

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

842



FROM: Human Resources Department

SUBMITTAL DATE:
October 8, 2014

SUBJECT: Approval of Resolution 2014-156, Employee Relations Resolution [District - ALL] [Total Cost - \$0] [SOURCE OF FUNDS]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Resolution which amends and replaces Resolution 99-379, the current Employee Relations Resolution.

BACKGROUND:

Summary

The County's Employee Relations Resolution (ERR) governs employer-employee relations and establishes the procedures under which collective bargaining is administered in the County of Riverside. Modifications to the ERR are rare but the Human Resources Department must ensure that the ERR remains up-to-date. On November 17, 2011, the County modified the Prosecution bargaining unit and added an additional bargaining unit for the Deputy Public Defenders. Specifically, on November 15, 2011, the County of Riverside, the Riverside County Attorney's Association (RCAA), and the Riverside County Deputy District Attorney's Association (RCDDAA) entered into a settlement agreement to resolve an ongoing dispute involving the unionization of the Deputy Public Defender and Deputy County Counsel job classifications.

Departmental Concurrence

Michael T. Stock
Asst. County Executive Officer/
Human Resources Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS:	Budget Adjustment: No
	For Fiscal Year: 2014/15

C.E.O. RECOMMENDATION:

APPROVE

BY:
Samuel Wong

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: 9/21/99; 3.39 | **District:** ALL | **Agenda Number:**

3-20

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Approval of Resolution 2014-156, Employee Relations Resolution [District - ALL] [Total
Cost - \$0] [SOURCE OF FUNDS]**

DATE: October 8, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

The terms of the settlement agreement included the placement of the Deputy County Counsel (DCC) job classifications in the existing Prosecution unit which is represented by RCDDAA, and to create a Deputy Public Defenders (DPD) unit which is represented by RCAA.

It was also agreed to modify the ERR to reflect the terms of the settlement agreement. Thus far, the County has substantively complied with the terms of the settlement agreement as the terms and conditions of employment for both the DCC's and DPD's are codified in the current Memorandum of Understanding between the County and the RCDDAA.

Pursuant to Section 10(5) of the ERR, notification of the proposed changes were provided to represented employee organizations and since no challenges or reponses were received by any group, the Human Resources Department is now seeking approval from the Board to modify the ERR to reflect the changes in representation for both the DCC and DPD job classifications.

There is no cost to the County.

Impact on Residents and Businesses

No impact on residents or businesses.

RESOLUTION No. 2014-156,

Deleted: 99-379

EMPLOYEE RELATIONS RESOLUTION

BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on October 21, 2014, pursuant to the Meyers-Milias-Brown Act (Government Code, Section 3500 et seq.) that the following policies, rules and regulations are adopted:

Deleted: September 7, 1999

Section 1. TITLE. This Resolution shall be known as the Employee Relations Resolution of the County of Riverside.

Section 2. PURPOSE. The purpose of this Resolution is to promote the improvement of employee relations between the County of Riverside and its employees by the establishment of formal procedures not otherwise established by or pursuant to law or ordinance, to provide for the orderly and systematic presentation, consideration and resolution of employee relations matters concerning wages, hours, and other terms and conditions of employment, and to assure at all times the orderly and uninterrupted operations and services of County government.

Section 3. DEFINITIONS. As used in this resolution:

- a. BOARD means the Board of Supervisors of the county of Riverside.
- b. CONFIDENTIAL EMPLOYEE means any employee who may be privy to the decision-making process of County management affecting employee relations.
- c. CONSULT OR CONSULTATION means verbal or written communications or both for the purpose of presenting and obtaining views or advising of intended actions, as between County and a registered employee organization.
- d. COUNTY means the County of Riverside, the Riverside County Flood Control District, Riverside County Air Pollution Control District, and other special districts and agencies governed by the Board of Supervisors.
- e. DAY means calendar day unless otherwise stated.
- f. DEPARTMENT HEAD means a person who is elected to office or appointed or employed by the Board, or otherwise chosen as the principal employee of a department or district for the discharge of duties provided by law or the performance of functions pursuant to law.

- g. EMPLOYEE means any person employed by the County except elected officers.
- h. EMPLOYEE ORGANIZATION means an organization which includes employees of the County and which has as one of its primary purposes representing such employees in their relations with the County.
- i. EXCLUSIVE EMPLOYEE ORGANIZATION means a registered employee organization which has the exclusive right to represent the employees in a representation unit pursuant to a vote of the employees in that Unit.
- j. FACT FINDING means the investigation of an impasse by an impartial third party for the purpose of describing the issues in dispute, stating the positions of the parties, and making the findings of fact on issues in dispute. It is advisory in nature and shall not include recommendations as to settlement of the dispute unless so specified at the time it is agreed to be used.
- k. IMPASSE means a deadlock in the meet and confer process between a recognized employee organization and the County over any matters subject to that process.
- l. MAJORITY EMPLOYEE ORGANIZATION means a registered employee organization whose represented members comprise a majority of the employees in a unit and which has been certified within the unit as the only organization to represent the employees of that unit in meeting and conferring.
- m. MANAGEMENT means the Board of Supervisors and department heads, and may include a limited number of other employees designated by the Board, who have primary responsibility for the formulation and administration of County policies and programs.
- n. MEDIATION means the effort of an impartial third party, functioning as an intermediary, to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestion, or advice.
- o. MEET AND CONFER means the process whereby representatives of the County and of qualified employee organizations in good faith exchange information, opinions and proposals to reach timely agreement on wages, hours and other terms and conditions of employment, as contemplated by Government Code Section 3505.
- p. PROFESSIONAL EMPLOYEES means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction; including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and the various types of physical, chemical and biological scientists.

- q. REGISTERED EMPLOYEE ORGANIZATION means an employee organization which has been acknowledged by the County as an employee organization that represents employees of the County.
- r. REPRESENTATION UNIT OR UNIT means a unit appropriate for employee representation as established in accordance with this Resolution.
- s. REPRESENTED MEMBER means an employee who is a member of a recognized employee organization who has currently authorized that organization to represent him in employee relations with the County. Such status shall be subject to proof.
- t. REPRESENTATIVE, depending on context, may mean a person who is authorized and designated in writing by a registered employee organization to represent the organization in dealing with the County; it may also mean such organization as representing its member employees in a representation unit; or it may mean or include the County representation.
- u. SUPERVISORY EMPLOYEE means an employee, having authority to exercise independent judgment in the interest of the County to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Section 4. COUNTY REPRESENTATIVE. As designated by the Human Resources Director, the Employee Relations Manager shall be the principal representative of the County in employee relations matters and the official representative of the Board of Supervisors to meet and confer and to consult with recognized employee organizations. The Employee Relations Manager may temporarily delegate portions of these functions to qualified County personnel selected to assist him.

Section 5. EMPLOYEE RIGHTS. Subject to the limitations set forth in this Resolution, employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations.

