

EMPLOYEE

RELATIONS

RESOLUTION



MAY, 1990

EMPLOYEE RELATIONS RESOLUTION

County of Orange

	<u>Page Number</u>
Section 1. Title of Resolution	1
Section 2. Purpose.....	1
Section 3. Definitions.....	1
Section 4. County Representative.....	3
Section 5. Employee Rights.....	3
Section 6. County Rights.....	3
Section 7. Verification as an Employee Organization.....	4
Section 8. Establishment of Representation Units.....	5
Section 9. Modification of Representation Units.....	7
Section 10. Certification as an Exclusively Recognized Employee Organization.....	8
Section 11. Decertification Procedure.....	10
Section 12. Timetable for Submission of Requests.....	11
Section 13. Negotiations.....	11
Section 14. Impasse Procedures.....	11
Section 15. Employees at Meetings.....	12
Section 16. Advance Notice.....	12
Section 17. Membership Dues Deduction.....	12
Section 18. Use of Bulletin Boards.....	13
Section 19. Use of County Facilities.....	13
Section 20. Strikes.....	13
Section 21. Administration.....	14
Section 22. Separability.....	14

EMPLOYEE RELATIONS RESOLUTION

Section 1. TITLE OF RESOLUTION

This Resolution shall be known as the Employee Relations Resolution of the County of Orange.

Section 2. PURPOSE

The purpose of this Resolution is to establish formal rules and procedures to provide for the orderly and systematic presentation, consideration and resolution of employee relations matters.

Section 3. DEFINITIONS

ADMINISTRATIVE MANAGEMENT EMPLOYEES shall mean employees designated by the Personnel Director as having significant responsibility for the formulation of program objectives and/or the development of policies and procedures for their accomplishment and shall include Fire Management employees and Law Enforcement Management employees.

AGENCY/DEPARTMENT HEAD shall mean the person who is the principal officer or employee of an agency, department or district responsible for the discharge of duties provided by law or particular delegated functions.

BOARD shall mean the Board of Supervisors of the County of Orange.

CONFIDENTIAL EMPLOYEE shall mean employees who are designated by the Personnel Director as being privy to decisions of County management affecting employee relations.

CONSULT shall mean verbal or written communications for the purpose of presenting and obtaining views and advising of intended actions.

COUNTY shall mean the County of Orange and special districts governed by the Board of Supervisors.

DAY shall mean calendar day unless otherwise stated.

EMPLOYEE shall mean any person employed by the County except elected officers.

EMPLOYEE ORGANIZATION shall mean an employee organization which has been verified in accordance with Section 7. of this Resolution.

EMPLOYEE RELATIONS shall mean the employer-employee relationship between the County and its employees and their Exclusively Recognized Employee Organizations.

EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION shall mean an employee organization which has been certified in accordance with Section 10. of this Resolution.

EXECUTIVE MANAGEMENT EMPLOYEES shall mean Members of the Board of Supervisors, the County Administrative Officer, Agency/Department Heads and Assistant Agency/Department Heads as designated by the Board of Supervisors.

FACT FINDING shall mean the investigation of an impasse by an impartial third party for the purpose of describing the issues in dispute, stating the positions of the parties, making findings of fact on issues in dispute and making advisory recommendations for settlement of the dispute.

IMPASSE shall mean a deadlock in negotiations between an Exclusively Recognized Employee Organization and the County over any matters required to be negotiated, or over the scope of the subject matter of negotiations.

MANAGEMENT EMPLOYEE shall include Executive Management employees, Administrative Management employees, Law Enforcement Management employees, Fire Management employees and Supervisory Management employees as defined in this Resolution.

MEDIATION shall mean the efforts of an impartial third party, functioning as an intermediary, to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestion and advice.

NEGOTIATION shall mean the process by which representatives of an Exclusively Recognized Employee Organization and the Personnel Director meet a reasonable number of times and confer in good faith in an effort to agree upon joint recommendations for presentation to the Board regarding wages, hours and other terms and conditions of employment as provided in Section 13. of this Resolution. When appropriate, proposals and counter-proposals may be used to resolve differences in an effort to avoid an impasse. The negotiation process does not obligate either party to accept a proposal or make a compromise.

