

## LABOR RELATIONS IN THE CITY OF SEATTLE

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### INTRODUCTION

This paper provides information on the labor unions (union) representing City employees and the City's collective bargaining process.

### CITY UNIONS

The Revised Code of Washington (RCW) 41.56 establishes the right of public employees to join labor organizations and to be represented by them in matters concerning their public employment. In addition, the City Charter Article XVI Section 9 provides: "the right of City employees to bargain collectively, through representatives of their own choosing, shall not be abrogated by the City, but no collectively bargained contract shall become effective without ratification by the City Council."

In 2015, approximately 75 percent of the City's 11,000 employees were represented by a union. This is in stark contrast to the private sector where less than 5 percent of the labor force is represented by a union.

City employees are currently represented by 26 different unions and within any given City department employees may be represented by different labor unions. Labor unions represent employees doing a particular body of work, and with a few exceptions, the City unions fall into three major categories:

- 1) Fire and Police
- 2) Electrical workers at Seattle City Light (SCL), and
- 3) Members of the Coalition of City Unions (Coalition).

Most non-supervisory employees are represented by a union, and many professional, supervisory and managerial employees have also chosen to be represented by a union. For example, the Seattle Police Officer's Guild represents captains and lieutenants in the Police department and the Seattle Fire Chiefs Association represents battalion and deputy chiefs in the Fire department. The Coalition represents most of the non-uniform, non-SCL employees; approximately 4,500 employees are Coalition members and work in a range of positions including laborers, recreation and administrative staff, inspectors, strategic advisors and engineers. The Seattle Department of Human Resources (SDHR) website (<http://personnelweb/union/default.aspx>) includes a list of the City's collective bargaining agreements, union representative contacts, and the City labor negotiator assigned to each of these union contracts.

The Seattle Public Library manages its own personnel functions, including the collective bargaining process with its employees.

### **THE CITY MANAGEMENT TEAM**

The Labor Relations Policy Committee (LRPC) serves as the City management team for labor agreement negotiations. The LRPC establishes the City's bargaining parameters and any changes to those parameters that become necessary during the course of bargaining. The City's Labor Relations Director and labor negotiators, who are employees of SDHR, conduct the negotiations on behalf of the City.

The LRPC is established in the Seattle Municipal Code (SMC) 4.04.120(B). LRPC is comprised of all members of the Executive Labor Committee chosen by the Mayor and the City Council's Labor Committee. The Council President, as part of the Council's biennial committee assignment process, determines which five Councilmembers will serve on the Council's Labor Committee, currently named the Council's Labor Select Committee. The Councilmember whose committee oversees labor issues chairs the Council's Labor Select Committee. The Council's Labor Committee Chair and the Mayor (or the Mayor's designee) jointly determine who will chair the LRPC.

The City's labor negotiators cannot enter into a binding oral or written agreement on substantive changes in City policy toward wages, hours or working conditions with the employee unions without (a) the concurrence of the LRPC and (b) approval by a majority of the City Council (SMC 4.04.120 (D)). In other words, the City Council and Executive have joint authority in establishing the terms of the City's collective bargaining agreements (CBAs) before they are negotiated and before a tentative agreement is reached with the union. In practice, this is done through the LRPC.

The LRPC establishes the bargaining parameters prior to the City's labor negotiators commencing negotiations. As the management team, the Council's LRPC members and the Executive's LRPC members must agree on the City's bargaining parameters before negotiations commence.

Collective bargaining agreements must also be approved by ordinance. The five Councilmembers who serve on LRPC constitute a majority of the Council. If all five Councilmembers on LRPC cannot attend a meeting, the Council Chair will ascertain their position or otherwise determine that a majority of the Council supports the bargaining parameters. This is important because as long as the final negotiated agreement conforms to the parameters established by the LRPC, no further LRPC review or approval is required.

