

Chapter 5.04 EMPLOYEE RELATIONS

5.04.010 Title of Provisions.

The ordinance codified in this chapter shall be known as the "employee relations ordinance of the county of Los Angeles." (Ord. 9646 § 1, 1968)

5.04.020 Policy Statement.

The board of supervisors of the county of Los Angeles declares that it is the public policy of the county and the purpose of the ordinance codified in this chapter to promote the improvement of personnel management and relations between the county of Los Angeles and its employees and to protect the public by assuring, at all times, the orderly and uninterrupted operations and services of county government. This policy is supplemented by provisions:

- A. Recognizing and defining the rights of employees to join organizations of their own choosing for the purpose of representation on matters affecting employee relations or to represent themselves individually in dealing with the county;
- B. Establishing formal rules and procedures to provide for the orderly and systematic presentation, consideration and resolution of employee relations matters; and
- C. Creating an independent employee relations commission to ensure that all county employees and their representatives are fairly treated, that their rights are maintained, and that their requests are fairly heard, considered and resolved. (Ord. 9646 § 2, 1968.)

5.04.030 Definitions.

As used in the ordinance codified in this chapter, the following terms shall have the meanings indicated:

- A. "Certified employee organizations" or "certified employee representative" means an employee organization, or its duly authorized representative, that has been certified by the employee relations commission as representing the majority of the employees in an appropriate employee representation unit.
- B. "Commission" means the Los Angeles County employee relations commission established pursuant to Sections 5.04.100 through 5.04.190.
- C. "Confidential employee" means an employee who is privy to decisions of county management affecting employee relations.
- D. "Consult" or "confer" means to communicate verbally or in writing for the purpose of presenting and obtaining views or advising of intended actions.
- E. "County" means the county of Los Angeles, a body corporate and politic, and political subdivision of the state of California, and where appropriate herein, "county" refers to board of supervisors, the governing body of the county, or any duly authorized management representative as herein defined.
- F. "Employee" means any person employed by the county in a position in the classified civil service.

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G. "Employee organization" means any lawful organization which includes employees of the county and which has as one of its primary purposes representing such employees in their employment relation with the county; provided, however, that said organization has no restriction on membership based on race, color, creed, sex or national origin.

H. "Employee relations" means the relationship between the county and its employees and their employee organizations, or when used in a general sense, the relationship between management and employees or employee organizations.

I. "Employee representation unit" means a unit established pursuant to Section 5.04.200 of this chapter.

J. "Fact-finding" means identification of the major issues in a particular dispute, review of the positions of the parties, resolution of factual differences by one or more impartial fact-finders and, the making of recommendations for settlement when directed by the commission.

K. "Impasse" means a deadlock in negotiations between a certified employee organization and the county over any matters required to be negotiated, or over the scope of the subject matter of negotiations.

L. "Management employee" means any employee having significant responsibilities for formulating and administering county policies and programs, and includes the chief administrative officer, department heads, and any other employees who are so designated by the director of personnel based upon the recommendation of the department head or department heads concerned. For the purpose of this chapter, such persons shall not exceed two percent of the total number of full-time employees of the county.

M. "Management representative" means a department head as defined in Section 2.02.190 of this code, the administrative code of the county of Los Angeles, and includes the chief administrative officer and the director of personnel, or any duly authorized representative of such department head or officer.

N. "Mediation" means the efforts of an impartial third person or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution to an impasse.

O. "Negotiation" means performance by duly authorized management representatives and duly authorized representatives of a certified employee organization of their mutual obligation to meet at reasonable times and to confer in good faith with respect to wages, hours, and other terms and conditions of employment, and includes the mutual obligation to execute a written document incorporating any agreement reached. This obligation does not compel either party to agree to a proposal or to make a concession. Agreements concerning any matters within the exclusive jurisdiction of the board of supervisors or concerning any matters not otherwise delegated by the board shall become binding when executed by the board of supervisors and affected certified employee organizations. Agreements concerning matters within the exclusive jurisdiction of management representatives, or otherwise delegated to them by the board, shall become binding when executed by said affected management representatives and affected certified employee organizations.

P. "Ordinance" means, unless otherwise specified herein, the employee relations ordinance of the county of Los Angeles.

Q. "Professional" means:

1. A classification of employees engaged in work;

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- a. Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work,
- b. Involving the consistent exercise of discretion and judgment in its performance,
- c. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and
- d. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or

2. A classification of employees who:

- a. Have completed the courses of specialized intellectual instruction and study in paragraph 1 d of this subsection, and
- b. Are performing related work under the supervision of a professional person in order to qualify to become a professional employee as defined in subdivision 1 of this subsection.

