

**FAIR LABOR CONDITIONS, GOOD FAITH NEGOTIATIONS, AND BINDING
ARBITRATION FOR LOS ANGELES COUNTY PUBLIC SAFETY EMPLOYEE
DISPUTES CHARTER AMENDMENT**

The People of the County of Los Angeles ordain as follows:

SECTION 1. Adoption.

This measure will become effective if submitted to the voters at an election and approved by a majority of qualified voters voting on the issue. The Charter amendment will take effect as provided for in sections 23713, 23714, and 23724 of the Government Code.

SECTION 2. Section 47.7 of Article X of the Charter of the County of Los Angeles is added to read as follows:

Section 47.7. Fair Labor Conditions, Good Faith Negotiations, and Binding Arbitration for Public Safety Employee Disputes.

A. Declaration of Policy.

It is hereby declared to be the policy of the County of Los Angeles that strikes by firefighters, deputy sheriffs, sworn law enforcement supervisors and managers, lifeguards, and civilian employees working for the Fire Department, Sheriff's Department, and Department of the Medical Examiner are not in the public interest and are prohibited. As set forth in this section, a method shall be adopted for peaceably and equitably resolving labor disputes that might otherwise have led to strikes. Any employee covered by this section who willfully participates in an illegal strike or work stoppage shall be subject to disciplinary action up to and including termination from employment.

B. Employees Covered.

1. This section shall apply to labor organizations certified by the County's Employee Relations Commission (established pursuant to Chapter 5.04 of the Los Angeles County Code) as representing employees in bargaining units covering the following employees:
 - a. Firefighters, deputy sheriffs, District Attorney Investigators, deputy medical examiners, and all county lifeguards;
 - b. The supervisors of the employees described in Subsection B (1)(a); and
 - c. Nonadministrative civilian employees working in the Fire Department, Sheriff's Department, and the Department of the Medical Examiner.
2. The labor organizations described in Subsection B.1 shall hereinafter be referred to as "Certified Public Safety Employee Organizations." For purposes of this section, any employee described in this subdivision may be designated for purposes of this section as a "public safety employee" and collectively as "public safety employees."

C. Obligation to Negotiate in Good Faith.

The County, through its duly authorized representatives, shall negotiate in good faith with Certified Public Safety Employee Organizations on all matters relating to wages, hours, and other terms and conditions of employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of a negotiated agreement. Unless and until agreement is reached through negotiations between authorized representatives of the County and applicable Certified Public Safety Employee Organizations, respectively, or a determination is made through the impartial arbitration procedure hereinafter provided, no existing wages, hours, or other terms and conditions of employment for said public safety employees in the Certified Public Safety Employee Organizations shall be eliminated or changed.

D. Impasse Resolution Procedures.

1. The mediation and fact-finding provisions of the Employee Relations Ordinance, as set forth in chapter 5.04 of the Los Angeles County Code, shall not apply to negotiations impasses involving Certified Public Safety Employee Organizations.
2. All disputes or controversies pertaining to wages, hours, and other terms and conditions of employment that are not uniquely within the jurisdiction of a memorandum of understanding providing fringe benefits, and which remain unresolved after good faith negotiations between the County and a Certified Public Safety Employee Organization shall be submitted to a three-member Board of Arbitrators for resolution.
3. Representatives designated by the County and representatives of the Certified Public Safety Employee Organization involved in the dispute shall each appoint one arbitrator to the Board of Arbitrators within seven (7) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Board of Arbitrators shall be selected by agreement between the County and the Certified Public Safety Employee Organization and shall serve as the neutral arbitrator and Chairperson of the Board.

In the event that the County and the certified public safety employee organization involved in the dispute cannot agree upon the selection of the third, neutral arbitrator within 10 days from the date that either party has notified the other that it has declared an impasse, either party may then request the State Mediation and Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the County and the certified public safety employee organization cannot agree within seven (7) days after receipt of such list on one of seven (7) persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and Chairperson of the Board of Arbitrators.

Alternatively, the parties may agree to waive the appointment of party-appointed

arbitrators and proceed with a single neutral arbitrator. If the parties agree to the appointment of a single neutral arbitrator, the single neutral arbitrator shall fulfill the duties and responsibilities of the Board of Arbitrators and Chairperson of the Board of Arbitrators, as are applicable and set forth in this section.

