

EMPLOYER-EMPLOYEE RELATIONS POLICY



ADOPTED BY RESOLUTION NO. 91-345

**MERCED COUNTY
EMPLOYER-EMPLOYEE RELATIONS POLICY**

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SECTION I PURPOSE

This policy is designed to set forth reasonable rules and procedures between the County of Merced, its employees and employee organizations regarding employer-employee relations matters and a reasonable method for the resolution of disputes regarding wages, hours and other terms and conditions of employment, and to promote, coordinate and maintain channels of communication. The County recognizes the right of County employees to join organizations of their choice and be represented by such organizations in their employment relationship with the County. Nothing contained in this policy shall be deemed to supersede the provisions of existing laws, County Ordinances, or County Resolutions establishing and regulating the system of personnel administration. Therefore, in furtherance of these goals, this Employer-Employee Relations Policy is thereby established.

SECTION II DEFINITIONS

- A. The following definitions shall apply to this policy. No interpretation or more general terms shall in any way conflict with the definitions in other ordinances and resolutions of the County, including the Personnel Resolution and the Salary Resolution. Words used in the present tense include the future, except where the natural construction of this Policy otherwise indicates. Words in the singular number include the plural and the words in the plural number include the singular, and the word shall is mandatory and not directory. Words in the male gender include the female gender.
- B. **Certified Employee Organization** shall mean a registered employee organization which has petitioned for and has been granted the exclusive representation for a representation unit in accordance with the procedures set forth in Section VIII of this Policy and has been registered as such for its unit with Human Resources. The Certified Employee Organization is only certified for the unit or units it has been formally granted.
- C. **Confidential Employee** shall mean any employee who is privileged to information pertaining to the decision making process of County Management affecting employee relations. At least one position in each department may be designated as a confidential employee and shall be registered as such in Human Resources. All employees in Human Resources and County Administration shall be considered confidential employees.
- D. **Consult** shall mean the verbal or written communication for the purpose of presenting and obtaining views or advising of intended actions.
- E. **County** shall mean the County of Merced, a political subdivision of the State of California and where appropriate in this policy, County refers to the Board of Supervisors, County Executive, or management representative.
- F. **Employee** shall mean any permanent full time or permanent part time or full time probationary employee of the County.

- G. **Impasse** shall mean that the possibility of settlement through the good faith meet and confer process between representatives of certified employee organizations and the County, has been exhausted.
- H. **Management Employees** shall mean those employees having responsibilities for development or administering of County or departmental policies or programs, including but not limited to department heads and assistants, division chiefs, professional and staff management employees, but also means any supervisory employee who has authority in the interest of the County to perform or effectively recommend any of the following actions; responsibly direct other employees, or evaluate their performance, or adjust their grievances, hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline them. Positions with these responsibilities shall be designated as management positions by the Board of Supervisors.
- I. **Management Representatives** shall mean the County Executive Officer or his designated representatives.
- J. **Mediation** shall mean the effort by an impartial third party to assist in reconciling an impasse regarding matters within the scope of representation between representatives of the County and a certified employee organization through interpretation, suggestion and advice.
- K. **Meet and Confer** shall mean that management representatives and certified employee organization representatives shall have the mutual obligation personally to meet and confer in good faith promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, proposals, and to endeavor to reach agreement on matters within the scope of representation. This mutual obligation shall not require either party to agree to a proposal or to make a concession.
- L. **Registered Employee Organization** shall mean an employee organization who has completed the requirements for registration as stated in Section VII of this Policy and has been registered as such by Human Resources.
- M. **Representation Unit** shall mean a unit of County employees, excluding extra help, seasonal or intermittent employees as defined in Section I of the Salary Ordinance, for the purpose of representation in employee relations matters and which has been found to be appropriate in accordance with Section V of this Policy.
- N. **Showing of Interest** shall mean the presentation to the County of a petition or authorization cards clearly stating that the employee is authorizing a registered employee organization to represent him in his employment relations with the County and whose signature was obtained not more than 90 days earlier than the date said document is presented to the County.
- O. **Professional Employee** shall mean employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction and as defined in Section 3507.3 of the government code.

