

RESOLUTION NO. 2024-2342

LAS GALLINAS VALLEY SANITARY DISTRICT

**RESOLUTION OF THE BOARD OF DIRECTORS ESTABLISHING A
STANDALONE POLICY AND PROCEDURE FOR THE ADMINISTRATION OF
EMPLOYER-EMPLOYEE RELATIONS**

WHEREAS, the Las Gallinas Valley Sanitary District's Personnel Policy and Procedures was established to carry out the personnel program in compliance with state and federal law, concerning both day-to-day employment matters and employee union relations as outlined under the Meyers-Milias-Brown Act (MMBA); and

WHEREAS, the Board of Directors recognizes the need to separate the Employee Relations Resolution section from the consolidated Personnel Policy and Procedures to provide a standalone document that ensures a uniform and equitable approach to considering legitimate employee objectives advanced by employee organizations; and

WHEREAS, Government Code Section 3507 empowers a government agency 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

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the Las Gallinas Valley Sanitary District hereby adopts the standalone Employee Relations Resolution Policy and Procedure for the administration of employer-employee relationships, separate from the consolidated Personnel Policy and Procedures.

Article I – General Provisions

Sec. 1.01. Statement of Purpose:

This implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (section 3500 et seq.) captioned "Meyers-Milias-Brown Act" (Local Public Employee Organizations), by providing orderly procedures for the administration of employer-employee relations between Las Gallinas Valley Sanitary District and its employee organizations. Nothing contained herein, however, shall be deemed to supersede the provisions of state law, ordinances, resolutions and rules which provide for other methods of administering employer-employee relations. This resolution is intended, instead, to strengthen 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 Organization(s) regarding matters that directly and significantly affect and primarily involve the wages, hours, and other terms and conditions of employment of employees in appropriate units and that are not preempted by federal or state law. The District shall not be required to meet and confer over the merit, necessity or organization of any service or activity provided by law or executive order.

Nothing contained in this Resolution shall be construed to restrict any legal or inherent exclusive District rights with respect to matters of general legislative or managerial policy. Unless specifically in conflict with any Memorandum of Understanding, the District retains all management rights, which include, but are not limited to: The sole and exclusive right to determine the District's mission, including that of its constituent departments, commissions, and boards; the sole and exclusive right to direct the affairs of, manage, and maintain the efficiency of the District, to set standards of service; and to control the organization and operation of the District. The District also has the sole and exclusive right to take any actions which the District deems desirable to conduct its affairs, including, but not limited to, determining the procedures and standards of selection for employment, directing its work force (including scheduling and assigning work and overtime), hiring, firing, discharges, promotions, demotions, transfers, taking disciplinary action, determining the methods, means and personnel by which District operations are to be conducted, relieving employees from duty because of budgetary considerations, lack of work, or other lawful reasons, contracting or subcontracting, maintaining discipline and efficiency of employees, determining the content of job classifications, taking all necessary actions to carry out its mission in emergencies, and exercising complete control and discretion over its organization and the technology of performing its work consistent with the provisions of this Resolution and the MMBA. The foregoing is meant to be descriptive of the District's rights, and not exhaustive.

Sec. 1.02. 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 of this Resolution.
- B. "District" means the Las Gallinas Valley Sanitary District, and, where appropriate herein, refers to the Board of Directors or any duly authorized District representative as herein defined.
- C. "Confidential Employee" means an employee who, in the course of their duties, has access to confidential information relating to District's administration of employer-employee relations.
- D. "Consult/Consultation in Good Faith" means to communicate orally or in writing with all affected recognized employee organization(s), in good faith, for the purpose of presenting

and obtaining views or advising of proposed actions in an effort to reach a consensus; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of representation (as defined in California Government Code section 3504), does not involve an endeavor to reach a binding agreement in the form of a Memorandum of Understanding, nor is it subject to the impasse resolution procedures set forth in Article IV of this Resolution.

