



Gavin Newsom
Mayor

Philip A. Ginsburg
Human Resources Director

MEMORANDUM
DHR No. 25-2006

DATE: September 14, 2006

TO: Department Heads
Personnel Officers

FROM: Philip A. Ginsburg
Director

A handwritten signature in black ink, appearing to read "Philip A. Ginsburg".

SUBJECT: Bargaining Adjustments to Employee Compensation Rates

During labor negotiations and through MOU re-openers, the City has the ability to address specific classification compensation issues. While these issues typically are brought up by the union, we welcome such input from departments. The City and the union often have a mutual interest in addressing recruitment and retention issues for particular classifications.

When such issues arise, we emphasize the need to relay such a request to Employee Relations so that it can be evaluated and addressed in the appropriate manner. As virtually all of our employees are represented by labor organizations, we must respect the role of the union and avoid engaging employees directly in discussions regarding possible wage adjustments. To do otherwise puts the City in the position of committing an unfair labor practice ("direct dealing"). The City is legally mandated to address such issues solely through the exclusive representative, the labor organization.

If an employee raises an issue with your department regarding a wage adjustment to a classification, the employee should be directed to bring that concern to his/her bargaining agent. While it is appropriate for an employee to raise compensation issues pursuant to an existing MOU provision with a department (e.g., access to an extended range under the Local 21 MOU or salary ranges B & C under the MEA MOU), matters that would require an amendment to an MOU are not. To avoid charges of direct dealing, the department should not guide or assist the employee in this pursuit. Additionally, requests for specific wage adjustments need to be evaluated in a consistent manner and in consultation with the Mayor's Office and the Controller's Office. If the department has an interest in the issue raised, the department should relay this to the Employee Relations Division (at 557-4990) to evaluate and address in the appropriate forum.

The SEIU UHW, 535 and 790 MOU contains a recruitment-retention committee in which the union and the City may, subject to mutual agreement, address any wage adjustments that may be necessary. Please contact Compensation Manager, Steve Ponder at 557-4917 if you have any issues your department is experiencing that should be addressed by this committee.