

EMPLOYER – EMPLOYEE RELATIONS RULES AND REGULATIONS

COUNTY OF SOLANO



**DEPARTMENT OF
HUMAN RESOURCES**

INCLUDING AMENDMENTS THROUGH December 8, 2015

**Summary of Amendments to the EERRR
from June 1988 to December 8, 2015**

Date Approved	Agenda Item	Section Amended	General Description of Amendment
By CSC: 02/09/2011	9	14	Section 14 revised in order to comply with the Meyers-Milias Brown Act as interpreted by the Public Employment Relations Board which eliminated the majority participation requirement to have a valid election.
By BOS: 06-25-2013	13-0522	16	Revised to incorporate the requirements of AB646.
By BOS: 07-02-2013	13-0558	16 (A.4.)	Revised to reflect distinct processes of the Fact-finding process and the Mediation process.
Corrections			"Director of Personnel" changed to "Director of Human Resources". "Permanent positions" in Item V of Section 2 changed to "regular positions".
By BOS: 12-08-15	15-1175	16(B.2.d)	Revised to incorporate the requirements of Government Code Section 3505.4(a) fact finding following mediation

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**ARTICLE 1
GENERAL PROVISIONS**

Section 1. PURPOSE AND PRINCIPLES

- A. It is the purpose of these rules and regulations to promote the improvement of personnel management and employee relations by providing a uniform basis for recognizing the right of County employees to join organizations of their own choice and be represented by such organizations in their employment relationships with the County,, consistent with the Meyers Milias Brown Act (Section 3500 et seq Government code).
- B. Employer employee relations shall be maintained and conducted in systematic, regulated manner, insuring the rights of employees, through, or independent of, their organization, to communicate their desires to the agencies and officers of County Government, and at the same time, insuring the orderly processes of governmental operations.
- C. The right and responsibility of final decisions regarding wages, hours and other conditions of employment in Solano County rests solely with the County Agencies designated by law, however, the Commission or its designated representatives shall make recommendations to the Board of Supervisors on all subjects regarding wages, hours and other conditions of employment.
- D. The rights of County employees must be recognized as different from employees in private industry, government is established to serve all the people and its very nature prohibits work stoppage, or other methods of coercion in the expressions of employees or employers, or the resolution of any differences.
- E. Civil Service shall be strengthened and preserved to the end that the people of this county will be served by competent employees through merit selection and advancement.

Section 2. DEFINITIONS

For the purpose of these rules and regulations, the following definitions shall apply:

- A. BOARD
Board of Supervisors of the County of Solano.
- B. CERTIFICATION
Official recognition by the County of an employee organization designated to represent an appropriate representation unit.
- C. CIVIL SERVICE COMMISSION
Civil Service Commission of the County of Solano.

- D. CONFIDENTIAL EMPLOYEE
Any employee who is privy to the decision-making process of County management affecting employee relations.
- E. CONSULT or CONSULTATION
Verbal or written communication for the purpose of presenting and obtaining views or advising of intended actions.
- F. COUNTY
The County of Solano, a political subdivision of the State of California.
- G. DAY
Calendar day unless otherwise stated. (Any act required under these rules and regulations to be performed by a particular time and the last day of which is a Saturday, Sunday or legal holiday, may be performed by 5:00 p.m. on the next business day thereafter.)
- H. DECERTIFICATION
Procedure for terminating an employee organization as the recognized bargaining representative of employees in a unit.
- I. DEPARTMENT
An office, department, agency or institution of the County.
- J. DEPARTMENT HEAD or HEAD OF DEPARTMENT
The chief administrative official of a county department either elected or duly appointed as provided by law.
- K. DIRECTOR
Director of Human Resources of the County of Solano.
- L. EMPLOYEE
Any person employed by the County except elected officials and officials appointed by the Board.
- M. EMPLOYEE ORGANIZATION
Any organization which includes employees of the County and which has as one of its primary purposes representing such employees in their relations with the County.
- N. EMPLOYEE RELATIONS
The relationship between the County and its employees and their employee organizations, or when used in a general sense, the relationship between management and employees or employee organizations.

- O. IMPASSE
A deadlock in meet and confer between a recognized employee organization and the County concerning matters about which they are required to meet and confer in good faith.
- P. MANAGEMENT EMPLOYEES
Members of the Board of Supervisors, department heads, assistant department heads, and other employees having significant responsibility for the formulation of program objectives and/or the development of policies and procedures for their accomplishment.
- Q. MEDIATION
The efforts of an impartial third party, functioning as an intermediary to assist the parties in reaching a voluntary resolution of an impasse of those matters contained within the scope or representation as contained in Section 16 of these rules and regulations, through suggestion, advice or other ways of stimulating agreement.
- R. MEET AND CONFER IN GOOD FAITH
The mutual obligation of the County or such representatives as it may designate, and representatives of recognized employee organizations personally to meet and confer in order to exchange freely information, opinions and proposals, and to endeavor to reach agreement on matters within the scope of representation.
- S. MEMORANDUM OF UNDERSTANDING
A written memorandum incorporating matters on which agreement is reached in the meeting and conferring process between the representatives of the County and representatives of recognized employee organizations.
- T. MODIFICATION
Procedure for modifying or redefining representation unit or units into alternative representation unit or units.
- U. PROFESSIONAL EMPLOYEES
Employees engaged in work requiring specialized knowledge and skills attained through completion of a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, or the various types of physical, chemical, and biological scientists.

V. PROOF or PROOF OF EMPLOYEE APPROVAL

When used herein means that the employee organization submitting any petition to the Director of Human Resources has demonstrated proof of approval by employees whom it purports to represent by means of any one or any combination of the following:

- (1) Signed and dated signatures on a petition.
- (2) Signed and dated employee authorization cards.

