

RESOLUTION NUMBER R- 304897

DATE OF FINAL PASSAGE MAY 12 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REGARDING FINDINGS ON THE APPEAL OF THE NEGATIVE DETERMINATIONS OF THE RECOGNITION PETITIONS SUBMITTED BY CALIFORNIA TEAMSTERS LOCAL 911.

WHEREAS, on November 20, 2008, California Teamsters Local 911 submitted Recognition Petitions and Requests for Severance from the San Diego Municipal Employees Association [MEA] to create separate bargaining units for Lifeguards (Lifeguards I, II, and III) and Supervisory Lifeguards (Lifeguard Sergeant and Marine Safety Lieutenant); and

WHEREAS, by letters dated December 19, 2008, and after consult with California Teamsters Local 911, the Mayor provided notice that negative determinations on the November 20, 2008 Petitions were made because the Petitions did not comply with Council Policy 300-06 in that the Petitions were not filed during the appropriate filing period and the Petitions failed to gain requisite proof of employee support; and

WHEREAS, on January 27, 2009, California Teamsters Local 911 submitted a second set of Recognition Petitions and Requests for Severance from MEA and creation of separate bargaining units for Lifeguards and Supervisory Lifeguards; and

WHEREAS, by letters dated April 9, 2009, and after consult with California Teamsters Local 911, the Mayor provided notice that negative determinations on the January 27, 2009 Petitions were made because the Petitions did not comply with Council Policy 300-06 in that the Petitions failed to gain requisite proof of employee support and the proposed units are not appropriate units in accordance with Council Policy 300-06; and

WHEREAS, on April 13, 2009, California Teamsters Local 911 filed a written appeal of the April 9, 2009 negative determinations with the City Clerk; and

WHEREAS, on May 12, 2009, the City Council heard the appeal of the April 9, 2009 negative determinations and made final decisions on the appeal in accordance with Council Policy 300-06; and

WHEREAS, during the May 12, 2009 appeal, the City Council heard a presentation by Scott Chadwick, Director of Human Resources, on the background of and reasons for the negative determinations on the Petitions; and

WHEREAS, during the May 12, 2009 appeal, the City Council also heard argument by Michael Lackie, attorney for California Teamsters Local 911, and Ann Smith, attorney for MEA, and public comments; and

WHEREAS, pursuant to Council Policy 300-06 (V)(H), any decision of the City Council determining the substance of this dispute shall be final and binding; and

WHEREAS, pursuant to Council Policy 300-06(V)(H) and San Diego Charter section 280(a)(2), the Mayor's veto power shall not extend to this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:


1. That the City Council, after hearing the appeal, finds that the California Teamsters Local 911 petitions comply with the requirements of Council Policy 300-06, and the Mayor's negative determination is hereby reversed.

2. That the City Council, after hearing the appeal, finds that the California Teamsters Local 911's proposed representation units, creating separate bargaining units for Lifeguards

(Lifeguards I, II, and III) and Supervisory Lifeguards (Lifeguard Sergeant and Marine Safety Lieutenant), are appropriate units in accordance with Council Policy 300-06.

3. That the Mayor is hereby directed to take necessary steps to implement this decision.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Lori Thacker  
Deputy City Attorney

JFG:cfq  
05/14/09  
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