



Revisions to City Manager's Proposed Collective Bargaining Ordinance

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Revision Process

The revised ordinance took into consideration:

- Thoughts and comments by members of the City Council
- Comments made by members of the public during periods of public comment
- Proposed revisions and other comments provided by the Amalgamated Transit Union (ATU)
- Additional input from City department leadership
- Meeting with ATU and Fire Department Representatives.

Bargaining Units

Original Ordinance

- 3 initial units
 - Police
 - Fire
 - Transit
- Opportunity to expand the number of bargaining units built in after 2 years
- Police and Fire supervisors excluded from their respective units had the right to meet and confer with the administration

Revised Ordinance

- 6 total units, adding:
 - Labor and Trades
 - Administrative and Technical
 - Professional
- Any three units can be certified initially; the first three to achieve certification will be recognized in the first year
- Additional units are phased in one per year after the initial year
- All supervisors excluded from their respective units have the right to meet and confer with the administration

Employee and Exclusive Representative Rights

Original Ordinance

- Employees have the right to organize, form, join, assist, and pay dues to employee organizations of their choosing
- Employees have the right to refrain from concerted activity
- Exclusive representatives are permitted to speak on behalf of all unit employees
- Exclusive representatives are entitled to engage in collective bargaining with the City

Revised Ordinance

- Employee right to request a representative during disciplinary interviews
- Employee option to use City technology for Union communications, subject to the understanding that communications are not private and may be accessed by the City for proper purposes
- Employees and employee organizations may meet on City premises in designated spaces at appropriate times when employees are off-duty
- Exclusive representatives have the right to periodically request a list of bargaining unit employees from the City

Prohibited Labor Practices

- Under the original ordinance, prohibited labor practices were implied in the language of the ordinance and were subject to judicial review
- The revised ordinance provides for a specific list of prohibited labor practices, including (for both parties) bargaining in good faith and a prohibition on discrimination based on union membership
- If one party alleges a prohibited practice against the other, it will be resolved in an administrative hearing by the administrator
- In general, proceedings before the administrator are appealable to the circuit court with a limited standard of review

Unit Certification and Decertification

Original Ordinance

- Provided that signatures in support of a petition for election or decertification were valid for 60 days
- Provided that prospective unions would be responsible for election costs

Revised Ordinance

- Provides that signatures in support of a petition for election must be submitted subsequent to any previously held election
- Provides that employees must be permitted to revoke their signatures on a petition for election or decertification
- Provides explicit procedures for runoff elections
- Provides that the City and the prospective unions will jointly share the cost of elections

Authorized Subjects of Bargaining

- Wages, hours, and terms and conditions of employment remain subject to bargaining
- The revised ordinance expands bargaining to include health and dental insurance premiums (including employer contributions and premium cost sharing), deductibles, and co-payments for active employees and covered dependents
- The revised ordinance expressly allows for negotiation of “official time” for union officials
- The revised ordinance expands bargaining to allow for negotiation of disciplinary procedures, including a grievance procedure which may be negotiated to include binding arbitration

Dispute Resolution – What is the difference?

Grievance Resolution

A collective bargaining agreement has already been negotiated, and the parties have a dispute about whether it was followed properly:

- Was this employee fired for cause?
- Did this employee receive proper progressive discipline?
- Did the Employer properly provide breaks to this group of employees as required by the contract?
- Should the Employer have offered overtime to Employee A before offering it to Employee B?

Impasse Resolution

The parties have tried to negotiate a collective bargaining agreement, but cannot agree about what terms it should contain:

- What should the minimum pay rate be for this position?
- What kind of raise can be offered for this position?
- How many breaks should an employee receive during their shift and how long should they be?
- How many steps should the grievance procedure have?
- How many holidays should the Employer recognize?

Impasse Resolution

Original Ordinance

- Parties engage in mediation
- If mediation fails, parties engage a neutral fact-finder who will hold a hearing and issue findings of fact and recommendations for resolution
- The City Manager, after considering the results of the mediation and fact-finding, would submit his recommendations to the City Council through his budget or other proposed legislation.
- The City Council retained legislative discretion on all proposals.

Revised Ordinance

- Mediation remains mandatory
- If mediation fails, the parties engage a neutral fact-finder who will hold a hearing and issue findings of fact and recommendations for resolution
- The fact-finder's recommendations are **automatically adopted** unless a party disputes the recommendation(s) with the City Council
- In the event of a dispute, the City Council will receive a copy of the fact-finder's report, and will hold a **public hearing** to decide how to resolve the disputed issue(s)
- City Council's decision on the disputed issue(s) is final and becomes part of the collective bargaining agreement
- The parties may negotiate an alternative resolution at any time during the impasse process



Questions?

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