### **LEGISLATIVE PROCESS**

The LRPC governs the City's process before collective bargaining begins and during collective bargaining. The City Charter makes all CBAs subject to Council ratification. However, Council's substantive review is the approval of the bargaining parameters through the LRPC. Should the Council fail to ratify a CBA when presented with a proposed ordinance, it could suggest either

that the City labor negotiators have presented an agreement outside of the bargaining parameters or that the City labor negotiators did not have authority to reach an agreement and had thus bargained in bad faith. Therefore, it is important for Councilmembers to understand that the decisions made at LRPC cannot be revisited, modified or changed by subsequent Council action without risk of a union grievance alleging an unfair labor practice.

Once a contract has been negotiated and ratified by the union, the Executive submits an ordinance to Council for City approval of the collective bargaining agreement. These ordinances are generally referred directly to the full Council.

A public hearing is generally not required for collective bargaining agreements. The only exception to this is that SMC 4.04.120(F) and (G) require the City Council and Office of Professional Accountability Review Board to hold a public hearing on the effectiveness of the City's police accountability system at least 90 days before the City begins negotiations with the Seattle Police Officers Guild (SPOG) or Seattle Police Management Association (SPMA). The City is expected to consider the public's suggestions in good faith with the understanding that the LRPC is the decision maker on the City's negotiating positions.

#### **EXCEPTION TO OPEN PUBLIC MEETINGS ACT**

LRPC meetings are closed to the public because the only subject of LRPC discussions is the City's labor strategy. An attorney from the Employment Section of the City Attorney's Office attends all LRPC meetings to provide legal advice and to ensure that the LRPC discussion remains at all times focused on topics that are covered by this exception to the Open Public Meetings Act. Notice of LRPC meetings and the LRPC agenda are posted on the SDHR website.

#### **CONFIDENTIALITY**

Due to the highly sensitive nature of the information discussed at LRPC, SMC 4.04.120(E) specifically requires that all elected public officials and City officers involved in proposing, reviewing or determining labor relations policies maintain strict confidentiality during the period of negotiations. The City Attorney's Office provides Councilmembers with legal advice about answering inquiries from the public and media in a way that does not violate the confidentiality requirements.

In addition to the five Councilmembers on LRPC, the Central Staff analyst assigned to staff labor issues attends all LRPC meetings. Depending on the topic being discussed the Council Chair, in consultation with the Central Staff analyst may suggest that other Councilmembers or Central Staff analysts working in that particular area also attend. The Central Staff Director is invited to attend all LRPC meetings.

The confidentiality requirement includes all members of the LRPC as well as all Council and Executive staff members who attend LRPC meetings or are otherwise privy to this information as part of their staffing responsibilities.

Given the need for strict confidentiality, Central Staff's protocol is to staff only Councilmembers who are LRPC members regarding labor matters during negotiations. Once negotiations are completed and the Executive submits an ordinance approving the new collective bargaining agreement, Central Staff may brief all Councilmembers on the agreement. Councilmembers are responsible for maintaining any LRPC materials they may choose to keep in their offices in a manner that will not allow for their accidental disclosure.

### **PUBLIC RECORDS ACT**

While LRPC meetings are an exception to the Open Public Meetings Act, labor negotiation materials generated by the City are not exempted from the state's Public Disclosure laws. During the negotiation, labor negotiation materials fall within RCW 42.56.280, which exempts preliminary drafts, notes, recommendations and intra-agency memorandums in which opinions are expressed or policies formulated or recommended.

### **LABOR MANAGEMENT LEADERSHIP COMMITTEE**

As described above, the LRPC is the City's decision-making body for labor negotiations. In addition, the City also has a Labor Management Leadership Committee (LMLC).

The LMLC consists of the Mayor's Chief of Staff, three Councilmembers, six department heads, 11 union representatives, and the Director of the City Budget Office, the Director of SDHR, and SDHR's Labor Relations Director.

Established in 1996, the LMLC exists to provide a forum for the City and City union representatives to strengthen working relationships, share information, and constructively reach solutions to problems. Negotiations are conducted only at LRPC meetings and not at LMLC meetings.

Although it has not met in the past few years LMLC provides an important forum for City management and union representatives to share information and concerns.