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8 Representing El Dorado County Employee Relations
9 Officer

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BEFORE THE BOARD OF SUPERVISORS
COUNTY OF EL DORADO

In the Matter of the Appeal By:

**El Dorado County Deputy Sheriff's
Association**

From a Bargaining Unit Designation for
Sheriff's Security Officers Approved by the
Board of Supervisors on August 16, 2011

**EL DORADO COUNTY EMPLOYEE
RELATIONS OFFICER'S POSITION
STATEMENT**

Hearing Date: 1/15/13
Hearing Time: 2:00 p.m.
Location: 300 Fair Lane, Placerville, CA

INTRODUCTION

This matter is an appeal by the El Dorado County Deputy Sheriff's Association (DSA) from a determination that the newly created Sheriff Security Officer (SSO) classification should be placed in the General bargaining unit represented by the El Dorado County Employees Association, Public Employees Local #1. DSA argues that the newly created classification should have been placed in the Law Enforcement bargaining unit represented by DSA.

This appeal must be denied. The County's local employer-employee relations rules provide that peace officers must be placed in a bargaining unit comprised solely of peace officers. Sheriff's Security Officers are not peace officers. Penal Code section 831.4, subdivision (b), expressly states that, "A sheriff's or police security officer is not a peace officer nor a public safety officer as defined in Section

Submitted by Timothy
Yeung
at Board Hearing of 1-15-13

1
POSITION STATEMENT

#24

1 3301 of the Government Code.” Accordingly, it would not be appropriate to place Sheriff’s Security
2 Officers in the Law Enforcement bargaining unit.

3 **BACKGROUND**

4 In 2011, County Human Resources Director Allyn Bulzomi recommended the creation of a new
5 employee classification for SSO. Pursuant to his duty as the designated “Employee Relations Officer”
6 under the County’s local rules, Mr. Bulzomi recommended that the new SSO classification be placed in
7 the General bargaining unit represented by the El Dorado County Employees Association, Public
8 Employees Local #1.

9 Mr. Bulzomi’s recommendations were brought before the El Dorado County Board of
10 Supervisors (Board) for action on August 16, 2011. On that date, the Board adopted the following
11 resolutions:

12 1. **Resolution 145-2011:** Establishing the job classification, job specification, salary range and
13 bargaining unit designation for a Sheriff’s Security Officer classification. (Exhibit 1.)

14 2. **Resolution 146-2011:** Amending Personnel Allocation Resolution to delete .5 Sheriff
15 Sergeant Full Time Equivalent (FTE) positions; 5.0 Deputy Sheriff FTE’s; and add 11.0 Sheriff Security
16 Office FTE’s. (Exhibit 2.)

17 **APPEAL BY DEPUTY SHERIFF’S ASSOCIATION**

18 On August 27, 2012, the DSA filed an appeal over the Board’s decision to place the SSO
19 classification in the General bargaining unit. (Exhibit 3.) The grounds for the appeal are that:

20 1. The County did not complete a classification study mentioned in County Personnel
21 Management Resolution 303, which states:

22 303. ALLOCATION OF POSITIONS. Each position shall be allocated
23 to the class into which the duties and responsibilities of the position most
24 nearly fit, as determined by classification study.

25 2. The County did not publicize its decision to place the SSO classification in the General
26 bargaining unit, which deprived DSA of its right to appeal the decision. DSA cites to Board resolution
27 No. 10-83, Section 8, subdivision (e), and Section 9, subdivision j, which state:

1 The Employee Relations Officer shall, after notice and consultation with
2 affected employee organizations, allocate new classification or positions . .
3 . from units in accordance with the provisions of this section. (Section 8,
4 subd. (e).)

5 ...

6 Following adoption of this Resolution, the Employee Relations Officer
7 shall, in consultation with Recognized Employee Organizations, allocate
8 all position classifications to a bargaining unit. Final approval of the
9 allocation shall be made by the Board of Supervisors. (Section 9, subd.
10 (j).)