- E. "Day" means calendar day unless expressly stated otherwise.
- F. "Exclusively Recognized Employee Organization" means an employee organization which has been formally acknowledged by the District as the sole employee organization representing the employees in an appropriate representation unit determined pursuant to Article II of this Resolution, having the exclusive right to meet and confer in good faith concerning matters within the scope of representation pertaining to unit employees, and thereby assuming the corresponding obligation of fairly representing such employees. Such recognition status may only be challenged by another employee organization as set forth in Article II section 8..
- G. "Employee Relations Officer" means the General Manager or designee.
- H. "Impasse" means that the representatives of the District and a 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/or concerning matters over which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.
- I. "Management Employee" means an employee having responsibility for formulating, administering or managing the implementation of the District's policies and programs.
- J. "Proof of Employee Support" means (1) an authorization card recently signed and personally dated by an employee, provided that the card has not been subsequently revoked in writing by the 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 six (6) months prior to the filing of a petition.
- K. "Supervisory Employee" means any employee having authority, in the interest of the District, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing, the exercise of

such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

- L. Terms not defined herein shall have the meanings as set forth in the MMBA.

Article II – Representation Proceedings

Sec. 2.01. Filing of Recognition Petition by Employee Organization:

An employee organization which seeks to be formally acknowledged as the Exclusively Recognized Employee Organization representing the employees in an appropriate unit may file a petition of representation with the General Manager or designee containing the following information and documentation:

- A. Name and address of the employee organization.
- B. Names and titles of its officers.
- C. Names, email addresses, and telephone numbers 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 employees in their employment relations with the District.
- E. A statement whether the employee organization is a chapter 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 other 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 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 has no restriction on membership based on race, color, religion, creed, sex, national origin, age, sexual orientation, mental or physical disability or medical condition, or any other legally-protected classifications.
- I. The job classifications or position titles of 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 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 by the duly authorized officer(s) of the employee organization executing it.

Sec. 2.02. District's Response to Recognition Petition:

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

- a. There has been compliance with the requirements for the filing of a Recognition Petition as set forth in Sec. 2.01 hereof; and
- b. The proposed representation unit is an appropriate unit in accordance with Sec. 2.07 of this Article II.

If the Employee Relations Officer determines the petition satisfies the two criteria above, the Employee Relations Officer shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter.

If the Employee Relations Officer determines that the petition does not satisfy one or both of the criteria above, the Employee Relations Officer shall offer to consult with such petitioning employee organization. The Employee Relations Officer, after consulting with the labor organization, will inform that organization in writing why the petition fails to satisfy the criteria above.

The petitioning employee organization may appeal the Employee Relations Officer's determination in accordance with Sec. 2.09 of this Resolution.

Sec. 2.03. 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 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 as set forth in Sec. 2.01 of this Article II. If the 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. The petitioning employee organizations shall have the opportunity to be heard during the hearing. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in Sec. 2.07 of this Article II and shall provide written notice of the Employee Relations Officer's determination.

If the petitioning employee organizations do not agree with the decision rendered by the Employee Relations Officer, the petitioning employee organizations shall have fifteen (15) days from the date when the 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 or to appeal such determination pursuant to Sec. 2.09 of this Article II.

Sec. 2.04. Granting Recognition Without an Election:

If the Petition is in order, and the proof of support shows that a majority of the employees in the appropriate unit have designated the petitioning employee organization to represent them, and if no other employee organization filed a challenging petition, the petitioning employee organization and the Employee Relations Officer shall request the California State Mediation and Conciliation Services (“CSMCS”), a division of California Public Employee Relations Board (PERB), or another agreed upon neutral third party, to review the count, form, accuracy, and propriety of the proof of support. If the neutral third party makes an affirmative determination, the Employee Relations Officer shall formally acknowledge the petitioning employee organization as the Exclusive Recognized Employee Organization for the designated unit.

Sec. 2.05. Election Procedure:

Where recognition is not granted pursuant to Sec. 2.04 of this Resolution, then, upon determination of an appropriate unit in accordance with Sec. 2.02 and 2.07 of this Article II, 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 such party's rules and procedures subject to the provisions of this Resolution.

