

**EMPLOYER-EMPLOYEE RELATIONS POLICY**

**Table of Contents**

<a href="#"><u>Article I.</u></a>	Statement of Purpose
<a href="#"><u>Article II.</u></a>	Definitions
<a href="#"><u>Article III.</u></a>	Employee Relations Panel
<a href="#"><u>Article IV.</u></a>	Guiding Principles
<a href="#"><u>Article V.</u></a>	Unfair Employee Relations Practices
<a href="#"><u>Article VI.</u></a>	Rights of Employee Organizations
<a href="#"><u>Article VII.</u></a>	Grievance Procedure
<a href="#"><u>Article VIII.</u></a>	Requirements For Recognition or Registration of an Employee Organization
<a href="#"><u>Article IX.</u></a>	Representation Units: Criteria for Determination
<a href="#"><u>Article X.</u></a>	Representation Rights Procedure
<a href="#"><u>Article XI.</u></a>	Modifying Units; Assigning New Classifications; Reassigning Existing Classifications
<a href="#"><u>Article XII.</u></a>	Decertification of Recognized Employee Organization 40A
<a href="#"><u>Article XIII.</u></a>	Election Procedure
<a href="#"><u>Article XIV.</u></a>	Impasse
<a href="#"><u>Article XV.</u></a>	Interpretation and Administration
<a href="#"><u>Article XVI.</u></a>	Severability

Article I. Statement of Purpose

It is the desire of the Board of Supervisors of the County of Napa ("County") to create a relationship of understanding, trust and confidence between the County and its employees; to promote the improvement of personnel management and employer-employee relations within County government; to advance the efficiency and effectiveness of County government; to establish orderly procedures and processes for the administration of employer-employee relations; and to provide for the orderly and systematic consideration of employee relations matters regarding wages, hours and other terms and conditions of employment between the County and its employees and their recognized employee organizations.

Further, it is the belief of the Board of Supervisors that the efficient administration of County government and the well-being of both County employer and its employees require that orderly and constructive relationships be maintained between employee organizations and the County.

Finally, it is the declared policy of the Board of Supervisors that effective employer-employee cooperation in County government requires a clear statement of the respective rights and obligations of the County as employer and of employee organizations representing County employees.

Article II. Definitions

For the purpose of this policy, the following definitions shall apply:

- a. "Board": Board of Supervisors of the County.
- b. "Certification": The process by which an employee organization is **recognized** by the Board to represent an appropriate representation unit.
- c. "Confidential Employee": Any employee who, in the course of his/her duties, has access to confidential information relating to the County's administration of employer-employee relations. Except as otherwise provided by County policy, rule, ordinance or resolution, such employee is entitled to salaries and fringe benefits as represented employees with the same job classification.
- d. "Consult" or Consultation: Oral or written communication for the purpose of presenting and obtaining views or advising of intended actions; as distinguished from meeting and conferring in good faith regarding matters within the scope of representation, does not involve an exchange of proposals and counter proposals with a recognized employee organization to reach agreement in the form of Memorandum of Understanding.
- e. "County": The County of Napa, a political subdivision of the State of California.
- f. "Day": Calendar day.
- g. "Decertification": Procedure for terminating an employee organization as the recognized bargaining representative of employees in a unit.

- h. "Department": An office, agency or institution of the County.
- i. "Department Head" or "Head of a Department": The chief executive officer of a department.
- j. "Director": Personnel Director of the County of Napa
- k. "Employee" or "County Employee": Any person employed by the County, except an elected **officer**, as reflected in the Departmental Allocation List.
- l. "Employee Organization": Any organization which includes employees of the County and which has as one of its primary purposes representing such employees in their employment relations with the County.
- m. "Employees in the Unit": County employees in positions listed on the Departmental Allocation List who were employed for the payroll period immediately preceding any period of filing or qualification.
- n. "Impasse": A deadlock in the meet and confer process between a recognized employee organization and the County over wages, hours and other terms and conditions of employment.
- o. "Management Employees": Members of the Board of Supervisors, all Department Heads and those additional employees designated by the County as being responsible for the formulation of program objectives, the development of policies and procedures for program accomplishment, or supervision of the implementation of County policies and programs generally.
- p. "Meet and Confer in Good Faith": The mutual obligation of the County, or such representatives as it may designate, and representatives of recognized employee organizations personally to meet and confer in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within their authority, or upon a joint recommendation to the Board on matters within the scope of representation. Meet and confer does not obligate either party to accept a proposal, make a compromise or conclude an agreement.
- q. "Memorandum of Understanding": A written memorandum incorporating matters on which agreement is reached in the process of meeting and conferring between representatives of the County and representatives of recognized employee organizations. The memorandum shall be presented to the Board of Supervisors for determination.
- r. "Modification": Procedure for modifying or redefining representation unit or units into alternative representation unit or units.
- s. "Panel": Napa County Employee Relations Panel.

- t. "Professional Employee": An employee engaged in work which is predominantly intellectual and varied in character, requiring the exercise of discretion and judgment and knowledge of an advanced nature customarily acquired at an institution of higher learning and of such character that the output or results accomplished cannot be standardized in relationship to a given period of time, and conforming with the definition in Section 3507.3 of the Government Code.
- u. "Recognized Employee Organization": An employee organization that has been certified as representing the employees in an appropriate representation unit.
- v. "Registered Employee Organization": An employee organization which has (1) formally registered with the County in accordance with Article VIII of this policy and (2) which can demonstrate a showing of interest of at least 10% of the total employees in an existing or proposed representation unit.
- w. Representative": A person who is authorized and designated in writing by an employee organization to represent the organization in dealing with the County.
- x. "Showing of Interest": The demonstration of affiliation of a County employee with an employee organization and evidencing the employee's acknowledgment that such organization is authorized to represent said employee in his/her dealings with the County. Such demonstration may be evidenced either, (1) by an authorization card personally and recently signed and dated by the employee, or (2) by an authorization petition, (a) which clearly sets forth the purpose of such document, (b) shows the employee's department and (c) which has been personally and recently signed and dated by the employee. The only authorization which shall be considered as a "showing of interest" hereunder shall be that authorization recently signed by that employee. The term "recently signed" shall mean within 45 days prior to the date of filing of a petition or authorization cards.
- y. "Supervisory Employee": Any employee having authority to assign work and evaluate performance and to hire, transfer, suspend, lay off, recall, promote, discharge, reward, discipline other employees, adjust grievances, or the authority to recommend any such actions if the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- z. "Unit" or "Representation Unit": A unit is an appropriate grouping of classes established pursuant to the provisions of this policy as an element for representation purposes, as determined by the County.

