



Commission on Labor

## AGENDA

Wednesday, January 19, 2022, 7:00 p.m.  
To join the meeting online:

<https://us06web.zoom.us/j/87306806434>

Commission Secretary: Rhianna Babka [Rbabka@cityofberkeley.info](mailto:Rbabka@cityofberkeley.info)

***Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.***

***If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.***

### **Preliminary Matters**

1. Roll Call
2. Public Comments  
*The public may comment about any item not on the agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item.*
1. Approval of Draft November 17, 2021 Meeting Minutes (*Attachment 1*)

### **Action Items**

The Commission may take action related to any subject listed on the Agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item.

2. Commission on Labor 2022 Workplan. (*Attachment 2*)
3. Commission on Labor 2022 Meeting Schedule (*Attachment 3*)
4. Information item – Elections for Chair and Vice Chair (*Attachment 4*)
5. Fair Work Week Policy – Status update regarding the Commission on Labor Council Report for the proposed Fair Workweek Ordinance (Botello and Katz)
6. Future Agenda Items

7. Announcements

**Adjournment**

**Attachments**

1. Draft Nov.17, 2021 Meeting Minutes
2. Draft Workplan
3. Commission on Labor 2022 Meeting Calendar
4. Information on Elections of Chair and Vice Chair

**COMMUNICATION ACCESS INFORMATION**

*This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.*

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.

**Written material** may be viewed in advance of the meeting at the Housing & Community Services Department, 2180 Milvia, 2<sup>nd</sup> Floor, during regular business hours or at the Berkeley Public Library, Shattuck/Kittredge Streets, during regular library hours at the Reference Desk. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

**Secretary:**

Rhianna Babka  
Health, Housing & Community Services  
Department  
(510) 981-5410  
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**Mailing Address:**

Commission on Labor  
Nathan Dahl, Secretary  
2180 Milvia, 2<sup>nd</sup> Floor  
Berkeley, CA 94704



Commission on Labor

## Draft Minutes

Wednesday, November 17<sup>th</sup>, 2021, 7:00 p.m.

To join the meeting online:

*Commission Secretary: Nathan Dahl Ndahl@cityofberkeley.info; 510-981-5405*

***Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.***

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### Preliminary Matters

1. Roll Call  
Commissioners Present: Botello, Berne, Scantlebury, Schriener, Harlow, Jones, Osborne, Katz, Absent: Medak  
Staff: Nathan Dahl, Rhianna Babka  
Members of the Public: 22
2. Public Comments  
*The public may comment about any item not on the agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item.*
3. Approval of Draft September 22, 2021 Meeting Minutes (*Attachment 1*)  
  
(M/S/C: Katz/Schriener. Yes: Botello, Berne, Scantlebury, Harlow, Osborne,. Noes: None. Abstentions: Scantlebury. Absent: Medak, Jones).

### Action Items

The Commission may take action related to any subject listed on the Agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item.

1. Head Start – Layoffs and cuts to programming.  
***Presentation – No Action***

2. Fair Work Week Policy – Review and consideration of draft ordinance.  
(Attachment 2)

**Motion: Recommend approval of draft Fair Workweek Ordinance to the Berkeley City Council.**

(M/S/C: Scantlebury/Katz. Yes: Botello, Harlow, Osborne, Jones. Noes: Schriener, Berne. Abstentions: None. Absent: Medak).

**Substitute Motion: Recommend approval of draft Fair Workweek Ordinance to the Berkeley City Council with an amendment to Section 13.110.020(b)(1) – changing the applicability from 50 to 100 employees.**

(M/S/C: Schriener/Berne Yes: None. Noes: Scantlebury, Botello, Harlow, Katz, Jones. Abstentions: Osborne, Absent: Medak).

**Motion: to Extend Meeting to 9:15p.m.**

(M/S/C: Botello/Berne. Yes: Scantlebury, Harlow, Osborne, Schriener, Katz, Jones, Noes: None. Absent: Medak.)

**Motion: to appoint Commissioners Katz and Botello to draft the Fair Workweek council report to recommendation adoption of the draft ordinance.**

(M/S/C: Katz/Osborne. Yes: Scantlebury, Harlow, Botello, Jones, Berne. Noes: None. Absent: Medak, Schriener.)

3. Discussion of the labor shortage and its impact on economic recovery.  
**Presentation – No Action**
4. Commission on Labor 2022 Workplan. (Attachment 3)  
**No Action**
5. Healthcare worker strike at Kaiser and Sutter  
**No Action**
6. Future Agenda Items  
Head Start Cuts to Programming  
2022 Workplan  
Healthcare worker strike at Kaiser and Sutter
7. Announcements  
None.

**Adjournment**

9:16 p.m.

**Attachments**

1. Draft September 22, 2021 Meeting Minutes
2. Draft Fair Work Week Ordinance
3. Draft Workplan From July 21, 2021 Meeting
4. Memo from Commissioner Botello on behalf of the Fair Workweek Subcommittee Submitted to the Secretary at 3:49 p.m. on 11/17/21, distributed to Commissioners at 4:24 p.m. 11/17/21.