4. Any arbitration proceeding convened pursuant to this section shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure, as may be amended from time to time. The Board of Arbitrators shall hold hearings, receive evidence from the parties, allow for public input and cause a transcript of the proceedings to be prepared. The Board of Arbitrators, in the exercise of its discretion, may meet privately with the parties and mediate or “mede-arb” issues in dispute. The Board of Arbitrators may also adopt such other 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 rules of evidence prevailing in judicial proceedings may be considered, but are not binding, and any oral testimony or documentary evidence or other data deemed relevant by the Chairperson of the Board of Arbitrators may be received in evidence. A recording of the proceedings shall be taken. The Board of Arbitrators has the power to administer oaths, require the attendance of witnesses, and require the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel to be material to a just determination of the issues in dispute.

In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Board of Arbitrators shall direct each of the parties to submit, within such time limit as the Board of Arbitrators may establish, a last offer of settlement on each of the remaining issues in dispute. The Board of Arbitrators shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits, and terms and conditions of public and private employment, including, but not limited to the following: the cost of living; recruitment and retention, workload and productivity, the interests and welfare of the public, the wages, hours, benefits, and terms and conditions of employment of California state and local public employees performing similar services, the financial condition of the County and its ability to meet the costs of the decision of the Board of Arbitrators, and other factors not confined to the foregoing that are traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of employment.

5. After reaching a decision, the Board of Arbitrators shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Board of Arbitrators shall not be publicly disclosed and shall not be binding until thirty (30) days after it is delivered to the parties. During that thirty (30) day period the parties shall meet privately and attempt to resolve their differences. Any agreements reached during the 30-day period shall be incorporated into the decision of the Board of Arbitrators. At

the conclusion of the thirty (30) day period, which may be extended by mutual agreement between the parties, the decision of the Board of Arbitrators shall be publicly disclosed and shall be binding on the parties. The County and the public safety employee organization shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the Board of Supervisors or by the electorate to confirm or approve the decision of the Board of Arbitrators shall be permitted or required.

6. The expenses of any arbitration proceeding convened pursuant to this section, including the fee for the services of the Chairperson of the Board of Arbitration and the costs of preparation of the transcript of the proceedings, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.
- E. The Employee Relations Commission, as created in Chapter 5.04 of the Los Angeles County Code, shall have the authority to administer the provisions enacted by the measure.
 - F. This section supplements the provisions of the Employee Relations Ordinance as set forth in Chapter 5.04 of the Los Angeles County Code. Where there is a conflict between the provisions of this measure and those of the Employee Relations Ordinance, the provisions of this section shall control.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase, or application of this measure is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this measure. The electors hereby declare that they would have passed this measure and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the measure would be subsequently declared invalid or unconstitutional.

SECTION 4. Conflicting Measures.

If this measure and one or more county measures adopted at the same election conflict, the measure receiving the highest number of affirmative votes shall control.

SECTION 5. Effective Date; Operative Date.

The proposed charter amendment that is the subject of this measure, if approved by the voters at the next regular county election, or such other election as authorized by law, shall be deemed adopted upon the date that the vote is declared by the Board of Supervisors, and shall go into effect ten (10) days after that date.

SECTION 6. Legal Defense.

If approved by a simple majority of voters, and thereafter challenged in court of competent jurisdiction, the County shall defend this measure in such court of competent jurisdiction. The People of the County by approving this measure by a simple majority of voters hereby declare that the proponent(s) of this measure have a direct and personal stake in defending this measure from constitutional or statutory challenges to this measure's validity or implementation. In the event the County fails to defend this measure, or the County fails to appeal an adverse judgment against this measure, in whole or in part, in any court of competent jurisdiction, this measure's proponent(s) shall be entitled to assert his, her, or their direct personal stake by defending this measure's validity and implementation in any court of competent jurisdiction and shall be empowered by the People through this measure to act as agents of the People of the County, and the County shall indemnify the proponent(s) for reasonable attorneys' fees.

SECTION 7. Codification; Numbering; Non-substantive Edits.

If approved by the voters, this measure shall be codified in the Los Angeles County Charter. The chapter, article, and section numbers set forth in this measure are for reference only and the County is authorized to assign alternative chapter, article, and section numbers, and to make nonsubstantive formatting, typographical, and cross-reference corrections as necessary to effectuate this measure without changing its substance.

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