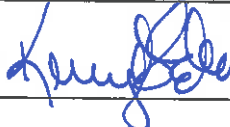
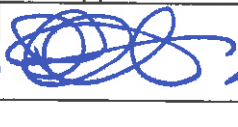
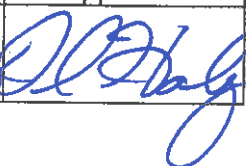




## Administrative Policy

<b>Title: Employer – Employee Relations</b>					
Administered By: Administrative Services (Human Resources)					
Policy No.	Issue Date	Revision Date	Dept. Head Approved	City Manager Approved	Mayor Approved
01400.804	05-03-78	04-5-17			

### ARTICLE I - PURPOSE

#### Section 1.1 General Purpose

The purpose of this Policy is to implement the Meyers-Millias-Brown Act by providing orderly procedures for the administration of employer-employee relations between the City and its employee organizations, and for resolving disputes regarding wages, hours, and other terms and conditions of employment.

However, nothing herein shall be construed to restrict any legal or inherent exclusive City 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, commissions 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 legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

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## **Section 1.2 Superseded Policies**

This policy supersedes and replaces the following policies, which are hereby eliminated in their entirety and are of no further force and effect:

- Resolution No. 78-59 – Resolution of the City Council of the City of Corona Relating to Employee Relations.
- Resolution No. 93-04 – Resolution of the City Council of the City of Corona Amending Resolution No. 78-59 Relating to Employee Relations.

## **ARTICLE II - DEFINITIONS AND SCOPE**

### **Section 2.1 Definitions**

- A. Appropriate Unit. The term “appropriate unit” shall mean a unit of employee classes or positions established pursuant to Section 3.6.
- B. City. The term “City” shall mean the City of Corona (where appropriate herein, “City” refers to the City Council or any duly authorized management employee as herein defined).
- C. Confidential Employee. The term “confidential employee” shall mean an employee, who, in the course of his or her duties, has access to information relating to the Agency’s administration of employer-employee relations.
- D. Consult/Consultation in Good Faith. The term “consult in good faith” or “consultation in good faith” shall mean to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions. As distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, this term does not involve an exchange of proposals and counterproposals in an endeavor to reach agreement, nor the achievement of written memoranda of understandings or agreements, nor is it subject to Article V hereof.
- E. Day. The term “day” shall mean a calendar day unless expressly stated otherwise.
- F. Employee Relations Officer. The term “employee relations officer” shall mean the City Manager or his duly authorized representative.
- G. Impasse. The term “impasse” shall mean that the representatives of the City 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

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Memorandum of Understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.

- H. Management Employee. The term “management employee” shall mean an employee having responsibility for formulating, administering or managing the implementation of Agency policies or programs.
- I. Proof of Employee Support. The term “proof of employee support” shall mean: (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 one hundred twenty days prior to the filing of a petition.
- J. Recognized Employee Organization. The term “recognized employee organization” shall mean an employee organization which has been formally acknowledged by the City as the exclusive organization representing the employees in an appropriate unit.
- K. Supervisory Employee. The term “supervisory employee” shall mean any employee having authority in the interest of the City 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.

## Section 2.2 General Scope

Unless otherwise stipulated herein, this policy applies to all City employees. All such employees shall comply with the provisions outlined in this policy. It is the responsibility of all supervision to ensure that the provisions outlined in this policy are enforced for those City employees under their authority.

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## **ARTICLE III -- REPRESENTATION PROCEEDINGS**

### **Section 3.1 Filing of Recognition Petition by Employee Organization**

An employee organization that seeks to be formally acknowledged as the Recognized Employee Organization representing the employees in an appropriate unit shall file a Recognition Petition with the 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 its primary purpose or one of its primary purposes the representation of employees in their employment relations with the City.
- 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, creed, sex, national origin, or physical handicap, and complies with all applicable laws thereon.
- I. The job classifications or 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 City. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.

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

This Recognition Petition, including 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.

### **Section 3.2 City Response to Recognition Petition**

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

- A. There has been compliance with the requirements of this Policy, and
- B. The proposed representation unit is an appropriate unit in accordance with Section 3.6.

If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, he 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 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 therefor in writing. The petitioning employee organization may appeal such determination in accordance with Section 3.8.

### **Section 3.3 Open Period for Filing Challenging Petition**

Within thirty 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 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 percent and otherwise in the same form and manner as set forth in Section 3.1. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call a meeting on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards of Section 3.6. 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 3.8.

### **Section 3.4 Election Procedure**

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 of this Policy. All employee organizations who have duly submitted petitions which have been determined to be in conformance with this Article III shall be included on the ballot. The choice of "no organization" shall also be included on the ballot. The location of each organization on the ballot shall be determined by lot.

