

EMPLOYER-EMPLOYEE RELATIONS POLICY

SECTION I. TITLE OF RESOLUTION

This resolution shall be known as the Employer-Employee Relations Policy of San Mateo County.

SECTION II. STATEMENT OF PURPOSE

The purpose of this resolution is to promote full communication between the County and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the County and its employees and their employee organizations. It is also the purpose of this resolution to promote the improvement of personnel management and employer-employee relations within the County government by providing a uniform basis for recognizing the right of County employees to join employee organizations of their own choice and to be represented by such organizations in their employment relationships with the County. Nothing contained herein shall be deemed to supersede the provisions of the County Charter or Ordinances or the Civil Service Rules established and regulating the County Civil Service system.

SECTION III. DEFINITIONS

The following shall have the meaning indicated when used in connection with this resolution:

- A. CONFIDENTIAL EMPLOYEE - An employee who assists and/or acts in a confidential capacity to persons who formulate, determine and/or effectuate management policies in the field of labor relations.
- B. CONSULT - verbal or written communications for the purpose of presenting and obtaining views or advising of intended actions on matters within the scope of representation.
- C. COUNTY - the County of San Mateo, a political sub-division of the State of California, The Board of Supervisors, or any duly authorized management representative.
- D. DAYS - calendar days.
- E. EMPLOYEE - any person employed by the County in an authorized position as listed in the current salary ordinance except elected officers.
- F. EMPLOYEE ORGANIZATION - any lawful organization which includes as members employees of the County and which has as one of its purposes representation of such employees in their relations with the County.
- G. EMPLOYEE RELATIONS - the relationship between the County and its employees and their employee organizations, or when used in a general sense, the relationship between management and employees or employee organizations.

- H. FACT FINDING - the investigation by one or more impartial fact-finders to identify the major issues in a particular dispute, review the positions of the parties, make findings of fact on the issue in dispute, and, when requested by both parties, to make advisory recommendations for settlement by the parties involved in the dispute.
- I. GRIEVANCE - for represented employees covered by memorandum of understanding with a grievance procedure, any dispute involving the application or interpretation of the provisions of that memorandum of understanding between the employee organization and the County. For all other employees, any dispute which involves the interpretation or application of those rules, regulations and resolutions which have been, or may hereafter be, adopted by the Board of Supervisors to govern human resources practices and working conditions, including such rules, regulations and resolutions as may be adopted by either the Board of Supervisors or the Civil Service Commission.
- J. IMPASSE - a deadlock in negotiations between a recognized employee organization and the County concerning matters about which they are required to meet and confer in good faith.
- K. MANAGEMENT EMPLOYEE - any employee having significant responsibility for formulating, administering or managing the implementation of County policies or programs or having responsibility for directing the work of subordinates through lower level supervision.
- L. MANAGEMENT REPRESENTATIVE - the County Manager, or any person or organization duly authorized by the County Manager to represent the County in employer-employee relations.
- M. MEDIATION - the efforts of an impartial third person or persons, functioning as an intermediary, to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestion, and advice.
- N. NEGOTIATE - meet and confer in good faith.
- O. PROFESSIONAL EMPLOYEES - 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.
- P. PROOF OF EMPLOYEE APPROVAL - when used herein means that the employee organization submitting a petition to the Human Resources Director has demonstrated proof of approval by the employees whom it purports to represent by means of any one or any combination of the following:
 - 1. Signed and dated signatures on a petition.
 - 2. Signed and dated employee authorization forms.
 - 3. Documented evidence of current dues-paying employee organization membership, or payroll dues deductions using the payroll period immediately prior to the date the petition is filed.

For purposes of (1) and (2) above, only signatures of employees currently employed in permanent positions within the proposed representation unit on the date the petition is filed and whose signatures have been executed within one hundred eighty (180) calendar days prior to the date the petition is filed, shall be accepted as proof of employee approval.

The total number of employees in a proposed representation unit shall be determined by using the County salary ordinance, adjusted to reflect the positions occupied as of the date of the petition.

