

ORDINANCE NO. 79-66

AN ORDINANCE PROVIDING FOR COLLECTIVE
BARGAINING BETWEEN THE CITY OF BLOOMINGTON
AND CERTAIN SWORN OFFICERS OF THE BLOOMINGTON
FIRE DEPARTMENT.

WHEREAS, the Common Council of the City of Bloomington declares that it is the public policy of the City and the purpose of this Ordinance to promote orderly and constructive relationships between the City and its Fire Officers subject, however, to the paramount right of the citizens of the City to keep inviolate the guarantees for their health, safety, welfare, and the uninterrupted operation and function of government, and

WHEREAS, unresolved disputes between the City and its employees are injurious to the public, and the Common Council is therefore aware that adequate means must be established for minimizing them and providing for their resolution, and

WHEREAS, within the limitations imposed upon the governmental processes by these rights of the public at large and recognizing that harmonious relationships are required between the City and its employees, the Common Council has determined that the overall policy may best be accomplished by (1) granting to the Fire Officers the right to organize and choose freely their representatives; (2) requiring the City to negotiate and bargain in good faith with an employee organization representing said officers and to enter into written agreements evidencing the result of such bargaining; and (3) establishing procedures to provide for the protection of the rights of the employee, the City and the public at large.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Title two of the Bloomington Municipal Code is hereby amended by adding a Chapter 2.18 entitled Firefighters Collective Bargaining to read as follows:

Chapter 2.18

Firefighters Collective Bargaining

2.18.010 Recognition and Committee. The City of Bloomington hereby agrees that it will meet and bargain with the Bloomington Firefighters Association, Inc., (hereinafter referred to as "Committee") as provided in this Chapter. The employees in the bargaining unit shall select from the bargaining unit a Committee not to exceed three (3) for purposes of carrying out this Chapter. In addition, the Committee may also have legal counsel available, not to exceed one (1), who may provide legal advice but who shall not take an active role in negotiations.

2.18.020 Bargaining Unit. The Committee shall speak for and the bargaining shall pertain to the following employees only:

Included Classifications: Sergeant, Corporal, and Fireman First Class

Excluded Classifications: Chief, Deputy Chief, Chief Inspector, Deputy Chief Inspector, Inspector, Battalion Chief, Captain, probationary officers, all other supervisors, confidential employees, and all other employees.

A supervisor for purposes of this Chapter is any individual having authority in the interest of the City to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

A confidential employee for purposes of this Chapter is any individual whose unrestricted access to confidential personnel files or whose functional responsibilities or knowledge in connection with the issues involved in dealings between the City and its employees would make his membership in an employee organization incompatible with his official duties.

2.18.030 Majority Status. This Chapter shall become effective when the included employees present to the City evidence, satisfactory to the City, that a majority (more than 50%) of said employees want the bargaining provided herein to be effective.

2.18.040 Issues Subject to Bargaining. The bargaining shall pertain to the following subjects only:

Salary and pay schedules, including professional pay, unscheduled duty pay, longevity pay, holiday pay, vacation schedules and accumulation, grievance procedures, clothing allowance, and

Group insurance, provided that the selection of insurance carriers shall not be a subject of bargaining.

With respect to group insurance, the City shall not be obligated to bargain about any plan or benefit that would cause or result in the existence of more than one group of City employees for group insurance purposes or more than one group insurance plan among City employees.

With respect to grievance procedures, the City shall not be obligated to bargain about any procedure that would cause or result in the lessening or abrogation of the statutory authority

of the City of Bloomington, including the Bloomington Board of Safety.

Issues not subject to bargaining under this Chapter shall continue to be addressed through the established chain of command of the Fire Department. In the event that such issues are not resolved through the established chain of command of the Fire Department then such issues may be addressed through any other procedure created by statute or ordinance.

2.18.050 Time Schedule of Bargaining. Bargaining shall begin at a mutually agreeable time prior to the beginning of the salary ordinance and budget making processes. On the issues subject to bargaining, such bargaining shall be intended to develop agreement between the parties to be effective for subsequent calendar year or calendar years.

The same schedule shall be followed thereafter so that bargaining on the issues subject to bargaining shall occur in any year with respect to the following calendar year or years.

Nothing herein shall be interpreted to prevent the parties from entering into an agreement covering a period of more than one (1) calendar year.

2.18.060 Representatives. The City and the employees in the bargaining unit shall be free to select their own spokespersons and representatives for purposes of carrying out this Chapter and shall be free of interference by the other party in that respect. The spokespersons and representatives of the City shall be the Mayor or his designees, the director of Personnel and such other persons as the Mayor shall designate. A member of the Common Council or their representative may attend and observe all bargaining sessions if the Common Council so desires.

