

## General Government Committee

October 2<sup>nd</sup>, 2012

### Summary and Motions

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CM Ed Lane chaired the meeting and called it to order at 11:00 am. Committee members present were VM Linda Gorton, Steve Kay, Chris Ford, Julian Beard, KC Crosbie, George Myers and Doug Martin. Kevin Stinnett was also in attendance.

#### 1. Approval of Summary

CM Beard made a motion to approve the summary. CM Kay seconded the motion. The motion passed without dissent.

#### 2. Review of Ordinance 4-75 Meet and Confer

Ed Gardner from the LFUCG's Department of Law presented on the item. He said that the activity in Waste Management brought the issue to the forefront. He went on to say that the resolution was enacted on October 3, 1974. It allows employees to meet and confer with the government over specific issues such as working conditions and employee benefits. The parties cannot make a bargain or a concession. It only applies to non-supervisory employees. In 1975, an Ordinance detailed the procedure to recognize an employee organization. Waste Management has selected AFSCME.

- Section 1 sets out the definitions of terms used in the ordinance
- Section 2 states the policy of the government as to public employees' rights
- Section 3 sets out the recognition procedures
- Section 4 sets out the steps to be take in the representation election
- Section 5 sets out that a certified employee organization and LFUCG administrators will meet and confer at a reasonable time and place over "employee benefits and working conditions." Neither party is required "to agree to a proposal or make a concession" unlike in "collective bargaining"

The goal of the ordinance was to provide a procedure by which employees could elect to join an employee organization for the discussion of limited issues. In 1980, an ordinance was passed that expressed intent of the government not to enter into any collective bargaining agreements pertaining to wages, hours or work, benefits and similar matters with any group of employees of the government or any agent of any groups of employees of the government. This was changed for the LFUCG by the Kentucky Legislature for Police, Fire and Community Corrections.

Gardner said the only time it has been fully invoked was the recent election in Waste Management. He also said that no employee has the right to strike.

The LFUCG could pass a local ordinance allowing employees the right to collectively bargain. The only employees that can do it currently are those that are employed in Police, Fire, and Community Corrections.

Gardner said that AFSCME has been identified as the employee organization that will represent the Waste Management employees. They are a national union. CM Martin asked if they collect dues. Gardner said that they are not collecting dues at this time. CM Martin also asked if the LFUCG would take the money out of their paychecks. Gardner said that they would, but only from the employees that wanted to contribute to the union.

Gail Coller, a member of the public, spoke about the use of her taxes. She said that she wants them to be used fairly. She said that she supports a living wage and is concerned about the health insurance costs, working conditions and work assignments for Waste Management employees. She said they need a collective voice.

Joe Phelps, also a member of the public, spoke. Phelps is an AFSCME member. Various CMs asked Phelps questions. He said that Council 62 represents Indiana and Kentucky. He also said that they represent numerous municipal and state employees.

CM Stinnett asked Phelps how much the employees would be paying and Phelps said that it would be \$16/paycheck (\$416 per year). He mentioned scholarship opportunities and life insurance. Phelps said that when they meet and confer it is not done as a contract, but instead as a Memorandum of Understanding. Phelps said that it is not about the money. He said that they want to give employees a voice on the job.

CM Stinnett said that he has concerns regarding what our employees will get by meeting and conferring.

Phelps mentioned the pension issue. He said that the pension system is squeezing municipalities so tight that AFSCME cannot negotiate wage increases.

Phelps said that he has met with the benefits committee and with the Division of Community Corrections. He has not had formal meetings with Waste Management but has requested a meeting.

CM Myers asked about employees in Solid Waste that do not want to participate. Phelps said that they can opt out if they choose to. CM Myers went on to discuss the wage issue. He expressed concern that if they went to AFSCME to increase their wages, why would they take money out of their paycheck? Phelps said that there is currently favoritism within the Division and AFSCME is going to work to ensure standardization.

Myers asked Commissioner Janet Graham if the employees are able to come and meet with the administration to express their concerns. Graham said that there are a lot of equipment operator seniors and there are pay discrepancies. She mentioned the salary compensation study and said that they will review this position and suggest recommendations.

CAO Richard Moloney said that he has an open door policy. Moloney said that Waste Management employees are doing a different job now than 10 years ago. He said that he has brought this to the attention of our Human Resources Department.

CM Ford mentioned Frankfort, Louisville and Memphis. He asked why our sworn units traveled to Frankfort to solicit the assistance of the delegation of the General Assembly to get collective bargaining. Why did they have to resort to go to Frankfort? He also asked if Louisville Metro's employees have collective bargaining. Finally, he asked why the LFUCG would not welcome the opportunity for our employees to come to the table to talk about their working environments.

