

In the Matter between

COUNTY OF EL DORADO,
Employer

and

EL DORADO COUNTY EMPLOYEES ASSOCIATION,
LOCAL No. 1, Employee Organization

In a Unit Determination Proceeding
involving Confidential Employees Unit.

HEARING OFFICER'S
DECISION

February 23, 2000

APPEARANCES:

On behalf of the Employee Organization:

Chuck Egbert
Executive Director
El Dorado Co. Employees Assn., Local 1
2364 Ray Lawyer Dr, Suite 207
Placerville, CA 95667-4004
(530) 626-2565

On behalf of the Employer:

Stephen Cascioppo
Deputy Director, Human Resources
El Dorado County
330 Fair Lane
Placerville, CA 95667
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BEFORE:

Bonnie G. Bogue
Hearing Officer

Arbitrator's Case No. 58100-U-a

INTRODUCTION

This proceeding was convened for the purpose of clarifying and defining the Confidential Unit for current and future employees of El Dorado County.

The County Employee Relations Resolution, No. 10-83, in implementing the Meyers-Milias-Brown Act (Gov. Code Sec. 3500 et seq.), defines "confidential employees" in Sec. 2(c), as follows:

"Confidential Employee" means an employee, as designated by the County who, in the course of his or her duties, has access to information relating to the County's administration of employer-employee relations."

The Resolution was subsequently amended by Resolution No. 112-86, to establish bargaining units. Section 9(i) of this latter Resolution establishes the "Confidential Unit" to include employees defined as "confidential" in Sec. 2(c), quoted above. The latter Resolution also provided that, in consultation with the recognized employee organizations, the County Employee Relations Officer would allocate position classifications to the established bargaining units, subject to approval of the Board of Supervisors.

The County of El Dorado and Public Employees Local 1 agreed to submit to Bonnie G. Bogue, the undersigned Hearing Officer, the issue of the proper definition of "confidential" employee and which classifications should be included in the Confidential Unit. They presented various questions for resolution in order to clarify and define

which classifications have job duties that require employee relations confidentiality, either from past practice and/or future restructuring of County departments, and which, therefore, should be allocated to the Confidential Unit.

At a hearing on February 22, 2000, both parties presented to the Hearing Officer their positions and stated their interests concerning the designation of confidential employees. Based on those presentations and the terms of the Employee Relations Ordinance, and utilizing a med-arb process, the Hearing Officer makes the following determinations regarding the Confidential Unit.

DECISION

Under the Employee Relations Ordinance, "confidential" employees are non-managerial employees who have access to the same information relating to the employee relations function that a managerial employee does. The purpose of the Confidential Unit is to place employees who have access to such information in a separate bargaining unit, in order to protect the thought processes and the privacy of managerial decision-making as it relates to employee relations. The intent in defining the Confidential Unit is to designate only a limited number of positions as "confidential" and to organize and structure employees' job responsibilities toward that end.

The Hearing Officer determines that, in order for a position to be designated as confidential, the regular job duties of that position require the employee to have

access to confidential information that a manager has access to, information that relates to the employee relations issues of policy making, discipline, grievance handling, settlement agreements, bargaining proposals or bargaining strategy, and which is meant to be kept confidential until such time as a management decision is made regarding management's position or proposal on that issue and that position or proposal is presented at the bargaining table or to the employee.

Qualifying job duties involve aiding and assisting a department head or manager in employee investigations, processing discipline or grievances, or preparing bargaining strategy or policy formation, which includes but is not limited to typing and processing related documents. In most cases, that would call for a department head or manager to have one support person designated as confidential.

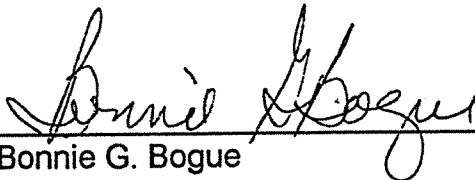
The Hearing Office determines that employees in the Information Services Department, who are not acting in the confidential function as defined above, and who do not have access to information relating to the administration of employee relations in the course of their normal duties, are not to be included in the Confidential Unit.

The Hearing Officer determines that the Assistant Clerk of the Board and one Deputy Clerk of the Board II position are properly included in the Confidential Unit, as long as the normal duties of that position meet the above definition of a confidential employee.

The Hearing Officer determines that the Legal Secretary/Analyst positions in the County Counsel's Office are properly included in the Confidential Unit.

The Hearing Officer determines that, based on the present duties of the incumbents in the payroll division of the Auditor/Controller's Office, those positions are properly included in the Confidential Unit. However, the Auditor/Controller is encouraged to restructure the duties of the payroll division so that the manager/supervisor of the unit would act as the liaison with the Human Resources/Administration regarding employee relations issues and would handle all confidential information, so that the other positions in the division would no longer perform confidential duties.

Date: 2-13-2000



Bonnie G. Bogue
Hearing Officer