Employees shall have the right to refuse to join or participate in the activities of employee organizations, and shall have the right to represent themselves individually in their employee relations with the County if they are not represented members at a registered employee organization.

The County and employee organizations shall not interfere with, intimidate, restrain, coerce, or discriminate against employees because of the exercise of their rights under this section.

Section 6. COUNTY RIGHTS

- a. The following rights and functions are vested exclusively in the County:
1. To determine the mission of each of its departments, institutions, boards and commissions, pursuant to law.
 2. To set standards of service to be offered to the public.
 3. To exercise control and discretion over its own organization and operations.
 4. To direct, discipline and discharge its employees, in accordance with law, ordinances and regulations.
 5. To relieve its employees from duty because of lack of work or for other legitimate reasons.
 6. To determine the methods, means and personnel by which its operations are to be conducted, including the performance thereof by contract, and to determine work loads and staffing patterns.
 7. To prescribe the qualifications for employment and determine whether they are met.
 8. To take all other action except as clearly and expressly otherwise provided for by or pursuant to this Resolution.
- b. The establishment, modification or exercise of County rights shall not be subject to the meet and confer process, but shall not preclude consultation as to the practical consequences that decisions on such matters may have on wages, hours or other terms and conditions of employment.

Section 7. CRITERIA FOR ESTABLISHING AN APPROPRIATE EMPLOYEE REPRESENTATION UNIT. In the determination of appropriate employee representation units, the following factors, among others, are to be considered:

1. Community of interest among the employees.
2. The history of employee relations in a unit and among other employees of the County.
3. The effect of the unit on efficient operations of County Service and sound employee relations.

4. Dividing any classification among two or more units is to be avoided wherever possible.
5. The existence of common skills and duties, comparable working conditions or similar educational requirements.
6. Each unit should be the largest feasible group of employees having an identifiable common or related interest without reference to geographical locations or the same supervisors.
7. No unit shall be established primarily on the basis of the extent to which employees in the proposed unit have organized.

Section 8. REPRESENTATION UNITS.

a. The following units are hereby established:

1. SUPERVISORY UNIT. Includes supervisory employees and employees having substantial managerial functions, major administrative control, or primary responsibility for the performance of an essential specific function. It does not include department heads.
2. PROFESSIONAL UNIT. Includes professional employees who perform work that is predominantly intellectual, varied and specialized in character (as opposed to routine mental, manual, mechanical, or physical work), which involves significant exercise of discretion and judgment in its performance, which may be of such a character that the output produced or the results accomplished may not be standardized in relation to a given period of time, and which requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher or specialized learning as distinguished from a general education and from vocational or other training in the performance of routine mental, manual or physical processes; includes employees who have completed the courses of specialized intellectual instruction and are performing related work under the supervision of a professional person and are awaiting required licensing or performing limited work experience in order to achieve full professional status.
3. LAW ENFORCEMENT UNIT. Peace officer employees who are safety members of the Public Employees Retirement System, and other classes of employees whose primary functions are directly related to law enforcement.
4. INSPECTION AND TECHNICAL UNIT. Includes work requiring use of specific skills, involving substantial academic preparation, involving or

derived from extensive experience in related work in the inspection of facilities or conditions as to compliance with rules and regulations. Relates to techniques as opposed to a general or theoretical field of knowledge; employs practical knowledge related to the performance of specific techniques.

5. TRADES, CRAFTS AND LABOR UNIT. Includes work which may include manual or equipment operation requiring thorough knowledge and skill in a project, process or operation or work; competence in one or more trades or crafts; production on single purpose jobs on machines or tools or other special equipment, which may include responsibility for a product or maintenance of equipment; tasks aimed at providing the physical or dexterous effort necessary to complete a specific work objective, which requires minimal exercise or repetition; includes jobs that are apprenticeable.
6. SUPPORTING SERVICES UNIT. Includes classes of positions performing a variety of ministerial functions in aid of the operations of the County government and its departments. The work may be done in an office or elsewhere and is normally performed under supervision or the guidance of specific regulations, standards, manuals, procedures or controlled by customary or usual practices; it includes making, keeping and using various kinds of written or machine records, giving, receiving and classifying information, and oral contact with the public on routine or informational matters, and may involve the exercise of limited discretion as to specific subject matter or limited supervision over others performing like work. The services are distinguished as being primarily basic processing activities, rather than supervisory, administrative, professional or technical services or those typical of crafts or trades or physical labor.
7. PROSECUTION UNIT. Attorneys engaged primarily in the prosecution of criminal litigation. This unit shall also include Deputy County Counsel ("DCC") attorneys.
8. REGISTERED NURSES UNIT. Nurses with California Board of Nursing Education and Nurse Registration Certificate who perform professional nursing services.
9. PARA-PROFESSIONAL UNIT. Includes classes possessing some of the characteristics of professional employees, including substantial general education or extensive experience and training in professionally-oriented or sub-professional fields. It may include those who have demonstrated ability to assume significant responsibilities in a general way, as well as those who have had substantial but incomplete professional training.

10. PUBLIC SAFETY UNIT. Peace Officer employees of the Probation Department who are safety members of the Public Employees Retirement System.

11. LAW ENFORCEMENT MANAGEMENT UNIT. Supervisory and middle-management employees of the Sheriff' s Department who are safety members of the Public Employees Retirement System.

12. DEPUTY PUBLIC DEFENDERS UNIT. Attorneys engaged primarily in the defense of criminal litigation employed in the non-management classifications of the Deputy Public Defender ("DPD")series.

- b. Upon adoption of this Resolution, the Human Resources Director shall, in consultation with employee organizations, allocate all position classes (other than department heads) among the established units, and report the result to the Board of Supervisors for confirmation, after which the composition of the units shall be final. The Human Resources Director shall allocate new classifications to units.
- c. The County reserves the right at any time to establish or permit the establishment of one or more executive, management or confidential units and to allocate positions or classes thereto from other units.

Section 9. REGISTRATION AND RECOGNITION OF EMPLOYEE ORGANIZATIONS.

- a. REGISTRATION. An organization that desires to become a registered employee organization shall file with the Human Resources Director a written application signed by its president and secretary which shall include the following:
 - 1. The names and mailing address of the organization.
 - 2. The names and titles of all the officers of the organization, including directors or other governing board members, designating those who are employees of the County and their respective departments and work locations, and those who are employed by another employer.
 - 3. A statement that the organization includes as its members employees of the County, or an agency governed by the Board, who have designated the organization to represent them, and a list of the current members who are such employees, the position title, and the County department or agency where each is employed.
 - 4. A current copy of its constitution and/or by-laws which shall contain a statement that the organization has as one of its purposes representing its members in their employment relations.

5. A statement that the organization has no restriction on membership based on race, color, creed, national origin, political affiliation, sex, or age.
6. A statement setting forth whether or not the organization is a chapter or local affiliate of a regional, state, national, or international organization; and, if so, the name and address of each such related organization.
7. A statement that a copy of the Employee Relations Resolution has been received by the organization.
8. A designation of one name and address to which notice delivered or sent by United States mail will be deemed sufficient notice to the organization for any purpose.
9. A designation, signed by the president and secretary, of those persons who are authorized representatives of the organization in any communication to the County government.
10. A designation of the unit or units in which it represents its members. When an employee organization has fulfilled the foregoing requirements as determined by the Human Resources Director, he shall notify the Board and acknowledge to the organization that it is a registered employee organization.

A recognized employee organization under the preceding employee relations resolution shall be a registered employee organization under this Resolution for each unit in which it has represented members, provided that within 15 days after the composition of the units is final it shall designate the units.

- b. MAJORITY RECOGNITION. Any registered employee organization may in writing request recognition as the majority representative of a unit. Upon proof that its represented members comprise a majority of the employees in the unit, the Human Resources Director shall certify recognition of the organization as the majority representative of the unit. Thereafter, the Human Resources Director shall be required to meet and confer only with such majority organization.
- c. EXCLUSIVE RECOGNITION. Any registered employee organization, including a majority representative, may in writing request recognition as the exclusive representative of a unit, upon proof to the Human Resources Director that its represented members comprise 30 percent or more of the employees in the unit.

The Human Resources Director shall call an election of the employees in the unit, to be held in not less than 30 days, and shall give written notice thereof to all affected employee organizations and by posting notice in departments and by other means likely to come to the attention of all employees in the unit. In case of necessity, he may postpone the election date.

Any other registered employee organization, not less than 20 days before the date first fixed for the election, upon written request and proof that its represented members comprise 15 percent of the employees in the unit, shall have its name placed on the ballot. The ballot shall also include a choice of Another organization.

The Human Resources Director shall arrange for the election to be conducted by the State Conciliation Service, the County Clerk, or other qualified agency at such times and places as shall afford all employees in the unit a reasonable opportunity to cast a secret ballot in person or by mail. Regular employees within the unit who were employed during the pay period last ending before the election was called and are still employed or on authorized leave of absence on the date of the election shall be entitled to vote.

The Human Resources Director, on his own initiative, may call an election to determine exclusive representation.

The Human Resources Director shall arrange for the election to be conducted by the State Conciliation Service, the County Clerk, or other qualified agency at such times and places as shall afford all employees in the unit a reasonable opportunity to cast a secret ballot in person or by mail. Regular employees within the unit who were employed during the pay period last ending before the election was called and are still employed or on authorized leave of absence on the date of the election shall be entitled to vote.

An organization receiving a majority of the votes cast shall be certified by the Human Resources Director as the exclusive representative of the employees in the unit for all purposes of this resolution and shall be so recognized.

If there is no majority among three or more choices, a run-off election shall be held as between the two choices receiving the highest votes.

d. MAINTENANCE OF REGISTERED STATUS. A registered employee organization shall furnish to the Human Resources Director the following:

1. Not later than February 1 of each year, a complete list as of the preceding January 1 of the names of its represented members, with the unit and department where employed, for each.
2. Not later than May 1, August 1, and November 1 of each year, a like supplemental list of members added during the preceding quarter, and a list of members terminated during the preceding calendar quarter, or a statement that no change has occurred.

3. Upon request, written proof of membership, and of authorization to represent the member in employee relations matters, for any or all members claimed, and the date the membership commenced and the authorization to represent was given. Authorization to represent is not presumed from the fact of membership, but may be established by a writing authorizing representation, signed and dated by the member, or other proof acceptable to the Human Resources Director. Membership may be confirmed by payroll dues deduction authorization on file with the County, or by proof of direct payment of dues.
 4. Within 10 days after it has occurred, any change in the organization's constitution or by-laws as previously filed, or any change of name and address for mailing notice to the organization.
 5. From time to time, a reasonably prompt response to requests for information or comment sent by the Human Resources Director on matters within the subject matter of this Resolution.
- e. TERMINATION OF REGISTRATION. An employee organization shall cease to be registered upon order of the Board made after reasonable notice and opportunity to be heard, for:
1. Repeated or long continued failure or refusal to comply with any of the provisions of subsection d. of this section.
 2. Intentional furnishing of false information to the County in any report required by this Resolution, or intentionally misrepresenting membership of an employee or that he has authorized representation by the organization.
 3. Participating in, encouraging or condoning any strike, slowdown or work stoppage by employees.
 4. Ceasing to represent employees of the County, which may be presumed from failure to respond to inquiries after request to do so.

Termination of registration terminates recognition as a majority employee organization or an exclusive employee organization.

Registration of an organization may be suspended by the Human Resources Director, after reasonable notice of default and failure to cure the same, for non-compliance with sub-section d. of this section, the suspension to continue until the default is cured or registration is terminated.

Section 10. MODIFICATIONS OF UNITS.

1. A registered employee organization may propose the modification of an established unit by filing a request with the Human Resources Director, accompanied by proof that its represented members comprise 15 percent of the employees in the unit. The Human Resources Director may also propose a modification.
2. No such proposal shall be submitted except between July 1 and September 1, for immediate determination.
3. The Human Resources Director shall give notice of the proposed modification in writing to the affected organizations of the unit or units and shall post notice in a place or places to which affected employees will have access.
4. If no challenge as provided below is filed and the Human Resources Director determines that the requested modified unit or units are not appropriate, he shall notify the employee organization which requested the unit of his determination and the reason therefore in writing. The organization may within seven days, modify its request or request the Human Resources Director to arrange a hearing by the Board on its original request.
5. Within 15 days after the notice to employees is posted, any other registered employee organization may challenge the appropriateness of the proposed unit or units and request a different unit or units. The challenge shall be filed with the Human Resources Director and must be accompanied by proof that the represented members of the organization comprise 15 percent of the employees, within any unit proposed by the challenging organization.
6. If a challenge is filed, the Human Resources Director shall notify the organization which submitted the original request for modification of the unit: If an amended request for modification of the unit; If an amended request for modification is not filed within seven days of such notice, the original request for modification and the challenge shall be submitted to the Board as provided below. Upon the filing of an amended request, the original request shall be deemed revoked and the amended request shall be considered on its own merits as if originally filed.
7. If a challenging request has been filed and the challenge has not been resolved by amendment or withdrawal, the Human Resources Director shall submit the request and the challenge to the Board. The Board shall hold a hearing on the request and challenge, at which time the organization which filed the modification request, and the challenging organization shall be heard and the Human Resources Director shall submit his recommendations. The Board shall make final determination on the appropriateness of the representation unit or units.

