



Rexburg-Madison County Emergency Services Meeting 0900 hrs * April 4, 2025 * Meeting Minutes

Board members in attendance:

Brent Mendenhall, County Commissioner; Jerry Merrill, City of Rexburg Mayor; Ken Anderson, Fire Protection District Commissioner; Dr. Jeffrey Zollinger, Medical Director (attendance via Zoom video call)

Others in attendance were:

Troyce Miskin, Deputy Chief; Amber Steckley, David Ivey, Joseph Haeberle; Abby French; Spencer Rammell, Matt Nielson, Terri Hill, Pamela Schiess, Kathryn Gardner

Meeting Called to Order: 0903

Items on the agenda include:

1. **Welcome:** Commissioner Anderson – welcomed those in attendance and thanked them for being there.
2. **Roll Call of Board Members:** All in attendance as noted above.
3. **Approval of Minutes from last meeting:** Commissioner Mendenhall motioned to dispense with the reading of the minutes and to approve the current minutes, seconded by Dr. Zollinger, all ayes.
4. **PERSI-Phone Call: Questions:** PERSI representatives present on Zoom video call: Mike Hampton (Executive Director), Alex Simpson (Deputy Director), Catherine Atchison (Quality Assurance Manager), Vanessa Sellars (Employer Account Specialist Team Lead). Deputy Chief Miskin gave a brief history that in 2014-2015 MFD approached PERSI about some part-time firefighters who overall don't meet long-term eligibility requirements but who during our wildland fire season would; he explained how we'd communicated with the then-Executive Director Don Drum about using the PERSI 8-Month Seasonal Classification and then gave a summary of how we've been using that seasonal classification status every year since then. Catherine asked to clarify differences of seasonal and non-seasonal positions and Deputy Chief Miskin gave that explanation. Mayor Merrill stated that we were allowed to do this by PERSI. Mike explained that he was the Deputy Director under Don Drum for eight years starting in 2016, so this arrangement came about before his time. Mike gave some history that the original intent of the seasonal exception back when it was first initiated was due to the growing season and agricultural needs. Mike asked how many employees we've been utilizing this seasonal classification for each year and was told it's for about 30 constantly changing part-time firefighters. Deputy Chief Miskin emphasized that it's never been MFD's intent to avoid benefit eligibility for truly eligible employees, but that average worked hours for part-time firefighters overall don't meet eligibility requirements. Mayor Merrill stated that the City wants MFD to be able to function in the best way for MFD, and the City just wants to make sure there are no issues with PERSI reporting. Vanessa asked why Rexburg Police Department doesn't have a seasonal need due to increased calls from the recreation season and asked how fluid the seasonal classification is being used. She was told that RPD has different response requirements and needs for increased recreation calls than MFD does for increased recreation calls as well as local brush fires and out-of-area wildland fires. It was explained that our part-time firefighters on our Full-Time Shift Coverage List are eligible to contribute to PERSI if they meet the eligibility requirements. Spencer (legal counsel for City) brought up the legislative intent tied to agriculture for the seasonal designation, and asked if the job classifications are different enough, and wanted to clarify about the IDAPA meaning of "termination," whether that means actually terminating employment. Mayor Merrill asked how MFD can be helped to function the best we can and still be totally compliant. Abby (legal counsel for Fire Protection District) stated that statute has been broadened from the original agricultural intent, and that in going over PERSI's RS130, she doesn't think termination means termination of employment, just termination of seasonal status. Mike clarified that fire districts currently aren't eligible for this seasonal exemption but that City/County employees are. Mike brought up that the 8-Month Seasonal Classification has a two-prong test: seasonal or casual *and* affected by weather. He stated that more

