



CITY OF SACRAMENTO

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DEPARTMENT OF EMPLOYEE RELATIONS
801 NINTH STREET, ROOM 105
SACRAMENTO, CALIFORNIA 95814
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STEVE LAKICH
DIRECTOR OF EMPLOYEE RELATIONS

January 15, 1981

City Council
Sacramento, California

Honorable Members in Session

SUBJECT: Amendment to the Employer-Employee Relations Policy

SUMMARY

On December 16, 1980, the City Council continued the matter of a proposed amendment to the Employer-Employee Relations Policy to delete the abolished class of Inspector of Police from the Police Management Unit and to designate the class of Assistant Chief of Police as Unrepresented Management. The attached report sets forth the justification to support the recommendation.

RECOMMENDATION

It is recommended that the City Council approve the attached resolution amending the Employer-Employee Relations Policy to delete the class of Inspector of Police from the Police Management Unit and to designate the class of Assistant Chief of Police as Unrepresented Management.

Respectfully submitted,

Steve Lakich
Director of Employee Relations

Recommendation Approved:

Walter J. Slips
City Manager

APPROVED
BY THE CITY COUNCIL

JAN 20 1981

OFFICE OF THE
CITY CLERK

January 20, 1981
All Districts

Attachment



CITY OF SACRAMENTO

DEPARTMENT OF EMPLOYEE RELATIONS
801 NINTH STREET, ROOM 105
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5424

STEVE LAKICH
DIRECTOR OF EMPLOYEE RELATIONS

December 11, 1980

City Council
Sacramento, California

Honorable Members in Session

SUBJECT: Amendment to the Employer-Employee Relations Policy

SUMMARY

The City's Employer-Employee Relations Policy needs to be amended to delete the abolished class of Inspector of Police from the Police Management Unit and to designate the new class of Assistant Chief of Police as Unrepresented Management. The Sacramento Police Deputy Chiefs and Captains Association wants the class of Assistant Chief of Police to be included in the Police Management Unit. The issue is a question of an appropriate bargaining unit and not a question of the right to representation. The recommendation is to delete the abolished class of Inspector of Police and to designate the Assistant Chief of Police as Unrepresented Management.

BACKGROUND

The Sacramento Police Deputy Chiefs and Captains Association is the recognized employee organization for the Police Management Representational Unit. The Police Management Unit presently consists of the following three classifications:

Inspector of Police
Police Captain
Deputy Chief of Police

With the proposed reorganization of the management structure within the Police Department, the class of Inspector of Police is to be abolished and a new class of Assistant Chief of Police is to be established. The representational unit structure in the Employer-Employee Relations Policy needs to be amended to reflect these classification changes in the Police Department. Consequently, the staff is recommending that the abolished class of Inspector of Police be removed from the Police Management Unit and the new class of Assistant Chief of Police be designated as Unrepresented Management.

The Sacramento Police Deputy Chiefs and Captains Association is opposed to the staff recommendation to designate the Assistant Chief of Police as Unrepresented Management. The Association wants the Assistant Chief of Police to be placed in the Police Management Representational Unit. The Association was advised of the City's position in a meeting held on November 12, 1980. The parties met and consulted in good faith and were unable to resolve the matter.

In support of its contention, the Association is relying upon a 1977 appellate court decision in the matter of the Sacramento Police Deputy Chiefs and Captains Association vs. City of Sacramento. In that case, the court ruled that the management employees in the Police Department had a right to representation. That court decision is not relevant in this instance because that case dealt with the right of representation and the issue before the City Council is the question of an appropriate bargaining unit. Specifically, the issue is a unit determination matter on whether it is appropriate to designate the class of Assistant Chief of Police in the Police Management Unit or whether the class should be designated as Unrepresented Management.

Under the National Labor Relations Act, as well as most other state statutes which govern public sector labor relations, the standards for the determination of an appropriate bargaining unit are set forth in the law. The standards for determining an appropriate bargaining unit usually contain such criteria as whether the employees share a strong community of interest with respect to common skills and responsibilities, the effect the proposed unit would have on the bargaining relationship, and the effect the proposed unit would have on the efficient operations of the employer.

The Meyers-Milias-Brown Act which governs the labor-management relations for cities, counties, and special districts in California does not contain the traditional unit determination standards, but instead, leaves this matter to the discretion of the local governing body in establishing an employer-employee relations system. Most local government jurisdictions in California have adopted employee relations ordinances which include the traditional standards for unit determination. The Employer-Employee Relations Policy for the City of Sacramento does not contain any standards for unit determination. In the absence of such standards, the City Council has established bargaining units at its discretion and those units are set forth as Exhibit "A" in the City's Employer-Employee Relations Policy.

In this particular case, and again without any written standards, the City Council must make a reasonable determination on what constitutes an appropriate unit based on the presentation made by the parties before the Council. The City Council, of course, should apply some reasonable rationale including the traditional unit determination standards in making a decision on this matter.

Consequently, the City staff firmly believes that the class of Assistant Chief of Police should be designated as Unrepresented Management for the following reasons:

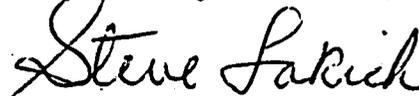
1. The Assistant Chief of Police, together with the Chief, will have authority and responsibility to develop policy for the Police Department. The Deputy Chiefs and Captains do not have such similar authority or responsibility. Their role is to perform administrative duties in carrying out the policies and directives of the Chief and Assistant Chief.

2. The Assistant Chief will assume the command of the Department in the absence of the Chief of Police. The Deputy Chiefs and Captains will not be called upon to act as the Department Head.
3. With over 700 employees in the Police Department, the only full-time position which is presently Unrepresented Management is the one-position class of Chief of Police. The Chief of Police needs to have his top assistant as his representative in directing the day-to-day operations, including sensitive labor relations matters for the over 700 employees in the Police Department.
4. The Assistant Chief of Police will have closer ties and share a stronger community of interest with the Chief of Police than with the Deputy Chiefs and Captains.
5. In other comparable City departments, the Assistant Department Director is unrepresented management.

RECOMMENDATION

It is recommended that the City Council approve the attached resolution amending the Employer-Employee Relations Policy to delete the class of Inspector of Police from the Police Management Unit and to designate the class of Assistant Chief of Police as Unrepresented Management.

Respectfully submitted,



Steve Lakich
Director of Employee Relations

Recommendation Approved:



Walter J. Slips
City Manager

December 16, 1980
All Districts

Attachment

81-040

RESOLUTION NO. ~~80-037~~

Adopted by The Sacramento City Council on date of .

January 20, 1981

A RESOLUTION AMENDING RESOLUTION NO. 77-348, ADOPTED JUNE 28, 1977, RELATING TO EMPLOYER-EMPLOYEE RELATIONS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Resolution No. 77-348, adopted June 28, 1977, is hereby amended by adding to Exhibit "A" thereof the following new classification, at Part B, as un-represented management:

Assistant Chief of Police

SECTION 2.

Resolution 77-348, adopted June 28, 1977, is hereby amended by deleting from Exhibit "A" thereof, at Part A, Section 6.5, the following classification:

Inspector of Police

SECTION 3.

Resolution No. 80-844 is hereby repealed.

MAYOR

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

JAN 20 1981

OFFICE OF THE
CITY CLERK