Section 11. PROCEDURE FOR DECERTIFICATION OF EXCLUSIVE EMPLOYEE ORGANIZATION. A Decertification Petition alleging that the incumbent Exclusive Employee Organization no longer represents a majority of employees in an established

appropriate unit may be filed with the Human Resources Director only during the thirty (30) day period commencing one hundred eighty (180) days and ending one hundred fifty (150) days prior to the termination date of a Memorandum of Understanding then in effect. A Decertification Petition may be filed by two or more employees or their representative, or an employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

- a. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
- b. The name of the established appropriate unit and of the incumbent Exclusive Employee Organization sought to be decertified as the representative of that unit.
- c. An allegation that the incumbent Exclusive Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereof.
- d. Proof of employee support that at least forty (40) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent Exclusive Employee Organization. Such proof shall be submitted for a confirmation to the Human Resources Director within the time limits specified in the first paragraph of this Section and all signatures on a Decertification Petition shall indicate the date when signed by the employees. All signatures on the Petition shall be obtained within a thirty (30) day period prior to filing the Decertification Petition with the Human Resources Director.

An employee organization must include in its petition the information required under Section 9 for Recognition Petitions.

The Human Resources Director shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Section 11. The Human Resources Directors determination that the procedural and/or time line prerequisites have not been met shall be conclusive and not subject to appeal.

Section 12. RESCISSION OF AGENCY SHOP. Pursuant to the provisions of Government Code section 3502.5, one Agency Shop decision election may be conducted during the term of the labor contract or memorandum of understanding between the labor organization and the County that establishes an Agency Shop or modified Agency Shop. The Agency Shop or Modified Agency provision in the labor contract or memorandum of understanding which is in effect may be rescinded by majority vote of all employees in the bargaining unit covered by such memorandum of understanding or labor contract provided that:

1. A request for such vote is supported by a petition containing the signatures of at least 30% of the employees in the bargaining unit affected. All signatures on the

petition shall be obtained within a thirty (30) day period prior to the filing of the rescission petition with the Human Resources Director. The Human Resources Director shall determine whether the petition has been filed in compliance with the applicable provisions herein. The Human Resources Director's determination that the procedural and/or time line prerequisites have or have not been met shall be conclusive and not subject to further review or appeal.

2. The vote shall be conducted by secret ballot within sixty (60) days of the filing of the petition with the Human Resources Director. The vote shall be conducted by a State mediator, who shall establish all rules and procedures for the conducting of the election.
3. Such a rescission vote may be taken any time during the term of such labor contract or memorandum of understanding, but in no event shall there be more than one vote taking during such term.

Section 13. TIMETABLE FOR REQUESTS. Requests and proposals from qualified employee organizations for changes in wages, hours, and other terms and conditions of employment for employees generally shall be submitted to the Human Resources Director on or before February 15 of each year or by mutual agreement a later date (unless there exists a memorandum of understanding to include the next year), so that proposals can be properly considered and acted upon by May 15, before the proposed County budget is submitted to the Board and in sufficient time for salary changes to take effect in early July.

Section 14. MEETING AND CONFERRING.

- a. Employee organizations which have been certified as the majority or exclusive employee organization in an established representation unit shall be exclusively entitled to meet and confer on wages, hours and other terms and conditions of employment for the unit. Recognized employee organizations or individual employees may consult with the Employee Relations Manager on wages, hours and other terms and conditions of employment, and may meet and confer if there is no other majority or exclusive employee organization certified for the unit.
- b. Meeting and conferring shall not be required on any subject preempted by Federal or State law nor on employee or County rights as defined herein. Proposed amendments to this Resolution are excluded from the scope of meeting and conferring but are subject to consulting.

Section 15 IMPASSE PROCEDURE.

- a. Impasse procedures shall not be requested by either party until all attempts at reaching an agreement through meeting and conferring have been unsuccessful.

1. The parties may mutually agree to request the assistance of a mediator from the California State Conciliation Service or any other mutually agree upon mediator.
 2. The parties may mutually agree to request the assistance of a fact-finder.
 3. The parties may mutually agree to any other impasse-resolving procedure.
 4. The Board may determine on the action to be taken with or without a hearing thereon.
- b. A single fact-finder may be selected by the mutual agreement of the parties. If the parties cannot agree upon a fact-finder, a list of seven fact-finders may be obtained from the California State Conciliation Service, the American Arbitration Association, or some other agreed upon source, and each party shall alternatively strike one name from the list until only one name remains. The parties shall jointly instruct the fact-finder in writing on the facts they want ascertained and the issues on which they want his recommendations, if any.
- c. The report of the fact-finder shall be confidential and submitted directly to the parties concerned. The parties shall attempt to reach an agreement by negotiation on the basis of the fact-finder's report. If the parties have not reached an agreement within seven days after receiving the fact-finder's report, they shall, within the next seven days, submit in writing their positions on the unresolved issues to the Board. The Human Resources Director shall submit a copy of the fact-finder's report to the Board along with his own recommendations. The employee organization may also submit a report. The Board then shall make the final decision.
- d. Nothing shall preclude the fact-finder from attempting to resolve the impasse by mediation at any stage of the proceedings prior to the issuance of the fact-finding report.
- e. The cost of the mediation and fact-finding proceedings shall be divided equally between the parties.

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Section 16. EMPLOYEE RELEASE TO MEET AND CONFER. Qualified employee organizations may have up to three employees released from work at any one time to meet and confer with County representatives by arrangements through the Human Resources Director with department heads concerned made at least two working days in advance. The limitations of three employees and two days advance notice may be waived by the Human Resources Director with approval of the department head. The use of official time for this purpose shall be reasonable in amount and shall not substantially interfere with the performance of County services as determined by the County.

Section 17. DUES DEDUCTION FOR EMPLOYEE GROUPS.

- a. A registered employee organization having and proving represented members equal to 15% of a unit may have the regular dues of its members in the unit deducted from the employees' paychecks. Membership dues deductions shall be made only upon the written authorization of the individual employee. Dues and other deductions previously authorized for an employee organization may continue to be deducted for 6 months without proof of percentage upon becoming registered in a unit. Nothing herein shall affect previously authorized dues or other deductions for organizations which are not employee organizations as defined in this Resolution, or for members of employee organizations who are not represented members.
- b. An employee organization shall refund to the County any amounts paid to it in error upon presentation of supporting evidence.
- c. The County reserves the right to assess a service charge not exceeding County's costs for processing dues deductions.
- d. Nothing herein shall be construed as restricting the right of an employee to revoke his authorization for dues deductions.
- e. Employee organizations which engage in, encourage or condone a strike or other concerted stoppage or slowdown of work against the County may have their membership dues deductions privileges suspended or revoked by the Board on recommendation of the Human Resources Director.

Section 18. USE OF BULLETIN BOARDS. Space may be made available to registered employee organizations on departmental bulletin boards within the representation unit provided such use is reasonable and does not interfere with the needs of the department. Notices shall be dated and signed by the employee organization or its representative responsible for their issuance. The privilege does not extend to individual members of an organization.

The posting and removal of bulletin board material must be maintained in a timely fashion. The County, through Human Resources Director, reserves the right to suspend or cancel bulletin board privileges for abuse.

Section 19. USE OF MEETING PLACES. Employee organizations shall be granted the use of County facilities for meetings composed of County employees, provided such meetings are held outside regularly scheduled working hours for the group which is meeting and provided space can be made available without interfering with County needs. Employee organizations desiring to use County facilities for such meetings shall obtain the permission of the appropriate County officials before using such facilities. Meeting places shall be left in an orderly manner upon completion of the meeting.

