

CITY OF SAN ANSELMO

RESOLUTION NO. 1561

RESOLUTION ESTABLISHING POLICY AND PROCEDURE FOR THE ADMINISTRATION OF EMPLOYER-EMPLOYEE RELATIONS

WHEREAS, the City Council desires to establish a framework of policy and procedure which will provide a uniform and equitable basis for consideration of legitimate employee objectives advanced by employee organizations, in a manner which is consistent with the highest standards of public service, with the intent and purpose of promoting and furthering harmonious labor-management relations upon a sound constructive foundation, having as its cornerstone full acceptance and recognition of the obligations and rights of both management and employees:

NOW, THEREFORE, BE IT RESOLVED that this Council, pursuant to Section 3500 et seq of the California Government Code, hereby adopts the following policy and procedure for the administration of employer employee relationships.

1. POLICY

A. EMPLOYEE'S RIGHTS

1. Enumeration

Each employee of the City shall enjoy, among others, the following rights:

(a) The right to organize and join any organization of his choice.

(b) The right to refuse to join or participate in the activities of employee organizations.

(c) The right to represent himself individually in his employee relations with the City.

2. Non-interference

(a) Employees shall not suffer discrimination, receive preferential treatment or be denied equitable treatment because of membership or non-membership in any employee organization.

(b) Employees shall have complete freedom from management domination and censorship in the exercise of the rights above specified. City Council and/or managerial employees shall refrain from any action which might prevent or discourage subordinate employees from seeking organization. Neither the City Council nor managerial employees shall encourage subordinates to join any organization in preference to any other.

B. REPRESENTATION UNITS

1. Definition

For the purpose of this resolution, an appropriate representation unit is the largest feasible grouping of City employees, which has a community of interest.

2. Managerial Employees or employees with a confidential relationship to the City Council or City Administrator shall not be included in a representation unit encompassing other types of employees. For the purpose of this resolution, a managerial employee means:

Any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote or discharge other employees, or responsibly to direct them, or to adjust their grievances, if in connection with the foregoing he is accountable to the appointing authority for such action and the exercise of such accountability is not merely of routine or clerical nature but requires the use of independent judgment.

C. RIGHTS OF RECOGNIZED EMPLOYEE ORGANIZATIONS1. Definition

For the purpose of this resolution, the term "employee organization" shall mean any organization, professional society, or union which seeks to represent certain employees or groups of employees in their employment relationship with the City.

2. Rights

An employee organization granted exclusive recognition as the majority representative of employees in an appropriate unit in accordance with the procedure hereinafter set forth shall be afforded appropriate rights and privileges, including, but not limited to, the following:

- (a) The right to have regular membership costs and dues of its members, who so request, collected by payroll deductions pursuant to procedures prescribed by the City Controller.
- (b) The reasonable use of space on bulletin boards in City departments.
- (c) The right to contact City employees during their duty period, provided that the department head is notified of such activities and such contact does not interfere with public service or safety requirements.
- (d) The right to use City conference rooms and meeting facilities on the same basis as other organizations.
- (e) The right to distribute information to City employees and, when practicable, to use City information channels for such distribution.
- (f) The right to be informed by management, in advance, before proposed policy, benefit, or working condition changes directly affecting employee interest are made.

II PROCEDUREA. UNIT DETERMINATION, ELECTION, RECOGNITION1. Petition

An employee organization seeking exclusive recognition as majority representative in an appropriate unit, may file a representation petition with the City Administrator. Said petition shall contain:

- (a) Name of organization.
- (b) Names and addresses of principal officers and/or representatives of the organization.
- (c) Description of the composition of the representation unit proposed.
- (d) Declaration that the organization has no restriction on membership based on race, color, creed, sex or national origin.

2. Appropriate Unit

(a) The organization shall be prepared to demonstrate its interest by submitting to inspection by a disinterested party, authorization cards signed by employees, or such other means of authentication as is mutually agreeable.