PERSONNEL DIRECTOR shall mean Personnel Director or his/her designee.

PROFESSIONAL EMPLOYEES shall mean 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, engineers, architects, teachers and various types of physical, chemical and biological scientists.

REPRESENTATION UNIT shall mean a unit appropriate for negotiations and established in accordance with Section 8. of this Resolution.

REPRESENTATIVE shall mean a person who is authorized and designated in writing by an Exclusively Recognized Employee Organization to represent the organization in dealing with the County.

SUPERVISORY MANAGEMENT EMPLOYEE shall mean any employee, having authority to exercise independent judgment in the interest of the County, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility 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.

Section 4. COUNTY REPRESENTATIVE

The Personnel Director of the County is designated as the representative of the Board on employee relations and is also designated as the official County spokesperson on employee relations.

Section 5. EMPLOYEE RIGHTS

- A. Subject to the limitations of Section 6.E. below, employees shall have the right to form, join and participate in the activities of employee organization of their own choosing for the purpose of representation on all matters of employee relations.
- B. Employees shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employee relations with the County.
- C. The County and employee organizations shall not interfere with, intimidate, restrain, coerce or discriminate against employees because of their exercise of their rights under this section.

Section 6. COUNTY RIGHTS

- A. It is the exclusive right of the County to make all decisions of a managerial or administrative character including, but not limited to:
 - (1) The nature and extent of services to be performed;
 - (2) The methods, means and personnel by which the County's operations are to be conducted; and
 - (3) Such other decisions as may be necessary to organize and operate the County in the most efficient manner and in the best interest of all the citizens of the County.
- B. It is the exclusive right of the County to make all decisions in directing its employees including, but not limited to, scheduling work, making work assignments, ordering overtime, classifying positions, establishing and revising standards for employment, hiring, promoting, demoting, transferring, laying off, discharging and disciplining employees.
- C. It is the exclusive right of the County to administer the merit system.
- D. The exercise of such rights contained in paragraphs A, B and C above does not preclude employees or employee organizations from consulting or raising grievances about the adverse consequences that decisions on these matters have on employees.
- E. Management and Confidential Employees
 - (1) Confidential employees who are members of an Exclusively Recognized Employee Organization which represents employees who are not confidential employees shall not represent the employee organization on matters within the scope of representation.
 - (2) Administrative Management employees who are members of an Exclusively Recognized Employee Organization which represents employees who are not Administrative Management employees shall not represent the employee organization on matters within the scope of representation except that in a representation unit made up exclusively of Administrative Management employees,

Administrative Management employees may represent such organization in the grievance procedure.

- (3) As a condition of employment as an Administrative Management employee or confidential employee, the employee shall not serve on committees of an Exclusively Recognized Employee Organization which represents employees who are not Administrative Management or confidential employees at the time such committees consider matters over which this employee has administrative management control or has knowledge of as a confidential employee.
 - (4) Supervisory Management employees who are members of an Exclusively Recognized Employee Organization which includes as members, employees who are not management employees shall not serve as representatives of such organization except that in a representation unit made up exclusively of Supervisory Management employees, Supervisory Management employees may represent such organization.
- F. The County retains the authority to take whatever action may be necessary in an emergency situation.
- G. The right and responsibility of final decisions regarding wages, hours, fringe benefits and other terms and conditions of employment is solely the Board's.

Section 7. VERIFICATION AS AN EMPLOYEE ORGANIZATION

To be verified as a County employee organization, an employee organization must comply with the following procedures:

- A. A request shall be submitted by the organization, signed by an authorized representative, to the Personnel Director, and shall contain the following information:
- (1) Name and address of organization.
 - (2) A statement that the organization has, as one of its primary purposes, the representation of County employees in their employer-employee relations.
 - (3) A statement that the organization includes employees of the County as its members who have designated it to represent them in their employer-employee relations with the County.
 - (4) Certified copies of the organization's constitution and by-laws.
 - (5) The names of the employees it represents together with the class titles and departments where employed.
 - (6) A designation of those persons who are authorized to act as representatives of the organization in any communications with the Personnel Director and the Board of Supervisors.
 - (7) Proof of representation such as active membership cards which designate the employee organization as the representative of the employee in employer-employee relations or such other proof which in the judgment of the Personnel Director reasonably tends to demonstrate that the organization does in fact represent employees of the County.
- B. When an employee organization has fulfilled the requirements of this section to the satisfaction of the Personnel Director, he/she shall

issue a statement that the organization is verified as a County employee organization representing certain County employees.

