

**CITY OF SEWARD
HISTORICAL LABOR DOCUMENTS
INDEX**

DOCUMENT

- 1 City Ordinance No. 412 adopted 9/8/75, rejecting the application of the Public Employment Relations Act to the City of Seward
- 2 Decision and Order No. 85-3 on IBEW Petition No. RC-285-001
- 3 City Resolution No. 85-34 passed 3/27/85, concerning procedure for resolving issues presented by IBEW
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- 6 City Ordinance No. 540 enacted 5/29/85, concerning collective bargaining with City employees
- 7 10/31/17 letter from APEA to Mayor and Seward City Council re: Petition for Recognition of Bargaining Unit & Exclusive Representative Union - Seward Police Department

DOCUMENT 1

CITY OF SEWARD, ALASKA

James R. Filin,
City Clerk-Treasurer

ORDINANCE NO. 412

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA,
REJECTING THE APPLICATION OF THE PUBLIC EMPLOYMENT RELATIONS
ACT TO THE CITY OF SEWARD.

WHEREAS, Section 4, Chapter 113, S.L.A. 1972, provides that the Alaska Public Employment Relations Act is applicable to organized boroughs and political subdivision of the state, home rule or otherwise, unless the legislative body of the political subdivision, by ordinance or resolution, rejects having its provisions apply, and

WHEREAS, the city council has considered the opinion of the Alaska Supreme Court in the case of State of Alaska v. City of Petersburg, Opinion No. 1175, dated July 24, 1975, and its effect on the City, and

WHEREAS, it is in the public interest for the City to keep its options open so that it can properly react in the future, and not in the public interest to possibly become bound into the provisions of this act, and whatever amendments the legislature might pass in the future, which may result because of the decision of the Alaska Supreme Court.

NOW, THEREFORE, THE CITY OF SEWARD, ALASKA, ORDAINS:

Section 1. The City of Seward hereby rejects the application of the Alaska Public Employment Relations Act to the City of Seward.

Section 2. This ordinance takes affect immediately upon passage and approval.

PASSED AND APPROVED THIS 8th day of September, 1975.

CITY OF SEWARD, ALASKA

By Richard H. Neve
Mayor

FIRST READING: August 11, 1975
SECOND READING: August 25, 1975
ADOPTION: September 8, 1975
AYES: Oldow, Getman, Dague & Lutz
NOES: Hulm
ABSENT: Neve' and DeGould

ATTEST:

James R. Filin
City Clerk



Approved as to Form:

HUGHES, THORSNESS, LOWE,
GANTZ & POWELL, Attorneys
for the City of Seward

By

Kenneth P. Jacobus
Kenneth P. Jacobus

DOCUMENT 2

STATE OF ALASKA
before, THE DEPARTMENT OF LABOR,
LABOR RELATIONS AGENCY

INTERNATIONAL BROTHERHOOD)
OF ELECTRICAL WORKERS)
LOCAL 1547)
 Petitioner)
)
and)
)
CITY OF SEWARD)
)
 Employer)
_____)

Petition No. RC-285-001

DECISION AND ORDER NO. 85-3

The matter before the Department of Labor, Labor Relations Agency is the February 4, 1985 petition of the International Brotherhood of Electrical Workers, Local 1547 for certification as collective bargaining agent for a bargaining unit consisting of the City of Seward employees, excluding supervisors. Before acting on this petition it is necessary for the Agency to determine if jurisdiction exists.

For the reasons stated below we conclude that we do not have jurisdiction to provide the petitioner with relief and therefore dismiss the petition of the I.B.E.W.. In so ruling, we wish to make it clear that we express no opinion as to the appropriateness of the proposed bargaining unit.

On September 8, 1975 the City of Seward passed ordinance No. 412 rejecting the application of PERA to the City of Seward. In that ordinance the City noted that it had considered the Supreme Court opinion in State of Alaska v. City of Petersburg. 538 P.2d 263 (1975). In that decision the Court held that "prior to becoming aware of substantial organizational activity, the City could have exempted itself from the applicability of the PERA without interfering with the right of the employees to organize." The court did not express a specific time limit for a valid rejection of PERA to take place.

It might be argued that since the City of Seward was already party to collective bargaining agreements covering City employees in the Seward Electrical System, that substantial organizational activity had taken place. Such an argument must fail because the actual organizing activity for the City employees in the Seward Electrical System was not underway at the time ordinance No. 412 was passed. Further the activity to organize the remainder of the City employees under consideration in the present petition would not occur for years to come. To find that the existence of a collective bargaining agreement compelled coverage under PERA is inconsistent with the facts that occurred when PERA was originally enacted in 1972. Those cities that had permitted collective bargaining prior to PERA were still able to choose to opt out of coverage despite existing collective bargaining agreements. What is barred by Petersburg is the de facto use of the prerogative to reject PERA to veto particular unions.

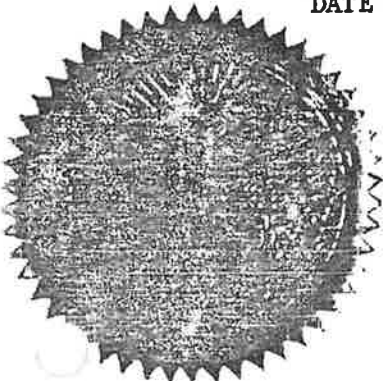
There is no evidence submitted that the City of Seward evoked their opt out rights under such circumstances.

Therefore, we conclude that the City of Seward is not subject to the provisions of PERA with respect to its employees and that this agency lacks jurisdiction to take any action with respect to the position of the I.B.E.W., except to dismiss it.

The petition of the I.B.E.W. is DISMISSED.

DATE

Robert J. Bacolas
Chairman
Department of Labor
Labor Relations Agency



This decision and order takes effect the day signed and unless appealed to the Superior Court as provided in the Rules of Appellate Procedure of the State of Alaska, becomes final on the 31st day after it is signed.

It might be argued that since the City of Seward was already party to collective bargaining agreements covering City employees in the Seward Electrical System, that substantial organizational activity had taken place. Such an argument must fail because the actual organizing activity for the City employees in the Seward Electrical System was not underway at the time ordinance No. 412 was passed. Further the activity to organize the remainder of the City employees under consideration in the present petition would not occur for years to come. To find that the existence of a collective bargaining agreement compelled coverage under PERA is inconsistent with the facts that occurred when PERA was originally enacted in 1972. Those cities that had permitted collective bargaining prior to PERA were still able to choose to opt out of coverage despite existing collective bargaining agreements. What is barred by Petersburg is the de facto use of the prerogative to reject PERA to veto particular unions.

There is no evidence submitted that the City of Seward evoked their opt out rights under such circumstances.

Therefore, we conclude that the City of Seward is not subject to the provisions of PERA with respect to its employees and that this agency lacks jurisdiction to take any action with respect to the position of the I.B.E.W., except to dismiss it.

The petition of the I.B.E.W. is DISMISSED.

2/19/85
DATE

R. J. Bacolas
Robert J. Bacolas
Chairman
Department of Labor
Labor Relations Agency

This decision and order takes effect the day signed and unless appealed to the Superior Court as provided in the Rules of Appellate Procedure of the State of Alaska, becomes final on the 31st day after it is signed.

DOCUMENT 3

CITY OF SEWARD, ALASKA
RESOLUTION NO. 85-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SEWARD, ALASKA, CONCERNING PROCEDURE FOR RESOLVING
ISSUES PRESENTED BY IBEW

WHEREAS, shortly before the City Council meeting of January 14, 1985, the International Brotherhood of Electrical Workers (IBEW) submitted a petition which demanded that the City recognize the IBEW as the sole bargaining agent for the City employees without any election by the employees; and

WHEREAS, the City Council determined in 1975 by Ordinance No. 412 that it was in the best public interest for the City of Seward not to be covered by the State Public Employment Relations Act (PERA), and the City has handled labor relations affairs with the City employees by means of ordinances and personnel regulations with very few changes; and

WHEREAS, the City has been advised by the IBEW that the IBEW cannot legally request the electorate, through the process of an initiative petition, to opt into PERA; and

WHEREAS, the City Council has indicated that it does not intend to infringe on any individual's right to join and be represented by a union based on the individual's own free choice;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:

Section 1. The City Council expresses no objection to an election to be held among non-supervisory and non-confidential City employees for the purposes of determining whether or not a majority of the employees wish to join and be represented by the IBEW.

