

ORDINANCE NO. 4055

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE ADMINISTRATION OF EMPLOYER/EMPLOYEE RELATIONS BETWEEN THE CITY AND ITS EMPLOYEES, REPEALING ORDINANCE NO. 3465, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 01: Title. This ordinance shall be known as the Albany Employer/Employee Relations Ordinance and Ordinance No. 3465 is hereby repealed.

Section 02: Purpose. The City Council finds and declares that the purpose of this ordinance is to provide orderly procedures for the administration of employer/employee relations between the City of Albany and its employee organizations. This ordinance is based upon the powers reserved to the City under the provisions of Article IV, Section 1(5) and Article XI, Section 2, Oregon Constitution, and the Charter of the City. This ordinance and any agreement pursuant hereto shall not impair any constitutional, common law, charter, statutory, or traditional right or responsibility of the City to act unilaterally:

- a. to determine the overall mission of the City as a unit of government;
- b. to maintain and improve the efficiency and effectiveness of city operations;
- c. to determine the services to be rendered, the operations to be performed, the technology to be utilized, or the programs to be budgeted;
- d. to determine the overall methods, processes, means, job classifications, or personnel by which city operations are to be conducted;
- e. to direct, supervise, or hire employees;
- f. to promote, suspend, discipline, discharge, transfer, assign, schedule, retain, or lay off employees;
- g. to relieve employees from duties because of lack of work or funds or under conditions where the City determines continued work would be inefficient or nonproductive;
- h. to take whatever other actions may be necessary to carry out the wishes of the public not otherwise specified herein or limited by a collective bargaining agreement; or
- i. to take actions to carry out the missions of the City as the governmental unit in situations of emergency.

Section 03: Definitions. For the purpose of this ordinance, except where the context clearly indicates a different meaning, the following words and phrases shall mean:

1. "Appropriate bargaining unit" means the unit composition designated by the City to be appropriate for the purpose of collective bargaining.
2. "City" includes the executive, legislative, and administrative officers of the City of Albany and their agents acting on behalf of the City directly or indirectly including duly authorized supervisory employees.

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3. "Collective bargaining" means the performance of the City and the representative of its employees to meet at reasonable times and confer in good faith with respect to employment relations or the negotiation of an agreement or any question arising thereunder, and the execution of a written contract incorporating any agreement reached and requested by either party. However, this obligation does not compel either party to agree to a proposal or require the making of a concession.
4. "Confidential employee" means one who assists and acts in a confidential capacity to a person who formulates, determines, and effectuates management policies in the area of employer/employee relations.
5. "Employee" means any employee of the City but does not include elected officials, persons appointed to boards or commissions, persons who are management employees, confidential employees, supervisory employees, or employees hired on a temporary basis for a limited term.
6. "Employer" means the City of Albany.
7. "Employment relations" includes wages, hours, and other conditions of employment.
8. "Exclusive representative" means the labor organization which, as a result of recognition by the City, has the right to be the collective bargaining agent of all employees in a designated bargaining unit.
9. "Factfinding" means the process in which an interest dispute is investigated by a duly appointed panel with the objective of:
 - a. reconciling or mediating the dispute confidentially between the parties; or failing this,
 - b. the panel submitting a report to the parties and recommending which of the final offers submitted is most reasonable within the context of this ordinance.
10. "Fair share agreement" means an agreement between the City and the recognized or certified bargaining representative of public employees whereby employees who are not members of the employee organization are required to make an in-lieu-of-dues payment to an employee organization. Such agreement shall reflect the opinion of the majority of the employees in the bargaining unit.
11. "Hearings official" means an impartial third party selected for a specified term of office to administer sections of this ordinance as provided herein.
12. "Labor organization" means any organization which has as one of its purposes representing employees in their employment relations with the City.
13. "Management employee" means any employee having responsibility for formulating, administering, or managing the implementation of city policies or programs.
14. "Supervisory employee" means any individual having authority in the interest of the City to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees or having responsibility to direct them or to adjust their grievances or to effectively recommend such action if, in connection therewith, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

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15. "Mediation" means assistance by an impartial third party in reconciling a labor dispute between the City and the exclusive representative regarding employment relations.
16. "Payment in-lieu-of-dues" means an assessment of all employees in an appropriate bargaining unit to defray the costs for services of the exclusive representative in negotiations and contract administration as agreed to by the parties. This amount shall not exceed normal dues.
17. "Proof of employee support" means 1) authorization card recently signed and personally dated by an employee or 2) a verified authorization petition or petition recently signed and personally dated by an employee. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee. The words "recently signed" shall mean within ninety (90) days prior to the filing of a petition.
18. "Public employee" means an employee of the City of Albany but does not include elected officials, persons appointed to serve on boards or commissions, or persons who are confidential employees or supervisory employees.
19. "Recognized employee representative organization" means an employee organization which has been formally acknowledged by the City as the employee organization that represents the employees in a designated appropriate bargaining unit as provided in Section 10.
20. "Unfair labor practice" means the commission of an act designated an unfair labor practice in Section 14 of this Ordinance.

