

COUNCIL POLICY MANUAL

Policy 7.3.29

Council Labor Negotiations Guidelines

BACKGROUND

Collective bargaining is governed by the Meyers-Milias-Brown Act (MMBA); the City of Sunnyvale's Administrative Policy Manual Chapter 3, Article 9 on Employer-Employee Relations; and the Sunnyvale Municipal Code (SMC) Chapter 2.24 on Employer-Employee Relations Code. The City Council by Resolution 132-71 on February 23, 1971 designated the City Manager as the Municipal Employee Relations Officer (MERO) and the City's principal representative in all matters of employer-employee relations. The MERO is authorized to delegate these duties and responsibilities to other management representatives.

Pursuant to the Meyers-Milias-Brown Act, the City has a right to insist that contract negotiations take place at the bargaining table between the designated representatives of the City and the designated representatives of the various bargaining unit employees. Members of the City Council shall not negotiate with the employee representatives. Both the City and the bargaining units have an obligation under applicable laws to negotiate in good faith and not to bypass the negotiation teams.

As used in this policy, "negotiate" means to meet and confer with another to endeavor to reach agreement on matters within the scope of representation.

POLICY PURPOSE:

Both the City and the bargaining units have an obligation under applicable laws to negotiate in good faith. The purpose of this policy is to establish guidelines, in the interest of fairness and integrity in the bargaining process, for City Councilmembers during labor negotiations. This policy does not seek to direct or control the actions of labor; rather, it seeks to impose a level of self-discipline by the City Council on its own members. Adherence to the guidelines will avoid actions that could circumvent designated bargaining teams, and help to ensure that labor negotiations are conducted in good faith.

POLICY STATEMENT

1. All labor negotiations shall be conducted by designated representatives at the bargaining table. No Councilmember will individually negotiate with any bargaining unit member. Any inquiries received by a Councilmember from a bargaining unit's representative regarding bargaining proposals shall be referred to the City's authorized negotiators.
2. The City's negotiators shall provide updates on the status of negotiations in closed session as needed. Councilmembers shall direct any questions related to labor negotiations for follow up to the City Manager.

3. Consistent with Government Code Section 54963 (the Brown Act), closed session discussions regarding labor relations are to be held in the strictest confidence and Councilmembers shall not disclose any closed session discussion regarding negotiations.
4. If bargaining unit members ask Councilmembers any questions, provide any feedback or make general comments about the status of negotiations, they shall be referred to their bargaining representative in all instances.
5. Nothing in this policy shall prohibit Councilmembers from listening to bargaining unit representatives or persons acting on their behalf. Councilmembers shall not knowingly respond to or discuss any proposals or any other confidential closed session discussion.
6. Councilmembers shall disclose to the City Manager and to the entire City Council material facts regarding issues related to ongoing negotiations.

(Adopted: RTC #14-0490 (May 20, 2014))

Lead Department: Human Resources

For reference, see also: Sunnyvale Municipal Code Chapter 2.24 *Employer-Employee Relations Code* and Council Policy 7.3.5 *Municipal Employee Relations Officer*.