

**RESOLUTION NO. 82-034**

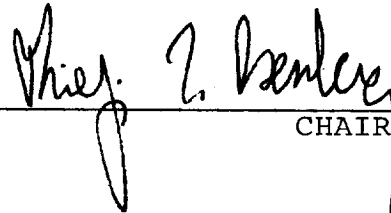
ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO  
ON DATE OF

July 27, 1982

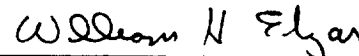
AMENDING EMPLOYER-EMPLOYEE RELATIONS POLICY  
TO IMPLEMENT PROPOSED BARGAINING UNITS

BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY  
OF SACRAMENTO:

Section 1. The Employer-Employee Relations Policy  
is hereby amended to implement the proposed bargaining units  
as delineated in the attached Exhibit "A".

  
\_\_\_\_\_  
CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
SECRETARY

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## EMPLOYER-EMPLOYEE RELATIONS POLICY

Be it resolved by the Housing Authority of the City of Sacramento, and the Redevelopment Agency of the City of Sacramento, hereinafter referred to as the Sacramento Housing and Redevelopment Agency (SHRA):

ARTICLE I Statement of Purpose

This Resolution is adopted pursuant to Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500, et seq,) to establish orderly procedures to promote full communication between the SHRA and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment. It is the purpose of this Resolution to promote the improvement of personnel management and employer-employee relations within the SHRA 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 SHRA.

Nothing contained herein shall be deemed to supersede the provisions of existing laws, ordinances, or any other regulations which govern the operations of the SHRA. This Resolution is intended, instead, to strengthen employer-employee relations through the establishment of uniform and orderly methods of communications between the employees and the SHRA.

ARTICLE II Authority of Employee Relations Officer

SHRA hereby declares, as a matter of policy, that the local governing body and its members will deal with employee organizations and their representatives solely through the Employee Relations Officer or his designated representative 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 Government Code Sec. 3501.
2. The term of "scope of representation" has the meaning specified in Government Code Sec. 3504.
3. The term "governing body" means both the governing body of the Redevelopment Agency of the City of Sacramento and the governing body of the Housing Authority of the City of Sacramento.
4. The term "employee" shall mean (a) a full-time permanent 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.

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5. The term "Employee Relations Officer" means the Executive Director or his duly authorized representative.
6. The term "Management Employee" means an employee having a responsibility for formulating, administering or managing the implementation of SHRA policies and programs.
7. The term "Confidential Employee" means an employee who regularly participates in making or regularly has advance knowledge of decisions of the SHRA affecting employee relations.
8. The term "Administrative and Technical Employee" means an employee assigned to a position which requires considerable independent judgment and action in carrying out general assignments and that entails knowledge and training in a specialized field of technical services applicable to SHRA operations.
9. The term "General Clerical and Service Employee" means an employee who provides typing, stenographic, tenant services or general clerical or service tasks necessary for the operation of the SHRA.
10. The term "Memorandum of Understanding" means a written statement prepared in accordance with Government Code Section 3505.1 and approved by the legislative body.
12. The term "Proof of Employee Approval" means an authorization card recently signed by an employee, or a verified authorization petition or petitions recently signed by an employee. Where an employee's name appears on more than one card or petition, the employee's name shall not be considered in the "Proof of Employee Approval" for any employee organization.
13. The term "recently signed" means signed within 90 days prior to the filing of a petition hereunder.
14. The term "Impasse" means a deadlock in discussions between a recognized employee organization and the Employee Relations Officer over matters which they are required to meet and confer in good faith, or over the scope of such matters.

#### ARTICLE IV Representation Units

The representation units set forth in Exhibit "A" attached hereto are the appropriate units for representation by recognized employee organizations.

#### ARTICLE V Recognized Employee Organizations

An employee organization that wishes to be certified as the recognized employee organization for a designated representation unit for which 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, age, marital status, religion, sex, or political affiliation.
- e) A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with SHRA.
- f) A statement that the organization agreed to comply with the provisions of this Resolution.
- g) A copy of the organization's Constitution and Bylaws.
- 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.

