about September 16, 2013, City Council passed Bill No. 23-2013,
19 exempting certain city employees from the residency requirement set forth in Chapter 2-711 of
20 the Codified Ordinances of the City of Harrisburg, including members in Local Union No. 521,
21 American Federation of State, County and Municipal Employees (AFSCME); the Fraternal
22 Order of Police, Capital City Lodge No. 12 (FOP); and all management-level employees; and
23

24 **WHEREAS**, the City of Harrisburg and Local Union No. 428, International Association
25 of Firefighters (IAFF), are now parties to a Collective Bargaining Agreement (CBA), as
26 modified by a Second Amendment to the CBA approved by a majority vote of the membership
27 on February 7, 2014, which is effective from January 1, 2006 through December 16, 2017; and
28

29 **WHEREAS**, under the CBA, the City and IAFF have agreed that IAFF employees will

30 be exempt from the residency requirement set forth in Chapter 2-711 of the Codified Ordinances
31 of the City of Harrisburg; and

32

33 **WHEREAS**, the Codified Ordinances of the City of Harrisburg would have to be
34 amended to reflect the aforementioned change and comport with the terms of the Collective
35 Bargaining Agreement; and

36

37 **WHEREAS**, upon making such amendment, there would be no employee of the City as
38 defined in Chapter 2-711 of the Codified Ordinances of the City of Harrisburg still required to
39 comply with the terms of the Ordinance; and

40

41 **WHEREAS**, because Ordinance No. 20 of 2002, codified at Chapter 2-711,
42 “Residency,” is moot, it should be repealed.

43

44 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
45 **HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME**, as
46 follows:

47

48 **SECTION 1.** Ordinance No. 20 of 2002, Chapter 2-711, entitled “Residency,” of the
49 Codified Ordinances of the City of Harrisburg is hereby repealed.

50

51 **SECTION 2.** The City Clerk is hereby directed to make appropriate changes to the

52 Codified Ordinances of the City of Harrisburg.

53

54 **SECTION 3. DELEGATION.**

55 Appropriate City officials are authorized and directed to take such actions as are
56 necessary to effectuate this ordinance.

57

58 **SECTION 4. SEVERABILITY.**

59 If any provision, sentence, clause, section, or part of this ordinance or the application
60 thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or
61 invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall
62 not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this
63 ordinance. It is hereby declared as the intent of the Council of the City of Harrisburg that this
64 ordinance would have been adopted had such unconstitutional, illegal or invalid provision,
65 sentence, clause, section or part not been included herein.

66

67 **SECTION 5. REPEALER.**

68 All ordinances or parts of ordinances in conflict herewith be and the same are hereby
69 repealed.

70

71 **SECTION 6. EFFECTIVE DATE.**

72 This ordinance shall take effect in accordance with the law.

73

74 Seconded by: Eugenia Smith

75

Passed the City Council April 22, 2014
Walter D. Williams
President of City Council

Attest Ka Petr
City Clerk

YEAS		NAYS
<input checked="" type="checkbox"/>	MR. ALLATT	
<input checked="" type="checkbox"/>	MS. DANIELS	
<input checked="" type="checkbox"/>	MR. KOPLINSKI	
	MS. REID	<input checked="" type="checkbox"/>
	MS. SMITH	
<input checked="" type="checkbox"/>	MS. WILSON	
<input checked="" type="checkbox"/>	MS. WILLIAMS	
Yeas	<u>5</u>	
Nays	<u>1</u>	

INTER

OFFICE

MEMO


To: HARRISBURG CITY COUNCIL
From: Kirk Petroski, City Clerk
LEGISLATIVE APPROVAL FORM

Date: March 21, 2014

LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE

BILL NO. -2014 RESOLUTION NO. -2014

THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR'S OFFICE ON:

Asst 

City Solicitor

3/21/14

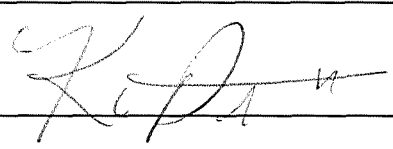
Date

Requested by Department/Bureau: Law Bureau

Department/Bureau Contact Person: NAG

For Action on or before:

The attached was received in the Office of the City Clerk for introduction on


Received by:

Date: 3-21-14

Wanda P. D. Williams RESOLUTION NO. 36 2014

A Resolution of the Council of the City of Harrisburg ratifying the Harrisburg IAFF Final Proposals dated January 30, 2014, the City of Harrisburg and the Local Union No. 428, International Association of Firefighters (“IAFF”).

