

EXHIBIT A

EMPLOYEE RELATIONS POLICY

ARTICLE I – GENERAL PROVISIONS

Section I – Statement of Purpose and Objectives

This resolution implements Chapter 10, Div. 4, Title I, of the Government Code of the State of California (Sections 3500 et seq.) commonly known as the “Meyers-Milias-Brown Act” by providing orderly procedures for the administration of employer-employee relations between the County and its employee organizations. However, nothing contained herein shall be deemed to supercede the provisions of state law, county ordinances, resolutions and rules which establish and regulate the merit and Civil Service System or which provide other methods of administering employer-employee relations.

This resolution is intended instead to strengthen merit civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees and employee organizations and the County.

It is the purpose of this resolution to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of employees of appropriate units and that are not preempted by federal or state law, implementing or administrative directives. However, nothing herein shall be construed to restrict any County rights. The County retains solely and exclusively all the rights, powers and authority exercised or held prior to the adoption of this policy, except as expressly limited by the specific provisions of this policy or of a memorandum of understanding.

Employees of the County of San Luis Obispo, subject to the regulations established by this Board, shall have the right to join and participate in the activities of an organization of their own choice and be represented by its organization in their employment relations with the County of San Luis Obispo. Employees shall also have the right to refuse to join or participate in the activities of the employee organizations and have the right to represent themselves individually in their employment relations with the County.

It is also an objective of this resolution that meeting and conferring with recognized employee organizations be concluded prior to the adoption of the final budget for the ensuing year by the Board of Supervisors.

Section 2 - Definitions

As used in this resolution, the following terms shall have the meaning indicated:

- A. APPROPRIATE UNIT – means a group of employees, employee classes or positions of the County, as determined by the Board of Supervisors pursuant to this resolution, to be so constituted so as to be reasonable and desirable to effectuate the purposes of harmonious employer-employee relations.
- B. COUNTY – means the County of San Luis Obispo and where appropriate herein refers to the County Board of Supervisors or any duly authorized County representative as herein defined.
- C. CONFIDENTIAL EMPLOYEE – means an employee, as identified by resolution of the Board of Supervisors, regardless of classification or job title, who contributes to the development or implementation of the County’s employee relation’s policies and who, in the course of his or her normal duties, has access to confidential information relating to the County’s development of employer-employee relations policies.
- D. CONSULT/CONSULTATION IN GOOD FAITH – means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions. This is distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, and does not involve an exchange of proposals and counterproposals in the endeavor to reach an agreement, nor is it subject to Article IV hereof.
- E. DAY – means calendar day, unless expressly stated otherwise.
- F. EMPLOYEE – means any person other than those persons elected by popular vote or appointed to office by the governor of this state or Board of Supervisors occupying an allocated permanent full-time or permanent part-time position of the County of San Luis Obispo. Temporary, extra help and persons on contract with the County shall not be included within the meaning of “employee”.
- G. EXCLUSIVE REPRESENTATIVE – means the employee organization formally recognized under this resolution as the sole bargaining representative of an appropriate unit of County employees for the purposes of meeting and conferring with the County.
- H. IMPASSE – means that the representatives of the County and a recognized employee organization have reached a point in their meeting and conferring in good faith where the differences on matters to be included in a memorandum of understanding and concerning which they are to meet and confer remain so substantial or prolonged that further meeting and conferring would be futile.

- I. MANAGEMENT EMPLOYEE – as determined by resolution of the Board of Supervisors means an employee having responsibility for formulating, administering or managing the implementation of County policies or programs.
- J. MANAGEMENT REPRESENTATIVE – means a person(s), or legal entity designated by resolution of the Board of Supervisors which assists the County in administering the County’s employer-employee relations program.
- K. MEDIATION – means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours and other terms and conditions of employment between representatives of the County and the exclusively recognized employee organization(s) through interpretation, suggestion and advice.
- L. MEET AND CONFER OR MEET AND CONFER IN GOOD FAITH - means County and/or its designated representative(s) and the representatives of employee organizations which have been accorded “exclusive representative” status through compliance with this resolution shall have the mutual obligation to personally 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.
- M. PROOF OF EMPLOYEE SUPPORT - means: (1) an authorization card recently signed and personally dated by an employee; or (2) a verified authorization petition or petitions recently signed and personally dated by an employee; or (3) employees dues deduction authorization using a payroll register for the period immediately prior to the date a petition is filed hereunder. The only authorization under (1) and (2) above which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee, the words “recently signed” shall mean within one (1) year prior to the filing of the petition.
- N. SUPERVISORY EMPLOYEE – An employee not otherwise designated as management who has authority in the interest of the County to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees or responsibly direct them or to adjust their grievances or effectively recommend such action if the exercise of such authority is not merely routine or clerical in nature, but calls for the use of independent judgment.
- O. VALID ELECTION – means an election in which one choice receives valid votes from over fifty (50%) percent of the valid votes cast.