The Employee Relations Officer shall give written notice of receipt of such petition to the petitioner, to the employees within the representation unit involved, and to any employee organization that has filed a written request for a copy of any such petition. 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.

## 2. Election

- a) Calling of Election--The Employee Relations Officer shall, whether or not a challenging petition is filed, request the State 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 ten percent (10%) of the employees within the Representation Unit, the State Conciliation Service shall include such challenging employee organization on the ballot.

b) Election Procedures--Whenever the State Conciliation 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 names 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 all the employees eligible to vote in the unit in which the election is held, or
- 2) More than fifty percent (50%) of the total number of employees in the unit eligible to vote have voted in the election, and the employee organization receives a numerical majority of all votes cast in the election, or
- 3) In an election involving three or more choices, where none of the choices receives a majority of the ballot votes cast, and where more than fifty percent (50%) of the total number of employees in the unit eligible to vote have voted in the election, a run-off election shall be conducted between the two choices receiving the largest number of ballot votes cast; the rules governing an initial election being applicable to a run-off election.

3. Decertification Procedures--A decertification petition may be filed with the Employee Relations Officer by an employee 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. Such a petition may be received by the Employee Relations Officer only within the period commencing ninety (90) and ending sixty (60) days immediately preceding the second or succeeding annual anniversary date of certification of the incumbent recognized employee organization by the Employee Relations Officer; provided, however, that no decertification petition for the same unit shall be entertained by the Employee Relations Officer more frequently than every two years. When such a valid petition has been filed, the State 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 Conciliation Service, and the election procedures as hereinabove set forth.

4. In the event that the State Conciliation Service is unable to provide any of the services required of it by paragraphs 2 and 3 above, the American Arbitration Association, or another impartial third party agreed to by SHRA and the concerned employee organization(s), shall perform said services.

5. Costs for conducting elections, including decertification, shall be shared equally by the parties involved.

6. Recognized employee organizations shall annually, on or before the anniversary date of certification, file a written statement with the Employee Relations Officer, indicating changes in items (a) through (i) as they appeared in the recognition petition filed pursuant to paragraph 1 of this Item, or as subsequently amended by a written statement hereunder, or, as appropriate, shall indicate 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 designees. Provided, however, that nothing herein shall require meeting and conferring between parties to a Memorandum of Understanding during the term of such Memorandum 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 Memorandum or expressly raised as an issue during the meeting and conferring process out of which such Memorandum arose, or (b) there shall have arisen a significant change in circumstances with respect to such matter, which could not have reasonably been anticipated by both parties at the time they signed such Memorandum.

Employees in classifications not included in the Managerial and Confidential Representation Unit shall not participate in meeting and conferring or grievance resolution processes pertaining to Managerial and Confidential Representation Unit classifications.

In the absence of express authorization in advance by the Employee Relations Officer not more than two SHRA employees representing a recognized employee organization requesting such meeting shall be entitled to attend without loss of compensation or other bene-

fit, nor shall more than a total of three representatives for each recognized employee organization be entitled to attend such meetings.

SHRA 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, at his discretion, waive this requirement.

If agreement is reached on matters subject to approval by the Governing Body, the parties shall jointly prepare a written memorandum of such understanding, and the Employee Relations Officer shall present it to the Governing Body, for determination.

Upon approval by the Governing Body, both parties shall be bound by its contents during its term unless it is either supplanted by a revised memorandum jointly approved by both parties, or unless the employee organization is decertified.

#### ARTICLE VII Communication with Employees

Reasonable access to employee work locations shall be granted to officers of recognized employee organizations for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation. Such officers shall not enter any work location without previous notice to and consent from the Employee Relations Officer, or his designee, and access may be restricted so as not to interfere with departmental operations or with established safety and security requirements.

