

Introduced by: Council Member Cleworth
Council Member Pruhs
Council Member Rogers
Introduced: August 6, 2018

ORDINANCE NO. 6080, AS AMENDED

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE
CHAPTER 42, LABOR RELATIONS AND NEGOTIATIONS**

WHEREAS, certain sections of the current Chapter 42 of the Fairbanks General Code have become outdated, certain sections require amendment, and reorganization of the chapter is needed.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. That Fairbanks General Code Chapter 42, Labor Relations and Negotiations, is hereby amended by repeal and reenactment as follows:

Sec. 42-1. Labor relations.

(a) The mayor shall have the basic responsibility for labor relations as set forth in this chapter. The mayor will be the lead spokesperson for the city in negotiations with employee organizations representing city employees for the purpose of negotiating collective bargaining agreements as to wages, benefits, and terms and conditions of employment. The mayor may designate an alternate spokesperson.

(b) The city council may select a different lead spokesperson for labor negotiations. The council also may delegate a qualified individual to be a member of the city's negotiating team without negating the authority of the mayor to act as the lead spokesperson for negotiations.

(c) All substantive labor negotiations shall be conducted in open sessions.

(d) The city's basic goal in labor negotiations will be to treat city employees in a similar manner, as much as is appropriate, and to pay similar wages for similar work.

(e) The mayor will look for a common policy on boiler plate language which will be consistent in all contracts.

(f) The city council is committed to the following goals:

1. Rewarding superior employees with merit pay increases in lieu of increases based solely on longevity.
2. Fair and reasonable deductibles in medical insurance.
3. Limiting personal leave to reasonable levels.

4. Consistency between bargaining units, as well as between union and non-union employees.
5. Negotiating contracts with annual wage and benefit reopeners if future sources of funding are not identified and secured.
6. Seeking to eliminate terms with complex pay premiums, work rules that reduce productivity, or other terms that impede accountability.

(g) The provisions of FGC Sec. 50-83 regarding the one-year ineligibility period for employment of former city council members must be included in all collective bargaining agreements.

(h) All collective bargaining agreements must be ratified by an ordinance enacted by the city council. Amendments to labor contracts negotiated during the life of the contract are not effective until approved by council ordinance.

Sec. 42-2. Labor negotiations.

(a) The city negotiating team shall be solely embodied to negotiate on behalf of the city. Individual members of the city council shall not enter into separate negotiations with any union representative or union member. From the date of the mayor's transmittal as provided for in section 42-2(b)(1) until ratification of a collective bargaining agreement, all communication from the union regarding issues in negotiations, both written and oral, must be addressed to members of the city's negotiating team and not to individual council members.

(b) Labor negotiations will be conducted in the following manner:

1. At least one month prior to the start of negotiations for a replacement collective bargaining agreement (CBA), the mayor shall present a copy of the expiring CBA to the council, along with proposed terms for the replacement agreement.
2. The mayor shall provide to the council detailed cost estimates, prepared by the chief financial officer, for all economic proposals.
3. The council shall meet and discuss the proposals for the replacement CBA. The council shall provide discernable direction to the negotiating team concerning strategies, goals, and objectives and provide discernable monetary limits for economic proposals.
4. The mayor will commence negotiations and, if possible, reach tentative agreements on economic and non-economic bargaining proposals. The mayor will provide the council with periodic reports on the status of negotiations and on contract terms proposed by union negotiators and on offers or counter-offers contemplated by the city's negotiators.

5. The mayor may not offer or tentatively agree to any economic proposal that substantially deviates from the monetary limits provided by the council without seeking further guidance from the council. The mayor must provide the council with updated cost estimates, prepared by the chief financial officer, when seeking further guidance from the council on economic proposals.
6. Before an ordinance ratifying a CBA is introduced, a comprehensive list of the proposed changes to the CBA, along with the CFO's fiscal note for the contract's duration, will be given to the council for review. **Multiyear contracts must be in compliance with Sec. 2-655 of city code.**

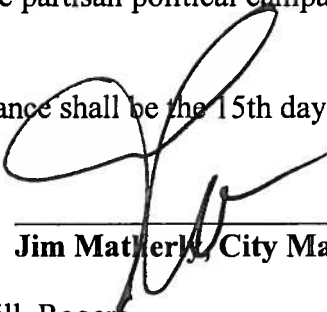
Sec. 42-3. Retroactive pay.

