

September 12, 2013

**COSTA MESA CITY EMPLOYEES ASSOCIATION
INITIAL BARGAINING PROPOSAL**

All Costa Mesans can benefit from an approach to negotiations that seeks to restore trust and cooperation between the City Council and City employees by underscoring mutual respect, fairness, common sense, and accountability.

CMCEA's initial bargaining proposal has been deliberately crafted to convey the desire and willingness of employees to embark on a genuine collaborative effort with the City focused on making Costa Mesa work better, work more efficiently, and deliver the best possible service to the community.

PROPOSAL NO. 1 **TERM – Two (2) years, commencing September 1, 2013, and ending August 31, 2015.**

PROPOSAL NO. 2 **PARTNERING ON EFFICIENCY - Establish a Citywide Lean program to facilitate the adoption and application of Lean process analysis and improvement methods to City government.**

Lean is an approach to workplace improvement that provides proven principles, methods and tools for streamlining the delivery of services while at the same time developing a culture that encourages employee creativity and problem-solving skills. The central objective of Lean is to maximize customer value while minimizing waste. Lean can be applied at all levels of an organization to review processes from a resident point of view and consider what adds value and what can be eliminated.

Collaboration between all levels of City government is key to the success of any Lean initiative, and CMCEA makes this proposal with the hope that the City Council will step back from its more hostile approach to employee relations and instead dedicate itself to working together with employees to improve our community.

PROPOSAL NO. 4 PARTNERING ON SICK LEAVE REFORM – (1) Eliminate future accruals to the current secondary leave bank; (2) require employees to exhaust any current secondary leave bank balance before utilizing normal sick leave; (3) reduce maximum sick leave accumulation from 480 hours to 432 hours; (4) reduce sick accrual from 3.6 hours per pay period to 3.2 hours per pay period.

Family structures have evolved beyond traditional nuclear families with a sole male breadwinner. In most two-parent families both spouses must work, and the sphere of family members they must care for during an illness has expanded beyond minor children to adult children and, increasingly, to parents. Single-parent workers face the same, yet often more difficult, challenges.

Sick leave provisions should address the realities that confront the contemporary workplace staffed by a contemporary workforce and should therefore be viewed less as a benefit and more as a wise investment in workplace efficiency, family and community. Further, workers should be encouraged to utilize sick leave for their own illnesses to ensure peak performance and minimize illness and absence among co-workers.

Still, CMCEA is aware of the City's desire to exercise prudence and responsibility regarding sick leave use and accrual. In recognition of that desire and in a spirit of collaboration, CMCEA thus proposes to reduce sick leave accrual by more than 10%, to reduce sick leave accumulation by 10%, and to phase in an elimination of the secondary sick leave bank.

PROPOSAL NO. 5 PARTNERING ON EMPLOYEE PENSION CONTRIBUTIONS – All CMCEA-represented employees increase total CALPERS contributions from 8.52% of compensation to 10.469% of compensation and form an employer–employee working group to discuss future changes to CALPERS contribution levels.

CMCEA is committed to retirement security for all working people, including CMCEA members. It also believes that current fiscal challenges related to retirement security can be met by approaching those challenges fairly and collaboratively. CMCEA therefore proposes that, (1) CMCEA-represented employees increase their total CALPERS contribution from 8.52% to 10.469%, and (2) that during the term of the MOU CMCEA and the City form a working group to discuss future changes to CALPERS contribution levels.

CMCEA and its members are advocates of genuine transparency, disclosure and accountability in Costa Mesa. CMCEA believes it is important to promote transparency, disclosure and accountability beyond just one area – labor negotiations, which targets one group of people who negotiate contracts with the City – represented City employees.

CMCEA believes a commitment to transparency, disclosure and accountability is laudable when it is applied uniformly to those who transact business with the City, and only when it imposes on Council members the same degree of responsibility and accountability they seek to require of others.

CMCEA therefore proposes a new Transparency, Disclosure and Accountability article in the MOU (see attached), which will require disclosure to CMCEA of certain ex parte communications and campaign contributions involving City Council members, potential contractors, and lobbyists.

PROPOSAL NO. 9 . PARTNERING FOR SAVINGS – CHRISTMAS/NEW YEAR'S CLOSURE

The City has in the past asked employees to agree to close non-essential City functions for business between Christmas and New Year's as a cost-saving measure. CMCEA proposes that the parties continue this collaborative cost-saving effort by closing for business from December 24, 2013 through January 1, 2014 and December 24, 2014 through January 1, 2015.

PROPOSAL NO. 10 PARTNERING ON SERVICE CONTINUITY FOR RESIDENTS AND WORKPLACE STABILITY – NO LAYOFFS EXCEPT IN CASE OF CATASTROPHIC FISCAL EMERGENCY

After two and one-half years of uncertainty, Costa Mesa, its residents and employees will all benefit from assured continuity of municipal services and relative stability in the workplace. A commitment by the City to not institute layoffs during the term of this MOU will be a significant step in that direction.

CMCEA understands that the City might desire to retain some flexibility with respect to staffing in the event of an unforeseen emergency. Therefore CMCEA proposes that the City agree not to institute layoffs of CMCEA-represented employees during the term of the MOU, but also proposes an exception that would permit layoffs deemed necessary should the City encounter a catastrophic fiscal emergency. A "catastrophic fiscal

**CMCEA BARGAINING PROPOSAL
TRANSPARENCY, DISCLOSURE AND ACCOUNTABILITY**

September 12, 2013

1. In order to promote transparency, accountability, and full disclosure in connection with consideration of any contract which impacts or may impact, directly or indirectly, work performed by a member of CMCEA and/or classifications represented CMCEA; and
2. In order to ensure the integrity and preservation of the merit system; and
3. In order to discourage improper and illegal outside influence over the City decision-making process and the establishment of City policy impacting CMCEA-represented employees;

CMCEA proposes the following addition to the Memorandum of Understanding between CMCEA and the City of Costa Mesa:

ARTICLE XXVII TRANSPARENCY, ACCOUNTABILITY AND FULL DISCLOSURE

1. Purpose

In order to promote transparency, accountability, and full disclosure of attempts to influence City officials making decisions regarding any contract which impacts or may impact, directly or indirectly, work performed by a member of CMCEA and/or a classification represented by CMCEA, the disclosure to CMCEA of certain communications and receipt of campaign contributions by City officials shall be required.

2. Definitions

A. "City elected official" means any person who is a member of the City Council, whether elected or appointed.

B. "City official" means a City elected official and any City officer or employee whose duties are not primarily clerical or manual.

C. "Ex parte communication" means any direct communication between an interested person and a City elected official attempting to influence administrative, legislative, or quasi-judicial action that is not public testimony or made part of the public record. The following communications are not ex parte communications:

1. Any communication between a staff member acting in his or her official capacity as a City employee and any City elected official or interested person;
2. Any communication limited solely to procedural issues; or

C. The City Council shall adopt a standard disclosure form or forms for reporting ex parte communications and campaign contributions to CMCEA which shall include, but not be limited to, all of the following information:

1. The date, time, and location of the communication and/or contribution;
2. The identity of the persons initiating and receiving the communication and/or contribution; and
3. A description of the content of the communication, including without limitation the complete text of any document that was part of the communication, and/or the amount of the contribution.

4. Enforcement

Any violation of this Article shall, in addition to such other remedies hereunder as may be available, render any contract entered into with any third party contractor subsequent to such violation void and ineffective.

5. Severability

The provisions of this Article are severable. If any provision of this Article or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.