In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by CSMCS. In the event that CSMCS declines to conduct the election, for any reason, the parties agree that the election shall be conducted by a neutral arbitrator selected from a list of seven (7) names to be provided by CSMCS or, if that body for any reason fails to provide such a list, by the American Arbitration Association. The incumbent recognized employee organization shall first strike one name, the petitioning organization shall then strike one name, the Employee Relations Officer shall next strike one name, and alternate so forth until the last name remaining shall be the Election Supervisor.

If, once the election supervisor is appointed, the parties cannot agree as to the time, place, and manner of the election, the parties shall authorize the election supervisor to unilaterally determine such issues and carry out the election accordingly.

All employee organizations who have duly submitted petitions which have been determined to be in conformance with this Article II shall be included on the ballot. The choice of “no organization” shall also be included on the ballot thereby allowing employees the choice of representing themselves individually in their employment relations with the District.

Employees are entitled to vote if they meet either of the following criteria: 1) They are employed in regular permanent positions within the designated appropriate unit during the pay period which ended at least fifteen days before the date the election; or 2) They did not work during the fifteen day period because of illness, vacation or other authorized leaves of absence, and they are employed by the District in the same unit on the date of the election.

An employee organization shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated appropriate 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 shall also apply 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.

The costs of conducting elections shall be borne in equal shares by the District and by each employee organization appearing on the ballot.

Sec. 2.06. 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 the employees in an established appropriate unit may be filed with the Employee Relations Officer only during the month of March of any year following the first full year of recognition, during the thirty (30) day period commencing one hundred twenty (120) days prior to the termination date of a Memorandum of Understanding then having been in effect less than three (3) years, whichever occurs later, or any time following expiration of a Memorandum of Understanding. 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 sought to be decertified 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 agreed 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 set forth in this Resolution, 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%) percent, that includes the allegation and information required under this Section 2.06, and otherwise conforms to the requirements of Section 2.01 of this Article II.

The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Article II. If the Employee Relations Officer determines the Petition does not comply with Article II, the Employee Relations Officer shall offer to consult with the petitioning employees and/or employee organization. If the Employee Relations Officer's negative determination remains unchanged, the Employee Relations Officer shall return the Petition to the employees or employee organization with a written statement of the reasons for the Employee Relations Officer's determination. The petitioning employees or employee organization may appeal such determination in accordance with Sec. 2.10 of this Article II.

If the determination of the Employee Relations Officer is affirmative, or if the Employee Relations Officer's negative determination is reversed on appeal, the Employee Relations Officer shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees. Upon request, the Employee Relations Officer shall provide a copy of the Petition with names and all other identifying information redacted.

The Employee Relations Officer shall then arrange for a secret ballot election to be held on or about thirty (30) days after the written notice of Decertification or Recognition 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 Sec. 2.05 of this Article II.

During the "open period" specified in the first paragraph of this Sec. 2.06, the Employee Relations Officer may, with good reason to believe that a majority of unit employees no longer wish to be represented by the incumbent Exclusively Recognized Employee Organization, notify that organization and all unit employees that the Employee Relations Officer shall arrange for an election to determine that issue. In such event any other employee organization may, within fifteen (15) days of such notice, file a Recognition Petition in accordance with this Sec. 2.08, which the Employee Relations Officer shall act on in accordance with this Sec. 2.06.

If, pursuant to this Sec. 2.06, 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.

Sec. 2.07. Policy and Standards for Determination of Appropriate Units:

The Employee Relations Officer shall maintain a list of all current bargaining units in the District and shall have the management discretion to form and define reasonable bargaining units, based on the procedures specified in this Resolution. The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of 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 proposed unit have organized.
- C. Consistency with the organizational patterns of the District.
- D. Effect of differing legally mandated impasse resolution procedures.
- E. Number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units.
- F. Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classification among two or more units.
- G. Whether the classifications are managerial, supervisory, and/or confidential, as defined in this Resolution.