Section 20. ACCESS TO WORK AREA. Representatives of qualified employee organizations may be allowed access to work locations when necessary to represent an employee on a grievance or to communicate briefly with an employee on matters within the scope of representation, provided that advance arrangement including disclosure of the purpose is made with the department head or supervisor in charge of the work area, and that the visit does not unreasonably interfere with County business nor use an excessive amount of time.

Section 21. ADMINISTRATION.

- a. The Human Resources Director shall have the primary authority for the administrative interpretation of this Resolution. The Human Resources Director is authorized to establish procedures to carry out the intent of this Resolution.
- b. The enactment of this Resolution shall not be construed as making the provisions of Section 923 of the California Labor Code applicable to employees of the County.

Section 22. SEVERABILITY. If any provision of this Resolution or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Resolution or the application of such provision to persons and circumstances other than those to which it is held invalid shall not be affected thereby.

Section 23 . SUPPRESSION. The Employee Relations Resolution No. 99-379 js hereby superseded.

Deleted: 89-350

Reference:

ERR 99-379 Minute Order 3.39 dated 09/21/99

RESOLUTION No. 2014-156

EMPLOYEE RELATIONS RESOLUTION

BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on October 21, 2014, pursuant to the Meyers-Milias-Brown Act (Government Code, Section 3500 et seq.) that the following policies, rules and regulations are adopted:

Section 1. TITLE. This Resolution shall be known as the Employee Relations Resolution of the County of Riverside.

Section 2. PURPOSE. The purpose of this Resolution is to promote the improvement of employee relations between the County of Riverside and its employees by the establishment of formal procedures not otherwise established by or pursuant to law or ordinance, to provide for the orderly and systematic presentation, consideration and resolution of employee relations matters concerning wages, hours, and other terms and conditions of employment, and to assure at all times the orderly and uninterrupted operations and services of County government.

Section 3. DEFINITIONS. As used in this resolution:

- a. BOARD means the Board of Supervisors of the county of Riverside.
- b. CONFIDENTIAL EMPLOYEE means any employee who may be privy to the decision-making process of County management affecting employee relations.
- c. CONSULT OR CONSULTATION means verbal or written communications or both for the purpose of presenting and obtaining views or advising of intended actions, as between County and a registered employee organization.
- d. COUNTY means the County of Riverside, the Riverside County Flood Control District, Riverside County Air Pollution Control District, and other special districts and agencies governed by the Board of Supervisors.
- e. DAY means calendar day unless otherwise stated.
- f. DEPARTMENT HEAD means a person who is elected to office or appointed or employed by the Board, or otherwise chosen as the principal employee of a department or district for the discharge of duties provided by law or the performance of functions pursuant to law.

- g. EMPLOYEE means any person employed by the County except elected officers.
- h. EMPLOYEE ORGANIZATION means an organization which includes employees of the County and which has as one of its primary purposes representing such employees in their relations with the County.
- i. EXCLUSIVE EMPLOYEE ORGANIZATION means a registered employee organization which has the exclusive right to represent the employees in a representation unit pursuant to a vote of the employees in that Unit.
- j. FACT FINDING means the investigation of an impasse by an impartial third party for the purpose of describing the issues in dispute, stating the positions of the parties, and making the findings of fact on issues in dispute. It is advisory in nature and shall not include recommendations as to settlement of the dispute unless so specified at the time it is agreed to be used.
- k. IMPASSE means a deadlock in the meet and confer process between a recognized employee organization and the County over any matters subject to that process.
- l. MAJORITY EMPLOYEE ORGANIZATION means a registered employee organization whose represented members comprise a majority of the employees in a unit and which has been certified within the unit as the only organization to represent the employees of that unit in meeting and conferring.
- m. MANAGEMENT means the Board of Supervisors and department heads, and may include a limited number of other employees designated by the Board, who have primary responsibility for the formulation and administration of County policies and programs.
- n. MEDIATION means the effort of an impartial third party, functioning as an intermediary, to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestion, or advice.
- o. MEET AND CONFER means the process whereby representatives of the County and of qualified employee organizations in good faith exchange information, opinions and proposals to reach timely agreement on wages, hours and other terms and conditions of employment, as contemplated by Government Code Section 3505.
- p. PROFESSIONAL EMPLOYEES means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction; including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and the various types of physical, chemical and biological scientists.

- q. REGISTERED EMPLOYEE ORGANIZATION means an employee organization which has been acknowledged by the County as an employee organization that represents employees of the County.
- r. REPRESENTATION UNIT OR UNIT means a unit appropriate for employee representation as established in accordance with this Resolution.
- s. REPRESENTED MEMBER means an employee who is a member of a recognized employee organization who has currently authorized that organization to represent him in employee relations with the County. Such status shall be subject to proof.
- t. REPRESENTATIVE, depending on context, may mean a person who is authorized and designated in writing by a registered employee organization to represent the organization in dealing with the County; it may also mean such organization as representing its member employees in a representation unit; or it may mean or include the County representation.
- u. SUPERVISORY EMPLOYEE means an employee, having authority to exercise independent judgment in the interest of the County to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Section 4. COUNTY REPRESENTATIVE. As designated by the Human Resources Director, the Employee Relations Manager shall be the principal representative of the County in employee relations matters and the official representative of the Board of Supervisors to meet and confer and to consult with recognized employee organizations. The Employee Relations Manager may temporarily delegate portions of these functions to qualified County personnel selected to assist him.

Section 5. EMPLOYEE RIGHTS. Subject to the limitations set forth in this Resolution, employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations.

Employees shall have the right to refuse to join or participate in the activities of employee organizations, and shall have the right to represent themselves individually in their employee relations with the County if they are not represented members at a registered employee organization.

The County and employee organizations shall not interfere with, intimidate, restrain, coerce, or discriminate against employees because of the exercise of their rights under this section.

Section 6. COUNTY RIGHTS

- a. The following rights and functions are vested exclusively in the County:
 - 1. To determine the mission of each of its departments, institutions, boards and commissions, pursuant to law.
 - 2. To set standards of service to be offered to the public.
 - 3. To exercise control and discretion over its own organization and operations.
 - 4. To direct, discipline and discharge its employees, in accordance with law, ordinances and regulations.
 - 5. To relieve its employees from duty because of lack of work or for other legitimate reasons.
 - 6. To determine the methods, means and personnel by which its operations are to be conducted, including the performance thereof by contract, and to determine work loads and staffing patterns.
 - 7. To prescribe the qualifications for employment and determine whether they are met.
 - 8. To take all other action except as clearly and expressly otherwise provided for by or pursuant to this Resolution.

- b. The establishment, modification or exercise of County rights shall not be subject to the meet and confer process, but shall not preclude consultation as to the practical consequences that decisions on such matters may have on wages, hours or other terms and conditions of employment.

