

ORDINANCE NO. _____

An ordinance amending Sections 4.801, 4.810, 4.811, 4.820, 4.822, 4.830, 4.850, 4.855, 4.857, 4.860, 4.865 and 4.870 of Chapter 8, Division 4 of the Los Angeles Administrative Code, pertaining to the City's Employee Relations Ordinance, to provide updated and gender-neutral language, and remove obsolete language.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The term and definition of "Joint Council" are deleted in their entirety from Section 4.801 of the Los Angeles Administrative Code.

Sec. 2. The following definitions in Section 4.801 of the Los Angeles Administrative Code are amended to read as follows:

Impasse - A deadlock, after a reasonable period of time, in the meet and confer process between the City's management representatives and representatives of recognized employee organizations on matters within scope of representation, such that continued negotiations to resolve the parties' differences would be futile.

Qualified Employee Organization - An organization that includes employees of the City, which has as one of its primary purposes representing such employees in their employer-employee relations with the City, and which has complied with the conditions specified in Section 4.820 of this Code.

Recognized Employee Organization - A qualified employee organization that has been certified by the Board as the majority representative of employees in an appropriate employee representation unit in accordance with the provisions of Section 4.822 of this Code.

Such certified majority representative shall be the exclusive representative of the employees in the unit, subject to the right of employees to represent themselves as provided in Section 4.857 of this Code.

Regular Employee – An employee who is appointed to a full-time or part-time position.

Sec. 3. Subsections a and c of Section 4.810 of the Los Angeles Administrative Code are amended to read as follows:

a. **Establishment and General Functions.** There is hereby established the Los Angeles City Employee Relations Board consisting of five members, whose terms shall be five years, appointed by the Mayor and confirmed by the City Council, to perform the functions hereinafter set forth.

Each member shall hold office until his/her successor is appointed and confirmed. If a vacancy occurs during a term, the appointee to said vacancy shall hold office for the remainder of the term and until his/her successor is appointed and confirmed.

c. **Appointment and Removal of Board Members.** Board members shall be appointed and may be removed in accordance with the provisions of Charter Section 502. No sooner than 60 days and no later than 45 days in advance of a vacancy caused by the expiration of a Board member's term, recognized employee labor organizations and the City's management representative (City Administrative Officer or his/her designee) separately may submit names of recommended individuals, including their qualifications, for the Mayor's consideration for appointment to the Board. Thereafter, the Mayor will notify the said parties, who have submitted recommended names for the Mayor's consideration, of his/her appointee, at least five (5) days prior to the Mayor submitting to the City Council for its approval the name of the Mayor's appointee.

Sec. 4. Subdivision (2) of Subsection f of Section 4.810 of the Los Angeles Administrative Code is amended to read as follows:

(2) To arrange with the City Clerk or other appropriate agency for elections among employees of an appropriate employee representation unit to select the recognized employee organization for the unit and to certify the organization determined to be the majority representative.

Sec. 5. Section 4.811 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 4.811. Advisory Management Council.

There is hereby created an Advisory Management Council. The Advisory Management Council shall provide for representation by department managers in personnel management and employee relations with policy-making processes and shall advise and assist the Director of the Office of Administrative and Research Services (City Administrative Officer), the General Manager of the Personnel Department and the managers of operation departments in the development of personnel management and employee relations policies. The Advisory Management Council shall consist of the Director of the Office of Administrative and Research Services (City Administrative Officer), the General Manager of the Personnel Department, a representative appointed by the City Council, a representative of the Mayor, and not more than nine General Managers who shall be appointed by the Mayor, subject to confirmation by the City Council. The Director of the Office of Administrative and Research Services (City Administrative Officer) shall serve as chair of said Council. Members shall serve at the pleasure of the appointing authority.

Sec. 6. The title of Section 4.820 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 4.820. Qualifications of Employee Labor Organizations.

Sec. 7. Subsection b of Section 4.820 of the Los Angeles Administrative Code are amended to read as follows:

b. The City Clerk shall register each employee labor organization that complies with the requirements of this section and shall maintain a list of such qualified employee organizations for use in carrying out the provisions of this chapter.

Sec. 8. The title of Section 4.822 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 4.822. Formal Recognition of Employee Labor Organizations.

Sec. 9. Subsection b of Section 4.822 of the Los Angeles Administrative Code is amended to read as follows:

b. **Petition for Certification as an Exclusive or Majority Representative.** A qualified employee organization desiring certification as the recognized employee organization of a proposed representation unit shall file with the Board a petition in a form prescribed by the Board containing the information specified below. The Board shall immediately post a notice in a place in its office, which is open to the public, that the petition has been filed. Said notice also shall be posted electronically on the Board's website. Whenever feasible, the General Manager Personnel Department shall effectuate an electronic posting on the City's websites normally accessed by impacted employees.

(1) A statement specifying all of the classification titles of the positions in the proposed representation unit and the departments and bureaus in which such positions are located.

(2) Written proof satisfactory to the Board dated within a period prescribed by the Board that the qualified employee organization represents at least 30 percent of the regular employees in the proposed representation unit.

