

RESOLUTION NUMBER R- 305373

DATE OF FINAL PASSAGE NOV 12 2009

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, PURSUANT TO CITY COUNCIL POLICY 300-06, RESOLVING IMPASSE FOLLOWING HEARING, ON DISPUTE BETWEEN CITY'S NEGOTIATING TEAM AND LOCAL 127, AFSCME AND SAN DIEGO MUNICIPAL EMPLOYEES' ASSOCIATION OVER THE MANAGED COMPETITION GUIDE.

WHEREAS, labor relations between the City of San Diego [City] and its recognized employee organizations are governed by the Meyers-Milias-Brown Act [MMBA], at California Government Code sections 3500 through 3511, and City Council Policy 300-06, the City's Employee-Employer Relations Policy; and

WHEREAS, following the August 22, 2008 decision of the Public Employment Relations Board, in which the City was ordered to resume negotiations in good faith on the Managed Competition Guide [Guide] and to follow the City's impasse procedure regarding the Managed Competition ordinance, the City's negotiating team engaged Local 127, American Federation of State, County and Municipal Employees [AFSCME] and the San Diego Municipal Employees' Association [MEA] in meet and confer on the Guide; and

WHEREAS, following 40 negotiation sessions with AFSCME and 33 negotiation sessions with MEA, the City's Management Team reached impasse, as defined by the MMBA, specifically California Government Code section 3505.4, and City Council Policy 300-06; and

WHEREAS, by Memorandum dated September 29, 2009, Human Resources Director Scott Chadwick notified the City Council of the declaration of impasse between the City's negotiating team and AFSCME and MEA on the Guide, identified the issues that remained in dispute, and reviewed the position of the City's negotiating team on the disputed issues; and

WHEREAS, the City's negotiating team held an impasse meeting with AFSCME on October 6, 2009 and an impasse meeting with MEA on October 8, 2009; and

WHEREAS, agreement was not reached with either AFSCME or MEA at the impasse meetings; and

WHEREAS, pursuant to City Council Policy 300-06, Section VII (B), if no agreement is reached at an impasse meeting, impasses shall then be resolved by a determination of the City Council, where the subject matter of the impasse is within the purview of the City Council, after a hearing on the merits of the dispute; and

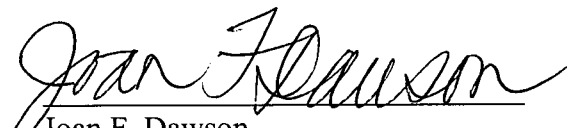
WHEREAS, on October 27, 2009, the City Council held a hearing on the merits of the dispute between the City's negotiating team and AFSCME and MEA over the Guide; NOW THEREFORE,

BE IT RESOLVED that pursuant to City Council Policy 300-06, following hearing on the merits of the dispute over the Guide, Council resolves the impasse by a determination not to impose the Mayor's last, best, and final offer on the Guide at this time and requests that the City's negotiating team return to the table to revive meet and confer with AFSCME Local 127 and MEA over the Guide; and

BE IT FURTHER RESOLVED that any direction provided to the City's negotiating team, as permitted by California Government Code section 54957.6, be stayed pending completion of the Mayoral veto process, set forth in City Charter sections 280 and 285.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
Joan F. Dawson  
Deputy City Attorney

JFD:cfq  
10/28/09  
Or.Dept:Labor Relations  
R-2010-335  
MMS#10796

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 27 2009

ELIZABETH S. MALAND  
City Clerk

By *Senalichard*  
Deputy City Clerk

Approved: 11-12-09  
(date)

*JS*  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor