

Staff Summary Report

REVISED



Council Meeting Date: 06/11/09

Agenda Item Number: _____

SUBJECT: Request approval of a resolution extending the termination date of the Memorandum of Understanding between the City of Tempe and SEIU Local 5 with exceptions.

DOCUMENT NAME: 20090611casv03 SEIU LOCAL 5 – **MEET AND CONFER (0303-08-01)**
Resolution No. 2009.65

SUPPORTING DOCS: No.

COMMENTS: Resolution No. 2009.65 extends the termination date of the Memorandum of Understanding, except for all provisions concerning market surveys, market adjustments and step increases.

PREPARED BY: Charlie Meyer, City Manager (350-8884)

REVIEWED BY: N/A

LEGAL REVIEW BY: Andrew B. Ching, City Attorney (350-8575)

FISCAL NOTE: This Resolution, by suspending any employee salary market adjustments or step increases, will reduce expenditures for the effective period and is consistent with the City's five year budget balancing plan.

RECOMMENDATION: Staff recommends adoption of Resolution No. 2009.65.

ADDITIONAL INFO: None.

RESOLUTION NO. 2009.65

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TEMPE, ARIZONA, EXTENDING THE
TERMINATION DATE OF MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY AND
SEIU LOCAL 5 WITH EXCEPTIONS.**

WHEREAS, the City of Tempe (“Tempe”) and SEIU Local 5 (“Union”) have entered into a Memorandum of Understanding (“MOU”) for the period of July 1, 2007 to June 30, 2009;

WHEREAS, on January 8, 2009, the Tempe City Council entered a Resolution (the “Resolution”), in which the parties acknowledged Tempe’s belief that it was experiencing a “fiscal crisis” and the parties agreed to suspend certain benefit provisions of the MOU until the “fiscal crisis” subsided;

WHEREAS the parties are currently negotiating in good faith the terms of a new agreement, and have determined that it is in their mutual interest and benefit and serves the public good to continue those negotiations beyond the June 30, 2009 expiration of the MOU; and

WHEREAS the parties believe it is in their mutual interest to continue to operate under the provisions of the MOU, with the modifications set forth below, until the parties reach a final agreement on a new MOU.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

1. The parties agree to extend the termination date of the MOU from June 30, 2009 to September 30, 2009 (the “Extension Period”), or to such time when a new MOU is ratified by the City Council, whichever comes first.

2. During the Extension Period, the parties agree that the Market Adjustments provision set forth in Section 3-1.2 of the MOU shall continue to be temporarily suspended as set forth in the January 8, 2009 Resolution.

3. Also during this Extension Period, the parties agree to temporarily suspend the Step Increases provision set forth in Section 3-1.1 of the MOU.

4. The parties stipulate that nothing in this Agreement, other than that described in the paragraphs above, alters or amends any rights or obligations established in the MOU and that any alleged breach or impasse of this Agreement shall be resolved as provided for in the MOU.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA, this ____ day of _____, 2009.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney