

(R-2021-405)

RESOLUTION NUMBER R- 313529

DATE OF FINAL PASSAGE MAY 19 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO IN SUPPORT OF HOUSE RESOLUTION 842,  
THE PROTECTING THE RIGHT TO ORGANIZE ACT OF  
2021.

WHEREAS, on March 9, 2021 the United States House of Representatives voted  
225-206 to pass H.R. 842, the Protecting the Right to Organize Act of 2021 (PRO Act); and

WHEREAS, as of March 11, 2021, the PRO Act was received in the United States Senate  
and referred to the Committee on Health, Education, Labor, and Pensions; and

WHEREAS, the PRO Act expands various federal law labor protections related to  
employees' rights to organize and collectively bargain in the workplace; and

WHEREAS, the PRO Act revises the definitions of employee, supervisor, and employer  
to broaden the scope of individuals covered by the federal labor standards; and

WHEREAS, the PRO Act amends the federal National Labor Relations Act (NLRA),  
which applies directly to private sector employers and employees; and

WHEREAS, the PRO Act permits labor organizations to encourage participation of union  
members in strikes initiated by private sector employees represented by a different labor  
organization; and

WHEREAS, the PRO Act prohibits private sector employers from bringing claims  
against unions that conduct such secondary strikes; and

WHEREAS, the PRO Act allows collective bargaining agreements to require all private sector employees represented by the bargaining unit to contribute fees to the labor organization for the cost of such representation, notwithstanding a state law to the contrary, and expands unfair labor practices to include prohibitions against replacement of, or discrimination against, workers who participate in strikes; and

WHEREAS, the PRO Act makes it an unfair labor practice under the NLRA to require or coerce employees to attend employer meetings designed to discourage union membership and prohibits employers from entering into agreements with employees under which employees waive the right to pursue or a join collective or class-action litigation; and

WHEREAS, the PRO Act further prohibits employers under the NLRA from taking adverse actions against an employee, including employees with management responsibilities, in response to that employee participating in protected activities related to the enforcement of the prohibitions against unfair labor practices; and

WHEREAS, the PRO Act addresses the procedures for union representation elections, provides employees with the ability to vote in such elections remotely by telephone or the internet, modifies the protections against unfair labor practices that result in serious economic harm, and establishes penalties and permits injunctive relief against entities that fail to comply with National Labor Relations Board orders; and

WHEREAS, the PRO Act is the most significant worker empowerment legislation since the Great Depression, as it stands to give private sector workers a free and fair choice on whether to form a union, ensure they can reach a first contract quickly after a union is recognized, end

private sector employers' practice of punishing striking workers by hiring permanent replacements, and hold corporations accountable with real penalties for illegally retaliating against private sector workers who organize; and

WHEREAS, the PRO Act will help make America's economy work for working people, and help raise stagnant wages that have only increased a mere 9% from 1973 to 2013, while productivity has increased 74% over that same time period; and

WHEREAS, by San Diego Resolution R-313419 (Feb. 1, 2021), the San Diego City Council (Council) approved the City of San Diego (City)'s 2021-2022 State and Federal Legislative Platform (Legislative Platform), which defines the City's guiding principles and policy priorities and provides a means to advance and protect the City's interests on issues at the federal and state levels; and

WHEREAS, one guiding principle is to promote social justice, equity, and inclusive economic development; and

WHEREAS, the Legislative Platform includes supporting federal measures that reduce barriers to employment, including aligning federal fair employment laws with California's laws; supporting efforts to raise the federal minimum wage; supporting efforts that would make healthcare and childcare more accessible and affordable for San Diego's workforce and residents; and supporting initiatives to facilitate youth, at-risk youth, veteran, and ex-offender educational and employment opportunities, and improve the City's disadvantaged communities, among others; and

WHEREAS, it is the Council's view that, through the expansion of collective bargaining under the PRO Act, there will be increases in pay and protections for women, people of color, immigrants, and the LGBTQ community in areas where existing non-discrimination laws are still falling short; and

WHEREAS, it is the Council's view that a stronger labor force will create more economic prosperity for City residents and positively impact the City's economy; and

WHEREAS, it is the Council's view that the PRO Act is aligned with the previously approved Legislative Platform, and it is the Council's intent to encourage federal lawmakers to approve the PRO Act and President Biden to sign the PRO Act into law; and

WHEREAS, the Council recognizes that the City is a public agency employer under California's Meyers-Milias-Brown Act (MMBA), with specific duties and obligations to the City's recognized employee organizations; and

WHEREAS, by expressing its support for the PRO Act, the Council does not intend to take a formal position, through this Resolution, on any City matter that may be subject to bargaining under the MMBA now or in the future; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council supports the principles in the PRO Act to give private sector workers appropriate powers and protections in the workplace.

BE IT FURTHER RESOLVED that the Council, for and on behalf of the people of San Diego, urges members of the United States Senate to vote to approve the PRO Act.

BE IT FURTHER RESOLVED, that the Council, for and on behalf of the people of San Diego, urges President Biden to sign into law the PRO Act, upon its passage and affirmative vote by the United States Senate.

BE IT FURTHER RESOLVED, that the Council requests that the City's Government Affairs Department staff transmit this Resolution in support of the PRO Act to the City's federal lobbyists or other appropriate personnel, to ensure this Resolution is received by the United States Senate and by the White House and made part of the official record of support for the PRO Act.

APPROVED: MARA W. ELLIOTT, City Attorney

By Joan Dawson  
Joan F. Dawson  
Deputy City Attorney

JFD:myb  
April 9, 2021  
Or.Dept.: District 7  
Doc. No.: 2630639\_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 05/18/2021

ELIZABETH S. MALAND  
City Clerk

By /s/ Matthew R. Hilario  
Deputy City Clerk

Approved: 5/19/21  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAY 18, 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 19 2021.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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