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LEAGUE OF CALIFORNIA CITIES 2021 ANNUAL CONFERENCE

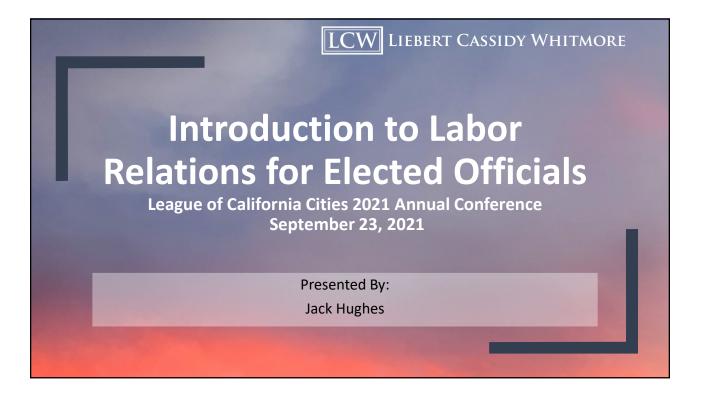
Introduction to Labor Relations for Elected Officials

9/23/2021

Presented by:

Jack Hughes

League of California Cities 2021 Annual Conference | September 23, 2021 Presented By: Jack Hughes





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Laws That Regulate California Labor Relations

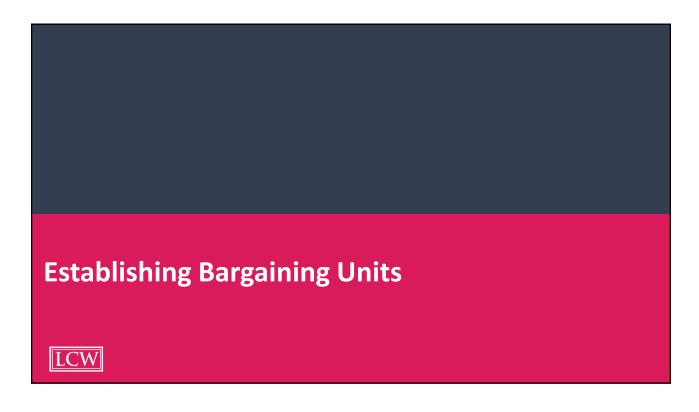
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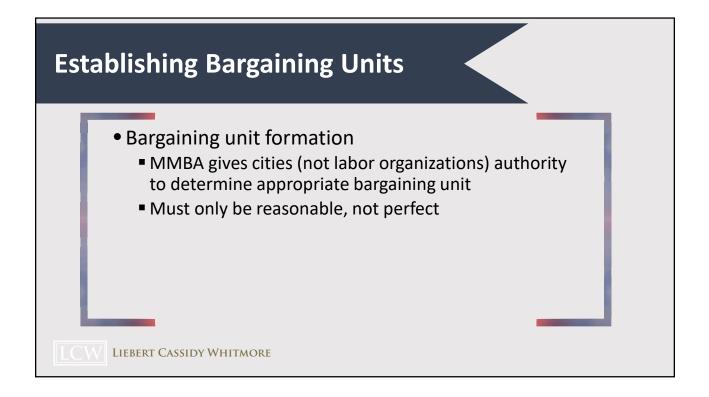
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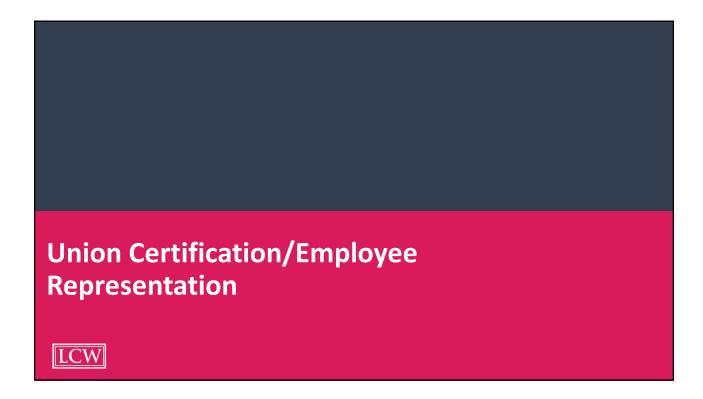




