

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

Office of City Clerk

March 11, 2015

The Governing Body of the City of Cheyenne convened in a special meeting on this date beginning at 5:00 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. Cook, Mr. Johnson, Mr. Luna, Mr. Roybal and Mr. Shanor. Absent: Dr. Rinne, Mr. Valdez and Ms. Williams. 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.

O'Kelley Pearson, attorney, I.A.F.F. Local No. 279, reported that Local Union President Jonathan Bertsch and Vice-President Kevin Reddy were not present at the meeting as they were responding to a fire call. In their absence, she noted Union members Andrew Dyl and Scott Highland were present to represent the Union. Ms. Pearson recapped the Union's last counteroffer made at the March 6, 2015 special meeting and submitted a packet of corresponding information containing a listing titled "Status as of 3-11-15"; a letter from Union President Bertsch requesting the current Collective Labor Agreement be re-negotiated relative to adding an attrition clause to Section 29, Company Strength; a Mutual Agreement to Re-Negotiate form; proposed changes to current Section 29 and correlating City proposed Section 15; proposed Definitions section changes; and proposed amendments to Section 6, Embodiment of Agreement, and Section 11, Voluntary Demotion. Ms. Pearson also advised the Union accepts the City's proposed wording for the Alcohol and Controlled Substance Policy section.

Dan White, City Attorney and spokesperson for the governing body for negotiation purposes, stated in accordance with the standard practice that has been developed for the negotiations, it would be appropriate for the governing body to meet in executive session to discuss the Union's counteroffer. Mr. Shanor 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. [City Clerk note: Audio recording of the meeting was stopped; Executive session convened at 5:16 p.m. in the City Council administrative office]

Following conclusion of the executive session, Mayor Kaysen reconvened the special meeting at 6:03 p.m. and noted for the record that Local Union President Bertsch and Vice-President Reddy had joined the meeting. Ms. Huff distributed copies of a proposed 2015-2016 Collective Labor Agreement, containing highlighted and strike-through areas, as a counterproposal from the governing body, and also distributed copies of a cost/savings comparison (of proposals) sheet; Specialty Pay chart; fire fighters current and proposed wage table, and a comparisons of employee compensation sheet. Indicating that he had been directed by the governing to make general comments, Mr. White provided

introductory statements prior to reviewing the content of the City's counterproposal. Statement topics included: Governing body's original proposal as well as the City's most recent counterproposal in which the greatest bulk of fire fighters would receive raises; upgrading and simplifying the pay plan from the format contained in the current contract and the reasons for doing so; management rights; current review being conducted of alternative ways of training fire fighters; wage and benefits equity between fire fighters and other City employees; utilizing Wyoming citizens qualified to serve as arbitrators vs. out of state arbitrators in the event an impasse in negotiations occurs; proposed discontinuance of City administrative staff collecting and distributing contributions for the fire fighters' Political Action Committee (PAC); governing body appreciation for negotiation dialogue and services fire fighters provide to the community; governing body's obligation to ensure tax dollars are expended to serve the community in an efficient and effective manner, and good faith efforts by the City in seeking grants for bunker gear and their opinion that this item should not be included in the labor agreement.

Mr. White reviewed the substance of the City's counterproposal with regard to the following contract sections: Specialty pays; new pay plan with steps; contract term; management authority; overtime; sick leave; injured on duty pay; health insurance; additional bunker gear; embodiment of agreement; voluntary demotion; working in a higher job rank; manning level, and administrative collection of PAC contributions. Mr. White advised the counterproposal would result in an estimated \$80,000 cost to the City. He stated the governing body respectfully declines the invitation to re-negotiate the current contract with regard to adding attrition wording, and also declines addition of the wording in the next contract. Mr. White reviewed specific terms in the Definitions section that the governing body declines as well as areas that they are agreeable to for changes.

David Evans, attorney, I.A.F.F. Local No. 279, expressed surprise and disapproval with the City's counterproposal and noted that the parties have apparently been operating on different "wavelengths" with regard to issues yet to be agreed upon. He requested an explanation from the governing body as to their intent with proposing their original offer as the counteroffer; why they feel it is needed at this time, and whether it is the governing body's intent to discontinue negotiations. Mr. White requested the governing body meet in executive session to discuss their response. Mr. Brown moved to meet in executive session, seconded by Mr. Luna. Voting "yes" -- all members of the governing body present. [City Clerk note: Audio recording of the meeting was stopped; Executive session convened at 6:35 p.m. in the City Council administrative office]

Following conclusion of the executive session, Mayor Kaysen reconvened the special meeting at 6:59 p.m. For the record, Mayor Kaysen identified City staff who were present at the executive session in addition to the governing body. Noting his directive by the governing body to provide a response to Mr. Evans' request for explanations, Mr. White stated the governing body believes the Union and the City have been negotiating in good faith in an intent to reach an agreement and that the governing body has made it clear that any contract would be approved by the governing body as a "package" and not on a section-by-section approval basis. He explained all agreements during the negotiations by the governing body were tentative acceptance contingent upon the contract "package" as a whole; that governing body members have also been surprised that the Union has declined certain offers by the City regarding salary increases and benefits; that the Union's offer on March 6, 2015 would cost the city approximately \$421,049.00 in the first year, plus additional future costs, and that it was the governing body's position that they be fiscally prudent. Mr. Evans advised the information provided by the Union earlier in the meeting was not a new offer and was clarification of the offer made at the March 6th meeting. Mayor Kaysen recessed the meeting at 7:04 p.m. to allow the Union to confer. [City

Clerk note: Audio recording of the meeting was stopped]

Mayor Kaysen reconvened the special meeting at 8:00 p.m. and noted Mr. Shanor (due to a prior commitment) would not be in attendance for the remainder of the meeting. Mr. Evans reported the Union has reached no consensus on the City's counterproposal at this time and they will work on a counteroffer to present to the governing body at the next special meeting on March 12, 2015. Mr. Bertsch commented generally on professional services provided by fire fighters vs. monetary issues; Union's position on retaining one position currently funded through a grant, additional bunker gear request, specialty teams and pay, and perception and wage parity with other City employees. He noted the Union's intent to continue to work toward an agreement.

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 8:09 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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