

ORDINANCE NO. SD 85-8

AN ORDINANCE REGARDING EMPLOYEE RELATIONS FOR CERTAIN LISTED SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS, COUNTY OF SAN BERNARDINO.

The Board of Supervisors of the County of San Bernardino, acting in its capacity as the governing board of the following special district:

County Service Areas and Improvement Zones:

- SL-1 (Valley Area)
- 8 (Twentynine Palms)
- 9 (Phelan)
- 17 (Apple Valley)
- 18 (Cedarpines Park)
- 19 (Chino-Glenmeade)
- 20 (Joshua Tree)
- 29 (Lucerne Valley)
- 30 (Red Mountain)
- 38 (Countywide Fire)
- 38-B (Camp Angelus)
- 38-E (Summit Valley)
- 38-G (Southwest Fire)
- 38-H (Colton)
- 38-I (Needles)
- 38-J (Big River)
- 38-K (Spring Valley Lake)
- 40 (Daggett/Elephant Mountain)
- 42 (Oro Grande)
- 45 (Yucca Valley)
- 48 (Carbon Canyon)
- 48-A (Carbon Canyon)
- 48-B (Carbon Canyon)
- 51 (Los Serranos)
- 53 (Big Bear)
- 53-A (Big Bear)
- 53-B (Fawnskin)
- 54 (Crest Forest)
- 56 (Wrightwood)
- 56 F-1 (Pinon Hills)
- 59 (Deer Lodge Park)
- 60 (Victorville)
- 63 (Yucaipa)
- 64 (Kalin Ranch)
- 68 (Valley of the Moon)
- 69 (Lake Arrowhead)
- 70 (Countywide)
- 70-A (Countywide)
- 70-AVIP (Apple Valley Industrial Park)
- 70-B (Helendale)
- 70-C (Helendale)
- 70-CH (Chino Hills)
- 70-CR (Crafton Hills)
- 70 D-1 (Lake Arrowhead Dam)
- 70-E (Chino Hills)
- 70-F (Morongo Valley)
- 70 FP-1 (Windy Acres)
- 70-G (Wrightwood/Oak Springs)
- 70-J (West Hesperia)
- 70-K (Victorville)
- 70-L (Pinon Hills)
- 70 L-1 (White Road)

- 70-M (Wonder Valley)
- 70 P-2 (Muscoy)
- 70 P-3 (Rim of the World)
- 70 P-4 (Phelan)
- 70 PM-1 (Lake Arrowhead)
- 70 R-2 (Twin Peaks)
- 70 R-3 (Erwin Lake)
- 70 R-4 (Cedar Glen)
- 70 R-5 (Sugarloaf)
- 70 R-8 (Riverside Terrace)
- 70 R-9 (Crest Forest)
- 70 R-11 (Preston Dr., Running Springs)
- 70 R-12 (Baldwin Lake)
- 70 R-13 (North Shore, Lake Arrowhead)
- 70 R-15 (Landers)
- 70 R-16 (Running Springs)
- 70 S-1 (Apple Valley)
- 70 S-3 (Lytle Creek)
- 70 S-4 (Forest Falls)
- 70 S-5 (Camp Angelus)
- 70 S-6 (Mountain Home)
- 70 S-7 (Barstow/Lynwood)
- 70 S-8 (North Barstow)
- 70 S-9 (Northeast Barstow)
- 70 SP-1 (Bear Valley)
- 70 SP-3 (Maple Glen Estates)
- 70 TV-2 (Morongo Valley)
- 70 W (Barstow/Hinkley)
- 70 W-1 (Goat Mountain)
- 70 W-3 (Hacienda)
- 70 W-4 (Pioneertown)
- 70 W-5 (Shoshonee)
- 70 W-6 (Chino)
- 70 W-7 (Little Morongo Heights)
- 70 W-9 (East Landers)
- 70 W-10 (West Morongo Valley)
- 72 (Havasu Lake)
- 73 (Arrowbear Park)
- 77 (Mariana Ranchos)
- 79 (Green Valley Lake)
- 82 (Searles Valley)
- 82 SV-1 (Argus Fire)
- 82 SV-2 (Searles Valley)
- 82 SV-3 (Trona)
- 82 SV-4 (Pioneer Point)
- 110 (East Valley Corridor)

