# The County of El Dorado

**Human Resources Department**

*Karl Knobelauch, Director of Human Resources*

*330 Fair Lane, Placerville, CA 95667*
Phone (530) 621-5565 Fax (530) 642-9815
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January 7, 2013

Board of Supervisors
County of El Dorado
300 Fair Lane
Placerville, California 95667

Time of day corrected to 2:00pm from 3:00pm by the Clerk of the Board 1/09/13 with authorization of Karl Knobelauch, HR Director

**Re: January 15, 2013 appeal hearing on bargaining unit designation for Sheriff's Security Officers.**

Honorable Board Members,

The El Dorado County Deputy Sheriff's Association (DSA) has requested an appeal hearing on the bargaining unit designation for the classification of Sheriff's Security Officers. The hearing is on the Board of Supervisor's agenda for January 15, 2013 from 3:00 PM to 5:00 PM. The hearing was requested by the DSA pursuant to Board of Supervisor's Resolution # 10-83 as amended by Resolution # 112-86. Please refer to Resolution # 10-83, Section 11 (page 18) for a specific description of the appeal hearing. Copies of the Resolutions are attached for the Board's reference.

**BACKGROUND**

Pursuant to Resolution # 10-83, Sections 8, 9 and 10; and Resolution # 112-86 the Human Resources Department referred Resolutions # 146-2011 and # 145-2011 to the Board of Supervisors for approval. On August 16, 2011 the Board of Supervisors passed Resolution # 146-2011 creating the classification of Sheriff's Security Officer and allocating eleven such positions to the Sheriff's Office. At the same time the Board of Supervisors passed Resolution # 145-2011 assigning the new classification to the general bargaining unit (El Dorado County Employees Association, Local #1). Copies of the Resolutions are attached for the Board's reference.

On August 27, 2012 the DSA legal counsel sent a letter (copy attached) to the Board of Supervisors requesting to appeal the unit designation of the Sheriff's Security Officers. The DSA claimed that the Sheriff's Security Officers should have been assigned to the DSA bargaining unit and not to Local #1.

During the last six months there has been ongoing discussion with the DSA relative to this issue. The issue now comes to the Board of Supervisors for the unit designation appeal hearing.

Respectfully,

Karl Knobelauch
Director of Human Resources

11-0925
8/16/11
Item 11

# 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 utlize 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: Marcie MacFarland
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

11-0925
8/16/11
Item 11

# 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: Marcie Mc Farland
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

# MASTAGNI, HOLSTEDT, AMICK, MILLER & JOHNSEN

*A PROFESSIONAL CORPORATION*

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STUART K. TUBIS
AMY D. SUPER


August 27, 2012

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

12 AUG 28 AM 10: 20

**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 deter mining the substance of the dispute shall be final and binding.

***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 Sheriffs' 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)

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 & JOHNSEN**

KATHLEEN N. MASTAGNI STORM
Attorney at Law

KNMS/amp

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

IASTAGNI, HOLSTEDT, AMICK,
IILLER & JOHNSEN
PROFESSIONAL CORPORATION
912 I STREET
ACRAMENTO, CALIFORNIA 95811

**RESOLUTION NO. 10-83**

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 I 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

governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

Section 2. Definitions

As used in this Resolution, the following terms shall have the meanings indicated:

a. "Appropriate Unit" means a unit of employee classes or positions, established pursuant to Article II hereof.

b. "County" means the County of El Dorado and, where appropriate herein, refers to the County Board of Supervisors or any duly authorized County representative as herein defined.

c. "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.

d. "Consult/Consultation in Good Faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process does not involve an exchange of proposals and

counter-proposals in an endeavor to reach agreement, nor is it subject to Article IV hereof.

e. "Day" means calendar day unless expressly stated otherwise.

f. "Employee" means a person other than an elected official who has been appointed to an allocated position and is employed on either a permanent full-time or permanent part-time basis.

g. "Employee Organization" means an organization which includes employees of the County and which has as one of its primary purposes representing such employees in their employment relations with the County.

h. "Employee Relations Officer" means the County Administrative Officer or his duly authorized representative.

i. "Exclusive Representative" means that status granted to the employee organization which represents the employees in an appropriate representation unit determined pursuant to Article II hereof and has gained sole bargaining representative status through winning a valid election in such bargaining unit.

j. "Impasse" means that the representatives of the County and a Recognized Employee Organization have reached a point in their meetings and conferring in good faith where their differences on matters to be included in a Memorandum of Understanding, and concerning which they are required to meet and confer remain so substantial and prolonged that further

meeting and conferring would be futile.

k. "Management Employee" means Department Heads and other employees designated by the County having responsibility for formulating, administering or managing the implementation of County policies or programs.

