
Butte County Mosquito and Vector Control District

POLICY MANUAL

POLICY TITLE: Employer - Employee Relations, Rules, and Regulations
POLICY NUMBER: 5000

5000.1 Negotiations and Employee Representation Procedures for Employees not part of a Recognized Employee Organization

5000.1.1 The District shall negotiate with employees that are not members of a recognized employee organization as follows:

5000.1.1.1 If the Employees so choose, they may designate coworkers to serve as negotiating representatives.

5000.1.1.2 If no such designation is made, the District's representative shall meet with all employees.

5000.1.1.3 The District shall submit its negotiations proposal no later than November 30th of the year in which the contract expires.

5000.1.1.4 District and Employee Representatives shall meet within 30 days of receipt of said proposal to begin negotiations.

5000.1.1.5 If an Agreement is reached, it shall be submitted to the Board for review and subject to ratification by the Board before implementation.

5000.1.1.6 If an Agreement is not reached, the Board shall be apprised and take appropriate action.

5000.1.2 Nothing in the above section shall prohibit individuals from representing themselves individually in their employment relations with the District.

5000.2 Definitions

5000.2.1 DISTRICT - "District" means the Butte County Mosquito and Vector Control District.

5000.2.2 BOARD - "Board" means the Board of Trustees of the District.

5000.2.3 MANAGER - "Manager" means the District Manager.

5000.2.4 MANAGEMENT EMPLOYEES - "Management Employees" means District Manager and Assistant Manager.

5000.2.5 MEET AND CONFER IN GOOD FAITH - "Meet and Confer in Good Faith" means that the Board, or its designated representative, and representatives of recognized employee organizations or individuals, shall have the mutual obligation to meet and confer promptly upon request by either party and continue for a reasonable period of time to exchange freely any information opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation as defined in Section 5000.12.

5000.3 Negotiations and Employee Representation Procedures for Employees Represented by a Recognized Employee Organization

5000.3.1 In the presence of a recognized employee organization, the provisions of the Meyers-Milias Brown Act shall apply and employer-employee relations shall be governed by the following procedures:

5000.4 General Principles

5000.4.1 RIGHTS OF EMPLOYEES - Except as otherwise provided by State law or by these rules and regulations, employees of the District shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purposes of representation in matters of employer-employee relations. District employees also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the District. -

5000.4.2 BOARD RESPONSIBLE TO DETERMINE POLICY - The Board is legally responsible to determine policy for the District and cannot relinquish or delegate this responsibility to others.

5000.4.3 RIGHT OF DISTRICT AND ORGANIZATIONS TO ADOPT OWN PROCEDURAL RULES - The Board and employee organizations shall each have the right to adopt rules governing their own procedures.

5000.4.4 LABOR CODE SECTION 923 NOT APPLICABLE - Nothing in these rules and regulations shall be construed as making the provisions of Section 923 of the Labor Code applicable to District employees.

5000.5 Right of District to Manage Operations

5000.5.1 MANAGEMENT OF PERSONNEL AFFAIRS - The District, through its management representatives, retains the right, in accordance with applicable law and the District's personnel rules and regulations, to manage and supervise its employees as follows:

5000.5.1.1 To hire, promote, transfer, assign, classify positions, retain employees, and to suspend, demote, discharge or take other disciplinary action against employees.

5000.5.1.2 To lay off, re-assign or demote employees due to lack of work

or lack of funds.

5000.5.1.3 To determine the policies, standards, procedures, methods, means and personnel by which the District's operations are to be conducted.

5000.5.1.4 To take whatever actions may be necessary to carry out the mission of the District.

5000.5.2 MANAGEMENT OF OPERATIONS - Nothing in these rules and regulations shall be construed to interfere with the District's rights to manage its operations.

5000.6 Prohibited Practices

5000.6.1 BOARD AND MANAGEMENT PROHIBITED PRACTICES - The Board, its designated representatives and the management employees designated in Section 5000.3.4, shall, in their dealings with representatives of recognized employee organizations, be prohibited from the following practices:

5000.6.1.1 Interfering with, intimidating, restraining, coercing, or discriminating against any District employee because of the exercise of his rights under Government Code Section 3502 or Section 5000.4.1 of these rules and regulations.

