

LETTER OF AGREEMENT

by and between

MUNICIPALITY OF ANCHORAGE (MUNICIPALITY)

and the

ANCHORAGE POLICE DEPARTMENT EMPLOYEES ASSOCIATION (APDEA)

Subject: APDEA Acting Pay Agreement

APDEA LOA # 14

This Letter of Agreement (Agreement) is between the Municipality of Anchorage (Municipality) and the Anchorage Police Department Employees Association (APDEA). The Municipality and the APDEA are parties to a Collective Bargaining Agreement (CBA).

Because of past and current APDEA grievances 12-19 and 14-01 and in an effort to avoid further grievances, the Parties have reached an agreement that allows for a fair and equitable acting pay rate for APDEA members who act in a supervisory assignment.

The CBA does not address an acting pay rate and defaults to the Personnel Rules (AMC 3.30.128.D) in effect when the CBA was approved. APDEA employees under the applicable version of AMC 3.30.128.D could receive less hourly compensation than they currently make, or even a higher rate of pay in compensation when applied to APDEA's unique pay schedule, which does not have evenly graduated pay steps.

AMC 3.30.128 Entitled-Special types of appointments or assignments, states at subsection D:

D. Acting assignment "Any acting assignment to a higher class shall be paid at one step above the employee's present step in his own range, or, if he is already at the F step, he shall be paid at the E step in the next higher range. An employee on acting assignment for a particular class of position becomes eligible for an acting appointment once he meets requirements for an acting appointment under rule 6. Pay for an acting assignment from a bargaining unit position to a non-represented position will be at a rate which provides for a five percent increase over the current base rate of the affected employee."

A new version of AMC 3.30.128.D (AO No. 2014-32(S)) recently was approved by the Assembly indicating a rate of 5% for non-represented employees in an acting assignment.

In an effort to come to a mutual agreement and only until the new CBA can be negotiated, the Parties are establishing a temporary flat rate of 10% to be applied to all acting assignments for APDEA, based on its unique non-evenly graduated pay schedule.

The Parties agree to the following:

1. The Parties agree that from the date of this Agreement under the current CBA, all employees serving in an acting supervisory assignment shall receive a 10% pay premium for all hours served in an acting assignment.
2. This agreement shall remain effective until the Parties' next collective bargaining agreement becomes effective.

This Agreement is not intended to be a substantive change to the CBA. It is solely to clarify the parties' intent and to avoid misunderstandings and/or confusion until renegotiation based on incorporated personnel rules that create inconsistency when applied to the CBA.


Pursuant to Anchorage Municipal Code (AMC) 3.70.130 D., each and every collective bargaining contract, agreement, modification, written interpretation, or other change, alteration or amendment, no matter how denominated, shall include a summary of requirements and remedial provisions, and the certification under oath or affirmation by each duly authorized representative signing on behalf of a party. The duly authorized representatives, on behalf of the parties to this agreement, hereby affirm and certify as follows:

- A. This Agreement complies with AMC 3.70.130.
- B. AMC 3.70.130 requires Assembly approval of all modifications and amendments, no matter how denominated.
- C. Absent Assembly approval as required by AMC 3.70.130, any modification or amendment, no matter how denominated, shall be deemed null and void, and any payments made shall be recoverable by the Municipality.
- D. Absent Assembly approval as required by AMC 3.70.130, written clarifications and interpretations within the definition of "administrative letter" are invalid.
- E. AMC 3.70.010 prohibits the use of administrative letters to vary the explicit terms of a labor agreement.
- F. Intentional actions in violation of AMC 3.70.130 are subject to fines and penalties under AMC 1.45.010.
- G. Remedial actions: In the event the provisions of AMC 3.70.130 are violated by administrative action, any labor agreement, agreement, modification, written interpretation, or other change, alteration or amendment, no matter how denominated, shall be null and void with no force or effect.

