

1 RESOLUTION NO. C- 23373

2
3 A RESOLUTION OF THE CITY COUNCIL OF
4 THE CITY OF LONG BEACH AMENDING RESOLUTION
5 NO. C-22243, COMMONLY KNOWN AS THE
6 EMPLOYER-EMPLOYEE RELATIONS RESOLUTION, BY
7 ADDING THERETO SECTION 5.1 PROVIDING FOR
8 DECERTIFICATION OF EMPLOYEE ORGANIZATIONS
9

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

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

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

21 WHEREAS, the City Council desires to amend said
22 resolution to adopt rules, regulations and procedures for the
23 decertification of recognized employee organizations;
24

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

27 Section 1. That Resolution No. C-22243, adopted by
28 the City Council on or about February 22, 1977, is hereby amended

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1 by adding thereto Section 5.1 to read as follows:
2 Sec. 5.1. A Petition for Decertification alleging that
3 an employee organization granted formal recognition is no longer
4 the majority representative of the employees in an appropriate
5 unit may be filed by an employee organization, a single employee,
6 or a group of employees or their representative. The Petition
7 for Decertification shall be in writing and signed, and shall
8 contain a declaration by the person signing it under penalty of
9 perjury that its contents are true and correct to the best of
10 his/her knowledge and belief. Such Petition shall contain the
11 following information:
12 (i) The name, address and telephone number of the
13 petitioner and a designated representative authorized to receive
14 notices or requests for further information.
15 (ii) The name of the formally recognized employee
16 organization.
17 (iii) An allegation that the formally recognized
18 employee organization no longer represents a majority of the
19 employees in the appropriate unit, and any other relevant and
20 material facts.
21 (iv) Written proof that at least thirty percent
22 (30%) of the employees in the unit do not desire to be repre-
23 sented by the formally recognized employee organization.
24 Written proof shall mean (1) an authorization card recently
25 signed by an employee, or (2) a verified authorization petition
26 or petitions recently signed by an employee, or (3) employee
27 dues deduction authorization, using the payroll period
28 immediately prior to the date a petition is filed. The words

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1 "recently signed" shall mean signed within sixty (60) days prior
2 to the filing of a Petition.

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

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

21 The Employee Relations Officer shall initially
22 determine whether the Petition for Decertification and accom-
23 panying Petition for Recognition, if any, have been filed in
24 compliance with the applicable provisions of this Resolution.
25 If his determination is in the negative, he shall return such
26 Petition(s) to the employees or employee organization with a
27 statement of the reasons therefor in writing. If his deter-
28 mination is in the affirmative, he shall post written notice

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1 of such decertification request in areas frequented by the
2 employees involved, and other employee organizations may file
3 competing Petitions for Recognition for the appropriate unit
4 within fifteen (15) calendar days of such posting. Such
5 accompanying Petition for Recognition shall include complete
6 organizational information concerning the employee organization,
7 shall be accompanied by proof of employee approval of no less
8 than ten percent (10%) of the employees in the appropriate unit,
9 and shall agree to abide with any existing Memorandum of Under-
10 standing covering said employees.

11 The Employee Relations Officer shall request the
12 State Conciliation Service, or other disinterested person or
13 office, to call and conduct a secret ballot election in accor-
14 dance with its own procedures and regulations and pursuant to the
15 election procedures set forth in this Resolution, to determine
16 if the formally recognized employee organization shall retain its
17 recognition rights. The formally recognized employee organiza-
18 tion shall be decertified provided:

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

24 A run-off election shall be conducted within fifteen (15) days
25 of the initial election when an election in which the ballot pro-
26 vided for three or more choices (including "No Representation")
27 results in no choice receiving a majority of the valid ballots
28 cast, and there are no valid objections to the election. The

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1 ballot in the run-off election shall provide for a selection
2 between the two choices receiving the largest and second largest
3 number of valid votes cast. Only one run-off election shall be
4 conducted. All rules and procedures governing an initial election
5 shall apply to a run-off election.

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

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

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

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

17 _____
18 Noes: Councilmembers: None.

19 Absent: Councilmembers: None.
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21 Shelba Powell
22 City Clerk
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1 RESOLUTION NO. C- 22243

2
3 A RESOLUTION OF THE CITY COUNCIL OF
4 THE CITY OF LONG BEACH ESTABLISHING RULES
5 AND REGULATIONS FOR THE ADMINISTRATION OF
6 EMPLOYER - EMPLOYEE RELATIONS
7

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

10 WHEREAS, these employees are increasingly looking to these
11 employee organizations to speak on their behalf and otherwise represent
12 them regarding their employment terms with the City pursuant to Chapter
13 10, Div. 4, Title 1 of the California Government Code; and

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

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

23 WHEREAS, the said State law specifically authorizes local public
24 agencies to adopt rules and regulations concerning formal recognition of
25 employee organizations as representing an appropriate unit of employees
26 for the purpose of meeting and conferring with City management;

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

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

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

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

1 to the filing of a petition. The only authorization which shall be considered
2 as proof of employee approval hereunder shall be the authorization most
3 recently signed by an employee.

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

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

24 Sec. 5. Formal recognition shall be for a period of not less than
25 one (1) year, and shall be granted only pursuant to a secret ballot election,
26 if contested, with all ballots to include the choice of "no representation."

1 In the event of a run-off election, only the two choices receiving the great-
2 est number of votes will appear on the ballot. An employee organization
3 which wins the secret ballot election shall have exclusive recognition sub-
4 ject to the right of an employee to represent himself as provided in
5 California Government Code Section 3502. A majority of ballots cast by
6 the employees voting will determine the results of an election.

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

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

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

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

23 I hereby certify that the foregoing resolution was adopted by the
24 City Council of the City of Long Beach at its meeting of February 22,

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1977, by the following vote:

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

Noes: Councilmembers: NONE.

Absent: Councilmembers: NONE.

Eraine Hamilton
City Clerk