5000.6.1.2 Encouraging or discouraging membership in any employee organization by discrimination in regard to hiring, tenure, promotions or other conditions of employment.

5000.6.1.3 Interfering with the administration, policies, and programs of an employee organization or its members' participation therein.

5000.6.1.4 Disciplining or otherwise discriminating against any employee because he has filed a complaint or given testimony to the Board of Trustees on the provisions of these rules and regulations or on any matter relating to employer-employee relations pursuant to the Myers-Milias-Brown Act or these rules and regulations.

5000.6.1.5 Refusing to accord appropriate recognition to an employee organization which is qualified for such recognition and has filed a proper application for recognition pursuant to Section 5000.7 of these rules and regulations.

5000.6.1.6 Refusing to meet and confer in good faith with a recognized employee organization as required by Government Code Section 3505 and by Section 5000.14 of these rules and regulations

5000.6.2 EMPLOYEE ORGANIZATION PROHIBITED PRACTICES - Employee organizations shall be prohibited from the following practices:

5000.6.2.1 Interfering with, intimidating, restraining, coercing or discriminating against any District employee because of the exercise of his rights assured by the Myers-Milias-Brown Act or these rules and regulations, including, but not limited to, his right to refuse to join or participate in the activities of employee organizations, and his right to represent himself individually in his employment relations with the District.

5000.6.2.2 Attempting to induce management employees to coerce any employee in the enjoyment of these rights under these rules and regulations or the Myers-Milias-Brown Act.

5000.6.2.3 Hindering or impeding District employees in the performance of their duties.

5000.6.2.4 Discriminating against any employee with regard to terms or conditions of membership because of race, color, creed, sex, or national origin.

5000.6.2.5 Work stoppage or other disruptive activities which are detrimental to the conduct of the District's operations.

5000.6.2.6 Unauthorized use of District facilities.

5000.6.2.7 Refusing to meet and confer in good faith with the designated representatives of the Board regarding wages, hours, and other terms and conditions of employment.

5000.7 Application of Employee Organization for Recognition

5000.7.1 Each organization claiming to represent employees of the District and seeking recognition as such an organization shall file with the Manager a written application for recognition including the following information:

5000.7.1.1 Name and mailing address of the organization, its local officers and/or representatives.

5000.7.1.2 The names and mailing addresses of each area, State, national association and other organizations with which it is directly affiliated.

5000.7.1.3 Certified and complete copies of the Articles of Incorporation or Constitution, By-laws and any other written rules or regulations governing the organization, along with all amendments thereto.

5000.7.1.4 The names and addresses of each person authorized to represent the organization and its members in consultation with the Board or its designated management representatives.

5000.7.1.5 A list of the District employees who are members of the organization.

5000.7.1.6 A statement that the organization (1) recognizes that the provisions of Section 923 of the Labor Code are not applicable to District employees, and (2) permits membership without regard to race, color creed, national origin or sex.

5000.7.2 Any such application and accompanying documents shall be signed and certified by the President and Secretary of the organization. Until all required information is received by the District Manager, the application shall not be considered.

5000.8 Consideration of Application for Recognition

5000.8.1 After an application has been filed as required by Section 5000.7, the Manager shall review it and submit a report to the Board of Trustees, recommending whether or not to recognize the organization based upon the organization's full compliance, or lack thereof, with the requirements of Section 5000.7.

5000.8.2 Recognition of employee organizations shall be made by formal resolution of the Board of Trustees. Any documents filed with the Manager pursuant to this Section shall be confidential unless released by formal order of the Board of Trustees.

5000.9 Expiration and Renewal of Recognition

5000.9.1 Recognition of an employee organization shall expire on January 15 of the year following recognition unless renewed by the organization prior to that day by filing with the Manager written application for renewal including a current list of the District employees who are members of the organization and a statement that all information included in the original application for recognition has been kept current in accordance with Section 5000.10.

