

RESOLUTION NO. 2 - 2020

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TAHOE-TRUCKEE SANITATION AGENCY ESTABLISHING RULES AND REGULATIONS FOR THE ADMINISTRATION OF EMPLOYER-EMPLOYEE RELATIONS

WHEREAS, California Government Code section 3507 authorizes a political subdivision of the State of California to adopt reasonable rules and regulations for the administration of employer-employee relations; and

WHEREAS, the Tahoe-Truckee Sanitation Agency desires to revise and supersede its existing Employer-Employee Resolution (Resolution No. 4-93),

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Tahoe-Truckee Sanitation Agency as follows:

The Board of Directors of the Tahoe-Truckee Sanitation Agency hereby adopts the following rules and regulations for the administration of employer-employee relations:

TAHOE-TRUCKEE SANITATION AGENCY EMPLOYER-EMPLOYEE RELATIONS RULES

Section 1.00 Statement of Purpose

This Resolution implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Section 3500 et seq.), captioned "Local Public Employee Organizations," by providing orderly procedures for the administration of employer employee relations between the Agency and any employee organizations; establishing uniform and orderly methods of communications among employees, employee organizations and the Agency; and providing procedures for meeting and conferring in good faith with exclusively recognized employee organizations regarding matters that directly affect and primarily involve the wages, hours, and other terms and conditions of employment of employees in appropriate bargaining units. However, nothing contained herein shall be deemed to supersede the provisions of applicable federal, state or local law.

Section 2.00 Definitions

As used herein, the following terms shall have the meanings indicated:

- 2.01 Agency. When used alone, means the Tahoe-Truckee Sanitation Agency.
- 2.02 Appropriate Unit. A grouping of Agency classification of positions for purposes of employee representation, established pursuant to these rules and regulations. "Appropriate bargaining unit" has the same meaning.

- 2.03 Board. When used alone, the Board of Directors of the Tahoe-Truckee Sanitation Agency.
- 2.04 Confidential Employee. An employee, who in the course of his or her duties, is privy to information, decision processes, and/or programs of the Agency's administration of employer-employee relations, or who assists or acts in a confidential capacity to persons who formulate, determine and/or effectuate the Agency's policies relating to labor relations. The Agency may designate Confidential Employee positions. This term is distinct from employees that handle confidential legal or personnel information.
- 2.05 Consult/Consultation in Good Faith. To communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process.
- 2.06 Department Head. The highest management level person having overall supervisory responsibility over an established department.
- 2.07 Day. Calendar day unless expressly stated otherwise.
- 2.08 Employee. A person employed by the Agency (full-time or part-time) in an authorized position or who is on authorized leave-of-absence from such a position.
- 2.09 Employee Relations Officer. The General Manager or his/her designee in the absence of the General Manager.
- 2.10 Exclusively Recognized Employee Organization. An employee organization which has been formally acknowledged by the Agency as the employee organization that solely represents the employees in an appropriate bargaining/representation unit pursuant to these rules and regulations, and has one of its primary purposes representing such employees in their employment relations with the Agency.
- 2.11 Impasse. The point when the representatives of the Agency and an exclusively recognized employee organization have reached a deadlock in their meet and confer over matters with the scope or representation.
- 2.12 Majority. More than fifty (50) percent.
- 2.13 Management Employee. An employee having responsibility for formulating, administering or managing the implementation of Agency policies or programs, managing departments, major divisions of departments or of functions, or having responsibility for directing and/or overseeing the work of subordinates through lower level supervision. Management Employees are designated by the General Manager consistent with this Resolution.

