

Business of the City Council  
City of Ogdensburg

SUBJECT:  
Resolution to continue "Hazard Pay" at  
the Fire Department

FOR AGENDA OF: May 23, 2022  
BILL #: 53  
DEPT. OF ORIGIN: City Manager

APPROVED AS TO FORM BY CITY  
ATTORNEY

DATE SUBMITTED: May 18, 2022  
EXHIBITS: Resolution

APPROVED BY CITY MANAGER FOR SUBMITTAL

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EXPENDITURE  
REQUIRED: \$0

AMOUNT  
BUDGETED: \$0

APPROPRIATION  
REQUIRED: \$0

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SUMMARY STATEMENT

A resolution instructing the City Manager to continue to pay "Hazard Pay" to the employees of the Fire Department represented by IAFF Local 1799 in the amount of \$3 per hour.

RECOMMENDED ACTION

**Approval of resolution.**

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE ON ROLL CALL:

MAYOR SKELLY \_\_\_\_\_

COUNCILLOR DILLABOUGH \_\_\_\_\_

COUNCILLOR FISHER \_\_\_\_\_

COUNCILLOR KENNEDY \_\_\_\_\_

COUNCILLOR POWERS \_\_\_\_\_

COUNCILLOR RISHE \_\_\_\_\_

COUNCILLOR SKAMPERLE \_\_\_\_\_

**A RESOLUTION INSTRUCTING THE CITY MANAGER TO CONTINUE TO PAY “HAZARD PAY” TO THE EMPLOYEES OF THE FIRE DEPARTMENT REPRESENTED BY IAFF LOCAL 1799 IN THE AMOUNT OF \$3 PER HOUR**

**WHEREAS**, the City of Ogdensburg, NY and IAFF Local 1799 are parties to a collective bargaining agreement that is effective during the period January 1, 2020 – December 31, 2025, and

**WHEREAS**, Article 18, Section (c) of the collective bargaining agreement states “Hazard Pay – Any bargaining unit employee assigned to a shift with less than 6 assigned members shall receive \$3 per hour in addition to their regular salary, with an additional \$3 per hour added for each subsequent reduction to the number of assigned shift members. This section 18 (c) Hazard Pay shall apply for the period of this contract only or until a successor agreement is reached”, and

**WHEREAS**, the City of Ogdensburg has fully honored Article 18, Section (c) since reducing organizational staffing in the fire department in 2021, and it fully honored Article 18, Section (c) until 1 April 2022 when it became “impossible” for the City to hire additional firefighter personnel due to exhausting the NYS Civil Service list of eligible candidates by reinstating the one remaining laid off firefighter to duty on or about 11 June 2022, and by canvassing the only other one candidate on the eligible list that declined to be considered for hire, and

**WHEREAS**, the City Manager believes the impossibility to hire additional staff should require the City to pay only \$3 additional pay instead of \$6 additional pay to each member, and the amount being paid was reduced on 1 April 2022 to \$3, and

**WHEREAS**, IAFF Local 1799 immediately filed a grievance that was rejected at Step 1 by the immediate supervisor (whom is a member of the IAFF Local 1799), and after an offer to settle the matter by the Fire Chief was rejected by IAFF Local 1799, the grievance was rejected and sent to the City Manager for Step 3 review, and

**WHEREAS**, the City Manager continues, as instructed by Majority City Council (Skelly, Rishe, Fisher, Dillabough), to defend the City against the illegal, irresponsible and fiscally crippling sections of this collective bargaining agreement that were forced upon the City Taxpayers and the incoming 2020 City Council in the wake of a staggering election defeat of the sitting Mayor (Ashley) and 3 City Councillors (Price, Stevenson, Davis), and

**WHEREAS**, in the opinion of the City Manager it is an abuse of City General Funds to continue paying Hazard Pay at \$6 per hour, per employee when there are zero candidates eligible for hire, and the number of personnel assigned to a work shift does not represent the number of personnel on duty daily, therefore further illustrating this Article is not a Hazard Pay clause but rather an unquestionable Job Security clause intentionally designed to force the City to maintain a specified overall organization staffing number or pay the remaining employees more money, and

**WHEREAS**, \$3 per member for fiscal year 2022 will cost \$6,240 for each member which equates to \$106,080 for the total organization and \$6 per member for fiscal year 2022 will cost \$12,480 per member which equates to \$212,160 for the total organization, and the total approved budget line for this expense is \$181,000, and

**WHEREAS**, the City Manager intends to once again offer a settlement agreement to IAFF Local 1799, and if disapproved, reject the grievance at Step 3 review, and that rejection will likely result in the matter being advanced to arbitration or the City requesting judicial intervention to “stay arbitration” on the grounds the Hazard Pay clause is “impossible” to comply with, and

**WHEREAS**, the recent defeat of several proactive resolutions to study potential long term future savings in the public safety departments were defeated with a majority vote of City Council (Rishe, Skamperle, Powers, Kennedy), the City Manager needs clarification if the majority City Council continues to support the defense of the City against this Article of the collective bargaining agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Manager is hereby instructed to continue to pay Hazard Pay in the amount of \$3 per member for the remainder of the fiscal year and to continue to vigorously defend the City against any legal action brought against it as a result of this action and to continue saving the City from financial ruin while working in parallel to accelerate the revival of the fiscal state of the City and ultimately protect the taxpayers of the City from unnecessary increases in property taxes.

