

CITY OF OBERLIN, OHIO

ORDINANCE NO. 18-66 AC CMS

AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING TO AMEND THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF OBERLIN AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) AS IT RELATES TO FAIR SHARE FEE DEDUCTIONS AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the Memorandum of Understanding attached hereto amending the Collective Bargaining Agreements between the City of Oberlin, Ohio, and the International Brotherhood of Electrical Workers (IBEW) for certain City of Oberlin employees is hereby approved and the City Manager is hereby authorized and directed to execute same on behalf of the City.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department, to wit: to amend the Collective Bargaining Agreement between the City of Oberlin and the IBEW to conform to law as it relates to fair share fee deductions as recently pronounced by the United States Supreme Court, and shall take effect immediately upon passage.

PASSED: 1st Reading: November 5, 2018 (E)

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 11/06/2018



BRYAN BURGESS
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 11/05/2018

MEMORANDUM OF UNDERSTANDING

As a result of the decision handed down by the U.S. Supreme Court in Janus v. State, County and Municipal Employees, Council 31 and consistent with the provision of Article 17 (Conformity to Law), the City of Oberlin (hereinafter referred to as the "City") and the International Brotherhood of Electrical Workers, Local 39 (hereinafter referred to as the "Union") agree to the following revisions of the current Collective Bargaining Agreement between the City and the Union effective January 1, 2018 through December 31, 2020.

ARTICLE 4 (DUES DEDUCTION)

Section 4.1 The City agrees to deduct the Union membership dues, fees and assessments in accordance with this Article for employees who elect to have Union dues deducted from their pay after 1440 hours of employment with the City.

Section 4.2 The City agrees to deduct regular Union dues from the first two (2) pay periods in each month of an employee in the bargaining unit who elects such deduction upon receiving written authorization individually from the employee. A payroll deduction form signed and dated by the employee must be presented to the City by the employee or the Union. Upon receipt of the proper authorization, the City will deduct Union dues from the employee's payroll check for the next pay period in which dues are normally deducted following the pay period in which authorization was received by the City.

IBEW, Local 39 Union dues will be mailed to the Local Union Office, following the first two bi-weekly pay dates of each month.

Section 4.3 The parties agree that the City assumes no obligation, financial or otherwise, arising out of the provisions of this Article regarding the deduction of membership dues, fees or assessments. The Union hereby agrees that it will indemnify and hold the City harmless from any claims, actions or proceedings by any employee arising from the deductions made by the City pursuant to this Article. Once the funds are remitted to the Union, their disposition thereafter shall be the sole and exclusive obligation and responsibility of the Union.

Section 4.4 The City shall be relieved from making such individual "check-off" deductions upon an employee's: (1) termination of employment; (2) transfer to a job other than one covered by the bargaining unit; (3) layoff from work for more than thirty (30) days; (4) an unpaid leave of absence for more than thirty (30) days; or (5) revocation of the check-off authorization in accordance with the revocation language agreed to by the employee as contained in the Dues Deduction Authorization Card.

Section 4.5 NO CHANGE

Section 4.6 NO CHANGE

Section 4.7 Delete City Auditor and replace with "Finance Director".

Section 4.8 Delete City Auditor and replace with "Finance Director".

ARTICLE 5 (MAINTENANCE OF MEMBERSHIP)

(DELETE IN ITS ENTIRETY)

Dated this 17 day of September, 2018.

FOR THE CITY:

Walt Miller

Joseph F. Lincicum

FOR THE UNION:

Bob Keiser

Renzel Smith

Jeff B.
