

Ordinance No. 124621

Council Bill No. 118240

AN ORDINANCE relating to City employment and the 2014 Adopted Budget; authorizing Memoranda of Agreement between the City of Seattle and the Seattle Police Management Association; authorizing a Memorandum of Understanding between the City of Seattle and the Seattle Police Management Association for the time period of January 1, 2012 through December 31, 2013; amending Ordinance 124349 by increasing appropriations to the Police Department to provide for the 2012 and 2013 payments therefore; and ratifying and confirming prior acts.

CF No. _____

Date Introduced:	
Date 1st Referred: <u>10-27-14</u> <u>10-20-14</u>	To: (committee) <u>Full Council</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>11/3/14</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor: <u>11/4/14</u>	Date Approved: <u>11-6-14</u>
Date Returned to City Clerk: <u>11.7.14</u>	Date Published: <input checked="" type="checkbox"/> T.O. <input type="checkbox"/> F.T.
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

Councilmember

Committee Action:

Full Council:

Nov. 3, 2014

Passed

9-0

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

CITY OF SEATTLE

ORDINANCE 124621

COUNCIL BILL 118240

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4 AN ORDINANCE relating to City employment and the 2014 Adopted Budget; authorizing
5 Memoranda of Agreement between the City of Seattle and the Seattle Police
6 Management Association; authorizing a Memorandum of Understanding between the
7 City of Seattle and the Seattle Police Management Association for the time period of
8 January 1, 2012 through December 31, 2013; amending Ordinance 124349 by increasing
9 appropriations to the Police Department to provide for the 2012 and 2013 payments
10 therefore; and ratifying and confirming prior acts.

11 WHEREAS, a collective bargaining agreement providing for wages, benefits and other
12 conditions of employment between the City and the Seattle Police Management
13 Association expired on December 31, 2011; and

14 WHEREAS, employees represented by Seattle Police Management Association continued to
15 work after December 31, 2011 on condition that the subject of their wages, benefits and
16 other conditions of their employment continue to be negotiated during collective
17 bargaining; and

18 WHEREAS, collective bargaining has led to an agreement between the City and the Seattle
19 Police Management Association concerning wages, benefits and other conditions of
20 employment;

21 WHEREAS, the Seattle Police Department will have insufficient funds in its 2014 budget to
22 make payments associated with the 2012 and 2013 retroactive and current year payments
23 and maintain operations; NOW, THEREFORE,

24 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

25 Section 1. As requested by the Seattle Human Resources Director and recommended by
26 the Mayor, the Mayor is authorized on behalf of the City to execute three memoranda of
27 agreement between the City and the Seattle Police Management Association, substantially in the
28 form attached to this ordinance and identified as "Memorandum of Agreement #1 by and
between the City of Seattle and the Seattle Police Management Association" (Attachment 1)
"Memorandum of Agreement #2 by and between the City of Seattle and the Seattle Police

11/10/14
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11/10/14

1 Management Association” (Attachment 2) and “Memorandum of Agreement #3 by and between
 2 the City of Seattle and the Seattle Police Management Association” (Attachment 3).

3 Section 2. As requested by the Seattle Human Resources Director and recommended by
 4 the Mayor, the Mayor is authorized on behalf of the City to execute a memorandum of
 5 understanding between the City and the Seattle Police Management Association effective
 6 January 1, 2012 through December 31, 2013, substantially in the form attached to this ordinance
 7 as Attachment 4 and identified as “Memorandum of Understanding by and between the City of
 8 Seattle and the Seattle Police Management Association.”

