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**EMPLOYEE RELATIONS RULES**  
**COVERING**  
**ALL EMPLOYEES**

Adopted effective June 15, 1972 – Resolution No. 72R-193

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# EMPLOYEE RELATIONS RULES

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## **RULE 1. PURPOSE AND GENERAL PROVISIONS**

Section 1.0 The objectives of these rules are to promote full communication between the City and its employees and to promote the improvement of employer-employee relations within the municipal government by providing a uniform basis for recognizing the right of City employees to join organizations of their own choice and be represented by such organizations in their employment relationships with the City.

Section 1.1 These rules set forth specific procedures and regulations governing the operation of the employer-employee relations system.

Section 1.2 It is hereby the declared employer-employee relations policy of the City of Anaheim that:

- 1.21 City employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations.
- 1.22 City employees shall also have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the City.
- 1.23 Recognized employee organizations shall have the right to represent their members in their employment relations with the City.

Section 1.3 If any section, subsection, sentence, clause or phrase of these RULES is found to be illegal, such findings shall not affect the validity of the remaining portions of these RULES.

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## **RULE 2. REPRESENTATION PROCEEDINGS**

Section 2.0 An employee organization that seeks recognition as the majority representative in an appropriate unit shall file a Petition for Recognition with the City Management Representative containing all of the information set forth in Section 1.06.110 of the Employer-Employee Relations Ordinance, accompanied by written proof that at least thirty percent (30%) of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof may consist of a signed petition or dues deduction cards, including the names and job class titles of employees and shall be dated within three months prior to the date upon which the petition is filed and shall be subject to confirmation by City Management Representative.

- 2.01 The City Management Representative upon receipt of the Petition shall determine whether: (1) there has been compliance with the requirement of the Petition for Recognition, and (2) the proposed unit is an appropriate unit.
- 2.02 If an affirmative determination is made by the City Management Representative on the foregoing two matters, he shall give notice of such request for recognition to the employees in the Unit and shall take no action for fifteen (15) working days thereafter.
- 2.03 If either of the foregoing matters are not affirmatively determined, the City Management Representative shall inform the employee organization of the reasons therefore in writing within twenty (20) working days after the date of the filing of the petition.
- 2.04 Within fifteen (15) working days of the date notice to the employee is given, any other employee organization (hereafter referred to as the "challenging organization") may seek recognition in an overlapping unit by filing a Petition for Recognition, provided, however, such challenging organization must submit written proof that it represents at least thirty percent (30%) of the employees in such unit.
- 2.05 All affected employee organizations shall have an opportunity to discuss such overlapping Petitions with the City Management Representative at a time designated by the City Management Representative.

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- 2.06 The City Management Representative shall determine the appropriate unit or units as between such proposed overlapping units in accordance with criteria set forth in Section 1.06.120 of the Employer-Employee Relations Ordinance.
- 2.07 When an employee organization in the unit found to be appropriate submits written proof that it represents at least thirty percent (30%) of the employees in such unit, the City Management Representative shall arrange for a secret ballot election to be conducted by the City Clerk within fifteen (15) working days of the date notice to the employees is given.
- 2.071 All challenging organizations who have submitted written proof that they represent at least ten percent (10%) of the employees in the unit found to be appropriate, and have submitted a Petition for Recognition as required by Section 1.06.110 of the Employer-Employee Relations Ordinance shall be included on the ballot. The choice of "no organization" shall also be included on the ballot.
- 2.072 Employees entitled to vote in such election shall be those persons employed in positions within the unit who are employed during the pay period immediately prior to the date which is fifteen (15) working days before the election, including those who did not work during such period because of illness, vacation or authorized paid leaves of absence and who are employed by the City in the same unit on the date of the election.
- 2.073 There shall be no more than one valid election in a twelve-(12) month period within the same unit.
- 2.08 An employee organization shall be granted recognition as majority representative within ten (10) working days following an election or run-off election 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 (i.e. fifty percent (50%) plus one of the votes of all eligible employees), or (2) at least sixty percent (60%) of the total number of employees in the Unit eligible to vote have voted in the election, and an employee organization receives a numerical majority of all votes cast in the election (i.e. fifty percent (50%) plus one of the votes cast), or (3) 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 shall also apply to a run-off election.

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Section 2.1 A petition for Decertification alleging that an employee organization is no longer the majority representative of the employees in an appropriate Unit shall not be filed with the City Management Representative until the lapse of one year from the date of certification or until one hundred and twenty (120) to one hundred and fifty (150) days prior to the expiration of any memorandum of understanding, whichever is later; provided that no memorandum of understanding shall be construed to be a bar to decertification proceedings for a period of more than three (3) years.

- 2.11 The Petition for Decertification may be filed by an employee, a group of employees or their representative, or an employee organization.
- 2.12 The Petition, including all accompanying documents, shall be verified, under oath, by the person signing it, that its contents are true. It may be accompanied by a Petition for Recognition.
- 2.13 The Petition for Decertification shall contain the following information: (1) The name, address and phone number of the petitioner and designated representative authorized to receive notices or requests for further information. (2) The name of the recognized employee organization. (3) An allegation that the recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts. (4) Written proof that at least thirty percent (30%) of the employees in the unit do not desire to be represented by the recognized employee organization. Such written proof may consist of a signed petition or dues deduction cards including the names and job class titles of employees and shall be dated within three months prior to the date upon which the petition is filed and shall be subject to confirmation by the City Management Representative.
- 2.14 The City Management Representative shall arrange for a secret ballot election to be conducted by the City Clerk.
  - 2.141 There shall be no more than one valid decertification election in the same unit in any twelve (12) month period.
- 2.15 The recognized employee organization shall be decertified if a majority of those casting valid ballots vote for decertification.