Section 2. The City Clerk is instructed to assist the IBEW and the City employees in the holding of an election and to make available necessary City resources, such as polling equipment, polling locations, etc. The City Council prefers that the election be supervised and the results confirmed by an independent third party.

Section 3. If the majority of the City employees vote in favor of being represented by the IBEW, then the City Council will immediately begin to make the required changes in its ordinances and personnel regulations to permit collective bargaining on behalf of those employees who choose to be covered by a collective bargaining agreement, while protecting the rights of those who do not choose to be covered by a collective bargaining agreement.

Section 4. This resolution shall take effect immediately upon its adoption.

CITY OF SEWARD, ALASKA
RESOLUTION NO. 85-34

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEWARD,
ALASKA, this 27th day of March, 1985.

THE CITY OF SEWARD, ALASKA

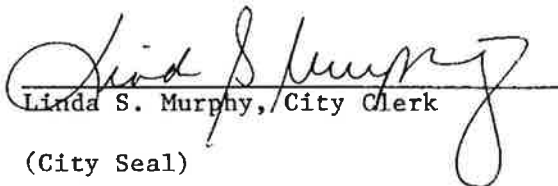

DONALD W. CRIPPS, MAYOR

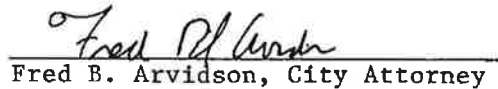
AYES: Cripps, Gilliespie, Hilton, Meehan, Scholl
NOES: Simutis, Williams
ABSENT: None
ABSTAIN: None

ATTEST:

APPROVED AS TO FORM:

HUGHES, THORSNESS, GANTZ, POWELL
AND BRUNDIN, Attorneys for the
City of Seward, Alaska


Linda S. Murphy, City Clerk
(City Seal)


Fred B. Arvidson, City Attorney

DOCUMENT 4

HILTON MOVED TO INTRODUCE ORDINANCE NO. 539; THE MOTION WAS SECONDED BY SIMUTIS.

Scholl asked if the enactment of this ordinance would allow tent camping on the hillsides and wooded areas within the City. Murphy explained that this ordinance was intended to clarify existing Code provisions in an attempt to reflect what the framers of the Trailer Ordinance had originally intended. She added that this ordinance would restrict tent and camper camping on private property to the RR Zone, unzoned districts and camper parks operating under a City permit.

THE QUESTION WAS CALLED AND THE MOTION CARRIED UNANIMOUSLY.
(Public hearing was scheduled for May 29, 1985.)

ORD/PERSONNEL: 2. Copies having been made available to the public, Cripps noted by title only a proposed ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SEWARD, ALASKA, CONCERN-
ING COLLECTIVE BARGAINING WITH CITY
EMPLOYEES.

MEEHAN MOVED TO INTRODUCE PROPOSED ORDINANCE NO. 540; THE MOTION WAS SECONDED BY SIMUTIS.

Gillespie stated that the Council had been accused of acting in bad faith with respect to bargaining with City employees. He asked Casey (W. C. Casey, City Employee) to explain the union's objection to the proposed ordinance. Casey stated that the ordinance was unconstitutional, citing the ordinance's reference to "limited rights" and the administration's right to determine the bargaining unit. Garzini explained that unit determination deals not with people but with the classes of positions within each unit. As an example, he stated that the City should have the right to determine whether public safety personnel should be included in the same bargaining unit with clerical and support staff.

