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CITY OF OAKLAND



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April 5, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: SEIU, Local 1021 v. City of Oakland
(Failure to Collect Union Dues and Agency Fees)
C.S.M.C.S. Case No. ARB-14-0072
City Attorney File No. X04056 (City Administrator's Office)


President Gibson McElhaney and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Forty-Five Thousand Dollars and Zero Cents (\$45,000.00), payable to SEIU, Local 1021 (the "Union").

This grievance arises out of a dispute between the Union and the City of Oakland over the City's alleged failure to deduct Union dues and agency fees from the paychecks of temporary part-time ("TPT") employees. The City's oversight in failing to deduct agency fees (but not Union dues) from some TPT employee paychecks may have occurred because of ambiguous obligations in the Memorandum of Understanding between the parties for the part-time unit (MOU) or because of the transient nature of TPT employment in Oakland. As of January 1, 2014, the City changed its procedures for deducting Union agency fees so that agency fees are appropriately deducted from all TPT employee paychecks (unless the TPT employee authorized deductions for Union dues).

The Council authorized settlement of this case in Closed Session on Tuesday, December 8, 2015 (moved by Councilmember Reid and seconded by Councilmember Kaplan – 8 Ayes).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Assigned Attorneys:
Ryan Richardson
Allison M. Dibley
Allyson E. Cook

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE GRIEVANCE OF SEIU, LOCAL 1021 V. CITY OF OAKLAND, C.S.M.C.S. Case No. ARB-14-0072, CITY ATTORNEY'S FILE NO. X04056, IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$45,000.00) (CITY ADMINISTRATOR'S OFFICE)

WHEREAS, Grievant SEIU, Local 1021 (the "Union") alleges that the City failed to deduct Union dues and agency fees from the paychecks of temporary part-time employees for several years prior to January 1, 2014; and

WHEREAS, On September 2, 2013, the Union filed a grievance seeking payment of all past-due Union dues and agency fees; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle the Union's grievance against it for the sum of Forty-Five Thousand Dollars and Zero Cents (\$45,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of SEIU, Local 1021 v. City of Oakland, C.S.M.C.S. Case No. ARB-14-0072, City Attorney File No. X04056, for a sum not to exceed Forty-Five Thousand Dollars and Zero Cents (\$45,000.00) payable by the City of Oakland; and be it

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

FURTHER RESOLVED: That the sum of Forty-Five Thousand Dollars and Zero Cents (\$45,000.00) be made payable to SEIU, Local 1021.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California