



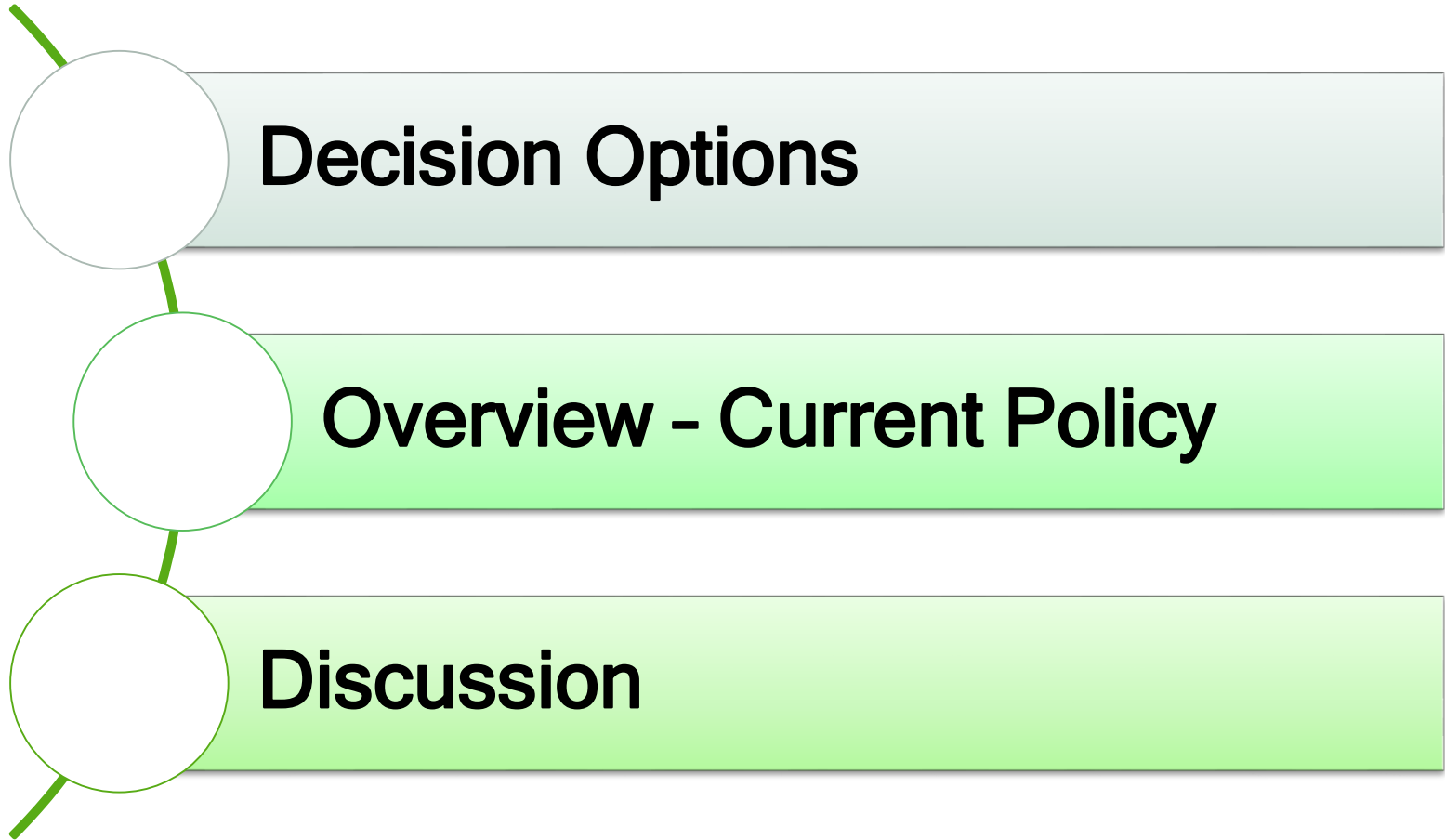
Labor- Management Agreement with IAFF Local 574

City Council Work Session

September 27, 2018



Agenda



Decision Options



Decision Options

- (1) Continue using current policy
- (2) Revise, update or introduce new policy
- (3) Discontinue policy



Current Policy- Overview



Current Policy - Overview

- City Council adopted existing policy on October 31, 1973
- “Rules Regulating City Employee Unions and Regulating Negotiations with City Employee Unions”



Current Policy - Overview

1. Supervisory Employees Excluded from Bargaining Unit

- Prohibits supervisory employees from joining, participating in and being represented by a union
- Defines supervisory as:

“any individual having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement”



Current Policy - Overview

2. Management Rights of the City

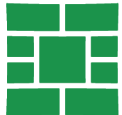
- Exclusive/non-negotiable right to manage affairs
- Responsibilities include, but are not limited to, the right to:
 - Determine number, structure and location of departments and divisions
 - Determine number and kinds of services to be performed
 - Determine number of positions and classifications
 - Direct work of employees
 - Establish qualifications for filling positions, design and administer tests and other selection procedures, test, hire, promote, retain, assign and transfer employees
 - Demote, suspend, or discharge employees within classified service



Current Policy - Overview

2. Management Rights of the City (continued)

- Responsibilities include, but are not limited to, the right to:
 - Release employees because of lack of work, funds, or termination of activity
 - Maintain efficiency of operations by determining method, means and personnel needed to conduct operations
 - Take reasonable and necessary actions to carry out duties of various departments and agencies
 - Make reasonable rules and regulations relating to personnel policy procedures and practices and matters relating to working conditions
 - Reserve total discretion with respect to the function or mission of the various departments and divisions, the budget, the organization, or the technology of performing work



Current Policy - Overview

3. Scope of Agreement

- Limited to employment conditions including but not limited to:
 - Wages
 - Fringe benefits
 - Work week and work day
 - Other terms and conditions



Current Policy - Overview

3. Scope of Agreement (continued)

- Excludes proposals relating to:
 - Any subject pre-empted by federal or state law or municipal charter
 - Management rights as defined in current policy
 - Authority and power of city manager and personnel department established by City Charter to set and administer standards:
 - Dealing with the impartial recruitment of candidates
 - To conduct and grade merit examinations
 - To rate candidates in order for appointments or promotions



Current Policy - Overview

4. Termination of Negotiation

- Negotiations shall be completed and report submitted to the Mayor and Aldermen by October 1



Current Policy - Overview

5. Economic Benefits Granted in Budget Year

- Economic benefits granted to members of union shall only include those agreed upon and included in the budget for the budget year in which the economic benefits are to be granted
- No economic benefits shall be negotiated for a budget year after the budget for the budget year has been adopted



Current Policy - Overview

6. Representative of the City in Negotiations

- City manager and/or designee shall represent City in all negotiations with employee unions



Current Policy - Overview

7. Negotiations Between the City and the Employees' Union

- City manager shall meet and confer with union representatives on matters subject to negotiations
- A joint report shall be prepared and submitted to City Council listing matters agreed upon and cost of economic benefits for each year of the contract
- Mayor and Aldermen shall take action on report as deemed necessary:
 - Implement proposals by means of ordinances, resolutions, budget appropriations, or other appropriate means
 - Approve or disapprove all or individual proposal(s)
 - Refer matter(s) back to parties for further deliberation



Current Policy - Overview

8. Resolution of Impasses

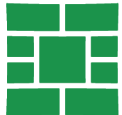
- Exists if parties fail to reach an agreement on report by October 1 of the negotiating year
- Parties shall submit report listing items on which agreement was reached and items on which agreement was not reached
- Recommendations shall be submitted by both the city manager and union representative on items not agreed on
- Mayor and Aldermen have final authority to decide on matters of disagreement



Current Policy - Overview

9. Internal Conduct of Public Employees' Organizations

- Organizations shall file with the city manager:
 - Two copies of constitution and bylaws
 - Changes or amendments to constitution and bylaws
 - Names and addresses of the:
 - Organization, parent organization or affiliates
 - Officers and directors
 - Local agent for service of process
 - General description of public employees or groups represented or seeking to represent
 - Amounts of initiation fee (if any) and monthly dues members must pay



Current Policy - Overview

9. Internal Conduct of Public Employees' Organizations (continued)

- Organizations shall file with the city manager:
 - Agreement that the organization will conform to laws of the state and that it will accept members without regard to age, race, sex, religion or national origin
 - An annual financial report and audit



Current Policy - Overview

9. Internal Conduct of Public Employees' Organizations (continued)

- Constitution and Bylaws shall provide that:
 - Accurate accounts of income and expenses shall be kept; annual financial report and audit shall be prepared, such accounts shall be open for inspection by any member of the organization; and loans to officers and agents shall be made only on terms and conditions available to members
 - Business or financial interests of officers and agents, spouses, minor children, parents, or otherwise that conflict with fiduciary obligation of such persons shall be prohibited
 - Officials or employees who handle funds or other property of organization or trust in which the organization is interested or subsidiary organization, shall be bonded by fidelity bond in the amount of not less than \$10,000



Current Policy - Overview

9. Internal Conduct of Public Employees' Organizations (continued)

- Governing rules shall provide for:
 - Periodic elections by secret ballot subject to recognized safeguards concerning equal right of all members to nominate, seek office and vote
 - Right of members to participate in affairs of the organization
 - Fair and equal treatment of members
 - Right of any member to sue the organization
 - Fair and equitable procedures in disciplinary actions



Current Policy - Overview

9. Internal Conduct of Public Employees' Organizations (continued)

- Organizations that have not registered or filed annual report, or that has failed to comply with other provisions, shall not be recognized for the purpose of meeting and conferring with the City regarding terms and conditions or work of members
- Recognized employee organizations failing to comply with these rules may have such recognition revoked by City



Current Policy - Overview

10. Dues Check Off

- Pertains to deductions of membership dues
- Granted to union if agreed upon in negotiations



Current Policy - Overview

11. Strike - Prohibition as a Condition of Recognition

- City recognizes employee unions with no-strike provision or signed no-strike agreement
- Employment may be terminated for any employee who strikes and fails to return to work within forty-eight hours after ordered by city manager or appropriate court
- Employees not vested may lose accrued time in pension and all longevity rights



Discussion

