

ORDINANCE NO. 110

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
RELATING TO EMPLOYER - EMPLOYEE RELATIONS

BE IT ENACTED by the Board of Directors of the Olivehurst
Public Utility District:

ARTICLE I.

STATEMENT OF PURPOSES

The purpose of these rules concerning employer-employee relations shall be:

- a) To assure a uniform and equitable basis for employer-employee relations within the Olivehurst Public Utility District.
- b) To maintain open channels of communication that permit the exchange of information and ideas in a cooperative and informal manner.
- c) To further the understanding of the rights and obligations of the District and employee organizations concerning employer-employee relations.
- d) To bring together the points of view of management and the employees in order to insure increased efficiency of employees of the District, combined with the improved well-being of those employed.

ARTICLE II.

EMPLOYER-EMPLOYEE RELATIONS STANDARDS AND PROCEDURES

1. Rights of Employees. Employees have the right to organize or join employee organizations of their own choice for the purpose of representation on all matters of employer-employee relations. Employees are free to join or not join an employee organization and shall have the right to refuse to join or participate in the activities of employee organizations. Membership or non-membership in an employee organization is not a condition of employment and the employee will not be granted preferential treatment nor will he be withheld from equitable treatment because of either membership or non-membership in such organization. Each employee has the right to represent himself individually in his employment relations with the District. Employees shall not have the right to strike or to recognize a picket line of a labor organization while in the course of the performance of their official duties.
2. Recognition of Employee Organizations. Employee organizations which represent three (3) or more employees of the Olivehurst Public Utility District as verified pursuant to Article III hereof shall be acknowledged by the District as recognized employee organizations.
3. Access to Employee Work Location. Reasonable access to work locations shall be provided to officers and representatives of recognized employee organizations on employment relations matters. Access shall be restricted so as not

to interfere with official business or established safety or security requirements. Officers and representatives of employee organizations shall not enter a work location without the consent of the General Manager of the District.

4. Distribution and Posting of Employee Organization Literature. Recognized employee organizations complying with Article III will be provided a reasonable amount of space for posting organization bulletins. Recognized employee organization representatives may post or distribute material provided such activities do not disrupt official business. Prior approval of the content of the material for posting or hand circulation shall be obtained from the General Manager.
5. Fair and Equitable Treatment. Employee organizations complying with these rules, and their representatives, shall be accorded fair and equitable treatment.
6. Reasonable Time. An employee who is an official representative of a recognized employee organization may use a reasonable amount of time, as determined by the General Manager, for conferring with management on employment relations.
7. Business Affairs. During assigned working hours employees shall not conduct or participate in employee organization business affairs, including but not limited to dues collection, meetings and membership campaigns.
8. Availability of Information. Non-confidential information pertaining to employer-employee relations will be made available to official representatives of recognized employee organizations.
9. Grievance Procedure. Any disagreement or complaint, arising out of the application or interpretation of the statement of employer-employee relations shall be processed through the established grievance procedure where applicable.
10. Proposed Changes. Prior to initial adoption or a revision (except a grammatical or other minor change) of a statement of employer-employee relations by the Board of the District, the proposed statement shall be published on the bulletin board as a matter of general information.
11. Statements in Writing. The statement of employer-employee relations shall be issued in writing. Copies shall be posted on the bulletin board and mailed to recognized employee organizations to inform employees and employee organizations of the statement and any subsequent substantive changes in it and to give them opportunity to comment prior to adoption.
12. Approval of Board. The Board of Directors shall prescribe any further procedures necessary to implement these standards and shall review proposed employer-employee relations statements to determine that they are not inconsistent with such standards. Such statements shall not become effective until approved by the Board.

ARTICLE III.

VERIFICATION OF EMPLOYEE ORGANIZATIONS

1. Compliance with Rules. The provisions of these rules for verifying the status of employee organizations and representatives are intended to identify organizations and representing employees on employment relations matters and to facilitate communications with interested organizations when matters pertinent to their group arise. Employer-employee relations between District employees and the District are governed by Sections 3500 - 3509 of the Government Code of the State of California. Employee organizations desiring to represent District employees in their employment with the District must comply with the rules providing for the identification and verification of employee organizations.

