

10-0-1757
 (Do Not Write Above This Line)

**AN ORDINANCE BY
 FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, CHAPTER 114 (PERSONNEL), ARTICLE II (COMPENSATION, PAYROLL DEDUCTIONS AND CHARITABLE CONTRIBUTIONS), DIVISION 1 (GENERALLY), SECTION 114-28 (DEDUCTION OF LABOR ORGANIZATION DUES FROM SALARIES): TO ELIMINATE THE QUADRENNIAL RE-CERTIFICATION REQUIREMENT AND CHANGE THE JURISDICTION OF EMPLOYEE ORGANIZATIONS; AND FOR OTHER PURPOSES.

SUBSTITUTE ADOPTED BY
 NOV 0 1 2010

- CONSENT REFER COUNCIL
 REGULAR REPORT REFER
 ADVERTISE & REFER
 1st ADOPT 2nd READ & REFER
 PERSONAL PAPER REFER

Date Referred: 10/04/10
 Referred To: Finance Exec.
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

Committee: Finance/Executive
 Date: 9/29/2010
 Chair: James
 Referred to: Finance/Executive

Committee: Finance/Exec
 Date: 10/15/10
 Chair: James

Fav, Adv, Hold (see rev. side)
 Action: Other: Substitute
 Members

Refer To

Committee
 Date
 Chair

Fav, Adv, Hold (see rev. side)
 Action: Other:
 Members

Refer To

Committee: Finance/Executive
 Date: 10/27/10
 Chair: James

Fav, Adv, Hold (see rev. side)
 Action: Other: Substitute
 Members

Refer To

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Consent V Vote RC Vote

CERTIFIED
 NOV 0 1 2010
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 NOV 0 1 2010
 Municipal Clerk

MAYOR'S ACTION

APPROVED

NOV 10 2010
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

10-O-1757

A SUBSTITUTE ORDINANCE BY FULL COUNCIL

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, CHAPTER 114 (PERSONNEL), ARTICLE II (COMPENSATION, PAYROLL DEDUCTIONS AND CHARITABLE CONTRIBUTIONS), DIVISION 1 (GENERALLY), SECTION 114-28 (DEDUCTION OF LABOR ORGANIZATION DUES FROM SALARIES): TO ELIMINATE THE QUADRENNIAL RE-CERTIFICATION REQUIREMENT AND CHANGE THE JURISDICTION OF EMPLOYEE ORGANIZATIONS; AND FOR OTHER PURPOSES.

WHEREAS, City of Atlanta Code Section 114-28, provides for deduction of labor organization dues from employee salaries; and

WHEREAS, City of Atlanta Code Section 114-28, requires employee organizations to undergo a lengthy and exhaustive recertification process every four years; and

WHEREAS, The recertification process has proven to be both time-consuming and costly and has never resulted in the decertification of an employee organization; and

WHEREAS, The recertification process creates competition between employee organizations seeking to increase their membership; and

WHEREAS, The quadrennial recertification process serves no relevant purpose and should be discontinued; and

WHEREAS, An appropriate community of interest for each employee organization must be established that clearly defines each and demonstrates a commonality among the employees, promotes a harmonious relationship between labor and management and improves the overall effectiveness of city operations; and

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That Section 114-28 is deleted in its entirety and replaced in lieu thereof with the following:

Sec. 114-28. Deduction of labor organization dues from salaries.

(a) The chief financial officer is authorized and directed to deduct from the salary or wages of employees, who are members of an appropriate community of interest as determined by the commissioner of the department of human resources, a specified sum of money as stated on the dues authorization card signed by each employee representing the monthly dues of the organization to which the employee belongs and such specified sum of money as may, from time



to time, subsequently be certified by the financial secretary of the organization in accordance with the organization's bylaws. Each enrollment dues authorization card having a specified sum of money stated thereon which is in an amount less than that which is certified by the financial secretary shall remain valid for organizational certification so long as no withdrawal card has been filed with the **commissioner of human resources**. Enrollment dues authorization cards of employees becoming members of the organization shall be certified by the **commissioner of human resources** between the first and 15th days of the month subsequent to such employee becoming a member, by the president or secretary of the organization. No deduction shall be made until a written dues authorization card signed by the employee shall have been delivered to the **commissioner of human resources**. No such written dues authorization card shall be valid which has not been dated and which is not received by the **commissioner of human resources** within 60 calendar days after the date it was signed by the employee. All cards received by the **commissioner of human resources** shall be retained by the city.

