

One-rdg. \_\_\_\_\_  
P.Hrngs. \_\_\_\_\_  
Pgs. 19  
Filed. 11-12-13

Sponsored by: Stephens

First Reading: November 18, 2013

Second Reading: December 16, 2013

COUNCIL BILL NO. 2013-298

SPECIAL ORDINANCE NO. 26344

AN ORDINANCE

1 RECOGNIZING certain labor organizations as being the sole collective bargaining  
2 representative for certain recognized bargaining units of certain  
3 employment positions of the City of Springfield, Missouri ("City").  
4  
5

6 WHEREAS, in light of the City's framework, established by General Ordinance, for  
7 certain City employees to engage in collective bargaining, the City believes it is necessary  
8 to recognize certain labor organizations as being the sole collective bargaining  
9 representative for certain recognized bargaining units; and  
10

11 WHEREAS, the City has entered into Letter Agreements or Tentative Agreements  
12 with certain labor organizations setting forth said recognition; and  
13

14 WHEREAS, the certain City employment positions covered by said Letter  
15 Agreements or Tentative Agreements are maintained as business records in the Human  
16 Resources Department of the City.  
17

18 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
19 SPRINGFIELD, MISSOURI, as follows, that:  
20

21 Section 1 – In accordance with the City's framework, established by General  
22 Ordinance, for certain City employees to engage in collective bargaining, the City hereby  
23 recognizes the following labor organizations (in alphabetical order) as representing for  
24 collective bargaining purposes certain City employment positions as specified in certain  
25 Letter Agreements or Tentative Agreements entered into between the City and each labor  
26 organization:  
27

- 28 (1) American Federation of State, County and Municipal Employees  
29 Council 72 and Local 1754 (See Exhibit A, attached hereto and  
30 incorporated herein by reference);  
31  
32 (2) International Association of Fire Fighters Local 152 (See Exhibit B,  
33 attached hereto and incorporated herein by reference);  
34  
35 (3) Service Employees International Union Local 1 (See Exhibit C,  
36 attached hereto and incorporated herein by reference); and

37  
38 (4) Springfield Police Officers Association (See Exhibit D, attached hereto  
39 and incorporated herein by reference).  
40

41 Section 2 – The certain City employment positions covered by said Letter  
42 Agreements or Tentative Agreements are maintained as business records in the Human  
43 Resources Department of the City.  
44

45 Section 3 – The said Letter Agreements or Tentative Agreements cannot be  
46 amended except by a written, signed agreement between the City and the labor  
47 organization involved.  
48

49 Section 4 – This ordinance shall inure to the benefit of the City and the recognized  
50 labor organizations and their respective successors and assigns.  
51

52 Section 5 – Savings Clause. Nothing in this ordinance shall be construed to affect  
53 any suit or proceeding now pending in any court or any rights acquired or liability incurred  
54 nor any cause or causes of action occurred or existing, under any act or ordinance repealed  
55 hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this  
56 ordinance.  
57

58 Section 6 – Severability Clause. If any section, subsection, sentence, clause, or  
59 phrase of this ordinance is for any reason held to be invalid, such decision shall not affect  
60 the validity of the remaining portions of this ordinance. City Council hereby declares that it  
61 would have adopted the ordinance and each section, subsection, sentence, clause, or  
62 phrase thereof, irrespective of the fact that any one or more sections, subsections,  
63 sentences, clauses, or phrases be declared invalid.  
64

65 Section 7 – This ordinance shall be in full force and effect from and after passage.  
66


67 Passed at meeting: December 16, 2013

68  
69   
70 Robert H. Stephen  
71 Mayor

72  
73 Attest: Brend M. Cuts, City Clerk  
74

75  
76 Filed as Ordinance: December 16, 2013  
77

78  
79 Approved as to form:  Assistant City Attorney  
80

81  
82 Approved for Council action:  City Manager  
83

**EXPLANATION TO COUNCIL BILL NO: 2013- 298**

FILED: 11-12-13

ORIGINATING DEPARTMENT: Law Department

PURPOSE: To recognize certain labor organizations as being the sole collective bargaining representative for certain recognized bargaining units of certain employment positions of the City of Springfield, Missouri ("City").