5000.10 Requirement to Keep Information Current

5000.10.1 Each recognized employee organization must keep the information required by Section 5000.7 current by filing with the Manager supplementary statements or copies of amendments within ten days of any change.

5000.11 Revocation of Recognition

5000.11.1 The Board may revoke recognition of an employee organization if it determines that there has been a violation by any recognized employee organization or its official representatives of Federal or State law, any judicial order, any of these rules and regulations, or any provisions included in an agreement between the District and the employee organization. The Board, after first notifying the

organization of such violation and affording the organization an opportunity to explain its position in the matter and to correct any violations, may cancel the recognition of that organization for such time as the Board deems appropriate.

5000.12 Scope of Representation of Recognized Employee Organizations

5000.12.1 A recognized employee organization shall have the right to represent its members in 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, 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.

5000.13 Rights and Privileges of Recognized Employee Organizations

5000.13.1 Recognized employee organizations shall have the following rights and privileges:

5000.13.1.1 NOTICE OF PROPOSED ADOPTION OF POLICY - Except in cases of emergency, the right to be notified of the proposed adoption by the Board by ordinance, rule, resolution, or regulation of any policy directly relating to matters within the scope of representation as defined in Section 5000.12 and directly relating to employees who are members of the organization. In such cases, the recognized employee organization shall be given 30 days written notice of the proposed adoption of such policy to afford the organization the opportunity to request a meet and confer session regarding the policy pursuant to these rules and regulations.

5000.13.1.2 In cases of emergency when the Board determines that such a policy must be adopted immediately without prior notice and without meet and confer sessions with affected recognized employee organizations, the Board shall cause the representative of any recognized employee organization whose members are directly affected by the policy to be notified of its adoption to afford such representative the opportunity to meet and confer regarding the policy at the earliest practicable time following its adoption.

5000.13.1.3 TIME OFF WORK DURING MEET AND CONFER SESSIONS - The right for their representatives to have a reasonable amount of time off during regular working hours without loss of compensation or other benefits when formally meeting and conferring pursuant to these rules and regulations on matters within the scope of representation as set forth in Section 5000.12 above; such time allowance during regular working hours shall be limited to a maximum of two representatives from each recognized employee organization, except that the Board may direct that additional employees be allowed to attend specific meetings, and shall not exceed two hours for each such representative per month.

5000.13.1.4 PAYROLL DEDUCTIONS - Employees have the right to have payroll deductions made for membership dues whenever a majority of the employees of the District are members of such organization, provided, however, that no such payroll deduction shall be made from any employee's pay unless he has signed an authorization for such deduction, and provided further that at any time the number of employees for whom authorized dues deductions are made drops below a majority of the District employees, the Manager shall immediately notify the Board, who may require a verification of membership to determine whether a majority of the District's employees are still members of such organization. When such deductions are authorized, lump sum deductions may be made which shall include membership dues deductions. The cost to the District for the handling of such deductions shall be fixed by the Board, and such fixed cost shall be paid by a recognized employee organization in such manner as determined by said Board.

5000.13.1.5 USE OF BULLETIN BOARD - The right to the reasonable use of existing bulletin board space in each of the District's buildings at a location agreed upon by the organization and the District, under the following conditions for the purpose of communicating with members regarding matters within the scope of representation as set forth in Section 5000.12 above or regarding official business of the organization:

5000.13.1.5.1 Material shall be posted on space designated by the Manager.

5000.13.1.5.2 Posted material shall bear the identity of the posting organization.

5000.13.1.5.3 Posted material shall not be misleading, contain any deliberate misstatements or violate any Federal, State or County laws or ordinances.

5000.13.1.5.4 Material shall be neatly displayed and shall be removed when no longer timely.

5000.13.1.6 USE OF DISTRICT FACILITIES - The privilege of using District facilities for meeting purposes only, provided that appropriate advance arrangements are made. An appropriate charge may be made to offset the cost of such use in accordance with state law and District policy.

