

MINUTES
SPECIAL WORKSESSION/ROUNDTABLE
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CONFERENCE ROOM 190, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
June 14, 2011
3:00 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks, Johnson and Mayor Krieger
Councilmembers Absent: none
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Police Chief, Jerry Geier
Fire Chief, Jack McArthur
Various Department Heads or their representative
City Clerk, Lynda L. Bushong

I. MEET AND CONFER

Wilkinson stated it was requested this topic be placed on the agenda so that City Council would have an opportunity to discuss the Meet and Confer process. Chief Geier and Chief McArthur are available to answer any questions.

Krieger stated that he does not see the need to spend much time on this issue because the management structure that is currently in place is working well and gives the City Administrator the authority to do his job unencumbered by further regulations. Further, Arizona is a right to work State.

Mendoza asked to hear from Councilmembers Beeson and Stuart, who made the motion to bring Meet and Confer to the table, as a place to start discussions.

Beeson responded that he asked that Meet and Confer be brought forward for discussion because he believes there is support from Council and that there is value in hearing from the employees.

Johnson agreed with Councilman Beeson and added that his understanding of the Meet and Confer resolution would pertain to meeting and discussing wages, hours, benefits and working conditions. It would not have anything to do with discipline, hiring, firing, promotions or demotions. He also noted that since Arizona does not allow for collective bargaining with public employees he does not see that there would be an adverse impact. He would like to see this resolution or ordinance scheduled at a City Council meeting and to have a vote on it to settle this matter.

Stuart added that public safety employees are faced with life and death decisions during their course of work and, as such, operate under a different set of rules than general employees. Forty-one other communities in the State of Arizona have Meet and Confer in place and I believe it exists to address the unique working conditions, stresses and hours of the public safety employees. The recent draft of the Meet and Confer would not have a deleterious effect on the City. Councilman Johnson is correct; it is time to move forward and bring it to a vote.

McClendon asked the City Administrator what the City currently has in place and how it is working.

Wilkinson: We have an Employee Recommendation Committee (ERC) that represents all City of Yuma employees, chosen through a secret ballot process by the City employees. Each department has one representative with some of the larger departments having more than one representative. The ERC was put together to get employee input from all departments of the City. Most recently, the group proposed a recommendation to change the payout of emergency leave in cases where an employee is going out on long-term disability; this change was recently implemented. The ERC works to involve all employees in a 'loop out' process; meaning the committee typically discusses a specific issue; the individual representative then brings the information back to their departments and requests input; the information is relayed back to the committee for further discussion. Although Wilkinson feels it needs a little more facilitation, he believes the Committee is working.

McClendon: When did the ERC start? Does the committee consist of regular employees or supervisors?

Wilkinson: The group started in early May and has met three to four times. The group consists of both regular employees and supervisors. Larger departments with more than one representative may have both a front line employee and a supervisor. The representatives for each department were chosen by the employees through a secret ballot process.

McClendon: What is the difference was between the Employee Recommendation Committee and the Meet and Confer document provided today.

Wilkinson: The biggest issue is the drafted ordinance would change the current structure of our government. It will take the authority away from department heads and the City Administrator and put it into the hands of an independent counsel. Another issue is that the Meet and Confer ordinance would require an amendment to the City Charter, which would have to go before the voters. Additionally, this would be a Council committee that would move the management of personnel to Council and away from the City Administrator. Furthermore, the Meet and Confer draft ordinance pertains solely to public safety employees. It does not take into account the rest of the employees, which in the past has caused a division amongst the employees, creating issues for the City Council and Administration.

McClendon: Are any fire or police personnel on the Committee. **Wilkinson:** Yes, I believe there are two representatives from each.

Mendoza agreed that the current Meet and Confer draft is specific to public safety and excludes the rest of the City employees. Further, in response to Councilmember Stuart, Mendoza stated that other City employees, besides public safety, deal with extreme working conditions and stresses every day.

Mendoza had the following questions for Chief Geier:

1. Are there any labor issues that you are aware of within the Yuma Police Department?
2. What do you think the motive is for public safety employees to form a Meet and Confer?
3. How are the working conditions?

Geier responded that there are no labor issues that he is aware of. He further added that the Police Department has a very good communications plan which includes: Frequent updates to employees, open door policy, open door meeting every 6 weeks and a good relationship with the Fraternal Order of Police (FOP) representative.

As to the motive, **Geier** does not believe there are any issues dealing with trust. Although he has not read the document presented to Council he believes Meet and Confer deals with pay, salary, benefits and workplace issues. Due to the economy the salary and benefits are non-negotiable. However, one of the more talked about issues is overtime; the Police Department's overtime budget was cut by almost ½ in the last two years. Overtime is still paid, but it is also flexed or comp time is given. There are no issues regarding working conditions. Unsafe equipment and safety issues are dealt with immediately.

Mendoza asked the same three questions of Chief McArthur.

