

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: July 28, 2008

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE AMENDING THE LIVING WAGE ORDINANCE BY REPLACING THE SUPERSESSION CLAUSE WITH LANGUAGE ALLOWING PARTIES TO A COLLECTIVE BARGAINING AGREEMENT TO EXPRESSLY WAIVE APPLICABILITY OF THE LIVING WAGE.

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE LIVING WAGE ORDINANCE, TITLE 4, CHAPTER 4.11, Section 4.11.110 OF THE PASADENA MUNICIPAL CODE TO REPLACE THE EXISTING SUPERSESSION CLAUSE WITH LANGUAGE ALLOWING THE PARTIES TO A COLLECTIVE BARGAINING AGREEMENT TO WAIVE APPLICABILITY OF THIS CHAPTER.

PURPOSE OF ORDINANCE

At its meeting on June 2, 2008, the City Council directed the City Attorneys Office to amend the Living Wage Ordinance to replace the existing supersession clause with language allowing parties to a collective bargaining agreement to expressly waive application of the Living Wage Ordinance. The proposed ordinance effectuates that change.

REASON WHY LEGISLATION IS NEEDED

The Living Wage Ordinance was enacted by ordinance (Pasadena Municipal Code Chapter 4.11) and can only be amended by ordinance.

MEETING OF 07/28/2008

AGENDA ITEM NO. 9.A.1.

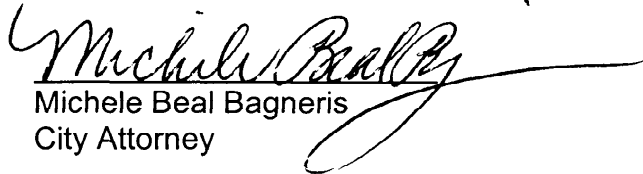
PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

Replacing the supersession clause of the Living Wage Ordinance with language that allows employers and employees the opportunity to “opt-out” of the Living Wage Ordinance may allow the parties to bargain for greater flexibility such as trading certain wage levels for increased benefits. This amendment may also make more individuals subject to the Living Wage Ordinance.


FISCAL IMPACT

The fiscal impact associated with this recommendation is negligible at this time. For future contracts it is possible that this action would have some fiscal impact as the cost of compliance with the Living Wage Ordinance is ultimately borne by the City.

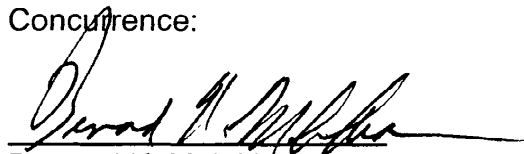
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Brad L. Fuller
Assistant City Attorney

Concurrence:


Bernard K. Melekian
City Manager

Living wage opt out ordinance fact sheet

Introduced by Councilmember

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE LIVING WAGE ORDINANCE, TITLE 4, CHAPTER 4.11, SECTION 4.11.110 OF THE PASADENA MUNICIPAL CODE TO REPLACE THE EXISTING SUPERSESSION LANGUAGE WITH LANGUAGE ALLOWING THE PARTIES TO A COLLECTIVE BARGAINING AGREEMENT TO WAIVE APPLICABILITY OF THIS CHAPTER.

The People of the City of Pasadena ordain as follows:

SECTION 1. Pasadena Municipal Code, Title 4, Chapter 4.11, Section 4.11.110, is hereby amended to read: ~~“The terms of a collective bargaining agreement to which any person subject to this chapter is or may become a party shall supersede any requirements of this chapter which are inconsistent with the terms of such agreement. (Ord. 6763 § 4 (part), 1998)”~~ “The provisions of this Chapter, or any part thereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted as, a waiver of all or any part of the provisions of this Chapter.”

SECTION 2. The City Clerk shall cause this Ordinance to be published in full text.

SECTION 3. This ordinance shall take effect upon the date of publication.

Signed and approved this _____ day of _____ 2008.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of
the City of Pasadena at its meeting held _____, 2008, by the following vote:

AYES:

NOES:

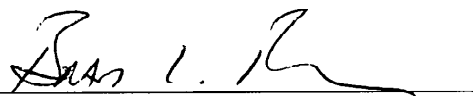
ABSTAIN:

ABSENT:

Published:

Jane L. Rodriguez, CMC, City Clerk

APPROVED AS TO FORM:



Brad L. Fuller
Assistant City Attorney