

Questions and Answers on Ordinance 3.70

(Rev. 3-8-13)

This Q and A is provided to assist readers in understanding some of the effects of the proposed ordinance. It does not take the place of the ordinance or supplement or amend any legislative intent in the Assembly Memorandum or as may be expressed by the Assembly.

How many employees are going to be affected by the Ordinance?

AMC 3.70 defines the rules and policies governing Municipal labor relations. Passage of AO 2013-37 by the Assembly has the potential to impact to varying degrees all employees. The impact to employees is dependent upon various factors that would result in different outcomes among individuals. In some circumstances, the provisions may have a negligible impact, if any, on employees. Additionally, the ordinance does not amend, alter or void any current existing labor agreement; therefore the implementation of all the provisions would be phased in as contracts are renegotiated over the next two years.

What will be left to negotiate if AMC 3.70 is passed?

Collective bargaining and negotiations are not eliminated with AMC 3.70. These processes remain intact under the ordinance. Negotiations shall continue on items including wage scales, work rules, seniority, meal periods, leave accruals, premium, specialty, shift differential, pay enhancements, meal periods, hours of work, shift schedules, overtime eligibility, benefits, tool and clothing allowances, tuition reimbursement, union dues, definition of bargaining unit work, promotions, transfers, demotions, layoff and recall procedures, grievance process, etc.

3.70.010 Definitions

How does the definition of supervisor impact working leads (foremans), APD sergeants and AFD captains?

The clarification in language in AMC 3.70.010 does not automatically eliminate positions from a bargaining unit. The definition under the ordinance is for clarification to ensure that the responsibility of supervising other employees is noted and may include the functions of time and attendance. The performance of time and attendance is one of the possible functions under the supervisory definition, which includes performing "some or all" of 12 or so items. All job functions and responsibilities of a position are reviewed in full. Decisions are not made based on a job title or on one particular function; rather the decision is made by looking at the entirety of the work being performed.

The review and evaluation of positions is anticipated to be an ongoing requirement over the next two years. As changes are noted, the municipality will meet and confer with the union. If the parties are unable to come to an agreement, the position shall be referred to the Employee Relations Board.

What are direct fire protection services?

The definition is strengthened to include EMS, fire prevention and emergency dispatch.

3.70.020 Declarations of policy

What is CPI-U under the direct labor costs policy?

The definition is improved to clarify the CPI-U metric. AMC section 3.70.020D has been enhanced by permitting a 1% increase beyond the CPI-U, allowing greater flexibility if the need arises and revenues are available.

What is the managed competition policy?

The administration will develop the managed competition policy within 180 days of the approval of this ordinance and present it to the Assembly.

Will a standard benefit programs reduce my PERS retirement?

No.

However, voluntary retirement programs sponsored directly by the municipality would be included under AMC 3.70 as standard benefit programs.

Are sick leave and annual leave accruals included as benefit programs subject to standardization under 3.70.020?

No. Leave accruals for sick and annual leave follow the terms of the collective bargaining agreement or personnel rules, whichever is applicable.

What is considered a pay enhancement under AMC 3.70.020H?

Pay enhancement limitations under AMC 3.70.020H include longevity, service recognition and performance pay (PIP/PSP). Pay enhancements under AMC 3.70.020H do not include items such as shift differential, acting pay, acting assignments, working out of class, or overtime.

The section has been clarified to grandfather current participants in service recognition or longevity programs. No new participation in the programs shall be permitted.

Participation in performance pay programs (PIP/PSP) shall be frozen at the existing level for a performance program without an annual renewal and any annual performance program shall be discontinued.

The ordinance does not impact probation or annual step advancement within the pay range nor does AMC 3.70 eliminate pay enhancements for a job specific requirement that requires a license or certification to perform the work.

How are other pay enhancements, excluding those limited under 3.70.020H, impacted?

Pay enhancements for items including education, certification, and special team assignments remain intact and subject to the negotiation and classification process. Current factored rates of pay will be adjusted accordingly once a standardized pay enhancement calculation methodology is implemented.

3.70.040 Management rights

How is seniority impacted?

Under AMC 3.70, management rights are clarified including scheduling of overtime. Seniority remains a management tool for the purpose of scheduling shifts, holidays, station assignments. The Municipality will continue to follow fair and predictable practices to provide stability for employees.

Does AMC 3.70 put safety at risk?

No.

It is in the taxpayer's and Municipality's best interest to promote safety to protect the employees and the people they serve and reach performance and service goals, yet reduce insurance costs, worker's compensation claims, missed work days, and personal injury claims. The Municipality promotes a safe environment for employees and the public. AMC 3.70 does not diminish this mission. Safety officers, programs and committees continue. A collaborative approach between employees, management and labor units is encouraged and necessary to implement and enforce these initiatives. The chiefs, deputy chiefs, department directors and many others are experienced and understand safety.

3.70.060 Collective bargaining units

How many employees are exempted from a collective bargaining unit due to the modifications to the definition of confidential/supervisor or 3.70.060?

The classification and evaluation of positions is an ongoing, standard function completed within the municipality. The review of classifications occurs with position description changes and/or updates, department reorganizations, position upgrade/downgrades, etc. The ordinance does not alter or change the existing process. As positions are reviewed and a classification and grade are determined, the municipality will meet and confer with the union if there is a change in bargaining unit. If the municipality and the current bargaining unit are unable to come to agreement, the parties can seek clarification from the Employee Relations Board.

Under Section 3.70.060 the ordinance enhances the exemption within the Treasury department. This potentially impacts 8 employees. Upon approval of the ordinance, the municipality would establish an implementation plan and would meet and confer with the union on the change and outline the transition steps necessary.

Upon approval, the municipality intends to evaluate positions through phases over the next two years in accordance with Municipal code, including the definitions of confidential/supervisory employee. The approach will be conducted carefully in reasonable phases allowing the municipality to adequately review and evaluate the position classifications. Approaching the evaluation systematically and cautiously allows the municipality to meet with the unions as necessary. Should there be discrepancies on the exemption from the collective bargaining unit, the party can submit a position unit clarification to the Employee Relations Board for determination.

3.30.170 Applicability of personnel regulations

Under FLSA standards, employees may not be getting paid for hours worked?

The Fair Labor Standards Act provides federal guidelines for overtime and minimum wages. Under AMC 3.70 it is the intent to provide one set of standards to calculate overtime at a multiplication factor of 1 1/2. It does not eliminate "call in/ call out" or holiday premiums, nor does AMC 3.70 eliminate compensatory time from a negotiated term in a contract. There is no provision that requires work for no pay.

Other Inquiries

What wages and benefit studies indicated that municipal employees are paid at or below market levels?

Wage rates are negotiated through the collective bargaining process. Prior studies prepared at the request of either party may no longer be accurate. Typically, the municipality and union conduct compensation surveys to support their position on wages when establishing the pay rates within the collective bargaining agreement.

If there are problems with Kronos and SAP, what changes made to code will fix those problems?

The changes to the code are related to the ongoing efforts to ensure fiscal stability, standardization, simplification and consistency across labor relations.

The key objectives of Kronos and SAP are to improve automation and efficiencies and to streamline processes in accordance with best practices. Both the systems have been selected based on their commitment to meet the municipality's business requirements. With any implementation of this size and scope, fixes are expected and included in the stabilization phase.