Campaigning for office, conducting meetings or elections, and other internal employee organization business of a similar nature shall not be carried on during working hours.

#### ARTICLE VIII Involuntary Changes of Policy

In cases where a law, ordinance, resolution, or any regulation established on the local, state or federal levels of government, including the SHRA, has an immediate effect on existing understandings between SHRA and employee organization(s), SHRA shall provide an opportunity to meet at the earliest practicable time with the employee organization to discuss any required modifications, additions, or deletions to the Memorandum of Understanding.

#### ARTICLE IX Individual Rights With Proper Communication

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 individual employment relationship to the appropriate level of management.

ARTICLE X Prohibition Against Discrimination

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

It is the policy of SMRA to affirmatively support and encourage equal opportunity of employment. If evidence of discrimination based on race, color, creed, national origin, age, marital status, religion, sex, or political affiliation, by an employee organization comes to the attention of Employee Relations Officer, it shall be his duty to refer such evidence to an appropriate legal authority having jurisdiction thereof if any.

ARTICLE XI Non-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 Settlement of Disputes

1. Conference--When mutual agreement over an issue is not reached among all parties concerned through correspondence and informal meetings, any of the parties may file with the other party or parties a written request for a conference or series of meetings, to deal at length with the unsettled issue in a final effort to reach an agreement prior to invoking impasse procedures.

2. Initiation of Impasse Procedures--Impasse procedures may be invoked only after the possibility of settlement by direct discussion has been exhausted. Any party may initiate the impasse procedures by filing with the other party or parties a written request for an impasse meeting, together with a statement of its position on all disputed issues.

An Impasse meeting shall then be scheduled by the Employee Relations Officer forthwith after the date of filing of the written request for such meeting, with written notice to all parties affected. The purpose of such impasse meeting shall be two-fold:

- (a) To permit a review of the position of all parties in a final effort to reach an agreement on the disputed issues; and
- (b) If agreement is not concluded, to discuss arrangements for implementing the specific impasse procedures to which the dispute shall be submitted.

3. Impasse Procedures--Impasse procedures are as follows:

- (a) If the parties so agree, the dispute shall be submitted directly to the Governing Body for determination.
- (b) If they do not so agree within a reasonable period of time, the dispute shall be submitted to mediation. All

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mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues. If the parties are unable to agree on a mediator after a reasonable period of time, they shall select the mediator from a list of three names to be provided by the State Conciliation Service, or if that body for any reason shall fail to provide such a list, the American Arbitration Association shall be asked to provide a similar list. The recognized employee organization or organizations shall first strike one name, the Employee Relations Officer shall then strike one name, and the name remaining shall be the mediator.

- (c) If the parties have failed to resolve all their disputes through mediation within fifteen (15) days after the mediator commenced meeting with the parties, the parties may agree to submit the issues in dispute directly to the local Governing Body. In that event the local Governing Body shall finally determine the issues after conducting a public hearing thereon and after such further investigation of the relevant facts as it may deem appropriate.
- (d) If the parties fail to agree to submit the dispute directly to the local Governing Body, the disputed issues shall be submitted to fact-finding.

The parties may agree on the appointment of one or more fact-finders. If they fail to so agree, a fact-finding panel of three shall be appointed in the following manner; One member of the panel shall be appointed by the Employee Relations Officer, one member shall be appointed by the recognized employee organization, and those two shall name a third, who shall be the chairman. If they are unable to agree upon a third, they shall select the third member from a list of five names to be provided by the American Arbitration Association, the one to serve to be determined by the alternate striking of names, with the party who is to strike the first name to be determined by chance method.

