



# **LABOR RELATIONS ORDINANCE**

**Ordinance No. 10247**

**January 29, 2013**

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**ORDINANCE NO. 10247 (NEW SERIES)**

***AN ORDINANCE AMENDING THE SAN DIEGO COUNTY LABOR RELATIONS ORDINANCE FOR THE PURPOSE OF REVISING THE IMPASSE PROCEDURE, THE APPOINTMENT PROCEDURE TO THE NEUTRAL APPELLATE AUTHORITY, UNIT MODIFICATION PROCESS AND OTHER ADJUSTMENTS.***

*The Board of Supervisors of the County of San Diego ordains as follows:*

***Section 1. The Labor Relations Ordinance (Ordinance No. 6273) is hereby amended to read as follows:***

**ARTICLE I. GENERAL PROVISIONS**

**Section 1. Title.**

This Ordinance shall be known as the County of San Diego LABOR RELATIONS ORDINANCE.

**Section 2. Purpose.**

It is the purpose of this Ordinance to establish uniform and orderly methods of communication between the County and its employees concerning their respective rights and duties as provided in the "Meyers-Milias-Brown Act" (Government Code section 3500 et seq) and the San Diego County Charter.

It is the purpose of this Ordinance to promote full communication between the County and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the County and recognized employee organizations.

It is also the purpose of this Ordinance to promote the improvement of personnel management and employer-employee relations within the County by providing a uniform basis for recognizing the rights of County employees to join organizations of their own choice and to be represented by such organizations in their employment relationships with the County.

Nothing contained herein shall be construed to supersede the provisions of existing state law or the San Diego County Charter which establish and provide for the administration of those employer-employee relations of the Personnel System. This Ordinance is intended, instead, to establish reasonable rules and regulations permitted by Government Code Section 3507 for the administration of those employer-employee relations which concern the rights of County employees to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation, and the rights of County employees to refuse to join or participate in the activities of employee organizations and represent themselves individually.

### **Section 3. Severability.**

This Ordinance is subject to all current and future federal and state laws and the San Diego County Charter. If any part or provision of this Ordinance is held to be invalid or unenforceable by any tribunal of competent jurisdiction, such part or provision shall be suspended and superseded by the applicable provision or provisions of federal or state laws or the Charter and the remainder of this Ordinance shall not be affected thereby.

The enactment of this Ordinance shall not be construed as making the provisions of Section 923 of the Labor Code applicable to County employees.

### **Section 4. Amendments.**

The Board of Supervisors may, from time to time, amend this Ordinance after consultation in good faith with representatives of County-recognized and registered employee organizations.

### **Section 5. Administration.**

The Chief Administrative Officer shall implement and administer the provisions of this Ordinance. The Chief Administrative Officer and an assigned hearing officer have authority to administratively interpret this Ordinance.

### **Section 6. Definitions.**

For the purpose of this Ordinance, the following definitions shall apply:

- (a) **"Board"**: The Board of Supervisors of the County of San Diego.
- (b) **"Chief Administrative Officer"**: The Chief Administrative Officer of the County of San Diego and his or her designee(s).
- (c) **"Clerk" or "Clerk of the Board"**: The Clerk of the Board of Supervisors of the County of San Diego and his or her designee(s).
- (d) **"Confidential Employee"**: An employee engaged in work which makes the employee privy to the decision-making process of the County affecting labor relations or personnel and employment transactions.
- (e) **"Consult" or "Consultation"**: Verbal or written communications between the County and the recognized employee organizations for the purpose of presenting and obtaining views or advising of intended actions regarding reasonable rules for the administration of employer-employee relations for matters not requiring meet and confer.

- (f) **"County"**: The County of San Diego, a political subdivision of the State of California.
- (g) **"Days"**: Calendar days, unless otherwise specified.
- (h) **"Department"**: An office, department or agency operated by the County.
- (i) **"Department Head"**: The Chief Executive Officer and/or appointing authority of a County department and his or her designee.
- (j) **"Designated Representative of the Board"**: The person or persons who have been specified by the Board as authorized to represent the Board in labor relations matters.
- (k) **"Emergency"**: An unforeseen circumstance requiring immediate implementation of an action.
- (l) **"Employee" or "County Employee"**: Any person employed by the County, excepting those persons elected by popular vote or appointed to office by the Governor of the state.
- (m) **"Employee Organization"**: Any organization that includes employees of the County and has as one of its primary purposes representing such employees in their employment relations with the County, or any organization that seeks to represent employees of the County in their employment relations with the County.
- (n) **"Employer-Employee Relations"**: The relationship between the County and its employees on matters of employment.
- (o) **"Impasse"**: The point reached in meeting and conferring over matters within the scope of representation at which the parties' differences are so substantial or prolonged that future meeting would be futile.
- (p) **"Labor Relations"**: The relationship between the County and its employees on matters concerning employees' rights to choose to be or not to be represented by employee organizations; and the relations between the County and employee organizations.
- (q) **"Management Employee"**: An employee engaged in work having significant responsibility for the formulation of the County's program objectives or the development of policies and procedures for their accomplishment.
- (r) **"Mediate" or "Mediation"**: The effort by an impartial third party to assist in reconciling a dispute regarding wages, hours, and other terms and conditions of

employment between the County and recognized employee organizations through interpretation, suggestion and advice.

- (s) **"Meet and Confer in Good Faith"**: The mutual obligation of the designated representative of the Board and representatives of a recognized employee organization, personally to meet and confer upon request and continue for a reasonable period of time in order to freely exchange information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation.
- (t) **"Peace Officer"**: An employee who is a full-time "peace officer" as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.
- (u) **"Professional Employee"**: An employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, usually of a prolonged nature in a post-secondary institution of higher learning or a hospital, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers and the various types of physical, chemical, and biological scientists.
- (v) **"Recognized Employee Organization"**: An employee organization that has been formally designated by the County as the employee organization which is the exclusive representative of an appropriate representation unit of employees.
- (w) **"Registered Employee Organization"**: An employee organization which has complied with the provisions of Article III hereof and which may desire to become the recognized employee organization for an appropriate representation unit of employees.
- (x) **"Scope of Representation"**: All matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours and other terms and conditions of employment; except, however, the scope of representation does not include consideration of the merits, necessity, or organization of any service or activity provided by law, by executive order, by the Charter or by Board order.
- (y) **"Supervisory Employee"**: An 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 to adjust their grievances; or effectively 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.
- (z) **"Unit" or "Representation Unit" or "Bargaining Unit"**: An appropriate group of County job classifications that has been identified as having a community of

interest for the purpose of being represented by a recognized employee organization on matters within the scope of representation.

## **ARTICLE II. COUNTY AND EMPLOYEE RIGHTS**

### **Section 1. County Rights.**

It is the exclusive right of the County to determine the merits, necessity and organization of each of its constituent departments, boards and commissions; set standards for services to be provided to the public, and exercise control and direction over service operations. It is also the exclusive right of the County to direct its employees, take disciplinary action for proper cause, relieve its employees from duty because of lack of work or reduced levels of service and determine the methods, means and personnel by which the County's operations are to be conducted.

### **Section 2. Employee Rights.**

Except as otherwise provided by law, County employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. County 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 employment relations with the County.

### **Section 3. Limitation of Employee Rights.**

The Board of Supervisors may at any time establish reasonable standards to designate positions or classes of positions which have duties consisting primarily of the enforcement of state laws or local ordinances, and may by separate resolution or ordinance adopted after a public hearing, limit or prohibit the right of employees in such positions or classes of positions to form, join or participate in employee organizations where it is in the public interest to do so. However, the Board may not prohibit the right of its employees who are full-time "peace officers", as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, to join or participate in employee organizations which are composed solely of such peace officers, which concern themselves solely and exclusively with the wages, hours, working conditions, welfare programs, and the advancement of the academic and vocational training in furtherance of the police profession, and which are not subordinate to any other organization the right of employees to form, join and participate in the activities of employee organizations shall not be restricted by the County on any grounds other than those set forth in this section.

## **ARTICLE III. REGISTRATION OF EMPLOYEE ORGANIZATIONS**

### **Section 1. Application for Registration.**

An organization which desires to become a registered employee organization shall file a written application with the Chief Administrative Officer, which shall include:

- (a) Its name and address;
- (b) The names and titles of its officers;
- (c) The name and address of one person designated to receive written materials on its behalf;
- (d) The names of those persons who are authorized as its representatives in any communications with the County;
- (e) A statement that it has as one of its primary purposes representation of County employees in their relations with the County;
- (f) A statement that it has no restriction on membership based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, mental condition, genetic information, marital status, sex, gender, gender identity or expression, sexual orientation, or age.

The Chief Administrative Officer shall determine whether the application fulfills the requirements of this Section. The Chief Administrative Officer shall not unreasonably withhold registration.

**Section 2. Approval of Registration: Notice of Registration.**

When the Chief Administrative Officer determines that an organization's application for registration hereunder fulfills the requirements of Section 1, the Chief Administrative Officer shall approve the application and send written Notice of Approval to the representative designated by the organization pursuant to Section 1 (c). The Chief Administrative Officer shall cause County Office and department heads to be notified of the name and address of the newly registered employee organization and the names of its authorized representatives. The Chief Administrative Officer shall file the approved application with the Clerk of the Board and shall notify registered and recognized employee organizations of the name and address of the newly registered employee organization.