### Article III. Employee Relations Panel

- a. There is hereby established a Napa County Employee Relations Panel hereafter referred to as the "Panel", which shall implement and administer those provisions of this policy which are under its jurisdiction. The members of the Panel shall be residents of the County and have experience in the field of employee relations and/or personnel management and

possess the integrity and impartiality necessary to protect the public interest as well as the interest of the County and its employees.

- b. The Panel shall consist of five members appointed in the following manner: Two members appointed by the Board; two members appointed by mutual agreement of the recognized employee organizations in the County. It shall be the responsibility of the employee organizations to establish their own procedures to resolve the appointment issue when mutual agreement cannot be reached. The four appointees shall select a fifth member by mutual consent. If agreement cannot be reached on this fifth member, each appointee shall submit a name to the Director, and the appointment shall be made through the efforts of the State Mediation Service. Any costs incurred shall be divided one-half to the County and one-half to the recognized employee organizations involved.
- c. The Panel shall classify its members by lot, such that two shall serve for a two-year term; two shall serve for a three-year term; and one shall serve for a four-year term. At the expiration of each term, as so provided, or upon a vacancy from any cause, a successor shall be appointed by the authority which appointed the member whose position has become vacant, whether by expiration of term or otherwise. Upon completion of the initial term of appointment as provided above, the subsequent regular terms of appointment for each member shall be four (4) years. The Panel shall also, at its first meeting, and annually thereafter on or before August 1, select one of its members to act as Chairman and another to act as Vice-Chairman.
- d. The Panel shall have the following responsibilities and authority which shall be exercised in accordance with the provisions of this policy.
  - (1) To adopt regulations governing its own procedures.
  - (2) To hear and to make recommendations to the Board on disputes as to what constitutes an appropriate representation unit.
  - (3) To hear and to make recommendations on appeals to the Board with respect to the assignment of new classifications within representation units.
  - (4) To call for and declare the results of representation elections.
  - (5) To hear complaints of unfair employee relations practices and to recommend corrective action to the Board.

#### Article IV. Guiding Principles

##### Section 1 - Qualification as Employee Organization

Any organization which seeks to represent employees of the County must first qualify itself by conforming to the requirements established in this policy and thereafter must be registered or recognized by the Board as provided herein.

**Section 2 - Employee Rights**

- a. Employees 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 have the right to refuse to join or participate in the activities of employee organizations. Employees have the right to represent themselves individually in their employee relations with the County. Neither the County nor any employee organization shall interfere with, intimidate, restrain, coerce, or discriminate against employees because of the exercise of their rights under this Section.
- b. An employee may choose to belong to one or more employee organizations. However, an employee may only be represented by the employee organization which has been certified as the recognized employee organization for the unit to which his classification has been assigned. The employee may only vote for representation, and be included in a showing of interest, in the unit to which his classification has been assigned.

**Section 3 - County Rights**

- a. It shall be the exclusive right of the County to make all decisions of a managerial or administrative character, including but not limited to: (1) determine the mission and standards applicable to each of its constituent departments, boards, and commissions; (2) determine all matters relating to County budgets and staffing; (3) set standards and extent of services to be offered to the public; (4) determine and control County organizational structure and operations; (5) determine the methods, means and personnel by which the County's operations shall be conducted to include the assignment, reassignment and removal of functions within County offices; (6) administer the personnel system; (7) determine the type, specifications, and quantity of equipment, facilities and supplies utilized by the County; and (8) make such other decisions as may be necessary to organize and operate the County in the most efficient manner and in the best interest of all citizens of the County.
- b. It shall be the exclusive right of the County to administer the personnel system and make all decisions in directing its employees including, but not limited to, scheduling of work, making work assignments, ordering overtime, classifying positions, establishing and revising standards of employment, hiring, promoting, transferring, demoting, laying off, discharging and disciplining employees. The exercise of such right shall not preclude employees or their representatives from communicating with management representatives about the consequences that the decisions of these matters may have on wages, hours and other terms and conditions of employment.

**Section 4 - Representation Limitations**

- a. Management, supervisory and confidential employees shall not serve as representatives of an employee organization in negotiations or proceedings before the Panel, unless in relation to negotiations on behalf of a representation unit composed solely of management, supervisory or confidential employees.

- b. The Board, after consultation in good faith with employee organizations, shall designate management, supervisory and confidential employees in accordance with the definitions in Article II of this policy.
- c. Neither management, nor supervisory, nor confidential employees appearing on Attachment I shall be represented by any employee organization as part of a unit that includes employees other than management, supervisory or confidential employees.

Section 5 - Scope of Representation

- a. A recognized employee organization shall have the right to represent its members in their employment relations with the County in accordance with Chapter 10 of Division 4, Title I of the Government Code (commencing Section 3500) and as provided by the rules and procedures adopted by the County.
- b. The scope of representation of a recognized employee organization shall include all matters relating to employment conditions and employer/employee relations, including, but not limited to, wages, hours and other terms and conditions of employment.
- c. The scope of representation of a recognized employee organization shall not include the merits, necessity, duration, composition or organization of any service or activity provided by the County, or any of the County rights identified in Article IV, Section 3.

