

#101  
9/14/21

RESOLUTION NUMBER R- 313698

DATE OF FINAL PASSAGE SEP 22 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AMENDING CITY COUNCIL POLICY 300-06,  
EMPLOYEE-EMPLOYER RELATIONS POLICY.

WHEREAS, San Diego City Council Policy 300-06 is the City of San Diego (City)'s Employee-Employer Relations (EER) Policy, which was adopted in accordance with the Meyers-Milias-Brown Act (MMBA), the state's collective bargaining law that binds the City as a public agency employer; and

WHEREAS, the MMBA, specifically Government Code section 3507, provides that "a public agency may adopt reasonable rules and regulations after consultation in good faith with representatives of a recognized employee organization or organizations for the administration of employer-employee relations"; and

WHEREAS, the City Council first adopted the City's EER Policy on October 26, 1971, by San Diego Resolution R-204097; and

WHEREAS, the City Council has amended the EER Policy six times since its initial adoption, most recently on September 20, 2019, by San Diego Resolution R-311313, to conform to changes in applicable law; and

WHEREAS, in the matter of *Janus v. AFSCME*, 138 S. Ct. 2448 (2018), the United States Supreme Court held that mandatory agency shop service fees, which are fees paid to recognized employee organizations from the wages of employees who decline membership in the recognized employee organizations, are unconstitutional; and

WHEREAS, the U.S. Supreme Court further held that employees must affirmatively consent before payments to recognized employee organizations can be deducted from the wages of employees; and

WHEREAS, on June 27, 2018, Governor Brown signed into law Senate Bill 866, which generally requires public employers to honor recognized employee organization requests to deduct payments from employees who have affirmatively consented to make payments for membership benefits; and

WHEREAS, the City must comply with the law and make necessary changes to the EER Policy; and

WHEREAS, the City's labor negotiators provided the City's recognized employee organizations with notice of these changes and reached agreement on amending the EER Policy;  
NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that Council Policy 300-06 is amended as set forth in the document on file with the Office of the City Clerk as Document No. RR- 313698.

BE IT FURTHER RESOLVED, that the City Council directs the City Clerk to update the Council Policy Manual to reflect the amended Council Policy 300-06.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Miguel Merrell  
Miguel Merrell  
Deputy City Attorney

MM:jvg  
6/29/21  
Or.Dept: Human Resources Department  
CC No. N/A  
Doc. No.: 2699682

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 14 2021.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 9/22/21  
(date)

  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on SEP 14 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 SEP 22 2021.

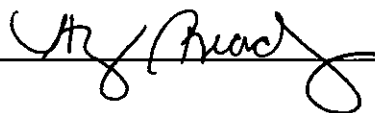
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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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