- C. An employee organization which has been verified by the Personnel Director shall report any changes in membership or representation pursuant to this section quarterly.
- D. Verification shall cease when the employee organization no longer represents employees of the County.

Section 8. ESTABLISHMENT OF REPRESENTATION UNITS

- A. Where no representation unit exists, an employee organization or Exclusively Recognized Employee Organization may request the creation of a new representation unit if it represents at least 50 percent of the regular and probationary employees within the proposed unit. Each request for the establishment of a new representation unit from an employee organization or Exclusively Recognized Employee Organization shall be filed with the Personnel Director. He/She shall give written notice of the request to any employee organization or Exclusively Recognized Employee Organization which has filed a written request for such notice and shall post notice of the request in a place to which employees in the proposed unit will have access.
- B. Proof that the required number of County employees wish to be represented by the employee organization or Exclusively Recognized Employee Organization in this matter shall be as provided in Section 7.A.7. of this Resolution.
- C. If the Personnel Director and the requesting employee organization or Exclusively Recognized Employee Organization agree on what would constitute an appropriate representation unit and no challenge, as provided in E., below, is filed, the Personnel Director shall establish the unit and notify the Board of Supervisors, the agencies/departments and employees affected and the requesting employee organization or Exclusively Recognized Employee Organization.
- D. If no challenge, as provided in E., below, is filed and if the Personnel Director determines that the requested representation unit is not appropriate, he shall consult with the requesting employee organization or Exclusively Recognized Employee Organization and may propose an appropriate representation unit. If, after consultation, the Personnel Director and the requesting employee organization or Exclusively Recognized Employee Organization cannot reach agreement on what constitutes an appropriate representation unit, the employee organization or Exclusively Recognized Employee Organization may request the Personnel Director to arrange a hearing by the Board of Supervisors. The Board shall make the final determination.
- E. Within 14 days of the date of notice to employees is posted, other employee organizations or Exclusively Recognized Employee Organizations may challenge the appropriateness of the requested representation unit and request a different unit. The challenge shall be filed with the Personnel Director and must be accompanied by proof that the employee organization or Exclusively Recognized Employee Organization represents in this matter at least 50 percent of the employees within the unit requested by the challenging organization.
- F. If a challenge is filed, the Personnel Director shall notify the employee organization or Exclusively Recognized Employee Organization which submitted the original request for the new unit. The Personnel Director shall then consult with the requesting employee organization and any challenging organizations and may propose an appropriate representation unit. If after consultation an agreement can be

reached on the appropriateness of a unit and the classes to be included in it, the Personnel Director shall establish the unit and notify the Board of Supervisors, the agencies/departments and the employees affected and the involved employee organizations or Exclusively Recognized Employee Organizations.

G. If agreement cannot be reached between the involved employee organizations or Exclusively Recognized Employee Organizations and the Personnel Director, the matter shall be submitted to the Board. The Board shall hold a hearing at which time the involved employee organizations and the Personnel Director shall be heard. The Board shall make the final determination.

H. Criteria for Representation Unit

To minimize the fragmentation of units, the principal criterion for determining an appropriate representation unit shall be the largest feasible group of employees having a community of interest. In addition, the following criteria shall be considered.

- The effect of the proposed unit on the efficient operation of County services and sound employee relations.
- The history of employee relations in the unit and among other employees of the County.
- Whether management officials at the level of the unit have the power to agree or make effective recommendations to the Personnel Director or the Board with respect to wages, hours and other terms and conditions of employment.
- Professional employees shall not be denied the right to be represented separately from non-professional employees by a professional employee organization consisting of such professional employees.
- The effect on the existing classification structure of dividing a single class among two or more units.