(3) A request that the Board certify the qualified employee organization as the recognized employee organization representing a majority of the regular employees in the proposed representation unit.

Sec. 10. Subdivisions (3) and (4) of Subsection c of Section 4.822 of the Los Angeles Administrative Code are amended to read as follows:

(3) Qualified employee organizations, other than the petitioning organization(s), may intervene to seek consideration as the exclusive or majority representative in a representation proceeding. In order to be eligible for consideration as an intervening organization, a qualified employee organization must present within a period specified by the Board written proof satisfactory to the Board dated within a period specified by the Board that it represents at least 10 percent of the employees in the proposed unit. The Board shall then hold a hearing and determine the appropriate unit in accordance with the considerations prescribed in Subsection a of this section. The Board shall at the same time the unit is determined, determine the organizations which shall appear on the ballot, if an election is required, and notify the employee organizations and the departments concerned.

(4) After the representation unit has been finally determined, the Board shall, if an election is required, arrange for a secret ballot election to be conducted by the City Clerk or other agency designated by the Board. The choice of "no organization" shall also be included on the ballot. Regular employees in the unit shall be entitled to vote in such election if they were employed during a period of time, specified by the Board, immediately prior to the pay period within which the election is held. Those employees shall be included who did not work during such period because of illness, vacation or authorized leave of absence. A qualified employee organization shall be certified by the Board as the exclusive or majority representative following an election or runoff election if such organization has received the vote of a numerical majority of the employees voting in the unit in which the election is held (i.e., in excess of 50 percent of the valid votes of all employees voting).

Sec. 11. Subsection e of Section 4.822 of the Los Angeles Administrative Code is amended to read as follows:

e. **Duration of Certification.** When a qualified employee organization has been certified as the exclusive or majority representative of an appropriate unit, certification shall remain in effect for one year from the date thereof, and thereafter, until the organization is decertified as provided in Subsection f of this section.

Sec. 12. Subdivisions (1) and (2) of Subsection f of Section 4.822 of the Los Angeles Administrative Code are amended to read as follows:

(1) A petition for decertification alleging that a certified recognized employee organization is no longer the exclusive or majority representative of employees in an appropriate representation unit may be filed with the Board by

an individual employee, a group of employees or their representatives, or a qualified employee organization.

(2) The petition may be filed at any time after completion of the certified recognized employee organization's first year of certification, provided, however, that the Board may prescribe additional restrictions on the time of filing a petition during the terms, if any, of an approved memorandum of understanding entered into by such organization.

Sec. 13. Subdivision (1) of Subsection b of Section 4.830 of the Los Angeles Administrative Code is amended to read as follows:

(1) The scope of consultation between management representatives and representatives of affected recognized employee organizations includes employee relations matters that are specifically excluded from or otherwise not subject to the meet and confer process.

Sec. 14. Subdivision (4) of Subsection b of Section 4.830 of the Los Angeles Administrative Code is deleted in its entirety.

Sec. 15. Section 4.850 of the Los Angeles Administrative Code is amended in its entirety to read as follows:

Sec. 4.850. Advance Notice to Employee Labor Organizations.

a. A determining body or official shall give reasonable advance written notice to each recognized employee organization affected, of any ordinance, rule, resolution or regulation within its jurisdiction directly relating to matters within the scope of representation proposed to be adopted by the determining body or official and shall give such organization an opportunity to consult with the determining body or official, subject to the restrictions on the right to consultation contained in Section 4.830b(4).

b. In cases of emergency, when such an ordinance, rule, resolution or regulation must be adopted immediately without prior notice to recognized employee organizations effected, notice shall be given by the appropriate determining body or official, and an opportunity to consult shall be given to each organization subject to the restrictions on the right to consultation contained in Section 4.830(b) at the earliest practical time following the adoption of such ordinance, rule, resolution or regulation.

c. The provisions of Subsections a and b shall not apply to any ordinance, rule, resolution or regulation prepared or adopted pursuant to a Memorandum of Understanding.

Sec. 16. Subsection d of Section 4.855 of the Los Angeles Administrative Code is amended to read as follows:

d. Upon the setting of an election by the Board, the Personnel Department shall serve concurrently on each party to the election a list of the names, classifications, departments, and mailing addresses of eligible voting employees in the proposed representation unit. The list shall be made available a reasonable time in advance of the election. Any party receiving the mailing addresses of eligible voters pursuant to this provision shall keep these addresses confidential and shall neither distribute them to any other organization or individual nor utilize them for any other purpose.

Sec. 17. Section 4.857 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 4.857. Employee Rights.

Employees of the City shall have the right to form, join, and participate in the activities of employee organizations of their own choosing pursuant to the provisions of this chapter for the purpose of representation on matters of employee relations, other than those excluded herein. City employees also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the City. No employees shall be interfered with, intimidated, restrained, coerced or discriminated against because of their exercise of these rights.

Sec. 18. Subdivision (3) of Subsection a of Section 4.860 of the Los Angeles Administrative Code is amended to read as follows:

(3) To refuse to meet and confer in good faith at reasonable times, places and frequencies with representatives of recognized employee organizations or to refuse to consult upon request with representatives of recognized employee organizations on matters that are properly within the scope of representation.