11 RESPONSE TO APPEAL

12 The County's Employee Relations Officer (ERO) responds as follows to DSA's appeal:

13 1. Classification Study:

- 14 • Personnel Management Resolution 303 is not part of Board Resolution 10-83. Therefore
15 DSA cannot "appeal" a purported violation of Personnel Management Resolution 303 in
16 this proceeding.
- 17 • DSA ignores Personnel Management Resolution 304, which states:
18 "REALLOCATION AND RECLASSIFICATION OF POSITIONS. In
19 the event that the duties and responsibilities of a position become so
20 altered that the position does not fit into the classification to which it was
21 originally allocated, the Personnel Director may recommend the
22 reallocation or reclassification of the position to an appropriate
23 classification to the Board of Supervisors. **The Board of Supervisors**
24 **decision is final.**" (See Exhibit 4 (emphasis added).)
- 25 • Even if DSA could raise this issue in this appeal, the County did conduct a classification
26 study by surveying various counties on the use of SSO's and the salaries provided for
27 such positions.

- Penal Code section 831.4, subdivision (b), expressly states that SSO's are not peace officers. Board Resolution 10-83 expressly states that peace officers shall be placed in a unit comprised solely of peace officers. Therefore, notwithstanding any classification study, it would have been inappropriate to place SSO's in the Law Enforcement Unit represented by the DSA.

2. Lack of Publicity of Decision

- Notably, DSA does not allege that it did not actually know about the County's action. The appeal merely alleges that the County did not publicize the issue to all employee organizations.
- With respect to actual knowledge, the ERO believes that members of the DSA knew about the creation of the SSO position in June 2011. In addition, it is believed that members of the DSA were in attendance during the Board meeting on August 16, 2011.
- With respect to DSA's ability to appeal, DSA suffered no harm as it was in fact able to file the present appeal and obtain this hearing.
- As for notice to affected employee organizations, the County did notify and work closely with the El Dorado County Employees Association, Public Employees Local #1.
- As for DSA, it should be noted that the work performed by SSO's was previously performed by extra help employees, primarily Deputy Sheriff retired annuitants, who are not in the Law Enforcement bargaining unit. Therefore any effect on DSA was de minimus.¹

THE BOARD'S DETERMINATION MUST BE AFFIRMED

The appeal by DSA appears to be based solely on technical grounds and fails to address the key issue in this matter. DSA cannot dispute that the County's local rules (Board Resolution 10-83, Section 8) expressly requires that "peace officers shall be in a unit consisting solely of peace officer..." (Exhibit 5.) Further, DSA cannot dispute that Penal Code section 831.4, which provides the authority to the SSO

¹ No members of DSA lost their jobs as a result of the County's action. The Deputy Sheriff positions that were eliminated were vacant.

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position, expressly provides that, "A sheriff's or police security officer is not a peace officer nor a public safety officer as defined in Section 3301 of the Government Code." (Exhibit 6.)

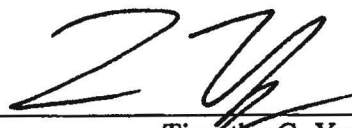
By this appeal, DSA seeks to include a classification in the Law Enforcement bargaining unit defined by law as a non-peace officer position. This is inappropriate and would violate the County's local rules. Accordingly, it is respectfully requested that the Board deny this appeal.

OTHER ISSUES RAISED BY DSA

It should be noted that DSA has filed an action in Superior Court alleging that the County violated its collective bargaining obligations under the Meyers-Milias-Brown Act when it created the SSO classification. Specifically, DSA alleges that the County improperly failed to "meet and confer" with DSA regarding the creation of the SSO positions. These allegations will be litigated as part of the court action and are not appropriately at issue in this appeal.

