

Submitted by: ASSEMBLY MEMBERS STARR,
JOHNSTON AND COFFEY
Prepared by: Assembly Counsel
For reading: December 2, 2008

See AO 2008-133(S)

ANCHORAGE, ALASKA
AO NO. 2008-133

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTION 3.70.130 REGARDING ASSEMBLY
3 APPROVAL OF COLLECTIVE BARGAINING CONTRACTS, AMENDMENTS, AND
4 ADMINISTRATIVE LETTERS; AND ADDING A NEW SECTION TO THE MUNICIPAL
5 CODE PROHIBITING IMPLEMENTATION IN VIOLATION OF 3.70.130.
6

7
8 THE ANCHORAGE ASSEMBLY ORDAINS:
9

10 **Section 1.** Anchorage Municipal Code section 3.70.130, Agreements, is hereby
11 amended to read as follows:
12

13 *(language indicating no amendment is included for context only)*
14

15 **3.70.130 Agreements.**
16

17 A. *Contracts and amendments.* Upon completion of negotiations between
18 the municipality and the bargaining representative, all of the terms and
19 conditions shall be reduced to writing in a single agreement. The
20 agreement shall then be presented to the appropriate employee unit for
21 ratification and to the assembly for ratification in the same manner as a
22 municipal ordinance. No provision of a contract may violate a municipal
23 ordinance or the Charter or state or federal law except as authorized in
24 Section 3.70.170.
25

26 B. *Administrative letters.* All administrative letters interpreting provisions
27 of a labor agreement shall be submitted to the assembly for review and
28 approval. Approval of administrative letters may be by resolution in
29 accordance with assembly rules.
30

31 C. *Required acknowledgement and certification provisions:* To ensure that
32 the requirement for Assembly ratification and approval under this
33 section 3.70.130 is acknowledged and understood, every collective
34 bargaining contract, agreement, modification, written interpretation, or
35 other change, alteration or amendment, no matter how denominated,
36 shall include in the body of document a provision that explicitly
37 summarizes the requirements and remedial provisions of section

3.70.130, and a certification under oath or affirmation by each duly authorized representative who signs on behalf of a party.

1. The certification shall in substance state that in executing the agreement, the duly authorized representative, on behalf of the party to the agreement, understands and acknowledges that the agreement must comply with Anchorage Municipal Code (AMC). The authorized representative acknowledges and agrees that AMC 3.70.130 requires Assembly approval of all modifications and amendments, no matter how denominated. The authorized representative acknowledges that absent Assembly approval, any modification or amendment, no matter how denominated, shall be deemed null and void, and any payments made shall be recoverable by the Municipality. Absent Assembly approval required by AMC 3.70.130, written clarifications and interpretations within the definition of "administrative letter" under AMC 3.70.010 are invalid. AMC 3.70.010 prohibits the use of administrative letters to vary the explicit terms of a labor agreement. Intentional actions in violation of this section 3.70.130 are subject to fines and penalties under AMC section 1.45.010 and implementation without Assembly approval is prohibited under the municipal penal code, title 8.

2. No labor contract, agreement, modification, written interpretation, or other change, alteration or amendment, no matter how denominated, shall be ratified or approved by the Assembly unless the agreement includes the required acknowledgement provision and certifications.

D. Remedial actions: In the event that the provisions of this section are violated by administrative action, the following remedial actions shall apply:

1. In the absence of Assembly approval, any labor contract, agreement, modification, written interpretation, or other change, alteration or amendment, no matter how denominated, shall be null and void, with no force or effect.

2. Payments received as a result of any labor contract, agreement, modification, written interpretation, or other change, alteration or amendment not ratified by the Assembly, shall be recovered by the Municipality from the recipient.

3. Intentional actions in violation of this section 3.70.130 are subject to fines and penalties under AMC section 1.45.010 and implementation without Assembly approval is prohibited under the municipal penal code title 8.

(AO No. 69-75; AO No. 84-221(S); AO No. 89-46(S-1))

Section 2. Anchorage Municipal Code title 8, Penal Code, is amended by adding a new chapter and section to read as follows:

Chapter 8.95 Commission of actions prohibited by municipal code.

8.95.010 Unauthorized implementation of labor agreements.

Implementation of any labor contract, agreement, modification, written interpretation, or other change, alteration or amendment, no matter how denominated, without prior Assembly approval or ratification is prohibited. Intentional acts in violation of section 3.70.130 are subject to fines and penalties set out in section 1.45.010.

Section 3. This ordinance shall become effective _____, _____ upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2009.

Chair

ATTEST:

Municipal Clerk