

CHAPTER 3.10 - EMPLOYER-EMPLOYEE RELATIONS

FOOTNOTE(S):

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State Law reference— Collective bargaining for public employees, Government Code § 3500 et seq.

3.10.010. - Purposes.

The purposes of this Chapter concerning employer-employee relations shall be:

- (1) To assure a uniform and equitable basis for employee-employer relations with the County of Yuba.
- (2) To maintain open channels of communication that permit the exchange of information and ideas in a cooperative and informal manner.
- (3) To further the understanding of the rights and obligations of the County of Yuba and employee organizations concerning employer-employee relations.
- (4) To bring together the points of view of management and the employee in order to insure increased efficiency of employees of the County of Yuba, combined with the improved well-being of those employed.
- (5) To implement the Meyers-Milias-Brown Act (Government Code 3500 et seq.).

(Prior Code, § 3.10.010; Ord. No. 580)

3.10.020. - Definitions.

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

- (1) *Appropriate unit* means a unit of employees established pursuant to Section 3.10.040(b) of this Chapter.
- (2) *Compensation* means the salary, wage, allowance, and other forms of valuable consideration earned by or paid to any employee by reason of service in a position plus all employee benefits.
- (3) *County* means the County of Yuba, and where appropriate herein, "County" refers to the Board of Supervisors, the governing body of said County, or any duly authorized management employee as herein defined.
- (4) *Days* means "calendar days" unless otherwise stated.
- (5) *Employee* means any person employed by the County except those persons elected by popular vote or appointed to office by the Governor of this State.
- (6) *Employee organization* means any organization which includes employees of the County and which has as one of its primary purposes representing such employees in their employment relations with the County. The term also

includes any organization that seeks to represent employees of the County in their relations with the County.

- (7) *Employee relations officer* means the County's principal representative in all matters of employer-employee relations designated pursuant to Section 3.10.060 or his duly authorized representative.
- (8) *Employee, confidential*, means an employee who is privy to decision of County management affecting employer-employee relations.
- (9) *Employee, management*, means all elected officials, members of board and commissions, heads of agencies and departments and offices, all deputy and assistant department heads; heads of major divisions within departments or offices and designated administrative personnel who have a significant budgeting, legal, personnel or other managerial responsibilities.
- (10) *Employee, professional*, means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including but not limited to attorneys, physicians, engineers, registered nurses, doctors, architects, teachers and the various types of physical, chemical, and biological scientists.
- (11) *Employee, supervisory*, means any person who has authority to act or recommend action in the interest of the County on such matters as hiring, transferring, suspending, laying off, recalling, promoting, discharging, assigning, rewarding or disciplining other employees.
- (12) *Employer-employee relations* means the relationship between the County and its employees and their employee organizations, or when used in a general sense, the relationship between the County management and employees or employee organizations.
- (13) *Formally recognized employee organization* means an employee organization which has been formally acknowledged by the Board of Supervisors as an employee organization that represents employees of the County and which, subject to Section 3.10.030(a), has the exclusive right to meet and confer in good faith as the majority representative of an appropriate unit.
- (14) *Impasse* means a deadlock in discussions between a formally recognized employee organization and the Employee Relations Officer over any matters concerning which they are required to meet and confer in good faith, or over the scope of such subject matter.
- (15) *Majority representative* means an employee organization or its duly authorized representative that has been granted formal recognition by the Board of Supervisors as representing the majority of employees in an appropriate unit.
- (16) *Meet and confer in good faith* (sometimes referred to herein as "meet and confer" or "meeting and conferring") means performance by duly authorized County representatives and duly authorized representatives of a recognized employee organization of their mutual obligation to meet at mutually agreeable times and to confer in good faith regarding matters within the scope of

representation, including wages, hours, and other terms and conditions of employment, in an effort to:

- a. Reach agreement on those matters within the authority of such representatives; and
- b. Reach agreement which will not be binding, but which will be recommended to the Board of Supervisors for its determination. This does not require either party to agree to a proposal or to make a concession.