R. "Supervisory employee" means any employee, having authority to exercise independent judgment in the interest of the county, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or having the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Ord. 9646 § 3, 1968)

5.04.040 Construction and Interpretation of Chapter Provisions.

A. Nothing contained in the ordinance codified in this chapter shall abrogate any written agreements between any employee organization and the county in effect on October 4, 1968, the effective date of the ordinance codified herein. All such agreements shall continue in effect for the duration of the term specified therein unless modified or rescinded by mutual agreement of the parties thereto.

B. Nothing in this chapter shall be construed to deny any person or employee the rights granted by federal and state laws and the County Charter provisions.

C. The rights, powers and authority of the board of supervisors in all matters, including the right to maintain any legal action, shall not be modified or restricted by this chapter.

D. The enactment of the ordinance codified in this chapter shall not be construed as making the provisions of Section 923 of the California Labor Code applicable to employees of the county.

E. The provisions of this chapter are not intended to conflict with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the state of California (Sections 3500 et seq.) as amended in 1968. (Ord. 9646 § 16, 1968.)

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5.04.050 Administration.

It is the policy of the county to provide for the orderly, systematic and coordinated administration of all matters involving employee relations. In order to implement and coordinate the policies and procedures set forth in this chapter, the county shall have authority to adopt rules and regulations not inconsistent with law, including Ordinances 9646 and 85-0032 or any other county ordinance, which shall be applicable to any or all departments, agencies or boards of the county in establishing and enforcing the employee relations program provided for herein. Nothing in this chapter shall prevent the chief administrative officer from promulgating regulations governing relations between the county and the employee organizations not certified by the commission. (Ord. 85-0032 § 1(a), 1985; Ord. 9646 § 14, 1968.)

5.04.060 Availability of Data.

A. To facilitate negotiations, the county shall provide to certified employee organizations concerned the published data it regularly has available concerning subjects under negotiation, including data gathered concerning salaries and other terms and conditions of employment provided by comparable public and private employers, provided that when such data is gathered on a promise to keep its source confidential, the data may be provided in statistical summaries but the sources shall not be revealed.

B. If an election for certification as the majority representative of the employees in an appropriate employee representation unit has been ordered, the chief administrative officer shall provide, upon request by an employee organization which has qualified to be included on the ballot, a list of the names and departments of employees in the unit. Said list shall be provided not later than fifteen days prior to the date of said election. (Ord. 85-0032 § 1(b), 1985; Ord. 9646 § 15, 1968.)

5.04.070 Employee Rights.

Employees of the county shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation of all matters of employee relations. Employees of the county also shall 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 county. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against because of his exercise of these rights. (Ord. 9646 § 4, 1968.)

5.04.080 County Rights.

It is the exclusive right of the county to determine the mission of each of its constituent departments, boards and commissions, set standards of services to be offered to the public, and exercise control and discretion over its organization and operations. It is also the exclusive right of the county to direct its employees, take disciplinary action for proper cause, relieve its employees from duty because of lack of work or for other legitimate reasons, and determine the methods, means and personnel by which the county's operations are to be conducted; provided, however, that the exercise of such rights does not preclude employees or their representatives from conferring or raising grievances about the practical consequences that decisions on these matters may have on wages, hours and other terms and conditions of employment. (Ord. 9646 § 5, 1968.)

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5.04.090 Consultation and Negotiation -- Scope.

A. All matters affecting employee relations, including those that are not subject to negotiations, are subject to consultation between management representatives and the duly authorized representatives of affected employee organizations. Every reasonable effort shall be made to have such consultation prior to effecting basic changes in any rule or procedure affecting employee relations.

B. The scope of negotiation between management representatives and the representatives of certified employee organizations includes wages, hours, and other terms and conditions of employment within the employee representation unit.

C. Negotiation shall not be required on any subject preempted by federal or state law, or by County Charter, nor shall negotiation be required on employee or employer rights as defined in Sections 5.04.070 and 5.04.080 of this chapter. Proposed amendments to this chapter are excluded from the scope of negotiation.

D. Management representatives and representatives of certified employee organizations may, by mutual agreement, negotiate on matters of employment concerning which negotiation is neither required nor prohibited by this chapter. (Ord. 9646 § 6, 1968.)

5.04.100 Employee Relations Commission -- Continued -- Membership Qualifications.

A. There is continued a Los Angeles County employee relations commission, which shall implement and administer the provisions of this chapter.

