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OFFICE OF
LABOR RELATIONS

CITY OF SACRAMENTO
CALIFORNIA

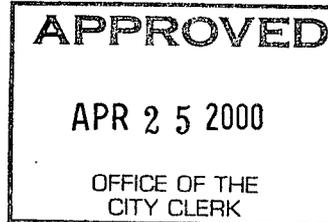
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April 19, 2000

City Council
Sacramento, California

Honorable Members in Session:



SUBJECT: OPPOSITION TO ASSEMBLY BILL 2620: LOCAL SAFETY MEMBERS: RETIREMENT: BENEFITS.

LOCATION AND COUNCIL DISTRICT: All

RECOMMENDATION:

The staff recommends that the City Council oppose any bill which contains language as presented in AB2620 as amended on March 28, 2000.

CONTACT PERSON: Dee Contreras, Director of Labor Relations
Aaron B. Chong, Budget and Policy Review Office

FOR COUNCIL MEETING OF: April 25, 2000

SUMMARY

On April 4, 2000, staff provided the Law and Legislation Committee with a brief overview of Assembly Bill 2620, sponsored by Assemblymember Anthony Pescetti with language amended in the Assembly on March 28, 2000, which would redefine a local police officer to include any City of Sacramento dispatcher.

The proposed state law would include within the various definitions of "local police officer," for purposes of the Public Employees Retirement System, any officer or employee of a police department of a contracting agency that is a city, employed to perform communication duties for an employer that contracted with the system for coverage for its local police officers on a specified date, and who elected to become a local safety member on a specified date.

Staff also provided a report back to the Law and Legislation Committee at its April 18, 2000 meeting regarding the policy and implications of this proposed bill to the City of Sacramento. The Committee voted to oppose the language in Assembly Bill 2620 from a policy perspective since the language in the current version of the bill has been revised with different language.

COMMITTEE/COMMISSION ACTION

The City Council Law and Legislation Committee voted to oppose the proposed language of Assembly Bill 2620 at its April 18, 2000 Law and Legislation Committee meeting.

BACKGROUND INFORMATION

On March 31, 2000, staff was informed that a bill sponsored by Assemblymember Anthony Pescetti that would redefine a local police officer to include only City of Sacramento dispatchers.

At the April 4, 2000 Law and Legislation Committee meeting, Labor Relations staff presented a brief overview about the policy and implications of the bill to the members of the committee. The bill was scheduled for a hearing before the Assembly's Public Employee, Retirement and Social Security Subcommittee on April 11, 2000. The meeting was subsequently postponed by Assemblymember Pescetti.

On April 10, 2000, Mr. Pescetti amended his bill so it no longer addresses the City of Sacramento nor dispatchers. However, we believe there is a likelihood that the prior language from the March 28, 2000 version would be reinserted into the bill.

DISCUSSION

This bill, as amended on March 28, 2000, applies only to the City of Sacramento and would redefine a "local police officer" to include any employee of a police department of a contracting agency, employed to perform emergency communication duties for an employer that is a city of over 300,000 persons in a county of the eighth class, as defined in Sections 28020 and 28029. This bill specifically targets the City of Sacramento and dispatchers working for the City of Sacramento.

The bill caught everyone by surprise. The bill was brought to staff's attention only two weeks prior to the scheduled state hearing at the state assembly. Consequently, staff prepared a report at the April 4, 2000 Law and Legislation Committee.

The members of the committee were also concerned with the process since this bill had moved so quickly without an opportunity for the Mayor or the City Council to provide important input when it specifically only affects only the City of Sacramento in the entire state. The Committee asked that staff provide an update at the April 18, 2000 Law and Legislation Committee hearing on the status of the bill. The Committee voted to oppose the language as a policy issue. A copy of the bill, as amended on March 28, 2000, is attached as "**Exhibit A**".

The local bargaining process has not been allowed to work. Instead, this state bill will have the effect of intruding into our bargaining process. The City and the union representing the dispatchers should be allowed an opportunity to deal with the subject and go jointly to the legislature for its assistance to implement such a benefit, if necessary. The legislature should not in effect mandate the issues which local agencies must discuss.