The procedure for verifying that an organization does in fact represent employees of the District shall be as follows:

- a) Not later than December 31st of each year, each organization claiming to represent three or more employees of the District shall file with the General Manager of the District a written statement, setting forth the following information:

- 1) The name and mailing address of the organization.
- 2) If the organization is incorporated, the State in which it is incorporated.
- 3) The name and mailing address of each area, state or national association or organization with which it is directly affiliated.
- 4) A list of the names and positions of the employees of the District who have designated the employee organization as their representative.
- 5) Written authorization or written revocation thereto, signed and dated by each employee of the District who has designated the employee organization as his representative. Each authorization continues in force until revoked by written notification to the employees' representative and the District General Manager. Only one such authorization shall be valid and in full force and effect at any one period of time.
- 6) An audit of the verified membership contained in the written statement certified by the president or secretary of an organization representing District employees shall be made. Such audit shall be conducted by the General Manager of the District and reported by said General Manager to the Board of Directors of the District not later than January 20th of the year following receipt of the statement provided for in Rule III A (1). All information, records, statements, documents, and data pertaining to or concerning employee organizations, membership in such organizations, authorizations or designations of employee representatives, revocation of authorizations or designations, grievance matters, or otherwise relating to employer-employee relations governed by law and administered pursuant to the rules herein promulgated, or any amendment, modification, or revision of such laws or rules, which

have been filed with the General Manager, herein collectively referred to as "classified information", shall be considered confidential and restricted, and no individual other than the General Manager shall have access to such classified information unless it or any of it is (a) made open to public inspection by resolution duly adopted by the Board of Directors, (b) required to be made open to public inspection by applicable law, or (c) made open to inspection pursuant to express permission granted to named individuals by the Board of Directors in a resolution duly adopted naming the individual or individuals to whom such permission is granted, the reasons for granting permission, the classified information which may be inspected, the times and places for inspection, and the limitations and restrictions on further publication of the classified information made open for inspection by such individual or individuals. This rule shall not apply to the procedures relating to the adoption, modification, revision, or amendment of rules and regulations for the administration of employer-employee relations.

- 7) A statement that the organization (1) recognizes that the provisions of Section 923 of the Labor Code are not applicable to employees of the District, and (2) affirmatively supports the constitutional form of government in the United States, and of the State of California, and (3) permits membership without regard to race, color, sex, creed, national origin, or age.
- b) True and complete copies of the Articles of Incorporation or Constitution, the by-laws and any other written rules or regulations governing the organization shall be attached to the initial statement filed with the District Clerk. Thereafter, notarized copies of any subsequent amendments to any of these instruments shall be attached to the next statement filed after the effective date of such amendment.
- c) Each statement shall be signed by the president and secretary of the local organization.
- d) The procedure for verifying the official status of the officers and other representatives of any such organization shall be as follows:
 - 1) The annual statement filed by the organization shall include or be accompanied by a supplementary statement setting forth the following:
 - (a) The name, title, and official mailing address of each officer of the local organization.
 - (b) The name of each officer, representatives or official representative authorized to represent the organization and its members in meetings and conferences with the Board of Supervisors or its authorized representatives. Any limitation in the authority of such officer, representatives or official representatives shall be stated.
 - (c) The list of names and mailing addresses of the organization's officers and representatives shall be kept current by filing supplementary statements with the District Clerk.

- e) The General Manager, upon receiving the information designated in the preceding sections, shall certify to the Board that the information has been received in accordance with approved policy, and recommend that the organization be officially verified and be so notified.
- f) Regardless of the provisions of these rules, the Board may discuss matters relating to employment relations with any group or individual.
- g) Each recognized employee organization shall be fairly described in all official bulletins and directories of the District when such organizations are listed.

ARTICLE IV.

