



**Request for City Council Committee Action
From the City Attorney's Office**

Date: November 14, 2005

To: Ways & Means/Budget Committee

Referral to:

Subject: International Brotherhood of Electrical Workers, Local 292 v. City of Minneapolis, Minneapolis City Council and R.T. Rybak, in his official capacity

Recommendation: That the City Council approve the settlement in this lawsuit.

The proposed settlement provides that the International Brotherhood of Electrical Workers, Local 292, will dismiss with prejudice the Summons and Complaint Filed September 28, 2005, the Order Granting Temporary Injunction dated October 12, 2005, and all pending claims for relief in the above captioned lawsuit (District Court File No.: 05-14688) based on the City of Minneapolis' agreement to:

- 1) Continue to employ Plaintiff's members thru March 1, 2006.
- 2) Prior to March 2, 2006, Plaintiff's members shall receive notice of position elimination consistent with section 20.850(a)(2) of the job bank ordinance.
- 3) Effective March 2, 2006, Plaintiff's members will be placed in the job bank for a period of sixty (60) days during which time Plaintiff's members shall remain on paid status.
- 4) During their job bank tenure, Plaintiff's members shall be entitled to all rights and benefits of the job bank.
- 5) Plaintiff's members will continue to perform electrical inspections for the City of Minneapolis, even during their tenure in the job bank, until such time as the electrical permit backlog is exhausted.
- 6) Effective April 30, 2006, if a member of Plaintiff has not been placed in another city position, the employee shall be placed on the appropriate layoff list with all rights as pursuant to the relevant collective bargaining agreement or applicable civil service rules.
- 7) Effective April 30, 2006, if a member of Plaintiff has not been placed in another city position the employee's employment with the City of Minneapolis shall be terminated.
- 8) In the event the City of Minneapolis regains its authority to perform electrical inspections, Plaintiff's members shall retain recall rights as granted by the collective bargaining agreement for a period of three (3) years of the effective date of the layoff.

Previous Directives:

Prepared by: Mike Bloom, Assistant City Attorney

Phone: (612) 673-2038

Approved by: _____

Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
 Action requires an appropriation increase to the Capital Budget
 Action requires an appropriation increase to the Operating Budget
 Action provides increased revenue for appropriation increase
 Action requires use of contingency or reserves
 Other financial impact (Explain):
 Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

Neighborhood Notification
City Goals:
Comprehensive Plan
Zoning Code
Other

Background/Supporting Information

On October 5, 2005, IBEW, Local 292, sued the City under the Public Employment Labor Relations Act (PELRA). The multiple count complaint details various unfair labor practices allegedly committed by the City including refusal to meet and negotiate in good faith, making unilateral changes to the labor agreement, violating the status quo and unlawful interference with the administration of an employee organization.

Local 292 also claims that the City engaged in unfair labor practices, in part, when the City Council repealed its electrical ordinances and when the City Council established a 2% ceiling on future wage increases.

Contemporaneous with the filing of its complaint, Local 292 moved the court for a temporary injunction. A hearing on the temporary injunction was held before Judge Harry S. Crump. On October 12, 2005, the Judge issued an Order which provides: (1) that the City must bargain in good faith; and (2) until an impasse is reached, the City is restrained from unilaterally implementing changes to the Electrical Inspector's terms and conditions of employment, including laying off any Electrical Inspectors or assigning their duties to the State.

Despite the specific request from Local 292, the Judge did not enjoin either of the Council's actions regarding the 2% cap or the repeal of the electrical ordinance.

On October 17, 2005, Regulatory Services began referring all new requests for electrical permits to the State. When Local 292 learned of this process it immediately served the City with a Motion for Contempt of Court claiming the City has violated the judges Order. On October 19, 2005,, Judge Crump **denied** the Electrical Inspector's Motion finding that the City had not acted in violation of the existing Order of October 12, 2005.

On November 3, 2005, the City's labor negotiators were successful in negotiating a tentative labor agreement with Local 292, which is within the 2% cap. The agreement has been ratified by the Union and is pending Council approval. The tentative agreement led to talks regarding resolving this lawsuit, which resulted in the proposed settlement.