



## Memorandum

**TO:** RULES AND OPEN GOVERNMENT  
COMMITTEE

**FROM:** Councilmember Raul Perez

**SUBJECT:** Janus v. AFSCME  
Supreme Court Decision

**DATE:** April 11, 2018

**Approved:**

**Date:**

4/11/18

### RECOMMENDATION

Request to agendize the following recommendation for City Council deliberation on April 24, 2018:

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

### BACKGROUND

The United States Supreme Court has agreed to hear the case Janus v. AFSCME Council 31, potentially threatening over 40 years of precedent affirming the constitutionality of fair share fees, thereby weakening the unions' power to effectively negotiate on behalf of all public sector workers - including police officers, firefighters, and city employees.

When people come together in unions, they gain the power in numbers to raise wages and improve benefits like health care for themselves, their families, and their communities. People working collectively together in unions have won victories like the 40-hour work week, overtime pay, and health and safety standards, including advanced policies especially important to women like paid leave, earned sick time, and reducing the gender pay gap.<sup>1</sup> In the City of San José, we have attracted highly qualified professionals to the public sector thanks to the competitive benefits negotiated through AFSCME's collective bargaining. A supreme court case ruling against AFSCME would negatively impact our city's 11 bargaining units representing the interest of over 5,950 employees citywide and weaken our ability to attract a strong workforce.

<sup>1</sup> San Francisco Board of Supervisors (2018) Supporting Strong Public Sector Unions Post a Janus v. AFSCME Supreme Court Decision - File No. 180198. Retrieved from <https://sfgov.legistar.com/View.ashx?M=F&ID=6149769&GUID=6D51CFAB-85D2-416F-B31E-3F074DE92912>

I have seen firsthand the negative effects when employee benefits are weakened. As a former FTE police officer, the impact from dwindling staff resources created unnecessary challenges for myself and my fellow officers in our line of duty to keep our community safe. Fortunately, I am grateful that my City Council colleagues have worked these past years to strengthen our employees' benefits through Measure B settlements and Measure F to rebuild the most thinly staffed city hall in the country. Most recently, the City Council also supported the importance of union workers' right to work by approving private development workforce standards and Community Workforce Agreements on public projects, largely thanks to the leadership of our Mayor.

It would then only be appropriate that we too support our own city workers and their freedom in exercising their rights to a voice and dignity on the job by joining together in unions.