

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 15-133

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of January 5, 2015
(Adoption Date)

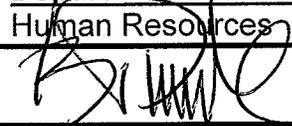
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND THE LAS CRUCES POLICE OFFICERS' ASSOCIATION.

PURPOSE(S) OF ACTION:

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

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In October 2013 City Council approved the collective bargaining agreement (CBA) between the Las Cruces Police Officers' Association (Police Union) and the City of Las Cruces (City).

In accordance with Section 15 of the agreement, the parties began negotiations on June 26, 2014. On July 31, 2014 the Police Union declared impasse. In accordance with LCMC 15-15 (c) (1), the parties requested assistance from the Federal Mediation and Conciliation Services (FMCS).

A mediation session was held and did not result in an agreement. On September 3, 2014 the parties requested an arbitration panel from FMCS. An arbitration hearing was scheduled for December 17, 2014.

The parties maintained open communication in this interim period and were able to reach agreement on all outstanding issues on Friday, December 12, 2014, which resulted in proposed changes to Section 10 Discrimination and Harassment Policy and Section 15 Compensation.

Changes to Section 10 include the provisions alleged violation are not subject to the grievance procedure (EXHIBIT "A"). Changes to Section 15 reflect the City's irrevocable pick-up of a portion of employee contributions to the Public Employee Retirement Association of New Mexico (PERA) (EXHIBIT "B"). PERA contribution pick-ups are spread over a two (2) year period. One taking

(Continue on additional sheets as required)

effect the first full pay period after ratification by the PERA Board and one beginning the first full pay period after the anniversary of the ratification.

This pick-up, as opposed to an increase to base or other compensation, was preferred in negotiations as it decreases the impact of mandatory retirement contributions to employees. The Police Union represents employees belonging to Municipal Plan 3 and Municipal Police Plan 5.

These plans mandate different contribution levels. The changes to the individual plans are summarized in the table provided as "Attachment A".

The costs associated with this increase are approximately \$100,000.00 in FY15 and \$245,000.00 in FY16.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Section 10. Discrimination and Harassment Policy.
3. Exhibit "B", Section 15. Compensation.
4. Attachment "A", Summary Table.

SOURCE OF FUNDING:

Is this action already budgeted?	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.
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: in the amount of \$ _____ for FY__.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.
N/A			

BUDGET NARRATIVE

Funding for this resolution was approved as part of the FY15 Budget and will affect approximately five (5) months of the current fiscal year and come from various accounts.

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 Police Union agreement.
2. Vote "No"; this will require the parties resume negotiations.

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. 15-133

A RESOLUTION APPROVING AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND THE LAS CRUCES POLICE OFFICERS' ASSOCIATION.

The City Council is informed that:

WHEREAS, in October 2013 City Council approved the collective bargaining agreement (CBA) between the Las Cruces Police Officers' Association (Police Union) and the City of Las Cruces (City); and

WHEREAS, in accordance with Section 15 of the agreement, the parties began negotiations on June 26, 2014; and

WHEREAS, On July 31, 2014 the Police Union declared impasse. In accordance with LCMC 15-15 (c) (1), the parties requested assistance from the Federal Mediation and Conciliation Services (FMCS); and

WHEREAS, the parties were able to reach agreement on all outstanding issues on Friday, December 12, 2014, which resulted in proposed changes to Section 10 Discrimination and Harassment Policy and Section 15 Compensation.

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

(I)

THAT the City Council hereby approves the amendments to the collective bargaining agreement between the City of Las Cruces and the Las Cruces Police Officers' Association, Exhibit "A" and Exhibit "B", attached hereto.

(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:

Mayor

ATTEST:

City Clerk

(SEAL)

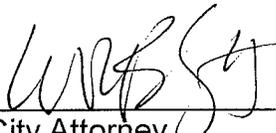
VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Levatino:	_____

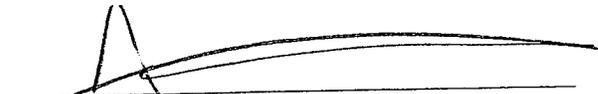
Moved by: _____

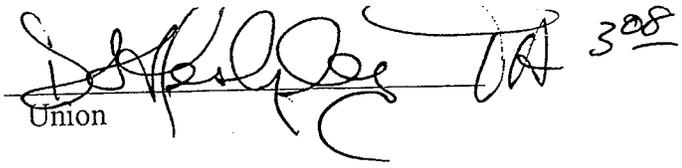
Seconded by: _____

APPROVED AS TO FORM:



City Attorney


Management


Union

7/31/14 305
Date

SECTION 10 - DISCRIMINATION AND HARASSMENT POLICY:

During the term of this Agreement, Employees in the bargaining unit shall be covered in accordance with the City's Manual of Personnel Policies regarding Discrimination and Harassment Policy, as adopted or revised. Alleged violations of this article, claims of discrimination, harassment, hostile work environment or retaliation are not subject to the grievance procedure.

12-12-14
Date

SECTION 15 – COMPENSATION:

- A. Effective on the first full pay period after adoption of the wage re-opener by the City council and ratification by Union membership and approval by the Public Employee Retirement Association (PERA) board, the City shall pick up a portion of the employees contributions to PERA. Police Detectives, Police Officers and Senior Police Officers shall see a two and three quarter (2.75) percent PERA contribution pick up. Animal Control Officers, Code Enforcement Officers, Evidence Technicians, NCIC Coordinators, ID Technicians and Transport Officers shall see a two and three quarter (2.75) percent PERA pick up.
- B. Effective the first full pay period after the first (1st) anniversary of the implementation of the terms of the wage re-opener above and approval by the Public Employee Retirement Association (PERA) board, the City shall pick up a portion of the employees contributions to PERA. Police Detectives, Police Officers and Senior Police Officers shall see a two and three quarter (2.75) percent PERA contribution pick up. Animal Control Officers, Code Enforcement Officers, Evidence Technicians, NCIC Coordinators, ID Technicians and Transport Officers shall see a two and three quarter (2.75) percent PERA pick up.
- C. Step increases will continue in the second and third year of the contract.

Settlement proposal

This settlement proposal summarize our discussion, including the understanding that bargaining unit members shall not qualify for "birthday" leave.

12/12/2014 2:30 pm

PERA Police Municipal Plan 5

Year one	17.80%	2.75%	15.05%	15.45%
Year two	15.05%	2.75%	12.30%	18.27%
Current EE Contributions				
Proposed City Pick-Up				
New Employee Contribution				
Percentage of Pick-up				

Year one	18.90%	2.75%	21.65%
Year two	21.50%	2.75%	24.25%
Current City Contribution			
Proposed Pick-up			
New City Contribution			

PERA Municipal Plan 3

Year one	14.65%	2.75%	11.90%	18.77%
Year two	11.90%	2.75%	9.15%	23.11%
Current EE Contributions				
Proposed City Pick-Up				
New Employee Contribution				
Percentage of Pick-up				

Year one	9.55%	2.75%	12.30%
Year two	12.30%	2.75%	15.05%
Current City Contribution			
Proposed Pick-up			
New City Contribution			