



Sacramento Public Library Authority

June 17, 2013

Agenda Item 7.0: Employer-Employee Relations Policy

TO: Sacramento Public Library Authority Board

FROM: Rivkah K. Sass, Library Director
Rita M. Viviano, Human Resources Manager, Interim

RE: Employer-Employee Relations Policy

RECOMMENDED ACTION(S):

Adopt Resolution 13-28, approving the Sacramento Public Library Authority Employer-Employee Relations Policy.

REASON FOR RECOMMENDATION

The Sacramento Public Library Authority Board adopted the Library's first Employer-Employee Relations Policy (EERP) on November 17, 1993. The Employer-Employee Relations Policy is reviewed annually and revisions are recommended to the Board for adoption.

The last revision was adopted by the Authority Board on May 24, 2012. Since that time, changes have been made to the Library's position control listing, including deletions and additions of positions, as well as title changes consistent with ongoing review of positions. Exhibit A to the EERP has been updated to reflect the revisions to job titles and positions.

The revised EERP is attached as Exhibit A.

FISCAL IMPACT

There is no fiscal impact for this action.

ATTACHMENT(S):

Resolution 13-28, approving the revised Sacramento Public Library Authority Employer-Employee Relations Policy.



Sacramento Public Library Authority

RESOLUTION NO. 13-28

Adopted by the Governing Board of the Sacramento Public Library Authority on the date of:

June 17, 2013

A RESOLUTION APPROVING THE SACRAMENTO PUBLIC LIBRARY AUTHORITY EMPLOYER-EMPLOYEE RELATIONS POLICY

BE IT HEREBY RESOLVED BY THE GOVERNING BOARD OF THE SACRAMENTO PUBLIC LIBRARY AUTHORITY AS FOLLOWS:

1. The revised Sacramento Public Library Authority Employer-Employee Relations Policy, attached as Exhibit A, is hereby approved, effective June 17, 2013.

Phil Serna, Chair
Angelique Ashby, Vice Chair

ATTEST:
Rivkah K. Sass, Secretary

By: _____
Linda J. Beymer, Assistant Secretary

ATTACHMENT(S):

Exhibit A: Employer-Employee Relations Policy revised June 17, 2013



Sacramento Public Library

828 I Street, Sacramento, CA 95814

www.saclibrary.org

EMPLOYER-EMPLOYEE RELATIONS POLICY

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ARTICLE I - STATEMENT OF PURPOSE

This Resolution is enacted pursuant to California Government Code Sections 3500 et seq., to establish orderly procedures to promote full communication between the Sacramento Public Library Authority, hereinafter referred to as the Authority, and its employees by providing a reasonable method of resolving disputes regarding wages, hours and other terms and conditions of employment between the Authority and its employee organizations. It is the purpose of this Resolution to promote the improvement of personnel management and employer-employee relations within the Authority by providing a uniform basis for recognizing the right of its employees to join organizations of their own choice and be represented by such organizations in their employment relationship with the Authority and to strengthen employer-employee relations through the establishment of uniform and orderly methods of communications between employees and the Authority.

ARTICLE II –AUTHORITY OF EMPLOYEE RELATIONS OFFICER

The Authority hereby declares, as a matter of policy, that the governing body and its members will deal with employee organizations and their representatives solely through the Employee Relations Officer except when otherwise expressly provided for by the terms of this Resolution.

ARTICLE III - DEFINITIONS

1. The terms "employee organization," "recognized employee organization," and "mediation" have the meanings specified in California Government Code Section 3501.

2. The meaning of "scope of representation" is as that term is defined in California Government Code Section 3504.

3. The term "governing body" means the governing board of the Sacramento Public Library Authority.

4. Except as otherwise provided for in a collective bargaining agreement, an "employee" shall mean (a) a full-time career employee, or (b) an employee who works within one year from each date of employment, in excess of 1,040 hours during a continuous period of employment of more than six (6) months.

5. "Confidential Employee" means an employee who regularly participates in making or regularly has advance knowledge of decisions of the Authority affecting employee relations.

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

7. "Supervisory Employee" means an employee having responsibility for assigning and directing the work of other employees, or for rewarding or disciplining them, or for adjusting 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.

8. "Employee Relations Officer" means the Library Director or his/her duly authorized representative.

