

RESOLUTION NO. 77-13

MARINA COUNTY WATER DISTRICT

October 20, 1977

RESOLVED by the Board of Directors, Marina County Water District, at the regular meeting duly called on Thursday, October 20, 1977, at the business office of the District, No. 11 Beach Road, Marina, California, as follows:

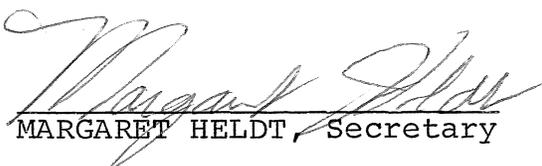
Upon the recommendation of the General Manager and District Legal Counsel, and pursuant to the authority granted us under Government Code 3507, State of California, we do hereby adopt those certain Rules and Regulations for the Administration of Employer-Employee Relations, designated "Ordinance No. 3, Marina County Water District", a copy thereof here attached, and by this reference made a part hereof; effective this date, October 20, 1977.

PASSED AND ADOPTED by the Board of Directors, Marina County Water District on October 20, 1977, by the following votes:

AYES: Gonzales, Isakson, Kosorek, Teunis

NOES: None

Absent: None


MARGARET HELD, Secretary

ORIGINAL

ORDINANCE NO. 3

MARINA COUNTY WATER DISTRICT

A Public Agency

RULES AND REGULATIONS FOR THE ADMINISTRATION
OF EMPLOYER-EMPLOYEE RELATIONS

(Adopted by the Board of Directors, Marina County
Water District, under the Meyers-Miliias-Brown Act
of 1968, State of California, by Resolution No.
77-13, dated 10/20/77)

SECTION 1.00 INTRODUCTION.

At its regular meeting, duly called and held on October 20, 1977, at Marina, California, the Board of Directors (hereafter the "Board") of the Marina County Water District, a public agency, (hereafter the "District"); upon motion duly made, seconded, and unanimously approved, did adopt by Resolution No. 77-13 the following rules and regulations (hereafter "regulations"), which shall constitute Ordinance No. 3 of the District.

SECTION 2.00 PURPOSE.

These regulations are adopted under the Meyers-Miliias-Brown Act of 1968, State of California, Government Code 3500, et. seq. (hereafter the "Act"), for the purpose of administering employer-employee relations of the District and more specifically:

2.01 To establish policies and procedures to promote full communication and discussion between the District and its employees through the presentation and consideration of management-employee relations matters and to provide reasonable methods for resolving disputes regarding wages, hours, and other terms and conditions of employment between the District;

its employees, and "employee organizations".

2.02 To promote the improvement of employer-employee relations between the District and its employees by providing a procedure for recognizing the right of employees of the District to join organizations of their own choice and to be represented by such organizations in their employment relationship with the District.

2.03 To recognize the right of employees to refuse to join or participate in the activities of employee organizations and to represent themselves individually in their employment relations with the District.

SECTION 3.00 DEFINITIONS:

3.01 "Employee Organization": "Employee organization" means any organization which includes employees of the District and which has as one of its primary purposes the representation of these employees in their relations with the District.

3.02 "Recognized Employee Organization": A "Recognized Employee Organization" is any employee organization which has been formally

acknowledged and "recognized" as the employee organization which represents one or more units of employees of the District.

3.03 "Employee Representation Unit": An "employee representation unit" is a group of two or more employees of the District which has been determined appropriate by the District for the purpose of representation by an employee organization.

(Note: For the purpose of these regulations, employees in the Sanitary Division, Water Division, and Management Division of the District are deemed to be separate appropriate units each for the purpose of representation.)

3.04 "Professional Employees": A "professional employee" is any employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, engineers, architects, and various types of physical, chemical, and biological scientists.

3.05 "Management & Confidential Employees":
"Management & confidential employees" are any employees who, as part of their duties and

responsibilities, are involved to a significant degree in formulating and carrying out operating programs and/or procedures of the District in a supervisory capacity. For the purpose of these regulations, the following employees of the District are deemed "management and confidential":

General Manager
Secretary/General Manager
Office Manager
Division Chiefs
Assistant Division Chiefs

3.06 "Scope of Representation": "Scope of representation" means those 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 that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity of the District as provided by law.