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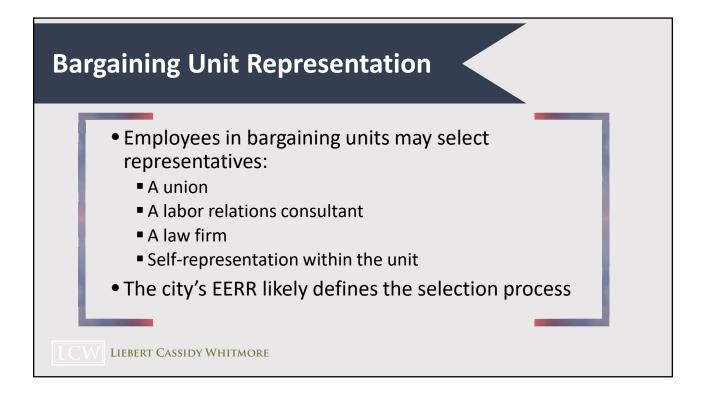
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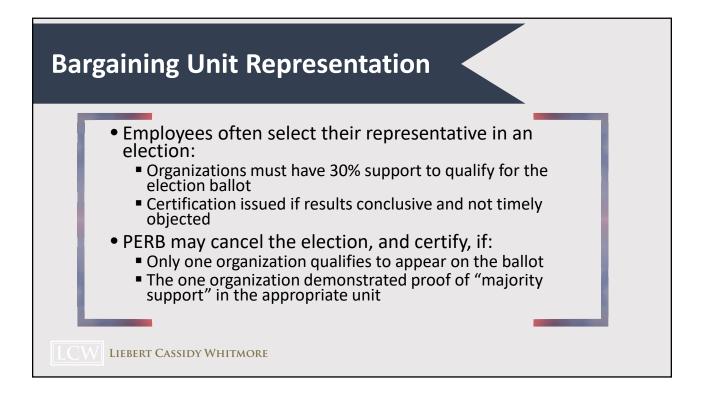






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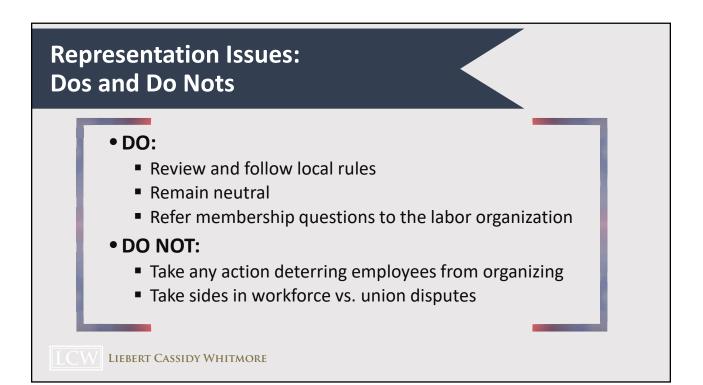




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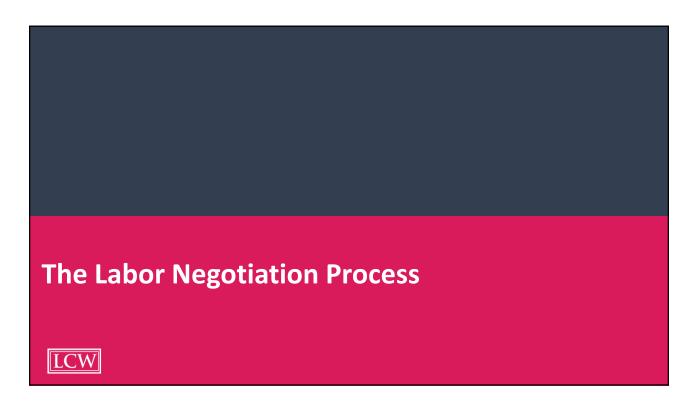




