

Proposed Amendments Updating "Employee Relations" Chapter of the Administrative Code (Division VI, Chapter 1)

Organization and Personnel Committee
Item 8-9
September 13, 2010

State Law

- Meyers-Milias-Brown Act (MMBA)
 - Provides for the creation and recognition of bargaining units at local public agencies
 - Promotes full communication between public employers and their employees by providing a reasonable method of resolving concerns regarding wages hours, and other terms and conditions of employment (e.g. collective bargaining)

State Law (Continued)

- MMBA Section 3507(a)
 - “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 under this chapter.*”
- MWD’s Local Regulations
 - Originally adopted in 1973
 - Admin Code Division VI, Chapter 1
 - Contains Metropolitan’s rules and regulations for the administration of employer-employee relations

Purpose of Chapter 1

- To implement the MMBA
- Proposed Section 6100, Statement of Purpose
 - “This Chapter implements [the MMBA] by providing orderly procedures for the administration of employer-employee relations between the District and its employee organizations.”
- How does an agency establish such regulations?
 - Again, under State law:
 - “A public agency may adopt reasonable rules and regulations **after consultation in good faith** with representatives of a recognized employee organization or organizations”

“Consultation in Good Faith”

- Employee Relations Officer gave written notice
 - By email dated June 24, 2010 to the Bargaining Unit Presidents (AFSCME, Supervisors Association, MAPA & ACE)
- Followed by five face-to-face meetings
 - July 20, 2010
 - August 3, 2010
 - August 9, 2010
 - August 17, 2010
 - September 2, 2010

Why update Chapter 1?

- Current Division VII, Chapter 1 is outdated
- There are ambiguities
- There are gaps
- To adopt the model language endorsed by the League of California Cities
- To further the recommendations of the recent Human Resources Audit
- To implement best business practices

What does Chapter 1 accomplish?

- Reaffirms employee rights and management rights
- Clarifies definitions
- Clarifies procedures and timeframes for:
 - Creating a new bargaining unit
 - Challenging a proposed bargaining unit
 - Decertifying an existing bargaining unit
 - Modifying an existing bargaining unit
 - Appeals

What does Chapter 1 accomplish?

(Continued)

- Authorizes the use of District resources by the bargaining units for lawful activities
- Prohibits the use of District resources for internal employee organization business such as soliciting membership and campaigning for office
- Clarifies the impasse procedures for negotiations

Staff Recommendation

- Option #1: Approve proposed amendments to Division VI, Chapter 1 of the Administrative Code as set forth in Attachment 2 to Board Letter 8-9

Questions?