

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: May 25, 2022

TO: Honorable Members of the Los Angeles City Council

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 20-0933
Assignment No: 20-08-0820

Juneteenth City Holiday

SUMMARY

On July 29, 2020, Motion (Price, Wesson, Harris-Dawson – O’Farrell, Koretz) was introduced instructing the Chief Legislative Analyst (CLA), with the assistance of the City Administrative Officer (CAO) and the Civil, Human Rights, and Equity Department (CHRED), to report on the historical importance and cultural impact of Juneteenth, and options for establishing Juneteenth as a legal holiday in the City of Los Angeles.

This report provides background on the observance of the Juneteenth holiday as well as its historical significance and cultural impact. The report further provides a review of the options for establishing Juneteenth as a City holiday and the issues to consider. If the Council elects to proceed with establishment of a legal (paid) holiday, the CAO should be instructed to further report on the budgetary implications of establishment of the additional holiday.

RECOMMENDATIONS

That the City Council:

1. Note and file this report.
2. If the City Council wishes to take action to establish a Juneteenth National Independence Day as a paid City holiday at this time:
 - a. Request the Mayor declare Juneteenth a paid City holiday by proclamation.
 - b. Instruct the CAO to begin negotiations for inclusion of a Juneteenth holiday as a paid City holiday.

BACKGROUND

June 19th, referred to as “Juneteenth,” refers to the day of June 19, 1865 when General Order No. 3 was proclaimed in Galveston, Texas, re-affirming the freedom of slaves in Texas as provided by the Emancipation Proclamation two and a half years prior. Juneteenth has since come to be recognized as the celebration of the end of slavery in the United States. As a result of the immediate regional significance of the date, Juneteenth was initially a regional celebration, but became widespread throughout the United States through tradition, the civil rights movement, and the

migration of Black Americans. The date has also since become an opportunity to celebrate the culture and achievements of Black Americans. Following the emergence of the Black Lives Matter movement and efforts for racial equity, there has been a renewed push for the recognition of Juneteenth nationally.

Through legislation, all fifty states, currently commemorate, recognize, or observe Juneteenth as a holiday. A number of states including Delaware, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Texas, Virginia, and Washington provide a paid holiday for Juneteenth. Local jurisdictions such as Santa Clara County in California, Cook County in Illinois, and the City of Columbus, Ohio provide Juneteenth as a paid holiday. On June 15, 2021, the Los Angeles County Board of Supervisors took action to establish a paid Juneteenth holiday. On June 17, 2021, President Biden signed Senate Bill 475, a bill designating “Juneteenth Independence Day” as a national holiday. The bill amended Section 6103 (a), Title 5 of the United States Code to include Juneteenth as a paid holiday for federal employees bringing the total number of federal holidays to 11.

In recent years, the City has made concerted efforts to provide recognition, celebrate diversity, or bring awareness through the creation of new City holidays. On August 30, 2017, the City Council took action to establish Indigenous Peoples Day (Second Monday in October), pursuant to Council File 15-1343, in place of Columbus Day, an existing City holiday. In 2002, the City moved to align with the State of California and establish Cesar E. Chavez Day (March 31) as a paid City holiday (Council File 99-1980). Cesar E. Chavez was added by exchanging a half-day holiday that was taken on December 24th. It is important to note that the establishment of Cesar E. Chavez Day and Indigenous Peoples Day was accomplished through the exchange of existing City holidays, limiting the fiscal impact of their establishment.

Paid City holidays are established through Memorandums of Understanding negotiated with the bargaining units of the City’s workforce (Employee MOUs). Employee MOUs also provide for additional requirements regarding paid holidays including compensation amount for holiday work and the date of observance for established holidays. Pursuant to the Los Angeles Administrative Code (LAAC) Section 4.119 (Legal Holidays for Employees), City employees are generally provided twelve paid holidays (New Year’s Day, Martin Luther King Day, Presidents Day, Cesar E. Chavez Day, Memorial Day, Independence Day, Labor Day, Indigenous Peoples Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving, and Christmas Day) and an additional number of unspecified (“floating”) holidays. Although LAAC Sec. 4.119 applies to a significant majority of the City workforce, it is important to note that paid holidays, as well as any additional rules and regulations relating to those holidays, may vary among Employee MOUs. Further, any amendment to approved Employee MOUs would require renegotiation and the approval of the City Council.

DISCUSSION

Motion (Price, Wesson, Harris-Dawson – O’Farrell, Koretz) directed CLA to report on the historical significance and cultural impact of Juneteenth. Provided below is a brief history of Juneteenth, its significance, and options for establishing Juneteenth as a City holiday.

The Significance of Juneteenth

Juneteenth, also referred to as Jubilee Day, Emancipation Day, Juneteenth Independence Day, or Black Independence Day, is a celebration of the end of slavery in the United States. As previously mentioned, on June 19, 1865, Special Order No. 3 proclaimed that slaves in the State of Texas were free, as provided by the Emancipation Proclamation. The Emancipation Proclamation, promulgated on January 1, 1863, emancipated slaves in Confederate states that had seceded from the Union. In effect, the Emancipation Proclamation did not guarantee the freedom of slaves until Union forces were able to enforce the laws of the Union in Confederate states.

