

# CITY OF MILWAUKEE

Form CA-43

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February 26, 2002

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Alderman Fredrick G. Gordon, Chairman  
Finance and Personnel Committee  
City Hall, Room 205

Re: Continuation of Compensation During Certain Military Leaves of Absence  
Common Council File No. 011099

Dear Alderman Gordon:


At a hearing on January 8, 2002, the Committee directed the City Attorney and the Director of Employee Relations Labor Negotiator to meet with representatives of the MPA, MPSO, Local 215 (Firefighters) and District Council #48, to explore what could be done to make sure that the unilateral adoption of Common Council File No. 011099 would not have an impact on subsequent collective bargaining negotiations between the City and the unions. The meeting took place on February 20, 2002. As a result of the discussion, we have been presented with the attached Memorandum of Understanding by Timothy Hawks, legal counsel for the fire fighters, on behalf of all of the unions.

The City Attorney does not believe there is a method by which the unions could legally waive their rights to collective bargaining on the issue presented by File No. 011099 and the unions have not suggested that they would be willing to do so. Under the attached Memorandum of Understanding, the unions would agree that the unilateral adoption of the file by the Common Council, would not create a precedent or otherwise alter the status quo for purposes of collective bargaining. The proposal suggests that the unions would have to be prepared to make a concession to the City in order to extend the benefit through collective bargaining.


February 26, 2002

If we can be of further assistance to the Committee, please advise.

Very truly yours,



GRANT E. LANGLEY  
City Attorney



THOMAS E. HAYES  
Special Deputy City Attorney

c: Mr. Jeffrey Hansen  
Mr. Frank Forbes  
Attorney Timothy Hawks  
Attorney Marcia Snow  
Attorney Al Ugent  
Attorney Laurie Eggert

45729 TEH:kef  
Enclosure

DRAFT

MEMORANDUM OF UNDERSTANDING

WHEREAS, the Common Council of the City of Milwaukee has expressed an interest in adopting legislation to supplement the military income of its employees who are called into service in Operation Enduring Freedom; and

WHEREAS, the Common Council is prepared to adopt said legislation unilaterally provided that said benefit does not create a precedent for collective bargaining or otherwise put it in a position different than it would have been in if it had not adopted the benefit.

NOW, THEREFORE \_\_\_\_\_ and the City of Milwaukee agree that if the Common  
(Union)

Council adopts Substitute Common Council File No. 011099, the status quo ante shall prevail for all purposes of collective bargaining (i.e. the parties agree that bargaining shall be conducted as if the file had never been adopted).

\_\_\_\_\_  
Union

\_\_\_\_\_  
City

Date: \_\_\_\_\_

Date: \_\_\_\_\_