

COMMITTEE SUBSTITUTE FOR RESOLUTION NO. 230264

Adopting and authorizing the execution of an amendment to the 2021-2024 Collective Bargaining Agreement with Local No. 42, I.A.F.F.

WHEREAS, the City and International Association of Fire Fighters Local 42 (“Local 42”) agree that each party has an interest in a workplace free of discrimination, harassment and violence; and

WHEREAS, the City and Local 42 agree that the City’s Equal Employment Opportunity Policy and Zero Tolerance Policy Regarding Threats or Acts of Violence are administered and enforced by the City for the purpose of having a workplace free of discrimination, harassment and violence; and

WHEREAS, the City and Local 42 desire to have a safe working environment free of discrimination, racism, harassment, sexism, homophobia, microaggressions, and fear of retaliation, and

WHEREAS, the City and Local 42 desire to have a “speak up” culture with Local 42 members trained to identify and respond to potential EEO Policy and Zero Tolerance Policy violations; and

WHEREAS, the City and Local 42 agree that modifications to investigations of EEO Policy and Zero Tolerance Policy are appropriate to avoid conflicts of interest or the appearance thereof; and

WHEREAS, the City and Local 42 recognize the importance of the EEO Policy and Zero Tolerance Policy and desire to teach Academy cadets of the same; and

WHEREAS, the City and Local 42 aim to have an efficient and effective EEO investigations process that will aid in the resolution of conflict; and

WHEREAS, the City and Local 42 agree that the current Collective Bargaining Agreement between the City and Local 42 requires modification to better express their interest and desire in the City administering and enforcing the above Policies; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the City Manager is hereby authorized to execute an amendment to Article XIX of the 2021-2024 Collective Bargaining Agreement on behalf of the City within 30 days which shall have the following language added as a new Section 6:

Section 6. Disciplinary Proceedings Involving the EEO Policy and Zero Tolerance Policy Regarding Threats or Acts of Violence

- A. Predetermination hearings held as a result of disciplinary recommendations arising from violations of the EEO Policy or Zero Tolerance Policy Regarding Threats or Acts of Violence may be held before the City's predetermination hearing officer or such officer's designee. Discipline arising from such hearing shall be subject to the grievance procedure as outlined in this Agreement.
- B. The EEO office will advise any employee covered by this Agreement, in writing, of their right to have Union representation present, prior to commencing any interview or fact-finding process. In the event any member requests Union representation after being notified of their right to Union representation, or at any point during any investigatory interview or proceeding, the proceeding will be paused and such member will be given adequate time to obtain representation. The Union will be notified by the EEO office that a member has requested Union representation, and such notice will include all relevant information necessary to provide fair representation to the member. In the event a member declines Union representation, the EEO office and member will execute the Refusal of Union Representation form, and a copy of said will be forwarded to the Union.
- C. All EEO proceedings, or fact-finding interviews, with or without Union representation present, shall not commence until the mutually agreed upon Garrity Advisement of Rights has been read aloud and executed by the member being interviewed and the EEO officer present. A copy of said will be provided to the Union.
- D. Any member called before the EEO as a witness or complainant in any EEO investigation or proceeding who refuses Union representation shall have the right to request representation provided by the City at no charge to the member.
- E. Any member called before the EEO as a respondent in any EEO investigation or proceeding who refuses Union representation shall have the right to obtain outside legal counsel of their choosing, at their own expense.
- F. All Fire Department employees who, while on duty, observe any readily identifiable violation of the EEO policy or Zero Tolerance Policy Regarding Threats or Acts of Violence shall report such, within 48 hours or during their next regularly scheduled shift, in accordance with the EEO policy of the City. Failure to promptly report such violations may result in disciplinary action for just cause.
- G. All EEO investigations involving bargaining unit members will commence within 30 days of the initial complaint being filed, the Union, when requested, will assign and make available a Union representative within 7 calendar days of any request for such, and notice of disciplinary recommendations shall be provided in writing submitted to the Union upon completion of the investigation. The union shall have 15 days from the date they receive notice to request a predetermination hearing before the City's predetermination hearing officer or such officer's designee.
- H. Neither the City nor the Union shall coerce witnesses.

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- I. All investigations into potential violations of the City's Equal Employment Opportunity Policy and Zero Tolerance Policy Regarding Threats or Acts of Violence shall be conducted at the direction of the Director of the City's Human Resources Department.
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Authenticated as Passed



Quinton L. Taylor

Marilyn Sanders, City Clerk

MAR 23 2023

Date Passed