RESOLUTION NO. C-23373

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LONG BEACH AMENDING RESOLUTION
NO. C-22243, COMMONLY KNOWN AS THE
EMPLOYER-EMPLOYEE RELATIONS RESOLUTION, BY
ADDING THERETO SECTION 5.1 PROVIDING FOR
DECERTIFICATION OF EMPLOYEE ORGANIZATIONS

WHEREAS, Section 3507 of the California Government
Code authorizes a public agency to adopt reasonable rules and
regulations for the administration of employer-employee
relations; and

WHEREAS, on or about February 22, 1977 the City
Council adopted Resolution No. 22243, commonly referred to as
the "Employer-Employee Relations Resolution," which established
certain rules and regulations relating to the administration of
employer-employee relations; and

WHEREAS, said resolution did not expressly provide
for decertification of recognized employee organizations; and

WHEREAS, the City Council desires to amend said
resolution to adopt rules, regulations and procedures for the
decertification of recognized employee organizations;

NOW, THEREFORE, the City Council of the City of Long
Beach resolves as follows:

Section 1. That Resolution No. C-22243, adopted by
the City Council on or about February 22, 1977, is hereby amended
by adding thereto Section 5.1 to read as follows:

Sec. 5.1. A Petition for Decertification alleging that an employee organization granted formal recognition is no longer the majority representative of the employees in an appropriate unit may be filed by an employee organization, a single employee, or a group of employees or their representative. The Petition for Decertification shall be in writing and signed, and shall contain a declaration by the person signing it under penalty of perjury that its contents are true and correct to the best of his/her knowledge and belief. Such Petition shall contain the following information:

(i) The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.

(ii) The name of the formally recognized employee organization.

(iii) An allegation that the formally recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts.

(iv) Written proof that at least thirty percent (30%) of the employees in the unit do not desire to be represented by the formally recognized employee organization. Written proof shall mean (1) an authorization card recently signed by an employee, or (2) a verified authorization petition or petitions recently signed by an employee, or (3) employee dues deduction authorization, using the payroll period immediately prior to the date a petition is filed. The words
"recently signed" shall mean signed within sixty (60) days prior
to the filing of a Petition.

A Petition for Decertification may be filed only
during a period beginning not earlier than two hundred forty (240)
days and ending not later than one hundred eighty days (180)
before the expiration date of any such written agreement. If the
agreement is for an indefinite term or for a term longer than
three (3) years, a Petition for Decertification may be filed only
within the period beginning no earlier than two hundred forty
(240) days and ending not later than one hundred eighty (180)
days before the third anniversary date of the agreement or any
subsequent annual anniversary date.

The Petition for Decertification may be accompanied
by a Petition for Recognition by the challenging organization.
Such accompanying Petition for Recognition shall include complete
organizational information concerning the employee organization,
shall be accompanied by proof of employee approval of no less than
thirty percent (30%) of the employees in the established
appropriate unit, and shall agree to abide with any existing
Memorandum of Understanding covering said employees.

The Employee Relations Officer shall initially
determine whether the Petition for Decertification and accom-
panying Petition for Recognition, if any, have been filed in
compliance with the applicable provisions of this Resolution.
If his determination is in the negative, he shall return such
Petition(s) to the employees or employee organization with a
statement of the reasons therefor in writing. If his deter-
mination is in the affirmative, he shall post written notice
of such decertification request in areas frequented by the employees involved, and other employee organizations may file competing Petitions for Recognition for the appropriate unit within fifteen (15) calendar days of such posting. Such accompanying Petition for Recognition shall include complete organizational information concerning the employee organization, shall be accompanied by proof of employee approval of no less than ten percent (10%) of the employees in the appropriate unit, and shall agree to abide with any existing Memorandum of Understanding covering said employees.

The Employee Relations Officer shall request the State Conciliation Service, or other disinterested person or office, to call and conduct a secret ballot election in accordance with its own procedures and regulations and pursuant to the election procedures set forth in this Resolution, to determine if the formally recognized employee organization shall retain its recognition rights. The formally recognized employee organization shall be decertified provided:

1. a majority of the eligible employees in the unit vote in the election, and
2. a majority of those casting valid ballots in the election vote for another employee organization or "No Representation."

A run-off election shall be conducted within fifteen (15) days of the initial election when an election in which the ballot provided for three or more choices (including "No Representation") results in no choice receiving a majority of the valid ballots cast, and there are no valid objections to the election. The
ballot in the run-off election shall provide for a selection
between the two choices receiving the largest and second largest
number of valid votes cast. Only one run-off election shall be
conducted. All rules and procedures governing an initial election
shall apply to a run-off election.

No more than one valid decertification election
shall be held in the same unit in any twelve (12)-month period.

Sec. 2. The City Clerk shall certify to the passage of
this resolution by the City Council of the City of Long Beach,
and the same shall thereupon take effect and become operative
immediately.

