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To: Lemoore City Council Item #8B
From: John Tyler, Administrative Analyst
Date: January 9, 2006
Subject: Sergeant's Unit Impasse Report; Public Hearing

Discussion:

As Council is aware, the City has come to impasse during the negotiation process with the Lemoore Sergeant's Unit, represented by the Teamsters Local 856. City staff has discussed this issue with the City Attorney's office; their opinions with regard to our proceedings from this point are outlined in this report.

According to the City Attorney's office, "*the City's options are determined by its municipal code (including resolutions,) state statutes, and/or relevant case law.*" Municipal Code, Section 1-6-1 (Attachment A), adopts the Personnel System Guidelines (Rule 22), which state three things in Section 22.16 (Attachment B): (1) When Impasse has been declared by either party, the items and issues in dispute shall be clearly identified in writing by both parties; (2) both parties may make presentations on items and issues in dispute to City Council and (3) The City Council's action on items and issues in dispute shall be final and binding.

City staff has put together the documentation that clearly identifies the items and issues in dispute. There is included here a copy of the City's best, last and final offer and associated costs (Attachment C); the Union's response letter, which identifies the issue in contention (Attachment D), which is a 3% Deferred Compensation match in the third year of the agreement. Staff also included a copy of the letter sent to the Union, declaring impasse (Attachment E).

The Sergeant's Unit will likely be in attendance Tuesday night, making a presentation. Council should be prepared to take action that is final and binding.

Budget Impact:

All package costs are a combined total of the POA and Sergeant's Unit, as they agreed to bargain together and voted to reject together. As Council is aware, the total cost of the proposed package that the POA and Sergeants have rejected is \$411,839 over three years; an actual 24% salary increase over the term of the agreement; and is equivalent to nearly 22% of the current total salary and benefits budget.

Recommendation:

Council hold an impasse hearing, taking into consideration all testimony, and then make a decision with regard to future proceedings. Staff has no recommendation other than the options outlined above, as this is a Council policy decision.