Notwithstanding the foregoing provisions of this Section, managerial, supervisory, and confidential employees may only be included in a unit consisting solely of managerial, supervisory or confidential employees respectively. Managerial, supervisory, and confidential employees may not represent any employee organization which represents other employees.

Also, under the MMBA, professional employees have the right to be represented separately from non-professional 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 classifications or positions from units in accordance with the provisions of this Section. The decision of the Employee Relations Officer shall be final.

Sec. 2.08. Procedure for Modification of Established Appropriate Units:

a. Request for Modification from Employee Organization

Requests by employee organizations for modifications of established appropriate units may be considered by the Employee Relations Officer only during the period specified in Sec. 2.06 of this Article II. Such requests shall be submitted in the form of a Recognition Petition and, in addition to the requirements set forth in Sec. 2.01 of this Article II, 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 Sec. 2.07 of this Resolution. The Employee Relations Officer shall process such petitions as other Recognition Petitions under this Article II.

b. Unit Modification by Action of the Employee Relations Officer

The Employee Relations Officer may initiate a unit modification at any time for good cause, including but not limited to when new classifications are adopted, existing classifications abolished, or when classifications are no longer compatible with the existing bargaining unit under the factors of Sec. 2.07 of this Article II. 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.

Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Sec. 2.07 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 2.10 of this Article II. 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 Sec. 2.01 of this Article II.

Sec. 2.09. Procedure for Processing Severance Requests:

An employee organization may file a request to become the exclusively recognized employee organization of a unit alleged to be appropriate that consists of a group of employees who are already a part of a larger established unit represented by another exclusively recognized employee organization. The timing, form, and processing of such request shall be as specified in Sec. 2.08 of Article II for modification requests.

Sec. 2.10. Appeals

An employee organization aggrieved by a determination of the Employee Relations Officer that the Filing of a Recognition Petition (Sec. 2.01), Challenge of a Petition (Sec. 2.03), Decertification of a Petition (Sec. 2.06), Determination of an Appropriate Unit (Sec. 2.07), Unit Modification Petition (Sec. 2.08), or Severance Request(s) (Sec. 2.09) has not been processed in compliance with the applicable provisions of this Article II, may, within ten (10) days of notice of the Employee Relations Officer's determination, appeal such determination to the Board of Directors for final decision.

Appeals to the Board of Directors shall be filed in writing with the Board Secretary, and a copy thereof served on the Employee Relations Officer. The Board of Directors shall commence to consider the matter within thirty (30) days of the filing of the appeal. The Board of Directors may, in its discretion, refer the dispute to a non-binding third party hearing process.

Any decision of the Board of Directors on the use of such procedure, and/or any decision of the Board of Directors determining the substance of the dispute shall be final and binding.

Sec. 2.11. Abandonment of Unit or Good Faith Doubt of Majority Representative:

In the event a bargaining unit appears to have been abandoned by its Exclusively Recognized Employee Organization, or in the event that the Employee Relations Officer has a good faith doubt that the Exclusively Recognized Employee Organization represents a majority of the members of the unit, the Employee Relations Officer shall serve notice to the affected employee organization(s) stating the evidence leading the Employee Relations Officer to the belief of abandonment or doubt of majority representational status. Such affected employee organization shall have twenty (20) days to present written evidence and argument to the contrary.

If, after the twenty-day period expires, the Employee Relations Officer still believes the unit has been abandoned or still has a good faith doubt of majority representation, the Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after notice thereof to determine the wishes of unit members. The question before the electorate shall be, "Do you wish to continue to be represented by [insert name of association or union] in your formal bargaining relationship with the District?" If the answer by a majority of valid votes cast is in the affirmative, there shall be no change in representational status. If the answer by a majority of valid votes cast is in the negative, then the organization's representational status as bargaining representative for the unit in question shall be terminated.

Details of such election shall be handled in accordance with applicable provisions of Section 2.04 of Article II of this Resolution.