- 2.14 Management Representative. The Agency's General Manager or any person or organization duly authorized by the Agency Board of Directors to represent the Agency in the meet and confer with an exclusively recognized employee organization.
- 2.15 Mediation. The efforts of an impartial third person or persons, functioning as an intermediary, to assist the Agency and exclusively recognized employee organization in reaching a voluntary resolution of an impasse in their meet and confer.
- 2.16 Meet and Confer. The process whereby representatives of the Agency and of an exclusively recognized employee organization in good faith exchange information, opinions, and proposals to endeavor to reach agreement on wages, hours, and other terms and conditions of employment within the scope of representation, as contemplated by Government Code section 3505.
- 2.17 Professional Employee. Any employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, those classes of employees defined in Government Code Section 3507.3.
- 2.18 Proof of Employee Support. A petition submitted by an employee organization to the Agency Employee Relations Officer that demonstrates proof of approval by at least 30% of the employees in an appropriate bargaining unit which the employee organization seeks to represent, decertify or modify. The proof may be by any of the following means: (1) a petition that is personally signed and dated by employees; (2) employee authorization cards personally signed and dated by the employees; or (3) documented evidence of current dues-paying employee organization membership or payroll dues deductions, using the payroll period immediately prior to the date the petition is filed. For purposes of (1) and (2) above, in order to be acceptable proof of employee support, the signatures of the employees must be: (a) from employees currently employed in regular authorized positions within the appropriate bargaining unit on the date the petition is filed: and (b) the signatures must have been executed within 90 calendar days prior to the date the petition is filed. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee.
- 2.19 Scope of Representation. All matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, but not including consideration of the merits, necessity, or organization of any service or activity provided by law or executive order under Government Code section 3504.
- 2.20 Supervisory Employee. Any employee having authority, in the interest of the Agency, to hire, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing, the exercise of authority is not of a merely routine or clerical nature but requires the use of independent judgment.

- 2.21 Valid Election. An election held pursuant to procedures contained in these rules and regulations which results in one choice having a majority of the valid votes cast in its favor.

Section 3.00 Agency Rights

3.01 The Board of Directors retains the exclusive right, except as otherwise noted herein, to manage the Agency, and to carry out its constitutional, statutory, financial, and managerial functions and responsibilities. Nothing in these rules and regulations shall be construed to require the Agency to meet and confer on any matter which is hereby determined to be an exclusive right of the Agency. The exclusive rights of the Agency include, but are not limited to:

- (a) Manage the Agency generally and determine the issues of policy, to include the determination of facts as the basis of management decision;
- (b) Determine the necessity for and organization of any service or activity conducted by the Agency, to expand or diminish services, and to set the standards of service to the public;
- (c) Determine the nature, manner, means, technology, equipment, facilities, personnel, and extent of services to be provided to the public;
- (d) Determine the methods, means, and priority of financing all operations of the Agency;
- (e) Determine the organizational structure, staffing size and composition, and to allocate and assign the work by which Agency operations are to be conducted including the content of job classifications;
- (f) Contract or subcontract work performed for the Agency as deemed appropriate for the efficient operation of the Agency;
- (g) Schedule employees in accordance with work requirements as determined by the Agency, and to establish and modify work schedules and assignments;
- (h) Lay off employees from partial or total duties because of lack of work or funds, or other legitimate reasons;
- (i) To dismiss, suspend without pay, demote, reprimand, transfer, withhold merit increases, or otherwise discipline employees, subject to the requirements of law;
- (j) Determine minimum qualifications, job duties, selection procedures and standards, and job classifications, and to reclassify employees when operational conditions warrant;

- (k) Hire, transfer, promote, and demote employees for non-disciplinary reasons;
- (l) Determine policies, procedures, rules, and practices governing the administration of personnel matters that do not conflict with, or contravene, application to employees covered by an active Memorandum of Understanding, and to require compliance therewith;
- (m) Restrict the activity of any employee or person on Agency property except as set forth in these regulations;
- (n) Take any and all necessary actions to carry out the mission of the Agency in emergencies; and
- (o) Determine which Agency employees are management, supervisory and confidential personnel.

Section 4.00 Employee Rights

- 4.01. Agency employees shall have the right to join and participate in the lawful activities of an employee organization for the purpose of representation on matters of employee relations. Employees shall also have the right to refuse to join or participate in the activities of an employee organization and shall have the right to represent themselves individually at any time in their employment relations with the Agency.
- 4.02 No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the Agency or by any employee organization because of the exercise of these rights.
- 4.03 Professional employees shall not be denied the right to be represented separately from non-professional employees by a professional employee organization consisting of such professional employees in an appropriate bargaining unit consistent with these rules.

