



*Summary of  
Existing Policy and  
Guiding Principles*

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*Employee  
Relations*

# Employee Relations

## *Scope of Responsibility*

The Committee on Employee Relations reviews issues related to the field of labor relations and human resource management.

## *Summary of Existing Policy and Guiding Principles*

### **Labor Relations**

- The League supports legislation that specifically exempts local public agencies from the requirement to negotiate with any labor or special interest group about matters submitted to the voters of that jurisdiction as initiatives or Charter amendments.
- The League supports efforts to promote, initiate and improve both public and private sector labor-management relations.
- The League supports the long-held position of California courts that public employees cannot engage in strikes.
- The League opposes any system of compulsory and binding interest arbitration, including state-mandates and the imposition of binding arbitration through the initiative process. No arbitrator board or other private person should have any control, direct or indirect, over local budgets, revenues or appropriations.
- The League opposes any legislative action that requires the continuation of the terms of any Memorandum of Understanding (MOU) between a public agency and an employee organization until a successor MOU is agreed upon.
- The League opposes any extension of the State Public Employment Relations Board jurisdiction over local public agency labor relations disputes and charges of unfair labor practices, and also opposes any interference or intervention in local collective bargaining by all labor-management relations councils or boards.
- The League opposes state-mandated compulsory mediation or fact-finding processes that are not mutually agreed upon by the local public agency and its employee organizations, except as provided by local law.

### **Public Employees Retirement System**

- The League supports any locally negotiated retirement system programs that are fair to the taxpayers and to the employees, and that provide long-term financial stability and sustainability.
- The League opposes preemption of charter city authority over public pension systems.
- The League supports reducing the long-term costs of public pension systems in California.
- The League supports full participation in the PERS Coalition (PERS/PAC) and its purpose of monitoring legislation, policies and action necessary to maintain or further the interests of contracting agencies.
- The League supports an exemption for retired PERS employees, allowing them to work for a PERS agency under contract or appointment by the local agency.
- The League supports broadening the definition of “compensation” to allow employers to offer additional years of service credit under specific conditions (golden handshake), and to extend the period in which local members can purchase public service credit for lay-off periods up to five years.
- The League urges the PERS Board, and would support legislation to require the PERS Board, to contract with health maintenance organizations (HMOs) or fee-for-service plans, licensed and doing business in other states, to provide health benefits for retired employees who choose to reside outside of California.
- The League supports certain limitations upon recoveries under judgments against public retirement systems, and supports a requirement that the PERS Board adjust or cancel the retirement allowance of any person convicted of making fraudulent benefit claims.
- The League supports the PERS Board in developing programs to reduce the rate of medical premium increases and to control medical insurance costs, and urges repeal of current law requiring that contributions toward retiree medical benefits equal the contributions made toward the medical benefits of active employees.
- The League supports legislation permitting cities to establish their contributions toward retiree health premiums through the labor relations negotiating process, including: (a) multi-tiered contribution levels; (b) vesting eligibility other than PERS retirement eligibility; (c) prorated contribution based on

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- age and/or length of service; and (d) different contributions for active and retired employees.
- The League supports: (a) reducing all disability retirement payments for employees hired after a certain date; (b) imposing an earnings test for persons receiving industrial disability retirement; (c) requiring state departments to identify annual unemployment and disability payments in separate budget items; (d) requiring persons receiving disability retirement payments to obtain an annual medical examination; (e) prescribing a 60% cap on payments for either job-related or non-job-related disabilities; (f) eliminating the tax-exempt status of disability retirement payments; (g) requiring mandatory reinstatement for employees certified able to work by medical exam; and (h) discontinuing disability retirement payments if the employee rejects reinstatement.
  - The League supports actions by the Legislature and the PERS Board to establish a funding base within PERS that eliminates the cross-subsidy of pension costs among all employers in the PERS system.
  - The League supports stabilizing employer contribution rates through actuarial principles that “smooth” the impact of volatile investment earnings.
  - The League supports the establishment of fair benefits for public employees that are effective in recruiting and retaining a skilled, quality workforce.
  - The League supports the establishment of public pension systems that can be defended to the taxpayer in public debate.
  - The League supports the establishment of industrial disability retirement benefits that provide fair benefits for an injured employee when the injury is clearly linked to the employee’s job.
  - The League opposes declaring eligible for PERS benefits those part-time employees who have satisfied a minimum requirement of service, thereby defeating the intent and value of part-time employment.
  - The League opposes legislation that mandates large increases in compensation during the final year of employment, which has the effect of increasing retirement benefits.
  - The League opposes a requirement that all assets of an employer, including “excess assets,” be used in the determination of the employer contribution rate.
- The League opposes requiring an employer to continue to pay the salary of a member while PERS makes its decision on the member’s application for involuntary disability retirement.
  - The League supports expansion of the membership of the CalPERS Board of Administration to include one new member appointed by the League of California Cities.
  - The League supports allowing local agencies the option to utilize excess PERS investment assets as determined exclusively by the affected local contracting agency, and as permitted by law, to provide employers the option to amend contracts if funds are depleted.
  - The League supports reducing public retirement benefit fraud and increasing transparency of other post-employment benefits.
  - The League opposes requiring agencies to provide CalPERS information about employees who are not enrolled as members of CalPERS, such as part-time, seasonal, and temporary employees.