Dated: January 14, 2013

RENNE SLOAN HOLTZMAN SAKAI LLP

By: 

Timothy G. Yeung
Attorneys for
COUNTY OF EL DORADO EMPLOYEE
RELATIONS OFFICER

Exhibit 1



RESOLUTION NO. 145-2011

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS, the Sheriff has determined the addition of a 'Sheriff's Security Officer' is warranted within the Sheriff's Office; and

WHEREAS, the Sheriff has determined that the work to be performed does not closely correspond with current County classifications; and

WHEREAS, the Sheriff is recommending the creation of a 'Sheriff's Security Officer' position; and

WHEREAS, the Sheriff has determined the position of 'Sheriff's Security Officer' will be a non-sworn position;

WHEREAS, the Chief Administrative Office, Human Resources and Public Employees, Local #1 have reviewed and agree with this recommendation; and

WHEREAS, in accordance with Section 202 of the El Dorado County Compensation Administration Resolution #227-84 applicable to represented employees, and Section 501 of the Salary and Benefits Resolution #323-2001, as amended, the Board of Supervisors shall by Resolution establish the salary for all authorized positions within the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of El Dorado approves and adopts the salary range for Sheriff's Security Officer as listed below:

Class Number	Class Title	Step 1	Step 2	Step 3	Step 4	Step 5	Bargaining Unit
5512	Sheriff's Security Officer	\$20.17	\$21.18	\$22.24	\$23.35	\$24.52	GE
		\$3,496	\$3,671	\$3,855	\$4,047	\$4,250	

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 16th day of August, 2011, by the following vote of said Board:

Ayes: Briggs, Sweeney, Knight, Nutting

Noes: None

Absent: Santiago

Attest:

Suzanne Allen de Sanchez
Clerk of the Board of Supervisors

By:

Marci MacLeland
Deputy Clerk

Raymond J. Nutting
Chair, Board of Supervisors

Raymond J. Nutting

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

Attest: Suzanne Allen de Sanchez, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____ Date: _____
Deputy Clerk

SHERIFF'S SECURITY OFFICER

DEFINITION

Under direction, enforces security; safeguards and protects County and/or contracted non-County; property, buildings, and equipment; performs limited protective work at County Courthouse buildings; performs related work as assigned.

DISTINGUISHING CHARACTERISTICS

This classification independently performs a variety of security duties, such as safety, building security, traffic and parking control, and monitoring and controlling access to assigned locations. Incumbents in this classification are non-sworn, armed, and uniformed civilian personnel. This classification is distinguished from the Deputy Sheriff I/II in that this classification may not issue citations, receive prisoners, does not have arrest powers, and does not perform active law enforcement duties.

EXAMPLES OF DUTIES (Illustrative only)

- Provides security to assigned building(s), either patrolling on foot or in a vehicle, or by being assigned to a specific post.
- Protects persons and property at assigned facility; prevents thefts, vandalism, property removal or tampering, or concealment of weapons or other prohibited material.
- Notifies proper authorities in connection with suspected criminal activity, hazardous conditions, property damage, or violations of County rules and regulations.
- Observes and reports potential hazards, including fire, building, grounds, or other safety concerns.
- May restrain or temporarily detain violators pending other law enforcement assistance or action.
- Regulates, controls, and directs the flow of traffic and parking at assigned location(s).
- Controls access to assigned location(s) by requiring proper authorization and identification. May utilize metal detectors, or other security screening devices to examine personal property for weapons or other prohibited items.
- Maintains activities log documenting any occurrences, prepares reports as necessary.
- Provides information to the public, both in person and over the phone.
- Provides basic first aid and CPR.

QUALIFICATIONS

Knowledge of:

- Procedures for buildings and grounds security.

Sheriff's Security Officer

Page 2 of 2

- o Basic law enforcement principles and techniques
- o Radio operations
- o Report writing methods and practices
- o Basic first aid and CPR
- o Safety practices and precautions dealing with the work

Skill In:

- o Following oral and written instructions and procedures
- o Communicating effectively with members of the public, coworkers, and other agencies
- o Correctly using and caring for firearms, including the ability to meet weapon qualification standards.
- o Using tact, discretion, initiative and independent judgment within established guidelines
- o Using electronic security screening equipment
- o Establishing and maintaining effective working relationships with those contacted in the course of work
- o Preparing detailed and accurate reports
- o Remaining calm and taking appropriate action in tense situations.

