

Impartial Analysis

AN INITIATIVE MEASURE TO PROVIDE BINDING ARBITRATION AND RELATED PROCEDURES FOR SWORN POLICE AND FIRE DEPARTMENT EMPLOYEES ON ALL MATTERS RELATED TO THE TERMS AND CONDITIONS OF EMPLOYMENT

The measure would remove Charter Article XVI, Section 1607, "Impartial Mediation for Employee Disputes" and replace it with Article XXVIII, Section 2801, "Impartial and Binding Arbitration for Sworn Police and Fire Department Employee Disputes."

The measure would recognize the prohibition against strikes by sworn police officer and firefighters and provide for automatic dismissal without the possibility of reinstatement for engaging in a strike.

The measure would obligate both sworn police officers and firefighters to negotiate in good faith on all matters related to the terms and conditions of employment including the establishment of grievance procedures.

The measure would remove existing impasse resolution procedures requiring impartial mediation through the California State Mediation and Conciliation, another mutually agreeable organization, private mediation, or other impasse resolution process acceptable to both parties.

The measure would establish impasse resolution procedures for all terms and conditions of employment over which a three-member Board of Arbitrators would preside. The three-member Board of Arbitrators would consist of one arbitrator chosen by the City, one by the police and fire organizations, and one by agreement of both parties.

The measure would impose requirements on the arbitration process including governance by the California Code of Civil Procedure, hearings, evidence, and the adoption of other procedures designed to encourage an agreement, expedite the hearing process, or reduce the cost of arbitration.

The measure would allow parties to submit a last offer of settlement for unresolved issues if no agreement is reached prior to the end of the arbitration process. The Arbitration Board would, by majority vote, select which final offer to impose based on specified criteria and comparisons to other entities, the decision is binding after 10 days.

The measure would allow the parties to meet and resolve differences by mutual agreement and amend or modify the Arbitration Board's decision within the 10 days prior to it becoming final.

The measure would require the expense of the arbitration proceeding to be borne equally by the parties and require consistency with the rest of the Charter but give the provisions of the measure precedence over conflicting Municipal Code or other City ordinances.

The measure would also provide a method for determining the priority of conflicting or alternative measures on the same ballot, including the effect, execution, and harmonization where possible.

The measure would require consistency with all state and federal laws, rules, and regulations and includes a severability provision that allows invalid portions to be either separated from the valid portion or cured where such is possible.


The measure would only allow amendments of its terms by a subsequent ballot measure.

Certification

Dated: 8-8-24

Lori Asuncion
Lori M. Asuncion, City Attorney

Attest:


Katherine D. Roland, Interim City Clerk