THE QUESTION WAS CALLED AND THE MOTION PASSED UNANIMOUSLY.
(Public hearing was scheduled for May 29, 1985.)

RECESS: The meeting was recessed at 8:25 p.m.; reconvened at 8:39 p.m.

B. Ordinances for Public Hearing and Enactment:

ORD/SBH: 1. Copies having been made available to the public, Cripps noted by title only a proposed ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SEWARD, ALASKA, AMENDING
SEWARD CITY CODE SECTION 5-80.1(D)
RELATIVE TO CHARGES FOR ELECTRICAL
SERVICE IN THE SMALL BOAT HARBOR.

Notice of public hearing as posted and published by law was noted and the public hearing was opened; no one appeared in order to be heard and the public hearing was closed. Cripps noted the April 15, 1985, memorandum from City Comptroller Bob Peirson explaining that provisions for billing for electrical services in the Boat Harbor had been repealed by Ordinance No. 504.

GILLESPIE MOVED TO ENACT ORDINANCE NO. 538; THE MOTION WAS SECONDED BY HILTON AND CARRIED UNANIMOUSLY.

C. Resolutions:

RESO/RE-034 : 1. Copies having been made available to the public, Cripps noted by title only a proposed resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SEWARD, ALASKA, AUTHORIZ-
ING A LONG-TERM LEASE AT LESS THAN

DOCUMENT 5

the rate the employee is being paid at the time the leave is taken. Therefore, the value of employee accrued annual leave appreciates each time the employee gets a pay increase. Peirson contended that the City should realize some savings by allowing the employees to cash-out annual leave. Garzini stated that the ordinance would allow a cash-out only in case of a documented financial emergency.

Gillespie expressed his support for the ordinance, stating that the employees had earned the leave and should be able to use it as each employee saw fit. Hilton objected to Peirson's contention that the City would be saving money with this plan. He stated that, should the employee get cash for annual leave, the City would, in effect, be paying the employee more than had been budgeted since the employee would be getting salary plus money for leave. Simutis favored the concept but felt that there should be no restrictions on the cash-out. Scholl objected to acting on any personnel issues until IBEW bargaining is completed. He also stated that employees need to take leave time annually to insure good mental health. Williams concurred, stating that a "time-out" usually creates more productivity. Murphy explained that this ordinance would not affect the individual employee's obligation to take a minimum of 120 leave hours per year.

THE QUESTION WAS CALLED AND THE MOTION PASSED WITH SIX "YES" VOTES AND HILTON VOTING "NO".

B. Ordinances for Public Hearing and Enactment:

ORD/CAMPING:

1. Copies having been made available to the public, Cripps noted by title only a proposed ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SEWARD, ALASKA, REVISING
CODE PROVISIONS FOR CAMPING ON
PRIVATELY OWNED LOTS.

Notice of public hearing as posted and published by law was noted and the public hearing was opened; no one appeared in order to be heard and the public hearing was closed.

GILLESPIE MOVED TO ENACT ORDINANCE NO. 539; THE MOTION WAS SECONDED BY HILTON.

MEEHAN stated that he could not support the ordinance in its present form since it discriminated against smaller property owners. Williams stated that the time limit should be reduced to 30 rather than 60 days. She also objected to limiting this type of camping to RR and Unzoned districts. Murphy stated that the purpose of this ordinance was to clarify the present code provision. The present Code allows camping in all districts except RR and Unzoned districts. However, the intent of the original framers of the trailer ordinance had been to limit camping on private lots to RR and Unzoned districts since these lots are typically larger than R1 lots. Williams agreed that camping should not be allowed on the smaller 30-foot lots. Scholl noted that this ordinance merely clarified the existing Code.

THE QUESTION WAS CALLED AND THE MOTION PASSED WITH CRIPPS, GILLESPIE, HILTON AND SCHOLL VOTING "YES" AND MEEHAN, SIMUTIS AND WILLIAMS VOTING "NO".