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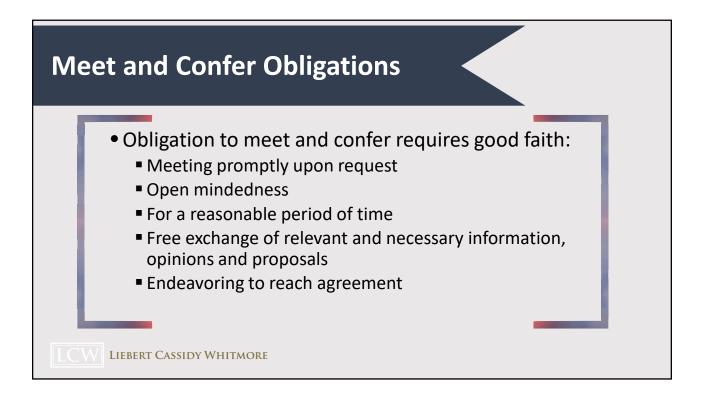
Right to Representation	
 Represented employees have a right to representation in matters pertaining to employer-employee relations, including: Labor negotiations, Grievance proceedings, Disciplinary proceedings, and Interactive process meetings, if requested. 	
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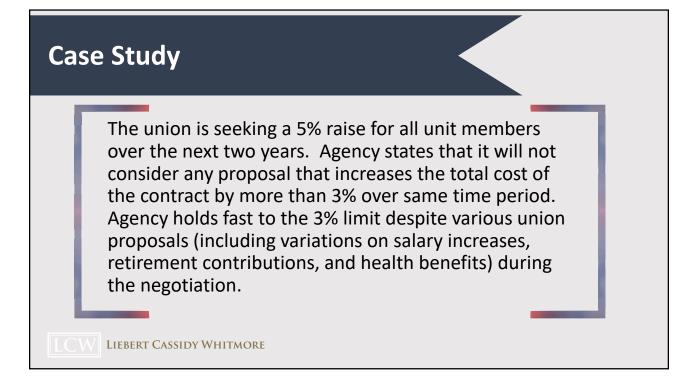
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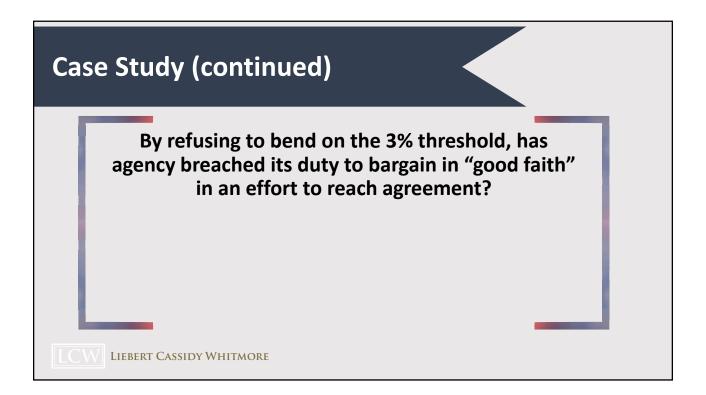




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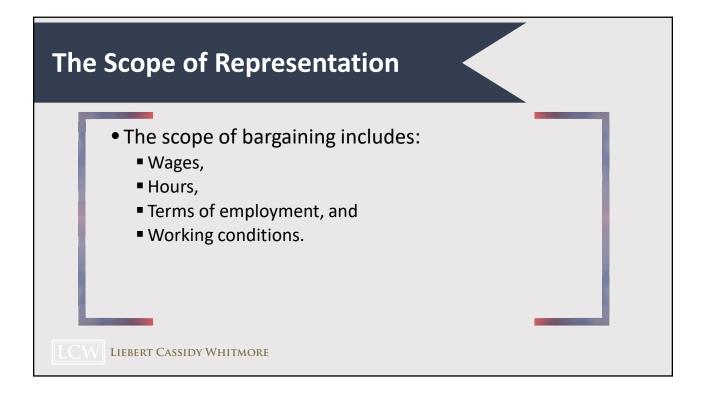






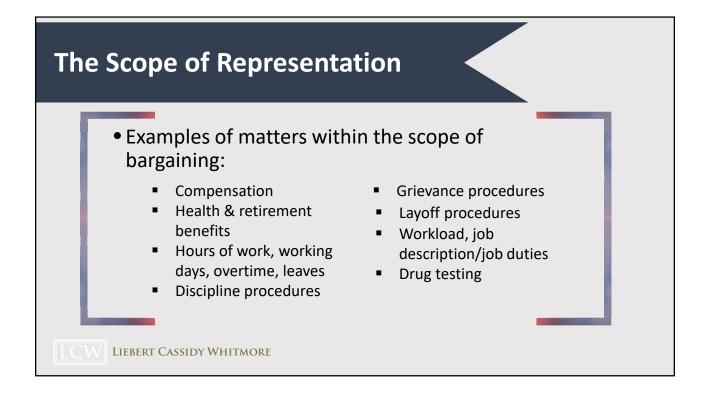
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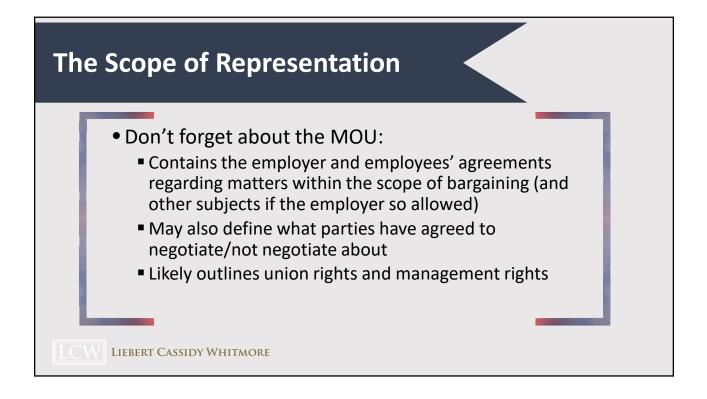




