

ORDINANCE NO. 78-30

AN ORDINANCE PROVIDING FOR COLLECTIVE BARGAINING
BETWEEN THE CITY OF BLOOMINGTON AND CERTAIN
SWORN OFFICERS OF THE BLOOMINGTON POLICE 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 Police 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 Police 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, and

WHEREAS, on the 19 day of April, 1978, an Agreement for police collective bargaining was signed by the Mayor, the Board of Public Safety and representative of the Fraternal Order of Police Lodge 88,

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 2.16 entitled Police Collective Bargaining to read as follows:

Chapter 2.16

Police Collective Bargaining

2.16.010 Recognition. On the terms and conditions set forth in this Chapter, City of Bloomington recognizes the Fraternal Order of Police as the exclusive collective bargaining representative of the City's police employees in the bargaining unit described below. The Fraternal Order of Police shall select a Committee not to exceed five (5) for purposes of carrying out this Chapter.

2.16.020 Bargaining Unit. The Fraternal Order of Police shall be the exclusive bargaining representative in the following bargaining unit of police employees:

Included Classifications: Senior Officer, Sergeants with no supervisory duties, and Officers First Class

Excluded Classifications: Chief, Deputy Chief, Captain, Lieutenant, Detective/Sergeant, Sergeants with Supervisory Duties, Probationary Officer, All Other Supervisors, Confidential Employees, and All Other Employees

A supervisor for purposes of this Chapter is any individual having the authority in the interest of the City to hire, transfer, suspend, layoff, 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.

2.16.030 Majority Status. This Chapter shall become effective when the Fraternal Order of Police presents to the City evidence, satisfactory to the City, that it represents a majority (more than 50%) of the employees in the bargaining unit.

2.16.040 Issues Subject to Bargaining. The Fraternal Order of Police shall represent the employees in the bargaining unit with respect to bargaining on the following subjects only:

Salary and pay schedules, including shift pay, overtime pay, holiday pay, clothing allowance, vacation schedules and accumulation, layoff procedures, grievance procedures, unscheduled duty pay, and the salary payable at each of the established steps of the step in grade pay, and

Group medical insurance, life insurance, and false arrest 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 Bloomington Board of Safety.

2.16.050 Time Schedule of Bargaining. Bargaining between the City and the Fraternal Order of Police shall begin at a mutually agreeable time in 1978 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 a calendar year or calendar years subsequent to 1978.

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. Unless mutually agreed otherwise by the parties bargaining in any year with respect to the following calendar year or years shall begin no later than April 1 and shall end no later than June 1 of the same year.

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

2.16.060 Representatives. The City and the Fraternal Order of Police 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.

2.16.070 Exclusive Recognition. This Chapter provides the exclusive mechanism by which the City, the Fraternal Order of Police 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 Fraternal Order of Police and the employees in the bargaining unit shall not attempt to deal directly with the representatives of the City other than those identified in 2.16.060 above. Such an attempt shall be deemed an act of bad faith bargaining.

2.16.080 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.

2.16.090 Strikes. It is agreed by the Fraternal Order of Police and the members of the bargaining unit that strikes, work stoppages, slowdowns, picketing, interferences with or departures from the performance of duties as prescribed by the City are unlawful. The Fraternal Order of Police 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 2.16 and any collective bargaining agreements entered into between the parties pursuant to this Chapter shall be null and void and of no effect.

This Section shall not apply to picketing at the Bloomington Police Station when an impasse has been declared and advisory mediation has failed to result in agreement and such advisory mediation is no longer in progress as provided in 2.16.080.

2.16.100 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 police operation and activities, to the full extent authorized or permitted by law.

Nothing in this Section shall be construed to negate the clear and unambiguous meaning of this Chapter.

2.16.110 Other Authorizations. In order to be effective, collective bargaining agreements made pursuant to this Chapter may require approval by the Board of Safety, the 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 Fraternal Order of Police 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 1 day of June, 1978.


John F. Richardson, President
Bloomington Common Council

ATTEST:


Karel Dolnick, City Clerk

Presented by me to the Mayor of the City of Bloomington, Monroe
County, Indiana, upon this 2 day of June, 1978.

Nora M. Connors
Nora M. Connors, Deputy City Clerk

SIGNED and APPROVED by me upon this 8 day of June,
1978.

Francis X. McCloskey
Francis X. McCloskey, Mayor
City of Bloomington, Indiana

SYNOPSIS
Ordinance 78-30

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

A number of Bloomington Police Officers have requested that the City allow them to form a union and negotiate over a number of issues including wages. This ordinance provides for recognition of a union and defines the bargaining unit, issues subject to bargaining, time schedule of bargaining, impasse resolution, and other related matters.

I HEREBY MOVE THAT ORDINANCE # 78-30

BE INTRODUCED AND READ FOR FIRST READING BY TITLE

ONLY AT THE COUNCIL MEETING HELD ON 5-18-78

Mrs. Jovulea Allison
(Signature) TAMI