

RESOLUTION NO. - _____

**A RESOLUTION OF THE BOARD OF SUPERVISORS,
APPROVING THE NAPA COUNTY PROFESSIONAL PROBATION ASSOCIATION
(NCPA) PETITION'S FOR MODIFICATION ESTABLISHING A NON-
SUPERVISORY PROBATION UNIT AND A SUPERVISORY UNIT**

WHEREAS, on December 3, 2019, Napa County Professional Probation Association (NCPA), a registered employee organization, submitted a petition for unit modifications, establishing a Non-supervisory Probation unit and a Probation Supervisory Unit; and

WHEREAS, although Service Employees International Union, local 1021, initially was challenging the Unit Modifications, on January 6, 2022, it withdrew its challenge; and

WHEREAS, on January 27, 2022, the Napa County Employees Relations Panel (ERP) held an evidentiary hearing to determine if it would recommend approval of the Unit Modification Petitions to the Board of Supervisors; and

WHEREAS, on January 27, 2022, the ERP voted unanimously to approve the Petitions for Unit Modification for establishment of Non-Supervisory Probation Representation Unit and a Supervisory Representation Unit; and

WHEREAS, on February 10, 2022; the ERP adopted a written opinion supporting its recommendation; and

WHEREAS, attached hereto as Exhibit "A" is a true and correct copy of the ERP's opinion; and

WHEREAS, pursuant to Napa County Policy 37A, Article IX, if the Board of Supervisors approves the unit modifications; an election must be conducted in the manner directed by Napa County Policy 37A, Article XIII.

NOW, THEREFORE, BE IT RESOLVED the Napa County Board of Supervisors Board adopts the Panel's recommendation and hereby by approves the following:

1. The Board adopts the ERP's recommendation to approve NCPA's Petition for Unit Modification to establish a Non-Supervisory Probation Representation Unit consisting of probation officers and juvenile hall staff; and
2. The Board adopts the ERP's recommendation to approve NCPA's Petition for Unit Modification to establish a Supervisory Representation Probation Unit consisting of supervisory probation officers and supervisory juvenile hall staff; and
3. The Board determines that a representation election for the Non-Supervisory Probation Unit should be conducted pursuant to Policy 37A Article IX; and

4. The Board determines that a representation election for the Supervisory Probation Unit should be conducted pursuant to Policy 37A Article IX; and
5. The Unit Modifications shall be effective as of the date of this Resolution

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY adopted at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the 1st day of March 2021, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSENT: SUPERVISORS _____

 RYAN GREGORY, Chair of the Board of
 Supervisors

APPROVED AS TO FORM Office of County Counsel By: <u>Susan Altman</u> Deputy County Counsel Date: <u>2/16/2022</u>	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ _____ Deputy Clerk of the Board	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors By: _____
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**NAPA COUNTY EMPLOYEE RELATIONS PANEL OPINION RECOMMENDING
APPROVAL OF NAPA COUNTY PROBATION PROFESSIONALS ASSOCIATION'S
DECEMBER 3, 2019 PETITIONS FOR MODIFICATION TO ESTABLISH A NON-
SUPERVISORY PROBATION UNIT AND A SUPERVISORY PROBATION UNIT**

Introduction

On December 3, 2019, Napa County Probation Professionals Association's (NCPA) submitted Petitions for Unit Modifications, for a Probation Supervisory Unit and Non-Supervisory Unit. On January 27, 2022, the Employee Relations Panel ("Panel") held an evidentiary hearing to determine whether the County's current representation units should be modified. Currently, the affected employees are members of the Public Services Employee Unit and Public Services Employee Supervisory Unit. Napa County Deputy Sheriffs Association (DSA), another Napa County employee representative organization, has two units, one comprised of Deputy Sheriffs and District Attorney Investigators and a second supervisory unit comprised of Sergeants and Supervising District Attorney Investigators. Originally Service Employees International Union, Local 1021 (SEIU) was contesting the Unit Modifications but on January 6, 2022, SEIU withdrew its challenge.

Unit Modification Procedure

Pursuant to Napa County Policy 37A, Article XI Sections (e) and (f), the Panel conducts a hearing to receive evidence supporting or opposing a unit modification petition and makes a recommendation to the Board of Supervisors ("Board") as to the appropriate representation unit. The Panel then transmits its recommendation and a written transcript of the hearing to the Board within 20 working days of the hearing.

Standards for Unit Modification

Napa County Policy 37A Article IX states the ultimate goal, when determining representation units is to establish the *minimum number of units consistent with good employee relations*. The Policy then lays out the considerations for Unit Modification. The Policy states that the primary consideration for determining if a representation unit should be established is considering if the representation unit is the largest feasible group of employees that have a community interest. The reason for this consideration is to minimize the fragmentation of employee representation. Attached hereto and incorporated herein is Napa County Policy 37A Article IX.

Presentation of Evidence

The Panel heard testimony from NCPA and its proposed members. The testimony demonstrated that Probation officers and Juvenile Hall staff have a community of interests that are unique. NCPA presented evidence that Probation Officers and Juvenile Hall staff have been impacted by legislation that has changed their duties and the nature of the clients they serve. They offered evidence demonstrating that Probation Officers and Juvenile Hall staff interests' need to be represented by an organization that has expertise in their particular field. Pursuant to Government Code Section

3508, peace officers are entitled to be in units consisting of only peace officers, but NCPPA argues that unlike the deputy sheriffs, who are peace officers pursuant to Penal Code Section 830.1, Probation Officers and Juvenile Hall staff are peace officers pursuant to 830.S(a) and 830.5(6) respectively, and that differentiates their interests. NCPAA is seeking modification of two units, a Non-Supervisory and Supervisory Unit. This request is consistent with Napa County Employer-Employee Relations Policy 37A. As stated above, the Petitions were not contested and no other interested parties testified or offered documentary evidence.

Conclusion

At the January 27, 2022 Panel Hearing, NCPPA presented evidence in support of its Petition for Unit Modifications to create a Non-Supervisory Probation Unit and a Supervisory Probation Unit. The Petitions were unchallenged. Reviewing the evidence presented at the hearing, information in its Petition and using the criteria in Napa County Employer Relations Policy 37A, the Panel is recommending the Board of Supervisors approve NCPPA's Petitions for Unit Modification for both units, a Non-Supervisory Probation Unit and a Supervisory Probation Unit.

THE FOREGOING OPINION was adopted at a regular meeting of the Employee Relations Panel for Napa County held on the 10th day of February 2022 by the following vote:

AYES: PANEL MEMBERS Sabrina Bucklin, John Evans, Greg Engel, Charles Sarnick

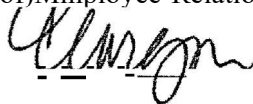
NOES: PANEL MEMBERS

ABSENT: PANEL MEMBERS

Paul Renne
Chair Employee Relations Panel

ATTEST: Erlinda Cargan
Clerk of Employee Relations Panel

By:



APPROVED AS TO FORM

Office of County Counsel

By: Susmita B. Altman, Deputy
(by-signature)

Date: February 9, 2022.