

NO. \_\_\_\_\_

JEFFERSON CIRCUIT COURT  
DIVISION \_\_\_\_\_**Electronically Filed****RIVER CITY FRATERNAL ORDER OF POLICE  
LODGE 614, INC.**

PLAINTIFF

v.

**LOUISVILLE/JEFFERSON COUNTY METROPOLITAN  
GOVERNMENT acting through its MAYOR'S OFFICE**Serve: Mayor Greg Fischer  
Office of the Mayor  
517 West Jefferson Street  
Louisville, KY 40202

and

**LOUISVILLE/JEFFERSON COUNTY METROPOLITAN  
GOVERNMENT acting through its METRO COUNCIL**

DEFENDANTS

Serve: Council President David James  
601 W. Jefferson Street  
Louisville, KY 40202

\* \* \* \* \*

**COMPLAINT**

The Plaintiff, River City Fraternal Order of Police, Lodge 614, Inc., ("FOP 614"), by counsel, hereby states for its Complaint in this matter as follows:

1. On October 29, 2020, the Jefferson County Attorney's Office issued an opinion at the request of the Offices of the Mayor and the Council of Louisville/Jefferson County Metropolitan Government ("Louisville Metro"). The opinion addressed two questions:

- a) Does state law (KRS 67C.414(2)) preempt LMCO 35.057 regarding the approval of an agreement between Louisville Metro Government and the FOP?

- b) Is a CBA between Metro and the FOP valid and enforceable when signed by the Union and the Mayor despite not being approved by resolution as required by LMCO 35.057?

The County Attorney's Office opinion answered "no" to both of those questions, even though:

(i) KRS 67C.402(4) provides that the mayor of Louisville Metro or his designated representative—and not the Council—"shall represent the consolidated local government in collective bargaining with the labor organization; (ii) KRS 67C.414(2) provides that a collective bargaining agreement "shall be valid and enforceable under its terms when...signed by the mayor of the consolidated local government or the mayor's representative—and not when approved by the Metro Council; and (iii) KRS 67C.414(2) further provides that the above procedure for making a collective bargaining agreement "shall be the exclusive method of making a valid agreement for police officers represented by a labor organization." In that collective bargaining is an ongoing process (negotiations regarding the contract covering lieutenants is currently under way, and negotiations for a new officers/sergeants contract are scheduled to start in January) it is imperative that the parties expeditiously obtain a binding resolution of this controversy through the judiciary.

2. Subject-matter jurisdiction in this action is conferred upon this court by KRS 418.040 - 418.055.

3. FOP 614 is the collective bargaining representative of police officers of Louisville Metro acting through its Police Department ("LMPD") holding the ranks of police officer, sergeant, lieutenant, and captain, as designated pursuant to KRS 67C.400 – 67C.418, within the territorial jurisdiction and venue of this Court.

4. Louisville Metro is a consolidated local government as contemplated in KRS 67C, and is party to collective bargaining agreements ("CBAs") with FOP 614, within the territorial jurisdiction and venue of this Court.

5. This is an action brought pursuant to the Kentucky Declaratory Judgments Act, seeking declaration and adjudication that, pursuant to KRS 67C.400 – 67C.418:

- a) The Mayor of Louisville Metro or his designated authorized representative, only, shall represent Louisville Metro in collective bargaining with FOP 614.
- b) The signature of the Mayor of Louisville Metro is the sole and exclusive method of making a valid CBA between FOP 614 and Louisville Metro, and upon the Mayor's signature a CBA negotiated between the parties shall be valid and enforceable under its terms.
- c) The Louisville Metro Council is not empowered to participate in collective bargaining, and its approval is neither required, nor is it authorized, to make or to disapprove a collective bargaining agreement between Metro Louisville and FOP 614.

6. The Jefferson County Attorney's Office has issued an opinion contrary to the foregoing, stating that the approval of the Louisville Metro Council is required for a CBA between Metro Louisville and FOP 614 to be effective.

7. The Louisville Metro Council has taken the position that its approval is required for a CBA between Metro Louisville and FOP 614 to be effective.

8. Metro Louisville, acting through the Mayor and his designated authorized representative, are preparing to engage in negotiations with FOP 614 regarding a CBA covering officers in the rank of lieutenant.

9. The Louisville Metro Council has indicated that it may not approve a negotiated contract covering officers in the rank of lieutenant when presented to them for approval.

10. The recently negotiated contract covering officers and sergeants will expire next year, and the parties plan to begin negotiations regarding a new contract early in the year.

11. An actual controversy exists between the parties, as outlined above, regarding the meaning and application of KRS 67C.400 - 67C.418.

12. FOP 614 is a person, as contemplated in KRS 418.050, whose rights are affected by statute and municipal ordinance in this matter.

WHEREFORE, FOP 614 demands:

A. That this controversy be docketed for early hearing as in the case of a motion, as contemplated by KRS 418.050.

B. That this Court issue a judgment declaring and adjudicating that:

- a) The Mayor of Louisville Metro or his designated authorized representative, only, shall represent Louisville Metro in collective bargaining with FOP 614.
- b) The signature of the Mayor of Louisville Metro is the sole and exclusive method of making a valid CBA between FOP 614 and Louisville Metro, and upon the Mayor's signature a CBA negotiated between the parties shall be valid and enforceable under its terms.
- c) The Louisville Metro Council is not empowered to participate in collective bargaining, and its approval is neither required, nor is it authorized, to make or to disapprove a collective bargaining agreement between Metro Louisville and FOP 614.

C. All further relief to which FOP 614 may be entitled, including any relief required by a collective bargaining agreement between it and Metro Louisville which has been signed by the Mayor, and award of costs expended herein.

RESPECTFULLY SUBMITTED,

s/David Leightty  
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