9 Section 3. The appropriations for the following items in the 2014 Adopted Budget are
 10 modified, as follows:

Item	Fund	Department	Budget Control Level	Amount
3.1	General Subfund (00100)	Seattle Police Department	Office of the Chief of Police (P1000)	\$6,793
3.2	General Subfund (00100)	Seattle Police Department	Office of Professional Accountability (P1300)	\$67,876
3.3	General Subfund (00100)	Seattle Police Department	Deputy Chief of Staff (P1600)	\$9,221
3.4	General Subfund (00100)	Seattle Police Department	Deputy Chief of Operations (P1800)	\$57,799
3.5	General Subfund (00100)	Seattle Police Department	Professional Standards (P2000)	\$151,124
3.6	General Subfund (00100)	Seattle Police Department	Special Operations (P3400)	\$303,656
3.7	General Subfund (00100)	Seattle Police Department	West Precinct Patrol (P6100)	\$108,146
3.8	General Subfund (00100)	Seattle Police Department	North Precinct Patrol (P6200)	\$141,460
3.9	General Subfund (00100)	Seattle Police Department	South Precinct Patrol (P6500)	\$123,051
3.10	General Subfund (00100)	Seattle Police Department	East Precinct (P6600)	\$143,250
3.11	General Subfund (00100)	Seattle Police Department	Southwest Precinct Patrol (P6700)	\$127,358
3.12	General Subfund (00100)	Seattle Police Department	Criminal Investigations Administration (P7000)	\$25,670
3.13	General Subfund (00100)	Seattle Police Department	Violent Crimes Investigations (P7100)	\$101,690
3.14	General Subfund (00100)	Seattle Police Department	Narcotics Investigations (P7700)	\$80,294

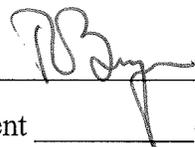
1	3.15	General Subfund (00100)	Seattle Police Department	Special Investigations (P7800)	\$79,457
2	3.16	General Subfund (00100)	Seattle Police Department	Special Victims (P7900)	\$84,138
3	3.17	General Subfund (00100)	Seattle Police Department	Field Support Administration (P8000)	\$71,666
4				Total	\$1,682,649

5 Funding in future years will be appropriated through the annual budget process.

6 Section 4. Any act consistent with the authority and prior to the effective date of this
7 ordinance is ratified and confirmed.

8 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
9 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
10 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

1 Passed by the City Council the 3rd day of November, 2014, and signed by
2 me in open session in authentication of its passage this
3 3rd day of November, 2014.

4
5 
6 President _____ of the City Council

7
8 Approved by me this 6 day of November, 2014.

9
10 
11 Edward B. Murray, Mayor

12
13 Filed by me this 7th day of October, 2014.

14
15 
16 Monica Martinez Simmons, City Clerk

17 (Seal)

18 Attachments:

19 Attachment 1: Memorandum of Agreement #1 by and between the City of Seattle and the Seattle
Police Management Association

20 Attachment 2: Memorandum of Agreement #2 by and between the City of Seattle and the Seattle
21 Police Management Association

22 Attachment 3: Memorandum of Agreement #3 by and between the City of Seattle and the Seattle
23 Police Management Association

24 Attachment 4: Memorandum of Understanding by and between the City of Seattle and the Seattle
25 Police Management Association



MEMORANDUM OF AGREEMENT #1

by and between

THE CITY OF SEATTLE

and

THE SEATTLE POLICE MANAGEMENT ASSOCIATION

This Memorandum of Agreement reflects the understanding of the City of Seattle, hereinafter "City" and the Seattle Police Management Association, hereinafter "Association" regarding implementation of the Settlement Agreement and Memorandum of Understanding entered into between the City and the Department of Justice on July 27, 2012, hereinafter "Agreements".

Whereas the City of Seattle and the U.S. Department of Justice entered into a voluntary Settlement Agreement and a Stipulated Order of Resolution addressing reforms of the Seattle Police Department;

To the extent implementation of "the Agreements" entered into by the City with the United States Department of Justice (to include: Settlement Agreement, MOU, and Monitoring Plans) implicate changes to mandatory subjects of bargaining, the City and the Association agree to engage in collective bargaining over the proposed changes and re-open the collective bargaining agreement to effectuate such bargaining. Should either the City or the Association request such a re-opener, the parties agree the matters to be bargained shall include management, wages, and benefits. If a re-opener is exercised, the parties shall comply with all the requirements of RCW 41.56 and bargain in good faith.

This Memorandum of Agreement will be in effect for as long as the Monitor is working with the Seattle Police Department under the Agreements, after which this Memorandum of Agreement will expire. This Memorandum of Agreement will be treated as part of the collective bargaining agreement.

Dated this ____ day of _____, 2014

Eric Sano
President
Seattle Police Management Association

Jennifer Schubert
Labor Negotiator
City of Seattle



MEMORANDUM OF AGREEMENT #2

by and between

THE CITY OF SEATTLE

and

THE SEATTLE POLICE MANAGEMENT ASSOCIATION

This Memorandum of Agreement reflects the understanding of the City of Seattle, hereinafter "City" and the Seattle Police Management Association, hereinafter "Association" regarding formation of the Community Police Commission, hereinafter "Commission" created as a result of the Settlement Agreement and Memorandum of Understanding entered into between the City and the Department of Justice on July 27, 2012, hereinafter "Agreements".