(b) The City Administrator shall investigate the petition, confer with affected department heads and organizations, and, subject to such appeal as may be provided by law, shall within 30 days of receipt of the petition:

- (i) establish the unit as proposed or with modifications.
- (ii) establish one or more units which vary from the proposed

unit, either to resolve conflicting claims or to better reflect community of interest, or for reasons of administrative feasibility.

(iii) reject the petition on grounds of insufficient showing of representation, inconsistency with policy established in Part 1-B of this resolution, or for any reason consistent with the objectives set forth in the preamble to this resolution.

3. Election, Recognition

(a) The majority representative, if any, within an appropriate unit so established, shall be determined by a secret ballot election conducted by a disinterested party.

(b) An employee organization certified as majority representative as a result of such secret ballot election shall be granted exclusive recognition as the bargaining agent of the employees in the unit.

4. Modification of Established Unit and Decertification

(a) A petition for modification of a unit and/or decertification may be filed with the City Administrator after a period of one year but not more than (120) days or less than (90) days prior to the expiration or renewal date of a collective bargaining agreement between the recognized organization and the City.

(b) Such Petition may be filed by

(i) the recognized organization as a disavowal of interest;

(ii) another organization provided the petition is accompanied by authorization cards signed by at least thirty per cent of all employees in the (proposed) unit;

(iii) any group of employees consisting of at least ten per cent of all employees in the unit;

(iv) the City Administrator for reasons related to substantial changes in City functions, organizational structure or job classifications.

(c) Procedure shall be as set forth above.

B. BARGAINING

1. General

Each recognized organization may meet and confer with City representatives regarding wages, hours, working conditions, and other similar matters relating to the welfare of employees. When requested, City representative shall meet and confer in good faith, with employee organization representatives, and endeavor to reach agreement.

2. Frequency and Duration

The frequency and duration of such conferences may be limited by the City Administrator upon the basis of the number of employees represented by the organization and the nature of the matters to be discussed.

3. Coordination

The City Administrator may request that two or more employee organizations meet with City representatives, at the same time, to discuss similar or related issues.

4. Representation

In all such conferences, the City shall be represented by the City Administrator and/or his designee or designees, and the employees shall be represented by representatives of the recognized employee organization(s) involved.

5. Agreements

Any collective bargaining agreement reached by City representatives and representatives of a recognized organization, shall be reduced to writing and shall

bind the City of San Anselmo and the signatory organization, if ratified by the City Council.

6. Arbitration and Mediation

If agreement is not reached in negotiations between City representatives and representatives of a recognized organization, mediation or arbitration of the issues remaining in contention may be sought by mutual consent of the City Council and the organization (the latter according to the procedures of the American Arbitration Association). Results of arbitration shall be binding on all parties.

C. OTHER LAWS AND RESOLUTIONS

1. General

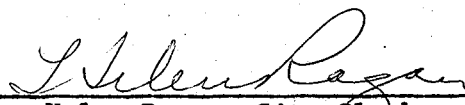
Nothing contained herein shall be deemed to modify or abrogate existing rights and responsibilities of the City and/or its employees to the extent they are governed by State law or City ordinances.

2. Prior Resolutions

This resolution supercedes Resolution No. 1504 as adopted February 26, 1974, and all prior resolutions of the San Anselmo City Council pursuant to Section 3500 et seq. of the California Government Code.

3. Existing Agreements


Notwithstanding the above, nothing contained herein shall be deemed to modify or abrogate Memorandums of Agreement executed pursuant to Resolution No. 1504, which agreements shall continue in full force and effect until expiration of the terms thereof.



Helen Ragan, City Clerk

I hereby certify that Resolution No. 1561 was duly passed and adopted at a regular meeting of the City Council held on January 14, 1975 by the following vote:

AYES: COUNCILMEN: Anderson, Capurro, Colteaux, Toal, Blinder
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: None



Helen Ragan, City Clerk