Article V. Unfair Employee Relations Practices

- a. It shall be an unfair employee relations practice for employee organizations or their representatives or members:
  - (1) To interfere with, restrain or coerce employees in the exercise of the rights recognized or granted in this policy.
  - (2) To refuse to meet and confer in good faith with representatives of County on matters within the scope of representation, when the employee organization is a recognized employee organization.
  - (3) To engage in any interruptions in work as described in the applicable Memorandum of Understanding.
  - (4) To refuse or fail to cooperate with any duly designated person or body involved in the process of mediation or fact finding as identified under Article XIV.
  - (5) To attempt to interfere with or exert pressure on members of the Panel, whether directly or indirectly, while outside of convened sessions.
- b. It shall be an unfair employee relations practice for the County:

- (1) To interfere with, restrain or coerce employees in the exercise of the rights recognized or granted in this policy.
  - (2) To dominate, or interfere with the formation of any employee organization, or to contribute financial support to it, provided the rights recognized or granted to employee organizations in this policy shall not be considered as constituting financial support.
  - (3) To refuse to meet and confer in good faith with representatives of recognized employee organizations on matters within the scope of representation.
  - (4) To refuse or fail to cooperate with any duly designated person or body involved in the process of mediation or fact finding, as identified under Article XIV.
  - (5) To attempt to interfere or exert pressure on members of the Panel, whether directly or indirectly, and while outside of convened sessions.
- c. A charge of violation of this Article may be initiated by a representative of County, by a representative of any employee organization, or by an individual employee or group of employees. Such charge shall be set forth in detail and filed in writing with the Director within 90 days of the occurrence of the alleged violation. The Director may attempt to resolve the charge without recourse to the Panel.
- d. If he cannot resolve the charge of violation, the Director shall submit such charge to the Panel as soon as possible, but not to exceed 10 days following receipt of same, and the Panel shall conduct a hearing in an expedient manner to determine whether a party has engaged in an unfair employee relations practice and shall, within 10 days after the hearing, advise the Board and the party filing the charge of its conclusions and recommend corrective action.

#### Article VI. Rights of Employee Organizations

##### Section 1 - Recognized Employee Organization

A recognized employee organization shall be accorded exclusive recognition in relation to the representation unit or units for which that organization has been certified and shall have the following rights:

- a. The right to represent all of its members in filing and processing grievances in accordance with established procedures.
- b. The right to ask the Board or its designated representatives to meet and confer in good faith with representatives of the employee organization in an endeavor to reach agreement on matters involving wages, hours and other terms and conditions of employment.
- c. The right, upon request, to have payroll deductions for members of the employee organization in the unit or units for which the organization is recognized. A recognized

employee organization may also have dues deduction rights for any management, supervisory or confidential employee who is a member of such organization.

- d. The right of reasonable use of meeting rooms on County property provided such meetings are not conducted during normal working hours. Such use shall only be allowed after obtaining permission of the appropriate County official to reserve such facility. A reasonable charge may be imposed to defray the cost of such use.
- e. The right of reasonable use of existing bulletin board space at a convenient location in each department where represented members work and in each outlying division of any department where represented members work. Posted material shall bear the identity of the organization, not be misleading or in violation of any law, be neatly displayed, and be removed when no longer timely. Employee organizations shall notify the respective department in advance prior to any postings.
- f. The right to receive reasonable advance notice of any ordinance, rule, resolution or regulation proposed to be adopted by the County directly relating to wages, hours and other terms and conditions of employment. In an emergency, the County may implement such actions as necessary and notify employee organizations as soon as possible thereafter.
- g. The right to communicate with County employees outside of regular working hours, or during working hours with prior notification to the Director and consent of the employee's Department Head. Such right of communication may not be used for soliciting membership or for engaging in employee organization activities during the working time of an employee.
- h. The right of its designated representative or a reasonable number of employees (not to exceed a total of five without prior approval) to meet at reasonable times during normal working hours for representation before, or conferring with, the Board, its designated representatives or the Panel, in conformance with Section 3505.3 of the California Government Code. Approval for additional employees or representatives must be obtained in advance from the Director.
- i. Such other rights as may be the subject of agreement between representatives of the County and the employee organization and approved by the Board, which are not inconsistent with this policy or the law.

#### Section 2 - Registered Employee Organizations

A registered employee organization shall have the right to represent its members in grievance matters and may, upon request, and with the consent of County, consult with County representatives.

Registered employee organizations shall not have the right to meet and confer on matters within the scope of representation as outlined in this policy, nor do registered employee organizations have any rights granted to recognized employee organizations, except as provided in this Section.

**Article VII. Grievance Procedure**

In addition to the formal written grievance procedure for represented employees, the County shall maintain a separate formal written grievance procedure for management and confidential employees. Such grievance procedures shall be available to employees without reprisal and regardless of membership or non-membership in an employee organization.

**Article VIII. Requirements For Recognition or Registration of an Employee Organization****Section 1 - Initial Requirements for Recognition or Registration.**

In order to be recognized or registered as an employee organization, an organization must first submit a written request to the Director. Such request shall include the following information:

- a. Name and principal local business address of the organization.
- b. A statement whether the organization is a chapter or local of, or affiliated with, a regional, State, National or International organization; and, if so, the name and principal business address of such regional, State, National or International organization.
- c. A list of the local officers and staff personnel, if any, of the organization and the names of the principal regional, State, National or International officers of such organization.
- d. A written statement that the employee organization has in its possession a showing of interest, as defined in Article II, that the organization includes employees of the County within its membership. Such written statement shall be submitted to the Director for confirmation.
- e. A statement that the organization has, as one of its primary purposes, the representation of such employees in their employer-employee relations with the County, with certified copies of the organization's constitution, by-laws or other documents establishing this fact.
- f. A designation of those persons, not exceeding three in number, and their addresses, to whom notices sent by regular United States mail will be deemed sufficient notice for any purpose.
- g. An acknowledgement of awareness of this policy and any amendments thereto and the agreement to abide by the same.
- h. A statement that the organization recognizes that employees of the County do not have the rights described in Section 923 of the State Labor Code.
- i. A statement that the organization has no restriction on membership based on race, color, creed, national origin, relation, sex or handicap.

