



## AGENDA REPORT

**Meeting Date:** October 5, 2010  
**Item Number:** C-2  
**To:** Honorable Mayor & City Council  
**From:** Sandra Olivencia-Curtis, Assistant Director of Administrative Services-  
HR  
**Subject:** **IMPASSE HEARING REGARDING THE CITY'S FURLOUGH  
PROPOSAL TO THE SAFETY SUPPORT ASSOCIATION (SS)**

**Attachments:** 1) Impasse Procedures  
2) Safety Support Association Letter

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### **RECOMMENDATION**

Staff recommends the City Council, take such action regarding the impasse as it deems appropriate in the public interest.

### **INTRODUCTION**

The economic downturn has had a negative impact on the City's revenue sources and the City's budget in general. As a result, the adopted FY 2010/11 budget included reductions of approximately \$9 million to account for the General Fund revenue shortfall. The expenditure reductions consisted of a number of measures including an early retirement incentive program, potential outsourcing of functions, elimination of positions, and furloughs for non-safety staff.

The City met and conferred with all non-sworn bargaining groups and has reached agreement with all but two bargaining groups. The Safety Support Association is one of the two employee groups with which the City has not been able to reach agreement despite several meetings over the last four months.

**DISCUSSION**

Article IV, of the City's 1983 Employer-Employee Relations Resolution provides for impasse. Section 1 provides for an impasse meeting with the Employee Relations Officer (the City Manager) or his/her designee and Section 2 provides for a public hearing in front of the City Council. Similar to the offer provided to the other associations, Safety Support members were asked for five (5) furlough days in this calendar year, and up to five (5) additional days should the economy worsen and the general fund revenues for this fiscal year fall short of projections.

Consistent with the Resolution, after the City was unsuccessful in reaching an agreement with the Safety Support Association, the City declared impasse. The Safety Support Association agreed, in exchange for an issues settlement to provide the same superior/subordinate MOU differential to the new Traffic Control Supervisor whose positions was not addressed during the prior salary survey negotiations, to withdraw its request for an impasse meeting (regarding the furlough proposal for which we are at impasse) with the City Manager or designee. The Safety Support Association also agreed that it will not make any comments at the September 21, 2010 City Council meeting (at which this matter will be considered by the Council). Rather, the Association has provided the City Council with a short letter indicating its contention that the City Council should not implement the furloughs and should use reserves rather than furlough Safety Support employees.

**FISCAL IMPACT**

The budget for FY 2010-11 assumes saving from the planned furloughs. If the Safety Support members are not furloughed, it could result in a budget deficit of up to \$66,115.



\_\_\_\_\_  
Finance Approval



\_\_\_\_\_  
Approved By

# **Attachment 1**

resolution after consultation with affected employee organizations.

ARTICLE IV. IMPASSE PROCEDURES

Section 1. Initiation of Impasse Procedures.

If the meet and confer process has reached impasse as defined in this resolution, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled promptly by the Employee Relations Officer. The purpose of such meeting shall be:

- a. To identify and specify in writing the issue or issues that remain in dispute.
- b. To review the position of the parties in a final effort to resolve such disputed issue or issues; and
- c. If the dispute is not resolved to discuss arrangements for the utilization of the impasse procedures provided therein.

Section 2. Impasse Procedures.

If the dispute is not resolved following the meeting provided by Article IV, Section 1, the impasse shall be submitted to the City Council which, after holding a public hearing, shall take such action regarding the impasse as it, in its discretion, deems appropriate in the public interest. Any legislative action by the City Council on the impasse shall be final and binding.

# **Attachment 2**

**SILVER, HADDEN, SILVER, WEXLER & LEVINE**  
A PROFESSIONAL LAW CORPORATION

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WORKER'S COMPENSATION  
OF COUNSEL  
STEVEN E. KAYE

September 28, 2010

*Via Facsimile and U.S. Mail (310) 275-8159*

Jimmy Delshad, Mayor  
City of Beverly Hills  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

City Council Members  
City of Beverly Hills  
Beverly Hills City Hall, Rm. 400  
455 North Rexford Drive  
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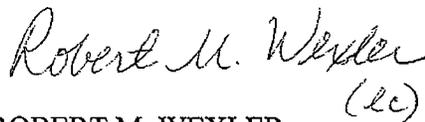
**Re: Resolution of Impasse; Beverly Hills Safety Support Personnel Association**

Honorable Mayor and Members of City Council:

The Beverly Hills Safety Support Personnel Association hereby requests that its opposition to the unilateral implementation of furloughs be noted by reading the enclosed letter into the record during the City Council meeting on October 5, 2010, during the appropriate agenda item.

Sincerely,

SILVER, HADDEN, SILVER, WEXLER  
& LEVINE

  
(lc)

ROBERT M. WEXLER

RMW:lc

Enclosure: Letter dated 9/23/2010

cc: Chris Bloore, President, Beverly Hills Safety Support Association  
Peter Brown, Esq. (via e-mail)

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September 23, 2010

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455 North Rexford Drive  
Beverly Hills, CA 90210

City Council Members  
City of Beverly Hills  
Beverly Hills City Hall, Rm. 400  
455 North Rexford Drive  
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**Re: Resolution of Impasse; Beverly Hills Safety Support Association**

Honorable Mayor and Members of City Council:

This office writes to you in its capacity as the general counsel to the Beverly Hills Safety Support Association, which represents substantially all non-sworn, non-management employees that provide safety support services to the City of Beverly Hills. The purpose of this letter is to urge the City Council not to unilaterally implement the City's Last Best and Final Offer as regards furloughs for Fiscal Year 2010-2011.

The Association appreciates that we are in challenging economic times but urges the City Council to dip into its reserves to address whatever shortfall would be covered by the implementation of furloughs. The Association's membership, which comprises highly dedicated employees, will suffer greatly by the reduction in the compensation upon which they count to support their families. Moreover, the residents of Beverly Hills will be inconvenienced by the reduction in services caused during the furlough periods. By contrast, the use of reserves is relatively minimal as compared to the City's unrestricted reserve balance and permits the continued delivery of services to the residents served by the Association.

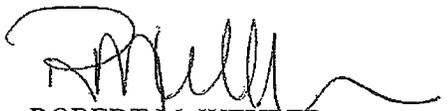
**SILVER, HADDEN, SILVER, WEXLER & LEVINE**

Jimmy Delshad, Mayor  
City Council Members  
September 23, 2010  
Page 2

The Association appreciates your anticipated cooperation.

Sincerely,

SILVER, HADDEN, SILVER, WEXLER  
& LEVINE



ROBERT M. WEXLER

RMW:lc  
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