FOR THE MUNICIPALITY:

FOR THE APDEA:


Director, Employee Relations


President

3/10/14
Date

3.7.2014
Date

CLERK'S OFFICE

APPROVED

Date: 4-22-14

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Dept. of Employee Relations

For reading: March 25, 2014

ANCHORAGE, ALASKA

AO No. 2014-47

1 **AN ORDINANCE APPROVING A LETTER OF AGREEMENT BETWEEN THE**
2 **MUNICIPALITY OF ANCHORAGE AND THE ANCHORAGE POLICE**
3 **DEPARTMENT EMPLOYEES ASSOCIATION (APDEA) REGARDING ACTING**
4 **ASSIGNMENT PAY, AND REDUCING THE THIRTY DAY PERIOD FOR PUBLIC**
5 **REVIEW AND COMMENT.**

6
7
8 **WHEREAS**, a collective bargaining agreement (CBA) between the Municipality of
9 Anchorage (MOA) and the Anchorage Police Department Employees Association
10 (APDEA) was approved by the Assembly on January 1, 2009 (AR 2008-307); and

11
12 **WHEREAS**, the MOA and the APDEA prepared and signed a Letter of Agreement
13 (LOA) by both parties by March 10, 2014, attached as Exhibit A, which results from
14 past and current grievances, and to avoid future grievances; and

15
16 **WHEREAS**, the APDEA CBA does not address an acting pay rate and defaults to the
17 Personnel Rules, Anchorage Municipal Code (AMC) subsection 3.30.128D., in effect
18 when the CBA was approved; and

19
20 **WHEREAS**, APDEA employees under the applicable version of AMC subsection
21 3.30.128D. could receive less hourly compensation than they currently make, or even
22 a higher rate of pay in compensation than the proposed 10% because of APDEA's
23 unique pay schedule, which does not have evenly graduated pay steps; and

24
25 **WHEREAS**, the LOA allows for a 10% increase over an employee's factored rate of
26 pay to be added to an APDEA's employee's pay when the employee works in an
27 acting assignment; and

28
29 **WHEREAS**, AMC section 3.70.130 requires the Assembly to approve an amendment
30 to a CBA including a letter of amendments such as this LOA before it takes effect,
31 which the parties request be retroactive to March 10, 2014 when the LOA was
32 signed; and

33
34 **WHEREAS**, it is in the best interest for the MOA and the APDEA to subject this LOA
35 to the public review and approval process, in order to foster good labor-management
36 relationships; and

37
38 **WHEREAS**, AMC subsection 3.70.090D.3.c. requires the Assembly "shall have a 30-
39 day period for public review and comment on the labor agreement terms and
40 conditions, summary of economic effects, and contract changes, before action by the
41 assembly"; and

42
43 **WHEREAS**, it is beneficial to reduce the full 30-day public review and comment

1 to 28-days or the second Assembly meeting after introduction, rather than wait for the
2 third Assembly meeting, or 35 days after introduction; and
3

4 **WHEREAS**, the LOA was reviewed by Internal Audit which has determined that no
5 significant cost impact occurs, and therefore no summary of economic effects (SEE)
6 is submitted with this ordinance pursuant to AMC section 2.30.050B.1.b.; and
7

8 **WHEREAS**, the Administration recommends approval of this LOA, as detailed in the
9 accompanying Assembly Memorandum; now therefore,
10

11 **THE ANCHORAGE ASSEMBLY ORDAINS:**
12

13 **Section 1.** Two days of the 30-day public notice period under AMC subsection
14 3.70.090D.3.c. is waived.
15

16 **Section 2.** The Letter of Agreement (LOA) between the Municipality of Anchorage
17 and the Anchorage Police Department Employees Association attached as **Exhibit A**
18 that establishes an increase of 10% to an employee's factored rate of pay for
19 APDEA's employees while working in acting assignments is approved by the
20 Assembly.
21

