

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND ARTICLE VIII, § 2-370 OF THE CODE  
OF ORDINANCES RELATIVE TO ARBITRATION OF LABOR  
DISPUTES, IMPASSE PROCEDURES AND PRESERVATION OF  
CHARTER POWERS OF CITY COUNCIL**

WHEREAS, Referendum Ordinance No. 2766 authorized a referendum election on the question "Shall the Home Rule Charter of the City of Memphis, Tennessee be amended by including a section relating to 'Disciplinary Action Against Striking Employees' ;

WHEREAS the Preamble to Referendum Ordinance No. 2766, adopted by vote of the citizens on November 7, 1978 provides:

"Whereas the people of the City of Memphis desire that all negotiation of employment agreements between the City of Memphis and its employees be conducted in a spirit of good faith and with the intent to reach an equitable agreement in a reasonable period of time..."

WHEREAS the Council urges, without directing, the City Administration and City Employee Associations to engage in good faith discussions with the intent of reaching equitable memoranda of understanding in a reasonable period of time regarding economic and non-economic issues.

WHEREAS, the Council desires to amend Article VIII, § 2-370 and Ordinance No. 5639 of the Code of Ordinances to redefine the procedure for arbitration of any deadlock or impasse between the Mayor and City employees on economic issues;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

**Section 1. Total Impasse Procedure.** Article VIII, Section 2-370 is hereby repealed in its entirety and the following provisions are substituted in lieu thereof:

**A. *General provisions.***

1. **Definitions.** As used in this section the following terms shall have the indicated meanings:

*Business day* means a day other than a Saturday, Sunday or legal holiday under the laws of Tennessee.

*Total Economic Package* means the Total Economic Items,

*Total Economic Items* shall be defined as and limited to the total amount of the items in an operating budget proposed by the Mayor.

*Impasse* means that point at which any employee organization notifies the Chairman of the Memphis City Council in writing that the Total Economic Package presented by the Mayor in any proposed operating budget is unacceptable.

**2. *Arbitration Procedures for Resolving Impasses over a Total Economic Package***

- a. The Council expresses its desire, without directing, that the employee organizations and the City administration confer, in such manner as the Mayor and the employee organizations shall mutually determine in an attempt to reach a memorandum of understanding about a Total Economic Package.
- b. The respective Employee organization(s) and the Mayor shall jointly select members of an arbitration panel as the Council may direct.
- c. The Council shall adopt procedures for the conduct of Impasse Arbitrations as a part of its Rules of Procedure and for the resolution of any impasse disputes over economic items.
- d. The Council shall adopt procedures for its consideration of funding economic items as a part of its duty under the Charter to approve or amend any and all budgets prior to the adoption of a tax rate.

**Section 2. Nonconflicting - Conflicting laws.**

BE IT FURTHER ORDAINED That as amended hereby all laws constituting the present Code of Ordinances of the City of Memphis be and the same are hereby continued in full force and effect, and all laws in conflict herewith are hereby repealed.

**Section 3. Severability.**

BE IT FURTHER ORDAINED that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held to be unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**Section 4. Effective Date.**

BE IT FURTHER ORDAINED That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR: PERSONNEL COMMITTEE

Council Chairman

Attest:

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Comptroller