- Q. RECOGNIZED EMPLOYEE ORGANIZATION - shall mean a registered employee organization which has been certified in accordance with Section 12 of this resolution.
- R. REGISTERED EMPLOYEE ORGANIZATION - an employee organization which has been registered with the Human Resources Director as provided in Section 7 of this resolution.
- S. REPRESENTATION UNIT - a unit composed of County employees for the purpose of employee representation, and which has been established in accordance with Section 9 of this resolution.
- T. SCOPE OF REPRESENTATION - all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, except however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.
- U. SUPERVISORY EMPLOYEE - any employee having authority, 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 merely of a routine or clerical nature, but requires the use of independent judgment.

SECTION IV. EMPLOYEE RIGHTS

Employees of the County 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 of the County also shall have the right to refuse to join or participate in the activities of employee organizations, provided, however, that during meet-and-confer sessions with the County, an employee filling a position allocated to a specific representation unit may be represented only by that recognized employee organization certified to represent that specific unit.

SECTION V. COUNTY RIGHTS

The County retains the exclusive right to determine the methods, means, and personnel by which County government operations are to be conducted, to determine the mission of each of its constituent departments, boards, and commissions, as well as to set standards of service to be offered to the public. It also retains the right to administer the Civil Service system, to classify positions, add or delete positions or classes to or from the salary ordinance; to establish standards for employment, promotion, and transfer of employees; to direct its employees, take disciplinary action for proper cause, to schedule work and to relieve its employees from duty because of lack of work or other legitimate reasons. The exercise of County rights does not preclude employees or registered employee organizations from consulting with County representatives or raising grievances on decisions which affect wages, hours, and other terms and conditions of employment.

The County reserves the right to take whatever action may be necessary in an emergency situation, however, a recognized employee organization affected by the action shall be promptly notified.

Any questions regarding the interpretation of this section or Section 4 which cannot be resolved between employee and management representatives shall, upon request by either party involved, be referred by the Human Resources Director for hearing and final determination either to the Board of Supervisors or the Civil Service Commission, depending upon which body has authority over the matter in dispute.

SECTION VI. SCOPE OF CONSULTATION AND NEGOTIATION

- A. All matters affecting employee relations, including those that are not subject to negotiations, are subject to consultation between management representatives and representatives of registered employee organizations.
- B. The scope of negotiation between management representatives and the representatives of recognized employee organizations includes wages, hours, and other terms and conditions of employment affecting the employee representation unit, or units represented by the employee organization with which the County is meeting and conferring at the time.

SECTION VII. REQUIREMENTS FOR REGISTRATION OF EMPLOYEE ORGANIZATIONS

An organization which wishes to be registered as an employee organization shall submit to the Human Resources Director a request signed by a duly authorized officer of the organization and containing the following information:

- A. Name and address of the employee organization.
- B. Names and titles of its officers, as well as designation of the officials authorized to act as representatives of the organization in employer-employee relations with the County.
- C. A statement of whether or not the organization is a chapter or local of, or affiliated with a regional, state, national or international organization, and, if so, the name and address of each such regional, state, national or international organization.

- D. A statement that the organization includes employees of the County along with proof that at least one of these employees is a member and has designated the organization to represent him/her. Proof of employee approval which must be supplied is defined in Section 3 of this resolution. The subsection does not apply to employee organizations which are receiving dues deduction through County payroll.
- E. A certified copy of the organization's constitution and/or by-laws and, if not contained in the constitution or by-laws, a statement that the organization has, as one of its purposes, representation of County employees in their employer-employee relations.
- F. A designation of the names and addresses of no more than three persons to whom notices sent by regular United States mail will be deemed sufficient notice to the organization for all purposes.
- G. A statement that the organization recognizes Government Code Section 3509.
- H. A statement that the organization has no restriction on membership based on race, color, religion, national origin, sex or handicap.
- I. A statement that the organization agrees to abide by all of the provisions of this resolution except that this shall not preclude the right of the organization to challenge by court action any provisions it deems to be invalid.