B. The commission shall have three positions. A member of the commission shall be appointed to a vacant position by, and serve at the pleasure of, the board of supervisors, which shall be referred to in this chapter as the "board." The members of the commission shall have expertise in the field of employee relations, shall reside in Los Angeles County and shall possess the integrity and impartiality necessary to protect the public interest as well as the interest of the county and its employees.

C. Each person who is a member of the commission on the effective date of this amendment shall serve at the pleasure of the board for the remainder of his or her term of three years. (Ord. 90-0086 § 26(a), 1990; Ord. 9646 § 7(a), 1968.)

5.04.110 Employee Relations Commission -- Length of Service -- Vacancy.

The provisions of this section shall become applicable to a position on the commission at the expiration of the term of the member occupying that position on the effective date of this amendment.

A. Each member of the commission shall serve at the pleasure of the board. The period of service for each position on the commission shall be four years from the date this amendment becomes applicable to each position.

B. No member of the commission may serve more than two consecutive full periods of service as specified in subsection A. The board may, by order, extend this length of service or waive this limit for individuals or the commission as a whole.

C. A member's position on the commission shall become vacant upon his or her death, resignation, or removal by the board. In the case of such a vacancy, the board shall appoint a successor to serve for the remainder of the unexpired period of service under subsection A of this section.

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D. The provisions of Chapter 5.12 of the County Code shall not apply to the commission. (Ord. 90-0086 § 26(b), 1990; Ord. 12300 § 1, 1981; Ord. 9646 § 7(b), 1968.)

5.04.120 Employee Relations Commission -- Vacancies -- Procedure.

The procedure for filling a vacancy resulting from expiration of a commission member's period of service shall be initiated at least 30 days prior to said expiration. Each member shall exercise his or her duties until a successor is appointed. If a vacancy occurs during a period of service, the appointee to said vacancy shall exercise the duties of the position for the remainder of the period of service and until a successor is appointed. (Ord. 90-0086 § 26(c), 1990; Ord. 9646 § 7(c), 1968.)

5.04.130 Employee Relations Commission -- Appointment of Members.

Each appointment to commission membership, shall be made from a list of three nominees, which list shall be:

A. Jointly submitted by the Los Angeles County's chief administrative officer and a committee composed of employee organizations, recognized by the county, within fourteen calendar days from commencement of the thirty-day period prior to the expiration of a regular term; or

B. If the parties are unable to agree, within the prescribed time limit, on at least three nominees for each vacancy so occurring, the parties shall, by the last day of this prescribed period, jointly select a panel of three persons which shall select the necessary number of nominees; or

C. If the parties are unable to agree, within the prescribed time limit, on at least three panel members, each party shall, by the last day of this prescribed period, select one panel member and the two panel members thus selected shall jointly select the third panel member within three calendar days. In the event either party fails to select one such panel member within the prescribed time period, or in the event the two aforementioned panel members are unable to jointly select the third panel member, the board may select the necessary panel member or members required to bring the total number to three;

D. The panel thus selected shall submit to the board of supervisors, within seven calendar days of appointment, at least three nominees for the vacancy involved. As soon thereafter as practical, the board shall fill the vacancy by selecting from among the three nominees so submitted to it;

E. In the event the board of supervisors is appointing more than one commissioner at a time such appointments shall be for different periods of time in order to maintain the staggering of terms designed to preserve the commission's continuity;

F. The board of supervisors creates the position of employee relations commission chairman emeritus to honor a member of the commission for distinguished service. The chairman emeritus shall have all the rights and duties of a member of the commission except that he may vote only when less than three commissioners vote on an issue;

G. Appointments to the position of chairman emeritus of the employee relations commission may only be made by the board of supervisors upon the joint recommendation of the chief administrative officer and a committee of employee organizations recognized by the county. Appointment to chairman emeritus requires that the nominee must have been the first chairman of the Los Angeles County Employee Relations Commission. (Ord. 85-0032 § 1(c) -- (f), 1985; Ord. 12300 § 2, 1981; Ord. 9646 § 7(d), 1968.)

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5.04.140 Employee Relations Commission -- Meetings.

The commission shall meet regularly at least once each month and shall meet at other times upon the call of the chairman. Two members shall constitute a quorum and the votes of two members are required for action; provided, that at meetings held for exclusive purpose of conducting mediation, fact-finding, or arbitration in connection with the resolution of disputes as provided in Sections 5.04.230 and 5.04.250 of this chapter, or at meetings held for the exclusive purpose of investigating an unfair employee relations practice charge, that one member shall constitute a quorum and the vote of a majority of the members attending shall be required for action. Commencing in 1971, at its first meeting in July, the chairman of the commission shall be elected annually by the members of the commission. (Ord. 10250 § 1, 1971; Ord. 9646 § 7(e), 1968.)

