

CHAPTER 33: PUBLIC EMPLOYMENT POLICIES

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33.01 COMPENSATION

- (a) Compensation for city officials and employees shall be as set, annually, by legislative authority.
- (b) The City of Richmond, through its Mayor and respective boards, may adopt and develop personnel policies to govern the actions and benefits accruing to city employees under their control.
- (c) Such personnel policies may establish fringe benefits, such as insurance, holiday, vacation, sick leave, personal leave, and bereavement benefits, which shall not be considered as additional compensation beyond what is set forth in the salary ordinance. (Ord. 40-1986)

33.02 BONDS

- (a) The following city officers shall give bond in the amount indicated before commencing their official duties:

City Clerk	\$ 30,000
City Controller	\$ 30,000
Each clerk employed in the City Clerk's or City Controller's offices shall give a bond which shall be payable to the Clerk or Controller, as the case may be, in addition to the State of Indiana.	
City Engineer	\$ 1,000
Weights and Measures Inspector	\$ 1,000
Superintendent of Richmond Power and Light	\$ 5,000

(b) Bonds of other city officials shall be as fixed by the Board of Public Works and Safety.

(c) All bonds shall be secured by a reliable surety company and approved by the Mayor, and shall be payable to the City of Richmond, except that of the City Treasurer which shall be payable to the State of Indiana.

(d) The bond of the City Controller shall include funds collected by him under the Barrett Law. ('72 Code, 3.01) (Ord. passed 1-17-16; Ord. 811-1925; Ord. 1469-1952)

33.03 EMPLOYEE FUND PROVISIONS

(a) For provisions governing social security coverage for public employees, see I.C. 5-10.1 et seq.

(b) For provisions governing public retirement and disability benefits, see I.C. 5-10.2 et seq.

(c) For provisions governing the public employees retirement fund, see I.C. 5-10.3 et seq.

33.04 EMPLOYEE COLLECTIVE BARGAINING (Ord. 45-2000)

(a) General – The City Of Richmond shall adhere to Indiana law and engage in Permissive Collective Bargaining. Specifically, each City Administration, through its Mayor and/or respective boards, may or may not elect to recognize collective bargaining for employees within any City Department. (It is acknowledged that as of the date of this Code Section revision, such recognition has been provided to the Police Department, Fire Department, and Public Transportation division of the Roseview Transit.) In conjunction with this recognition of Indiana law, the City also recognizes that for the protection of the public health, safety, and welfare, Indiana law does not allow for the right of any City employee to strike or engage in any work stoppage or slow down.

(b) Procedures to Establish Collective Bargaining - In order to request collective bargaining or appoint an agent to serve as their exclusive bargaining agent, the following procedures shall be used by the employees of any City department.

(1) Request for Bargaining Agent – A request for an exclusive bargaining agent may be commenced by the employees of any City department through a Petition to Initiate Collective Bargaining presented to the Mayor and signed by at least 30% of the projected covered employees within that department.

Such petition shall identify the requested bargaining agent (i.e. union) and shall describe the type of employees to be covered by the representation. It is recognized and acknowledged that no “supervisory” or “managerial” employee shall be eligible for representation. (For purposes of this subsection and the definitions of “supervisory” or “managerial” employee, the City shall adopt those definitions set forth by the National Labor Relation act and federal law; provided, for purposes of recognition within the fire and police departments, the current contract terms for applicability shall apply.)

(2) Oversight Panel – Upon receipt of the Petition to Initiate Collective Bargaining, a three member Oversight Panel shall be appointed to oversee the agent selection process and the election which shall take place to determine whether an exclusive bargaining agent is desired and, if so, who is the desired agent. The Panel shall consist of one member appointed by the Mayor to represent the City Administration; one member appointed by the proposed bargaining agent (i.e.: union); and a potentially affected employee from the subject department, who shall be selected by Common Council. All appointments shall be residents of the City and shall serve without compensation, except for any reimbursement of expenses. All appointments shall be made within 15 days from receipt of the original Petition. (If more than one union is attempting to be chosen as the bargaining agent, the selection of the union representative to the Panel must be agreed upon by all proposed union organizations.)

Upon its appointment, the Oversight Panel shall attempt to monitor all presentation of material provided to the affected employees either from the proposed bargaining agent and/or the City officials. It is the intent of this Code section and process that all discussion be open and fair; that no pressure tactics be taken by either an agent or the City to affect any vote on collective bargaining; and that absolutely no retaliation be taken or threatened by either the proposed agent, the City or other employees regarding the selection process.

(3) Election – Within 45 days after receipt of the initial Petition, an election shall take place among the eligible department employees to determine if an exclusive bargaining agent is desired and if so, who shall serve as such agent. The specific date, place, and method of voting – subject to the provisions herein – shall be determined by the Oversight Panel. At least 15 days prior to the election, the City shall provide to the proposed agent and to all members of the Panel a list of the names of the eligible employees. In order to be eligible, the employee must be a fulltime employee within the subject department as of the date of the elections.

The final list of the employees which would be eligible and affected by the vote shall be determined by the Oversight Panel prior to the election.

