

## CITY OF ROCKLIN EMPLOYEE/EMPLOYER RESOLUTION



### **RULES, REGULATIONS AND PROCEDURES FOR THE ADMINISTRATION OF EMPLOYER-EMPLOYEE RELATIONS BETWEEN THE CITY AND ITS EMPLOYEES**

#### **1. Purpose:**

It is the purpose of these rules and regulations to implement those provisions of the Government Code of the State of California governing “Local Public Employee Organizations” (Sections 3500 et seq.) by promoting full communication between the City and its employees by providing a reasonable method of dealing with issues regarding wages, hours, and other terms and conditions of employment between the City and its employees, and their employee organizations. It is also the purpose of these provisions to promote the improvement of personnel management and employer/employee relations within the City by providing a uniform basis for recognizing the right of the employees of the City to join, or refrain from joining, organizations of their own choice and be represented, or not be represented, by such organizations in their employment relationship with the City.

Nothing contained herein shall be deemed to supersede the provisions of existing State law or City ordinances, resolutions, and rules which establish, regulate, and provide for other methods of administering employer/employee relations. These provisions are intended, instead, to strengthen all other methods of administering employer/employee relations through the establishment of uniform and orderly methods of communications between the employees and the City.



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Nothing in these provisions shall interfere with the right of the City to manage the affairs of the City in the most economical and efficient manner in its best interest and according to governing laws, including, but not limited to, the merits, necessity, or organization of any service or activity allowed by law.

These rules and regulations provide procedures for consulting with regard to the adoption of rules and regulations for the administration of employer/employee relations for meeting and conferring in good faith with recognized employee organizations regarding matters which directly affect and primarily involve wages, hours, and other terms and conditions of employment of employees in appropriate units and that are not preempted by Federal or State law.

### **2. Definitions:**

As used in this section, the following terms shall have the meanings indicated:

- A. Appropriate Unit: A unit established in accordance with Section 3500, Government Code Meyers-Milias-Brown Act, (MMB).
- B. City: The City of Rocklin, a municipal corporation; and where appropriate herein, "City" refers to the City Council, the governing body of said city, or any duly authorized management employee to whom authority is delegated herein.
- C. Consultation in Good Faith: To communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions.
- D. Employee: Any person regularly employed by the City, except management and confidential employees, and those persons elected by popular vote.



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- E. Confidential Employee: An employee who regularly participates in, has knowledge of, or access to, decisions of City management affecting employer-employee relations.
- F. Management Employee:
  - 1. Any employee having significant responsibility for formulating and administering City policies and programs, including but not limited to the City Manager and department heads; and
  - 2. Any employee having authority to exercise independent judgment to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or having responsibility to direct them, or adjust their grievances, or effectively to recommend such action if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- G. Professional Employee: An employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including but not limited to: attorneys, physicians, registered nurses, engineers, architects, teachers and various types of physical, chemical and biological scientists.
- H. Employee Organization: Any organization which includes employees of the City and which has as one of its primary purposes the representation of such employees in their employment relations with the City.
- I. Employer-Employee Relations: The relationship between the City and its employees and their employee organizations, or,



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when used in the general sense, the relationship between City management and employees or employee organizations.

- J. Grievance: Any dispute concerning the interpretation or application of the Personnel Rules or existing MOU's or any other Rules or Regulations governing personnel practices or working conditions, or the practical consequences of a management decision on wages, hours, or other terms and conditions of employment.
- K. Impasse:
1. The failure of representatives of the City and representatives of a formally recognized employee organization to reach agreement on any matters concerning which they are required to meet and confer in good faith; or
  2. Any unresolved complaint by an affected employee organization concerning a decision of the Employee Relations Officer.
- L. Majority Representative: An employee organization, or its duly authorized representative, granted formal recognition by the Employee Relations Officer and representing the majority of employees in an appropriate unit.
- M. Mediation: The effort of an impartial third person to assist in reconciling an impasse through interpretation, suggestion, and advice.
- N. Meet and Confer in Good Faith: Performance by duly authorized representatives of the City and duly authorized representatives of an employee organization recognized as the majority representative of their mutual obligation to meet at



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reasonable times and to confer in good faith regarding matters within the scope of representation, in an effort to:

1. Reach agreement on those matters within the authority of such representatives; and
2. Reach agreement on recommendations to be made to the City Council on those matters within the decision making authority of the City Council.

