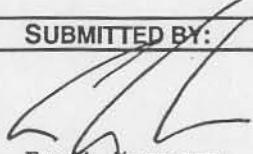


**OFFICE OF THE CITY MANAGER  
DES MOINES, IOWA**

**CITY COUNCIL COMMUNICATION 96-018  
JANUARY 15, 1996 AGENDA**

| SUBJECT:   | TYPE:                                     | PREPARED BY:                | SUBMITTED BY:   |
|--|---|-----------------------------|---|
| NEGOTIATED SETTLEMENT—<br>PROHIBITED PRACTICE<br>COMPLAINT | ◆ RESOLUTION<br>ORDINANCE<br>RECEIVE/FILE | LYNN D. LESLIE<br>PERSONNEL | <br>ERIC A. ANDERSON<br>CITY MANAGER |

**SYNOPSIS —**

A negotiated settlement agreement has been prepared with Central Iowa Public Employees Council (CIPEC) regarding the use of *temporary* employees to perform permanent full-time work at the Des Moines Convention Center.

**FISCAL IMPACT —**

The settlement provides for back wages and benefits in the amount of \$42,128 and attorney fees of \$2,000 for a total of \$44,128. These amounts have not previously been budgeted. The settlement will be addressed in the Revised FY96 Operating Budget. The agreement will have an adverse effect on the General Fund since the Convention Center operations are funded by Hotel-Motel Taxes, which are part of the General Fund.

**RECOMMENDATION —**

Approval of the settlement agreement.

**BACKGROUND —**

The City and CIPEC, which represents laboring and trades employees employed by the City, entered into a previous settlement agreement concerning seasonal workers. This agreement recognized that employees' working assignments known to the City to be of greater duration than four months were entitled to union wages from the date of assignment. Subsequently, CIPEC filed a prohibited practice complaint in February 1994 alleging that the City had established a policy during the period January 1, 1991 through December 6, 1993 of hiring, laying off and recalling employees so as to use *temporary* employees to perform permanent full-time work at the Convention Center in violation of Chapter 20 Code of Iowa. The Union alleged that by doing so the affected employees were denied the bargained-for benefits of permanent full-time City employees.

Upon review of the hours actually worked during this time, it was determined that there were a very substantial number of instances in which the scheduling of work could appear to Iowa Public Employment Relations Board to have created the very circumstances about which CIPEC complained.

In order to resolve this controversy fairly and prudently, it is being recommended that those employees who worked multiple short-term assignments at the Convention Center during the period in question, and remain City employees, should be compensated at the union rate for hours actually worked and should receive seniority credit and time-and-leave accruals equivalent to those of permanent full-time employees. In addition, those employees in this group who paid for health insurance premiums, as provided for permanent part-time employees, will be reimbursed. Nine employees will receive some payment under this agreement.