

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 35 OF THE LOUISVILLE METRO CODE OF ORDINANCES TO REQUIRE METRO COUNCIL APPROVAL OF CERTAIN CHANGES TO COLLECTIVE BARGAINING AGREEMENTS, AND TO REQUIRE FILING WITH METRO COUNCIL OF ALL SUPPLEMENTAL AGREEMENTS TO COLLECTIVE BARGAINING AGREEMENTS.

SPONSORED BY: COUNCIL MEMBER ANTHONY PIAGENTINI

WHEREAS, KRS 67C.101 enables Louisville Metro Government to adopt procedures related to collective bargaining; and

WHEREAS, Section 35.057 of the Louisville Metro Code of Ordinances (“LMCO”) requires Metro Council approval of the terms and conditions of any collective bargaining agreement (“CBA”) negotiated by a union and Louisville Metro Government before the agreement is final, binding, and enforceable on the parties thereto; and

WHEREAS, during the term of a CBA, the parties to the agreement occasionally enter into additional supplemental agreements that relate to or affect the terms of the CBA as approved by Metro Council; and

WHEREAS, KRS 67C.105 vests the Metro Government mayor with all the executive and administrative power to operate Metro Government, including implementation of the adopted budget ordinance; and

WHEREAS, KRS 67C.103 vests Metro Council with all Metro Government’s legislative power including the power of appropriation; and

WHEREAS, supplemental agreements to CBAs that are entered into between Metro and bargaining units during the life of a CBA can have different titles and formats, including but not limited to amendments; side letter agreements; and memorandums of understanding; and

WHEREAS, while supplemental agreements to CBAs may sometimes be needed to effectively operate government, they may also have fiscal implications both for an existing budget year and for fiscal years beyond the current fiscal year; and

WHEREAS, Metro Council believes an understanding of all supplemental agreements to a CBA will assist in its evaluation of future CBAs for Metro and that bargaining unit.

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

SECTION I: LMCO Section 35.050 is hereby amended to add the following definition:

(D) **SUPPLEMENTAL AGREEMENT** shall mean any agreement, regardless of its title or format, entered into during the term of a collective bargaining agreement that in any way alters, amends, supplements, or interprets the collective bargaining agreement including but not limited to amendments; side letter agreements; and memorandums of understanding.

SECTION II: LMCO Section 35.057 is hereby amended as follows:

(A) Any collective bargaining contract agreed upon by the parties' negotiators shall be presented to the Metro Council in the form of a resolution and upon approval shall become a contract final and binding on all parties.

(B) Upon Metro Council approval of the resolution containing the Collective Bargaining Agreement, said agreement shall be valid and may be enforced under its terms.

(C) Regardless of its title or format, any supplemental agreement to a collective bargaining agreement that would:

(1) require a transfer of funds in the current fiscal year from outside of the departmental budget previously approved by Metro Council and to effectuate the supplemental agreement; and/or

(2) would have a financial impact on fiscal years beyond the current fiscal year's approved department budget

shall be presented to the Metro Council in the form of a resolution and upon approval shall become a contract final and binding on all parties.

(D) Within 30 days of its execution, the Department of Louisville Metro Government with responsibility for maintaining supplemental agreements shall file with the President

of Louisville Metro Council a copy of any supplemental agreement that does not require the approval of Metro Council under subsection (C) of this section.

SECTION III: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____