



NOTICE OF PUBLIC HEARING

Impasse Resolution Proceeding
between
City and County of San Francisco
and
Operating Engineers, Local 3 (OE3)

Date & Time	Location
Tuesday, April 23, 2024 10:00 am to 5:00 pm	BIA Building 49 South Van Ness Avenue San Francisco, CA 94103 Rooms 192, 194, and 196

NOTICE IS HEREBY GIVEN, that pursuant to San Francisco Charter § A8.409-4(c) Impasse Resolution Procedures, the three-member Arbitration Board will convene a meeting to conduct an impasse resolution proceeding between the City and County of San Francisco (“City”) and the Operating Engineers, Local 3 (OE3) (“Union”) on a successor Memorandum of Understanding (“MOU”). The MOU is an agreement between the City and the Union that sets the wages, hours, benefits and other terms and conditions of employment for City employees represented by the Union, for the term of the MOU. The successor MOU will replace the existing MOU between the City and Union, which expires on June 30, 2024. As provided in Charter section A8.409-4(b), the Arbitration Board is comprised of a designated City representative, a designated Union representative, and a neutral arbitrator who serves as Chairperson of the Arbitration Board.

The Arbitration Board will hold a single meeting over one day specified above, with a recess at the conclusion of each meeting day, and the meeting to resume at the start of each succeeding day, unless adjourned at an earlier time. The Arbitration Board will take public comment on the single item for this meeting at the conclusion of the meeting on April 23, 2024, before recess.

AGENDA

Call to Order

1. Arbitration/Mediation Proceeding (Discussion and possible action)
 - a. Conduct of the Proceeding and Possible Action to Adopt Procedures (Discussion and possible action)

The Chair has discretion as to the conduct of the proceeding. In addition, under Charter Section A8.409-4(c), the Arbitration Board may also adopt procedures that are designed to encourage an

agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

The Chair shall call for public comment on item 1(a) before the Board votes to adopt any procedures.

b. *Proceeding. In the arbitration portion of the proceeding, the Arbitration Board will receive evidence from the City and the Union related to the parties' proposals on wages, hours, benefits, and other terms and conditions of employment for Union members that are within the scope of representation and remain unresolved after good faith negotiations between the City and Union. The evidence may include but not be limited to the following topics: changes in the average consumer price index for goods and services; the wages, hours, benefits and terms and conditions of employment of employees performing similar services; the wages, hours, benefits and terms and conditions of other City employees; the formulas provided for in the Charter for the establishment and maintenance of wages, hours, benefits, and terms and conditions of employment; the financial condition of the City and its ability to meet the costs of the decision of the Arbitration Board; and other factors traditionally taken into consideration in determining the wages, hours, benefits and terms and conditions of public and private employment.*

As part of the proceeding, the Arbitration Board may conduct mediation with one or both parties, singly or jointly. Any mediation conducted by the Arbitration Board will be closed to the public under California Evidence Code section 1115 et seq. The Arbitration Board may alternate between arbitration and mediation during the course of the proceeding, including within a single day of the meeting. Mediation will be conducted in closed session, which will constitute a single closed session discussion, which may be recessed periodically and interspersed with the arbitration.

At the conclusion of the impasse resolution proceeding, the parties will submit last, best, final offers ("LBFOs") on each of the remaining issues in dispute.

c. *Public Comment (at the conclusion of the meeting on Tuesday, April 23, 2024, before recess.*

The public is welcome to address the Arbitration Board on any matters related to this item, including but not limited to discussion on the parties' proposals; the evidence presented or anticipated to be presented; the arguments of the parties; the wages, hours, benefits, and other terms and conditions of employment for employees represented by the Union; the factors the Arbitration Board should consider in deciding LBFOs, the terms of the successor MOU; and topics that Board has not yet covered in the arbitration proceeding but which the Board may address later in the meeting, including the Board's decision on LBFOs. Speakers shall address their remarks to the Board as a whole and not to individual Board Members, City personnel or Union representatives. Public comment is limited to three minutes per person unless the Board Chair sets a shorter per-person time.

Adjournment

GENERAL NOTICES

Disability accommodation. To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Stephen Fu at (415) 701-5680 at least 48 hours before the meeting, except for Monday meetings, for which the deadline is 4:00 p.m. the previous Friday.

Transit options. MUNI/Metro lines servicing the Department of Human Resources are the F-Market/Wharfs, J-Church, K-Ingleside, L-Taraval, M-Ocean View, and N-Judah at Van Ness and Civic Center Stations; 14-Mission, 14L-Limited, 26-Valencia, and 42-Downtown bus lines. For information about MUNI accessible services call (415) 923-6142.

Sensitivity to chemical-based product. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Cell Phones. The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Meeting materials. Materials accompanying agenda items, if any, will be available for inspection and copying during regular office hours at the Department of Human Resources, 1 South Van Ness Avenue, 4th Floor, San Francisco, CA 94103. Any materials distributed to the members of the Arbitration Board within 72 hours of the meeting or after the agenda packet has been delivered to the members are available for inspection at the Department of Human Resources, 1 South Van Ness Avenue, 4th Floor, San Francisco, CA 94103 during regular office hours. Please call the Department of Human Resources at (415) 557-4800 in advance to determine whether there are any such materials.

Language access. For questions about the Language Access Ordinance, please contact OCEIA at (415) 581- 2360 and ask for the Executive Director or Language Access Compliance Officer. To request an interpreter for a specific item during the meeting, please contact Stephen Fu at (415) 701-5680 at least 48 hours in advance of the meeting.

Lobbying activity. Individuals who influence or attempt to influence local policy or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and website: <http://www.sfgov.org/ethics/>.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE, TO OBTAIN A COPY OF THE SUNSHINE ORDINANCE, OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT CITY HALL, 1 DR. CARLTON B. GOODLETT PLACE, ROOM 244 SAN FRANCISCO, CA 94102. OFFICE (415) 554-7724, FAX (415) 554-5163, E-MAIL: sotf@sfgov.org

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Sunshine Ordinance Task Force or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/> and at the San Francisco Public Library.