

LABOR RELATIONS AND COLLECTIVE BARGAINING PEOPLE

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Labor Relations and Collective Bargaining

Experience Representing Public Agencies in Collective Bargaining

Burke's background and experience in labor relations matters is extensive. We regularly represent numerous public sector clients of all sizes in all aspects of labor work, such as collective bargaining, impasse procedures (including mediation, interest arbitration and fact-finding), grievances, PERB hearings, and arbitrations.

Our scope of public agency representation in labor contract negotiations encompasses:

- Identifying issues to bargain
- Recommending, drafting, and revising proposals
- Serving as lead negotiator
- Briefing and taking policy direction from decision-making boards
- Coordinating public relations efforts to support the bargaining strategy
- Overseeing completion of final Memorandum of Understanding (MOU) documents
- Training managers regarding implementation of revised MOUs

Burke labor relations attorneys have extensive experience with impasse and fact-finding, and we are prepared to navigate the Meyers-Miles-Brown Act (MMBA) fact-finding requirements, when necessary.

Experience Serving as Lead Negotiator

As lead negotiators for public agencies, Burke collective bargaining attorneys are known state-wide for their creative and effective negotiation skills. We have developed a negotiating process for public agencies that focuses not only on the agreement itself, but also on maintaining a healthy employer-employee relationship. We target enhancing the employer-employee relationship through the bargaining process, even when negotiating difficult issues.

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Scope of Issues Negotiated

Burke collective bargaining attorneys have effectively negotiated a broad array of issues, including but not limited to:

- Pension reform and pension cost-sharing
- Other Post-Employment Benefits (OPEB)
- Cost reductions
- Hours
- Compensation
- Work rules and working conditions

We have been highly successful in MOU bargaining, impact bargaining, consulting regarding changes to local rules, and other matters.

Burke teams with public agency clients from the outset of the bargaining preparation process to collect and analyze objective data that drives the negotiations. This data collection often includes total compensation surveys of comparable agencies, as well as analysis of settlement patterns and internal comparability when bargaining with multiple units at the same time. We also work with public agency staff to utilize in-house capabilities to collect and analyze needed data. Our approach avoids unnecessary expense, as well as develops agency in-house expertise and skills for use by the public agency downrange. If the agency prefers, Burke can provide data collection services or help supervise a consultant.

Developing Clear Contract Language

Burke labor relations negotiators are experienced in drafting contract language that can be readily understood by supervisors, policy makers, employees, unions, and even the public. We pursue the legal requirements and limits of the Public Employees' Pension Reform Act, the Public Employees' Retirement Law, and related public employee pension statutes and are experienced in drafting pension cost-sharing agreements and other MOU provisions that are unambiguous, understandable, and comply with the law.

We draft contract language that will be interpreted in accordance with legal principals of contract construction and will allow the public agency to prevail in potential future grievances or other contract disputes. Burke also has the experience needed to strategically revise existing contract language that may be ambiguous, without inadvertently creating problematic bargaining history that can be used against the agency in future grievances.

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While drafting and negotiating new contract language, Burke negotiators prepare and organize complex bargaining history records that can be used in future contract interpretation grievance arbitrations.

Meet-and-Confer Issues

Burke labor and employment attorneys revise personnel rules for public agencies and, depending on the needs of the agency, conduct the negotiations with the bargaining units in a lead negotiator capacity or advise public agency staff during the meet and confer process. After the MMBA was amended to include fact-finding in accordance with AB 646, Burke lawyers revised dozens of agencies' Employer-Employee Resolutions (EER) and Personnel rules that contained similar provisions. Similarly, after the recent US Supreme Court *Janus* decision regarding agency shop provisions and the subsequent legislative changes under state law to address the same, Burke attorneys revised agency shop provisions in EERs and personnel rules for dozens of public agencies.

Impasse Procedures, Mediation, and Fact-Finding

Although we place a premium on completing negotiations before impasse, members of our proposed team have extensive experience with a variety of impasse procedures, including, mediation, factfinding, mediation-arbitration, and interest arbitration. Our attorneys are recognized statewide for their expertise in these procedures.

Contact Burke's Labor Relations and Collective Bargaining Team

For more information or inquiries about Burke's Labor Relations and Collective Bargaining services, please contact Timothy L. Davis, Partner, and Chair of the Burke Labor & Employment practice group at: +1 408.606.3717 or tdavis@bwslaw.com.

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