



Mayor Joshua Garcia

City of Holyoke

Law Department

July 20, 2022

City Councilor Kevin Jourdain
Holyoke City Council
City Of Holyoke
536 Dwight Street
Holyoke, MA 01040

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Holyoke City Clerk's
Holyoke, MA

Dear Councilor Jourdain:

This letter is written in response to your order dated June 21, 2022, that the Fire Chief and Fire Commission provide information to City Council about whether fire personnel work second jobs that exceed 30 hours per week and how the department manages the second full-time obligations when Ordinance 2-35 (2-36) states that a fire class of the public safety group is supposed to be working a 48-hour schedule.

As you know, there is no City of Holyoke Ordinance or Charter provision stating that a City of Holyoke employee cannot work a second job. In fact, there are several employees who are employed by the City of Holyoke who work second jobs, including those in public safety. There would be no legitimate means to ask employees to disclose secondary employment as there is no law, or agreement providing any duty to disclose this information.

The Local 1693 members as well as the Deputy Fire Chiefs Association are also governed by their respective collective bargaining agreements. Paragraph 2.04 of each contract discusses management rights, but management would not be within its right to ask firefighters what they are doing when they are not on the job.

Without any evidence to establish an underlying basis that suggests outside employment creates some detriment to the department's fire service, I see this request as something that the City of Holyoke does not have the right to request.

Respectfully,

Lisa A. Ball
City Solicitor