**Section 3. Denial of Registration.**

If the Chief Administrative Officer determines that an organization's application for registration does not fulfill the requirements of Section 1, the application shall be denied and the Chief Administrative Officer shall send written notice to the organization specifying the reasons for denial. The organization seeking to become registered may, within thirty (30) days of mailing of the denial, amend its application to meet the requirements of registration fully. After such thirty (30) days, and unless replaced by an

accepted application, the Chief Administrative Officer shall file the denied application and written notice specifying reasons for denial with the Clerk of the Board.

#### **Section 4. Appeal of Denial.**

Notwithstanding the provisions of Article IV, Section 2 hereof, a charge alleging unreasonable withholding of registration may be filed by an employee organization seeking to become registered in accordance with Article IV, Section 2.

#### **Section 5. Registered Employee Organization: Rights.**

A registered employee organization shall have the rights specified in this Section:

- (a) **Access to Employees.** An authorized representative of a registered organization shall have the right to reasonable access to non-work locations during employees' non-work time upon timely request to the department head and in the absence of overriding circumstances. Such a representative shall obtain authorization from the department head prior to each entry into any non-work location of a County facility. County authorization shall not be required for an employee organization representative to access any location open to members of the general public.
- (b) **Distribution of Materials.** An authorized representative of a registered employee organization shall have the right to distribute representation information materials by leaving a reasonable number of copies of such materials in non-work locations of a County facility upon timely request to the department head and in the absence of overriding circumstances. All such materials shall be dated and shall contain the name of the employee organization. Materials which are thirty (30) days old or older shall be discarded. A department head shall not be held responsible for the maintenance, treatment or any other aspect of handling materials distributed by an employee organization.
- (c) **Access to Employee Information.** Upon validation of a representation petition, and prior to a representation election ordered under Article VIII, Section 1 herein, a registered employee organization shall have the right to be provided by the Auditor and Controller, upon request, with payroll information on County employees' names, classifications and work locations relating to the petition. Such information shall be requested and provided according to the rules and regulations of the Auditor and Controller and the registered employee organizations shall pay any fees required by the Auditor and Controller for such information. In no event shall any County official except the Auditor and Controller provide any payroll information on County employees to a registered employee organization.
- (d) **Meeting Places.** A registered employee organization shall have the right to the use of County facilities for meetings composed of County employees, upon timely request to the appropriate County official and in the absence of overriding circumstances, and provided the meeting does not interfere with or disrupt the

work or the County's service obligations. Such meetings shall be held outside regularly scheduled working hours for the group which is meeting. The registered employee organization shall also obtain any necessary permit or approval for use of a meeting room in a County facility pursuant to the requirements of the appropriate County official responsible for the facility.

- (e) **Payroll Deduction.** A registered employee organization may be granted use of the County's payroll system for deduction of membership dues and other deductions which are authorized in writing by employees in classifications which are not included in a representation unit for which the County has recognized an employee organization. All use of the County's payroll system for such deductions shall be subject to the rules and regulations of the Auditor and Controller.
- (f) **Representation.** A registered employee organization may represent its members who are County employees in their individual grievances.

The County is not obligated to meet and confer in good faith or enter into memoranda of understanding or agreement with a registered employee organization. The County shall not meet and confer nor enter into memoranda of understanding or agreement with a registered employee organization where the County has recognized another employee organization as representing employees in a unit.

#### **Section 6. Duration of Registration.**

- (a) An employee organization, except a recognized employee organization, shall retain registration for a period of one (1) full year from the date of the Notice of Approval. In the event an employee organization does not re-register within ten (10) County business days after registration expires, the Chief Administrative Officer shall cause written notice to be distributed to County department heads that the employee organization is no longer a registered employee organization and that the rights provided pursuant to Section 5 of this Article have lapsed. The Chief Administrative Officer shall mail a copy of the notice to the employee organization and file one copy with the Clerk of the Board.
- (b) An employee organization which has been recognized pursuant to this Ordinance shall be deemed registered as to employees for which it is not recognized upon filing a letter with the Chief Administrative Officer requesting such registration. The said recognized employee organization shall be deemed registered until such time as it files a written request for withdrawal of registration.

#### **ARTICLE IV. RECOGNIZED EMPLOYEE ORGANIZATIONS**

An employee organization which is recognized by the County as the representative organization for an appropriate unit of employees shall be the sole and exclusive employee organization which shall represent such employees on matters within the

scope of representation with the County; provided, however, that an individual employee who is included in an appropriate unit represented by a recognized employee organization may appear in on his or her own behalf in his or her employment relations with the County. The County is not, however, obligated to meet and confer in good faith nor to enter into memoranda of understanding or agreement with such individual employee. A recognized employee organization shall remain recognized until such date that recognition is withdrawn from the organization or another employee organization is recognized for the representation unit of employees. The County shall not unreasonably withhold recognition of an employee organization.

### **Section 1. Recognized Employee Organization: Rights.**

A recognized employee organization shall have the rights set forth below only with respect to the employees in the unit for which the organization is recognized as the exclusive representative.

- (a) **Access to Employees.** A recognized employee organization shall have the right to reasonable access to non-work locations during employees' non-work time upon timely request to the department head, provided the access does not interfere with or disrupt the work of other employees and the County's service obligations. Additional rights may be granted a recognized employee organization pursuant to the provisions of a Memorandum of Agreement between the County and the recognized employee organization.
- (b) **Distribution of Materials.** A recognized employee organization shall have the right to distribute representation information materials by leaving a reasonable number of copies of such materials in non-work locations of a County facility, upon timely request to the department head and in the absence of overriding circumstances. Additional rights may be granted a recognized employee organization pursuant to the provisions of a Memorandum of Agreement between the County and the recognized employee organization. These materials shall be dated and shall contain the name of the employee organization. Materials which are thirty (30) days old or older shall be discarded. A department head shall not be held responsible for the maintenance, treatment or any other aspect of handling materials distributed by an employee organization.
- (c) **Use of Bulletin Boards.** A recognized employee organization shall have the right to use the bulletin board space in County departments for employees in the represented unit. Additional rights may be granted a recognized employee organization pursuant to the provisions of a Memorandum of Agreement between the County and the recognized employee organization.
- (d) **Access to Employee Information.** A recognized employee organization shall, upon request, be provided with payroll information by the Auditor and Controller, consisting of employees' names, classifications and work locations for employees in the represented unit. Additional rights may be granted a recognized employee organization pursuant to the provisions of a Memorandum of Agreement between

the County and the recognized employee organization. Such information shall be requested and provided according to the rules and regulations of the Auditor and Controller and the recognized employee organizations shall pay any fees required by the Auditor and Controller for such information. In no event shall any County official except the Auditor and Controller provide any payroll information on County employees to a recognized employee organization.

- (e) **Meeting Places.** A recognized employee organization shall have the right to the use of County facilities for meetings with employees in the represented unit upon timely request to the appropriate County official and in the absence of overriding circumstances. Additional rights may be granted to a recognized employee organization pursuant to the provisions of a Memorandum of Agreement between the County and the recognized employee organization. Such meetings shall be held outside regularly scheduled working hours for the group which is meeting. The recognized employee organization shall obtain any necessary permit or approval for use of a meeting room in a County facility pursuant to the requirements of the appropriate County official responsible for the facility.
- (f) **Payroll Deduction.** A recognized employee organization may request and be granted exclusive use of the County's payroll deduction system for the collection of membership dues and other employee-authorized deductions from employees in the represented unit. A recognized employee organization may at any time request the termination of such exclusive use of payroll deduction. Unless excluded by the recognized employee organization of a unit of employees, another recognized employee organization of another unit of employees may be authorized to use the County's payroll system for deduction of membership dues and other employee-authorized deductions, whether such employees be employed in classifications included in the unit for which it is the recognized employee organization or in some other unit. All use of the County's payroll system shall be subject to the rules and regulations and fees of the Auditor and Controller and such provisions as are included, in a Memorandum of Agreement between the County and the recognized employee organization.
- (g) **Representation.** A recognized employee organization shall have the right to represent the employees in the represented unit on all matters within the scope of representation. Upon the request of a recognized employee organization, the designated representative of the Board shall meet and confer in good faith regarding those matters within the scope of representation.
- (h) **Employee Representatives.** The County shall allow a reasonable number of County employees who are designated by a recognized employee organization as representatives of the organization, reasonable time off without loss of compensation or other benefits when formally meeting and conferring with the designated representative of the Board. Such employees shall be employed in classifications which are included in the unit or units represented by the organization. Limitations: Confidential, management, or supervisory employees

shall not act as representatives on behalf of non-confidential, non-management or nonsupervisory employees on any matter of representation if such representation would constitute a conflict of interest with their responsibilities as confidential, management or supervisory employees.

- (i) **Notification of Proposed Ordinance, Rule, Resolution or Regulation Affecting Scope of Representation.** Except in cases of emergency, as provided in this subsection, the County shall give reasonable, written notice to a recognized employee organization affected, of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the County; and shall give such recognized employee organization the opportunity to meet with the County or meet and confer as may be required by law. In cases of emergency when the County determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the County shall provide such notice and opportunity to meet and confer on matters within the scope of representation at the earliest practicable time following the adoption of such ordinance, rule, resolution or regulation.

