

complaint or accusation, it shall try to eliminate the prohibited practice by informal methods of conference, conciliation, and persuasion.

2. Complaint and accusation. If the Board fails to eliminate the prohibited practice by conciliation and fails to obtain voluntary compliance with this section, it may serve a copy of the complaint or accusation upon the respondent. The complaint or accusation and the subsequent procedures shall be handled in accordance with procedures adopted by the Board.

3. Powers. At a minimum, the Board's powers shall include the power to conduct hearings, to investigate, to compel testimony, and to issue complaints, subpoenas and orders.

O. Enforcement by injunction. The Board may apply to the Superior Court for an order enjoining the prohibited acts specified in the order or decision of the Board.

P. Funding. The monetary impact of any agreement negotiated under this section is subject to Assembly approval and to funding through budgetary appropriations.

Q. Payroll deductions for dues and fees. Upon written authorization of an employee within a bargaining unit, the City and Borough shall deduct monthly from the payroll of the employee the amount of dues, service fees and/or other fees as certified by the executive officer of the exclusive bargaining representative and shall deliver it to the chief fiscal officer designated by the exclusive bargaining unit representative.

R. Employment Relations Board.

1. There is hereby created an employment relations board which shall have the power in the first instance to enforce this section. The Board shall be comprised of 3 members, of which a majority shall constitute a quorum at any meeting, and shall have the power to conduct hearings, compel testimony and the production of documents, and to perform all other acts necessary to effect the provisions of this section.

2. The composition of the Board shall include one person selected by the City and Borough Assembly, one person

chosen by the City and Borough employees in an election to be conducted by the City Clerk, and a third person selected by the two other Board members who have been appointed/elected. The third member selected by the other two shall become the Chairperson, and shall preside at all meetings of the Board. The term of each Board member shall be for three (3) years.

3. Each Board member shall serve without compensation, but shall be paid an appropriate *per diem* and/or reimbursed for other expenses reasonably incurred in the performance of official duties. The City and Borough Assembly shall fund the activities of the Employment Relations Board.
4. Matters to be filed with the Board shall be presented to the City and Borough Clerk, who shall promptly inform the Chairperson of any filings. The Chairperson shall then contact any parties for the purpose of scheduling meetings, hearings, or other such proceedings for the purpose of exercising jurisdiction.
5. Where appropriate, the Board may delegate its hearing responsibilities to a hearing officer who shall not be employed by the City and Borough nor have a conflict of interest by virtue of any relationship with the City and Borough, but who shall have the skills necessary to conduct a quasi-judicial administrative proceeding, and who shall know applicable principles of labor law and rules of evidence and procedure. The hearing officer shall make a recommended decision to the Board which shall then review the record and, where it so deems necessary, conduct further proceedings, take further testimony and/or receive additional evidence. The Board shall then decide whether to accept, modify, or reject the hearing officer's recommendations. The hearing officer shall be paid by the City and Borough a reasonable rate consistent with the value of the services provided.

S. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Board* means the City and Borough's Employment Relations Board.

2. *City and Borough* means the City and Borough of Sitka, Alaska, and its non-exempt and non-partially exempt regular employees, including employees of the Sitka Community Hospital, but excludes the school district and its employees.
3. *Collective bargaining* means the performance of the mutual obligation of the City and Borough or its designated representative and the representatives of the employees to meet at reasonable times, including meetings in advance of the budget-making process, and negotiate in good faith in respect to wages, hours and other terms and conditions of employment, or the negotiation of an agreement and execution of a written contract incorporating an agreement reached if requested by either party, but these obligations do not compel either party to agree to a proposal or require the making of a concession.
4. *Confidential employee* means an employee who assists and acts in a confidential capacity to a person who formulates, determines or effectuates management policies.
5. *Election* means a proceeding conducted by the Board in which the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives or for any other purpose specified in this chapter.
6. *Grievance*, under the terms of any agreement pursuant to this ordinance, means a complaint, misinterpretation or inequitable application of any of the provisions of such agreement concerning wages, hours or terms and conditions of employment.
7. *Management employee* means an employee classified as within the exempt or partially exempt service; an employee who regularly assumes, or is appointed to assume for a significant length of time, a substantial part of the duties of a department head or other partially exempt employee during such employee's absence; and any employee who is responsible for the effectuation or the supervision of the effectuation of management policies.

8. *Organization* means a labor organization in which the employees participate and which exists for the primary purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment and conditions of employment.
9. *Terms and conditions of employment* means the hours of employment and the compensation and fringe benefits and the employer's personnel policies affecting the working conditions of the employees, but does not include the general policies describing the function, purpose and budget of the City and Borough, reserved by ordinance, nor matters regulated by a personnel system adopted pursuant to the Charter of the City and Borough.

B. Title 2, Administration, of the Sitka General Code is amended by repealing Section 2.08.130, Recognizing employee contributions.

C. The ballot measure shall read as follows:

Shall the City and Borough's current "Meet & Confer" law be replaced by an ordinance providing for collective bargaining which shall allow local control of labor relations among City and Borough employees?

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YES

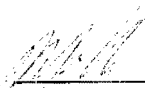
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NO

5. **EFFECTIVE DATE.** This ordinance shall become effective if a majority of voters vote in favor of it at a Regular Municipal Election to be held on October 4, 2005.

Note: This ordinance received a majority vote results follow:

Proposition No. 8	YES	1656
	NO	1545



Marko Dapcevich, Mayor

ATTEST:



Colleen Pellett, CMC
Municipal Clerk