Minimum Qualifications:

Where college degrees and/or college course credits are required, degrees and college units must be obtained from an accredited college or university. Courses from non-accredited institutions will not be evaluated for this requirement.

Education and Experience:

Possession of a high school diploma or have proof of passing the General Education Development (GED) Test; **AND** satisfactory completion of an introductory course of training prescribed by the Commission on Peace Officer Standards and Training (P.O.S.T) as described in Penal Code Section 832 (arrest and firearms training); **AND** satisfactory completion of a course approved by the Commission on Peace Officer Standards and Training (P.O.S.T) in the carrying and use of a club or baton or possession of a valid and current baton certification issued by the State of California, Department of Consumer Affairs.

Other Requirements:

Must possess a valid driver's license. Individuals who do not meet this requirement due to physical disability will be reviewed on a case by case basis. Must be able to maintain firearms qualification. Must obtain valid CPR within one year of employment, and maintain thereafter.

NOTE: The above qualifications are typically accepted ways of obtaining the required knowledge and skills.

Exhibit 2



RESOLUTION NO. 146-2011

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS, the County of El Dorado Sheriff's Department and the El Dorado County Superior Court have determined it is more cost-effective to utilize non-sworn personnel to provide perimeter security services to the Superior Court; and

WHEREAS, the County of El Dorado Sheriff's Department has determined the appropriate classification to provide the needed services; and

WHEREAS, the County of El Dorado Sheriff's Department recommends the creation of a 'Sheriff's Security Officer' to provide the needed services;

WHEREAS, the Chief Administrative Office, Human Resources and Public Employees, Local #1 have reviewed and agree with this recommendation; and

WHEREAS, in accordance with Section 202 of the El Dorado County Compensation Administration Resolution #227-84 applicable to represented employees, the Board of Supervisors shall by Resolution specify the number and classification of all authorized persons of each department of the County.

NOW, THEREFORE, BE IT RESOLVED that the Authorized Personnel Allocation Resolution #106-2011, as amended, is hereby amended as set forth below:

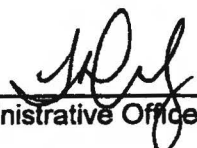
Department	Class No.	Class Title	Department Total Positions			
			Allocated	Filled	Proposed	Grand Total
Sheriff	5410	Sheriff Sergeant	26	24	-.5	25.5
	5401/5402	Deputy Sheriff I/II	129	127	-5	124
	5512	Sheriff's Security Officer	0	0	+11	11



Director of Human Resources

AUGUST 30, 2011
Date

Chief Administrative Officer confirms that the above represents the department's current and proposed allocation of positions.



Chief Administrative Officer

8/1/11
Date

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 16th day of August, 2011, by the following vote of said Board:

Ayes: Briggs, Sweeney, Knight, Nutting

Noes: None

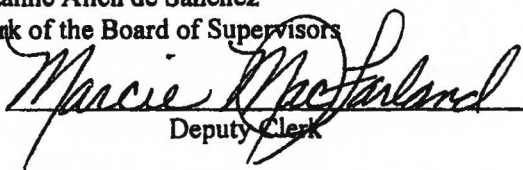
Absent: Santiago

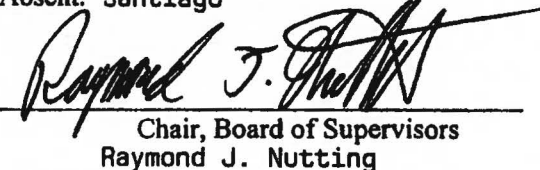
Attest:

Suzanne Allen de Sanchez

Clerk of the Board of Supervisors

By:


Deputy Clerk


Chair, Board of Supervisors
Raymond J. Nutting

I CERTIFY THAT:

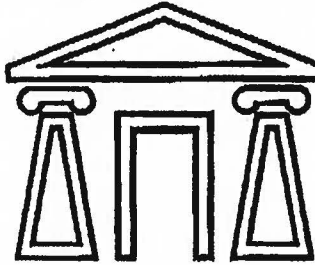
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

Attest: Suzanne Allen de Sanchez, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____ Date: _____
Deputy Clerk

Exhibit 3

MILLER & JOHNSEN
A PROFESSIONAL CORPORATION



www.mastagni.com

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STUART K. TUBBS
AMY D. SUPOR

August 27, 2012

Clerk of the Board
El Dorado County Civil Service Commission
330 Fair Lane
Placerville, California 95667
Facsimile: (530) 642-9815.

Re: Allocation of Court Security Officer Job Classification to UPE, Local 1 Bargaining Unit.

Dear Clerk of the Board:

This letter is on behalf of the El Dorado County Deputy Sheriff's Association and serves as an appeal of the County of El Dorado's determination the Court Security Officer job classification should be represented by United Public Employees, Local 1. This appeal is filed pursuant to El Dorado County Resolution 10-83, Section 11 Appeals. Section 11. Appeals states:

An employee organization or petitioning employee aggrieved by a determination of the Employee Relations Officer under Sections 4, 5, 7, 8 and 10 of this Article II may appeal such determination to the County Board of Supervisors for final decision within fifteen (15) days of notice of the Employee Relations Officer's determination. Appeals to the Board of Supervisors shall be filed in writing with the Clerk of the Board, and a copy thereof served on the Employee Relations Officer. The Board of Supervisors shall commence to consider the matter within thirty (30) days of the filing of the appeal. The Board of Supervisors may, in its discretion, refer the dispute to a third party hearing process. Any decision of the Board of Supervisors on the use of such procedure, and/or any decision of the Board of Supervisors determining the substance of the dispute shall be final and binding.

Clerk of the Board
August 27, 2012
Page 2

Violation of Personnel Rules

The County's decision to create the Court Security classification violates El Dorado County Personnel Management Resolution 303, which states "Each position shall be allocated to the class into which the duties and responsibilities of the position most nearly fit, as determined by classification study." The duties and responsibilities currently assigned to Court Security Officers most nearly fit the classification of Deputy Sheriff. Court Security Officers wear a nearly identical uniform, the only difference being a different rocker. The Court Security Officers carry a baton and a duty weapon, work the same schedule as deputies assigned to court services and perform the same duties as deputies assigned to court security. Further, it is our understanding the County failed to complete a classification study as required by the personnel rules. Accordingly, it is a violation to not allocate these positions to a Deputy Sheriff's classification and to refuse to complete a classification study.

The Court Security Officers herein mentioned are currently assigned to United Public Employees, Local 1. The County Employee Relations Officer's (ERO) decision to place court security officers in UPE, Local 1 was not made in accordance with the El Dorado County Personnel Management Resolution or the El Dorado County Board of Supervisors Resolution 10-83. The ERO's decision was not publicized, therefore affected bargaining units, such as the EDCDSA, were deprived of their right to appeal the determination. The County is obligated to advise all bargaining units of the job classification's unit designation and provide all County bargaining units an opportunity to object to the ERO's designation. It is our understanding that the County failed to notify all County bargaining units of the designation of Court Security Officers in UPE, Local 1 and similarly failed to advise all County bargaining units of their right to object to the designation. By this letter, the DSA hereby objects to the County's designation of Court Security Officers in UPE, Local 1's bargaining unit. It is the DSA's position that Court Security Officers are most similar to employees represented by the DSA and should be placed in the DSA's bargaining unit.

The ERO also violated Resolution 10-83, Section 8.e. and j which state:

The Employee Relations Officer shall, after notice and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate or delete modified classifications or positions from units in accordance with the provisions of this section. (Section 8.e.)

Following adoption of this Resolution, the Employee Relations Resolution No. 10-83 Officer shall, in consultation with Recognized Employee Organizations, allocate all position classifications to a bargaining unit. Final approval of the allocation shall be made by the Board of Supervisors. (Section 9.j)

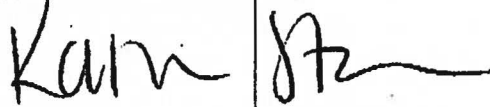
Clerk of the Board
August 27, 2012
Page 3

The ERO did not notice or consult with affected employee organizations prior to allocating the Court Security Officers to UPE, Local 1.