BACKGROUND INFORMATION: In light of the City's collective bargaining framework, to be established by General Ordinance, the City has entered into Letter Agreements and Tentative Agreements with the following labor organizations (in alphabetical order) which recognize the labor organizations as being the sole collective bargaining representative for certain recognized bargaining units:

- (1) American Federation of State, County and Municipal Employees Council 72 and Local 1754;
- (2) International Association of Fire Fighters Local 152;
- (3) Service Employees International Union Local 1; and
- (4) Springfield Police Officers Association.


The certain City employment positions covered by said Letter Agreements and Tentative Agreements are maintained as business records in the Human Resources Department of the City. It is recommended that the City recognize the above labor organizations as representing, for collective bargaining purposes, the certain recognized bargaining units of the certain City employment positions.

REMARKS: Both the Law Department and the Human Resources Department recommend approval of this ordinance.

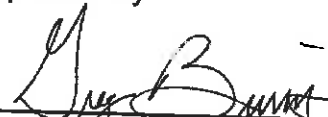
Submitted by:

  
\_\_\_\_\_  
Tina Fowler, Assistant City Attorney

Recommended by:

  
\_\_\_\_\_  
Sheila Maerz, Director of Human Resources

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager



**HESSE | MARTONE**  
*Attorneys & Counselors*

J. CHRISTOPHER HESSE  
Direct Dial 314.862.0420  
chrishesse@hessemartone.com

July 3, 2013

VIA EMAIL [levings@afscmecouncil72.org](mailto:levings@afscmecouncil72.org)  
AND FIRST CLASS MAIL

Mr. Roger Levings  
Staff Representative  
AFSCME Missouri State Council 72  
1509B South Noland Road  
Independence, MO 64055

Re: Bargaining Units

Dear Mr. Levings:

Thank you for your correspondence of June 26, 2013 with regard to Airport Police Officers. After discussions with my client, we have determined that the Airport Police are POST certified and the Park Rangers are also POST certified. I have removed both groups from the list. Below is a revised list of what the City of Springfield believes are the appropriate positions for potential inclusion in the bargaining unit which you seek to represent. They are as follows:

**AIRPORT**

- C058 Graphic Production Assistant: 0004
- FE55 Airport Customer Service Rep.: 0005 - 0009
- FE56 Terminal Svcs. Assistant: 0001
- FE60 Clerical Assistant: 0013
- FE69 Executive Secretary: 0014

**ART MUSEUM**

- BE60 Preparator: 0001
- DA05 Art Museum Security Officer: 0001, 0002
- FD36 Librarian: 0001
- FE60 Clerical Assistant: 0004
- FE67 Administrative Assistant: 0010

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1650 Des Peres Road, Suite 200 St. Louis, MO 63131 tel 314.862.0300 fax 314.862.7010 [www.hessemartone.com](http://www.hessemartone.com)

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[Exhibit A]

**BUILDING DEVELOPMENT**

BH99 Code Compliance Investigator: 0001  
CB02 Plan Review Specialist: 0001 - 0003  
CB04 Development Coordinator: 0001, 0002  
CB07 Electrical Inspector: 0001 - 0003  
CB22 Public Health Investigator: 0019 - 0023  
CB32 Building Inspector: 0001 - 0003  
CB35 Housing Inspector: 0001  
CB36 Mechanical & Plumbing Inspectr: 0001  
CB38 Senior Inspector: 0002 and 0004  
CB40 Land Development Inspector: 0001  
CO10 Permitting Services Rep: 0001 - 0005  
FE60 Clerical Assistant: 0002 and 0015  
FE67 Administrative Assistant: 0042, 0043, 0059, 0060, 0063  
FE68 Office Administrator: 0008, 0010, 0011

