

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

Prepared by: Employee Relations

For Reading: January 1, 2011

CLERK'S OFFICE

APPROVED

Date: 2-1-11 **ANCHORAGE, ALASKA**
AR NO. 2011-11

**A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE
MUNICIPALITY OF ANCHORAGE AND THE INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 302, AMENDING ARTICLE 11 PERTAINING
TO THE MASTER MECHANIC CLASSIFICATION AND CERTIFICATION.**

WHEREAS, a collective bargaining agreement (CBA) between the Municipality of Anchorage (MOA) and the International Union of Operating Engineers, Local 302 (L302) was ratified by the Assembly on October 14, 2008 (AR 2008-186); and

WHEREAS, the MOA and L302 prepared a Letter of Agreement (L302-004) attached hereto as **Exhibit A**, amending Article 11 as it pertains to the Master Mechanic Classification and the Master Mechanic Certification Incentive; and

WHEREAS, Anchorage Municipal Code section 3.70.130 requires the Assembly to approve an amendment, including this LOA, to a CBA, before it takes effect; and

WHEREAS, it is in the best interest of the MOA and L302 to subject this LOA to the public review and approval process, in order to foster good labor-management relationships; and

WHEREAS, the Administration recommends approval of this LOA, as detailed in the accompanying Assembly Memorandum; now, therefore,

THE ANCHORAGE MUNICIPAL ASSEMBLY RESOLVES:

Section 1. The Letter of Agreement, attached hereto as **Exhibit A**, amending the CBA between the Municipality of Anchorage and the International Union of Operating Engineers, Local 302, is hereby approved by the Assembly.

Section 2. This resolution shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 1st day of February, 2011.


Chair

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 28-2011

Meeting Date: January 11, 2011

FROM: MAYOR

SUBJECT: A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 302, AMENDING ARTICLE 11 PERTAINING TO THE MASTER MECHANIC CLASSIFICATION AND CERTIFICATION.

The Municipality of Anchorage (MOA) and the International Union of Operating Engineers, Local 302 (L302) signed a Letter of Agreement to amend Article 11 as it pertains to the Master Mechanic Classification and Master Mechanic Certification Incentive.

The Letter of Agreement (L302-004), attached to the Assembly Resolution, is an amendment to the L302 Collective Bargaining Agreement (CBA) ratified by the Assembly on December 2, 2008 (AR 2008-266).

L302-004 eliminates the Master Mechanic Classification but provides for a Master Mechanic Certification Incentive with an equivalent pay increase to the pay provided under the Master Mechanic Classification.

Eliminating the Master Mechanic classification and adding Article 11.4, Master Mechanic Certification Incentive, maintains the current pay for Master Mechanics, provides clarification and administrative efficiency.

The pay level is consistent with the current CBA, and reimbursement to the employee for course costs and testing is consistent with past practice. Therefore, there are no financial consequences as a result of this agreement.

THE ADMINISTRATION RECOMMENDS APPROVAL OF A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 302, AMENDING ARTICLE 11 PERTAINING TO THE MASTER MECHANIC CLASSIFICATION AND CERTIFICATION.

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

LETTER OF AGREEMENT
by and between
MUNICIPALITY OF ANCHORAGE
and the
INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 302
Subject: Master Mechanic
Number: L302-004

This Agreement is between the Municipality of Anchorage (MOA) and the International Union of Operating Engineers, Local 302 (L-302). The MOA and L-302 are parties to a Collective Bargaining Agreement (CBA).

During the last negotiations it was the intent of the parties to incorporate the Master Mechanic Certification language from a 2002 Letter of Agreement # 302-02. The Master Mechanic classification was added to Article 11, however due to an administrative oversight, the conditions and processes were not included. The MOA and L-302 have agreed to the following changes to the CBA to more accurately reflect the purpose and intent of the Master Mechanic.

- 1) Delete the Range 19, Master Mechanic Classification (801) in Article 11.1 which provided for a 5% increase in pay upon receiving the Master Mechanic Certification.
- 2) The following new language will be added to the collective bargaining agreement to replace the Master Mechanic Classification:

11.4 Master Mechanic Certification Incentive.

Employees in the Refuse Disposal Technician I and Equipment Operator Technician I classifications are eligible for the ASE Master Mechanic Certification Incentive as follows:

1. Upon receipt of the ASE Master Mechanic Certification, the employee shall receive 5% certification pay. Employee must maintain/retain the ASE Master Mechanic Certification in order to continue to receive the incentive pay.

11.5 Master Mechanic Reimbursement:

To be eligible for reimbursement for the testing required to obtain an ASE Master Mechanic Certification the following criteria must be met:

- a. The attendance at the classes, trainings, and testing times must be completed on the employee's own time; and
- b. The employee shall provide proof of successful completion for each course.

Upon successful completion of each course, the MOA shall reimburse the employee for the cost of the course(s) and any testing fees. If the employee separates from MOA employment within one year of course completion, the entire cost, including course and testing fees, shall be reimbursed to the MOA through payroll deduction.

No other term, article or section of the L-302 CBA is affected by this agreement.

Pursuant to AMC 3.70.130 D., 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:

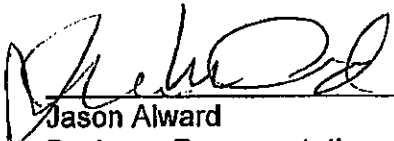
- A. This agreement complies with Anchorage Municipal Code section 3.70.130.
- B. Section 3.70.130 requires Assembly approval of all modifications and amendments, no matter how denominated.
- C. Absent Assembly approval as required by section 3.70.130, any modification or amendment, no matter how denominated,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

I.U.O.E., LOCAL 302

MUNICIPALITY OF ANCHORAGE


Jason Alward
Business Representative
Date 12/1/2010


for Nancy Bear Usera
Director, Employee Relations
Date 12/1/10

Content ID: 009718**Type:** AR_AllOther - All Other Resolutions

Title: A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 302, AMENDING ARTICLE 11 PERTAINING TO THE MASTER MECHANIC CLASSIFICATION AND CERTIFICATION.

Author: cayouettejm**Initiating Dept:** ER**Date Prepared:** 12/14/10 9:54 AM**Director Name:** Nancy B. Usera, ER Director**Assembly Meeting Date:** 1/11/11**Public Hearing Date:** 2/1/11

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	12/28/10 2:01 AM	Exit	Joy Maglaqui	Public	009718
MuniManager_SubWorkflow	12/28/10 2:01 AM	Approve	Joy Maglaqui	Public	009718
CFO_SubWorkflow	12/16/10 5:58 PM	Approve	Lucinda Mahoney	Public	009718
Legal_SubWorkflow	12/15/10 2:49 PM	Approve	Rhonda Westover	Public	009718
ER_SubWorkflow	12/14/10 12:05 PM	Approve	Nancy Usera	Public	009718
AllOtherARWorkflow	12/14/10 9:57 AM	Checkin	Julie Cayouette	Public	009718