



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution # 230264

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

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

### Discussion

This legislation seeks to promote a workplace free of discrimination, harassment, and violence by executing an amendment to Article XIX of the 2021-2024 Collective Bargaining Agreement: 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 a Garrity Advisement of Rights approved by the Union 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 legal counsel 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

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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, 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.

### Fiscal Impact

1. Is this legislation included in the adopted budget? ☐ Yes ☒ No
2. What is the funding source?  
N/A
3. How does the legislation affect the current fiscal year?  
There is no fiscal impact.
4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
N/A
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?  
N/A

### Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. ☐ Yes ☒ No
2. This fund has a structural imbalance. ☐ Yes ☒ No

### Additional Discussion (if needed)

N/A

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Public Safety (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- ☐ Reduce violent crime among all age groups, placing an emphasis on young offenders

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- ☐ Evaluate and identify areas of opportunity in the emergency response delivery system to ensure the best possible patient outcome
- ☒ Improve the diversity of employee recruitment, succession planning, and retention in the Police and Fire Departments
- ☐ Increase effectiveness and efficiencies of operations at Municipal Court and work to achieve the best possible outcomes for those served

### Prior Legislation

201058, 210503, 230220

### Service Level Impacts

N/A

### Other Impacts

1. What will be the potential health impacts to any affected groups?  
N/A
2. How have those groups been engaged and involved in the development of this ordinance?  
N/A
3. How does this legislation contribute to a sustainable Kansas City?  
N/A
4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?  
N/A
5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?  
N/A