

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 07/28/08		Item Number: <u>C-5</u>	
AGENDA ITEM: Approval of a Professional Services Agreement to Retain John F. Hoffman dba John F. “Jack” Hoffman & Associates for Labor Contract Negotiations			
Contact Person/Dept.: Serena Wright		Phone Number: (310) 253-5640	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List (07/24/08)			
Department Approval: Serena Wright (07/24/08)		City Attorney Approval: Carol Schwab (by H. Baker) (07/22/08)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (07/23/08)		City Manager Approval: Jerry B. Fulwood (07/24/08)	
<u>RECOMMENDATION</u> Staff recommends the City Council approve a professional services agreement to retain John F. Hoffman dba John F. “Jack” Hoffman & Associates for labor contract negotiations. <u>BACKGROUND</u> Culver City currently has six (6) recognized employee organizations (i.e. bargaining units, unions). There are ratified contracts (“Memoranda of Understanding”) with each of these groups which outline the terms and conditions of employment. Two (2) of these contracts, Fire Safety and Fire Management, are due to expire in December 2008. In addition, the Police Officers’ Association contract will expire in June 2009. A professional services agreement to retain a chief negotiator is being presented to the City Council in preparation for upcoming negotiations. Various laws, regulations and organizations oversee labor negotiations, including but not limited to: the Meyers-Milias-Brown Act (Government Code §§ 3500 – 3511), the Brown Act (Government Code §§ 54950-54962), the Public Employment Relations Board, and Culver City’s Employer-Employee Relations Policy (Resolution 2008 – R009). The Meyers-Milias-Brown Act (MMBA) governs labor-management relations and collective bargaining in California local government, including cities. The MMBA provides that the governing body of a public agency shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations.			

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The MMBA defines “meeting and conferring in good faith” as having the mutual obligation to personally meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals and to endeavor to reach agreement on matters within the scope of representation. The scope of representation includes all matters related to employment conditions and employer-employee relations, including, but not limited to: wages, hours, and other terms and conditions of employment.

Labor negotiations are also subject to the Brown Act. The City Council provides negotiating parameters/authority in Closed Session. The Brown Act provides that a person may not disclose confidential information that has been acquired by being present in Closed Session unless disclosure is authorized by the City Council.

The Public Employment Relations Board (PERB) is a regulatory body which investigates unfair labor practices and protects the rights and responsibilities of employers, employees and employee organizations in labor relations matters, which include accusations of “bad faith bargaining”. Examples of bad faith bargaining include direct dealing with bargaining unit representatives or persons acting on their behalf, delay tactics, regressive bargaining, surface bargaining and bypassing the City or union negotiating team. Bypassing can occur when either side bypasses the designated negotiating representatives, for example, by going directly to the City Council with proposals or concessions.

Finally, the City’s Employer – Employee Relations policy provides impasse procedures to address unresolved issues in negotiations regarding wages, hours and other terms and conditions of employment.

DISCUSSION

Collective bargaining can be a time consuming process. In addition to the at-the-table bargaining, there is a tremendous amount of preparation that is needed, which includes gathering data, researching trends, costing proposals and ensuring that contract language is legally and administratively enforceable. Hiring a professional negotiator will provide the Human Resources staff with assistance on this critical project.

John “Jack” Hoffman has been a professional negotiator and human resource professional for over 36 years. He successfully negotiated the previous six (6) contracts with Culver City’s recognized bargaining groups. He also provided oversight and direction on the Civil Service Rules amendments.

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Staff is recommending the use of Mr. Hoffman as the chief negotiator as he is readily familiar with the current contract language contained in the agreements and he also has a previous working relationship with the Fire and Police Departments. In addition, he has extensive knowledge in labor relations and collective bargaining.

FISCAL ANALYSIS

The hourly rate to utilize the professional services of John F. Hoffman dba John F. "Jack" Hoffman & Associates is \$125.

During the budget process, the City Council approved \$30,000 in the Human Resources 08-09 budget, line item 10122100.619800, to cover this expenditure.

ATTACHMENTS

None

MOTION

That the City Council:

1. Approve a professional services agreement to retain John F. Hoffman dba John F. "Jack" Hoffman & Associates for labor contract negotiations; and
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.