

1 **BILL NO. G-14-07-07**

2 **General Ordinance No. G-\_\_\_\_\_**

3  
4 **AN ORDINANCE AMENDING CHAPTER 40 OF THE**  
5 **CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES:**  
6 **"COLLECTIVE BARGAINING" BY ADDING §40.37**

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

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

13 **WHEREAS**, pursuant to its collective bargaining agreements with safety  
14 employees, the City is required to compensate certain City employees for serving as  
15 union officers and for performing services or other activities for their labor union(s);

16 **WHEREAS**, the foregoing expenses are union expenses that should be borne  
17 by the respective unions; and

18  
19 **WHEREAS**, the City desires to amend its Code of Ordinances to prohibit the  
20 City from incurring such expenses; and

21 **WHEREAS**, nothing in this Ordinance is intended to eliminate any union  
22 positions or to impede, infringe upon, or impair union business.

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

26 **SECTION 1.** That Chapter 40 of the Fort Wayne Code of Ordinances:  
27 "COLLECTIVE BARGAINING" is amended to add the following section:  
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1                   **§40.37 PROHIBITION AGAINST PROVISIONS REQUIRING THE**  
2                   **CITY TO COMPENSATE CITY EMPLOYEES FOR SERVING AS UNION**  
3                   **OFFICERS OR PERFORMING SERVICES OR OTHER ACTIVITIES FOR**  
4                   **A LABOR UNION.**

5                   (A)   *Applicability.* This section shall be effective from August 1, 2014 for  
6                   all agreements or contracts (including collective bargaining agreements) entered into  
7                   by any City of Fort Wayne subdivision, department, division, commission, authority,  
8                   institution, establishment, facility, or governmental unit under the supervision of the  
9                   City of Fort Wayne.

10                   (B)   *Prohibition against provisions requiring the City to compensate City*  
11                   *employees for serving as union officers or performing services or other activities for*  
12                   *a labor union.* The City of Fort Wayne, and any City of Fort Wayne subdivision,  
13                   department, division, commission, authority, institution, establishment, facility, or  
14                   governmental unit under the supervision of the City of Fort Wayne is prohibited  
15                   from entering into any agreement or contract (including collective bargaining  
16                   agreements) that requires the City to compensate any City employee for serving as a  
17                   union officer, steward, agent, committee member, or any other union-related  
18                   position, or for performing union-related activities, including, but not limited to,  
19                   bargaining, grievance meetings, pre-deprivation hearings, or other matters related to  
20                   the administration of collective bargaining agreements or performing services or  
21                   other activities for a labor union. For purposes of this section, "compensate" means  
22                   to pay the wages, salary, insurance, and /or any other fringe benefits that are paid to  
23                   City employees in accordance with the applicable pay scale, whether paid directly to  
24                   employees or indirectly through the use of union time banks. Notwithstanding the  
25                   foregoing, it shall not be a violation of this provision for a City employee to use paid  
26                   time off for such activities so long as the employee otherwise complies with the  
27                   eligibility and notice requirements for the use of such time.

28                   **SECTION 2.** That the City is directed to take all action necessary and  
29                   proper for the implementation of this Ordinance.  
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**SECTION 3.** That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Marty Bender, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney