Binding Interest Arbitration Proposal: Legal Analysis

The purpose of this document is to provide an overview of potential legal issues raised by the Binding Arbitration Measure. This document should not be construed as a definitive statement as to the City's factual or legal position, now or in the future, on these matters, and the City reserves the right to raise any and all issues, and make any and all arguments. regarding the state of current law and/or the legal effect of the Binding Arbitration Measure.

Proposal Clause (a): Policy	***Current Law***	***Legal Effect***
"Strikes are not in the public interest and should be prohibited"	Strikes are already illegal for firefighters (Labor Code §1962) and police (*City of Santa Ana v. Police Benevolent Association*, 207 Cal.App.3d 1568 (1989) – police strikes *per se* illegal.)	Simply reiterates current law.
"[M]ethod should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes"	The MMBA[1], Charter, Civil Service Rules, court action, and politics currently provide framework for negotiations, impasse resolution, and resolution of labor relations issues.	Law is already ahead of this policy goal -- strikes are prohibited, and other methods are available for resolving issues which would lead to strikes.
Proposal Clause (b): Prohibition Against Strikes	***Current Law***	***Legal Effect***
No safety employee shall "willfully engage in a strike against the City"	Already in current law.	Addition of word "willfully" is an addition to current legal standards, which prohibit strikes regardless of intent of individual Uses term "safety employee" – with no definition - may be interpreted to apply to all employees who get PERS safety retirement.

[1] The "MMBA" is the Meyers-Milias-Brown Act, the state law governing employer-employee relations for local agencies.

ATTACHMENT "B"