Minutes – Executive Policy Committee – July 11, 2018

REPORTS

Item No. 12 Reimbursement of UFFW President's Salary and Benefit Cost to the City of Winnipeg

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service, and recommended to Council:

1. That this Report be received as information.

DECISION MAKING HISTORY:

The Chairperson called Councillor Pagtakhan to the Chair in order to move the following motion:

Moved by His Worship Mayor Bowman,

That the recommendation of the Winnipeg Public Service be concurred in, and forwarded to Council.

Carried

His Worship Mayor Bowman resumed the Chair.

COUNCIL DECISION:

On June 21, 2018, Council concurred in the recommendation of the Executive Policy Committee, and adopted the following:

1. That the Public Service seek 100% reimbursement from the United Firefighters of Winnipeg, Local 867 (UFFW) of the UFFW union President's salary and benefit costs incurred by taxpayers pursuant to the agreement provided for under the updated Letter of Understanding No. 20 – Union President Leave.

2. That the Public Service report back to Council prior to executing any agreement.

3. That the Public Service not exceed 30 days without providing Council an update on the status of discussions should an agreement not be reached within 30 days.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 13, 2018, the Executive Policy Committee passed the following motion:

WHEREAS the City of Winnipeg used to pay 100% of the United Firefighters of Winnipeg, Local 867 (UFFW) union President's salary and benefit costs with no reimbursement by UFFW;

WHEREAS all other City of Winnipeg unions reimburse the City of Winnipeg in full for each of their President's salary and benefit costs;

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

WHEREAS authority was provided by Council to the Public Service in January 2014 to have them come to an agreement regarding the union President's leave and reimbursement to taxpayers from the UFFW;
WHEREAS in March 2014, an agreement was reached which provided for reimbursement of 40% of the UFFW President's salary and benefits from the UFFW;

WHEREAS reimbursement of 40% of the UFFW President's salary and benefit costs represented an improvement for taxpayers from 0%;

WHEREAS the details of the agreement agreed to in March 2014 were not presented to Council at the time;

WHEREAS details of the negotiated UFFW Collective Agreement (Dec 2016-Dec 2020) submitted for approval by Council in April 2017 did not present an updated Letter of Understanding No. 20 regarding Union President Leave;

WHEREAS no opportunity was afforded to Council to provide direction to the Public Service as part of the collective bargaining process with UFFW nor at the time Council was asked to vote on the agreement to arrive at a better deal for taxpayers regarding Letter of Understanding No. 20 – Union President Leave;

WHEREAS the Collective Agreement (Dec 2016-Dec 2020) and revised Letter of Understanding No. 20 – Union President Leave have been fully executed and signed by the current President of UFFW;

WHEREAS the Mayor as the head of Council and Chief Officer of the City of Winnipeg as defined in The City of Winnipeg Charter has not signed and executed the Collective Agreement (Dec 2016-Dec 2020);

WHEREAS the Collective Agreement (Dec 2016-Dec 2020) and revised Letter of Understanding No. 20 – Union President Leave, as fully executed by the current President of UFFW, commits each party anew to come to an agreement regarding the union President's leave and reimbursement;

WHEREAS direction is best provided by Council to the Public Service on how to proceed with discussions pursuant to the updated Letter of Understanding No. 20 – Union President Leave prior to the Collective Agreement being fully executed by the Mayor; and

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

WHEREAS this motion does not represent nor should it be construed as representing a lack of support and appreciation on the part of Council for the committed and valuable work of Winnipeg's Fire Paramedic Service.