Article III – Administration

Sec. 3.01. Submission of Current Information by Recognized Employee Organizations:

All changes in the information filed with District by an Exclusively Recognized Employee Organization under items (A.) through (H.) of its Recognition Petition under Section 2.01 shall be submitted in writing to the Employee Relations Officer within thirty (30) days of such change.

Sec. 3.02. 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 Memoranda 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.

Sec. 3.03. Administrative Rules and Procedures:

The General Manager or designee 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

Sec. 4.01. Initiation of Impasse Procedures:

If the meet and confer process has reached impasse as defined in Article I, Section 1.02 of 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 issues. An

impasse meeting shall then be scheduled promptly by the Employee Relations Officer. The purpose of such meeting shall be:

- A. To identify and specify in writing the issue or issues that remain in dispute;
- B. To review the position of the parties in a final effort to reach agreement on a Memorandum of Understanding; and
- C. If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

Sec. 4.02. Impasse Procedures:

Impasse procedures are as follows:

- A. If the parties agree to submit the impasse to mediation, the dispute shall be submitted to mediation. Unless the parties agree to a mediator, the mediator shall be selected from a list of seven (7) names to be provided by CSMCS. The recognized employee organization shall first strike one name, the Employee Relations Officer shall next strike one name, and alternate so forth until the last name remaining shall be the mediator. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.
- B. Otherwise, the parties can utilize any other impasse procedures provided in accordance with the MMBA.
- C. After any applicable impasse procedures have been exhausted, the Board of Directors may hold a public hearing regarding the impasse, and take such action regarding the impasse as it in its discretion deems appropriate as in the public interest, including implementation of the District's last, best, and final offer. Any legislative action by the Board of Directors on the impasse shall be final and binding.

Sec. 4.03. Costs of Impasse Procedures:

The cost for the services of a mediator and/or any other mutually incurred costs of any impasse procedures, shall be borne equally by the District and the Exclusively Recognized Employee Organization. Separately incurred services or costs shall be borne solely by the party incurring the cost.

Article V – Miscellaneous Provisions

Sec. 5.01. 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, ordinances or resolutions.

- B. This Resolution shall be interpreted so as to carry out its purpose as set forth in Article I.
- C. Nothing in this Resolution shall be construed as making the provisions of California Labor Code section 923 applicable to District employees or employee organizations, or of giving employees or employee organizations the right to participate in, support, cooperate or encourage, directly or indirectly, any strike, sickout or other total or partial stoppage or slowdown of work. In consideration of and as a condition of initial and continued employment by the District, employees recognize that any such actions by them are in violation of their conditions of employment, except as expressly otherwise provided by legally preemptive state or contrary local law. In the event employees engage in such actions, they shall subject themselves to discipline up to and including termination, and may be replaced, to the extent such actions are not prohibited by preemptive law; and employee organizations may thereby forfeit all rights accorded them under this Resolution and other District ordinances and resolutions for a period of up to one (1) year from commencement of such activity.
- D. Nothing in this Resolution shall be construed as a waiver of any rights unless expressly and specifically stated.

Sec. 5.02. Suspension of Recognition:

Recognition of an employee organization may be suspended by the Board for:

- a. Repeated or continued failure or refusal to comply with the provisions of this Resolution.
- b. Intentional furnishing of false information to the District.
- c. Violation of any law, resolutions, contract provisions, court decision or court orders.

Reasonable notice and opportunity to correct violations shall be given prior to suspension under this Section.

Sec. 5.03. 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.

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PASSED AND ADOPTED by the Board of Directors of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the 17th day of October, 2024 by the following vote:


AYES, and in favor thereof Members: *Clark, Nitzberg, Robards, Yerman*
NOES, Members: *None.*
ABSENT, Members: *Murray*
ABSTAIN, Members: *None.*

I hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District.



Teresa Lerch, District Secretary

Approve: (seal)



Gary E. Robards, Vice-President of Board of Directors

