

COUNTY OF SONOMA AGENDA ITEM SUMMARY REPORT			Clerk of the Board Use Only Meeting Date Held Until ___/___/___ ___/___/___ Agenda Item No: Agenda Item No: _____ _____
Department: Human Resources			() 4/5 Vote Required
Contact: Dan Fulks	Phone: (707) 565-2939	Board Date: 11/10/09	Deadline for Board Action:
<p>Agenda Short Title: Amendment of the County's Employee Relations Policy</p> <p>Requested Board Action: Resolution authorizing the amendment of the County's Employee Relations Policy as related to the bargaining units represented by the Sonoma County Law Enforcement Association (SCLEA) and authorizing the Board Chairperson to execute the settlement agreement between SCLEA and the County, effective November 10, 2009.</p>			
CURRENT FISCAL YEAR FINANCIAL IMPACT			
<u>Expenditures</u>		<u>Add'l Funds Requiring Board Approval</u>	
Estimated Cost	\$ 0	Contingencies (Fund Name:)	\$
Amount Budgeted	\$	Unanticipated Revenue (Source:)	\$
Other Avail Approp (Explain below)	\$ _____	Other Transfer(s) (Source:)	\$ _____
Additional Requested:	\$ 0	Add'l Funds Requested:	\$ _____
Explanation (if required): None.			
Prior Board Action(s): N/A			
Alternatives – Results of Non-Approval: The policy will not be amended as agreed upon in the Settlement Agreement and the pending PERB charges may continue into litigation.			

Background:

The Employee Relations Policy was adopted on June 14, 1983 to provide orderly procedures for the administration of employer-employee relations between the County and its employee organizations. The Policy is intended to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly affect and involve the wages, hours, and other terms and conditions of employment that are not preempted by Federal or State law. After reasonable attempts to negotiate an agreement fail, either party may declare that an impasse has been reached. The Impasse procedure is to enable the parties to break a stalemate in bargaining. The services of a Mediator are required under Myers Milias Brown Act (MMBA) 3505.2 to assist in the impasse process.

Human Resources is proposing the amendment of Article IV of the Employee Relations Policy, which dictates impasse and mediation procedures, in accordance with a settlement agreement between the County and the Sonoma County Law Enforcement Association (SCLEA).

SCLEA filed an unfair labor practice charge with the Public Employment Relations Board (PERB) regarding 2008 negotiations with the County. The County also filed an unfair labor practice charge with PERB against SCLEA. In exchange for mutual dismissals of the aforementioned pending PERB charges, the amendment of Article IV, section 16c of the Employee Relations Policy, as it relates to the bargaining units represented by SCLEA only, was agreed upon. This agreement is intended to promote harmonious labor relations and avoid the inconvenience, and expense of litigation.

The proposed amendment to Article IV, section 16c, which includes the changes agreed upon in the settlement agreement, to include:

“Effective October 27, 2009, the following applies to the bargaining units represented by the Sonoma County Law Enforcement Association (SCLEA) only:

If the parties failed to agree to submit the dispute directly to the Board of Supervisors, and failed to resolve the dispute through mediation ~~within fifteen (15) days after the mediator commenced meeting with the parties~~, the parties may agree to submit the impasse to fact finding. There shall be no minimum or maximum time period for mediation. If the parties fail to agree on fact-finding, the impasse shall be submitted to the Board of Supervisors for such action as in its legislative discretion deems appropriate as in the public interest.”

The remainder of the County’s Employee Relations Policy shall remain applicable to the bargaining units represented by SCLEA.

Attachments: Resolution

On File With Clerk: Settlement Agreement

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Background (continued):

Human Resources is also requesting authorization to have the Board Chairperson execute the settlement agreement.

Recommendation:

The recommendation before your Board, if approved, takes the following action:

Authorizes the amendment of the County's Employee Relations Policy, as related to the bargaining units represented by the Sonoma County Law Enforcement Association (SCLEA) only and authorizes the Board Chairperson to execute the settlement agreement between SCLEA and the County, effective November 10, 2009.