SECTION VIII. REGISTRATION OF EMPLOYEE ORGANIZATION

- A. Upon receipt of all the information required by Section 7 of this resolution the Human Resources Director shall notify the organization that it has been duly registered as an employee organization. A copy of this notice shall be filed with the Civil Service Commission and with the Board of Supervisors.
- B. The County is under no obligation to consult with employee organizations which do not satisfactorily comply with the requirements of Section 7, and subsection 8c.
- C. A registered employee organization shall report in writing to the Human Resources Director within ten days any changes in the facts submitted pursuant to Section 7. When an employee organization which has been registered in accordance with this resolution no longer is designated by any County employees as their representative, the organization shall promptly notify the Human Resources Director who will thereupon terminate the organization's registration. Following initial registration the Human Resources Director may require verification of proof that an organization continues to represent one or more employees of the County.

SECTION IX. ESTABLISHMENT OF REPRESENTATION UNITS

All classifications for which recognition of an employee organization might be appropriate have been assigned to representation units which may be modified as herein provided. Whenever a new classification is adopted the Civil Service commission shall, if appropriate, allocate it to a representation unit after considering the matter as an agenda item at a regular public meeting. A routine title change of an existing classification is not subject to this provision.

SECTION X. MODIFICATION OF REPRESENTATION UNITS

- A. A registered employee organization may request the modification of an established representation unit by submitting to the Human Resources Director a petition accompanied by proof of employee approval of the proposed modification signed by not less than 60% of those employees who, if the proposed modification should be granted, would be moved from one representation unit to another. A unit modification request may not be submitted until at least 36 months have elapsed from the most recent date of certification of the unit from which positions would be removed. Such requests shall be processed only if filed no sooner than 135 and no later than 105 calendar days before the expiration of the then current memorandum of understanding or agreement covering one or more positions which would be removed. All petitions for modified units shall be accompanied by a list of all classifications to be included in the modified unit, the number of employees in each classification, and the divisions and departments to which they belong.
- B. Notwithstanding any other provisions of this resolution, the County may petition for modification of a representation unit at any time that it appears to the County Manager or the Human Resources Director that such an action is warranted because of substantial changes in County functions, organizational structure or classifications.
- C. The Human Resources Director shall give notice of the request for modification of an established representation unit to the employees who would be affected by the proposed modification, to the employee organization which is then certified as the representative of the unit from which one or more positions would be transferred, and to any registered employee organization that has filed a written request for such notice. The Human Resources Director shall give such notice within five working days following receipt of the request.
- D. All petitions for modification of units shall be set for hearing before the Civil Service Commission, which shall make the final determination on the appropriateness of all units. In making such determination, the Commission shall not be limited to consideration of the unit or units requested, provided, however, that if the Commission is considering the establishment of a representation unit other than one described in a petition, the following procedure shall be followed:
 1. The Commission shall set a date when it will act on establishing the representation unit or units, and shall direct the Human Resources Director to cause timely notice of the date and purposes of said hearing to be given to all employees whose removal is being considered, and to all registered employee organizations.
 2. At the time set for the hearing, the Commission shall afford all persons present an opportunity to be heard on the question of establishing the representation unit or units which were not described in a petition or petitions.
 3. After all persons who wish to be heard on the matter have been afforded an opportunity to be heard, the Commission shall render its decision on establishing the representation unit or units.

- E. If, in the opinion of the County Manager or the Human Resources Director a decision of the Civil Service Commission has the result of moving from one representation unit to another a sufficient number of employees to possibly affect the representative status of the recognized employee organization representing the unit from which or to which such employees were transferred, a secret ballot election shall be held to determine the wishes of the employees remaining in the unit from which or to which other employees were transferred as to the employee organization to represent the units from which or to which these employees were transferred. Any registered employee organization may be listed on said secret ballot if that organization has petitioned for a place on said ballot and submitted proof to the Human Resources Director (as defined in subsection 3. P) signed by at least 30% of the employees in the unit. The ballot submitted to said employees shall include a no representative organization choice.
- F. Notwithstanding any other provisions of this resolution, should the decision of the Civil Service Commission have the result of moving some employees from one representation unit to another, and should the Human Resources Director believe that such a decision raises a question concerning the continuing representative status of any recognized employee organization, the Human Resources Director shall so advise the County Manager. The County Manager shall designate a representative, other than the Human Resources Director, to meet with the recognized employee organization for the purpose of investigating whether or not a substantial question of representation exists. If, on the basis of such investigation, the County Manager concludes that a substantial question of representation exists, he/she may direct that an election be held in either the unit from which employees were moved or in the unit to which employees were moved; or both units for the purpose of determining employee's wishes concerning the employee organization to represent them. The choice shall be by secret ballot and any registered employee organization may be listed thereon if it has petitioned for a place on said ballot and submitted proof, as described in subsection e above. The ballots submitted to the employees shall include a no representative organization choice.
- G. Should the decision of the Civil Service Commission have the result of moving some employees from one representation unit to another, such employees will continue to work at the rate of pay, and under the same terms and conditions of employment which they had in the unit from which they were transferred until the memorandum of understanding for the unit from which they were transferred shall expire.

