



## **RESOLUTION NO. 10-83**

### **RESOLUTION NO.**

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

BE IT RESOLVED, ~~by that~~ the Board of Supervisors of the County of El Dorado ~~does hereby adopt the revised County of El Dorado Employer-Employee Relations Resolution superseding the County of El Dorado Employer-Employee Relations Resolutions 10-83, Employee Relations Amendment 112-86, Employee Relations Amendment 106-2005, and Recognition Resolution 100-2016.~~

## **ARTICLE I ~~---~~ GENERAL PROVISIONS**

### **Section 1.01. 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 ~~“Meyers-Milias-Brown Act [“MMBA”] (Local Public Employee Organizations),” by providing orderly procedures for the administration of employer-employee relations between the County of El Dorado (County) and its Employee Organizations. Nothing contained herein, however, shall be deemed to supersede the provisions of state law; County Charter; or County ordinances, resolutions, and rules which establish and regulate the civil service system. This Resolution is intended, instead, to strengthen civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, Employee Organizations, and the County.~~

~~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 and significantly affect and primarily involve the wages, hours, and other terms and conditions of employment of employees in appropriate bargaining units (unit) and that are not preempted by federal or state law. The County shall not be required to meet and confer over the merit, necessity, or organization of any service or activity provided by law or executive order.~~

~~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~~Section 1.02. Management Rights

~~Nothing contained in this Resolution~~ shall be construed to restrict any legal or inherent exclusive County rights with respect to matters of general legislative or managerial policy. Unless specifically in conflict with any Memorandum of Understanding (MOU), the County retains all management rights, which include, but are not limited to:

~~general legislative or managerial policy, which include among others:~~ The exclusive right to determine the County's mission-, including that of its constituent departments, commissions, and boards; exclusive right to direct the affairs of, manage, and maintain the efficiency of the County; to set standards of service; determine the procedures and standards of selection for employment; classify employees; direct and schedule services to be offered to the public; and to control the organization and operation of the County. The County also has the exclusive right to take any actions which the County deems desirable to conduct its employees; take affairs including, but not limited to, directing its work force (including scheduling and assigning work and overtime); hiring; firing; discharges; promotions; demotions; transfers; taking disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of

~~1 governmental operations; determined determining~~ the methods, means, and ~~person-~~

~~2 nel personnel~~ by which ~~government~~County operations are to be conducted; ~~take layoffs for budgetary considerations or lack of work; subcontracting; maintaining discipline and efficiency of employees; taking~~ all

~~3~~ necessary actions to carry out its mission in emergencies; and

~~4 exercise exercising~~ complete control and discretion over its organization

~~5~~ and the technology of performing its work. ~~6 consistent with the provisions of this Resolution and the MMBA. The foregoing is meant to be descriptive of the County's rights, and not exhaustive.~~

~~7~~ **Section ~~2.1.03.~~ Definitions**

~~8~~ As used in this Resolution, the following terms shall have ~~9~~ the meanings indicated:

~~10~~ ~~a.~~ "Appropriate Bargaining Unit" means a unit of employee

~~11 a.~~ classes or positions, established pursuant to Article II of this Resolution.

~~12~~ ~~Article II hereof.~~

~~13~~ ~~b.~~ "County" means the County of El Dorado and,

~~14~~ where appropriate herein, refers to the County Board

~~15~~ of Supervisors or any duly authorized County ~~repre-~~

~~16 b.~~ ~~sentative~~ representative as herein defined.

~~17~~ ~~c.~~ "Confidential Employee" means an employee,

~~18~~ as designated by the County who, in the

~~19~~ course of his or her duties, has access to

~~20~~ information relating to the County's administration

~~21 c.~~ of employer-employee relations.

~~22~~ ~~d.~~ "Consult/Consultation in Good Faith" means

~~23~~ ~~to communicate orally or in writing to meet and discuss issues with all affected Employee Organizations, in good faith,~~ for the purpose

~~24~~ of presenting and obtaining views or advising of

~~25~~ ~~intended proposed~~ actions in an effort to reach consensus; and, as distinguished from meeting

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~~26~~ \_\_\_\_\_ and conferring in good faith regarding matters within

~~27~~ \_\_\_\_\_ the required scope of ~~such meet and confer process~~

~~28~~ \_\_\_\_\_ representation (as defined in California Government Code section 3504) does not involve an ~~exchange of proposals and~~

1 ~~counter-proposals in an~~ endeavor to reach a binding agreement,  
2 ~~d.~~ nor is it subject to the impasse procedures set forth in Article IV hereof of this Resolution.

3 ~~e.~~ “Day” means calendar day unless expressly  
4 ~~e.~~ stated otherwise.

5 ~~f.~~ “Employee” means a person other than an ~~elect-~~  
6 ~~edelected~~ official who has been appointed to an allocated  
7 ~~position~~ and is employed on either a permanent full-  
8 ~~f.~~ time or permanent part-time basis.

9 ~~g.~~ “Employee Organization” means an organization  
10 ~~which~~ includes employees of the County and which has  
11 ~~as one of its primary purposes representing such em-~~  
12 ~~g.~~ ~~ployees~~employees in their employment relations with the County.

13 ~~h.~~ “Employee Relations Officer” means the  
14 ~~h.~~ County Chief Administrative Officer or his or her duly authorized designee.  
15 ~~representative.~~

16 ~~i.~~ “Exclusive Representative” means ~~that status~~  
17 ~~granted to the employee organization which represents~~  
18 ~~the~~an Employee Organization which has been formally recognized by  
the County as the sole Employee Organization representing the  
employees in an appropriate ~~representation-bargaining~~ unit  
19 ~~determined pursuant to Article II hereof and has gain-~~  
20 ~~ed sole bargaining representative status through win-~~  
21 ~~i.~~ning a valid election in such of this Resolution, having the exclusive right to meet and  
confer in good faith concerning matters within the scope of representation pertaining to  
bargaining unit employees, and thereby assuming the corresponding obligation of fairly  
representing such employees.

22 ~~j.~~ “Impasse” means that ~~the~~ representatives of  
23 ~~the~~ County and a Recognized Employee Organization  
24 ~~have~~ reached a point in their ~~meetings~~meeting and conferring  
25 ~~in~~ good faith, where their differences on matters to  
26 ~~be~~ included in a Memorandum of Understanding an MOU, and  
27 ~~or~~ concerning matters over which they are required to meet and confer

~~28~~ remain so substantial and prolonged that further

~~4j.~~ meeting and conferring would be futile.

2 ~~\_\_\_\_\_~~ k. “Management Employee” means ~~Department Heads~~

3 ~~\_\_\_\_\_~~ department heads and other employees designated by the County as  
4 having

4 ~~\_\_\_\_\_~~ responsibility for formulating, administering, or ~~man-~~

5 ~~k. aging managing~~ the implementation of County policies or programs.

6 ~~\_\_\_\_\_~~ l. “Mediation” means effort by an impartial

7 ~~\_\_\_\_\_~~ third party to assist in reconciling a dispute ~~regard-~~

8 ~~\_\_\_\_\_~~ ing regarding wages, hours, and other terms and conditions of

9 ~~\_\_\_\_\_~~ employment between representatives of the public

10 ~~\_\_\_\_\_~~ agency and the ~~recognized employee organization or~~

11 ~~\_\_\_\_\_~~ ~~recognized employee organizations through interpreta-~~

12 ~~tion~~ Recognized Employee Organization or Recognized Employee Organizations through  
interpretation, suggestion, and advice.

13 ~~\_\_\_\_\_~~ m. “Meet and Confer in Good Faith” means ~~the~~

14 ~~\_\_\_\_\_~~ that the County, or such representatives as it may designate, and  
representatives of Recognized Employee Organizations, shall have the  
mutual obligation personally to meet and confer ~~prompt-~~

15 ~~\_\_\_\_\_~~ ly promptly upon request by either party and continue for a

16 ~~\_\_\_\_\_~~ reasonable period of time in order to freely exchange ~~freely~~

17 ~~\_\_\_\_\_~~ information, opinions, and proposals, and to endeavor

18 ~~\_\_\_\_\_~~ to reach agreement on matters within the scope of ~~re-~~

19 ~~m. presentation~~ presentation prior to the adoption by the public agency of its budget for the  
ensuing year.

20 ~~\_\_\_\_\_~~ ~~agency of its final budget for the ensuing years.~~

21 ~~\_\_\_\_\_~~ n. “Memorandum of Understanding (“(MOU)”)” means

22 ~~\_\_\_\_\_~~ a written agreement between the ~~employer~~ County and ~~employee~~

23 ~~\_\_\_\_\_~~ organization a Recognized Employee Organization as a result of meeting  
and conferring in

24 ~~\_\_\_\_\_~~ good faith under the ~~Meyers-Milias-Brown Act. Memor-~~

25 ~~\_\_\_\_\_~~ ~~anda of Understanding are~~ MMBA. An MOU is not considered binding  
on

26 ~~n.~~ the County unless and until ratified by through formal action of the Board of Supervisors.

~~27~~ ~~0.~~ "Proof of Employee Support" when referring to recognition of an Employee Organization's exclusive bargaining representative means (1) an

~~28~~ \_\_\_\_\_ authorization card signed within six (6) months of



1 \_\_\_\_\_ the filing date and personally dated by an employee, ~~or~~  
2 ~~provided that the card has not been subsequently revoked in writing~~  
3 ~~by the employee, or~~ (2) a verified authorization petition or petitions  
4 \_\_\_\_\_ signed within six (6) months of the filing date and  
5 \_\_\_\_\_ personally dated by an employee, or (3) employee dues  
6 \_\_\_\_\_ deduction authorization, using the payroll register  
7 \_\_\_\_\_ for the period immediately prior to the date a petition  
8 \_\_\_\_\_ is filed hereunder, except that dues deduction ~~authori-~~  
9 ~~zations~~authorizations for more than one ~~employee~~  
10 ~~organization~~(1) Employee Organization for  
11 \_\_\_\_\_ the account of any one (1) employee shall not be considered  
12 \_\_\_\_\_ as proof of employee support for any ~~employee organiza-~~  
13 ~~tion~~Employee Organization. The only authorization which shall be  
14 considered  
15 \_\_\_\_\_ as proof of employee support hereunder shall be the  
16 ~~13o.~~ \_\_\_\_\_ authorization last signed by an employee.

17 \_\_\_\_\_ p. “Recognized Employee Organization” means  
18 ~~employee organization~~ an Employee Organization which, after  
19 following the ~~re-~~  
20 ~~quirements~~requirements of this ~~resolution~~Resolution, has been  
21 granted status  
22 \_\_\_\_\_ as the exclusive representative of an appropriate ~~repre-~~  
23 ~~sentation~~bargaining unit.

24 \_\_\_\_\_ q. “Supervisory Employee” means any employee  
25 \_\_\_\_\_ having authority, in the interest of the County, to  
26 \_\_\_\_\_ hire, transfer, suspend, lay off, recall, promote, ~~dis-~~  
27 ~~charged~~discharge, assign, reward, or discipline other employees,  
28 \_\_\_\_\_ or who has responsibly to direct them, or to adjust their  
29 \_\_\_\_\_ grievances, or effectively to recommend such action,  
30 \_\_\_\_\_ if, in connection with the foregoing, the exercise of  
31 \_\_\_\_\_ such authority is not of a merely routine or clerical

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~~27g.~~ nature, but requires the use of independent judgment.

~~28~~ ~~r.~~ "Valid Election" means an election held

1 \_\_\_\_\_ pursuant to procedures contained in this ~~resolution~~  
2 ~~Resolution~~ which results in one (1) choice ~~of~~ having over fifty  
3 ~~r.~~ percent (50%) ~~or of~~ the valid votes cast in its favor. 4

Terms not defined in this Resolution shall have the meanings as set forth in the MMBA.

5 **ARTICLE II ~~---~~ REPRESENTATION PROCEEDINGS**

6 \_\_\_\_\_ Section ~~3-2.01.~~ Filing of Recognition Petition

7 **By Employee Organization**

8 \_\_\_\_\_ An ~~employee organization~~ Employee Organization that seeks to be formally  
9 ~~acknowl-~~

10 ~~edged~~ acknowledged as the Recognized Employee Organization representing the  
11 ~~employee~~ employees in an appropriate bargaining unit shall file a petition  
12 ~~which~~ with the

13 \_\_\_\_\_ Employee Relations Officer containing the following information  
14 and documentation:

15 ~~a.~~ a. Name and address of the ~~employee organization~~ Employee Organization.

16 ~~b.~~ b. Names and titles of its officers and mailing addresses.

17 \_\_\_\_\_ c. Names and telephone numbers of ~~employee~~

18 ~~organization~~ Employee Organization representatives who are  
19 authorized to

20 ~~c.~~ speak on behalf of the organization in any communication with the County.

21 \_\_\_\_\_ d. A statement ~~whether~~ that the ~~employee organiza-~~

22 ~~tion~~ Employee Organization has, as one of its primary purposes, ~~represented~~ the  
23 responsibility of representing employees in their employment relations with the County.

24 ~~employees in their employment relations with the~~

25 ~~County.~~

26 \_\_\_\_\_ e. A statement whether the ~~employee organization~~

27 ~~Employee Organization~~ is a chapter of, or affiliated directly or indirectly

28 \_\_\_\_\_ in any manner, with a local, regional, state,

29 \_\_\_\_\_ national, or international organization, and if so,

30 ~~e.~~ the name and address of each such other ~~organiza-~~ organization.

31 \_\_\_\_\_ f. Certified copies of the ~~employee organiza-~~

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~~28. Item~~ Employee Organization's constitution and bylaws.

1 ~~g.~~ A designation of those persons, not exceeding  
2 two (2) in number, and their addresses and/or email addresses, to  
3 whom notice  
4 sent by regular United States mail and/or email will be deemed  
5 sufficient notice on the ~~employee organization~~ Employee  
6 Organization for  
7 ~~g.~~ any purpose.

8 ~~h.~~ A statement that the ~~employee organization~~  
9 Employee Organization has no restriction on membership based on  
10 race,  
11 color, religion, creed, sex, national origin, age, political  
12 ~~h.~~ affiliation ~~or~~ marital status, sexual orientation, mental or physical disability or medical  
13 condition, military or veteran status, gender identify or expression, or genetic information.

14 ~~i.~~ The job classifications or classification titles of  
15 employees in the bargaining unit claimed to be appropriate  
16 and the approximate number of member employees  
17 ~~i.~~ therein.

18 ~~j.~~ A statement that the ~~employee organization~~  
19 Employee Organization has in its possession proof of employee  
20 support as  
21 herein defined to establish that at least thirty percent (30%)  
22 of the employees in the unit claimed to be ~~appro-~~  
23 ~~prate~~ appropriate have designated the ~~employee organization~~  
24 Employee Organization to represent them in their employment  
25 relations  
26 with the County. Such written proof shall be ~~sub-~~  
~~mitted~~ submitted for confirmation to the Employee Relations  
Officer or to a mutually agreed upon disinterested  
~~j.~~ third party.

27 ~~k.~~ A request that the Employee Relations  
28 Officer formally acknowledge the petitioner as the  
29 Recognized Employee Organization representing

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~~27~~ \_\_\_\_\_ the employees in the unit claimed to be appropriate  
~~28k.~~ for the purpose of meeting and conferring in good faith.

1 ~~\_\_\_\_\_~~ faith.

2 ~~\_\_\_\_\_~~ The ~~Petition~~petition, including the proof of employee support and

3 ~~\_\_\_\_\_~~ all accompanying documentation and a declaration that signatures

4 ~~\_\_\_\_\_~~ were collected without collusion or duress and reflect true

5 ~~\_\_\_\_\_~~ intent of the employee, shall be declared to be true, correct

6 ~~\_\_\_\_\_~~ and complete, under penalty of perjury, by the duly authorized

7 ~~\_\_\_\_\_~~ officers(s) of the ~~employee organization~~Employee Organization executing it. ~~8~~

9 **Section 4.2.02. County Response to Recognition Petition**

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

11 ~~\_\_\_\_\_~~ shall determine whether:

12 ~~\_\_\_\_\_~~ a. ~~\_\_\_\_\_~~ There has been compliance with the ~~require-~~

13 ~~\_\_\_\_\_~~ ~~ments~~requirements for the filing of a Recognition Petition as

14 ~~a.~~ set forth in Section ~~32.01~~ hereof, and

15 ~~\_\_\_\_\_~~ b. ~~\_\_\_\_\_~~ The proposed ~~representation~~bargaining unit is an

16 ~~\_\_\_\_\_~~ appropriate bargaining unit in accordance with Section ~~82.07~~ of

17 ~~b.~~ this Article II.

18 ~~\_\_\_\_\_~~ If an affirmative determination is made by the Employee

19 ~~\_\_\_\_\_~~ Relations Officer on the foregoing two (2) matters, he or she shall so ~~in-~~

20 ~~form~~inform the petitioning ~~employee organization~~Employee Organization, shall give written

21 ~~\_\_\_\_\_~~ notice of such request for recognition to the employees in the

22 ~~\_\_\_\_\_~~ unit bargaining unit determined to be appropriate, and shall take no action on said request for thirty (30)

23 ~~\_\_\_\_\_~~ days thereafter.

24 ~~\_\_\_\_\_~~ If either of the foregoing matters are not

25 ~~\_\_\_\_\_~~ affirmatively determined, the Employee Relations Officer shall

26 ~~\_\_\_\_\_~~ offer to consult thereon with such petitioning ~~employee organiza-~~

27 ~~\_\_\_\_\_~~ tion, Employee Organization and, if such determination thereafter remains unchanged,

28 ~~\_\_\_\_\_~~ shall inform that organization of the reasons therefor in

29 ~~\_\_\_\_\_~~ writing.

The petitioning employees or Employee Organization may appeal such determination in accordance with Section 5-2.11 of this Article II.

**4 Section 2.03. Open Period for Filing Challenging Petition**

2 ~~\_\_\_\_\_~~ Within thirty (30) days of the date written notice was given  
3 ~~\_\_\_\_\_~~ to affected employees that a ~~recognition petition~~ Recognition Petition initially  
4 ~~\_\_\_\_\_~~ determined to be in compliance with Section 42.02 hereof for an  
5 ~~\_\_\_\_\_~~ appropriate bargaining unit has been filed, any other ~~employee organization~~  
6 ~~\_\_\_\_\_~~ Employee Organization may file a competing request seeking formal  
acknowledgment as  
7 ~~\_\_\_\_\_~~ the ~~recognized employee organization~~ Recognized Employee Organization  
of the employees in the same  
8 ~~\_\_\_\_\_~~ or in an overlapping bargaining unit (one which corresponds with respect to  
9 ~~\_\_\_\_\_~~ some but not all the classifications or positions set forth in  
10 ~~\_\_\_\_\_~~ the ~~recognition petition~~ Recognition Petition being challenged), by filing a  
petition  
11 ~~\_\_\_\_\_~~ evidencing proof of employee support in the bargaining unit claimed to be  
12 ~~\_\_\_\_\_~~ appropriate of at least thirty percent (30%) and otherwise in the  
13 ~~\_\_\_\_\_~~ same form and manner as set forth in Section 32.01 of this Article II.  
14 ~~\_\_\_\_\_~~ If such challenging petition seeks establishment of an overlapping  
15 ~~\_\_\_\_\_~~ bargaining unit, the Employee Relations Officer shall conduct a hearing ~~or~~  
16 ~~\_\_\_\_\_~~ on such overlapping petitions for the purpose of ascertaining the  
17 ~~\_\_\_\_\_~~ ~~more~~ appropriate bargaining unit, at which time the petitioning ~~employee~~  
18 ~~\_\_\_\_\_~~ ~~organizations~~ Employee Organizations shall be heard. Thereafter, the Employee  
Relations  
19 ~~\_\_\_\_\_~~ Officer shall determine the appropriate bargaining unit or units in ~~accord-~~  
20 ~~\_\_\_\_\_~~ ~~dance~~ accordance with the standards in Section 82.07 of this Article II and shall  
provide written notice of his ~~/or~~ her determination. ~~The~~ within forty-five (45) days.  
21 ~~\_\_\_\_\_~~ If the petitioning  
22 ~~\_\_\_\_\_~~ ~~employee organizations~~ Employee Organizations do not agree with the  
decision rendered by the Employee Relations Officer, the petitioning Employee  
Organizations shall have fifteen (15) days from the date  
23 ~~\_\_\_\_\_~~ of the notice of such bargaining unit determination is communicated to them by



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~~24~~ the Employee Relations Officer to amend their petitions to ~~con-~~

~~25~~ ~~form~~conform to such determination or to appeal such determination ~~pur-~~

~~26~~ ~~suant~~pursuant to Section 2.11 of this Article II. ~~27~~ ~~///~~

~~28~~ ~~///~~

**Section ~~6-2.04.~~ Granting Recognition Without an Election**

If the petition is in order, and the proof of support shows that a majority of the employees in the bargaining unit deemed to be appropriate have designated the petitioning Employee Organization to represent them, and if no other Employee Organization filed a challenging petition, the petitioning Employee Organization and the Employee Relations Officer shall request the California State Mediation and Conciliation Service, or another agreed-upon neutral third party, to review the count, form, accuracy, and propriety of the proof of support. If the neutral third party makes an affirmative determination, the Employee Relations Officer shall formally recognize the petitioning Employee Organization as the Recognized Employee Organization for the designated bargaining unit.

**4 Section 2.05. Election Procedure**

~~2~~ Upon~~Where recognition is not granted pursuant to Section 2.04 of this Resolution, then upon~~ determination of an appropriate bargaining unit in accordance with Section 2.02 of this Article II, the Employee  
~~3~~ Relations Officer shall arrange for a secret ballot election to  
~~4~~ be conducted by a party agreed to by the Employee Relations  
~~5~~ Officer and the concerned ~~employee organizations~~Employee Organization(s), in accordance  
~~6~~ with ~~its~~such party's rules and procedures subject to the provisions of this  
~~7~~ Resolution. All ~~employee organizations~~Employee Organizations, who have duly submitted  
~~8~~ petitions which have been determined to be in conformance with  
~~9~~ this Article II, shall be included on the ballot. The choice of  
~~no organization~~ shall also be included on the ballot.~~—, thereby allowing a choice of the employees to represent themselves individually in their employment relations with the County.~~  
~~10~~ Employees  
~~11~~ entitled to vote in such election shall be those persons ~~employed~~  
~~12~~ in ~~regular permanent positions within~~ the designated ~~appropriate~~  
~~13~~ bargaining unit who were employed during the pay period ~~immediately prior to~~  
~~14~~ ~~the date~~ which ended at least fifteen (15) days ~~before~~prior to the ~~date~~  
~~15~~ ~~the~~ election ~~commences, including~~. Included among those employees entitled to vote, are those persons who did not work during  
~~16~~ such period because of illness, vacation or other authorized  
~~17~~ leaves of absence, and who are employed by the County in the same bargaining unit as of the date of the election.

~~18~~—An ~~employee organization~~

~~19~~—~~Employee Organization~~ shall be formally ~~acknowledged~~certified as the  
Recognized Employee ~~Organi-~~

~~20~~—~~zation~~Organization for the designated appropriate bargaining unit following an  
election

~~21~~—\_or ~~runoff~~run-off election, if it received a numerical majority of all

~~22~~—\_valid votes cast in the election. In an election involving three

~~23~~—\_(3) or more choices, where none of the choices receives a ~~major-~~

~~24~~—~~ity~~majority of the valid votes cast, a ~~runoff~~run-off election shall be conducted

~~25~~—\_between the two (2) choices receiving the largest number of valid

~~26~~—\_votes cast; ~~the~~. The rules governing an initial election ~~being appli-~~

~~27~~ ~~eable~~shall also apply to a ~~runoff~~run-off election. ~~28~~++

1 ~~There shall be no more than one (1) valid election under~~  
2 ~~this Resolution pursuant to any petition in a twelve (12-) month period~~  
3 ~~affecting the same bargaining unit.~~  
4 ~~Elections shall be conducted by the California State Mediation and ~~Con-~~  
5 ~~ciliation~~Conciliation Service or another agreed upon third party. In the  
6 ~~event that the parties are unable to agree on a third party to~~  
7 ~~conduct an election, then the County Clerk shall conduct the~~  
8 ~~election as the election supervisor. If the parties cannot agree as to the time, place, and~~  
~~manner of the election, then the election supervisor shall be authorized to unilaterally determine~~  
~~such issues and to carry out the election accordingly.~~  
9 ~~Costs of conducting elections shall be borne in equal~~  
10 ~~shares by the County and by each ~~employee organization~~Employee~~  
~~Organization appearing~~  
11 ~~on the ballot.~~12~~

13 **Section 7-2.06. Procedure for Decertification of Recognized Employee Organization**

14 ~~Recognized Employee Organization~~  
15 ~~A Decertification Petition alleging that the incumbent~~  
16 ~~Recognized Employee Organization no longer represents a majority~~  
17 ~~of the employees in an established appropriate bargaining unit may be filed~~  
18 ~~with the Employee Relations Officer only during the month of~~  
19 ~~January of any year following the first full year of recognition~~  
20 ~~or during the thirty (30) day period commencing one hundred~~  
21 ~~eighty (180) days prior to the termination date of a Memorandum~~  
22 ~~of Understanding then having been in effect less than three (3)~~  
23 ~~years, whichever occurs later. A Decertification Petition may~~  
24 ~~be filed by two (2) or more employees or their representative, or an Employee Organization,~~  
~~with the local regional office of the Public Employment Relations Board (PERB) in accordance~~  
~~with its regulations (See 8 California Code of Regulations Section 61350 et seq.). In accordance~~  
~~with Title 8 of the California Code of Regulations, Section 61010, whenever there is currently in~~  
~~effect an MOU between the employer and the exclusive representative of the employees covered~~  
~~by an MOU that has been in effect for less than three (3) years, the petition shall be filed during the~~  
~~twenty-nine (29) day period, which is less than one hundred twenty (120) days but more than ninety~~  
~~(90) days, prior to the expiration date of a lawful MOU negotiated by the public agency and the~~  
~~exclusive representative.~~

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~~25 — or an employee organization, and shall contain the following~~  
~~26 — information and documentation declared by the duly authorized~~  
~~27 — signatory under penalty of perjury to be true, correct and~~  
~~28 — complete.~~

~~1 a. The name, address and telephone number of  
2 the petitioner and a designated representative autho-  
3 rized to receive notices or requests for further in-  
4 formation.~~

~~5 b. The name of the established appropriate unit  
6 and of the incumbent Recognized Employee Organization  
7 sought to be decertified as the representative of  
8 that unit.~~

~~9 c. An allegation that the incumbent Recognized  
10 Employee Organization no longer represents a majority  
11 of the employees in the appropriate unit, and any  
12 other relevant and material facts relating thereto.~~

~~13 d. Proof of employee support that at least  
14 thirty percent (30%) of the employees in the  
15 established appropriate unit no longer desire to be  
16 represented by the incumbent Recognized Employee  
17 Organization. Such proof shall be submitted for  
18 confirmation to the Employee Relations Officer or to  
19 a mutually agreed upon disinterested third party  
20 within the time limits specified in the first para-  
21 graph of this Section.~~

~~22 An employee organization may, in satisfaction of the  
23 Decertification Petition requirements hereunder, file a Petition  
24 under this section in the form of a Recognition Petition that  
25 evidences proof of employee support of at least thirty percent  
26 (30%) and otherwise conforms to the requirements of Section 3  
27 of this Article.~~

~~28 ///~~

~~1 The Employee Relations Officer shall initially determine  
2 whether the Petition has been filed in compliance with the  
3 applicable provisions of this Article II. If his determination  
4 is in the negative, he shall offer to consult thereon with  
5 the representative(s) of such petitioning employees or em-  
6 ployee organization, and, if such determination thereafter  
7 remains unchanged, shall return such Petition to the employees  
8 or employee organization with a statement of the reasons  
9 therefor in writing. The petitioning employees or employee  
10 organization may appeal such determination in accordance with  
11 Section 11 of this Article II. If the determination of the  
12 Employee Relations Officer is in the affirmative, or if his  
13 negative determination is reversed on appeal, he shall give  
14 written notice of such Decertification or Recognition Petition  
15 to the incumbent Recognized Employee Organization and to unit  
16 employees.~~

~~17 The Employee Relations Officer shall thereupon arrange  
18 for a secret ballot election to be held on or about fifteen  
19 (15) days after such notice to determine the wishes of unit  
20 employees as to the question of decertification, and, if a  
21 Recognition Petition was duly filed hereunder, the question  
22 of representation. The election shall determine first the  
23 question as to the decertification of the existing repre-  
24 sentative and then the question of a successor representa-  
25 tive. Such election shall be conducted in conformance with  
26 Section 6 of this Article II.~~

~~27 ///~~

~~28 ///~~

~~1~~ ~~Section 8 2.07.~~ Policy and Standards for Determination

~~2~~ of Appropriate Bargaining Units

~~3~~ ~~The Employee Relations Officer shall maintain a list of all current bargaining units in the County and shall have the discretion to form and define appropriate bargaining units based on the procedures specified in this Resolution.~~ The policy objectives in determining the appropriateness of

~~4~~ bargaining units shall be the effect of a proposed bargaining unit on (1) the efficient

~~5~~ operations of the County and its ~~compatibility~~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:~~

~~a.~~ In considering whether classifications share an identifiable community of interest, the following factors shall be considered:

~~13~~ Similarity of the ~~general kinds of~~ work

~~14~~ performed, ~~types of~~required qualifications ~~required, level of responsibility,~~ and

~~15a.~~ the general working conditions.

~~16~~ ~~b.~~ History of representation in the County ~~and~~

~~17~~ ~~similar employment;~~ except ~~however,~~ that no bargaining unit

~~18~~ shall be deemed ~~to be an~~ appropriate unit solely on

~~19~~ the basis of the extent to which employees in the

~~20b.~~ proposed bargaining unit have organized.

~~21c.e.~~ Consistency with the organizational patterns and structure of the County.

~~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~~ editions classifications and proliferation of bargaining 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 ~~e. fications~~ classifications among two (2) or more bargaining units.

3 ~~\_\_\_\_\_~~ ~~Notwithstanding the foregoing provisions of this section,~~

4 ~~management and confidential~~ Supervisory employees ~~shall~~ should not be  
5 ~~included~~ placed in

6 ~~any a bargaining~~ unit with non-~~management and non-confidential~~  
7 ~~employees;~~

8 ~~f. supervisory employees shall only be included in a unit consisting,~~

9 ~~g. solely of supervisory employees; peace~~ Management employees should not be placed  
10 in a bargaining unit with non-management employees.

11 ~~h. Confidential employees should not be placed in a bargaining unit with non-confidential~~  
12 employees.

13 ~~i. Professional employees shall not be required to be included in the same bargaining unit with~~  
14 non-professional employees.

15 ~~Peace~~ officers shall not be required to be included in a

16 ~~the same bargaining unit consisting solely of as non-peace officers; and professional~~  
17 ~~em-~~

18 ~~ployees shall not be denied the right to be represented in a~~

19 ~~separate unit from non-professional employees.~~

20 ~~\_\_\_\_\_~~ The Employee Relations Officer shall, after notice to and ~~con-~~

21 ~~sultation~~ consultation with affected ~~employee organizations~~ Employee  
22 Organizations, allocate new

23 ~~\_\_\_\_\_~~ classifications or positions; delete eliminated classifications

24 ~~\_\_\_\_\_~~ or positions; and retain, reallocate, or delete ~~modified classifi-~~

25 ~~ations~~ classifications or positions from bargaining units in accordance with the provisions of  
26 this Section. The decision of the Employee Relations Officer shall be subject to the appeal  
27 procedure under Section 2.11 of this Article II.

28 ~~\_\_\_\_\_~~ of this section.

29

### 30 **Section 9.2.08. Establishment of Bargaining Units**

31 ~~\_\_\_\_\_~~ With the adoption of this Resolution, the following bargain-

32 ing units are established:

33 ~~\_\_\_\_\_~~ 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.~~  
~~28 ///~~

- ~~1 b. Trades and Crafts Unit: Includes those~~
- ~~2 classifications associated with the maintenance and~~
- ~~3 operation of roads, building, bridges, equipment,~~
- ~~4 airports, and similar functions requiring practical~~
- ~~5 knowledge gained through experience on the job.~~
- ~~6 c. Supervisory Unit: Includes those employees~~
- ~~7 (excluding Peace Officers) as defined in Article I,~~
- ~~8 Section 2 hereof except those classified as confi-~~
- ~~9 dential.~~
- ~~10 d. General Unit: Includes the broad range of~~
- ~~11 line County employees who are not assigned to~~
- ~~12 another bargaining unit.~~
- ~~13 e. Law Enforcement Management Unit: Includes~~
- ~~14 Peace Officers assigned to management positions.~~
- ~~15 f. Law Enforcement Unit: Includes Peace~~
- ~~16 Officers who are safety members of the Public~~
- ~~17 Employees Retirement System.~~
- ~~18 g. Management Unit: Includes mid-level~~
- ~~19 management positions (excluding Peace Officers,~~
- ~~20 Confidential and appointed Department Heads or those~~
- ~~21 assigned to another unit).~~
- ~~22 h. Executive Unit A: Department Heads and in~~
- ~~23 some cases their top assistant.~~
- ~~24 i. Executive Unit B: Managers and Department~~
- ~~25 Heads not desiring formal representation.~~
- ~~26 j. Confidential Unit: Includes those employ-~~
- ~~27 ees as defined in Article I, Section 2 hereof.~~

~~28~~ Following adoption of this Resolution, the Employee Relations

~~1~~ ~~\_\_\_\_\_~~ Officer shall, in consultation with Recognized Employee ~~Organiza-~~  
~~2~~ ~~tions~~Organizations, allocate all position classifications to a bargaining unit.

~~3~~ Final approval of the allocation shall be made by the Board of Supervisors.

~~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 ~~10-2.09.~~ Procedure for Modification of

#### ~~10~~ ~~\_\_\_\_\_~~ **Established Appropriate Units**

~~11~~ ~~\_\_\_\_\_~~ Requests by ~~employee organizations~~Employee Organizations for modifications of

~~12~~ ~~\_\_\_\_\_~~ established ~~appropriate~~bargaining units may be considered by the Employee

~~13~~ ~~\_\_\_\_\_~~ Relations Officer only during the period specified in Section ~~7~~  
~~14~~ ~~\_\_\_\_\_~~ 2.06 of this Article II.

~~15~~ ~~\_\_\_\_\_~~ Such requests shall be submitted in the

~~16~~ ~~\_\_\_\_\_~~ form of a Recognition Petition, and, in addition to the

~~17~~ ~~\_\_\_\_\_~~ requirements set forth in Section ~~32.01~~ of this Article II, shall

~~18~~ ~~\_\_\_\_\_~~ contain a complete statement of all relevant facts and

~~19~~ ~~\_\_\_\_\_~~ citations in support of the proposed modified bargaining unit in terms  
~~20~~ ~~\_\_\_\_\_~~ of the policies and standards set forth in Section ~~82.07~~ hereof.

~~21~~ ~~\_\_\_\_\_~~ The Employee Relations Officer shall process such petitions  
~~22~~ ~~\_\_\_\_\_~~ as other Recognition Petitions under this Article II.

~~23~~ ~~\_\_\_\_\_~~ ~~The Employee Relations~~ When new classifications are adopted,  
existing classifications abolished, or when a classification is no longer  
compatible with the existing bargaining unit under the factors of Section  
2.07 of this Article II, the Employee Relations Officer may ~~on his own~~  
~~motion pro-~~

~~24~~ ~~\_\_\_\_\_~~ ~~pose during the period specified in Section 7 of this Article,~~

~~25~~ ~~\_\_\_\_\_~~ propose that an established bargaining unit be modified. The Employee Relations

~~26~~ ~~\_\_\_\_\_~~ Officer shall give written notice of the proposed modifications(s)

~~27~~ ~~\_\_\_\_\_~~ to any affected ~~employee organization~~Employee Organization and shall hold

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a meeting

~~27~~—\_concerning the proposed modification(s), at which time all  
\_affected ~~employee organizations~~Employee Organizations shall be heard.

~~28~~—Thereafter,

1 ~~\_\_\_\_\_~~ the Employee Relations Officer shall determine the composition  
2 ~~\_\_\_\_\_~~ of the ~~appropriate bargaining~~ unit or units in accordance with Section ~~8~~  
3 ~~\_\_\_\_\_~~ ~~2.07~~ of this Article II, and shall give written notice of such  
4 ~~\_\_\_\_\_~~ determination to the affected ~~employee organizations.~~ Employee  
Organizations. The  
5 ~~\_\_\_\_\_~~ Employee Relations Officer's determination may be appealed  
6 ~~\_\_\_\_\_~~ as provided in Section ~~2.11~~ of this Article ~~II~~. If a bargaining unit is  
7 ~~\_\_\_\_\_~~ modified pursuant to the ~~motion of the~~ Employee Relations  
8 ~~\_\_\_\_\_~~ ~~Officer~~ Officer's proposal hereunder, ~~employee organizations~~ Employee  
Organizations may thereafter file  
9 Recognition Petitions seeking to become the Recognized Employee Organization for such  
modified bargaining unit or units, pursuant to Section 2.01 of this Article II.  
10 ~~Organization for such new appropriate unit or units pursuant~~  
11 ~~to Section 3.~~  
12

~~Section~~ **Section 2.10. Procedure for Processing Severance Requests**

An Employee Organization may file a request to become the Recognized Employee Organization of a bargaining unit alleged to be appropriate that consists of a group of employees who are already part of a larger established bargaining unit represented by another Recognized Employee Organization. The timing, form, and processing of such request shall be as specified in Section 2.09 of Article II for modification requests.

~~13~~ **Section 2.11. Appeals**

14 ~~\_\_\_\_\_~~ ~~An employee organization or petitioning employee~~ An Employee  
Organization aggrieved  
15 ~~\_\_\_\_\_~~ by a determination of the Employee Relations Officer ~~under~~  
16 ~~Sections 4, 5, 7, 8 and that a Recognition Petition (Section 2.01), Challenging~~  
Petition (Section 2.03), Determination of Appropriate Unit (Section 2.07), Unit  
Modification Petition (Section 2.09) or Severance Request (Section 2.10 of this  
Article II), including, but not limited, to a determination that the petition has not  
been filed in compliance with the applicable provisions of this Article II may, within  
fifteen (15) days of notice of the Employee Relations Officer's determination,  
appeal  
17 ~~\_\_\_\_\_~~ such determination to the County Board of Supervisors for  
18 ~~final decision within fifteen (15) days of notice of the~~

~~19 Employee Relations Officer's determination.~~

~~20~~ Appeals to the Board of Supervisors shall be filed in ~~writ-~~

~~21~~ ~~ingwriting~~ with the Clerk of the Board of Supervisors, and a copy thereof served on the

~~22~~ ~~Employee Relations Officer.~~ The Board of Supervisors shall

~~23~~ ~~commence~~ to consider the matter within thirty (30) days of the

~~24~~ ~~filing~~ of the appeal. The Board of Supervisors may, in its

~~25~~ ~~discretion~~, refer the dispute to a non-binding third party hearing process.

~~26~~ Any decision of the Board of Supervisors on the use of such ~~pre-~~

~~27~~ ~~cedure~~procedure, and/or any decision of the Board of Supervisors ~~deter-~~

~~28~~ ~~mining~~determining the substance of the dispute, shall be ~~find~~final and binding.



1 ~~Section 2.12.~~ Abandonment of Bargaining Unit or Good Faith Doubt of

2 **Majority Representative**

3 In the event a bargaining unit appears to have been

4 abandoned by its Recognized Employee Organization, or in the

5 event that the Employee Relations Officer has a good faith

6 doubt that the Recognized Employee Organization represents a

7 majority of the members of the bargaining unit, the Employee Relations

8 Officer shall serve notice to the ~~affected employee organiza-~~

9 ~~tion~~affected Employee Organization(s) stating the evidence leading him or her to  
the belief of ~~abandon-~~

10 ~~ment~~abandonment or doubt of majority representational status. Such ~~affected~~

11 ~~organization~~affected Employee Organization shall have twenty (20) days to  
present written

evidence and argument to the contrary.

12 If, after the twenty (20) day

13 period expires, the Employee Relations Officer still believes

14 the bargaining unit has been abandoned or still has a good faith doubt of

15 majority representation, ~~he~~ the Employee Relations Officer shall thereupon  
arrange for a secret

16 ballot election to be held on or about fifteen (15) days after

17 notice thereof to determine the wishes of ~~employees. The~~

18 ~~the bargaining unit members. The~~ question before the electorate shall be, "Do you  
wish to ~~con-~~

19 ~~tinue~~continue to be represented by (name of association or union) in

20 your formal bargaining relationship with the County?" If the

21 answer by a majority of valid votes cast is in the affirmative,

22 there shall be no change in representational status. If the

23 answer by a majority of valid votes cast is in the negative,

24 then the ~~organization's~~Employee Organization's representational status as  
bargaining

25 representative for the bargaining unit in question shall be terminated.

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~~26~~—Details of such election shall be handled in accordance with  
~~27~~ applicable provisions of Section ~~62.05~~ of Article II of this Resolution.

~~28~~—Resolution.

~~1~~ **ARTICLE III** ~~2~~ **ADMINISTRATION** ~~2~~

~~3~~ **Section ~~13.3.01.~~ Submission of Current Information by Recognized Employee Organizations**

~~4~~ Recognized Employee Organizations

~~5~~ All changes in the information filed with the County by a  
~~6~~ Recognized Employee Organization under items “a.” through “h.”  
~~7~~ of its Recognition Petition under Section ~~32.01~~ of this Resolution

~~8~~ shall be submitted in writing to the Employee Relations Officer  
~~9~~ within thirty (30) days of such change. ~~10~~

~~11~~ Section ~~14.~~ Payroll Deductions on Behalf of  
~~12~~ Employee Organizations

~~13~~ Upon formal acknowledgment by the County of a Recognized  
~~14~~ Employee Organization under this Resolution, only such Recognized  
~~15~~ Employee Organization may be provided payroll deductions of mem-  
~~16~~ bership dues and insurance premiums for plans sponsored by such  
~~17~~ organization upon the written authorization of employees in the  
~~18~~ unit represented by Recognized Employee Organization on forms  
~~19~~ provided therefor by the County. The providing of such service  
~~20~~ to the Recognized Employee Organization by the County shall be  
~~21~~ contingent upon and in accordance with the provisions of Memo-  
~~22~~ randa of Understanding and/or applicable administrative procedures.

~~23~~

~~24~~ Section ~~15.3.03.~~ Employee Organization Activities

~~25~~ Use of County Resources

~~26~~ Access to County work locations and the use of County paid  
~~27~~ time, facilities, equipment, and other resources by **employee**  
~~28~~ organizations Employee Organizations and those representing them shall be authorized

1 ~~\_\_\_\_\_~~ only to the extent provided for in ~~Memoranda of Understanding~~  
 2 ~~\_\_\_\_\_~~ an MOU and/or administrative procedures, shall be limited to activities  
 3 ~~\_\_\_\_\_~~ pertaining directly to the employer-employee relationship and  
 4 ~~\_\_\_\_\_~~ such internal ~~employee organization~~ Employee Organization business as  
 soliciting ~~mem-~~  
 5 ~~\_\_\_\_\_~~ ~~bership, campaigning~~ membership, campaigning for office, and organization  
 meetings and  
 6 ~~\_\_\_\_\_~~ elections, and shall not interfere with the efficiency, safety  
 7 ~~\_\_\_\_\_~~ and security of County operations. ~~8~~

9 **Section ~~16.3.03.~~ Administrative Rules and Procedures**

10 ~~\_\_\_\_\_~~ The ~~County~~ Chief Administrative Officer is hereby authorized to  
 11 ~~\_\_\_\_\_~~ establish such rules and procedures as appropriate to implement  
 12 and administer the provisions of this Resolution after ~~consulta-~~ consultation with affected  
 13 ~~\_\_\_\_\_~~ ~~tion with affected employee organizations.~~  
 14

15 **ARTICLE IV ~~---~~ IMPASSE PROCEDURES ~~16~~**

17 **Section ~~17.4.01.~~ Initiation of Impasse Procedures**

18 ~~\_\_\_\_\_~~ If the meet and confer process has reached an impasse as  
 19 ~~\_\_\_\_\_~~ defined in Article I, Section 1.03 of this Resolution, either party may initiate the  
 impasse  
 20 ~~\_\_\_\_\_~~ procedures by filing with the other party a written request for  
 21 ~~\_\_\_\_\_~~ an impasse meeting, together with a statement of its position  
 22 ~~\_\_\_\_\_~~ on all disputed issues. An impasse meeting shall then be  
 23 ~~\_\_\_\_\_~~ scheduled by the Employee Relations Officer. The purpose of  
 24 such impasse meeting shall be:

25 ~~\_\_\_\_\_~~ a. To identify and specify in writing the  
 26 a. issue or issues that remain in dispute. ~~27 ///;~~

28 ~~///~~

1 ~~b.~~ To review the position of the parties in  
 2 a final effort to resolve such disputed issue or  
 3 ~~b.~~ issues; and  
 4 ~~c.~~ If the ~~dispute~~ impasse is not resolved, to discuss  
 5 arrangements for the utilization of the impasse  
 6 ~~c.~~ procedures provided herein. ~~7~~

8 **Section 184.02. Impasse Procedures**

9 Impasse procedures are as follows:

10 ~~a.~~ If ~~either party requests~~ the parties agree to submit  
 the ~~dis-~~  
 11 pute impasse to mediation, ~~the dispute and agree on the selection~~  
of a mediator, the impasse shall be submitted  
 12 to mediation through the California State Mediation  
 13 and Conciliation Services. All mediation ~~pre-~~  
 14 ~~ceedings~~ proceedings shall be private. The mediator shall  
 15 make no public recommendation, nor take any public  
 16 ~~a.~~ position at any time concerning the issues.

17 ~~b.~~ ~~If neither party requests mediation or the~~  
~~impasse has not~~ Otherwise, the parties can utilize any other impasse procedures provided  
in accordance with the MMBA.

18 ~~After any applicable impasse procedures have~~ been ~~resolved~~  
~~through mediation,~~  
 19 ~~or if the parties agree to submit the impasse~~  
 20 ~~directly to~~ exhausted, the Board of Supervisors, ~~the Board~~  
 21 ~~of Supervisors~~ shall take such action regarding the  
 22 impasse as it, in its discretion, deems appropriate  
 23 as in the public interest, including implementation of the County's  
last, best, and final offer. Any legislative action  
 24 by the Board of Supervisors on the impasse shall be  
 25 ~~c.~~ final and binding. ~~26~~

~~27~~ Section ~~19.4.03~~. **Costs of Impasse Procedures**

~~28~~ ~~Any~~ The cost for the services of a mediator and any other mutually incurred costs for impasse procedures shall be

1 ~~\_\_\_\_\_~~ borne equally by the County and the Recognized Employee ~~Organiza-~~  
2 ~~tion~~ Organization. Separately incurred services or costs shall be borne solely by the party ~~in-~~  
3 ~~curring the cost.~~

4 ~~curring the cost.~~

5

~~5~~ **ARTICLE V** ~~---~~ **MISCELLANEOUS PROVISIONS** ~~6~~

7 **Section 20.5.01. Construction**

8 ~~\_\_\_\_\_~~ This Resolution shall be administered and construed as  
9 follows:

10 ~~\_\_\_\_\_~~ a. ~~\_\_\_\_\_~~ Nothing in this Resolution shall be construed

11 ~~\_\_\_\_\_~~ to deny to any person, employee, ~~organization~~ Employee  
12 Organization, the

13 ~~\_\_\_\_\_~~ County, or any authorized officer, body, or other

14 ~~\_\_\_\_\_~~ representative of the County, the rights, powers, and

15 ~~\_\_\_\_\_~~ authority granted by ~~Federal~~ federal or ~~State~~ state law.

16 ~~\_\_\_\_\_~~ b. ~~\_\_\_\_\_~~ This Resolution shall be interpreted so as

17 ~~\_\_\_\_\_~~ to carry out its purposes as set forth in Article I.

18 ~~\_\_\_\_\_~~ c. ~~\_\_\_\_\_~~ Nothing in this Resolution shall be construed

19 ~~\_\_\_\_\_~~ as making the provisions of California Labor Code

20 ~~\_\_\_\_\_~~ Section 923 applicable to County employees or ~~employee~~

21 ~~\_\_\_\_\_~~ organizations Employee Organizations, or of giving employees or  
22 employee

23 ~~\_\_\_\_\_~~ organizations Employee Organizations the right to participate in,  
24 support,

25 ~~\_\_\_\_\_~~ cooperate, or encourage, directly or indirectly any

26 ~~\_\_\_\_\_~~ strike, sickout, or other total or partial stoppage

27 ~~\_\_\_\_\_~~ or slowdown of work. In consideration of, and as a condition of  
28 initial and continued employment by the County, employees  
29 recognize that any such actions by them are in violation of their  
30 conditions of employment, except as expressly otherwise provided  
31 by legally preemptive state or contrary local law. In the event  
32 employees engage

~~25~~ \_\_\_\_\_ in such actions, they shall subject themselves to  
~~26c.~~ discipline up to and including termination and may be replaced, to the extent such actions are not prohibited by preemptive law.

~~27~~ \_\_\_\_\_ ~~be deemed to have abandoned their employment; and~~

~~28~~ \_\_\_\_\_ ~~employee organizations may thereby forfeit all rights~~  
~~4d. accorded them under~~ Nothing in this Resolution ~~and other County~~ shall be construed  
as a waiver of any rights unless expressly and specifically stated.

~~2~~ \_\_\_\_\_ law for a period of up to one (1) year from  
commencement

~~3~~ \_\_\_\_\_ of such

activity. ~~4~~

~~5~~ **Section ~~21.5.02.~~ Suspension of Recognition**

~~6~~ \_\_\_\_\_ Recognition of an ~~organization~~ Employee Organization may be  
suspended by the

~~7~~ \_\_\_\_\_ Board of Supervisors for:

~~8~~ \_\_\_\_\_ ~~a.~~ Repeated or continued failure or refusal to  
~~9a.~~ comply with the provisions of this Resolution.

~~10~~ \_\_\_\_\_ ~~b.~~ Intentional furnishing of false information  
~~11b.~~ to the County.

~~12~~ \_\_\_\_\_ ~~c.~~ Violation of any law, contract provisions,  
~~13c.~~ court decision, or court orders.

~~14~~ \_\_\_\_\_ Reasonable notice and opportunity to correct violations  
~~15~~ shall be given prior to suspension under this Section. ~~16~~ \_\_\_\_\_

~~17~~ **Section ~~22.5.03.~~ Severability**

~~18~~ \_\_\_\_\_ If any provision of this Resolution, or the application of

~~19~~ \_\_\_\_\_ such provision to any ~~person~~ persons or ~~circumstance~~ circumstances, shall  
be held ~~in-~~

~~20~~ \_\_\_\_\_ ~~valid~~ invalid, the remainder of this Resolution, or the application of

~~21~~ \_\_\_\_\_ such provision to persons or circumstances other than those as  
~~22~~ to which it is held invalid, shall not be affected thereby. ~~23~~ ///

~~24~~ \_\_\_\_\_ # # #

~~25~~

~~26~~ \_\_\_\_\_ **SIGNATURES ON FILE IN BOARD OF SUPERVISORS**



~~OFFICE. 27~~

28

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote of said Board:

<u>Attest:</u>	<u>Ayes:</u>
<u>James S. Mitrison</u>	<u>Noes:</u>
<u>Clerk of the Board of Supervisors</u>	<u>Absent:</u>

By: \_\_\_\_\_  
Deputy Clerk Chair, Board of Supervisors      Sue Novasel, Chair, Board of Supervisors