

**RECORD OF PROCEEDINGS FOR THE GOVERNING BODY  
OF THE CITY OF CHEYENNE**

Office of City Clerk

February 25, 2015

The Governing Body of the City of Cheyenne convened in a special meeting on this date beginning at 6:00 p.m. in Council Chambers for the purpose of collective labor bargaining with Cheyenne Professional Fire Fighters, International Association of Fire Fighters (I.A.F.F.), Local No. 279. Present were: MAYOR - Richard L. Kaysen; COUNCIL MEMBERS - Mr. Brown, Mr. Johnson, Mr. Luna, Dr. Rinne, Mr. Roybal, Mr. Shanor (arriving at 6:05 p.m.) and Ms. Williams. Absent: Mr. Cook and Mr. Valdez. Also present were: Carol Intlekofer, City Clerk; Dan White, City Attorney, and Lois Huff, City Treasurer. The pledge of allegiance was recited. Mayor Kaysen noted that any executive session of the governing body held during the meeting was pursuant to authority allowed by Wyoming Statute § 16-4-405 (a)(x) of the Public Meetings Act.

Dan White, City Attorney, requested the governing body meet in executive session to discuss an issue which may affect the course of the negotiations. Ms. Williams moved to meet in executive session, seconded by Mr. Luna. Motion carried. Voting "yes" -- all members of the governing body present. Upon request by Mayor Kaysen, Mr. White identified City staff who would be present at the executive session in addition to the governing body and himself. David Evans, attorney, I.A.F.F. Local No. 279, advised of a housekeeping item he wished to present prior to the governing body meeting in executive session and, with approval by Mayor Kaysen, distributed revised copies of Union Counteroffer Part II. He noted, per the City's request at the February 24, 2015 special meeting, the document now includes both the City's and Union's proposed contract section numbers. (Mr. Shanor joined the meeting in progress) Mayor Kaysen stated the governing body would now meet in executive session [City Clerk note: Audio recording of the meeting was stopped; executive session convened at 6:08 p.m. in the Mayor's Conference Room]

Following conclusion of the executive session, Mayor Kaysen reconvened the special meeting at 6:58 p.m. Mr. White advised there was a need to revisit the issue of Ground Rules, and reviewed a history of communications between himself and Mr. Evans regarding comments by each on pre-proposed Ground Rules. He stated the governing body can not agree in advance to any formulaic description of the issues submitted to arbitration in the event of an impasse and, as noted in the City's proposed Ground Rules, the governing body does not agree to the submission of issues relating to the formation or content of the collective labor agreement to arbitration under the auspices or rules of the American Arbitration Association (AAA). Mr. White reviewed discussion comments that had been made on the topic at the first and second negotiation meetings, indicating there had been no mention of the AAA, and stated it was the governing body's understanding at that point that AAA was not part of this process. Mr. White advised that at the February 20, 2015 meeting, Mr. Evans announced that Section 38 (existing contract section as well as the Union's proposed contract section) contains a clause requiring use of the AAA in the event an impasse is reached in negotiations for next year's contract and stated there is obviously disagreement between the governing body and the Union on the issue of how arbitration will be handled. Mr. White stated the governing body had directed him to make the following offer to the Union: (1) The City is willing to withdraw its proposed contract language in City

Section 8, Grievance Procedures (associated with Union proposed Section 7) with regard to the clause pertaining to the right of either party to seek judicial review of a grievance award; (2) The governing body requests the Union, this evening, “give up” AAA arbitration in the event an impasse is reached as was the intent when the Ground Rules were signed; otherwise negotiations would discontinue with a potential of court proceedings to resolve the issue.

