# Legislation Details (With Text)

| | | | | | |
|---|---|---|---|---|---|
| **File #:** | 21-1139 | **Version:** | 1 | **Name:** | 6/21/21 Resolution to Approve COAM CBA |
| **Type:** | Resolution | | | **Status:** | Passed |
| **File created:** | 6/21/2021 | | | **In control:** | City Council |
| **On agenda:** | 6/21/2021 | | | **Final action:** | 6/21/2021 |
| **Enactment date:** | 6/21/2021 | | | **Enactment #:** | R-21-234 |

**Title:** Resolution to Approve the Collective Bargaining Agreement between the City of Ann Arbor and the Command Officers Association of Michigan, effective January 1, 2021 - December 31, 2023

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. COAM 2021 - 2023 Final 6.9.21.pdf

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 6/21/2021 | 1 | City Council | Approved | Pass |

Resolution to Approve the Collective Bargaining Agreement between the City of Ann Arbor and the Command Officers Association of Michigan, effective January 1, 2021 - December 31, 2023
Human Resource Services recommends the approval of the new Collective Bargaining Agreement between the City of Ann Arbor and the Command Officers Association of Michigan, who represent the Sergeants and Lieutenants of the Ann Arbor Police Department.

Highlights of the negotiated agreement include:

1) Three (3) year agreement;
2) The Chief has gained the right of assignment authority to open and reassign every command position every three years (or once every contract);
3) The City gained an extension to the timeline in which disciplinary investigations can be opened against a command officer from 14 to 21 days from the date the City is notified or aware of the incident giving rise to the investigation;
4) COAM will join AAPOA on a committee to explore changes to binding arbitration for disciplinary matters. This committee will commence after ratification of this Agreement;
5) COAM members who have been demoted from their positions due to the disciplinary process will not be able to be promoted for a period of 24 months following the date of demotion.

Budget/Fiscal Impact: The recommended changes exceed the FY2021/FY2022 budget assumption for this contract by $48,000, however it is unlikely that a budget amendment will be required because the increase may be offset by other savings in the department.

Economic impacts of the negotiated agreement include:

1) An increase to COAM members' uniform and equipment allowance to $3,000 annually (previously was $1,800 annually). This increase to the allowance amount is not pensionable.
2) The ability for command officers in administrative positions to work on two additional City-observed holidays, and not be forced off. This will only impact ten (10) members of the bargaining unit.

3) COAM members automatically receive the same COLA as AAPOA members. Therefore, COAM members will receive a 2.5% COLA retroactive to the beginning of the contract.

Prior to the beginning of bargaining, City Staff reached out to ICPOC Chair Dr. Lisa Jackson and Vice -Chair Frances Todoro-Hargreaves and asked for ICPOC's feedback on the contract. They provided the following four requests for changes to the contract, provided below with our notes on how we have attempted to meet each objective:

1) ICPOC requested revision of COAM CBA Article 19, section 4 to be revised to include access to members of ICPOC in the review of officer personnel files.

   The ability for ICPOC to review disciplinary reports, see officer names, and relevant personnel file data was handled outside of the bargaining process through the ICPOC Information Managers. We believe this objective has been substantively met.

2) ICPOC requested revision of Article 9 and other assignment-related clauses be revised such that the police chief has the right of assignment.

   The Chief may now open and reassign every command position once every contract term. We believe this objective has been substantively met.

3) ICPOC requested that Article 5, Section 3 be revised such that discipline recommendations shall not be based on infractions which have occurred more than seven (7) years (84 months) prior to the incident under investigation.

   This language did not change in the tentative agreement. However, COAM members do not have a guarantee of progressive discipline in their contract, and therefore the length of time that a disciplinary item remains active in a personnel file is irrelevant for determining the severity of discipline an employee in this bargaining group might receive. Notably, also, the city never physically removes past disciplines from a police officer's file, they always remain on the record. For these reasons we believe this objective is inherently met in the current contract language.

4) ICPOC requested the elimination of binding arbitration for termination.

   COAM has agreed to join the City/AAPOA negotiation to reform binding arbitration for disciplinary matters. This committee was agreed to during the AAPOA bargaining process last year, and the parties agreed to hold off on meeting until the COAM bargaining was done so we could try to bring them into the process. Once a final COAM contract is ratified, this committee will meet. For these reasons, we believe it is too early to determine whether this objective has been met yet or not.

Staff reached out to Dr. Lisa Jackson and Ms. Frances Todoro-Hargreaves to discuss the tentative agreement prior to the Council Meeting. Dr. Jackson informed the City that she would be unable to meet with staff to discuss the agreement. Ms. Todoro-Hargreaves met with Staff on June 11, 2021 and received a full briefing on the tentative agreement. Staff communicated to Dr. Jackson and Ms. Hargreaves that we would be willing to brief any member of ICPOC on the tentative agreement if they wished to be briefed. Staff have given an open invitation to Dr. Jackson for a discussion on the tentative agreement and are hopeful one can be scheduled prior to the Council Meeting.

For the above stated reasons, Staff recommends approval of the attached Resolution to approve the January 1, 2021 - December 31, 2023 Collective Bargaining Agreement negotiated between the City and the Command Officers Association of Michigan.
Prepared by: Heather Koch, Human Resources Service Partner
Reviewed by: John Fournier, Assistant City Administrator
Approved by: Tom Crawford, City Administrator
Whereas, The Parties have reached a settlement on a new agreement, which includes a three-year term (January 1, 2021 to December 31, 2023); and

Whereas, The City Administrator recommends approval of the negotiated agreement;

RESOLVED, That the City Council approve the three-year Collective Bargaining Agreement ending December 31, 2023; and

RESOLVED, That the Mayor and the City Clerk are authorized and directed to execute the Collective Bargaining Agreement for the term January 1, 2021 to December 31, 2023 on behalf of the City, after approval as to substance by the City Administrator, and approval as to form by the City Attorney.