

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Employee Relations
For Reading: January 31, 2012

CLERK'S OFFICE

APPROVED

Date: 2-14-12

ANCHORAGE, ALASKA

AR NO. 2012-38

1 **A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE**
2 **MUNICIPALITY OF ANCHORAGE AND THE ANCHORAGE POLICE**
3 **DEPARTMENT EMPLOYEE ASSOCIATION WITH REGARD TO THE**
4 **PERFORMANCE PAY FIELD TRAINING OFFICER POINT.**
5 _____

6
7 **WHEREAS**, the Municipality of Anchorage (MOA) and the Anchorage Police
8 Department Employee Association (APDEA) are parties to a Collective Bargaining
9 Agreement approved by the Assembly December 16, 2008 (AR NO. 2008-307);
10 and

11
12 **WHEREAS**, the MOA and APDEA prepared a Letter of Agreement, APDEA-010
13 (LOA), attached hereto as **Exhibit A**, clarifying the qualifications for the Field
14 Training Officer point under the Performance Pay Incentive Program; and

15
16 **WHEREAS**, Anchorage Municipal Code section 3.70.130 requires the Assembly
17 to approve an amendment, including this resolution to a CBA clarification issue,
18 before it takes effect; and

19
20 **WHEREAS**, it is in the best interest of the MOA and APDEA to foster good labor-
21 management relationships; and

22
23 **WHEREAS**, the Administration recommends approval of this resolution, as
24 detailed in the accompanying Assembly Memorandum; now, therefore,

25
26 **THE ANCHORAGE MUNICIPAL ASSEMBLY RESOLVES:**

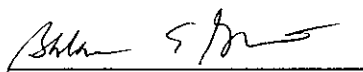
27
28 **Section 1.** The Letter of Agreement, attached hereto as **Exhibit A**, amending the
29 CBA between the Municipality of Anchorage and the Anchorage Police Department
30 Employee Association, is hereby approved by the Assembly.

31
32 **Section 2.** This resolution shall become effective immediately upon its passage and
33 approval by the Assembly.

34
35 PASSED AND APPROVED by the Anchorage Assembly this 14th day of February
36 2012.

37
38 
39 Chair of the Assembly

40 ATTEST:

41 
42 _____
43 Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 102-2012

Meeting Date: January 31, 2012

1 **FROM: MAYOR**
2
3 **SUBJECT: A RESOLUTION APPROVING A LETTER OF**
4 **AGREEMENT BETWEEN THE MUNICIPALITY OF**
5 **ANCHORAGE AND THE ANCHORAGE POLICE**
6 **DEPARTMENT EMPLOYEE ASSOCIATION WITH**
7 **REGARD TO THE PERFORMANCE PAY FIELD**
8 **TRAINING OFFICER POINT.**
9

10
11 The Municipality of Anchorage (MOA) and the Anchorage Police
12 Department Employee Association (APDEA) prepared a Letter of
13 Agreement, APDEA-010 (LOA), attached to the Assembly Resolution
14 clarifying the qualifications for the Field Training Officer point under the
15 Performance Pay Incentive Program.

16
17 The Letter of Agreement is an amendment to the APDEA Collective
18 Bargaining Agreement (CBA) approved by the Assembly December 16,
19 2008 (AR NO. 2008-307).

20
21 This LOA clarifies that for qualification for the FTO Performance Pay Point,
22 an employee on the active FTO list must have served in that function for
23 twenty (20) hours during the qualification period.

24
25 This LOA amends the CBA. All other terms and conditions of the Anchorage
26 Police Department Employee Association Collective Bargaining Agreement are
27 unchanged by this Agreement and remain in full force and effect.

28
29 There is no additional cost to the Municipality for this clarification of the FTO
30 point requirement and therefore no SEE is attached.

31
32 **THE ADMINISTRATION RECOMMENDS APPROVAL OF THE LETTER OF**
33 **AGREEMENT BETWEEN THE MUNICIPALITY OF ANCHORAGE AND**
34 **THE ANCHORAGE POLICE DEPARTMENT EMPLOYEE ASSOCIATION**
35 **WITH REGARD TO THE PERFORMANCE PAY FIELD TRAINING**
36 **OFFICER POINT.**
37

1	Prepared by:	Herbert Wilden, Labor Relations Director
2	Approved by:	Danielle Fegley, Employee Relations Director
3	Concur:	George J. Vakalis, Municipal Manager
4	Respectfully submitted:	Daniel A. Sullivan, Mayor

LETTER OF AGREEMENT
by and between
MUNICIPALITY OF ANCHORAGE (MUNICIPALITY)
and the
ANCHORAGE POLICE DEPARTMENT EMPLOYEES ASSOCIATION (APDEA)
APDEA - 010

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

APDEA CBA Appendix B (Performance Pay Incentive) Section 3 item b is unclear as to how many hours of training a Field Training Officer (FTO) is required to spend training a recruit. The following clarifies this issue:

1. Effective January 1, 2011, employees must complete 20 hours of service as a FTO to earn the performance point for FTO service described in the Performance Pay Incentive Plan.
2. In order to receive the Performance Pay point, the FTO must complete all required training reports in a timely manner.
3. The Municipality retains the right to make FTO assignments, including the assignments of substitute FTOs.
4. The parties agree that terms of this agreement shall apply to the administration of the FTO portion of the Performance Pay program during the life of the current CBA.

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.

FOR THE MUNICIPALITY:

Danielle Fyfe
Director, Employee Relations

1/24/12
Date

FOR THE APDEA:

[Signature]
President

1/26/2012
Date