Section 7. CRITERIA FOR ESTABLISHING AN APPROPRIATE EMPLOYEE REPRESENTATION UNIT. In the determination of appropriate employee representation units, the following factors, among others, are to be considered:

- 1. Community of interest among the employees.
- 2. The history of employee relations in a unit and among other employees of the County.
- 3. The effect of the unit on efficient operations of County Service and sound employee relations.

4. Dividing any classification among two or more units is to be avoided wherever possible.
5. The existence of common skills and duties, comparable working conditions or similar educational requirements.
6. Each unit should be the largest feasible group of employees having an identifiable common or related interest without reference to geographical locations or the same supervisors.
7. No unit shall be established primarily on the basis of the extent to which employees in the proposed unit have organized.

Section 8. REPRESENTATION UNITS.

- a. The following units are hereby established:
 1. SUPERVISORY UNIT. Includes supervisory employees and employees having substantial managerial functions, major administrative control, or primary responsibility for the performance of an essential specific function. It does not include department heads.
 2. PROFESSIONAL UNIT. Includes professional employees who perform work that is predominantly intellectual, varied and specialized in character (as opposed to routine mental, manual, mechanical, or physical work), which involves significant exercise of discretion and judgment in its performance, which may be of such a character that the output produced or the results accomplished may not be standardized in relation to a given period of time, and which requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher or specialized learning as distinguished from a general education and from vocational or other training in the performance of routine mental, manual or physical processes; includes employees who have completed the courses of specialized intellectual instruction and are performing related work under the supervision of a professional person and are awaiting required licensing or performing limited work experience in order to achieve full professional status.
 3. LAW ENFORCEMENT UNIT. Peace officer employees who are safety members of the Public Employees Retirement System, and other classes of employees whose primary functions are directly related to law enforcement.
 4. INSPECTION AND TECHNICAL UNIT. Includes work requiring use of specific skills, involving substantial academic preparation, involving or

derived from extensive experience in related work in the inspection of facilities or conditions as to compliance with rules and regulations. Relates to techniques as opposed to a general or theoretical field of knowledge; employs practical knowledge related to the performance of specific techniques.

5. TRADES, CRAFTS AND LABOR UNIT. Includes work which may include manual or equipment operation requiring thorough knowledge and skill in a project, process or operation or work; competence in one or more trades or crafts; production on single purpose jobs on machines or tools or other special equipment, which may include responsibility for a product or maintenance of equipment; tasks aimed at providing the physical or dexterous effort necessary to complete a specific work objective, which requires minimal exercise or repetition; includes jobs that are apprenticeable.
6. SUPPORTING SERVICES UNIT. Includes classes of positions performing a variety of ministerial functions in aid of the operations of the County government and its departments. The work may be done in an office or elsewhere and is normally performed under supervision or the guidance of specific regulations, standards, manuals, procedures or controlled by customary or usual practices; it includes making, keeping and using various kinds of written or machine records, giving, receiving and classifying information, and oral contact with the public on routine or informational matters, and may involve the exercise of limited discretion as to specific subject matter or limited supervision over others performing like work. The services are distinguished as being primarily basic processing activities, rather than supervisory, administrative, professional or technical services or those typical of crafts or trades or physical labor.
7. PROSECUTION UNIT. Attorneys engaged primarily in the prosecution of criminal litigation. This unit shall also include Deputy County Counsel ("DCC") attorneys.
8. REGISTERED NURSES UNIT. Nurses with California Board of Nursing Education and Nurse Registration Certificate who perform professional nursing services.
9. PARA-PROFESSIONAL UNIT. Includes classes possessing some of the characteristics of professional employees, including substantial general education or extensive experience and training in professionally-oriented or sub-professional fields. It may include those who have demonstrated ability to assume significant responsibilities in a general way, as well as those who have had substantial but incomplete professional training.

10. PUBLIC SAFETY UNIT. Peace Officer employees of the Probation Department who are safety members of the Public Employees Retirement System.
 11. LAW ENFORCEMENT MANAGEMENT UNIT. Supervisory and middle-management employees of the Sheriff' s Department who are safety members of the Public Employees Retirement System.
 12. DEPUTY PUBLIC DEFENDERS UNIT. Attorneys engaged primarily in the defense of criminal litigation employed in the non-management classifications of the Deputy Public Defender ("DPD") series.
- b. Upon adoption of this Resolution, the Human Resources Director shall, in consultation with employee organizations, allocate all position classes (other than department heads) among the established units, and report the result to the Board of Supervisors for confirmation, after which the composition of the units shall be final. The Human Resources Director shall allocate new classifications to units.
 - c. The County reserves the right at any time to establish or permit the establishment of one or more executive, management or confidential units and to allocate positions or classes thereto from other units.

Section 9. REGISTRATION AND RECOGNITION OF EMPLOYEE ORGANIZATIONS.

- a. REGISTRATION. An organization that desires to become a registered employee organization shall file with the Human Resources Director a written application signed by its president and secretary which shall include the following:
 1. The names and mailing address of the organization.
 2. The names and titles of all the officers of the organization, including directors or other governing board members, designating those who are employees of the County and their respective departments and work locations, and those who are employed by another employer.
 3. A statement that the organization includes as its members employees of the County, or an agency governed by the Board, who have designated the organization to represent them, and a list of the current members who are such employees, the position title, and the County department or agency where each is employed.
 4. A current copy of its constitution and/or by-laws which shall contain a statement that the organization has as one of its purposes representing its members in their employment relations.

5. A statement that the organization has no restriction on membership based on race, color, creed, national origin, political affiliation, sex, or age.
6. A statement setting forth whether or not the organization is a chapter or local affiliate of a regional, state, national, or international organization; and, if so, the name and address of each such related organization.
7. A statement that a copy of the Employee Relations Resolution has been received by the organization.
8. A designation of one name and address to which notice delivered or sent by United States mail will be deemed sufficient notice to the organization for any purpose.
9. A designation, signed by the president and secretary, of those persons who are authorized representatives of the organization in any communication to the County government.
10. A designation of the unit or units in which it represents its members. When an employee organization has fulfilled the foregoing requirements as determined by the Human Resources Director, he shall notify the Board and acknowledge to the organization that it is a registered employee organization.

A recognized employee organization under the preceding employee relations resolution shall be a registered employee organization under this Resolution for each unit in which it has represented members, provided that within 15 days after the composition of the units is final it shall designate the units.

- b. MAJORITY RECOGNITION. Any registered employee organization may in writing request recognition as the majority representative of a unit. Upon proof that its represented members comprise a majority of the employees in the unit, the Human Resources Director shall certify recognition of the organization as the majority representative of the unit. Thereafter, the Human Resources Director shall be required to meet and confer only with such majority organization.
- c. EXCLUSIVE RECOGNITION. Any registered employee organization, including a majority representative, may in writing request recognition as the exclusive representative of a unit, upon proof to the Human Resources Director that its represented members comprise 30 percent or more of the employees in the unit.