l. "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours and other terms and conditions of employment between representatives of the public agency and the recognized employee organization or recognized employee organizations through interpretation, suggestion and advice.

m. "Meet and Confer in Good Faith" means the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the public agency of its final budget for the ensuing years.

n. "Memorandum of Understanding ("MOU")" means a written agreement between the employer and employee organization as a result of meeting and conferring in good faith under the Meyers-Milias-Brown Act. Memoranda of Understanding are not considered binding on the County until ratified by the Board of Supervisors.

o. "Proof of Employee Support" means (1) an authorization card signed within six (6) months of

the filing date and personally dated by an employee, or (2) a verified authorization petition or petitions signed within six (6) months of the filing date and personally dated by an employee, or (3) employee dues deduction authorization, using the payroll register for the period immediately prior to the date a petition is filed hereunder, except that dues deduction authorizations for more than one employee organization for the account of any one employee shall not be considered as proof of employee support for any employee organization. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee.

p. "Recognized Employee Organization" means employee organization which after following the requirements of this resolution has been granted status as exclusive representative of an appropriate representation unit.

q. "Supervisory Employee" means 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 responsibly 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 of a merely routine or clerical nature, but requires the use of independent judgment.

r. "Valid Election" means an election held

pursuant to procedures contained in this resolution which results in one (1) choice of having over fifty percent (50%) or the valid votes cast in its favor.

## ARTICLE II -- REPRESENTATION PROCEEDINGS

### Section 3. Filing of Recognition Petition By Employee Organization

An employee organization that seeks to be formally acknowledged as the Recognized Employee Organization representing the employee in an appropriate unit shall file a petition which the Employee Relations Officer containing the following information and documentation:

a. Name and address of the employee organization.

b. Names and titles of its officers.

c. Names and telephone numbers of employee organization representatives who are authorized to speak on behalf of the organization.

d. A statement whether the employee organization has, as one of its primary purposes, represented employees in their employment relations with the County.

e. A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and if so, the name and address of each such other organiza-

f. Certified copies of the employee organization's constitution and bylaws.

g. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.

h. A statement that the employee organization has no restriction on membership based on race, color, creed, sex, national origin, political affiliation or marital status.

i. The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.

j. A statement that the employee organization has in its possession proof of employee support as herein defined to establish that thirty percent (30%) of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the County. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.

k. A request that the Employee Relations Officer formally acknowledge the petitioner as the Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good

faith.

The Petition, including the proof of employee support and all accompanying documentation and a declaration that signatures were collected without collusion or duress and reflect true intent of the employee, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officers(s) of the employee organization executing it.

Section 4. <u>County Response to Recognition Petition</u>

Upon receipt of the Petition, the Employee Relations Officer shall determine whether:

a. There has been compliance with the requirements for the filing of a Recognition Petition as set forth in Section 3 hereof, and

b. The proposed representation unit is an appropriate unit in accordance with Section 8 of this Article II.

If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, he shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning employee organization, and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefor in writing.

Section 5. Open Period for Filing Challenging Petition

Within thirty (30) days of the date written notice was given to affected employees that a recognition petition initially determined to be in compliance with Section 4 hereof for an appropriate unit has been filed, any other employee organization may file a competing request seeking formal acknowledgment as the recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty (30%) and otherwise in the same form and manner as set forth in Section 3 of this Article II. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall conduct a hearing or such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in Section 8 of this Article II and shall provide written notice of his/her determination. The petitioning employee organizations shall have fifteen (15) days from the date of notice of such unit determination is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 11 of this Article II.

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Section 6. Election Procedure

Upon determination of an appropriate unit, the Employee Relations Officer shall arrange for a secret ballot election to be conducted by a party agreed to by the Employee Relations Officer and the concerned employee organizations(s), in accordance with its rules and procedures subject to the provisions of this Resolution. All employee organizations who have duly submitted petitions which have been determined to be in conformance with this Article II shall be included on the ballot. The choice of "no organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the County in the same unit as of the date of the election. An employee organization shall be formally acknowledged as the Recognized Employee Organization for the designated appropriate unit following an election or runoff election if it received a numerical majority of all valid votes cast in the election. In an election involving three (3) or more choices, where none of the choices receives a majority of the valid votes cast, a runoff election shall be conducted between the two (2) choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a runoff election.

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There shall be no more than one (1) valid election under this Resolution pursuant to any petition in a 12-month period affecting the same unit.

Elections shall be conducted by the State Mediation and Conciliation Service or another agreed upon third party. In the event that the parties are unable to agree on a third party to conduct an election, then the County Clerk shall conduct the election.

Costs of conducting elections shall be borne in equal shares by the County and by each employee organization appearing on the ballot.