Fire Protection Districts:

- Central Valley Fire Protection District
- Chino Rural Fire Protection District
- Forest Falls Fire Protection District
- Joshua Tree Fire Protection District
- Lake Arrowhead Fire Protection District
- Monte Vista Fire Protection District
- Yucca Valley Fire Protection District

Park and Recreation Districts:

- Barstow Park & Recreation District
- Big Bear Park & Recreation District
- Bloomington Park & Recreation District
- Joshua Tree Park & Recreation District
- Twentynine Palms Park & Recreation District
- Yucca Valley Park & Recreation District

Sanitation Districts:
Crestline Sanitation District

Water Districts:
San Bernardino County Waterworks District No. 8
does resolve as follows:

EMPLOYEE RELATIONS

Sections:

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Section 1. Purpose.

It is the purpose of this Ordinance:

- a. To establish an orderly system for conducting employer-employee relations between the above-listed districts and their employees.
- b. To establish a system to facilitate communications between management and employees and to provide for the exchange of information and ideas.
- c. To clarify in writing the rights and obligations of employees, employee organizations, and district management in the conduct of employer-employee relations activities.
- d. To provide a system whereby employees may make a free and unencumbered choice as to what method of representation rights and privileges they so desire to govern their working relationship with their employer.

Section 2. Definitions.

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

- a. "Authorized Employee Representation Unit" means a unit of employees job classes and/or positions established pursuant to Section 5 herein.
- b. "Certify" means the process by which the Board of Supervisors formally acknowledges an employee organization elected as the exclusive recognized employee organization that represents district employees in an authorized representation unit.
- c. "Confidential employee" means an employee so designated by the District, who in the course of his or her duties has access to information relating to the District's administration of employer-employee relations.
- d. "Consult/Consultation in Good Faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions on matters outside the scope of representation and does not involve the

exchange of proposals and counter-proposals in an endeavor to reach agreement, and is not subject to Section 10.b hereof.

e. "Day" means calendar day unless expressly stated otherwise.

f. "District" means any special purpose or taxing district listed above whose governing board is the County of San Bernardino Board of Supervisors.

g. "Emergency" means an unforeseen circumstance requiring immediate action, a sudden unexpected happening, an unforeseen occurrence or condition.

h. "Employee" means any person employed in a regular, permanent position by a District as defined herein whose governing board is the County of San Bernardino Board of Supervisors.

i. "Employee Organization" means any organization which includes employees of any District as defined herein which has as one of its primary purposes representing such employees in their relations with management.

j. "Employee Representative" means any person designated by an exclusive recognized employee organization to act on behalf of such organization.

k. "Exclusive Recognized Employee Organization" means an employee organization that has been certified by the governing body as the employee organization which has shown proof of support of thirty percent (30.0%) or more of the employees within the authorized employee representation unit.

l. "Governing Body" means the Board of Supervisors of the County of San Bernardino, acting in its capacity as the governing body of the District as defined herein.

m. "Impasse" means the representatives of the District and an exclusive 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, remain so substantial and prolonged that further meeting and conferring is not likely to produce an agreement.

n. "Interest Dispute" means a disagreement between District Management and an exclusive recognized employee organization concerning matters within the scope of representation.

o. "Management Employee" means an employee having responsibility for formulating, administering or managing the implementation of District policies or programs.

p. "Meet and Confer in Good Faith" means that District management and the exclusive recognized employee organization shall have the mutual obligation personally to meet and confer promptly upon request of 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.

q. "Memorandum of Understanding" means a written document prepared by District Management and the exclusive recognized employee organization which sets forth those matters within the scope of representation upon which both parties have agreed. Such document shall not be binding on the District(s) until such time that it has been approved by its governing body.

r. "Overlapping Unit" means a unit which contains some, but not all of the classifications or positions contained

in the unit determined to be appropriate by the Special Districts Personnel Director under this Ordinance.

