

City Staff Response to Employee Organization's Requested changes to Introduced Collective Bargaining Ordinance

	Section of the Proposed Ordinance	Labor Position	City Staff's response
1	2-5-68, definition of Collective Bargaining	Include discipline in the scope of bargaining	Disagree with this proposal for the reasons stated in previous docket memos and during discussions at the hearings on this ordinance.
2	2-5-68, definition of Collective Bargaining	Limit duration of fiscal terms of contracts to correspond with annual council appropriation decisions	Disagree because (1) it is impractical to have varying terms for fiscal versus non-fiscal terms of a single, comprehensive agreement and negates the fiscal stability sought to be achieved by collective bargaining; (2) it negates the inherent presumption that, by enabling bargaining and approving agreement terms, that council intends for the fiscal terms to remain the same for the duration of a given agreement, despite the legal necessity of annual appropriation vote; and (3) if a new CBA is not reached by time existing CBA expires terms and conditions of existing CBA continue.
3	2-5-68, definition of employee	Remove exclusion of probationary employees	Disagree with premise for change in that non-bargaining unit employees will continue to enjoy the benefit of uniformly applicable City policies that dictate promotion of safety in the performance of city work/services, or that dictate equitable treatment of employees in other matters, without regard to status as bargaining unit employees.
4	2-5-70(a), City's Rights and authorities	Remove language about levying taxes	City Staff agrees with this change, see docket memo.
5	2-5-70(b), City's Rights and Authority	Add the word declared before emergencies	After the hearing staff discussed the language and determined that adding the word declared is not necessary because not all emergencies are declared emergencies.
6	2-5-70, City's Rights and Authority	Add a section to allow for probationary employees to be disciplined.	City AR and law already allow for this. No need to add it to this ordinance.
7	2-5-74 Recognition of Exclusive Bargaining Agent and 2-5-75 Request for Election	Changes to notice period required in certification process of exclusive representatives	Language included in the ordinance already complies with Section 40.1-57.2 in that it provides broadly for notice, and a process by which other employee organizations may intervene in elections. No need for this change.
8	2-5-78(a) Good Faith Bargaining, Timeline	Revising dates for when a collective bargaining request must be submitted	Dates in the introduced ordinance are set to conform to the City's budget process. Staff has recommended changes to the language added in the introduced ordinance to make it City budget process to City Manager's budget preparation and decision making schedule. See docket memo.

9	2-5-78(c)(2), Good Faith Bargaining	Add (b) and (c) to the reference to 2-5-70 to encompass additions made in the introduced ordinance	City staff agree with this change, see docket memo
10	2-5-79(a)(2), Approval of Tentative Agreement	Change date and requirement for a separate public hearing on the fiscal impact study	Required for conformity with the City budget preparation schedule. The introduced ordinance includes this requirement in order for council to indicate its intention before the City Manager is required to submit a proposed budget for City Council's consideration. Waiting until the budget preparation process to get this feedback will not allow the Manager to propose a budget that allows for the negotiated agreement provisions.
11	2-5-79(a)(3), Approval of Tentative Agreement	Change timeline to be consistent with the impasse procedure added in the introduced ordinance	Timelines have been set based on the need for Council to provide input prior to the manager's proposed budget to facilitate Council's approval of the appropriations necessary to fund fiscal contract terms. Staff has recommended changes to the impasse procedure schedule consistent with the budget timeline. See docket memo.