

CITY OF YUBA CITY  
STAFF REPORT

**Date:** August 18, 2020  
**To:** Honorable Mayor & Members of the City Council  
**From:** Fire Department  
**Presentation By:** Jesse Alexander, Fire Chief

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**Summary**

**Subject:** Fire Local 3793 Side Letter for Acting Fire Captain during COVID-19  
**Recommendation:** Adopt a Resolution approving a Side Letter with Fire Local 3793 for the utilization of Acting Fire Captains during the COVID-19 pandemic.  
**Fiscal Impact:** None

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**Purpose:**

To approve the Fire Local 3793 Side Letter to permit the Fire Department to meet critical staffing needs during the COVID-19 pandemic at the rank of Fire Captain.

**Background:**

In the past, the Fire Captain rank has been staffed using individuals who hold the position of Fire Captain. If there was not a qualified Captain available, the position could be filled with a qualified Acting Captain. This Acting Captain would come from the rank of Fire Apparatus Operator (FAO) or Firefighter (FF) who had been certified as an Acting Captain through Department procedures. These procedures were in conjunction with the parameters set within the MOU for Local 3793. Due to recent Fire Captain promotions, the pool of necessary actors has gotten smaller.

In more traditional times that do not include the uncertainties of a pandemic along with an upcoming fire season, the rank of Fire Captain would be filled through voluntary and/or mandated order backs of employees within the rank of Fire Captain. This established process has served the Department's requirements for meeting its staffing needs at the Captain rank. However, during this current pandemic, the Department has experienced repeated order backs in staffing the Fire Captain rank. This is due to Fire Department employees (including Captains) having to quarantine due to significant and high-risk exposure to COVID-19. These occurrences, compounded with a lack of actors, and an impending fire season highlight the need for the Department to have and utilize more actors at the rank of Engine Company Captain.

**Analysis:**

The Yuba City Fire Department continues to deliver quality and a high level of service that benefits the City and its residents. There are multiple challenges that the Department strives to forecast and overcome when meeting the operational needs set forth. These challenges are present even when variables such as a pandemic and fire season are not occurring. However, due to COVID-19 and the forecast of the upcoming fire season, these challenges are compounded. The Department has identified the need for more Acting Captains so that the City's engines can

continue to be staffed with a qualified supervisor.

The Fire Department has recently experienced difficulties in maintain staffing across the ranks which includes the Captain rank. The Department currently has actors that can be utilized from the firefighter rank to the FAO rank; however, recent promotions to the Captain rank has diminished the Acting Captain pool. As a result of a limited pool of Acting Captains, long term industrial injuries at the Captain rank, the COVID 19 pandemic and associated quarantines; filling the staffing needs at the Captain rank has and will continue to be a challenge. Soon, the challenge will be compounded even more when the impending fire season reaches its peak.

Fire Department management and Local 3793 have come to a preliminary agreement to modify the current MOU in regards to Acting Captain eligibility by way of a side letter which would allow for more actors within the Department. This agreement would assist in staffing the Department during critical times such as future quarantines.

The details included in Attachment B highlight the requirements for individuals. More actors at the rank of Captain will provide immediate relief to the workload on the current Captain rank, thus providing the benefits already mentioned above. Additional benefits include reducing excessive work hours which in turn could limit potential workplace injuries and liability to the Department and to the City.

**Fiscal Impact:**

None

**Alternatives:**

Do not approve the Side Letter for Acting Captains

**Recommendation:**

Adopt a resolution approving the Side Letter with Fire Local 3793 to permit the Fire Department to meet critical staffing needs during COVID-19 pandemic at the rank of Fire Captain

**Attachments:**

1. Resolution
2. Fire Local 3793 Side Letter

**Prepared By:**

*/s/ Jesse Alexander*

Jesse Alexander  
Fire Chief

**Submitted By:**

*/s/ Diana Langley*

Diana Langley  
Interim City Manager

**Reviewed By:**

Department Head  
Finance  
Special Counsel

NS  
SM  
SS

# ATTACHMENT 1

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
APPROVING THE FIRE LOCAL 3793 SIDE LETTER FOR ACTING FIRE CAPTAINS**

WHEREAS, the City recognizes Fire Local 3793's commitment to the City and its citizens while providing outstanding and dedicated service to all; and

WHEREAS, Fire Management and Fire Local 3793 have developed a side letter outlining the terms of an Acting Fire Captain's list during the COVID-19 pandemic; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuba City as follows:

1. Approve the attached Fire Local 3793 Side Letter for the terms and conditions of an Acting Fire Captain list during the COVID-19 pandemic.

The foregoing Resolution of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 18th day of August 2020.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Shon Harris, Mayor

ATTEST:

\_\_\_\_\_  
Patricia Buckland, City Clerk

Approved as to form:

\_\_\_\_\_  
Stacey Sheston  
BB&K, Special Counsel

# ATTACHMENT 2

**SIDE LETTER TO THE  
MEMORANDUM OF UNDERSTANDING**

**Between**

**The City of Yuba City**

**And**

**The Yuba City Firefighters', Local 3793**

**July 1, 2020 through December 31, 2021**

The City of Yuba City (City) and the Yuba City Firefighters', Local 3793 (YCFF), jointly referred to as the "parties" enter into this Side Letter Agreement. The parties agree that the specific provisions contained in this Side Letter Agreement shall succeed any previous agreement regarding matters contained herein. The parties also agree that the terms of this agreement will be incorporated into the current Memorandum of Understanding (MOU) effective July 1, 2019 through June 30, 2020

### **Acting Captains**

The "Acting Captains" section is to be used during the declaration of the local state of emergency for COVID-19 or until January 1, 2021, whichever is sooner. If the local state of emergency continues beyond January 1, 2021, the agreement shall automatically extend unless either party gives thirty (30) day notice. Extensions for this agreement shall not occur after the local state of emergency for COVID-19 is over as declared by City Council. This section is not subject to grievances.

- a) Eligibility
  - i) Fire Officer Certification or an employee must have completed at least 50% of the Company Officer 2A, 2B, 2C, 2D, 2E, and Instructor 1.
  - ii) An employee must have completed at least 96 hours of supervised training. The supervised training shall be conducted on duty, under the direction of a working, permanent Fire Captain and includes any time logged within the current calendar year.
  - iii) The first 96 hours of shifts worked as an Acting Captain shall occur at Station 1 under the direction of the on-duty Battalion Chief. This is in addition to the 96 hours of direct supervision under a working, permanent Fire Captain.
  - iv) If an Acting Captain is assigned to an engine as an Acting Captain, there shall be no other personnel on that engine working in an acting capacity (i.e. an acting operator).
  - v) The Battalion Chiefs or Fire Chief may only utilize Acting Captains to backfill for a Captain who is quarantined or ordered to isolate due to COVID-19. Additionally, Acting Captains may be chosen to fill order-backs for Captains on an as needed basis with mutual agreement between themselves, the Captains, and Battalion Chief.
- b) Acting Captain List
  - i) Eligibility on this list does not infer eligibility for promotion.
  - ii) Employees may voluntarily sign up (if eligibility is met) or remove themselves by providing forty-eight (48) hours notice. Management retains the right to remove any employee from Acting Captain's list at any time.
  - iii) The City shall hold a test for Captain when a vacancy occurs at the Captain rank or no later than March 2021. When a list is established, the promotional Captain list shall be utilized first and then the Acting Captain list shall be utilized after the promotional list is exhausted.
- c) Other
  - i) Acting Captains from this list shall not be assigned on strike teams in an acting capacity.

**2. Remainder of Contract Not Affected.**

All other provisions of the current Memorandum of Understanding between the City and the Yuba City Firefighters' Local 3793 shall remain unchanged.

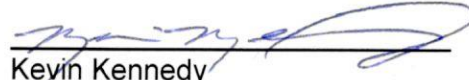
Date: \_\_\_\_\_

Date: 8/12/2020

**CITY OF YUBA CITY**

**YUBA CITY FIREFIGHTERS',  
LOCAL 3793**

\_\_\_\_\_  
Diana Langley  
Interim City Manager

  
\_\_\_\_\_  
Keyin Kennedy  
President Local 3793

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Natalie Springer  
Director of Human Resources