SECTION XI. CRITERIA FOR ESTABLISHING AND MODIFYING REPRESENTATION UNITS

In determining the appropriate employee representation units the following factors, among others, shall be considered:

- A. Minimizing fragmentation of units by achieving the largest feasible group of employees having a community of interest.
- B. The effect of the proposed unit on the efficient operation of County services and employee relations.
- C. The history of employee relations in the unit, among other employees in the County, and in similar public employment and private industry.
- D. Similarity of duties, skills, wages and working conditions of employees.

- E. Whether management officials at the level of the unit have the power to agree or to make effective recommendations to other administrative authority, to the Civil Service Commission, or to the Board of Supervisors with respect to wages, hours, and other terms and conditions of employment subject to negotiation.
- F. The effect on the existing classification structure of dividing a single classification among two or more units.
- G. Professional employees shall not be denied the right to be represented separately from non-professional employees by a professional employee organization consisting of such employees.
- H. Management and confidential employees shall not be included in the same unit with non-management or non-confidential employees. Supervisory employees and non-supervisory employees may be included in the same unit. Supervisory employees shall not represent a recognized employee organization in negotiating with management representatives where conflict of interest may occur as determined by the County Manager, subject to appeal to the Civil Service Commission.

SECTION XII. CERTIFICATION AND DECERTIFICATION OF A RECOGNIZED EMPLOYEE ORGANIZATION

A. CERTIFICATION AS THE RECOGNIZED EMPLOYEE ORGANIZATION FOR A BARGAINING UNIT WHICH CURRENTLY HAS NO RECOGNIZED EMPLOYEE ORGANIZATION.

1. A registered employee organization which seeks certification as the recognized employee organization for a representation unit which is currently unrepresented, shall file a petition with the Human Resources Director ("Director"). The petition shall be accompanied by proof, as defined in Section III P, that the organization represents at least 30% of the employees in the representation unit. The Director shall give notice of any request for certification to the employees in the unit and to any registered employee organization that has filed a written request for such notice. The Director shall give such notice within ten (10) working days following receipt of the request.
2. Upon determining that the petitioning employee organization represents at least 30% of the employees in the representation unit, the Director shall notify any registered employee organization which has requested such notice and shall arrange for a secret ballot election to ascertain the free choice of a majority of the employees in the representation unit in accordance with Section XIIC

B. DECERTIFICATION OF A RECOGNIZED ORGANIZATION.

1. A request for decertification of a recognized organization may not be filed within the first 36 months after said organization has been certified as the recognized employee organization within a particular bargaining unit. Thereafter, a petition to decertify a recognized employee organization may be initiated by a petition from employees within the unit or by a registered employee organization representing employees within the unit in accordance with the provisions of this Section XII.
 - a. If there is no collective bargaining agreement in effect at the time, a request for decertification may be filed at anytime after the aforementioned 36 months.

