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Office of the Mayor, City of Seattle
Edward B. Murray, Mayor

Executive Order: 01-14
City Labor Negotiations and Standard Operating Procedures

An Executive Order establishing that the Director of Labor Relations of the Seattle Department of Human Resources ("SDHR") shall under the direction of the SDHR Director as his/her designee have the authority and responsibility to oversee and coordinate all aspects of the City's labor relations system, including City labor negotiations. This Executive Order serves to enforce and interpret Seattle Municipal Code 4.04.120. All City Departments and Offices are directed to comply with this Executive Order and the Standard Operating Procedures contained herein.

WHEREAS, Seattle Municipal Code 4.04.120 establishes the authority and responsibility for conducting the City's collective bargaining processes, pursuant to RCW Chapter 41.56 as amended; and

WHEREAS, Seattle Municipal Code 4.04.120 establishes that all negotiated labor agreements be subject to confirmation by a majority of the City Council; and

WHEREAS, Seattle Municipal Code 4.04.120 establishes that the SDHR Director of Labor Relations or his/her designee coordinate and chair all meetings with the bargaining representative(s) of employees of the City for the purpose of collective bargaining; and

WHEREAS, the SDHR Director of Labor Relations or his/her designee will coordinate and chair all Negotiating Committee meetings; and

WHEREAS, Seattle Municipal Code 4.04.120 establishes that the SDHR Director of Labor Relations or his/her designee shall enter into binding oral or written agreements with the bargaining representative(s) of employees of the City relative to substantive changes in City policy toward wages, hours, or working conditions; and

WHEREAS, Seattle Municipal Code 4.04.120 establishes that such binding oral or written agreements with the bargaining representative(s) of City employees relative to substantive changes in City policy toward wages, hours, or working conditions, will be with the concurrence of the Labor Relations Policy Committee ("LRPC") and confirmation by a majority of the City Council; and

WHEREAS, the Standard Operating Procedures related to labor relations functions and negotiations contained herein describes how the City's labor relations system and negotiations processes will be directed; and

WHEREAS, maintaining consistent and coordinated labor relations systems and negotiations processes across the City is an integral component of excellence in government because it ensures that the City's over-all interests are met, represented employees are treated fairly and consistently throughout the City, and the City's relationships with bargaining representative(s) of labor unions that represent City employees are consistent, constructive, productive and respectful; and

WHEREAS, SMC 4.04.120 establishes that the LRPC shall consist of the Mayor's Executive Labor Committee ("ELC") and members of the City Council Labor Committee; and

WHEREAS, SMC 4.04.120 establishes that the Mayor appoints members to the ELC, which shall, at a minimum, include the Mayor or his/her designee, the City Budget Director, and the SDHR Director or his/her designee; and

WHEREAS, SMC 4.04.120 establishes that the LRPC shall also include members of the City Council Labor Committee, which historically has been up to five members of the City Council as selected by the City Council; and

WHEREAS, SMC 4.04.120 mandates that all elected public officials and appointed City officers assigned the responsibility of proposing, reviewing, or determining labor relations policies shall maintain strict confidentiality during the period of negotiations; and

WHEREAS, for each collective bargaining agreement(s), the SDHR Director of Labor Relations shall establish a Negotiating Committee that shall consist of the SDHR Director of Labor Relations or his/her designee, who shall Chair the Negotiating Committee, the SDHR Director or his/her designee, and a designated Department representative, who will be assigned as described below, and such other person(s) designated by the Mayor and/or the SDHR Director of Labor Relations, who shall serve in an advisory capacity except when the Mayor or the SDHR Director of Labor Relations requests such other person(s) to directly participate in labor negotiations;

1. NOW, THEREFORE, I, EDWARD B. MURRAY, Mayor of Seattle, do order that the SDHR Director of Labor Relations shall, under the direction of the SDHR Director as his/her designee, have the authority and responsibility to oversee and coordinate all aspects of the City's labor relations system as described below consistent with and pursuant

to SMC 4.04.120, RCW 41.56 and the Standard Operating Procedures contained herein. Issues associated with the interpretation, application or implementation of this Executive Order or a decision associated with a particular labor relations matter as described herein shall be directed first to the SDHR Director of Labor Relations, then the SDHR Director. If the matter is not satisfactorily resolved at that level, the issue shall be submitted to the ELC, which shall consider the issue and submit a final determination.

2. FURTHERMORE, the function of the LRPC, which consists of the ELC and City Council Labor Committee, shall be to establish general guidelines consistent with the City's policies related to wages, hours and working conditions of City employees and to, pursuant to SMC 4.04.120, provide the SDHR Director of Labor Relations or his/her designee its concurrence with binding oral or written agreements with bargaining representative(s).