THEREFORE BE IT RESOLVED that Executive Policy Committee recommend that the following be submitted to Council for consideration:

1. That the Public Service seek 100% reimbursement from the UFFW of the UFFW union President's salary and benefit costs incurred by taxpayers pursuant to the agreement provided for under the updated Letter of Understanding No. 20 – Union President Leave;

2. That the Public Service report back to Council prior to executing any agreement; and

3. That the Public Service not exceed 30 days without providing Council an update on the status of discussions should an agreement not be reached within 30 days.

and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Reimbursement of UFFW President's Salary and Benefit Cost to the City of Winnipeg

Critical Path: Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Jack	M. Jack	N/A	D. McNeil

EXECUTIVE SUMMARY

On June 21, 2018, Council directed the Public Service to engage in discussions with the United Firefighters of Winnipeg Local 867 of the International Association of Fire Fighters (UFFW) regarding the March 4, 2014 – Letter of Agreement – UFFW Presidents Salary. The Parties subsequently met on July 4, 2018.

Given that the discussions are negotiations with the UFFW, the particulars of the discussions between the Parties are confidential as per LOU No. 3 – Bargaining Protocol, attached hereto as Schedule A. The City and the UFFW are prohibited from discussing the details until the negotiations have concluded.

The Parties have agreed to exchange written proposals regarding the subject matter of the negotiation during the summer months and have agreed to a second meeting prior to the end of September 2018.

RECOMMENDATIONS

That this Report be received as information.

REASON FOR THE REPORT

On June 21, 2018, Council directed the Public Service to engage in discussions with the United Firefighters of Winnipeg Local 867 of the International Association of Fire Fighters (UFFW) regarding the March 4, 2014 – Letter of Agreement – UFFW Presidents Salary, and to provide an update on this issue within thirty (30) days of the Council meeting held on June 21, 2018.

IMPLICATIONS OF THE RECOMMENDATIONS

N/A

HISTORY/DISCUSSION

In February 2014, a tentative agreement was ratified between the United Fire Fighters of Winnipeg Local 867 of the International Association of Fire Fighters ("UFFW") and the City of Winnipeg. Within the ratified agreement was a Letter of Understanding whereby the parties agreed to come to an agreement on the terms of leave and reimbursement for the UFFW President. In March 2014, a Letter of Agreement was reached regarding the UFFW President's Salary whereby the UFFW was to reimburse the City 40% of his salary and benefit costs. Prior to this letter of agreement, the City had been paying 100% of the UFFW President's Salary. The negotiated Letter of Agreement contains a term indicating that the arrangement will expire when Alex Forrest is no longer the President of the UFFW.

On June 21, 2018, Council directed the Public Service to engage in discussions with the United Firefighters of Winnipeg Local 867 of the International Association of Fire Fighters regarding the March 4, 2014 – Letter of Agreement – UFFW Presidents Salary. The Parties subsequently met on July 4, 2018. The UFFW asserted that their participation in the discussions on the Letter of Agreement did not arise out of Letter of Understanding (LOU) No. 20, but rather, pursuant to s.75 of the Labour Relations Act (LRA). Section 75 of the LRA allows the Parties to a collective agreement to agree to modify a provision of the collective agreement during the term thereof.

The City agreed, on a without prejudice basis to its position on LOU No. 20, to negotiations under s.75 of the LRA regarding the terms of the March 4th, 2014 Letter of Agreement.

Given that the discussions constitute negotiations with the UFFW, the particulars of the discussions between the Parties are confidential as per LOU No. 3 – Bargaining Protocol (attached hereto as Schedule "A"). Accordingly, the City and the UFFW are prohibited from discussing the details until the negotiations have concluded.

The Parties have agreed to exchange written proposals regarding the subject matter of the negotiation during the summer months and have agreed to a second meeting prior to the end of September 2018.

FINANCIAL IMPACT

Financial Impact Statement **Date:** July 10, 2018

Project Name:

Reimbursement of UFFW President's Salary and Benefit Cost to the City of Winnipeg

COMMENTS:

There is no financial impact associated with receiving this report as information.

original signed by
Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

NIL

SUBMITTED BY

Department: Office of the CAO
Division:
Prepared by: M. Jack
Date: July 10, 2018
File No:

Attachments:

Schedule A: Letter of Understanding No. 3 – Bargaining Protocol