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 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 Agency in the same unit on the date of the election.

An employee organization shall be formally acknowledged as the 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 being applicable to a run-off election.

There shall be no more than one election (and any necessary runoff) on any unit under this Policy in a twelve-month period.

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 American Arbitration Association.

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

### **Section 3.5 Procedure for Decertification of Recognized Employee Organization**

A Decertification Petition alleging that the incumbent Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Officer at any time after one full year has elapsed since recognition of the incumbent Recognized Employee

**Organization.** 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 Recognized Employee Organization sought to be decertified as the representative of that unit.
- C. An allegation that the incumbent 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 percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent 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 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 and otherwise conforms to the requirements of Section 3.1.

The Employee Relations Officer shall first determine whether the petition has been filed in compliance with the applicable provisions of this Article II. If not, the Employee Relations Officer shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization. If such determination thereafter remains unchanged, he shall return such petition to the employees or employee organization with a statement of the reasons therefor in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 3.8. If the determination of the Employee Relations Officer is in the affirmative, or if his negative determination is reversed on appeal, he shall give written notice of such Decertification or Recognition Petition to the incumbent 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 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 3.4.

### **Section 3.6 Policy and Standards for Determination of Appropriate Units**

The policy objectives for determining the appropriateness of units shall be the effect of a proposed unit on the operations of the City, the compatibility of the unit with the primary responsibility of the City and its employees to serve the public effectively and economically, and the provision to employees of effective representation based on a recognized community of interest. 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, levels of responsibility exercised, and general working conditions.
- B. History of representation in the City 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 administrative organization of the City.
- D. Number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and increase in number of units.
- E. Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more units.

Supervisory and nonsupervisory employees may have separate units or combined as one unit. Professional employees may be represented in a separate unit.

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.

### **Section 3.7 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 3.5 and only when a Recognition Petition bearing the signatures of a majority of the persons to be included in the proposed modified unit is presented to the Employee Relations Officer. Such Recognition Petition shall, in addition to the requirements set forth in Section 3.1 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 3.6 hereof. The Employee Relations Officer shall handle such Petition in the same manner as other Recognition Petitions.

The Employee Relations Officer may on his own motion propose during the period specified in Section 3.5 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. Thereafter, the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Section 3.6, 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 3.8. 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 Recognized Employee Organization for such new appropriate unit or units pursuant to Section 3.1.

### **Section 3.8 Appeals**

An employee organization aggrieved by an appropriate unit determination of the Employee Relations Officer may, within ten days of notice thereof, request the intervention of the California State Conciliation Service pursuant to Government Code Sections 3507.1 and 3507.3, or may, in lieu thereof, appeal such determination to the City Council for final decision within fifteen days of notice of the Employee Relations Officer's determination.

An employee organization aggrieved by a Petition determination of the Employee Relations Officer, or employees aggrieved by a determination of the Employee Relations Officer that a Decertification Petition has not been filed in compliance with the applicable provisions of this Article, may within fifteen days of notice of such determination appeal the determination to the City Council for final decision.

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

## **ARTICLE IV – ADMINISTRATION**

### **Section 4.1 Submission of Current Information by Recognized Employee Organizations**

All changes in the information filed with the Agency by a Recognized Employee Organization under items (A) through (H) of its Recognition Petition shall be submitted in writing to the Employee Relations Officer within fourteen days of such change.

#### **Section 4.2 Payroll Deductions on Behalf of Recognized Employee Organizations**

Upon formal acknowledgement by the City of a Recognized Employee Organization under this Policy, only such 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 Recognized Employee Organization on forms provided therefor by the City. The providing of such service to the Recognized Employee Organization by the City shall be contingent upon and in accordance with the provisions of Memoranda of Understanding and applicable administrative procedures.

#### **Section 4.3 Use of City Resources by Recognized Employee Organizations**

Access to City work locations and the use of City paid time, facilities, equipment and other resources by employee organizations and those representing them (a) shall be authorized only to the extent provided for in Memoranda of Understanding, (b) shall be limited to activities pertaining 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 (c) shall not interfere with the efficiency, economy, safety and security of City operations.

#### **Section 4.4 Administrative Rules and Procedures.**

The Employee Relations Officer is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Policy after consultation with affected employee organizations.

