

MEMO

To: Austin City Council, Mayor Adler, Interim City Manager Hart, New City Manager Cronk

From: Austin Justice Coalition, Grassroots Leadership, ACLU of Texas, Just Liberty, Texas Civil Rights Project, Texas Criminal Justice Coalition, Austin Community Law Center

Date: January 3, 2018

Subject: Police specialty pay in the absence of a contract

The City of Austin is no longer under contract with the Austin Police Association. The Austin Police Association, which rejected the City's offer to continue negotiation, claimed any new negotiation would take more than the three months allowed under the prior contract (which included extensions to the end of March) AND that it would only agree to return to the table once CM Cronk has come to Austin.

Therefore, millions of dollars allocated under the old contract, along with money set aside for proposed increases, should now be reallocated to other public safety needs -- from improvements in forensics, to neighborhood lighting, permanent supportive housing for the homeless, drug & mental health treatment, youth programs, parks, pools and other human services.

Chapter 143 and 141 limit certain kinds of specialty pay while allowing cities to authorize other kinds by ordinance. That means that Austin will immediately stop paying prohibited specialty pay, and should shortly launch a public dialog about whether each additional specialty pay in the old contract is the most appropriate way to spend our public safety dollars.

Using budget numbers released during the last budget process, and assuming that $\frac{1}{4}$ of the cost of each contractual payment type has been expended under the old contract terms, **we estimate that up to \$10.5 million became available yesterday** for *either* police specialty pay or other uses in the remainder of this fiscal year. We therefore expect a public input process that both respects your fiscal responsibility to taxpayers and helps reset expectations around public safety spending.

Est. Available Funds from Police Specialty Pay, Remaining $\frac{3}{4}$ Current Fiscal Yr.

Specialty Pay Type	Est. Officers	Action required to reinstate	Money now available for other uses
Longevity Bonus	1,770	No action possible, capped by Ch. 141 at 44.8% of current, $\frac{3}{4}$ fiscal year left.	\$1,272,636 (overage)
Termination pay	50-75 officers/yr	No action possible, hours available capped by Ch. 143 at 53% of contract	\$2,068,000 (overage)
Total Available Due to Prohibited Payments (cannot be reinstated by Council outside contract)			\$3,340,636

Mental Health Cert.	154	Ordinance required	\$261,000
Education or TCLEOSE Certification	1,518	Ordinance required	\$2,806,500
Shift Differential Pay	801	Ordinance required	\$2,318,250
Total Available in pay that CAN be reinstated by Council Action to pass an ordinance, or can be spent differently			\$5,385,750

Vacation defined as “productive” for overtime calculation		Was changed in new contract, CM can decide	\$500,000
Court time paid at 6 hours for first hour then time and a half		Will automatically be paid as actual hours worked unless officer has worked 40 hours that week	\$1,222,000
“Call back” paid at time & half		Will automatically be paid as actual hours worked unless officer has worked 40 hours that week	\$656,000
Total Available due to application of normal overtime rules by CM to callback, court, and vacation			\$1,700,000*
TOTAL			\$10,426,386

SOURCES: Alter budget question #53, City document entitled “Police meet and confer, impact of not approving the proposed contract,” and Memo from Elaine Hart to the Mayor and City Council, 12/21/17.

* Estimates of available funds due to changes in overtime are very rough due to lack of detail in original information given to Council, assumes that city will no longer count vacation as productive time, assumes that court time will be reduced from 6 hours pay to 1 hour pay in most instances, since officers will not yet have worked their 40 hours. Call back time estimated to be reduced from 1.5 to 1 hour.