If you have any questions, please feel free to contact me at (916) 491-4296.

Sincerely,

**MASTAGNI, HOLSTEDT, AMICK,
MILLER & JOHNSON**



KATHLEEN N. MASTAGNI STORM
Attorney at Law

KNMS/amp

cc: Erin Hane, Employee Relations Officer
Mike Strella, Employee Relations Officer

Exhibit 4



RESOLUTION NO. 228-84

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

EL DORADO COUNTY

PERSONNEL MANAGEMENT RESOLUTION

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Part 3 - POSITION CLASSIFICATION

301. CLASSIFICATION PLAN The Personnel Office shall prepare and maintain a classification plan based on the needs of County service. The plan will provide for the allocation, reallocation, or reclassification of all positions. Specifications for each class of positions shall include:

- a. The class title.
- b. A definition of the class, indicating in terms of duties and responsibilities, the kinds of positions to be included in the class.
- c. A statement of the duties typically performed in positions allocated to the class.
- d. A statement of minimum and any additional desirable qualifications required of applicants for examination in the class, which minimum qualifications may specify education, experience, knowledges, skills, abilities, personal traits, and physical characteristics.

302. AMENDMENT OF CLASSIFICATION PLAN Existing classes of positions may be abolished and new classes may be added to the classification plan by approval of the Board of Supervisors. Revisions of existing classifications specifications may be made by the Personnel Director with the concurrence of the department head(s) where the classification is utilized.

303. ALLOCATION OF POSITIONS Each position shall be allocated to the class into which the duties and responsibilities of the position most nearly fit, as determined by classification study.

304. REALLOCATION AND RECLASSIFICATION OF POSITIONS In the event that the duties and responsibilities of a position become so altered that the position does not fit into the classification to which it was originally allocated, the Personnel Director may recommend the reallocation or reclassification of the position to an appropriate classification to the Board of Supervisors. The Board of Supervisors decision is final.

305. STATUS OF EMPLOYEES IN REALLOCATED AND RECLASSIFIED POSITIONS When a position is reallocated or reclassified to a different class, the status of the employee in such position shall be changed in accordance with the reallocation or reclassification as follows:

305.1 Reclassification to Class Having a Higher Salary:

An employee who occupies a position which is reclassified from one class to another class having a higher salary than the class to which the position was previously allocated, shall have status in the class to which reclassified as determined in accordance with these regulations.

305.2 Reallocation to Class Having the Same Salary Range as the Former Class:

An employee who occupies a position which is reallocated from one class to another class, having the same salary range as the former class, shall have status in the class to which the position has been reallocated.

305.1 Reclassification to Class Having a Lower Salary

An employee who occupies a position which is reclassified from one class to another class having a lower salary, shall have status in the class to which the position has been reclassified, and the employee's name shall be placed on a lay-off list for the class from which reclassified.

306. INTERPRETATION OF CLASS SPECIFICATIONS The following principles shall be applied in interpreting specifications for the various classes of positions:

- a. The specifications are descriptive only and are not restrictive. They are intended to indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements. Use of a particular expression or illustration shall not be held to exclude others not mentioned, if such others are similar in kind or quality.
- b. In determining the class to which any position should be allocated, the specification for each class shall be considered as a whole. Consideration is to be given to the general duties, the specific tasks, the responsibilities, the minimum qualifications, and the relationships to other classes as affording together a picture of the kinds of positions that the class is intended to include.
- c. The duties statement shall be construed as a general description of a kind of work usually performed by the incumbent of a position that is properly allocated to the class, and not as prescribing what the duties of any position shall be, nor as limiting the expressed or implied power of the authority now or hereafter vested with the right to prescribe or alter the duties of any position.
- d. The example of duties shall be construed as examples only, illustrative of the duties as outlined by the general statement. These examples are not intended to be complete or exclusive and the fact that the actual task performed by the incumbent of a position does not appear therein shall not be taken to mean that the position is necessarily excluded from the class, provided that the tasks constituting the main work or employment are duly covered by the general statement of duties. On the other hand, any one example of a typical task without relation to the general statement of duties and all other parts of the specifications shall not be construed as determining whether a position should be allocated to the class.
- e. The statement of minimum qualifications constitutes a part of the description of the kind of employment included within the class and expresses the minimum and any additional desirable qualifications expected of an appointee.

