



**DATE:** September 15, 2020

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Sloan Sakai Yeung & Wong LLP for the Provision of Labor Relations Services

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an agreement with Sloan Sakai Yeung & Wong LLP to provide Labor Relations services.

**SUMMARY**

The City’s labor agreements with the SEIU Local 1021 Clerical and Maintenance Units, IFPTE Local 21, and the Hayward Association of Management Employees (HAME) will expire on June 30, 2021. Planning for contract negotiations will commence in October 2020. Given the recent staffing changes and limited resources currently available in the Human Resources Department to perform the full range of contract negotiations with multiple groups, the City issued a Request For Qualifications (RFQ) in June 2020 to identify potential consultants to serve as lead negotiator in upcoming labor negotiations with SEIU and Local 21. This staff report provides information and requests Council authorization to negotiate and enter into an agreement with Sloan Sakai Yeung & Wong LLP (“SSYW”) for specialized labor relations services.

**BACKGROUND**

Table 1 below shows that of the City’s nine (9) collective bargaining agreements with its various labor groups, four (4) will expire in June 2021. In addition, City staff is currently negotiating a successor agreement with the Fire Chiefs Association.

**TABLE 1: LIST OF BARGAINING GROUPS AND CONTRACT EXPIRATION DATES**

Bargaining Group	Expiration Date
Management Association - HAME	June 30, 2021
SEIU Local 1021, Clerical	June 30, 2021

Bargaining Group	Expiration Date
SEIU Local 1021, Maintenance	June 30, 2021
IFPTE Local 21	June 30, 2021
IAFF Local 1909	December 31, 2023
Fire Officers Local 1909	December 31, 2023
Fire Chiefs Association	Negotiations in progress
Police Management Unit	December 31, 2023
HPOA	June 30, 2024

Upcoming labor negotiations will be particularly complex due to impacts of the COVID-19 pandemic on City revenues and employee working conditions. It is critical to have a seasoned and creative lead negotiator who can assist the City in navigating through contract negotiations while keeping the City apprised of the most recent laws and regulations related to COVID-19 and ensuring negotiated terms comply. In anticipation of the upcoming negotiations and due to recent staffing changes and resource limitations in the Human Resources Department, the City issued a RFQ to obtain Statements of Qualifications from various firms with expertise in labor negotiations, which resulted in ten (10) responses. Five (5) firms were invited for an interview with representatives from the City Manager’s Office, the City Attorney’s Office, and the Human Resources Department. After the RFQ review and interview process was completed in July 2020, staff recommends that the City enter into a professional services agreement with SSW to provide labor relations services. At this time staff estimates the cost of this agreement to be approximately \$50,000.

## DISCUSSION

Due to limited staff resources, of the four agreements expiring in FY 2021, the City plans to conduct inhouse negotiations with HAME and the Fire Chief’s Association led by Human Resources staff and needs assistance for contract negotiations with SEIU Clerical and Maintenance and IFPTE Local 21. Staff recommends utilizing SSW to provide lead labor negotiation services for successor agreements with SEIU and Local 21. The firm will provide the City with various specialized services and expertise related to labor negotiations and will proactively advise the City on current legal trends and issues related to labor negotiations. Specific responsibilities will include, but are not limited to:

1. Representing the City as lead negotiator in negotiations with labor groups.
2. Advising the City on all aspects of labor relations including but not limited to the City’s bargaining obligations, unfair labor practice charges, new developments in labor law, interpretation and application of the City’s memoranda of understanding and policies, and advising the City on the development or revision of policies in a manner consistent with current labor trends and labor law.
3. Performing complex costing of proposals and labor agreements.
4. Recommending innovative methods for reaching agreement with labor unions in challenging economic times.
5. Providing contextual information and potential options/solutions that are or have been implemented or considered in other public agencies.

6. Advising and obtaining authority and direction from the City Council directly or through the City Manager.
7. Drafting terms of the MOUs to ensure clarity.
8. Advising the City on legal matters that may arise out of the labor negotiation process, including interpretation and application of the terms of the MOUs.
9. Representing the City in mediation, fact finding, or other processes that may be involved with the labor negotiation process.
10. Attending meetings in-person or by telephone such as planning sessions, study sessions, and closed sessions with City Council and City Management as needed.
11. Providing assistance on other labor relations matters as requested by the City Manager, Assistant City Manager, or HR Director.

SSYW has identified a highly qualified, reputable, and seasoned team of labor negotiators and professionals, which includes legal and Human Resources experts to provide comprehensive contract negotiation services and additional labor relations services as the need may arise. In particular, SSYW has identified Partner Burke Dunphy as lead negotiator for the City of Hayward and Partner Dania Torres Wong as an additional strategic member of the City's labor team. Both Partners are seasoned and experienced lead negotiators and collectively have handled the full range of labor matters and bring significant experience with negotiations in fiscally challenging times.

#### **FISCAL IMPACT**

There is no current fiscal impact to the General Fund, as the estimated cost associated with this contract is included in the City's adopted FY 2021 Operating Budget.

#### **STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate directly to any of the six priorities outlined in the Council's Strategic Roadmap.

#### **NEXT STEPS**

If Council adopts the attached resolution, staff will finalize and execute agreement with SSYW.

*Prepared by:* Kakshi Master, Human Resources Analyst II

*Recommended by:* Maria A. Hurtado, Assistant City Manager

Approved by:



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Kelly McAdoo, City Manager