### Section 3 – Procedural Guidelines

- A. The Management Representative, under direction of the Board of Supervisors, is responsible for implementation of this resolution and the Management Representative may establish such additional procedures as it deems necessary for the just and proper implementation of these rules, provided that they are not inconsistent with provisions of this policy or the rights of employees or employee organizations under the Meyers-Milias-Brown Act.
- B. Agreements reached as a result of meeting and conferring shall be included in memoranda of understanding signed by the County Management Representative, as well as the duly designated representatives of the recognized employee organization(s). Such memoranda of understanding shall not be binding unless approved by the Board of Supervisors.
- C. Management employees may not represent any employee organization which represents other employees of the County on matters within the scope of representation except in an employee unit of representation consisting solely of management employees.

## ARTICLE II – REPRESENTATION PROCEDURES

### Section 1 – Requirements for Formal Acknowledgment as a Recognized Employee Organization: Filing of Recognition Petition

In order to be formally acknowledged as a recognized employee organization, exclusively representing employees in an appropriate unit under the terms and conditions of this policy, an employee organization must first submit a written request to the County Administrative Officer in the form of a petition. The request shall be accompanied by documents and declarations containing the following:

- A. Name, address and telephone number of the employee organization;
- B. A statement whether the employee organization is a chapter of, or affiliated directly, or indirectly in any manner, with a local, regional, state, national or international organization, and if so, the name and address of each such other organizations;
- C. Names and titles of its officers;
- D. Names of employee organization representatives who are authorized to speak on behalf of the organization;
- E. A statement that the employee organization has as one of its primary purposes, representing employees in their employment relations with the County;
- F. Certified copies of the employee organization's constitution and bylaws;
- G. A designation of those persons not exceeding two in number, and their addresses, e-mail and telephone number; to whom notices sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose;
- H. A statement that the employee organization has no restriction on membership based on race, color, creed, sex, sexual orientation, mental or physical disability, medical condition or national origin;
- I. The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- J. A statement that the employee organization has in its possession proof of employee support as herein defined to establish that forty percent (40%) of the employees in the unit claimed to be appropriate have designated the employee

organization to represent them in their employment relations with the County. Such written proof shall be submitted for confirmation to the County;

- K. A detailed financial statement certified as to accuracy by a Certified Public Accountant, which is less than one year old, which indicates the financial condition of the requesting organization;
- L. A request that the County formally acknowledge the petitioner as the recognized employee organization to be the exclusive bargaining representative for the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith;
- M. An acknowledgement of these rules and regulations and any amendments thereto and an agreement to abide by the same whether then in effect or thereafter amended;
- N. A statement that the employee organization recognizes the employees of the County of San Luis Obispo have no rights to engage in any concerted activities detrimental to the County and specifically, that Section 923 of the State Labor Code is not applicable to County employees.

The petition including the appropriate proof of employees support and all accompanying documentation shall be declared to be true, correct and complete under penalty of perjury by the duly authorized officer(s) of the employee organization executing it.

#### Section 2 – County Response to Recognition Petition

Upon receipt of the petition, the County Administrative Officer shall refer the petition, including proof of employees' support and all accompanying documentation, to the Management Representative, who shall determine whether:

- A. There has been compliance with the requirements for acknowledgement as an exclusively recognized employee organization-recognition petition;
- B. The proposed representation unit is an appropriate unit in accordance with Section 6 of Article II of the policy.

If an affirmative determination is made by the Management Representative on the foregoing two matters, he/she shall so inform the petitioning employee organization and shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the Management Representative shall offer to consult thereon with the petitioning employee organization and if such determination remains unchanged, shall inform that organization of the reasons therefore

in writing. The petitioning employee organization or any impacted employee organization may appeal such determination in accordance with Section 8 of this Resolution.

### Section 3 – Open Period For Filing Challenging Petitions

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition(s) for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the recognized employee organization to be the exclusive bargaining representative of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications), by filing a petition evidencing proof of employee support in a unit claimed to be appropriate of at least forty (40%) percent and otherwise in the same form and manner as set forth in Section I of Article II of this policy.