### **ARTICLE V -- IMPASSE PROCEDURES**

#### **Section 5.1 Initiation of Impasse Procedures**

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

- A To identify and specify in writing the issue or issues that remain in dispute;

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- B. To review the position of the parties;
  - C. To make a final effort to resolve such disputed issue or issues; and
  - D. If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

### **Section 5.2 Impasse Procedures**

Impasse procedures are as follows:

- A. If the parties agree to submit the dispute to mediation, and agree on the selection of a mediator, the dispute shall be submitted to 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.
- B. If the parties have failed to agree to submit the dispute to mediation, or have failed to agree on the selection of a mediator, or have failed to resolve the dispute through mediation within fifteen days after the mediator commenced meeting with the parties, the parties may agree to submit the impasse to fact-finding.
- C. If the parties agree on fact-finding, they may agree on the appointment of one or more fact-finders. If they fail to so agree on one or more fact-finders, a fact-finding panel of three shall be appointed in the following manner: One member of the panel shall be appointed by Employee Relations Officer, one member shall be appointed by the Recognized Employee Organization, and those two shall name a third, who shall be the chairman. If they are unable to agree upon a third, they shall select by agreement the third member from one or more lists of names to be provided by the American Arbitration Association.

### **Section 5.3 Jurisdictional and Procedural Requirements for Fact Finding**

The following are the jurisdictional and procedural requirements for fact-finding:

- A. The fact-finder(s) shall consider and be guided by applicable law.
- B. Subject to the stipulations of the parties, the fact-finder(s) shall determine and apply the following measures and criteria in arriving at findings and recommendations:
  - 1. As relevant to the issues in dispute, the fact-finder(s) shall compare the total compensation, hours and conditions of employment of the employees involved in the fact-finding proceeding with the total compensation, hours and conditions of employment of other employees performing similar

services in public and private employment in Corona and comparable communities. "Total compensation" shall mean all wage compensation, including but not limited to premium, incentive, minimum, standby, out-of-class and deferred pay; all paid leave time; all allowances, including but not limited to educational and uniform benefits; medical and hospitalization benefits; and insurance, pension and welfare benefits.

2. The fact-finder(s) shall then adjust the results of the above comparisons based on the following factors:
    - a. Equitable employment benefit relationships between job classifications and positions within the Agency, and
    - b. The benefits of job stability and continuity of employment, and
    - c. The ease or difficulty of recruiting and retaining qualified personnel.
  3. The fact-finder(s) shall then determine recommendations based on the comparisons as adjusted above subject to the financial resources of the City to implement them, taking into account:
    - a. Other legislatively determined and projected demands on agency resources, and
    - b. Assurance of sufficient and sound budgetary reserves, and
    - c. Statutory and Constitutional limitations on taxes and other revenues and expenditures.
- C. The fact-finder(s) shall make written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria, adjustments, and limitations specified above. Any member of a fact-finding panel shall be accorded the right to file dissenting written findings of fact and recommendations. The fact-finder or chairman of the fact-finding panel shall serve such findings and recommendations on the Employee Relations Officer and the designated representative of the Recognized Employee Organization. If these parties have not resolved the impasse within ten days after service of the findings and recommendations upon them, the fact-finder or the chairman of the fact-finding panel shall make them public by submitting them to the City Clerk for consideration by the City Council in connection with the Council's legislative consideration of the issues at impasse.
- D. If the parties agreed to submit the impasse directly to the City Council or if the parties did not agree on mediation or the selection of a mediator and did not agree on fact-finding, or having so agreed, the impasse has not been resolved

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through such mediation or fact-finding, the City Council shall take such action regarding the impasse as it in its discretion deems to be in the public interest. Any legislative action by the City Council on the impasse shall be final and binding.

#### **Section 5.4 Costs of Impasse Procedures**

The costs for the services of a mediator and fact-finder or chairman 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 City and the 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 VI – MISCELLANEOUS PROVISIONS**

#### **Section 6.1 Grievance Procedures**

The purpose of this Section is to provide a uniform and consistent guide for the fair, expeditious and orderly adjustment of grievances.

- A. Procedures shall include the following:
1. An employee who has a justifiable request or complaint shall discuss the complaint with the immediate supervisor in an attempt to resolve the matter.
  2. "Grievance" is defined as "a written allegation by an employee covered by a Memorandum of Understanding that there has been a misinterpretation or violation by management of that Memorandum of Understanding," which has not been settled as a result of the discussions required in (1) above.
  3. Rights which are inherent in the City Council and the City Manager by virtue of statute and federal or state administrative regulations cannot be subject to any grievance or arbitration proceedings.
  4. The filing or pendency of a grievance, under the provisions of this procedure shall in no way operate to impede, delay or interfere with the right of the City to take the action complained of, subject however, to the final decision on the grievance.
  5. No employee shall be subject to coercion or disciplinary action for discussing a request or complaint with this immediate supervisor, or for good faith filing of a grievance petition.

