

February 27, 1990

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
PARAMEDIC VOLUNTEERS -- PUBLIC COMMENT (PC 3)
CONCERNING COUNCIL DOCKET OF FEBRUARY 5, 1990

This report responds to a request from the Mayor and City Council regarding a communication from SEIU Paramedics made as Public Comment Item number 3 on the docket of February 5, 1990.

SEIU proposed to provide volunteer paramedic services to the City during any period of time that paramedics employed by Hartson's Ambulance Company were on strike. The City of San Diego paramedic contract with Hartson's makes Hartson's responsible for resolving any labor disputes without involving the City. The SEIU proposal would require the City to take over the operation of the ambulances from Hartson's and the ambulances would be manned by SEIU paramedics who are striking Hartson's. Under that agreement, however, the ambulances cannot be taken over by the City until Hartson's is declared to be in breach.

Unless and until Hartson's is determined to be in breach, the City is not in a position to consider any offer from an employee bargaining unit involved in a labor dispute with Hartson's. It would be legally inappropriate for the City to accept SEIU's offer and thus favor one party to the labor dispute. This would also contribute to a breach of the contract by the City, exonerating Hartson's, and rendering the City liable for damages to Hartson's.

Only after Hartson's is determined to be in breach is the City free to pursue alternate means for providing paramedic services. Furthermore, after Hartson's contract is terminated, SEIU's proposal could not be separately implemented without negotiating a contract with them.

In the interim, Hartson's and the paramedics have reached a tentative agreement. We understand that Hartson's will request the City to consider a possible amendment to the City-Hartson's agreement respecting subsidies.

It is our recommendation that no action be taken on this proposal by SEIU Paramedics.

Respectfully submitted,
JOHN W. WITT
City Attorney

RH:mb;pev:502.6

cc City Manager
Fire Chief
RC-90-14