

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

Prepared by: Dept. of Law

For reading: December 2, 2008

See AD 2108-135(S)

ANCHORAGE, ALASKA

AO No. 2008- 135

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.70
REGARDING ASSEMBLY APPROVAL OF COLLECTIVE BARGAINING
AGREEMENTS, AMENDMENTS AND ADMINISTRATIVE LETTERS
RETROACTIVE TO DECEMBER 1, 2008.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 3.70.010 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.70.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative agreement means a written document executed by duly authorized representatives of the municipality and an employee organization, which clarifies or interprets an explicit term of a labor agreement, and which must be approved by the employee organization and by the assembly.

Administrative letter means a written document, including, but not limited to, a memorandum or letter of understanding, a side letter or agreement, or a letter of agreement, [EXECUTED BY DULY AUTHORIZED REPRESENTATIVES OF THE MUNICIPALITY AND AN EMPLOYEE ORGANIZATION WHICH CLARIFIES OR INTERPRETS AN AMBIGUITY WITHIN A CURRENT LABOR AGREEMENT] addressing the management of the labor force under the existing terms of the current labor agreement. Administrative letters may not be used to vary the explicit terms of a labor agreement. An administrative letter may be, but is not required to be, executed by duly authorized representatives of an employee organization.

[**AGREEMENT** MEANS THE RESULT OF AN EXCHANGE OF MUTUAL PROMISES BETWEEN THE MAYOR OF THE MUNICIPALITY AND AN EMPLOYEE ORGANIZATION, WHICH BECOMES A BINDING CONTRACT FOR THE PERIOD OF TIME SET FORTH THEREIN. COLLECTIVE BARGAINING AGREEMENTS MUST BE APPROVED FINALLY BY EMPLOYEE ORGANIZATION AND BY THE ASSEMBLY.]

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Collective bargaining means the performance of the mutual obligations of the municipality and the employee organization to meet at reasonable times and negotiate in good faith with respect to wages, hours and other terms and

conditions of employment and the execution of a written contract incorporating an agreement reached. These obligations do not compel either party to agree to a proposal or require the making of a concession.

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Employee means any person holding a position in the administrative service of the municipality. Such term does not include members of citizen commissions or advisory groups appointed under authority of article V of the Charter. The term "employee" shall not include supervisory employees.

Employee organization means an organization of employees of any kind, having as its purpose the improvement of terms and conditions of employment of public employees through collective bargaining, grievance and arbitration, or any other procedure where permitted under this chapter.

Employer means the municipality. Such term does not include the numerous citizen advisory boards and commissions which exist under the authority of article V of the Charter.

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Labor agreement means a collective bargaining agreement that is the result of an exchange of mutual promises between the mayor of the municipality and an employee organization, and which becomes a binding contract for the period of time set forth therein. A labor agreement must be approved by the employee organization and by the assembly.

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(AO No. 69-75; AO No. 88-76; AO No. 77-376; AO No. 84-221(S); AO No. 88-131(S); AO No. 89-46(S-1))

Section 2. Anchorage Municipal Code section 3.70.130 is amended to read as follows:

3.70.130 Agreements.

- A. **Labor agreements** [CONTRACTS AND AMENDMENTS]. Upon completion of negotiations between the municipality and the bargaining representative over a labor agreement, all of the terms and conditions shall be reduced to writing in a single agreement. The agreement shall then be presented to the appropriate employee unit for ratification and to the assembly for ratification in the same manner as a municipal ordinance. No provision of a contract may violate a municipal ordinance or the Charter or state or federal law except as authorized in section 3.70.170.
- B. **Administrative agreements** [LETTERS]. All administrative agreements [LETTERS INTERPRETING PROVISIONS OF A LABOR AGREEMENT] shall be submitted to the assembly for review and approval. Approval of

administrative agreements shall [LETTERS MAY] be by resolution in accordance with assembly rules.

C. Administrative letters shall be summarized periodically by the department and an informational memorandum shall be submitted to the assembly as required by assembly rules.

D. Grievances. Notwithstanding the requirements in subsections A. – C. above, grievance settlements, including arbitration decisions, pertaining to specific employees shall not be submitted to the assembly, except where the grievance settlement requires an appropriation to a department budget.

1. A proposed grievance settlement requiring an appropriation shall be submitted for assembly review and approval by resolution in accordance with assembly rules.

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

Section 3. This ordinance shall be effective immediately upon passage, and shall be retroactive to December 1, 2008.

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

Chair of the Assembly

ATTEST:

Municipal Clerk