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6. An employee is entitled to representation in the preparation and presentation of a grievance at any step in the grievance procedure.
- B. Grievance procedures shall include the following:
1. Grievance Petition Form - All second stage grievances will be submitted to the Employee Relations Division on the prescribed form. No grievance petition shall be accepted for second stage processing until the form is complete.
  2. Presentation - All grievance petitions shall be filed within five assigned duty shifts after the supervisor's response; otherwise, the right to file a grievance petition is waived and no grievance shall be deemed to exist.
  3. Resolution - Any grievance petitions which are resolved at any step of the grievance procedure shall be final and binding on the City and the grievant.
  4. Consolidation - Grievance petitions involving the same or similar issues, filed by employees in the same representation unit, may be consolidated for presentation at the discretion of the Employee Relations Division.
  5. Withdrawal - Any grievance petition may be withdrawn by grievant at any time, without prejudice.
  6. Time Limits - Grievance petitions shall be processed from one step to the next step within the time limit prescribed in each of the steps. Any grievance for which a disposition is not made at any step within the time limit prescribed, or any extension which may be agreed to, may be referred to the next step in the grievance procedure, the time to run from the date when time for disposition expired.
  7. Resubmission - Upon consent of the Employee Relations office and the grievant, a petition may be resubmitted to a lower step in the procedure for reconsideration.
  8. Extension of Time - The time limits within which action must be taken or a decision made as specified in this policy, except for the City Council's action, may be extended by written consent of the grievant and the Employee Relations Officer.
  9. Waiver - Any step or steps in this grievance procedure can be waived by consent of both the grievant and the Employee Relations Officer.
- C. Grievance steps shall be:

1. First Stage (Immediate Supervisor)

- a. An employee who feels himself aggrieved, under this policy must present the matter to his immediate supervisor, orally.
- b. The claim of violation must be presented to the supervisor within five assigned duty shifts, of the date that the employee became reasonably aware of the violation; employees may present grievances without union representative.
- c. The supervisor will investigate the employee's allegation and attempt to resolve the complaint and will respond to the employee within three assigned duty shifts.

2. Second Stage (Department)

- a. The employee or his representative will reduce the grievance to written form and present it to the Employee Relations Division.
- b. The grievance will be filed on the form provided citing the specific violation of the Memorandum of Understanding and must be filed within five assigned duty shifts.
- c. Within seven days of the submission of the petition, the Department Head, or his designee, shall meet with the grievant and the grievant's representative, if any. No later than seven days thereafter, following consultation with the Employee Relations Division, the Department Head shall render a written disposition to the grievant.

3. Third Stage (Employee Relations)

- a. Failing to resolve the grievance at the Second Stage, the grievant will submit a written request for review within five assigned duty shifts following the date of disposition by the Department Head. The Employee Relations Officer will schedule a meeting with the grievant or his representative at a time and place mutually agreeable to the parties. The meeting will be held consistent with the following procedure:
  - (i) The representatives of the City and the grievant and grievant's representative will meet and confer on matters of interest upon written request of either party. This written request will state the nature of the

matter to be discussed and the reason(s) for requesting the meeting. Discussion shall be limited to matters set forth in the request, but these meetings will not be used to renegotiate rules, policy or regulations.

- (ii) The meeting shall be held within ten calendar days of the receipt of this written request and shall be held during normal working hours at a time and place mutually agreeable to the management and employees.
- b. The Employee Relations Officer will furnish the grievant a written record of the grievance disposition within ten days of the grievance meeting.
- 4. Fourth Stage (City Council)
  - a. If the grievance has not been resolved in the foregoing steps, the grievant or the grievant's representative shall advise the Employee Relations Officer in writing within fifteen calendar days following receipt of his disposition and advise the City Clerk that the matter is being referred to the City Council.
  - b. The City Clerk will set the matter for hearing before City Council or its Hearing Officer not less than ten or more than thirty calendar days with representatives of the union.
  - c. The decision of the City Council will be forwarded to the grievant within ten days of the conclusion of the hearing.

## Section 6.2 Construction

This Policy shall be administered and construed as follows:

- A. Nothing in this Policy shall be construed to deny to any person, employee, organization, the City or any authorized officer, body or other representative of the City, the rights, powers and authority granted by federal or state law.
- B. This Policy shall be interpreted so as to carry out its purposes as set forth in Article I.
- C. Nothing in this Policy shall be construed as making the provisions of California Labor Code Section 923 applicable to City employees or employee organizations, or of giving employees or employee organizations the right to



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participate in, support, cooperate or encourage, directly or indirectly, any strike, sickout, other total or partial stoppage or slowdown of work, or any unlawful concerted action whatsoever. In the event employees engage in such actions, they shall subject themselves to discipline up to and including termination and may be deemed to have abandoned their employment; and employee organizations may thereby forfeit all rights accorded them under this Policy and other City law for a period up to one year from commencement of such activity.

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**PRIOR VERSIONS**

ISSUED: 05-03-78

REVISED: 01-06-93

REVISED: 04-15-17