Section 4: Rights of Public Employees. City employees have the right to form, join, and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with the City of Albany on matters concerning employment relations.

Section 5: Petition for State As Recognized Employee Representative Organization. An employee organization that seeks to be formally acknowledged as the Recognized Employee Representative of the employees in an appropriate unit shall file a petition with the Employee Relations Officer containing the following information and documentation:

1. Name and address of the employee organization.
2. Names and titles of its officers.
3. A statement that the employee organization has as one of its primary purposes representing employees in their employment relations with the City.
4. A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national, or international organization, and, if so, the name and address of each such organization.
5. Certified copies of the employee organization's constitution and bylaws.
6. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.

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7. A statement that the employee organization has no restriction on membership based on age, race, color, creed, sex, or national origin.
8. The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of employees therein.
9. A statement that the employee organization has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City.
10. A request that the Employee Relations Officer formally acknowledge the petitioner as the Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

The petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct, and complete, under penalty of false swearing, by the duly authorized officer(s) of the employee organization executing it.

Section 6: City Action on Recognition Petition.

1. Upon receipt of the petition the Employee Relations Officer shall determine whether:
 - a. There has been compliance with the requirements of Section 5 with respect to the contents of the petition; and
 - b. The proposed representation unit is an appropriate unit in accordance with Section 10 of this ordinance.
2. If an affirmative determination is made by the Employee Relations Officer under (1) above, he shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no other action on said request for twenty (20) days thereafter.
3. If either of the matters under (1) above are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning employee organization, and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefor in writing. The petitioning employee organization may appeal such determination in accordance with Section 12.

Section 7: Period For Filing Challenging Petition.

1. Within twenty (20) days of the date written notice was given to the affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of at least thirty (30) percent and otherwise in the same form and manner as set forth in Section 5.

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2. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in Section 10. The petitioning employee organizations shall have ten (10) days from the date notice of such unit determination is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 12.

Section 8: Election Procedure.

1. The Employee Relations Officer shall arrange for a secret ballot election to be conducted by a party agreed to by the Employee Relations Officer and the concerned employee organization(s), in accordance with its rules and procedures, subject to the provisions of this ordinance.
2. All employee organizations who have duly submitted petitions which have been determined to be in conformance with this ordinance shall be included on the ballot. The choice of "no Organization" shall also be included on the ballot.
3. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leave of absence, and who are employed by the city in the same unit on the date of the election.
4. An employee organization shall be formally acknowledged as the Recognized Employee Organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election shall be applicable to a run-off election.
5. There shall be no more than one valid election under this ordinance pursuant to any petition in a period consisting of twelve consecutive calendar months affecting the same unit.
6. In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the City Recorder.
7. Costs of conducting elections shall be borne in equal shares by the city and by each employee organization appearing on the ballot.

Section 9: Decertification of Recognized Employee Organization.

1. A Decertification Petition alleging that the incumbent Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Officer only during the month of January of any year following the first full year of recognition or during the thirty (30) day period commencing one hundred-eighty (180) days prior to the termination date of a contractual agreement then having been in effect less than three (3) years, whichever occurs later.
2. A Decertification Petition may be filed by two or more employees or their representative, or any employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of false swearing to be true, correct and complete:
 - a. The name, address, and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
 - b. The name of the established appropriate unit and of the incumbent Recognized Employee Organization of that unit.
 - c. An allegation that the incumbent Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.
 - d. Proof of employee support that at least thirty (30) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer within the time limits specified under (1) hereof.
 - e. An employee organization may, in satisfaction of the Decertification Petition requirements hereof, file a petition under this section in the form of a recognition petition that evidences proof of employee support of at least thirty (30) percent and otherwise conforms to the requirements of Section 5.
3. The Employee Relations Officer shall initially determine whether the petition has been filed in compliance with the applicable provisions of this section. If his determination is in the negative, he shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization, and, if such determination thereafter remains unchanged, shall return such petition to the employee or employee organization with a statement of the reasons therefor in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 12.
4. If the determination of the Employee Relations Officer is in the affirmative, or if his negative determination is reversed on appeal, he shall give written notice of such Decertification of Recognition petition to the incumbent Recognized Employee Organization and to unit employees.
5. The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification,

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and, if a recognition petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with Section 8.