If such challenging petition(s) seek establishment of an overlapping unit, the Management Representative shall hold a meeting on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Management Representative shall determine the appropriate unit or units in accordance with the standards in Section 6 of Article II of this policy. The petitioning employee organization(s) shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the Management Representative to amend their petitioners and to conform to the determination or to appeal such determination pursuant to Section 8.

### Section 4 – Election Procedure

The Management Representative shall arrange for a secret ballot election to be conducted by an election supervisor agreed to by the County and the concerned employee organization(s) in accordance with the election supervisor's rules and procedures subject to the provisions of this resolution. The election supervisor shall normally be the State Mediation and Conciliation Service or another party agreed to by the County and employee organizations. In the event that the parties are unable to agree on the third party to conduct an election, or the third party refuses to conduct an election, the election shall be conducted by the County Clerk pursuant to this section. Costs of conducting elections shall be borne in equal shares by the County and by each employee organization appearing on the ballot as provided by the election agreement between the parties. All employee organizations who have duly submitted petitions which have been determined to be in conformance with Article II of this policy shall be included on the ballot. The choice of "no organization:" shall also be included on the ballot.

Employees entitled to vote in such an election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed at the end of the pay period immediately prior to the date which ended at least fifteen (15) days before the date of the election commences, including those who do not work in such

period because of illness, vacation or other authorized leaves of absence, and who are employed by the County in the same unit on the date of the election.

An employee organization shall be formally acknowledged as the recognized employee organization to be the exclusive bargaining representative for the designated appropriate unit following an election or runoff election if it received a numerical majority vote of the valid votes cast. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a runoff election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a runoff election.

With the permission of the election supervisor, each party to the election, which in all cases shall include the County, may station no more than one authorized observer or representative in each voting place during the election. Absence of one or more party's observers at the election shall constitute a waiver of the right to have an observer present but shall not prevent the election from proceeding. With permission of the election supervisor, any observer may challenge the eligibility of the voter and it shall be the duty of the election supervisor to mark the envelope of the challenged voter as a challenged ballot and to subsequently determine the eligibility of the voter and either allow or reject said vote. All unchallenged ballots will be counted first with a "tentative total" determined. If the entire number of challenged ballots applied to any of the choices could possibly affect the two places, the election supervisor shall resolve all of the challenges to the ballots. Those ballots will then be counted and applied accordingly. Otherwise, the challenged ballots will remain unresolved and the "tentative total" shall be certified as the final tally of votes cast with the number of challenged ballots shown in a separate category. The decision of the election supervisor shall not be subject to appeal and shall be final and binding in all parties.

Each eligible voter shall be assigned a primary polling place and will be advised as to the time that polling place will be open for voting. There shall be no more than one valid election under this resolution pursuant to any petition in any twelve (12) month period affecting this same unit.

#### Section 5 – Procedure for Decertification of Recognized Employee Organization

A decertification petition alleging that the incumbent recognized employee organization no longer represents a majority of the employees in an established appropriate unit may be filed with the County Administrative Officer only during the month of January in any year following the first full year of recognition or during the thirty (30) day period, commencing one hundred and eighty (180) days prior to the termination date of a memorandum of understanding then having been in effect less than three (3) years, whichever occurs later. A decertification petition may be filed by two or more employees or their representative or an employee organization and shall contain the following information and documentation by the duly authorized officer under penalty and perjury to be true, correct and complete:

- A. The name, address, e-mail and telephone number of the petitioner and the designated representative authorized to receive notices of request for further information.
- B. The name of the established appropriate unit and of the incumbent recognized employee organization sought to be decertified as the representative of that unit;
- C. An allegation that the incumbent recognized employee organization no longer represents the majority of the employees of the appropriate unit and any other relevant and material facts relating thereto;
- D. Proof of employees' support, that at least forty (40%) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent recognized employee organization.

An employee organization may, in satisfaction of the decertification petition requirements hereunder, file a petition under this section in the form of a recognition petition that evidences proof of employee support by at least forty (40%) percent and otherwise conforms to the requirements of Section I of Article II of this policy.

The Management Representative shall determine whether or not the petition has been filed in compliance with the applicable provisions of Article II of the policy. If his/her determination is that the petition is not in compliance, then he/she shall offer to consult thereon with the representative(s) of such petitioning employees or employee organizations and make a recommendation of such petitioning employees or employee organizations and, if such determination thereafter remains unchanged, shall return such petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization or any impacted employee organization may appeal such determination in accordance with Section 8.

If the Management Representative determines that the petition is in compliance with the applicable provisions of Article II of this policy, or if his/her negative determination is reversed on appeal, he/she shall give written notice of such decertification or recognition petitions to the incumbent recognized employee organization and to unit employees. The Management Representative shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification. If a recognition petition was duly filed hereunder, the question of representation of such election shall be conducted in conformance with Section 4 of Article II of this policy.