2.18.070 Exclusive Recognition. This Chapter provides the exclusive mechanism by which the City and the employees in the bargaining unit shall carry out collective bargaining. The City shall not attempt to deal directly with the employees in the bargaining unit in lieu of bargaining collectively. Such an attempt shall be deemed an act of bad faith bargaining. The employees in the bargaining unit shall not attempt to deal directly with the representatives of the City other than those identified in Section 2.18.060 above. Such an attempt shall be deemed an act of bad faith bargaining. In the event that the parties are unable to develop a collective bargaining agreement pursuant to this Chapter, and an impasse has been declared and mediation, as described in Section 2.18.080 of this Chapter, has failed to resolve the impasse, and negotiations are no longer in progress then the parties may present relevant facts directly to the elected representatives of the City and to the individual employees in the bargaining unit.

2.18.080 Impasse and Advisory Mediation. In the event that the parties are unable to develop a collective bargaining agreement pursuant to this Chapter either party may declare that an impasse has been reached and request advisory mediation. Upon such declaration and request the parties shall as soon as possible request the Federal Mediation and Conciliation Service to assign a mediator or, in the alternative, the parties may request a list of five (5) mediators from which each party shall alternate in striking names until only one name is left which person shall be the mediator. The recommendation and action of the mediator shall be advisory only and shall have no binding authority or effect on any of the parties. Any costs shall be shared equally by the parties.

The parties may mutually agree to any other method of selecting an advisory mediator provided such method is likely to result in the selection of an impartial and knowledgeable mediator.

2.18.090 Strikes. It is agreed by the Committee and the members of the bargaining unit that strikes, work stoppages, slowdowns, interferences with or departures from the performance of duties as prescribed by the City are unlawful. The Committee and the members of the bargaining unit agree that they shall not engage in, encourage, sanction or defend any such activities.

In the event that any of the above activities takes place, in addition to other appropriate remedies undertaken by the City, this Chapter 2.18 and any collective bargaining agreements entered into between the parties pursuant to this Chapter shall be null and void.

2.18.100 General Law. This Chapter shall not be deemed in any way to limit or diminish the authority and responsibility of the City to manage and direct the operation and activities of the City, including the operation and activities of the Fire Department, to the full extent authorized or permitted by law.

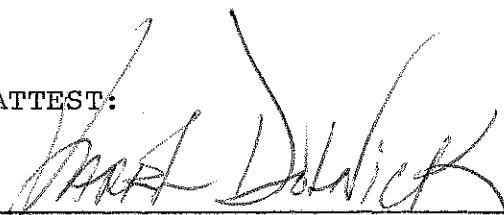
2.18.110 Other Authorization. In order to be effective, collective bargaining agreements made pursuant to this Chapter may require approval by the Board of Safety, Board of Public Works, the Bloomington Common Council, the Monroe County Tax Adjustment Board, and ultimately the Indiana State Board of Tax Commissioners. The City and the Bloomington Firefighters Association, Inc., shall make every good faith effort to obtain such approval.

SECTION 2. Severability. If any section, sentence or provision of this Ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not effect any of the other sections, sentences, provisions, or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.


PASSED and ADOPTED by the Common Council of the City of Bloomington, Indiana, upon this 10th day of September, 1979.

ATTEST:

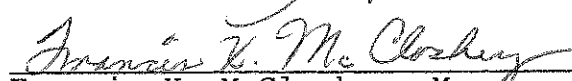

Karel Dolnick, City Clerk


Tomilea Allison, President
Bloomington Common Council

Presented by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7th day of September 1979.


Lynda Lacewell, Deputy City
Clerk

SIGNED and APPROVED by me upon this 11th day of September 1979.


Francis X. McCloskey, Mayor
City of Bloomington, Indiana

SYNOPSIS

Ordinance No. 79-66

AN ORDINANCE PROVIDING FOR COLLECTIVE
BARGAINING BETWEEN THE CITY OF BLOOMINGTON
AND CERTAIN SWORN OFFICERS OF THE BLOOMINGTON
FIRE DEPARTMENT.

In 1978 the City agreed to recognize and bargain with a union representing Firefighters. The union has recently requested that this union recognition be passed as an ordinance. This ordinance is very similar to one passed in 1978 for the Police.

I HEREBY MOVE THAT ORDINANCE APPROPRIATION

ORDINANCE # 79-66, ENTITLED An Ordinance

Providing for Collective Bargaining between the
City of Bloomington and Certain Union Officers of the Bloomington
Fire Department

BE INTRODUCED AND READ FOR FIRST READING BY TITLE ONLY

AT THE COUNCIL MEETING HELD ON 8-16-79

John F. Richards
(Signature)