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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to approve the interest arbitration award and compensation agreement submitted by the Mayor for employees in Compensation Unit 4.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Interest Arbitration Award and Compensation Agreement between the District of Columbia Fire and Emergency Medical Services Department and Local 36 International Association of Firefighters (Compensation Unit 4) Emergency Declaration Resolution of 2014”.

Sec. 2. (a) D.C. Official Code § 1-617.17(i)(1) requires that the arbitrator’s award issued on February 20, 2014, pertaining to the D.C. Firefighters Union, Local 36, was required to have been transmitted to the Council within 60 days.

(b) Following a lengthy, protracted process involving submittal, withdrawl, and re-submittal, the Council has before it a resolution transmitted by the Mayor on June 25, 2014.

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1 (c) The Executive has questioned the legal sufficiency of two related articles in the
2 compensation agreement, Article 18 (Overtime) and Articles 44 (Tour of Duty, formerly Article
3 45), and litigation is pending that affects these articles.

4 (d) The resolution transmitted by the Mayor would have disapproved language from
5 these 2 articles and approved the rest of the award. However, there is no provision in the D.C.
6 Official Code permitting the Council to accept in part or reject in part provisions of the contract.

7 (e) The Council instead approves the award by emergency act, explicitly noting that in
8 doing so the Council does not intend this approval to prejudice the pending litigation.

9 (f) Accepting the collective bargaining agreement, with the arbitrator's asterisk regarding
10 pending litigation and while acknowledging the litigation over tour of duty and overtime pay,
11 does not prejudice the government (or the union) in the current litigation. However, to
12 disapprove Articles 18 and 44, as the Executive seeks, does prejudice the litigation.

13 (g) Additionally, rejecting two articles of the compensation agreement, even if there
14 were authority to do so, would have the absurd effect of requiring that the agreement be
15 resubmitted for renegotiation—a prospect the Executive has also admitted is absurd.

16 (h) The interest arbitration award and compensation agreement include pay raises that
17 Local 36 members have not seen since 2006.

18 (i) Acting on this compensation agreement now will have a positive effect on the
19 employees of the Fire and Emergency Medical Services Department.

20 Sec. 3. The Council of the District of Columbia determines that the circumstances
21 enumerated in section 2 constitute emergency circumstances making it necessary that the
22 "Interest Arbitration Award and Compensation Agreement between the District of Columbia Fire
23 and Emergency Medical Services Department and Local 36 International Association of

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1 Firefighters (Compensation Unit 4) Emergency Approval Act of 2014” be adopted after a single
2 reading.

3 Sec. 4. This resolution shall take effect immediately.