**EMERGENCY COMMUNICATIONS**

FC04 911 Call Taker: 0001, 0003  
FC06 911 Telecommunicator: 0001 - 0056

**ENVIRONMENTAL SERVICES**

BE87 Air Quality Control Coord: 0003  
BF15 Chemist: 0003 - 0005  
BF20 Plant Biologist: 0001  
BH61 Educational Outreach Specialist: 0001 - 0003  
BH80 Educational Outreach Assistant: 0001  
BH93 Market Development Specialist: 0001  
CA02 Laboratory Analyst: 0007 and 0008  
CB45 Maintenance Engineering Tech: 0001, 0002  
CB46 Control Systems Specialist: 0001  
CB48 Waste Water Video Technician: 0002, 0003  
CB72 Water Pollution Cont Insp II: 0003  
CB73 Pretreatment Inspector: 0005 - 0008  
CB92 Senior Street & Sewer Const Insp: 0006, 0007, 0010, 0011  
CB94 Sr Inflow & Infiltration Tech: 0001 - 0003  
CB99 Inflow & Infiltration Tech: 0001, 0002  
CD05 Senior Engineering Tech: 0008  
CD06 Senior Designer: 0008, 0011  
CD19 Environmental Technician: 0003, 0004  
CD20 Storm Water Technician: 0004, 0005  
CO01 Plant Operator II: 0018 - 0023  
CO02 Plant Operator III: 0011 - 0016  
CO04 Collection Center Technician: 0002  
CO30 Safety Technician: 0002  
EC13 Revenue Technician: 0005

[Exhibit A]

FE61 Staff Assistant: 0016  
FE67 Administrative Assistant: 0073, 0074, 0076, 0077

#### FINANCE

BA27 Buyer: 0001 - 0003  
CB15 License Inspector: 0001 - 0004  
CO57 License Technician: 0001  
FA11 Licensing Assistant: 0001 - 0003  
FA12 Licensing Representative: 0001 - 0003  
FE04 Purchasing Assistant: 0001  
FE68 Office Administrator: 0005

#### FIRE

BE35 Fire and Life Safety Educator: 0001  
FE61 Staff Assistant: 0005  
FE62 Office Assistant: 0011  
FE67 Administrative Assistant: 0045, 0055  
FE68 Office Administrator: 0003

#### HEALTH

BE01 Staff Nurse: 0001 - 0003  
BE02 Community Health Nurse: 0003 - 0012  
BE03 Public Health Nurse: 0001, 0002, 0004 - 0007  
BE16 Nutritionist: 0001, 0003 - 0005  
BE22 Coord of Epidemiological Svcs: 0001, 0006  
BE25 Health Educator: 0001  
BE27 Educator & Volunteer Coordinator: 0002  
BE29 Public Health Planner: 0001  
BH70 Public Health Info Admin: 0002  
CA07 Laboratory Technician: 0001  
CB22 Public Health Investigator: 0001 - 0004, 0006, 0007, 0012 - 0017  
CB42 Milk Inspector: 0001, 0002  
CO07 Public Health Program Rep: 0001, 0002, 0004 - 0007  
CO47 Health Data Analyst: 0001  
DA25 Animal Control Officer: 0001, 0003, 0005 - 0009  
DA27 Senior Animal Control Officer: 0001  
EA11 Lab Scientist: 0001 - 0004  
EA13 Lead Lab Scientist: 0001  
EB10 Health Educator Assistant: 0001  
FES9 Health Program Assistant: 0001 - 0008  
FE61 Staff Assistant: 0002, 0006 - 0008, 0010, 0011, 0015  
FE67 Administrative Assistant: 0062

[Exhibit A]

Mr. Roger Levings

July 3, 2013

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#### **MUNICIPAL COURT**

DA08 Municipal Court Bailiff: 0001, 0003 - 0005  
FA20 Probation Collections Officer: 0001  
FD38 Deputy Clerk of Munic Court: 0001, 0002, 0004 - 0008, 0010 - 0013  
FD39 Court Specialist: 0001, 0002  
FE60 Clerical Assistant: 0002  
FE64 Court Services Representative: 0001 - 0007  
FE70 Senior Court Services Rep: 0001 - 0005