- b. If a collective bargaining agreement is in effect for the bargaining unit in question, a decertification petition shall be processed only if it is filed no sooner than 135 days and no later than 105 days before the expiration of the collective bargaining agreement. In the event a collective bargaining agreement exceeds a duration of three (3) years, a decertification petition may be filed at anytime after the 36th month of the bargaining agreement.
 - c. Once a request for decertification of a recognized organization within a particular bargaining unit has been filed, and an election held, no subsequent decertification request for that particular bargaining unit may be filed until at least twelve (12) months have elapsed from the date of the prior request for decertification and election within that particular bargaining unit. Provided, however, that in the event a collective bargaining agreement is in effect, the time for filing subsequent decertification petitions shall be governed by the provisions of paragraph (b) immediately above.
2. A petition for decertification shall be submitted to the Director and must be accompanied by proof of employee approval as defined in Section IIIP, of at least 30% of the employees within the representation unit. The Director shall give notice and arrange for a secret ballot election in the manner set forth in Section XIIC.
 3. Notwithstanding any other provisions of this Resolution, the County may seek decertification of a recognized employee organization at any time that it appears to the County Manager or the Director that such action is warranted because of substantial changes in County functions, organizational structure or classifications. In such a case the Director shall arrange for a secret ballot election in the manner provided for in Section XIIC; provided, however, that no such election shall be held until the employee organization then recognized as the representative of the unit or units involved has been given at least 60 days notice of the date which the election will be held. Any organization may be listed on said ballot if said organization petitions for a place thereon and submits proof, as defined in Section IIIP, that the employee organization represents at least 30% of the total number of employees in the representation unit or units affected by the election. The ballot shall contain a “no representation” choice.

C. ELECTIONS

1. Once the procedures described in subsections A and/or B above have been followed, the Director shall order an election be held. The registered employee organization filing the petition for certification or decertification shall be listed as one choice on the ballot and any other registered employee organization shall be shown as one choice on the ballot upon filing of a petition and presentation of proof, as defined in Section IIIP, that the organization represents at least 30% of the employees in the representation unit. Such petition for a place on the ballot must be filed within seven (7) calendar days after notice of the petition for election has been mailed by the Director to the employees. In all recognition elections the choices on the ballot shall also include a “no representative” choice. In an election where there are more than two choices on the ballot and none of the choices receives a majority of the votes cast by the employees within the representation unit, a run-off election shall be conducted between the two choices receiving the largest and second largest number of votes.

2. Employees entitled to vote in a recognition election shall be those permanent, provisional, probationary or unclassified employees in permanent positions as defined in Section III E within the representation unit who have been employees for at least fifteen days prior to the date of the election. Employees who did not work during the above described time period because of illness, vacation or authorized leave of absence, and who are otherwise eligible, shall be permitted to vote.
3. Subsequent to notification of certification as the recognized employee organization said organization shall be the exclusive representative of all the employees in such unit for purposes of meeting and conferring in good faith on matters within the scope of representation. This shall not preclude other registered employee organizations, or individual employees, from consulting with management representatives on employer-employee relations matters of concern to them.

D. NOTIFICATION-CERTIFICATION AND DECERTIFICATION

1. In the case of both certification and decertification elections of recognized employee organizations, the Director shall certify the choice of representation (if any) as indicated on the ballot, which receives a majority of the valid ballots cast by the employees in the representation unit. Notification of certification or decertification shall be made to the Board of Supervisors, the Civil Service Commission, departments concerned, employees in the unit or units being represented, challenging employee organizations, and such other persons or organizations as the Director deems appropriate.
2. The Director may refuse to certify the winner of an election as the recognized employee organization for that unit or units or may refuse to decertify a recognized employee organization if he/she concludes that the outcome of said election was affected by coercion, intimidation or gross misrepresentation in attempts to secure employees' votes. Such refusal by the Director to certify or decertify an employee organization on these grounds shall be referred to the Civil Service Commission for review at an open meeting at which all interested parties shall be afforded an opportunity to be heard. The Commission shall either require the Director to certify the results regarding certification or decertification or uphold the determination of the Director and require him/her to arrange for another election.

SECTION XIII. EXECUTIVE SESSIONS

Nothing in this resolution shall be interpreted as preventing, or limiting, the right of the Board of Supervisors or the Civil Service Commission to hold executive sessions with the County Manager, Human Resources Director, or other duly designated management representatives, prior to and during consultations and discussions with representatives of employee organizations regarding the salaries, salary schedules, or compensation paid in the form of employee benefits in order to review its position and instruct its designated representatives.