I. When the County establishes a new class, the Personnel Director shall determine which representation unit, if any, shall include the new class. An Exclusively Recognized Employee Organization which disagrees with the Personnel Director's determination may file a challenge to the allocation within 15 days. The challenge shall be filed with the Personnel Director who will arrange a hearing by the Board. The Board shall make the final determination.

Section 9. MODIFICATION OF REPRESENTATION UNITS

A. An employee organization or Exclusively Recognized Employee Organization may request the modification of an established representation unit by filing a request with the Personnel Director accompanied by a petition signed by the majority of the regular and probationary employees within the requested modified representation unit. The petitions must include: a) full printed name of employee, b) signature, c) date signed. The signatures on the petition must have been obtained within 30 days prior to the date the request is submitted. Requests for modification of an established representation unit may be filed only during the 30 days beginning nine months before the expiration of the unit's current Memorandum of Understanding.

B. Proof that the required number of County employees wish to be represented by the employee organization or Exclusively Recognized

Employee Organization in this matter shall be as provided in Section 7.A.7. of this Resolution.

- C. The Personnel Director shall give notice of the request of the modification of an established representation unit in writing to any employee organization or Exclusively Recognized Employee Organization which has filed a written request for such notice and shall post such notice in a place to which the affected employees will have access.
- D. If the Personnel Director and the requesting employee organization or Exclusively Recognized Employee Organization agree on what would constitute an appropriate representation unit and no challenge, as provided in F. below, is filed, the Personnel Director shall establish the unit and notify the Board of Supervisors, the agencies/departments and the employees affected and the requesting employee organization or Exclusively Recognized Employee Organization.
- E. If no challenge, as provided below, is filed, and the Personnel Director determines that the requested modified unit is not appropriate, he shall consult with the requesting employee organization or Exclusively Recognized Employee Organization and may propose an appropriate representation unit. If after consultation, agreement cannot be reached on what would constitute an appropriate representation unit, the employee organization or Exclusively Recognized Employee Organization may request the Personnel Director to arrange a hearing by the Board. The Board shall make the final determination.
- F. Within 14 days of the date the notice to employees is posted, other employee organizations or Exclusively Recognized Employee Organizations may challenge the appropriateness of the proposed representation unit and request a different unit. The challenge shall be filed with the Personnel Director and must be accompanied by proof that the organization represents in this matter at least 30 percent of the employees within the unit requested by the challenging organization.
- G. If a challenge is filed, the Personnel Director shall notify the employee organization or Exclusively Recognized Employee Organization which submitted the original request for the new unit. He/She shall consult with the requesting employee organization and any challenging employee organizations and may propose an appropriate unit. If, after consultation, agreement can be reached on the appropriateness of the unit and classes to be included in it, the Personnel Director shall establish the unit and notify the Board of Supervisors, the agencies/departments and the employees affected and the involved employee organizations or Exclusively Recognized Employee Organizations.
- H. If agreement cannot be reached between the involved employee organizations or Exclusively Recognized Employee Organizations and the Personnel Director, the matter shall be submitted to the Board. The Board shall hold a hearing at which time the involved employee organizations and the Personnel Director shall be heard. The Board shall make the final determination.
- I. The Personnel Director may propose modified representation units. The procedural requirements of Section 9.C., 9.D., 9.F., 9.G. and 9.H. shall apply in like manner to unit modifications proposed by the Personnel Director.

Section 10. CERTIFICATION AS AN EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION

- A. An employee organization or Exclusively Recognized Employee Organization which seeks certification as the exclusive recognized employee organization for a representation unit requested or already established shall file a request with the Personnel Director and submit the following documents and declarations.
- (1) A statement that it is or is not a chapter or local of, or affiliated with, a regional or state, or national or international organization; and if it is, the name and address of each such regional, state, national, or international organization.
 - (2) A list of its officers.
 - (3) A designation of one person together with his/her address, to whom notice, sent by regular United States Mail, will be deemed sufficient notice upon it for any purpose.
 - (4) A statement that it acknowledges that the rights and provisions of Section 923 of the Labor Code do not apply to County employees.
 - (5) A statement that it has no membership restrictions based on race, color, creed, national origin, sex or age.
 - (6) Proof, as provided in Section 7.A.7, that it represents at least 30 percent of the regular and probationary employees in the representation unit.

