



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Adopt a Council Policy on Labor Negotiations Protocol

BACKGROUND

The Memoranda of Understanding (MOU) for two of the City's six bargaining units are due to expire at the end of this fiscal year, with the remaining four expiring next fiscal year. The MOU is an agreement between the City and employee bargaining unit that specifies wages, hours and other terms and conditions of employment. Both the City and the bargaining units have an obligation under applicable laws to negotiate in good faith. State law and City policy provide a basic framework for these labor negotiations, but no guidance is provided regarding communications between the City Council and the bargaining units during actual negotiations. Many cities have found such guidance helpful in promoting fairness and integrity in the contract negotiation process.

EXISTING POLICY

Collective bargaining is governed by the Meyers-Milias-Brown Act (Gov't Code §§3500 *et seq.*); Chapter 3, Article 9 of the City's Administrative Policy Manual on Employer-Employee Relations; and Sunnyvale Municipal Code (SMC) Chapter 2.24, Employer-Employee Relations Code.

SMC section 2.24.250, Designation of Municipal Employee Relations Officer - The City Council by adoption of a resolution shall designate a municipal employee relations officer who shall be the City's principal representative in all matters of employer-employee relations with authority to meet and confer in good faith on matters within the scope of representation, including wages, hours, and other terms and conditions of employment. The municipal employee relations officer so designated is authorized to delegate these duties and responsibilities.

Council Policy 7.3.5 Municipal Employee Relations Officer - The City Council of the City of Sunnyvale hereby designates the City Manager as the Municipal Employee Relations Officer pursuant to Section 2.24.25, Chapter 5 of Title II of the Sunnyvale Municipal Code, entitled "Employer-Employee Relations Code of the City of Sunnyvale."

ENVIRONMENTAL REVIEW

N/A

DISCUSSION

There are currently no adopted guidelines for Councilmembers that address interaction with bargaining units during labor negotiations; the proposed action would add a new policy to the Council Policy Manual, Policy 7.3.29, entitled "Council Labor Negotiations Protocol." It would establish guidelines for Councilmembers to avoid actions that could circumvent the City's designated bargaining teams and help to ensure labor negotiations are conducted in good faith. It is in both the

bargaining units' and City's best interest to have labor negotiations take place at the bargaining table between each party's designated representatives, and to avoid related discussions either outside that environment or with parties who are not designated representatives

FISCAL IMPACT

There is no fiscal impact associated with this report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website. Further, the City distributed copies of the proposed protocol to the bargaining unit presidents.

ALTERNATIVES

1. Adopt Council Policy 7.3.29 as presented in Attachment 1.
2. Adopt Council Policy 7.3.29 with revisions.
3. Do not approve the policy.

STAFF RECOMMENDATION

Alternative 1: Adopt Council Policy 7.3.29 as presented in Attachment 1.

Staff believes it is important to conduct labor negotiations at the bargaining table between designated negotiating representatives. Despite the best of intentions, discussions outside this environment can cause confusion and/or be counter-productive to good faith negotiations.

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Reviewed by: Teri Silva, Director, Human Resources Department

Approved by: Robert A. Walker, Interim City Manager

ATTACHMENTS

1. Council Policy 7.3.29 Council Labor Negotiations Protocol