Only signatures of employees currently employed in regular positions within the proposed representation unit on the date the petition is filed and whose signatures have been executed within ninety (90) days prior to the date the petition is filed, shall be accepted as proof of employee approval. The total number of employees in an existing or proposed representation unit shall be determined by using the County Position Allocation List adjusted to reflect the positions occupied as of the date of the petition. (Revised 9/20/77)

W. RECOGNIZED EMPLOYEE ORGANIZATION

An employee organization which has been certified in accordance with Section 14 of these rules and regulations as representing the majority of the employees in an appropriate representation unit.

X. REGISTERED EMPLOYEE ORGANIZATION

An employee organization which has registered with the Director of Human Resources, as provided in Section 7 of these rules and regulations.

Y. REPRESENTATIVE

A person who is authorized and designated in writing by an employee organization to represent the organization in dealing with the County and the Management Negotiator as defined in Section 19 of these rules and regulations.

Z. SUPERVISORY EMPLOYEE

Any employee having authority to exercise independent judgment in carrying out County policy 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 actions 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.

AA. UNIT or REPRESENTATION UNIT

An appropriate unit for purposes of employee representation established pursuant to Section 11 of these rules and regulations.

ARTICLE 2
COUNTY MANAGEMENT AND EMPLOYEE RIGHTS

Section 3. COUNTY MANAGEMENT RIGHTS

- A. It is the exclusive right of the County to determine the mission of each of its constituent departments, boards, and commissions, set standards of services to be offered to the public, and exercise control and discretion over its organization and operations. The exclusive rights of the County also include, but are not limited to the right to direct its employees, to hire, promote, demote, transfer, assign, classify, layoff and retain employees in positions within the County, to take disciplinary action against its employees for proper cause, to determine the methods, means and personnel by which the County's operations are to be conducted, to determine its budget, organization, and merits, necessity and level of any activity or service provided to the public, and to take whatever action is necessary in emergency situations. The exercise of such rights shall not preclude employees or their representatives from consulting in advance with management representatives about the practical consequences that decisions on these matters may have on wages, hours, and other terms and conditions of employment.

Section 4. EMPLOYEES RIGHTS

- A. Each individual employee shall have the following rights which he may exercise in accordance with law, ordinances, and rules and regulations:
1. The right to form, join, and participate in the activities of any employee organization.
 2. The right to be free from interference, intimidation, restraint, coercion, discrimination because of race, color, creed, national origin, sex, age, or physical or mental impairment, or reprisal on the part of his department head, his supervisor, other employees or employee organizations, with respect to his membership or non-membership in any employee organization or with respect to any lawful activity associated therewith which is within the scope of representation.
 3. The right to represent himself individually in his employee relations with the County.
 4. The right to join or refuse to join any organization of his free choice.
- B. Whenever a County employee desires to represent himself in consulting with County management during his regular hours of work, he shall first request and obtain from his department head permission to take time away from work.

Section 5. CONFIDENTIAL, MANAGEMENT, AND SUPERVISORY EMPLOYEES REPRESENTATION LIMITATIONS

- A. Management and confidential employees who are members of an employee organization which represents employees of the County who are not confidential, management or supervisory employees shall not serve as representatives of such employee organization before County management.

- B. Supervisory employees shall not represent non-supervisory or subordinate supervisory employees in grievance matters.
- C. The Director of Human Resources shall designate confidential, management, and supervisory employees in accordance with the definitions in Section 2 of these rules and regulations. (See Appendix "A".) Disputes over the designation of confidential, management, or supervisory employees shall be referred to the Civil Service Commission for final determination.

Section 6. GRIEVANCE PROCEDURE

- A. The existing County grievance procedure (Division X of the Solano County Personnel and Salary Resolution) provides a progressive series of steps through which employees may present complaints or grievances arising out of their employment or working conditions. The procedure is designed to resolve grievances at the lowest supervisory level consistent with justice and administrative policy. In the absence of another grievance procedure established by written agreement between the County and a recognized employee organization for the exclusive use of certain specified employees, it is the intent of these rules and regulations that the existing County Grievance Procedure will continue to be used for the above-described purpose.

**ARTICLE 3
EMPLOYEE ORGANIZATIONS**

Section 7. EMPLOYEE ORGANIZATIONS REGISTRATION PROCEDURES

- A. An organization which wishes to be registered as an employee organization shall submit to the Director of Human Resources a request signed by a duly-authorized officer of the organization and contain the following information:
1. Name and mailing address of the organization.
 2. A statement whether the organization is a chapter or local of, or affiliated with, a regional, state, national or international organization, and, if so, the name and address of each such regional, state, national or international organization.
 3. A list of principal officers of the organization.
 4. A statement that the organization has, as one of its primary purposes, representation of its members in their employer-employee relations with the County.
 5. A designation of those persons, not exceeding two (2) in number, and their addresses, to whom notice, sent by regular United States mail will be deemed sufficient notice to the organization for any purpose.
 6. A statement that the organization has no restriction on membership based on race, color, creed, national origin, sex, age, or physical or mental impairment.
 7. Current copies of the organization's constitution and by-laws.
 8. A designation of those persons who are authorized as representatives of the organization in any communications with the Director, the Commission or Board.
- B. Requests for continued registration shall be submitted annually between January 1 and 15 of each year.
- C. An employee organization may have registration status withdrawn if the Commission upon the recommendation of the Director finds that any statement submitted or made to the Director, commission or Board is deliberately false or misleading, or if the organization has failed to abide by these rules and regulations, or if the organization no longer represents any County employee.