Mr. Evans stated it was never the Union’s intent that the Ground Rules would “give up” the AAA arbitrators, and it was the Union’s intent, per their suggestion and which the City accepted, to use prevailing law to determine the situation. He expressed his belief that if a new contract could not be bargained by the deadline of March 12<sup>th</sup>, the question of arbitration could be resolved at that time. Mr. Evans noted the extensive format changes the City proposed this year for both the Ground Rules and new contract; reviewed and discussed provisions of the Collective Bargaining statutes, citing Wyoming Statute Chapter 26-10-101, in sequence; stated that Ground Rules are not required by statute; commented on the benefits of utilizing professional AAA arbitrators; reviewed the “track record” of the current administration involving past contract negotiations, and requested the governing body reconsider its position on the issue. Mr. Evans stated that at this point the Union team would caucus on the matter. Mayor Kaysen clarified that Mr. White offers advice but is speaking on behalf of the governing body, and recessed the meeting at 7:07 p.m. to enable the Union to confer.

Mayor Kaysen reconvened the special meeting at 7:30 p.m. Mr. Evans expressed that the Union requests the governing body continue negotiations and go into executive session to reconsider its decision to end bargaining tonight if the Union did not agree to Mr. White’s interpretation of the Ground Rules at issue. He commented on the sequence of counteroffers between the parties, and indicated the Union remains in tentative agreement with its Counteroffer Part I discussed at the February 24, 2015 meeting. Mr. Evans stated the Union also makes the following additional offer: The Union will tentatively “drop” all proposals contained in the Union’s Counteroffer Part II, as revised, except it is requesting a two year contract term and holiday schedule conforming to same; will continue to ask for an additional set of bunker gear for each member; will amend its proposed salary raise each year to 2% and the manning clause to reflect a staffing level of 89 fire fighters, and requests that the current contract stay in effect as a “roll over” contract with the current numbering.

Mr. Roybal moved to meet in executive session, seconded by Ms. Williams. Motion carried. Voting “yes” -- all members of the governing body present. Pursuant to comment that the meeting will probably go past the two hour time frame as allowed in the Ground Rules, Mr. Evans noted his agreement with the meeting time extension. Upon request by Mayor Kaysen, Mr. White identified City staff who would be present at the executive session in addition to the governing body and himself. [City Clerk note: Audio recording of the meeting was stopped; executive session convened at 7:43 p.m. in the Mayor’s Conference Room]

Following conclusion of the executive session, Mayor Kaysen reconvened the special meeting at 8:27 p.m. Mr. White advised the governing body had directed him to make the following statements pertaining to the Union’s additional offer: The governing body is in agreement to purchase an extra set of bunker gear; increase the manning from 88 to 89 fire fighters; enter into a two year agreement with adjustment to the holiday schedule, and retain wording contained in Union Section 2, Exclusive Bargaining Agent. Mr. White stated that the governing body also offers a counter proposal regarding wages, advising the proposal is to increase wages by 2.5% per year instead of 2% with increases being applied to the pay plan as developed by Lois Huff, City Treasurer. Mr. White stated, assuming terms

are acceptable to the Union, the governing body would expect the Union to sign the City's version of the agreement and that the City will make changes to the City's proposed contract, including addition of Union Section 31, Safety Health, as previously discussed. Ms. Huff explained application of the 2.5% wage increase would be to all of the pay plan steps the City had originally proposed and reviewed the different fire fighter position titles and percent of salary increase. She advised a 2.5% wage increase would also be applied for the second year of the contract, and that over the two year contract term, the percentage range of raises to the steps in the pay plan the City originally proposed would be from 6.64% to 10.37%.

Mr. Bertsch requested time for the Union to review and discuss the City's offer; a copy of the written wage information as presented and explained by Ms. Huff, and an editable electronic file of the "block and strike" version of the City's contract. Pursuant to discussion on the electronic file format, O'Kelley Pearson, attorney, I.A.F.F. Local No. 279, clarified an electronic WordPerfect or Word software version of the City's "block and strike" contract document is what is being requested. Mr. White and Ms. Huff verified the information requested would be emailed to Mr. Evans.

Upon inquiry by Mayor Kaysen, Mr. Bertsch agreed that scheduling of future negotiation meetings would be discussed at the February 26<sup>th</sup> meeting instead of the current meeting as previously agreed upon.

Mayor Kaysen advised the purpose of the special meeting had been met, and there being no further business previously noted for the special meeting, adjourned the meeting at 8:59 p.m.

Submitted by,

Carol Intlekofer, MMC  
City Clerk

This notice is available in alternative, accessible formats upon request.

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