3. FURTHERMORE, the function of the ELC, who will be staffed by the SDHR Director of Labor Relations or his/her designee, shall be to set specific parameters regarding issues related to wages, hours and working conditions of represented City employees, including determining the scope and content of the City's opening contract proposals to bargaining representative(s) of labor unions that represent City employees, reviewing all issues of mandatory and permissive subjects of negotiation for the purpose of setting negotiation parameters, directing the Negotiating Committee to make full and final offers to bargaining representative(s) of labor unions of represented City employees regarding issues related to wages, hours and working conditions of those City employees, and directing the Negotiating Committee to sign tentative agreements with bargaining representatives(s) of labor unions of represented City employees relative to substantive changes in City policy related to wages, hours, or working conditions; PROVIDED THAT, the ELC, SDHR Director of Labor

Relations and Negotiating Committee shall comply with its obligation to obtain the LRPC's concurrence prior to the opening of contract negotiations, to bargain in good faith and to submit all tentative agreements to the City Council for majority approval as required by SMC 4.04.120.

4. FURTHERMORE, the function of the Negotiating Committee shall be to meet and confer with bargaining representative(s) of labor unions of represented City employees that will be engaged in negotiating a collective bargaining agreement, make recommendations to the ELC on wage, hour and working condition proposals, and meet, confer and negotiate with bargaining representative(s) of labor unions of represented City employees for purposes of collective bargaining.

5. FURTHERMORE, within specific parameters set by the ELC, the Negotiating Committee may take whatever action is deemed appropriate during the process of negotiations with the full understanding that any agreement, the substance of which is not already authorized by ordinance, is subject to review by the ELC and ultimate approval by a majority of the City Council.

6. FURTHERMORE, the SDHR Labor Relations Division retains the City's Labor Negotiators. All Labor Negotiators shall report directly to the SDHR Director of Labor Relations. The SDHR Director of Labor Relations and the Labor Negotiators paramount duty shall be to serve the interests of the entire City.

7. FURTHERMORE, the Labor Negotiators are responsible for negotiating agreements with bargaining representative(s) of labor unions of represented City employees on all mandatory and/or permissive subjects of bargaining, at the ELC's direction.

8. FURTHERMORE, only the designated Labor Negotiator(s) shall serve as chief spokesperson for the Negotiating Committee during labor negotiations. As the chief spokesperson, the Labor Negotiator will be responsible for preparing proposals, developing strategies, and negotiating within the specific parameters set by the ELC and concurred with by the LRPC.

9. FURTHERMORE, to implement this Executive Order, the SDHR Director of Labor Relations, with the Department Director's input, shall assign a Labor Negotiator to each Department, subject to the final approval of the SDHR Director. The designated Labor Negotiator shall serve as the lead Labor Negotiator on the negotiation, implementation and interpretation of the Department's collective bargaining agreement(s).

10. FURTHERMORE, as part of the labor negotiations process the SDHR Director of Labor Relations and the Labor Negotiators shall consult with Department Director(s) and staff, at the direction of the Mayor, to discuss Department(s) labor-relation needs.

11. FURTHERMORE, when a Department employs or retains staff to perform departmental labor-relations functions, under the direction of the Department Director or his/her designee, such staff shall provide support and assistance in contract negotiations, as requested by the SDHR Director of Labor Relations or the Labor Negotiator as his/her designee. Such staff shall provide support and assistance in contract negotiations by, for example, gathering data for analysis, performing data analysis, and working with the department-designated Labor Negotiator(s) to develop strategies, positions, and proposals, or by performing any other duty as assigned by the Department Director or the SDHR Director of Labor Relations or the Labor Negotiator as his/her designee.

12. FURTHERMORE, during the term of a collective bargaining agreement(s), the City or bargaining representative(s) of a labor union representing City employees may propose modifying the collective bargaining agreement(s) by adding, deleting or changing existing language. If a Department Director receives such a proposal from a bargaining representative of a labor union representing City employees, the Department Director shall submit a contract modification proposal to the SDHR Director of Labor Relations for consideration. The SDHR Director of Labor Relations shall direct the Labor Negotiator to draft proposals and to negotiate all such modifications. As in the case of negotiations, the Labor Negotiator will seek negotiating parameters from the ELC and will prepare and process proposed legislation. Department staff may, at the discretion of the Labor Negotiator, gather operational information and draft proposed contract language for the Labor Negotiator's review.