It is the policy of the city not to pay retroactive pay in one fiscal year for a previous fiscal year. If the city is negotiating a contract which would call for retroactive pay, and if negotiations will not be completed in the fiscal year in which they were begun, and if it appears approval of the contract will not happen until the next fiscal year, the parties will negotiate a separate agreement on retroactive pay and submit it to the city council no later than the second to the last meeting of the year. If the city council does not approve retroactive pay before the end of the fiscal year, no retroactive pay will be paid for that fiscal year.

Sec. 42-4. Employee bulletin board posting.

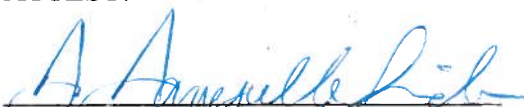
The city will provide space on bulletin boards located in employee work areas to be used by the employees for posting notices pertaining to recreational and social activities, results of union elections, union meeting notices, legislative or city council enactments and judicial decisions affecting public employee labor relations. Materials which are obscene, defamatory or which impair the operations of the city or which constitute partisan political campaign material will not be posted.


Section 2. That the effective date of this Ordinance shall be the 15th day of September 2018.



Jim Matkerly, City Mayor

AYES: Pruhs, Huntington, Cleworth, Bagwill, Rogers
 NAYS: Therrien
 ABSENT: None
 ADOPTED: September 10, 2018

ATTEST:

 D. Danyielle Snider, CMC, City Clerk

APPROVED AS TO FORM:

 Paul Ewers, City Attorney

Chapter 42 - LABOR RELATIONS AND NEGOTIATIONS
(as currently written)

Sec. 42-1. - Labor relations.

The mayor shall have the basic responsibility for the labor relations as set forth in this chapter, unless the council by majority vote selects a different spokesperson. The spokesperson specifically shall:

- (1)
 - a. Have the authority to negotiate with representatives of employee organizations representing city employees for the purpose of arriving at collective bargaining agreements as to wages, hours and terms or conditions of employment. The council by majority vote may delegate a qualified individual to be a member of the negotiating team without negating the authority of the mayor to act as sole spokesperson for negotiations, provided that the mayor may designate an alternate. The mayor shall present any such agreements as may be negotiated to the city council, along with an explanation and cost analysis, and any such agreements shall not be effective unless and until approved by ordinance of the city council. In negotiating contracts, the mayor will use provisions of the personnel program, unless directed otherwise, as guidelines to be achieved. The basic goal will be to treat city employees in a similar manner as much as appropriate, and to pay similar wages for similar work.
 - b. Any amendments to a labor contract negotiated during the life of the contract shall not be effective unless and until approved by ordinance of the city council. The mayor shall convey the proposed amendment to the city council with explanation and cost analysis for the city council's consideration.
- (2) Conduct labor negotiations in a manner as follows:
 - a. Prior to negotiations for a replacement bargaining agreement (or any part of an agreement), or at any time as the city is under a lawful obligation to bargain economic terms of employment, the mayor shall present to the city council a copy of the expired collective bargaining agreement, where applicable, and a proposed replacement agreement.
 - b. The proposed replacement agreement shall be presented to the city council at least one month prior to the commencement of negotiations. The city council shall meet and discuss the replacement agreement and shall provide discernible direction to the mayor concerning strategies, goals, objectives, etc.
 - c. The city council shall review and identify noneconomic bargaining items upon which the mayor may commence negotiations and reach tentative agreement. The city council shall review and identify economic bargaining items upon which the mayor may commence negotiations; however, the mayor shall make no tentative agreement to any economic proposal which substantially deviates from the city council's approval prior to receiving further approval.
 - d. The mayor shall provide the city council with periodic information reports which shall describe the status of pending negotiations.
 - e. Upon completion of negotiations, the mayor shall, where applicable, present to the city council for ratification all tentatively agreed upon provisions in the replacement bargaining agreement.
 - f. The provisions of section 50-83 regarding the one-year period of ineligibility for the employment of former city councilmembers shall be included in all collective bargaining agreements.
 - g. The mayor shall look for a common policy on boiler plate language which will be consistent in each contract. This completed document shall be submitted to the different labor organizations and city council for review. A meeting shall be scheduled with all parties to establish a procedure for incorporation of the language into the contracts.
 - h. In preparing for negotiations, the mayor shall incorporate compensation data from the public and private sector.

