

AGENDA ITEM

NOVEMBER 115-C
MOU Proposed
Ratification, Report of
Action Taken on Behalf
of Board

DATE: October 17, 2009

TO: Board Committee on Operations
Board of Governors

FROM: Cathy Torney, Committee Coordinator

SUBJECT: Memorandum of Understanding, Proposed Ratification, Report of Action Taken September 4, 2009, by the Board Committee on Operations, on Behalf of the Board of Governors Between Meetings

On September 4, 2009, the Board Committee on Operations, which has the authority to act on behalf of the Board of Governors in between regular meetings, held a meeting by conference call to discuss the above item

A quorum was reached and the Board voted unanimously to adopt the following resolution:

WHEREAS, representatives of the State Bar of California ("State Bar") and Service Employees International Union (SEIU) Local 1000, operating under a Service Agreement with SEIU Local 535 ("Union"), met and conferred pursuant to California Government Code sections 3505 and 3505.1 and the State Bar's Rules & Regulations for the Administration of Employer-Employee Relations, with a view to reaching agreement on the Memoranda of Understanding (MOUs) for the General and Attorney Bargaining Units to be effective in 2009; and

WHEREAS, the Union and State Bar bargaining teams have met in good faith and reached tentative agreement on MOU terms to be effective in 2009; and

WHEREAS, the Union is presenting the tentative agreement to its membership with a recommendation that it be ratified; and

WHEREAS, the State Bar's Rules and Regulations for the Administration of Employer-Employee Relations provides at Sections 6.8 and 6.9 that the proposed MOU terms be submitted to the Board of Governors for ratification; now therefore, it is

RESOLVED that the Board Operations Committee, acting on behalf of the Board of Governors in-between meetings, ratifies the proposed Memoranda of Understanding

amendments for the General and Attorney Bargaining Units in the form discussed this date to be effective upon full ratification of the amendments by both the Board and the Union; and it is

FURTHER RESOLVED that the Board's action here is contingent upon the Union fully ratifying the tentative agreement in the same form as presented here. The Board action here does not become effective until the Union confirms that its membership has fully ratified the tentative agreement as set forth here. If, for any reason, Union ratification does not occur, the action of the Board here is voided. The Board further reserves the right to withdraw this action at any time prior to Union ratification; and it is

FURTHER RESOLVED that the Office of General Counsel and the Office of the Executive Director take the appropriate steps to effectuate these amendments.

All members, except Ms. Dumanis and Mr. Rubin, were present. All members present voted yes.

A copy of the agenda item is attached.