

## CITIES ON THE CUTTING EDGE: PUBLIC SECTOR LABOR LAW

October 20, 2000 Symposium

Please click on the highlighted links for biographical and reference materials, including bibliographies and a [state-by-state comparison of interest arbitration statutes](#).

On October 20, 2000 over 80 practitioners, academics, and others joined our distinguished panelists at U.C. Hastings College of the Law for [an in-depth discussion of current issues in public sector labor law](#). City attorneys, county counsel, arbitrators, union representatives and others, debated the art of balancing public needs with the rights and needs of unionized public sector workers.

Professor Joseph P. Grodin, *John F. Digardi Distinguished Professor of Law* and former Associate Justice of the California Supreme Court, opened the conference by discussing "[Recent Developments in Public Sector Labor Law](#)." Drawing on his experience as a labor lawyer, supreme court justice, and law professor, he discussed the unique characteristics of public sector law, and described how the landscape has changed with the enactment of [AB 1852](#), [SB 739](#), and [SB 402](#).



The morning panel "[Collective Bargaining and Individual Rights in the Public Sector](#)", featured [John M. True, III](#), an adjunct professor and lawyer with Leonard, Carder, Nathan, Zuckerman, Ross, Chin & Remar, LLP, opened the session by examining recent cases that highlight the tension between individual rights and collective bargaining agreements. Professor [David S. Schwartz](#) of the University of Wisconsin Law School followed with [an overview](#) of the Federal Arbitration Act and its application to employment contracts, an issue currently before the United States

Supreme Court. [Jonathan Holtzman](#) Director of Labor and Policy for the Office of the Mayor, San Francisco, concluded the morning panel with a lecture entitled "Civil Service Meets Labor Law: Oil and Water" in which he discussed the tripartite scheme that protects the rights of public sector employees. Holtzman then offered attendees the opportunity to flesh out these issues using three [hypothetical situations](#) described on a handout.

Left to right: Hon. Marsha Berzon, Ninth Circuit Court of Appeals; Kathleen Bales-Lange, Tulare County Counsel; Joseph Grodin, Distinguished Professor of Law, UC Hastings.

The Honorable [Marsha Berzon](#) of the Ninth Circuit Court of Appeals, spoke over lunch about the nature of labor relations and the progress we have made in addressing workplace concerns. She based her remarks on a book entitled "[Ladies and Gentlemen of the Civil Service](#)" by Cindy Sondik Aron.

The afternoon session, "[Interest Arbitration in the Public Sector](#)", was marked by a lively debate between union and management lawyers, arbitrators, and city and state attorneys over the implications of SB 402, recently enacted into law, which mandates [interest arbitration](#) when a local agency and its firefighters or law enforcement officers have bargained to impasse. Panelists, Professor Joseph R. Grodin, [Fred Merkin](#), Senior Counsel, Civil Branch, Office of the Los Angeles City Attorney, [Barry Winograd](#), Arbitrator and Adjunct Professor, Boalt Hall School of Law, [Jeffrey Sloan](#), Curiale, Dellaverson, Hirschfeld, Kelly & Kraemer and author of "The Myths and Risks of Interest Arbitration: A Management View Point," and [Christopher Platten](#) of Wylie, McBride, Jesinger, Sure & Platten discussed S.B. 402's implications and whether it can be reconciled with elected officials' traditional authority to allocate governmental resources to meet city and county needs. [Kathleen Bales-Lange](#), Tulare County Counsel, moderated the debate, and added her insight and commentary to the discussion of the controversial new statute.

Panelists and attendees then convened to the U.C. Hastings Sky Room, 24 stories above the Civic Center, where they continued their discussion informally over wine and hors d'oeuvres.