(17) *Scope of representation* means all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment except, however, that the scope of representation shall not include consideration of the merits, necessity or organization of any service or activity provided by law or executive order.

(Prior Code, § 3.10.020; Ord. No. 580; Ord. No. 773; Ord. No. 1405)

3.10.030. - Employer-employee relations standards.

(1) *Rights of employees.*

- a. Employees have the right to organize or join employee organizations of their own choice for the purpose of representation on all matters of employer-employee relations. Employees are free to join or not join an employee organization and shall have the right to refuse to join or participate in the activities of employee organizations. Membership or non-membership in an employee organization is not a condition of employment and the employee will not be granted preferential treatment nor will he be withheld from equitable treatment because of either membership or non-membership in such organization. Each employee has the right to represent himself individually in his employment relations with the County.
- b. Employees shall not have the right to strike or to recognize a picket line of a labor organization while in the course of the performance of their official duties.

(2) *Management rights.* Management rights include but are not limited to the right to determine the mission of its constituent agencies, departments, commissions and boards; set standards of service provided by the County; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action in accordance with applicable rules and regulations; layoff its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted, determine the type of work assigned to job classifications; and take all necessary actions and carry out its mission in emergencies.

(3) *Meet and confer in good faith—Scope.* The County, through its representatives shall meet and confer in good faith with representatives of formally recognized employee organizations regarding matters within the scope of representation

including wages, hours and other terms and conditions of employment within the appropriate unit. Neither the County nor employee organizations shall be required to meet and confer on any subject preempted by Federal law, State law or court decisions whose orders apply to Yuba County, its officers or to the employee organizations; nor shall they be required to meet and confer on management or employee rights as defined herein.

- (4) *Consultation in good faith—Scope.* All matters affecting employer-employee relations, including those that are not subject to meeting and conferring, are subject to consultation. The County, through its representatives, shall consult in good faith with representatives of all employee organizations on employer-employee relations matters which affect them.

(Prior Code, § 3.10.030; Ord. No. 580; Ord. No. 1405)

3.10.040. - Employee relations procedures.

- (5) *Advance notice.*

- a. Reasonable written notice shall be given to each formally recognized employee organization affected by any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the Board of Supervisors. Each such organization shall be given the opportunity to meet and confer with such body or its designated representatives prior to adoption.
- b. In cases of emergency when the County determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the County shall provide such notice and opportunity to meet at the earliest practical time following the adoption of such ordinance, rule, resolution or regulation.

- (6) *Appropriate representation units.* The County Counsel, County Executive and Employee Relations Officer shall determine whether a proposed unit is appropriate based on the following criteria:

- a. Appropriate unit criteria:
 1. The minimum number of units will be established consistent with good employer-employee relations.
 2. To minimize fragmentation of units, the principal criterion for determining an appropriate unit shall be the largest group of employees having an identifiable community of interest.
 3. Division of a single classification among two or more representation units shall be avoided wherever possible.
 4. Professional employees shall not be denied the right to be represented separately from non-professional employees by a professional employee organization consisting of such professional employees. A dispute on the appropriateness of a professional unit shall be submitted

upon the request of any of the parties for mediation or recommendations by the Department of Industrial Relations.

5. The history of employee relations in the County shall be considered.
 6. The effect of a proposed unit on the efficiency of County services and sound employee relations shall be considered.
 7. The extent of membership of a group of employees in an employee organization shall not be the sole criterion.
 8. Management, supervisory, and confidential employees shall not be included in the same unit(s) with non-management, non-supervisory and non-confidential employees.
 9. In all cases, units will be determined in such a manner as to avoid conflict of interest and maintain the integrity of the managerial, supervisory, and employee relationships within the County for the equitable treatment of all concerned.
- b. If the decision establishing an appropriate unit is challenged by a formally recognized employee organization, the matter shall be referred to the Board of Supervisors for a final decision.
- (7) *Petition for recognition—The right to meet and confer in good faith as majority representative.* An employee organization that 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.
- a. Name and address of the employee organization.
 - b. Names and titles of its officers.
 - c. Names of employee organization representatives who are authorized to speak on behalf of its members.
 - d. A statement that the employee organization has as one of its primary purposes, representing employees in their employment relations with the County.
 - e. 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 such regional, State, or international organization.
 - f. Certified and dated copies of the employee organization's constitution and by-laws.
 - g. A designation of those persons, not exceeding two in number and their addresses, to whom notice 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 recognizes that the provisions of Labor Code § 923 are not applicable to County employees.