Section 8. REGISTERED EMPLOYEE ORGANIZATIONS RIGHTS

A. Representation

Except where an employee organization has been granted exclusive recognition covering an appropriate bargaining unit, registered employee organizations may represent their members in grievance matters and may consult with appropriate levels of County management on wages, hours, and other terms and conditions of employment. County management is not, however, obligated to meet and confer in good faith nor to enter into memoranda of understanding with registered employee organizations.

Note During the initial implementation of these rules and regulations and the determination of recognized employee organizations, the County will continue to meet

and confer with and enter into memoranda of understanding with registered employee organizations who have been recognized under Section 11.04 of the Solano County Civil Service Rules.

B. Organizational Activities

Authorized representatives of registered employee organizations may have reasonable access to County employees in county offices for transmittal of information or for organizational purposes as long as the work of County employees and service to the public are unimpaired. Prior to contacting members in county offices such authorized representatives shall make arrangements with the employee's department head. The department head shall grant such permission provided that, in his judgment, such contact will not disrupt County business.

Section 9. EMPLOYEE ORGANIZATIONS – RECOGNITION PROCEDURES

- A. The Civil Service Commission shall grant recognition to employee organizations which have been certified pursuant to Section 14 of these rules and regulations.
- B. An employee organization shall be considered a recognized employee organization only with respect to the representation unit or units for which the organization has been certified as the majority representative.

Section 10. RECOGNIZED EMPLOYEE ORGANIZATION RIGHTS

In addition to the rights provided a registered employee organization, a recognized employee organization shall have the following rights.

A. Representation

Upon request, a recognized employee organization shall have the right to meet and confer in good faith with appropriate levels of County management regarding wages, hours, and other terms and conditions of employment within the scope of representation.

- 1. The scope of representation shall include all matters relating to employment conditions and employee relations, including but not limited to wages, hours, and other terms and conditions of employment except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive or Board order. (Govt. Code 3504)
- 2. The Personnel Director may request that two or more employee organizations meet with County representatives, at the same time, to discuss similar or related issues.

B. Advance Notice

Except in cases of emergency, each recognized employee organization affected shall be given reasonable advance written notice of any ordinance, resolution, rule or regulation, or proposal directly relating to matters within the scope of representation proposed to be adopted by the County and shall be given the opportunity to meet with the

appropriate level of management prior to its adoption. Written notice will customarily be provided by furnishing recognized employee organizations with advance copies of the agenda of the Board of Supervisors and civil Service commission meetings. In cases of emergency when County management determines that an ordinance, resolution, rule or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, County management shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, resolution, rule or regulation.

C. Reasonable time for Meeting

Officers and authorized representatives of recognized employee organizations who are County employees may utilize time during normal working hours for meeting and conferring with County management on matters within the scope of representation. Subject to advanced scheduling with the appropriate department Head, the number of county employees released for such meetings shall not exceed three (3) persons, except by mutual agreement between the Director of Human Resources and the employee organization prior to the meeting. The use of official time for this purpose shall be reasonable in amount and shall not interfere with the performance of county services.

D. Use of Bulletin Boards

Unless modified by mutual agreement between the County and a recognized employee organization, bulletin board space shall be made available to recognized employee organizations in departments which have employees in the representation unit for which the organization is recognized. Location and quantity of space may be the subject of an agreement between the recognized employee organization and appropriate Department Head. No material, other than notices of meetings, social events, elections, and appointments, shall be posted on a bulletin board unless and until approved for posting by the designated management representative. All material shall be dated and signed by the recognized employee organization representative responsible for its issuance. Posted material shall bear the identity of the organization, not be misleading or in violation of any law, neatly displayed, and removed when no longer timely. The County, through the Director of Human Resources, reserves the right to remove objectionable materials after consultation with the employee organization which posted it.

E. Meeting Places

Recognized employee organizations may be granted the use of County facilities for meetings composed of county employees provided such meetings are held outside regularly scheduled working hours for the group which is meeting and provided space can be made available without interfering with County needs. Recognized employee organizations desiring to use county facilities for such meetings shall obtain the permission of the County Administrator before using such facilities. Meeting places shall be left in an orderly manner upon completion of the meetings.

F. Dues Deductions

Only a recognized employee organization may have the regular dues of its members within a representation unit deducted from employees' paychecks under procedures prescribed by the County Auditor Controller for such deductions. Dues deduction shall

be made only upon signed authorization from the employee upon a form approved by the County, and shall continue (1) until such authorization is revoked, in writing, by the employee, or (2) until the last day of the last full pay period of the calendar month following the transfer of the employee to a unit represented by another employee organization as the representative of the unit to which the employee is assigned or to a class not contained in a representation unit.

G. Access to Members

Authorized representatives of recognized employee organizations may have reasonable access to other members of the same organization in County offices for transmittal of information or for representation purposes as long as the work of County employees and services to the public are unimpaired. Prior to contacting members in County offices, such authorized representatives shall make arrangements with the employee's department head. The department head shall grant such permission provided that, in his judgment, such contact will not disrupt County business.

