

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Employee Relations

For Reading: October 26, 2010

CLERK'S OFFICE

APPROVED

Date: 11-9-10

ANCHORAGE, ALASKA

AR NO. 2010-310

1 **A RESOLUTION RATIFYING A LETTER OF AGREEMENT (IAFF – 006)**
2 **BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE**
3 **INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 1264,**
4 **REGARDING TEMPORARY SHIFT ACCOMMODATION CLARIFICATION.**

5
6 **WHEREAS**, a collective bargaining agreement (CBA) between the Municipality of
7 Anchorage (MOA) and the International Association of Fire Fighters, Local 1264
8 (IAFF) was approved by the Assembly on December 17, 2008 (AR 2008-306); and
9

10 **WHEREAS**, the MOA and IAFF prepared a Letter of Agreement, IAFF-006 (LOA),
11 attached hereto as **Exhibit A**, clarifying the sick leave usage difference between 56-
12 hour employees and 40-hour employees with non-occupational injuries who are
13 unable to work without restrictions; and
14

15 **WHEREAS**, the LOA adds language to the CBA to differentiate the minimum required
16 utilization of sick leave days for 56-hour employees and sick leave hours for 40-hour
17 employees; and
18

19 **WHEREAS**, Anchorage Municipal Code section 3.70.130 requires the Assembly to
20 ratify amendments, including this LOA, to a CBA, before it takes effect; and
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22 **WHEREAS**, it is in the best interest of the MOA and IAFF to subject this LOA to the
23 public review and approval process, in order to foster good labor-management
24 relationships; and
25

26 **WHEREAS**, the Administration recommends ratification of this LOA, as detailed in
27 the accompanying Assembly Memorandum; now, therefore,
28

29 **THE ANCHORAGE MUNICIPAL ASSEMBLY RESOLVES:**
30

31 **Section 1.** The Letter of Agreement, attached hereto as **Exhibit A**, amending the
32 CBA between the Municipality of Anchorage and the International Association of Fire
33 Fighters, Local Union 1264, is hereby approved by the Assembly.

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Section 2. This resolution shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 9th day of November, 2010.



Chair

ATTEST:



Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 562-2010

Meeting Date: October 26, 2010

1 **FROM: MAYOR**

2
3 **SUBJECT: A RESOLUTION RATIFYING A LETTER OF AGREEMENT**
4 **BETWEEN THE MUNICIPALITY OF ANCHORAGE AND**
5 **THE INTERNATIONAL ASSOCIATION OF FIRE**
6 **FIGHTERS, UNION LOCAL 1264, REGARDING**
7 **TEMPORARY SHIFT ACCOMODATION CLARIFICATION.**
8

9 The Municipality of Anchorage (MOA) and the International Association of Fire
10 Fighters, Union Local 1264 (IAFF) signed a Letter of Agreement (LOA) to clarify
11 collective bargaining agreement (CBA) language regarding temporary shift
12 accommodations.
13

14 The LOA modifies the CBA with language to clarify temporary shift
15 accommodations for 56 hour and 40 hour employees.
16

17 **THE ADMINISTRATION RECOMMENDS APPROVAL OF THE LETTER OF**
18 **AGREEMENT BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE**
19 **INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, UNION LOCAL 1264,**
20 **CLARIFYING TEMPORARY SHIFT ACCOMODATIONS.**
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22
23 Prepared by: Employee Relations Department

24 Approved by: Nancy B. Usera, Employee Relations Director

25 Respectfully submitted: Daniel A. Sullivan, Mayor

LETTER OF AGREEMENT

By and Between

MUNICIPALITY OF ANCHORAGE (MOA)

and the

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)

Number: Temporary Shift Accommodation Clarification - IAFF - 006

Employees who have non-occupational injuries and are unable to work without restrictions are required to utilize sick leave for a period of time before being considered for a temporary accommodation. The language outlined in the CBA in section 14.6.1 addresses employees as a whole and does not specific a difference between the 56-hour employees and the 40-hour employees. The additions below provide clarification between the two groups.

