

BILL NO. G-13-05-15

GENERAL ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 40:
COLLECTIVE BARGAINING OF THE CITY OF FORT
WAYNE, INDIANA, CODE OF ORDINANCES ADDING
§40.13 AND §40.36.**

WHEREAS, the implementation of property tax caps by the Indiana General Assembly has resulted in a loss of \$53 million in revenue to the City of Fort Wayne; and

WHEREAS, the loss of revenue has created a sustained and unprecedented fiscal crisis that threatens to severely compromise the City's ability to continue to provide essential services necessary to maintain the public welfare; and

WHEREAS, Mayor Tom Henry has appointed a Fiscal Policy Group comprised of local and state experts, members of City Council and City staff to gain a full understanding of fiscal conditions and to identify financial options available to the City to meet fiscal challenges in 2014 and beyond; and

WHEREAS, the Fiscal Policy Group has completed its review and has developed a framework of ideas, which included a recommendation that the benefits provided to City employees would align more closely with those provided to employees in the private sector; and

WHEREAS, the recent enactment of the Affordable Care Act has substantially changed the system for the provision of health insurance, which will require employers to comply with federal regulations that are not yet fully developed;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

1 **SECTION 1.** Chapter 40: Collective Bargaining of the City of Fort
2 Wayne, Indiana, Code of Ordinances is amended to add the following
3 Sections:

4 **§40.13 PROHIBITION ON PROVISIONS REGARDING HEALTH**
5 **INSURANCE**

6 (A) *Applicability.* This section shall be effective for all agreements or
7 contracts (including collective bargaining agreements) covering employees of
8 the City of Fort Wayne (excluding Police Officers or Firefighters as defined in
9 § 14.22) entered into after the effective date of this ordinance by the City of
10 Fort Wayne, or entered into by any City of Fort Wayne subdivision,
11 department, division, commission, authority, institution, establishment,
12 facility, or governmental unit under the supervision of the City of Fort Wayne.

13 (B) *Prohibition against provisions regarding health insurance.* The City of
14 Fort Wayne, and any City of Fort Wayne subdivision, department, division,
15 commission, authority, institution, establishment, facility, or governmental unit
16 under the supervision of the City of Fort Wayne is prohibited from entering
17 into any agreement or contract (including collective bargaining agreements)
18 that includes any provision that purports to establish the terms and conditions
19 of eligibility or coverage, including but not limited to provisions regarding the
20 coordination of benefits, employee premium contributions, deductibles, or co-
21 pays for health insurance, including retiree health insurance.

22 (C) All union-represented employees shall be provided health insurance
23 subject to the same terms and conditions, and with the same premium
24 contributions, deductibles, and co-pays as non-union employees.

25 (D) Nothing in this section shall be interpreted to conflict with the City's
26 statutory obligation to provide health insurance to eligible employees,
27 retirees, or their family members as required under State or Federal law.

(E) Nothing in this section shall limit the City's authority or ability to contract for employee health insurance with a health insurance provider or broker.

§40.36 PROHIBITION ON PROVISIONS REGARDING HEALTH INSURANCE

(A) *Applicability.* This section shall be effective for all agreements or contracts (including collective bargaining agreements) covering Police Officers or Firefighters entered into after the effective date of this ordinance by the City of Fort Wayne, or entered into by any City of Fort Wayne subdivision, department, division, commission, authority, institution, establishment, facility, or governmental unit under the supervision of the City of Fort Wayne.

(B) *Prohibition against provisions regarding health insurance.* The City of Fort Wayne, and any City of Fort Wayne subdivision, department, division, commission, authority, institution, establishment, facility, or governmental unit under the supervision of the City of Fort Wayne is prohibited from entering into any agreement or contract (including collective bargaining agreements) that includes any provision that purports to establish the terms and conditions of eligibility or coverage, including but not limited to provisions regarding the coordination of benefits, employee premium contributions, deductibles, or co-pays for health insurance, including retiree health insurance.

(C) All union-represented employees shall be provided health insurance subject to the same terms and conditions, and with the same premium contributions, deductibles, and co-pays as non-union employees.

(D) Nothing in this section shall be interpreted to conflict with the City's statutory obligation to provide health insurance to eligible employees, retirees, or their family members as required under State or Federal law.

1 (E) Nothing in this section shall limit the City's authority or ability to
2 contract for employee health insurance with a health insurance provider or
3 broker.

4 (F) Notwithstanding the foregoing, for Employees hired prior to January 1,
5 2014 who retire from the City of Fort Wayne, the City shall continue to
6 contribute retiree health insurance premiums at the contribution level that
7 existed for similarly-situated employees prior to the effective date of this
8 section.

9 **SECTION 2.** That this Ordinance be in full force and effect from and
10 after its passage and any and all necessary approval by the Mayor.

11
12
13 _____
Council Member

14
15 APPROVED AS TO FORM AND LEGALITY

16
17 
18 _____
Carol Helton, City Attorney