

July 7, 2005

Honorable Mayor and Members of
The Hermosa Beach City Council

City Council Meeting of
July 12, 2005

**Appeal of Employee Relations Officer's Determination on Request for Unit
Modification**

Recommendation

Staff recommends that the City Council refer the appeal to the City's Civil Service Board for a hearing and final determination.

The City Council also has the option to review the matter and make a determination. If the City Council chooses this option the representative from the Professional and Administrative Employees Association has requested that a separate City Council meeting be scheduled prior to a regular meeting to consider the matter.

Background

On February 7, 2005 the City received a request from the Public Works Inspector to change bargaining units from the current General and Supervisory Employees Association represented by the Teamsters, Local 911 to the Professional and Administrative Employees Association represented by the City Employees Associates. The procedures for filing and processing such requests are spelled out in the City's Employer-Employee Relations Resolution (EERR). The request was reviewed and evaluated considering the criterion established in the EERR and was denied. The denial was sent to the affected employee, the Professional and Administrative Employees Association and the General and Supervisory Employees Association on March 9, 2005. As provided in the EERR, an appeal of the determination was filed and received on March 24, 2005. The appeal process includes the provision for utilizing the services of a mediator in an effort to resolve the matter. The City contacted the State Mediation and Conciliation Service and began coordinating the mediation. On May 3, 2005, the City received a subsequent request on behalf of the Professional and Administrative Employees Association (now calling themselves the Professional, Technical Employees Association) attempting to amend the original request of behalf of the Public Works Inspector to include a total of three classifications, Public Works Inspector, Building Inspector, and Code Enforcement Officer.

The parties met with a mediator on June 14, 2005 and were unable to resolve the issue. Following the mediation, the Professional and Administrative Employees Association requested an appeal as provided in the EERR.

Analysis

Attached for City Council review and information is the original request from the Public Works Inspector, the determination in response to the request, the request for mediation on behalf of the Public Works Inspector, the request to modify the original request to include three classifications, and the request for appeal to the City Council.

Staff has contacted the representative from the Professional and Administrative Employees Association and they are in agreement that this issue be heard before the City's Civil Service Board if that is the direction from the City Council.

Section 2.76.090 (B) of the Hermosa Beach Municipal Code provides that when requested by the City Council or the City manager, the Civil Service Board shall hold hearings and make recommendations on any matter of personnel administration of the City Council or the City Manager.

Respectfully Submitted:

Concur:

Michael Earl
Personnel & Risk Management Director

Stephen Burrell
City Manager