

BILL NO. G-13-05-16

GENERAL ORDINANCE NO. _____

**AN ORDINANCE AMENDING § 40.35 OF CHAPTER 40:
COLLECTIVE BARGAINING OF THE CITY OF FORT
WAYNE, INDIANA, CODE OF ORDINANCES**

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 City of Fort Wayne has allowed public safety employees to accrue compensatory time off in lieu of wages; and

WHEREAS, the accrual and use of compensatory time can limit the City's ability to adequately staff public safety positions and creates a significant financial liability; and

1 **WHEREAS**, governing law allows the City to compensate public safety
2 employees with wages rather than compensatory time off;

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

5 **SECTION 1.** Chapter 40: Collective Bargaining of the City of Fort
6 Wayne, Indiana, Code of Ordinances is amended to add the following
7 section:

8 **§40.35 PROHIBITION AGAINST COMPENSATORY TIME**
9 **PROVISIONS**

10
11 (A) *Applicability.* This section shall be effective January 1, 2014 for all
12 agreements or contracts (including collective bargaining agreements)
13 covering Police Officers or Firefighters entered into by the City of Fort
14 Wayne, or entered into by any City of Fort Wayne subdivision, department,
15 division, commission, authority, institution, establishment, facility, or
16 governmental unit under the supervision of the City of Fort Wayne.

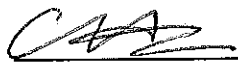
17 (B) *Definition.* For the purpose of this section, **COMPENSATORY TIME**
18 shall mean time off that is granted, awarded, or earned by a Police Officer or
19 Firefighter as compensation for overtime, or for working extra hours, or in lieu
20 of wages or other compensation, regardless of whether such time is
21 regulated by the Fair Labor Standards Act.

22 (C) *Prohibition against compensatory time provisions.* The City of Fort
23 Wayne, and any City of Fort Wayne subdivision, department, division,
24 commission, authority, institution, establishment, facility, or governmental unit
25 under the supervision of the City of Fort Wayne is prohibited from entering
26 into any agreement or contract (including collective bargaining agreements)
27 that provides for compensatory time off for any Police Officer or Firefighter.

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

Council Member

APPROVED AS TO FORM AND LEGALITY



Carol Helton, City Attorney