5000.13.1.7 CONTACT WITH DISTRICT EMPLOYEES - Employees have the right to have an authorized representative contact members of an employee organization in District facilities and leave literature and material for distribution. However, the representative must first make arrangements with the Manager, or his representative, to provide for a time which does not disrupt District business. This right does not extend

to contacting District employees who are not members of their organization, during District time.

5000.14 Meet and Confer Sessions

5000.14.1 The Board, through its designated representatives, shall meet and confer in good faith with the representatives of recognized employee organizations or individuals. Recognized employee organizations or individuals shall meet and confer in good faith with designated representatives of the Board in an effort to solve employment relations problems before requesting to appear before the Board. When a recognized employee organization or individual requests that a matter be placed on the Board's agenda, a written report specifying the problem and the desired action shall be filed by the organization or individual with the Secretary of the Board at least ten (10) working days prior to the date requested for appearance.

5000.15 Time and Place of Meet and Confer Sessions

5000.15.1 Except as otherwise provided in Section 5000.14, meet and confer sessions shall commence within ten (10) working days from the receipt of a request therefore. Each meet and confer session shall be held at a time and place mutually acceptable to the parties.

5000.16 Preparation of Memorandum After Meet and Confer Sessions

5000.16.1 At the conclusion of each meet and confer session, a memorandum shall be prepared and signed by the representative of the employee organization or the individual and the representative of the Board. This memorandum shall include the terms of agreement reached during the session and shall delineate the remaining areas of disagreement. In addition, the memorandum shall set the time and place for the next session, if such a session has been agreed to, shall specify the research and fact-finding which is to be carried out by each party prior to the next session, and shall establish priorities for the resolution of the remaining areas of disagreement at the next session.

5000.17 Final Memorandum of Understanding

5000.17.1 If agreement is reached by the representatives of the Board and the representatives of a recognized employee organization or individual on all matters which have been the subject of meet and confer sessions hereunder, they shall jointly prepare a final written memorandum of such understanding containing the agreed upon terms, which shall not be binding, and present it to the Board for determination. The agreement shall be binding only after Board approval.

5000.17.2 If management representatives and the employees, either through their organization(s) or through self-representation, and after a reasonable period of negotiations are unable to reach agreement, the parties to the negotiations may mutually declare the negotiations at impasse, in which case the Board may direct further negotiations, may agree to mediation, or may consider the areas of

agreement and the areas of disagreement, and make a decision on the issues, in which case its decision shall be final and conclusive. In making a decision on issues at impasse, the Board shall fairly consider the position of all employees subject to the issues under negotiations.

5000.17.3 Management and employees, either directly or through an organization representing them, shall try to conclude their annual salary and working condition negotiations prior to the first Board meeting of each calendar year.

5000.18 Procedures for Amendment of Rules and Regulations

5000.18.1 REQUEST FOR AMENDMENT BY EMPLOYEES OR RECOGNIZED EMPLOYEE ORGANIZATIONS - Request for additions to or amendments of these rules and regulations may be made by employees or recognized employee organizations. Such request together with the reasons therefore shall be presented in writing to the Manager who shall call a meeting within a reasonable time not to exceed 35 days to review and discuss the request with such employee or with one representative of such organization. The Manager shall cause written notification of such a meeting to be sent to the employee or organization representative in question stating the time, date and place of such meeting. Either the Manager or the employee or organization representative in question may be accompanied by their respective legal counsel at such a meeting. After the meeting, the Manager shall prepare a recommendation regarding the request and deliver it to the Board.

5000.18.2 INITIATION OF AMENDMENT BY BOARD OR MANAGER - The Board on its own motion or the Manager may propose amendments to these rules and regulations, provided, however, that action on such proposals is subject to the notice requirements of Section 5000.13.1.

5000.19 Procedures to Implement Policy

5000.19.1 The Manager may prescribe procedures for the orderly implementation of these rules and regulations. Such procedures shall be consistent with all applicable District rules and regulations and agreements, and shall be submitted to the Board for approval.