



Office of the Mayor
City of Seattle
Gregory J. Nickels, Mayor

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Executive Order: 01-04
City Labor Relations Expectations and Standard Operating Procedures

An Executive Order establishing that the Personnel Department's Director of Labor Relations shall under the direction of the Personnel Director as his/her designee have the authority and responsibility to oversee and coordinate all aspects of the City's labor relations system. The Executive Order directs all City Executive Departments and Offices to comply with the Expectations and Standard Operating Procedures contained within the Executive Order with respect to the implementation of all City labor relations activities. This Executive Order serves to enforce Seattle Municipal Code 4.04.120 and the City's Standard Operating Procedures for Labor Relations functions.

WHEREAS, Seattle Municipal Code 4.04.120 establishes the authority and responsibility for conducting the City's collective bargaining processes; and

WHEREAS, the City's Standard Operating Procedures for Labor Relations functions describes how the Executive and Legislative branches direct the City's labor relations system; and

WHEREAS, maintaining consistent and coordinated labor relations processes across City Departments insures 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 the Unions that represent employees are constructive, productive and respectful;

NOW, THEREFORE, I, GREGORY J. NICKELS, Seattle Mayor do order that the Personnel Department's Director of Labor Relations shall, under the direction of the Personnel 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 the Seattle City Charter, the above referenced Municipal Code and Standard Operating Procedures. 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 Director of Labor Relations. If the matter is not satisfactorily resolved at that level, the affected Department Head(s) shall submit the issue to the Personnel Director for determination. If the matter is still not satisfactorily resolved to the satisfaction of the Department Head(s), the affected Department Head(s) may, following notification to the Personnel Director, submit the issue to the Executive Labor Committee which shall make a recommendation to the Personnel Director who shall then make a final determination.

FURTHERMORE, the City Personnel Department's Labor Relations Division employs the City's Labor Negotiators. All Labor Negotiators shall report directly to the Director of Labor Relations. And the Director of Labor Relations shall be a direct report to the City Personnel Director. The Director of Labor Relations and the Labor Negotiators shall consult with Department personnel and attempt to meet a Department's needs in matters of labor relations. However, their paramount duty shall be to serve the interests of the City as a whole.

FURTHERMORE, to implement this Executive Order, each Department shall be assigned a Labor Negotiator by the Director of Labor Relations, following consultation with the respective Department Head and with the approval of the City Personnel Director. The assigned negotiator shall serve as the lead Negotiator on each collective bargaining agreement. Final determination as to Labor Negotiator assignments to Departments and for contract negotiations shall be that of the Personnel Director. Each

Labor Negotiator shall be scheduled to work on site to the extent determined necessary by the City Personnel Director and Director of Labor Relations, following consultation with the respective Department Head, in the Department(s) to which they are assigned to insure that the duties and responsibilities as defined in this Executive Order are fulfilled.

FURTHERMORE, the Labor Negotiators are responsible for negotiating agreements with the Unions on personnel matters including wages, hours, and working conditions, at the direction of the Executive Labor Committee and the Labor Relations Policy Committee (LRPC). A Labor Negotiator serves as chief spokesperson for the City in labor negotiations, and he or she is responsible for preparing proposals and developing strategies. The Labor Negotiator updates elected officials on the developments in negotiations, makes recommendations on settlement options, and presents tentative agreements to City officials for ratification.

FURTHERMORE, should a Department employ staff to perform departmental employee relations functions, under the direction of the Department head and or his/her designee, such staff may provide support and assistance in negotiations by serving as the primary representatives of the Department. These duties may include gathering data for analysis, performing analysis, and working with the Labor Negotiator to develop strategies, positions, and draft proposals, or any other duty as assigned by the Department head or his/her designee. Finally, at the direction of the Department head or his/her designee, a Department's staff may serve as a negotiating team member and attend all negotiating sessions and management caucuses.

FURTHERMORE, during the term of a collective bargaining agreement, the City or a Union may propose modifying the agreement by adding, deleting or changing existing language. A Department Head may submit a mid-term contract modification proposal to the Director of Labor Relations for consideration. Labor Negotiators are responsible for drafting proposals and negotiating all such modifications. As in the case of negotiations, the Labor Negotiator will seek parameters from elected officials, present agreements for ratification, and prepare and process legislation. Department staff may, at the discretion of the Labor Negotiators, gather operational information and draft proposed contract language for the Labor Negotiator's review.