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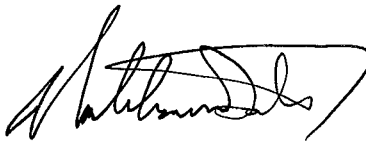
**Written material** may be viewed in advance of the meeting at the Housing & Community Services Department, 2180 Milvia, 2<sup>nd</sup> Floor, during regular business hours or at the Berkeley Public Library, Shattuck/Kittredge Streets, during regular library hours at the Reference Desk. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

**Secretary:**

Nathan Dahl  
Health, Housing & Community Services  
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(510) 981-5405  
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**Mailing Address:**

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Nathan Dahl, Secretary  
2180 Milvia, 2<sup>nd</sup> Floor  
Berkeley, CA 94704



11/17/21

## Draft Work Plan

Research and gather information to report to City Council and support Commission's recommendations to City Council:

a. Conclude consideration of the proposed Fair Work Week Ordinance and forward it to City Council with the recommendation of the Commission on Labor.

a. Invite speakers to present relevant and current information regarding labor issues: including approaches to addressing potential labor shortages.

b. Develop policies for recommendation to City Council in formal coordination with

other City of Berkeley commissions to maximize the availability of subject matter experts and identify connections between labor and other relevant issues including, but not limited to, economic development and human rights.

c. Examine City's policies and practices regarding workplace sexual harassment.

d. Examine the University of California at Berkeley's policies and practices regarding workplace sexual harassment.

Labor bill of rights:

Review and update the Labor Bill of Rights and submit recommended revisions to City Council.

Education

a. Facilitate education of workers in Berkeley about their rights and the process for addressing workplace sexual harassment.

~~b. Facilitate education of workers in Berkeley about the City's policies and practices regarding Immigration and Customs Enforcement (ICE).~~

c. Facilitate education of children and young adults in Berkeley about the benefits and opportunities of organized labor.

Local labor disputes

a. Monitor on-going and new labor disputes

b. Hold public hearings on labor disputes as requested/required

c. Submit recommendations to Council based on information gathered from both sides of disputing parties.

## 2022 Commission Meeting Dates

Please complete this form and email it to the  
[Commission Inbox](#) by: **Friday, January 7, 2022**

Name of Commission: Commission on Labor

Commission Secretary: Nathan Dahl/Rhianna Babka

### Please Note the Commission Meeting Dates for 2022 Below

Please fill in meeting date below. If no meeting for the month is scheduled please note as "No Meeting."

*Example*

Month	Meeting Day and Date	Time
February 2022	Wednesday 2/10/2022	7:00 pm

Month	Meeting Day and Date	Time
July 2022	No Meeting	

## 2022 Meeting Dates

Month	Meeting Day and Date	Time
January 2022	Wednesday 1/19/2022	7pm
February 2022	No Meeting	
March 2022	Wednesday 3/23/2022	7pm
	No March 16 <sup>th</sup> due to Purim	
April 2022	No Meeting	
May 2022	Wednesday 5/18/2022	7pm
June 2022	No Meeting	

Month	Meeting Day and Date	Time
July 2022	Wednesday 7/20/2022	7pm
August 2022	No Meeting	
September 2022	Wednesday 9/21/2022	7pm
October 2022	No Meeting	
November 2022	Wednesday 11/16/2022	7pm
December 2022	No Meeting	

[commission@cityofberkeley.info](mailto:commission@cityofberkeley.info)

**City Clerk Department**

Please contact our office at (510) 981-6908 with any questions.

**3) Incompatible Public Offices**

The common law doctrine of incompatible public offices prohibits a public official from occupying two public offices that are incompatible in terms of their duties and/or the likelihood of divided loyalties. However, in Berkeley, serving on two or more City boards or commissions, including quasi-judicial bodies, is permitted (BMC Chapter 3.80). A commissioner who already occupies an elected or appointed office other than a City board or commission and wants to apply for appointment to a City commission should seek the City Attorney's advice as to whether the two offices may be deemed incompatible.

**4) Incompatible Activities for Compensation**

Government Code Section 1126 prohibits a public official from engaging in activities for compensation that are incompatible with his or her public office. A commissioner engaged in compensated activities that may be incompatible with his or her duties as a commissioner should consult the City Attorney.

**5) State-Mandated Ethics Training**

State law (AB 1234) requires certain local agency officials to receive training in ethics. In Berkeley, the officials identified for requirement are Mayor and City Council, City Auditor, Rent Stabilization Board Commissioners, Board of Library Trustees, and Police Review Commissioners.

These officials will receive a notice from the City Clerk advising them of the required training. The training may be completed on the FPPC website. The training must be completed within one year of the date of appointment and every two years thereafter. A certification of completion must be filed with the City Clerk. For more information, please contact the City Clerk Department.