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

- PCB (1) Fact-finders shall not have served as mediator in the same impasse under subparagraph (b).
- (2) Fact-finding is authorized hereunder in connection with all disputed issues that are within the scope of representation.
- (3) The fact-finder(s) shall, to the extent they are applicable, determine and apply the following standards to the disputed issues in making recommendations:
  - (a) SHRA job classifications shall be comparable to job classifications in public agencies in the Sacramento

- metropolitan area and redevelopment agencies and housing authorities elsewhere in the State,
- (b) In determining job comparability, the following factors will be considered: The nature and complexity of the duties involved; the degree of supervision received and exercised; the educational, experience and physical qualifications, and the special skills required; the physical working conditions; and the hazards inherent in the job.
  - (c) Comparisons shall be in terms of total compensation and benefits of employment, and to the extent feasible, shall be measured in monetary terms.
  - (d) The comparison data as hereinabove provided for shall, to the extent feasible, be adjusted as appropriate for differences in the cost of living in Sacramento as compared to other areas considered; the benefits of job stability and continuity of employment; difficulty of recruiting qualified applicants; and equitable employment benefit relationships between job classifications in SHRA employment.
  - (e) The state of the economy in the Sacramento metropolitan area, and the financial condition and resources of SHRA, shall be considered.
- (4) The fact-finder(s) shall make written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the standards specified in (3) above. The fact-finder or chairman of the fact-finding panel shall serve such findings and recommendations on the Employee Relations Officer and the designated representative of the recognized employee organizations. Further actions should be governed by the findings and recommendations of the fact-finding panel.
- (5) Costs of mediation and fact-finding shall be shared equally by the parties involved in the mediation or fact-finding.

ATTEST:

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Managerial, Supervisory, and Confidential

Executive Director  
Deputy Director  
Chief Counsel  
Director of Administration  
Assistant Director-Research & Development  
Director of Housing  
Chief, Policy/Planning Unit  
Agency Clerk  
Chief of Central Services  
CDBG Coordinator I, II  
Project Manager  
Planning & Evaluation Coordinator  
Chief of Management  
Chief of Building Maintenance  
Chief of Community Services  
Director of Finance  
Personnel Officer  
Personnel Technician  
Confidential Secretary II  
Confidential Secretary I  
Director of Nutrition  
Director, Foster Grandparent Program  
Assistant Finance Director  
Senior Community Services Coordinator  
Maintenance Supervisor  
Project Engineer  
Site Supervisor, Nutrition  
Nutrition Services Coordinator  
Senior Land Agent  
Chief Accountant  
Property Rehabilitation Supervisor  
Project Coordinator  
Programmer Analyst  
Area Housing Manager  
Property Manager  
Senior Planner

Administrative and Technical

Accountant  
Senior Accountant  
Associate Planner  
Community Development Specialist  
Junior Draftsperson  
Management Analyst  
Assistant Land Agent  
Community Services Assistant  
Assistant Housing Manager  
Legal Assistant  
PAC Director

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Administrative Assistant I  
Programmer Trainee  
Property Rehabilitation Specialist I/II  
Property Rehabilitation Specialist III  
Storekeeper  
Technical Assistant I/II  
Technical Assistant III  
Rehabilitation Supervisor  
Technical Supervisor  
Assistant to the Director, FGP  
Community Services Coordinator  
Housing Policy/Program Analyst  
Economic Development Coordinator  
Community Planner

Operations and Maintenance

Maintenance Inspector  
General Repair Worker  
Custodian I  
Custodian II  
Maintenance Clerk  
Maintenance Specialist  
Maintenance Worker I  
Maintenance Worker II

General Clerical and Service

Account Clerk I  
Account Clerk II  
Account Clerk III  
Clerk I  
Clerk II  
Clerk III  
Mail Clerk/Messenger  
Food Service Worker  
Tenant Services Clerk I  
Tenant Services Clerk II  
Tenant Services Clerk III  
Head Cook  
Cook I  
Cook II  
Stenographer I  
Stenographer II  
Stenographer III  
Stock Control Clerk  
Typist Clerk I  
Typist Clerk II  
Typist Clerk III  
Departmental Clerk  
Housing Aide  
Receptionist-Clerk  
Senior Legal Stenographer  
Student Trainee  
Food Service Driver