- i. A statement that the employee organization has no restriction on membership based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.
- j. The job classification of employees in the unit and approximate number of members in such units.
- k. A statement that the employee organization has in its possession written proof, dated within six months of the date upon which the petition is filed, to establish that employees in the unit have designated the employee organization to represent them in their employment relations with the County. Such written proof shall consist of an authorization card showing the employee's name, classification, date of signing, and a statement authorizing the named organization to represent him or her regarding his or her wages, hours, and terms and conditions of employment. Such card to be provided by the County. Such written proof shall be submitted for confirmation to the Employee Relations Officer.
- l. A request that the Board of Supervisors 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.

(8) *Recognition of employee organization as majority representative.*

- a. An employee organization that seeks formal recognition as the majority representative in an appropriate unit shall file a petition for recognition with the Employee Relations Officer containing all of the information set forth in Section 3.10.040(c) accompanied by written proof that at least 30 percent of the employees in an appropriate unit have designated the employee organization to represent them in their employment relations with the County.
 - 1. Upon receipt of the petition for recognition, the Employee Relations Officer shall determine whether there has been compliance with the requirement of the petition for recognition and the proposed unit is an appropriate unit. If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, he shall give notice of such request for formal recognition to the employees in the unit and shall take no action on said request for 30 days thereafter.
 - 2. If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall inform the employee organization of the reasons therefore in writing.
- b. Within 30 days of the date notice to employees is given, any other employee organization (hereinafter referred to as the "challenging organization") may seek formal recognition as majority representative for that unit by filing a petition for recognition provided, however, such challenging organization must submit written proof that it represents at least

30 percent of the employees in such unit as of the date the written proof is submitted.

- c. If the written proof submitted by the employee organization in the unit found to be appropriate establishes that it represents more than 50 percent of the employees in such unit, and there is no other challenging employee organization, the Employee Relations Officer may, in his discretion, submit the matter to the Board of Supervisors for formal recognition of such employee organization without a secret ballot election.
- d. When an employee organization in the unit found to be appropriate submits written proof in such unit and it does not qualify for or has not been granted recognition pursuant to Subsection (c) above, the Employee Relations Officer shall arrange for a secret ballot election to be conducted by the County Clerk, or a mutually agreed upon third party. All challenging organizations that have submitted written proof that they represent at least 30 percent of the employees in the appropriate unit and have submitted a petition for recognition as required by Section 3.10.040(c) of this Chapter, shall be included in the ballot. The choice of "no organization" shall also be included on the ballot.
 - 1 For all elections conducted pursuant to this Chapter, employees entitled to vote shall be regular and limited term employees who are in a pay status for at least 30 calendar days preceding the date of the election.
 - 2. An employee organization shall be granted formal recognition by the Board of Supervisors following an election or run-off election if:
 - i. The employee organization has received the vote of a majority of these employees voting in the unit.
 - ii. In an election involving three or more choices, where none of the choices receives a majority of those employees voting, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast.
- e. There shall be no more than one election in a 12-month period within the same unit excluding a run-off election.

(9) *Decertification of a formally recognized organization—Appropriate unit.*

- a. A petition for decertification alleging that an employee organization granted formal recognition is no longer the majority representative of the employees in an appropriate unit may be filed with the Employee Relations Officer only during a 30-calendar-day period which shall be no sooner than 120 days and no later than 90 days prior to the expiration of the current memorandum of understanding. The petition for decertification may be filed by an employee, a group of employees or their representative, or an employee organization. The petition, including all accompanying documents, shall be verified under oath by the person signing it, that its contents are true. It may be accompanied by a petition for recognition by a challenging organization.