ORD/PERSONNEL:

2. Copies having been made available to the public, Cripps noted by title only a proposed ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SEWARD, ALASKA, CONCERN-
ING COLLECTIVE BARGAINING WITH CITY
EMPLOYEES.

Notice of public hearing as posted and published by law was noted and the public hearing was opened.

JIM FOWLER, IBEW Business Representative, noted a letter he had sent to Council earlier stating that the proposed ordinance was unconstitutional. He warned that the IBEW would bring suit against the City if this ordinance was enacted.

W. C. CASEY (City Employee), 702 Third Avenue, stated that the majority of the employees represented by IBEW concurred with Fowler. He urged the Council to defeat the proposed ordinance.

No one else appeared in order to be heard and the public hearing was closed.

MEEHAN MOVED TO ENACT ORDINANCE NO. 540, CONCERNING COLLECTIVE BARGAINING WITH CITY EMPLOYEES; THE MOTION WAS SECONDED BY WILLIAMS.

Gillespie stated that the Council's legal firm had found no legal problems with the proposed ordinance. Meehan stated that this ordinance would protect the rights of all employees, including those who did not wish to be represented by the union. He noted that Resolution No. 85-34 had promised the protection of those not wanting to be represented by the union, adding that Fowler had praised Council for approving that particular resolution.

Scholl stated that he was in support of the intent of the ordinance but had some problems with the wording. Specifically, he was concerned with reference to "limited" rights in the first "Whereas" clause. Arvidson explained that removing this word would infer that the City wished to grant "unlimited" rights to the union employees. He noted that even PERA imposed limits on employees in that the right to strike was not granted.

SCHOLL MOVED TO DELETE SUBSECTION "C" OF SECTION 1 OF THE ORDINANCE; THE MOTION WAS SECONDED BY HILTON.

Scholl explained that he did not view a strike by City employees as an act equivalent to rebellion against the government. Arvidson explained that this section nearly delineated the theories commonly put forth to justify denial of the right of public employees to strike. This theory (Subsection C) was just one of many given.

SCHOLL ASKED TO WITHDRAW HIS MOTION TO AMEND; HILTON CONCURRED.

Cripps noted the May 23, 1985, letter from City Attorney Thomas Lucas outlining the background which led to the Council's decision to introduce the proposed ordinance, the beliefs and goals of the Council that guided the formulation of the labor policy reflected in the proposed ordinance, and an explanation of the ordinance itself. He instructed the Clerk to make the letter available to the public for review.

THE QUESTION WAS CALLED AND THE MOTION TO ENACT ORDINANCE NO. 540 CARRIED UNANIMOUSLY.

C. Resolutions:

RESO/SBH:

1. Copies having been made available to the public, Cripps noted by title only a proposed resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, SETTING FEES FOR THE SEWARD MUNICIPAL SMALL BOAT HARBOR AND RESCINDING ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH.

Cripps noted that two typographical errors existed in the resolution which should be corrected prior to Council taking action: 1) Page 6, Section 3, Subsection II, should be amended to read \$0.1006, and 2) Page 8, Attachment A, "Tampering with.....meter seal" should be amended to read \$500.

DOCUMENT 6

CITY OF SEWARD, ALASKA
ORDINANCE NO. 540

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SEWARD, ALASKA, CONCERNING COLLECTIVE BARGAINING
WITH CITY EMPLOYEES

WHEREAS, the City of Seward opted out of the State of Alaska Public Employee Relations Act in 1975 by Ordinance No. 412, and has again in 1985 rejected a request to become subject to the terms of that Act, and intends to retain local control over labor relations while granting limited rights to those employees who choose to be covered by a collectively bargained agreement to affiliate together in a labor organization and bargain with the City; and

WHEREAS, pursuant to Resolution No. 85-34 the City has permitted an election among City employees for the purposes set forth in that Resolution; and

WHEREAS, the results of that election were certified by the City Council and the City had determined in Resolution No. 85-34 that if a majority of the City employees voted in favor of being represented by the IBEW then the City Council would begin to make the required changes in its ordinances and personnel regulations to permit collective bargaining on behalf of those employees who choose to be covered by a collective bargaining agreement, while protecting the rights of those who do not choose to be covered by a collective bargaining agreement; and