ARTICLE 4
REPRESENTATION UNITS
ESTABLISHMENT, MODIFICATION, CERTIFICATION AND DECERTIFICATION

Section 11. INITIAL ESTABLISHMENT OF REPRESENTATION UNITS

- A. Where no representation unit exists, a registered employee organization may submit a petition to the Director of Human Resources requesting the creation of a new representation unit. The petition shall include a list of the classifications to be included in the proposed unit, the number of employees in each classification, as well as the divisions and departments to which they belong as specified in the County Position Allocation List. The petition must be accompanied by proof, as defined in Section 2, paragraph V, that the organization represents at least 30% of the employees within the proposed unit. Upon receipt and verification of such petition, the Director of Human Resources shall promptly give notice of the request to the employees in the proposed unit and to any person or registered employee organization that has filed a written request for such notice. A petition for the establishment of a representation unit may be combined with a petition which seeks certification as the recognized employee organization representing the majority of employees in the representation unit.
- B. If the Director of Human Resources agrees that the proposed unit is appropriate, and no challenge is filed as provided in Section 11.c., the Director of Human Resources shall establish the unit and notify the Board of Supervisors, Civil Service Commission, affected Department Heads, affected employees within the new unit, anyone requesting notification, and such others as he deems appropriate. If the Director of Human Resources does not agree with the petitioner as to the appropriateness of the unit, the director may either incorporate appropriate modifications to the composition of the proposed unit and refer the petition back to the originating organization for re-submission or refer the matter directly to the Civil Service Commission for hearing and final decision except as provided in Section 3507.3 of the Government Code (Professional employees).
- C. Within 15 days of the date notice is given of the filing of a petition for establishment of a proposed unit, any other registered employee organization, management or other interested employees, may challenge the appropriateness of the requested representation unit by petitioning for the establishment of a different unit. The petition shall be filed with the Director of Human Resources and must be accompanied by acceptable proof that the organization represents at least 30% of the employees within the proposed different unit.
- D. If a challenging petition is filed, the director, within a reasonable time, shall notify the registered employee organization which submitted the original petition for the new unit of the challenge.
- E. The Commission shall hold hearings on all challenged petitions for representation units, at which time the registered employee organization which filed the original petition and the challenging registered employee organizations, management or other interested employees shall be heard.
- F. The Civil Service Commission shall make the final determination on the appropriateness of the representation unit or units. In making such determination, the Commission shall

not be limited to consideration of the unit or units requested, provided, however, that if the Commission is considering the establishment of a representation unit other than one described in an original petition or in a challenging petition, the following procedure shall be followed:

1. The Commission shall set a date when it will act on establishing the representation unit or units, and shall direct the Director of Human Resources to cause timely notice of the date and purpose of said hearing to be given to all employees within the unit or units being considered, and to all registered employee organizations.
 2. At the time set for the hearing, the Commission shall afford representatives or management, and all registered employee organizations or representatives thereof, or other interested employees, an opportunity to be heard on the question of establishing the representation unit or units which were not described in an original petition or in a challenging petition.
 3. After all persons, representatives of management, and employee organizations or representatives thereof, who are entitled to be heard on the matter have been afforded an opportunity to be heard, the Commission shall render its decision on establishing the representation unit or units. Such decision to be rendered within 14 days and all parties notified.
- G. A registered employee organization may appeal a Commission determination to the Board. Such appeal must be filed with the Director within 15 days from the date of the notice of the Commission's decision.

Section 12. CRITERIA FOR DETERMINATION OF REPRESENTATION UNITS

In determining the most appropriate employee representation unit, the following factors shall be considered:

- A. The principal criterion for determining the most appropriate representation unit shall be the largest feasible group of classifications having an identifiable community of interest.
- B. The effect of the proposed unit on the efficient operation of County services and on sound employee relations.
- C. The history of employee relations in the County, and in similar public employment and private industry.
- D. Similarity of duties, skills, wages, and working conditions of employees.
- E. Professional employees as defined by Government Code Section 3507.3 shall have the right to be represented separately from non-professional employees by a professional employee organization consisting of such professional employees.
- F. No single job classification shall be divided into two or more representation units, except for those positions designated as management or confidential.
- G. No management or confidential employee shall be included in the same unit with non-management or non-confidential employees.
- H. No supervisory employee shall be included in the same unit with non-supervisory employees.

Section 13. MODIFICATION OF REPRESENTATION UNITS

- A. The provisions of this section shall apply to both registered and recognized employee organizations. An employee organization may request the modification of an established representation unit by submitting a petition to the Director of Human Resources accompanied by proof that the employee organization represents at least 30% of the employees within the requested modified representation unit. All petitions for modified units shall be accompanied by a list of the classifications to be included in the modified unit, the number of employees in each classification, as well as the divisions and departments to which they belong as specified in the County Position Allocation List. When a representation unit has been established, that representation unit shall not be contested for at least twelve (12) months from the date of determination. Thereafter, another employee organization may file a petition during the month of October for modification of the representation unit. For multi-year agreements, modification may occur only during October of the last year of such agreement.
- B. The Director of Human Resources shall give notice of the request for modification of an established representation unit to the employees in the proposed unit and to any person or employee organization that has filed a written request for such notice.
- C. Within thirty (30) days of the date the notice is given to the employees in the proposed unit, a second employee organization may challenge the appropriateness of the proposed modified representation unit and petition for the establishment of a different unit. The challenge shall be filed with the Director of Human Resources and must be accompanied by proof that the organization represents at least 30% of the employees within its proposed modified units.
- D. If a challenge is filed, the Director of Human Resources shall notify the employee organization which submitted the original petition for modification of the representation unit. If an amended petition for modification is not filed within fifteen (15) days of such notice, the original petition for modification and the challenge shall be submitted to the Civil Service Commission as provided below. Upon the filing of an amended petition, the original petition shall be deemed revoked and the amended petition shall be considered on its own merits as if originally filed.
- E. If a challenge petition has been filed and the challenge has not been resolved by amendment of the original petitioner or withdrawal of the challenging petition, the Director of Human Resources shall submit the petition and the challenge to the Civil Service Commission. The Commission shall hold a hearing on the petition and challenge at which time the employee organization which filed the modification petition and the challenging employee organization shall be heard.
- F. The Civil Service Commission shall make the final determination on the appropriateness of the representation unit or units. In making such determination, the Commission shall not be limited to consideration of the unit or units requested, provided, however, that if the Commission is considering the establishment of a representation unit other than one described in an original petition or in a challenging petition, the following procedure shall be followed:

1. The Commission shall set a date when it will act on establishing the representation unit or units, and shall direct the Director of Human Resources to cause timely notice of the date and purpose of said hearing to be given to all employees within the unit or units being considered, and to all employee organizations,
2. At the time set for the hearing, the Commission shall afford all persons present, and all employee organizations or representatives thereof, an opportunity to be heard on the question of establishing the representation unit or units which were not described in an original petition or in a challenging petition,
3. After all persons and employee organizations or representatives thereof who wish to be heard on the matter have been afforded an opportunity to be heard, the Commission shall render its decision. Such decision shall be made in 14 days and all parties notified.