- j. The request, including proof of employee support and all accompanying documentation, shall be declared to be true, correct, and complete under penalty of perjury by the duly authorized officer(s) of the organization executing it.

#### Section 2 - Further Requirements for Registration

In order to be a registered employee organization, an employee organization shall demonstrate a showing of interest on the part of at least 10% of the employees within an existing representation or proposed representation unit.

#### Section 3 - Further Requirements for Recognition

In order to gain recognition, an employee organization shall also comply with Articles X, XI, XII and XIII of this policy.

#### Section 4 - Notification

When it has been determined that the employee organization has complied with the requirements set forth in this Article, the Director shall advise the County Administrator and the Board that the petitioning employee organization is entitled to be registered or recognized as appropriate. Upon receipt of such advice, the Board shall accord such recognition or registration.

#### Section 5 - Annual Filing

All registered and recognized employee organizations shall file with the Director in writing under penalty of perjury during the period October 1st through 15th of each year:

- a. A membership list showing the names, class titles and departments.
- b. A list of the names and addresses of principal officers and employee representatives.
- c. A statement certifying that the organizational structure of the employee organization remains as defined on the original request for formal status with the County; or, if changed, the nature and extent of such change.
- d. Any registered employee organization which fails to comply in a timely manner with the requirements of this section shall lose its status as a registered organization; provided that, after the passage of a least one year, it may once again seek to become a registered employee organization in accordance with the requirements of Article VIII of this Policy.

#### Article IX. Representation Units: Criteria for Determination

It shall be the County's policy to establish the minimum number of units consistent with good employee relations. To minimize the fragmentation of employee representation, the principal criterion for determining an appropriate representation unit shall be the largest feasible group of employees having a community of interest. The following additional criteria shall be considered in determining an appropriate representation unit:

- a. Past history of employee relations in a unit and among other County employees; however, no unit shall be established solely on the grounds that employees have organized.
- b. The effect of a proposed unit which envisions a fragmentation of classifications or proliferation of units and the resulting impact of such proposal on the efficient administration by the County of the employer-employee relations activity.
- c. Similarity of duties, responsibilities and working conditions.
- d. No single classification shall be divided among two or more representation units, except for confidential employees as established by the Board.
- e. The right of professional employees to be represented separately from non-professional employees.
- f. Law enforcement employees consisting of full-time peace officers as defined in Chapter 4.5 of Title III, of Part 2 of the Penal Code may constitute units consisting solely of such employees.
- g. Neither management, nor supervisory, nor confidential employees shall be represented by any employee organization as part of a unit which includes employees other than management, supervisory or confidential employees, nor shall management, supervisory or confidential employees be included in an election or showing of interest process relative to a unit which includes other than management, supervisory or confidential employees.

#### Article X. Representation Rights Procedure

##### Section 1 - Development of Units

Representation units shall be determined by the County following consultation in good faith with employee organizations. In the event there is dispute involving the composition of a representation unit, the employee organization may request in writing that the matter be referred to the Panel, in which event the procedures for a hearing as set forth in Article XI, Section 1, shall apply.

##### Section 2 - Petition

An employee organization that desires to become the recognized employee organization of a representation unit shall comply with the provisions of Article VIII of this policy, and shall file a petition which (1) provides a list of all the class titles of the positions in the representation unit and the departments in which such positions are located, and (2) is accompanied by a showing of interest of 30% or more of the employees within said unit.

##### Section 3 - Notice of Filing Petition

Upon receipt of such petition(s), the Director, (1) shall give notice of the filing thereof to all recognized and registered employee organizations, and (2) shall post notice of the request at such location or locations as are reasonably accessible to the employees of the unit.

#### Section 3.5 - Time for Filing Petitions When a Recognized Organization Already Exists

Following determination of representation units by the Board and recognition of an employee organization for such units pursuant to this policy, the petition of an employee organization to become the recognized employee organization of any such unit, or a new unit carved there from, shall be treated as a decertification petition, and the provisions of Article XII, including the time limits in paragraph c thereof, shall apply.

#### Section 4 - Challenges

A written challenge of the appropriateness of the petitioning employee organization to represent the unit or the validity of the petition(s) may be filed by an employee organization or the County Administrative Officer within 15 days after the Director gives notice of the filing of the petition. The challenge shall state the grounds for the challenge, and when filed by an employee organization, shall be accompanied by a showing of interest of 30% or more of the employees in the unit. The Director shall notify the employee organizations filing the petition(s) that they have seven days within which to amend or withdraw their petition.

#### Section 5 - Hearing

If the challenge or petition is not withdrawn, the Director shall schedule a hearing before the Panel at which hearing the petitioning organization, challenging organization, and County Administrative Officer may present evidence in support of their respective petition(s) or challenge. Following the hearing, the Panel shall recommend to the Board, (1) approval of the petition(s) and denial of the challenge, if any, or (2) approval of the challenge and denial of the petition(s).

#### Section 6 - No Challenge

If no challenge is filed within 15 days from the date of the notice by the Director or the Director determines that the challenging employee organization has less than 30% showing of interest for the unit, the Director shall refer the matter to the Panel **to call** an election.

#### Section 7 - Calling for an Election

Upon determination of the unit by the Board, the Panel shall call an election as provided by Article XIII.

#### Section 8 - Employee Organization on Ballot

- a. When an election is held, there shall be placed on the ballot, (1) the name of the petitioning employee organization or organizations that has established a showing of interest by 30% or more of the employees in the representation unit determined to be appropriate, and (2) the name of any challenging organization that has established a showing of interest of at

least 30% or more of the employees in such representation unit, and (3) a provision for no organization or representation.

