

Troy Council Special Meeting No. 1
Council Chambers
July 6, 2011
7:30 pm

The meeting came to order at 8:10 pm. Present: Mayor Don Banning, Council: Phil Fisher, Fran McCully, and John Clogston, City Attorney Charles Evans, and Deputy Clerk Tracy Rebo. Gary Rose was absent.

GUESTS: Janine Price and Allen Gerstenecker

IBEW GRIEVANCE: Mayor Don Banning read aloud a letter from IBEW Business Manager Larry Langley confirming their meeting as the first step in the grievance process, in which he requested the City to reinstate the ten hour four day work schedule. This issue was not resolved. Banning addressed the packet given to council regarding the 2009-2011 Collective Bargaining Agreement. Council Phil Fisher stated the contract only states that you can adjust the start time, not the hours worked per day. Banning addressed article 14 of the agreement referred to by Langley's letter. Council Fran McCully stated it was verified with past Mayor Jim Hammons that the four ten hour shifts were for the summer only. Council John Clogston state that former council member Larry Coryell said it wasn't approved when he was on council. Clogston stated that this is in black and white in Article 14.1, and would like the Mayor to write Langley back with their answer. Banning advised that he had taken care of that in the past negotiations and advised that current negotiations have been done as well and will be presented to Council at the work meeting. He stated; I just went with what I had to go on which was the Resolution passed that we immediately go back to eight hour work days, which is what we did effective June 20, 2011, hence comes the grievance. Banning advised that he received a phone message from City Attorney Charles Evans referring to a plan that was discussed with McCully. Evans stated prior to any grievance filed, I spoke with Larry Langley and he indicated he would be willing to answer any questions that the Council might have regarding the new contract then I received a copy of the grievance. The grievance was dated the last day of the contract period. Evans continued he had called McCully to see if the Council would be willing to amend the resolution to the effective date July 1, 2011, which would be after the end of the contract that is being grieved. Evans stated that McCully told him that it was fine with her and she would ask the other Council members. Evans had heard from Council that they would be willing to do that. He informed Banning that the Council was planning to amend the previous resolution with a new starting effective date. Banning stated that the new date doesn't necessarily satisfy the Union. Evans realizes that this grievance isn't really going to go anywhere, but he did want it brought to the attention of the council that the employees didn't appreciate the change from what they've been doing for the past two years. He also wanted to emphasize that before making that change it would have been best policy to have contacted the union and discuss the change with them before passing the resolution. When Evans spoke to Langley he informed him that it is the Council's position to approve all agreements which also means they would had to have approved all amendments to the agreements. He said he understood and could see where the Council is coming from and would like to work something out in the next agreement that would be acceptable to both the Union and the Council. Fisher stated we haven't seen the new CBA but I can see from this old one, that there are things I would like to see changed. Fisher said for an example the wording says it can be modified with mutual consent. To me, for it to be modified, it would have to have been with the consent of the Council because it is a contract with the city. Fisher added that some other things he would like changed, but hasn't seen the new contract. Discussion followed regarding a 90 day notice for changes. Banning asked if there was anything else to add on the grievance. Evans suggested responding to IBEW with a letter explaining why the council took the position they did. McCully asked how

the Council would have the conversation with the union if it had taken place. Evans replied it would be, contacting the union and telling them what your intent was and seeing what their reaction would be. Banning stated keep in mind, it is not negotiations. Evans added the negotiations part is up to the Mayor. Evans said that Langley wanted to emphasize that in no way he wanted it to interfere with the mayor's responsibility of negotiating the agreement. Banning stated we agreed to have a meeting with some council members and Langley about negotiations, but for whatever reason, it was decided against. Evans stated the reason we thought about having the meeting prior to a work meeting was Langley wanted to give the council a chance to ask informed questions at the work meeting. Langley was not going to be present at the work meeting. Fisher asked when the new contract comes to council for approval will they be allowed any input into the contract. Mayor Banning stated no and that negotiations are complete. Evans stated the way that went about is that the mayor negotiates the agreement, he then presents it to the Council for their approval, at that point the Council could ask whatever questions they wanted, provide any input they wanted, and either approve or disapprove of it. If you disapprove of it, you would clarify why you were not approving. Evans asked Banning if an agreement been negotiated as of this time. Banning answered yes. Evans asked what Banning his thoughts about letting council members review the contract in advance of the meeting. Banning had no problem with that. Banning added that was the intent at the work meeting to give the proposal to council, they then would have six days till the regular meeting. Guest Allen Gerstenecker asked if it had to be presented in a formal meeting. Banning stated it was his understanding that it would be presented to the Council at the work meeting. Then a couple of council members would meet with IBEW to ask questions, and then they would vote at the regular council meeting. Discussion followed. Gerstenecker questioned council why they insisted on the five, eight hour work days. Clogston answered with only a one man crew on Monday in the power department, and a two man crew on Fridays in the public works department there wasn't enough production. Fisher added that safety was in issue as well. Copies of the IBEW negotiated contract was given to each council member at this time.

PUBLIC COMMENTS: Evans brought up an agreement that Power Department Manager Clint Taylor had given to him for review. He advised that it had to be moved on by Council by the 15th of July. It is for the management of renewable energy certificates. At the current time, there isn't an agreement in place regarding these certificates. Rebo advised that it was on the agenda for the work meeting. McCully would like a copy of the agreement prior the next work meeting to review it and be able to act on it at the special meeting. Discussion followed. Rebo advised that upon Taylor's return, she will have information in their boxes to review prior to a future meeting.

ADJOURNMENT: 8:25 p.m.

Donald C. Banning, Mayor

ATTEST:

Tracy Rebo, Deputy City Clerk/Treasurer