Section 10: Determination of Appropriate Units.

1. The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the city and its compatibility with the primary responsibility of the city and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. These policy considerations require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:
 - a. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.
 - b. History of representation in the city and similar employment; except, however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.
 - c. Consistency with the organizational patterns of the city.
 - d. Number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units.
 - e. Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more units.
2. Notwithstanding the foregoing provisions of this section, management, confidential and supervisory employees shall not be included in any unit.
3. The Employee Relations Officer shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions from units in accordance with the provisions of this ordinance.

Section 11: Modification of Established Appropriate Units.

1. Requests by employee organizations for modifications of established appropriate units may be considered by the Employee Relations Officer only during the period specified in Section 9 (1). Such requests shall be submitted in the form of a recognition petition, and, in addition to the requirements set forth in Section 5 shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section 10.
2. The Employee Relations Officer may on his own motion propose during the period specified in Section 9 (1) that an established unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a

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meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Section 10.

- a. The Employee Relations Officer's determination may be appealed as provided in Section 12.
- b. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, employee organizations may thereafter file recognition petitions seeking to become the Recognized Employee Organization for such new appropriate unit or units pursuant to Section 5.

Section 12: Appeals.

1. An employee organization aggrieved by an appropriate unit determination of the Employee Relations Officer under this ordinance may, within ten (10) days of notice thereof, appeal such determination to the City Council for final decision.
2. An employee organization aggrieved by a determination of the Employee Relations Officer that a recognition petition (Sec. 5); challenging petition (Sec. 7) or decertification of recognition petition (Sec. 9) or employees aggrieved by a determination of the Employee Relations Officer that a decertification petition (Sec. 9) has not been filed in compliance with the applicable provisions of that section, may, within ten (10) days of notice of such determination, appeal the determination to the City Council for final decision.
3. Appeals to the City Council shall be filed in writing with the City Recorder, and a copy thereof served on the Employee Relations Officer. The City Council shall commence to consider the appeal within thirty (30) days of the filing thereof. The City Council may, in its discretion, refer the dispute to a third party hearing process. Any decision of the City Council on the use of such procedure, and /or any decision of the City Council determining the substance of the dispute shall be final and binding.

Section 13. Administrative Rules and Procedures. The City Manager is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this ordinance after consultation in good faith with affected employee organizations.

Section 14. Unfair Labor Practices.

1. It is an unfair labor practice for the City or its designated representative to do any of the following:
 - a. Interfered with, restrain, or coerce employees in or because of the exercise of the rights guaranteed in Section 4.

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- b. Dominate, interfere with, or assist in the formation, existence or administration of any employee organization. The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this Subsection or "a" above if such expression contains no threat of reprisal of force or promise of benefit.
 - c. Discriminate in regard to hiring, tenure, or any terms or conditions of employment for the purpose of encouraging or discouraging the membership in an employee organization. Nothing in this Section is intended to prohibit the entering into of a fair-share agreement between the City and the exclusive bargaining representative of its employees. If such a fair-share agreement has been agreed to by the City and exclusive representative, nothing shall prohibit the deduction of the payment in-lieu-of dues from the salaries or wages or such employees.
 - d. Discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition, or complaint or has given information or testimony under this ordinance.
 - e. Refuse to bargain collectively in good faith with the exclusive representative.
 - f. Refuse or fail to comply with any provision of this ordinance.
 - g. Refuse to reduce an agreement reached as a result of collective bargaining to writing and sign such contract.
 - h. Communicate directly or indirectly during the period of negotiations with other than the designated bargaining representative regarding issues subject to the current negotiations. This shall not be construed as to prohibit the processing of grievances, the issuance of a public statement by the Factfinding Board, or the issuance or press releases by the parties.
2. It is also an unfair labor practice for a public employee or for a labor organization or its designated representative to do any of the following:
- a. Interfere with, restrain, or coerce any employee in or because of the exercise of any right guaranteed under this ordinance.
 - b. Refuse to bargain collectively and in good faith with the City if the labor organization is an exclusive representative.
 - c. Refuse or fail to comply with any provisions of this ordinance.
 - d. Refuse to reduce an agreement reached as a result of collective bargaining to writing and sign the resultant contract.
 - e. Communicate directly or indirectly during the period of negotiations with officials other than those designated to represent the City regarding employment relations.

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3. A party alleging injury by an unfair labor practice may file a written complaint with the City's Hearing Official not later than thirty (30) days following the occurrence of an unfair labor practice.

