



Employee Representation (ER #6)

1 **Subject:** Legal Department
2 **Authored by:** Andrea Kennedy-Smith
3 **Submitted by:** Sub Local 200
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5 **WHEREAS,** the SEIU Local 503, OPEU Legal Department represents the largest union
6 in the state and needs to be sufficiently staffed with a minimum of three (3) union
7 attorneys and two (2) paralegals.

8 **WHEREAS,** union stewards and union officers need to be informed of precedence
9 setting cases.

10 **WHEREAS,** union stewards and union officers need to be informed of unfair labor
11 practice filings and outcomes.

12 **WHEREAS,** union stewards and union officers need to be informed of Employee
13 Relations Board rulings that impact union members.

14 **WHEREAS,** the SEIU Local 503, OPEU Legal Department drafts a legal memoranda
15 with their opinion for each case that goes to the Arbitration Screening Committee.

16 **WHEREAS,** the SEIU Local 503, OPEU Legal Department has cases that go to
17 arbitration on behalf of union members.

18 **WHEREAS,** the SEIU Local 503, OPEU Legal Department files unfair labor practices
19 on behalf of union members.

20 **WHEREAS,** the SEIU Local 503, OPEU Legal Department reviews Employee Relations
21 Board rulings that impact union members.

22 **WHEREAS,** SEIU Local 503, OPEU utilizes vendor attorneys outside our union.

23 **WHEREAS,** SEIU Local 503, OPEU members want to work directly with our in-house
24 attorneys and not a vendor attorney.
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26 **BE IT RESOLVED** that SEIU Local 503, OPEU will provide legal memoranda for
27 grievance cases to the State Agency Council any time legal memoranda are drafted.
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29 **BE IT RESOLVED** that SEIU Local 503, OPEU will provide legal perspective on unfair
30 labor practices that are filed on behalf of union members.
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32 **BE IT RESOLVED** that SEIU Local 503, OPEU will provide legal perspective on
33 Employee Relations Board rulings that impact union members.

IMPACT STATEMENTS

Financial: The impact of this would be to the legal team and it would either require the legal team to hire another person or contract out arbitrations to add this to their workload. The cost would range from \$110,000-\$175,000 for another legal staff person or \$125,000 assuming that we would have to contract out 5 arbitrations at \$25,000 a piece without additional staff.

Equity: No impact

Legal: This resolution would have a substantial negative impact on attorney-client privilege (legal confidentiality). Legal memos for grievance cases often describe sensitive details about the employee or the circumstances of their discipline where it is important to preserve confidentiality. Sharing legal memos may create liabilities against the Union or require the Union to release information that otherwise would have been privileged if subpoenaed. (A subpoena is a legal order to produce records in a court case, which may be issued by a party to a lawsuit, such as an employer trying to collect records to defend itself from a lawsuit brought by an employee.) This resolution is also unclear in regard to its scope. The Union already provides legal perspective when filing an unfair labor practice to members involved in the case. Expanding who this information is shared with also risks breaching confidentiality and would not be strategic if done before the case is resolved. It is also not clear whether this is intended to expand the analyses that the Legal Department already provides, which could create a substantial workload burden that would negatively impact the department's ability to perform other representational work and cause more legal work to be contracted out at substantial cost.

Political: No impact