Section 5.00 Rights of Recognized Employee Organizations

- 5.01 An exclusively recognized employee organization shall have the following rights with regard to employees in its bargaining unit:
 - (a) To represent employees in the unit in their employment relations with the Agency and to meet and confer in good faith with management representative(s) on matters within the scope of representation.
 - (b) Except in cases of emergency, to have reasonable written notice of any proposed ordinance, rule, resolution, or regulation directly relating to matters within the scope of its representation and the opportunity to meet with the Board or its management representative prior to the adoption of such proposal. In cases of emergency when the Board determines that an ordinance, rule, resolution or

regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the Board shall provide such notice and the opportunity to meet at the earliest practical time following the adoption of such ordinance, rule, resolution or regulation.

- (c) For an authorized representative of the exclusively recognized employee organization to have reasonable access to Agency facilities to speak with members of the bargaining unit for the purpose of processing grievances or other matters within the scope of representation provided he/she has first made arrangements with the management or supervisory employee in charge. This right does not extend to contacting Agency employees during the work time of employees who are not employees in the unit represented by the particular employee organization. Any soliciting of members or other internal employee organization business shall be conducted only during the non-work time of all employees concerned. The recognized employee organization's access must not interfere with the normal operations of the department or Agency and must comply with established safety and/or security requirements.
- (d) To have a reasonable number of employee representatives allowed reasonable time off without loss of compensation or other benefits when the exclusively recognized employee organization is formally meeting and conferring with designated management representative(s) on matters within the scope of representation or as otherwise provided in Government Code section 3505.3.
- (e) Payroll deductions of membership dues and for other allowable purposes, such as deductions for premiums for participation in employee benefit programs sponsored in whole or part by the exclusively recognized employee organizations, as provided in Section 9.02 of these rules and regulations.
- (f) To reasonable use of Agency facilities during non-work hours for meetings with employees upon timely application in writing stating the purpose for such use, provided that space is available. The Agency reserves the right to condition such use on payment of appropriate charges to offset the cost of such use of the facilities.
- (g) To the use of reasonable space on bulletin boards as specified by the Agency for posting notices of the employee organization's meetings, social events, elections, appointments, news alerts and newsletters. All materials shall be posted upon the bulletin board space designated and not upon walls, doors, file cabinets or any other place. Posted materials shall not be obscene, defamatory, of a partisan political nature, misleading, or violative of any federal, state or local ordinance, law, statute or rule. Such materials shall not pertain to public issues which do not involve the Agency and its relations with employees. All posted materials shall be neatly displayed and bear the identity of the sponsor and the date of posting. Unless special arrangements are made, materials posted will be removed 31 days after the publication date. The Agency reserves the right to determine where

bulletin boards may be used. Any employee organization that does not abide by these rules shall forfeit its right to have materials posted on Agency bulletin boards for such period as determined by the Agency.

- (h) To reasonable access to nonconfidential information pertaining to employment relations as contained in the public records of the Agency, subject to limitations and conditions set forth in this rule and the California Public Records Act, Government Code section 6250, et seq. Such information will be made available during regular office hours and after payment of reasonable costs, where applicable. Nothing herein shall be construed to require disclosures which constitute an unwarranted invasion of privacy or are gathered pursuant to promises to keep the source confidential. Nor shall anything herein be construed to require disclosure of records that are working papers or memoranda not retained in the ordinary course of business, records pertaining to litigation to which the Agency is party, or to claims or appeals which have not been settled. The Agency shall not be required to do research or assemble data in a manner other than that usually done by the Agency.
- (i) Any other rights granted recognized employee organizations by Sections 3500-3511 of the Government Code.

Section 6.00 Representation Proceedings and Decertification

6.01 **Filing of Recognition Petition by Employee Organization.** An employee organization that seeks to be formally acknowledged as the Exclusively Recognized Employee Organization representing the employees in an appropriate unit shall file a 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 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 one of its primary purposes, representing employees in their employment relations with the Agency.
- (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 by-laws.

