

RESOLUTION NO. 2017.03

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE EAST VALLEY WATER DISTRICT
REPEALING RESOLUTION 1979.18 AND ADOPTING NEW RULES RELATING
TO EMPLOYER-EMPLOYEE ORGANIZATION RELATIONS**

WHEREAS, Chapter 10, Division 4, Title 1 of the Government Code of the State of California provides orderly procedures for the administration of employer-employee relations between the District and its employee organizations; and

WHEREAS, Government Code Section 3507 empowers the District to adopt reasonable rules and regulations after consultation in good faith with representatives of its employee organizations for the administration of employer-employee relations; and

WHEREAS, the Employer-Employee Resolution has not been reviewed since 1979 and Assembly Bill 1606 amended Section 3505.4 of the Government Code regarding impasse procedures, making it necessary to revise the Employer-Employee Resolution; and

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the East Valley Water District does hereby resolve as follows:

(1) The Employer-Employee Relations Resolution No. 1979.18 is hereby repealed; and

(2) A new policy is hereby adopted to be known as the Employer-Employee Relations Resolution of the East Valley Water District as set forth below.

EMPLOYER-EMPLOYEE RELATIONS RESOLUTION

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ARTICLE I – GENERAL PROVISIONS

Section 1. Statement of Purpose

This Resolution implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) by providing orderly procedures for the administration of employer-employee relations between the District and its employee organizations. However, nothing contained herein shall be deemed to supersede the provisions of State law, District Ordinances, Resolutions and rules which establish and regulate the merit system, or which provide for other methods of administering employer-employee relations. This Resolution is intended instead to strengthen merit, and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations, and the District.

It is the purpose of this Resolution to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly affect and primarily involve the wages, hours, and other terms and conditions of employment of employees in appropriate bargaining units and that are not preempted by Federal or State law. However, nothing herein shall be construed to restrict any legal or inherent exclusive District rights with respect to matters of general legislative or managerial policy, which include among others: The exclusive right to determine the mission of its constituent departments, committees, and boards; set standards of service; determine the procedures and standards of selection for employment; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other lawful reasons; maintain the efficiency of District operations; determine the methods, means, and personnel by which District operations are to be conducted; take all necessary actions to carry out its missions in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

Section 2. Definitions

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

- a. **APPROPRIATE UNIT** means a unit of employee classes or positions established pursuant to Article II hereof.
- b. **BOARD** means the Board of Directors of the East Valley Water District.
- c. **CONFIDENTIAL EMPLOYEE** means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information contributing significantly to the development of management positions. Such employees are restricted from representing any employee organization on matters within the scope of organization.

- d. **CONSULT/CONSULTATION IN GOOD FAITH** means to communicate verbally or in writing for the purpose of presenting and obtaining views or advising of intended actions.
- e. **DAY** means calendar day unless expressly stated otherwise.
- f. **DISTRICT** means the East Valley Water District, San Bernardino County, California.
- g. **EMPLOYEE** means any person employed by the District full-time in an authorized position as listed in the current District Budget or approved by Resolution by the Governing Board subsequent to budget adoption, except elected officers.
- h. **EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION** means an employee organization that has been formally acknowledged by the District as the sole employee organization representing the employees in an appropriate representation unit pursuant to Article II hereof, having the exclusive right to meet and confer in good faith concerning statutorily required subjects pertaining to unit employees, and thereby assuming the corresponding obligation of fairly representing such employees without regard to race, color, creed, gender, or national origin, or age (age 40 and over), marital status, veterans status, denial of Family and Medical Care Leave, disability (mental and physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), religion, gender identity or expression, genetic information, and sexual orientation.
- i. **EMPLOYEE RELATIONS OFFICER** means the General Manager or his or her duly authorized representative.
- j. **GENERAL MANAGER** means the General Manager/CEO of the District.
- k. **IMPASSE** means that the representatives of the District and an Exclusively Recognized Employee Organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a Memorandum of Understanding, and concerning which they are required to meet and confer such that further meeting and conferring would be futile.
- l. **MAJORITY** for the purposes of this Resolution shall mean 50% plus 1.
- m. **MANAGEMENT EMPLOYEE** means an employee who has significant responsibilities for the formulation, administration, or managing of District policies and programs.
- n. **MANAGEMENT REPRESENTATIVE** means the General Manager and/or person(s) duly authorized by the General Manager to act as a representative of the District for employer-employee relations.