agencies/entities were added recently for being able to utilize the seasonal exemption. He also said it's arguable whether it's a good statute. Mike emphasized that none of this is an issue until an employee brings it up as an issue. Regarding the statute, Mike said wildland firefighting could realistically be added through legislative action. Catherine brought up that EMS and house fires wouldn't be covered under wildland firefighting if wildland firefighting specifically was added. Mike said there's a stronger argument for the seasonal need due to wildland firefighting. Deputy Chief Miskin asked what guidance PERSI would give us. Can we move forward as we've been doing for the last 10 years? Or taking into account that throughout the year, the average hours are 14-16 per week? Mike said the short answer is no, that he wants PERSI's general counsel to weigh in and work with City and Fire District legal counsel, and especially taking into account our 10-year precedent. Mike said Cheryl George is PERSI's legal and that PERSI will make this top priority. Commissioner Mendenhall said we need a clear path forward, because we're trying to make sure there are no issues. Terri brought up the RS130 and how the employees, MFD, and the City representative sign this as certification of the seasonal classification. There was a question by PERSI as to deployments and the payroll aspect of them, and Deputy Chief Miskin clarified that all payroll expenditures go through the City as the employer of record for MFD.

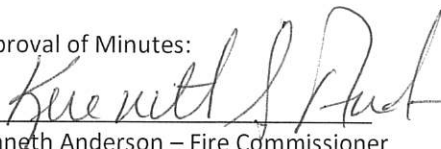


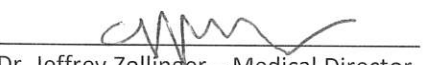
5. **DOL-Phone Call: Questions:** Deputy Chief Miskin explained that we already have resolution with DOL and all concerns have been addressed. He explained that this Zoom call will just be a summary of the resolution. DOL representative present on Zoom video call: Andrea Rasmussen. When the call began, Deputy Chief Miskin again explained to everyone that we've settled everything. Andrea then shared her screen showing a payroll comparison MFD had shared with her. She said she and Deputy Chief Miskin, Amber, and David had brainstormed how to be clearer and determined that we need to tie the premium rate for deployments to employees' station rate. Andrea referenced 29 CFR 778.202 showing that premium pay can be credited toward overtime. She also referenced DOL 32e03 about premium payments. On her shared screen, she showed time sheet examples Amber had put together showing numerous possible scenarios and walked through all the calculations for premium deployment pay within a 24-day work period and confirmed that this method supersedes all overtime payment obligations for *all* hours within the work period for station and deployment hours and stated everything is good to go, that in every scenario Amber came up with, the overtime obligation was fully met. She also stated that this method is simpler for us. She again emphasized that we're all taken care of. And she specified that we can do 1.5x, 2x, 2.5x, etc., of the station rate for the premium pay. Commissioner Mendenhall asked if it's a local choice what premium to do, and Andrea confirmed that yes, it is local choice. She emphasized that we additionally went through numerous examples using different premium rates and numbers of hours and everything is great. Andrea referenced how an exempt employee has a constant salary and certain duties and said that for wildland deployments for exempt employees, we need to ignore *overtime* and instead do additional compensation, and explained that this doesn't negate the exempt employee's status. Andrea referenced 29 CFR 541.604 and said it's a local decision to figure out what extra to pay the exempt employee. She said that behind the scenes you can figure it as an actual overtime method but just call it extra compensation. Commissioner Mendenhall said we need a clear policy for how to figure what additional compensation will be paid, and Deputy Chief Miskin explained that it will be stated in the revised Employee Agreement we'll have with IDL this year.
6. **Direction on PERSI and DOL findings:** Commissioner Mendenhall said that PERSI didn't have all the info for MFD and it would be good to leave in the hands of the three attorneys. Dr. Zollinger commented that it looks like we can get this wrapped up in 7-10 days, that we just want to do things right. He also commented that if PERSI tells us what we don't want to hear that we can then pursue it through the legislature, and we should approach the whole matter through both directions. Regarding DOL, Mayor Merrill motioned to move forward with recommended method by DOL, second by Commissioner Mendenhall, no discussion, all ayes. Commissioner Mendenhall motioned to table actions on PERSI until the three attorneys can discuss everything, seconded by Mayor Merrill, no discussion, all ayes.
7. **Maintain current work period/pay cycle:** Deputy Chief Miskin stated that MFD desires to maintain the 24-day work period and desires to maintain the long-practiced pay cycle. Commissioner Anderson asked Matt if the City is okay to do the 24-day work period, and Matt said the City wants all employees to enter and approve their time through the payroll software and to get rid of base pay. Deputy Chief Miskin asked David, a Battalion Chief, to give some info. David said the 112-hour base pay is industry standard for the fire service. He said our employees want to continue with this. He further stated that the standard we're on, 2,912 annual hours per year, is also industry standard, and that divided by 26 paychecks is 112 base pay hours per check. He additionally stated that the previous union agreement had formally established this and that MFD agreed to maintain this and that MFD and its employees still want to maintain this. Matt said the City still wants employees to enter their own time and the City still wants actual hours to be paid each two weeks. There was discussion of how hours would be variable under the City's desired two-week method and why the 112-hour base pay is industry standard in order to provide for a consistent paycheck. Commissioner Mendenhall asked how and why there is variability and asked what the City is demanding and why. Deputy Chief Miskin stated that it's advantageous for MFD to do the 24-day work period and