13. FURTHERMORE, any modifications to contracts must be legislated, except for minor clerical errors or other non-substantive changes consistent with existing contract language. A Department Director and staff may provide support as needed and shall alert the Department's designated Labor Negotiator to workplace situations that might require contract modification.

14. FURTHERMORE, day-to-day administration of collective bargaining agreements frequently involves interpreting the contract for intended application. This can occur when an unforeseen situation arises, when contract language is ambiguous, or when the parties to the agreement ascribe different meaning to the same provisions. Department staff may provide guidance and support to Department managers and supervisors when routine contract interpretation questions arise. However, the Department's designated Labor Negotiator must

be consulted when an unusual, complex or never-before-discussed contract interpretation question arises which could set a precedent or have a financial impact and/or a policy implication. The Department's designated Labor Negotiator is primarily responsible, with the prior approval of the SDHR Director of Labor Relations, for interpretations and agreements set forth in writing or for interpretations and agreements, written or verbal, which will establish a precedent or have a financial impact and/or a policy implication.

15. FURTHERMORE, during the life of a contract, issues may arise on which the contract is silent, or which are outside the formal negotiation process. Labor Negotiators have the primary authority, with the prior approval of the SDHR Director of Labor Relations, to enter into oral or written agreements on issues that involve mandatory subjects of bargaining. Likewise, with the prior approval of the SDHR Director of Labor Relations, Labor Negotiators have the primary authority to enter into oral or written agreements when potential sidebar issues involve permissive subjects of bargaining that could set a precedent or have a significant financial impact and/or a policy implication.

16. FURTHERMORE, a Department Director and/or staff shall, in a timely manner, notify the Department's designated Labor Negotiator of emerging or known issues that involve either mandatory subjects of bargaining or permissive subjects of bargaining as described herein and by applicable law and personnel rules, so that the SDHR Director of Labor Relations and the ELC can be consulted as needed.

17. FURTHERMORE, a Department Director and/or staff may only enter into oral or written agreements with a bargaining representative(s) of a labor union representing City employees for the purpose of enforcing the existing provisions of the collective

bargaining agreement(s) or providing limited, non-precedent-setting, lower-level grievance responses.

18. FURTHERMORE, a Department Director and/or staff shall identify potential unfair labor practice(s) as early as possible and shall timely notify the Department designated Labor Negotiator about the potential unfair labor practice(s) so that the Labor Negotiator can assist in identifying a resolution prior to a potential PERC action.

19. FURTHERMORE, a Department Director and/or staff shall notify the Department designated Labor Negotiator of all grievances and the Labor Negotiator will be available to assist with handling a grievance at the early stages. Department Directors and staff will consult Labor Negotiators for advice on how such matters have been dealt with elsewhere in the City.

20. FURTHERMORE, each collective bargaining agreement prescribes a step in the grievance process, usually Step 3, in which a Labor Negotiator takes the lead role. Prior to that step, Department staff may respond to grievances acting under authority of appropriate Department managers and with notice to their assigned Labor Negotiator. However, Department staff shall confine responses narrowly to the precise parties and issues involved in the grievance, and resolve grievances only on a non-precedent-setting basis. If a response could be precedent-setting or establish the interpretation of contract language, a Department director and/or staff shall consult its Labor Negotiator.

21. FURTHERMORE, when issues are filed with the Public Employment Relations Commission ("PERC"), the SDHR Labor Relations Division will coordinate a response with the Law Department. Department staff may be asked to provide support, as needed, by collecting data and may serve as the Department's spokesperson at the direction

of their Department Director with respect to Departmental, operational matters that may be associated with the case.

22. FURTHERMORE, the SDHR Labor Relations Division may advise the ELC and the LRPC of personnel developments and trends in general, provide information on current City practices, and outline the advantages and disadvantages of varying options related to the City's labor relations system and/or policies.

23. FURTHERMORE, a Department Director or his/her designee may be requested to advise the ELC of a Department's business and operation needs relative to labor relations issues being discussed. The Department staff may gather operational information to prepare the Department Director or his/her designee for any such briefings before the ELC.

24. FURTHERMORE, Department staff may provide training to Department employees on labor relations issues as directed by the Department Director or his/her designee. Such training shall be consistent with the approach to bargaining and/or grievance resolution that the City through the ELC has chosen to take. Labor Negotiators and other SDHR Labor Relations Division staff will provide support as needed and will be available for consultation on the training content. Additionally, Labor Negotiators shall provide training for Department staff as appropriate to keep them up to date on citywide developments.

Inquiries regarding this Executive Order should be directed to David Bracilano, SDHR Director of Labor Relations, at (206) 684-7874.

Signed this 5th day of September, 2014.

Mayor Edward B. Murray
City of Seattle