**Section 2. Unfair Labor Practice – Represented Employees not covered by the Public Employment Relations Board (PERB).**

- (a) A recognized employee organization representing employees who are not covered by PERB, who believes the County has committed an unfair labor practice as described in subsections 1-2 below, shall have the right to file an Unfair Labor Practice Charge in accordance with this Section. A recognized employee organization that files a charge in accordance with this Section, shall also affirmatively waive the right to file in Superior Court and conversely, one that pursues an action in Superior court shall affirmatively waive its right to pursue an action under this Section.

The filing of an unfair labor practice allegation shall initiate an investigation of an Unfair Labor Practice Charge. An Unfair Labor Practice Charge may be filed by a representative of the County, a representative of an employee organization, or an employee. It is an unfair labor practice for any representative of the:

- (1) County or any employee organization to interfere with, intimidate, restrain, coerce or discriminate against County employees because of the exercise of their rights referred to in this Ordinance;
- (2) County to dominate or interfere with the formation or operation of any employee organization or contribute financial support to it, excepting that the rights granted to employee organizations in this Ordinance shall not be construed as financial support;

(3) County or a recognized employee organization to fail or refuse to meet and confer in good faith on wages, hours, and other terms and conditions of employment for represented employees.

(4) County to fail to provide available requested information in accordance with state and federal laws.

(b) **Form of Charge.** An Unfair Labor Practice Charge, and three copies, shall be filed with the Clerk of the Board. The charge shall include:

(1) The full name, title or classification, business address, affiliation (if any) and the signature of the person filing the charge.

(2) If filed by (or on behalf of) an employee organization, the name and address of the organization.

(3) The name and address of the person(s) alleged to have committed the unfair labor practice insofar as is known or can be reasonably ascertained.

(4) A citation of the specific practice(s) set forth in Section 1 hereof which is alleged to have been committed.

(5) A clear and concise statement of the facts supporting the charge, including the date(s), time(s), and place(s) of occurrence and the names of the person(s) allegedly engaged in such practice(s).

(c) **Time for Filing Charge.** An Unfair Labor Practice Charge shall be filed within one hundred and eighty (180) days from the date upon which the alleged practice first occurred or within one hundred and eighty (180) days from the date upon which the charging party knew or should have known of such occurrence.

(d) **Response to Charge.** The person(s) charged with an Unfair Labor Practice shall file a written response to the charge within fifteen (15) County business days following the date of receipt of receipt of said charge with the Clerk of the Board who shall provide a copy to the charging party, the Chief Administrative Officer, and any other named party. The response:

(1) Shall specifically admit, deny or otherwise respond to each of the allegations of the charge.

(2) May provide a separate and affirmative defense.

(3) May introduce a motion(s) for dismissal of the charge in whole or in part and, if introduced, shall briefly state the grounds for such motion(s).

(4) May request a meeting with the charging party to attempt to resolve the charge and, if no request for such meeting is made, shall request the charge be set for hearing.

(e) **Attempt to Resolve.** Upon receiving a request to meet and attempt to resolve an Unfair Labor Practice Charge, the charging party shall make arrangements to meet with the respondent(s) within ten (10) County business days subsequent to the date of receipt of the request. Such meeting shall be set for a date, time and place mutually acceptable to the parties.

(1) **Failure or Refusal to Meet:** In the event the charging party fails or refuses to make arrangements to meet with the respondent within the time period specified, such failure or refusal shall constitute an abandonment of the charge by the charging party. In such event, the respondent requesting the meeting shall file a statement of failure to meet with the Clerk of the Board and shall provide a copy of such statement to the charging party and the Chief Administrative Officer. The charging party may, within ten (10) County business days of mailing of the statement of failure to meet, file a response with the Clerk stating the reason(s) for failing to arrange a meeting and therein requesting such meeting. If no such response is filed within the time specified, the Clerk shall close the file on the charge.

(2) **Meet and Resolve:** In the event that the charging party and respondent(s) meet and resolve the charge, they shall jointly file a statement of resolution of charge with the Clerk of the Board and shall provide a copy of such statement to the Chief Administrative Officer. Upon receipt of the joint statement of resolution of charge, the Clerk shall close the file on the charge.

(3) **Meet and Fail to Resolve:** In the event that the charging party and the respondent(s) meet and fail to resolve the charge, the charging party may, subsequent to such meeting, file a request with the Clerk that the charge be set for hearing. A copy of the request for hearing shall be provided to the respondent(s) and the Chief Administrative Officer. Failure of the charging party to file such a request within ten (10) County business days of the said meeting shall constitute an abandonment of the charge. In such event, the respondent shall file a statement of abandonment of the charge with the Clerk of the Board and shall provide a copy to the charging party and the Chief Administrative Officer. Upon receipt of such a statement, the Clerk shall close the file on the charge.

(f) **Assignment of Hearing Officer and Scheduling of Hearing.** Promptly upon receipt of a request that a charge be set for hearing from a respondent or from the charging party, the Clerk of the Board shall request the Chief Administrative Officer to assign the investigation of the charge to a hearing officer and schedule

the time and place for hearing. Upon receipt of the hearing officer assignment and establishment of time and place for hearing from the Chief Administrative Officer, the Clerk shall provide a notice of hearing to the Chief Administrative Officer, the charging party, and the respondent(s). The notice shall state the date, time and place of the hearing and shall identify the hearing officer assigned to investigate the charge.

(g) **Neutral Appellate Authority**

**(1). Neutral Hearing Officers.**

(i) **Neutral Hearing Officer:** A qualified neutral hearing officer must possess expertise in the field of labor relations and have the integrity and impartiality necessary to protect the public interest as well as the interest of the County and its employees.

(ii) **Selection Procedure:** When a hearing is to be held, the representative of the Board and the other party(ies) shall jointly request the State Mediation and Conciliation Service, or other mutually agreeable source, to submit a list of at least five qualified neutral hearing officers. The parties shall alternately strike names from the list until only one remains, and that person shall serve as hearing officer.

**(2). Assignment of Cases to Hearing Officers.**

(iii) **Assignment:** Each unfair labor practice and representation case filing shall be assigned to a hearing officer.

(iv) **Consolidation of Cases:** When more than one case has been filed involving all or part of the same group of employees, or otherwise raising common issues, the Chief Administrative Officer may consolidate the assignment of such cases to the same hearing officer.

(h) **Payment of Costs for Hearing Officer.** A hearing officer shall present such charges as are reasonably and customarily charged by such hearing officer for his or her services and attendant expenses at the conclusion of the hearing. The County and the employee organization(s) which are party to an unfair labor practice charge proceeding shall equally bear the costs presented by the hearing officer.

(i) **Authority of Hearing Officer.** Upon assignment of a case to a hearing officer, he or she shall be granted the authority to conduct an investigation and hearing on behalf of the Board which shall be open to the public. A hearing officer shall be authorized to perform such other duties as are assigned to such hearing officer pursuant to the provisions of this Ordinance or the Memorandum of Agreement. A hearing officer shall not be authorized to add to, subtract from, or

to recommend any additions to, or subtractions from, the provisions of this Ordinance or the Memorandum of Agreement. A hearing officer shall not be authorized, nor shall attempt, to mediate any issue submitted to him or her for hearing and investigation unless expressly requested by mutual agreement of the parties.

- (j) **Conduct of Hearings.** An unfair labor practice case hearing shall be conducted by the hearing officer selected pursuant to Section 2(f), hereof. Hearings shall be open to the public. It shall be the duty of the hearing officer to inquire fully into those matters at issue in order to provide a full and complete record.

(1) **Scheduling of Hearing:** The hearing officer may, at his or her discretion, continue a hearing from day to day, or adjourn it to a later day or to a different place, by announcement thereof at a hearing or by appropriate notice.

(2) **Motions:** All motions filed in writing or stated orally on the record at the hearing, or filed in writing after the hearing for good reason, as determined by the hearing officer, shall state briefly the action or relief sought and the grounds for such motion. Upon the filing of a written motion, the moving party shall immediately serve a copy to each of the other parties to the proceeding. Written motions made prior to the date of the hearing shall be filed with the Clerk of the Board and shall be referred to the hearing officer for ruling. Written motions made at the hearing shall be filed with the hearing officer. Motions made after the close of the hearing shall be filed with the Clerk of the Board who shall serve a copy on the parties to the hearing and refer the motion to the hearing officer for ruling.

- (k) **Rights and Duties of the Parties at a Hearing.**

(1) **General:** The County shall be deemed a party to each proceeding. Any party to a hearing shall have the right to appear at the hearing in person, by counsel, or by other representative. A county employee who is serving as the representative of an employee organization or of a party to the hearing, shall have the right to be released from work without loss of compensation for the time required to perform their required function at the hearing. The hearing officer and any party to a hearing shall have the power to issue subpoenas, to call, examine and cross-examine witnesses and to introduce into the record documentary and other evidence. The hearing officer may exclude evidence deemed irrelevant, unduly repetitious, prejudicial, or privileged by law. Witnesses shall be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact may be introduced into evidence with respect to any issue.

(2) **Objections Respecting Conduct of Hearing:** Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection and included in the record. No such objection shall be deemed waived by further participation in the hearing.

(3) **Motions, Rulings and Orders:** All motions, rulings and orders shall become a part of the record.

(4) **Argument:** Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the tape recorded record of the hearing.

(5) **Misconduct at Hearing:** Misconduct at any hearing shall be grounds for summary exclusion by the hearing officer from further participation in such hearing.

