

Minutes
January 25, 2012 4:00 p.m.
Reconvened meeting of the Ely City Council from January 17, 2012 – Council Chambers, Ely City Hall

1. CALL TO ORDER

The Ely City Council Reconvened Regular Meeting from January 17, 2012 was called to order by Acting Mayor Debeltz at 4:00 p.m. on January 25, 2012 at the Ely City Hall.

2. ROLL CALL:

Present: Council members Nikkola, Omerza, Sheddy, Zupec and Acting Mayor Debeltz

3. CONSENT AGENDA:

A. Motion to waive readings in entirety of all ordinances and resolutions on tonight's agenda. Omerza/Nikkola moved approval. Motion carried unanimously.

4. NEW BUSINESS:

A. Approve the Memorandum of Understanding – Ely Supervisors of other than Essential Employees regarding the Resolution Appointing Deputy City Clerk. Omerza/Nikkola moved approval. Motion carried unanimously.

B. Approve Resolution Appointing Strike Committee. Nikkola/Omerza moved approval.

CITY OF ELY-RESOLUTION APPOINTING STRIKE COMMITTEE

WHEREAS, the City of Ely is committed to sound collective bargaining principles and practices which will serve to resolve differences to the mutual satisfaction of the parties and avert, to the greatest extent possible, work actions such as strikes. On January 20, 2012, the City of Ely received correspondence from Ms. Ida Rukavina, union representative dated January 19, 2012. Said correspondence notified the City and the Bureau of Mediation Services of AFSCME Local 1490's Base Unit intent to strike. In the event bargaining demands cannot be satisfied and recognizing that the City must take responsible precautions to ensure the necessary public services will be provided in the event such action is employed.

WHEREAS, the City of Ely shall establish a Strike Committee. The Strike Committee will consist of the Negotiating Committee, City Attorney, Department Heads, and any other member the Council deems appropriate. Said committee shall make such preparations to ensure continuation of necessary public services. Such preparations shall, among other things provide that:

1. Priorities are established for all services provided by the department from critical – which may not be interrupted – to the minimum level of service that can be maintained.
2. Instruction is given supervisory personnel regarding their responsibilities and conduct during a strike.
3. The City develops a policy regarding striking employees to ensure that all employees are advised of their rights and responsibilities during a strike

WHEREAS, the Strike Committee will meet and may handle city operations on a daily basis, if necessary.

This committee shall be authorized to:

- Change the hours and dates of services or employees schedules on a temporary basis.
- Eliminate non-essential services on a temporary basis.
- Designate an informational officer to handle all news media and public inquiries.
- Pay competitive wages to hire additional employees to carry out essential services.
- Grant overtime or comp-time for non-union employees, supervisors and department heads who don't currently receive such compensation.
- Allow additional carry-over of vacation time if vacation leave is cancelled.
- Cancel non-essential meetings.

NOW, THEREFORE BE IT RESOLVED, that because the City has been served with a notice of intent to strike by a bargaining unit and for the duration of any work stoppage only, the Strike Committee hereby is empowered to do all things reasonably necessary to secure the safety of the public, employees and public property and ensure the continued operations and proper administration of essential functions of the City of Ely notwithstanding any existing resolution, policy, budget restrictions or directives of the City Council in and for the City of Ely, Minnesota which would preclude or otherwise limit the Strike Committee in the full exercise of sound discretion in maintaining and protecting City functions and services.

Roll Called: Nikkola-yes, Omerza-yes, Sheddy-yes, Zupec-no and Acting Mayor Debeltz-yes. Motion carried four to one in favor with Zupec voting "no".

C. Approve Resolution Establishing Policies related to Union Work Action. Omerza/Nikkola moved approval.

CITY OF ELY-RESOLUTION ESTABLISHING POLICIES RELATED TO UNION WORK ACTION

WHEREAS, that the City of Ely is committed to sound collective bargaining principles and practices which will serve to resolve differences to the mutual satisfaction of the parties and avert, to the greater extent possible, work actions such as strikes. However, recognizing that a work action is the ultimate exercise of bargaining power unions may employ as an economic sanction against the City in the event bargaining demands cannot be satisfied and recognizing that the City must take responsible precautions to ensure the necessary public services will be provided in the event such action is employed.

