

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Deborah S. Traffenstedt, Administrative Services Director *DST*

**DATE:** January 4, 2008 (CC Meeting of 1/16/08)

**SUBJECT:** Consider Approval of Agreement between City of Moorpark and Service Employees International Union (SEIU) Local 998 and Local 721 to Transfer Representation from Local 998 to Local 721

**BACKGROUND**

On June 21, 2006, the City Council approved a Memorandum of Understanding (MOU) ending June 30, 2008, with Service Employees International Union (SEIU) Local 998. Following approval of the MOU, there has been a statewide reorganization involving SEIU locals, and the City has now been requested to execute an agreement approving the transfer of representation of the City's Competitive Service employees from Local 998 to Local 721.

**DISCUSSION**

A copy of the most recent letter from SEIU on this subject and draft agreement are attached (other SEIU enclosures are not included with this report, but were previously distributed to the City Council at the time of receipt). The City Attorney's office has reviewed the letter from the Union dated November 9, 2007, and is recommending that the City Council authorize the City Manager to approve an Agreement that would recognize the transfer of representation from SEIU Local 998 to Local 721, subject to final language approval by the City Attorney and City Manager. The proposed Agreement does include indemnification language.

**STAFF RECOMMENDATION**

Authorize the City Manager to sign the Agreement, subject to final language approval by the City Attorney and City Manager.

Attachment: Letter from SEIU dated 11/9/07 and Draft Agreement



SERVICE EMPLOYEES INTERNATIONAL UNION, CTW, CLC

PROVISIONAL OFFICERS

Annelle Grajeda  
PRESIDENT

Bob Schoonover  
Los Angeles City Maintenance  
VICE PRESIDENT

Annette Jeffries  
LA County Dept of Children & Family Services  
SECRETARY

Kathleen Austria  
LA County Dept of Health Services  
TREASURER

PROVISIONAL DIRECTORS

Joaquin Avalos  
Santa Ana/Orange County  
AT-LARGE

Shannon Boggs  
Ventura County Child Support  
ORGANIZING

Tony Bravo  
LA County Dept of Children & Family Services  
AT-LARGE

Stephen Butler  
Riverside County DPSS  
COUNTIES

Grace Corse  
LA County Dept of Health Services  
REGISTERED NURSES

Linda Templeton Dent  
LA County Treasurer/Tax Collector  
MEMBER INVOLVEMENT

Cheryl Elam  
Los Angeles Street Services  
CITIES

Greg Hagans  
City of Riverside  
POLITICS

Muriel Jones  
Santa Barbara County Probation  
AT-LARGE

Rosie Martinez  
LA County Dept of Public Health  
SOCIAL & ECONOMIC JUSTICE

Dave Mulvey  
Tri-County Regional Center  
PRIVATE NONPROFITS

Angela Portillo  
Ventura County District Attorney  
EDUCATION & TRAINING

Arnellia Sims  
LA County Superior Court Reporter  
COURTS

Harold A. Sterker Jr.  
LA County Dept of Public Health  
HEALTH

<http://www.seiu721.org>

ATTACHMENT

RECEIVED

NOV 17 2007

November 9, 2007

Steven Kueny  
City Manager  
City of Moorpark  
799 Moorpark Ave  
Moorpark CA 93021-1136

Re: Renewed Request for Amendment to Certification

Dear Mr. Kueny:

The Union previously requested that you execute an agreement amending the certification as the recognized employee organization from SEIU Local 998 to SEIU Local 721. The Union made this request based on a statewide reorganization plan involving SEIU locals. Based on recent events, we respectfully request that you reconsider your previous position and execute the enclosed agreement to amend the certification.

Since the time of our initial request PERB has issued two separate administrative determinations relating to the SEIU reorganization. In the first case, the PERB Regional Attorney dismissed an unfair practice claim filed by employees after the County of Orange voluntarily recognized SEIU Local 721. In the second case involving three SEIU Locals representing units at the Alameda County Medical Center, the PERB Regional Attorney determined that it was appropriate to amend the certification for each of the affected bargaining units to the newly formed SEIU Local 1021. Additionally, the NLRB recently issued a decision abandoning its prior requirement that a union conduct a membership vote on an affiliation or merger in order for the successor to maintain its status as the exclusive representative. [Copies of the PERB determinations and NLRB decisions are enclosed.]

The enclosed agreement includes an indemnification provision but is otherwise similar to the one provided earlier this year. From our point of view, it is both legally and factually appropriate for you to voluntarily agree to amend the certification to reflect SEIU Local 721 as the recognized employee organization. The Union is prepared to seek an amendment to its certification pursuant to PERB regulations but would obviously prefer to avoid the time and expense of such an action. I am willing to meet with you or your representative if there are any questions or concerns about our request.

Please let me know your position with respect to this request. I can be reached at (213) 738-8433 or through e-mail [bob.hunt@seiu721.org]. Your cooperation in this matter will be greatly appreciated.

Sincerely,

Robert F. Hunt  
General Counsel

c: Ms. Grajeda, President of SEIU Local 721  
Sandra Stewart, Deputy Trustee of SEIU 998  
Joseph Montes, Esq., City Attorney

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- ☐ 1015 Wilshire Blvd • Los Angeles CA 90017-2415 • Tel (213) 482-6660 • Fax (213) 482-6673
- ☐ 309 S Raymond Ave • Pasadena CA 91105-2607 • Tel (626) 796-0051 • Fax (626) 796-2335
- ☐ 2472 Eastman Ave Ste 30 • Ventura CA 93003-5774 • Tel (805) 644-8291 • Fax (805) 644-7843
- ☐ 933 Castillo St • Santa Barbara CA 93101 • Tel (805) 963-4411 • Fax (805) 962-9643

- ☐ 4336 S Market St • Riverside CA 92501-3518 • Tel (951) 686-7372 • Fax (951) 684-2134
- ☐ 82-655 Indio Blvd • Indio CA 92201-3133 • Tel (760) 346-5506 • Fax (760) 342-8160
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Arnella Sims LA County Superior Court Reporter COURTS

Harold A. Sterker Jr. LA County Dept of Public Health HEALTH

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AGREEMENT

This Agreement is made by and between the City of Moorpark (hereinafter referred to as the "Employer"), SEIU Local 998 and SEIU Local 721.

Whereas the City of Moorpark members of SEIU Local 998 participated in a statewide election to restructure SEIU locals in the state of California; and

Whereas one aspect of that vote was to transfer all of the Employer's employees represented by SEIU Local 721 from representation by SEIU Local 998 to representation by SEIU Local 721.

Therefore, the parties hereto have agreed as follows:

- 1. As of the date of execution, the certification as the recognized employee organization shall be amended from SEIU Local 998 to SEIU Local 721 and the Employer shall recognize SEIU Local 721 as the exclusive representative of the employees with respect to wages, hours and other terms and conditions of employment.
2. SEIU Local 998 and the employer agree that all terms and conditions of the collective bargaining agreement between SEIU Local 998 and the Employer shall be adopted by SEIU Local 721 and the Employer, and that where the contracts refer to SEIU Local 998 and/or "the Union," all such references shall be understood to be references to SEIU Local 721.
3. SEIU Local 721 agrees to indemnify and hold the City, its officers and employees, harmless from any claims, demands, suits or other action arising from this Agreement.

For SEIU Local 998:

Sandra Stewart, Deputy Trustee

Date:

For SEIU Local 721:

Annelle Grajeda, President

Date:

For City of Moorpark:

Steven Kueny, City Manager, City of Moorpark

Date:

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