

FIREFIGHTER SEEKING TO VOLUNTEER OR WORK PART-TIME IN ANOTHER DEPARTMENT

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House Bill 4624 (Substitute H-2)

Sponsor: Rep. Joe Haveman

Committee: Local Government

First Analysis (10-28-13)

BRIEF SUMMARY: The bill allows an employee of a public fire department to accept part-time or paid on-call employment with another fire department if that employment does not conflict with the firefighter's original employment (as determined by the original employer). The bill would prohibit the adoption of contrary policies, and also make this matter a prohibited subject in collective bargaining.

FISCAL IMPACT: House Bill 4624 (H-2) would not have a significant fiscal impact on the Bureau of Employment Relations (BER) and could have an indeterminate fiscal impact on local units of government dependent on the labor market and current labor contracts for firefighters.

THE APPARENT PROBLEM:

The Grand Rapids Fire Department has about 200 full-time firefighters to serve the 45-square mile city with an estimated 190,411 people. Beginning in January 2014, those firefighters will be unable to serve in other fire departments on their days off.

Fulltime professional firefighters customarily work a 24-hour shift; for example, from 7 a.m. one morning to 7 a.m. the next. Then they have 48-hours off. Generally, three platoons working the 24/48 schedule provide around-the-clock fire-fighting coverage in a single firehouse during a given week.

The firefighters' "one-day on, two days off" work schedule means that, on average, each firefighter works ten 24-hour shifts each month, leaving them off-duty 20 days each month. Many firefighters, although not all, take a second paid job on their "off days" to supplement their income. For example, of the 200 full-time professional firefighters in Grand Rapids, about 30 reportedly work as part-time firefighters in the small, mostly volunteer fire departments of nearby towns and villages located in Kent, Ottawa, and Montcalm counties. When they take these second jobs, they are paid for each fire they fight, but do not receive health insurance and other benefits customarily available through their primary employer.

City of Grand Rapids officials and the full-time fire fighting professionals they employ negotiated (through collective bargaining) the ban on off-duty work for small-town fire departments. At the time, city officials said the ban protects the investment that city taxpayers have made in their full-time firefighters, noting "we just can't afford to pay for

health care injuries that are not even caused by the employee working for us." (*MLive*, 2-22-12) Not all city firefighters agree with the collectively bargained agreement, and legislation has been introduced to prohibit a local unit of government from negotiating or adopting a personnel policy that prohibits its firefighters from working part-time in another fire department.

THE CONTENT OF THE BILL:

Under House Bill 4624 (H-2), an employee of a public fire department could volunteer for or seek and accept part-time or paid on-call employment with another fire department if that employment did not conflict with his or her performance of the original employment, as determined by the original employer.

The bill would amend the Public Employment Relations Act (Public Act 336 of 1947), which addresses the collective bargaining rights of public employees and the content of collective bargaining agreements.

House Bill 4624 (H-2) prohibits a local unit of government from adopting or applying an ordinance, rule, or policy in conflict with the right granted an employee under this section of the law.

Further, House Bill 4624 (H-2) specifies that collective bargaining between a public employer and a bargaining representative of its employees shall not include the subject of a prohibition of an employee volunteering for or obtaining paid on-call employment with another fire department.

Proposed MCL 423.215a

BACKGROUND INFORMATION:

For further information about volunteer firefighting in Michigan, visit the website of the Michigan State Firemen's Association at:

<http://www.msfassoc.org/>

And also, for further information about professional firefighting in Michigan, visit the website of the Michigan Association of Firefighters at:

<http://maffonline.org/>

ARGUMENTS:

For:

Proponents of the bill—who are firefighters—argue they, not their employer, should be able to determine when and where they seek supplemental income from secondary jobs. The firefighters from Grand Rapids who support the bill note they are well-trained in big-city fire departments, have ample time off given their "24-hours on/48-hours off" work schedules, and often live in (indeed, frequently grew up in) the small communities near

Grand Rapids where they have part-time work in mostly volunteer paid on-call fire departments. These firefighters argue they can serve two communities as firefighters—both Grand Rapids, and one of the smaller towns nearby that cannot afford a full-time, professional fire department.

Further, some proponents of the bill say this legislation is a good example of intergovernmental cooperation between local units of government, a goal often espoused by the governor and other political leaders. They note the current arrangements (soon to be prohibited under the four-year contract) enable small local units of government to save their taxpayers money, by providing good fire service without having to hire full-time firefighters.

Against:

Opponents of the bill argue the new four-year contract that prohibits Grand Rapids firefighters from working part-time in smaller fire departments will have the long-term effect of encouraging more consolidation among area fire departments, as nearby communities will increasingly contract for round-the-clock professional fire service.

In addition, they argue the ban (negotiated between city managers and city employees through collective bargaining) gives firefighters more protections in an often dangerous job. In a bigger fire department, firefighters have up-to-date training and equipment, and they and their families have disability insurance and health care coverage in the event of injury. Absent a ban on off-duty work in other fire departments, there are conflicts of interest that can threaten these worker protections.

Further, it was city officials (not employees) who sought the work restrictions for firefighters that this bill would overturn. City officials who oppose the bill say that professional firefighters hired under contracts should be focused on the work of their primary employer. They argue that because firefighting is high risk work, firefighters frequently suffer injuries. They are safest when their employers provide health and disability benefits, benefits generally not available to firefighters when they work in part-time, paid-on-call fire departments that are sometimes short of staff.

Finally, city officials argue the ban on off-duty work for other fire departments protects the investment of city taxpayers, noting that if city firefighters are injured while on duty in another jurisdiction, it is the taxpayers of Grand Rapids who must pick-up the health care and disability tab. They note that the prohibition aims to limit the risk of off-duty injuries that could cost Grand Rapids taxpayers money.

POSITIONS:

The Delta Township Fire Department supports the bill. (10-17-13)

The Western Michigan Fire Chiefs support the bill. (9-12-13)

The Georgetown Fire Department supports the bill. (9-12-13)

The Allendale Fire Department supports the bill. (10-17-13)

The Michigan Townships Association supports the bill. (9-12-13)

The Michigan State Firemen's Association supports the bill. (9-12-13)

The Michigan Municipal League opposes the bill. (10-17-13)

The City of Grand Rapids opposes the bill. (10-17-13)

The Michigan Professional Firefighters Union opposes the bill. (9-12-13)

The Department of Licensing and Regulatory Affairs (which houses the State Fire Marshal) is neutral on the bill. (9-12-13)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.