

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Dept. of Employee Relations  
For reading: August 30, 2011

CLERK'S OFFICE

**APPROVED**

Date: 9-13-11

**ANCHORAGE, ALASKA  
AR No. 2011-230**

**A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE  
MUNICIPALITY OF ANCHORAGE AND THE ANCHORAGE MUNICIPAL  
EMPLOYEE'S ASSOCIATION (AMEA) TO PARTICIPATE IN THE MUNICIPALITY  
OF ANCHORAGE (MOA) LEAVE DONATION PROGRAM.**

**WHEREAS**, a collective bargaining agreement (CBA) between the Municipality of Anchorage (MOA) and the Anchorage Municipal Employee's Association (AMEA) was ratified by the Assembly on December 2, 2008; and

**WHEREAS**, on July 12, 2011, the Assembly approved AO No. 2011-61(S), amending the Municipal Personnel Rules to establish a Leave Donation Program; and

**WHEREAS**, the AMEA desires to participate in this Leave Donation Program inasmuch as it provides benefits to members not available under the terms of the CBA; and

**WHEREAS**, the MOA and AMEA have entered into a Letter of Agreement substituting the language in the CBA Article 7.2.3D impacting employee to employee leave donations for the language in the Municipal Personnel Rules 3.30.153 D; now, therefore,

**THE ANCHORAGE ASSEMBLY RESOLVES:**

**Section 1.** The Letter of Agreement attached hereto as Exhibit A amending the AMEA collective bargaining agreement, is hereby ratified.

**Section 2.** This resolution shall be effective retroactively to August 12, 2011, which was the date of execution of the agreement.

PASSED AND APPROVED by the Anchorage Assembly this 13<sup>th</sup> day of September, 2011.

  
Chair of the Assembly

ATTEST:

  
Municipal Clerk

# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 464-2011

Meeting Date: August 30, 2011

**From: MAYOR**

**Subject: A RESOLUTION APPROVING A LETTER OF AGREEMENT  
BEWEEN THE MUNICIPALITY OF ANCHORAGE AND THE  
ANCHORGE MUNICIPAL EMPLOYEE'S ASSOCIATION (AMEA) TO  
PARTICIPATE IN THE MUNICIPALITY OF ANCHORAGE (MOA)  
LEAVE DONATION PROGRAM.**

On July 12, 2011, the Municipal Personnel Rules were amended to include a new section 3.30.153D which establishes an employee Leave Donation Program ("program"). The program provides guidelines for eligibility for transfer of leave that are consistent with IRS guidelines. The amended section establishing the Leave Donation Program applies to non-represented employees and those employees in bargaining units either operating under Collective Bargaining Agreements ("CBA") that incorporate the terms of the Personnel Rules with respect to leave donation or bargaining units that agree to amend current CBA's to adopt the Leave Donation Program.

The Anchorage Municipal Employees Association (AMEA) currently has language in its CBA setting forth its own leave donation program. The AMEA members have voted to adopt the Leave Donation Program provided by the Personnel Rules in lieu of the AMEA program contained in Article 7.2.3D.

A Letter of Agreement was executed between the AMEA and MOA on August 12, 2011, to amend AMEA CBA Article 7.2.3D by substituting the language in the Municipal Personnel Rules 3.30.153D. There are several leave donation transactions that have been submitted after the date of the agreement, but prior to Assembly approval. It is for this reason that we recommend making the Agreement effective to the date of the agreement rather than the date of approval.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF A RESOLUTION  
APPROVING A LETTER OF AGREEMENT BEWEEN THE MUNICIPALITY OF  
ANCHORAGE AND THE ANCHORGE MUNICIPAL EMPLOYEE'S ASSOCIATION  
(AMEA) TO PARTICIPATE IN THE MUNICIPALITY OF ANCHORAGE (MOA)  
LEAVE DONATION PROGRAM.**

Prepared by:	Nancy B. Usera, Employee Relations
Approved by:	Nancy B. Usera, Employee Relations
Concur:	Dennis A. Wheeler, Municipal Attorney
Concur:	George J. Vakalis, Municipal Manager
Respectfully submitted:	Daniel A. Sullivan, Mayor

## **LETTER OF AGREEMENT**

**by and between**

**MUNICIPALITY OF ANCHORAGE**

**and the**

**Anchorage Municipal Employees Association, Inc.**

**Subject: Leave Donation Program  
AMEA 11-01**

This Agreement is between the Municipality of Anchorage (Municipality) and the Anchorage Municipal Employees Association, Inc. (AMEA). The Municipality and AMEA are parties to a Collective Bargaining Agreement (CBA).

By AO No. 201161(S), the Municipality of Anchorage Assembly adopted the MOA Leave Donation Program effective July 4, 2011, amending Anchorage Municipal Code 3.30.153D. By this Letter of Agreement, the AMEA agrees that with respect to the donation of leave between employees, its members will participate in the MOA Leave Donation Program under the terms set forth in AMC 3.30.153D in lieu of AMEA CBA Article 7.2.3.D. This will settle AMEA Grievance 11-01 in its entirety, as the Municipality will withhold taxes only from the wages of the recipient of the donated leave, and not from the wages of the donor unless changed by IRS guidelines.

No other term, article or section of the AMEA CBA is affected by this agreement.


Pursuant to AMC 3.70.130D, 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 Anchorage Municipal Code section 3.70.130.
- B. Section 3.70.130 requires Assembly approval of all modifications and amendments, no matter how denominated.
- C. Absent Assembly approval as required by section 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 section 3.70.130, written clarifications and interpretations within the definition of "administrative letter" are invalid.
- E. Section 3.70.010 prohibits the use of administrative letters to vary the explicit terms of a labor agreement.
- F. Intentional actions in violation of section 3.70.130 are subject to fines and penalties under section 1.45.010.
- G. Remedial actions: In the event the provisions of section 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.


IN WITNESS WHEREOF, this Agreement is entered into freely and voluntarily by the signatures of the parties below.

AGREED TO AND SIGNED FOR BY:

For AMEA:

 8/12/2011  
Mark McKee Date  
President, AMEA

For MOA:

 8/15/11  
Nancy Bear Usura Date  
Director, Employee Relations