

RESOLUTION NO. 54,533-N.S.

ADOPTING LABOR BILL OF RIGHTS AS A STATEMENT OF CITY OF BERKELEY POLICY.

WHEREAS, effective February 6, 1986, the Berkeley City Council established the Commission on Labor, specifying among its functions preparation and submission of a policy document for endorsement by the City Council; and

WHEREAS, on October 25, 1988, the Commission on Labor submitted a draft policy statement, The Labor Bill of Rights, consisting of nine chapters of proposed City policy on the following subjects: job creation and retention, labor education, disabled workers, child care, prevailing wages, strikes and boycotts, police conduct in management-labor disputes, drug testing, and plant closures; and

WHEREAS, on October 25, 1988, the City Council held a public hearing on the proposed Labor Bill of Rights, and upon receiving public testimony, adopted the proposed statement with certain modifications.

NOW, THEREFORE, Be it Resolved by the Council of the City of Berkeley that the following is hereby adopted as a Statement of City Policy:

Chapter 1--Job Creation and Retention

It is City of Berkeley policy to promote full employment for Berkeley residents; to promote local investment and ownership of property and business by workers and Berkeley residents; to encourage union participation in the social and political processes that will determine its future; and to support creation and retention of high quality jobs for residents.

Chapter 2--Labor Education

The City shall encourage the Berkeley Unified School District to establish a Labor Education Curriculum to be used in the Berkeley school system, including source material program design and program funding. The Curriculum should include labor history, labor literature and music, labor laws, and current events in management labor relations.

Chapter 3--Disability

Approximately 8-10% of Berkeley residents are disabled. The Commission on Disability has testified that employment and under-employment are serious problems

faced by the disabled community of our city. Only one-third of disabled residents are employed in paid jobs, part-time or full-time. It shall be the policy of the City of Berkeley that the disabled will have equal opportunities in hiring and promotion, and that the City shall take any steps necessary where lawful and feasible with the City's resources, to prevent employment discrimination based on disability. It is the policy of the City of Berkeley, where lawful and feasible, to support development of a comprehensive plan for increasing job prospects for the disabled, drawing on the assistance of the Labor Commission, the Commission on Disability, and other appropriate public and community agencies. Objectives of such a comprehensive plan should include assistance to employers in making worksites accessible and barrier-free for disabled workers and consumers, as well as increasing the availability of supplementary services such as transportation and attendant care which makes employment more feasible. The City supports recent changes in SSI regulations which make it possible for disabled people to seek employment without risking forfeiting their SSI benefits or Medi-Cal coverage, and will seek to work within these regulations to maximize employment of the disabled citizens of Berkeley.

#### Chapter 5--Prevailing Wages on Construction Jobs

Prevailing wages and benefits must be paid to all employees on any construction project, including new construction and repair of any building, if such projects involve any City money or any contracts with the City, or if the project is financed by public bonds. This statement of policy concurs with the City of Oakland Port and Redevelopment Agency Prevailing Wage Ordinance, adopted in 1986. It complements existing City of Berkeley policy which calls for affirmative action provisions of 40% women and minority hiring as well as preferential hiring of Berkeley residents.

#### Chapter 6--Strikes and Boycotts

The City of Berkeley shall, where lawful, boycott all businesses and products, and refuse to sign contracts with or use the products or services of any employer involved in an officially sanctioned management labor dispute or which appears on the AFL-CIO "Do Not Patronize" list, and shall encourage the City's citizens and employees to observe and support such boycotts.

#### Chapter 7--Conduct of Police in Management Labor Disputes

The Berkeley Police Department and all its officers must remain neutral in any strike, management labor dispute, picketing, and demonstration. City Police shall continue the present practice of not being used by management to break strikes by interfering with lawful picketing, or by physically attacking, harassing or intimidating strikers engaged in legally protected activity. Police shall not be used by management as private security guards to escort strikebreakers across picket lines. Police shall be called to a site only to monitor such situations in which public safety is threatened. Police shall not be used by management to enforce temporary restraining orders, injunctions, or other court orders against picketing or limiting the scope of picketing, as such court orders are civil rather than criminal in nature

and it is appropriate for the employer to return to civil court to seek redress. This policy is modeled after City of Oakland Police Department Regulations now in effect, see Police Manual III, Chapter L.

#### Chapter 8--Drug Testing

Drug testing of employees shall be prohibited, where lawful, within the City limits, as this mandatory testing presupposes an employee's guilt until proven innocent, and violates an employee's constitutionally guaranteed right to privacy. This ban includes drug screening as a condition for employment as well as any type of random drug screening at the discretion of the employer or supervisor.

#### Chapter 9--Plant Closures Guidelines

Unannounced plant closure or closing on short notice have worked a severe hardship on working people throughout the nation. It is the policy of the City of Berkeley that when lawful and feasible, employers must be required to notify the city, the affected employees and employee organization or union of decisions or plans to relocate, close or substantially reduce operations at least twelve months prior to anticipated date of closing, relocation or reduction in operations. The employer should be required to file a report with the City, justifying the loss of these jobs and stating how much tax revenue will be lost as a result of such closures. The employer should be required to meet with City officials or staff, as well as with any affected employees, their union or organization, to discuss alternatives to avoid such job loss -- such as modernization, changes in product line, etc.

FURTHER RESOLVED, that proposed Chapter 4, Child Care, is hereby referred back to the Commission on Labor for consideration of a revised statement based on comments received at the public hearing, and that upon return of recommendation to Council this resolution shall be amended to include Chapter 4.

Copies sent 11/23/88

To: Economic Development  
All Boards and Commissions  
All Departments

**RESOLUTION**

No. 54,533 N.S.

Dated October 25, 1988

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Chandler, Dean, Jelinek, Shirek, Skinner, Wainwright  
and President Hancock.

Noes: Councilmembers Goldfarb and Weekes.

Abstaining: None.

Absent: None.

Loni Hancock  
Mayor and President of the Council

Attest Maria DeKocher  
City Clerk and Clerk of the Council