



## Memorandum

TO: RULES AND OPEN GOVERNMENT  
COMMITTEE

FROM: Councilmember Raul Perez

SUBJECT: Resolution on Janus v. AFSCME  
Supreme Court Decision

DATE: September 19, 2018

Approved:

Date:

9/19/18

### RECOMMENDATION

Accept my memo to the Rules and Open Government Committee (ROGC) dated April 11, 2018 requesting to agendize the following recommendation for City Council deliberation:

1. That the City Council adopt a resolution urging the City of San José to work with public sector unions to ensure their health and success; and support the freedom of city employees to participate in unions post Janus v. AFSCME.

with the following addition:

2. Request that City Staff works with the Bargaining Units to host at minimum quarterly information sessions for promotees for a period of two years.

### DISCUSSION

On June 27, 2018, the Supreme Court of the United States (SCOTUS) delivered a devastating blow to public sector unions (and unions at large) by ruling in favor of Mark Janus that public sector employees are not obligated to pay fair share fees. This counterintuitive ruling reverses forty years of precedence in ensuring that public sector unions have resources to bargain on behalf of their members. The City stopped collecting agency fees following the week of the ruling.

As resources are dwindling down for our public sector unions, they remain fervent in their advocacy for better wages, safer workplaces and competitive benefits, and we should work towards ensuring that access to bargaining units are streamlined. We appreciate that access to the bargaining units are made available for new hirees at their new hire orientation, allowing for employees to learn the benefits that their bargaining units provide for them. However, often times, employees earning promotions are

unaware that they may now be represented by a new bargaining unit. Therefore, it would be a resource to both employees and the bargaining units themselves to assist in facilitating non-mandatory yet, highly encouraged information sessions between the two.

I had hoped that leading up to the ruling, the City would send a message that it stands by its bargaining units, understanding that they are fighting for our employee's betterment, ultimately working towards maintaining a qualified and competitive workforce for the City of San José. We as a City should send that message.