- (g) A designation of those persons, not exceeding two in number, and their addresses, to whom notices 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 any basis protected by local, state or federal law, such as race, color, creed, sex, ancestry, marital status, disability, medical condition, national origin, religion, sexual orientation, gender identity, gender expression, age, or military or veteran status.
- (i) The appropriate unit the employee organization wishes to represent, the job classifications or position titles of employees in the appropriate unit for which the petition is filed 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 in the appropriate unit. Such written proof shall be submitted for confirmation to the Employee Relations Officer.
- (k) A request that the Board of Directors formally acknowledge the petitioner as the Exclusively Recognized Employee Organization representing the employees in the appropriate unit for the purpose of meeting and conferring in good faith.

6.02 The petition, including the 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.

6.03 Agency Response to Recognition Petition. Upon receipt of the Petition, the Employee Relations Officer shall determine whether: (1) There has been compliance with the requirements of the Recognition Petition; and (2) The proposed representation unit is one of the appropriate units set forth in Section 7.03 of these rules and regulations.

- (a) If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, the Officer shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and any employee organization previously recognized, and shall take no action on said request for thirty (30) days thereafter.
- (b) 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 8.00 of these rules and regulations.
- (c) The Agency shall formally acknowledge the employee organization as the exclusively recognized employee organization without an election under Section

6.05 below when the following has been satisfied: (i) the Employee Relations Officer has made an affirmative determination concerning (1) and (2) above; (ii) no other employee organization has been previously recognized by the Agency as the current exclusively recognized employee organization of all or part of the same unit; (iii) no valid challenging petition has been filed in accordance with section 6.04; and (iv) a neutral third party agreed to by the Agency and employee organization has reviewed the proof of support and verified the majority status of the employee organization in the bargaining unit (in the absence of agreement concerning the neutral third party, the verification of proof of majority status will be determined by the State Mediation and Conciliation Service). The Agency and employee organization can agree that the determination in (iv) will be made by the Employee Relations Officer. The Employee Relations Officer shall notify the employee organization, the departments concerned, the employees in the bargaining unit represented, and such other persons or organizations as the Employee Relations Officer deems appropriate of the determination that the Agency has acknowledged the employee organization as the exclusively recognized employee organization of the bargaining unit.

- 6.04 Open Period for Filing--Challenging Petition. Within thirty (30) days of the date written notice was given to affected employees by means of posting on Agency bulletin boards that a valid recognition petition for an appropriate unit has been filed, any other employee organization (hereafter referred to as the “challenging organization”) may file a competing request to be formally acknowledged as the exclusively recognized employee organization of the employees in the same unit, by filing a petition for recognition evidencing proof of employee support in the unit of at least thirty (30) percent and otherwise in the same form and manner as set forth in Section 6.01. The Employee Relations Officer shall determine whether: (1) the challenging petition is timely; and (2) the petition complies with the requirements set forth in section 6.01. If the Employee Relations Officer affirms such matters and the challenging organization has submitted proof of support of at least 30% of the employees in the appropriate bargaining unit, both the petitioning employee organization and the challenging organization shall submit their respective proof of support to a neutral third party agreed to by the Agency and employee organizations for verification. In the absence of an agreement, the verification shall be conducted by the State Mediation and Conciliation Service. Upon verification by the neutral third party that the challenging organization and petitioning employee organization have each submitted proof of support of at least 30% of the employees in the appropriate bargaining unit, a secret ballot election shall be held as provided in section 6.05.

If no timely and/or valid challenging petition has been filed, the determination of whether the petitioning employee organization has valid proof of majority support in the appropriate bargaining unit shall be determined in accordance with section 6.03(c) above. In the event the employee organization’s proof of support is not verified as proving majority support but has been verified as proving at least 30% support among the employees in the appropriate bargaining unit, a secret ballot election will be conducted in accordance with section 6.05.

6.05 Election Procedure. When an election is required under these rules, the Employee Relations Officer shall arrange for a secret ballot election to be conducted by a neutral third party agreed to by the Employee Relations Officer and the employee organization(s) or, in the absence of agreement, by the State Mediation and Conciliation Service (hereafter "election officer"), and verified by the Employee Relations Officer and one representative of each of the concerned employee organization(s), in accordance with the election officer's rules and procedures and subject to the provisions of these rules and regulations.