Exhibit 5



Approved By E 112-86 10-83
RESOLUTION No. 10-83

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

BE IT RESOLVED, by the Board of Supervisors of the County of El Dorado:

ARTICLE I -- GENERAL PROVISIONS

Section 1. Statement of Purpose

This Resolution implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) captioned "Local Public Employee Organizations," by providing orderly procedures for the administration of employer-employee relations between the County and its employee organizations.

It is the purpose of this Resolution to provide procedures for meeting and conferring in good faith with Recognized Employee Organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by Federal or State law. However, nothing herein shall be construed to restrict any legal or inherent exclusive County rights with respect to matters of general legislative or managerial policy, which include among others; The exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment; classify employees; direct and schedule its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of

1 Section 8. Policy and Standards for Determination
2 of Appropriate Units

3 The policy objectives in determining the appropriateness of
4 units shall be the effect of a proposed unit on (1) the efficient
5 operations of the County and its compatibility with the primary
6 responsibility of the County and its employees to effectively
7 and economically serve the public, and (2) providing employees
8 with effective representation based on recognized community of
9 interest considerations. These policy objectives require that
10 the appropriate unit shall be the broadest feasible grouping of
11 positions that share an identifiable community of interest.

12 Factors to be considered shall be:

13 a. Similarity of the general kinds of work
14 performed, types of qualifications required, and
15 the general working conditions.

16 b. History of representation in the County and
17 similar employment; except however, that no unit
18 shall be deemed to be an appropriate unit solely on
19 the basis of the extent to which employees in the
20 proposed unit have organized.

21 c. Consistency with the organizational patterns
22 of the County.

23 d. Number of employees and classifications, and
24 the effect on the administration of employer-employee
25 relations created by the fragmentation of classifi-
26 cations and proliferation of units.

27 e. Effect on the classification structure and
28 impact on the stability of the employer-employee

1 relationship of dividing a single or related classi-
2 fications among two or more units.

3 Notwithstanding the foregoing provisions of this section,
4 management and confidential employees shall not be included in
5 any unit with non-management and non-confidential employees;
6 supervisory employees shall only be included in a unit consisting
7 solely of supervisory employees; peace officers shall be in a
8 unit consisting solely of peace officers; and professional em-
9 ployees shall not be denied the right to be represented in a
10 separate unit from non-professional employees.

11 The Employee Relations Officer shall, after notice and con-
12 sultation with affected employee organizations, allocate new
13 classifications or positions, delete eliminated classifications
14 or positions, and retain, reallocate or delete modified classifi-
15 cations or positions from units in accordance with the provisions
16 of this section.

17

18 Section 9. Establishment of Bargaining Units

19 With the adoption of this Resolution, the following bargain-
20 ing units are established:

21 a. Professional Bargaining Unit: Includes
22 professional employees engaged in work requiring specialized
23 knowledge and skills attained through completion of a recognized
24 course of instruction, including, but not limited to, attorneys,
25 physicians, registered nurses, engineers, architects, teachers,
26 and the various types of physical, chemical and biological
27 scientists.

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b. Trades and Crafts Unit: Includes those classifications associated with the maintenance and operation of roads, building, bridges, equipment, airports, and similar functions requiring practical knowledge gained through experience on the job.

c. Supervisory Unit: Includes those employees (excluding Peace Officers) as defined in Article I, Section 2 hereof except those classified as confidential.

d. General Unit: Includes the broad range of line County employees who are not assigned to another bargaining unit.

e. Law Enforcement Management Unit: Includes Peace Officers assigned to management positions.

f. Law Enforcement Unit: Includes Peace Officers who are safety members of the Public Employees Retirement System.

g. Management Unit: Includes mid-level management positions (excluding Peace Officers, Confidential and appointed Department Heads or those assigned to another unit).

h. Executive Unit A: Department Heads and in some cases their top assistant.

i. Executive Unit B: Managers and Department Heads not desiring formal representation.

j. Confidential Unit: Includes those employees as defined in Article I, Section 2 hereof.