- i. The mayor shall negotiate a competitive wages and benefits package. Wages and benefits which are found to be above average shall be frozen until such time as wages and benefits have fallen below average.
- j. All substantive labor negotiations shall be negotiated in open sessions.
- k. Not more than three on-duty union member employees may take part in negotiations.
- l. Individual members of the city council shall not enter into separate negotiations with any union representative or member. From the date of the mayor's transmittal as provided in subsection (2)b. until the ratification of the ordinance, all communication regarding issues in negotiation, both written and oral, from the union should be addressed to members of the city's negotiating team and not to individual council members.
- m. The city negotiating team shall be solely embodied to negotiate on behalf of the city council.
- n. The city council remains committed to the following goals during the negotiating process:
 - 1. Reward superior employees with merit pay increases in lieu of increases based solely on longevity.
 - 2. Fair and reasonable deductibles in medical insurance.
 - 3. Analyze possible alternatives to the state public employees retirement system plan.
 - 4. Limiting personal leave to reasonable levels.
 - 5. Consistency between bargaining units, as well as between union and non-union employees.
 - 6. Negotiate contracts with annual wage and benefit reopeners if future sources of funding are not secured.
 - 7. Seek to eliminate terms with complex pay premiums, work rules that reduce productivity, or other terms that impede accountability.

Sec. 42-2. - Health and medical program.

- (a) The mayor shall submit to the city council a health and medical program for the city employees; except that city officials elected (or filling elected positions by appointment) on or after October 6, 1987, shall not be covered by any city health or medical coverage unless the official began participation in the health and medical plan as an elected official before October 6, 1987, and has not in the case of reelection had a break in elected service. Such a program shall be adopted by resolution of the city council. The mayor will review the health and medical program each year and submit his recommendations to the city council.
- (b) Elected city officials (or those filling elected positions by appointment) who are not eligible for health and medical coverage under subsection (a) of this section may elect during the time of service as a city official to be part of the group health and medical program if they pay the city the average cost per employee per month for all periods of participation in the program.
- (c) Negotiated contracts shall contain a provision indicating whether employees covered by the contract shall be members of the city health and medical program or another program.

Sec. 42-3. - Retroactive pay from one fiscal year to a previous fiscal year.

It shall be the policy of the city not to pay retroactive pay from one fiscal year to a previous fiscal year. If the city is negotiating a contract with an employee group which would call for retroactive pay, and negotiations will not be completed in the fiscal year in which they were begun, and it appears approval of the contract will be achieved so that it would require payment of retroactive pay to a previous fiscal year, the parties to the negotiations will negotiate a separate agreement on retroactive pay in time to submit that agreement to the city council at a regular meeting prior to the end of the fiscal year in which negotiations were begun. If the city council does not approve retroactive pay before the end of the fiscal year, no retroactive pay will be paid for that fiscal year.

Sec. 42-4. - Training.

City employees, before being allowed to participate in training at city expense other than on-the-job training at city locations, shall be required to sign an agreement providing that they will not voluntarily resign from employment for a period of at least one year from the date training is completed. The agreement shall further provide that if an employee does resign within one year of completion of training, he shall repay the city its costs for such training as well as all wages and per diem paid him during such training on a pro rata basis of 1/12 per month of each remaining month of the yearly per diem subsequent to the training.

Sec. 42-5. - Employee bulletin board posting.

The city will provide space on bulletin boards located in employee work areas to be used by the employees. The employees may use these boards for the posting of notices pertaining to recreational and social activities, results of union elections, union meeting notices, legislative or city council enactments and judicial decisions affecting public employee labor relations. Materials which are obscene, defamatory or which impair the operations of the city or which constitute partisan political campaign material shall not be posted.