s. "Peace Officer" means an officer defined in Penal Code Section 830, as that section may be amended from time to time.

t. "Professional Employees" means employees as defined in Government Code Section 3507.1, as that section may be amended from time to time.

u. "Rights Dispute" means a disagreement between District Management and an exclusive recognized employee organization or employees who are not members of an exclusive recognized employee organization, concerning the interpretation, application, or violation of any Memorandum of Understanding.

v. "Supervisory Employees" means employees of the District having authority to do any of the following: hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or to effectively recommend such action, where the exercise of such authority requires the use of independent judgment.

Section 3. District Management Rights.

Subject to the provisions of any current Memorandum of Understanding or policy statement which is in full force and effect, all management rights and functions shall remain vested exclusively with the District except those which are clearly and expressly limited in this chapter. It is recognized merely by way of illustration that such management rights and functions include but are not limited to:

a. The right to determine the mission of the District.

b. The right of full and exclusive control of the management of the District; supervision of all operations; determinations of the methods and means of performing any and all work; determination of the standard of service and composition, assignment, direction, location and determination of the size and mission of the work force.

c. The right to determine the work to be done by the employees, including establishment of levels of service and staffing patterns.

d. The right to change or introduce new or improved operations, methods, technology, means or facilities; or to contract for work to be done.

e. Subject to the Personnel Rules, the right to hire, schedule, set and enforce performance standards, promote, transfer, release, and lay off employees; to suspend, demote, reduce in step or grade, discipline, and discharge employees for cause; to prescribe qualifications for employment and determine whether they are met, including, but not limited to job classifications and to otherwise maintain orderly, effective, and efficient operation.

f. The right to take all necessary actions to carry out its mission in emergencies.

Section 4. Employee's Rights.

All employees shall have the following rights which may be exercised in accordance with State law, applicable ordinances, rules and regulations of the District, or as provided in a current Memorandum of Understanding that is in full force and effect.

a. The right to form, join and participate in the activities of employee organizations of their own choosing for the

purpose of representation on all matters of employer-employee relations.

b. The right to refuse to join or participate in the activities of employee organizations and the right to represent themselves individually in their employment relations with the District.

c. The right to be free from interference, intimidation, restraint, coercion, discrimination, or reprisal on the part of an appointing authority, supervisor, other employees, or employee organizations as a result of their exercise of rights listed in Sections 4 (a) and (b).

Section 5. Authorized Employee Representation Units.

a. **Policy and Standards for Determination of Appropriate Units.** The policy objectives in determining the appropriateness of representation units shall be (i) the effect of a proposed unit on the efficient operations of the District, (ii) the compatibility of a proposed unit with the primary responsibility of the District and its employees to effectively and economically serve the public; and (iii) provision to employees of effective representation based on recognized community of interest considerations. The appropriate unit shall be the broadest feasible grouping of positions which share an identifiable community of interest. Factors to be considered *may* be:

1. similarity of work, qualifications and working conditions between the positions;
2. history of representation in the District and elsewhere;
3. consistency with the administrative organization of the District;
4. number of employees and classifications;
5. impact on the stability of the employer-employee relationship.

b. **Certain Employees:** Notwithstanding the foregoing, management and confidential employees shall not be included in any unit with nonmanagement or nonconfidential employees, and shall be restricted from representing any employee organization which represents other employees in the District on matters within the scope of representation. Supervisory employees may be included in a unit consisting solely of supervisory employees. Professional employees may be represented in a separate unit. Peace officers shall have the right to be included in a unit comprised solely of peace officers.

c. **Allocation to Units:** The Special Districts Personnel Director, after notice to and consultation with affected employee organizations, shall allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate, or delete modified classifications or positions in accordance with the provisions of this section.

d. **Right to Determine Units:** The right to determine units and assign classifications to units is the exclusive right of management subject to the provisions of this Ordinance. The Special Districts Personnel Director shall give notice to all affected employee organizations and affected employees of any unit determination.

e. **Appeal of Special Districts Personnel Director Determinations:** An employee organization aggrieved by any appropriate unit determination of the Special Districts Personnel Director or a determination that a recognition petition, challenging petition for an overlapping unit,

decertification petition or petition for modification is not valid, may within 15 days of receipt of the notice of such determination, give written notice to the Special Districts Personnel Director that it wishes to appeal such determination.