Sec. 19. Subdivisions (2) and (4) of Subsection a of Section 4.865 of the Los Angeles Administrative Code are amended to read as follows:

(2) Provision shall be made for the filing of a formal grievance in writing, and for the processing of the unresolved grievance through not more than four, nor less than two, levels of review with written notice of the results of each such review to the employee and to his/her representative, if any;

(4) If the grievance is not resolved in the grievance procedure either party may submit the grievance to arbitration by written notice to the other party of its desire to arbitrate. Following such notice the parties shall meet for the purpose of selecting an arbitrator from a list of seven arbitrators to be furnished

to the parties by the Board. In selecting the arbitrator from said list, the parties shall alternately strike names from the list until one name remains. The arbitrator remaining shall hear the case. In the event he/she is unable to hear the case, the parties shall obtain a new list of seven arbitrators and shall select a new arbitrator in the manner set forth above. With respect to grievances involving the Departments of Airports, Harbor, Water and Power, Library, Recreation and Parks, Pensions and City Employees' Retirement System the decision of the arbitrator shall be advisory only, unless stated otherwise in a memorandum of understanding.

Sec. 20. The title of Section 4.870 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 4.870. Organization for Relationships with Employee Labor Organizations.

Sec. 21. Subdivisions (1) and (2) of Subsection a of Section 4.870 of the Los Angeles Administrative Code are amended to read as follows:

(1) The Director of the Office of Administrative and Research Services (City Administrative Officer), or the employee authorized by him/her to act in such capacity, is hereby designated as the City's management representative in formal relationships with representatives of recognized employee organizations on matters which are properly within the scope of representation on which the City Council is the determining body, including all matters involving salary compensation in accordance with Charter Section 219.

(2) The chief administrative officer of each City department or office, or the employee authorized by him/her to act in such capacity, is hereby designated as the City's management representative in formal relationships with representatives of recognized employee organizations on matters not involving any form of salary compensation, which are properly within the scope of representation and on which the head of the department or office is the determining body or official.

Sec. 22. Subdivisions (3) and (4) of Subsection b of Section 4.870 of the Los Angeles Administrative Code are amended to read as follows:

(3) Jointly, with representatives of recognized employee organizations, prepare and sign written memoranda of understanding incorporating all matters agreed on through meeting and conferring in good faith.

(4) Present the memoranda of understanding to the determining body or official for determination.

Sec. 23. Subsection c of Section 4.870 of the Los Angeles Administrative Code is amended to read as follows:

c. Approval of Memoranda of Understanding.

(1) Memoranda of understanding concerning matters on which the City Council is the determining body shall become effective when approved by the City Council.

(2) Memoranda of understanding concerning matters on which the head of a department or office is the determining body or official shall become effective when approved by such body or official.

Sec. 24. Subdivision (1) of Subsection d of Section 4.870 of the Los Angeles Administrative Code is amended to read as follows:

(1) The Director of the Office of Administrative and Research Services (City Administrative Officer) as the City's designated Management Representative shall:

Sec. 25. Paragraphs (b) and (e) of Subdivision (1) of Subsection d of Section 4.870 of the Los Angeles Administrative Code are amended to read as follows:

(b) Establish a unit in his/her office to provide advice and technical staff assistance to department and office heads and management representatives in meeting and conferring with representatives of recognized employee organizations, preparing memorandums of understanding, dealing with impasses, carrying out other duties concerning the employee relations program, and to assure reasonable uniformity among departments in all aspects of the City's employee relations program.

(e) Maintain liaison with and, upon request, provide assistance to the employee relations staffs of departments having control of their own funds in carrying out his/her coordinating responsibilities.

Sec. 26. Paragraph (e) of Subdivision (2) of Subsection d of Section 4.870 of the Los Angeles Administrative Code is amended to read as follows:

(e) Provide training to assist operating departments in the handling of employee relations in accordance with Los Angeles Administrative Code Sections 4.311 through 4.316.

Sec. 27. Paragraphs (b) and (c) of Subdivision (3) of Subsection d of Section 4.870 of the Los Angeles Administrative Code are amended to read as follows:

(b) Provide in accordance with the provisions of Los Angeles Administrative Code Sections 4.311 through 4.316, and in cooperation with the Personnel Department, training for departmental management and supervisory personnel in the handling of employee relations.

(c) Notify the Director of the Office of Administrative and Research Services (City Administrative Officer) of the status of employee relations activities; such as, grievances, claims of unfair employee relations practices, and of requests to meet and confer in good faith.

Sec. 28. Subdivision (3) of Subsection e of Section 4.870 of the Los Angeles Administrative Code is amended to read as follows:

(3) It shall be the duty of the Committee to meet no later than April 1 of each year with the City's management representative (City Administrative Officer) to give advice and instructions with respect to the City's bargaining position in the meet and confer process.

Sec. 29. This ordinance shall be operative upon publication, pursuant to Charter Section 252(g).

Sec. 30. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
VIVIENNE SWANIGAN
Assistant City Attorney

Date 6/15/2022

File No. _____

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____