Section 15: Selection of Hearings Official for Administration of Section 6 of

This Ordinance.

1. A hearings official shall be selected by the city agent and certified bargaining agents for the purpose of administering Section 6 of this Ordinance. The official shall be selected for two years. The hearings official may be removed from office prior to the expiration of the term by a unanimous vote of the parties. A term of office shall extend from the time of appointment until June 30 of the second year of such appointment.
- 2, Within thirty (30) days after the hearings official's position is vacated, the city agent and the bargaining agents shall meet and nominate three (3) persons each from which the hearings official shall be selected by unanimous vote.
3. If the parties are unable to unanimously select a hearings official within thirty (30) days after the position of the hearings official is vacated, the city shall appoint a representative and the certified bargaining agents shall jointly appoint a representative. A third and impartial representative, experience in public and private sector labor relations, shall be appointed by the Federal Mediation and Conciliation Service or its successor. The persons thus appointed shall request a list of ten (10) impartial persons experienced in labor relations from the Federal Mediation and Conciliation Service or its successor. Within one week of the receipt of the list, the three representatives shall select a hearings official from among the persons named on the list.

Section 16: Processing Unfair Labor Practices.

1. Upon receipt of a complaint, the hearings official shall:
 - a. Cause to be served upon the person charged with the unfair labor practice a copy of the complaint within ten (10) days of the filing of the complaint. Copies of the complaint shall also be sent to the city and any bargaining agent who is an immediate interested party to the complaint;
 - b. Determine whether a hearing of the complaint is warranted, dismissing the complaint if a hearing is not warranted;
 - c. Set a time and place for the hearing if it is warranted; and,
 - d. Make a preliminary finding and notify the parties of it at least ten (10) days prior to the hearing. If all parties accept the hearing official's preliminary finding, then the hearing may be waived.
2. If, as a result of the hearing, the hearings official finds that a party named in the complaint has engaged in or is engaging in any unfair labor practice alleged in the complaint, the hearing official shall:
 - a. State the findings of fact and the basis therefore in writing;
 - b. Issue and cause to be served on such party an order to cease and desist

from the unfair labor practice. Copies of the order shall be forwarded to the city and any other immediate interested party;

- c. Take action to deter continuation or repetition of the practice such as the reinstatement of employees with or without back pay; the assessment of fines, awarding damages to injured parties including costs of legal counsel representing the injured parties in the dispute; and other reasonable actions necessary to effectuate the purposes of this code.

3. If the hearing official finds that the party named in the complaint has not engaged in an unfair labor practice, he shall dismiss the complaint.

Section 17: Labor-Management Relations - Authority of the Hearings Official.

The powers of the hearings official shall be limited to the administration and enforcement of Section 6 of this Ordinance.

Section 18: Collective Bargaining Procedures. The City and the bargaining agent shall provide for and make every reasonable effort to conclude negotiations including provisions for an effective date, a reopening date, and an expiration date at a time to coincide with the period during which the Budget Committee and the City Council shall decide on the operating budget of the city. The process of collective bargaining shall begin on or about November 15 in the last year of an agreement and shall normally conclude prior to the official adoption of the budget by the City Council.

Section 19: Contractual Agreements. If agreement is reached by representatives of the City and representatives of Recognized Employee Organizations, they shall jointly prepare a written contractual agreement which shall not be binding until submitted to and approved by the City Council on behalf of the City and by employees within the appropriate unit on behalf of the Organization.

Section 20: Impasse Procedures.

1. If after a reasonable period of negotiation (usually not to exceed 90 days and mutually agreed to by the parties) over the terms of an agreement, after a reasonable time following certification, or recognition of an exclusive representative no agreement has been signed, either or both of the parties may request that mediation be provided by the State of Oregon Conciliation Service or its successor. Where the Conciliation Service on the request of one of the parties or on its own motion has determined that the parties have failed to achieve agreement through negotiation, the Conciliation Service shall render assistance to resolve the labor dispute according to the following schedule:
 - a. Mediation shall be provided by the State Conciliation service as provided by ORS 662.405 to 662.455.
 - b. If the labor dispute has not been settled after 30 calendar days after commencement of mediation, either party or the parties jointly may petition in writing to the City Recorder to initiate factfinding. The parties shall exchange a final offer on all issues remaining in dispute and may, at the same time, exchange an alternative offer. These offers shall be officially received by the City Recorder and preserved for the Board of Factfinders. The decisions of the Board of Factfinders can be made binding only by mutual agreement of all the parties.

