

**MENLO FIRE / BATTALION CHIEF UNIT (IAFF  
LOCAL 2400, DISTRICT 13)**

**Meet and Confer**

**District Proposal Re 40-Hour Battalion Chief**

**4/3/24**

**I. Assignment Description:**

See the attached 4/3/24 40-hour Staff Battalion Chief of Special Operations Assignment.

**II. Proposed Side Letter**

**SIDE LETTER AGREEMENT  
BETWEEN MENLO FIRE PROTECTION DISTRICT  
AND IAFF LOCAL 2400, DISTRICT 13  
REGARDING 40-HOUR SPECIAL OPERATIONS BATTALION CHIEF ASSIGNMENT**

This Side Letter Agreement is entered into between the Menlo Park Fire Protection District (District) and the International Firefighters Association, Local 2400, District 13 (IAFF) regarding a 40-hour Battalion Chief assignment.

1. The 40-hour Battalion Chief assignment will be filled through an internal Battalion Chief application and interview process. If there are no qualified Battalion Chief applicants, the 40-hour Battalion Chief assignment will be filled by an application and interview process of individuals on the promotional list. If no internal Battalion Chief or promotional list candidates apply or are deemed qualified for the assignment, the Fire Chief may either open the assignment to other qualified classifications or fill the assignment by hiring from outside the District.

2. An appointed employee shall continue to serve in the 40-hour Battalion Chief assignment at the pleasure of the Fire Chief, and a Fire Chief's decision to move an employee from the 40-hour Battalion Chief assignment to another Battalion Chief assignment shall be discretionary, and neither punitive nor disciplinary nor afford the 40-Hour Battalion Chief employee any due process, disciplinary or Firefighter Bill of Rights Act rights. A 40-hour Battalion Chief may elect to move to a 56-hour Battalion Chief Assignment during his/her three-year term if there is a vacant 56-hour Battalion Chief assignment.

3. The 40-Hour Battalion Chief assignment shall be appointed for an assignment period of up to three years and to run concurrently with the three-year period beginning January 2024 and every three years thereafter (coinciding with the three-year period for which FEMA grants are awarded). If a 40-Hour Battalion Chief assignment becomes vacant due to a 40-Hour Battalion Chief leaving District employment or moving to a 56-Hour Battalion Chief assignment during the last six months of their assignment, the new 40-hour Battalion Chief will be appointed for the

remainder of the leaving/moving 40-Hour Battalion Chief's term, plus the next three-year period coinciding with the three-year period for which FEMA grants are awarded.

4. If there are no Battalion Chief vacancies at the time a 40-hour Battalion Chief's assignment ends and is moving to a 56-hour assignment, and no qualified Battalion Chief applies for the assignment, the Battalion Chief with the fewest years of District service holding the classification of a Battalion Chief shall demote to the classification of Fire Captain.

5. A 40-hour Battalion Chief shall not be eligible to bid on other Battalion Chief assignments or to participate in Battalion Chief shift or station bids.

6. The 40-hour Battalion Chief will receive an additional 15.0% on top of their base pay until that additional pay plus salary and all incentive pays (if applicable), except residency stipend, reaches 2.5% below the top step of the Division Chief salary range. At no point will the 40-hour Battalion Chief's additional pay, plus salary and incentives (if applicable), except residency stipend, exceed 2.5% below the top step of the Division Chief salary range.

7. The 40-hour Battalion Chief will not receive holiday pay but may observe the recognized holidays in MOU Section 3.1 with 10 hours of paid time off for each holiday. If a 40-hour Battalion Chief is required to work on a recognized holiday, the 40-hour Battalion Chief will be allowed to take the holiday on an alternate regularly scheduled work day of their choice within the same pay period.

8. Overtime worked under MOU Section 2.2.1 as a 40-hour Battalion Chief must be pre-approved. Overtime earned under MOU Section 2.2.1 and worked as a 40-hour Battalion Chief shall be paid based on the higher 40-hour per week hourly rate (i.e. 86.67 hours per pay period) and suppression overtime earned under MOU Section 2.2.1 and worked by the 40-hour Battalion Chief shall be paid based on the 56-hour per week hourly rate (i.e. 121.33 hours per pay period).

9. A 40-hour Battalion Chief shall accrue annual leave / PTO in accordance with MOU Section 4.1 except that

- a. A 40-hour Battalion Chief shall accrue annual leave at 0.714% (40/56) the rate of a 56-hour suppression Battalion Chief; and
- b. The maximum annual leave accrual shall be 514 hours (40/56 of the 720 maximum applicable for 56-hour suppression schedule employees).

10. An employee that moves from a 56-hour suppression schedule assignment to a 40-hour Battalion Chief assignment will have all their annual leave converted from a 56-hour rate to a 40-hour rate by multiplying such balances by  $40/56=0.714$ . If a 40-hour Battalion Chief moves to a 56-hour suppression schedule assignment, all annual leave will be converted by multiplying such balances by 1.4, and their annual leave accrual will thereafter accrue at the 56-hour suppression

Battalion Chief rate. Any annual leave cashed out by a 40-hour Battalion Chief shall be cashed out at the 40-hour per week hourly rate.

11. The District will provide the 40-Hour Battalion Chief a District vehicle for the purposes of conducting District business. Use of the vehicle is subject to District Policy 704.

12. The 40-Hour Battalion Chief assignment is an ongoing benefited assignment that will work a 40-hour per week schedule. The regular work schedule shall be a 4/10 schedule. The start time and/or days of the week may be flexed by mutual agreement between the supervising Division Chief and the 40-hour Battalion Chief.

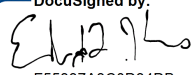
13. The 40-hour Battalion Chief is not eligible for shift trades.

14. The 40-Hour Battalion Chief, on issues relative to the day-to-day planning, operations, and management of the CA-TF3, shall be granted all authority as required of Program Managers by the current federal and state agency requirements. As of the date of execution of this side letter, this delegated authority includes the requirement that the Program Manager report directly to the Fire Chief on matters specifically relating to CA-TF3 and to have spending authority on par with a Division Chief of the MPFPD (currently set at \$30,000).

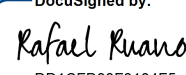
15. Any deployments of the 40-hour Battalion Chief are at the Fire Chief's discretion.

16. The District reserves the right to eliminate the 40-hour Battalion Chief assignment with 3 months' notice to the Union.

17. This Side Letter Agreement may be executed in counterparts, and facsimile signatures shall be considered as valid as original signatures.

DocuSigned by:  
  
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Eddie Kreisberg

Lead Negotiator  
6/13/2024

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Rafael Ruano

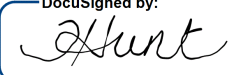
Attorney IAFF  
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Jason Martin  
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Division Chief, Operations  
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