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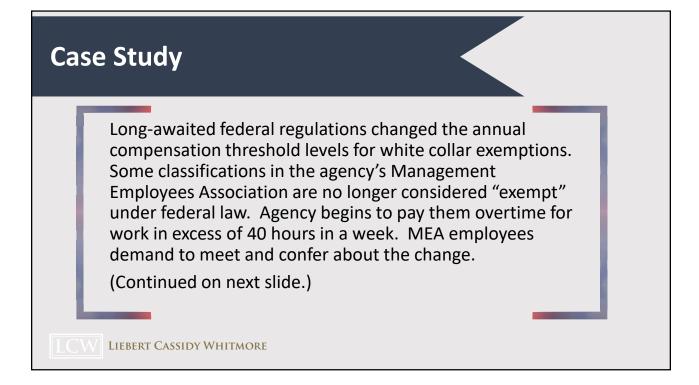
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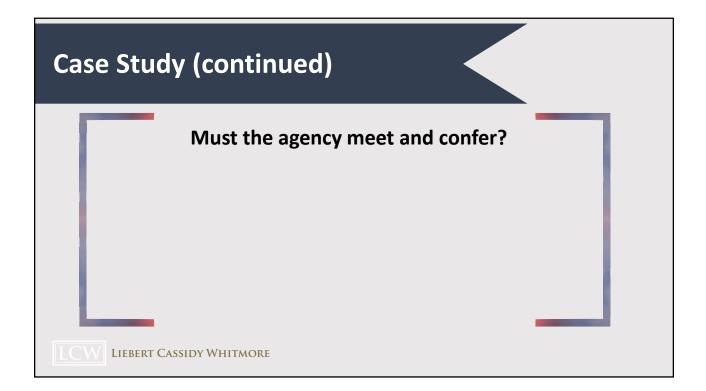




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Management Rights	
 Examples of management rights: Setting standards and level of service Determining means and methods of operations Hiring, promoting and retaining employees Directing and managing the work of employees 	
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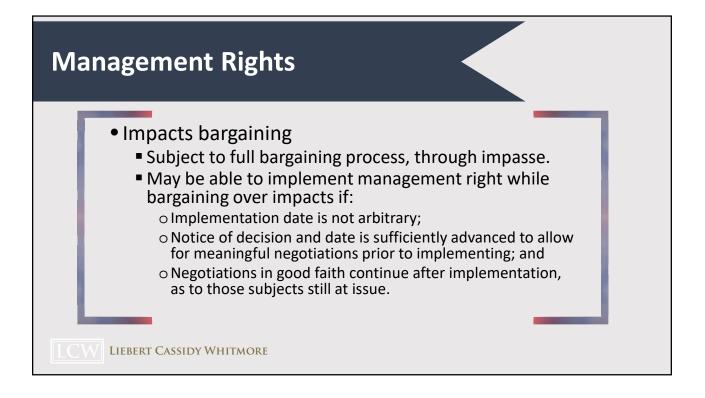
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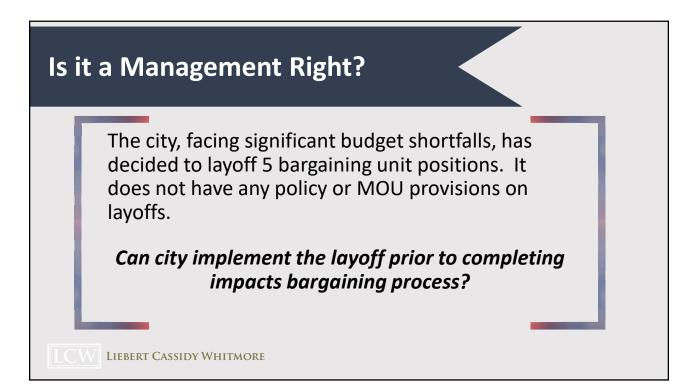
What if it's a Close-Call?
 The <i>Claremont</i> Test applies Will the management action significantly and adversely affect bargaining unit wages, hours or working conditions? If not, no duty to meet and confer; if yes Does the significant and adverse effect arise from the implementation of a fundamental managerial or policy decision? If not, meet and confer applies; if yes Balancing test!
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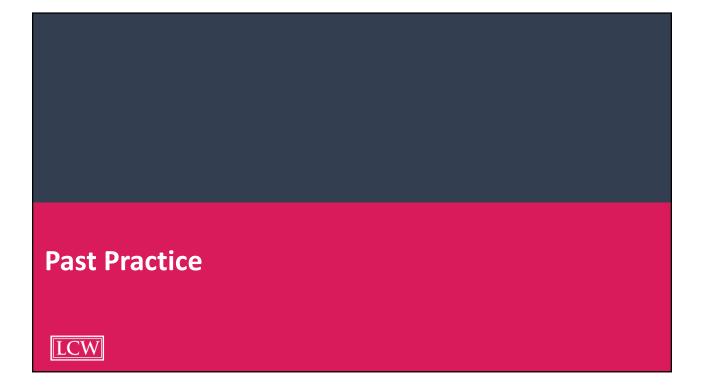
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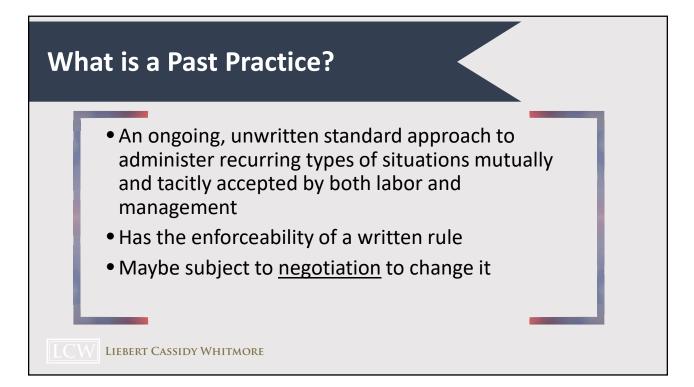




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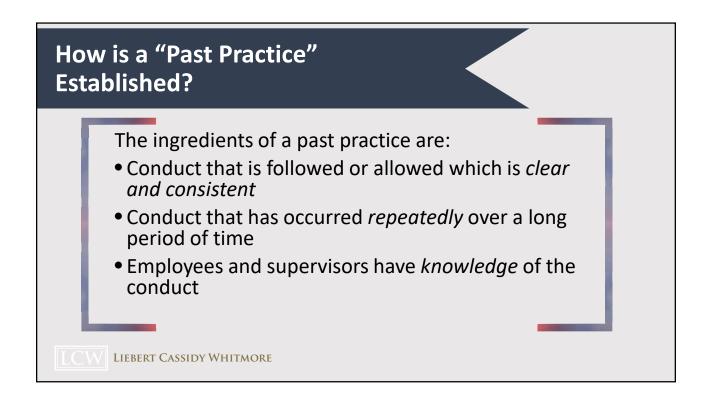
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Is it an Enforceable Past Practice?

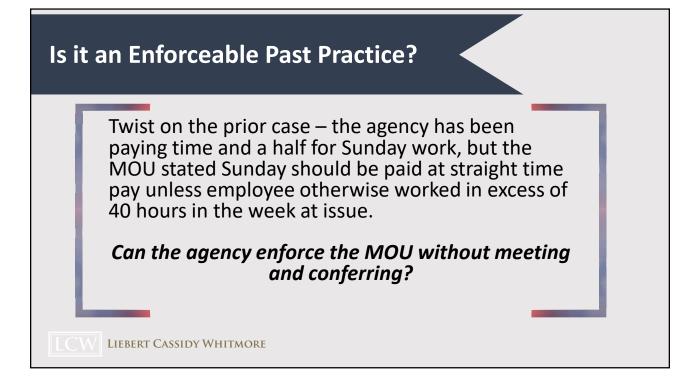
The agency discontinued paying time and one-half premium pay for Sunday work without meeting and conferring. The MOU was silent on whether there was an obligation to pay at this rate; but the agency has been paying this premium for many years.