Section 7. Procedure for Decertification of Recognized Employee Organization

A Decertification Petition alleging that the incumbent Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Officer only during the month of January of any year following the first full year of recognition or during the thirty (30) day period commencing one hundred eighty (180) days prior to the termination date of a Memorandum of Understanding then having been in effect less than three (3) years, whichever occurs later. A Decertification Petition may be filed by two (2) or more employees or their representative, or an employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete.

a. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.

b. The name of the established appropriate unit and of the incumbent Recognized Employee Organization sought to be decertified as the representative of that unit.

c. An allegation that the incumbent Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.

d. Proof of employee support that at least thirty percent (30%) of the employees in the established appropriate unit no longer desire to be represented by the incumbent Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party within the time limits specified in the first paragraph of this Section.

An employee organization may, in satisfaction of the Decertification Petition requirements hereunder, file a Petition under this section in the form of a Recognition Petition that evidences proof of employee support of at least thirty percent (30%) and otherwise conforms to the requirements of Section 3 of this Article.

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The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Article II. If his determination is in the negative, he shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization, and, if such determination thereafter remains unchanged, shall return such Petition to the employees or employee organization with a statement of the reasons therefor in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 11 of this Article II. If the determination of the Employee Relations Officer is in the affirmative, or if his negative determination is reversed on appeal, he shall give written notice of such Decertification or Recognition Petition to the incumbent Recognized Employee Organization and to unit employees.

The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification, and, if a Recognition Petition was duly filed hereunder, the question of representation. The election shall determine first the question as to the decertification of the existing representative and then the question of a successor representative. Such election shall be conducted in conformance with Section 6 of this Article II.

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Section 8. Policy and Standards for Determination of Appropriate Units

The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the County and its compatibiity with the primary responsibility of the County and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

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

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

c. Consistency with the organizational patterns of the County.

d. Number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units.

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

relationship of dividing a single or related classifications among two or more units.

Notwithstanding the foregoing provisions of this section, management and confidential employees shall not be included in any unit with non-management and non-confidential employees; supervisory employees shall only be included in a unit consisting solely of supervisory employees; peace officers shall be in a unit consisting solely of peace officers; and professional employees shall not be denied the right to be represented in a separate unit from non-professional employees.

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 9. Establishment of Bargaining Units

With the adoption of this Resolution, the following bargaining units are established:

a. Professional Bargaining Unit: Includes professional 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, engineeers, architects, teachers, and the various types of physical, chemical and biological 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

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.

The bargaining units established in this Resolution shall become effective upon the expiration of any Memordandum of Understanding based on conflicting units.

Section 10. Procedure for Modification of Established Appropriate Units

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

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

the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Section 8 of this Article II, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided in Section 11 of this Article. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, employee organizations may thereafter file Recognition Petitions seeking to become the Recognized Employee Organization for such new appropriate unit or units pursuant to Section 3.

Section 11. Appeals

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 findl and binding.

Section 12. Abandonment of Unit or Good Faith Doubt of Majority Representative

In the event a bargaining unit appears to have been abandoned by its Recognized Employee Organization, or in the event that the Employee Relations Officer has a good faith doubt that the Recognized Employee Organization represents a majority of the members of the unit, the Employee Relations Officer shall serve notice to the effected employee organization(s) stating the evidence leading him to the belief of abandonment or doubt of majority representational status. Such effected organization shall have twenty (20) days to present written evidence and argument to the contrary. If, after the twenty day period expires, the Employee Relations Officer still believes the unit has been abandoned or still has a good faith doubt of majority representation, he shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after notice thereof to determine the wishes of employees. The question before the electorate shall be, "Do you wish to continue to be represented by (name of association or union) in your formal bargaining relationship with the County?" If the answer by a majority of valid votes cast is in the affirmative, there shall be no change in representational status. If the answer by a majority of valid votes cast is in the negative, then the organization's representational status as bargaining representative for the unit in question shall be terminated. Details of such election shall be handled in accordance with applicable provisions of Section 6 of Article II of this Resolution.

## ARTICLE III -- ADMINISTRATION

Section 13. Submission of Current Information by Recognized Employee Organizations

All changes in the information filed with the County a Recognized Employee Organization under items "a." through "h." of its Recognition Petition under Section 3 of this Resolution shall be submitted in writing to the Employee Relations Officer within thirty (30) days of such change.

Section 14. Payroll Deductions on Behalf of Employee Organizations

Upon formal acknowledgment by the County of a Recognized Employee Organization under this Resolution, only such Recognized Employee Organization may be provided payroll deductions of membership dues and insurance premiums for plans sponsored by such organization upon the written authorization of employees in the unit represented by Recognized Employee Organization on forms provided therefor by the County. The providing of such service to the Recognized Employee Organization by the County shall be contingent upon and in accordance with the provisions of Memoranda of Understanding and/or applicable administrative procedures.

Section 15. Employee Organization Activities Use of County Resources

Access to County work locations and the use of County paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized

only to the extent provided for in Memoranda of Understanding and/or administrative procedures, shall be limited to activities pertaining directly to the employer-employee relationship and such internal employee organization business as soliciting membership, compaigning for office, and organization meetings and elections, and shall not interfere with the efficiency, safety and security of County operations.

Section 16. Administrative Rules and Procedures

The County Administrative Officer is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Resolution after consultation with affected employee organizations.

## ARTICLE IV -- IMPASSE PROCEDURES

Section 17. Initiation of Impasse Procedures

If the meet and confer process has reached an impasse as defined in this Resolution, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled by the Employee Relations Officer. The purpose of such impasse meeting shall be:

a. To identify and specify in writing the issue or issues that remain in dispute.

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b. To review the position of the parties in a final effort to resolve such disputed issue or issues; and

c. If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

Section 18. Impasse Procedures

Impasse procedures are as follows:

a. If either party requests to submit the dispute to mediation, the dispute shall be submitted to mediation through the California State Mediation and Conciliation Services. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.

b. If neither party requests mediation or the impasse has not been resolved through mediation, or if the parties agree to submit the impasse directly to the Board of Supervisors, the Board of Supervisors shall take such action regarding the impasse as it, in its discretion, deems appropriate as in the public interest. Any legislative action by the Board of Supervisors on the impasse shall be final and binding.

Section 19. Costs of Impasse Procedures

Any mutually incurred costs for impasse procedures shall be

borne equally by the County and the Recognized Employee Organization. Separately incurred costs shall be borne by the party incurring the cost.

## ARTICLE V -- MISCELLANEOUS PROVISIONS

Section 20. Construction

This Resolution shall be administered and construed as follows:

a. Nothing in this Resolution shall be construed to deny to any person, employee, organization, the County, or any authorized officer, body or other representative of the County, the rights, powers and authority granted by Federal or State law.

b. This Resolution shall be interpreted so as to carry out its purposes as set forth in Article I.

c. Nothing in this Resolution shall be construed as making the provisions of California Labor Code Section 923 applicable to County employees or employee organizations, or of giving employees or employee organizations the right to participate in, support, cooperate or encourage, directly or indirectly any strike, sickout or other total or partial stoppage or slowdown of work. In the event employees engage in such actions, they shall subject themselves to discipline up to and including termination and may be deemed to have abandoned their employment; and employee organizations may thereby forfeit all rights

accorded them under this Resolution and other County law for a period of up to one (1) year from commencement of such activity.

Section 21. Suspension of Recognition

Recognition of an organization may be suspended by the Board for:

a. Repeated or continued failure or refusal to comply with the provisions of this Resolution.

b. Intentional furnishing of false information to the County.

c. Violation of any law, contract provisions, court decision or court orders.

Reasonable notice and opportunity to correct violations shall be given prior to suspension under this Section.

Section 22. Severability

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.

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SIGNATURES ON FILE IN BOARD OF SUPERVISORS OFFICE.

# RESOLUTION No. 112-86

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

BE IT RESOLVED that Resolution #10-83, the Employer/Employee Relations Resolution is hereby amended as follows:

Section 9. Establishment of Bargaining Units

With the adoption of this resolution, the following bargaining units are established:

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

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 Unit: Includes Peace Officers who are safety members of the Public Employees Retirement System who perform a variety of law enforcement activities, including patrol, investigations and court bailiffs.

f. Corrections Unit: Includes safety employees of the Public Employees Retirement System who perform correction activities in County jails. (Effective January 1, 1987)

g. Department Heads Unit: Appointed Department Heads.

h. Unrepresented Group: Those classes which include Department Heads, Managers and other groups of employees who, due to the nature of the occupations, do not have formal representation rights.

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

Following adoption of this Resolution, the Employees Relations 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.

The bargaining units established in this Resolution shall become effective upon the expiration of any Memorandum of Understanding based on conflicting units.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 6th day of May, 19 86, by the following vote of said Board:

Ayes: Supervisors Robert E. Dorr, Patricia R. Lowe, Joseph V. Flynn, Thomas L. Stewart

Noes: None

Absent: James R. Sweeney

Joseph V. Flynn
Chairman, Board of Supervisors

ATTEST
BILLIE MITCHELL, County Clerk and ex-officio Clerk of the Board of Supervisors

By Betti Clerk
Deputy Clerk

| DATE | COPIES SENT TO |
|---|---|
| 5-7-86 | Original |
| | William Curtis, Atty. |
| | Personnel (3) |
| | IRC Employee Services. |
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