O. Employee Relations Officer: The City Manager of the City who is hereby designated as the City's principal representative in all matters relating to employer-employee relations, with authority to meet and confer in good faith on matters within the scope of representation, or his duly authorized representative.

P. Recognized Employee Organization: An employee organization which has been acknowledged by the Employee Relations Officer as an employee organization as defined herein:

1. "Formal recognition" in accordance with the procedures prescribed herein refers to recognition of an employee organization as the majority representative of employees in an appropriate unit with the right to meet and confer in good faith on all matters within the scope of representation.
2. "Informal recognition" in accordance with the procedures prescribed herein refers to recognition of an employee organization for purposes of consultation in good faith on behalf of those City employees it represents.

Q. Rules: The Rocklin Personnel Rules unless otherwise specified.

R. Scope of Representation: Shall include wages, hours, and other terms and conditions of employment except, however, notwithstanding the foregoing provision of this section, nothing



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in these Rules is intended to circumscribe or modify the existing exclusive management rights of a public agency; provided, however, that the exercise of such rights does not preclude affected public employees or affected recognized employee organizations from consulting or raising grievances about the practical consequences that decisions on these matters may have on employees' safety, wages, hours, and other terms and conditions of employment.

### **3. Employee Rights:**

No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the City or by any employee organization due to the exercise of these rights.

#### **3-01: Right to Join, Form and Participate in Employee Organizations**

Except as otherwise provided by law or limited by a specific term of a labor agreement, employees shall have the right to form, join and participate in the activities of employee organizations of their choosing, for the purpose of representation on all matters of employer/employee relations within the scope of representation.

#### **3-02: Right to Refuse to Join Employee Organization**

As provided for by the Meyers-Miliias-Brown Act, employees shall have the right to refuse to join or participate in the activities of the employee organization.

#### **3-03: Right of Representation**

Employees shall have the right to represent their members in their employment relations with the City.

#### **3-04: Right to Self-Representation**

Any employee shall have the right to appear on his/her own behalf in their employee relations with the City.



**4. City Management Rights:**

Except as otherwise limited by a specific term of a labor agreement, the City has, and retains the sole and exclusive rights and functions of management, including, but not limited, to the following:

- Determine the mission of its constituent departments, commissions, boards, and agencies
- To manage the City generally and to determine the issues of policy
- To determine the existence of facts which are the basis of management decisions
- To determine methods of financing and budgeting
- To determine the necessity for and organization of any service or activity conducted by the City, and to expand or diminish services
- To determine the nature, manner, means, technology, and extent of services to be provided to the public
- To determine types of equipment or technology to be used
- To determine and change the number of locations, relocations, and types of operations, processes, and materials to be used in carrying out all City functions, including, but not limited to, the right to contract for or subcontract any work or operation of the City, except where such contracts for service would be for the purpose of workforce reductions
- To determine and/or change the facilities, methods, technology, means, organizational structure, and size and composition of the work force, and to allocate and assign the work by which City operations are to be conducted
- To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments upon reasonable notice and good faith consultation



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- To lay off employees from duties because of lack of work or funds, or under conditions where continued work would be ineffective or nonproductive
- To establish and modify productivity and performance programs and standards
- To establish reasonable employee performance standards including, but not limited to, quality and quantity standards; and to require compliance with such standards
- To schedule the operation of, and to determine the number and duration of shifts
- To determine and enforce safety, health, and property protection measures and require adherence thereto
- To transfer work from one job site to another or from one location or unit to another
- To maintain order and efficiency in City facilities and operations
- To dismiss, suspend without pay, demote, reprimand, withhold salary increases or otherwise discipline employees for cause To discharge probationary employees without the right of appeal
- To determine minimum qualifications, skills, abilities, knowledge, selection procedures and standards, and to establish, modify, determine, or eliminate job classifications and allocate City positions to such classifications
- To hire, transfer, promote and demote employees for nondisciplinary reasons
- To determine policies, procedures, and standards for selection, training, and promotion of employees
- To take such other and further action as may be necessary to organize and operate the City in the most efficient and economical manner and in the best interest of the public it serves





- Take actions as may be necessary to carry out the mission of the agency in emergencies
  - To restrict the activity of an employee organization on municipal property and on municipal time except as set forth in these regulations
- a. Authority-No arbitrator or other neutral third party, shall have the authority to diminish any of the City Management rights included in this section
  - b. Grievances-The management rights set forth in this section shall not remove or limit the right of any classified employee to exercise grievance procedures.

**5. Meet and Confer in Good Faith – Scope:**

The City, through its representatives, shall meet and confer in good faith with representatives of formally recognized employee organizations with majority representation rights within appropriate units, concerning matters within the scope of representation.

The City shall not be required to meet and confer in good faith on any subject matter preempted by Federal or State law, nor shall it be required to meet and confer in good faith on employee rights and management rights as defined in this document.

Adoption, amendment, or repeal of these Rules are excluded from the scope of meeting and conferring but shall be subject to prior notice to, and consultation with, recognized employee organizations, if any.

**5-01: Consultation – Scope**

All matters affecting employer-employee relations, including those that are not subject to the meeting and conferring process, are subject to consultation. The City, through its representatives, shall consult in good faith with representatives of all recognized employee organizations on employer-employee relations matters which affect them.



**5-02: Advance Notice**

Except in cases of emergency, the City shall give reasonable written notice to each recognized employee organization affected of any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation, proposed to be adopted by the City Council, and shall give each recognized employee organization the opportunity to meet with the City Council prior to adoption. Recognized employee organizations shall give reasonable written notice to the Employee Relations Officer of any matter within the scope of representation, including matters subject to consultation, proposed to be communicated to the City Council.

In cases of emergency, when the City determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the City shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution or regulation.

**6. Employee Organizations – Recognition:**

**6-01: Formal Recognition – Right to Meet and Confer in Good Faith as Majority Representative**

An employee organization which seeks formal recognition for purposes of meeting and conferring in good faith as the majority representative of employees in an appropriate unit shall file a petition with the Employee Relations Officer containing the following information and documentation:

1. Name and address of the employee organization.
2. Title and names of its officers.
3. Names of employee organization representatives who are authorized to speak on behalf of its members.
4. A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with the City.



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5. A statement whether the employee organization is a chapter or local of, or affiliated directly or indirectly in any manner with, a regional or state, or national or international organization, and, if so, the name and address of each regional, state, or international organization.
6. Certified copies of the employee organization's constitution and bylaws, if any.
7. A designation of those persons, not exceeding two (2) in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice to the employee organization for any purpose.
8. A statement that the employee organization recognizes that the provisions of Section 923 of the Labor Code are not applicable to City employees.
9. A statement that the employee organization has no restriction on membership based on race, color, religion, ancestry, national origin, age, sex, sexual orientation, marital status, political affiliation, family care leave status, pregnancy, physical or mental disability, medical condition, or other legally protected characteristic.
10. The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
11. A statement that the employee organization has in its possession written proof, dated within sixty (60) days of the date upon which the petition is filed, to establish that employees in the unit claimed to be appropriate have designated the employee organization to represent them



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in their employment relations with the City. Such written proof shall be submitted for confirmation to the Employee Relations Officer.

12. A request that the Employee Relations Officer recognize the employee organization as the majority representative of the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith on all matters within the scope of representation.
13. The petition including the 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.

All changes in the information filed with the City by an Exclusively Recognized Employee Organization under this Section shall be submitted in writing to the Employee Relations Officer within fourteen (14) days of such change.

### **6-02: Informal Recognition – Consultation in Good Faith**

An employee organization that seeks recognition for purposes of consultation in good faith shall file a petition with the Employee Relations Officer containing the following documentation:

1. All of the information listed in Section 6-01 of these Rules.
2. A statement that the employee organization has in its possession written proof, dated within sixty (60) days of the date upon which the petition is filed, to establish that employees have designated the employee organization to represent them in their employment



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relations with the City. Such written proof shall be submitted for confirmation to the Employee Relations Officer.

3. A request that the Employee Relations Officer recognize the employee organization for the purpose of consultation in good faith.

### **6-03: Petition for Recognition**

The petition, including all accompanying documents, shall be verified, under oath, by an officer of the organization that the statements are true. All changes in such information shall be filed forthwith in like manner.

### **6-04: Recognition of Employee Organization**

The Employee Relations Officer shall grant recognition, in writing, to all employee organizations who have complied with Section 6-01 for purposes of consultation in good faith for its members. Employee organizations seeking formal recognition as majority representatives must, in addition, establish to the satisfaction of the Employee Relations Officer that it represents a majority of the employees in the manner prescribed in Section 6-06. No employee may be represented by more than one recognized employee organization for the purposes of these Rules.

### **6-05: Appropriate Unit**

The Employee Relations Officer, after reviewing the petition filed by an employee organization seeking formal recognition as a majority representative, shall determine whether the proposed unit is an appropriate unit. The principal criterion in making this determination is whether there is a community of interest among such employees. The following factors, among others, are to be considered in making such determination:

1. Which unit will assure employees the fullest freedom in the exercise of rights set forth under these rules?



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2. The history of employee relations in the unit, among other employees of the City, and in similar public employment.
3. The effect of the unit on the efficient operation of the City and sound employer-employee relations.
4. The extent to which employees have common skills, working conditions, job duties, or similar education requirements.
5. The effect on the existing classification structure of dividing a single classification among two or more units.

No unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized.

In the establishment of appropriate units, (1) professional employees shall not be denied the right to be represented separately from nonprofessional employees; and (2) management and confidential employees who are included in the same unit with non-management or non-confidential employees may not represent such employees within the scope of representation.

#### **6-06: Majority Representative – Formal Recognition**

The Employee Relations Officer shall:

- A. Determine the majority representative of City employees in an appropriate unit by arranging for a secret ballot election, written petition, or by any other reasonable method which is based upon written proof, and is designed to ascertain the free choice of a majority of such employees. The employee organization found to represent a majority of the employees in an appropriate unit shall be granted formal recognition and is the only employee organization entitled to meet and confer in good faith on matters within the scope of representation for employees in such unit. This shall not preclude other recognized employee organizations, or



individual employees, from consulting with management representatives on employer-employee relations matters of concern to them.

- B. Revoke formal recognition of a majority representative, which has been found by secret ballot election no longer to be the majority representative.

**6-07: Recognition Rights**

The recognition rights of the majority representative designated in accordance with this section shall not be subject to challenge for a period of not less than twelve (12) months following the date of such recognition, unless all employees in the unit represented, petition the Employee Relations Officer for revocation of the formal recognition of the recognized majority representative.

**6-08: Decertification**

A decertification petition may be filed with the Employee Relations Officer by an employee organization to determine whether or not a recognized employee organization continues to represent a majority of the employees in their representation unit. Such petition must be accompanied by proof of employee approval equal to at least fifty percent of the employees within the representation unit. Such a petition may be received by the Employee Relations Officer only within a ninety (90) day period immediately preceding the second or succeeding annual anniversary date of recognition. No decertification petition for same unit shall be entertained by the Employee Relations Officer more frequently than once in any twelve (12) month period.

The Employee Relations Officer shall arrange for a secret ballot election to determine if the formally recognized employee organization shall retain its rights as majority representative. The formally recognized employee organization shall be decertified if a majority of those casting valid ballots vote for decertification.

**7. Resolution of Impasse:**

Impasse procedures may be invoked only after the possibility of settlement by direct discussion has been exhausted. Any party may initiate the impasse procedure by filing with the other party (or parties) affected a written request that



an impasse meeting of City and employee representatives be held in a final effort to reach agreement on the disputed issues. The Employee Relations Officer shall schedule an impasse meeting no later than five (5) days after the date of filing of the written request for such meeting by written notice to all parties affected. If agreement is not concluded between the Employee Relations Officer and representatives of recognized employee organizations the matter shall be referred to the City Council for a determination, after a public hearing, on the matters of the dispute.

Upon notification that an impasse has been reached, the City Council shall set the matter for hearing at its next regular meeting following receipt of notice of the impasse. The City Council may continue such hearing for the purpose of referring the matter to an appropriate committee of the City Council for report and recommendation. It may continue the hearing at the request of the Employee Relations Officer or representatives of a recognized employee organization for mediation prior to consideration by the City Council.

If the City Council determines that mediation proceedings shall be held, the Employee Relations Officer and representatives of the recognized employee organizations affected shall select an impartial third party mediator mutually acceptable to the parties. All mediation proceedings shall be private. The mediator shall make no public recommendations nor take any public position concerning the issues. If an agreement is reached by representatives of the City and the formally recognized employee organization or organizations on matters within the scope of representation, they shall jointly prepare a written Memorandum of Understanding as hereinafter provided. If agreement is not reached following mediation, the matter shall be referred to the City Council for determination. Costs of mediation shall be equally divided between the City and the recognized employee organization or organizations.





**8. Memorandum of Understanding:**

If agreement is reached by representatives of the City and representatives of a recognized employee organization representing a majority of the employees in an appropriate unit, they shall jointly prepare a written memorandum of such understanding which shall be submitted to the City Council for determination. The Memorandum of Understanding shall not be binding on the City until formally approved by the City Council.

**9. Employee Privileges:**

**9-01: Reasonable Time Off to Meet and Confer**

A reasonable number of employees representing a formally recognized employee organization, not to exceed two (2) in number, shall be allowed reasonable time off without loss of compensation or other benefits when formally meeting and conferring with the Employee Relations Officer or other designated management representatives on subjects within the scope of representation. Where circumstances warrant, the Employee Relations Officer or his/her designee may approve the attendance at such meetings of additional employee representatives. The employee organization shall submit the names of all such employee representatives to the Employee Relations Officer or his/her designee at least two (2) working days in advance of such meetings.

No employee representative shall leave his or her duty or work station or assignment without approval of the department head or other authorized City management official.

Such meetings shall be subject to scheduling by the City in a manner consistent with operating needs and work schedule. Nothing provided herein shall limit or restrict the City from scheduling such meetings before or after regular duty or work hours under appropriate circumstances. Nothing herein shall be construed to limit organizations to be represented in scheduled meetings by their attorneys or by organization representatives who are not employed by the City.



**9-02: Access to Work Locations:**

Reasonable access to employee work locations shall be granted to officers of recognized employee organizations and their officially designated representatives for the purpose of contacting members of the organizations concerning business within the scope of representation. Such officers shall not enter any work locations without previous notice to, and consent from, the department head or his/her designee, and access may be restricted so as not to interfere with departmental operations or with established safety and security requirements.

Solicitation of membership and activities concerned with the internal management of an employee organization such as collecting dues, holding membership meetings, campaigning for office, conducting elections, and distributing literature shall not be conducted during working hours without the prior approval of the Employee Relations Officer or his/her designee.

**9-03: Use of City Facilities:**

Employee organizations may, with the prior approval of the Employee Relations Officer or his/her designee, may be granted the use of City facilities for meetings of City employees provided space is available, and may use portions of City bulletin boards as designated by the Employee Relations Officer or his/her designee for the posting of communications between the employee organization and employees, provided that such materials shall be submitted to the Employee Relations Officer or his/her designee for approval prior to posting.

Employees of recognized units shall have the right to use designated bulletin boards for association or unit business. The City shall process payroll deductions for payment of association dues upon the written authorization of each employee in the unit or association.