

RESOLUTION NO. 2023-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CITY'S NEGOTIATING TEAM TO EXECUTE, ON BEHALF OF THE CITY, A SUBSTITUTED MEMORANDUM OF UNDERSTANDING TO REPLACE THE ESCONDIDO CITY EMPLOYEES' ASSOCIATION – ADMINISTRATIVE/CLERICAL/ ENGINEERING BARGAINING UNIT WITH TEAMSTERS LOCAL 911 – ADMINISTRATIVE, CLERICAL, ENGINEERING BARGAINING UNIT OR THE ESCONDIDO POLICE OFFICERS' ASSOCIATION NON-SWORN BARGAINING UNIT AS THE RECOGNIZED EMPLOYEE BARGAINING UNITS FOR DESIGNATED EMPLOYEES

WHEREAS, negotiating teams from the City of Escondido ("City") and the Escondido City Employees' Association ("ECEA") – Administrative/Clerical/Engineering ("ACE") Bargaining Unit, agreed to a Memorandum of Understanding ("MOU") for the period of July 1, 2021 through June 30, 2023, adopted by the City Council on August 11, 2021; and

WHEREAS, the City of Escondido Employer-Employee Relations Resolution ("EERR"), amended on June 11, 2008, establishes procedures for the decertification of a recognized employee organization; for the recognition of an employee organization; for the modification of established bargaining units; and provides the policy and standards for the employee relations officer to determine appropriate bargaining units; and

WHEREAS, on January 18, 2023, Neil Sholander, Lawyer/Business Representative for California Teamsters Local 911 ("Teamsters"), submitted petitions from, and on behalf of, fifty-one members of the ECEA ACE bargaining unit who seek decertification from ECEA and recognition of Teamsters as their sole and exclusive representative for the purpose of collective bargaining; and

WHEREAS, on January 24, 2023, Patrick Hall, Escondido Police Officers Association ("EPOA") Past President and Representative, submitted a Decertification and Recognition Petition on behalf of eight ECEA ACE members and two ECEA members of the ECEA Supervisory Bargaining Unit who seek

decertification from ECEA and recognition of EPOA Non-Sworn Bargaining Unit as their sole and exclusive representative for the purpose of collective bargaining; and

WHEREAS, on January 26, 2023, Ralph Ginese, ECEA President, submitted a Decertification and Recognition Petition, which included copies of the same Decertification and Recognition Petition signature sheets previously submitted by Teamsters and EPOA; and

WHEREAS, the City and representatives of ECEA, Teamsters, and EPOA met and conferred on several occasions to discuss the best manner to implement the decertification and recognition petitions; and

WHEREAS, a neutral third party, Fire Captain Joe Portman, reviewed the decertification and recognition petitions and found 67.44% of ECEA ACE members seek decertification; and

WHEREAS, a majority of ECEA ACE members seek to have Teamsters become their exclusive representative for the purposes of collective bargaining; and

WHEREAS, eight members of ECEA ACE seek to have EPOA Non-Sworn Bargaining Unit become their exclusive representative for the purposes of collective bargaining; and

WHEREAS, the employee relations officer determined that the two members of ECEA Supervisory Bargaining Unit who seek to change representation did not follow established EERR procedures, and as a result, will remain in the ECEA Supervisory Bargaining Unit; and

WHEREAS, the City found the decertification and recognition petitions complied with the EERR and found that the classifications provided in Resolution 2023-48 Exhibit "A", which will become Exhibit D to the MOU, are appropriate and should be represented by Teamsters Local 911 in an Administrative, Clerical, Engineering bargaining unit and the positions provided in Resolution 2023-48, Exhibit "B", which will become Exhibit E to the MOU, are appropriate and should be represented by EPOA as part of the Non-sworn Bargaining Unit; and

WHEREAS, although the ECEA ACE MOU will expire on June 30, 2023 and on April 19, 2023, ECEA will no longer represent ACE members, Teamsters and EPOA have agreed to become the recognized

employee organizations for the respective classifications approved by the City, and will replace ECEA as a party to the MOU for their respective new members as provided in the attached exhibits; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to approve a substituted MOU to remove ECEA ACE and add Teamsters Administrative, Clerical, Engineering Bargaining Unit or the EPOA Non-Sworn Bargaining Unit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. The MOU is amended to add Article XLVI, Decertification & Recognition, as follows:

Teamsters Local 911 Administrative, Clerical, Engineering Bargaining Unit will be the exclusive representative of employees serving in the classifications listed in Exhibit D. EPOA Non-Sworn Bargaining Unit will be the exclusive representative of employees serving in the classifications listed in Exhibit E.

3. The MOU is amended to add Resolution 2023-48, Exhibit "A", ECEA ACE Classifications to Move to Teamsters Local 911 Administrative, Clerical, Engineering Bargaining Unit, as Exhibit D.

4. The MOU is amended to add Resolution 2023-48, Exhibit "B", ECEA ACE Classifications to Move to EPOA Non-Sworn Bargaining Unit, as Exhibit E.

5. All references in the MOU to the Escondido City Employees' Association or Escondido City Employees' Association Administrative Clerical, Engineering (including corresponding abbreviations) are repealed and replaced as follows:

Teamsters Local 911 Administrative, Clerical, Engineering Bargaining Unit or Escondido Police Officers' Association Non-Sworn Bargaining Unit.