Whereas the City of Seattle and the U.S. Department of Justice entered into a voluntary Settlement Agreement and a Stipulated Order of Resolution addressing reforms of the Seattle Police Department;

Whereas the Agreements call for the creation of the Commission, the City and the Association agree as follows;

- 1) At least one of the positions on the Commission is reserved for an elected SPMA member who shall be appointed by the Mayor;
- 2) The role of the Commission is set forth in the Agreements and Ordinance No. 124021. Any changes to the role of the Commission that involve a mandatory subject of bargaining will be bargained in good faith pursuant to the provisions of RCW 41.56.
- 3) The Commission will not have access to any non-public information regarding an individual Association member or allegation of misconduct or disciplinary action;
- 4) The Commission will not review or report on specific cases of alleged misconduct, review or comment on discipline, and will not seek to influence the course or outcome of a specific complaint investigation or the discipline of specific Association members.

This Memorandum of Agreement shall continue to exist so long as the Monitor is working with the Seattle Police Department under the Agreements, after which this Memorandum of Agreement will expire.

Dated this _____ day of _____, 2014

Eric Sano
President
Seattle Police Management Association

Jennifer Schubert
Labor Negotiator
City of Seattle



MEMORANDUM OF AGREEMENT #3

by and between

THE CITY OF SEATTLE

and

THE SEATTLE POLICE MANAGEMENT ASSOCIATION

This Memorandum of Agreement reflects the understanding of the City of Seattle, hereinafter "City" and the Seattle Police Management Association, hereinafter "Association" regarding access and confidentiality issues arising out of work to be done by the Monitor (the term "Monitor" refers to all members of the Monitor's team) appointed as a result of the Settlement Agreement and Memorandum of Understanding entered into between the City and the Department of Justice on July 27, 2012, hereinafter "Agreements".

Whereas the City and the U.S. Department of Justice entered into a voluntary Settlement Agreement which created the appointment of the Monitor who would be granted access to Seattle Police Department documents, facilities and personnel; and

Whereas the Monitor sent a letter dated January 16, 2013 ("Letter"), to the Association and the City making certain representations regarding confidentiality and access issues related to the Monitor's work;

The parties agree that the City will act consistently with all commitments regarding confidentiality and access issues made by the Monitor in the above letter, as set forth in the paragraphs labeled "Confidentiality," "Nondisclosure," "Conversations," "Searches," and "OPA." This agreement does not affect or limit the City's obligations under federal or state law, including the Washington Public Records Act. This Memorandum of Agreement will be in effect for as long as the Monitor is working with the Seattle Police Department under the Settlement Agreement, after which this Memorandum of Agreement will expire.

Dated this _____ day of _____, 2014

Eric Sano
SPMA, President

Jennifer Schubert
Labor Negotiator, City of Seattle

MEMORANDUM OF UNDERSTANDING

by and between

THE CITY OF SEATTLE

and the

Seattle Police Management Association

WHEREAS, Ordinance 122943 authorized a collective bargaining agreement between the City of Seattle, hereinafter "City" and the Seattle Police Management Association, hereinafter the "Association" for the time period of January 1, 2009 through December 31, 2011; and

WHEREAS, A Memorandum of Agreement to resolve an Unfair Labor Practice (PERC #22950-U-10-05851) was executed on May 28, 2010, with regard to amending premium pays in Appendix A.6 of the collective bargaining agreement for specific Captain assignments and the implementation thereof; and

WHEREAS, the City and the Association have voluntarily entered into negotiations on wages, hours and working conditions and have come to the following agreement:

1) Term of Agreement

The Existing collective bargaining agreement between the City and the Association authorized under Ordinance 122943 shall be amended so that the duration of the collective bargaining agreement extends through December 31, 2013.

2) Amendment to the Existing Agreement

All wages, hours and working conditions shall continue as expressed in the collective bargaining agreement that commenced on January 1, 2009 and the subsequent Memorandum of Agreement executed on May 28, 2010, with the exception of the following items:

A) Effective January 4, 2012, the wages of all classifications in Appendix

A shall be increased by 3.7%.

B) Effective January 2, 2013, the wages of all classifications in Appendix A shall be increased by 2.7%.