G. Assignment or reassignment of job classification

Each newly established job classification, or existing job classification which has been changed in respect to title, definition, class characteristics, duties or minimum qualifications, shall be assigned, or reassigned, to an appropriate representation unit by the Director, or, if he finds that there is no appropriate unit to which such job classification may be assigned, or reassigned, the Director shall declare that no assignment to a representation unit shall be made. Written notice of such assignment, reassignment or declaration of no assignment shall be given by the Director to all recognized employee organizations and to all employees incumbent in the affected classification. For the purpose of this section, posting of the notice of assignment or non-assignment in the Departments staffed by incumbents of the affected classification shall be deemed adequate written notice to affected County employees.

A recognized employee organization may appeal such assignment, re-assignment or non-assignment to the Commission. The appeal shall be in writing and shall be filed with the Commission within thirty (30) days of the mailing of the written notice. The decision of the Commission on the appeal shall be final.

- H. The Director of Human Resources may on his own motion propose that an established unit be modified. The Director shall give written notice of the proposed modification to any affected employee organization and shall hold a meeting concerning his proposed modification, at which time all interested employee organizations shall be heard. Thereafter the Director shall determine the composition of the appropriate unit or units and shall give written notice of such determination to the affected employees and employee organizations. The Director's determination may be appealed to the Commission by a registered employee organization. The appeal shall be in writing and shall be filed with the Commission within thirty (30) days of the date of the Director's notice of determination.

Section 14. CERTIFICATION AND DECERTIFICATION OF A RECOGNIZED EMPLOYEE ORGANIZATION

(Amended 02/09/2011)

- A. A registered employee organization which seeks certification as the recognized employee organization for a representation unit which has been established shall file a

petition with the Director of Human Resources. The petition shall be accompanied by proof, (as defined in Section 2, paragraph V) that the organization represents at least 30% of the employees in the representation unit. Upon determining that the petitioning employee organization represents at least 30% of the employees in the representation unit, the Director of Human Resources shall notify any registered employee organization which has requested such notice and shall arrange for a secret ballot election to ascertain the free choice of a majority of such employees. Any other registered employee organization shall be shown as one choice on the ballot upon filing of a petition and presentation of proof, as defined in Section 2, paragraph V, that the organization represents at least 15% of the employees in the representation unit. Such petition for a place on the ballot must be filed within fifteen (15) days after notice of the petition for election has been mailed by the Personnel Department to the employees.

- B. The recognized employee organization shall be the representative of all the employees in such unit for purposes of meeting and conferring in good faith on matters within the scope of representation.
- C. Requests for decertification of a recognized employee organization may be contested by employees of the unit or another registered or recognized employee organization after at least twelve (12) months have elapsed from the date of recognition by submission of a petition during the month of October of the final year of the memorandum of understanding with proof of employee approval of at least 30% of the employees in the representation unit. The employee organization shall be decertified in accordance with a secret ballot election in which a majority of those casting valid ballots so voted.
- D. Whenever an election is required pursuant to these rules and regulations, the Commission shall request the State Conciliation Service to call and conduct a secret ballot election in accordance with its own procedures and regulations and pursuant to the provisions of this Section.
- E. Eligible voters shall be those employees in the representation unit whose salary is fixed at a monthly or bi-weekly rate by the County salary resolution and whose names appear on the payroll immediately prior to the call of the election as employees in the representation unit, including those shown on vacation or authorized leave of absence.
- F. Every ballot in a certification or decertification election shall contain a choice of “no organization” in addition to the names of the employee organizations which have qualified for placement on the ballot.
- G. The Commission may adopt rules for the conduct of elections in those cases where the State Conciliation Service declines to conduct the election. Such rules may provide for the conduct of an election in whole or part by mail ballot if, in the Commission’s sole discretion, the mail ballot procedure is deemed appropriate. If an election by mail ballot is ordered, the Commission will at that time establish rules and procedures to guard against fraud, mistake, ineligible voting, and the like.
- H. The Commission shall declare the official results of the election, and it shall do one of the following:
 - 1. Certify as the recognized employee organization of the representation unit the employee organization receiving a majority of the votes cast,

2. Declare that no organization is the recognized employee organization of the unit if the choice "no organization" received a majority of the votes cast,
 3. If the ballot included three or more choices and none of the choices received a majority vote, order a run-off election to be held between the two choices receiving the largest number of votes,
 4. Following a decertification election, decertify the incumbent employee organization if the choice "no organization" or another employee organization received a majority of the votes cast.
- I. Decertification of a majority representation shall not negate the term of an existing memorandum of understanding between the County and that organization.
 - J. No election shall be conducted in any representation unit within which in the preceding twelve (12) month period if a valid election shall have been held in which "no organization" received a majority of the votes cast.
 - K. Any costs incurred in conducting an election shall be borne one-half by the County and one-half divided equally among the employee organizations appearing on the ballot.

