



**NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD  
An Agency of the State of California**

After a hearing in Unfair Practice Case No. SF-CE-1790-M, *Operating Engineers Local Union No. 3 v. City and County of San Francisco*, in which the parties had the right to participate, the Public Employment Relations Board (PERB) has found that the City and County of San Francisco (City) unlawfully interpreted and applied San Francisco City Charter (Charter) section A8.409-4(k), failed and refused to bargain in good faith with Operating Engineers Local Union No. 3 (OE3), and interfered with protected union and employee rights. PERB concluded that this conduct violated the Meyers-Milias-Brown Act (MMBA), Government Code sections 3503, 3506, 3506.5, subdivisions (a), (b), and (c), and 3507, subdivisions (a) and (d), as well as PERB Regulation 32603, subdivisions (a), (b), (c), and (f).

As a result of this conduct, PERB has ordered us to post this Notice, and we will:

- A. CEASE AND DESIST FROM:
  - 1. Failing and refusing to bargain in good faith with OE3.
  - 2. Interfering with protected union and employee rights.
- B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS TO EFFECTUATE THE POLICIES OF THE MMBA:
  - 1. Interpret the Charter to allow parties to agree, or a mediation/arbitration board to order: (a) that the parties' agreement or contract should include reopener language providing for mid-contract negotiations and mid-contract interest arbitration concerning certain specified unresolved economic or non-economic issues; and (b) that any economic or non-economic adjustments resulting from such mid-contract negotiations and/or mid-contract interest arbitration proceedings may commence mid-year or retroactive to any date.
  - 2. Make OE3 whole for extra bargaining costs that our MMBA violations caused in substantial part, plus interest at an annual rate of seven percent.

Dated: 05/24/2023

CITY AND COUNTY OF SAN FRANCISCO

By: 

Authorized Agent

THIS IS AN OFFICIAL NOTICE. IT MUST REMAIN POSTED FOR AT LEAST 30 CONSECUTIVE WORKDAYS FROM THE DATE OF POSTING AND MUST NOT BE REDUCED IN SIZE, DEFACED, ALTERED OR COVERED WITH ANY OTHER MATERIAL.