### **Workers’ Compensation**

- The League supports the principles of narrow causation and definition of injury and supports requiring the employee to prove by clear and convincing evidence that sudden or extraordinary employment conditions were the predominant causes for the injury.
- The League supports existing workers’ compensation laws to be liberally construed only after an injury is deemed “specific” and consists of serious physical or bodily harm.
- The League supports the cost containment of medical expenses for workers’ compensation claims.
- The League opposes regulations or legislation that would require increased employer medical costs for workers’ compensation.
- The League opposes legislation that would permit an employee to use more than one legal process in regard to disability claims (i.e., ADA, workers’ compensation, DFEH), or any other erosion of the “exclusive remedy” principle as it relates to disability claims covered under workers’ compensation.
- The League supports reforming the way temporary disability (TD) benefits are awarded by increasing the amount of time an injured worker receives TD benefits while at the same time eliminating the disincentive to return to work.

## Other Employment-Related Issues

- The League supports a consistent standard for hostile sexual harassment cases by adopting the federal “reasonable victim” standards in matters before the FEHC. The League supports changing the standard from the “viewpoint of a reasonable victim” to a standard utilizing the “perception of reasonable persons of the same gender as the claimant,” in order to shift from a gender-based sexual harassment standard to a plaintiff-based standard.
- The League supports efforts to conform the California Family Care Leave Laws to the federal Family and Medical Leave Act (FMLA) laws.
- The League supports the special protection of elected officials, county public defenders, public figures and public employees acting in their official capacity against threats of death or serious bodily injury.
- The League opposes a mandatory Social Security tax on any public sector employees or employers by the federal government. The League’s position is that such a tax will result in significantly increased labor costs for many of California’s local governments and would adversely affect public sector employers and the retirement benefits of many public sector employees.
- The League opposes any state or federal mandate of benefits on local employees, including, but not limited to, domestic partner benefits and veterans’ preferences. The employee benefit structure within local government should be developed locally through the local government collective bargaining process and that process should be strictly honored by the state Legislature and the Governor.
- The League opposes legislation making it a misdemeanor to disclose peace officer personnel records and citizen complaint records, as well as prohibiting the use of documents or information obtained in violation of this procedure in any administrative proceeding against a peace officer, and any measure that makes it more difficult to discipline the misconduct of police officers.
- The League opposes undermining the confidentiality of personnel matters by making peace officer discipline records public.
- The League opposes the mandated inclusion of governmental entities for Occupational Safety and Health Agency (OSHA) violations without appropriate compensation for the mandates.

- The League opposes extending the filing dates for Fair Employment and Housing Commission (FEHC) charges from one to two years, and opposes permitting the FEHC to provide affirmative or prospective relief to prevent the recurrence of an unlawful practice.
- The League opposes prohibiting employers from requesting that an applicant disclose information or use for employment related decisions information concerning a criminal conviction that was expunged or judicially ordered sealed.

## Federal Fair Labor Standards Act (FLSA)

- The League supports federal legislation to modify inappropriate sections of the FLSA as it relates to local governments, including, but not limited to, the administrative and professional exemptions, salary tests and the definition of hours worked. The League supports the position that the FLSA was inappropriately applied to state and local governments through court decisions and was never designed to regulate public sector employment. The waste of state and local resources in litigation argues for repeal of the FLSA as it relates to local government.

## Succession Planning and Mentoring

- The League supports local government succession planning and mentoring programs, and encourages each League Department to actively discuss and support efforts to establish a program, and to utilize the Personnel and Employee Relations Department’s Mentoring Video as a model. The League recognizes that public sector employees will retire from service within the next five to ten years in critical positions such as department heads, managers, and supervisors. The League also recognizes that public sector employers are faced with the absence of a comprehensive, succession-planning strategy, which will impact all departments in the public sector from public safety to miscellaneous employees.

*Note: The League will review new legislation to determine how it relates to existing League policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by the League during the previous two years, there may be new, evolving policies under consideration or adopted by the League that are not reflected in the current version of this document. However, all policies adopted by the League Board of Directors or the League’s General Assembly become League policy and are binding on the League, regardless of when they are adopted and whether they appear in the current version of “Summary of Existing Policies and Guiding Principles.”*