WHEREAS, the City Council finds it in the public interest to make the minimum changes necessary to its existing Personnel Ordinance in order to preserve the stable atmosphere that has prevailed in the City during the past years; and

WHEREAS, given the size of the City of Seward, its remote geographical location and the dependence of the public on City services, the City Council views all City employees as essential for the public peace, health, safety and convenience; and

WHEREAS, the City Council is aware of the common law with regard to the issue of whether public employees have the right to engage in strikes or other concerted economic action and the City Council wishes to codify those provisions and to also cover those areas which might be in dispute among the various courts; and

WHEREAS, the City Council, as previously referenced in Resolution No. 85-34, does not intend to infringe on any individual's right to join or not join a union or be subject to the terms of a collectively bargained agreement, even though Federal or State statutes may provide otherwise; and

CITY OF SEWARD, ALASKA
ORDINANCE NO. 540

WHEREAS, the City Council wishes to make known some of the more important reasons for enacting changes to the Seward Code while not being bound by only the reasons set forth below;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, HEREBY ORDAINS that:

Section 1. The City Council of the City of Seward, Alaska, makes the following legislative determinations:

a. The City of Seward is remote geographically, and the City provides essential public services including fire, police, sewer, water, snow removal, street repair, electrical, and other services critical to the public health, safety and convenience.

b. Granting public employees the right to strike may be construed as granting employees the right to deny the authority of the City of Seward, and, as a home rule municipality, the City of Seward desires its authority to be broadly construed.

c. A strike or work stoppage by public employees is the equivalent to a rebellion against the very existence of the government and is not to be condoned or permitted.

d. Employees of the City of Seward, being agents of the City and serving only public purposes, are entirely different from employees in the private sector and a strike by them would contravene the public welfare and paralyze the City and endanger the public health, safety and convenience.

e. Since the terms of employment of City employees include economic obligations and commitments which under the City of Seward Charter can only be determined by the City Council, granting a right to strike would, in effect, permit employees to place undue pressure and influence on the City Council in that the City Council would be prone to accede to the demands of striking employees in order to protect the public, while the concessions granted in so doing may well also be against the public interest insofar as they could affect the financial well being of the City. Employees ought not be permitted to put the City in such a dilemma.

f. Unlike private enterprise, the City of Seward does not perform its public functions and

activities for profit and thus purely economic considerations may not appropriately be the most important considerations and should not be allowed to become the most important through strike activity.

g. The efficient operation of the City and harmonious labor relations between the City and its employees will best be served when each individual employee has the maximum freedom possible to choose individually whether to affiliate with other employees or a labor organization for the purpose of collective bargaining.

h. The interests of the majority of the City employees should not infringe on the interests of the minority provided the interests of the minority can be accommodated.

i. Because the City of Seward has a long-standing set of personnel procedures and ordinances which, for the most part, have resulted in stable and harmonious labor relations, the public interest would be best served by permitting each individual employee the right to choose to continue to be subject to the existing personnel policies and procedures (as they may be amended), thus permitting each employee the widest possible freedom to choose while at the same time permitting those who wish to collectively bargain the right to do so. The City realizes that this approach could be construed as a possible violation under Section 8(a)(1) of the National Labor Relations Act, but also realizes, for reasons set forth above, that the City has the right to determine its own labor relations policies, and has determined, as a legislative matter, that the greatest freedom of choice for individual employees serves the public interest best.

j. The City Council realizes its obligation never to surrender the power of taxation as set forth in the City Charter. The City Council determines that the accountability of the City Council to the public can only be maintained if this power to tax remains exclusively with the City Council. Since the commitment of public monies in the form of wages and working conditions can result in a tax adjustment, the City Council determines that it is essential that the City Council approve any collective bargaining agreement before it can become effective. Because of the budget requirements set

