



OFFICE OF ADMINISTRATIVE SERVICES

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CITY COUNCIL STAFF REPORT

Meeting: April 17, 2018

Subject

Approve resolution amending the Memorandum of Understanding between the City of Cupertino and the Cupertino Employees Association (CEA), for the period of October 1, 2016 to June 30, 2019, to include sideletters regarding Assembly Bill 119 and the establishment of a Labor Management Committee.

Recommended Action

Adopt Resolution No. _____ amending the Memorandum of Understanding between the City of Cupertino and the Cupertino Employees Association (CEA), for the period of October 1, 2016 to June 30, 2019, to include sideletters regarding Assembly Bill 119, Government Code 3555-3559; and the establishment of a Labor Management Committee.

Description

Human Resources staff recently met with the bargaining unit representative of CEA/IFPTE Local 21 to discuss two amendments to the Memorandum of Understanding (MOU) negotiated for the period of October 1, 2016 through June 30, 2019. As a result of this meeting, the following two agreements were reached and we are asking Council's approval to incorporate these agreements as sideletters to the current MOU.

Assembly Bill 119, enacted in June of 2017, requires public employers to provide written notice of, and access to, any and all new employee orientation meetings to the bargaining unit representing those new employees. The purpose of this access is to allow CEA members or IFPTE Local 21 representatives to meet privately with the new employee to provide information regarding the rights and obligations created by the labor agreement, the role of the bargaining unit representative, and to answer questions. In addition, AB 119 provides that public employers must: (1) provide labor groups with at least 10 days' notice of a new employee orientation session, (2) provide the name, position, and personal contact information of new employees to the union within 30 days of hire, and (3) provide a list of names, positions, and contact

information of all employees represented by the bargaining unit every 120 days. New section 2.1.4 to the existing MOU, memorialized in the attached sideletter (Attachment A) satisfies the City's bargaining obligations under this new legislation. During the meet and confer session regarding the City's obligations under AB 119, Human Resources agreed to: (1) provide at least 10 days' written notice to CEA of all new employee orientation meetings for positions represented by CEA; (2) provide an employee's work and personal contact information within 30 days of hire or by the first pay period of the month following hire; and (3) provide CEA with the same detailed information for all employees within the bargaining unit at least every 90 calendar days.

At the same meet and confer session, the City agreed to the request of CEA/IFPTE Local 21 to establish a Labor Management Committee, which would meet on a regularly scheduled basis outside of formal negotiations, in order to explore mutual concerns and exchange information. Under the Labor Management Cooperation Act of 1978, the establishment of such committees was to: (1) improve communication between representatives of labor and management; (2) provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness; (3) assist workers and employers in solving problems of mutual concern not susceptible to resolution within the collective bargaining process; (4) study and explore ways of eliminating potential problems which reduce competitiveness; (5) enhance involvement of workers in making decisions that affect their working lives; (6) expand and improve working relationships between workers and managers; and (7) encourage free-collective bargaining by establishing continuing mechanisms for communication between employers and employees. The City currently has a Labor Management Committee with the Operating Engineers Local 3 (OE3) bargaining unit, and believes the creation of such a committee will be of benefit to the City and its employees.

The two amendments will be incorporated into the next Memorandum of Understanding between the City and the Cupertino Employees Association.

Fiscal Impact

There is no fiscal impact to the City as a result of approving the three contract amendments.

Prepared by: Leslie Dornell, Human Resources Manager

Reviewed by: Kristina Alfaro, Administrative Services Director

Approved for Submission by: David Brandt, City Manager

Attachments:

A - Draft Resolution

B - Agreement: Access to New Employees

C - Agreement: Labor Management Committee – Redlined

D - Agreement: Labor Management Committee – Clean