3) Health Care Committee ("HC2")

Consistent with the Healthcare Committee Memorandum of Agreement, HC2 will continue to address increases in the cost of healthcare by working together to evaluate and make changes to healthcare plans where appropriate.

SIGNED this _____ day of _____ 2014.

Executed under the Authority
of Ordinance No. _____

FOR THE CITY OF SEATTLE

FOR THE SEATTLE POLICE MANAGEMENT
ASSOCIATION

Edward B Murray,
Mayor

Eric Sano,
President

Susan Coskey,
Personnel Director

Michael Edwards
Secretary

David Bracilano,
Labor Relations Director



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Human Resources	David Bracilano/47874 Sarah Butler/47929	Candice Livingston/37274

Legislation Title:

AN ORDINANCE relating to City employment and the 2014 Adopted Budget; authorizing Memoranda of Agreement between the City of Seattle and the Seattle Police Management Association; authorizing a Memorandum of Understanding between the City of Seattle and the Seattle Police Management Association for the time period of January 1, 2012 through December 31, 2013; amending Ordinance 124349 by increasing appropriations to the Police Department to provide for the 2012 and 2013 payments therefore; and ratifying and confirming prior acts.

Summary of the Legislation:

This legislation authorizes three Memoranda of Agreement (MOAs), a Memorandum of Understanding (MOU) between the City and the Seattle Police Management Association (SPMA), and appropriates funding to the Seattle Police Department (SPD) to pay for 2012 and 2013 wage adjustments associated with the agreement effective January 1, 2012 through December 31, 2013. This legislation affects approximately 60 City employees represented by SPMA.

The Seattle Police Department finance department and City Budget Office have estimated the approximate costs of ratifying the new agreement. This legislation appropriates approximately \$1.68 million to SPD for the SPMA agreement payments associated with the COLA increases. Effects of these wage increases on police pension requirements and the 2015-16 budget will be evaluated and appropriated as needed at a later date.

Background:

The prior collective bargaining agreement expired December 31, 2011. The City and SPMA entered into negotiations, and union membership ratified a new agreement in August of 2014.

The agreement includes the MOAs and MOU attached to this legislation. The MOAs provide for the implementation of the Department of Justice settlement agreement issues. The MOU provides for a wage increase for SPMA members of 3.7 percent in 2012 and 2.7 percent in 2013 and stipulates that the existing bargaining agreement (that expired on December 31, 2011) shall be amended so that the duration of the agreement extends through December 31, 2013. Finally, the MOU affirms that the Health Care Committee (also known as "HC2") will continue to address increases to the cost of health care by working together to evaluate and make changes to healthcare plans where appropriate.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Fund Name and Number	Department	Budget Control Level*	2014 Appropriation	2015 Anticipated Appropriation
General Subfund (00100)	Seattle Police Department	Office of the Chief of Police (P1000)	\$6,793	\$0
General Subfund (00100)	Seattle Police Department	Office of Professional Accountability (P1300)	\$67,876	\$21,000
General Subfund (00100)	Seattle Police Department	Deputy Chief of Staff (P1600)	\$9,221	\$0
General Subfund (00100)	Seattle Police Department	Deputy Chief of Operations (P1800)	\$57,799	\$22,000
General Subfund (00100)	Seattle Police Department	Professional Standards (P2000)	\$151,124	\$50,000
General Subfund (00100)	Seattle Police Department	Special Operations (P3400)	\$303,656	\$100,000
General Subfund (00100)	Seattle Police Department	West Precinct Patrol (P6100)	\$108,146	\$50,000
General Subfund (00100)	Seattle Police Department	North Precinct Patrol (P6200)	\$141,460	\$50,000
General Subfund (00100)	Seattle Police Department	South Precinct Patrol (P6500)	\$123,051	\$50,000
General Subfund (00100)	Seattle Police Department	East Precinct (P6600)	\$143,250	\$50,000
General Subfund (00100)	Seattle Police Department	Southwest Precinct Patrol (P6700)	\$127,358	\$50,000
General Subfund (00100)	Seattle Police Department	Criminal Investigations Administration (P7000)	\$25,670	\$10,000
General Subfund (00100)	Seattle Police Department	Violent Crimes Investigations (P7100)	\$101,690	\$31,000
General Subfund (00100)	Seattle Police Department	Narcotics Investigations (P7700)	\$80,294	\$30,000
General Subfund (00100)	Seattle Police Department	Special Investigations (P7800)	\$79,457	\$30,000

General Subfund (00100)	Seattle Police Department	Special Victims (P7900)	\$84,138	\$30,000
General Subfund (00100)	Seattle Police Department	Field Support Administration (P8000)	\$71,666	\$30,000

*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes: The above appropriations do not include funding for impacts to the Police Pension and Relief Funds. Cost requirements are still being evaluated. Any appropriations needed for pension costs will be appropriated via supplemental budget legislation at a later date. In addition, appropriation amounts in 2015 are approximate and will be refined in December after completion of the 2015-2016 budget process.

