



ARTS COMMISSION RECOMMENDATION 20170619-5.a.ii.4

Date: June 19, 2017

Subject: Recommend the Labor Language Working Group Recommendations relating to Cultural Arts Funding Contracts

Motioned By: Commissioner Bears Fonte

Seconded By: Commissioner Jaime Castillo

Recommendation

We urge the Council to approve the recommended Evaluation and Eligibility Criteria related to the Labor Language Working Group of the Arts Commission.

Description of Recommendation to Council

The Labor Language Working Group recommends the following new policy be one of contract compliance, a requirement for Consideration of funding. This information would filter application eligibility, but would have no weight on the application once the organization had been deemed to be compliant. This language, once compliance standard is met, would have no bearing on scoring or other any other subjective evaluative measures.

The Working Group further recommends additional Eligibility Evaluation Criteria that states: Affected organizations would be required to fill out a cover page involving some version of the following decision tree:

- 1. Since the effective date of your Agreement, has there been a final finding by the National Labor Relations Board, affirmed by a federal court of appeals if applicable, that you have committed an unfair labor practice involving employees performing work under the Agreement?*
- 2. Do you currently have a collective bargaining agreement with any labor organization or are you currently in the process of negotiating a collective bargaining agreement with any labor organization? [JSB – Note: the contract technically says as of the effective date of the Agreement, but given you are answering this after the last contract and prior to the next contract, I kept it simple.]*
- 3. If you answered “No” to Question No. 2, since the effective date of your Agreement, has any labor organization which represents or reasonably might represent employees working under the Agreement requested that you enter into a labor peace agreement in connection with an attempt to organize employees working under the Agreement?*
- 4. If you answered “Yes” to Question No. 3, have you entered into a labor peace agreement with the labor organization?*

5. *If you answered “No” to Question No. 4, are you currently making your best effort to negotiate a labor peace agreement with the labor organization?*
6. *If you answered “No” to Question No. 5, please explain.*

Rationale:

The Working Group decided that a “one page cover sheet” would be developed that would be used *only* to meet the City’s standards relating to labor relations (the assumed goal) as an issue of compliance that determines *eligibility* of an impacted organization(s) to receive City cultural arts funding. However, once the impacted organization(s) are determined to be eligible after having answered the questions on the “one pager”, they can continue with the application process and the labor issue/language would have no further impact on the application process and would also have no weight in the evaluation/scoring of the application(s) to determine funding amounts.

Vote 11-0

For:	Against:	Abstain:	Absent:
Alissa McCain (District 1)	None	None	None
Jaime Castillo (District 2)			
Felipe Garza (District 3)			
Brett Barnes (District 4)			
Bruce Willenzik (District 5)			
Bears Fonte (District 6)			
Krissi Reeves (District 7)			
Chris Bryan (District 8)			
Lulu Flores (District 9)			
Amy Wong Mok (District 10)			
Michelle Polgar (Mayor)			

Attest: *Anne-Marie McKaskle-Davis, Arts Commission Staff Liaison*