The Civil War is considered to have ended approximately two years after the enactment of the Emancipation Proclamation on April 9, 1865 with the surrender of General Robert E. Lee at Appomattox Court House. The institution of slavery, however, survived in hold-out states including Texas which refused to surrender. On May 26, 1865, the last major Confederate force surrendered to Union forces at Galveston, Texas, bringing the Civil War to a complete end. Union troops subsequently arrived at the island town/city of Galveston in June and proclaimed the freedom of the slaves in Texas through General Order No. 3. The final abolition of the institution of slavery came six months after Juneteenth on December 6, 1865 through the Thirteenth Amendment which proclaimed “Neither slavery nor involuntary servitude...shall exist within the United States, or any place subject to their jurisdiction.”

Juneteenth is symbolic of both the end of slavery as well as the struggle for equality that continues today. The history of the date reflects the significance of its recognition and celebration. Despite the proclamation of General Order No. 3 by the Union Army, slave owners in Texas delayed freeing their slaves until they were finally compelled to do so by force; and despite the ultimate abolition of slavery by the 13th Amendment, the legacy of slavery, inequality, and racism continued to exist in the United States.

Recognition of Juneteenth serves to combat the erasure of the history of slavery and Black Americans, preserving it within the public consciousness approximately two weeks prior to Independence Day. The day also serves as a reminder of the progress that remains to be made and that the legacy of slavery must be confronted. Juneteenth further provides an opportunity to recognize and celebrate those who suffered and fought against the institution of slavery, and who have continued to fight for equity in the United States since that day.

Options for Establishment of the Juneteenth Holiday

There are several options for the establishment of Juneteenth as a City holiday, each presenting different opportunities and challenges toward establishment. In the past, the City has needed multi-year efforts in the creation of new City holidays, complying with meet and confer obligations under the Meyers-Milias-Brown Act (MMBA) and the Employee Relations Ordinance (ERO). This has included negotiating the exchange of established holidays or exploring additional options for the establishment of new holidays with the City workforce’s bargaining units. These efforts are often made to align with existing State or federal holidays. The day of Juneteenth was recognized by the State of California in 2003 and established as a legal (paid) holiday by the United States on June 17, 2021.

The following are the options available to the Council for action on establishment of Juneteenth as a City holiday:

1. Exchange an existing paid City holiday for Juneteenth.
2. Recognition of Juneteenth through a City Council resolution.
3. Establish Juneteenth as a paid City holiday through concurrence with a Mayoral proclamation.

Exchange of an Existing Holiday

Similar to the efforts to establish Cesar E. Chavez Day and Indigenous Peoples Day, the City Council has the option to direct the relevant City entities to negotiate with the City's bargaining units for the exchange of an existing paid City holiday with a new Juneteenth holiday. This would include the twelve holidays provided by the LAAC, as well as unspecified holidays. This option provides a significantly lower potential fiscal impact as a result of preservation of the total number of holidays currently in place. The challenges associated with this option are significant and include: amendments to current Employee MOUs (including negotiations and Council consideration of any amendment), requiring Departments to adjust their work schedules, and a significantly lengthier process that may take several years.

Recognition by Resolution

Several State and local jurisdictions recognize Juneteenth but do not provide a paid holiday to employees. The City of Los Angeles has recognized certain days in the same manner with major success toward bringing commemoration and awareness. The designation of April 23rd as Denim Day through Council resolution (Council File 14-0416-S1) continues to spread awareness regarding the issue of sexual assault, for example.

Designation through City Council resolution would provide recognition and celebration of Juneteenth. The designation would not require complex negotiations and would require a relatively shorter amount of time to accomplish. This option would have no fiscal impact as a paid City holiday would not be provided to the City workforce.

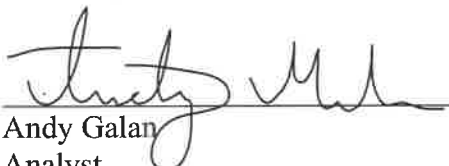
Establishment by Mayoral Proclamation

The most expeditious option for the establishment of the Juneteenth holiday is through a proclamation by the Mayor with City Council concurrence. Nearly all Employee MOUs include language providing for an additional paid holiday on "Any day or portion thereof declared to be a holiday by proclamation of the Mayor and concurrence of the City Council by resolution." Certain MOUs governing the police and firefighter workforce provide the Chief or Department head with the authority to provide an additional holiday when a paid holiday is created through this provision. LAAC Code Section 4.119, also includes this language, making it applicable to the City's non-represented workforce.

This option would be the most expedient for creating a paid City holiday and would provide for recognition and a paid holiday on a one-time basis pending Council action and negotiation with the City's collective bargaining units for a permanent holiday. This option establishes the holiday on an annual basis and could be renewed by additional proclamations in subsequent years. Inclusion of Juneteenth as a paid City holiday through this one-time option would not require negotiation as the aforementioned language is already in the Employee MOUs, nor would it trigger any meet and confer obligations. Moving forward with this option would create an entirely new paid City holiday and would therefore result in a budgetary impact. If the Council would like to proceed with this option, the CAO should be further directed to report on any potential challenges and the budgetary impact of establishing Juneteenth as a Citywide paid holiday through Mayoral proclamation.

FISCAL IMPACT

The recommendations in this report do not have a General Fund impact.



Andy Galan
Analyst