WHEREAS, the City of Harrisburg (“City) and the Local Union No. 428, International Association of Firefighters (“IAFF”), are parties to a collective bargaining agreement originally effective through December 31, 2012; and

WHEREAS, in the final months of 2009, a First Amendment to the Basic Labor Agreement was negotiated between an outgoing Mayoral Administration on behalf of the City and the IAFF membership, which proposed to modify the original labor agreement and extend the term until December 16, 2016 ; and

WHEREAS, the First Amendment to the Basic Labor Agreement was never presented for or approved by a requisite vote of the City Council; and

WHEREAS, the City and the IAFF now have negotiated amendment terms to the collective bargaining agreement for the purpose of obtaining the cost savings for the City consistent with the Harrisburg Strong Plan, as presented by the Officer of the Receiver of the City of Harrisburg and approved by Order of the Commonwealth Court of Pennsylvania which shall be the Second Amendment to the Basic Labor Agreement Between The City Of Harrisburg And International Association of Firefighters, Local Union No. 428 (“Second Amendment”); and

WHEREAS, prior to the final vote of the members on or about February 7, 2014, the City and the IAFF settled upon an agreed list of proposed contract modifications to be considered by the membership for a vote, identified as the Harrisburg IAFF Final Proposals dated January 30, 2014a true and correct copy of which is attached as Exhibit A (“List of Revised Terms”); and

WHEREAS, the Office of the Receiver of the City of Harrisburg participated in these negotiations and supported the affirmative vote of the IAFF members approving the negotiated amendments; and

WHEREAS, the City has not yet received a final cost study for all pension benefit changes contemplated by the Second Amendment and the details thereof remain subject to a review and approval of Council, notwithstanding any affirmative vote of the Council approving the changes; and

WHEREAS, in the absence of a final study and report on the pension benefit changes set forth in the Second Amendment, any approval of the Council of the renegotiated terms of this IAFF collective bargaining agreement shall be considered conditional, subject to the Council’s review and approval of implementing legislation for the relevant pension changes; and

WHEREAS, on February 7, 2014, the IAFF ratified the terms of the Harrisburg IAFF Final Proposals dated January 30, 2014.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF HARRISBURG, that the Harrisburg IAFF Final Proposals

dated January 30, 2014 between the City of Harrisburg and Local Union No. 428, International Association of Firefighters (IAFF), is hereby ratified.

I second this resolution Ben J Allatt

At a meeting of the City Council on April 22, 2014
Walter D. Williams
President of City Council
K. J. [Signature]
City Clerk

YEAS		NAYS
<input checked="" type="checkbox"/>	MR. ALLATT	
<input checked="" type="checkbox"/>	MS. DANIELS	
<input checked="" type="checkbox"/>	MR. KOPLINSKI	
<input checked="" type="checkbox"/>	MS. REID	
	MS. SMITH	
<input checked="" type="checkbox"/>	MS. WILSON	
<input checked="" type="checkbox"/>	MS. WILLIAMS	
Yeas	<u>6</u>	
Nays	<u>0</u>	

Exhibit A

HARRISBURG IAFF FINAL PROPOSALS – JANUARY 30, 2014

1. Except as specifically modified by the terms of this Amendment, all terms and conditions of the parties' 2006 – 2016 Collective Bargaining Agreement shall remain in full force and effect for the duration of this Amendment.
2. The date of ratification of this Amendment shall be the date on which both the IAFF and the City (Mayor and City Council) have ratified this Amendment. IAFF ratification must occur on or before February 10, 2014.
3. The duration of this Amendment shall be for a term of five years, from January 1, 2013 through December 31, 2017.
4. The base wages of each classification within the bargaining unit shall be increased as follows:

January 1, 2013 – 0%
January 1, 2014 – 0%
January 1, 2015 – 1%
January 1, 2016 – 1%
January 1, 2017 – 2%
5. Longevity shall not be paid to employees hired on or after the date of ratification of this Amendment.
6. Effective January 1, 2014, the number of paid holidays shall be reduced from twelve (12) to eleven (11) per year by combining Washington's and Lincoln's birthdays into President's Day.
7. All employees hired on or after the date of ratification of this Amendment shall receive the following vacation: less than 5 years of service – 8 days per year; 5 to 15 years of service – 12 days per year; 15 and more years of service – 16 days per year.
8. Effective in the first payroll period that begins in February of 2014, except as provided in Paragraph 21, all employees shall contribute to the premium cost of medical and hospital insurance as follows: \$40 per biweekly pay (26 pays per year) for single coverage; \$90 per biweekly pay (26 pays per year) for 2 or more person coverage. All employee contributions shall be by payroll deductions and shall be on a pre-tax basis.
9. Effective January 1, 2014, or as soon thereafter as possible, the base health care plan provided to all active employees shall be the PPO Blue – 90%/70% Co-insurance; \$250/\$500 In-Network Deductible; \$20/\$40 OV Co-pay; \$100 ER Co-pay; \$500/\$1000 OOP Max.

10. Effective January 1, 2014, or as soon thereafter as possible, prescription co-payments for all employees shall be as follows:

Generic \$25
Brand Restricted \$50
Brand \$75

Where and when available, employees shall be required to purchase generic prescriptions and shall be required to select mail order delivery.

11. Beginning with the calendar year commencing January 1, 2015, if the City's increases in its medical and health insurance COBRA rates exceed six percent (6%) over the prior year's rates, the City and the IAFF shall negotiate changes in the design of the health care plans to reduce the amount of the City's increases in its share of the costs of monthly contributions. For purposes of calculating increases in costs, the COBRA rates established by the City's third party administrator(s) shall be used, and the annual increase shall be determined based on the effective date of the plan year. In calculating the six percent (6%) increase, the percentage shall be based on the amount paid by the City and shall not include employee contributions. In the event the City and the IAFF are unable to reach agreement on plan design changes, the plan design changes shall be subject to an expedited interest arbitration procedure. Either party may request the appointment of a neutral arbitrator selected pursuant to the arbitration step of the grievance procedure. The decision of the arbitrator on this issue shall be issued within forty-five (45) calendar days of the notice of submission to arbitration.
12. During the term of this Agreement, the City may at any time change the base health care plan provided hereunder to PEBTF coverage.
13. Effective January 1, 2014, or as soon thereafter as possible, the manpower complement shall be reduced to fourteen (14) Firefighters and/or Lieutenants and one (1) Command Officer with the rank of either Acting Battalion Chief or Battalion Chief; provided that if a recall is initiated under Article 9, Section 4, the number of firefighters recalled shall be as set forth on the attached Exhibit A.
14. Effective upon the date of ratification of this Amendment, the position of the Fire Bureau's Administrative Assistant may be performed by a civilian employee of the City.
15. Effective upon the date of ratification of this Amendment, the allowable number of firefighters on vacation shall be reduced from 4 to 3; 1 officer and 2 firefighters, or 3 firefighters if no officer is off. (Vacations already approved as of the date of ratification shall not be affected.)
16. Effective January 1, 2013, the new hire pay scale shall be: 85% of base Year 1, 90% of base Year 2, 95% of base Year 3, 100% of base Year 4.

17. Effective with any employee first employed by the City on or after the date of ratification of this Amendment, the pension plan provided to such employees shall not include the cost of living increase otherwise provided therein for other bargaining unit members.

18. Post-Retirement Health Care

Post-retirement health care benefits shall be provided only to those employees hired prior to the date of ratification of this Amendment. All employees hired after the date of ratification of this Amendment shall not be eligible to receive post-retirement health care benefits.