(6) **Briefs:** A hearing officer shall, upon request, allow the parties to a hearing to file written briefs following the completion of the hearing. Copies of such briefs shall be concurrently served upon all parties to the hearing.

(l) **Evidence, Records and Witnesses for a Hearing.**

(1) **Documentary Evidence and Records:** Each party to a hearing shall, at his or her own expense, produce all documentary evidence and records necessary to the presentation of his or her case, and shall provide a copy of such documentary evidence to all parties to the hearing. A hearing officer may request any of the parties to a hearing to produce such written materials or records which are deemed by the hearing officer as necessary to his or her full inquiry into all matters at issue. In the event the hearing officer requests the County to produce such written materials and records, the Chief Administrative Officer shall cause the production of all requested materials and records as may be lawfully provided to the hearing officer.

(2) **Witnesses:** Any expenses which may be charged by witnesses summoned before the hearing officer shall be paid by the party at whose instance the witness appears. Any party to a hearing who desires to call a County employee as a witness at a hearing shall file a request for witness release time with the Chief Administrative Officer no later than five (5) County business days prior to the date of hearing. This notice may be waived by written stipulation of the parties to the hearing, or by written order of the Chief Administrative Officer. The request shall contain the witness' name, classification, department and the name of the employee's immediate supervisor, and a statement as to the relevancy of the

expected testimony. As soon as reasonably possible prior to the time set for the hearing, the Chief Administrative Officer shall consult with the affected department head(s) and notify the requesting party of the approval or disapproval of the request. The approved employee witness shall then be released from work with no loss of compensation or benefits for the time required to present their testimony. A party to the petition shall not request release time for more than one witness when the testimony of the second or additional witnesses is unduly repetitious of the testimony of the first witness. A party shall not request release time for a County employee for the purpose of observing a hearing proceeding unless the employee is a charging, or charged, party. Any employee who has not had release time approved by the Chief Administrative Officer and the department head and who is present at a hearing during his or her scheduled work time shall be considered to be on unauthorized unpaid leave. Allegations that the Chief Administrative Officer or the department head have unreasonably denied witness release time shall be presented to the hearing officer in writing at the hearing.

The hearing officer may order that witness be released from work to attend a hearing to present evidence.

(m) **Duties of Hearing Officer Following Hearing.** Upon the close of a hearing and submission of briefs in accordance with Section K (6) of this Article, if any, the hearing officer shall, as expeditiously as possible, prepare a Proposed Decision and Order.

(1) **Proposed Decision and Order:** The Proposed Decision and Order shall include a written analysis of the record and of the arguments of the parties and shall include the findings of fact and determination of the hearing officer on all submitted issues.

(2) **Record of the Proceedings:** The original of the Proposed Decision and Order, together with petition(s) or charge(s), responses, notices of hearing, written motions, rulings or orders, the tape recorded record of the hearing, stipulations, exhibits and documentary evidence and briefs shall constitute the record in the proceedings and shall promptly be forwarded to the Clerk of the Board by the hearing officer. A copy of the proposed Decision and Order shall immediately be served upon each of the parties.

(n) **Exceptions.** Within ten (10) County business days from the date of service of the Proposed Decision and Order, any party may file with the hearing officer and serve on the parties a statement in writing setting forth exceptions to the findings of fact contained in the Proposed Decision and Order, alleging error(s) to the said findings of fact, together with a written brief in support of said exceptions. An allegation that the hearing officer has made an erroneous finding of fact(s) shall be the only basis for the filing of an exception to the Proposed Decision and

Order. Any party may within ten (10) County business days after such service, file a brief in support of the Proposed Decision and Order. A copy of such brief(s) shall immediately be served on the other parties to the proceeding.

- (o) **Decision and Order.** After the period for the filings pursuant to Section n above has expired, the hearing officer shall promptly decide the matters upon the record and shall issue a Decision and Order, which shall include a written analysis of the record of the arguments presented and exceptions filed by the parties along with the findings of fact and decision of the hearing officer upon the submitted issues. The hearing officer shall file such Decision and Order with the Chief Administrative Officer, and shall serve a copy upon all of the parties to the proceeding. The hearing officer shall also promptly forward a copy of the Decision and Order and all exceptions and briefs to the Clerk of the Board for inclusion in the record of the proceedings.

(1) **No Exceptions to Decision and Order.** If no exceptions to the hearing officer's Decision and Order are filed pursuant to Section 9 hereof within twenty (20) County business days of the date the Decision and Order is filed with the Chief Administrative Officer, the Decision and Order shall then stand. The parties shall then meet to develop the appropriate implementation procedure, if any is required.

(2) **Exceptions to Decision and Order.** Within twenty (20) County business days of the date the Decision and Order is filed with the Chief Administrative Officer, any party to the proceeding may file with the Chief Administrative Officer, a statement in writing setting forth exceptions to the Decision and Order alleging that it contains a misinterpretation or violation of County Policy or County Charter, together with a written brief in support of said exceptions. An allegation that the hearing officer's Decision and Order contains a misinterpretation or violation of County Policy or County Charter shall be the only basis for the filing of exceptions to the Decision and Order. Within fifteen (15) County business days after the period for the filing of exceptions has expired, the Chief Administrative Officer shall determine whether the hearing officer's Decision and Order contains the alleged misinterpretation(s) or violation(s).

(3) **Determination of No Misinterpretation or Violation of County Policy or County Charter.** If the Chief Administrative Officer determines that no misinterpretation or violation of County Policy or County Charter has been made by the hearing officer, the Chief Administrative Officer shall affirm the Decision and Order, which shall then stand. The parties shall then meet and develop the appropriate implementation procedure, if any is required.

(4) **Determination of Misinterpretation or Violation of County Policy or County Charter.** If the Chief Administrative Officer determines that a

misinterpretation or violation of County Policy or County Charter has been made by the hearing officer, the Chief Administrative Officer shall refer the matter for consideration, or reconsideration, or both, pursuant to (i) and (ii) below in his or her discretion, and give notice to all parties of such action:

(i) **Reconsideration by Hearing Officer.** The Chief Administrative Officer may refer the Decision and Order to the hearing officer by sending a statement identifying wherein the Decision and Order misinterprets or violates County Policy, the Memorandum of Agreement or County Charter and setting forth appropriate corrections and clarifications to the hearing officer. The hearing officer may amend the Decision and Order without convening a hearing of the parties, or may convene such hearing, at his or her discretion. Upon completion of the hearing officer's reconsideration, the Decision and Order, along with the record of any proceedings relating to the said reconsideration and any amendments to the Decision and Order, shall be filed with the Chief Administrative Officer and served on the parties. If the Chief Administrative Officer determines that the Decision and Order, as amended, no longer contains the said misinterpretation or violation of County Policy, the Memorandum of Agreement or County Charter, the Chief Administrative Officer shall affirm the amended Decision and Order, which shall then stand. The parties shall then meet and develop the appropriate implementation procedure, if any is required.

(ii) **Consideration by Board of Supervisors.** The Chief Administrative Officer may docket the hearing officer's Decision and Order, together with a copy of the exceptions, the Chief Administrative Officer's statement identifying wherein the Decision and Order misinterprets or violates County Policy or County Charter, the record of the proceedings, if any, any amendments to the Decision and Order made by the hearing officer pursuant to (1) immediately above and deemed by the Chief Administrative Officer to be insufficient to correct or clarify the misinterpretation or violation of County Policy or County Charter, and a recommendation by the Chief Administrative Officer as to the disposition of the Decision and Order. The Board shall consider the Decision and Order at a meeting which shall be open to the public, and may adopt, modify or reverse, in whole or in part, the Decision and Order of the hearing officer. The determination of the Board shall then stand. A copy of the Board's determination shall be served on the parties. The parties shall then meet to develop the appropriate implementation procedure, if any is required.

### **Section 3. Memorandum of Agreement.**

If, after meeting and conferring in good faith, the designated representative of the Board and the representatives of a recognized employee organization reach agreement on wages, hours and other terms and conditions of employment, such representatives shall jointly prepare a written memorandum of agreement, which shall not be binding, and present it to the Board of Supervisors for determination. The written memorandum of agreement shall become binding on the County, on the recognized employee organization and the employees in the unit covered by the agreement, by approval of the Board of Supervisors.

#### **Section 4. Impasse Procedures, Mediation, Fact-Finding, and Impasse Hearing.**

- (a) **Impasse Declaration.** Either party may declare impasse by submitting a written declaration of impasse to the other party. A detailed written statement of the party's position on each disputed issue shall accompany a written impasse declaration.
- (b) **Application of the Impasse Procedure.** The impasse procedure described in this Section 4 shall apply to any meet and confer process covering (1) an initial or successor comprehensive Memorandum of Agreement (MOA), (2) any matter included within the MOA which is subject to a re-opener provision requiring a further meet and confer process during the term of the MOA, (3) any matter to be included in the MOA by virtue of an amendment to the existing MOA, or (4) subjects relating to wages, hours, and other terms and conditions of employment.
- (c) **Mediation.** As soon as either party has declared impasse, and no later than five (5) days after the impasse declaration is submitted, the County shall notify the California State Mediation and Conciliation Service that the parties have reached impasse and request the appointment of a mediator and scheduling of mediation as soon as possible.

Before the scheduled mediation, the party that did not declare impasse shall provide the other party a detailed written statement of the party's position on each disputed issue. The County shall provide the appointed mediator with the parties' statements of the disputed issues.