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- c. The Factfinding Board shall consist of three members, one member appointed by the city, one appointed by the bargaining agent and one appointed by the two previously appointed members. These appointments shall be made within four (4) days of the end of mediation. The third member appointed shall be the chairperson of the Factfinding Board. No member of the Factfinding Board shall be a full-time employee of the City of Albany. Disinterested parties to the dispute shall be selected and whenever possible shall have experience in labor-management relations. The chairperson shall be a professional arbitrator. Nothing in this section prohibits citizens of Albany from being appointed to the Board.
- d. If, after four (4) days, this third member has not been mutually agreed upon, a list of five names shall be requested by the appointees from the American Arbitration Association or its successor. Each party shall alternately strike two names from the list. The order of striking shall be determined by lot. The remaining member shall become chairperson of the Factfinding Board. The chairperson shall call a meeting within twenty (20) days thereafter at a location within the City of Albany designated by the chairperson.
- e. If a vacancy should occur on the Factfinding Board due to death or resignation, the selection for replacement of such member shall be in the same manner as the resigned or deceased member was chosen. Such a vacancy shall not impair the right of the remaining members to exercise all of the powers of the Board except that no final selection under Subsection H of this Section shall be made by the Board until the vacancy has been filled.
- f. From the time of appointment until such time as the Factfinding Board makes its selection, there shall be no communication by the members of the Board with other parties other than the city's designated representative and the employee representative concerning recommendations for settlement of the dispute. This shall not preclude the Factfinding Board from, on its own initiative, obtaining whatever information from whatever sources it deems appropriate to assist in its selection.
- g. The Board shall have twenty (20) days from the conclusion of its hearing to make its selection from the final offers submitted. The Factfinding Board shall also have the power to subpoena any person or persons necessary to arrive at a decision and shall conduct formal or informal hearings to discuss offers submitted by both parties.
- h. The Factfinding Board shall select the most reasonable, in its judgment, of the final offers submitted by the parties. The Factfinding Board may take into account only the following factors:
- 1) Past collective bargaining contracts between the parties including the bargaining that led up to such contract;
 - 2) Comparison of wages, hours, and conditions of employment of other employees doing comparable work giving consideration to factors peculiar to the market area and the classification involved;
 - 3) Comparison of wages, hours, and conditions of employment as

reflected in Oregon public employers in general and specifically municipalities reasonably approximate to the city.

- 4) The interest and welfare of the public, the ability of the city to finance economic adjustments, and the effect of such adjustments on the normal standard of city services.
- i. The Board shall not compromise or alter the final offer that it selects. Selection of an offer shall be based on the content of that offer and no consideration shall be given to nor shall any evidence be received concerning collective bargaining in this dispute including offers of settlement not contained in the offers submitted to the Factfinding Board unless there is mutual agreement to submit package proposals on specific impasse items. In such an instance, the Board must consider all previously agreed upon items received by the City Recorder intergrated with the specific impasse items to determine the single-most-reasonable offer.
- j. The offer selected by the Factfinding Board integrated with the previously agreed upon items received by the City Recorder shall be deemed to represent the findings and recommendations of the Factfinding Board. The finding shall be tendered to the parties. The parties shall notify the City Recorder of the status of negotiations five days after receiving the findings of fact. If such notice indicates that one or both of the parties do not accept the Board's recommendations or that the parties have not otherwise settled the dispute, the City Recorder may publicize the final offer selected by the Board of Factfinders no sooner than five days after it has been received.
- k. Within 30 days of receipt of the factfinding report, the City Manager shall inform the City Council of the status of negotiations. Nothing in this ordinance shall preclude negotiations from continuing during this 30-day period.

Section 21: Costs.

1. Cost of the Hearings Official, factfinding, and all other activities shall be borne equally by the City and the bargaining unit. Any labor organization seeking recognition as a bargaining agent shall be required to demonstrate financial responsibility to meet the requirements of this Section to the satisfaction of the City.
2. The cost of the chairperson on the panel of factfinders shall be shared equally by the parties.
3. Costs of advocate members of a tri-partite factfinding panel shall be borne by the parties appointing the advocate.

Section 22: Severability. It is hereby declared to be the legislative intent of the Council that if a provision, sentence, clause, section, or part is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the ordinance or their application to other persons and circumstances.

Section 23: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, an emergency is hereby declared to exist and this ordinance shall become immediately effective and in full force upon its passage by the City Council and approval by the Mayor.

Passed by the Council: September 14, 1977

Approved by the Mayor: September 14, 1977

Effective Date: September 14, 1977



MAYOR

ATTEST:


CITY RECORDER