SECTION XIV. NEGOTIATIONS

- A. Only recognized employee organizations in established representation units shall be entitled to negotiate with duly designated management representatives on wages, hours, and other terms and conditions of employment for the employees in such units.
- B. Negotiations shall not be required on any subject pre-empted by Federal or State law or by County Charter, nor shall negotiations be required on Employee or County Rights defined in Sections 4 and 5. Proposed amendments to this resolution are excluded from the scope of negotiation, but shall be subject to consultation in good faith after reasonable notice.
- C. Agreements reached as a result of negotiations shall be included in a memorandum of understanding signed by the County Manager and the Human Resources Director, as well as the duly designated representatives of the recognized employee organizations. Those matters over which the Board of Supervisors has exclusive cognizance will be presented to the Board of Supervisors for approval. Those matters over which the Civil Service Commission has exclusive cognizance will be presented to the Civil Service Commission for approval. Matters requiring action by both the Board of Supervisors and the Civil Service Commission shall be presented to the Civil Service Commission first for a recommendation to the Board of Supervisors. Such memoranda of understanding shall not be binding unless approved by the appropriate governing bodies of the County and the recognized employee organization.

SECTION XV. IMPASSE PROCEDURES

Impasse procedures may be invoked only after all other attempts made by both parties to reach agreement through good faith negotiation have been unsuccessful.

- A. **Impasse Meeting:** Any party involved in the negotiation of specific issues may invoke the impasse procedure by filing with the other party (or parties) affected a written request for an impasse meeting together with a statement of its position on the disputed issues. An impasse meeting shall then be promptly scheduled by the parties involved. The purpose of such impasse meeting is to permit review of the position of all parties in a final good faith effort to reach agreement on the disputed issues.
- B. If agreement is not concluded at the impasse meeting, the parties together may mutually agree upon a method of resolving the dispute including, but not limited to, mediation or fact-finding as defined in Section 3. Unless the parties in writing mutually request them to do so, mediators or fact-finders shall make no public recommendation nor take any public position regarding the issues. All mediation and fact-finding sessions shall be conducted in private.
- C. The cost for the services of a mediator and/or fact-finder or the chair of a fact-finding panel used by the parties, and other mutually incurred costs of mediation and fact-finding, shall be borne equally by the County and the recognized employee organization. The cost for a fact-finding panel member selected by each party, and other separately incurred costs shall be borne by such party.

SECTION XVI. UNFAIR EMPLOYEE RELATIONS PRACTICES

- A. It shall be unfair employee relations practice for the County to:
1. interfere with, restrain, or coerce employees in the exercise of the rights recognized or granted in this resolution.
 2. dominate or interfere with the formation of any employee organization or contribute financial support to it, provided that the County may permit the use of County facilities, make dues deductions, and permit employees who are officers or representatives of employee organizations to confer with County officials during working hours without loss of time or pay, subject to applicable regulations.
 3. refuse to negotiate with representatives of recognized employee organizations on negotiable matters during the periods prescribed by this resolution.
 4. refuse or fail to cooperate with any duly designated mediator.
- B. It shall be unfair employee relations practices for employees or employee organizations or their agents to:
1. interfere with, restrain, or coerce employees in the exercise of the rights recognized or granted in this resolution.
 2. refuse to negotiate with County officials on negotiable matters when the employee organization involved has been recognized as the majority representative.
 3. refuse or fail to cooperate with any duly designated mediator.
- C. Charges of violations of this section or of this resolution may be initiated by management or any employee organization. Such charge shall be filed in writing with the Civil Service Commission. Each charge so filed shall be processed in accordance with the rules and regulations of the Commission.
1. If the Commission's decision is that the County has engaged in an unfair employee relations practice, the Commission shall recommend to the Board of Supervisors that it take appropriate corrective action. The Board of Supervisors shall act on the Commission's recommendation within 30 days.
 2. If the decision is that an employee or employee organization or its agents, has engaged in an unfair employee relations practice, the Commission shall request the offending party to take appropriate corrective action. If compliance with the Commission's request is not obtained within 30 days the Commission shall request the Human Resources Director, the County Manager or the Board of Supervisors to take appropriate action.

SECTION XVII. GRIEVANCES

- A. All employees of the County are free to present grievances. They are guaranteed freedom from discrimination, coercion, restraints or reprisals.
- B. The grievances of any employees in representation units covered by a memorandum of understanding which includes a grievance procedure shall be processed according to that procedure.
- C. Supervisory employees shall not represent non-supervisory employees in a grievance procedure where such activity might result in a conflict of interest.