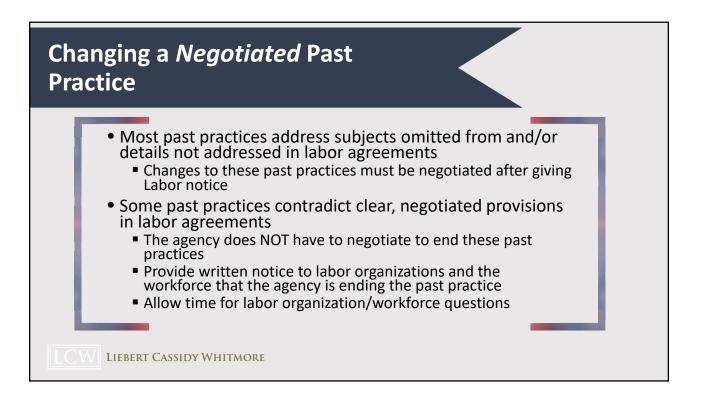
Past practice?

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Communicating with Labor

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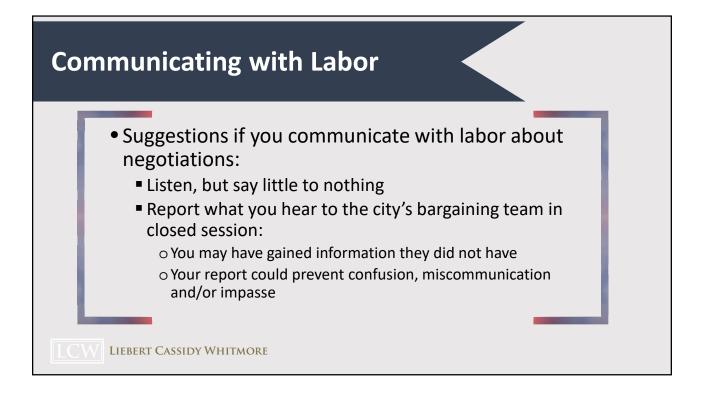
Communicating with Labor

- It is common for labor unions or their supports to seek to communicate directly with elected officials about labor negotiations
- City Council members should careful to avoid:
 - "Direct Dealing"
 - Contradicting city bargaining team direction
 - Promising changes to current city bargaining proposals

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Communicating with Labor

In closed session, the city council empowered the city's bargaining team to establish June 19 as a paid holiday for city employees in exchange for deleting a floating holiday. Councilmember Matthews believes the union should not have to give-up a floating holiday. The union feels the same way but was leaning in favor of accepting the city's compromise. Matthews and the union regularly speak about the city's bargaining proposals. Today, Matthews expressed to the union his frustration about the city's holiday proposal. The union abandons any thoughts about accepting the city's proposal in the hope that other members of the city council will change their minds if the union holds-out on the issue. Afterall, the union knows it has an advocate for its point-of-view in closed session.

What might be the consequences for the city of councilmember Matthews' communication with the union?

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Impasse and Factfinding

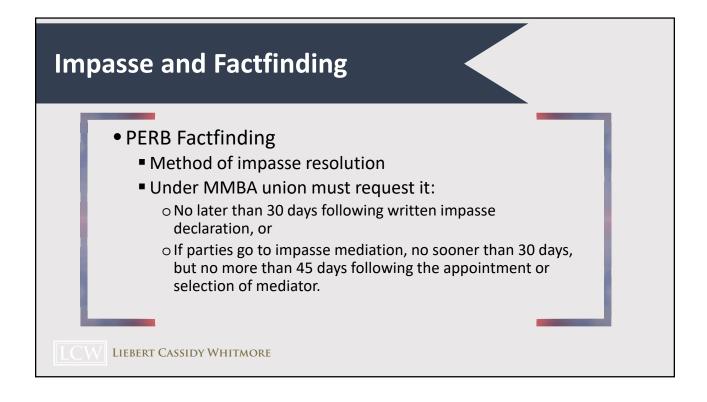
• "Impasse":

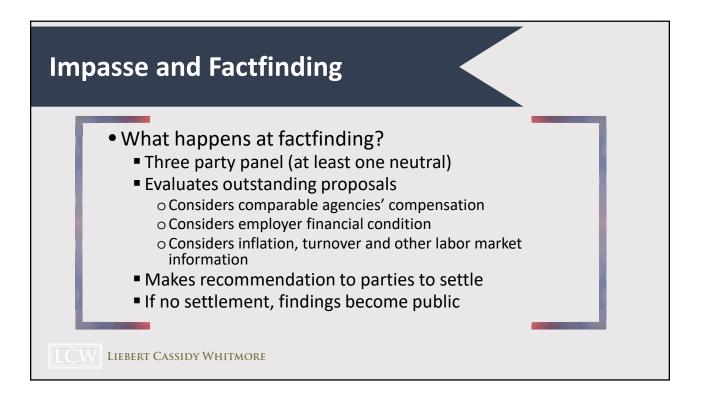
When parties to a dispute over matters within the scope of representation have reached a point in meeting and negotiating at which their differences in positions are so substantial or prolonged that future meetings would be futile.