5.04.160 Employee Relations Commission -- Powers and duties.

The commission shall have the following duties and powers:

- A. To determine in disputed cases or otherwise to approve appropriate employee representation units;
- B. To arrange for and supervise the determination of certified employee representatives for appropriate units by means of elections, or such other method as the commission may approve with mutual consent of the parties involved. The results of such elections or other approved representation determination procedures shall be certified by the commission;
- C. To decide contested matters involving certification or decertification of employee organizations;
- D. To act upon requests for mediation, fact-finding or arbitration of disputes as provided in Sections 5.04.230 and 5.04.250 of this chapter;
- E. To investigate charges of unfair employee relations practices or violations of this chapter, and to take such action as the commission deems necessary to effectuate the policies of this chapter, including, but not limited to, the issuance of cease and desist orders;
- F. To establish and maintain an adequate list of impartial mediators, fact-finders and arbitrators, and to appoint same as provided for in Sections 5.04.230 and 5.04.250 of this chapter;
- G. To conduct investigations, hear testimony, and take evidence under oath at hearings on any matter subject to its jurisdiction;
- H. To administer oaths and to require the attendance of witnesses and the production of books and papers;
- I. To consider and decide issues relating to rights, privileges, and duties of an employee organization in the event of a merger, amalgamation, or transfer of jurisdiction between two or more employee organizations;
- J. To certify, in appropriate cases, a council of employee organizations as the majority representative of employees in an employee representation unit and to decide issues relating to such certifications;
- K. To delegate to one or more commission members, employees or agents the powers or duties it deems proper;

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L. To make recommendations concerning any necessary or desirable revisions in this chapter;

M. To take such other actions as the commission deems necessary to effectuate the policies of this chapter. (Ord. 9646 § 7(g), 1968.)

5.04.170 Employee Relations Commission -- Rules and Procedures.

The commission is a separate agency of the county and is authorized, following notice and hearing, to adopt reasonable rules and procedures not inconsistent with the provisions of Ordinance 9646 or any other county ordinance and which are necessary in the performance of its duties under this chapter. The commission shall appoint from civil service eligible lists such staff as it deems appropriate to fill those positions authorized by the board of supervisors. (Ord. 9646 § 7(h), 1968.)

5.04.180 Employee Relations Commission -- Conflict of Interest.

If at any time any matter comes before the commission in which any member has any interest, direct or indirect, other than that of a taxpayer, said member shall publicly so state and his statement shall be recorded in the minutes of the meeting. He shall thereafter be disqualified from participating in the consideration of said matter. (Ord. 9646 § 7(j), 1968.)

5.04.190 Employee Relations Commission -- Office, Staff and Supplies.

The county shall provide appropriate office facilities, reference periodicals and books, equipment and supplies for the commission, and such staff as it may appoint. The county also shall provide recording and transcription services for all public hearings conducted by the commission. (Ord. 9646 § 7(i), 1968.)

5.04.200 Employee Representation Units -- Establishment Procedures.

A. A petition for certification as the majority representative of employees in an appropriate employee representation unit may be filed with the commission by an employee organization. The chief administrative officer may file such a petition with the commission in the event that two or more employee organizations formally claim to represent a majority of the employees in the same overlapping employee representation unit.

B. In the determination of appropriate employee representation units the following factors, among others, are to be considered:

1. Which unit will assure employees the fullest freedom in the exercise of rights granted under this chapter;
2. The community of interest of the employees;
3. The history of employee relations in the unit, among other employees of the county, and in similar public employment;
4. The effect of the unit on the efficient operation of the public service and sound employee relations;

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5. Whether management officials at the level of the unit have the power to agree or make effective recommendations to other administrative authority or the board of supervisors with respect to wages, hours and other terms and conditions of employment subject to negotiation;

6. The effect on the existing classification structure of dividing a single classification among two or more units.

C. In the establishment of employee representation units:

1. Professional employees shall not be included in a unit with nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit;

2. Supervisory employees shall not be included in a unit with the non-supervisory employees unless such supervisory employees are in the same classification with non-supervisory employees, provided, however, that in such event, said supervisory employees shall not participate in the management of an employee organization as an officer of the organization or represent it in dealings with management representatives when such activity would result in a conflict of interest or otherwise be incompatible with law or the official duties of the employees;

3. Management and confidential employees shall not be included in the same unit with non-management or non-confidential employees.

