

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2013-73

By Dale A. Lange Sponsored By Mayor Cyril M. Keem

## AN ORDINANCE

**AMENDING THE COLLECTIVE BARGAINING AGREEMENT EFFECTIVE JANUARY 1, 2013 BETWEEN THE CITY OF BEREА, OHIO AND LOCAL 1099 OF THE LABORER'S INTERNATIONAL UNION OF NORTH AMERICA MUNICIPAL, COUNTY AND STATE EMPLOYEES' UNION TO CREATE THE CLASSIFICATION OF FOREMAN AS A CLASSIFICATION WITHIN THE UNION AND TO PROVIDE FOR A PAY SCALE FOR EMPLOYEES IN THAT CLASSIFICATION AND DECLARING AN EMERGENCY.**

**WHEREAS**, this Council adopted Ordinance 2013-16 Approving and Ratifying a Three Year Collective Bargaining Agreement in March of this year; and

**WHEREAS**, members of the administration and representatives of the Union Local have met and agreed that the establishment of a new classification of Foreman will improve the efficiency of the daily operation of the Service Department.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, Cuyahoga County, State of Ohio:

**SECTION 1.** That this Council finds that the Contract Amendment to the Collective Bargaining Agreement negotiated by the Administration of the City with the service department workers represented by the Laborers' International Union of North America Municipal, County and State Employees' Union Local 1099, a true copy of which proposed Amendment is attached hereto and made a part hereof as if fully rewritten herein, is an appropriate Contract Amendment to the Collective Bargaining Agreement covering the period of January 1, 2013 through December 31, 2015, should be, and hereby is, approved, confirmed and ratified by this Council and incorporated into that Collective Bargaining Agreement.

**SECTION 2.** That the Director of Finance be, and hereby is authorized and directed to pay such funds as may be required pursuant to the terms and conditions of the Amended Collective Bargaining Agreement ratified herein, to the beneficiaries of such Agreement according to the tenor thereof, and such funds as may be required and necessary to accomplish the same are hereby appropriated and allocated to the various and several funds as may be designated by the Director of Finance for accounting purposes required by law.

**SECTION 3.** That it is found and determined that all formal actions of this Council concerning and 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.

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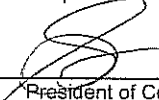
City of Berea, Ohio

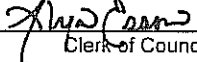
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**SECTION 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that the establishment of Collective Bargaining Agreements is required by law and necessary for the immediate and continued operation of the City, particularly in matters of public service. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: October 21, 2013


  
\_\_\_\_\_  
President of Council

ATTEST:   
Clerk of Council

APPROVED: October 22, 2013

  
\_\_\_\_\_  
Mayor

Approved as to Form:

  
\_\_\_\_\_  
Director of Law

**CONTRACT AMENDMENT AGREEMENT**

Because the City of Berea would like to add a new "Foreman" classification to the Service department this amendment agreement is made and entered into by and between the City of Berea, (City) and the Laborers' International Union of North America municipal, County and State employees' Union Local 1099, (Local 1099).

Based on the foregoing, the City and Local 1099 agree to amend the current Collective bargaining Agreement, (CBA) effective from January 1, 2013 through December 31, 2015 as follows:

**IN ARTICLE 3, RECOGNITION:**

Section 3.02 shall be changed to reflect four (4) classifications and the new classification of Foreman will be added.

Section 3.02 d. shall be added as follows:

Foreman

Foremen will be those employees who have the responsibility to lead and supervise service workers engaged in maintenance, repair and related general public service work; and other appropriate duties as assigned by or through the Service Director. This is responsible supervisory work which involves assigning and inspecting work of service workers in the performance of a wide variety of public service tasks. The foreman works under the general direction of the superintendent and is responsible for assuring that routine public service functions are carried out effectively, efficiently and safely.

**IN EXHIBIT A:**

Foreman shall be added with at a rate of \$29.20 hourly and \$60,736 yearly with a 2% increase for 2014 and 2015.

**MEMORANDUM OF UNDERSTANDING**

Effective upon execution of this agreement the City will distribute overtime to employees by classification as authorized in Article 12.04 of the CBA. No member of another classification will be offered overtime except after all members within a classification has been offered the overtime and refused, or in cases of an emergency.

The parties have read and fully understand the contents of this agreement and have caused the agreement to be duly executed as set forth below.

\_\_\_\_\_  
Mayor City of Berea

\_\_\_\_\_  
Business Manager

\_\_\_\_\_  
Service Director

\_\_\_\_\_  
Steward

\_\_\_\_\_  
Law Director

\_\_\_\_\_  
Assistant Steward