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CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612
REBECCA KAPLAN (510) 238-7008
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Date: June 20, 2018

To: City Councilmembers

From: Councilmember Kaplan, Gallo and Kalb

Re:

Resolution Urging The Oakland City Administrator To Work With The Public Sector Unions In The City Of Oakland To Ensure Their Health And Success; And Supporting The Freedom Of City Of Oakland Employees To Participate In Unions Post A United States Supreme Court Decision On *Janus vs. American Federation of State, County, and Municipal Employees Council 31*

Dear City Councilmembers:

In February 2018, the United States Supreme Court heard arguments in the *Janus v. AFSCME Council 31* case, which could overturn the precedent set by the *Abood v. Detroit Board of Education* case in 1977, which allowed public sector unions to require "fair-share" fees from non-members that benefit from the union's collective bargaining activities.

If the current precedent is overturned, unions could be restricted from requiring "fair-share" fees from nonmembers, thereby weakening the unions' power to effectively negotiate on behalf of all public sector workers and to promote policies that protect workers' rights, fair wages, and safer working conditions.

Others in the Bay Area, and throughout the nation have already passed similar Resolutions, including the Alameda County Board of Supervisors, San Francisco Board of Supervisors and AC Transit.

For these reasons, we are submitting a Resolution supporting strong public sector unions post a *Janus v. AFSCME Council 31* Supreme Court decision.

Thank you very much for your consideration,

A handwritten signature in cursive script, appearing to read "Rebecca Kaplan".

Councilmember At-Large, Rebecca Kaplan

A handwritten signature in cursive script, appearing to read "Noel Gallo".

Councilmember Noel Gallo, District 5

A handwritten signature in cursive script, appearing to read "Dan Kalb".

Councilmember Dan Kalb, District 1

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember Kaplan, Gallo, and Kalb

Resolution Urging The Oakland City Administrator To Work With The Public Sector Unions In The City Of Oakland To Ensure Their Health And Success; And Supporting The Freedom Of City Of Oakland Employees To Participate In Unions Post A United States Supreme Court Decision On Janus vs. American Federation of State, County, Municipal Employees.

WHEREAS, all families should have the means to thrive in safe and healthy communities; and

WHEREAS, the working people who make our City of Oakland run deserve good jobs that can support families; and

WHEREAS, over the last forty years, working people have become more productive than ever, yet real wages have declined and CEOs make more than ever before; i.e., 347 times more than the average person in 2016; and

WHEREAS, being able to come together in unions gives people, particularly women and people of color, a powerful voice in speaking up for themselves, their families, and their communities and ensures they are treated with dignity and respect at work; and

WHEREAS, when people stick together in unions, they gain the power in numbers to raise wages and improve benefits like health care for themselves, their families, and all of our communities; and

WHEREAS, people working collectively together in unions have won victories like the 40-hour work week, overtime pay, and health and safety standards, as well as advanced policies especially important to women like paid leave, earned sick time, and reducing the gender pay gap; and

WHEREAS, when people can negotiate together for strong contracts, higher wages, and safer, dignified working conditions, all of us benefit, our communities are stronger, and our entire economy is made more fair; and

WHEREAS, The United States Supreme Court is considering the case *Janus v. AFSCME Council 31*, which could restrict unions from requiring dues from non-member employees who benefit from collective bargaining, thereby weakening the unions' power to effectively negotiate on behalf of all public-sector workers, such as nurses, teachers, and firefighters; and

WHEREAS, an unfavorable decision by United States Supreme Court may deny public sector workers the freedom to access strong unions that make our communities safe, more equitable, and strong; and

WHEREAS, in states where public union rights have come under attack, we have seen different outcomes, in Wisconsin, for example, union membership has fallen 38% after the state passed a law curtailing collective bargaining in 2011, but in other states such as Ohio and New Hampshire, unions have been able to survive similar attacks through proactive strategies; and

WHEREAS, the City of Oakland relies on those who work in public service to provide health care, educate our children, put out fires, fix our potholes, drive our buses, pick up our trash, and more; now, therefore, be it

RESOLVED, that the Oakland City Council supports the freedom of all employees to exercise their rights to a voice and dignity on the job through joining together in strong unions; and, be it

FURTHER RESOLVED, that the Oakland City Council urges the Oakland City Administrator to work with the public sector unions in the City of Oakland to ensure their health and success post a *Janus v. AFSCME* Supreme Court case decision by cooperating to mitigate impacts and by engaging in good faith discussions around implementing a membership card, providing ongoing financial commitments of unit members and adequate release time, consistent with applicable law and City policy, for rank and file union leaders to explain the implications of a negative *Janus* decision and to encourage continued union membership to their city employee colleagues.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,
AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

RULES & LEGISLATION CMTTE