



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: April 5, 2005

ITEM NUMBER:

**SUBJECT:** ESTABLISHMENT OF THE CONFIDENTIAL EMPLOYEES UNIT

**DATE:** MARCH 24, 2005

**FROM:** ADMINISTRATIVE SERVICES/PERSONNEL DIVISION

**PRESENTATION BY:** TERRI L. CASSIDY, HUMAN RESOURCES MANAGER

**FOR FURTHER INFORMATION CONTACT:** TERRI CASSIDY AT (714) 754-5115

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## **RECOMMENDATION:**

Adopt Resolution No. 05-\_\_\_\_ (Attachment 1), which reallocates specific positions in the Administrative Services Department and Finance Department from the Costa Mesa City Employees Association (CMCEA) to a new non-represented Confidential Employees Unit.

## **BACKGROUND:**

Employer-Employee Organization Relations Resolution No. 95-63, as authorized under the California Government Code §3500 et seq., defines an "Employee, Confidential" as, "Any employee whose normal duties would give the employee access to decisions or the decision-making processes of the City concerning any matters relating to employer-employee relations". Additionally, it indicates that confidential responsibilities are determining factors in establishing appropriate employee units.

There are a number of positions in the Administrative Services Department and Finance Department that have access to or prepare confidential materials and/or information and/or recommendations on behalf of the City in matters relating to employer-employee relations. They include the following:

Administrative Services Department: Executive Secretary (Administration)

Management Information Services Division (MIS): Programmer Analyst II (Payroll), Senior Programmer Analyst (Payroll)

Personnel Division: Principal Personnel Analyst, Personnel Technician, Office Specialist II (Personnel)

Risk Management Division: Benefits Coordinator, Office Specialist II (Risk Management), Management Analyst (Risk Management)

Finance Department: Payroll Coordinator, Accounting Specialist II (Payroll).

**ANALYSIS:**

In January 2003, the City, through former Personnel Manager Howard Perkins, formally notified CMCEA of its proposal to modify the CMCEA unit to exclude “confidential” employees pursuant to Section 13 (“Procedure for Modification of Established Appropriate Units”) of Resolution No. 95-63. At that time, CMCEA, through its representative Larry Lykins, expressed its concerns that the City’s request was too broad and included too many classifications. Taking this into consideration, the City reduced the list to the positions identified above and notified CMCEA accordingly. However, due to time constraints defined in Resolution No. 95-63, the City was unable to follow through and implement the Confidential Employees Unit in 2003.

In Article 18 of the 2004-2007 CMCEA Memorandum of Understanding (MOU), the City and the Association mutually identified these “confidential” classifications. In keeping with the above-referenced Section 13 time constraints, the issue was reintroduced in December 2004 by then Acting Administrative Services Director Howard Perkins to Mr. Lykins and the potentially affected employees. There were no objections received from CMCEA within the specified timeframe. Therefore, this item is being brought forth for approval and finalization.

Consistent with Resolution No. 95-63 and the California Government Code (Meyers-Milias-Brown Act, §3500 et seq.), the City has decided that an association/labor organization should not represent its confidential employees. Accordingly, it is appropriate to reallocate these positions from the Costa Mesa City Employees Association (CMCEA) to a new non-represented Confidential Employees Unit.

This new unit will be treated similarly to executive management employees and will be covered under a separate salary resolution. All compensation, hours and other terms and conditions of employment currently enjoyed by these confidential employees will remain in full force and effect. In order to clarify the designation of the positions in multi-position classifications, the City will establish unique classification titles where necessary and initiate benchmarks for salary survey purposes.

**ALTERNATIVES CONSIDERED:**

The alternative would be to maintain these classifications status quo in conflict with the CMCEA MOU and Resolution No. 95-63.

**FISCAL REVIEW:**

No fiscal review is required for this item.

**LEGAL REVIEW:**

Legal has reviewed the documents and approved them as to form.

**CONCLUSION:**

It is recommended that the City Council adopt Resolution No. 05-\_\_\_ to reallocate specified positions from the Costa Mesa City Employees Association (CMCEA) to a new non-represented Confidential Employees Unit.

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Human Resources Manager

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KIMBERLY HALL BARLOW  
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DISTRIBUTION: City Manager  
Assistant City Manager  
City Attorney  
Deputy City Clerk  
Finance Director  
CMCEA

ATTACHMENTS: 1 [Resolution No. 05-\\_\\_\\_](#)