FURTHERMORE, any modifications to contracts must be legislated, except for minor clerical errors. Department staff may provide support as needed and alert the Labor Negotiators to workplace situations which might require contract modification.

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.

FURTHERMORE, department staff may provide guidance and support to department managers and supervisors when routine contract interpretation questions arise. Labor Negotiators 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 policy implications. Additionally, it is recommended that department staff and Labor Negotiators seek counsel from an Assistant City Attorney. The Labor Negotiators are primarily responsible, with the prior approval of the Personnel Director or the Labor Relations Director as his/her designee, for interpretations and agreements set forth in writing or for interpretations and agreements, written or verbal, which will establish a practice.

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 Personnel Director or the Labor Relations Director as his/her designee, to enter into oral or written agreements on issues which involve mandatory subjects of bargaining. With the prior approval of the Personnel Director or his/her designee, Labor Negotiators have the primary authority to enter into oral or written agreements when potential sidebar issues involve permissive subjects of bargaining which could set a precedent or have a significant financial impact and/or policy implications. Department staff shall advise the Labor Negotiators of the Department's needs in a timely manner regarding issues that involve either mandatory subjects of bargaining or permissive subjects as described herein so that the Executive Labor Committee and/or the LRPC can be consulted as needed.

FURTHERMORE, department staff may only enter into oral or written agreements with a Union for the purpose of enforcing the existing provisions of the collective bargaining agreement or providing limited, non-precedent-setting, lower-level grievance responses.

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. 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 is intended to be precedent-setting or establish the interpretation of contract language, a Labor Negotiator must be consulted.

FURTHERMORE, labor Negotiators will be available to assist with grievance handling at the early stages and should be consulted for advice on how such matters have been dealt with elsewhere in the City.

FURTHERMORE, when actions are filed with the Public Employment Relations Commission (PERC), the Labor Relations Division will coordinate a response with the Law Department. Department staff may provide support, as needed, by collecting data and may serve as the Department's spokesperson at the direction of their Department Head with respect to Departmental, operational matters that may be associated with the case.

FURTHERMORE, department staff shall identify potential unfair labor practice situations as early as possible and shall alert a Labor Negotiator to potential problems so that a resolution can be explored prior to action at the PERC.

FURTHERMORE, the Executive Labor Committee and the Labor Relations Policy Committee are responsible for directing City policy on labor relations issues. The City Labor Relations Division advises the Executive Labor Committee and the LRPC of personnel developments and trends in general, provides information on current City practices, outlines the pros and cons of varying options related to the decisions before these committees, and presents recommendations as appropriate.

FURTHERMORE, the Department Head or designee may be requested to advise the Executive Labor Committee and the LRPC of a Department's business and operations needs relative to labor relations issues being discussed. The Department staff may gather operational information to prepare the Department Head or designee for any such policy briefings before elected officials.

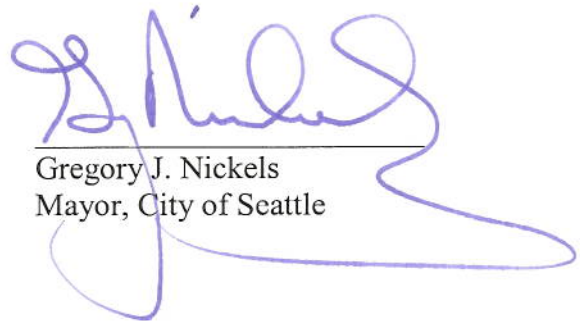
FURTHERMORE, department staff may provide training to Department employees on labor relations issues as directed by the Department Head or designee. Such training shall be consistent with the approach to bargaining and/or grievance resolution that the City through the Executive Labor Committee and Labor Relations Policy Committee has chosen to take. Labor Negotiators and other City Labor Relations Division staff will

provide support as needed and 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 Mike Schoeppach, Seattle Department of Personnel at (206) 684-7874.

Dated this 26 day of January 2004.



Gregory J. Nickels
Mayor, City of Seattle