The election shall be conducted by secret, written ballot and the choices thereon shall include the names of the proposed bargaining agents (unions) and the choice not to be represented by any exclusive agent. The election and counting of ballots shall be conducted by the Oversight Panel.

In order to be presented as an exclusive bargaining agent, a union organization must receive a majority vote of all eligible employees. If more than one union is involved in a vote and no one union receives such majority vote, but when taken together, a majority of eligible employees have requested to be represented by a union, a second vote shall be taken pursuant to the same provisions herein and the name of any union receiving a vote by a majority of the eligible employees shall be presented to the City Administration.

(4) Recognition – Upon an affirmative majority vote to have an exclusive bargaining agent, the Mayor (or statutory board which controls the hiring and selection of the employees within the subject department) shall determine if recognition is to be given to the successful agent to serve as the bargaining agent. This decision shall be made within 20 days after the election. Such recognition shall continue until a decertification vote taken pursuant to the terms herein establishes that the affected employees no longer wish to be represented by the named bargaining agent, or until such time Common Council, through normal ordinance procedure, elects not to recognize an exclusive bargaining agent for the subject affected employees; provided, any future non-recognition shall have no effect on any contract entered into during the period of recognition. (It is acknowledged that as of the date of this Code Section revision, such recognition has been provided to the Police Department, Fire Department, and Public Transportation division of the Roseview Transit.)

(5) Decertification – Upon a Petition signed by at least 30% of the affected employees, a decertification of a previously selected bargaining agent may be initiated at any time and the same process as described above shall be utilized. In order to decertify or remove a previously selected bargaining agent, an affirmative vote of at least the majority of all eligible employees shall be required.

Notwithstanding anything to the contrary contained herein, a Petition to Initiate Collective Bargaining or to decertify a bargaining agent may not be made more than one time in any calendar year.

(6) “Union Shop” Agreement – Notwithstanding the terms of this Code Section, no provisions of any contract to be entered into between the City and any City employees or their bargaining agent shall include the requirement that all affected employees within the subject department must be a member of the selected union in order to be employed by the City.

(c) Negotiation/Fact-Finding – In the event a bargaining agent has been chosen to represent certain employees and such agent has been recognized, this subsection shall apply.

(1) Definitions: For the purposes of this subsection, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(A) “CORPORATE AUTHORITIES” – The proper officials within the City Administration whose duty it is to establish the wages, salaries, rates of pay, hours, working conditions and other terms and conditions of employment of members of its various departments, who shall consist of three members appointed by the Mayor of Richmond.

(B) “FACT-FINDING PANEL” – A panel of five persons, all of whom shall be residents of the City, two selected by the corporate authorities, with approval of Common Council, and two selected by the bargaining agent. The fifth member shall be selected by majority vote of the other four members. The panel members shall not be employees of the City or members of any of its departments, boards, or commissions.

(C) “RECOGNIZED BARGAINING AGENT” – Any bargaining agent which has been established and recognized pursuant to the terms of this Code.

(2) It shall be the obligation of the corporate authorities and the bargaining agent to meet and bargain in good faith beginning the first day of June prior to the year in which the Contract shall become effective.

(3) In the event that the bargaining agent and the corporate authorities are unable within 60 days from and including the date of their first meeting, to reach an agreement on wages, salaries, hours, working conditions, any and all unresolved issues shall, upon request of the corporate authorities or the bargaining agent, be submitted to the Fact-finding Panel.

(4) The Fact-finding Panel shall be selected within 15 days from the date of request referred to in (3) above. The bargaining agent and the corporate authorities shall each select and name two fact-finders and shall immediately thereafter notify each other in writing of the names and addresses of the persons so selected. The four fact-finders so selected and names, shall, within five days from and after the expiration of the 15 day period hereinbefore mentioned, select and name a fifth person. This person shall serve as Chairperson of the Fact-finding Panel. Reasonable fees and necessary expenses of arbitration shall be borne equally by the bargaining agent and the City.

(5) The Fact-finding Panel shall, acting through its Chairperson, call a hearing within five days after the date of the appointment of the Chairperson, and shall, acting through its Chairperson, give at least seven days notice in writing to each of the other four fact-finders, the bargaining agent, and the corporate authorities of the time and place of the hearing. The hearing shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Any and all documentary evidence and other data deemed relevant by the fact-finders may be received in evidence. The Fact-finding Panel shall have access to all books, records, and other evidence relative or pertinent to the issues presented to them for the purpose of determining the facts and the submitting of recommendations. The hearing conducted by the Fact-finding Panel shall have access to all books, records, and other evidence relative or pertinent to the issues presented to them for the purpose of determining the facts and the submitting of recommendations. The hearing conducted by the Fact-finding Panel shall be concluded within 10 days of the time of commencement, and within five days after the conclusions of the hearings, the Panel shall make written findings and written recommendations upon the issues presented, a copy of which shall be presented to the bargaining agent and the corporate authorities at a public meeting. Any hearings held by the Fact-finding Panel must be open at all times for the purpose of permitting members of the public to observe and record them. Any findings and recommendations they make are public record open to public inspection provided by any applicable statute relating to fact-finding in connection with public collective bargaining.

