

CLERK'S OFFICE

APPROVED

Date: 12/12/00

Submitted by: Chairman of the Assembly at the
Request of the Mayor
Prepared by: Department of Law
For reading: NOVEMBER 28, 2000

ANCHORAGE, ALASKA
AR NO. 2000- 352

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A SETTLEMENT
2 OF THE ANCHORAGE POLICE DEPARTMENT EMPLOYEES' ASSOCIATION GRIEVANCE OF
3 THE 1994 CHANGE IN POLICE WORK HOURS AND RELATED ARBITRATIONS AND
4 LITIGATION AND APPROPRIATING FUNDS TO PAY SUCH SETTLEMENT.
5

6
7 WHEREAS, on August 1, 1998 an arbitrator ruled that the Municipality could not unilaterally
8 change police officers' work day from four ten-hour shifts to five eight-hour shifts and on October 2, 1999
9 awarded four hours straight-time pay for each fifth day worked which would have been a day off under
10 the four ten-hour shift schedule; and
11

12 WHEREAS, the Municipality appealed the arbitrator's rulings to the Superior Court and that appeal
13 and other related cases are now pending; and
14

15 WHEREAS, the principle amount of the arbitrator's award amounts to \$2.44 million which, if
16 upheld by the court, could increase to approximately \$3.91 million when costs, interest and attorneys fees
17 are added to the award; and
18

19 WHEREAS, the Administration and the Anchorage Police Department Employees Association
20 ("APDEA") have negotiated a tentative settlement of all claims subject to approval by the Assembly and
21 the APDEA; and
22

23 WHEREAS, both parties concur it is in the mutual best interests to settle this dispute, eliminate
24 further risks of litigation and enter into a compromise settlement amounting to approximately \$2.03
25 million; now therefore,
26

27 THE ANCHORAGE ASSEMBLY RESOLVES
28

29 **Section 1.** Subject to approval of the membership of the Anchorage Police Department Employees
30 Association ("APDEA"), the proposed settlement between the Municipality of Anchorage and APDEA
31 providing for a combination cash payments, deferred compensation employer compensation and non-Fair
32 Labor Standards Act compensatory time off outlined below is hereby approved and the Administration is
33 hereby authorized to enter into an agreement effecting said settlement upon terms agreed to by the
34 Municipality and APDEA and such other and additional terms and conditions as the Mayor and the
35 APDEA may deem reasonable and necessary to effect said settlement.
36

37 **Proposed Terms**
38

39 **Retired and Terminated Employees.** These employees will receive cash
40 payments.
41
42

Plan I and II Employees. These employees will be given the option of electing a cash payment for the amounts due or accepting, in whole or in part, an equivalent amount of "non-FLSA compensatory time off."

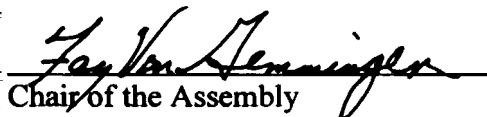
All Other Employees. These employees will receive a cash payment for 25% of the amount due. In addition, these employees will receive the remaining balance of the amount due through a combination of non-FLSA compensatory time off or employer contributions by the Municipality to the employee's Section 401(k) deferred compensation account. Under the terms of the settlement, the Municipality's Section 401(k) contributions shall be made at the rate of 90% of the actual cash value awarded by the Arbitrator. The allocation between non-FLSA compensatory time off and deferred compensation contributions will be made by each employee.

Litigation. All related litigation and arbitrations will be dismissed with prejudice, with each party to bear their own costs, interest and attorney's fees.

Section 2. To implement and pay the settlement approved hereby, there is hereby appropriated from the Anchorage Metropolitan Police Service Area Fund 151 Fund Balance the sum of \$2,023,701 to the Anchorage Police Department Fund 151.

Section 3. This resolution shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 12 day of December, 2000


Chair of the Assembly

ATTEST


Municipal Clerk

Fund Certification

Anchorage Metropolitan Police Service
Area Fund 151 - \$2,023,701 Fund Balance


Kate Giard
Chief Fiscal Officer

Ar 2000-352

| | | | | | |
|---|--|---|--|--|--|
| 1 | | SUBJECT OF AGENDA DOCUMENT AR; Settelement of APDEA | | DATE PREPARED 12/7/00 | |
| | | | | Indicate Documents Attached <input type="checkbox"/> AO <input checked="" type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM | |
| 2 | | DEPARTMENT NAME Department of Law | | DIRECTOR'S NAME William A. Greene | |
| 3 | | THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY William A. Greene | | HIS/HER PHONE NUMBER 343-4545 | |
| 4 | | COORDINATED WITH AND REVIEWED BY | | INITIALS | |
| | | X Mayor | | | |
| | | X Municipal Clerk | | | |
| | | X Municipal Attorney | | | |
| | | X Employee Relations | | | |
| | | X Municipal Manager | | | |
| | | Cultural & Recreational Services | | | |
| | | Fire | | | |
| | | Health & Human Services | | | |
| | | Merrill Field Airport | | | |
| | | Municipal Light & Power | | | |
| | | Office of Management & Budget | | | |
| | | X Police | | | |
| | | Port of Anchorage | | | |
| | | Public Works | | | |
| | | Solid Waste Services | | | |
| | | Public Transportation | | | |
| | | Water & Wastewater Utility | | | |
| | | Executive Manager | | | |
| | | Community Planning & Development | | | |
| | | Finance, Chief Fiscal Officer | | | |
| | | Heritage Land Bank | | | |
| | | Management Information Systems | | | |
| | | Property & Facility Management | | | |
| | | Purchasing | | | |
| | | Other | | | |
| 5 | | SPECIAL INSTRUCTIONS/COMMENTS | | | |
| | | 12.F. New Public Hearing | | | |
| | | 11/28/00 introduced by title only | | | |
| 6 | | ASSEMBLY HEARING DATE REQUESTED | | 7 PUBLIC HEARING DATE REQUESTED | |
| | | | | 12/12/00 | |