I hereby certify that the foregoing resolution was
adopted by the City Council of the City of Long Beach at its
meeting of June 1, 1982, by the following vote:

Ayes: Councilmembers: Wilder, Edgerton, Hall, Clark, Kell,
Wilson, Tuttle, Rubley, Sato.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

[Signature]
City Clerk
RESOLUTION NO. C- 22243

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LONG BEACH ESTABLISHING RULES
AND REGULATIONS FOR THE ADMINISTRATION OF
EMPLOYER - EMPLOYEE RELATIONS

WHEREAS, many of the City's employees are members of employee
organizations; and

WHEREAS, these employees are increasingly looking to these
employee organizations to speak on their behalf and otherwise represent
them regarding their employment terms with the City pursuant to Chapter
10, Div. 4, Title 1 of the California Government Code; and

WHEREAS, such multiple representation amongst overlapping job
classifications under the said State law tends, in the absence of policy guide-
lines, to foster instability in the relationship between the City, its employ-
ees and the organizational representatives of the employees; and

WHEREAS, such is inimical to the public welfare and inconsistent
with the purpose of the said State law to promote full communication and
improved personnel management and employer-employee relations through
the establishment of orderly policies and procedures by local public
agencies; and

WHEREAS, the said State law specifically authorizes local public
agencies to adopt rules and regulations concerning formal recognition of
employee organizations as representing an appropriate unit of employees
for the purpose of meeting and conferring with City management;
NOW, THEREFORE, the City Council of the City of Long Beach
resolves as follows:

Section 1. The City Manager, or his duly authorized representative,
is designated the Employee Relations Officer of the City for the purpose of
implementing and administering this policy.

Sec. 2. Employee organizations that seek to be formally recognized
by the City as representing an appropriate unit of employees shall file such
a request in writing with the Employee Relations Officer, which request
shall include complete organizational information concerning the employee
organization, shall indicate by classification the unit of employees claimed
to be appropriate, shall be accompanied by proof of employee approval of
no less than thirty percent (30%) of the employees in the proposed unit, and
shall agree to abide by any existing memorandum of understanding covering
said employees.

(a) Proof of employee approval shall mean (1) an authorization
card recently signed by an employee, or (2) a verified authorization petition
or petitions recently signed by an employee, or (3) employee dues deduction
authorization, using the payroll for the period immediately prior to the date
a petition is filed. In the event of multiple dues deductions by the same
employees, the City will supply to each employee organization affected by
such cross filing a listing of employees with such multiple deductions.
This listing will be provided within 72 hours of the time a unit petition is
presented. Each employee organization will be allowed no more than seven
(7) days from date of receipt to provide the City with a corrected employee
petition(s) indicating choice for representation for those employees. The
words "recently signed" shall mean signed within sixty (60) days prior
to the filing of a petition. The only authorization which shall be considered
as proof of employee approval hereunder shall be the authorization most
recently signed by an employee.

Sec. 3. The Employee Relations Officer shall post notice of such
requests in areas frequented by the employees involved, and other em-
ployee organization(s) may file competing requests, which shall be accom-
panied by reliable and recent proof of the employee support of no less than
ten percent (10%) of the employees in the proposed unit, in the same
manner and form for the same or an overlapping unit within ten (10) days
of such posting.

Sec. 4. The determining policy criteria in establishing the appro-
priateness of the units shall be the effect of a proposed unit on (1) the
efficient operations of the City and its compatibility with the primary res-
dponsibility of the City and its employees to effectively and economically
serve the public, and (2) providing employees with the effective represen-
tation based on recognized community of interest considerations. Imple-
mentation of this policy means that the appropriate unit shall be the broad-
est feasible grouping of positions that share an identifiable community of
interest, except that in no event shall confidential or supervisory positions
be a part of a unit that includes positions other than confidential or super-
visory respectively. Appropriate employee units shall be represented by
a recognized employee organization of their own choosing in accordance
with the provisions of the Meyers-Millas-Brown Act.

Sec. 5. Formal recognition shall be for a period of not less than
one (1) year, and shall be granted only pursuant to a secret ballot election,
if contested, with all ballots to include the choice of "no representation."
In the event of a run-off election, only the two choices receiving the greatest number of votes will appear on the ballot. An employee organization which wins the secret ballot election shall have exclusive recognition subject to the right of an employee to represent himself as provided in California Government Code Section 3502. A majority of ballots cast by the employees voting will determine the results of an election.

Sec. 6. Differences of position between employee organizations requesting formal recognition or between the Employee Relations Officer and one or more of such organizations regarding the implementation and administration of this policy shall be conducted pursuant to California Government Code Sections 3507.1 and 3507.3, subject to an appeal to the City Council for final determination.

Sec. 7. The Employee Relations Officer is hereby authorized to establish such rules as he deems necessary and appropriate to implement and administer this policy after consultation with affected employee organizations, subject to an appeal to the City Council for final determination.

Sec. 8. This resolution shall be known as the Employer-Employee Relations Resolution of the City of Long Beach.

Sec. 9. The City Clerk shall certify to the passage of this resolution by the City Council of the City of Long Beach and cause the same to be posted in three (3) conspicuous places in the City of Long Beach, and the same shall thereupon take effect and become operative immediately.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of February 22,
1977, by the following vote:

Ayes: Councilmembers: PHILLIPS, EDGERTON, SIMON, KELL,
      WILSON, SATO, CARROLL, RUBLEY,
      CLARK.

Noes: Councilmembers: NONE.

Absent: Councilmembers: NONE.

City Clerk

City Clerk