Anticipated Revenue/Reimbursement Resulting from this Legislation: NONE

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact: NONE

Spending/Cash Flow: All funding will be spent in 2014. No funding will be carried over for this purpose in 2015.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
 This MOU permanently increases the wages of SPMA represented employees.
- b) **What is the financial cost of not implementing the legislation?**
 If the contract is not legislated, employees will continue to receive wages that became effective on January 5, 2011. There may be additional legal risks associated with not implementing this legislation.
- c) **Does this legislation affect any departments besides the originating department?**
 This legislation affects the Seattle Police Department and the Seattle Police Pension Office. The legislation has financial impacts to both departments. To the extent that there are operational impacts, those are limited to SPD.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
 None
- e) **Is a public hearing required for this legislation?**
 No
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle***

***Times* required for this legislation?**

No

g) Does this legislation affect a piece of property?

No

h) Other Issues: None

List attachments to the fiscal note below: None



City of Seattle
Edward B. Murray
Mayor

October 14, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that authorizes a collective bargaining agreement between the City and the Seattle Police Management Association (SPMA), and appropriates funding to the Seattle Police Department to pay for 2012 and 2013 wage adjustments. This legislation affects approximately 60 City employees represented by SPMA.

On December 31, 2011, the collective bargaining agreement between the City and SPMA expired. The parties entered into negotiations, and union membership ratified a new agreement in August of 2014. The agreement includes the MOAs and MOU attached to this legislation. The MOAs provide for the implementation of the Department of Justice settlement agreement issues. The MOU provides for a wage increase for SPMA members of 3.7 percent in 2012 and 2.7 percent in 2013 and stipulates that the existing collective bargaining agreement (that expired on December 31, 2011) shall be amended so that the duration of the agreement extends through December 31, 2013. Finally, the MOU affirms that the Health Care Committee (also known as "HC2") will continue to address increases to the cost of health care by working together to evaluate and make changes to healthcare plans where appropriate.

Thank you for your consideration of this legislation. Should you have questions, please contact David Bracilano at (206) 684-7874 or Sarah Butler at (206) 684-7929.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

STATE OF WASHINGTON -- KING COUNTY

--ss.

317907

No. 124621,622,623

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

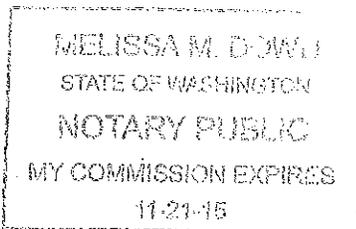
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

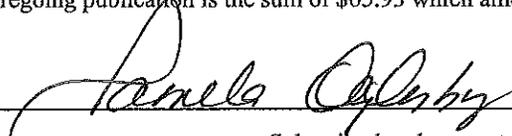
CT: TITLE ONLY ORDINANCES

was published on

11/26/14

The amount of the fee charged for the foregoing publication is the sum of \$65.93 which amount has been paid in full.




Subscribed and sworn to before me on

12/01/2014


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on November 3, 2014, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124621

AN ORDINANCE relating to City employment and the 2014 Adopted Budget; authorizing Memoranda of Agreement between the City of Seattle and the Seattle Police Management Association; authorizing a Memorandum of Understanding between the City of Seattle and the Seattle Police Management Association for the time period of January 1, 2012 through December 31, 2013; amending Ordinance 124349 by increasing appropriations to the Police Department to provide for the 2012 and 2013 payments therefor; and ratifying and confirming prior acts.

ORDINANCE NO. 124622

AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between the City of Seattle and the International Brotherhood of Electrical Workers, Local 77 Seattle Department of Transportation unit to be effective January 23, 2013 through January 22, 2017; providing payment therefor; and ratifying and confirming prior acts.

ORDINANCE NO. 124623

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, November 26, 2014.

11/26(317907)