

CLERK'S OFFICE
APPROVED

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Employee Relations
For reading: October 11, 2011

Date: 10-25-11

ANCHORAGE, ALASKA
AR No. 2011-280

**A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE
MUNICIPALITY OF ANCHORAGE AND THE ANCHORAGE POLICE
DEPARTMENT EMPLOYEE ASSOCIATION TO PARTICIPATE IN THE
MUNICIPALITY OF ANCHORAGE LEAVE DONATION PROGRAM.**

WHEREAS, a collective bargaining agreement (CBA) between the Municipality of Anchorage (MOA) and the Anchorage Police Department Employee Association (APDEA) was ratified by the Assembly on December 16, 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 APDEA desires to participate in this uniform Leave Donation Program in as much as it provides benefits to members not available under the terms of the CBA; and

WHEREAS, the MOA and the APDEA have entered into a Letter of Agreement allowing participation in the Leave Donation Program under language in the Municipal Personnel Rules, AMC section 3.30.153D; now, therefore,

THE ANCHORAGE ASSEMBLY RESOLVES:

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

Section 2. This resolution shall be effective the first pay period following the date of passage and approval of this Resolution.

PASSED AND APPROVED by the Anchorage Assembly this 25th day of October, 2011.


Chair of the Assembly

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 579-2011

Meeting Date: October 11, 2011

From: MAYOR

Subject: A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE ANCHORAGE POLICE DEPARTMENT EMPLOYEE ASSOCIATION TO PARTICIPATE IN THE MUNICIPALITY OF ANCHORAGE LEAVE DONATION PROGRAM.

On July 12, 2011, the Municipal Personnel Rules were amended to include a new section, AMC 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 Police Department Employee Association (APDEA) currently does not have language in the CBA regarding leave donation and is, therefore, covered by Personnel Rules in effect prior to the change. The APDEA has requested to participate in the new Leave Donation Program.

A Letter of Agreement was executed between the APDEA and the Municipality of Anchorage (MOA) on September 15, 2011, to allow APDEA members to participate in the Leave Donation Program approved by the Assembly July 12, 2011. The APDEA and the MOA have agreed to make the Agreement effective the beginning of the first pay period following Assembly approval.

THE ADMINISTRATION RECOMMENDS APPROVAL OF A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE ANCHORAGE POLICE DEPARTMENT EMPLOYEE ASSOCIATION TO PARTICIPATE IN THE MUNICIPALITY OF ANCHORAGE LEAVE DONATION PROGRAM.

Prepared by:	Herbert Wilden, Employee Relations
Approved by:	Danielle Fegley, Acting Employee Relations Director
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 Police Department Employees Association, Inc.

Subject: Leave Donation Program

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

By AO No. 2011-61(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 APDEA 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. The effective date is the first pay period following acceptance by the Assembly.

No other term, article or section of the APDEA 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:

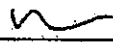
- A. This agreement complies with Anchorage Municipal Code section 3.70.130.
- B. Section 3.70.130 requires Assembly approval of all modifications and amendments, no matter how denominated.
- C. Absent Assembly approval as required by section 3.70.130, any modification or amendment, no matter how denominated, 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.

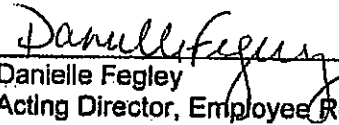
AGREED TO AND SIGNED FOR BY:

For APDEA:

For MOA:



Derek Hsieh
President, APDEA
9/14/2011
Date



Danielle Fegley
Acting Director, Employee Relations
9/15/11
Date