- o. **MEDIATION** means the efforts of an impartial third person or persons functioning as an intermediary to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestion, and advice.
- p. **MEET AND CONFER IN GOOD FAITH** means that District, or such representatives as it may designate, and representatives of an Exclusively Recognized Employee Organization, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the District of its final budget for the ensuing year. The process should include adequate time for the resolution of impasses where specific procedures for such resolution are contained in local rule, regulation, or ordinance, or when such procedures are utilized by mutual consent. This mutual obligation shall not require either party to agree to a proposal or to make a concession.
- q. **PROOF OF EMPLOYEE SUPPORT** means (1) an authorization card recently signed and personally dated by an employee, or (2) a verified authorization petition or petitions recently signed and personally dated by an employee, or (3) employee dues deduction authorization, using the payroll register for the period immediately prior to the date a petition is filed hereunder, except that dues deduction authorizations for more than one employee organization for the account of any one employee shall not be considered as proof of employee support for any employee organization. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee. The words "recently signed" shall mean within ninety (90) days prior to the filing of a petition.
- r. **RECOGNITION PETITION** means a petition submitted by an employee organization that is seeking to be acknowledged as the Exclusively Recognized Employee Organization.
- s. **REPRESENTATION UNIT** means a unit composed of District employees for the purposes of employee representation, and which has been established in accordance with this Resolution.
- t. **SCOPE OF REPRESENTATION** means those matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment; except, however, 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.
- u. **SUPERVISORY EMPLOYEE** means any employee having authority, in the interest of the District, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or the responsibility for directing the work or adjusting the grievance of other employees, or effectively to recommend such

actions, if in connection with the foregoing, the exercise of such authority is not merely routine or clerical in nature, but requires the use of independent judgment.

Section 3. Employee Rights

Subject to the provisions of this Resolution, 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 purpose of representation of all matters of employee relations including, but not limited to: wages, hours, and other terms and conditions of employment.

Employees of the District shall also have the right to refuse to join or participate in the activities of employee organizations. Employees shall also have the right to represent themselves individually in their employment relations with the District.

No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of his or her exercise of these rights.

Management and confidential employees may not represent an Exclusively Recognized Employee Organization, which represents other employees in an Exclusively Recognized Employee Organization, in such organization's dealings with the District on matters within the scope of representations and may not engage in any activity within or on behalf of such organization which would result in an actual or apparent conflict of interest.

Section 4. District Rights

To ensure that the District is able to carry out its statutory functions and responsibilities, the District shall not be required to "meet and confer in good faith" with representatives of any Exclusively Recognized Employee Organization as to any of the following matters:

- a. Any subject preempted by federal or state law.
- b. Any and all of the following matters as to which the District shall have the exclusive right to manage within its own discretion:
 - (1) To determine the methods, means, and personnel by which District operations are to be conducted as well as to exercise complete control and discretion over its organization, operations and the technology of performing its work.
 - (2) To determine and change the facilities, methods, means, and personnel by which District operations are conducted.
 - (3) To expand or diminish services.
 - (4) To determine and change the number of locations, relocations, and types of operations and the processes and materials to be employed in carrying out all District

functions, including but not limited to, the right to subcontract any work or operation, except where expressly prohibited by the Government Code and/or case law.

(5) To determine the size and composition of the work force, to assign work to employees in accordance with requirements as determined by the District, to establish and change individual work schedules and assignments as needed; and to relieve its employees from duty for lack of work, lack of funds. Permanent changes to Department or division wide work schedules shall continue to be subject to meet and confer.

