



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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DATE: September 19, 2017

DEPARTMENT: Office of the City Attorney

FROM: Christopher A. Callihan, City Attorney

BY: Katherine M. Hogan, Sr. Deputy City Attorney

**TITLE: DESIGNATION OF CITY COUNCIL REPRESENTATIVE FOR  
EMPLOYER-EMPLOYEE RELATIONS**

### RECOMMENDED MOTION

A motion to approve a Resolution that would acknowledge and affirm the City Manager's designation of the Human Resources Officer as the City's representative in all matters of employer-employee relations with the authority to meet and confer in good faith with recognized employee organizations on matters within the scope of representation, pursuant to Section 25-38 of the Municipal Code.

### RECOMMENDATION

Staff recommends that the City Council approve the proposed Resolution.

### BACKGROUND

On March 24, 1969, Ordinance Number 1382 provided for the administration of employer-employee relations<sup>1</sup> between the City of Salinas and its employee organizations.

On March 31, 1969, Resolution Number 6678 appointed the City Manager as the Municipal Relations Officer,<sup>2</sup> with the duties and authority set forth in Ordinance Number 1382.

On July 8, 1986, Ordinance Number 2000 replaced Ordinance Number 1382 and established Chapter 25 of the Municipal Code, covering personnel matters. Section 25-38 of the Municipal

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<sup>1</sup> Section 3(I) of Ordinance Number 1382 defines employer-employee relations as "the relationship between the City and its employees and their employee organization, or, when used in the general sense, the relationship between City management and employees or employee organizations."

<sup>2</sup> Section 3(O) of Ordinance Number 1382 defines Municipal Employee Relations Officer as "the City's principal representative in all matters of employer-employee relations...or his duty authorized representative."

Code provides for the designation of a representative for employer-employee relations and permits delegation.<sup>3</sup>

Section 1.3 of the City's Personnel Manual, issued in April 2007, affirms that the City Manager is designated by Resolution Number 6678 to serve as Employee Relations Officer and may delegate this authority.<sup>4</sup>

The City Manager has delegated employer-employee relations duties to the Human Resources Officer (formerly known as the Personnel Officer) since at least 1984. The Personnel Officer job description from February 1984 includes the following duties: "plan, organize, and direct...labor relations programs," "[a]dvice management and employees regarding grievance procedures; monitor and administer grievance procedures; serve as staff to City Grievance Board," and "[m]eet with representatives of employee organizations." The current job description for the Human Resources Officer has these same duties.

## DISCUSSION

The City Manager has plenary authority to manage employee relations. The City Manager has, for many years, delegated employee relations duties to the Human Resources Officer, as head of the Human Resources Division. The Human Resources Officer regularly meets with employee organizations as the City's representative.

One employee organization, Local 521 of the Service Employees International Union<sup>5</sup> ("SEIU"), has recently questioned the authority of the Human Resources Officer to communicate for the City about grievance board appointments, and is demanding to bargain directly with Council instead. The proposed resolution would clarify that the Human Resources Officer is the proper authority for these discussions and for other matters of employer-employee relations.

## CEQA CONSIDERATION

**Not a Project.** The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

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<sup>3</sup> Section 35-38 of the Municipal Code provides: "The city council shall designate by resolution a representative to represent the city in all matters of employer-employee relations with the authority to meet and confer in good faith on matters within the scope of representation, including wages, hours and other terms and conditions of employment. The city council representative so designated is authorized to delegate these duties and responsibilities."

<sup>4</sup> This is consistent with Section 2-02.03 of the Municipal Code, which provides that the City Manager administers the day-to-day affairs of the City, supervises all departments except the Office of the City Attorney, and performs other management duties.

<sup>5</sup> The City has recognized SEIU as an employee organization and bargained with it since at least 1981.

### STRATEGIC PLAN INITIATIVE

The proposed action meets the Effective, Sustainable Government Council goal.

### FISCAL AND SUSTAINABILITY IMPACT

The action requested has no known fiscal impact.

### ATTACHMENT

Proposed Resolution