- b. Article XIII, Election Procedure, shall be followed regarding this Section.

Section 9 - The Certification Process

- a. An employee organization shall be certified as a recognized employee organization when, as a consequence of an election as described in Article XIII hereof, it is determined that such organization represents a unit.
- b. Certification is accomplished by the Board, following notification from the Panel, through the giving of formal notice thereof, which notice will include an identification of the representation unit for which such employee organization is recognized as representing.

Section 10 - Duration of Certification

Certification as the recognized employee organization for a representation unit shall continue in effect, (1) until such recognized employee organization is decertified in relation to said unit, or (2) until the County has certified some other employee organization as the recognized employee organization in relation to said unit. In all events, certification shall remain in effect for not less than one year from the date of said certification.

Article XI. Modifying Units; Assigning New Classifications; Reassigning Existing Classifications

Section 1 - Unit Modification

- a. Request for Unit Modification. A registered or recognized employee organization, or the County Administrator or his designee, may petition the Director to modify a unit or units. The process described in Article X, Section 2 shall apply to both registered and recognized employee organizations for the purpose of unit modification.
- b. Time for Filing Petition. A petition to modify a unit or units shall be filed with or received by the Director only during the time periods described in Article XII paragraph c.
- c. Notice of Filing Petition. Upon receipt of such petition, the Director shall give notice of the filing thereof to, (1) all employees in the proposed unit described in the petition, and (2) all registered and recognized employee organizations.
- d. Challenges. Within 30 days after the Director gives notice of the filing of the petition, a written challenge to the appropriateness of the proposed unit may be filed by any employee organization or the County Administrative Officer. A challenge shall specify all objections to the proposed unit and shall describe in detail an alternative representation unit.
- e. Hearing by Panel. Within 30 days of notice by the Director of the filing of a petition, the Panel shall conduct a hearing at which the parties shall present evidence in support of or opposition to the petition. Following the hearing, the Panel shall, within twenty (20)

working days after the conclusion of the hearing, transmit to the Board, together with a written transcript of the hearing, a recommendation as to the appropriate representation unit.

- f. Action by Board. Based upon a consideration of the written transcript and the recommendation of the Panel, the Board shall make a determination regarding the petition. The Board shall hear no further evidence, but may allow interested persons to address it regarding the subject. If the Board determines that no election is required, then its determination shall be final. If the Board determines that an election is required, it shall refer the matter to the Panel to conduct an election. The Panel shall conduct the election in accordance with Article XIII.

### Section 2 - Assignment of New Classification

Each newly established job classification shall be assigned to an appropriate representation unit by the Director. A recognized employee organization may appeal such assignment to the Director. The appeal shall be in writing, shall describe all objections, and shall be filed with the Director within 15 days after the Director makes the assignment. If the matter cannot be resolved, it shall be referred to the Panel for hearing and handled in accordance as set forth in this Article.

### Section 3 - Reassignment of Existing Job Classification

Each existing job classification may be reassigned to a more appropriate representation unit by the Director. Such reassignments may, but need not, occur as the result of reorganization, modifications or job duties or changes in scope of responsibilities. The Director shall notify all employee organizations prior to making any reassignment of an existing job classification. A recognized employee organization may appeal such reassignment to the Director in writing outlining all objections within 15 days after the Director makes the reassignment. If the matter cannot be resolved, it shall be referred to the Panel for hearing and handled as set forth in this Article.

### Article XII. Decertification of Recognized Employee Organization

- a. Filing Petition. Subject to the provisions of this policy, any registered or recognized employee organization, or the County Administrative Officer, may file a decertification petition with the Director in order to determine whether or not a recognized employee organization should continue to represent the employees in that representation unit. Such petition, when filed by an employee organization, must be accompanied by a showing of interest, as defined in Article II, by 30% or more of the employees in the representation unit.
- b. Referral to Panel. Upon receipt of a petition for decertification, the Director shall verify the showing of interest. After verification, the Director shall refer the findings to the Panel for hearing. After hearing the matter, the Panel may, (1) call for an election to be held in accordance with this policy, or (2) recommend that the Board dismiss of the petition. The recognized employee organization shall be decertified if the results of the election reveals that the majority of the employees in the unit voting upon the question no longer desire

representation by that organization, as indicated by their vote for another employee organization or a vote for "no organization."

- c. Time for Filing Petitions. Following the determination of representation units by the Board and the recognition of an employee organization in relation to a unit, no petition for decertification of the employee organization with respect to such unit, or portion thereof, shall be filed with or received by the Director except as follows:
- (1) For a one (1) year contract: Only during the fifteen (15) day period commencing with the first day of the month preceding the month in which the one hundred sixty-fifth (165th) day prior to the termination date of the Memorandum of Understanding with the employee organization occurs.
  - (2) For a multi-year contract: Only during the fifteen (15) day period commencing with the first day of the month preceding the month in which the one hundred sixty-fifth (165th) day prior to the termination date of the Memorandum of Understanding with the employee organization occurs, except that for Memorandums of Understanding of more than three (3) years, then only during the fifteen (15) day period commencing with the first day of the month preceding the month in which the one hundred sixty-fifth (165th) day prior to the end of the fourth year of the Memorandum of Understanding and each successive year occurs.
  - (3) Example:
    - Contract ending June 30.
    - 165th day prior to June 30 is January 16
    - Month preceding January is December
    - Filing period is December 1 - December 15
- d. Effects of Decertification. Any decertification that occurs during the term of a single year agreement or during the final year of a multi-year agreement shall not alter the applicability of such agreement to all employees covered thereby during the remainder of said agreement. A recognized employee organization which has been decertified for a unit shall, at the conclusion of the term of its agreement with the County, no longer retain the rights accorded recognized employee organizations in this policy in relation to the unit for which it was decertified.