The Special Districts Personnel Director shall then schedule a meeting with all employee organizations to try to resolve differences in the unit determination or questions of validity.

If the parties fail to agree at this meeting, the Special Districts Personnel Director shall appoint a hearing officer to conduct a hearing on the issue of the appropriateness of the unit or the validity of the petition. The employee organization shall bear the burden of proof of the lack of appropriateness of the unit proposed by the Special Districts Personnel Director or the validity of the petition. The hearing otherwise shall be conducted in accordance with the procedures set out in the Special Districts Grievance Procedure.

f. Modification of Authorized Employee Representation Units: Subject to the provisions of this chapter, an employee organization may file a petition for modification of an authorized employee representation unit. Said petition shall be in the form set forth in Section 6 (a) of this chapter, and shall include a list of position classifications in the unit claimed to be appropriate and shall be accompanied by signed employee authorization cards, as acceptable to the Special Districts Personnel Director, dated within ninety (90) days of the filing of the petition, which show proof of support of thirty percent (30.0%) or more of the employees within the proposed new representation unit, including thirty percent (30.0%) of the employees proposed to be removed from an existing unit and placed in the proposed new unit; which proposed unit must include at least twenty percent (20.0%) of the employees making up the authorized employee representation unit proposed to be modified.

The Special Districts Personnel Director shall process such petitions in the same manner as petitions for certification pursuant to provisions of this chapter and shall (1) dismiss the modification; or (2) shall determine the authorized employee representation unit(s), subject to the approval of the governing body.

The Appointing Authority at any time may propose that an authorized employee representation unit be modified. The Appointing Authority shall file with the Special Districts Personnel Director a letter containing all the relevant information concerning the proposed modification. The Special Districts Personnel Director 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. Thus determination may be appealed under Section 5.e. hereof. If a unit is modified pursuant to the motion of the Appointing Authority, employee organizations may file petitions for certification to become the exclusive recognized employee organization for any new authorized employee representation units within thirty (30) days of the creation of said unit(s), pursuant to Section 6a.

Section 6. Representation Proceedings.

a. Petition: An employee organization that desires to become an exclusive recognized employee organization of an authorized employee representation unit for the purpose of employee representation shall file with the Special Districts

Personnel Director, a written petition for certification which shall include:

1. The name and street address of the organization.
2. The names, titles, mailing address, and home and business telephone numbers of its officers.
3. The names of employee organization representatives who are authorized to speak on behalf of the organization.
4. A designation of two (2) persons and their addresses to whom notice set by regular United States mail shall be deemed full and sufficient notice to the organization for any purpose.
5. A statement that the organization has no restriction on membership based on race, color, creed, national origin, sex, age, physical handicap, political affiliation, or marital status.
6. A statement that the primary purpose of the organization is to represent employees on matters concerning wages, hours and other terms and conditions of employment.
7. The job classifications or titles of employees in the unit claimed to be appropriate.
8. 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 organization.
9. Certified copies of the employee organization's constitution and by-laws.
10. Signed employee authorization cards or a petition signed by individual employees dated within ninety (90) days of the filing of said petition which show proof of support of thirty percent (30.0%) or more of the current employees within the authorized employee representation unit.
11. A request that the petitioner be certified as exclusive recognized employee organization representing the employees in said unit. The petition, including the proof of support and all accompanying documentation, shall be declared to be true, correct and complete, under penalty of perjury, by a duly authorized officer(s) of the petitioner.

b. Response and Notice of Filing of Petition: Upon receipt of the petition, the Special Districts Personnel Director shall expeditiously determine whether:

- (i) there has been compliance with the requirements of this Ordinance; and
- (ii) the proposed employee representation unit is an appropriate unit in accord with Section 5 of this Ordinance.