Business of the City Council  
City of Ogdensburg

SUBJECT: Resolution to maintain daily minimum staffing at or below 4 personnel at the Fire Department  
FOR AGENDA OF: May 23, 2022  
BILL #: 54  
DEPT. OF ORIGIN: City Manager

APPROVED AS TO FORM BY CITY ATTORNEY  
DATE SUBMITTED: May 18, 2022  
EXHIBITS: Resolution

APPROVED BY CITY MANAGER FOR SUBMITTAL

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EXPENDITURE REQUIRED: \$0	AMOUNT BUDGETED: \$0	APPROPRIATION REQUIRED: \$0
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SUMMARY STATEMENT

A resolution instructing the City Manager and Fire Chief to maintain daily minimum staffing at or below 4 personnel at the Fire Department as indicated by the personnel and funds available in the approved 2022 City Budget.

RECOMMENDED ACTION

**Approval of resolution.**

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE ON ROLL CALL:

MAYOR SKELLY \_\_\_\_\_ COUNCILLOR DILLABOUGH \_\_\_\_\_

COUNCILLOR FISHER \_\_\_\_\_ COUNCILLOR KENNEDY \_\_\_\_\_

COUNCILLOR POWERS \_\_\_\_\_ COUNCILLOR RISHE \_\_\_\_\_

COUNCILLOR SKAMPERLE \_\_\_\_\_

**A RESOLUTION INSTRUCTING THE CITY MANAGER AND FIRE CHIEF  
TO MAINTAIN DAILY MINIMUM STAFFING AT OR BELOW 4  
PERSONNEL AT THE FIRE DEPARTMENT AS INDICATED BY THE  
PERSONNEL AND FUNDS AVAILABLE IN THE  
2022 APPROVED CITY BUDGET**

**WHEREAS**, the City of Ogdensburg, NY and IAFF Local 1799 are parties to a collective bargaining agreement that is effective during the period January 1, 2020 – December 31, 2025, and

**WHEREAS**, Article 18, Section (e) of the collective bargaining agreement states “A minimum of 5 bargaining unit employees (4 firefighters plus 1 officer), or (3 firefighters plus 2 officers) shall be on-duty at all times unless otherwise mutually agreed to in writing for the period of this contract.”, and

**WHEREAS**, in order to save the City from financial ruin, the Majority City Council instructed the City Manager in November 2020 to take all necessary actions to defend the City against the illegal, irresponsible and fiscally crippling sections of this collective bargaining agreement forced upon the City Taxpayers and the incoming 2020 City Council in the wake of a staggering election defeat of the sitting Mayor (Ashley) and 3 City Councillors (Price, Stevenson and Davis), and

**WHEREAS**, effective 1 January 2021 the daily minimum staffing was established at 4 personnel, where it remains to date, and

**WHEREAS**, the City and IAFF Local 1799 await the decision of the NYS Court of Appeals to entertain the City’s request for appeal of the decision of the Appellate Court that may, or may not, require the City and IAFF Local 1799 to present the issues to an arbitrator for binding decision, however it will not decide on the substance of the issue (minimum number of personnel), but rather only if the matter is subject to arbitration, and

**WHEREAS**, the City Manager and Fire Chief affirm that 4 personnel minimum daily staffing is adequate and allows for safe fireground operations that comply with all mandatory staffing laws (i.e. OSHA 2IN / 2 OUT), and

**WHEREAS**, the approved 2022 City Budget only provides personnel and overtime resources to support a daily minimum staffing of 3 personnel, and

**WHEREAS**, the recent defeat of several proactive resolutions to study potential future savings to the City in the public safety departments were defeated, the City Manager needs clarification if the majority City Council continues to support the defense of the City against this Article of the collective bargaining agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Manager is hereby instructed to continue to maintain daily minimum staffing at or below 4 personnel at the Fire Department for the remainder of the fiscal year, and to continue to vigorously defend the City against any legal action brought against it, to include authorizing the City Labor Attorney to defend this matter at the NYS Court of Appeals, and to continue saving the City from financial ruin while working in parallel to accelerate the revival of the fiscal state of the City and ultimately protecting the taxpayers of the City from unnecessary increases in property taxes.