We could understand the proposed legislation if it were redefining the dispatchers on a statewide basis. However, it is problematic when legislation specifically singles out our city.

Further, this bill can also be construed to redefine dispatchers as safety employees for other reasons related to the organic law. For example, there is the Peace Officers Bill of Rights law, which gives them certain specific rights relating to discipline and other proceedings; there is also the issue of workers compensation benefits, which differ significantly for safety employees.

FINANCIAL CONSIDERATIONS

Implementation of these proposed provisions may incur additional cost, especially with workers compensation benefits.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations associated with this report.

POLICY CONSIDERATIONS

This type of bill which targets one entity to be eligible to a specific benefit without regard to cost or the interests of the parties as identified at the bargaining table serves to alter the balance which is so important to labor-management relations and is, therefore, poor public policy.

ESBD CONSIDERATIONS

There are no ESBD considerations associated with this report.

Respectfully submitted,



Dee Contreras
Director of Labor Relations

Recommendation Approved:



Robert P. Thomas
City Manager

AMENDED IN ASSEMBLY MARCH 28, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2620

Introduced by Assembly Member Pescetti

February 25, 2000

An act to add ~~Sections 31693 and 31694.5~~ *Section 20426.5* to the Government Code, relating to ~~county employees~~ *local safety members*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2620, as amended, Pescetti. ~~County employees~~ *Local safety members*: retirement: benefits.

Existing law includes within the various definitions of “local police officer,” for purposes of the Public Employees Retirement System, any officer or employee of a police department of a contracting agency that is a city, employed to perform communication duties for an employer that contracted with the system for coverage for its local police officers on a specified date, and who elected to become a local safety member on a specified date.

This bill would additionally define a “local police officer” as any employee of a contracting agency employed to perform emergency communication duties for an employer that is a city of over 300,000 persons in Sacramento County. The application of the provision would be at the election of the contracting agency.

The County Employees Retirement Law of 1937 authorizes counties and districts to offer alternative group insurance benefits to retired employees.

This bill would require counties and districts, other than Los Angeles County, to provide officially established organizations representing retired employees with notice and an opportunity to comment on proposed changes.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 31693 is added to the~~
2 ~~SECTION 1. Section 20426.5 is added to the~~
3 ~~Government Code, to read:~~
4 ~~20426.5. "Local police officer" includes any employee~~
5 ~~of a police department of a contracting agency, employed~~
6 ~~to perform emergency communication duties for an~~
7 ~~employer that is a city of over 300,000 persons in a county~~
8 ~~of the eighth class, as defined in Sections 28020 and 28029.~~
9 ~~This section shall not apply to any contracting agency~~
10 ~~nor to the employees of a contracting agency until the~~
11 ~~agency elects to be subject to this section by amendment~~
12 ~~to its contract made in the manner prescribed for the~~
13 ~~approval of contracts or, in the case of contracts made~~
14 ~~after January 1, 2001, by express provision in the contract~~
15 ~~making the contracting agency subject to this section.~~
16 ~~Government Code, to read:~~
17 ~~31693. In any county or district providing benefits~~
18 ~~under this article, any officially established organization~~
19 ~~representing the retired employees of that county or~~
20 ~~district shall receive reasonable advance notice of any~~
21 ~~proposed changes in employee health care benefits~~
22 ~~affecting those retired employees and shall have a~~
23 ~~reasonable opportunity to comment prior to any formal~~
24 ~~action by the county or district on the proposed changes.~~
25 ~~This section shall not apply to Los Angeles County.~~
26 ~~SEC. 2. Section 31694.5 is added to the Government~~
27 ~~Code, to read:~~



1 ~~31694.5. In any county or district providing benefits~~
2 ~~under this article, any officially established organization~~
3 ~~representing the retired employees of that county or~~
4 ~~district shall receive reasonable advance notice of any~~
5 ~~proposed changes in employee health care benefits~~
6 ~~affecting those retired employees and shall have a~~
7 ~~reasonable opportunity to comment prior to any formal~~
8 ~~action by the county or district on the proposed changes.~~
9 ~~This section shall not apply to Los Angeles County.~~

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