If the Special Districts Personnel Director makes an affirmative determination on the above two matters, he or she shall so inform the petitioning employee organization by giving written notice of the filing of the request for recognition to: (i) all employees in the unit; (ii) all exclusive recognized employee organizations in the District; and (iii) the Appointing Authority. Notice shall be deemed given upon deposit of such notice in the U.S. Mail, postage prepaid, or upon personal delivery to the employees, an employee representative, or the Appointing Authority. The Special Districts Personnel Director then shall take no further action for thirty (30) days in order to allow for challenge under Section (c) of this section.

If the Special Districts Personnel Director does not make an affirmative determination on either of the above matters, he or she shall so inform the petitioning employee

organization in writing of the reasons therefor. If the Special Districts Personnel Director finds that the proposed employee representation unit is not an appropriate one under Section 5 of this Ordinance, he or she also shall determine the authorized employee representation unit and give the petitioning employee organization notice of that determination at the same time as he or she gives notice that the proposed unit is inappropriate.

If the petitioning employee organization agrees with the authorized employee representation unit, it shall resubmit the representation petition including the unit determined by the Special Districts Personnel Director as the proposed unit.

If the petitioning employee organization so desires, it may appeal the Special Districts Personnel Director's determination on the above matters under Section 5(e) of this Ordinance.

c. **Challenges:** Within thirty (30) days after the Special Districts Personnel Director gives notice under Paragraph (b) above, that a valid recognition petition for an appropriate unit has been filed, a challenge may be filed with the Special Districts Personnel Director by the Appointing Authority or by any employee organization which has a competing request to represent the employees in the same or an overlapping unit.

(i) The challenge shall be in the form of a petition evidencing proof of employee support of at least 30.0% of the employees in the proposed unit within the preceding ninety (90) days and shall meet all of the requirements for a recognition petition set out under Section 6.a.

(ii) Where the challenging employee organization seeks to represent the same unit, the Special Districts Personnel Director shall proceed under Sections (d) and (e) hereof.

(iii) Where the challenging employee organization seeks to represent an overlapping unit, the Special Districts Personnel Director shall call a meeting on such overlapping petitions for the purpose of ascertaining the most appropriate unit, at which time all petitioning employee organizations may be heard. Thereafter, the Special Districts Personnel Director shall determine the appropriate unit in accord with Section 5. The organizations may appeal the unit determination as set out in Section 5(e).

Once a final unit determination has been made, the Special Districts Personnel Director shall proceed as set out in (d) and (e) hereof.

d. If no challenge is filed within 30 days from the date of notification by the Special Districts Personnel Director that a valid recognition petition for an appropriate petition has been filed, or when a unit finally has been determined under (c) hereof, the Special Districts Personnel Director shall request that the governing body confirm the unit and schedule an election for the exclusive recognized employee organization.

e. **Election Procedures:** The exclusive recognized employee organization shall be determined by a secret ballot election of all employees entitled to vote in the appropriate unit, or by any other reasonable method which is based upon written proof and is designed to ascertain the free choice of the employees in the appropriate unit.

The Special Districts Personnel Director shall select a neutral third party to conduct the secret ballot election, subject to the provisions of this Ordinance.

The ballot shall include all employee organizations who have submitted valid recognition petitions for an appropriate unit as well as the choice for "no representation."

Employees entitled to vote in the election shall be those persons employed in regular, permanent positions within the 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 leave of absence, and who are employed by the District in the same unit on the date of the election.

An employee organization shall be formally recognized as the exclusive recognized employee organization for the unit following an election in which it receives a numerical majority of all valid votes cast. In an election with three or more ballot choices, where none of the choices receives a majority, a run-off election shall be conducted under the same rules and procedures between the two choices receiving the largest number of votes. The cost to conduct an election shall be borne in equal shares by the District and each employee organization on the ballot.

There shall be no more than one election (excluding any run-off election as necessary) under this Ordinance in any twelve (12) month period in the same unit.

Election results will be forwarded to the governing body by the Special Districts Personnel Director for certification.

