

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: County Counsel and Executive Office

SUBMITTAL DATE:
May 12, 2011

SUBJECT: Report on Collective Bargaining Issues

RECOMMENDED MOTION: That the Board of Supervisors receive and file this report.

BACKGROUND: During the May 10, 2011 meeting of the Board of Supervisors, Supervisor Buster asked staff to report back on two questions: 1) whether SEIU's inclusion of employees in their bargaining sessions can cause the negotiations to be open to the public; and 2) whether the County can expend public funds in countering factual misstatements made by unions.

Inclusion of Employees in Negotiating Sessions

Inclusion of employees in a collective bargaining session does not require that the session be made open to the public. There is no requirement that such sessions be open to the public. The Meyers-Milias-Brown Act is silent concerning whether collective bargaining sessions are to be public or

Departmental Concurrence

PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**
BY Bill Luna
County Executive Office Signature

Consent
 Policy

 Consent
 Policy

 Dept's Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: | **District:** | **Agenda Number:** 3.35

private. (61 Ops.Atty.Gen. 1.) Collective bargaining, however, is typically limited to the negotiating teams so as not to inhibit the give and take necessary for successful bargaining. In some cases, it can be considered an unfair labor practice to unilaterally permit outside participation in negotiations. (See e.g., Ross School District Teachers Association v. Ross School District Board of Trustees, PERB Decision No. 48 at pp. 7-9; citing L.G. Everist, Inc. (1953) 103 NLRB 308 [including rank and file employees in negotiating sessions determined by NLRB to be "contrary to industrial practice and not conducive to the orderly, informal and frank discussion of the issues"].) Unlike the Brown Act, where including members of the public can be deemed as a waiver of the closed session, the parties can agree under the Meyers-Miliias-Brown Act to have certain members of the public present. However, unilateral action by one party could be construed as a failure to meet and confer in good faith and an unfair labor practice.

Expending Public Funds to Educate on Facts Concerning Collective Bargaining

County staff and resources can generally be used to research and counter statements made by union representatives. The County currently has a website to disseminate factual information (rc-budget-labor.com). Such expenditures are generally considered to be for the purposes of educating the public. The FPPC does, however, very specifically restrict mass mailings by Board members. (See 2 Cal.Code of Regs, Sec. 18901.).