3.07 "Meet & Confer in Good Faith": "Meet and confer in good faith" means that the District and representatives of a Recognized Employee Organization(s) shall have the mutual obligation to meet and confer regarding wages, hours, and other terms and conditions of employment

promptly upon request of either party and for a reasonable period of time each year prior to the adoption by the District of its budget for the ensuing fiscal year; which meeting and conferring shall include exchanging information, opinions, and proposals, with a sincere endeavor to reach agreement on such matters. The scheduling of such meetings should attempt to include a reasonable time for resolving any "impasse".

The District shall allow a reasonable number of employee representatives of a Recognized Employee Organization(s) time off without loss of compensation or other benefits for the purpose of meeting and conferring with representatives of the District on matters within the scope of representation.

3.08 "Mediation": "Mediation" means the activity of an impartial third party selected by mutual agreement of the District and a Recognized Employee Organization, who shall have advisory authority only to assist in reconciling a dispute regarding a matter within the scope of representation. Cost of mediation shall be divided equally between the parties.

SECTION 4.00 EMPLOYEE RIGHTS.

4.01 To Join: Public 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.

4.02 Not to Join: Public employees shall also have the right to refuse to join or participate in the activities of employee organizations, and they shall have the right to represent themselves individually in their employment relations with the District.

4.03 Interference: The District and employee organizations shall not interfere with, intimidate, restrain, coerce, or discriminate against any public employee because of the exercise of his/her rights hereunder.

SECTION 5.00 EMPLOYER RIGHTS

5.01 Exclusive: It is the exclusive right of the District to direct its employees in carrying out their job duties and responsibilities, so that the District may fulfill its authority and responsibility to the public under the laws of the State of California. Nothing in these regulations is intended, nor shall they

be constituted, to modify said authority and responsibility; which shall include, but not necessarily be limited to the following:

- (a) Prescribing, scheduling, and assignment of work.
- (b) Prescribing job classifications;
- (c) Hiring, promoting, demoting, transferring, laying-off, and discharging for cause.
- (d) Determining the appropriateness of any unit of representation for the purpose of these regulations.

5.02 Notice of Proposed Action: Except in cases of emergency as provided in Section 5.03, the Board shall give reasonable written notice in advance to each Recognized Employee Organization which might be affected by any proposed ordinance, rule, resolution, or regulation relating to matters within the scope of representation and shall give such Recognized Employee Organization the opportunity to meet with the Board prior to adoption.

5.03 Emergency: In cases of emergency, when the Board determines that a proposed ordinance, rule,

or regulation under 5.02 must be adopted immediately without prior notice or meeting with the Recognized Employee Organization, the Board shall nevertheless provide such notice and opportunity to meet at the earliest practicable time thereafter.

SECTION 6.00 RIGHTS/RECOGNIZED EMPLOYEE ORGANIZATION.

A Recognized Employee Organization shall have the right to represent its members in their employment relations with the District, and said organization may establish reasonable restrictions regarding who may join the organization, and may make reasonable provisions for the dismissal of individuals from membership. But in no way shall said organization prohibit any employee from representing himself regarding his employment relations with the District.

SECTION 7.00 RECOGNITION PROCEDURES.

7.01 Written Request: Any employee organization seeking formal acknowledgement as a "Recognized Employee Organization" shall file with the District a written request which shall include at least the following:

- (a) The name and address of the employee organization, the name of the officer or agent designated for the purpose of representing the employee

organization and the name and address of any local, state, or national organization with which said employee organization is affiliated.

(b) A copy of the current constitution and by-laws of the employee organization.

(c) A description of the proposed employee representation unit.

(d) The names of the employees of the proposed representation unit as set forth in certified copies of authorization cards or membership roster; which names shall represent not less than a simple majority of the total number of employees within the proposed representation unit; the signatures obtained within thirty (30) days prior to this written request.

(e) A statement declaring that:

(1) The employee organization has as its primary function the representation of employees in their employment relations with the District, and that it

accepts these regulations and agrees to be bound thereby.

(2) The employee organization has no restriction on membership based on race, creed, color, national origin, sex, or citizenship; and that it has a positive program for making members of minority groups aware of employment opportunities within its jurisdiction; and that the employee organization is in compliance with all federal and state laws, rules, and regulations pertaining thereto.

(f) Such statement under (e) above must be filed annually with the District so long as said employee organization is acknowledged as the Recognized Employee Organization. Failure to file said statement is cause for withdrawal of formal acknowledgement by the District.

7.02 Notification: Within ten (10) days after the request for formal acknowledgement is received by the District, written notification thereof shall be mailed to all other employee organizations also within the

District and to all employees within a proposed representation unit.

7.03 Challenge: Within thirty (30) days after the date of said notice, other employee organizations may file with the District their request for formal acknowledgement pursuant to this Section and any employee within a proposed representation unit may file with the District his/her written challenge of the representation unit as proposed; or request exclusion therefrom; or propose a different representation unit.

7.04 Appropriate Unit:

(a) Within thirty (30) days after said period of notice has expired, the District shall consider all requests for formal acknowledgement and challenges; and render its final determination thereon, which shall be binding upon all parties, and the District shall promptly notify all parties of the decision.

(b) In the event the District decides that the proposed representation unit is not appropriate, whether in whole or in part, then within a reasonable

time of giving notice to that effect, but not beyond thirty (30) days, the District will meet and confer with the employee organization and/or employees, as the case may be, to try to resolve whatever conflict may exist in this regard.

(c) In the event the parties cannot agree, then upon the request of any party, the dispute shall be submitted to the State Conciliation Service, Department of Industrial Relations, State of California, for mediation. No further steps will be taken for the purpose of recognition until the State Conciliation Service has acted.

SECTION 8.00 ELECTION.

8.01 Confer: Once the request for formal acknowledgement has been accepted and approved by the District, and the proposed representation unit has been deemed appropriate by the District, then notice to that effect shall be given to all the parties, including a request to meet and confer for the purpose of setting a date for election and agreeing on procedures not otherwise herein adopted; which meeting shall take

place not later than thirty (30) days from date of notice.

8.02 Eligibility: Employees who are entitled to vote in a representation election shall be those individuals within a designated unit of representation who are employed by the District at least twenty (20) hours or more per week, and who are so employed on date of election.

8.03 Secret Ballot: The election shall be by secret ballot and is for the purpose of determining whether a majority of the employees in the proposed representation unit desire the District to formally acknowledge an employee organization as the Recognized Employee Organization for the purpose of representation. The choice of "no employee organization" must be included on any ballot.

8.04 Supervision: The election shall be supervised and conducted by, and the under rules and regulations of, the State Conciliation Service, Department of Industrial Relations, State of California.

8.05 Election Date: The date of election shall be not more than ninety (90) days from date of

expiration of last notice period invoked
under Section 7.00

SECTION 9.00 CAMPAIGN PROCEDURES.

9.01 Literature: Within a period not to exceed thirty (30) days next proceeding the date of election, all parties to the election, including the District, are permitted to leave supplies of literature at job locations available to employees; but no literature shall be distributed to the employees personally while they are on duty.

9.02 Meeting: No campaign meetings of employees or employee organizations may be held on District property, except upon express approval of the Employee Relations Officer first obtained.

9.03 General: Except as herein otherwise provided, any party to the election may conduct any campaign not otherwise prohibited by law.

SECTION 10.00 EMPLOYEE RELATIONS OFFICER.

The General Manager of the District shall act as the "Employee Relations Officer" of the District for the purpose of these regulations and have all authority necessary and proper to the administration thereof.

SECTION 11.00 MANAGEMENT EMPLOYEES.

Management employees of the District as herein defined for the purpose of employer-employee relations shall not represent any employee organization which represents other employees of the District. However, this is not to limit the right of management employees to be members of and to hold office in an employee organization.

SECTION 12.00 MEMORANDUM OF AGREEMENT.