Section 7. Decertification.

Subject to the provisions of this chapter, an employee organization of one or more employees in an authorized employee representation unit may file with the Special Districts Personnel Director a petition for decertification to determine whether or not the exclusive recognized employee organization continues to represent a majority of the employees in the authorized employee representation unit. Such petition shall contain the same information required in Section 6(a) (1-11), and shall be accompanied by proof of support of said petition by thirty percent (30%) or more of the employees in the authorized employee representation unit dated with the preceding ninety (90) days. The petition shall be processed in the same manner as a petition for certification, except that no unit determination shall be necessary.

Section 8. Timing of Petitions.

A petition for certification, decertification, or modification of an authorized employee representation unit may only be filed during a period beginning not earlier than two hundred forty (240) days and ending not later than two hundred ten (210) days before the expiration date of any Memorandum of Understanding covering the affected unit(s), approved by the Board of Supervisors, or if the Memorandum of Understanding is continued for one (1) year, then not before the first anniversary date of any continued agreement, or if the Memorandum of Understanding is for an indefinite term or for a term longer than three (3) years, before the third or any subsequent anniversary date of the agreement.

Section 9. Scope of Representation.

The scope of representation shall include all matters relating to employment conditions and employer-employee

relations, including, but not limited to wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

Section 10. Exclusive Recognized Employee Organizations Rights.

a. **Exclusive Recognized Employee Organization:** An employee organization shall be certified as the exclusive recognized employee organization only upon completion of the steps described in Section 6. An employee organization so certified must represent all employees within the unit to which it has been certified regardless of membership status in the employee organization.

b. **Representation:** An exclusive recognized employee organization shall have the right to meet and confer in good faith with authorized employee relations representatives of the District regarding matters within the scope of representation. Once agreement is reached by the representatives of the District and an exclusive recognized employee organization, they shall prepare a written memorandum of such understanding, which shall not be binding, and present it to the governing body for acceptance. If the governing body adopts the written Memorandum of Understanding, it shall become binding on the parties. The District is under no obligation to meet and confer in good faith with any employee organization, unless it has been certified as an exclusive recognized employee organization; provided, however, that an exclusive recognized employee organization may choose to coordinate bargaining on an advisory basis with another employee organization if such coordinated bargaining is acceptable to all parties.

Decertification and/or certification shall not require the negotiation of a new Memorandum of Understanding. Any Memorandum of Understanding in effect at the time of decertification or certification shall remain in full force until the Memorandum of Understanding has expired and shall be binding on any subsequent exclusive recognized employee organization, unless the parties unanimously agree to reopen the Memorandum of Understanding.

c. **Advance Notice:** Subject to the provisions of any current Memorandum of Understanding in full force and effect, and except in cases of emergency, each exclusive recognized employee organization affected shall be given a reasonable advance written notice of changes to any ordinance, rule, regulation, or proposal directly relating to matters within the scope of representation proposed to be adopted by the governing body on behalf of the District and shall have the right to meet and confer with authorized employee relations representatives and the District prior to its adoption. In cases of emergency, when the District determines that an ordinance, rule, resolution, or regulation must be adopted immediately without prior notice or meeting with an exclusive recognized employee organization, the District shall provide such notice and opportunity to meet at the earliest time following the adoption of such emergency ordinance, rule, resolution, or regulation.

d. **Employee's Appearance for Employee Organization:** District managers shall grant reasonable time off without loss of compensation or other benefits to a reasonable number of designated District employees serving

as representatives of an exclusive recognized employee organization when formally meeting and conferring with the District on matters within the scope of representation.

Section 11. Unfair Labor Practices.

a. It shall be an unfair labor practice for the District to lock out employees of the District.

b. It shall be an unfair labor practice for an employee organization or its representatives or members to participate in a strike or other concerted work action or disruption.