The request for recognition, including the accompanying documents, shall be verified, under oath, by the executive officer and secretary of the employee organization.

- B. If one or more employee organizations or Exclusively Recognized Employee Organizations requests exclusive recognition for an existing bargaining unit and have fully complied with A., above, and all other appropriate provisions of this Resolution, the Personnel Director shall arrange for a secret ballot election.
- C. If the request for exclusive recognition is denied by the Personnel Director, the employee organization or Exclusively Recognized Employee Organization may request and the Personnel Director shall arrange a hearing by the Board of Supervisors. The Board shall make the final determination.
- D. If the request for exclusive recognition is not denied, the Personnel Director shall give notice of the request in writing to any employee organization or Exclusively Recognized Employee Organization which has filed a written request for such notice and shall post such notice in a place to which the affected employees will have access.
- E. Within 14 days of the date the notice to employees is posted, another employee organization of Exclusively Recognized Employee Organization may file a challenging request seeking to become the Exclusively Recognized Employee Organization of the representation unit. If the challenging request is accompanied with proof that the organization represents at least 30 percent of the employees within the representation unit, the Personnel Director shall arrange for a secret ballot election to decide the Exclusively Recognized Employee Organization from among all employee organizations requesting exclusive recognition pursuant to this section.
- F. If no employee organization, other than the requesting organization, requests exclusive recognition pursuant to this section, the Personnel Director shall arrange for a secret ballot election to decide whether the requesting organization shall be granted exclusive recognition for

the employees in the unit. Ballots in such an election shall include the choice of no organization.

- G. Secret ballot representation elections shall be conducted by the California State Conciliation Service or some other agreed upon party. In the event that all parties to any such election cannot agree on the terms and conditions of such election or on an alternate party to the State Conciliation Service, the Personnel Director shall select either American Arbitration Association, Federal Mediation Service or the Orange County Registrar of Voters to conduct the election after making reasonable attempts to reach agreement. In order to receive exclusive recognition, a requesting organization must receive a numerical majority of all valid votes cast in the election by the employees in the unit. 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 choices receiving the largest number of valid votes cast. Employees entitled to vote in a representation election shall be those regular and probationary employees within the representation unit who were employed by the County during the pay period immediately preceding the posting of the notice of the request for recognition and who are employed in the unit on the day of the election including employees who are on vacation or authorized leaves of absence.
- H. The cost of the representation elections shall be divided equally among the parties thereto. As used herein, the term "parties" includes only the County of Orange and those employee organizations involved herewith.
- I. After a representation election, no additional requests for certification as an Exclusively Recognized Employee Organization shall be filed for that unit until the 30 days beginning nine months before the expiration of the unit's current Memorandum of Understanding.

Section 11. DECERTIFICATION PROCEDURE

- A. During the 30 days beginning nine months before the expiration of a unit's current Memorandum of Understanding, requests for decertification of an Exclusively Recognized Employee Organization may be submitted by employees, employee organizations or Exclusively Recognized Employee Organizations. The decertification requests should be submitted to the Personnel Director and must be accompanied by a petition signed by at least 50 percent of the regular and probationary employees within the representation unit. The petitions must contain: a) full printed name of employee, b) signature, c) date signed. Signatures on the petition must have been obtained within the 30 days prior to the date the request is submitted.
- B. When one or more employee organizations or Exclusively Recognized Employee Organizations have fully complied with A., above, and all other appropriate provisions of this Resolution, the Personnel Director shall arrange a secret ballot election to determine whether or not the Exclusively Recognized Employee Organization continues to represent a majority of the regular and probationary employees in the unit or whether another employee organization or Exclusively Recognized Employee Organization should be certified as the Exclusively Recognized Employee Organization. The Exclusively Recognized Employee Organization shall be decertified or changed if a majority of those casting valid ballots votes for decertification or a change. There shall be no more than one decertification election in the same unit in any 12-month period. In the absence of decertification, certification shall continue on a year-to-year basis. The cost of representation elections shall be divided equally among the parties thereto. As used herein, the term "parties" includes only

the County of Orange and those employee organizations involved herewith.