- b. The petition for decertification shall contain the following information:
 - 1. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
 - 2. The name of the formally recognized employee organization.
 - 3. An allegation that the formally recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts.
 - 4. Written proof that at least 30 percent of the employees in the unit do not desire to be represented by the formally recognized employee organization. Such written proof shall be dated within six months of the date upon which the petition is filed and shall be submitted for confirmation to the Employee Relations Officer.
- c. The petition shall be dismissed whenever either of the following conditions exist:
 - 1. A representation election has been held which has resulted in the formal recognition or continued recognition of a majority representative within the 12 months immediately preceding the filing of the petition.
 - 2. There is currently in effect in the petitioned for unit a multi-year memorandum of understanding between the County and the current majority representative, and the petition is filed in other than the final year of such memorandum of understanding.
 - i. The Employee Relations Officer shall arrange for a secret ballot election to determine if the formally recognized employee organization shall retain its recognition rights. The formally recognized employee organization shall be decertified by the Board of Supervisors if a majority of those casting valid ballot vote for decertification. There shall be no more than one valid decertification election in the same unit in any 12-month period.
 - ii. A change in the recognized employee organization representing the unit shall not negate the term of an existing memorandum of understanding.

(10) *Duration of formal recognition.* When an employee organization has been formally recognized, such recognition shall remain in effect for one year from the date thereof and thereafter until such time as (i) the Employee Relations Officer shall determine, on the basis of a secret ballot election conducted in accordance with the foregoing rules, that the formally recognized employee organization no longer represents a majority of the employees in the appropriate unit or (ii) the unit may be modified or (iii) the employee organization violates the rules as established in this Chapter.

(Prior Code, § 3.10.040; Ord. No. 580; Ord. No. 588; Ord. No. 829; Ord. No. 1203)

3.10.050. - Resolution of impasse.

- (a) Impasse procedures may be invoked only after the possibility of settlement by direct discussion has been exhausted. Impasse procedures shall include: (i) determination by the Board of Supervisors after a hearing on the merits of the matters at impasse or (ii) any dispute resolving procedures to which the parties mutually agree or which the Board of Supervisors may order.
- (b) Any party may initiate the impasse procedure by filing with the other party (or parties) affected, a written request for an impasse meeting together with a statement of its position on all disputed issues. An impasse meeting may then be scheduled by the Employee Relations Officer as soon as possible after the date of filing of the written request for such meeting, with written notice to all parties affected. The purpose of such impasse meeting is twofold: (i) to permit review of the position of all parties in a final effort to reach agreement on the disputed issues, and (ii) if agreement is not concluded, to mutually select the specific impasse procedures which may include mediation or fact-finding to resolve the dispute. In the absence of agreement between the parties on this point, the matter shall be referred to the Board of Supervisors.
- (c) The fees and expenses, if any, of mediators or of any other impasse procedure, shall be payable one-half by the employee organization or employee or employee organizations.

(Prior Code, § 3.10.050; Ord. No. 580)

State law reference— Impasses, Government Code § 3505.4.

3.10.060. - Designation of Employee Relations Office.

The County Personnel Director is hereby designated as the Employee Relations Officer who shall be the County's principal representative in all matters of employer-employee relations with authority to meet and confer in good faith on matters within the scope of representation including wages, hours and other terms and conditions of employment. The Employee Relations Officer so designated is authorized to delegate these duties and responsibilities.

(Prior Code, § 3.10.060; Ord. No. 580)

3.10.070. - Memorandum of understanding.

When the meeting and conferring process is concluded between the County and formally recognized employee organizations, all agreed upon matters may be incorporated in a written memorandum of understanding signed by the fully authorized County and majority representatives. As to those matters within the authority of the Board of Supervisors, the memorandum of understanding shall be submitted to the Board of Supervisors for determination.

(Prior Code, § 3.10.070; Ord. No. 580)

State law reference— Memorandum of agreement, Government Code § 3505.1.