Section 15. MEET AND CONFER (Amended 06-21-1988)

- A. Only recognized employee organization in established representation units shall be entitled to meet and confer with duly designated management representatives on wages, hours, and other terms and conditions of employment for the employees in such units, except as provided in Section 8 of these rules and regulations.
- B. Agreements reached as a result of negotiations shall be included in a memorandum of understanding signed by the Director of Human Resources as well as the duly designated representatives of the recognized employee organizations. Such memoranda of understanding shall not be binding unless approved by the Board and the recognized employee organization.

ARTICLE 5
IMPASSE PROCEDURES
(Amended 07/02/2013)

Section 16. IMPASSE, MEDIATION AND FACT-FINDING

In consideration of the strong public interest in the equitable and efficient resolution of disputes over the wages, hours, and working conditions of public employees, these rules establish necessary impasse resolution procedures. Mediation and/or fact-finding provide alternative resolution processes to the parties in the event that negotiations fail to produce an agreement between the parties.

As used within this Article, the term “impasse” means that after a reasonable time, the parties have reached a point in their meeting and conferring in good faith on a dispute over matters within the scope of their representation at which their differences in positions are so substantial or prolonged that future meetings would be futile. The term “impasse” does not include nor shall these impasse procedures apply to disagreements between the County and a recognized employee organization regarding the impacts of any decision the County exercises within the County Management Rights as defined by Article 2, County Management and Employee Rights.

If a party does not request, in writing, to participate in mediation and/or fact-finding within the specified time limits below, the party shall be deemed to have waived its rights to mediation and/or fact-finding. If a party waives its participation in mediation and/or fact-finding, the County may, after holding a public hearing regarding the impasse, implement the last, best and final offer.

A. Mediation

1. If representatives of the County and the recognized employee organization have reached impasse, then either may file with the other party a written declaration of impasse and its detailed position on all issues. As a means to resolve the impasse, the parties may mutually agree to use mediation.
2. As soon as either party declares impasse or if a declaration of impasse is deemed to have occurred pursuant to Section 16 (A) (1) above, the County shall notify the California State Mediation and Conciliation Service that the parties have failed to reach agreement and shall obtain therefrom either (1) a designated mediator; (2) upon mutual agreement, the selection and scheduling of a particular mediator; or (3) a list of seven mediators. If the parties are provided a list of seven mediators, the parties shall select one from the list by, after a toss of coin (with the winner of the coin toss to decide which party shall move first), alternately striking names until one name remains. That person remaining shall serve as the mediator. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position, at any time concerning the issues. The mediator shall not hold a hearing or make any recommendation (except privately to the parties), nor have authority to resolve the dispute.
3. If mediator fees are incurred for mediation, they shall be divided equally by the number of parties in mediation.

4. If the dispute is not settled within 45 calendar days after the appointment of the mediator, or upon agreement in writing by both parties within a longer period, the mediation shall be deemed to have concluded. Mediation shall be deemed concluded when at least one party determines mediation is unsuccessful and sends written notice to that effect to the other party. .

B. Fact-finding Following Mediation

1. If the County and the recognized employee organization fail to reach agreement through the mediation process, in accordance with Government Code section 3505.4(a) the recognized employee organization may request, fact-finding be used in an attempt to resolve the remaining issues in dispute. The request for fact finding must be submitted in writing to the Public Employment Relations Board (PERB), with a copy sent simultaneously to the other party, not sooner than thirty calendar days, but not later than forty-five calendar days following the appointment or selection of the mediator selected/appointed in accordance with Section 16A(2) above. Such a request shall include:
 - a. A declaration that the parties are at an impasse and have been unable to reach agreement; and,
 - b. A statement identifying the specific issues in dispute.
2. Selection of fact-finding panel
 - a. Within five calendar days of the request for fact-finding, each party shall select one individual of its own choosing to serve on the fact-finding panel and shall provide written notice to the other party of its selection, including contact information.
 - b. Within five calendar days of the request for fact-finding, the County and the recognized employee organization shall jointly select the third member of the fact finding panel (“Pre-Designated Chairperson”) and the third person shall serve as the fact-finding panel chairperson.
 - c. If the parties are unable to mutually agree on a Pre-Designated Chairperson within five calendar days of a party’s request for fact-finding, the County shall request that the California State Mediation and Conciliation Service provide the parties a list of seven qualified fact-finders, and the parties will select a fact-finding from this list who will certify that he or she will start the fact-finding proceedings with ten calendar days of notification by the parties. After a toss of coin to decide which party shall strike first (with the winner of the coin toss to decide which party shall strike first), a representative of the County and a representative of the recognized employee organization shall alternatively strike one name from the list until one name remains and such person shall act as the fact-finding Pre-Designated Chairperson.

The next to the last name stricken shall be the alternate fact-finding chairperson in the event the first name is not available. The procedure shall be followed until there is an available Pre-Designated Chairperson. The County shall confirm the Pre-Designated Chairperson within ten calendar days of its request to the California State Mediation and Conciliation Service for a list of seven qualified fact-finders.

