

AGENDA ITEM

701 December 12, 2013

DATE: December 12, 2013

TO: Members, Board of Trustees

FROM: Robert Hawley, Deputy Executive Director

SUBJECT: Labor/Management MOU Negotiations
2014 MOU Amendments Proposed Ratification

EXECUTIVE SUMMARY

The State Bar and Union bargaining teams have completed negotiations on potential amendments to the Memoranda of Understanding ("MOU's") for the Attorney and General Bargaining Units to be effective in 2014 and after. Tentative agreement has been reached between the bargaining teams. The proposed terms are reported here for Board ratification. The Union is presenting these terms to the Union membership for ratification on December 3, 2013. The ratification sought here by the Board is contingent upon the Union membership fully ratifying the proposed amendments. The result of the Union vote will be reported to the Board at its meeting here. State Bar management recommends ratification. IF YOU HAVE SUBSTANTIVE QUESTIONS PLEASE CONTACT ROBERT HAWLEY (415) 538-2277, Robert.Hawley@calbar.ca.gov.

BACKGROUND

The employees of the State Bar of California have been represented by Service Employees International Union ("SEIU") since 1980. The State Bar is a public entity subject to the jurisdiction of California's Meyers-Milias-Brown Act ("MMBA"), Government Code sections 3500 *et seq.*, for labor relations purposes. The MMBA governs "miscellaneous" public entities such as water districts, community college districts, and redevelopment agencies.

The State Bar's union employees are divided into two separate bargaining units: the Attorney Unit and the General Unit. State Bar Executive Staff and designated Confidential Employees are not represented by the Union. Their terms and conditions of employment are established by the Rules & Regulations Pertaining to the Employment of Executive Staff Employees and the Rules & Regulations Pertaining to the Employment of Confidential Employees adopted by the Board of Trustees and administered by the Executive Director. Office of Human Resources and Office of General Counsel employees are among the non-union Confidential Employees.

SEIU Local 1000 serves as the exclusive representative of bargaining unit employees at the State Bar, under a service agreement with SEIU Local 535. Local 1000 represents California state employees.

Negotiations on the 2014 MOUs began in June 2013. The MOU's expire December 31, 2013 if agreement is not reached on a successor agreement. Negotiations continued through November 25, 2013, when tentative agreement was reached on the terms set forth here.

The terms upon which ratification is sought are set forth in the attached Executive Summary. The actual contract language will be prepared following ratification, should that occur.

Management is satisfied that the proposed amendments assure that the Board's institutional goals for the State Bar can be achieved through the prudent management of State Bar's resources and personnel.

ISSUE

Should the Board of Trustees ratify in principle the Tentative Agreement reached between the Union and State Bar negotiating teams on amendments to the governing Memoranda of Understanding for 2014 and after?

CONCLUSION

Assuming the Board of Trustees supports settlement of the negotiations on the terms presented here, it is recommended that the proposed resolution be adopted ratifying the proposed Memoranda of Understanding amendments.

DISCUSSION

Applicable Authorities

It is a responsibility of the Board and its Board Operations Committee to set prudent policy standards pertaining to employer-employee relations. Pursuant to Rules 6.8 and 6.9 of the Rules & Regulations for the Administration of Employer-Employee Relations, this includes providing policy guidance to management for the MOU negotiations and ratifying successor MOUs. It is the responsibility of the Executive Director to manage personnel prudently and of his designees to conduct the negotiations in accordance with the fiscal policy and budget determinations set by the Board. The terms presented here are in accord with these principles.

The proposed MOU amendments are summarized in the attached Executive Summary. The actual MOU amendments will be drafted and approved by the Offices of Human Resources, General Counsel and the Executive Director/Secretary consistent with the proposed resolution above.

FISCAL / PERSONNEL IMPACT:

State Bar management is pleased to obtain the terms presented here. The personnel impact supports prudent management of the State Bar with long term stability. The fiscal impact is within budget parameters

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

Rules 6.8 and 6.9 of the Rules & Regulations for the Administration of Employer-Employee Relations require that all Memoranda of Understanding be submitted to the Board of Trustees for ratification. The State Bar and Union bargaining teams have reached tentative agreement on the terms described here and each side is recommending ratification to their respective constituencies. The tentative agreement is presented here to the Board of Trustees in this special meeting called for this purpose. The Board's ratification of these terms is expressly made contingent upon the Union membership following the recommendation of the Union bargaining team and ratifying these terms on the Union's side. The Union will vote on the tentative agreement on December 3, 2013. The result of that vote will be reported to the Board at its meeting here.

State Bar management recommends ratification as these terms are consistent with prudent personnel administration standards and are within budgetary parameters.

PROPOSED BOARD OF TRUSTEES RESOLUTION:

Should the Board concur with State Bar management's recommendation, the following resolutions would be in order:

"WHEREAS, representatives of the State Bar of California ("State Bar") and Service Employees International Union (SEIU) Local 1000, operating under a Service Agreement with SEIU Local 535 ("Union"), met and conferred pursuant to California Government Code sections 3505 and 3505.1 and the State Bar's Rules & Regulations for the Administration of Employer-Employee Relations, with a view to reaching agreement on the Memoranda of Understanding (MOUs) for the General and Attorney Bargaining Units to be effective in 2014 and after; and

WHEREAS, the Union and State Bar bargaining teams have met in good faith and reached tentative agreement on MOU terms to be effective in 2014 and after; and

WHEREAS, the Union is presenting the tentative agreement to its membership with a recommendation that it be ratified; and

WHEREAS, the State Bar's Rules and Regulations for the Administration of Employer-Employee Relations provides at Sections 6.8 and 6.9 that the proposed MOU terms be submitted to the Board of Trustees for ratification

RESOLVED, that the Board hereby ratifies in principle the proposed Memoranda of Understanding amendments for the General and Attorney Bargaining Units in the form discussed this date to be effective upon full ratification of the amendments by both the Board and the Union; and it is

FURTHER RESOLVED, that the Board's action here is contingent upon the Union fully ratifying the tentative agreement in the same form as presented here. The Board action here does not become effective until the Union confirms that its membership has fully ratified the tentative agreement as set forth here. If, for any reason, Union ratification does not occur, the action of the Board here is voided. The Board further reserves the right to withdraw this action at any time prior to Union ratification; and it is

FURTHER RESOLVED, that the Office of Human Resources and the Office of the Executive Director take the appropriate steps to effectuate these amendments.

Attachment 1 – Proposed Amendments to General and Attorney Unit MOU