#### **PARKS**

BD11 Associate Parks Planner: 0002  
BH82 Special Projects Coordinator: 0003  
CA18 Animal Health Technician: 0002  
CO60 Zoo Keeper: 0013 - 0026  
EB36 Community Rec Specialist: 0014 - 0023  
FE60 Clerical Assistant: 0011  
FE62 Office Assistant: 0022  
FE67 Administrative Assistant: 0068 - 0070, 0072

#### **PLANNING AND DEVELOPMENT**

BD01 Associate City Planner: 0001, 0002, 0005  
CB25 Project Specialist: 0001, 0002  
CB30 Project Specialist II: 0001  
CF20 Assistant City Planner: 0001 - 0003  
CG01 Loan Technician: 0001  
ED01 Housing Assistance Technician: 0001  
FE67 Administrative Assistant: 0015, 0057, 0064, 0065

#### **POLICE**

CA31 Latent Print Examiner: 0001  
CA32 Forensic Evidence Technician: 0001, 0002  
CC28 Crime Research Analyst: 0001 - 0005  
DA30 Traffic Services Officer: 0001 - 0003  
FD06 Data Entry Clerk: 0002, 0005  
FD48 Police Services Representative: 0001 - 0026, 0028, 0030 - 0035, 0037 - 0040, 0043 - 0047, 0049  
FD50 Investigative Services Specialist: 0001 - 0004  
FE67 Administrative Assistant: 0008, 0023, 0025, 0026, 0028, 0040  
FE68 Office Administrator: 0016  
FE76 Office Specialist: 0001

[Exhibit A]

Mr. Roger Levings

July 3, 2013

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#### **PUBLIC INFORMATION**

BH64 Public Affairs Officer: 0001  
BH82 Special Projects Coordinator: 0001, 0002  
CI26 Web Coordinator: 0001  
CO25 Multimedia Coordinator: 0001  
CO27 Video Specialist: 0002 - 0004  
CO58 Graphic Production Assistant: 0001  
FE63 Receptionist: 0002 and 0003

#### **PUBLIC WORKS**

BC25 Facilities Specialist: 0001, 0002  
BD19 Transportation Planner: 0001  
BH27 Right-Of-Way Agent: 0001, 0002  
CB03 Signal Project Coordinator: 0001  
CB91 Street & Sewer Const Inspector: 0001, 0002, 0004, 0006, 0007, 0009, 0012  
CB92 Senior Street & Sewer Const Insp: 0001 - 0003, 0005, 0008, 0009  
CD01 Engineering Tech I: 0001, 0003  
CD02 Engineering Tech II: 0001, 0005  
CD03 Asset Management Technician: 0001  
CD05 Senior Engineering Tech: 0002, 0003, 0005  
CD06 Senior Designer: 0006, 0009, 0010  
CD07 Mapping & Reprographics Tech: 0001  
CD12 Traffic Technician II: 0002  
CD17 Survey Chief: 0002, 0003  
CD20 Storm Water Technician: 0002, 0003  
CO12 Signal Operations Coordinator: 0001  
CO15 Traffic Data Collector: 0001, 0002  
CO17 Signal Crew Worker: 0001, 0002  
CO18 Signal Technician: 0001 - 0003  
CO19 Senior Signal Technician: 0001 - 0007  
EC25 Right-Of-Way Technician: 0002  
FE67 Administrative Assistant: 0004, 0017, 0027

#### **WORKFORCE DEVELOPMENT**

BH72 Employ/Training Instructor: 0001, 0002  
BH77 Workforce Develop Specialist: 0001 - 0028  
BH91 Business Services Spec: 0001, 0002  
BH92 Sr Workforce Dev Specialist: 0004  
FE61 Staff Assistant: 0009  
FE62 Office Assistant: 0021  
FE63 Receptionist: 0001 and 0005  
FE67 Administrative Assistant: 0013, 0014, 0030  
FE68 Office Administrator: 0002  
BH86 Program Compliance Coor: 0001, 0002  
BH92 Sr Workforce Dev Specialist: 0001 - 0003

[Exhibit A]



Mr. Roger Levings  
July 3, 2013  
Page 6

This is currently a total of approximately 535 positions. Please review and if you are in agreement, sign below and return to me at your earliest convenience. I will then present to the City to begin the formal recognition process through ordinance.