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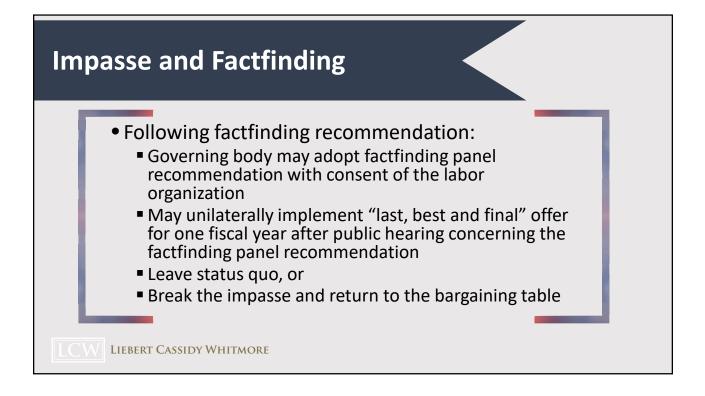
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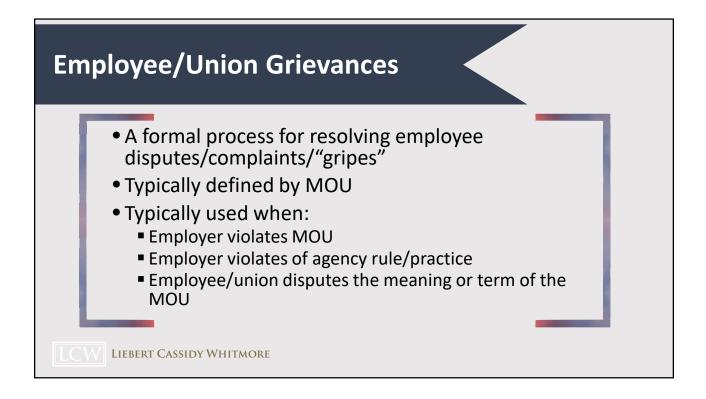
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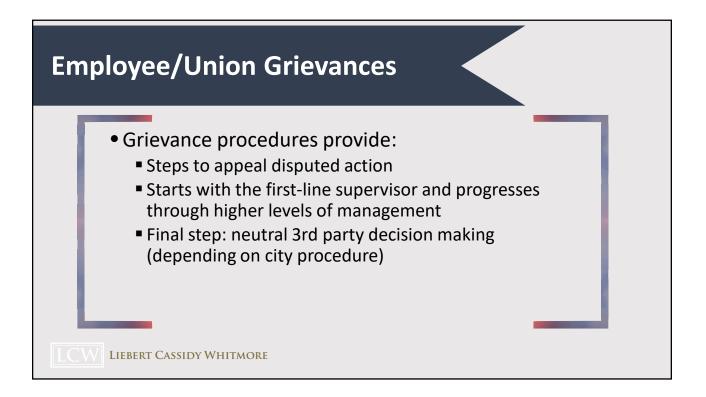






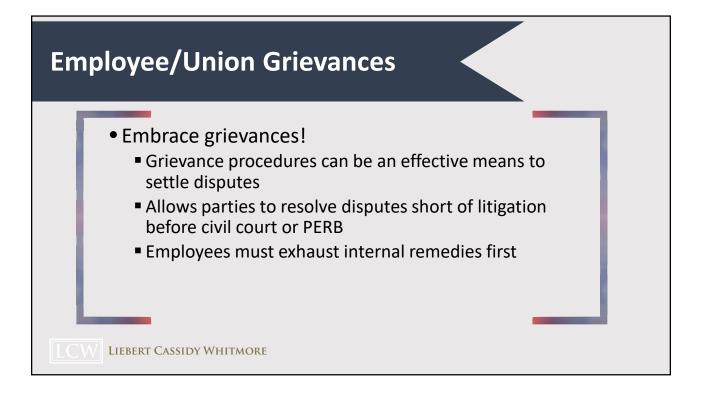
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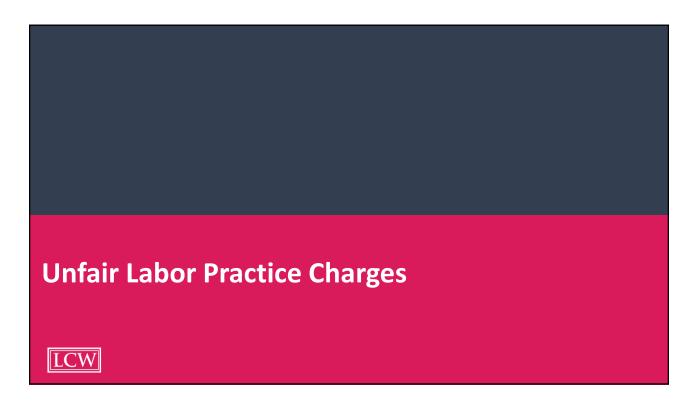