that the City's desire would cause additional administrative burden and oversight. David said that this would end up costing MFD more money than the City has estimated, because you can't ignore the human element that comes into individual employees capitalizing on their overtime pay. Matt said employees would just need to manage their own leave, and that it would help with operational efficiencies for the City and with PERSI reporting. Pamela explained about the end-of-year leave process she has to run. Deputy Chief Miskin said he wanted to be respectful to where the City's at but make a distinction for what MFD needs and wants and specifying how we are completely similar to any fire department in any city. Spencer asked how the previous union agreement factored in, and Deputy Chief Miskin said there was an agreement to maintain all union items in the employee handbook and continue the congenial relationship between employees and leadership. Spencer said the City Council will ask why MFD employees aren't following the City's Policy Manual about entering and approving their own time. Deputy Chief Miskin said MFD has been operating as we have been for many years and now the City is saying it needs to be different. Terri says it was allowed for MFD as we have been doing it but that the change is needed and the City is asking MFD responders to enter their own time and do their own approvals. Abby stated that fire departments are different. She further stated that if employees aren't happy, then they can unionize and then it's a whole other argument that the City won't like. Spencer said union negotiations and bargaining have some protections. Commissioner Anderson said we do not want to have a union again. Terri said there's a desire for more clarity on employees' pay stubs. Commissioner Mendenhall stated that the City said it's fine with the 24-day work period and acknowledged it's the desire of the City Council to have hours paid when they're worked and asked how this is not being done and asked how time entry and approval would be done. There was discussion of how and why MFD has different needs and Amber explained the processes for how she audits time submitted to her by Paid Call and shift Full-Time employees and the accuracy of the payroll information she then submits to the City. Spencer stated that Amber is underpaid for the breadth of information she knows and the work she does and that she could go anywhere else and get paid significantly more, and Commissioner Anderson agreed with this statement. Pamela spoke about PERSI reporting and the issues that arise due to the 24-day work period. Commissioner Mendenhall asked if anything would be changed between how Amber enters time for the employees versus the employees doing it themselves and Pamela said no. Amber emphasized that employees *do* "enter and approve" their time through MFD's own processes. Terri said she wants to be able to look up electronic approvals and said she questions when straight 12 hours are listed for shifts. Amber read DOL Fact Sheet #21 about fixed schedules and emphasized how it's completely legal to enter a 12-hour shift because that was the scheduled shift time. Deputy Chief Miskin stated that the City is asking to increase their efficiencies but that this causes MFD lost efficiencies and again emphasized that employees are asking to maintain their base pay paychecks. Commissioner Anderson asked what happens if Amber has an emergency and Deputy Chief Miskin said that Chief Child, himself and Amber are already working on this. Pamela brought up PERSI reporting again, as well as the 2,912 annual hours worked per year and questioned the accuracy of this. Amber and Deputy Chief Miskin again explained that this is the industry standard with a 112-hour base pay paycheck. Matt again said he wants to get rid of base pay. Commissioner Mendenhall asked what damage would come from this and Deputy Chief Miskin reiterated that the employees want to maintain their base pay paychecks. Spencer commented that we seemed to be at an impasse. Dr. Zollinger asked about Amber just submitting time to the City for all the employees, and Amber clarified that this is essentially what she's currently doing and that she can guarantee the accuracy of pay this way. Deputy Chief Miskin stated there are three options: 1) move to accept City's proposal, 2) reject City's proposal or 3) direct MFD staff to again try to work things out with the City and/or test employees entering time and see how it works. Commissioner Mendenhall motioned that all employees enter and approve their time at the start of the next 24-day work period through to October and report back, that this meets the current demand of the City, and the Emergency Services Board will review after six months, seconded by Mayor Merrill, discussion from Matt that the City would need some time to set things up, request from Amber that the Emergency Services Board Members read MFD's position paper that was created about these issues before voting, Commissioner Mendenhall said that the City is demanding this or they're saying they're out and the Board is not ready to be out and do our own payroll; motion edited to have a start date of May 10, 2025 per City staff saying this is when it would actually need to start per the payroll schedule and having enough time to get things set up, vote is aye for Commissioner Mendenhall, Mayor Merrill and Dr. Zollinger, and vote is nay for Commissioner Anderson. There was then discussion clarifying that Commissioner Mendenhall's motion did not include changing or getting rid of the base pay paychecks. Pamela explained some logistics for how a catch-up paycheck would be needed for going to a paycheck every two weeks with actual hours. Terri wants employees to know that their intent in no way is to short them pay or leave. David emphasized to the Board that he spoke with two-thirds of the shift employees yesterday and there is a consensus among them that they want to maintain their base pay paychecks and don't want any changes, and confirmed that he and Joseph (another Battalion Chief in attendance) also themselves don't want any changes. David said the shift on duty today was comprised of members from more than one shift and asked permission