Please also provide me your availability at the end of this month and in August to begin meetings.

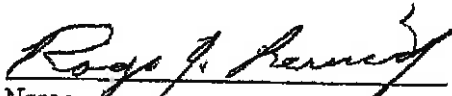
Very truly yours,

HESSE MARTONE, P.C.

  
J. Christopher Hesse

JCH/lm

AGREED TO:

  
Name

BUSINESS REPRESENTATIVE  
Title

8-1-13  
Date

[Exhibit A]



**HESSE | MARTONE**  
*Attorneys & Counselors*

J. CHRISTOPHER HESSE  
Direct Dial 314.862.0420  
chrishesse@hessemartone.com

July 10, 2013

**VIA EMAIL AND FIRST CLASS MAIL**

Mr. Shawn Martin (martinaff152@gmail.com)  
President  
International Association of Firefighters Local 152  
2350 N. Clifton  
Springfield, MO 65803

Mr. Kurt Becker (kurt.becker@iaff2665.org)  
Vice President, Fourth District  
Professional Firefighters of Eastern Missouri  
IAFF Local 2665  
115 McMenamy  
St. Peters, MO 63376

Re: Bargaining Unit

Dear Mr. Martin and Mr. Becker:

I am writing regarding what the City of Springfield believes are the appropriate positions for potential inclusion in the bargaining unit which you seek to represent. They are as follows:

**FIRE DEPARTMENT**

BI55 Fire Captain: 0001 - 0036  
BI57 Fire Training Captain: 0001 - 0003  
BI60 Truck Company Captain: 0001 - 0009  
CC55 Fire Marshall: 0001 - 0006  
DC05 Firefighter: 0001 - 0033, 0035 - 0046, 0048 - 0095  
DC06 Fire Equipment Operator: 0001 - 0045  
DC07 Rescue & Salvage Specialist: 0001 - 0018

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[Exhibit B]

Mr. Shawn Martin  
Mr. Kurt Becker  
July 10, 2013  
Page 2

This is currently a total of approximately 210 positions. Please review and if you are in agreement, sign below and return to me at your earliest convenience. I will then present to the City to begin the formal recognition process through ordinance.

Please also provide me your availability at the end of this month and in August to begin meetings.

Very truly yours,


HESSE MARTONE, P.C.



J. Christopher Hesse

JCH/lm

AGREED TO:

 SHAWN D. MARTIN  
Name

PRESIDENT LOCAL 152  
Title

7-11-13  
Date

[Exhibit B]



**HESSE | MARTONE**  
Attorneys & Counselors

J. CHRISTOPHER HESSE  
Direct Dial 314.862.0420  
chrishesse@hessemartone.com

July 3, 2013

**VIA EMAIL (brownc@seiu1.org)**  
**AND FIRST CLASS MAIL**

Mr. Clark Brown  
Business Agent  
Service Employees' International Union Local 1  
305 E. Walnut Street  
Springfield, MO 65806

Re: Bargaining Units

Dear Mr. Brown:

Thank you for your call of June 28, 2013. This letter is to confirm that the City of Springfield and SEIU are in agreement that the list below represents the appropriate positions for potential inclusion in the bargaining unit which you seek to represent. They are as follows:

**AIRPORT**

GA21	Craftsworker: 0018
GA60	Utility Worker: 0024 - 0026
GB01	Assistant Equipment Tech: 0003
GB02	Equipment Technician: 0007
HA05	Custodian: 0022 - 0030
HA06	Building Maintenance Worker: 0011, 0013, 0014
HA61	Airfield Maintenance Worker: 0011 - 0017
HB40	Aircraft Services Specialist: 0016 - 0030
HB42	Aircraft Services Trainer: 0004, 0005
HB44	Aircraft Line Svcs Tech: 0001 - 0009

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[Exhibit C]