SECTION XVIII. ADVANCE NOTICE TO REGISTERED EMPLOYEE ORGANIZATIONS

- A. Except in cases of emergency as provided in subsection b of this section each registered employee organization affected shall be given reasonable advance written notice of any ordinance, resolution, rule or regulation directly relating to matters within the scope of representation proposed to be adopted by the County and shall be given the opportunity to meet with the appropriate management representatives prior to adoption.
- B. In cases of emergency when the foregoing procedure is not practical or in the best public interest, the County may adopt or put into practice immediately such measures as are required. At the earliest practicable date thereafter the registered employee organizations shall be provided with the notice described in para graph a above and be given an opportunity to meet with the appropriate management representatives.

SECTION XIX. ATTENDANCE AT MEETINGS BY EMPLOYEES

County employees who are official representatives or stewards of a recognized employee organization shall be given reasonable time off with pay to meet and confer or consult with management representatives, or to be present at hearings where matters within the scope of representation are being considered. The use of official time for this purpose shall be reasonable and shall not interfere with the performance of County services as determined by the County. Such representatives or stewards shall submit a written request for excused absence to the Human Resources Director at least two working days prior to the scheduled meeting whenever possible. Except as provided by a memorandum of understanding the number of employees excused for such purposes shall not exceed three for any one employee organization. If any employee's request for excused absence is not approved, such disapproval shall be subject to appeal to the County Manager, whose decision shall be final.

SECTION XX. USE OF COUNTY FACILITIES

A. Communication with Employees

A recognized employee organization which represents employees of a County department shall be allowed by the department use of space on available bulletin boards for communications having to do with official organization business, such as times and places of meetings, provided such use does not interfere with the needs of the department. A recognized employee organization may distribute materials to employees

within the unit it represents through County mail distribution channels if approved by the County Manager or the Human Resources Director. This privilege may be revoked in the event of abuse after the County Manager or the Human Resources Director consults with representatives of the recognized employee organization. Any representative of an employee organization shall give notice to the department head or his/her designated representative before contacting departmental employees on County facilities during the duty period of the employees, provided that solicitation for membership or other internal employee organization business shall be conducted during the non-duty hours of all employees concerned. Prearrangement for routine contact may be made, and when made shall continue until revoked.

B. County Buildings

County buildings and other facilities may be made available for use by County employees or an employee organization or their representatives in accordance with such administrative procedures as may be established by the County Manager or department heads concerned.

C. Dues Deductions

A recognized employee organization may have the regular dues of its members within a representation unit deducted from the employee's pay checks under procedures prescribed by the County Manager or the Controller for such deductions. Dues deduction shall be made only upon signed authorization from the employee on a form approved by the County, and shall continue (1) until such authorization is revoked, in writing, by the employee; or (2) until the transfer of the employee to a unit represented by another employee organization. Employees may authorize dues deductions only for the organization certified as the recognized employee organization of the unit to which such employees are assigned.

SECTION XXI. ADMINISTRATION

- A. The Human Resources Director is authorized to establish rules and procedures to carry out the intent of this resolution and has authority for the administrative interpretation of this resolution. Interpretations made by the Human Resources Director are subject to appeal to the Civil Service Commission by any employee or any registered employee organization. All elections authorized by this resolution shall be conducted by the State Conciliation Service or some other party agreed on by the County and concerned employee organizations.
- B. Notwithstanding any other provisions of this resolution, the Civil Service Commission may review and adjust any previous decisions regarding the allocation of classifications to representation units in the same manner as a new classification in accordance with Section 9.

SECTION XXII. CONSTRUCTION

- A. Nothing in this resolution shall be construed to deny any person, employee, or employee organization the rights granted by Federal or State Laws or the County Charter.
- B. The rights, powers and authority of the Board of Supervisors and Civil Service Commission and the rights of employee organizations in all matters, including the right to maintain any legal action, is not modified or restricted by this resolution.

- C. The provisions of this resolution are not intended to conflict with, nor shall they be construed in a manner inconsistent with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) as amended.

SECTION XXIII. SEPARABILITY

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 or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION XXIV. RESCISSION OF PRIOR RESOLUTION

Resolution No. 30811, adopted by this Board of Supervisors on September 19, 1972, is hereby rescinded.