- (a) All employee organizations who have duly submitted petitions which have been determined to be in conformance with the applicable rule(s) shall be included on the ballot, as shall be a choice designated as "No Organization".
- (b) Employees entitled to vote in such election shall be those persons employed in regular positions within the designated 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 absence, and who are employed by the Agency in the same unit on the date of the election.
- (c) An employee organization receiving a majority of the valid votes cast in the election certified as valid by the election officer shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated appropriate unit following an election or run-off 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.
- (d) There shall be no more than one valid election under these rules and regulations pursuant to any petition in a 12 month period affecting the same unit.
- (e) Cost of conducting election, if any, shall be borne in equal shares by each employee organization appearing on the ballot.

6.06 Procedure for Decertification of Recognized Employee Organization. A Decertification Petition alleging that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may not be filed with the Employee Relations Officer for at least 12 months from the Agency's recognition of the employee organization as the exclusively recognized employee organization of the bargaining unit. If no memorandum of understanding is in effect at the time, a request for decertification may be filed at any time after the above-mentioned 12 months period. If a memorandum of understanding is in effect for the bargaining unit in question, then the petition for decertification shall only be processed when filed during a thirty (30) day period commencing one hundred twenty (120) days prior to the

expiration date of a Memorandum of Understanding then having been in effect more than one (1) year. 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 names of the established appropriate unit and of the incumbent Exclusively Recognized Employee Organization sought to be decertified as the representative of that unit.
- (c) An allegation that incumbent Exclusively 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) Written Proof of employee support that at least thirty (30) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent Exclusively Recognized Employee Organization or wish to be represented by another employee organization. Such proof shall be submitted for confirmation within the time limits specified in the first paragraph of this Section.

In addition to the above, an employee organization filing a Decertification Petition must further file a Petition in the form of a Recognition Petition that evidences proof of employee support of at least thirty (30) percent of the appropriate bargaining unit and otherwise conforms to the requirements of Section 6.01.

The Employer Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Section. If the Officer's determination is in the negative, the Officer shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization, and, if such determination thereafter remains unchanged, 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 8.00 of these rules and regulations. If the determination of the Employee Relations Officer is in the affirmative, or if the Officer's negative determination is reversed on appeal, verification of the 30% proof of support shall be determined in accordance with the same procedures in Section 6.04 above, and upon verification the Officer shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees.

The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held at a reasonable time 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 6.05.

If, pursuant to this Section, a different employee organization is formally acknowledged as the Exclusively Recognized Employee Organization, such organization shall be bound by all the terms and conditions of any Memorandum of Understanding then in effect for its remaining term.

Section 7.00 Unit Determination

7.01 Policy and Standards for Determination of Appropriate Units. The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the Agency and its compatibility with the primary responsibility of the Agency and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. Factors to be considered in assigning classifications to units shall be:

- (a) An appropriate unit will contain when feasible and appropriate the largest grouping of Agency employees having a community of interest and constituting an entity appropriate for representation purposes in order to minimize fragmentation of units;
- (b) Past history of employee representation in the unit, among other Agency employees, and similar public employment;
- (c) The effect of the proposed unit on the efficient operations of Agency service and employee relations;
- (d) Similarity of duties, responsibilities, skills, wages, required qualifications, education and working conditions;
- (d) The effect on existing classification structure in dividing a classification among two or more units; and
- (e) The statutory right of professional employees to be represented separately from nonprofessional employees.

7.02 Notwithstanding the foregoing provisions of this Section, management, supervisory and confidential employees may be included only in units that do not include non-managerial, non-supervisory and non-confidential employees; such management, supervisory and confidential employees shall not represent a recognized employee organization which represents other employees of the Agency; and professional employees shall not be denied the right to be represented in a separate unit from non-professional employees. Currently, the Agency deems the following classifications as non-supervisory/non-managerial professional classifications for which a separate bargaining unit has been

established under Section 7.03 below: Chemist I/II/III, Assistant/Associate Engineer, Safety Officer and Information Technology Specialist. Currently, the Agency deems the following supervisory/managerial classifications as professional classifications and any employee in these classifications may request to establish a separate supervisory and/or managerial professional bargaining unit(s): Chief Plant Operator, Senior Engineer, Laboratory Director, Engineering Department Manager, and Information Technology Department Manager.

