Legislation Details (With Text)

File #:	2020-546	**Version:**	1	**Name:**	
Type:	Consent			**Status:**	Agenda Ready
File created:	7/27/2020			**In control:**	City Council
On agenda:	8/18/2020			**Final action:**	
Title:	TENTATIVE AGREEMENT REGARDING DUES DEDUCTIONS PER CALIFORNIA GOVERNMENT CODE SECTION 3505.1 BETWEEN THE CITY OF CARSON AND THE AFSCME, COUNCIL 36, LOCAL 1017, REPRESENTING THE CONFIDENTIAL EMPLOYEE BARGAINING UNIT (CITY COUNCIL)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Exhibit 1 - Resolution 20-133 AFSCME 1017 Dues Deductions (8 18 20), 2. Exhibit 1A - AFSCME 1017 Tentative Agreement re Agency Shop Dues Deductions SB 866 issue (Executed)				

Date	Ver.	Action By	Action	Result

Report to Mayor and City Council

Tuesday, August 18, 2020

Consent

SUBJECT:

TENTATIVE AGREEMENT REGARDING DUES DEDUCTIONS PER CALIFORNIA GOVERNMENT CODE SECTION 3505.1 BETWEEN THE CITY OF CARSON AND THE AFSCME, COUNCIL 36, LOCAL 1017, REPRESENTING THE CONFIDENTIAL EMPLOYEE BARGAINING UNIT (CITY COUNCIL)

I. SUMMARY

The representatives of the City and AFSCME Local 1017 have negotiated the proposed Tentative Agreement Regarding Dues Deductions (Exhibit “A” to Exhibit No. 1) for the purpose of addressing changes in the law resulting from a U.S. Supreme Court decision holding that the application of public sector union fees to non-members or requiring agency shop is a violation of the First Amendment.

The Tentative Agreement Regarding Dues Deductions has been fully executed by the representatives of the parties and ratified by the Union, but is not effective until accepted, approved and adopted by the City Council pursuant to Government Code Section 3505.1. Staff requests City Council adoption of the attached resolution (Exhibit No. 1) to approve the Tentative Agreement Regarding Dues Deductions.

powered by Legistar™

II. RECOMMENDATION

TAKE the following actions:

1. ADOPT Resolution No. 20-133, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING A "TENTATIVE AGREEMENT REGARDING DUES DEDUCTIONS PER CALIFORNIA GOVERNMENT CODE SECTION 3505.1 BETWEEN THE CITY OF CARSON AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES UNION, COUNCIL 36, LOCAL 1017, REPRESENTING THE CONFIDENTIAL EMPLOYEE BARGAINING UNIT."

III. ALTERNATIVES

The City Council may take other action as deemed appropriate, subject to the requirements of applicable law.

IV. BACKGROUND

The previous Memorandum of Understanding ("MOU") between the City and the American Federation of State, County and Municipal Employees ("AFSCME") Union, Council 36, Local 1017 ("Union"), representing the Confidential Employee Bargaining Unit, expired on June 30, 2016 ("AFSCME MOU 2015-16").

The City and Union representatives began negotiating in June 2016 regarding a successor AFSCME MOU and the parties reached a tentative agreement on the terms for a successor AFSCME MOU covering the period from July 1, 2016 through June 30, 2021, which deal points were affirmed in the Tentative Agreement ratified by the Union on September 11, 2018 and approved by the City Council on January 8, 2019 (the "TA").

The AFSCME MOU 2015-16 contained Agency Shop and mandatory dues deduction language under Article VIII, Union Rights, Sections 1 through 4, which was not changed by the TA.

On June 27, 2018, the United States Supreme Court decided Janus v. American Federation of State, County & Municipal Employees, Council 31, 138 S. Ct. 2448 (2018), holding that the application of public sector union fees to non-members is a violation of the First Amendment and as a result the Union delivered a letter to the City dated that same day directing the City to immediately cease deducting any agency or fair share fees from employees in the represented bargaining unit who were not current members of the Union, cease remitting such funds to the Union, and refund such funds being currently held by the City. The Union also requested to immediately meet and confer over the impacts of the Janus decision.

Immediately after the U.S. Supreme Court decided Janus, Governor Brown signed Senate

powered by Legistar™

Bill 866 as urgency legislation that applied to all California public employers effective June 27, 2018. Among other things, S.B. 866 amended the Government Code and created new state laws regulating: employee organization membership dues and membership-related fees; employer communications with employees about their rights to join or support, or refrain from joining or supporting unions; and the disclosure of the date, time, and place of the union's access to new employee orientations.

The representatives of the City and the Union did not have sufficient time to negotiate the effects and impacts of the aforementioned legal changes prior to ratification of the TA. In addition, the parties have not yet drafted and/or approved the successor MOU itself. However, the parties have since come to agreement on new dues deduction language to be included in the successor MOU, and desire/intend to adopt such provisions and practices effective immediately through the proposed Tentative Agreement Regarding Dues Deductions (Exhibit "A" to Exhibit No. 1).

The Tentative Agreement Regarding Dues Deductions, which is dated July 14, 2020, has been fully executed by the parties' representatives, and ratified by the Union, but is not effective until accepted, approved and adopted by the City Council pursuant to Government Code Section 3505.1. The proposed resolution (Exhibit No. 1) provides for Council acceptance, approval, and adoption of the Tentative Agreement Regarding Dues Deductions.

V. FISCAL IMPACT

No impact to the general fund budget.

VI. EXHIBITS

1. Resolution 20-133 (pgs. 4-11)
   A. Tentative Agreement re: Dues Deductions

Prepared by: Faye Moseley, Director of Human Resources & Risk Management