3.10.080. - Rules and operating procedures.

- (a) Access to employee work location. Reasonable access to work locations shall be provided to officers and representatives of employee organizations on employment relations matters. Access shall be restricted so as not to interfere with official business or established safety or security requirements. Officers and representatives of employee organizations shall not enter a work location without the consent of the County Agency or Department Head.
- (b) Distribution and posting of employee organization literature. Formally recognized employee organizations complying with these Rules and Regulations will be provided a reasonable amount of space for posting organization bulletins. Employee organization representatives may post or distribute material provided such activities do not disrupt official business and provided that this material does not contain information inconsistent, incompatible, in conflict with, or inimical to the interest of Yuba County, or its officers, or its employees. Material found to contain information prohibited will not be posted or allowed to be distributed.
- (c) During assigned working hours employees shall not conduct or participate in employee organization business affairs, including but not limited to dues collection, meetings and membership campaigns.
- (d) Reasonable time off to meet and confer. Employees representing a formally recognized employee organization shall have a reasonable amount of time off without loss of compensation to attend meet and confer sessions. In the absence of express authorization in advance by the Employee Relations Officer, not more than three County employees representing a formally recognized employee organization shall be entitled to attend meet and confer sessions without loss of compensation. County employees who represent a recognized employee organization at such meetings shall give reasonable advance notice thereof to their immediate supervisor, but in no event shall such notice be given less than one full day or shift before the meeting; except, however, that the Employee Relations Officer may at his discretion waive this requirement for advance notice.
- (e) Dues check off. Only a formally recognized employee organization may be granted permission by the Board of Supervisors to have the regular dues of its members deducted from their paychecks in the units which said organization represents, in accordance with procedures prescribed by the Board of Supervisors. However, this shall not preclude the continuation of group life insurance or dues check off heretofore granted and continuously maintained by any employee organization.
 - 1. Dues deduction shall be made only upon the written authorization of the member. Dues deduction authorization may be cancelled and the dues check off payroll discontinued at any time by the member upon written notice to the Employee Relations Officer who shall notify the Auditor of such cancellation. Dues deduction authorization or cancellation shall be made upon cards provided by the Employee Relations Officer.

2. The employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of the dues check off authorized. When a member in good standing of the formally recognized employee organization is in a non-pay status for an entire pay period, no dues withholding will be made to cover that pay period from future earnings nor will the member deposit the amount with the County which would have been withheld if the member had been in a pay status during that period. In the case of an employee who is in a non-pay status during only part of the pay period and the salary is not sufficient to cover the full withholding, no deduction shall be made. In this connection, all other legal and required deductions have priority over employee organization dues. Dues withheld by the County shall be transmitted to the officer designated in writing by the employee organization as the person authorized to receive such funds, at the address specified. All employee organizations who receive dues check off shall indemnify, defend, and hold the County of Yuba harmless against any claims made and against any suit instituted against the County of Yuba on account of check off of employee organization dues. In addition, all such employee organizations shall refund to the County of Yuba any amounts paid to it in error upon presentation of supporting evidence.

(f) Use of County facilities.

1. Employee organizations may, with the prior approval of the Employee Relations Officer, be granted the use of County facilities, during non-working hours, for meetings of County employees if space is available. All such requests shall be in writing and shall state the purpose or purposes of the meeting.
2. The use of County equipment other than items normally used in the conduct of business meetings such as desks, chairs, tables, whiteboards and technical equipment, is strictly prohibited.

(Prior Code, § 3.10.080; Ord. No. 580; Ord. No. 1425)

3.10.090. - Application of Labor Code § 923.

The enactment of this Chapter shall not be construed as making the provisions of Labor Code § 923 applicable to the employees or employee organizations.

(Prior Code, § 3.10.090; Ord. No. 580)

3.10.100. - Grievance and discrimination complaint procedures.

- (a) The purpose of these procedures is to afford employees and Government Code § 19800 job applicants a written and simple means of obtaining consideration of their grievance or complaint by informal means at the agency or department head level or in the discrimination pre-complaint review process in Subsection (b) below and review of the agency or department head's decision without the use of legalistic forms and procedures.