7.03 Units Established. The following bargaining units are hereby established as appropriate bargaining units:

(a) **General Unit** comprised currently of the following classifications: Operator in Training, Operator I/II/III, Lead Maintenance Mechanic, Maintenance Mechanic I/II/III, Inventory Control Specialist, Instrumentation and Electrical Technician I/II/III, Administrative Assistant I/II, Accounting Technicians I/II, Customer Service Specialist I/II, Purchasing Agent I/II.

(b) **Professional/Technical Unit** comprised currently of the following classifications: Chemist I/II/III, Assistant/Associate Engineer, Safety Officer and Information Technology Specialist.

(c) **Supervisory/Managerial Unit** comprised currently of the following classifications: Operations Supervisor, Operations Shift Supervisor, Instrumentation and Electrical Supervisor, Maintenance Supervisor, Customer Service Supervisor, Accounting Supervisor, Senior Engineer, Chief Plant Operator, Laboratory Director, Operations Department Manager, Maintenance Department Manager, Information Technology Department Manager, Engineering Department Manager and Administrative Department Manager.

7.04 Allocation of Classifications to Units. The Employee Relations Officer shall allocate new classifications or positions, delete eliminated classifications or positions and retain, reallocate or delete classifications or positions from units in accordance with the provisions of this Section after consulting with affected exclusively recognized employee organization(s).

7.05 Procedure for Modification of Established Appropriate Units.

(a) By an exclusively recognized employee organization: A request by an exclusively recognized employee organization for modifications or redefinition of established appropriate unit(s) may be made to the Employee Relations Officer only when: (1) no memorandum of understanding exists between the Agency and the exclusively recognized employee organization and no existing memorandum of understanding applies to the classification(s) subject to the request; or (2) no sooner than 120 calendar days and no later than 90 calendar days before the expiration of the memorandum of understanding between the Agency and

exclusively recognized employee organization. Such requests shall be submitted in the form of a formal proposal or Recognition Petition, which in addition to the requirements set forth in Section 6.01 of these rules and regulations, shall 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 Sections 7.01-7.02 hereof. The Employee Relations Officer shall process such petitions or formal proposals as other Recognition Petitions under Section 6.00.

- (b) By the Agency: The Employee Relations Officer may, on his/her own motion, propose at any time that a newly created classification be assigned to a particular bargaining unit. The Employee Relations Officer shall give written notice of the proposed bargaining unit assignment to any affected exclusively recognized employee organization(s) and shall hold a consultation concerning the proposed modification(s), at which time all affected exclusively recognized employee organizations shall be heard if they so desire. Thereafter the Employee Relations Officer shall determine the appropriate bargaining unit assignment for the new classification(s) consistent with Sections 7.01 and 7.02, subject to approval of the Board of Directors. The Employee Relations Officer shall give written notice of the proposed decision regarding the bargaining unit assignment(s) for the new classification(s) to the affected employee organization(s) prior to approval of the Board.

In the event an applicable memorandum of understanding exists, an Agency's motion/petition for unit modification or redefinition for any purpose other than the above (relating to the assignment of a newly created classification(s)) must be made no sooner than 120 calendar days and no later than 90 calendar days before the expiration of the applicable memorandum of understanding. The Employee Relations Officer shall give written notice of such proposed modification to the affected exclusively recognized employee organizations, and hold a consultation with it/them, at which time the affected exclusively recognized employee organizations shall be heard if they so desire. Thereafter, the Employee Relations Officer shall determine the modification of the bargaining unit(s) in accordance with Sections 7.01 and 7.02, subject to approval of the Board of Directors. The Employee Relations Officer shall give written notice of such modification or redefinition to the affected employee organization(s) prior to approval of the Board.

If a unit is modified or redefined pursuant to the motion of the Employee Relations Officer hereunder and if such modification or redefinition results in a substantial change in a pre-existing unit, employee organizations may thereafter file Recognition Petition(s) seeking to become the exclusively recognized employee organization for such new or redefined appropriate unit(s) pursuant to Section 6.01 hereof.