9. "Proof of Employee Approval" is demonstrated under this Resolution by (a) an authorization card recently signed by an employee, or (b) a verified authorization petition or petitions recently signed by an employee. The words "recently signed" mean signed within one hundred eighty (180) days prior to the filing of a petition hereunder.

10. "Impasse" means a deadlock in discussions between a recognized employee organization and the Employee Relations Officer over any matters concerning which they are required to meet and confer in good faith, or over the scope of such subject matter.

ARTICLE IV - REPRESENTATION UNIT

There shall be two Library representational units covering all employees in all classifications that are not confidential, or management. The list of classifications in the Library Unit, Supervisory Unit and the unrepresented classifications are set forth in Exhibit "A".

ARTICLE V - RECOGNIZED EMPLOYEE ORGANIZATION

A. Recognition Procedures - An employee organization that wishes to be certified as the recognized employee organization for a designated representation unit for which unit no employee organization has been certified shall file a recognition petition with the Employee Relations Officer.

1. Petition - The petition shall be signed by the organization's duly authorized officers, and shall contain the following information and documentation:

(a) The name and mailing address of the organization.

(b) The names and titles of its officers.

(c) Designation of those persons, not exceeding three in number, and their addresses, to whom notice sent by regular mail will be deemed sufficient notice on the organization for any purpose.

(d) A statement that the organization does not discriminate or restrict membership or participation based on race, color, creed, national origin, or sex.

(e) A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with the Authority.

(f) A statement that the organization agrees to comply with the provisions of this Resolution.

(g) A copy of its constitution and bylaws, if any.

(h) Identification of the representation unit for which petitioner seeks certification as the recognized employee organization.

(i) Proof of employee approval of thirty percent (30%) or more of the employees within such representation unit.

A petition shall not be considered complete until all required elements are met, including proof of employee approval.

Proof of employee approval of thirty percent (30%) or more of the employees within such representation unit shall be determined by a neutral third party, selected by the Authority and the employee organization, who shall review the authorization cards or signed petition(s) to verify approval of at least thirty percent (30%) of the employees. In the event the public agency and the employee organization cannot agree on a neutral third party, the State Mediation and Conciliation Service shall be the neutral third party and shall verify approval of at least thirty percent (30%) of the employees.

The Employee Relations Officer shall give written notice of a complete petition to the petitioner, to the employees involved and to any employee organization that has filed a written request for receipt of such notice. Within thirty (30) days of the date of such notice, other employee organizations may file a challenging petition seeking to become the recognized employee organization within such representation unit.

If any other employee organizations file a challenging petition, the neutral third party shall review the challenging petition and determine, based on the authorization cards or signed petition(s), whether the other organization has employee approval equal to at least thirty percent (30%) of the employees within the representation unit.

2. Election

(a) Calling of Election - The Employee Relations Officer shall, whether or not a challenging petition is filed, request the State Mediation and Conciliation Service to call and conduct a secret ballot election in accordance with its own procedures and regulations and pursuant to the election procedures as herein below set forth. If a challenging petition is filed, and is accompanied by proof of employee approval equal to at least thirty percent (30%) of the employees within the representation unit, the State Mediation and Conciliation service shall include such challenging employee organization on the ballot.

(b) Election Procedures - Whenever the State Mediation and Conciliation Service calls an election pursuant hereto, it shall include the choice of no organization on the ballot. Employees entitled to vote in a representational election shall be those employees within the representation unit whose name appeared on the payroll immediately prior to the date of the election. An employee organization shall be certified by the Employee Relations Officer as the recognized employee organization within the representation unit if:

(1) That employee organization has received the vote of a numerical majority of the eligible employees who vote.

(2) In an election involving three or more choices where none of the choices receives a majority of the votes cast, a run-off election shall be conducted between the two choices receiving the largest number of votes. The rules governing an initial election shall be applicable

to a run-off election.

3. Exception to Election Requirement - Where no challenging petition with the support of thirty percent (30%) of the employees within the representation unit is received, the Authority shall grant exclusive or majority recognition to an employee organization, without calling an election, based on authorization cards or signed petition(s) showing that a majority of the employees in the bargaining unit desire the representation, unless another labor organization has previously been lawfully recognized as exclusive or majority representative of all or part of the same unit. Exclusive or majority representation shall be determined by a neutral third party selected by the Authority and the employee organization who shall review the authorizations cards or signed petition(s) to verify the exclusive or majority status of the employee organization. In the event the public agency and the employee organization cannot agree on a neutral third party, the State Mediation and Conciliation Service shall be the neutral third party and shall verify the exclusive or majority status of the employee organization.