#### Article XIII. Election Procedure

- a. Whenever an election is required pursuant to this policy, the Director shall, within 10 days of the determination that an election shall be conducted, ask the State Mediation Service to call and conduct a secret ballot election in accordance with its own procedures and regulations and in conformance with the provisions of this Article. If for any reason the State Mediation Service is unable or unwilling to conduct such election, the Director shall ask the County Clerk to conduct the secret ballot election.

- b. Eligible voters shall be only those "employees in the unit" whose names appear on the payroll on the first workday of the month in which the election will be conducted.
- c. Every ballot in a certification or decertification election shall contain a choice of "no organization" in addition to the names of the employee organizations which have qualified for placement on the ballot.
- d. The Panel may adopt rules for the conduct of elections in those cases where the State Mediation Service declines to conduct the election. Such rules may provide for the conduct of an election in whole or part through ballot by mail if, in the Panel's sole discretion, the ballot by mail procedure is deemed appropriate. If an election through ballot by mail is ordered, the Panel shall at that time establish rules and procedures to guard against fraud, mistake, ineligible voting and similar abuses.
- e. The Panel shall declare the results of the election based on a majority of the votes cast at the election, and (1) recommend that the Board certify the employee organization as the recognized employee organization for the representation unit or units, or (2) declare that no organization is the recognized employee organization of the unit, or (3) following a decertification election, decertify the recognized employee organization if that organization failed to receive a majority of votes cast. If the ballot included three or more choices and none of the choices received a majority of all votes cast, a runoff election shall be held between the two choices receiving the largest number of votes.
- f. In the event the choice "no organization" received a majority of the votes cast, no election shall be conducted relative to such representation unit for a period of 12 months thereafter.
- g. Any costs incurred in conducting an election shall be borne one-half by the County and one-half by the employee organizations involved therein and shall be reflected by agreement in writing by these parties.

#### Article XIV. Impasse

- a. An impasse process shall be considered only when all other attempts at reaching agreement on wages, hours and other terms and conditions of employment through meeting and conferring in good faith have been unsuccessful. When an impasse is reached, (1) the parties may mutually agree to request the assistance of a mediator from the California State Mediation Service or any other source mutually agreed upon, or (2) mutually agree to submit the issues to fact finding. The fact finding person or body mutually agreed upon by both parties shall submit a report to the Board who shall render a final determination.
- b. In the event costs are incurred in the impasse process, they shall be divided one-half to the County and one-half to the recognized employee organization or organizations involved.

#### Article XV. Interpretation and Administration

##### Section I - Interpretation

- a. The Director shall have the authority to administer this policy and to provide any necessary interpretation thereof. Any disagreement in the interpretation of this policy shall be referred to the Board for determination.
- b. The Director is designated as the County's representative in all matters relating to the meet and confer process and has the authority to consult and to meet and confer in good faith on all matters within the scope of representation.

Section 2 - Rules, Procedures and Amendments

- a. The Board may from time to time amend this policy after consultation in good faith with recognized and registered employee organizations.
- b. The Director or other representatives designated by the Board may establish rules or procedures, not inconsistent with the foregoing provisions, for the implementation and orderly conduct of employee relations.

Article XVI. Severability

Nothing herein shall be deemed to supersede the provisions of State or Federal law, County Ordinances and Rules and Regulations established for the administration of the County Personnel System. If any paragraph, provision or section of this policy is held to be invalid, such invalidity shall not affect the validity of the remaining paragraphs or sections of the policy, and the Board declares that it would have and does adopt the remainder of this policy notwithstanding.

