

MEMORANDUM

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Elizabeth Hannan, Human Resources & Finance Director / CFO
Michelle Brooks, Labor & Employee Relations Manager / Attorney

DATE: September 2, 2021

SUBJECT: Collective Bargaining Agreement with the Fraternal Order of Police, Lodge #70

Introduction: The attached resolution would authorize the Mayor to approve a new collective bargaining agreement with the Fraternal Order of Police, Lodge #70 (FOP) for the period of July 1, 2020 through June 30, 2023.

Background: Between October 2020 and June 2021, the City and FOP bargaining teams met several times to negotiate a successor to the labor agreement expiring on June 30, 2020. Due to the pandemic, it was difficult for the parties to meet prior to the expiration of the contract, especially given that it was the preference of both parties to negotiate in person whenever possible. In addition to time spent in bargaining, both teams also spent many hours preparing for negotiations to maximize the effectiveness of time spent at the table.

The law requires both parties to meet and bargain in good faith. Certain topics are considered “mandatory” topics of bargaining, and the parties must bargain over them. Mandatory topics include, among others, wages, benefits, and discipline. If the parties cannot agree on terms that are mandatory topics, negotiations could reach impasse, in which case an arbitrator may be brought in to render a decision (or “award”) on what the disputed terms should be. In that circumstance, the arbitrator would pick between the last economic proposal made by each side. In other words, one side would get the economic package it proposed; there is no compromise or “middle ground” awarded. Additionally, the arbitrator can fashion their own award on the non-economic items. The arbitration process can be both costly and time consuming, and its outcome is always uncertain. Therefore, there is a large incentive for parties reach agreed upon terms. Obviously, in order to do so, the parties must compromise; neither party comes away from negotiations with everything it seeks.

The union’s bargaining team included –

Rob Scott, Fraternal Order of Police Labor Council Attorney (lead negotiator)

Jay Loeschen, Police Sergeant, FOP President

Brian Ingram, Police Officer, FOP Steward

Adam Marcotte, Police Officer, FOP Steward

Paige Bennett, Police Officer, FOP Steward

Jeremy Hale, Police Officer, FOP Steward

The management bargaining team included –

Benjamin Gehrt of Clark Baird Smith LLP, Labor Attorney (lead negotiator)

Richard Surlis, Deputy Police Chief

Dave Smysor, Police Lieutenant

Elizabeth Hannan, HR & Finance Director

Femi Fletcher, HR Generalist

Michelle Brooks, Labor & Employee Relations Manager

Through a collaborative process, the teams reached a tentative agreement for a three-year contract beginning on July 1, 2020, and ending June 30, 2023. The agreement was ratified by FOP members on August 12, 2021. A resolution is attached and a copy of the proposed agreement is included with the electronic version of the agenda on the City's website.

Discussion: The following is a brief summary of key provisions of the agreement –

1. The term of the contract is three years. This contract expires the year following the expiration of the current IAFF collective bargaining agreement. The City is currently in negotiations with AFSCME as their contract expired on June 30, 2021. The City would like to have the three contracts on different cycles to avoid being in simultaneous negotiations with multiple unions as the process creates a significant workload for staff.
2. Wages and benefits
 - a. The contract provides across the board wage increases of 1.5% effective July 1, 2020, 2% effective July 1, 2021, and a 2.5% increase effective July 1, 2022. A retroactive payment to reflect the increases back to July 1, 2020 will be issued to the officers after the contract is executed. (Appendix B)
 - b. Adjustments were made to allowances given to purchase or replace damaged uniforms. A 3% (\$36) increase in the yearly allowance for purchase was given, and the City agreed to replace uniform hats, cold weather gear, and base layers that are worn as part of the officers' everyday uniform as long as damage was due to activity directly connected to line of duty. (Section 20.1 and 20.2)
 - c. Clarifications were made as to the use of benefit time and the process for requesting time off. However, there were no substantive changes to the actual underlying benefit. (Section 16.7)
 - d. Stand-by (i.e., on-call) pay was increased by \$7 to \$247 for the 2020-21 year, by \$8 to \$255 for the 2021-22 year, and by \$7 (to \$262) for the 2022-23 year. This affects only officers assigned to the Investigations unit. (Appendix D)
3. Non-Wage Provisions – Most changes to non-wage provisions are housekeeping items, designed to clarify existing provisions, update terminology, or make the agreement more manageable for both FOP and the City. The substantive non-wage changes included:
 - a. Agreement that written warnings, notices to correct deficiencies, and written warnings shall not be admissible in future disciplinary proceedings if five (5) years have passed from the date of issuance. This is an increase from the current contract

language of the time limit in which discipline notices may be admissible. (Section 8.7)

- b. Striking of a provision that required the City to remove disciplinary notices from an employee's file. (section 8.7)
- c. Removing of the requirement that CPRB complaints against an officer must be signed and sworn by a person with personal knowledge of the incident, and removal of the requirement that the CPRB Ordinance must include language admonishing that false complaints shall be subject to prosecution. (CPRB Side Letter).

Fiscal Impact: The total cost increase over the three-year life of the contract is approximately \$485,000. This includes salary increases, as well as increases in the uniform allowance and standby pay.

Recommendations: The bargaining team recommends the Committee of the Whole forward this Resolution to City Council for approval at the September 13, 2021 regular meeting.

Attachment: A resolution approving a Collective Bargaining Agreement with Fraternal Order of Police, Lodge #70

RESOLUTION NO. _____

**A RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT WITH
FRATERNAL ORDER OF POLICE, LODGE #70**

(Term of July 1, 2020 through June 30, 2023)

WHEREAS, the duly authorized representatives of the City of Urbana in good faith have negotiated a three-year collective bargaining agreement (“Agreement”) with the Fraternal Order of Police (“FOP”), Lodge #70, concerning wages, hours, terms, and other conditions of employment for the term of July 1, 2020 through June 30, 2023; and

WHEREAS, the Agreement has been lawfully and properly ratified by the membership of FOP, Lodge #70; and

WHEREAS, the City Council finds that the best interests of the City are served by executing the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council, of the City of Urbana, Illinois, as follows:

Section 1.

The collective bargaining agreement between the City of Urbana and the Fraternal Order of Police, Lodge #70, in substantially the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver, and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2021.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2021.

Diane Wolfe Marlin, Mayor