

ORDINANCE NO. _____, SERIES 2018

AN ORDINANCE AMENDING CHAPTER 35 TO REQUIRE MANDATORY ARBITRATION IN COLLECTIVE BARGAINING FOR EMPLOYEES OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT.

SPONSORED BY: PRESIDENT DAVID JAMES

WHEREAS, Metro Council amends Louisville Metro Code of Ordinances § 35.056(A) to require all collective bargaining arbitrations be binding on all parties.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT COUNCIL (THE "COUNCIL") AS FOLLOWS:

SECTION I. Section 35.056 of the Louisville Metro Code of Ordinances (LMCO) is hereby amended as follows:

§ 35.056 COLLECTIVE BARGAINING CONTRACTS.

~~Other than as agreed to by the parties in~~ In all collective bargaining agreements:

(A) Collective bargaining agreement(s) adopted in accordance with this subchapter ~~unless otherwise agreed to by the parties to the collective bargaining agreement,~~ shall contain, the following provisions and procedures:

(1) *Grievance procedures.* Every employee or recognized bargaining representative shall have the right to present for consideration any grievance which may exist as to any matter affecting the employee's or union's ~~relationship to~~ contract with Metro Government. Any employee may designate one or more persons to represent him or her in the presentation of any such grievance. No designation of a representative, however, shall preclude an employee from presenting and processing his or her grievance, except that where the employee is part of a bargaining unit for which there is a recognized bargaining representative, the bargaining representative

shall be notified in advance of the time and place of all discussions relative to the grievance and shall be privileged to participate in all such sessions. The following rules for the presentation and resolution of grievances or requests are prescribed:

(a) The grievance, in the first instance, shall be presented to the immediate superior of the grieving employee within five working days from the time the grievance or controversy occurs. If not satisfactorily adjusted at this level within 48 hours, the employee or union may reduce the matter to writing and refer it to the department head. The department head shall act on the grievance within five working days.

(b) In the event that the decision of the department head is adverse to the grievant or union, the grievant or union may request mediation by the Louisville Labor Management Committee. This Committee shall make an advisory report to the employee, the employee's representative, and to the Mayor, within seven working days. The Mayor shall accept or reject the recommendation of the Louisville Labor Management Committee within seven working days. Neither the grievant nor the union are required to request the assistance of the Louisville Labor Management Committee, in which case they may appeal the department head's decision directly to the Mayor within five working days of the department head's decision and receive a decision from the Mayor within ten working days.

(c) In the event the Mayor's decision is adverse to the grievant or union, the union may submit the grievance to an impartial arbitrator selected by the parties in accordance with the procedures established by the Federal Mediation and Conciliation Service or the American Arbitration Association. The determination of the mutually-selected arbitrator shall be submitted to the Mayor within ten days of the arbitrator's decision. The arbitrator's

decision shall be final and binding on all parties ~~unless the Mayor requests the decision be placed on the next regularly scheduled Metro Council meeting docket and a three-fourths majority of the Metro Council find the arbitrator's decision to be arbitrary or capricious.~~

(d) Shop stewards of the recognized bargaining representative who are designated to represent the employee shall receive their regular pay for time lost from work to attend meetings and talks scheduled in the processing of a grievance.

(e) The parties to a grievance may mutually agree to extend any of the time provisions contained in this chapter.

SECTION II. This ordinance shall take effect upon its passage and approval, but does not apply to existing collective bargaining agreements. Any union with a contract in effect as of the approval date of this ordinance may unilaterally elect to amend its grievance procedure to conform to this ordinance.

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____