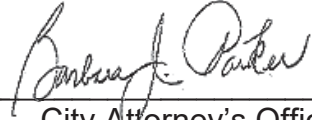


Approved as to Form and Legality



City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE CLAIMS AGAINST SOUTHWEST AIRLINES COMPANY FOR PAYMENT TO THE CITY OF OAKLAND IN THE AMOUNT OF FIFTY-THREE THOUSAND DOLLARS AND NO CENTS (\$53,000.00) AND RESTORATION OF EARNED SICK LEAVE TO GROUND CREW EMPLOYEES AT OAKLAND INTERNATIONAL AIRPORT ARISING FROM THE INVESTIGATION OF SOUTHWEST'S SICK LEAVE POLICIES AND PRACTICES**

**WHEREAS**, In November 2014, Measure FF was passed and was codified as Oakland Municipal Code Chapter 5.92 et seq. (the "Sick Leave Ordinance"), containing certain requirements regarding the provision of paid sick leave to eligible employees working in Oakland; and

**WHEREAS**, Southwest employs numerous employees as ground crew within Oakland at Oakland International Airport; and

**WHEREAS**, In 2017, the City received a formal complaint alleging Southwest's non-compliance with the Sick Leave Ordinance for employees based at Oakland International Airport; and

**WHEREAS**, The City subsequently sent a letter to Southwest requesting certain information regarding Southwest's sick leave policies and practices with regard to ground crew employees, and articulating certain concerns regarding Southwest's compliance with the Sick Leave Ordinance, and Southwest responded in June 2017 with multiple letters and data disclosures, through which Southwest explained its position that it was in full compliance; and

**WHEREAS**, The City and Southwest continued this dialogue, culminating in an agreement in principle through which Southwest agreed to take certain steps, including modification of its sick leave policies and practices, and the City agreed that said steps would bring Southwest into compliance with the Sick Leave Ordinance for ground crew employees at Oakland International Airport; and be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle its claims and resolve the pre-litigation investigation against Southwest Airlines Company for the sum of Fifty-Three Thousand Dollars and No Cents (\$53,000.00), the restoration of earned paid sick leave to ground crew employees at Oakland International Airport, and the modification of Southwest's sick leave policies and practices to comply with the Sick Leave Ordinance; and be it

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO  
AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
Interim City Clerk and Clerk of the Council  
of the City of Oakland, California