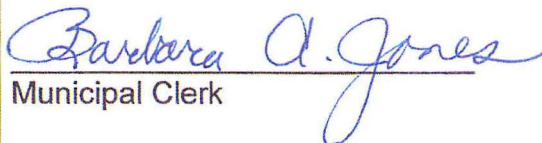
22 **Section 3.** This ordinance is effective immediately upon passage and approval by the
23 Assembly, with the effective date of the LOA the date it was signed by both parties,
24 on March 10, 2014.
25

26 PASSED AND APPROVED by the Anchorage Assembly this 22nd day of
27 April, 2014.
28

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30
31 

32 _____
33 Chair of the Assembly
34

35 ATTEST:
36

37 
38 _____
39 Municipal Clerk

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 177-2014

Meeting Date: March 25, 2014

From: MAYOR

Subject: AN ORDINANCE APPROVING A LETTER OF AGREEMENT BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE ANCHORAGE POLICE DEPARTMENT EMPLOYEES ASSOCIATION (APDEA) REGARDING ACTING ASSIGNMENT PAY, AND REDUCING THE THIRTY DAY PERIOD FOR PUBLIC REVIEW AND COMMENT.

The Municipality of Anchorage (MOA) and the Anchorage Police Department Employees Association (APDEA) signed a Letter of Agreement (LOA), executed by both Parties as of March 10, 2014, setting a rate of 10% as an increase to an employee's factored rate of pay for while working in an acting assignment.

The APDEA collective bargaining agreement (CBA) does not address an acting pay rate and defaults to the Personnel Rules, Anchorage Municipal Code (AMC) subsection 3.30.128D., in effect when the CBA was approved. APDEA employees under the applicable version of AMC subsection 3.30.128D. could receive less hourly compensation than they currently earn, or even a higher rate of pay than 10% when applied to APDEA's unique pay schedule, which does not have evenly graduated pay steps.

There have been interpretation issues and inconsistencies that have resulted in past, current and likely future grievances on how to consistently apply APDEA's pay schedule and the Personnel Rules in effect when the APDEA CBA was approved.

The LOA attached as Exhibit A to this ordinance establishes an additional 10% over the employee's factored rate of pay for acting assignments due to APDEA's unique pay schedule when applying the applicable personnel provisions of AMC subsection 3.30.128D.

A newer version of the Personnel Rules has been approved by the Assembly by passage of AO 2014-32(S), allowing for a rate of 5% for non-represented employees in an acting assignment. This provision is not applicable to the current APDEA CBA, and does not take into account the APDEA irregular pay steps. The negotiated compromise of a 10% increase over the employee's factored rate of pay for APDEA's employees while working acting assignments is fair and appropriate. This LOA will be in effect until a new Collective Bargaining Agreement (CBA) is executed between the MOA and APDEA, which should address this issue.

The ordinance also requests waiving two days of the 30-day period for public review

1 and comment under AMC subsection 3.70.090D.3.c., allowing approval of this
2 proposed LOA within 28-days, or the second Assembly meeting after introduction,
3 rather than wait for the third Assembly meeting, or 35 days after introduction.
4 Based on the need to clarify this confusing CBA provision and prevent future
5 inconsistencies, this limited waiver period is warranted.
6

7 It is also requested that the effective date of the LOA is the date it was signed by
8 both parties, March 10, 2014.
9

10 The LOA was reviewed by Internal Audit, which determined that no significant cost
11 impact results, and therefore no summary of economic effects (SEE) is submitted
12 with the ordinance
13

14
15 **THE ADMINISTRATION RECOMMENDS APPROVAL.**
16

17 Prepared by: Neil Schefers, Employee Relations
18 Approved by: Theresa Hillhouse, Acting Director Employee
19 Relations
20 Concur: Dennis A. Wheeler, Municipal Attorney
21 Concur: George J. Vakalis, Municipal Manager
22 Respectfully submitted: Daniel A. Sullivan, Mayor
23