Following adoption of this Resolution, the Employee Relations

1 Officer shall, in consultation with Recognized Employee Organiza-
2 tions, allocate all position classifications to a bargaining unit.
3 Final approval of the allocation shall be made by the Board of
4 Supervisors.

5 The bargaining units established in this Resolution shall
6 become effective upon the expiration of any Memorandum of Under-
7 standing based on conflicting units.

8
9 Section 10. Procedure for Modification of
10 Established Appropriate Units

11 Requests by employee organizations for modifications of
12 established appropriate units may be considered by the Employee
13 Relations Officer only during the period specified in Section 7
14 of this Article II. Such requests shall be submitted in the
15 form of a Recognition Petition, and, in addition to the
16 requirements set forth in Section 3 of this Article, shall
17 contain a complete statement of all relevant facts and
18 citations in support of the proposed modified unit in terms
19 of the policies and standards set forth in Section 8 hereof.
20 The Employee Relations Officer shall process such petitions
21 as other Recognition Petitions under this Article II.

22 The Employee Relations Officer may on his own motion pro-
23 pose during the period specified in Section 7 of this Article,
24 that an established unit be modified. The Employee Relations
25 Officer shall give written notice of the proposed modification(s)
26 to any affected employee organization and shall hold a meeting
27 concerning the proposed modification(s), at which time all
28 affected employee organizations shall be heard. Thereafter,

Exhibit 6

CALIFORNIA CODES
PENAL CODE
SECTION 830-832.17

...

831.4. (a) (1) A sheriff's or police security officer is a public officer, employed by the sheriff of a county or police chief of a city, whose primary duty is the security of locations or facilities as directed by the sheriff or police chief. The duties of a sheriff's or police security officer shall be limited to the physical security and protection of properties owned, operated, controlled, or administered by the county or city, or any municipality or special district contracting for police services from the county or city pursuant to Section 54981 of the Government Code, or necessary duties with respect to the patrons, employees, and properties of the employing county, city, or contracting entities.

(2) In addition to the duties in paragraph (1), the duties of a security officer employed by the Chief of Police of the City of Sacramento or the Sheriff of the County of Sacramento may also include the physical security and protection of any properties owned, operated, or administered by any public agency, privately owned company, or nonprofit entity contracting for security services from the City or County of Sacramento, whose primary business supports national defense, or whose facility is qualified as a national critical infrastructure under federal law or by a federal agency, or that stores or manufactures material that, if stolen, vandalized, or otherwise compromised, may compromise national security or pose a danger to residents within the County of Sacramento. Any contract entered into pursuant to this paragraph shall provide for full reimbursement to the City or County of Sacramento of the actual costs of providing those services, as determined by the county auditor or auditor-controller, or by the city. Prior to contracting for services pursuant to this paragraph, the Sacramento County Board of Supervisors or the governing board of the City of Sacramento shall discuss the contract and the requirements of this paragraph at a duly noticed public hearing.

(b) A sheriff's or police security officer is not a peace officer nor a public safety officer as defined in Section 3301 of the Government Code. A sheriff's or police security officer may carry or possess a firearm, baton, and other safety equipment and weapons authorized by the sheriff or police chief while performing the duties authorized in this section, and under the terms and conditions specified by the sheriff or police chief. These persons may not exercise the powers of arrest of a peace officer, but may issue citations for infractions if authorized by the sheriff or police chief.

(c) Each sheriff's or police security officer shall satisfactorily complete a course of training as specified in Section 832 prior to being assigned to perform his or her duties. Nothing in this subdivision shall preclude the sheriff or police chief from requiring additional training requirements.

(d) Notwithstanding any other law, nothing in this section shall be construed to confer any authority upon any sheriff's or police security officer except while on duty, or confer any additional retirement benefits to persons employed within this classification.