**SECTION III
RIGHTS OF EMPLOYEES**

- A. Except as otherwise provided by State and Federal law, employees of Merced County shall have the following rights:
1. To form, join and participate in activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations.
 2. To refuse to join or participate in the activities of employee organizations, and shall have the right to represent themselves, or be represented individually in their employment relations with the County.
 3. Freedom from interference, intimidation, restraint, coercion or discrimination against any County employees because of exercising of their rights under this section.

**SECTION IV
RIGHTS OF THE COUNTY**

- A. In order to maintain the efficiency of County operations, the County of Merced, through its management representatives, shall retain the right, in accordance with applicable laws and regulations to manage and supervise its employees as follows:
1. To hire, promote, transfer, assign, classify positions, retain employees, and to suspend, demote, discharge or take other disciplinary action against employees.
 2. To lay off or demote employees from duties because of lack of work, lack of funds, in the interest of economy, or other legitimate reasons.
 3. To determine the policies, standards, procedures, methods, means and personnel by which County operations are to be conducted.
 4. To take whatever actions may be necessary to carry out the mission of the County in situations of emergency.
 5. To name and exclude managerial and confidential employees. Such employees shall be prohibited from representing any organization which represents other non-managerial or non-confidential employees of the County.
- B. Nothing in this policy shall be construed to interfere with the County's right to manage its operations in the most economical and efficient manner consistent with the best interests of all the citizens of Merced County.
- C. The exercise of such rights shall not preclude employees or their representatives from consulting about the practical consequences that decisions of these matters may have on wages, hours and other terms and conditions of employment.

SECTION V UNIT DETERMINATION

- A. An appropriate unit shall be the largest feasible unit of employees that meets the criteria established herein. In determining an appropriate unit, the following criteria shall be taken into consideration:
1. The internal and occupational community of interest among the employees, including, but not limited to, the extent to which they perform functionally related services or work toward established common goals; the history of employee representation in the County; the extent to which the employees have common skills, working conditions, job duties or similar additional or training requirements and the extent to which the employees have common supervision.
 2. The effect that the projected unit will have on meet and confer relationships emphasizing the availability and authority of agency representatives to meet and confer effectively with employee organizations representing the unit and taking into account such factors as work location, the numerical size of the unit, the relationship of the unit to organizational patterns of the agency, and the effect on the existing classification structure or existing classification schematic of dividing a single class or single classification schematic among two or more units.
 3. The effect of the proposed unit on efficient operations of the agency and the compatibility of the unit with the responsibility of the agency and its employees to serve the public.
 4. The number of employees and classifications in a proposed unit and its effects on the operations of the employer, on the objectives of providing the employees and right to effective representation, and on the meet and confer process.
 5. The impact on the meet and confer relationship created by fragmentation of employees or any proliferation of units among the employees.
- B. A representation unit shall be described by listing the classifications by official payroll titles as they appear in the Salary Resolution. The number of positions in each unit shall be determined by the Departmental Allocation List.
- C. The official listings of the classes and number of positions within each unit shall be kept in Human Resources.
- D. Management and Confidential employees, as designated by Resolution No. 83-72, shall not be placed in any unit with other employees. It is understood that said employees have the right to belong to and petition for a unit or units, pursuant to the procedures for establishment and designation of units as set forth in this policy, including all rights of recognition and representation.
- E. Upon agreement on the formation of representative units between registered employee organizations and management representatives, the Assistant County Executive Officer - Human Resources shall provide to the County Executive Officer

for submission to the Board of Supervisors his recommendation. The Board of Supervisors may accept or reject the recommendation.