(6) To discharge, suspend, or otherwise discipline employees for proper cause;

(7) Except where preempted by federal, state or local law(s), it is the sole right of the District to classify or reclassify positions and to determine the placement of a classification or an appropriate bargaining unit and/or group of unrepresented employees.

(8) To add or delete positions or classes except when expressly prohibited by the Government Code and/or case law.

(9) To hire, transfer, promote, allow for the voluntary movement of employees to a lower classification for non-disciplinary reasons, and reject probationary appointments; and to be the sole judge of the qualifications and competence of its officers and employees;

(10) To establish employee performance standards, including but not limited to, quality and quantity standards.

(11) To determine and administer policies, procedures, and standards for the selection, training, and promotion of employees;

(12) To administer the District Personnel Policies and Practices.

(13) To determine the mission, function and necessity of all or part of each of its constituent departments, boards, and commissions.

(14) To take all necessary actions to carry out its mission, functions and necessity, or any part thereof, as well as to set standards of service to the public.

(15) To take whatever action may be necessary in an emergency situation. The District shall promptly notify an Exclusively Recognized Employee Organization affected by the action of any such emergency action that affects matters within the scope of representation.

c. Pursuant to the Government Code and/or case law, the District agrees to meet and confer regarding the proposal or decision to contract out any department, division, or

major function. Any work contracted out as of the effective date of this Resolution is not subject to this provision.

ARTICLE II – REPRESENTATION PROCEEDINGS

Section 1. Filing of Recognition Petition by Employee Organization

An employee organization that seeks to be formally acknowledged as the Exclusively Recognized Employee Organization representing the employees in an appropriate unit shall file a petition with 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 the organization.
- d. A statement that the employee organization has, as one of its primary purposes, the responsibility of representing the employees in their employment relations with the District.
- e. A statement of whether or not the employee organization is a chapter or local of, or affiliated directly or indirectly in any manner, with, a local, regional, state, national, or international organization and, if so, the name and address of each such local, regional, state, national, or international organization.
- f. Certified copies of the employee organization's constitution and bylaws.
- g. A designation of those persons, not exceeding two in number, and their addresses, to whom notices may be sent by regular United States mail, and which notices will be deemed sufficient notice to the organization for all purposes.
- h. A statement that the employee organization has no restriction on membership based on race, color, creed, gender, national origin, age (over 40), marital status, veterans status, religion, political opinions or affiliations, gender identity or expression, genetic information, or sexual orientation.
- i. The job classification(s) and/or position title(s) of District employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- j. A statement that the employee organization has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate and have designated the employee organization to represent them in their employment relations with the District. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.

k. A request that the Employee Relations Officer formally acknowledge the petitioner as the Exclusively Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

The petition, including the proof of employee 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.

The petition shall include a list of classifications to be included in the proposed unit (as such classifications are shown in the District's then current Salary Schedule) and departments to which they belong.

Section 2. District Response to Recognition Petition

Upon receipt of such Petition, the Employer Relations Officer shall determine whether:

- a. There has been compliance with the requirements of the Recognition Petition; and
- b. The proposed representation unit is an appropriate unit in accordance with Section 10 of this Article II.

If the Employee Relations Officer makes an affirmative determination on the foregoing two matters, he or she shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall not take action on said request for thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with Section 13 of this Resolution.

Section 3. Open Period for Filing Challenging Petition

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the Exclusively Recognized Employee Organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all of the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty (30) percent and otherwise in the same form and manner set forth in Section 5 of this Article II. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time each petitioning employee organization shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in Section 10 of this Article II set forth in this Resolution. The petitioning

employee organizations shall have fifteen days from the date notice of such unit determination is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 12 of this Article II.

