

James
Gray
Blues
DeCamp
Beard
Stinnett
Crosbie
Myers
Blevins
Henson

INTER-GOVERNMENTAL COMMITTEE

March 11, 2008
1:00 P.M.

A G E N D A

1. **CSEA Board Leave for Association Business** - Blues (1-3)
2. **Employee Compensation Update** - Gorton (4)
3. **Selection of Vice Chair** - James
4. **Update on Committee Items** (5)

“Inter-Governmental Committee, to which should be referred matters relating to wages and classification, personnel, government organization, employee relations, government buildings and property maintenance.”

Council Rules & Procedures, Section 2.102(2)



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Richard Moloney, Chair
Intergovernmental Committee

FROM: Department of Law

DATE: January 15, 2008

RE: Civil Service Employees Association (CSEA) Request
Log No. 08-CC0142

In response to Paul Schoninger's request, the Department of Law has reviewed the January 3, 2008 letter from the Civil Service Employees Association ("CSEA") and offers the following comments.

First, Mr. Barnett indicated in his letter that "the CSEA is a chartered entity under LFUCG established in 1951 to protect the rights of the LFUCG civil service employees." According to the Kentucky Secretary of State, the CSEA was incorporated in 1973. We can find no evidence that it was created pursuant to the Charter or the Code of Ordinances.

Further, LFUCG has never formally recognized the CSEA as the representative for civil service employees. In recent years, efforts to require collective bargaining for public employees have failed before the General Assembly. Each time LFUCG responds to the CSEA, as if it were a recognized employee representative, we create a presumption that it represents all civil service employees. However, if collective bargaining legislation passes, civil service employees would be given the opportunity to vote on their union representative.

Second, Chapter 21 of the Code of Ordinances establishes all permitted leave time for LFUCG employees. Any adjustment to the permitted leave time established in the Code of Ordinances requires an amendment to the Ordinance. We recognize that past administrations have granted CSEA's request pursuant to mayoral approval. As with the former practice of granting leave the Friday

HORSE CAPITAL OF THE WORLD

afternoon prior to Labor Day, it is our opinion that the Mayor does not have the authority to grant such leave periods in the absence of Council approval. LFUCG employees are expected to work during business hours in the absence of specifically approved leave.

Third, outside of the job classifications which KRS Chapter 67A requires to be recognized for collective bargaining, no other employee classifications have such legal status. The CSEA is a voluntary organization with no official relationship to LFUCG and leave requests specifically designed for its officers are legally questionable since no other similar groups receive such treatment.

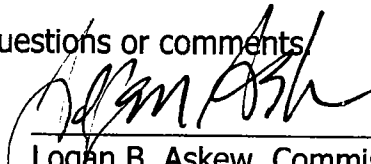
Finally, with respect to CSEA's requested use of LFUCG facilities and equipment, to include, but not be limited to, conference rooms, copiers, computers, paper, pens, e-mail, etc., Section 25-8 of the Ethics Act provides that Government property, equipment and personnel may be used for private use if the use is specifically authorized by the LFUCG or the Ethics Commission or the use is available to the general public. Likewise, Section 16.04 of the Charter Code of Ethics provides that Government property can only be used for personal/private use in accordance with policies promulgated by the Council.

CAO Policy No. 9, a copy of which is attached, allows our employees to use LFUCG equipment for personal use so long as they reimburse the cost in accordance with the fee schedule therein. Therefore, CSEA members, like all employees, may use LFUCG equipment in accordance with this Policy.

With respect to use of LFUCG facilities, CAO Policy No. 18, a copy of which is attached, provides that the Ballroom, Council Chambers, and Phoenix Conference Center are available after business hours for an hourly fee. This Department is unaware of any policy which allows groups such as the CSEA to use LFUCG facilities free of charge during normal business hours.

In view of the above, we recommend that the Council deny CSEA's request for paid leave and to authorize the use of LFUCG property and facilities only in accordance with the above policies.

Please advise if you have any questions or comments.



Logan B. Askew, Commissioner
Department of Law



CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.
"Serving Employees of the Lexington-Fayette Urban County Government"
WWW.CSEA-LEXINGTON.ORG

November 12, 2007

Council Members
200 E. Main St.
Lexington, Ky. 40505

The CSEA is asking you to please pass an ordinance giving us four hours a month of AWL time to attend to our CSEA meetings. In the past the administration has given us the time. As seen in the attached email Charlie said it was verbally given but no letter was drafted. Human Resources is now saying it is like the four hours we would have gotten for the employee picnic and would have to be passed by Council. We have these meeting twice a month about 1 1/2 hours per meeting to discuss matters to bring to the council in each division. Please let us keep this time, it is important to the Civil Service Employees to have someone to voice their concerns.