The Human Resources Director shall call an election of the employees in the unit, to be held in not less than 30 days, and shall give written notice thereof to all affected employee organizations and by posting notice in departments and by other means likely to come to the attention of all employees in the unit. In case of necessity, he may postpone the election date.

Any other registered employee organization, not less than 20 days before the date first fixed for the election, upon written request and proof that its represented members comprise 15 percent of the employees in the unit, shall have its name placed on the ballot. The ballot shall also include a choice of Another organization.

The Human Resources Director shall arrange for the election to be conducted by the State Conciliation Service, the County Clerk, or other qualified agency at such times and places as shall afford all employees in the unit a reasonable opportunity to cast a secret ballot in person or by mail. Regular employees within the unit who were employed during the pay period last ending before the election was called and are still employed or on authorized leave of absence on the date of the election shall be entitled to vote.

The Human Resources Director, on his own initiative, may call an election to determine exclusive representation.

The Human Resources Director shall arrange for the election to be conducted by the State Conciliation Service, the County Clerk, or other qualified agency at such times and places as shall afford all employees in the unit a reasonable opportunity to cast a secret ballot in person or by mail. Regular employees within the unit who were employed during the pay period last ending before the election was called and are still employed or on authorized leave of absence on the date of the election shall be entitled to vote.

An organization receiving a majority of the votes cast shall be certified by the Human Resources Director as the exclusive representative of the employees in the unit for all purposes of this resolution and shall be so recognized.

If there is no majority among three or more choices, a run-off election shall be held as between the two choices receiving the highest votes.

- d. MAINTENANCE OF REGISTERED STATUS. A registered employee organization shall furnish to the Human Resources Director the following:
1. Not later than February 1 of each year, a complete list as of the preceding January 1 of the names of its represented members, with the unit and department where employed, for each.
 2. Not later than May 1, August 1, and November 1 of each year, a like supplemental list of members added during the preceding quarter, and a list of members terminated during the preceding calendar quarter, or a statement that no change has occurred.

3. Upon request, written proof of membership, and of authorization to represent the member in employee relations matters, for any or all members claimed, and the date the membership commenced and the authorization to represent was given. Authorization to represent is not presumed from the fact of membership, but may be established by a writing authorizing representation, signed and dated by the member, or other proof acceptable to the Human Resources Director. Membership may be confirmed by payroll dues deduction authorization on file with the County, or by proof of direct payment of dues.
 4. Within 10 days after it has occurred, any change in the organization's constitution or by-laws as previously filed, or any change of name and address for mailing notice to the organization.
 5. From time to time, a reasonably prompt response to requests for information or comment sent by the Human Resources Director on matters within the subject matter of this Resolution.
- e. TERMINATION OF REGISTRATION. An employee organization shall cease to be registered upon order of the Board made after reasonable notice and opportunity to be heard, for:
1. Repeated or long continued failure or refusal to comply with any of the provisions of subsection d. of this section.
 2. Intentional furnishing of false information to the County in any report required by this Resolution, or intentionally misrepresenting membership of an employee or that he has authorized representation by the organization.
 3. Participating in, encouraging or condoning any strike, slowdown or work stoppage by employees.
 4. Ceasing to represent employees of the County, which may be presumed from failure to respond to inquiries after request to do so.

Termination of registration terminates recognition as a majority employee organization or an exclusive employee organization.

Registration of an organization may be suspended by the Human Resources Director, after reasonable notice of default and failure to cure the same, for non-compliance with sub-section d. of this section, the suspension to continue until the default is cured or registration is terminated.

Section 10. MODIFICATIONS OF UNITS.

1. A registered employee organization may propose the modification of an established unit by filing a request with the Human Resources Director, accompanied by proof that its represented members comprise 15 percent of the employees in the unit. The Human Resources Director may also propose a modification.
2. No such proposal shall be submitted except between July 1 and September 1, for immediate determination.
3. The Human Resources Director shall give notice of the proposed modification in writing to the affected organizations of the unit or units and shall post notice in a place or places to which affected employees will have access.
4. If no challenge as provided below is filed and the Human Resources Director determines that the requested modified unit or units are not appropriate, he shall notify the employee organization which requested the unit of his determination and the reason therefore in writing. The organization may within seven days, modify its request or request the Human Resources Director to arrange a hearing by the Board on its original request.
5. Within 15 days after the notice to employees is posted, any other registered employee organization may challenge the appropriateness of the proposed unit or units and request a different unit or units. The challenge shall be filed with the Human Resources Director and must be accompanied by proof that the represented members of the organization comprise 15 percent of the employees, within any unit proposed by the challenging organization.
6. If a challenge is filed, the Human Resources Director shall notify the organization which submitted the original request for modification of the unit: If an amended request for modification of the unit; If an amended request for modification is not filed within seven days of such notice, the original request for modification and the challenge shall be submitted to the Board as provided below. Upon the filing of an amended request, the original request shall be deemed revoked and the amended request shall be considered on its own merits as if originally filed.
7. If a challenging request has been filed and the challenge has not been resolved by amendment or withdrawal, the Human Resources Director shall submit the request and the challenge to the Board. The Board shall hold a hearing on the request and challenge, at which time the organization which filed the modification request, and the challenging organization shall be heard and the Human Resources Director shall submit his recommendations. The Board shall make final determination on the appropriateness of the representation unit or units.

Section 11. PROCEDURE FOR DECERTIFICATION OF EXCLUSIVE EMPLOYEE ORGANIZATION. A Decertification Petition alleging that the incumbent Exclusive Employee Organization no longer represents a majority of employees in an established

appropriate unit may be filed with the Human Resources Director only during the thirty (30) day period commencing one hundred eighty (180) days and ending one hundred fifty (150) days prior to the termination date of a Memorandum of Understanding then in effect. A Decertification Petition may be filed by two or more employees or their representative, or an employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

- a. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
- b. The name of the established appropriate unit and of the incumbent Exclusive Employee Organization sought to be decertified as the representative of that unit.
- c. An allegation that the incumbent Exclusive Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereof.
- d. Proof of employee support that at least forty (40) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent Exclusive Employee Organization. Such proof shall be submitted for a confirmation to the Human Resources Director within the time limits specified in the first paragraph of this Section and all signatures on a Decertification Petition shall indicate the date when signed by the employees. All signatures on the Petition shall be obtained within a thirty (30) day period prior to filing the Decertification Petition with the Human Resources Director.

~~An employee organization must include in its petition the information required under Section 9 for Recognition Petitions.~~

The Human Resources Director shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Section 11. The Human Resources Directors determination that the procedural and/or time line prerequisites have not been met shall be conclusive and not subject to appeal.

