



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 08/17/10

SUBJECT: Hearing and Consideration of accepting in part the Special Magistrates Recommendation for IAFF Rank and File Unit Impasse

DEPARTMENT: Administration

RECOMMENDED MOTION:

Motion to approve and accept in part the Special Magistrates Recommendation for IAFF Rank and File Unit for Article 20 Bereavement Leave and Article 29 [renumbered Article 28] Educational Leave.

SUMMARY:

The union has alleged that the city has committed an unfair labor practice by resolving the impasse issues as recommended by the City Manager for Article 20 Bereavement Leave and Article 29 Educational Leave. For purposes of removing these issues from the unfair labor practice, the City Manager recommends that the City Council change its position on the referenced articles and to agree with and accept in part the recommendation of the special magistrate for Article 20 Bereavement Leave and Article 29 Educational Leave, copies attached hereto. During the bargaining process the city renumbered Article 29 to Article 28 for Educational Leave, and no other changes to the article are recommended by the City Manager.

ATTACHMENTS: Ordinance Resolution Budget Resolution

Other Support Documents/Contracts Available for Review in City Attorney's Office

CITY ATTORNEY		Approved as to Form and Legality	Date 8.11.10
CITY MANAGER		Approved Agenda Item For:	8/17/10

COUNCIL ACTION: Approved as Recommended Disapproved Tabled Indefinitely
 Continued to Date Certain Approved with Modification:

ARTICLE 20

BEREAVEMENT LEAVE

- 20.1 All employees may be granted time off with pay to arrange and/or attend funeral services in the event of death(s) in the family. Such time off shall ordinarily not exceed four (4) calendar days (i.e., ~~two twenty-four hour shifts~~ 48 hours for extended shift employees or four (4) work days for employees working a forty hour work week) per event, for a maximum 96 hours per fiscal year for extended shift employees or eight (8) work days per fiscal year for employees working a forty hour work week, and shall not be charged as annual leave or sick leave. Requests for time off shall be submitted in writing to the employee's supervisor when possible. In extraordinary circumstances, where the employee has exhausted the maximum bereavement leave provided for in this part, the Fire Chief may, in his discretion, grant an employee additional leave time. The decision of the Fire Chief to grant or not grant the employee additional leave time beyond the maximum hours provided for in this part shall not be subject to grievance and arbitration proceedings.
- ~~20.2 The employee's family is defined as the employee's spouse, children or step-children, mother, father, mother-in-law, father-in-law, brother, sister, grandparents, (including spouse's grandparents and great grandparents), brother-in-law, sister-in-law, nephew, niece, step-parent, or grandchildren.~~
- ~~20.3 In the event of the death of immediate family, defined as spouse, children, or step-children, the employee will be granted an additional shift for extended shift employees and two (2) more calendar days for employees working a forty (40) hour week.~~
- 20.42 Management may require the employee to verify the employee's relationship to the deceased and to provide proof of death.
- 20.3 In the event of the need for additional time for a death, an employee may use accrued sick or vacation leave.

ARTICLE 29

EDUCATIONAL LEAVE

- 29.1 Any employee covered hereunder may be given educational leave for the purpose of taking courses or attending conferences and/or seminars directly related to the employee's work as determined in writing by the Fire Chief and the City Manager. Requests for such educational leave must be approved in writing in advance by the Fire Chief and the City Manager. The decision to grant (or not to grant) such educational leave and the determination as to whether such leave will be compensated shall rest with the City Manager but is delegated to the Fire Chief.
- 29.2 An employee granted educational leave with full pay shall be entitled to receive all City benefits in the same manner as if he were on active duty during the period of the leave. Entitlement to benefits for employees on partially compensated or uncompensated educational leave shall be determined by the City Manager.

Special Magistrate