- F. If an agreement cannot be reached by Human Resources and the registered employee organizations on the appropriateness of a representation unit(s), the parties may mutually agree to submit the dispute to the State Department of Conciliation Service for hearing and recommendation. Both Human Resources and the interested registered employee organization shall submit their recommendations on the disputed unit. The State Department of Conciliation shall submit their findings to the Board of Supervisors who shall make the final decision.

The Board may accept or reject any part of the Conciliator's recommendation. Should there be any charges or cost by the State Department of Conciliation, such costs will be equally shared by all parties involved.

- G. When new classifications are created, they shall be assigned to a unit by Human Resources. Notice of such action shall be sent to all registered employee organizations. If an organization disagrees with the actions, they may submit a protest to the Assistant County Executive Officer - Human Resources. The protest will be considered and a recommendation made to the Board of Supervisors whose decision shall be final.
- H. Professional employees shall not be denied the right to be represented separately from non-professional employees.
- I. Law Enforcement personnel consisting of peace officers as defined in the Penal Code, may be included in a unit consisting solely of such employees.

SECTION VI MANAGEMENT REPRESENTATIVES

- A. The County Executive Officer is hereby designated as agent for the Board of Supervisors for employer-employee matters which are Countywide in scope. No management representative shall grant or concede rights or privileges which are in conflict with this policy to any employee or employee organization without prior written approval of the Board of Supervisors. Each department may formulate reasonable rules and regulations, consistent with County ordinances, to implement the principles of this policy. Each department head may designate an assistant department head and/or other supervisory or administrative employees as management representatives for those matters which relate exclusively to the administration of each department.
- B. Management employees are those persons who have significant responsibilities for formulating or administering County or departmental policies and programs, including but not limited to department heads, assistant department heads, division chiefs, professional and staff management employees and section heads, and it also includes any supervisory employee who has authority in the interest of the County to perform or effectively recommend any of the following actions; responsibly direct other employees, or evaluate their performance or adjust their grievances, or hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline employees, and are designated as management positions by

the Board of Supervisors.

- C. Such managerial and confidential employees, as listed below, and as designated in Resolution No. 83-72, are restricted from representing any employees of the County, on matters within the scope of representation.

- **All Elective Officers**
- **Members of County Board and Commissions**
- **Department Heads**
- **Assistant Department Heads**
- **One Clerical position as designated by the department head as being a position of confidence.**

SECTION VII REGISTRATION OF EMPLOYEE ORGANIZATIONS

- A. Any employee organization that wishes to be registered as a representative of County employees in matters concerning conditions and terms of employment shall file the following information with the Assistant County Executive Officer - Human Resources before being registered.

1. Name and mailing address of the organization, its local officers and/or representatives.
2. The names and mailing addresses of each area, state, national association and other organizations with which it is directly affiliated.
3. Certified and complete copies of the Articles of Incorporation or Constitution, the By-Laws and any other written rules or regulations governing the organizations along with all amendments thereto.
4. A designation of those persons, not exceeding two in number, and their addresses, to whom notices, sent by regular United States Mail will be deemed sufficient to the organization for any purpose.
5. A statement that the organization has no restriction on membership based on race, religious creed, national origin, age, sex, marital status, color, ancestry, physical handicap, medical condition or sexual orientation.
6. Authorized signature cards or a membership list of Merced County employees by department and classification that are members. Any list of members of an organization, on file with the Assistant County Executive Officer - Human Resources, is confidential and shall not be open to public inspection.
7. Requests for continued registration shall be submitted annually by January 15th of each year.
8. A written statement acknowledging review of this resolution and a statement agreeing to abide by the provisions of this resolution establishing employer-employee relations policy.

