



MUNICIPALITY OF ANCHORAGE

OFFICE OF THE MAYOR

MEMORANDUM

M.O.A.
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CLERKS OFFICE

DATE: August 11, 2014

TO: Patrick Flynn, Assembly Chair
Anchorage Assembly

FROM: Mayor Daniel A. Sullivan *Dan Sullivan*

SUBJECT: Veto of AO 2014-80(S-1); An ordinance amending AMC 3.70, Employee Relations.

Pursuant to the authority vested in me by Charter section 5.02(c), I hereby veto AO 2014-80 (S-1), which seeks to make amendments to AMC chapter 3.70, the labor relations code.

While the ordinance does make a few modest technical corrections to the Code, such as fixing gender references, changing certain timelines, and clarifying other provisions, it is a far cry from "AO 37" now pending before the voters and is substantially less than what was originally proposed by the AO's sponsor.

Among the problems with the AO are the following:

The AO did not accept changes that supported management's right to determine staffing and scheduling. Nor did it accept changes that would have made it clear that supervisory employees actually supervise employees and, in some instances, are responsible for approving time and attendance.

Furthermore, the AO was touted as fixing the problem with having overtime strictly assigned by seniority, which makes it more expensive than it needs to be, by replacing it with a "rotation" system. However, the AO limits the "rotation" of overtime to only those employees within the same work unit and classification and is apparently only allowed to be used when the overtime is "voluntary." In all likelihood, this is no real change to the seniority system at all. For these reasons, the AO falls short of making common sense, even on these items that were claimed as a compromise.

Additionally, the AO is nothing like AO 37, (the "Responsible Labor Act"), which seeks to restore balance between management and the bargaining units. The attached chart clearly indicates this. If a majority of the Assembly wants to avoid a referendum on AO 37, then a new ordinance must truly represent a compromise. AO 2014-80(S-1) is no compromise and I therefore veto it.

PROVISION	AO 37	AO 80
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DIFFERENCES

right to strike	no	yes
binding arbitration	no	yes
Assembly approves contracts with 8 votes	yes for all contracts	only for A2 and A3 employees. A1 employees (police, fire) have binding arbitration, but no assembly approval
seniority controls overtime	allowed by negotiation, but management rights exist for staffing and scheduling	rotational, but only within work unit and classification and only for voluntary overtime
confidential employee - inc. direct access to confidential information for deliberative process and policy making	yes	no
supervisory employee - inc. approval of time and attendance	yes	no
management rights - equipment, staffing and scheduling	yes	no
managed competition cannot be prohibited	yes	no
limitation on direct labor cost increases	yes	no
standardizing benefit plans	yes	no
reimburse MOA for 'ee work on behalf of union	yes	no
limits on performance programs\incentive pay	yes	no
unions have the right to pre-select ERB member	yes	no
nonrep - IT, treasury, central payroll, & 'ee w\ primarily payroll function	yes	no - still union eligible
prohibition on signatory language	yes	no
factfinder - past practice can be considered	no	yes
codifies mayoral veto power over assembly approved labor agreements	yes	no
limitations on using past practice in binding arbitration	yes	no
overtime limited to 1 1/2	yes	no
uniform benefits programs	yes	no

SIMILARITIES

50/50 mediation	yes	yes
SEE has a 3 year projection	yes	yes
contracts limited to 3 years	yes	yes
factfinder can consider employee morale	no	no
strengthens prohibitions on unlawful work slowdown and stoppages	yes	yes
LOAs and admin agreements limited to the length of CBA	yes	yes
deviations from personnel rules must be specifically approved by assembly	yes	yes
eliminate static list of classifications	yes	yes