Section 8.00 Appeals

- 8.01 Appeals. An exclusively recognized employee organization aggrieved by an allocation/assignment of a new classification(s) to a unit by the Employee Relations Officer under Section 7.04 and/or Section 7.05(b) may, within ten (10) days of notice thereof, appeal such determination to the Board of Directors for final decision.
- 8.02 An employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Sec. 6.01), Challenging Petition (Sec. 6.04), a Decertification or Recognition Petition (Sec. 6.06), or a unit modification petition by an exclusively recognized employee organization or Agency under section 7.05(a) or (b) (except those that pertain to the allocation/assignment of a newly created classification - see 8.01 above), or an employee aggrieved by a determination of the Employee Relations Officer that a Decertification Petition (Sec. 6.06) has not been filed in compliance with the applicable provisions of these rules and regulations, may, within fifteen (15) days of notice of such determination, appeal the determination to the Board of Directors for final decision.
- 8.03 Appeals to the Board of Directors shall be filed in writing. Decisions of the Board determining the substance of the dispute shall be final and binding.

Section 9.00 Administration

- 9.01 Maintenance of Recognized Status and Submission of Current Information. A Recognized Employee Organization shall furnish to the Employee Relations Officer all changes in the information filed with the Agency by such recognized employee organization under items (a) through (k) of its Recognition Petition under Section 6.01 within fourteen (14) days of such change.
- 9.02 Payroll Deductions on behalf of Employee Organizations. Upon formal certification by the Agency of an Exclusively Recognized Employee Organization, such recognized employee organization may be provided payroll deductions of membership dues and other appropriate deductions only upon the written authorization of employees in the unit represented by such a recognized employee organization.
- 9.03 Administrative Rules and Procedures. The Employee Relations Officer is hereby authorized to establish such administrative rules and procedures, not in conflict with these rules and regulations, as appropriate to implement and administer the provisions of these rules and regulations after consultation with affected employee organizations.

Section 10.00 Miscellaneous Provisions

- 10.01 Construction. These rules and regulations shall be administered and construed as follows:
- (a) Nothing herein shall be construed to deny to any person, employee, organization, the Agency, or any authorized officer, body or other representative of the Agency,

the rights, powers and authority granted by Federal or State law or local resolutions and ordinances.

- (b) These rules and regulations shall be interpreted so as to carry out its purposes as set forth in Section 1.00.
- (c) Nothing herein shall be construed as making the provisions of California Labor Code Section 923 applicable to Agency employees or employee organizations.

10.2 Impasse Procedures. After a bona fide effort has been made to meet and confer in good faith on a matter within the scope of representation and such efforts fail to result in an agreement, the exclusively recognized employee organization and Agency can by mutual agreement attend mediation in an effort to resolve the impasse. The mediation will be conducted by a mediator from the State Mediation and Conciliation Service or such other mediator mutually agreed to by the parties. Any mediation fees/costs shall be shared equally by the parties.

Section 11.00 Severability

11.01 If any provision herein, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of these rules and regulations, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 12.00 Implementation

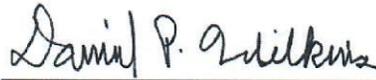
12.01 The rules and regulations herein governing employer employee relations shall become effective upon adoption by the Board of Directors.

Section 13.00 Prior Policies Repealed

13.01 To the extent that the terms and provisions of these rules and regulations may be inconsistent or in conflict with the terms or provisions of any other or prior employer-employee relations policies and procedures, ordinances, resolutions, rules or regulations of the Agency governing the same subject, the terms of these rules and regulations shall prevail and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules or regulations are hereby repealed.

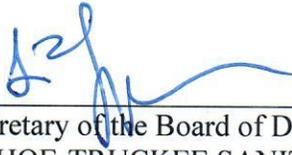
PASSED AND ADOPTED by the Board of Directors of the Tahoe-Truckee Sanitation Agency on this 15th day of April 2020 by the following roll call vote:

AYES: Directors Wilkins, Northrop, Lewis, Tresan and President Cox
NOES: None
ABSTAIN: None
ABSENT: None



Dan Wilkins, Vice President
Board of Directors
TAHOE-TRUCKEE SANITATION AGENCY

Attest:



Secretary of the Board of Directors
TAHOE-TRUCKEE SANITATION AGENCY