- B. All statements and accompanying documents shall be signed and certified by the President and another officer of the organization. Until all data is received by the County of Merced, registration shall not be granted to the particular employee organization. Such registration or non-registration shall not deprive an employee of the right to represent himself, or be represented individually in his employment relations with the County of Merced.
- C. After all information for registration has been filed and checked as outlined above, the County Executive Officer shall submit, to the Board of Supervisors, the request for registration. Such registration shall be made by formal resolution of the Board of Supervisors. Any documents filed with the County Executive Officer pursuant to this section shall be confidential unless released by formal order of the Board of Supervisors.
- D. After receiving registration, an employee organization is eligible to petition for certification as the exclusive representative of an appropriate unit. A registered employee organization shall not represent those persons in a representation unit which already has another organization which has been certified as its exclusive representative, except as provided for in Section XII.

**SECTION VIII
CERTIFICATION OF A REGISTERED ORGANIZATION**

- A. After completing the prescribed procedures for registration of an employee organization the organization is eligible to petition for certification of exclusive representation of an appropriate representation unit.
- B. The registered employee organization shall file with Human Resources a "Showing of Interest" or employee authorization cards containing the dated signatures of 30% of the unit. The showing of Interest shall clearly state that the employees are authorizing the registered employee organization to represent them in their employment relations with the County, and whose signature was obtained not more than 90 days earlier than the date said document is presented to the County.
- C. Upon receipt of the petition and verification of 30% of the employees of the unit from the registered employee organization, Human Resources shall notify all other registered employee organizations of the filing of petition and shall post a notice of the action on bulletin boards in work areas where members of the proposed representation unit are employed.
- D. Other registered employee organizations who wish to file a petition for the same representation unit shall do so within 15 working days to be included on the election ballot for the representation unit in question. These organizations shall provide a "Showing of Interest" of 15% of the employees in the representation unit before being included on the ballot. Human Resources shall recommend to the Board of Supervisors that an election for the certification of an exclusive representative for the representation unit shall be held. This recommendation shall be made not less than 15 working days or its equivalent, nor more than 20 working days or its equivalent after receipt of the first petition for that unit and if that unit has been determined to be appropriate.

- E. Upon recommendation of Human Resources the Board of Supervisors shall set the date for the election as soon thereafter as appropriate arrangements can be made.

SECTION IX CERTIFICATION ELECTIONS

- A. Within an appropriate representation unit the members of that unit shall choose among the registered employee organizations seeking the exclusive representation of the unit by secret ballot election. Human Resources shall arrange for the State Department of Conciliation to conduct the election in accordance with this Policy. If the State Department of Conciliation is unavailable, the County Clerk shall conduct the election.
- B. All ballots in a certification or decertification election for a representation unit shall contain a choice among all organizations that have petitioned for certification for the particular unit in question, as provided in this Policy, and a choice of voting for no organization.
- C. For certification or decertification, an organization must receive over 50% of the votes cast. If no organization receives over 50% of the votes cast no certification is available. If none of the choices receive over 50% of the votes cast, no certification is available. If the ballot contains three or more choices, and if no choice receives over 50%, a run off election of the two choices receiving the largest number of votes shall be held. Such run off elections shall be held as soon thereafter as appropriate arrangements can be made.
- D. Employees eligible for voting in the election for certification or decertification are those persons on a pay status during the pay period which is 15 days prior to the election in permanent full time or permanent part time or full time probationary employment. Extra-help, seasonal or intermittent employees, and those persons on an independent contract basis shall not be eligible to vote.
- E. Elections for certification or decertification are to be held not more than once each calendar year for each unit. All expenses in administration of the election itself shall be paid by the County.
- F. The election shall be conducted in accordance with established rules and procedures of State Conciliation Service or the Registrar of Voters Office.
- G. The election results shall be submitted to the Board of Supervisors, for appropriate action as soon as possible, but not to exceed 30 days from date of receipt of the final results.

SECTION X DECERTIFICATION OF A CERTIFIED ORGANIZATION

- A. A registered employee organization may challenge a certified registered employee organization for the exclusive representation of its unit.

- B. A registered employee organization may challenge the certified employee organization by filing a petition requesting certifications for exclusive representation of the unit in question. The organization challenging shall provide validated signatures or a showing of Interest of at least 30% of the employees in that unit. The signatures shall not be over 90 days old at the time the petition is presented. The "Showing of Interest" shall clearly state that the employees are authorizing the registered employee organizations to represent them in their employment relations with the County.
- C. An election as prescribed in Section IX of this Policy shall be held.
- D. Such challenges for the certification of the representation units may only occur after the existing Certified Employee Organization of the unit has been certified for not less than one calendar year and shall only be accepted the month that is eight (8) months prior to the expiration date of the Memorandum of Understanding. (For example, challenges would be accepted in April for a Memorandum of Understanding expiring the following December.)
- E. Any employee of a representation unit has the right to file a petition alleging that a majority of employees in the unit desires to be represented by no organization at all. The employees challenging shall provide the dated signatures or a Showing of Interest of at least 30% of the employees in the unit. The signatures shall not be over 90 days old at the time the petition is presented. The "Showing of Interest" shall clearly state the employees are no longer authorizing any certified employee organization to represent them.
- F. An election as prescribed in Section IX of this Policy shall be held.
- G. Such challenges may only occur after the existing certified employee organization of the unit has been certified for not less than one calendar year and shall only be accepted the month that is eight (8) months prior to the expiration date of the Memorandum of Understanding. (For example, challenges would be accepted in April for a Memorandum of Understanding expiring the following December.)
- H. Decertification of the certified employee organization of a unit shall not negate the term of an existing Memorandum of Understanding between the County and the organization.

**SECTION XI
RIGHTS & PRIVILEGES OF CERTIFIED EMPLOYEE ORGANIZATIONS**

- A. An employee organization certified as the exclusive representative of a representation unit shall have the following rights and privileges.
 - 1. The right to exclusively represent its unit before the appropriate management representative in matters regarding wages, hours, and other terms and conditions of employment in the meet and confer process.
 - 2. The right to a reasonable amount of time during regular working hours or at such other times as the Board may direct, to represent its unit before

appropriate management representatives, on matters set forth in Par. 1 above, such time allowance during regular working hours to be limited to a maximum of three (3) employee members of the organization except that:

The Board of Supervisors may direct by Board order the additional employees be allowed to attend specific meetings on County time.

3. The right to reasonable notice and appropriate information in advance of matters to be proposed for adoption by the County affecting its unit. However, in emergencies, the Board of Supervisors may take action on a particular item without such advance notice provided that such notice shall be furnished as soon as practicable.
4. Collection of membership dues and insurance premiums through payroll deductions with prior approval of the Board of Supervisors. Deductions request forms shall be provided by the County Auditor, or with his approval, forms to start a deduction may be provided by an employee organization.
5. The right to the reasonable use of designated existing bulletin board space in each department and building where members of their unit are employed. The location and quantity of the bulletin board space shall be subject to an agreement between the certified employee organization and the appropriate department head or his designee. No material, other than notices of meetings, social events, elections and appointments shall be posted on a bulletin board until approved for posting by the County, through its Management Representative, as defined in Section II, I. Material shall be posted under the following conditions:
 - (a) Material shall be posted on space as designated.
 - (b) Posted material shall bear the date and identity of the organization.
 - (c) Posted material shall not be misleading, contain any deliberate misstatements or violate any Federal, State or County laws. The County, through its management representatives, reserves the right to remove such material.
 - (d) Material shall be neatly displayed and shall be removed when no longer timely.
6. The privilege of Using County facilities for meeting purposes only, provided that appropriate advance arrangements are made. A charge at the prevailing County rates may be made to offset the cost of such use.
7. The right to have an authorized representative have access to departments and buildings where members of their unit are employed, providing the authorized representative has first made arrangements with the appropriate department head or his designee, to provide for a time and place which does not disrupt County business. This access shall be limited to the following purposes: (a) to post literature on designated bulletin boards (b) to arrange for use of a meeting room (c) to leave literature and material for

distribution. County time shall not be used for the distribution of literature materials (d) to contact organization representatives. This right does not extend to contacting County employees who are not members of his organization on County time.

8. Employee organizations may adopt reasonable restrictions regarding who may join and make reasonable provisions for the dismissal of individuals from membership.
9. The right to meet and confer with the County and enter into a Memorandum of Understanding concerning appropriate matters within the scope of representation upon successful completion of the meet and confer process.

SECTION XII RIGHTS AND PRIVILEGES OF REGISTERED ORGANIZATIONS

- A. Registered employee organizations shall have the following rights and privileges:
To represent their members in grievance and appeals matters.
- B. Collection of membership dues and insurance premiums through payroll deductions with prior approval of the Board of Supervisors providing such Registered Employee Organization shall be composed of at least fifty (50) authorized classified positions of Merced County as verified. Deduction request forms shall be provided by the County Auditor, or with his approval, forms to start a deduction may be provided by an employee organization.
- C. Nothing in this section shall prohibit an employee -from appearing on his own behalf in his employment relations with the County.

SECTION XIII SCOPE OF REPRESENTATION

- A. Certified employee organizations shall have the right to represent their units in all matters including but not limited to wages, hours and other terms and conditions of employment in accordance with these rules and regulations adopted for the orderly process of employer-employee relations and as provided by law.
- B. The enactment of this resolution shall not be construed as making the provisions of Labor Code, Section 923, as applicable to Merced County employees.

SECTION XIV REVOCATION OF CERTIFICATION AND/OR REGISTRATION

The Board of Supervisors, after investigation, may revoke the certification and/or registration of any organization which violates any Federal, State or County law and any rules adopted herein for orderly and responsible employer employee relations. The County Executive Officer shall notify the affected organization of such charges in writing. These charges shall be reviewed with the organization for the purpose of resolving the

problem(s) prior to submission of any recommendation to the Board of Supervisors. Recommendations shall be submitted to the Board of Supervisors at the next regular scheduled meeting for their consideration.

SECTION XV MODIFICATION OF A REPRESENTATION UNIT

- A. All certified and registered employee organizations, and employees themselves, may petition for the modification of a representation unit. This petition is submitted to Human Resources and shall fully explain all relevant facts in support of the proposed modification and it shall contain the authorized signatures of a minimum of 30% of the employees in the representation unit.
- B. Upon verification of the 30%, Human Resources shall notify all interested parties and shall post notice in the work areas of employees in the affected unit of the request for modification. The Assistant County Executive Officer - Human Resources shall meet with representatives of the groups upon the proposed modification. If an agreement is reached, the Assistant County Executive Officer - Human Resources shall make recommendations to the Board of Supervisors. If no agreement is reached, interested parties may make their recommendation to the Board of Supervisors. The Board's decision shall be final.
- C. Each existing job classification may be reassigned to a more appropriate unit by the County if it finds there is a more appropriate unit to which such a job classification may be assigned. Such reassignments may, but need not, occur as the result of reorganization, modification of job duties or changes in scope of responsibilities. Human Resources shall meet with representatives of the groups upon the proposed modification. If an agreement is reached, the Assistant County Executive Officer - Human Resources shall make recommendations to the Board of Supervisors. If no agreement is reached, interested parties may make their recommendations to the Board of Supervisors. The Board's decision shall be final.
- D. Requests for modification of representation units shall only be accepted if the unit has been established for not less than one calendar year and shall only be accepted in October of the fiscal year of the expiration of the existing Memorandum of Understanding then having been in effect less than three years.
- E. Any modifications of representation units shall not negate the term of an existing Memorandum of Understanding between the County and the organization that represents the unit in question.

SECTION XVI GENERAL PRINCIPLES

- A. In their dealings with each other, management and employee organizations shall be prohibited from the following practices:
 - 1. **Management:**
 - a. Interfering with, restraining or coercing any employee in the exercise

of the rights assured by the Government Code or the Merced County Employer-Employee Relations Policy.

- b. Encouraging or discouraging membership in any employee organization by discrimination in regard to hiring, including the interview process, tenure, promotions or other conditions of employment.
- c. Dominating or interfering with the administration, policies and programs of an employee organization or its members participation therein.
- d. Disciplining or otherwise discriminating against an employee because he has filed a complaint or given testimony under established Grievance Procedures or the provisions of this Employer-Employee Relations Policy.
- e. Refusing to accord appropriate registration or certification to an employee organization qualified for such registration or certification.
- f. Refusing to hear, consult, or meet and confer in good faith with certified employee organization as required. by Government Code Section 3505.

2. Employee Organizations:

- a. Interfering with, restraining, or coercing any employee in the exercise of rights assured by the Government Code, or the Merced County Employer-Employee Relations Policy.
- b. Attempting to induce department heads to coerce any employee in the enjoyment of his rights under the Merced County Employer-Employee Relations Policy and/or the Government Code.
- c. Coercing, attempting to coerce, or disciplining any member of an organization which results in hindering or impeding the performance of his duties.
- d. Discriminating against any employee with regard to the terms or conditions of membership because of race, color, religious creed, sex, age, national origin, marital status, ancestry, physical handicap, medical condition, or sexual orientation.
- e. Engaging in work stoppages or other practices which result in a failure to fulfill assigned duties or in any disruptive activities which are detrimental to the conduct of the County's affairs.
- f. Engaging in organizational activities or distributing pamphlets, brochure or similar literature, on any County property, the major

purpose of which is organizational in nature.

- g. Refusing to consult, or meet and confer in good faith with management representatives of Merced County as required by Government Code Section 3505.

SECTION XVII MEET AND CONFER

“Meet and Confer in good faith” shall mean that the County and its representatives and the certified employee organization acting exclusively as the representative of a representation unit shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation, prior to the adoption by the County of its final budget for the ensuing year.

SECTION XVIII WRITTEN MEMORANDUM OF UNDERSTANDING

If an agreement is reached by the representatives of the County and the representatives of a certified employee organization on behalf of its unit, they shall jointly prepare a written memorandum of Understanding, and present it to the governing body or its statutory representative for determination.

SECTION XIX RESOLUTION OF IMPASSES

- A. Impasse procedures may be invoked only after the possibility of settlement of new terms and conditions through the meet and confer process has been exhausted.

1. Limitations:

- a. Only Merced County or a Certified Employee Organization shall have the right to invoke the impasse procedure as hereinafter described.
- b. Mediation shall apply only to disputes arising out of the annual meet and confer sessions as described in Section XVII.

2. Impasse Procedures:

- a. Either the County or a Certified Employee Organization shall initiate the procedure of filing with the other party a written statement of impasse together with a statement of its position on the dispute issue. Such notice must be filed within seven (7) calendar days after the last meet and confer session. Within five (5) working days after

receiving the written notice, a joint meeting shall be scheduled.

- b. Such meeting shall be for the purpose of final position review by both parties in a last effort to reach agreement on the disputed issues.
- c. If agreement has not been reached at the impasse meeting described in paragraph 2, a, and 2, b above, the parties will immediately contact the state Conciliation Service requesting such Conciliation Service to supply a state appointed mediator. Such person shall be a qualified conciliator (mediator) provided by the State Conciliation Service.
- d. No less than seven (7) calendar days after the naming of the mediator, the mediator shall commence mediation on proceedings. All mediation proceedings shall be confidential. Such mediation proceedings must be completed within twenty-one (21) calendar days from the date of commencement unless extended by mutual agreement.