Effective upon the date of ratification of this Amendment, all current employees (defined for purposes of this provision as those hired prior to the date of ratification) who retire thereafter, shall receive post-retirement health care in accordance with the following conditions and limitations:

- (a) Retirees and their dependents shall receive post-retirement health care coverage under the same health plan provided to active employees, which coverage may be modified to the extent the coverage for active employees is modified. All conditions and restrictions applied to current employees, such as co-payment amounts, prescription restrictions or changes in plan design or coverage, shall be applied to retirees receiving post-retirement health care coverage.
- (b) Except as provided in Paragraph 21, in order to be and remain eligible to receive post-retirement health care coverage, retirees must be receiving their pension benefit and must remit an amount equal to a percentage of their pension in accordance with the following table. The remittances shall be paid monthly in advance by direct payment to the City; if payment is not timely received by the City in advance, then the health care coverage shall immediately cease.

Coverage Type	% Pension Contribution
Single	2%
2 persons	3%
3 persons	4%
4 or more persons	5%

- (c) Retirees must meet all current eligibility and other requirements set forth in the collective bargaining agreement. All conditions and restrictions set forth in the collective bargaining agreement shall continue to apply.
- (d) Retirees and their dependents shall not be eligible for post-retirement health care benefits if the retiree or dependent has available health insurance coverage elsewhere at a reasonably comparable benefit level and at the same or lower cost, including for example available coverage through a spouse or other employer.

- (e) Retirees and their dependents shall be entitled to receive post-retirement health care under this Agreement only until the date said retiree reaches the age of Medicare eligibility. Following the attainment of Medicare eligibility, retirees shall be entitled to receive only cash reimbursement in an amount not to exceed \$250 per month for supplemental insurance purchased by the retiree, increasing up to a maximum of \$350 per month reimbursement under the following schedule.

<u>Maximum monthly reimbursement</u>	
Thru 12/31/2016	\$250
2017	\$260
2018	\$270
2019	\$280
2020	\$290
2021	\$300
2022	\$310
2023	\$320
2024	\$330
2025	\$340
2026	\$350

19. Effective January 1, 2013, the turnout gear replacement rotation shall be revised from 4 years to 5 years.
20. Effective upon the date of ratification of this Amendment, the residency requirement contained in prior collective bargaining agreements between the parties is eliminated, and employees, regardless of hiring date, shall not be required to establish or maintain a residence within the corporate limits of the City of Harrisburg. The three bargaining unit members who were discharged by the City for alleged residency violations shall be reinstated and shall be made whole in accordance with the Memorandum of Understanding between the City and the Union.
21. Within fifteen (15) calendar days of the date of ratification of this Amendment, each of the firefighters on the attached list (attached as Exhibit B) will be permitted to submit a written, irrevocable notice of their intent to retire with a date certain, in accordance with the requirements below. If such notice is submitted, such individuals shall not be subject to the active employee's health care contributions in Paragraph 8 above during the remainder of their active employment and shall not be subject to the retiree's contributions toward post-retirement health care coverage set forth in Paragraph 18(b) above. For the individuals who already achieved or will achieve superannuation retirement eligibility by December 31, 2014, their retirement date must occur between their superannuation date through and including December 31, 2014. All other individuals shall select the day following their superannuation eligibility.

Exhibit A

Upon and after the reduction of the firefighting complement to fourteen (14) fire fighters plus one (1) officer as provided herein, the following response and recall procedure shall be followed:

1. Upon the striking of a Box Alarm, the current practices shall apply.
2. In the event that a First Alarm is struck, or receipt of report of a Working Fire, all on-duty suppression personnel (14/1) shall be called out to that incident.
3. In the event that a Second Alarm is struck, seven (7) additional suppression personnel plus one (1) officer shall be called out.
4. In the event of a Third Alarm and thereafter (or prior thereto if desired by the Department), appropriate Departmental authorities may call out either an additional five (5) suppression personnel plus one (1) officer or call out for "All hands," as they deem appropriate.

These changes to recall procedures are not intended to modify the current practices, MOU's or standard operating guidelines regarding recall except as to the number of suppression personnel recalled for a first recall.

Exhibit B

Firefighter List

1. Constance Owen
2. Nicky Bixler
3. Ronald Gallatin
4. Michael Souder
5. Daniel Wolfe
6. Byron Worner
7. Scott Young
8. Richard Bistline
9. John Pritchett
10. Joseph Williams
11. Eirc Jenkins
12. Marty Henderson
13. R.T. Strasbaugh
14. Cedric Yates