After meeting and conferring in good faith on matters within the scope of representation including wages, hours, and other terms and conditions of employment between the District and the employees represented, the Employee Relations Officer and the representative of the Recognized Employee Organization(s) shall jointly prepare a written memorandum of the understanding and agreement reached, which shall not be binding, however, until final approval by the Board.

SECTION 13.00 IMPASSE.

If, after meeting and conferring in good faith, the Employee Relations Officer and representative(s) of the Recognized Employee Organization fail to reach agreement, there shall be deemed an impasse and the parties agree to take the following steps in the order noted:

13.01 Mediation: The dispute shall be submitted to the State Conciliation Service, Department of Industrial Relations, State of California, for

mediation. The cost thereof shall be borne equally by the parties.

13.02 Board Action: In the event mediation fails, then within thirty (30) days after receiving such report from the State Conciliation Service, the Board shall act upon the dispute, its decision to be final and binding upon the parties.

SECTION 14.00 APPEAL PROCEDURE.

14.01 Right of Appeal: A Recognized Employee Organization, or employee, may for cause appeal any decision by the Employee Relations Officer in the administration of these regulations.

14.02 Notice: Such appeal is to the Board and notice thereof must be mailed to the Board within fifteen (15) days after the date of said decision by the Employee Relations Officer being appealed; or within fifteen (15) days after the decision first became known to the appellant, but in no event more than ninety (90) days from date of said decision.

14.03 Board Action: The Board shall act upon the appeal at the next regular meeting following date notice of appeal was received; which action by the Board shall be final and binding

upon the parties. The Board may for cause continue any hearing on appeal.

SECTION 15.00 UNFAIR PRACTICES.

15.01 District: It shall be an unfair practice for the District to do any one or more of the following:

- (a) Interfere with, restrain, or coerce employees in the exercise of their rights recognized or granted by these regulations;
- (b) Dominate or control the formation of an employee organization or the selection of an employee organization for representation;
- (c) Contribute financial support to any employee organization; or
- (d) Refuse to meet and confer in good faith with representatives of a Recognized Employee Organization on matters within the scope of representation.

15.02 Employees & Employee Organizations: It shall be an unfair practice for employee organizations to do any one or more of the following:

(a) Interfere with, restrain or coerce employees in the exercise of any right recognized or granted by these regulations;

(b) Coerce, attempt to coerce, or discipline any employee in any way that hinders or impedes the performance of his or her duties of employment;

(c) Discriminate against any employee with regard to his membership in any employee organization because of race, color, creed, sex, or national origin;

(d) Refuse to consult, or meet and confer in good faith, with District representatives on matters within the scope of representation;

(e) Initiate, engage in, cause, instigate, encourage or condone a work stoppage of any kind, or engage in any disruptive activity which is detrimental to the operation of the District.

15.03 Labor Code 923: The provisions of Section 923, California Labor Code, are not applicable to the employees of the District.

SECTION 16.00 SANCTIONS.

16.01 District: The Employee Relations Officer shall have the right, subject to approval by the Board, to impose sanctions upon employees or employee organizations for unfair practices as defined in Section 15.00. In such cases, the Employee Relations Officer shall give prior written notice to the other party of the sanction(s), the reasons therefor, and the date when the matter will be submitted to the Board for its approval.

16.02 Employee/Employee Organization: An employee, or Recognized Employee Organization, shall have the right to cite to the Board the Employee Relations Officer for an unfair practice, as defined in Section 15.00. Such citation must be in writing and filed with the Board within ten (10) days from the date the alleged unfair practice was committed, or within ten (10) days after it was first discovered, but in no event more than ninety (90) days from date of occurrence. The Board shall act upon the matter at its next regular meeting, or

any continuation thereof, following the date when the citation was filed. Any decision of the Board shall be final and binding upon the parties.

SECTION 17.00 CONSTRUCTION.

17.01 Severable: If any of these regulations, or their application are held invalid, the remaining regulations are nevertheless deemed severable and not effected thereby.

17.02 Interpretation: In the event a dispute arises over the interpretation of any of these regulations and their application, the decision of the Employee Relations Officer shall be final, but subject to appeal under Section 14.00.

(END OF DOCUMENT)