During the "open period" specified in the first paragraph of this section, the Management Representative may on his/her own motion, when he/she has reason to

believe that a majority of unit employees no longer wish to be represented by the incumbent recognized employee organization, give notice to that organization and all unit employees that he/she will arrange for an election to determine that issue. In such event, any other employee organization may within fifteen (15) days of such notice file a Recognition Petition in accordance with this section, which the Management Representative shall act on in accordance with this section.

#### Section 6 – Determination of Appropriate Units

The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on: (1) the efficient operations of the County and its employees to effectively and economically serve the public; (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

- A. The unit shall include the broadest feasible groups of employees based upon internal and occupational community of interest. Fragmentation of units is to be avoided.
- B. The effect of the proposed unit on the efficient operation of County services and on sound employer-employee relations.
- C. Consistency with the organizational patterns of the County.
- D. The history of employee representation in the unit, among other employees in the County, and in similar public employment, except however, that no unit shall be deemed appropriate solely on the basis of the extent to which employees in the proposed unit have been organized in the past.
- E. Similarity of duties, skills, qualification required, and working conditions of employees.
- F. No County employment classification title shall be included in more than one representation unit. Supervisory employees and non-supervisory employees shall not be included in the same unit.
- G. Professional employees shall not be denied the right to be represented separately from non-professional employees by a professional employee organization consisting of such employees.
- H. Management and/or confidential employees shall not be included in any unit which includes non-management and/or non-confidential employees.

- I. In accordance with Government Code Section 3508, peace officers shall be in representation units consisting solely of peace officers and shall not, except under the terms of a specific waiver granted by the Board of Supervisors, be represented by an employee organization(s) which represents other employees of the County or which is subordinate to any other organization.

The Management Representative shall, after notice to affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions, from units in accordance with provisions of this section. The decision of the Management Representative may be appealed to the Board in accordance with Section 8.

#### Section 7 – Procedure for Modification of Established Appropriate Units

Requests by employee organizations for modifications of established appropriate units may be considered by the Management Representative only during the periods specified in Section 5 of Article II of this policy. Such request shall be submitted in the form of a recognition petition and in addition to the requirements set forth in Section 1 of this article, shall contain a complete statement of all relevant facts and citations in support of the proposed modified units in terms of the policies and standards set forth in Section 6. The Management Representative shall process such petition, as other recognition petitions, under Article II of this policy.

The Management Representative may, on his/her own motion, propose during the periods specified in Section 5 of this article than an established unit be modified. The Management Representative shall give written notice of the proposed modification(s) to any affected employee organization(s) and shall hold a meeting concerning the proposed modification(s) at which time all affected employee organizations shall be heard. Thereafter, the Management Representative shall determine the composition of the appropriate unit in accordance with Section 6 of Article II of this policy, and shall give written notice of such determination to the affected employees. The Management Representative's determination may be appealed as provided in Section 8. If a unit is modified pursuant to the motion of the Management Representative, employee organizations may thereafter file Recognition Petitions seeking to become the recognized employee organization for such new appropriate unit or units pursuant to Section 1.

#### Section 8 – Appeals

Any employee organization aggrieved by a determination of the Management Representative that a recognition petition (Section 1), challenging petition (Section 3), or decertification or recognition petition (Section 5); or employees aggrieved by a determination that a decertification petition has not been filed in compliance with applicable provisions of this article (Section 5), or employees or an employee organization aggrieved by an appropriate unit determination (Section 6) may, within

fifteen (15) days of notice of such determination, request to submit the matter to mediation by the State Mediation and Conciliation Service, or may in lieu thereof or thereafter, appeal the determination to the County Board of Supervisors for final decision. If the matter has been submitted to mediation, appeal to the Board of Supervisors must be filed within fifteen (15) days of the termination of mediation. Appeals to the Board of Supervisors shall be filed in writing with the Clerk of the Board, with a copy to the Management Representative.

## ARTICLE III – ADMINISTRATION

### Section 1 – Submission of Current Information by Recognized Employee Organizations

All changes in the information filed with the County by a recognized employee organization under items (A) through (H) of its recognition petition under Section 1 of Article II of this policy shall be submitted in writing to the Management Representative within fourteen (14) days of such change.