- d. If the parties have been unable to reach agreement of a Pre-Designated Chairperson following appointment of a mediator, then the parties shall request that the Public Employment Relations Board (PERB) appoint a fact-finding chairperson in accordance with Government Section 3505.4(a).
 - e. At any time prior to the presentation of evidence before the panel, the parties may jointly appoint their Pre-Designated Chairperson in lieu of the PERB-appointed chairperson.
3. All fact-finding proceedings shall be closed to the public. The fact-finding panel shall, within ten days after its appointment, meet with the parties or their representatives, either jointly or separately, and may make inquiries hold hearings, and take any other steps it deems appropriate. For the purpose of the hearings and inquiries, the panel shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence and the parties shall furnish the fact-finding panel, upon its request, with all records, papers, and information in their possession relating to any matter under review by or in issue before the panel.
 4. The fact-finding process shall be deemed to be completed thirty calendar days after the appointment of the fact-finding panel Chairperson. The fact-finding panel or Chairperson may not extend the time lines without expressed mutual written consent of the parties.
 5. Failure by either party to be available within the thirty calendar day time period shall not cause an extension of the time frames.
 6. Except as mutually agreed to in writing by the parties, the fact-finding panel shall be limited in scope only to the matters the parties identified as having reached impasse on and which are matters within the mandatory subjects of bargaining.
 7. Fact-finding criteria: In addition to the criteria which must be considered by law pursuant to Government Code section 3505.4(d), the panel shall consider, weigh and be guided by evidence concerning the following in defining “the interests and welfare of the public and the financial ability of the public agency” as described in Government Code section 3505.4(d)(4):
 - a. The cost to the County of funding all County services, programs, and activities, including but not limited to personnel contracts, liabilities,

debt service, supplies and materials, maintenance of appropriate reserves as established by the Board of Supervisors and County policy, and infrastructure maintenance and improvements as determined by the County.

- b. The impacts of any recommendation which will result in an increased cost to the County, including the impact of that additional expense on the ability of the County to continue to provide services.
 - c. The total compensation, and rate of increase or decrease in the total compensation, for other County bargaining units and unrepresented employees, excluding any special adjustments specific to a classification or subset of a unit.
 - d. Overall County goals and policies related to employee compensation and benefits and other terms and conditions of employment.
8. Except as mutually agreed to by the County's appointee to the fact-finding panel and the recognized employee organization's appointee to the fact-finding panel for a time extension of the fact-finding process, the fact-finding panel shall submit in writing, within thirty calendar days after its appointment, a report containing any findings of fact and recommended terms of settlement to the parties.
- a. To the extent the fact-finding panel makes findings and recommendations, those findings and recommendations shall be made on an issue-by-issue basis, either making no recommendation (and indicating that no recommendation is being made), or recommending either the County's position or the recognized employee organization's position.
 - b. The fact-finding panel shall limit its findings and recommendations to the issues that fall within mandatory subjects of bargaining, unless the parties mutually agree, in writing, to submit issues that are non-mandatory subjects.
 - c. The parties shall maintain the confidentiality of the fact-finding panel's report during the first nine calendar days following its issuance. If the parties have not reached agreement on a successor memorandum of understanding then the County shall make the report public on the tenth calendar day following issuance of the fact-finding panel's report.
 - d. The fact-finding report shall be advisory only, and the Board of Supervisors may choose to accept or reject, in part or in whole, the recommendations of the panel.

- e. On or after the date the County has released the fact-finding panel's report to the public, the County may, after holding a public hearing regarding the impasse, implement the County's last, best and final offer.
 - f. If the fact-finding panel was unable to meet the deadline, and thereby is unable to recommend terms of settlement to the Board of Supervisors, that fact shall constitute the totality of the report.
- 9. Each party shall bear its own costs for mediation and fact-finding, including the costs of their advocates. Any costs for the mediator, neutral fact-finder, facilities, court reporters, or similar costs shall be borne equally by the County and the recognized employee organization(s).
 - 10. Notwithstanding any other provision of this section, the employee organization may choose to discontinue ongoing fact-finding at any time by notifying the County in writing that it waives its right to complete the fact-finding process. Written waivers shall be irrevocable. Upon receiving a waiver from the employee organization, the County may, after holding a public hearing regarding the impasse, implement the last, best and final offer.
 - 11. These fact-finding provisions shall remain in effect and apply only so long as state law requires the parties to proceed to fact-finding.

C. Fact-finding Without Mediation

- 1. If representatives of the County and the recognized employee organization have reached impasse, then in accordance with Government Code section 3505.4(a) the recognized employee organization may file with the other party a written declaration of a declaration that the party declines to use or participate in mediation and a declaration that the party does wish to use and participate in fact-finding. Additionally, the request for fact finding must be submitted in writing to the Public Employment Relations Board (PERB), with a copy sent simultaneously to the other party, not later than thirty calendar days following the written declaration of impasse. Such a request shall include:
 - a. A declaration that the parties are at an impasse and have been unable to reach agreement; and,
 - b. A statement identifying the specific issues in dispute.
- 2. Selection of fact-finding panel
 - a. Within five calendar days of the request for fact-finding, each party shall select one individual of its own choosing to serve on the fact-finding panel.
 - b. Within five calendar days of the request for fact-finding, the County and the recognized employee organization shall jointly select the third

member of the fact finding panel (“Pre-Designated Chairperson”) and the third person shall serve as the fact-finding panel chairperson.