B. Decertification Procedures - A decertification petition may be filed with the Employee Relations Officer by employees or an employee organization to determine whether or not a recognized employee organization continues to represent a majority of the employees in the representation unit. Such petition must be accompanied by proof of employee approval equal to at least thirty percent (30%) of the employees within the representation unit. The time periods for a petition to be filed with the Employee Relations Officer are: a) after the first full year of recognition if no written agreement has been negotiated; b) within the period commencing ninety (90) and ending sixty (60) days immediately prior to the expiration date of a written agreement; or c) any time after a written agreement has been in effect for three years or more. When such a valid petition has been filed, the State Mediation and Conciliation Service shall be requested to conduct an election to determine whether or not the incumbent recognized employee organization shall be decertified, and where filed by an employee organization, whether such organization shall be recognized. Such election shall be in accordance with the procedures and regulations of the State Mediation and Conciliation Service, and the election requirements as set forth below:

1. If there is no other employee organization, the recognized employee organization will be decertified and the employees in the unit shall become unrepresented if more than fifty percent (50%) of all the employees eligible to vote in the unit cast votes for decertification.

2. If there is another petitioning organization, the election shall include the choice of "no organization" on the ballot. If another petitioning organization receives the votes of more than fifty percent (50%) of the total number of employees in the unit eligible to vote, then the recognized employee organization will be decertified and the petitioning employee organization will be certified as the recognized employee organization. If "no organization" receives the votes of more than fifty percent (50%) of the total number of employees in the unit eligible to vote, then the recognized employee organization will be decertified and the employees in the unit will become unrepresented. If none of the three choices receives the votes of more than fifty percent (50%) of the total number of employees in the unit eligible to vote, a run-off election shall be conducted between the two choices receiving the largest number of votes. The rules governing an initial election shall be applicable to a run-off election. The choice receiving a majority of the votes cast in the run-off shall prevail.

C. In the event that the State Mediation and Conciliation Service is unable to or unwilling to provide any of the services required of it by the foregoing, the American Arbitration Association, or another impartial third party agreed to by the Authority and the concerned employee organization, shall perform said services.

D. Costs of conducting elections, if any, shall be borne equally by the Authority and the employee organization.

E. Annually, recognized employee organizations shall file, on or before the anniversary date of recognition, a written statement with the Employee Relations Officer, indicating changes in items (a) through (g) as they appeared in the recognition petition filed pursuant to Paragraph A.1. of this Article, or as subsequently amended by a written statement hereunder, or indicating that there has been no change in such information. The statement shall be signed by the duly authorized officers of the recognized employee organization.

ARTICLE VI - MEET AND CONFER

Upon request, a recognized employee organization shall have the right to meet and confer in good faith regarding matters within the scope of representation with the Employee Relations Officer and/or his/her designees. Provided, however, that nothing herein shall require meeting and conferring between parties to an Agreement during the term of such Agreement regarding matters to take effect during such term, except that such parties may meet and confer during such term on a matter within the scope of representation where (a) the matter was not covered by the Agreement or expressly raised as an issue during the meeting and conferring process out of which such Agreement arose, and (b) there shall have arisen a significant change in circumstances with respect to such matter that could not have reasonably been anticipated by both parties at the time they signed such Agreement.

In the absence of express authorization in advance by the Employee Relations Officer, not more than a reasonable number of Authority employees representing a recognized employee organization requesting such a meeting shall be entitled to attend without loss of compensation or other benefit, nor shall more than a total of five representatives for each recognized employee organization be entitled to attend such meetings.

Authority employees who shall represent a recognized employee organization at such meeting shall give reasonable advance notice thereof to their immediate supervisor, but in no event shall such notice be given less than one full working day or shift before the meeting; except, however, that the Employee Relations Officer may, in his/her discretion, waive this requirement for advance notice.