Section 4. Election Procedures

The Employee Relations Officer shall arrange for a secret ballot election to be conducted by a party agreed to by the Employee Relations Officer and the concerned employee organization(s) in accordance with its rules and procedures subject to the provisions in this Resolution. All employee organizations that have duly submitted petitions which have determined to be in conformance with this Article II shall be included on the ballot. The ballot shall provide employees with the option of voting for "no exclusively recognized employee organization." Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation, or other authorized leaves of absence, and who are employed by the District in the same unit on the date of the election. However, employees on such authorized paid leave of absence shall not receive any special notice of election and no absentee ballots will be accepted.

An employee organization shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a run-off election.

There shall be no more than one valid election under this Resolution pursuant to any petition in a 12-month period affecting the same unit.

In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the State Conciliation Service.

Costs of conduction elections shall be borne in equal shares by the District and each employee organization appearing on the ballot.

Section 5. Procedure for Decertification of Exclusively Recognized Employee Organization

A Decertification Petition alleging that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of employees in an established appropriate unit may be filed with the Employee Relations Officer only during the month of March of any year. A Decertification Petition may be filed by two or more employees or their

representative, or an employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct, and complete:

- a. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
- b. The name of the established appropriate unit and of the incumbent Exclusively Recognized Employee Organization seeking decertification as a representative of that unit.
- c. An allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.
- d. Proof of employee support that at least thirty (30) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent Exclusively Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agree upon disinterested third party within the time limits specified in the first paragraph of this section.

An employee organization may, in satisfaction of the Decertification Petition requirements hereunder, file a Petition under this section in the form of a Recognition Petition that evidences proof of employee support of at least thirty percent (30%) that includes the allegation and information required under paragraph (c.) of this Section 9, and otherwise conforms to the requirements of Section 5 of this Article.

The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Article II. If his or her determination is in the negative, he or she shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such Petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 13 of this Article II. If the determination of the Employee Relations Officer is in the affirmative, or if his or her negative determination is reversed on appeal, he or she shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees.

The Employee Relations Officer shall thereupon arrange "for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification and, if a Recognition Petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with Section 8 of this Article.

During the “open period” specified in the first paragraph of this Section 9, the Employee Relations Officer may on his or her own motion, when he or she has documentation to substantiate that a majority of unit employees no longer wish to be represented by the incumbent Exclusively Recognized Employee Organization (when dues authorization falls below thirty percent (30%), give notice to that organization and all unit employees that he or she will arrange for an election to determine the issue. In such event any other employee organization may within fifteen (15) days of such notice file a Recognition Petition in accordance with this Section 9.

If, pursuant to this Section 9, a different employee organization is formally acknowledged as the Exclusively Recognized Employee Organization, such organization shall be bound by all the terms and conditions of any Memorandum of Understanding then in effect for its remaining term.

Section 6. Policy and Standards for Determination of Appropriate Units

The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the District and its compatibility with the primary responsibility of the District and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

- a. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.
- b. History of representation in the District and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the unit have organized.
- c. Consistency with the organizational patterns of the District.
- d. Number of employees and classifications, and the effect on the administration of employer-employee relations created by fragmentation of classifications and proliferation of units.
- e. Effect on the classification structure and impact on stability of the employer-employee relationship of dividing a single or related classifications among two or more units.
- f. No District employment classification title shall be included in more than one representation unit. When feasible, supervisory employees and non-supervisory employees shall not be included in the same unit. (Units that contain both supervisory and non-supervisory employees at the time of adoption of this Resolution shall not be subject to this provision.)

- g. Professional employees shall not be denied the right to be represented separately from non-professional employees by a professional employee organization consisting of such employees.
- h. When feasible, Management and/or confidential employees shall not be included in any unit which includes non-management and/or non-confidential employees. (Units that contain confidential employees at the time of adoption of this Resolution shall not be subject to this provision.)