Section 12. Impasse Procedure.

a. If the meet and confer process has reached impasse as defined in Section 2(m) of this Ordinance, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting. An impasse meeting shall then be scheduled promptly by the Special Districts Personnel Director. The purpose of such impasse meeting shall be:

1. To identify and specify the issue or issues that remain in dispute;
2. To review the position of the parties in a final effort to resolve such disputed issue or issues; and
3. If the dispute is not resolved, to discuss utilization of the impasse procedures provided herein.

b. **Impasse Procedures.** Impasse procedures are as follows:

1. Nonbinding mediation – if the parties agree to submit the dispute to mediation, the dispute shall be submitted to nonbinding mediation. All mediation proceedings shall be private. The mediator shall make no public recommendation nor take any public position at any time concerning the issues.
2. Mutually agreed upon dispute-resolution procedure or any dispute-resolution procedure mutually agreed to by the parties or the impasse may be utilized.

c. **Payment of Costs.** Any costs of mediation or impasse procedures shall be divided equally between the District and the recognized employee organization.

Section 13. Administration.

a. **Submission of Current Information by Exclusive Recognition Employee Organization:** An exclusive recognized employee organization must submit within thirty (30) days to the Special Districts Personnel Director, revised information whenever there has been a change in any of the following items.

1. The name and street address of the organization.
2. The names, titles, mailing address, and home and business telephone numbers of its officers.
3. The names of employee organization representatives who are authorized to speak on behalf of the organization.
4. A designation of two (2) persons and their addresses to whom notice sent by regular United States mail shall be deemed and sufficient notice to the organization for any purpose.
5. A statement whether the exclusive recognized 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 organization.

6. Certified copies of any changes to the exclusive recognized employee organization's construction and/or by-laws.

b. **Payroll Deductions:** Exclusive recognized employee organizations may be authorized payroll deduction privileges for membership dues and insurance premiums for plans sponsored by such organizations upon the written authorization of employees in an authorized employee representation unit for which said organization has been certified. The providing of such a privilege to an exclusive recognized employee organization by the District shall be contingent upon any accordance with the provisions of a Memorandum of Understanding and/or applicable administrative procedures. The District reserves the right to revoke all payroll deduction privileges of the exclusive recognized employee organization during and after any period of work disruption which is sanctioned or precipitated by such exclusive recognized employee organizations.

c. **Use of District Resources:** Access to District work locations and the use of District paid time, facilities, equipment and other resources by exclusive recognized employee organizations shall be authorized only to the extent provided for in a Memorandum of Understanding and/or administrative procedures and shall be limited to activities pertaining directly to the employer-employee relationship and matters within the scope of representation and shall not interfere with the efficiency, safety or security of District operations. Access to and use of District paid time, facilities, equipment and other resources shall not be authorized for soliciting membership, campaigning for office, selling insurance plans, organization elections, or other similar activities.

Section 14. Separability.

It is understood and agreed that this Ordinance is subject to all current and future applicable Federal and State laws and regulations. If any part or provision of this Ordinance is in conflict or inconsistent with such applicable provisions of those Federal or State enactments or is otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such part or provision shall be suspended and superseded by such applicable law or regulations, and the remainder of this chapter shall not be affected thereby.

Section 15. Repeal of Ordinance Nos. 1972-2 and 1973-1.

Effective as of the effective date of this Ordinance, Ordinance Nos. 1972-2 and 1973-1 shall be repealed and be of no further force or effect.

Section 16. Effective Date.

This Ordinance shall be effective thirty (30) days from the date of its adoption.

ROBERT O. TOWNSEND, Chairman
Board of Supervisors

ATTEST:
MARTHA M. SEKERAK, Clerk of
the Board of Supervisors

STATE OF CALIFORNIA) ss.
COUNTY OF SAN BERNARDINO)

I, MARTHA M. SEKERAK, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the 15th day of April 1985, at which meeting were present Supervisors Robert O. Townsend, Chairman; John Joyner; Cal McElwain; Barbara Cram Riordan; and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: Supervisors Joyner, McElwain, Riordan, Townsend.

NOES: None.

ABSENT: Supervisor Hammock.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this 15th day of April 1985.

MARTHA M. SEKERAK,
Clerk of the Board of Supervisors
of the County of San Bernardino,
State of California