CITY OF SEWARD, ALASKA
ORDINANCE NO. 540

forth in the City Charter, and in order to preserve the public's opportunity to be heard on the budget, any collective bargaining agreement which would result in a change in the amounts budgeted for City employees must be concluded in time for the changes to be included in the annual budget prior to the end of the fiscal year.

k. The City Council also realizes that it would be unrealistic to require collective bargaining to conclude in the first year prior to the required budget deadlines and therefore finds that it would be permissible, for the budget year 1986 only, to review a collectively bargained agreement which could result in changes in wages or working conditions provided that such an agreement were to be submitted prior to August 1, 1985, and further, that any changes in wages or working conditions would not be retroactive.

l. The City Council finds that due to the annual budget process it would disrupt the orderly operation of the City if collectively bargained agreements were to expire at any time other than the close of the fiscal year.

Section 2. Section 17-13.6 of the City of Seward Code is added to read as follows:

Sec. 17-13.6 No right to strike. No City employee shall have the right to strike. A strike is defined as a concerted failure to report for duty, a willful absence from work, a stoppage of work, or an abstinence from the full and proper performance of duties for the purpose of inducing or coercing a change in working conditions or compensation. The term strike includes any refusal to perform regular duties while other City employees, or any other persons, are engaged in picketing or any other work stoppage, slowdown or refusal.

Section 3. A new Section 17-14 is hereby created and added to the Seward City Code as follows:

SECTION 17-14 -- COLLECTIVE BARGAINING

Sec. 17-14.1 Freedom of Choice. Upon the conclusion of the collective bargaining process and the approval of any such contract by the City Council as provided in Section 17-14.2 below, each City employee included within the bargaining unit

CITY OF SEWARD, ALASKA
ORDINANCE NO. 540

shall indicate whether that person wishes to be governed by the terms and conditions contained in that agreement. If not, then the employee shall continue to be subject to this personnel code and regulations and pay plan as they exist and may be amended or changed. Neither the City nor any City employee shall discriminate against any employee solely by reasons of that employee's exercise of this right to choose, although differences between terms and conditions of employment set forth in the City Personnel Code and those terms and conditions set forth in a collectively bargained agreement that result in differential treatment will not be a violation of this section. Each new employee likewise shall have the right to choose between the Personnel Code and any collectively bargained agreement after being offered a position but before beginning work.

Sec. 17-14.2 Submission of collective bargaining agreements to the City Council. Any collectively bargained agreement is subject to approval by the City Council.

Sec. 17-14.3 Effective dates for agreements. All collectively bargained agreements shall expire on June 30 of the last contract year. No agreement may require changes in wages or working conditions that are retroactive to any date prior to the date of approval by the City Council.

Sec. 17-14.4 Appropriate Bargaining Unit. The City Council shall determine, in each instance, the unit appropriate for purposes of collective bargaining. In making its determination, the City Council shall consider the avoidance of fragmented bargaining units and any expressed desires of members of the unit.

Section 4. This ordinance shall take effect 10 days following enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA,
this 29th day of May, 19 85.

CITY OF SEWARD, ALASKA
ORDINANCE NO. 540

THE CITY OF SEWARD, ALASKA



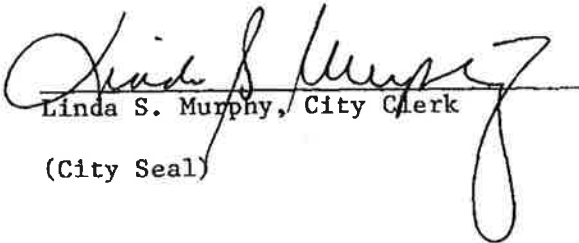
DONALD W. CRIPPS, MAYOR

AYES: CRIPPS, GILLESPIE, HILTON, MEEHAN, SCHOLL, SIMUTIS & WILLIAMS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

ATTEST:

APPROVED AS TO FORM:

HUGHES, THORSNESS, GANTZ, POWELL
AND BRUNDIN, Attorneys for the
City of Seward, Alaska



Linda S. Murphy, City Clerk
(City Seal)