If mediation results in an agreement, the parties shall proceed according to Section 3 of this Article.

- (d) **Fact-finding.** If mediation does not result in an agreement, no sooner than thirty (30) days, but not more than forty five (45) days following the appointment of a mediator, the Recognized Organization may submit a written request for fact-finding to the County. If the Recognized Organization submits a request for fact-finding, the parties shall proceed to fact-finding.

If the recognized organization requests fact-finding, the organization must also file an official request with the Public Employee Relations Board ("PERB"), and both parties thereafter must follow the procedures in Subsection "(f)" below, and also comply with appropriate PERB regulations regarding fact-finding.

(e) **Appointment and Scheduling of Fact-Finding Panel.**

(1) Predesignation:

The parties may agree at the onset of the negotiation or meet and confer process to the appointment and scheduling of the fact-finding panel in order to avoid unnecessary delay in the scheduling of the fact-finding panel and the representatives of the parties. If the parties agree to pre-designation, in the absence of agreement specifying an earlier date, the parties shall appoint their respective fact-finding panel members and the panel chair within one hundred and twenty (120) days prior to the expiration of the parties' MOA or if no expiration day exists, within one hundred and twenty (120) days of the beginning date of the County budget year in which the parties' MOA expires. Neither party can be compelled to proceed with predesignation. Further, neither party can declare impasse over the issue of pre-designation

(2) The parties may select a fact-finding panel chairperson from:

- (i) An agreeable list of five (5) neutrals, who are available on the dates selected, mutually agreeable by the parties, or the parties can agree to contact the California State Mediation and Conciliation Service or the American Arbitration Association for a list of five (5) qualified fact-finders. Unless otherwise agreed to, the parties shall use an alternate strike method to select the fact-finding panel chairperson; or, in the absence of agreement,
- (ii) may request a fact-finding panel chairperson be designated by PERB.
- (iii) The confirmation of the scheduling shall be in writing, notifying each other of the party's selected fact-finding representative and confirming that the party's representative is available on the parties' selected fact-finding date.

(f) **Fact-Finding Hearing Procedures.**

- (1) The Panel shall, within ten (10) days after its appointment, meet with the parties or their representatives, either jointly or separately, and may make inquiries and investigations, hold hearings, and take any other steps it deems appropriate.

- (3) If a hearing is conducted, no later than five (5) days before the scheduled fact-finding hearing, the parties will exchange at least the following information in writing:
- (i) A list of disputed issues to be submitted to the fact-finding panel and the party's position on each disputed issue;
  - (ii) If the parties have not mutually agreed on a list of comparable agencies to be used by the fact-finding panel, each party will submit its list of comparable agencies, its rationale for asserting that the listed agencies are comparable to the County, and its data from these agencies on total compensation and on all individual disputed compensation items;
  - (iii) All available documents each party proposes to submit to the fact-finding panel regarding the County's financial ability; and
  - (iv) The identity of each party's presenters at the fact-finding hearing.
- (4) In arriving at their findings and recommendations, the fact-finders shall consider, weigh, and be guided by all of the following criteria:
- (i) State, and federal laws that are applicable to the County;
  - (ii) Local rules, regulations, or ordinances;
  - (iii) Stipulations of the parties;
  - (iv) The interests and welfare of the public and the financial ability of the County;
  - (v) Comparison of the wages, hours, and conditions of employment of the employees involved in the fact-finding proceeding with the wages, hours, and conditions of employment of other employees performing similar services in comparable public agencies;
  - (vi) The consumer price index for goods and services, commonly known as the cost of living;
  - (vii) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received;
  - (viii) Any other facts not confined to those specified above, which are normally or traditionally taken into consideration in making the findings and recommendations.

- (5) If a hearing is conducted, the hearing shall be informal in nature, however all presenters and witnesses shall be under oath. The panel may allow the examination and cross-examination of witnesses providing oral testimony. Presenters' oral and visual presentations shall be supported by and shall refer to written document sources, when available.
  - (6) The order of presentations and questions regarding the presentations shall be directed at the discretion of the fact-finding panel chairperson, however:
    - (i) Each party first shall be provided with the opportunity to review the opposing parties documents and arguments in support of their respective positions on the unresolved issues (Prehearing briefs will be preferred.);
    - (ii) After initial presentations, the panel may request supplemental documents or evidence; and at the discretion of the fact-finding panel chair, the panel may enter into informal mediation of the disputed issues; and,
    - (iii) The fact-finding panel shall determine if post-hearing briefs will be allowed. However, in no circumstances will the submission of briefs extend the thirty (30) day deadline for completion of the hearing process, unless extended by mutual agreement of the parties.
  - (7) Upon the request of the fact-finding panel chairperson, and with the agreement of the parties, these hearing procedures may be modified.
  - (8) If the dispute is not settled within thirty (30) days after the appointment of the fact-finding panel, or upon agreement by both parties within a longer period, the panel shall make findings of fact and recommend terms of settlement, which shall be advisory only. These findings and recommendations shall be submitted to the parties before they are made available to the public. The County shall make these findings and recommendations publically available within ten (10) days after their receipt.
  - (9) The costs for the services of the panel chairperson shall be equally divided between the parties, and shall include per diem fees, if any, and actual and necessary travel and subsistence expenses. The chairperson's bill showing the amount payable by the parties shall accompany his or her final report to the parties. Any other mutually incurred costs shall be borne equally by the County and the recognized employee organization. Any separately incurred costs for the panel member selected by each party shall be borne by each party.
- (g) **Public Hearing Regarding Impasse.**

- (1) If neither party requests fact-finding within the specified timeframes, these impasse procedures will be considered exhausted. The County may implement its last, best, and final offer after holding a public impasse hearing.
  - (2) No earlier than ten (10) days after the fact-finding panel's written findings of fact and recommended terms of settlement have been submitted to the parties, the County may, after holding a public hearing on the impasse, implement its last, best, and final offer.
  - (3) The public hearing shall be conducted according to the Board of Supervisor's Rules of Procedure, but shall also provide for:
    - (i) An initial presentation by the appropriate County staff regarding the elements of the last, best, and final offer; and a listing of the major issues remaining unresolved. (No more than 30 minutes.)
    - (ii) A presentation by the recognized employee organization regarding the major issues remaining unresolved and why the last, best and final offer should not be implemented. (No more than 30 minutes.)
    - (iii) An opportunity to respond to inquiries of the Board members.
    - (iv) Statements by independent citizens unaffiliated with either party. Participation by unaffiliated citizens shall be subject to the time limits and other regulations found in Rule 4 of the Board of Supervisors' Rules of Procedure.
- (h) **Definition of "Day" Within This Section 4.** A "day" within this section shall mean a calendar day. When PERB regulations are applicable, a day shall be defined in accordance with PERB regulations.

## **ARTICLE V. UNIT DETERMINATION AND MODIFICATION**

### **Section 1. Criteria for Determination of Appropriate Unit.**

A representation unit shall be determined to be appropriate pursuant to these criteria. The principal criterion for determining an appropriate unit shall be: the largest feasible group of employees having an identifiable community of interest for purposes of representation on matters within the scope of representation. In order to minimize the fragmentation of units, the minimum number of units consistent with effective labor relations shall be established. In addition, the following shall be applied in determining an appropriate unit:

- (a) Employees in a single classification shall all be included in the same unit.
- (b) The effect of the unit on efficiency of County operations shall be considered.

- (c) The history of determinations of appropriate units in the County shall be considered but shall not be the sole criterion.
- (d) Confidential employees shall not be included in the same unit with non-confidential employees.
- (e) Supervisory employees shall not be included in the same unit with nonsupervisory employees.
- (f) Management employees shall not be included in the same unit with non-management employees.
- (g) Professional employees shall not be required to be included in the same unit with nonprofessional employees.

## **Section 2. Unit Modification.**

After a unit is determined to be appropriate by the County, those job classifications that have been assigned to that unit shall define the unit except that the unit may be modified for the following reasons:

- (a) New or formerly unrepresented job classifications may be added to an existing appropriate unit (accretion).
- (b) Obsolete or unused job classifications may be deleted.
- (c) A group of employees of the same class or similar classes, already members of a larger bargaining unit represented by an incumbent exclusive representative may be severed from the larger unit to form a new bargaining unit (severance).
- (d) Existing job classifications may be transferred between represented units by the County upon agreement between the appropriate employee organization(s) involved and the County, or after completion of a meet and confer process as required by law.
- (e) Two (2) or more units represented by the same exclusive representative may be consolidated, or an existing unit may be divided into two or more units represented by the same exclusive representative.
- (f) Management, supervisory and confidential positions may be designated by the County and placed in, or excluded from, units as determined by the County.

