



# LABOR PERSPECTIVE: ESD EMPLOYMENT MATTERS

Sam Johnson, President

Argyle Professional Firefighters Association

Local 5190

# OBJECTIVES



Describe limitations and minimal employee rights/protections of Local Government Code Chapter 141



Discuss the role of labor organizations within ESDs



Identify benefits of working with a labor organization

**We all want the same thing.**

# BACKGROUND



## Argyle Professional Firefighters Association - Local 5190

✓ Est. 2018 - 28 members

## Transitioned to Denton County ESD No. 1

✓ 2024 - 66 members

## Sam Johnson

✓ President since 2020

✓ Chairman, ESD Committee for Texas State Association of Firefighters (TSAFF)

# HISTORY

## Limitations of Local Government Code Chapter 141



### LOCAL GOVERNMENT CODE

#### TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES

##### SUBTITLE A. MUNICIPAL OFFICERS AND EMPLOYEES

#### CHAPTER 141. COMPENSATION AND EXPENSES OF MUNICIPAL OFFICERS AND EMPLOYEES

##### SURCHAPTER A. COMPENSATION, EXPENSES, AND PAYROLL DEDUCTIONS

Sec. 141.008. PAYROLL DEDUCTIONS IN CERTAIN MUNICIPALITIES. (a) The governing body of a municipality with a population of more than 10,000 may deduct from a municipal employee's monthly salary or wages an amount requested in writing by the employee in payment of membership dues to a bona fide employees' association named by the employee.

(a-1) The governing body shall make the payroll deduction described by Subsection (a) if requested in writing by employees who are fire protection personnel as defined by Section 419.021, Government Code, if the municipality receives revenue from the state, and if the municipality permits deductions for purposes other than charity, health insurance, taxes, or other purposes for which the municipality is required by law to permit a deduction.

Text of subsection effective until January 01, 2025

(a-2) The governing body shall make the payroll deduction described by Subsection (a) if:

(1) requested in writing by employees who:

(A) are peace officers as defined by Article 2.12, Code of Criminal Procedure; and

(B) are not members of a police department covered by a collective bargaining agreement or meet-and-confer agreement entered into under

this code; and

(2) the municipality permits deductions for purposes other than charity, health insurance, taxes, or other purposes for which the municipality is required by law to permit a deduction.