McArthur responded that the Fire Department has a lot of labor issues which include salary, hours and overtime, but the Fire Department also has good communication and a good working relationship with their local representative as well. As for unsafe working conditions, those are not tolerated. **McArthur** believes the motive for the Meet and Confer is, in part, recognition of the two organizations and the role they play in the Yuma community, as well as welcoming their input.

Mendoza: The issue for Meet and Confer deals with working conditions and labor issues. I would be against any collective bargaining.

McClendon requested clarification from Chief McArthur about recognition. **McArthur:** There are two police officer organizations and one fire organization that should be able to hold meetings on City property or meet with the Police Chief or Fire Chief.

Krieger: One of the documents in front of Council is correspondence between the United Firefighters Association, one of the organizations mentioned, through the Law Offices of Gomez

and Petitti. The City would be talking to the Union and not an individual or even a firehouse. Our Charter is designed for us to be a local governing authority.

Wilkinson: Pay and benefits are an issue across the board. In next year's budget, a classification study is proposed to look at position classifications within the City. A pay plan will be put together in the second half of the year and would be a step towards employees moving through a pay range. The third step would be a compensation study which will include all City employees - not just public safety. **Wilkinson** states he supports public safety but when he comes to City Council for employee pay raises it should be to consider all employees. If the study shows public safety is further behind then everybody else then that is what he will support. **Wilkinson** reminded City Council of the City's recent support of the Fire Department's Honor Guard by providing \$8,000, half the funding, for dress uniforms. The same was offered to the Police Department for their Honor Guard. In conclusion, all employees in the City need to be represented equally. If we pass this Meet and Confer ordinance it will separate the employees into two groups.

Brooks asks for Chief McArthur's recommendation. **McArthur** states that he would go no further than to recognize the organizations and to direct the Fire and Police Chiefs to work with the organizations. He would not get to the point where there is a contract. **Brooks:** Are you satisfied with what is in place right now. **McArthur:** No. The level of recognition of these important groups is not sufficient, as well as the fact that they cannot meet in a City building. **Brooks:** If the Meet and Confer is approved do you think that it will take away from your authority in the Fire Department. **McArthur:** No, and although I am not in favor of a contract, it is not because I fear that I would lose my authority.

Stuart questioned whether negotiations in the Meet and Confer process would be dealing with Unions. **McArthur:** The firefighter organizations that I am referring to are affiliated under the International Association of Firefighters; there is at least one professional police officers organization and there are many that are registered as Unions. **Stuart:** In the 41 Arizona cities that have Meet and Confer, do they deal with union or do they deal with the employees as a group. **McArthur:** There are a lot of Arizona Cities that sit at the table with a recognized representative from the national police and the national fire organization. Further there is a whole spectrum of different levels of meeting and conferring. **Stuart:** So the Meet and Confer is a flexible concept. **McArthur:** It has been in Arizona.

Stuart asked Wilkinson if he would be able to work through the draft document and recommend something he and the departments would be comfortable with or if the draft was not an option.

Wilkinson: The final decision is for City Council's consideration; however, it is my opinion that the Employee Recommendation Committee is the better option.

Kreiger: How much time is acceptable for an on-duty firefighter to deviate from the job to participate in the organization, while at the same time being paid by the Union to be at opposite ends and fighting for more pay and benefits on the taxpayer's dime? Further, the reason that City Hall is not available for use could be conflict of interest. **Stuart** replies that the document states that time spent by members of the employee committee and subcommittees shall constitute hours worked. **Kreiger:** Yes, but they shouldn't be getting paid also by the Union.

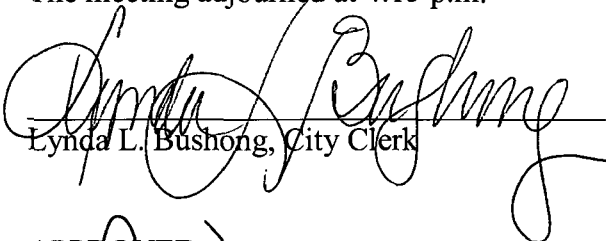
Johnson requested an explanation about why there would have to be a change to the Charter to have a Meet and Confer ordinance. Secondly, not all employees meeting in City Hall would be "on the books" as the fire department has several crews/shifts. Thirdly, he has never heard of Union officers being paid anything. **Wilkinson** responds that the Union representative on the fire side is paid.

McClendon: Would it be too late to get this item on the ballot for this year. **Krieger:** There could be a special election.

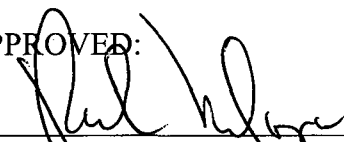
Mendoza requested tabling this discussion so the Councilmembers can do additional research on Meet and Confer and to allow more time to see how the Employee Recommendation Committee is working out.

II. EXECUTIVE SESSION

Motion (Mendoza/McClendon): To adjourn to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 4:15 p.m.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
August 17, 2011
Deputy City Clerk: Jane Peterson