



## Legislation Details (With Text)

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**File created:** 1/29/2021      **In control:** Board of Supervisors

**On agenda:** 2/9/2021      **Final action:** 2/9/2021

**Title:** Human Resources Department recommending consideration of the request submitted by the appellant, Operating Engineers Local Union No. 3 (OELU3), appealing the Employee Relations Officer's January 6, 2021 denial of the severance petition to decertify Local 1 from representing a total of fifty-two (52) employees allocated to four (4) classifications as noted herein, and to certify the creation of a new bargaining unit titled "Public Safety Support Unit", which would be represented by OELU3.

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - 9-9-20 OE3- MMBA Representation Petition 2-9-21, 2. B - 10-12-20 MMBA Representation Petition 2-9-21, 3. C - 11-24-20 MMBA Representation Petition County's Response 2-9-21, 4. D - 11-30-20 EL DORADO CO APPEAL 2-9-21, 5. E - 11-30-20 RE\_ MMBA Representation Petition - email to OE3 2-9-21, 6. F - 12-8-20 OE3- Union Response Appeal 2-9-21, 7. G - 1-5-21 MMBA Representation Petition County's Final Response 2-9-21, 8. Public Comment BOS Rcvd 2-8-2021

Date	Ver.	Action By	Action	Result
2/9/2021	1	Board of Supervisors	Approved	Pass

Human Resources Department recommending consideration of the request submitted by the appellant, Operating Engineers Local Union No. 3 (OELU3), appealing the Employee Relations Officer's January 6, 2021 denial of the severance petition to decertify Local 1 from representing a total of fifty-two (52) employees allocated to four (4) classifications as noted herein, and to certify the creation of a new bargaining unit titled "Public Safety Support Unit", which would be represented by OELU3.

**FUNDING: N/A**

**DISCUSSION / BACKGROUND**

This is to consider a request submitted by the appellant, Operating Engineers Local Union No. 3 (OELU3), appealing the Employee Relations Officer's January 6, 2021 denial of the severance petition to decertify Local 1 from representing a total of fifty-two (52) employees allocated to four (4) classifications as noted below, and to certify the creation of a new bargaining unit titled "Public Safety Support Unit", which would be represented by OELU3.

**Appeal**

Labor relations in El Dorado County are governed, in significant part, by the Employer-Employee Relations Resolution (No. 111-2019) ("EERR"). One of the subjects covered by the EERR is the creation and/or alteration of bargaining units. An employee organization may petition the County's designated Employee Relations Officer to create a new bargaining unit. When the proposed new

bargaining unit would consist of classifications currently represented by another employee organization, this is called a “severance petition.” Such petitions must identify the classifications sought to be included in the new bargaining unit, must demonstrate a minimum level of support from the affected employees, and must state facts and citations in support of the creation of the new unit, among other required information. The Employee Relations Officer then reviews the petition and determines whether it is complete, and whether the proposed bargaining unit is an “appropriate bargaining unit” according to criteria set forth in Section 2.07 of the EERR. If so, the matter proceeds through a defined procedure to eventual decertification and certification votes. An employee organization has the right to appeal an adverse determination to the Board of Supervisors.

On September 10, 2020, the County received a Meyers-Milias- Brown Act Representation Petition and supporting document on behalf of Joshua Courtney, a County employee who signed the petition. The September 10, 2020 petition is included as Attachment A. The petition requested to decertify employees allocated to the Sheriff’s Security Officer, Sheriff’s Technician I/II, Sheriff’s Property Evidence Technician, and Department Systems Analyst job classifications from Local 1 and form a new bargaining unit titled Public Safety Support Unit. OELU3 believes a new Public Safety Support Unit represented by OELU3 would be the most appropriate unit for these classifications and therefore requested a decertification/certification vote.

On January 6, 2021, the Employee Relations Officer issued a final determination that OELU3’s severance petition does not support the creation of a Public Safety Support Unit as requested, on the grounds that the new bargaining unit is not an “appropriate bargaining unit” according to criteria set forth in Section 2.07 of the EERR. The January 6, 2021 final determination is included as Attachment G. OELU3 provided a timely notice of its appeal of this determination to the Board of Supervisors.

## **ALTERNATIVES**

1. Deny the appeal
2. Uphold the appeal thereby reversing the action taken by the Employee Relations Officer on January 6, 2021.

## **PRIOR BOARD ACTION**

N/A

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

## **CAO RECOMMENDATION**

It is recommended that the Board deny the appeal, upholding the Employee Relations Officer’s January 6, 2021 denial of the petition to create a new bargaining unit.

## **FINANCIAL IMPACT**

N/A

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

## **STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

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