**ART MUSEUM**

HA05 Custodian: 0018, 0019

**ENVIRONMENTAL SERVICES**

FB25 Parts & Inventory Control Ck: 0005, 0006  
GA01 Plant Maintenance Mechanic I: 0013 - 0018  
GA02 Plant Maintenance Mechanic II: 0005, 0006  
GB01 Assistant Equipment Tech: 0004  
GB06 Heavy Equipment Technician: 0009, 0010  
GB09 Instrument Technician: 0004  
GB11 Sr Plant Electrician: 0001  
GC02 Equipment Operator II: 0020 - 0032  
GC03 Equipment Operator III: 0012 - 0017  
GC04 YRC Equipment Operator: 0002  
GC05 Wastewater Sludge Truck Cper: 0006 - 0009  
GN02 Team Leader: 0010 - 0012  
HA02 Laborer: 0024 - 0026  
HA03 Recycling Center Attendant: 0008 - 0012  
HA06 Building Maintenance Worker: 0015  
HA10 Maintenance Worker: 0079 - 0092  
HB11 Weighmaster: 0004, 0005  
HN03 Sewer Cleaning Team Leader: 0001 - 0003  
HN06 Yardwaste Recycle Ctr Wkg Ldr: 0002

**FIRE**

GB06 Heavy Equipment Technician: 0008

**HEALTH**

HA05 Custodian: 0010

**PARKS**

FB15 Park Shop Attendant: 0001  
FB25 Parts & Inventory Control Ck: 0003  
GA21 Craftworker: 0009, 0011 - 0015  
GA22 Building Maintenance Team Ldr: 0003  
GA35 Parks Mtce Working Leader: 0004 - 0006  
GA60 Utility Worker: 0012, 0013, 0015 - 0023, 0029 - 0031  
GA61 Ice Park Operations Coordinator: 0001  
GB02 Equipment Technician: 0009, 0010  
GB09 Instrument Technician: 0003  
GB55 Parks Mtce Equip Crew Leader: 0001  
GC02 Equipment Operator II: 0029  
GN10 Parks Forestry Team Leader: 0002

[Exhibit C]

HA02 Laborer: 0023  
HA05 Custodian: 0020, 0021, 0012, 0033  
HA06 Building Maintenance Worker: 0009 - 0012  
HA10 Maintenance Worker: 0064, 0067, 0069, 0070 - 0075, 0078, 0093, 0095  
HA16 Grounds Mtce Crew Leader: 0006, 0007  
HA41 Parks Caretaker: 0001 - 0023  
HA45 Arborist: 0006, 0007  
HA46 Arborist Crew Leader: 0005  
HA48 Gardener: 0003 - 0006  
HA50 Golf Course Worker: 0014 - 0025  
HA51 Golf Course Working Leader: 0002

### PUBLIC WORKS

FB21 Parts & Inventory Clerk: 0001  
FB22 Parts & Inventory Technician: 0001, 0002  
GA16 Building Mtce Craftworkers: 0001 - 0013  
GA17 Building Mtce Crew Leader: 0001  
GA21 Craftworker: 0001, 0003, 0005, 0007, 0008, 0010, 0016, 0017  
GA24 Sign Fabricator: 0001  
GB02 Equipment Technician: 0001 - 0003, 0005, 0008  
GB05 Collision Repair/Refinish Tech: 0001  
GB06 Heavy Equipment Technician: 0001 - 0004  
GB27 General Services Wkg Leader: 0001, 0002  
GC02 Equipment Operator II: 0001 - 0011, 0013, 0014, 0017 - 0025, 0028  
GC03 Equipment Operator III: 0003, 0006, 0007  
GN02 Team Leader: 0001 - 0009, 0013  
HA02 Laborer: 0001, 0004, 0009  
HA06 Building Maintenance Worker: 0001 - 0003, 0006, 0007  
HA08 Custodial Team Leader: 0001  
HA10 Maintenance Worker: 0002 - 0006, 0010 - 0012, 0014, 0015, 0017, 0023, 0025, 0027, 0030, 0039, 0043, 0045, 0047, 0049, 0057, 0065, 0066  
HA11 Lead Maintenance Worker: 0001  
HA16 Grounds Mtce Crew Leader: 0002, 0003, 0005  
HA31 Traffic Controls Worker I: 0001, 0002  
HA32 Traffic Controls Worker II: 0001 - 0006  
HA45 Arborist: 0003 - 0005, 0008  
HA46 Arborist Crew Leader: 0001, 0002, 0004  
HB05 Service Technician: 0001 - 0004


Mr. Clark Brown  
July 3, 2013  
Page 4

This is currently a total of approximately 350 employees. Please review and if you are in agreement, sign below and return to me at your earliest convenience. I will present to the City to begin the formal recognition process through ordinance.