If agreement is reached on matters subject to approval by the governing body, the parties shall jointly prepare a written Agreement, and the Employee Relations Officer shall present it to the governing body for determination. If agreement is reached on matters not subject to such approval, the Employee Relations Officer and the recognized employee organization(s) shall, at the request of one of the parties, prepare a written memorandum of such understanding.

ARTICLE VII - ADVANCE NOTICE

Except in cases of emergency as provided in this Article, the governing body shall give reasonable written notice to each recognized employee organization affected by any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the governing body, and shall give such recognized employee organization the opportunity to meet with the governing body. The governing body shall upon the request of the Employee Relations Officer or a recognized employee organization, delay consideration of the matter proposed to be acted upon for such period of time deemed to be reasonable by the governing body, to give the parties an opportunity to meet and confer thereon in order to endeavor to agree upon a joint recommendation to be made to the governing body.

In cases of emergency when the governing body determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the governing body shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution or regulation.

ARTICLE VIII - EMPLOYEE ORGANIZATIONS

Employee organizations may represent their individual employee members in individual employment relations, including grievances, pursuant to Government Code Section 3500 et. seq.

ARTICLE IX - INDIVIDUAL EMPLOYEES

Nothing in this Resolution shall be construed to restrict or in any way modify the right of an individual employee to present matters involving his/her individual employment relationship to the appropriate level of management, provided that any action taken is not inconsistent with the terms of an Agreement then in effect, and that before any action is taken which could affect the terms and conditions of employment of other employees in the representation unit, such proposed action is communicated to the recognized employee organization, which shall have the right to meet and confer regarding the proposed action.

ARTICLE X - PROHIBITION AGAINST DISCRIMINATION

No appointing authority or his/her representative shall discriminate for or against any employee organization, or in any way coerce or influence any employee in his/her free choice to join or refrain from joining any employee organization.

It is the policy of the Authority to affirmatively support and encourage equal opportunity of employment for members of racial, religious and other minority groups. If evidence of such discrimination by an employee organization comes to the attention of the Employee Relations Officer, it shall be his/her duty to refer such evidence to an appropriate legal authority having jurisdiction thereof, if any.

ARTICLE XI - APPLICATION OF LABOR CODE SECTION 923

The enactment of this Resolution shall not be construed as making the provisions of Section 923 of the Labor Code applicable to employees or employee organizations.

ARTICLE XII - IMPASSE PROCEDURES

In the event that an impasse is reached between a recognized employee organization and the Authority, the parties may request the assistance of a mediator for the purpose of assisting the parties to reach agreement. Nothing shall prevent the parties from requesting the assistance of a mediator in the absence of an impasse.

Costs of the mediation shall be divided one-half to the Authority and one-half to the recognized employee organization.

Exhibit "A"

DESIGNATION OF REPRESENTATION UNITS AND UNREPRESENTED CLASSIFICATIONS

A. The Governing Board determines that the following is the appropriate representation unit:

Library Unit

- Accounting Specialist
- Administrative Assistant
- Administrative Technician
- Accountant/Budget Analyst
- Building Maintenance Worker
- Circulation Supervisor
- Custodian
- Events Coordinator
- General Services Worker
- Information Technology Technician
- Librarian
- Library Associate
- Library Program Specialist
- Library Services Assistant
- Library Services Specialist
- Library Supervisor I
- Library Supervisor II
- Library Technician
- Literacy and Homework Center Supervisor
- Materials Handler
- Procurement-Contract Coordinator
- Public Information Coordinator
- Safety and Security Coordinator
- Senior Accounts Payable Technician
- Senior Information Technology Analyst
- Senior Information Technology Technician
- Senior Payroll Technician
- Special Projects and Remodeling Coordinator
- Technology Assistant
- Visual Communications Specialist

Supervisory Unit

Custodial and Logistics Supervisor
Field Custodial Supervisor
Information Technology Supervisor
Library Supervisor III

B. The Governing Board designates the following class titles as unrepresented classifications:

Administrative Analyst, Confidential
Administrative Assistant, Confidential
Capital Projects Manager
Collection Management Services Manager
Community Services Manager
Deputy Library Director
Director of Facilities
Finance Manager
Human Resources Manager
Human Resources Technician, Confidential
Human Resources Analyst, Confidential
Information Technology Manager
Library Communications Analyst, Confidential
Library Director
Public Services Manager
Youth and Community Services Manager