**F. COMMISSION ORGANIZATION****1) Election of Officers and Terms of Office**

Unless otherwise provided by ordinance,<sup>2</sup> the chair and vice-chair are elected by the majority of the commission for a one-year term and hold office until their successors are elected or until their terms as members of the commission expire. No commissioner shall serve as chair for more than two consecutive years. There is no term limit for vice-chair.

Unless otherwise provided for in the enabling legislation, the annual election of commission officers should occur during the month of February. The election of officers must be listed as an item on the agenda.

Two meetings prior to the meeting at which officers will be elected, commissions are encouraged to list as an agenda item a discussion of the election, to inform all commissioners of the opportunity to seek nomination and election for the offices of chair and vice chair, to discuss and agree to the nomination process and timing for nominations (if no policy has been enacted by the commission), and to add clarity for commissioners and the

<sup>2</sup> Election of officers to the Police Review Commission, Board of Library Trustees, and Landmarks Preservation Commission are regulated by BMC Sections 3.32.050, 3.04.040, and 3.24.030, respectively.



public. In order to facilitate an orderly and fair nomination process, commissions may open nominations at the January meeting (or the meeting prior to the February meeting) and then hold the vote on officers at the February meeting. A Commission may enact a policy on officer elections in conformance with the requirements stated below, specifying the timing for nominations, the order in which nominations will be voted upon, and any other details that support a fair, orderly and transparent process for election of officers.

If there are multiple nominees for chair or vice-chair, the commission may wish to use a process by which all nominations can be made prior to voting. Full discussion of nominations is recommended, including the ability of nominees to speak on behalf of their own candidacy.

Additional regulations for officer elections:

- Nominations for chair and vice-chair require a motion (with second).
- A commissioner may nominate himself or herself.
- Any member of the commission, regardless of length of tenure on the commission may be elected chair or vice-chair.
- There is no automatic succession from vice-chair to chair.
- Motions to nominate must be voted on in the public forum, and no secret ballots are allowed.
- A roll call vote is recommended for votes on commission officers, and is required if any commissioner requests a roll call vote.
- The results of the vote must be publicly announced and the vote recorded in the minutes (Resolution No. 60,531-N.S.).
- A commissioner may not be elected chair if he or she will not be able to finish the term due to the two-year limitation.

Terms of office for officers are determined by the date the election regularly occurs, not by the date it may have actually occurred. If there is a slight variation in the date of the election, the sitting chair may serve on an interim basis provided that they do not exceed the two-year limit.

**Scenario:**

The chair is elected in February 2016. The chair resigns in April 2016. A new chair is elected in May 2016. The newly elected chair will serve from May 2016 to February 2017, when the next regular election is held.

**2) Mandatory Annual Training for Chairs and Vice-Chairs**

Chairs and vice-chairs are required to complete mandatory annual training. Resolution No. 63,876-N.S. was adopted by the City Council to implement video training for commission officers to satisfy the requirements of Resolution No. 60,531-N.S.

The chair and vice-chair must view, in its entirety, a training video on commission procedures and legal requirements. Upon completion, the chair and vice-chair must file with the City Clerk an Affirmation of Completion.

This training video must be viewed and the Affirmation of Completion must be filed with the City Clerk no later than 60 calendar days from the date of election as chair or vice-chair. Failure to complete the video training and file the Affirmation of Completion within 60 days of election will result in the immediate forfeiture of the position of chair or vice-chair.

Commission officers must file an Affirmation of Completion within 60 days from the date of election or forfeit their seat as chair or vice-chair.

While not mandatory for commissioners other than the chair and vice-chair, completion of this training is encouraged for all commissioners.

The required training video may be viewed online through the city website - <https://www.cityofberkeley.info/commissions/> or a DVD may be obtained from the City Clerk Department at 2180 Milvia Street, 1<sup>st</sup> Floor. The City Clerk also offers a video terminal at its office for commissioners to view the training video.

### 3) **Duties of Officers**

The “presiding officer” (chair or, in his or her absence, the vice-chair), performs the following duties.

- Presides at all meetings of the commission and ensures that the work of the commission is accomplished. To this end, the chair must exert sufficient control of the meeting to eliminate irrelevant, repetitious, or otherwise unproductive discussion. At the same time, the chair must ensure that all viewpoints are heard and are considered in a fair and impartial manner.
- Ensures that commission bylaws, if any, and procedures are followed. The chair cannot make rules related to the conduct of meetings; only the full commission may do so.
- Appoints commissioners to temporary subcommittees subject to the approval of the full commission.
- Approves the agenda prior to distribution. This is limited to the structure and order of the agenda and does not grant the chair the authority to remove an item submitted by commissioners or staff if submitted by the established deadline.
- Signs correspondence on behalf of the commission.
- Represents the commission before the City Council. Other commissioners may be the representative with the formal approval of the commission by motion and vote.
- Approves commission reports to Council. The chair cannot modify content that was approved by the full commission.
- The chair or a quorum of the commission may call a special meeting.
- The chair and vice-chair have full rights to vote and to make or second motions.