# WHAT ARE THREATS TO ESDS?



**Privatized services**

**Annexation**

**Limited funding**

**SB 2**

# INTERNATIONAL ASSOCIATION OF FIREFIGHTERS



*Represents 344,000+ firefighters and paramedics across US and Canada*



Center of  
Excellence



Grant  
Training



Salary  
Surveys



Financial  
Education



Legal  
Support

WE  
ARE **200**  
IAFF Locals

SERVING **Fire**  
**18,885** Fighters

PROTECTING  
**30 Million**  
Texas Citizens

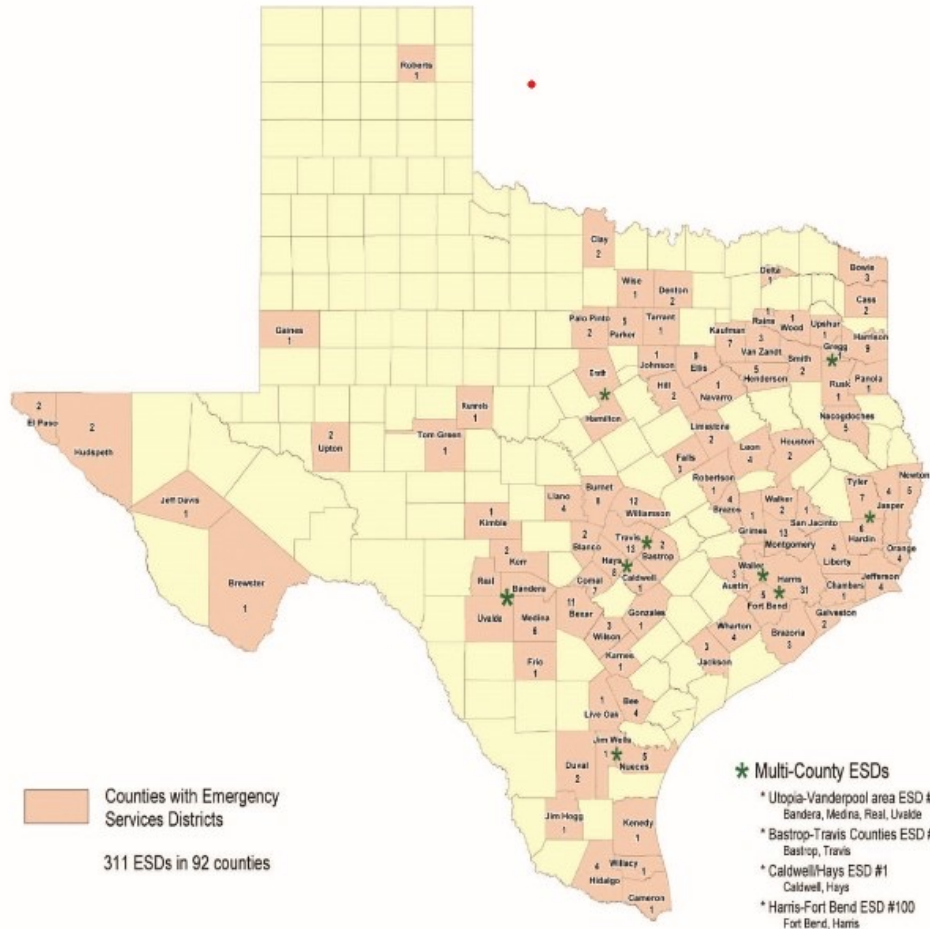


**HERE'S HOW WE SUPPORT  
TEXAS FIRE FIGHTERS**

- Education / Training
- Political Action / Government Affairs
- Bargaining and Negotiations
- Grievances and Arbitrations
- Occupational Health and Safety
- Financial Assistance
- Presumptive Diseases
- Union Governance

# LABOR ORGANIZATIONS IN TEXAS

# LABOR ORGANIZATIONS WITHIN ESDS



There are more than 340 ESDs operating in Texas across 90 counties.

Only 7% have labor organizations (n=24).



# BENEFITS OF LABOR ORGANIZATIONS

- Support direction and initiatives of the District
- Build and uphold culture
- Maintain retention and recruitment
- Identify opportunities for improvement



An aerial photograph of a narrow, rocky path leading down a cliff to the ocean. The path is composed of reddish-brown rocks and is flanked by steep, rocky cliffs. The ocean is a deep blue color, and the sky is a lighter blue. The overall scene is dramatic and suggests a precarious situation.

# 2022-2023

**The cliff is closer than it appears...**

**...embezzlement, retirement fraud & 7k exemptions, \$1.9 million deficit**





DEKALB COUNTY

FIRE



EMS

MEDIC CO.  
511



# Argyle Fire Chief Indicted for Federal Violations

Friday, November 18, 2022

Share >

For Immediate Release

U.S. Attorney's Office, Eastern District of Texas



United States  
Attorney's Office  
Eastern District of Texas

PLANO, Texas – The former Argyle Fire Chief has been indicted for federal violations in the Eastern District of Texas, announced U.S. Attorney Brit Featherston today.

Troy Mac Hohenberger, 63, was named in a federal indictment returned by a federal grand jury on Nov. 17, 2022, in the Eastern District of Texas. The indictment charges Hohenberger with multiple federal violations related to misuse and theft of funds from the Argyle Fire District, Inc. operating account, along with making false statements to the Department of Labor. Hohenberger made his initial appearance today before U.S. Magistrate Judge Kimberly C. Priest Johnson.

According to the indictment, Hohenberger, while chief of the Argyle Fire Department, is alleged to have taken money from the operating account of the fire district (which received federal funds in the form of Medicare reimbursements) and used over \$490,000 of those funds to pay personal credit card bills. The indictment also alleges these personal credit card expenses included cash advances at casinos, payments related to a family member's business in Hawaii, and other personal uses. Hohenberger is also alleged to have failed to fund firefighter retirement accounts in the time required by federal regulations and thus embezzled or stole the funds, and that he made false statements related to the ERISA-qualified firefighter retirement plan on a form submitted to the Department of Labor.

If convicted, Hohenberger faces up to 10 years in federal prison.

