

A RESOLUTION

**Proposed
Resolution
20-955**

**See Emergency
D.C. Act 20-384
20 DCStat 3867**

To declare the existence of an emergency with respect to the need to approve the interest arbitration award and compensation agreement submitted by the Mayor for employees in Compensation Unit 4.

**Interest
Arbitration
Award and
Compensation
Agreement
between the
District of
Columbia Fire
and Emergency
Medical
Services
Department
and Local 36
International
Association of
Firefighters
(Compensation
Unit 4)
Emergency
Declaration
Resolution of
2014**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Interest Arbitration Award and Compensation Agreement between the District of Columbia Fire and Emergency Medical Services Department and Local 36 International Association of Firefighters (Compensation Unit 4) Emergency Declaration Resolution of 2014”.

Sec. 2. (a) Section 1717(i)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(i)(1)), requires that the arbitrator’s award issued on February 20, 2014, pertaining to the DC Firefighters Union, Local 36, was required to have been transmitted to the Council within 60 days.

(b) Following a lengthy, protracted process involving submittal, withdrawal, and re-submittal, the Council has before it a resolution transmitted by the Mayor on June 25, 2014.

(c) The Executive has questioned the legal sufficiency of 2 related articles in the compensation agreement, Article 18 (Overtime) and Articles 44 (Tour of Duty, formerly Article 45), and litigation is pending that affects these articles.

(d) The resolution transmitted by the Mayor would have disapproved language from these 2 articles and approved the rest of the award. However, there is no provision of law permitting the Council to accept in part or reject in part provisions of the contract.

(e) The Council instead approves the award by emergency act, explicitly noting that in doing so the Council does not intend this approval to prejudice the pending litigation.

(f) Accepting the compensation agreement, with the arbitrator’s asterisk regarding pending litigation and while acknowledging the litigation over tour of duty and overtime pay, does not prejudice the government (or the union) in the current litigation. However, to disapprove Articles 18 and 44, as the Executive seeks, does prejudice the litigation.

(g) Additionally, rejecting 2 articles of the compensation agreement, even if there were authority to do so, would have the absurd effect of requiring that the agreement be resubmitted for renegotiation—a prospect the Executive has also admitted is absurd.

(h) The interest arbitration award and compensation agreement include pay raises that Local 36 members have not seen since 2006.

(i) Acting on this compensation agreement now will have a positive effect on the employees of the Fire and Emergency Medical Services Department.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Interest Arbitration Award and Compensation Agreement between the District of Columbia Fire and Emergency Medical Services Department and Local 36 International Association of Firefighters (Compensation Unit 4) Emergency Approval Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.