---

## PART I: SECTION 37A

---

Revised: January 8, 2008; Resolution 08-02  
Revised: February 26, 2008, Resolution 08-31  
May 6, 2008, Resolution 08-65  
*Revised: May 13, 2008; Resolution 08-72*  
Revised: May 20, 2008; Resolution 08-77  
Revised October 7, 2008; Resolution 08-157  
Revised: October 21, 2008; Resolution 08-166 & 08-167  
Revised: January 6, 2009; Resolution 09-01  
Revised: January 13, 2009; Resolution 09-06  
Revised February 24, 2009; Resolution 09-21  
Revised: April 28, 2009; Resolution 09-52  
Revised: June 23, 2009; Resolution 09-81 & 09-82  
Revised: June 30, 2009; Resolution 09-93  
Revised: July 21, 2009; Resolution 09-104  
Revised: November 24, 2009; Resolution 09-156  
Revised February 2, 2010; Resolution 2010-15  
Revised: March 16, 2010; Resolution 2010-23  
Revised: March 23, 2010; Resolution 2010-29  
Revised: April 6, 2010; Resolution 2010-32  
Revised: December 14, 2010 (eff 12-25-10); Resolution 2010-158  
Revised: June 21, 2011 (eff. 6-25-11); Resolution 2011-67  
Revised: 10-18-11; Resolution 2011-130  
Revised: 3-13-12; Resolution 2012-22  
Revised: 3-20-12; Resolution 2012-27  
Revised: 8-7-12; Resolution 2012-113, Resolution 2012-114  
Revised 8-14-12; Resolution 2012-122  
Revised 10-9-12; Resolution 2012-148  
Revised 11-13-12 (eff 11-24-12); Resolution 2012-163  
Revised 11-20-12 (eff 11-24-12), Resolution 2012-168  
Revised 11-20-12 (eff 11-24-12), Resolution 2012-170  
Revised 4-2-13 (eff 4-13-13); Resolution 2013-23  
Revised 4-16-13 (eff 4-27-13); Resolution 2013-34  
Revised 5-14-13 (eff 5-25-13); Resolution 2013-49  
Revised 9-24-13 (eff 9-28-13); Resolution 2013-112  
Revised 12-17-13 (eff 12-31-13); Resolution 2013-159  
Revised 2-11-14 (eff 2-15-14); Resolution 2014-13  
Revised 4-8-14 (eff 4-8-14); Resolution 2014-31  
Revised 5-6-14 (eff 5-10-14); Resolution 2014-49  
Revised 7-22-14 (eff 8-2-14); Resolution 2014-86  
Revised 10-7-14; Resolution 2014-117  
Revised 12-2-14; Resolution 2014-142  
Revised 3-17-15; Resolution 2015-27  
Revised 4-14-15 (eff 4-25-15); Resolution 2015-45  
Revised 7-14-15; Resolution 2015-94  
Revised 8-25-15 (eff 8-29-15); Resolution 2015-113  
Revised 4-19-16 (eff 4-23-16); Resolution 2016-46  
Revised 9-13-16 (eff 9-24-16); Resolution 2016-125  
Revised 11-8-16 (eff 11-8-16); Resolution 2016-162  
Revised 1-10-17 (eff 1-14-17; Resolution 2017-03  
Revised 1-10-17 (eff 1-14-17); Resolution 2017-12  
Revised 1-24-17 (eff 12-31-16); Resolution 2017-17  
Revised 1-31-17 (eff 2-11-17; Resolution No. 2017-25  
Revised 3-7-17 (eff 3-11-17); Resolution 2017-38  
Revised 3-7-17 (eff 5-6-17); Resolution 2017-43  
Revised 3-21-17 (eff 3-25-17); Resolution 2017-55  
Revised 5-16-17 (eff 5-20-17); Resolution 2017-74  
Revised 6-20-17 (eff 7-1-17); Resolution 2017-104  
Revised 8-15-17 (eff 8-26-17); Resolution 2017-126  
Revised 12-5-17 (eff 12-16-17); Resolution 2017-185  
Revised 5-15-18 (eff 4-21-18); Resolution 2018-58  
Revised 6-5-18 (eff 6-2-18); Resolution 2018-75  
Revised 6-19-18 (eff 6-30-18); Resolution 2018-83  
Revised 7-24-18 (eff 7-24-18); Resolution 2018-99  
Revised 12-4-18 (eff 12-4-18); Resolution 2018-159  
Revised 12-18-18 (eff 12-1-18); Resolution 2018-167  
Revised 1-8-19 (eff 1-12-19); Resolution 2019-02  
**Revised 1-15-19 (eff 1-15-19); Resolution 2019-09**

## EMPLOYER-EMPLOYEE RELATIONS POLICY

### MANAGEMENT CLASSES

Accountant-Auditor Manager  
Acting Deputy Director of HHSA/Child Welfare Services Director  
Acting Deputy Director of HHSA/Mental Health Director  
Acting Director of Corrections  
Acting Director of Human Resources  
Administrative Manager/Clerk of the Board  
Aging & Disability Program Manager  
Agricultural Commissioner/Sealer of Weights and Measures  
Airport Manager  
Animal Shelter Manager  
Assessor-Recorder-County Clerk  
Assistant Agricultural Commissioner/Sealer of Weights and Measures  
Assistant Airport Manager  
Assistant Auditor-Controller  
Assistant Chief Probation Officer  
Assistant Compliance and Privacy Officer  
Assistant County Counsel  
Assistant County Executive Officer  
Assistant Deputy Director of HHSA – Alcohol and Drug Services  
Assistant Deputy Director of HHSA – Child Welfare Services  
Assistant Deputy Director of HHSA – Mental Health  
Assistant Director of Corrections  
Assistant Director of Environmental Management  
Assistant Directory of HHSA  
Assistant Director of Human Resources  
Assistant Director of Library Services and Community Outreach  
Assistant District Attorney  
Assistant Juvenile Hall Superintendent  
Assistant Manager – Quality Management  
Assistant Public Administrator/Guardian/Conservator  
Assistant Purchasing Agent  
Assistant to Public Administrator/Guardian/Conservator  
Assistant Public Works Superintendent  
Assistant Treasurer Tax-Collector  
Auditor-Controller

Board of Supervisors, Member

Captain

**MANAGEMENT CLASSES (continued)**

Chief Administrative Coordinator  
Chief Appraiser  
Chief Building Official  
Chief Deputy County Counsel

Chief Deputy District Attorney  
Chief Deputy Probation Officer  
Chief Deputy Public Defender  
Chief District Attorney Investigator  
Chief Fiscal Officer – HHSA  
Chief Information Officer  
Chief Probation Officer  
Code Compliance/Process Improvement Manager  
Communication and PIO  
Communications Manager  
Community and Intergovernmental Analyst I  
Community and Intergovernmental Analyst II  
Compliance and Privacy Officer  
Correctional Lieutenant  
Corrections Administrative Manager  
County Counsel  
County Executive Officer  
County Surveyor  
Criminal Justice Analyst

Deputy Agricultural Commissioner/Sealer of Weights and Measures  
Deputy Chief Fiscal Officer – HHSA  
Deputy Chief Information Officer – Applications and Development  
Deputy Chief Information Officer – Infrastructure and Operations  
Deputy County Counsel I  
Deputy County Counsel II  
Deputy County Counsel III  
Deputy County Counsel IV  
Deputy County Executive Officer\*

Deputy Director, Employment and Compensation  
Deputy Director, Labor Relations  
Deputy Director of HHSA – Administrative Services  
Deputy Director of HHSA/Administrator of Alcohol & Drug Programs Deputy Director of HHSA  
– Aging & Disability Services  
Deputy Director of HHSA/Child Welfare Services Director  
Deputy Director of HHSA/Mental Health Director  
Deputy Director of HHSA/Public Health Officer  
Deputy Director of HHSA – Self-Sufficiency Programs  
Deputy Director of Planning, Building, and Environmental Services  
Deputy Director of Public Works – General Services

**MANAGEMENT CLASSES** (continued)

Deputy Director of Public Works-County Engineering  
Deputy Director of Public Works-Flood Control and Water Resources  
Deputy Fire Marshal