This case is being investigated by the Federal Bureau of Investigation and the Department of Labor –EBSA.

A grand jury indictment is not evidence of guilt. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.



# \$1.9 MILLION DEFICIT

Just because it wasn't illegal doesn't mean it wasn't also bad...

## THE CROSS TIMBERS GAZETTE

Southern Denton County - Local Lives Here

SOUTHERN DENTON COUNTY LOCAL NEWS

### Local fire district working to address huge budget deficit



By Mark Smith June 16, 2023



"We will run out of funds for payroll by late August or September if we get no assistance," said Sam Johnson, president of the Argyle Professional Fire Fighters Association.



Photo courtesy of Denton County ESD No. 1

Denton County Emergency Services District No. 1 (formerly the Argyle Fire District) could run out of money to pay its firefighters and paramedics this summer, part of the fallout of former Fire Chief Mac Hohenberger's financial malfeasance.



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SOUTHERN DENTON COUNTY LOCAL NEWS

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Lantana Foundation (\$300,000)

Denton County Grant (\$277,000)

Town of Northlake Grant (\$100,000)

Town of Argyle Grant (\$56,000)

Town of Copper Canyon (\$25,000)

Town of Bartonville Grant (\$20,000)

**=\$778,000**

"This request for hiring nine firefighter positions is based on a risk and staffing analysis in collaboration with our **Firefighters Association Local 5190.**"

"In the months following the arrest of the Fire Chief, the **Argyle Professional Firefighters Association Local 5190 (Argyle, TX)** worked together to assess the implications on the budget and put safeguards in place to ensure that an incident such as this would never happen again."

"On January 1, 2023, the new Fire Chief of Denton County ESD #1 was sworn in and the collaborative partnership between the new Fire Chief and **Association** resulted in a completely reworked budget for FY2023."

September 1, 2023



DENTON COUNTY ESD NO. 1

**HAS RECEIVED A**

"STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER)"

**FEMA  
GRANT**

**FOR \$2.8 MILLION TO HIRE 9 FIREFIGHTERS**






In Memory Of Our Fallen Brothers  
**F.D.N.Y.**



513  
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513

11 firefighters in dark blue uniforms standing in front of a red fire truck. The uniforms have patches on the sleeves and chest. The firefighters are smiling and looking at the camera.





## VOTE FOR THREE TIMES FOR LOCAL CONTROL OF EMS SERVICE

By voting FOR three times you will be clear be committed to:

- ✓ Sustainability for the best fire and ambulance service
- ✓ Have local controlled ambulance service
- ✓ Ensure availability of life saving equipment when seconds count
- ✓ Address county needs for decades to come

ESD 2 will work alongside Denton County ESD 1 to provide comprehensive emergency response. Your creation of ESD 2 will provide for local control of ambulance service and keep outside, Private FOR profit companies away from controlling our emergency services.

Join us in voting **FOR** PROPOSITIONS A, B & C!

POL. AD. PD. FOR BY THE DENTON COUNTY CITIZENS FOR SAFETY



November 2023

# ELECTION

“Denton County Citizens for Safety”



**PROP A**  
 89%

**PROP B**  
 92%

**PROP C**  
 90%

### VOTER TURNOUT

**TOTAL** 7.54%

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Ballots Cast 2,321

Registered Voters 30,763

#### ★ Denton County Emergency Services District No. 2 Proposition A (Vote For 1)

Precincts Reporting	Percentage	Votes
100%		
For	89.21%	2,068
Against	10.79%	250
		2,318

#### ★ Denton County Emergency Services District No. 1 Proposition B1 (Vote For 1)

Precincts Reporting	Percentage	Votes
100%		
For	89.52%	982
Against	10.48%	115
		1,097

#### ★ Denton County Emergency Services District No. 1 Proposition B2 (Vote For 1)

Precincts Reporting	Percentage	Votes
100%		
For	94.66%	1,153
Against	5.34%	65
		1,218

#### ★ Denton County Emergency Services District No. 1 Proposition C (Vote For 1)

Precincts Reporting	Percentage	Votes
100%		
For	90.14%	1,097
Against	9.86%	120
		1,217



# Q & A



[local5190president@gmail.com](mailto:local5190president@gmail.com)