## **Section 3. Procedures for Unit Modification.**

- (a) **Notice to Employees.** Notice of such proposed unit modification shall be provided in writing by the County to the employees in the affected classification(s) and the employee organization(s) involved.
- (b) **Appropriateness of Proposed Modification.** Any proposed unit modification or clarification must show that the proposed unit is more appropriate than the existing unit according to the criteria of Section 1 of this Article, except for the designation and placement of management, supervisory, or confidential classifications, or the deletion of obsolete classifications.
- (c) **Required Petition for Unit Modification.** Any proposed change in a unit under this Section must be initiated by a written Petition filed with the Clerk of the Board by an employee organization under procedures established in Article VI of this Ordinance, and must include the following, in addition to that required by Article VI:
- (1) An affirmation that the petition is filed by a recognized organization and not by an employee or unrecognized employees;
  - (2) Showing of proof of support of 30% of the group of employees to be accreted, severed, consolidated, or divided (Subsections 2(a), 2(c) and 2(e) above). However, the proof of support for accretion will only be required if the accretion increases the size of the unit by 10 percent or more.
- (d) **Denial of Petition for Unit Modification.** The County may deny any Petition for Unit Modification:
- (1) If the proposed unit does not meet the primary criterion of an appropriate unit as defined in Section 1 of this Article;
  - (2) If standards otherwise established for the petition are not met; or
  - (3) If the petition is not filed within the "window period" established in Article VI, Section 3, "Time for Filing Petitions."
- (e) **Deleting Unused or (Obsolete) Job Classifications from the Appropriate Unit.** When a job classification is no longer used by the County and no employee occupies a position in the classification, the Chief Administrative Officer shall provide written notification to the recognized employee organization of the unit that the job classification is:
- (1) no longer used by the County;
  - (2) no longer occupied by any employee of the County; and
  - (3) to be deleted from the unit.

A copy of the notice shall be filed with the Clerk of the Board for inclusion in the official file on the unit.

- (f) **Designation and Placement of Management, Supervisory, or Confidential.** The County Administrative Officer may change its designation of positions as management, supervisory, or confidential by written notice to the affected employee(s) and appropriate recognized employee organization(s), and by filing a copy with the Clerk of the Board.

A recognized employee organization may challenge the County's proposed designation by filing a petition according to Article VI within thirty (30) calendar days after the date the written notice was sent by the County. For this appeal, there shall be no required proof of support, nor shall existence of an MOA or the absence of a "window period" bar the processing of the petition or the right of the County to change a designation or placement.

## **ARTICLE VI. RESOLVING UNIT DETERMINATION AND REPRESENTATION QUESTIONS**

### **Section 1. Petitions for Recognition, Unit Modification and Decertification.**

An employee organization may file a petition with the Clerk of the Board for the following:

- (a) **Certification and Recognition.** To become the recognized employee organization for an alleged appropriate representation unit composed of a classification or a group of classifications not currently represented;
- (b) **Unit Modification.** To modify or clarify an existing representation unit:
- (1) By accreting formerly unrepresented positions to an existing unit,
  - (2) By deleting obsolete or unused positions,
  - (3) By severing a portion of a larger existing unit represented by an incumbent organization,
  - (4) By dividing or consolidating current representation units,
  - (5) By transferring positions from one unit to the other, or
  - (6) By designating and placing management, supervisory or confidential positions.
- (c) **Decertification.** To decertify the incumbent recognized employee organization for an existing appropriate representation unit because the employees within the

unit no longer desire to be represented by the incumbent organization or wish to be represented by another organization.

### **Section 2. Form of Petition.**

All representation petitions shall be in writing and contain:

- (a) The name, title or classification and signature of the person filing the petition; and
- (b) The name, title or classification, address and telephone number of the person to contact regarding the petition; and
- (c) If filed by an employee organization, the name, affiliation (if any), and address of the organization; and
- (d) A detailed description of the representation unit of the petition; and
- (e) The approximate number of employees in the unit of the petition; and
- (f) The name(s) of any other recognized employee organization(s) which represent any employees in the unit of the petition.

### **Section 3. Time for Filing Petitions.**

Representation petitions may be filed with the Clerk of the Board on any County business day excepting:

- (a) A petition which includes employees in a unit which participated in a valid representation election shall not be filed for a period of twelve (12) full months subsequent to the date the election results were certified; and
- (b) A petition which includes any employees in a unit for which the County recognized an employee organization shall not be filed for a period of twelve (12) full months subsequent to the date upon which such recognition was granted; and
- (c) A petition which includes employees covered by a Memorandum of Agreement which has been ratified by the unit and approved by the Board of Supervisors shall be filed no sooner than two hundred and forty (240) days and no later than two hundred and ten (210) days prior to the expiration of the Agreement. This bar shall only apply during the first two (2) years of a multi-year agreement.
- (d) A representation petition appealing the identification, assignment or non-assignment of a new classification that was made by the Chief Administrative Officer shall be filed no later than thirty (30) calendar days after the date written notice was provided of the identification, assignment or non-assignment.

#### **Section 4. Proof of Employee Support Required.**

No question concerning representation shall be deemed to exist unless the petitioner raising such question by petition makes a showing of proof of employee support for the unit of the petition, as follows:

- (a) **Certification.** A certification petition shall require 30% proof of employee support within the proposed unit for the recognized employee organization seeking recognition in a proposed appropriate representation unit without a current incumbent recognized organization.
- (b) **Unit Modification.** A unit modification petition shall require proof of employee support of 30% of the group of employees to be accreted, severed, consolidated, or divided. However, the proof of support for accretion will only be required if the accretion increases the size of the unit by 10% or more. No proof of support shall be required for deletion of obsolete or unused classifications, or for the designation or placement of management, supervisory or confidential classifications.
- (c) **Decertification.** A decertification petition shall require 35% proof of employee support in the bargaining unit, whether filed by an employee organization seeking to become the recognized employee organization for an existing appropriate representation unit currently represented by an incumbent employee organization, or whether filed by a group of employees seeking to be unrepresented.
- (d) **Intervention.** A certification petition filed as a motion seeking to intervene in a proceeding filed pursuant to (a), (b) or (c) above, shall require proof of employee support of 10%; except that if the employee organization desiring to intervene seeks a unit different from that claimed to be appropriate by the petitioner, the required proof of support shall be 30% of the different alleged appropriate unit. Motions for intervention are made in accordance with Article VII, Section 6 (b).
- (e) **Nature of Proof of Support.** Such support shall be documented by employee authorization cards or documents which contain a statement in support of the petition and which are signed and dated by employees within four months prior to the date of filing the petition. Authorization cards or documents shall provide the name of each employee identifiable for verification and the classification of each employee upon the date of his or her signature. Only employees whose salary is fixed at a biweekly rate by the County; whose names appear on the payroll records of the payday immediately preceding the date of filing; and whose proof of support documents can be validated, including employees on paid leave of absence, shall be counted as valid proof of employee support. In the event a petition seeks an accretion to an existing appropriate unit that increases the size of the unit beyond 10%, it shall be necessary to submit the above-described

proof of employee support only for the classification or classifications proposed to be accreted to the unit.

### **Section 5. Required Registration of Employee Organizations.**

An employee organization which files a representation petition or desires to intervene in a representation petition hearing shall register, if the organization is not registered, or is not a recognized employee organization.

### **Section 6. Processing Petition for Hearing.**

- (a) **Proof of Employee Support.** Proof of support cards or documents are confidential. Upon receipt of a representation petition, the Clerk of the Board shall count the number of unverified signatures accompanying the petition as proof of employee support and immediately place the documents into an envelope that shall be sealed and outwardly identified as belonging with the petition that was filed. The Clerk shall request the Auditor and Controller to furnish the payroll records of the payday immediately preceding the date the petition was filed for the unit of the petition. Upon receipt of the necessary payroll records from the Auditor and Controller, the Clerk shall file such records with the proof of employee support envelope. The Clerk shall make the documents and records available only to the hearing officer assigned to investigate the petition upon the date of the hearing.
- (b) **Assignment of Hearing Officer and Scheduling of Hearing.** Promptly upon receipt of a representation petition, the Clerk of the Board shall provide notice of the filing of the petition to:
- (1) The Chief Administrative Officer;
  - (2) The petitioner;
  - (3) Any employee organization named in the petition as claiming to represent any employees in the unit of the petition;
  - (4) All recognized and registered employee organizations; and
  - (5) The department heads of affected employees with instructions to post and/or distribute the notice to the employees affected.

The Clerk of the Board shall then request the Chief Administrative Officer to assign the investigation of the petition to a hearing officer and schedule the time and place for hearing which shall be a time mutually agreeable to the parties. Upon receipt of the hearing officer assignment and time and place for hearing from the Chief Administrative Officer, the Clerk shall provide a notice of hearing to those who were sent the notice of filing. The

notice of hearing shall be provided at least fifteen (15) County business days in advance of the date specified for hearing. The notice shall state the date, time and place fixed for hearing and identify the name of the hearing officer assigned to investigate the petition. A copy of the petition shall be served with the notice of hearing.

### **Section 7. Intervention.**

An employee organization desiring to intervene in any representation petition hearing shall file a motion for intervention stating the grounds upon which such organization claims to have an interest in the proceeding, which motion shall be accompanied by proof of employee support of 10% of the unit of the petition. Motions for intervention made prior to the date of the hearing shall be filed in writing with the Clerk of the Board who shall provide copies to the petitioner and the Chief Administrative Officer. Motions for intervention made at the hearing shall be filed with the hearing officer in writing. Such motions for intervention may be filed to challenge:

- (a) The validity of the petition, which includes a challenge to the employee proof of support submitted with the petition.
- (b) The appropriateness of the alleged appropriate unit or units, which shall specify objections to the alleged appropriate unit and describe an alternative appropriate unit.
- (c) The petitioner's right to be recognized for the unit of the petition.

