

Executive Summary of Revisions to Draft Collective Bargaining Ordinance

| No. | Description of Change | Relevant Sections |
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| 1 | Revised definition of Administratively Acceptable Evidence to expand the timeline for signature collection to include signatures received subsequent to a previously conducted election and to allow employees the ability to revoke their signatures; moved language to the Definitions section of the ordinance. | Moved from Sec. 19-210 to Sec. 19-202 |
| 2 | Revised definition of Confidential Employee to more closely align with definitions used by other Virginia jurisdictions with collective bargaining | Sec. 19-202 |
| 3 | Revised definition of Temporary Employee and Seasonal Employee to better align with revised City personnel policies | Sec. 19-202 |
| 4 | Addition of certain benefits as authorized subjects of collective bargaining, including employer insurance contribution rates, premium cost sharing, deductibles, and co-payments. Insurance plan structure and plan providers remain non-negotiable. | Sec. 19-203(a)(3) (outlining negotiable benefits) Sec. 19-203(c)(2), (3) (outlining non-negotiable benefits) Sec. 19-202 (adding definition of “Insurance benefit options”) |
| 5 | Permitting the inclusion of probationary employees in a bargaining unit while retaining the ability to terminate and discipline probationary employees | Sec. 19-202 (removing probationary employees from exclusions in definition of “employee”) Sec. 19-203(b) (excluding probationary employees from prospective disciplinary grievance procedures) Sec. 19-203(c)(6) (retaining for the City the right to terminate and discipline probationary employees) |

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| 6 | Adding language expressly permitting the negotiation of a grievance procedure, and describing requirements for negotiated grievance procedures, including the possibility of arbitration | Sec. 19-203(b) |
| 7 | Revised language to clarify certain illegal subjects of bargaining | Sec. 19-203(c)(4) |
| 8 | Defined three additional bargaining units (Labor and Trades, Administrative and Technical, and Professional). Permits any three of the six available bargaining units to be certified in the first year of the ordinance, while staggering the introduction of the last three units over three additional years. | Sec. 19-204 Sec. 19-202 (adding conforming definitions) |
| 9 | Expanded the obligation for the City to meet and confer to supervisory employees in all bargaining units | Sec. 19-204(d) |
| 10 | Added employee right to request a union representative when an investigatory interview with City management may lead to the employee's discipline | Sec. 19-205(b) |
| 11 | Added an employee right to use the City's communication systems for union business, subject to the understanding that such communications may not be private and could be accessed or disclosed for valid business reasons, such as in litigation | Sec. 19-205(c) |
| 12 | Added a right for employee organizations to meet in designated areas on City premises while the employees are off-duty | Sec. 19-205(d) |
| 13 | Added clarifying language regarding permissive subjects of bargaining | Sec. 19-206(a) |
| 14 | Addition of language clarifying the scope of judicial review of the administrator's decisions to include a | Sec. 19-209(b) |

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| | decision that “manifestly disregarded applicable law.” | |
| 15 | Changed the bargaining unit election procedure so that costs of the election are split between the prospective unions and the City | Sec. 19-210(a) |
| 16 | Clarified language regarding the procedure for certifying a bargaining unit, including adding an explicit procedure for runoff elections | Sec. 19-210 |
| 17 | Expanded the amount of time available for employees to move to decertify a bargaining unit and clarified the timeline for a successful election to decertify | Sec. 19-211 |
| 18 | Provided for the exclusive representative to have the right to receive a quarterly list of bargaining unit employees upon request | Sec. 19-212(a)(3) |
| 19 | Reorganized sections to collect and clarify procedures for reaching a negotiated collective bargaining agreement and to clarify procedures for the review and approval of a negotiated agreement | Sec. 19-212 (removing information regarding the initiation of negotiations) Sec. 19-213 (a) (adding information regarding the initiation of negotiations) Sec. 19-213 (c) (expressly providing for ratification and approval of tentative agreements) Sec. 19-213 (d) (providing procedures for renegotiation if a tentative agreement is not approved) |
| 20 | Revised timeline for conducting negotiations, including by allow unions additional time to request to negotiate and extending potential date for impasse | Sec. 13-213(a), (e) |
| 21 | Expressly authorized employees to engage in negotiation activities during work time, subject to negotiations between the parties | Sec. 19-213(b) |

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| 22 | <p>Revised negotiation impasse procedures, including:</p> <ul style="list-style-type: none"> - Additional procedures for fact-finding - Adoption of the fact finder's recommendation is now the default outcome - Provided for a procedure to appeal the fact-finder's recommendations to the City Council - Provided the City Council with the final authority to resolve disputed issues in a negotiation impasse | Sec. 19-213 (h), (i) |
| 23 | Clarified that neither party is responsible for the legal costs of the other during impasse resolution | Sec. 19-213(k) |
| 24 | Added new sections outlining prohibited practices by the City or any exclusive bargaining agent, including administrative procedures for resolving prohibited practice charges with the labor relations administrator | <p>Sec. 19-214 Sec. 19-215 Sec. 19-202 (revising definition of labor-management dispute to include prohibited labor practice charges) Sec. 19-205(c) (specifying that the review of employee emails for a legitimate City purpose is not a prohibited labor practice) Sec. 19-206(b) (clarifying that general speech regarding labor issues by the City Council or City Manager is not a prohibited labor practice unless it contains a prohibited threat or promise)</p> |
| 25 | Clarified that an employee organization must have sponsored, authorized, supported, or approved of an illegal strike in order to be decertified under this section | Sec. 19-216 |
| 26 | Removed procedures for mandatory review of ordinance, as the ordinance now contains more fulsome provisions | Former Sec. 19-216 |