



Agenda Item:

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COUNCIL COMMUNICATION City Manager's Office

GENERAL INFORMATION

Agenda Date: 03/28/05
05-173

Communication No.:

Agenda Item Type: Receive and File

Roll Call No.:

Submitted by: Thomas G. Turner, Human Resources Director

SUBJECT—

Arbitration decisions regarding the Municipal Employees Association (MEA) and the Des Moines Police Bargaining Unit Association (DMPBUA).

SYNOPSIS—

This action would receive and file the arbitration decisions regarding the Municipal Employees Association and the Des Moines Police Bargaining Unit Association.

FISCAL IMPACT—

The MEA arbitration decision reflects a reduced cost from the FY06 budget of approximately \$290,000. The DMPBU arbitration decision has no impact on the FY06 budget.

RECOMMENDATION—

Approve

BACKGROUND—

The City engaged in collective bargaining with both the MEA and DMPBU unions in accordance with provisions of Iowa law. Voluntary agreements were not obtained so the parties utilized the statutory impasse procedures outlined in Iowa Code Chapter 20 including mediation, fact-finding and arbitration. In both cases the fact finders recommendations were rejected by the City and

arbitration was pursued. Arbitrator Wilford Stone issued arbitration decisions in regard to the MEA union on March 7 and Arbitrator Lon Moeller issued arbitration decisions regarding the DMPBU on March 2. The decisions are attached. These decisions are binding upon the parties. Below is a brief summary of the awards.

MEA Arbitration Award

Arbitrator Stone agreed with the fact finder and the MEA union in awarding a 3% general increase. The Arbitrator agreed with the City in regard to changing the insurance plan to the SPM health plan and also requiring a contribution of 5% of the difference between the single and family premiums for both health and dental insurance. The estimated premium savings obtained by switching to the SPM plan is \$202,000 based upon March enrollment numbers. The value of contributions for both the health and dental is \$82,000 and \$6000 respectively. The total reduction in projected FY06 costs is \$290,000. One contract language issue remains to be finally resolved before the Public Employee Relations Board (PERB). This item relates to whether matters such as discharges, demotions and suspensions can only be heard before the Civil Service Commission for the City of Des Moines or before an arbitrator. PERB has issued a preliminary ruling siding with the City that the contract language related to this issue is a mandatory subject of bargaining and shall remain in the contract absent a mutual agreement between the City and the union for its removal. MEA is pursuing a further hearing on this matter before PERB. The final PERB decision will be reflected in the successor contract.

DMPBUA Arbitration Award

Arbitrator Moeller agreed with the fact finder and the union in awarding a 3% general increase. Arbitrator Moeller also agreed with the fact finder and the union to maintain the current traditional health plan with no contribution toward the premium. This decision has no budget impact for FY06. The City sought to remove two clauses from the agreement as permissive items. One issue deals with whether the union may grieve work rules issued by the Police Chief and the other with the length of time disciplinary matters may be retained in an employee's human resources file. PERB has issued a preliminary ruling in favor of the City's position. The DMPBU is seeking a final ruling on these items and has indicated to the Assistant City Attorney, Carol Moser that they intend to pursue further court appeals through an ultimate appeal to the Supreme Court should the preliminary ruling stand.