Please also provide me your availability for the end of this month and in August to begin meetings.

Very truly yours,

HESSE MARTONE, P.C.

  
J. Christopher Hesse

JCH/lm

AGREED TO:



Name

Employee Representative

Title

7-3-13

Date

[Exhibit C]

**TENTATIVE AGREEMENTS – CITY OF SPRINGFIELD POLICE**  
**DEPARTMENT/SPOA NEGOTIATIONS**

The parties reached the following tentative agreements on April 29, 2013:

1. Recognition Procedure for Sergeants. The City of Springfield Police Department agreed to use the following procedure to verify that the Springfield Police Officers' Association represents the majority of Police Department Sergeants:

A. There are currently 31 active Sergeants.

B. The SPOA will present the Director of Human Resources for the City of Springfield with authorization cards signed by a majority of these 31 positions (16 Sergeants).

C. The Director of Human Resources for the City of Springfield will compare the signed authorization cards presented by the SPOA to the current roster of active Sergeants. If the majority of active Sergeants signed authorization cards within the six (6) months, the City of Springfield will recognize the SPOA as representing the Sergeants.

D. The Director of Human Resources for the City of Springfield will keep the identities of the Sergeants who signed authorization cards confidential, will not make copies of the cards and following the count, will issue a written certification that the majority of active Sergeants signed authorization cards (if true) and will return the cards to the SPOA.

[Exhibit D]



2. Definition of the Bargaining Unit. Provided that the SPOA is certified as representing the Sergeants in the Police Department for the City of Springfield, the parties agree on the following definition of the Bargaining Unit:

"A unit of full time non-probationary Police Officers, Police Corporals, and Police Sergeants as defined and licensed pursuant to 590.010 R.S.Mo. et seq. who are employed by the City of Springfield, Missouri in the Police Department, but excluding managerial employees, confidential employees and all other employees of the City, and further specifically excluding all Police Department personnel regardless of rank who are engaged in activities for the Inspections and Internal Affairs Unit of the Police Department. Notwithstanding the above, any provisions of the collective bargaining agreement applicable to probationary employees will be so designated.

(a) A managerial employee means an individual who is engaged in management functions that are not merely routine, incidental, or clerical in nature and require the exercise of independent judgment and devotes a majority of employment time to the exercise of such judgment. Some examples of management functions include, but are not limited to:

(1) They formulate or assist in formulating, developing, administering or effectuating management policies which are applicable to bargaining unit employees;

(2) They may reasonably be required on behalf of the employer to assist in the preparation for the conduct of collective bargaining negotiations;

[Exhibit D]

(3) They have a role on behalf of the employer in the administration of agreements resulting from collective bargaining negotiations;

(4) They have a role in personnel administration;

(5) They have a role in employee relations;

(6) They have the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove bargaining unit employees, to adjust their grievances, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(7) They have a role in the preparation or administration of budgets for any public safety agency or institution or subdivision thereof.

(b) Officers who are considered "confidential employees" occupy positions outside the bargaining unit. However, the individuals who fill these positions are still entitled to the benefits of the collective bargaining agreement.

(c) A confidential employee is defined as a person, regardless of rank, who devotes a substantial portion of his/her time in assisting and acting in a confidential capacity with respect to management employees including employees assigned full time to the Inspections and

[Exhibit D]

Internal Affairs Unit (IIAU) and the Office of the Chief of Police as their primary duty assignment.

3. The parties agreed that as the contract is negotiated, any provisions of the collective bargaining agreement applicable to probationary employees would be so designated.

[Exhibit D]