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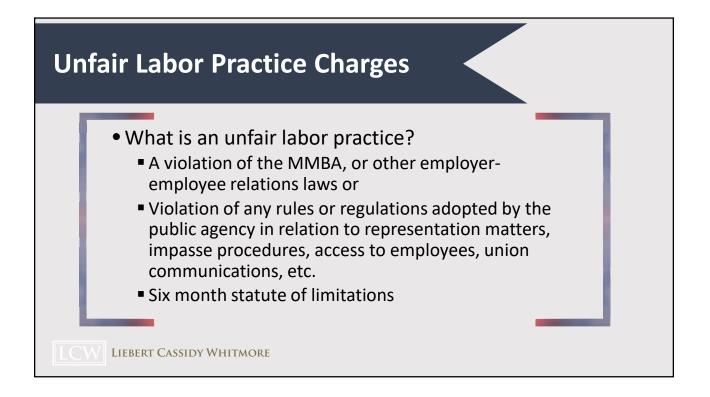
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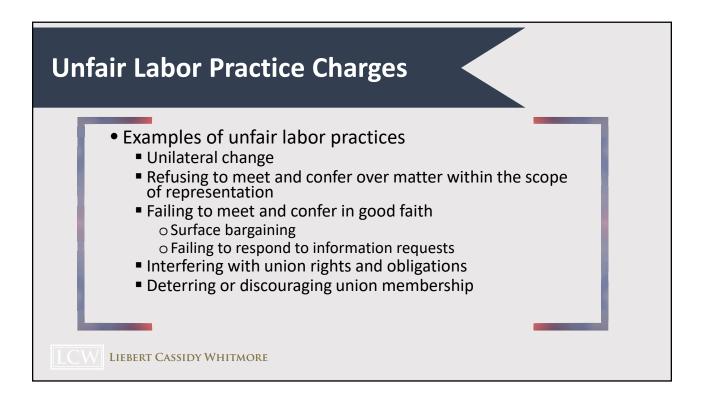






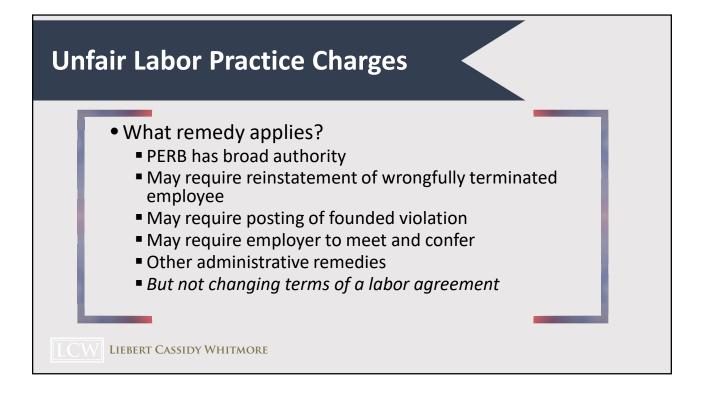
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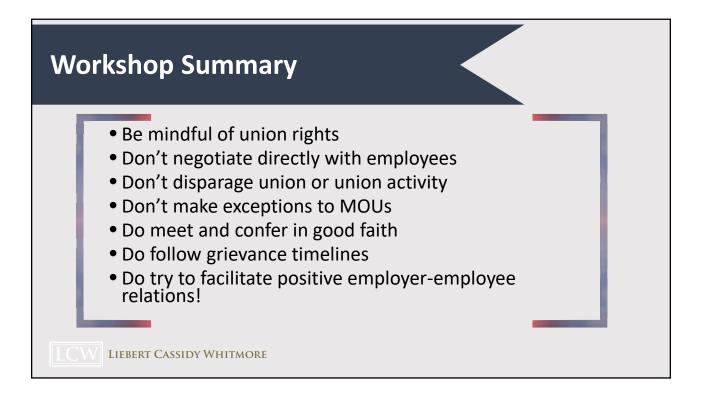




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