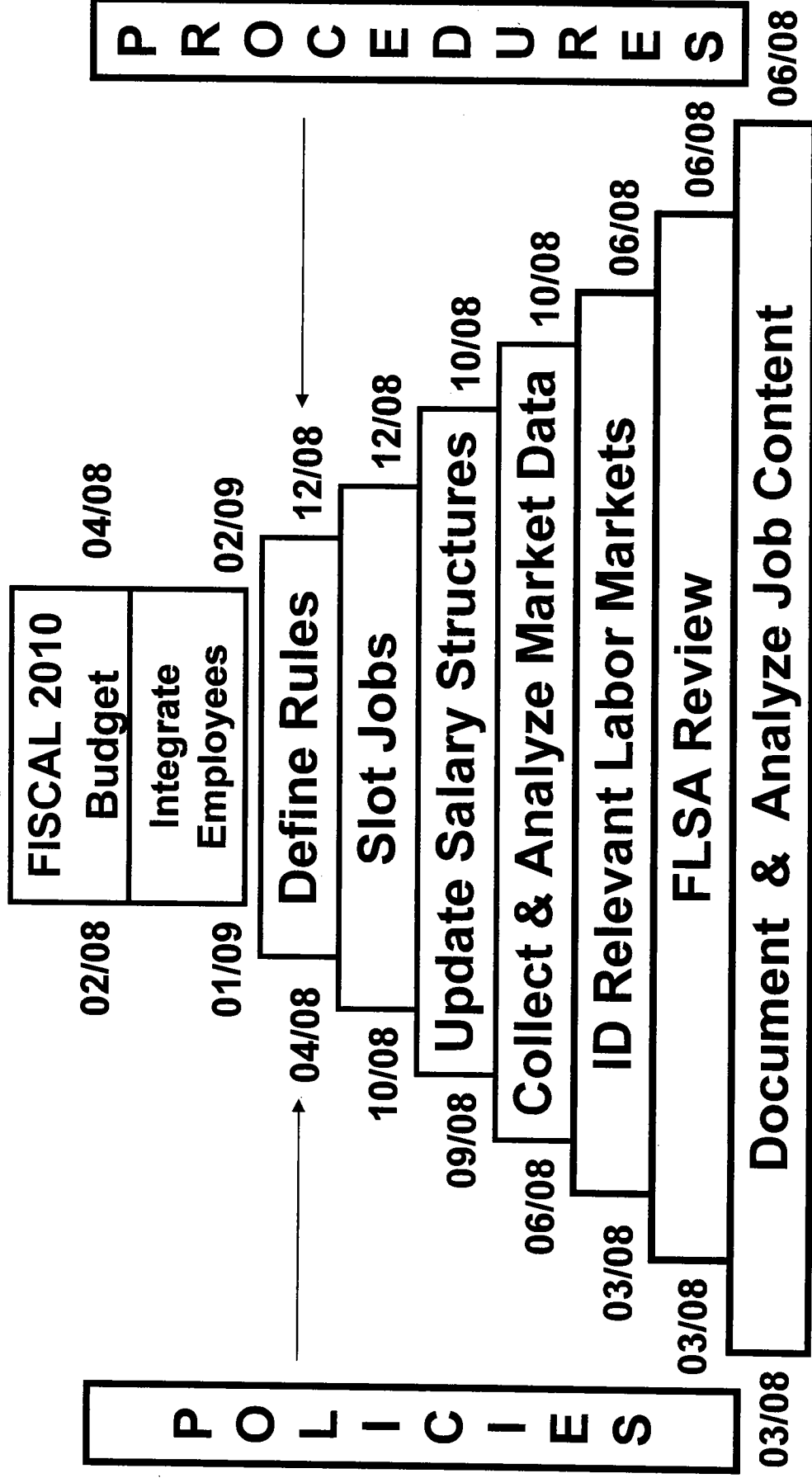
Thanks you

dt

Market Pricing Compensation Program

Project Plan

July 1, 2009



Intergovernmental Committee Items-Pending

3/5/2008

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>
Citizens' Advocate Office Draft Policy & Procedures Manual	Ellinger	2-5-08
CSEA Officers Receiving 4 Hrs Monthly For Association Business	Blues	12-4-07
Boards & Commissions That Adhere to Ethics Commission	Myers	8-14-07
Review Current Boards & Commissions	Myers	6-12-07
Composition, Utilization & Accountability of Boards/Commissions	Myers	1/16/07
Council Standing Committees	Myers	1/16/07
High Risk Pay Supplement	Gorton	2/14/06
Proposed New Compensation System	Gorton	1/15/05 Next Update 3/11/08