### Section 2 – Payroll Dues For Employee Organizations

Upon formal acknowledgment by the County of a recognized employee organization to be an exclusive bargaining representative under this resolution, only such recognized employee organizations may be eligible for payroll deductions of membership dues and only upon the written authorization of employees in the unit represented by recognized employee organizations on forms provided therefore by the County. The provision of such service and other payroll deductions to the recognized employee organization by the County shall be contingent upon, and in accordance with, the provisions of Memorandum of Understanding and/or applicable administrative procedures.

### Section 3 – Employee Organization Activities: Use of County Resources

Access to County work locations and the use of County-paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for them in Memorandum of Understanding and/or administrative procedures and shall be limited to activities pertaining directly to employer-employee relationships and not such internal employee organization business as: soliciting membership, campaigning for office and organization meetings and elections, and shall not interfere with the efficiencies, safety and security or normal conduct of County operations.

## ARTICLE IV – IMPASSE PROCEDURES

### Section 1 – Initiation of Impasse Procedures

The Board of Supervisors believes it to be in the best interest of the County and County employees to provide an orderly method for resolving impasses which may develop in the meet and confer process between the County and a recognized employee organization. If the meet and confer process has reached impasse, as defined in this resolution, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled by the County's Management Representative. The purpose of such impasse meeting shall be:

- A. To identify and specify in writing the issue or issues that remain in dispute.

- B. To review the position of the parties in a final effort to resolve all such disputed issue or issues; and
- C. If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

### Section 2 – Impasse Procedures: Mediation

The impasse procedures for mediation are as follows:

- A. If the parties agreed to submit the dispute to mediation and agree on the selection of the mediator, the dispute shall be submitted to mediation. All mediation proceedings shall be private. The mediator shall make no public recommendation or make any public position at any time concerning the issue;
- B. The role of the mediator shall be to assist the parties in reaching a voluntary resolution on those matters submitted to the procedures;
- C. The fees and the expenses of the mediator, if any, shall be shared equally by the County and the recognized employee organization. All other expenses shall be borne by the party or parties incurring them;
- D. If the parties come to an agreement on all issues submitted to mediation, said agreement shall be placed in a Memorandum of Understanding and be submitted to the Board of Supervisors for its determination.
- E. If the parties fail to resolve the dispute through mediation within fifteen (15) days after the mediator commences meeting with the parties, the parties may agree to submit wage issues to advisory arbitration.

### Section 3 – Impasse Procedures – Advisory Arbitration

Only those issues which arise from lack of agreement under Section 2.48.180 of the County Code shall be submitted to advisory arbitration and then only after no agreement was reached in mediation, if utilized, between the parties.

- A. Advisory arbitration proceedings shall not be public hearings.
- B. The advisory arbitrator shall be selected by mutual agreement of the parties within ten (10) working days after the employee organization or Management Representative has indicated in writing its desire for advisory arbitration;
- C. In the event the parties are unable to agree on an arbitrator, they shall request the State Mediation and Conciliation Service to submit the names of five (5) persons

of whom one shall be selected as arbitrator. The Management Representative of the County and the representative of the recognized employee organization shall each have a successive choice of alternatively rejecting a name from these five (5) persons, and the remaining one shall be selected as arbitrator;

- D. The fees and expenses of the arbitrator and his/her selection process, if any, will be shared equally by the County and the employee organization. All other expenses shall be borne by the party or parties incurring them and neither party shall be responsible for the expenses of witnesses called by the other;
- E. It shall be the duty of the arbitrator to make findings of fact and prepare recommendations for the resolution of the issue(s) in dispute;
- F. The findings and recommendations of the arbitrator shall be confined to those issues involved in the original submission, unless additional issues important to full resolution of the problem are added by mutual agreement of the County's Management Representative and the recognized employee organization;
- G. The findings and recommendations of the arbitrator shall be referred to the Board of Supervisors for final decision.

#### Section 4 – Impasse Procedures: Final Resolution

The Board of Supervisors shall take such action regarding the impasse and any recommendations received by them as it, in its discretion, deems appropriate giving due consideration to the public interest, if any. Legislative action by the Board of Supervisors on the impasse or recommendations shall be final and binding.

### ARTICLE V – MISCELLANEOUS PROVISIONS

#### Section 1 – Construction

This resolution shall be administered and construed as follows:

- A. Nothing in this resolution shall be construed to deny to any person, employee, organization, the County or any authorized office, body or representative of the County the rights, powers or authority granted by federal or state law;
- B. This resolution shall be interpreted so as to carry out its purposes as set forth in Article I.

#### Section 2 – Severability

If any provision of this resolution or the application of any such provisions to any person or circumstance shall be held invalid by a court of competent jurisdiction, the remainder

of this resolution, or the application of set provision to persons or circumstances other than those as to which it is held invalid, shall not be affected hereby.