

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law
For reading: January 20, 2009
Substitute by: ASSEMBLY VICE CHAIR COFFEY
Reviewed by: Assembly Counsel

CLERK'S OFFICE

AMENDED AND APPROVED

Date: 9-29-09

ANCHORAGE, ALASKA

AO No. 2008-135(S) As Amended

RECONSIDERATION FAILED 9-29-09

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.70
2 REGARDING ASSEMBLY APPROVAL OF COLLECTIVE BARGAINING
3 AGREEMENTS, AMENDMENTS AND ADMINISTRATIVE LETTERS
4 RETROACTIVE TO DECEMBER 1, 2008.
5

6
7 THE ANCHORAGE ASSEMBLY ORDAINS:
8

9 **Section 1.** Anchorage Municipal Code section 3.70.010 is amended to read as
10 follows (*the remainder of the section is not affected and therefore not set out*):
11

12 **3.70.010 Definitions.**
13

14 The following words, terms and phrases, when used in this chapter, shall have
15 the meanings ascribed to them in this section, except where the context
16 clearly indicates a different meaning:
17

18 **Administrative agreement** means a written document executed by the
19 **mayor's designee city manager** ~~duly authorized representatives of the~~
20 ~~municipality~~ and an employee organization, which **changes, modifies, alters,**
21 **amends,** clarifies or interprets an explicit term **or any written provision** of a
22 labor agreement, **which has any financial consequences** and which must
23 be approved by the employee organization and by the assembly in the
24 **manner provided in AMC section 3.70.130.**
25

26 **Administrative letter** means a written document, including, but not limited to,
27 a memorandum or letter of understanding, a side letter or agreement, or a
28 **letter of agreement,** [EXECUTED BY DULY AUTHORIZED REPRESENTATIVES OF THE
29 MUNICIPALITY AND AN EMPLOYEE ORGANIZATION WHICH CLARIFIES OR INTERPRETS AN
30 AMBIGUITY WITHIN A CURRENT LABOR AGREEMENT] **addressing the management of**
31 **the labor force under the existing terms of the current labor agreement.**
32 Administrative letters may not be used to vary the explicit terms of a labor
33 agreement **and may not result in any financial consequences for the**
34 **Municipality.** ~~An administrative letter shall may be, but is not required to be,~~
35 ~~executed by a duly authorized representatives of an employee organization~~
36 **and shall be approved by the assembly in the manner provided in AMC**
37 **section 3.70.130 in order to become effective.**
38

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

AND BY THE ASSEMBLY.]

*** *** ***

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.

*** *** ***

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.

*** *** ***

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 a majority of the members of the employee organization and by the assembly.

*** *** ***

(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 **within thirty (30) days of execution by a duly authorized representative of an employee organization and the**

1 **Mayor's Designee City Manager.** **Assembly approval of administrative**
2 **agreements shall [LETTERS MAY] be in the same manner as a municipal**
3 **ordinance by resolution in accordance with assembly rules.**
4

5 **C. Administrative letters. All administrative letters shall be summarized**
6 **periodically by the department and an informational memorandum shall be**
7 **submitted to the assembly for review and acceptance in the form of an**
8 **Assembly Information Memorandum prior to the effective date of the**
9 **administrative letter as required by assembly rules.**
10

11 **D. Required acknowledgement and certification provisions: To**
12 **ensure that the requirement for Assembly ratification and approval under**
13 **this section 3.70.130 is acknowledged and understood, every collective**
14 **bargaining contract, agreement, modification, written interpretation, or**
15 **other change, alteration or amendment, no matter how denominated,**
16 **shall include in the body of document a provision that explicitly**
17 **summarizes the requirements and remedial provisions of section**
18 **3.70.130, and a certification under oath or affirmation by each duly**
19 **authorized representative who signs on behalf of a party.**
20

21 **1. The certification shall in substance state that in executing**
22 **the agreement, the duly authorized representative, on behalf of the**
23 **party to the agreement, understands and acknowledges that the**
24 **agreement must comply with Anchorage Municipal Code (AMC).**
25 **The authorized representative acknowledges and agrees that AMC**
26 **3.70.130 requires Assembly approval of all modifications and**
27 **amendments, no matter how denominated. The authorized**
28 **representative acknowledges that absent Assembly approval, any**
29 **modification or amendment, no matter how denominated, shall be**
30 **deemed null and void, and any payments made shall be**
31 **recoverable by the Municipality. Absent Assembly approval**
32 **required by AMC 3.70.130, written clarifications and**
33 **interpretations within the definition of "administrative letter"**
34 **under AMC 3.70.010 are invalid. AMC 3.70.010 prohibits the use of**
35 **administrative letters to vary the explicit terms of a labor**
36 **agreement. Intentional actions in violation of this section 3.70.130**
37 **are subject to fines and penalties under AMC section 1.45.010 and**
38 **implementation without Assembly approval is prohibited under the**
39 **municipal penal code, title 8.**
40

41 **2. No labor contract, agreement, modification, written**
42 **interpretation, or other change, alteration or amendment, no**
43 **matter how denominated, shall be ratified or approved by the**
44 **Assembly unless the agreement includes the required**
45 **acknowledgement provision and certifications.**
46

3. Implementation of any labor agreement or administrative agreement, no matter how denominated, without prior Assembly ratification, is prohibited.

E. 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 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.

2. Payments received as a result of any labor agreement or administrative agreement which has not been ratified by the Assembly shall be recovered by the Municipality from the bargaining unit which represents the employees who have received a financial benefit, direct or indirect, from the non-ratified labor agreement or administrative agreement.

3. Actions by a municipal employee in violation of the provisions this section 3.70.130 shall subject the municipal employee to the fines and penalties AMC 1.45.010.


D F. 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.

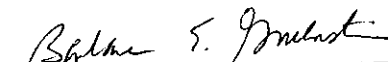
(AO No. 69-75; AO No. 84-221(S); AO No. 89-46(S-1))

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 29th day of September, 2009.


Chair of the Assembly

ATTEST:


Municipal Clerk