Director of Child Support Services  
Director of Conservation Development and Planning

Director of Corrections  
Director of Environmental Management  
Director of Health and Human Services  
Directory of Housing and Homeless Services  
Director of Housing and Intergovernmental Affairs  
Director of Human Resources  
Director of Library Services and Community Outreach  
Director of Public Works/District Engineer  
District Attorney

Election Services Manager  
Emergency Medical Services Administrator  
Emergency Services Officer  
Engineering Manager  
Engineering Manager – PBES  
Environmental Health Coordinator  
Environmental Health Manager

Facilities and Fleet Manager  
Facilities Superintendent  
Fleet Manager  
Flood Project Analyst

Geographic Information Officer

Health & Human Services Analyst  
Health Records Information Manager  
Housing & Community Development Program Manager  
Human Resources Analyst I  
Human Resources Analyst II

Information Systems Manager

Juvenile Hall Superintendent

Labor Relations Officer  
LAFCO Executive Officer  
Lieutenant

**MANAGEMENT CLASSES** (continued)

Management Analyst I\*

Management Analyst II\*

Mental Health Manager

Natural Resources Conservation Manager

Park and Open Space Program Manager

Planning Manager

Principal Human Resources Analyst

Principal Management Analyst\*

Probation Services Program Manager

Project Manager – H & HS

Psychiatric Medical Director

Public Defender

Public Health Manager

Public Health Nursing Manager/Public Health Nursing Director

Public Services Manager

Public Works Administrative Manager

Public Works Superintendent

Purchasing Manager

Records Information Manager

Regional Medical Services Administrator

Risk & Emergency Services Manager

Safety Officer

Self-Sufficiency Manager

Senior Flood Project Analyst

Senior Human Resources Analyst

Senior Management Analyst\*

Senior Sheriff's Records Technician

Sheriff-Coroner

Sheriff's Administrative Manager

Solid Waste Program Manager

Staff Administration Manager – HHSA

Staff Psychiatrist

Staff Services Manager

Stormwater Program Manager

Support Services Manager

Training and Organizational Development Officer

**MANAGEMENT CLASSES** (continued)

Treasurer-Tax Collector

Undersheriff

Victim Witness Program Manager

Watershed and Flood Control Operations Manager

Webmaster

Workforce Development Manager

### **SUPERVISORY CLASSES**

Administrative Legal Assistant

Administrative Secretary II

Airport Operations Supervisor

Animal Shelter Supervisor

Assessment Mapping Supervisor

Classification Supervisor

Code Compliance Supervisor

Construction Inspector

Correctional Sergeant

Election Services Supervisor

Eligibility Supervisor

Engineering Supervisor

Environmental Health Supervisor

Equipment Pool Supervisor

Field Inspection Supervisor

Food-Laundry Services Supervisor

Geographic Information Systems (GIS) Coordinator

Health Services Nursing Supervisor

Human Resources Information System Analyst

Information Systems Supervisor

Legal Clerk/Computer Systems Supervisor

Legal Office Manager

Librarian III

Library Circulation Supervisor

**SUPERVISORY CLASSES** (continued)

Literacy & Volunteer Services Supervisor

Mapping and Title Supervisor

Park Steward

Plans & Permit Supervisor

Principal Planner

Public Works Accounting Supervisor

Road Maintenance Supervisor

Sergeant

Social Worker Supervisor I

Social Worker Supervisor II

Supervising Account Clerk

Supervising Accounting Assistant

Supervising Accounting Specialist

Supervising Accountant-Auditor

Supervising Appraiser

Supervising Auditor-Appraiser

Supervising Building Maintenance Worker

Supervising Child Support Specialist

Supervising Custodian

Supervising District Attorney Investigator

Supervising Employment Services Worker

Supervising Juvenile Hall Counselor

Supervising Legal Clerk

Supervising Legal Secretary

Supervising Mail/Records Clerk

Supervising Mental Health Counselor I

Supervising Mental Health Counselor II

Supervising Mental Health Counselor I-Licensed

Supervising Mental Health Counselor II-Licensed

Supervising Mental Health Worker

Supervising Office Assistant

Supervising Planner

Supervising Probation Officer

Supervising Public Defender Investigator

Supervising Sheriff's Records Technician

Supervising Staff Nurse

Supervising Staff Services Analyst

Supervising Therapist

Veterans' Service Officer

**SUPERVISORY CLASSES** (continued)

Water & Wastewater System Supervisor  
WIC Coordinator/Nutrition Supervisor

**CONFIDENTIAL EMPLOYEES**

**Auditor-Controller Office**

Accounting Technician  
Administrative Support Technician

**County Executive Office**

Administrative Support Technician  
Assistant County Executive Officer  
County Executive Officer  
Deputy County Executive Officer  
Executive Assistant-CEO  
Management Analyst I  
Management Analyst II  
Management Analyst III  
Secretary  
Senior Office Assistant  
Staff Services Analyst I

**Clerk of the Board**

Board Clerk I/II  
Administrative Manager/Clerk of the Board  
Deputy Clerk of the Board  
Secretary

**County Counsel's Office**

Assistant County Counsel  
County Counsel  
County Privacy Officer  
Deputy County Counsel I, II, III, IV  
Legal Secretary I  
Legal Secretary II  
Paralegal  
Supervising Legal Administrative Specialist

**Housing and Intergovernmental Affairs**

Staff Assistant – BOS  
Staff Services Analyst II

**Human Resources Division**

Benefits Technician

**CONFIDENTIAL EMPLOYEES** (continued)

Deputy Director, Employment and Compensation  
Deputy Director, Labor Relations  
Human Resources Analyst Senior/II/I  
Human Resources Information Systems Analyst  
Senior Office Assistant  
Supervising Office Assistant

**Information Technology Division**

Information System Specialist I/II/Senior

**Sheriff Department**

Administrative Secretary I