

General Ordinance No. _____

**AN ORDINANCE AMENDING CHAPTER 40 OF THE
CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES:
"COLLECTIVE BARGAINING" BY ADDING § 40.38**

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

WHEREAS, pursuant to its collective bargaining agreements with safety employees, the City is also required to establish union time banks to allow union members/representatives to engage in union-related activities during work hours without loss of pay; and

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

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

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

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

SECTION 1. That Chapter 40 of the Fort Wayne Code of Ordinances: “COLLECTIVE BARGAINING” is amended to add the following section:

§40.38 PROHIBITION AGAINST COMPENSATING CITY EMPLOYEES FOR SERVING AS UNION OFFICERS OR PERFORMING SERVICES OR OTHER ACTIVITIES FOR A LABOR UNION AND ESTABLISHING UNION TIME BANKS TO ALLOW UNION REPRESENTATIVES TO ENGAGE IN UNION ACTIVITIES DURING WORK HOURS WITHOUT LOSS OF PAY.

(A) *Definitions.*

(i) "City" shall mean 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.

(ii) “Compensate” and “Compensating” shall mean paying the wages, salary, insurance, and/or any other fringe benefits that are paid to employees of the City in accordance with the applicable pay scale, whether paid directly to employees or indirectly through the use of union time banks.

(iii) "Union Time Banks" shall mean the number of hours the City allots to unions during which union members/representatives can engage in union-related activities during work hours and still receive their regular pay.

(B) *Applicability.* This section shall be effective from January 1, 2017 for all agreements or contracts (including collective bargaining agreements) entered into by the City.

1 (C) *Prohibition against compensating City employees for serving as*
2 *union officers or performing services or other activities for a labor union.* The City
3 is prohibited from compensating any City employee, and from entering into any
4 agreement requiring the City to compensate any City employee, for serving as a
5 union officer, steward, agent, committee member, or any other union-related
6 position, or for performing union-related activities, including, but not limited to,
7 bargaining, grievance meetings, pre-deprivation hearings, or other matters related to
8 the administration of collective bargaining agreements or performing services or
9 other activities for a labor union. Notwithstanding the foregoing, it shall not be a
10 violation of this provision for a City employee to use paid time off for such activities
11 so long as the employee otherwise complies with the eligibility and notice
12 requirements for the use of such time.

13 (D) *Prohibition against establishing union time banks to allow union*
14 *members/representatives to engage in union activities during work hours without*
15 *loss of pay.* The City is prohibited from establishing, and from entering into any
16 agreement requiring the City to establish, union time banks to allow union
17 members/representatives to engage in union activities during work hours without
18 loss of pay.

19 **SECTION 2.** That the City is directed to take all action necessary and
20 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