Section 12. TIMETABLE FOR SUBMISSION OF REQUESTS

Requests from Exclusively Recognized Employee Organizations for changes in fringe benefits and other terms and conditions of employment shall be submitted no later than on the 150th calendar day before expiration of the current Memorandum of Understanding. Requests for Exclusively Recognized Employee Organizations for changes in wages shall be submitted no later than on the 90th calendar day before expiration of the current Memorandum of Understanding.

Section 13. NEGOTIATIONS

- A. Only exclusively recognized organizations which have been certified as the Exclusively Recognized Employee Organization in an established representation unit shall be entitled to negotiate on wages hours and other terms and conditions of employment for such units. This shall not preclude individual employees from consulting with the Personnel Director on wages, hours and other terms and conditions of employment.
- B. Negotiations shall not be required on any subject preempted by Federal or State Law nor shall negotiations be required on employee or County rights as defined in Sections 5. and 6. above. Proposed amendments to this Resolution are excluded from the scope of negotiations.
- C. Upon request, an Exclusively Recognized Employee Organization may negotiate as provided by this Section with the Personnel Director on wages, hours and other terms and conditions of employment. Agreements reached as a result of negotiations shall be included in a Memorandum of Understanding signed by the Personnel Director and the principal representative of the Exclusively Recognized Employee Organization and submitted to the Board for final action. Negotiations may be reopened during the course of the Memorandum of Understanding only upon the agreement of both the Personnel Director and the Exclusively Recognized Employee Organization.
- D. Negotiations shall conclude 30 days before expiration of the current Memorandum of Understanding unless extended beyond that date by the agreement of both parties.

Section 14. IMPASSE PROCEDURES

- A. Impasse procedures shall only be utilized when all other attempts at reaching an agreement through negotiation have been unsuccessful.
 - (1) Either party may request the assistance of a mediator from the California State Conciliation Service or any other mutually agreed upon mediator.
 - (2) The parties may mutually agree to request the assistance of a fact finder.
 - (3) The parties may mutually agree to any other impasse resolving procedure.
- B. If option (2) above is mutually agreed to, a single fact finder shall be selected by the mutual agreement of the parties. If the parties cannot agree upon a fact finder, a list of seven fact finders shall be obtained from the California State Conciliation Service, the American Arbitration Association, or some other agreed upon source, and each party shall alternatively strike one name from the list until only one name remains. The parties shall instruct the fact finder on the facts they want ascertained and the issues on which they want his/her recommendation.

- C. The findings and recommendations of the fact finder shall be confidential and submitted directly to the parties concerned. The parties shall attempt to reach an agreement by negotiation on the basis of the fact finder's findings and recommendations. If the parties have not reached an agreement within seven days after receiving the fact finder's recommendations, they shall, within the next seven days, submit their positions to the Board. The Personnel Director shall submit a copy of the fact finder's report and recommendations to the Board along with his/her recommendations. The Board shall then make the final decision.
- D. Nothing shall preclude the fact finder from attempting to resolve the impasse by mediation at any stage of the proceedings prior to the issuance of the fact-finding recommendations.
- E. The cost of mediation, fact-finding or other mutually agreed upon impasse proceedings shall be divided equally between the parties.

Section 15. EMPLOYEES AT MEETINGS

Exclusively Recognized Employee Organizations may have up to three employees released from work to negotiate with the Personnel Director. When requesting to bring County employees to negotiate with the Personnel Director, Exclusively Recognized Employee Organizations shall submit a list of such employees including their titles and departments to the Personnel Director and to the Agency/Department Heads concerned at least two working days in advance of the meeting. The limitation of three employees and two days advance notice may be waived upon the mutual agreement between the Personnel Director and the Exclusively Recognized Employee Organization. The use of official time for this purpose shall be reasonable in amount and shall not interfere with the performance of County services as determined by the County.