Notwithstanding the foregoing provisions of this Section, managerial, supervisory, and confidential responsibilities, as defined in Section 2 of this Resolution, are determining factors in establishing appropriate units hereunder, and therefore for units not existing prior to the adoption of this Resolution, managerial, supervisory and confidential employees may only be included in units that do not include non-managerial, non-supervisory, and non-confidential employees. Managerial, supervisory and confidential employees may not represent any employee organization which represents other employees.

The Employee Relations Officer shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate or delete modified classifications or positions from units in accordance with the provisions of this section. The decision of the Employee Relations Officer shall be final.

Section 7. Procedure for Modification of Established Appropriate Units

Requests by employee organizations for modifications of established appropriate units may be considered by the Employee Relations Officer only during the period specified in Section 9 of this Article II. Such requests shall be submitted in the form of a Resolution Petition and, in addition to the requirements set forth in Section 5 of the Article, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section 10 hereof. The Employee Relations Officer shall process such petitions as other Recognition Petitions under this Article II.

The Employee Relations Officer may on his or her own motion propose during the period specified in Section 9 of this Article that an established unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Such written notice shall contain a complete statement of all relevant facts in support of the proposed modified unit in terms of the policies and standards set forth in Section 10 hereof. Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Section 10 of this Article II, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided in Section 13 of this Article. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, employee organizations may thereafter file Recognition Petitions seeking to become the Exclusively

Recognized Employee Organization for such new appropriate unit or units pursuant to Section 3 hereof.

Section 8. Procedure for Affiliation or Disaffiliation of Established Appropriate Units

Requests by employee organizations for affiliation or disaffiliation affecting recognition of established appropriate units may be considered by the Employee Relations Officer only during the period specified in Section 9 of this Article II. Such requests shall be submitted in the form of a Recognition Petition. The Employee Relations Officer shall process such petitions as other Recognition Petitions under this Article II.

Section 9. Appeals

An employee organization aggrieved by a determination of the Employee Relations Officer under this Article II may, within ten (10) days of notice thereof request the intervention of the California State Mediation and Conciliation Service pursuant to Government Code Sections 3507.1 and 3507.3, or may, in lieu thereof or thereafter, appeal such determination to the Board for final decision within fifteen (15) days of notice of the Employee Relations Officer's determination or the termination of proceedings pursuant to Government Code Section 3507.1 or 3507.3, whichever is later.

An employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Section 5); Challenging Positions (Section 7); Decertification of Recognition Petition (Section 9); or Affiliation or Disaffiliation Petitions (Section 12) – or employees aggrieved by a determination of the Employee Relations Officer that a Decertification Petition (Section 9) - has not been filed in compliance with the applicable provision of this Article may, within fifteen (15) days of notice of such determination, appeal the determination to the Board for final decision.

Appeals to the Board shall be filed in writing with the District Clerk, and a copy thereof served on the Employee Relations Officer. The Board shall commence to consider the matter within thirty (30) days of the filing of the appeal. The Board may, in its discretion, refer the dispute to a third party hearing process. Any decision of the Board on the use of such procedure, and/or any decision of the Board determining the substance of the dispute shall be final and binding.

To the extent allowed by law, any costs incurred as a result of the use of the appeals process shall be borne by the party incurring them, provided, however, that costs incurred for the services of a third party hearing officer and/or panel as may be requested solely by the Board for an advisory opinion shall be borne by the District.

ARTICLE III – ADMINISTRATION

Section 1. Submission of Current Information by Recognized Employee Organizations

All changes in the information filed with the District by an Exclusively Recognized Employee Organization under items (a.) through (h.) of its Recognition Petition under Section 5 of this Resolution shall be submitted in writing to the Employee Relations Officer within fourteen days of such change.

Section 2. Payroll Deductions on Behalf of Employee Organizations

Upon formal acknowledgement by the District of an Exclusively Recognized Employee Organization under this Resolution, only such Exclusively Recognized Employee Organization may be provided payroll deductions of membership dues and insurance premiums for plans sponsored by such organization upon the written authorization of employees in the unit represented by the Exclusively Recognized Employee Organization on forms provided therefore by the District. The providing of such service to the Exclusively Recognized Employee Organization by the District shall be contingent upon and in accordance with the provisions of the Memorandum of Understanding and/or applicable administrative procedures.