Section 12. RESCISSION OF AGENCY SHOP. Pursuant to the provisions of Government Code section 3502.5, one Agency Shop decision election may be conducted during the term of the labor contract or memorandum of understanding between the labor organization and the County that establishes an Agency Shop or modified Agency Shop. The Agency Shop or Modified Agency provision in the labor contract or memorandum of understanding which is in effect may be rescinded by majority vote of all employees in the bargaining unit covered by such memorandum of understanding or labor contract provided that:

1. A request for such vote is supported by a petition containing the signatures of at least 30% of the employees in the bargaining unit affected. All signatures on the

petition shall be obtained within a thirty (30) day period prior to the filing of the rescission petition with the Human Resources Director. The Human Resources Director shall determine whether the petition has been filed in compliance with the applicable provisions herein. The Human Resources Director's determination that the procedural and/or time line prerequisites have or have not been met shall be conclusive and not subject to further review or appeal.

2. The vote shall be conducted by secret ballot within sixty (60) days of the filing of the petition with the Human Resources Director. The vote shall be conducted by a State mediator, who shall establish all rules and procedures for the conducting of the election.
3. Such a rescission vote may be taken any time during the term of such labor contract or memorandum of understanding, but in no event shall there be more than one vote taking during such term.

Section 13. TIMETABLE FOR REQUESTS. Requests and proposals from qualified employee organizations for changes in wages, hours, and other terms and conditions of employment for employees generally shall be submitted to the Human Resources Director on or before February 15 of each year or by mutual agreement a later date (unless there exists a memorandum of understanding to include the next year), so that proposals can be properly considered and acted upon by May 15, before the proposed County budget is submitted to the Board and in sufficient time for salary changes to take effect in early July.

Section 14. MEETING AND CONFERRING.

- a. Employee organizations which have been certified as the majority or exclusive employee organization in an established representation unit shall be exclusively entitled to meet and confer on wages, hours and other terms and conditions of employment for the unit. Recognized employee organizations or individual employees may consult with the Employee Relations Manager on wages, hours and other terms and conditions of employment, and may meet and confer if there is no other majority or exclusive employee organization certified for the unit.
- b. Meeting and conferring shall not be required on any subject preempted by Federal or State law nor on employee or County rights as defined herein. Proposed amendments to this Resolution are excluded from the scope of meeting and conferring but are subject to consulting.

Section 15 IMPASSE PROCEDURE.

- a. Impasse procedures shall not be requested by either party until all attempts at reaching an agreement through meeting and conferring have been unsuccessful.

1. The parties may mutually agree to request the assistance of a mediator from the California State Conciliation Service or any other mutually agree upon mediator.
 2. The parties may mutually agree to request the assistance of a fact-finder.
 3. The parties may mutually agree to any other impasse-resolving procedure.
 4. The Board may determine on the action to be taken with or without a hearing thereon.
- b. A single fact-finder may be selected by the mutual agreement of the parties. If the parties cannot agree upon a fact-finder, a list of seven fact-finders may be obtained from the California State Conciliation Service, the American Arbitration Association, or some other agreed upon source, and each party shall alternatively strike one name from the list until only one name remains. The parties shall jointly instruct the fact-finder in writing on the facts they want ascertained and the issues on which they want his recommendations, if any.
- c. The report of the fact-finder shall be confidential and submitted directly to the parties concerned. The parties shall attempt to reach an agreement by negotiation on the basis of the fact-finder's report. If the parties have not reached an agreement within seven days after receiving the fact-finder's report, they shall, within the next seven days, submit in writing their positions on the unresolved issues to the Board. The Human Resources Director shall submit a copy of the fact-finder's report to the Board along with his own recommendations. The employee organization may also submit a report. The Board then shall make the final decision.
- d. Nothing shall preclude the fact-finder from attempting to resolve the impasse by mediation at any stage of the proceedings prior to the issuance of the fact-finding report.
- e. The cost of the mediation and fact-finding proceedings shall be divided equally between the parties.

Section 16. EMPLOYEE RELEASE TO MEET AND CONFER. Qualified employee organizations may have up to three employees released from work at any one time to meet and confer with County representatives by arrangements through the Human Resources Director with department heads concerned made at least two working days in advance. The limitations of three employees and two days advance notice may be waived by the Human Resources Director with approval of the department head. The use of official time for this purpose shall be reasonable in amount and shall not substantially interfere with the performance of County services as determined by the County.

Section 17. DUES DEDUCTION FOR EMPLOYEE GROUPS.

- a. A registered employee organization having and proving represented members equal to 15% of a unit may have the regular dues of its members in the unit deducted from the employees' paychecks. Membership dues deductions shall be made only upon the written authorization of the individual employee. Dues and other deductions previously authorized for an employee organization may continue to be deducted for 6 months without proof of percentage upon becoming registered in a unit. Nothing herein shall affect previously authorized dues or other deductions for organizations which are not employee organizations as defined in this Resolution, or for members of employee organizations who are not represented members.
- b. An employee organization shall refund to the County any amounts paid to it in error upon presentation of supporting evidence.
- c. The County reserves the right to assess a service charge not exceeding County's costs for processing dues deductions.
- d. Nothing herein shall be construed as restricting the right of an employee to revoke his authorization for dues deductions.
- e. Employee organizations which engage in, encourage or condone a strike or other concerted stoppage or slowdown of work against the County may have their membership dues deductions privileges suspended or revoked by the Board on recommendation of the Human Resources Director.

Section 18. USE OF BULLETIN BOARDS. Space may be made available to registered employee organizations on departmental bulletin boards within the representation unit provided such use is reasonable and does not interfere with the needs of the department. Notices shall be dated and signed by the employee organization or its representative responsible for their issuance. The privilege does not extend to individual members of an organization.

The posting and removal of bulletin board material must be maintained in a timely fashion. The County, through Human Resources Director, reserves the right to suspend or cancel bulletin board privileges for abuse.

Section 19. USE OF MEETING PLACES. Employee organizations shall be granted the use of County facilities for meetings composed of County employees, provided such meetings are held outside regularly scheduled working hours for the group which is meeting and provided space can be made available without interfering with County needs. Employee organizations desiring to use County facilities for such meetings shall obtain the permission of the appropriate County officials before using such facilities. Meeting places shall be left in an orderly manner upon completion of the meeting.

Section 20. ACCESS TO WORK AREA. Representatives of qualified employee organizations may be allowed access to work locations when necessary to represent an employee on a grievance or to communicate briefly with an employee on matters within the scope of representation, provided that advance arrangement including disclosure of the purpose is made with the department head or supervisor in charge of the work area, and that the visit does not unreasonably interfere with County business nor use an excessive amount of time.

Section 21. ADMINISTRATION.

- a. The Human Resources Director shall have the primary authority for the administrative interpretation of this Resolution. The Human Resources Director is authorized to establish procedures to carry out the intent of this Resolution.
- b. The enactment of this Resolution shall not be construed as making the provisions of Section 923 of the California Labor Code applicable to employees of the County.

Section 22. SEVERABILITY. If any provision of this Resolution or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Resolution or the application of such provision to persons and circumstances other than those to which it is held invalid shall not be affected thereby.

Section 23 . SUPPRESSION. The Employee Relations Resolution No. 99-379 is hereby superseded.

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