



IF
5/1/14

Lee Brand
Councilmember
District 6

AMENDMENT RESOLUTION FOR "LABOR MANAGEMENT ACT"

April 24, 2014

To: Fresno City Council Members
From: Councilmember Lee Brand *jl*

Agenda Item

1. Recommend that the Fresno City Council adopt Resolution No. 2014-68 to amend two articles from the Labor Management Act that was adopted by the Council in July, 2010.
2. Amend Subsections (a) and (c) of Section 3-616 of the Fresno Municipal Code, Relating to the Employer-Employee Relations Ordinance

Background:

Four years ago the Council adopted the Labor Management Act to implement policies and procedures to improve City labor relations. The primary thrust of the Act was to improve financial and actuarial accountability for the City. Labor related costs comprise approximately 80% of our General Fund budget and it is essential that the City fully understand all labor related costs.

The amendment to the Labor Management Act only concerns Article XI (no contact clause) and Article XV (Council workshops). The current version of Article XI prohibits any contact between Employee Labor Organization official representatives and Council members that is directly related to MOU meet and confer negotiations. The time period begins when the initial meet and confer meeting is held and continues until the proposed MOU is heard in open session.

The amended version does not prohibit contact between Employee Labor Organization official representatives. It only establishes three conditions that are listed. This change will address potential legal issues and provide an improvement in communications between labor groups and the City.

The only other change is to Article XV. This amendment simply changes holding Council workshops on labor relations from every odd numbered year to as needed, as determined by the City Manager.

Recommended Action:

Recommend that Council adopt this amendment to Labor Management Act.

Presented to City Council
 Date 4/24/14
 Disposition Bill No. B-21 intro. / laid over

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BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SUBSECTIONS (a) AND (c) OF SECTION 3-616 OF THE FRESNO MUNICIPAL CODE, RELATING TO THE EMPLOYER-EMPLOYEE RELATIONS ORDINANCE.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsections (a) and (c) of Section 3-616 of the Fresno Municipal Code are amended to read:

SECTION 3-616. UNFAIR EMPLOYEE RELATIONS PRACTICES.

(a) It is an unfair employee relations practice for an employee, employee organization, or an employee representative

(1) to interfere with, restrain, or coerce any employee in the exercise of his rights granted in this article; or

(2) to violate any provision of Sections 3-621 or 3-622; or

(3) to discriminate against any employee because of race, creed, sex, age, color, or national origin with regard to the terms and conditions of membership in an employee organization; or

(4) ~~[repealed and reserved] to consult with an elective officer or member of a board or commission of the city, other than at a scheduled public meeting of the Council or the Board or Commission, on matters which have been delegated to the Director~~

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:

MRD

Ordinance No.

~~pursuant to Section 3-615 of this article and which are currently the subject of discussions in the meet and confer process.~~

(5) to fail, or refuse, to cooperate in impasse procedures invoked pursuant to Section 3-617; or

(6) For a formally recognized employee organization to fail, or refuse, to meet and confer in good faith with the Director at reasonable times, places, and frequencies on matters within the scope of representation.

...

(c) It is an unfair employee relations practice for

(1) the Director to refuse to meet and confer in good faith with the representative of a formally recognized employee organization at reasonable times, places, and frequencies, or to consult within a reasonable time after request; or

(2) ~~[repealed and reserved] an elective officer or member of a board or commission of the city to consult with an employee, an employee organization, or an employee representative, other than at a scheduled public meeting of the Council or the board or commission, on matters which have been delegated to the Director pursuant to Section 3-615 and which are currently the subject of discussion in the meet and confer process.~~

...

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Mary Raterman-Doidge Date
Deputy

MRD:prn 64541prn/Ord] 04-16-14

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