### **Section 8. Pre-Hearing Motions.**

Any party to a representation petition hearing may file a Pre-Hearing Motion or Motions with the Clerk of the Board no later than two (2) County business days prior to the date of hearing for a petition. Such Pre-Hearing Motions shall briefly state the action or relief sought and the grounds for such motion. A copy shall promptly be served by the moving party upon each of the other parties to the proceeding.

## **ARTICLE VII. NEUTRAL APPELLATE AUTHORITY**

### **Section 1. Neutral Hearing Officers.**

- (a) **Neutral Hearing Officer.** A qualified neutral hearing officer must possess expertise in the field of labor relations and have the integrity and impartiality necessary to protect the public interest as well as the interest of the County and its employees.
- (b) **Selection Procedure.** When a hearing is to be held, the representative of the Board and the other party(ies) shall jointly request the State Mediation and Conciliation Service, or other mutually agreeable source, to submit a list of at

least five qualified neutral hearing officers. The parties shall alternately strike names from the list until only one remains, and that person shall serve as hearing officer.

## **Section 2. Assignment of Cases to Hearing Officers.**

- (a) **Assignment.** Each representation case filing shall be assigned to a hearing officer.
- (b) **Consolidation of Cases.** When more than one case has been filed involving all or part of the same group of employees, or otherwise raising common issues, the Chief Administrative Officer may consolidate the assignment of such cases to the same hearing officer.

## **Section 3. Payment of Costs for Hearing Officer.**

A hearing officer shall present such charges as are reasonably and customarily for his or her services and attendant expenses at the conclusion of the hearing. The County and the employee organization(s) that are party to a representation petitioner an election shall equally bear the costs presented by the hearing officer.

## **Section 4. Authority of Hearing Officer.**

The assigned hearing officer shall be granted the authority on behalf of the Board to conduct an investigation and hearing that shall be open to the public. A hearing officer shall be authorized to perform such other duties as are assigned to such hearing officer pursuant to the provisions of this Ordinance. A hearing officer shall not be authorized to add to, subtract from, or to recommend any additions to, or subtractions from, the provisions of this Ordinance. A hearing officer shall not be authorized, nor shall attempt, to mediate any issue submitted to him or her for hearing and investigation unless expressly requested by mutual agreement of the parties.

## **Section 5. Duties of the Hearing Officer Prior to Representation Petition Hearing.**

On the date set for hearing a representation petition, the Clerk of the Board shall deliver the petition file to the appointed hearing officer who shall first examine the petition to ascertain whether it has been properly filed, and determine whether the proof of employee support is valid.

- (a) **No Question of Representation.** If, after examining the petition and support documents, the hearing officer determines that there is no reasonable cause which demonstrates that a question of representation of County employees exists, the hearing officer shall so rule and shall order the hearing for the petition to be cancelled. As expeditiously as possible, the hearing officer shall prepare a written decision and order pursuant to Section 11 of this Article.

- (b) **Question of Representation.** If, after examining the petition and support documents, the hearing officer determines that there is reasonable cause which demonstrates that a question of representation of County employees exists, the hearing officer shall open the hearing on the petition and shall conduct such hearing pursuant to the provisions of Section 6 of this Article.

### **Section 6. Conduct of Hearings.**

Hearings shall be open to the public. It shall be the duty of the hearing officer to inquire fully into those matters at issue in order to provide a full and complete record.

- (a) **Scheduling of Hearing.** The hearing officer may, at his or her discretion, continue a hearing from day to day, or adjourn it to a later day or to a different place.
- (b) **Motions.** All motions filed in writing or stated orally on the record at the hearing, or filed in writing after the hearing for good reason, as determined by the hearing officer, shall state briefly the action or relief sought and the grounds for such motion. Upon the filing of a written motion, the moving party shall immediately serve a copy to each of the other parties to the proceeding. Written motions made prior to the date of the hearing shall be filed with the Clerk of the Board and shall be referred to the hearing officer for ruling. Written motions made at the hearing shall be filed with the hearing officer. Motions made after the close of the hearing shall be filed with the Clerk of the Board who shall serve a copy on the parties to the hearing and refer the motion to the hearing officer for ruling.
- (c) **Intervention.** Any employee organization desiring to intervene in any hearing shall make a motion for intervention stating the grounds upon which such organization claims to have an interest in the proceeding. The hearing officer may, by order in writing or on the record, permit intervention to such extent and upon such terms as are proper under the provisions of this Ordinance. Upon such order, the intervener shall become a party to the proceeding. In a representation petition hearing, the hearing officer shall allow:
- (1) An employee organization, which is the recognized employee organization of any employees in the alleged appropriate unit of the petition, the right to intervene as a party to the proceeding; and
  - (2) An employee organization, which makes a showing of proof of employee support of at least 10% of the employees in the alleged appropriate unit of the petition, the right to intervene as a party to the proceeding.

Any employee organization desiring to intervene in a representation petition hearing for the purpose of seeking an election in a unit different from that claimed to be appropriate by the petitioner shall be required to make a showing of proof of employee support of at least 30% of the

employees in the unit claimed to be appropriate by the organization seeking intervention.

### **Section 7. Rights and Duties of the Parties at a Hearing.**

- (a) **General.** The County shall be deemed a party to each proceeding. Any party to a hearing shall have the right to appear at the hearing in person, by counsel, or by other representative. A County employee, who is serving as the representative of an employee organization or of a party to the hearing, shall have the right to be released from work without loss of compensation for the time required to perform their required function at the hearing. The hearing officer and any party to a hearing shall have the power to call, examine and cross-examine witnesses and to introduce into the record documentary and other evidence. The hearing officer may exclude evidence deemed irrelevant, unduly repetitious, prejudicial, or privileged by law. Witnesses shall be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact may be introduced into evidence with respect to any issue.
- (b) **Objections Respecting Conduct of Hearing.** Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection and included in the record. No such objection shall be deemed waived by further participation in the hearing.
- (c) **Motions, Rulings and Orders.** All motions, rulings and orders shall become a part of the record.
- (d) **Argument.** Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the tape recorded record of the hearing.
- (e) **Misconduct at Hearing.** Misconduct at any hearing shall be grounds for summary exclusion by the hearing officer from further participation in such hearing.
- (f) **Briefs.** A hearing officer shall, upon request, allow the parties to a hearing to file written briefs following the completion of the hearing. Copies of such briefs shall be concurrently served upon all parties to the hearing.

### **Section 8. Evidence, Records and Witnesses for a Hearing.**

- (a) **Documentary Evidence and Records.** Each party to a hearing shall, at his or her own expense, produce all documentary evidence and records necessary to the presentation of his or her case, and shall provide a copy of such documentary evidence to all parties to the hearing. A hearing officer may request any of the parties to a hearing to produce such written materials or records which

are deemed by the hearing officer as necessary to his or her full inquiry into all matters at issue. In the event the hearing officer requests the County to produce such written materials and records, the Chief Administrative Officer shall cause the production of all requested materials and records as may be lawfully provided to the hearing officer.

- (b) **Witnesses.** Any expenses which may be charged by witnesses summoned before the hearing officer shall be paid by the party at whose instance the witness appears. Any party to a hearing who desires to call a County employee as a witness at a hearing shall file a request for witness release time with the Chief Administrative Officer no later than five (5) County business days prior to the date of hearing. This notice may be waived by written stipulation of the parties to the hearing, or by written order of the Chief Administrative Officer. The request shall contain the witness' name, classification, department and the name of the employee's immediate supervisor, and a statement as to the relevancy of the expected testimony. As soon as reasonably possible prior to the time set for the hearing, the Chief Administrative Officer shall consult with the affected department head(s) and notify the requesting party of the approval or disapproval of the request. The approved employee witness shall then be released from work with no loss of compensation or benefits for the time required to present their testimony. A party to the petition shall not request release time for more than one witness when the testimony of the second or additional witnesses is unduly repetitious of the testimony of the first witness. A party shall not request and the hearing officer shall not order release time for a County employee for the purpose of observing a hearing proceeding. Any employee who has not had release time approved by the Chief Administrative Officer and the department head and who is present at a hearing during his or her scheduled work time shall be considered to be on unauthorized unpaid leave. Allegations that the Chief Administrative Officer or the department head have unreasonably denied witness release time shall be presented to the hearing officer in writing at the hearing.

The hearing officer may order that witness be released from work to attend a hearing to present evidence.

### **Section 9. Duties of Hearing Officer Following Hearing.**

Upon the close of a hearing and submission of briefs in accordance with Section 7 (f) of this Article, if any, the hearing officer shall, as expeditiously as possible, prepare a Proposed Decision and Order.

- (a) **Proposed Decision and Order.** The Proposed Decision and Order shall include a written analysis of the record and of the arguments of the parties and shall include the findings of fact and determination of the hearing officer on all submitted issues. In a representation proceeding, if the hearing officer determines that an election is to be held, the officer shall set forth the appropriate

unit or units within which such election is to be held and specify the categories of employees who shall be eligible to vote in such unit or units.

- (b) **Record of the Proceedings.** The original of the Proposed Decision and Order, together with petition(s), responses, notices of hearing, written motions, rulings or orders, the tape recorded record of the hearing, stipulations, exhibits and documentary evidence and briefs shall constitute the record in the proceedings and shall promptly be forwarded to the Clerk of the Board by the hearing officer. A copy of the proposed Decision and Order shall immediately be served upon each of the parties.