WHEREAS, that in the event of a strike action against the City, the following policies will apply uniformly and consistently in accordance with state laws to all employees who engage or participate in such strike actions:

1. Any employee who is absent from any portion of his/her work assignment without permission of the appropriate department head on the date or dates when a strike occurs will be presumed to have engaged in a strike on such date or dates and shall not be permitted to return to work until the conclusion of the strike.
2. No wages or benefits shall be paid to any employees engaging in a strike.
3. If the City owes striking employees any wages for hours worked before the strike, the City will issue paychecks for the amount of those wages to striking employees on the first regularly scheduled payday after the commencement of a strike.
4. The City may discontinue contribution to all group insurance coverage and HSA/HRA accounts for the striking employees to the extent provided by law. Notice by letter will be provided to such employees on how they may continue to maintain group coverage.
5. No striking employee shall be entitled to vacation pay even if vacations were previously scheduled.
6. No sick leave shall be granted to a striking employee.
7. No striking employee shall be eligible for any type of leave, including attendance at conferences and conventions.
8. There shall be no service credit for benefit accrual purposes during a strike period to any employee participating in such action.
9. No holiday pay will be granted to a striking employee.

WHEREAS, that employees in a striking bargaining unit will be advised of their right to work during a strike action and the following City policies will apply uniformly and consistently to all non-striking bargaining unit employees during a strike action:

1. All leaves of absence for non-striking employees in affected departments will be automatically cancelled unless authorized by the Strike Committee. Any leaves of absence

during period when a strike is taking place may be granted only with approval of the department head and the Strike Committee.

2. Non-striking employees may be required to present written medical certification of illness to be eligible for sick leave.
3. Non-striking employees who by virtue of a strike are unable to use vacation and would forfeit vacation hours shall be allowed to accrue vacation in excess of the vacation accrual maximum and shall, after the conclusion of the strike, be permitted to reduce the vacation balance below the maximum accrual at the earliest date following the conclusion of a strike.

WHEREAS, that only the appointed member of the Strike Committee is authorized to speak publicly on behalf of the City in regard to labor disputes in which a union work stoppage has commenced or is imminent.

NOW, THEREFORE BE IT RESOLVED, that because the City has been served with a notice of intent to strike by a bargaining unit and for the duration of any work stoppage only, the Strike Committee hereby is empowered to do all things reasonably necessary to secure the safety of the public, employees and public property and ensure the continued operations and proper administration of essential functions of the City of Ely notwithstanding any existing resolution, policy, budget restrictions or directives of the City Council in and for the City of Ely, Minnesota which would preclude or otherwise limit the Strike Committee in the full exercise of sound discretion in maintaining and protecting City functions and services.

Roll called: Nikkola-yes, Omerza-yes, Shedly-yes, Zupec-no and Acting Mayor Debeltz-yes.
Motion carried four to one in favor with Zupec voting "no".

- D. Volunteer Medical Insurance coverage premium \$101 annually. Omerza/Nikkola moved approval. Motion was tabled to be researched by Attorney Klun until next meeting.

5. OPEN FORUM

TAB and ER Meetings for tomorrow were cancelled.

Shedly/Nikkola moved to approve a Strike Committee meeting on January 26, 2012 at 3:00 p.m. and to recess the council meeting until January 26, 2012 at 5:30 p.m. Motion carried four to one in favor with Zupec voting "no".

Nikkola/Omerza moved approval to recess meeting and then to close meeting to discuss union negotiations. Motion carried four to one in favor with Zupec voting "no".

Meeting recessed at 4:30p.m. and reopened at 4:37pm.

Council member Zupec left the meeting at 4:30 p.m. and did not return.

Meeting closed at 4:38pm and reopened at 4:55p.m.

Shedly/Omerza moved approval to run a ¼ page boxed ad in the Ely Echo, Ely Timberjay and the Ely Shopper and to place an 1/8 page boxed ad in the Mesabi paper for the Press Release. Motion carried unanimously.

Meeting recessed at 4:59 p.m. to reconvene on Thursday, January 26, 2012 at 5:30 p.m.

Claire Huisman
Deputy Clerk