Section 16. ADVANCE NOTICE

Except in the case of emergency, each Exclusively Recognized Employee Organization affected shall be given reasonable written notice of any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the Board and shall be given the opportunity to meet with the Board prior to its adoption.

Section 17. MEMBERSHIP DUES DEDUCTION

- A. An Exclusively Recognized Employee Organization or an employee organization that has a minimum of 100 requests for dues deduction from County employees may have the regular dues of its members within a representation unit deducted from an employee's paycheck. Membership dues deductions shall be made only upon the written authorization of the individual employee. No employee may have deductions for more than two employee organizations.
- B. If at any time the Personnel Director determines that he/she does not have outstanding requests for deductions from a minimum of 100 employees to any one employee organizations, he/she shall, as soon as possible, cease deductions except for an Exclusively Recognized Employee Organization which has negotiated membership dues deduction for a representation unit.

Section 18. USE OF BULLETIN BOARDS

Space shall be made available to Exclusively Recognized Employee Organizations on agency/departmental bulletin boards within the representation unit provided such use does not interfere with the needs of the agency/department and the material posted is not derogatory to the

County, County employees and officers, or other employee organizations. Notices shall be dated and signed by the Exclusively Recognized Employee Organization representative responsible for its issuance.

Section 19. USE OF COUNTY FACILITIES

- A. No employee organization which has not been verified in accordance with Section 7. of this resolution shall engage in organizing activities or distribute pamphlets or brochures or similar literature in connection therewith on any County property. Employee organizations or Exclusively Recognized Employee Organizations may distribute pamphlets, brochures and membership sign up cards only during the nonworking hours of the employees involved.
- B. An Exclusively Recognized Employee Organization may with the approval of the Personnel Director hold meetings of their members or their directors or representatives on County property during nonworking hours, provided:
 - (1) Request is made to the Personnel Director as to the specific location and dates of the meetings prior to such meeting. The request shall state the purpose of the meeting and be accompanied or followed by copies of the agenda, notices to members and any other written communications regarding such meeting.
 - (2) Such meetings do not involve political campaigns or fund-raising events.
 - (3) A reasonable charge may be required to offset the cost of such use.

Section 20. STRIKES

- A. The enactment of this Resolution shall not be construed as making the provisions of Section 923 of the California Labor Code applicable to employees of the County.
- B. Employee organizations which engage in a strike or other concerted stoppage or slowdown of work against the County may have their membership dues deductions suspended or revoked by the Personnel Director. Employee organizations which have had their membership dues deductions suspended or revoked by the Personnel Director may appeal this decision to the Board.

Section 21. ADMINISTRATION

The Personnel Director shall have the authority for the administrative interpretation of this Resolution. The Personnel Director is authorized to establish procedures to carry out the intent of this Resolution.

Section 22. SEPARABILITY

If any provisions of this Resolution or the application of such provision to any person circumstances shall be held invalid, the remainder of this Resolution or the application of such provision to persons and circumstances other than those to which it is held invalid shall not be affected thereby.

ADOPTED BY THE BOARD OF SUPERVISORS SEPTEMBER 16, 1969. RESOLUTION NO. 69945
ADOPTED BY THE BOARD OF SUPERVISORS MARCH 17, 1970. RESOLUTION NO. 70263
ADOPTED BY THE BOARD OF SUPERVISORS SEPTEMBER 24, 1974. RESOLUTION NO. 741373
ADOPTED BY THE BOARD OF SUPERVISORS MARCH 27, 1979. RESOLUTION NO. 79383
ADOPTED BY THE BOARD OF SUPERVISORS APRIL 3, 1979. RESOLUTION NO. 79439
ADOPTED BY THE BOARD OF SUPERVISORS JULY 31, 1984. RESOLUTION NO. 841174

ADOPTED BY THE BOARD OF SUPERVISORS MAY 15, 1990.

RESOLUTION NO. 90672