- c. If the parties are unable to mutually agree on a Pre-Designated Chairperson within five calendar days of a party’s request for fact-finding, the County shall request that the California State Mediation and Conciliation Service provide the parties a list of seven qualified fact-finders, and the parties will select a fact-finding from this list who will certify that he or she will start the fact-finding proceedings with ten calendar days of notification by the parties. After a toss of coin to decide which party shall strike first (with the winner of the coin toss to decide which party shall strike first), a representative of the County and a representative of the recognized employee organization shall alternatively strike one name from the list until one name remains and such person shall act as the fact-finding Pre-Designated Chairperson. The next to the last name stricken shall be the alternate fact-finding chairperson in the event the first name is not available. The procedure shall be followed until there is an available Pre-Designated Chairperson. The County shall confirm the Pre-Designated Chairperson within ten calendar days of its request to the California State Mediation and Conciliation Service for a list of seven qualified fact-finders.
 - d. If the parties have been unable to reach agreement of a Pre-Designated Chairperson by thirty calendar days following the declaration of impasse, then the parties shall request that the Public Employment Relations Board (PERB) appoint a fact-finding chairperson.
 - e. At any time prior to the presentation of evidence before the panel, the parties may jointly appoint their Pre-Designated Chairperson in lieu of the PERB-appointed chairperson.
3. All fact-finding proceedings shall be closed to the public. The fact-finding panel shall, within ten days after its appointment, meet with the parties or their representatives, either jointly or separately, and may make inquiries, hold hearings, and take any other steps it deems appropriate. For the purpose of the hearings and inquiries, the panel shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence and the parties shall furnish the fact-finding panel, upon its request, with all records, papers, and information in their possession relating to any matter under review by or in issue before the panel.
 4. The fact-finding process shall be deemed to be completed thirty calendar days after the appointment of the fact-finding panel Chairperson. The fact-finding panel or Chairperson may not extend the time lines without expressed mutual written consent of the parties.
 5. Failure by either party to be available within the thirty calendar day time period shall not cause an extension of the time frames.

6. Except as mutually agreed to in writing by the parties, the fact-finding panel shall be limited in scope only to the matters the parties identified as having reached impasse on and which are matters within the mandatory subjects of bargaining.
7. Fact-finding criteria: In addition to the criteria which must be considered by law pursuant to Government Code section 3505.4(d), the panel shall consider, weigh and be guided by evidence concerning the following in defining “the interests and welfare of the public and the financial ability of the public agency” as described in Government Code section 3505.4(d)(4):
 - a. The cost to the County of funding all County services, programs, and activities, including but not limited to personnel contracts, liabilities, debt service, supplies and materials, maintenance of appropriate reserves as established by the Board of Supervisors and County policy, and infrastructure maintenance and improvements as determined by the County.
 - b. The impacts of any recommendation which will result in an increased cost to the County, including the impact of that additional expense on the ability of the County to continue to provide services.
 - c. The total compensation, and rate of increase or decrease in the total compensation, for other County bargaining units and unrepresented employees, excluding any special adjustments specific to a classification or subset of a unit.
 - d. Overall County goals and policies related to employee compensation and benefits and other terms and conditions of employment.
8. Except as mutually agreed to by the County’s appointee to the fact-finding panel and the recognized employee organization’s appointee to the fact-finding panel for a time extension of the fact-finding process, the fact-finding panel shall submit in writing, within thirty calendar days after its appointment, a report containing any findings of fact and recommended terms of settlement to the parties.
 - a. To the extent the fact-finding panel makes findings and recommendations, those findings and recommendations shall be made on an issue-by-issue basis, either making no recommendation (and indicating that no recommendation is being made), or recommending either the County’s position or the recognized employee organization’s position.
 - b. The fact-finding panel shall limit its findings and recommendations to the issues that fall within mandatory subjects of bargaining, unless the

parties mutually agree, in writing, to submit issues that are non-mandatory subjects.

- c. The parties shall maintain the confidentiality of the fact-finding panel's report during the first nine calendar days following its issuance. If the parties have not reached agreement on a successor memorandum of understanding then the County shall make the report public on the tenth calendar day following issuance of the fact-finding panel's report.
 - d. The fact-finding report shall be advisory only, and the Board of Supervisors may choose to accept or reject, in part or in whole, the recommendations of the panel.
 - e. On or after the date the County has released the fact-finding panel's report to the public, the County may, after holding a public hearing regarding the impasse, implement the County's last, best and final offer.
 - f. If the fact-finding panel was unable to meet the deadline, and thereby is unable to recommend terms of settlement to the Board of Supervisors, that fact shall constitute the totality of the report.
9. Each party shall bear its own costs for mediation and fact-finding, including the costs of their advocates. Any costs for the mediator, neutral fact-finder, facilities, court reporters, or similar costs shall be borne equally by the County and the recognized employee organization(s).
 10. Notwithstanding any other provision of this section, the employee organization may choose to discontinue ongoing fact-finding at any time by notifying the County in writing that it waives its right to complete the fact-finding process. Written waivers shall be irrevocable. Upon receiving a waiver from the employee organization, the County may, after holding a public hearing regarding the impasse, implement the last, best and final offer.
 11. These fact-finding provisions shall remain in effect and apply only so long as state law requires the parties to proceed to fact-finding.

**ARTICLE 6
INTERPRETATION AND ADMINISTRATION**

Section 17. INTERPRETATION

- A. The Commission shall have the authority for the administrative interpretation of these rules and regulations.
- B. The adopting of these rules and regulations shall not be construed as making the provisions of Section 923 of the Labor Code applicable to employees of the County.

Section 18. RULES, PROCEDURES, AND AMENDMENTS

- A. After consulting with recognized and registered employee organizations, the Board of Supervisors may, from time to time, amend these rules and regulations by Resolution.
- B. The Board or its designated representative may similarly establish rules or procedures, not inconsistent with these rules and regulations, for the orderly conduct of employee relations.
- C. The Commission may similarly establish, subject to the approval of the Board, rules or procedures, not inconsistent with these rules and regulations, for the conduct of its functions prescribed herein.

Section 19. MANAGEMENT NEGOTIATOR

- A. The Director of Human Resources of the County of Solano, or his representative, is hereby designated as representative and as the official County spokesman on employer-employee relations. He shall maintain liaison with and regularly consult with department heads and other appropriate County officials.

Section 20. SEVERABILITY

- A. If any provision of these rules and regulations or the application of such provision to any person or circumstance, shall be held invalid, the remainder of these rules and regulations or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 21. TITLE

- A. This resolution shall be cited as the Employer-Employee Relations Rules and Regulations of Solano County.