- (b) Notwithstanding the provision of 114-28(a), the following rules are applicable:
- (1) Any employee who maintains membership in an employee organization as of October 27, 2010, shall be allowed dues deduction. Any employee who falls within this provision who subsequently voluntarily withdraws the dues authorization card is prohibited from further dues deduction pursuant to this rule and is limited to dues authorization for the community of interest as defined in 114-28(d);
 - (A) Any pending application for membership in an employee organization as defined by 114-28 (d), submitted from January 1, 2010 through June 15, 2010, but not processed through the Commissioner of Human Resources shall be processed for dues deduction for employee organizations as defined in 114-28 (d).;
 - (B) Any pending application for membership in an employee organization which was submitted from June 16, 2010 through October 27, 2010, but not processed through the Commissioner of Human Resources shall be processed for dues deduction.
 - (2) Any application for membership in an employee organization as defined by 114-28 (c) received by an employee organization after October 27, 2010 and submitted to the Commissioner of Human Resources shall be processed for dues deduction for employee organizations as defined in Section 114-28 (d).
- (c) The **commissioner of human resources** shall, after deducting the cost to the city to implement such deduction of dues, remit the balance previously so collected to the secretary or president of the employee organization, together with a list of names of those employees from whom the dues were collected on the last business day of each month.
- (d) For the purpose of this section, the term "employee organization" means the following organizations previously recognized by the council and approved by the mayor by ordinance or by resolution:



- (1) The International Brotherhood of Police Officers, representing sworn personnel within the department of police at the rank of Police **Lieutenant** and below;
- (2) The International Association of Fire Fighters, representing sworn personnel within the department of fire at the rank of Fire Captain or below;
- (3) The American Federation of State, County and Municipal Employees, representing non-sworn personnel employed at or below pay grade 18 with the exception of those personnel working in the classifications specifically reserved and/or enumerated by the Commissioner of Human Resources for the Professional Association of City Employees as identified in Exhibit A of the 2005 Memorandum of Understanding between the City of Atlanta and the Professional Association of City Employees. When new positions are created, the Commissioner of Human Resources shall confer with both communities of interests to determine where such positions are located. The final decision rests with the Commissioner of Human Resources; and
- (4) The Professional Association of City Employees, representing non-sworn personnel employed at or above pay grade 19 up to and including pay grade 30 and those personnel working in classifications specifically reserved and/or enumerated by the Commissioner of Human Resources for the Professional Association of City Employees as identified in Exhibit A of the 2005 Memorandum of Understanding between the City of Atlanta and the Professional Association of City Employees. When new positions are created, the Commissioner of Human Resources shall confer with both communities of interests to determine where such positions are located. The final decision rests with the Commissioner of Human Resources.

Should any city employee who signed a valid enrollment dues authorization card wish to withdraw or terminate the deduction of dues from such employee's wages or salary, such employee may do so in the months of January or July of each year by submitting in writing to the office of the **commissioner of human resources** a statement to that effect.

(e) The deduction of dues authorized in this section is conditioned upon the fact that any organization representing any employee or group of employees, any shop steward or any official of an organization or any of its members, individually or collectively, will not strike and will not approve or take part in any strike, sit-down, slow-down or any interference with the operation of the city by picketing, patrolling, demonstrating or any stoppage of work or other similar activities. Further, the deduction of dues is conditioned upon there being no campaigning or soliciting of membership on city property during working hours. Upon the occurrence of any of such actions or activities and upon a written determination by the mayor or the mayor's designee that such actions or activities are occurring, the deduction of dues from the salary or wages of the employees belonging to any such organization shall be automatically terminated by the **commissioner of human resources**, and recognition of that employee's organization shall be terminated.



(f) The dues deduction of an employee shall not be made if the salary or wages of an employee at any pay period, after making all deductions required by law and previously authorized by the employee, should not equal the amount of such dues. Thereafter, such deductions shall commence, non-retroactive, upon there remaining after such deductions an amount of such employee's salary or wages equal to such dues. The dues deduction of an employee shall terminate when, for suspension, sickness or any leave of absence, such employee should receive in any dues deduction pay period an amount of money less than such employee's normal and regular salary. Such dues deduction shall thereafter commence, non-retroactive, upon such employee receiving in any dues deduction pay period such employee's normal and regular wages or salary.

(g) Any other employee organization not specified in paragraph (d) may petition to become a recognized organization under this Section by providing a showing of interest by employees in any community of interest as defined in paragraph (d) that demonstrates that the organization has the support of fifty percent (50%) plus one of the employees within that community of interest. Such a petition shall be presented to the Commissioner of Human Resources only during the first quarter of the calendar year for certification by the Commissioner of Human Resources. Support of employees shall be demonstrated by signed and dated authorization cards as defined in paragraph (a). Should the Commissioner of Human Resources verify the showing of interest, the organization submitting the showing of interest, upon approval by Council, will become the recognized employee organization for the employees in the community of interest for which representation is sought at the beginning of the third quarter of the calendar year in which the showing of interest is submitted. At such time, any existing employee organization previously recognized for employees in the community of interest will no longer be recognized and authorization cards for the former employee organization will become null and void. No other petition for certification for the same community of interest will be accepted for a period of four (4) years after the date of certification under this paragraph.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

A true copy,


Municipal Clerk

ADOPTED by the Atlanta City Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

NOV 01, 2010

NOV 10, 2010

RCS# 669
11/01/10
6:17 PM

Atlanta City Council

REGULAR SESSION

10-O-1757

AMEND CHAP.114 ART.II DIV.1 SEC.114-28
OF CODE OF ORDINANCES
ADOPT ON SUB

YEAS: 14
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	N Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

10-O-1757