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Section 2.2 A Petition for Modification of an established Unit shall not be filed with the City Management Representative unit the lapse of one year from the date of certification or until one hundred and twenty (120) to one hundred fifty (150) days prior to the expiration of any memorandum of understanding, whichever is later; provided that no memorandum of understanding shall be construed to be a bar to modification of an established unit for the period of more than three (3) years and that provisions for accretion of classifications to existing units shall not be nullified by a bar.

- 2.21 The Petition for Modification shall contain all of the information set forth in Section 1.06.110 of the Employer-Employee Relations Ordinance, along with a statement of all relevant facts in support of the proposed modified unit. The Petition shall be accompanied by written proof that at least fifty percent (50%) of the employees within the proposed modified unit have designated the employee organization to represent them in their employment relations with the City. Such written proof may consist of a signed petition or dues deduction cards including the names and job class titles of employees and shall be dated within three months prior to the date upon which the petition is filed and shall be subject to confirmation by the City Management Representative.
- 2.22 All affected employee organizations shall have an opportunity to discuss such Petition for Modification with the City Management Representative at a time designated by the City Management Representative.
- 2.23 The City Management Representative shall determine the appropriate unit or units as between the existing unit and the proposed modified unit in accordance with the criteria set forth in Section 1.06.120 of the Employer-Employee Relations Ordinance.
- 2.24 If the City Management Representative determines that the proposed modified unit is the appropriate unit, then he shall follow the procedures set forth in Section 2.0 of Rule 2 for determining recognition rights in such unit.

Section 2.3 When an employee organization has been recognized as the majority representative in an appropriate unit, such recognition shall remain in effect for one year from the date of certification or the expiration of any memorandum of understanding, whichever is later, and thereafter until such time as the City Management Representative shall determine, on the basis of a secret ballot election conducted in accordance with the foregoing sections, that the recognized employee organization no longer represents a majority of the employees in the appropriate unit or until such time as the unit may be modified as provided in Section 2.2 of Rule 2.

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Section 2.4 The cost of any election proceeding conducted by the City Clerk shall be borne by the City.

Section 2.5 Upon request of an employee organization, a dispute on the appropriateness of a unit of representation shall be submitted to the Department of Conciliation of the Department of Industrial Relations for mediation or for recommendation for resolving the dispute.

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### **RULE 3. GRIEVANCE PROCEDURE REPRESENTATION**

Section 3.0 Employees shall have the right to be represented in grievance matters in the following manner:

- 3.01 Employees shall have the right to represent themselves individually in grievance matters.
- 3.02 Employees may designate a representative to represent them in grievance matters.
- 3.03 No supervisor shall be represented in grievance matters by an employee whom he may supervise.
- 3.04 No employee shall be represented in grievance matters by a supervisor for whom he may work.

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## **RULE 4. EMPLOYEE ORGANIZATION REPRESENTATIVE**

Section 4.0 Employee organization representatives are those elected or appointed by a recognized employee organization in accordance with its constitution and by laws.

- 4.01 A recognized employee organization shall notify the City Management Representative, in writing, of the names and job class titles of its officers and other representatives each time an election is held or new appointments are made.
- 4.02 An employee elected or appointed as an officer or representative of recognized employee organization shall be required to work full-time in his respective job class and shall not interrupt the work of other employees.

Section 4.1 Officers and representatives (subject to the provisions of Section 4.02) of an employee organization recognized as a majority representative in an appropriate unit shall be permitted to visit employee work locations for the purpose of observing conditions under which employees are working, provided such visit shall not interrupt the work of such employees, interfere with the normal operations of the department or with established safety or security requirements.

- 4.11 Such officers and representatives shall not enter any work location without the knowledge of the department head, division head, or other appropriate supervisor.
- 4.12 Solicitation of membership and all activities concerned with the internal management of an employee organization, such as collecting dues, holding membership meetings, preparation of petitions or grievance material, preparation of proposals, campaigning for office, conducting elections and distributing literature, shall not be conducted during working hours.

Section 4.2 In the event that an employee organization is formally meeting and conferring with representatives of the City on matters within the scope of representation during regular City business hours, a reasonable number of officers or representatives of the employee organization shall be allowed reasonable time off without loss of compensation or other benefits.

- 4.21 Such officers and representatives shall not leave their duty or workstation or assignment without the knowledge of the department head, division head, or other appropriate supervisor.
- 4.22 Such meetings are subject to scheduling in a manner consistent with operating needs and work schedules.

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**RULE 5. USE OF CITY FACILITIES**

Section 5.0 The City shall allow an employee organization recognized as a majority representative in an appropriate unit to post notices pertaining to employee organization business on City bulletin boards at mutually agreeable specific locations.

- 5.01 All materials must be dated and must identify the employee organization that published them.
- 5.02 The City reserves the right to determine what reasonable portion of City bulletin boards are to be allocated to employee organizations' materials.
- 5.03 An employee organization that does not abide by these rules will forfeit its right to have materials posted on City bulletin boards.

Section 5.1 The City shall allow an employee organization recognized as majority representative in an appropriate unit to conduct meetings in City facilities.

- 5.11 Such meeting shall be scheduled in accordance with regulations governing use of public meeting rooms at the City facilities.

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