Fred B. Arvidson, City Attorney

Introduction Date; 05/13/85

Introduced By: City Attorney

Public Hearing &
Enactment Date: 05/29/85

DOCUMENT 7

Alaska Public Employees Association/AFT (AFL-CIO)

State Headquarters/Juneau Field Office

211 4th Street, Suite 306, Juneau, Alaska 99801-1172

Phone: (907) 586-2334 / (800) 478-9991 / Fax: 463-4980 / Acct Fax: 586-5905

Website: www.apaea-aft.org



Certified Mail RR Requested 7015 1660 0000 2072 3327

31 October 2017

Honorable David Squires, Mayor, and
Honorable Members of the Seward City Council
Seward City Hall/410 Adams Street
P. O. Box 167
Seward Alaska 99664

RE: Petition for Recognition of Bargaining Unit & Exclusive Representative Union –
Seward Police Department

Honorable Mayor Squires and Honorable Members of the Seward City Council:

Under the authority of The Code of the City of Seward, Alaska, Title 3-Personnel, Chapter 3.65-Collective Bargaining, the Alaska Public Employees Association (APEA), an affiliate of the American Federation of Teachers (AFT), AFL-CIO, respectfully requests voluntary recognition as the exclusive representative of a bargaining unit comprised of all job classifications and positions assigned within the City of Seward Police Department, except for the Chief of Police, excluded as a management position and for the Chief's Administrative Assistant, excluded as a confidential position, as the term "confidential" is defined for the purposes of collective bargaining. All other departmental positions, in all departmental divisions, are proposed to be included in the proposed bargaining unit.

APEA represents to Council that it is in possession of "Union Interest Cards" requesting that APEA be recognized as the bargaining representative for the unit from a majority of the incumbent employees in the proposed bargaining unit. APEA will be pleased to work with Council to select an appropriate neutral party to verify the showing of interest, if desired. APEA believes that the Alaska Labor Relations Agency, a neutral state agency with experience managing and adjudicating labor relations issues, might be available to serve as a certifying neutral, and suggests they be considered for such a task, if they are willing.

Attached, please find a copy of APEA's current Constitution, which may be of interest to your honorable Council. *This is a 36-page booklet - available in Clerk's office. BBarton*

Thank you for your consideration of this matter. Your affected employees and APEA both hope that recognition can be awarded promptly and the parties can address the business of negotiating a contract to define the compensation, hours and other terms and conditions of employment for the bargaining unit. We hope, intend and expect that negotiation of a contract should not be extensive or controversial – the Seward Police Department employees are not generally dissatisfied with their existing terms and

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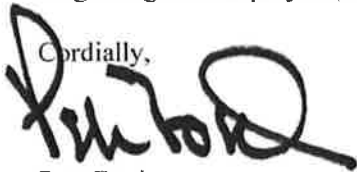
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conditions of employment as written, but do desire a greater degree of confidence and assurance that those terms and conditions will be administered as written and be available to bargaining unit personnel as a matter of routine management.

In the interests of specificity, the organizing employees' issues include apprehensions regarding both public and officer safety arising out of a personnel management program that staff often finds demeaning and inequitably applied, and resulting in what should be unacceptably poor morale and esprit de corps; departmental equipment, which is essential to officer safety and effective performance being in disrepair and sometimes non-functional; arbitrary, inconsistent and unequal discipline; lack of training opportunity for rank-and-file personnel; and pay inequity for non-police staff, compounded by overt labeling of non-police staff as "non-essential," and thereby inflicting insult on the non-police personnel and divisiveness on the entire department.

APEA is pleased and proud to have been selected by your police department staff as their representative, and we look forward to working with them and with your honorable council to serve and benefit the bargaining unit employees, the city of Seward and the entire community.

Cordially,



Pete Ford
Business Manager

cc: Cecily Hodges, APEA President
APEA Managers and Staff
Seward City Police Department Supporters of APEA
Jim Hunt, Seward City Manager
Tom Clemons, Seward Chief of Police

Enclosure