



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Adopt a Council Policy on Labor Negotiations Guidelines

BACKGROUND

A new Council policy 7.3.29, entitled "Council Labor Negotiations Protocol," was proposed at the Council meeting on April 29, 2014 as a public hearing agenda item (RTC 14-0394). The policy as proposed on April 29, 2014 is included as Attachment 1 to this report.

The City distributed copies of the proposed policy and RTC 14-0394 to all the bargaining unit presidents on April 25, 2014. Two of the City's six bargaining units, Sunnyvale Employees' Association (SEA) and Sunnyvale Managers Association (SMA), requested to have RTC 14-0394 removed from the April 29, 2014 Council meeting agenda, and requested to meet and provide their comments to the City Council before the City Council taking action. Rather than pulling this item from the agenda, the Director of Human Resources encouraged the bargaining unit presidents to attend the Council meeting on April 29, 2014 and provide their comments to the City Council during the public hearing.

Four bargaining unit representatives provided their comments at the Council meeting. Two representatives expressed concern on the proposed policy statement number 5, stating that it was too broad and eliminated bargaining units' involvement with any elected official during labor negotiations. Two representatives felt that bargaining units should be able to deliver the labor's point of view to the City Council during labor negotiations, same as the City's negotiation representatives.

The City Council voted 6-1 to defer the agenda to the Council meeting on May 20, 2014, to provide the bargaining unit associations an opportunity to provide input on the policy.

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

The Department of Human Resources met with bargaining unit representatives on May 12, 2014 and received their input on the Council policy as depicted by Attachment 2. Four of the City’s six bargaining units attended: Public Safety Managers Association (PSMA), Public Safety Officers Association (PSOA), Sunnyvale Employees’ Association (SEA), and Sunnyvale Managers Association (SMA). Two bargaining units did not attend: Communications Officers Association (COA) and Service Employees International Union, Local 521 (SEIU). The representative of the SEIU provided input by email.

Input from SEIU:

- Delete following sentences from policy statement number 1 - *“No Councilmember will individually negotiate with any bargaining unit member. Any inquiries received by a Councilmember from a bargaining unit’s representative regarding bargaining proposals shall be referred to the City’s authorized negotiators.”*
- Delete *“in all instances”* from policy statement number 4.
- Delete policy statement number 5 - *“During labor negotiations, Council members shall not meet with bargaining unit representatives involved in negotiation.”*

SEIU did not attend the meeting, but we did communicate with them after the discussion with the bargaining unit representatives and conveyed to them the consensus of the group in attendance at the May 12, 2014 meeting. SEIU is in agreement with the proposed changes that resulted from the meeting.

The revised City Council policy, Attachment 2, is recommended by staff with concurrence of the bargaining unit associations that attended the meeting on May 12, 2014 and SEIU based on a verbal conversation with their representative after the meeting. All bargaining units were provided a copy of this policy in advance of publication of the RTC.

Proposed revisions to the policy:

- Change policy title from *“Council Labor Negotiations Protocol”* to *“Council Labor Negotiations Guidelines.”*
- Background section is added to the policy.
- The policy purpose section is modified by the Interim City Manager.
- Policy statement number 5 is removed - *“During labor negotiations, Council members shall not meet with bargaining unit representatives involved in negotiation.”*
- New policy statements are added as number 5 and number 6.

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.

In addition, the City distributed copies of the revised policy to the bargaining unit presidents.

ALTERNATIVES

1. Adopt Council Policy 7.3.29 as presented in Attachment 2.
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 2.

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

Prepared by: Vienne Choi, Principal Human Resources Analyst

Reviewed by: Teri Silva, Director, Human Resources Department

Approved by: Robert A. Walker, Interim City Manager

ATTACHMENTS

1. Originally proposed Council Policy 7.3.29 Council Labor Negotiations Guidelines
2. Revised Council Policy 7.3.29