

COUNTY OF SACRAMENTO

MEASURE A

A Shall Sections 91 through 95 of the Sacramento County Charter be amended to extend binding arbitration to resolve labor disputes with the County of Sacramento to include County employees represented by the Probation Non-Supervisory Unit and the Law Enforcement Management Unit?

IMPARTIAL ANALYSIS OF MEASURE A

(Impartial and Binding Arbitration for Probation Officers and Peace Officer Managers Employed By the County of Sacramento)

Prepared by Sacramento County Counsel

If approved, this initiative measure would amend Sections 91 through 95 of the Sacramento County Charter to extend binding arbitration to resolve labor disputes with the County of Sacramento to include County employees represented by the Probation Non-Supervisory Unit and the Law Enforcement Management Unit.

This binding arbitration provides that following good faith negotiation by the County and the labor organization, either party may declare an impasse, requiring the unresolved issues to be decided through binding arbitration. The arbitration procedure is available for all disputes or controversies over issues pertaining to wages, hours, terms and conditions of County employment, or grievances concerning the interpretation or application of a negotiated agreement.

This procedure for binding arbitration does not affect other legal provisions requiring good faith labor negotiations by the County, and allowing disciplinary action against covered employees for willful participation in any illegal strike or work stoppage

This binding arbitration requires the arbitration to be conducted by a three member Arbitration Board and to conform to the California Arbitration Act. The County and the labor organization each select a representative for the Arbitration Board. A third Arbitration Board member serves as the chair of the Arbitration Board. If mutual agreement is not reached by the parties in the choice of the third member, the selection is made by a process of elimination from a seven person list of qualified labor arbitrators provided by the State Mediation and Conciliation Service.

This binding arbitration provides for public Arbitration Board hearings, except that the Arbitration Board has the discretion to hold private meetings with the parties to mediate the issues in dispute.

The Arbitration Board decision on each issue is reached by majority vote selecting whichever last offer, required to be submitted by each party on every issue in dispute, is found by the Arbitration Board to most nearly conform to factors traditionally considered in the determination of wages, hours, benefits and terms and conditions of public and private employment. The non-inclusive list of factors to be considered includes comparison with employees performing similar services, if reasonable, and the financial condition of the County and its ability to meet the costs of the decision of the Arbitration Board.

The arbitration decision in its final form must be publically disclosed and is binding on the parties. Prior to release of the Arbitration Board decision, the parties are required to meet privately to attempt to resolve their differences and are allowed to jointly amend or modify the Arbitration Board decision.

While the County Board of Supervisors is precluded from modifying, rejecting, or overruling the arbitration decision, the Board of Supervisors is authorized in limited circumstances to submit certain provisions of the otherwise binding arbitration award to the electorate. In the event of such submission, any submitted provision must be approved by a majority of the voters voting on the matter in order to become effective.

Passage of Measure A requires approval by a majority of the voters voting thereon.

MEASURE A

The above statement is an impartial analysis of Ordinance or Measure A. If you desire a copy of the ordinance or measure, please call the district elections official's office at (916-875-6451) and a copy will be mailed at no cost to you. Additionally, a complete copy of Measure A is available at www.elections.saccounty.net.

ARGUMENT IN FAVOR OF MEASURE A

For Binding Arbitration in Labor Disputes between County and Public Safety Officers

A YES vote on Measure A will protect taxpayers and provide a fair, equitable, cost-effective process for resolving labor disputes between county officials and public safety personnel.

Sacramento County and City voters have already approved binding arbitration for deputy sheriffs, police and firefighters.

Measure A adds Sacramento County Sheriff's Department captains and lieutenants, and probation officers, to those county public safety officers already covered under voter-approved binding arbitration.

Measure A protects taxpayers. It requires that the County's financial condition must be considered as part of any settlement recommendations. The Board of Arbitrators cannot raise taxes or fees, or reduce other County services to fund a settlement. And binding arbitration eliminates lengthy, costly legal battles when contracts can't be settled.

Under this system, if the County and public safety personnel can't reach a contract agreement, a 3-person Board of Arbitrators is appointed to resolve the dispute. This Board is fairly constructed, made up of one representative appointed by the County, one by the employee union, and one neutral third party agreed to by both parties.

Measure A protects our community by ensuring law enforcement personnel remain on the job.

Measure A encourages both sides to be reasonable in their demands and more willing to reach a settlement. And arbitration would be used only as a last resort when all other attempts to reach agreement have failed.

Measure A allows the County to reject an arbitration board's decision and put the disputed issues on the ballot for voter approval.

Measure A protects taxpayers, is fair to law enforcement officers, and is a cost effective method to resolve contract disputes.

Join the over 60,000 Sacramento County voters who agreed to place Measure A on the ballot.

Vote YES on Measure A for taxpayer fairness and safer communities.

"The undersigned proponents or authors of the primary argument in favor of the ballot Measure A, at the Statewide Special Election to be held on May 19, 2009, hereby state that such argument is true and correct to the best of their knowledge and belief."

s/ William A. Harper, Jr.
President, Sacramento County Probation Association

s/ Captain Richard R. Book
President, Law Enforcement Managers Association

s/ Sheriff John McGinness
Sacramento County

s/ Verne L. Speirs
Chief Probation Officer, Sacramento County

s/ Alice Wong
President, Capital Foundation

NO ARGUMENT AGAINST MEASURE A WAS FILED