Commissioner Jane Driskell came to the podium and told CM Ford that there are 26 individual collective bargaining agreements in Louisville, with 13 different unions. 30% are non-union.

CM Martin asked Phelps about the Fair Share Clause. He said that he is concerned that employees will be stuck in the union. Phelps said that the Fair Share Clause came about because employees wanted to get out of the union and not pay any fee to the union and the courts said that the union can charge reasonable charges to them for not honoring the contract.

CM Martin asked if they hire lobbyists. Phelps said that they do not hire lobbyists but some of the members are lobbyists. CM Martin asked Phelps if they intend to go to Frankfort to lobby the Legislature. Phelps said that they have five or six registered lobbyists that may or may not go to Frankfort depending on what the issue is.

CM Martin said that he is concerned that the employees will develop greater political rights than the LFUCG. Phelps said that he has never gone to Frankfort to lobby for raises for employees. He said that is done at the local level.

CM Kay asked Phelps what the present status is. Phelps responded that AFSCME has been voted and approved to represent the Sanitation employees. They are going through a process to become a local. They have to write a constitution and it has to be approved. Then, they will request a meeting with the administration. The local union will elect a negotiating committee. Their concerns will be compiled and submitted.

Gardner said that they have complied to become a recognized employee organization. Next, the administration must meet and confer about specific items only with the employee organization.

Robert Akin, a member of the public, spoke in support of the Waste Management workers.

CM Stinnett answered CM Ford's questions about why employees were forced to go to Frankfort. CM Stinnett said that at that time, the administration would not meet and confer. He went on to ask Graham why the administration is not meeting with the employees to have conversations about the Waste Management issues. She said that she has had email exchanges with the division. She said that she assumed the ball was in their court, but offered to email them again.

Moloney said that there is a little more money this year than in recent years and employees were given a raise this year. Moloney said they have not been able to do any step-ups. Some members of Council have said that they can now do step-ups, but Moloney said that opens the door for other divisions as well. He recommended a consultant. Moloney said that the best way to deal with this is to do everything at once. Moloney said that the pay structure does need to be straightened out. CM Stinnett agreed that the pay structure does need to be fixed. CM Stinnett said that if the Waste Management workers are due, the Council needs to know.

CM Myers asked Graham about reclassifying. Graham said that the problem is that if they immediately reclassify one group, it brings up equity issues from other groups. CM Myers asked why they need a consultant. Graham said that they need someone who understands the system. Myers told Moloney that we do not need an outside consultant. Myers asked Moloney to just sit down with the employees of Solid Waste and start with doing a survey to gather their concerns. He then asked him to schedule a time, then inform the Council of that time, to meet with them. Moloney said that he has sat down with them but agreed to do it again.

VM Gorton responded to Ford's questions and told him that the process was very political. She said that every year the Police and Fire would pack the Chamber to discuss salaries. The Council asked Frankfort to not put collective bargaining on the LFUCG.

CM Martin said that he disagreed with VM Gorton, because taking the decision making out of the Council's hands has put it completely in the hands of the Mayor. He said that this is a lack of accountability and checks and balances.

### **3. Review of Ordinance Governing the Setting of Council Member's Pay**

Graham and Driskell asked the Council for direction on the setting of the Council Member's pay.

Chair Lane said that he thinks the will of the Council is to follow the ordinance and increase council member's pay based on the CPI index.

CM Kay said that he doesn't see it the same way as CM Lane. He said that he thinks the Council Members would get a large raise next year if they follow the current ordinance.

Driskell said that if they compute the figure with inflation since 1972, council members would be making \$29,700 annually, but they are currently making \$26,644. CM Kay asked Driskell if they leave the current ordinance in place if the pay would be increased to \$30,000. Driskell said that it would be around that number but she would have to compute it.

CM Lane asked Driskell to provide a memo regarding council member's pay based on the current ordinance with the approximate annual salary within a week. Driskell agreed to provide that information.

VM Gorton said that when employees do not get raises, the Council has not voted to take a raise.

CM Martin said that he would like to see the Council Member's pay not be driven down. He said that the Council should not have to interfere with their own pay. He would like to see a diverse group of people serve on the Council.

CM Myers said that he thinks the system works and they need to leave it alone and let it work.

#### **4. Items in Committee**

Chair Lane placed the Parks Master Plan, Resolution 3.101, CAO Policy #3 and the Website Linking Policy onto the upcoming November 13<sup>th</sup>, 2012 General Government agenda. He dropped Council Member pay and the Lease Agreements.

CM Myers asked if the Parks master plan presentation would include a discussion of accreditation. Chair Lane said that he would request that they include it.

CM Crosbie made a motion to adjourn. Seconded by CM Martin. Motion passed without dissent.

*Submitted by Jenifer K. Benningfield, Council Administrative Specialist*

