



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 17, 2020

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/
JOANNA C. ANDERSON, CITY ATTORNEY /s/

DOCKET TITLE:

Drafting of Public Employee Collective Bargaining Ordinance.

ISSUE: Whether or not to consider adopting a public employee collective bargaining ordinance for the City of Alexandria.

RECOMMENDATION: Direct the City Manager and the City Attorney to draft a proposed City ordinance that would authorize public employee collective bargaining for the City of Alexandria government, and bring that draft ordinance forward for City Council consideration and adoption by December 31, 2020.

BACKGROUND: While public employee collective bargaining has long been in place since its first establishment in the State of Wisconsin in 1963, and has expanded in some way, shape or form to nearly every state in the United States, the Commonwealth of Virginia has not allowed local government collective bargaining for some time. Virginia was one of only three states that did not allow any form of collective bargaining. About four decades ago, some Virginia local governments, including the City of Alexandria, did engage in collective bargaining and had agreements in place with employee organizations, but subsequent State law changes voided those collective bargaining processes. That left only meet and confer processes in place. That prohibition of collective bargaining situation has now changed.

During the recent General Assembly session, new legislation was adopted that authorized collective bargaining at the local government level as a local option, if a local government enacted an ordinance or resolution permitting collective bargaining. While this State legislation does not become effective until May 1, 2021 (delayed due to the COVID-19 pandemic), the creation of an ordinance of such long-term importance to the City government and its employees will take some time to develop. In order to provide sufficient time to research and understand best collective bargaining practices, as well as to engage with City employees and

employee labor groups to obtain their input, it is recommended that Council indicate its intent now to consider and adopt a collective bargaining ordinance prior to the end of this calendar year. While an ordinance would not be effective until May 1, 2021, it will be in the City's and our employees' interests to have the ordinance in place well before May 1. During the last legislative session, City Council indicated its general support for public employee collective bargaining, but only if a suitable bill was proposed that made local government collective bargaining an option and was not overly prescriptive in how collective bargaining was to be carried out. HB 582 and its Senate companion bill SB 939, whose final language was crafted and adopted late in the General Assembly session, addressed those Council concerns. Since the creation of a collective bargaining ordinance will require the significant investment of staff resources and outside assistance, it is important to get direction from Council before proceeding.

It should be noted that this City government ordinance would not apply to Alexandria City Public Schools, Alexandria Redevelopment and Housing Authority nor AlexRenew (Alexandria Sanitation Authority). Those organizations governing bodies would need to decide if they wished collective bargaining to be established for their organizations and take action by adopting a formal resolution. The law does not apply to local Constitutional Offices which are led by elected officials. The existing State law prohibiting public employee striking or similar activities was retained.

FISCAL IMPACT: There will be a to-be-determined cost to retain outside expertise to assist in drafting the ordinance. The outcome of collective bargaining will also likely result in additional costs.

ATTACHMENTS:

Adopted Public Employee Collective Bargaining Legislation

STAFF:

Debra R. Collins, Deputy City Manager

Sarah G. Taylor, Legislative Director

Shawnda H. Howard, Chief Human Resource Officer, Department of Human Resources