(6) The Fact-finding Panel shall conduct the hearing and render their decisions upon the basis of a prompt, peaceful, and just settlement of wage or hour disputes between the bargaining agent and the corporate authorities. The fact, among others, to be given weight by the Fact-finding Panel shall include but not be limited to:

- (A) Interest and welfare of the general public and taxpayers, including:
 - (i) The fiscal status of the City, in light of anticipated and realized expenditures and revenues
 - (ii) Comparison of wages, salaries, rates of pay, hours, working conditions, and other terms and conditions of employment among public employees of the City; and similar public employees in other Indiana cities of similar size.
 - (iii) The City's pension fund obligations
- (B) Comparison of wages, rates, or hourly conditions of public employment with prevailing wage rates of hourly conditions in private industry and commerce for similar positions and skill levels, together with all other benefits as pensions, insurance, and so forth
- (C) Comparison of peculiarities of employment in regard to other trades or professions, specifically:
 - (i) Hazards of employment
 - (ii) Physical qualifications
 - (iii) Educational qualifications
 - (iv) Mental qualifications
 - (v) Job training and skills
- (7) The Corporate authorities shall, within five days after the receipt of the formal report of the Fact-finding Panel, establish final negotiation meetings with the bargaining agent for a final effort to resolve issues. Absent an agreed resolution, the recommendations of the Fact-finding Panel shall then be submitted to Common Council, which shall vote on the recommendations of the Fact-finding Panel. The recommendations of the Fact-finding Panel shall become effective upon a majority vote of the Common Council approving the recommendations. If Common Council does not approve the recommendations of the Fact-finding Panel, then the recommendations are to be re-submitted to the Fact-finding Panel and shall follow the process set forth in Paragraph (5) above

and, this paragraph, Paragraph (7), until a majority vote of Common Council is obtained.

- (8) All matters which have been agreed upon by the parties, excepting budgetary items which must be passed by ordinance of the Common Council, shall be reduced to writing and shall be effective for the period agreed by the parties.

33.05 PUBLIC EMPLOYEES RETIREMENT FUND

- (a) The city elects to become a participant in the Public Employees Retirement Fund as established by I.C. 5-10.3 et seq. and all acts amendatory and supplemental thereto.
- (b) The city agrees to make the contribution required under state statute.
- (c) The following are declared to be covered by the fund: all full-time employees of the city, including full-time elected public officials, and excluding policemen and firemen. It is determined that members of Common Council and the Judge of the City Court are not full-time employees and therefore are not covered by the fund.
- (d) It is declared that none of the classifications or positions specified in (c) are compensated on a fee basis or of an emergency nature or in a part-time category.
- (e) The active participating membership of the city shall begin on January 1, 1966, except full-time elected public officials whose entire participating membership shall begin on January 1, 1974. (Ord. 2153-1965; Ord. 2866-1973; Ord. 3176-1977)

Statutory reference:

Social Security Coverage for Public Employees, see I.C. 5-10.1 et seq.

Public Retirement and Disability Benefits, see I.C. 5-10.2 et seq.

Public Employees Retirement Fund, see I.C. 5-10.3 et seq.

33.06 EXPENSES FOR MUNICIPAL PROMOTION

- (a) The Common Council authorizes expenditure of funds from the general fund of the city to pay the expenses of or to reimburse city officials as the case may be for expenses incurred in promoting the best interest of the city. These expenses may include, but not necessarily be limited to, rental of meeting places, meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other

units of government, and any other expenses of a civic or governmental nature deemed by the Mayor to be in the interest of the city.

(b) No expenses shall be incurred under this section without prior authorization of the Mayor and all claims for such expenses shall be approved by the Mayor and allowed in the regular manner before payment. (Ord. 86-1981)

(c) Public officials liability insurance shall be obtained by the City of Richmond on behalf of the Mayor, the City Clerk, all elected officials, including members of the Common Council, appointed city officials and members of boards and commissions, and such other employees as may be warranted. (Ord. 86-1981; Ord. 35-1984)

33.07 USE OF CREDIT CARDS BY CITY OFFICIALS AND EMPLOYEES

(a) The Government of the City is authorized to use credit cards issued in the name of the City of Richmond for use only on City-related business.

(b) The responsibility for the issuance and custody of credit cards shall be with the City Controller. Credit Cards may be used by a City employee when authorized by the employee's Department Head and approved by the City Controller, and also by elected officials of the City subject to the approval of the City Controller. The City Controller shall establish regulations concerning the use of the cards. In each instance of the use of the cards, once the purpose for which the cards are used is accomplished, the cards shall be returned to the City Controller.

(c) The City is authorized to pay any reasonable annual membership fee, service charge, or renewal charge levied by the credit card issuer.

(d) No interest, carrying charges, or penalties shall be incurred due to late payment. In the event of such charges being incurred due to late payments, the employee or official responsible for the late payment shall bear the charges. All claims filed in connection with the use of the credit cards must be itemized as provided in I.C. 5-11-10. A reasonable tip or gratuity is allowable where a business-related service has been provided. (Ord. 67-1990)