- (b) A grievance or complaint may be filed (i) if a management interpretation or application of a law, ordinance, resolution, regulation or rule adversely affects the employee's wage, hours, or conditions of employment or, (ii) by a person who believes that he or she has been discriminated against in recruitment, appointment, training or other aspects of employment, based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation, opposition to unlawful harassment, association with a person who has any of the protected characteristics or perception of a person who has any of the protected characteristics except where the same may be valid, job related requirements, if they are in a position or are applying for a position covered under Government Code § 19800 of the State of California (for the purpose of this Section, the word "employee" may also mean "job applicant" where no association with employment status can be inferred).
- (c) Excluded from the grievance procedure are disciplinary matters, performance evaluations, and actions of the Board of Supervisors except for Government Code § 19800 covered employees in matters of discrimination complaints as enumerated above.
- (d) This is not intended to limit the right of any employee or their representative to approach the Board of Supervisors on any matter.
- (e) Procedure steps. All grievances or complaints shall be filed on a form provided by the Personnel Director under the following procedure:
1. Step 1 Immediate Supervisor (or Personnel Director for Job Applicants). Each employee believing he or she has a grievance or complaint, before filing the same in writing, shall discuss his or her problem or complaint with the immediate supervisor in an attempt to resolve the matter as simply and informally as possible. Said grievance or complaint must be discussed with the immediate supervisor within 15 calendar days of the situation giving rise to the grievance or from the date the employee should reasonably have expected to know of the situation giving rise to the grievance or complaint. If the grievance or complaint has not been resolved at the immediate supervisor level within ten calendar days after the discussion, the grievance or complaint may be submitted to the next management level.
 2. Step 2 Appointing Authority. If the grievance or complaint is not resolved under Step 1, it may be submitted to the appointing authority on the grievance form. The grievance or complaint shall be submitted within 15 calendar days after the verbal decision of Step 1. Within five calendar days after submission, the employee shall meet with the appointing authority or a designated representative, and within ten calendar days after said meeting, a written decision shall be delivered to the employee.
 3. Step 3 Personnel Director. If the grievance or complaint is not resolved under Step 2, it may be submitted to the Personnel Director within seven calendar days from the time the appointing authority renders a decision. Within ten calendar days after submission, the employee shall meet with

the Personnel Director or designated representative, and within ten calendar days after said meeting, a written decision shall be delivered to the employee and the appointing authority by the Personnel Director.

4. Step 4(a) Board of Supervisors (except those employees covered by Step 4(b)). If the grievance or complaint is not resolved under Step 3, it may be appealed to the Board of Supervisors. Such appeal shall be filed in writing with the Clerk of the Board of Supervisors within ten calendar days from the time a decision was rendered in Step 3. The Clerk of the Board of Supervisors shall advise the Board of the grievance or complaint appeal within 15 calendar days. As soon as practicable thereafter, the Board of Supervisors shall hear the grievance or complaint, in accordance with the rules for hearing established by the Board, and make a written decision which shall be binding on all parties involved.

Step 4(b) Hearing Officer (only employees in or applicants for Government Code § 19800 positions). If the grievance or complaint is not resolved in Step 3, it may be appealed under the procedures in Article 18, Sections 3, 4 and 5 of the Yuba County Merit Resolution. The decision of the Hearing Officer, in matters of discrimination, shall be final and binding upon all parties except that the Hearing Officer's authority to decide a grievance or complaint is limited as follows:

- a. The Hearing Officer shall have no power to alter, amend, change, add to or subtract from any ordinance, resolution, rule or regulation approved by the Board of Supervisors.
- b. The Hearing Officer shall have no power to make compensatory or punitive monetary awards.
- c. The maximum award, in the case of an applicant appeal, entry level or promotional, is placement on the appropriate employment list at the minimum qualifying score.
- d. The Hearing Officer's findings and award shall be based solely on the evidence presented at the hearing.

(f) Discrimination pre-complaint review.