of the Board to have the shift come in to express themselves. The following shift employees came in: Derek DeTavis (Lieutenant), McKay Stone, Matthew Burrell, Justin Wall, Ricky Zaleski and Jeff Leavitt. Derek was voice for the shift and said that they want to maintain their base pay, that it's industry standard. He emphasized that maintenance of normalcy is what they want. Jeff stated he was paid a 112-hour base pay when worked at a different fire department before coming to MFD and confirmed that other MFD employees who had worked at fire departments elsewhere before coming to MFD full time were also paid this same way. Commissioner Mendenhall asked what the City Council's reaction would be if we keep the base pay. Matt said he thinks they can make it work. Mayor Merrill said the City Council just wants things to be resolved and move forward. Amber said the City saying "we think it will work" isn't good enough when you're talking about employee pay and referenced significant issues when the City switched to the Tyler Munis software and all of the payroll inaccuracies that happened at that time and how much time she spent auditing everything to make sure the City was paying MFD employees correctly. Commissioner Mendenhall motioned to remain on base pay and continue forward, seconded by Mayor Merrill, discussion by Commissioner Mendenhall that if something's not working, then come back to the Board, vote was aye by Commissioner Mendenhall, Mayor Merrill and Commissioner Anderson; Dr. Zollinger was unavailable on Zoom to vote on this motion at the time.

8. **Employee Classifications/ACA/PERSI:** Mayor Merrill motioned to table this until legal addresses issues with PERSI, seconded by Commissioner Mendenhall, all ayes.
9. **Adjourn:** 1220. Motion to adjourn was made by Mayor Merrill, seconded by Commissioner Mendenhall, all ayes.

Approval of Minutes:

 Kenneth Anderson – Fire Commissioner	 Brent Mendenhall – County Commissioner
 Jerry Merrill – Rexburg Mayor	 Dr. Jeffrey Zollinger – Medical Director