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## **The Council's Role in Personnel Matters and Labor Negotiations**

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## **The Council's Responsibilities**



- Personnel issues are a “grey zone”
- Council needs to:
  - Approve financial arrangements
  - Set policy
  - Approve contracts
  - Perform performance reviews on direct reports (City Managers)
- Manager/Mayor is responsible for administrative details

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## Personnel Matters

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## Personnel Functions

- Managing the City Manager
- Adopting personnel policies
- Setting compensation/benefits philosophy



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## Performance Management



- The Council should conduct the performance review of the City Manager
  - Set goals and expectations
  - Take care with issues of employee satisfaction
- Meetings to review the performance of a public employee can occur in executive session
- Final action setting the salary of the City Manager or other employee must take place in an Open Public Meeting

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## Policy Choices



- Personnel policies are a must
  - Many policies are now required by statute; others are required by liability principles
    - Sick leave, FMLA, harassment, etc.
  - If the city's policies have not been updated/reviewed in the last 24 months, it's time!
- Should your city have a compensation/benefits policy?
  - Union represented employees vs. non-represented employees
  - Discussion of wage issues of general applicability, or setting of individual wages, must be done in an Open Public Meeting
- What is your city's approach to DEI issues?

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## Danger Zones



- Your words count!
- Things said to you also count
  - The Safeway conversation problem
  - The “Facebook friend” problem
- Beware of public processes to address employment issues
  - The risks of using the Council in a grievance or complaint procedure



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## Labor Relations



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## Setting Parameters

- Perhaps most important responsibility
- Required to control outcomes; authorize bargaining team
- Don't get mired in details of offers or strategies
- Make sure that your guidelines to the bargaining team remain confidential!
- Meetings or portions of meetings to discuss bargaining strategy or positions are exempt from the Open Public Meetings Act

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## Being Statespersons

- Framing discussion on big topics like economics can be very helpful
- Remember that statements made on the eve of bargaining or aimed at bargaining get discounted



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## Councilmembers at the Table?



- The Good:
  - Showing the flag
  - Hearing/learning the issues
  - Making the case
- The Bad:
  - Personalization of policy-level decisions
  - Having to make the case (and support it)
  - One councilmember, one vote . . .
  - “Bargaining for the camera”
  - Having to support a tentative agreement (your vote is pre-cast)



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## Dealing with Employees



- Management needs to speak with one voice and maintain a united front
- Need to avoid the “end around”
- Union actions in the public
- Get a comfortable “script” for responses to pointed questions



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# Concluding the Bargaining

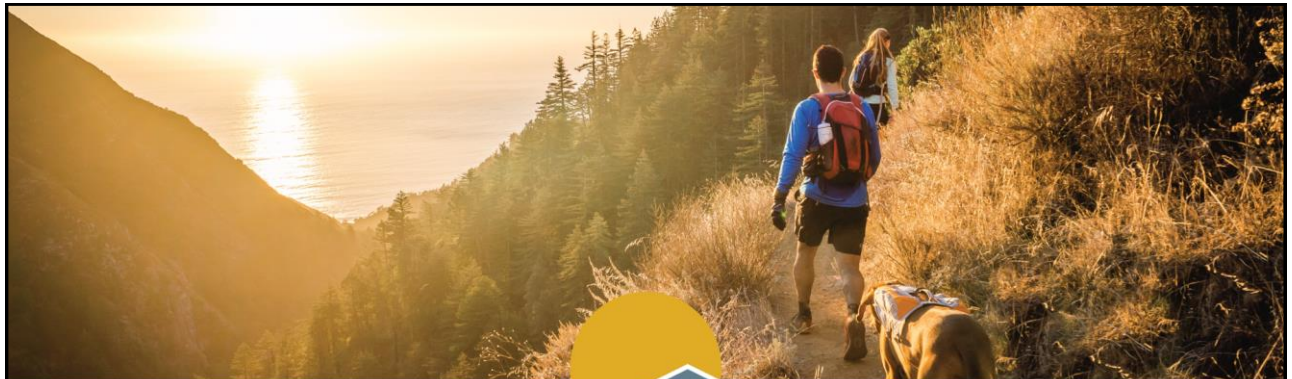


- Make sure you are candid with your negotiators about their authority
  - Beware of “best and final” offers
- Council’s role in ratification
- Helping the parties move forward



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