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**City of Las Cruces**<sup>®</sup>  
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**Council Action and Executive Summary**

Item # 5      Ordinance/Resolution# 11-231

For Meeting of \_\_\_\_\_  
 (Ordinance First Reading Date)

For Meeting of June 6, 2011  
 (Adoption Date)

**TITLE: A RESOLUTION APPROVING AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2362 AND THE CITY OF LAS CRUCES.**

**PURPOSE(S) OF ACTION:**

Amend two (2) articles of the current collective bargaining agreement.

<b>COUNCIL DISTRICT: N/A</b>		
<b><u>Drafter/Staff Contact:</u></b> Andre Moquin	<b><u>Department/Section:</u></b> Human Resources	<b><u>Phone:</u></b> 528-3401
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

In June 2010 Council approved the collective bargaining agreement (CBA) between the International Association of Firefighters Local 2362 (Fire Union) and the City of Las Cruces (City). Article five (5) of the CBA specifies that during its term, the parties may reopen negotiations during April of each year limited to Articles 16, 18, and 34 of the CBA.

The parties began negotiations on April 14, 2011. On April 29, 2011 the Union declared impasse. In accordance with LCMC 15-15 (c) (1), the parties requested assistance from the Federal Mediation and Conciliation Services (FMCS).

On May 20, 2011 the parties were successful in mediation and reached agreement on all negotiated items which resulted in proposed changes to Article 16 Compensation and Article 18 Cost of Living Adjustment.

Changes to Article 16 reflect the removal of language determining necessary steps for unilateral wage decreases. (Exhibit A). Changes to Article 18 will result in a one and one half (1.5) percent increase to the wages of employees represented by the Fire Union. (Exhibit B) The increase will be effective at the beginning of the first full pay period after Council approval (Sunday June 19, 2011). If approved, the estimated budgetary impact will be eighty thousand (\$80,000) dollars.

(Continue on additional sheets as required)

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", 16 Compensation.
3. Exhibit "B", 18 Cost of Living Adjustment (COLA).

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>	Yes	<input checked="" type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the Fund.
<b>Does this action create any revenue?</b>	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: in the amount of \$ _____ for FY _____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

Funding for this resolution will cover two (2) weeks of the current fiscal year and come from various accounts. A budget adjustment will be brought forward for FY 12 at the beginning of the fiscal year. Estimated cost \$80,000.

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Various	Various	Various	Various	Various	Various

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the negotiated changes to the Fire Union Agreement.
2. Vote "No"; this will require the parties resume negotiations.

(Continue on additional sheets as required)

**REFERENCE INFORMATION:**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

(Continue on additional sheets as required)

**RESOLUTION NO. 11-231****A RESOLUTION APPROVING AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2362 AND THE CITY OF LAS CRUCES.**

The City Council is informed that:

**WHEREAS**, in June 2010 Council approved the collective bargaining agreement (CBA) between the International Association of Firefighters Local 2362 (Fire Union) and the City of Las Cruces (City); and

**WHEREAS**, in concurrence with article five (5) of the CBA the parties began negotiations on April 14, 2011; and

**WHEREAS**, on April 29, 2011 the Union declared impasse; and

**WHEREAS**, in accordance with LCMC 15-15 (c) (1), the parties requested assistance from the Federal Mediation and Conciliation Services (FMCS); and

**WHEREAS**, on May 20, 2011 the parties were successful in mediation and reached agreement on all negotiated items; and

**WHEREAS**, changes to Article 16 reflect the removal of language determining necessary steps for wage decreases; and

**WHEREAS**, changes to Article 18 will result in a one and one half (1.5) percent increase to the wages of employees represented by the Fire Union.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

(I)

**THAT** the changes to the CBA Articles 16 and 18, attached herein as Exhibits A and B are hereby approved.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED:

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

## 16. COMPENSATION

Base compensation for Firefighters, Driver/Operators, and Lieutenants, shall be in accordance with Exhibit "A" attached hereto and incorporated herein.

The city recognizes that the Firefighter, Driver-Operator, and Lieutenant annual salary shall be computed on a 56 hour work week. Both the CITY and UNION shall be bound by P.E.R.A. interpretations for the purpose of calculating retirement benefits.

For the purposes of this Agreement, the Fire Inspector, and Fire Inspector/Investigator positions are equivalent in rank to a Driver/Operator in suppression. Additionally, the Prevention Bureau Lieutenant and Training Officer positions are equivalent in rank to a Lieutenant in suppression.

For the purposes of this Agreement, it is understood that forty hour positions shall have an adjusted rate of pay such that these positions shall have an equivalent annual base salary reflective of that for corresponding fifty-six hour positions.

In addition to the established wage rates, the following forty hour per week positions shall receive a five percent (5%) pay differential added to their base rate of pay. These positions include the following: Fire Inspector; Fire Inspector/Investigator; Training Officer; Prevention Bureau Lieutenant; Academy Coordinator(s); Paramedic student; Intermediate student; Driver Operator Academy student and other forty hour positions approved by Management.

All bargaining unit members shall receive a one step increase at three, six, nine, twelve, fifteen, eighteen, and twenty-one years of service with the City.

The separation between step increases shall not be less than five percent (5%).

The separation between the following ranks and grades shall not be less than ten (10) percent. The ranks and grades are Firefighter, F07; Driver/Operator, F09; and Lieutenant, F11.

All qualified bargaining unit members shall be eligible for an additional two point five percent (2.5%) increase to base pay for obtaining and maintaining EMT Intermediate licensure through the State of New Mexico and being approved by the department's Medical Director to perform in the capacity of an intermediate for the Las Cruces Fire Department. The following ranks and grades denote the EMT-I positions: Firefighter EMT-I, F07-A; Driver/Operator EMT-I, F09-A; and Lieutenant EMT-I, F11-A.

All qualified bargaining unit members shall be eligible for an additional two point five percent (2.5%) increase to base pay for obtaining and maintaining EMT Paramedic licensure through the State of New Mexico and being approved by the department's Medical Director to perform in the capacity of a paramedic for the Las Cruces Fire Department. This increase shall be in addition to the two point five percent (2.5%) increase for EMT-I licensure. The following ranks and grades denote the EMT-P positions: Firefighter EMT-P, F07-B; Driver/Operator EMT-P, F09-B; and Lieutenant EMT-P, F11-B.

There shall be an additional five percent (5%) increase for commissioned personnel with a current State of New Mexico Police Certification.

For promotional purposes, a bargaining unit member being promoted shall advance to the appropriate grade and step denoting his/her rank, certification, licensure, classification, and years of service with the City.

**18. COST OF LIVING ADJUSTMENT (COLA)**

1. Effective on the first full pay period after adoption of this contract by the City council and ratification by Union membership, all eligible bargaining unit employees shall receive a one and one half (1.5) percent increase to base wages.
2. There shall be no other COLA during the Term of Agreement unless negotiated pursuant to the reopener in Article 5.