### **Section 10. Exceptions.**

Within ten (10) County business days from the date of service of the Proposed Decision and Order, any party may file with the hearing officer and serve on the parties a statement in writing setting forth exceptions to the findings of fact contained in the Proposed Decision and Order, alleging error(s) to the said findings of fact, together with a written brief in support of said exceptions. An allegation that the hearing officer has made an erroneous finding of fact(s) shall be the only basis for the filing of an exception to the Proposed Decision and Order. Any party may within ten (10) business days after such service, file a brief in support of the Proposed Decision and Order. A copy of such brief(s) shall immediately be served on the other parties to the proceeding.

### **Section 11. Decision and Order.**

After the period for filing exceptions pursuant to Section 10 above has expired, the hearing officer shall promptly decide the matters upon the record and shall issue a Decision and Order, which shall include a written analysis of the record of the arguments presented and exceptions filed by the parties along with the findings of fact and decision of the hearing officer upon the submitted issues. The hearing officer shall file such Decision and Order with the Chief Administrative Officer, and shall serve a copy upon all of the parties to the proceeding. The hearing officer shall also promptly forward a copy of the Decision and Order and all exceptions and briefs to the Clerk of the Board for inclusion in the record of the proceedings.

- (a) **No Question of Representation.** Upon receipt of a Decision and Order by the hearing officer determining that no reasonable cause was demonstrated to support a finding that a question of representation of County employees existed, the Chief Administrative Officer shall direct that the file on the proceeding be closed.
- (b) **Question of Representation.** Upon receipt of a Decision and Order by the hearing officer that an election is to be held on a representation case in which it is ordered that the election be held within such unit or units as he or she finds appropriate, and determining the categories of employees who shall be eligible to vote in such unit or units, the Chief Administrative Officer shall direct that such

election be held and shall authorize the hearing officer who prepared the Decision and Order to retain jurisdiction in the case and investigate all issues which may arise out of the election.

- (c) **Notice.** The Chief Administrative Officer shall cause notice of the actions taken in (a) and (b) above to be sent to the parties to the proceeding, to all department heads, and to all recognized and registered employee organizations.

## **ARTICLE VIII. REPRESENTATION ELECTIONS**

Whenever the Chief Administrative Officer orders a representation election pursuant to the provisions of this Ordinance, the State Mediation and Conciliation Service shall be requested to conduct a secret ballot election in accordance with its own procedures and regulations and in conformance to the requirements of this Article. In the event the State Mediation and Conciliation Service declines to conduct the election, the hearing officer authorized by the Board to have jurisdiction over the election shall name the person who shall conduct the election, which person shall not be the hearing officer. The hearing officer shall prescribe for such person, such procedures and regulations as may be appropriate to the conduct of the election.

### **Section 1. Eligible Voters.**

Unless otherwise specifically ordered pursuant to a hearing officer's Decision and Order, employees eligible to vote in a representation election are those in the unit whose salary is fixed at a biweekly rate by the County and whose names appeared as employees in the unit on the payroll records of the payday immediately preceding the date upon which the election was ordered, including employees on paid leave of absence.

### **Section 2. Ballot Proposal.**

Every ballot in a representation election for employees currently unrepresented, or for employees in a new unit which has been found to be appropriate, shall contain a choice of "No Organization" in addition to the names of the employee organization(s) which qualified for placement on the ballot as determined by the hearing officer. The ballot in a decertification election shall state:

"Do you wish to be represented by:

\_\_\_ No Organization \_\_\_ (Name(s) of the recognized employee organization(s))."

### **Section 3. Determination by Majority of the Voters.**

The results of the election shall be determined by a majority (fifty percent plus one) of the valid votes cast.

### **Section 4. Removal of Participant from Ballot.**

Whenever two (2) or more employee organizations are included as choices in an election, any participant may have its name removed from the ballot upon its prompt request to and approval thereof by the hearing officer, whose decision shall be final.

### **Section 5. Participation of Parties in Election.**

Any party may be represented by an observer or observers of its own selection, subject to such limitations as the person conducting the election may prescribe. Any observer may challenge for good cause, the eligibility of any person to vote in the election. Each challenged ballot shall be impounded. Upon conclusion of the election, the person conducting the election shall cause a tally of the ballots to be furnished to each party.

### **Section 6. Objections to the Conduct of the Election.**

Within five (5) County business days after the conclusion of the election, any party may file objections with the hearing officer to the conduct of the election or conduct affecting the results of the election, which shall contain a short statement of the reasons for the objections. The objecting party shall promptly serve a copy of such objections on each other party to the election.

### **Section 7. Certification of Election Results.**

- (a) **No Objection Filed.** If no objections are filed within the time period specified for such objections in Section 6 above; and, the number of challenged ballots are insufficient in number to affect the results of the election; and no runoff election is to be held pursuant to Section 8 below, the hearing officer shall promptly issue a Certification of the Results of the Election to the parties. The election procedures shall thereupon be closed.
- (b) **Report on Objections and Challenged Ballots.** If objections to the conduct of the election are filed, or if the challenged ballots are sufficient in number to affect the results of the election, the hearing officer shall investigate such objections or challenges, or both, and shall prepare and cause to be served upon the parties a report on such objections or challenged ballots, or both. Within ten (10) County business days from the date of issuance of the report on such objections or challenged ballots, any party may file with the hearing officer, exceptions to such report. Immediately upon filing such exceptions, the filing party shall cause a copy thereof to be served upon the other parties. If no exceptions are filed to such report within the time period specified, the hearing officer's report shall constitute the decision as to the validity of such objections or challenged ballots. The hearing officer shall promptly issue a Certification of the Results of the Election to the parties. The election procedures shall thereupon be closed.
- (c) **Hearing on Exceptions to Report.** If exceptions are filed on the report of the hearing officer respecting objections or challenges, or both, the hearing officer shall schedule a hearing and cause a notice of such hearing to be served upon

all of the parties. Such notice shall state the date, time and place for such hearing and shall be served upon the parties at least five (5) County business days prior to the date set for hearing. Upon the close of the hearing, the hearing officer shall prepare and serve upon the parties, a written decision containing findings of fact and the determination of the hearing officer regarding the disposition of exceptions regarding the challenges or objections, or both. The hearing officer shall promptly issue a Certificate of Election Results to the parties. The election procedures shall thereupon be closed.

- (d) **Record**. Will consist of the hearing officer's decision and Certification of Election Results together with:
- (1) The notice of hearing,
  - (2) Motions,
  - (3) Rulings,
  - (4) Orders,
  - (5) A digital recording of the hearing,
  - (6) Stipulations,
  - (7) Documentary evidence and briefs,
  - (8) Objections to the conduct of the election or conduct affecting the results of the election,
  - (9) The report of the hearing officer on challenged ballots,
  - (10) The report of the hearing officer on objections, and,
  - (11) Exceptions to the reports shall constitute the record in the case.

### **Section 8. Runoff Elections.**

When an election in which a ballot providing for not less than three (3) choices results in no choice receiving a majority of the valid votes cast, the hearing officer shall order a runoff election. The runoff election shall be held promptly following final disposition of any challenges, objections or exceptions which followed the prior election. Only one (1) runoff election shall be held pursuant to this Section.

- (a) **Eligible Voters**. Employees who were eligible to vote in the original election and who are employed in an eligible category on the payroll records of the payday

immediately preceding the date upon which the runoff election was called shall be the only employees eligible to vote in the runoff election.

- (b) **Ballot Proposal.** The ballot in the runoff election shall provide for a selection between the two (2) choices receiving the largest and second largest number of valid votes cast in the prior election. If the first election does not result in the selection of the largest and second largest number of valid votes cast, then the hearing officer shall determine the number of choices to be provided. In the event there was a tie in the number of valid votes cast in the prior election, the hearing officer shall determine the number of choices to be provided in the runoff election.
- (c) The provisions of Section 3 through Section 7 shall be applicable to a runoff election.

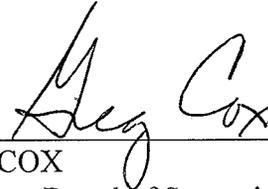
### **Section 9. Duties of Hearing Officer Following Election.**

Upon the close of an election proceeding, the hearing officer shall as expeditiously as possible, prepare a Declaration and Action. The Declaration and Action shall specify the results of the representation election and shall specify such actions as are appropriate to the results of the election; such as, but not limited to: granting recognition; withdrawing recognition; declaring the election a nullity, etc. The hearing officer shall forward the Declaration and Action to the Chief Administrative Officer, and shall promptly file a copy of such Declaration and Action along with the entire record on the case with the Clerk of the Board. The hearing officer shall cause a copy of the Declaration and Action to be served upon all of the parties to the election, to all department heads and to the recognized and registered employee organizations. The Chief Administrative Officer shall take such action as may be specified in the hearing officer's Declaration and Action.

### ***EFFECTIVE DATE.***

***This ordinance shall take effect and be in force thirty (30) days after its adoption. Within fifteen (15) days after its adoption, a summary shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.***

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 29<sup>th</sup> day of January, 2013.



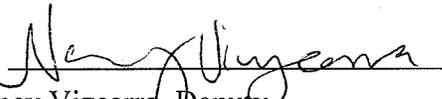
GREG COX  
Chairman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 29<sup>th</sup> day January, 2013.

THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors

By   
Nancy Vizcarra, Deputy



Ordinance No. 10247 (N.S.)

01-29-2013 (16)