The IAFF and the MOA have agreed to add the following language to the second paragraph of Article 14.6.1 in the collective bargaining agreement:

56-hour employees shall use sick leave for the first 30 calendar days before being eligible for a Temporary Shift Accommodation (TSA) and 40-hour employees shall use sick leave for the first 40 work hours before being eligible for a TSA. After taking the first 30 days or 40 work hours of sick leave employees will be eligible for TSA with appropriate documentation from their attending physician. The Municipality will first look within the fire department for work assignments prior to looking at other municipal departments.

The parties agree this agreement modifies the provisions of the current collective bargaining agreement between the parties.

This letter of agreement represents the entire agreement between the parties. Any other written or oral promise, agreement or representation not specifically included herein shall be null and void, and without effect.

Pursuant to Anchorage Municipal Code section 3.70.130 D., each and every collective bargaining contract, agreement, modification, written interpretation, or other change, alteration or amendment, no matter how denominated, shall include a summary of requirements and remedial provisions, and the certification under oath or affirmation by each duly authorized representative signing on behalf of a party.

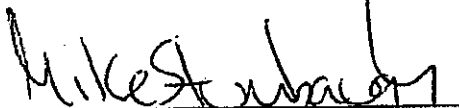
The undersigned duly authorized representatives, on behalf of the parties to this agreement, hereby affirm and certify as follows:

- A. This agreement complies with Anchorage Municipal Code section 3.70.130.
- B. Section 3.70.130 requires Assembly approval of all modifications and amendments, no matter how denominated.
- C. Absent Assembly approval as required by section 3.70.130, any modification or amendment, no matter how denominated, shall be deemed null and void, and any payments made shall be recoverable by the Municipality.
- D. Absent Assembly approval as required by section 3.70.130, written clarifications and interpretations within the definition of "administrative letter" are invalid.

- E. Section 3.70.010 prohibits the use of administrative letters to vary the explicit terms of a labor agreement.
- F. Intentional actions in violation of section 3.70.130 are subject to fines and penalties under section 1.45.010.
- G. Remedial actions: In the event the provisions of section 3.70.130 are violated by administrative action, any labor agreement, agreement, modification, written interpretation, or other change, alteration or amendment, no matter how denominated, shall be null and void with no force or effect.

IN WITNESS WHEREOF, this Agreement is entered into freely and voluntarily by the signatures of the parties below.

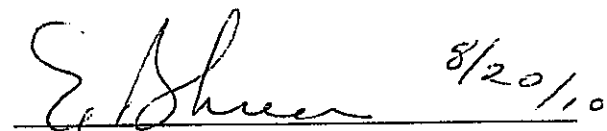
FOR:
International Association of Fire Fighters



Mike Stumbaugh, IAFF Vice President

Date: 8-21-10

FOR:
Municipality of Anchorage

 8/20/10

Nancy Bear Usera, Employee Relations Director

Date: 8/20/10

Content ID: 009481**Type:** AR_AllOther - All Other Resolutions

Title: A RESOLUTION RATIFYING A LETTER OF AGREEMENT (IAFF -- 006)
 BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE INTERNATIONAL
 ASSOCIATION OF FIRE FIGHTERS, LOCAL 1264, REGARDING TEMPORARY
 SHIFT ACCOMMODATION CLARIFICATION.

Author: cayouettejm**Initiating
Dept:** ER**Date
Prepared:** 10/12/10 10:47 AM**Director
Name:** Nancy B Usera, ER Director**Assembly
Meeting Date:** 10/26/10**Date:****Public
Hearing Date:** 11/9/10

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	10/15/10 2:16 PM	Exit	Joy Maglaqui	Public	009481
MuniManager_SubWorkflow	10/15/10 2:16 PM	Approve	Joy Maglaqui	Public	009481
CFO_SubWorkflow	10/15/10 2:14 PM	Approve	Lucinda Mahoney	Public	009481
Legal_SubWorkflow	10/15/10 12:09 PM	Approve	Dean Gates	Public	009481
ER_SubWorkflow	10/12/10 10:59 AM	Approve	Nancy Usera	Public	009481
AllOtherARWorkflow	10/12/10 10:50 AM	Checkin	Julie Cayouette	Public	009481