GRIEVANCE PROCEDURES

- 1) Purpose. The purpose of the grievance procedure is to afford employees a written and simple means of obtaining consideration of their grievances by informal means at the department head level and review of the department head's decisions without the use of legalistic forms and procedures.
- 2) Standard Form. The General Manager shall develop a standard form to be used by employees in filing a written grievance. The form shall include all of Rule IV, Grievance Procedures.
- 3) Revision. Prior to initial adoption or a revision (except a grammatical or other minor change) of a grievance procedure, the proposed procedures shall be posted on the bulletin board as a matter of general information.
- 4) Review and Approval. The General Manager shall prescribe procedures subject to the approval of the Board, and shall review proposed grievance procedures for adherence to them.
- 5) Presentation of Grievance. Each employee believing he has a grievance shall, before filing the same in writing, discuss his problem or complaint with his immediate supervisor in an attempt to resolve the matter as simply and as informally as possible. If such discussion fails to resolve the matter, the employee or his representative shall present his grievance in writing to the Department Head within five (5) calendar days of the occurrence of the grievance. The Department Head shall enter his decision and comments in writing and return the form to the employee within ten (10) calendar days after receiving the grievance. Failure of the employee to take further action within ten (10) calendar days after receipt of the written decision will constitute a dropping of the grievance.
- 6) Appeal. If the employee does not agree with the Department Head's decision, or if no answer has been received within ten (10) calendar days, the employee or his representative may present the grievance in writing to the General Manager. The General Manager shall render a decision in writing to the employee with a copy to the Department Head within ten (10) calendar days after receiving the grievance. If the employee does not agree with the decision of the General Manager, he may appeal to the Board of Directors in writing. The Board of Directors will render a written decision within twenty (20) days after receipt of the written appeal in an official meeting of the Board.

- 7) Extensions of Time. The time specified in these rules may be extended to a definite date by mutual agreement by stating the fact thereof on the grievance previously submitted and initiated by the parties making the agreement.
- 8) Assistance. The employee may request the assistance of another person of his own choosing in preparing and presenting his grievance.
- 9) Merit System not superseded. The foregoing rules governing grievance procedures do not supersede the Merit System procedures set forth in the District Salary Schedule as currently in effect.

ARTICLE V.

OPERATING PROCEDURES

1. Designate General Manager. The Board of Directors may designate the General Manager to represent the Board in all matters of employee-employer relations with officially recognized employee organizations unless otherwise directed by action of the Board.
2. Requests in Writing. All requests or recommendations from employee organizations which may require Board consideration shall be in writing and shall be directed to the General Manager.

ARTICLE VI.

INFORMATION TO BE PROVIDED TO VERIFIED EMPLOYEE ORGANIZATIONS

1. Sharing of Information. Recognized employee organizations, may, upon request, share non-confidential information which may be helpful in connection with the problem or policy under consideration. This shall include all proposed amendments to the Olivehurst Public Utility District Salary Ordinance.

ARTICLE VII.

CONCLUSION

1. Severability. It is not the intention of the Board of Directors in the passage and adoption of the rules herein to contravene Sections 3500-3509 of the Government Code. Should any provisions of said rules be invalidated by the courts or legislature, the remaining provisions of said rules not in conflict with applicable law shall remain valid and in full force and effect.

I hereby certify that the foregoing is a full, true and correct copy of an ordinance passed and adopted by the Board of Directors of Olivehurst Public Utility District at a meeting thereof held on the 16 day of January, 1969, by the following vote:

AYES, and in favor thereof, Directors: Browning, Reis, Pinkerton
Henry and Nance

NOES, Directors:

ABSENT, Directors:

APPROVED:

Cecil Nance
President

Maureen M. Rose
Clerk and ex-officio Secretary of
Olivehurst Public Utility District

CERTIFICATE OF POSTING

ORDINANCE NO. 110

I, Robert J. Maxon, declare as follows:

1. I am a citizen of the United States and over the age of twenty-one years;

2. On January 20, 1969, for and on behalf of the clerk and ex-officio Secretary of the Olivehurst Public Utility District, I posted copies of Ordinance No. 110, in three public places in said District, to wit:

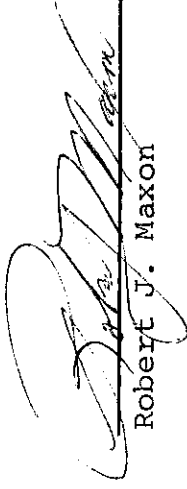
Post Office, 4903 Olivehurst Avenue, Olivehurst

Pete's Auto Service, 1791 14th Avenue, Olivehurst

Olivehurst Fire Department and Public Utility Building,
1962 Ninth Avenue, Olivehurst.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of January, 1969, at
Olivehurst, Yuba County, California.



Robert J. Maxon