1. The County has designated an Affirmative Action Officer to conduct pre-complaint counseling and to investigate complaints of employment discrimination. The Officer is located in the Personnel Department and all complaints of employment discrimination may be referred directly to the Affirmative Action Officer or his or her designees.
2. All applicants and employees are encouraged to discuss their claims of discrimination informally with the Affirmative Action Officer as soon as possible after the occurrence of the alleged discriminatory incident. At the initial meeting, the Affirmative Action Officer shall inform the complainant of the opportunity to file a formal complaint with the County and shall attempt

to resolve the complaint. Such informal discussion shall remain confidential, except for statistical purposes, unless the complainant takes further action.

3. Where resolution is not immediately obtainable and the complainant requests further investigation, the Affirmative Action Officer shall conduct an informal inquiry of all affected parties including the agency or department head in order to resolve the claim to the satisfaction of the complainant and the County.

(g) General provisions.

1. No employee shall be subject to coercion or disciplinary action for discussing a request or complaint with his or her immediate supervisor, or for the good faith filing of a grievance petition.
2. The employee is entitled to representation in the preparation and presentation of his or her grievance or complaint at any step in the procedures and to be released from work for a reasonable period of time for appearances before any or all of the grievance/complaint procedure.
3. Grievance petitions involving the same or similar issues may be consolidated for presentation at the discretion of the person hearing the petitions.
4. If an employee does not appeal the decision rendered regarding the grievance or complaint within the time limits, the grievance or complaint shall be considered resolved.
5. If a County representative does not render a decision to the employee within the time limitations, the employee may, within five-calendar days thereafter, appeal to the next step in the procedure.
6. If, in the judgment of a management representative, he or she does not have the authority to resolve the grievance or complaint, the grievance or complaint may be referred to the next step in the procedure.
7. The Personnel Director may temporarily suspend the grievance processing on a unit, division, agency, department, or County-wide basis in an emergency situation except for discrimination complaints defined under Subsection (b)(ii). A formally recognized employee organization which represents employees in a unit which has had the grievance or complaint processing suspended may appeal to the Board of Supervisors.
8. By agreement in writing, the parties may extend any and all time limitations of this procedure.
9. Any grievance or complaint petition resolved at any step of the grievance procedure shall be final and binding on the County and the grievant.
10. Any grievance or complaint may be withdrawn by the grievant at any time, in writing, without prejudice.

11. Upon consent of the person hearing the grievance or complaint petition and the grievant, a petition may be re-submitted to a lower step in the procedure for reconsideration.

(Prior Code, § 3.10.100; Ord. No. 580; Ord. No. 602; Ord. No. 705; Ord. No. 967; Ord. No. 1076; Ord. No. 1405)

3.10.110. - Rules and Regulations.

The Board of Supervisors may adopt such Rules and Regulations necessary or convenient to implement the provisions of this Chapter and the Meyers-Milias-Brown Act (Government Code § 3500 et seq.) and may amend this Chapter at any time subject to consultation with formally recognized employee organizations.

(Prior Code, § 3.10.110; Ord. No. 580)

3.10.120. - Construction of Chapter.

- (a) Nothing in this Chapter shall be construed to deny any person or employee the rights granted by Federal and State laws and County ordinance provisions.
- (b) The provisions of this Chapter are not intended to conflict with the provisions of the Meyers-Milias-Brown Act (Government Code § 3500 et seq.).

(Prior Code, § 3.10.120; Ord. No. 580)

3.10.130. - Severability.

If any section, subsection, sentence, clause, phrase, provision or portion of this Chapter, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Chapter, or their applicability to distinguishable situations or circumstances. In enacting this Chapter, it is the desire of the Board of Supervisors to validly regulate to the full measure of its legal authority in the public interest, and to that end, the Board of Supervisors declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, provision, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof might be declared invalid or unconstitutional in whole or in part, as applied to any particular situation or circumstances, and to this end the provisions of this Chapter are intended to be severable.

State law reference— Similar provisions, Government Code § 23.