3. Role of Mediator:

An effort shall be made by the impartial third party to assist in reconciling a dispute within the context of 1, b of this section between the County and the Certified Employee Organization through interpretation, suggestion, or advice.

4. Public Statement:

At no time will the mediator be endowed to make public statements or take a public position on the facts in dispute unless agreed to in writing by both parties. No public release of information shall be made by either party during the mediation process.

5. Termination:

The Mediation process shall end:

- a. Upon the signing of a Memorandum of Understanding concerning item or items in dispute; **or**
- b. The expiration of twenty-one (21) calendar days from the beginning of the mediation services unless extended by mutual agreement.

6. Costs:

Any fees and expenses for mediation services shall be payable one-half by the County and one-half by the employee organization.

**SECTION XX
GRIEVANCES**

- A. County employees may seek adjustment of grievances through the established Merced County Grievance Procedure. Appeals for disciplinary action may be made in accordance with the Appeals Procedure.
- B. Complaints or problems which are Countywide in scope or involve interpretation and application of Memoranda of Understanding with certified employee organizations shall be handled as follows:
 - 1. Informal discussion of the problem shall be held with the County Executive Officer or his designee. Every effort should be made to find an acceptable solution by informal means at this level.
 - 2. If the problem, complaint or interpretation is not settled through informal discussion, the problem or complaint may formally be submitted in writing within five (5) working days of the informal discussion and decision of the County Executive Officer or his designee.
 - 3. The County Executive Officer or his designee shall make his decision in writing within five (5) working days after receipt of the written complaint.
 - 4. If the County Executive Officer's written statement does not dispose of the complaint or problem, the complaint or problem may within five (5) working days, be appealed to the Merced County Board of Supervisors for final determination.

**SECTION XXI
ANNUAL REVIEW OF EMPLOYER-EMPLOYEE RELATIONS POLICY**

- A. This policy is subject to annual review for a period of 60 days from the anniversary date of the adoption of this policy.
- B. Request for review to be submitted by either a Certified or Registered Employee Organization to the County Executive Officer. Prior to presentation to the Board of Supervisors, the County Executive Officer or his designated representative shall discuss with all Certified and Registered Employee Organizations such requests.

**SECTION XXII
SEVERABILITY CLAUSE**

If any provision of this Employer-Employee Relations Policy should be held invalid by operation of law or by court of competent jurisdiction or if by compliance with or enforcement of any provision should be restrained by a tribunal, the remainder of this Employer-Employee Relations Policy shall not be affected, and the County shall consult with Registered and Certified Employee Organizations on replacement of such provisions.

**SECTION XXIII
EFFECT ON MEMORANDA OF UNDERSTANDING**

Adoption of this policy, completion of unit determination elections and organization certification shall not negate current two-year memorandums of Understanding in effect with recognized employee organizations. This will not, however, preclude certified and registered employee organizations from representing their members in grievances, appeals, and related matters.

NOW, THEREFORE, BE IT RESOLVED, that by this Resolution the foregoing statement of Policy, which shall supersede any and all existing policies now in effect, is hereby adopted effective October 8, 1991 .

I, KENNETH L. RANDOL, County Clerk of Merced County and Ex-Officio Clerk of the Board of Supervisors of said County, do hereby certify that the foregoing resolution was regularly introduced, passed, and adopted by said Board at a regular meeting thereof held on October 8, 1991, by the following vote:

AYES: Dub Davenport, Ann Klinger, Michael Bogna, Jerry O'Banion

NOES: None

ABSENT: Dean Peterson

Witness my hand and the seal of this Board this 8th day October, 1991.

KENNETH L. RANDOL, Clerk

By _____
Deputy

CHANGE SHEET

1. Replaced outdated title of “Human Resources Director” with “Assistant County Executive Officer – Human Resources” throughout document and reformatted document (margins, spacing, etc) to accommodate longer title. (BAI HR 231, 3/10/20).