



Napa County

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Legislation Text

File #: 22-366, **Version:** 1

TO: Board of Supervisors

FROM: Christine Briceño - Director of Human Resources on behalf of the Napa County Employee Relations Panel

REPORT BY: Kevin Lemieux - Staff Services Manager

SUBJECT: Resolution Adopting Napa County Employee Relations Panel's Recommendation to Create a Non-Supervisory Probation Bargaining Unit and a Supervisory Probation Bargaining Unit, and Directing a Representation Election for both Units

RECOMMENDATION

Director of Human Resources, on behalf of the Napa County Employee Relations Panel (ERP), requests adoption of a Resolution enacting the ERP's recommendation to create a Non-Supervisory Probation Bargaining Unit and a Supervisory Bargaining Unit and directs that a representation election be conducted for both units.

EXECUTIVE SUMMARY

If approved, the requested action creates a new bargaining unit consisting of non-supervisory Probation Officers and Juvenile Hall staff, and a second unit consisting of supervisory Probation Officers and Juvenile Hall staff.

After conducting an evidentiary hearing on January 27, 2022, the Napa County Employee Relations Panel (ERP) is recommending the creation of both representation units. Neither the Napa County Deputy Sheriff's Association (DSA), nor Service Employee International Union, Local 1021 (SEIU) are currently challenging the creation of the representation units. If the Board decides to create the two new units, they must call for an election to determine representation of each unit.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

On December 3, 2019, the Napa County Probation Professionals Association (NCPA) submitted Petitions for Unit Modifications, for a Probation Supervisory Unit and Non-Supervisory Unit. On January 27, 2022, the Napa County Employee Relations Panel (ERP) held an Evidentiary Hearing to determine whether the County's current representation units should be modified.

Currently, the affected employees are members of the Service Employee International Union, Local 1021 Units. 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, SEIU was challenging the unit modifications, but on January 6, 2022, SEIU withdrew its challenge.

Napa County Policy Manual, Part I, Section 37A, Article IX states that the ultimate goal when determining representation units is to establish the minimum number of units consistent with good employee relations. The ERP 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 were 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 NCPA 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 830.5(a) and 830.5(b) respectively, and that differentiates their interests.

NCPA is seeking modification of two units, a Non-Supervisory Unit and a Supervisory Unit. The unit modifications are consistent with Napa County Policy Manual, Part I, Section 37A, Article IX, therefore the ERP voted unanimously to recommend unit modification for both units, a Non-Supervisory Probation Unit and a Supervisory Probation Unit to the Board of Supervisors. If the Board accepts the ERP recommendations, it must direct that a representation election be conducted for both units.