Section 3. Employee Organization Activities – Use of District Resources

Access to District work locations and the use of District paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in a Memorandum of Understanding and/or administrative procedures, shall be limited to lawful activities consistent with the provisions of this Resolution that pertain directly to the employer-employee relationship and not such internal employee organization business as soliciting membership, campaigning for office, and organization meetings and elections, and shall not interfere with the efficiency, safety, and security of District operations. Pursuant to Government Code Section 3505.3, the District shall allow a reasonable number of employees reasonable time off without loss of compensation or benefits when formally meeting and conferring on matters within the scope of representation.

Section 4. Administrative Rules and Procedures

The General Manager is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Resolution after consultation with affected employee organizations.

ARTICLE IV – IMPASSE PROCEDURES

Section 1. Initiation of Impasse Procedures

If the meet and confer process has reached an impasse as defined in this Resolution, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all disputed issues. The Employee Relations Officer shall then schedule an impasse meeting promptly. The purpose of such impasse meeting shall be:

- a. To review the position of the parties in a final effort to reach agreement on a Memorandum of Understanding; and
- b. If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

Section 2. Impasse Procedures

Impasse procedures are as follows:

- a. If either party requests mediation and both parties agree to submit the dispute to mediation and agree on the selection of a mediator, the dispute shall then be promptly submitted to mediation. If the parties do not mutually agree not to proceed to mediation, the matter would proceed directly to fact finding as set forth in Section 19 b. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues nor shall an employee organization or District representative provide such information to the public or media, unless the District and employee organization agree otherwise.
 - (1) A mediator shall be selected from the Public Employment Relations Board California State Mediation and Conciliation Services (SMCS) within five (5) days of the impasse meeting.
- b. The parties shall follow the fact-finding process set forth in Section 3505.4 et sec. of the California Government Code.

Section 3. Cost of Impasse Procedures

The costs for the services of a mediator and or fact-finder or chairperson of a fact-finding panel utilized by the parties, and other mutually incurred costs of mediation and fact-finding shall be borne equally by the District and the Exclusively Recognized Employee Organization. The cost for a fact-finding panel member selected by each party, and other separately incurred costs shall be borne by such party.

ARTICLE V – MISCELLANEOUS PROVISIONS

Section 1. Construction

This Resolution shall be administered and construed as follows:

- a. Nothing in this Resolution shall be construed to deny to any person, employee, organization, the District, or any authorized officer, body or other representative of

the District, the rights, powers and authority granted by federal or state law (or District Resolution provisions).

- b. This Resolution shall be interpreted so as to carry out its purposes as set forth in Article I.

Section 2. Severability

If any provision of this Resolution or the application of such provision to any persons or circumstances shall be held invalid, the remainder of this Resolution or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 3. Effective Date

This Resolution shall take effect immediately upon adoption by the Board, and execution of said Resolution by the President and Secretary thereof and supersedes the provisions of Resolution 1979.18 adopted by the board on February 26, 1979.

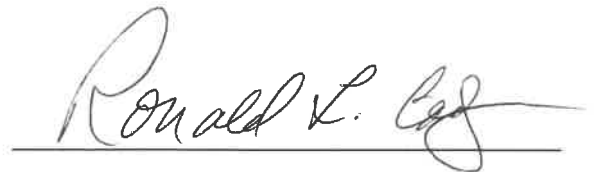
ADOPTED this 25th day of January, 2017.

Ayes: Director's: Carrillo, Coats, Morales, Shelton, Smith

Noes: None

Absent: None

Abstain: None



Ronald L. Coats
Board President

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution 2017.03 adopted by the Board of Directors of East Valley Water District at its regular meeting held January 25, 2017.



John Mura
Board Secretary