D. The commission shall conduct a hearing on each contested employee representation unit only after first giving the employee organization concerned and the chief administrative officer reasonable notice of the time and place of such hearing. The commission may require the parties concerned to submit such additional information or materials as it deems proper and necessary. The commission shall make the decision on the appropriate unit and issue the notice thereon.

E. Agreement of the parties involved on the scope of any employee representation unit is subject to the commission's concurrence that such unit is appropriate.

F. The commission shall determine any dispute concerning the relationship between existing employee representation units involving the addition of new classes to, or the deletion of classes from the salary ordinance. (Ord. 85-0032 § 1(g), (h), 1985; Ord. 9646 § 8, 1968.)

5.04.210 Certification of Employee Organizations.

Following notice and hearing, the commission shall adopt rules and regulations governing the certification and decertification of employee organizations. Only employee organizations that have been certified as majority representatives of appropriate employee representation units shall be entitled to negotiate on wages, hours, and other terms and conditions of employment for such units. This shall not preclude other employee organizations, or individual employees, from conferring with management representatives on employee relations matters of concern to them. (Ord. 9646 § 9, 1968.)

5.04.220 Activity of Organizations on County Property -- Payroll Deductions.

A. Subject to appeal to the commission, the chief administrative officer shall have the right to promulgate rules and regulations governing the activity of certified employee organizations on county property, including procedures for conferring with management, use of bulletin boards and other county facilities, and solicitation of membership.

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B. Payroll deduction may be made for membership dues to employee organizations in accordance with applicable law and county rules. (Ord. 85-0032 § 1(i), 1985; Ord. 9646 § 10, 1968.)

5.04.230 Grievances.

A. A grievance is any dispute concerning the interpretation or application of this chapter, or of a written agreement between the county and a certified employee organization, or of rules or regulations governing personnel practices or working conditions. A dispute over the terms of an initial or renewed collective agreement does not constitute a grievance.

B. The county and any certified employee organization may negotiate a procedure for handling grievances arising within the unit for which such organization has been certified.

C. The county and a certified employee organization may negotiate an agreement providing for final and binding arbitration of unresolved grievances, subject to such limitations on the scope of arbitrable grievances as the parties may deem appropriate or as may be required by law. Arbitrations conducted under such provisions shall be governed by the appropriate sections of the California Code of Civil Procedure. The fees and expenses of arbitrators shall be shared equally by the parties involved. The commission shall establish rules for the selection of arbitrators. It shall also establish a standard rate of compensation for such arbitrators, subject to approval by the board of supervisors.

D. Nothing in this section shall be deemed to supersede the authority of the civil service commission. However, nothing contained herein shall preclude the civil service commission from adopting rules permitting it, in its discretion, to decline jurisdiction over appeals by employees who have expressly consented to have their grievances resolved under a negotiated grievance or arbitration procedure. (Ord. 9646 § 11, 1968).

5.04.240 Unfair Employee Relations Practices Designated – Corrective Action.

A. It shall be an unfair employee relations practice for the county:

1. To interfere with, restrain, or coerce employees in the exercise of the rights recognized or granted in this chapter;

2. To dominate or interfere with the formation of any employee organizations or contribute financial support to it, provided that the county may permit the use of county facilities, make dues deductions, and permit employees who are officers or representatives of employee organizations to confer with county officials during working hours without loss of time or pay, subject to applicable regulations;

3. To refuse to negotiate with representatives of certified employee organizations on negotiable matters.

B. It shall be an unfair employee relations practice for employee organizations or their representatives or members:

1. To interfere with, restrain or coerce employees in the exercise of the rights recognized or granted in this chapter;

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2. To refuse to negotiate with county officials on negotiable matters, when the employee organization involved has been certified as the majority representative.

C. With respect to the impasse procedures set forth in Section 5.04.250 of this chapter, it shall be an unfair employee relations practice for either the county or a certified employee organization to fail or refuse to cooperate with the commission or with any mediators or fact-finders designated by it.

D. Charges of violations of this section or of this chapter, or of applicable rules or regulations may be initiated by a management representative, by a representative of any employee organization or by an individual employee or group of employees. Such charges shall be filed in writing with the commission. Each charge so filed shall be processed in accordance with the rules and regulations of the commission.

E. If the commission decides that the county has engaged in an unfair employee relations practice or had otherwise violated this chapter or any rule or regulation issued thereunder, the commission shall direct the county to take appropriate corrective action.

1. Such order shall be binding on the county, unless it requires action by the board of supervisors to make appropriations adjustments, transfers or revisions as provided by Section 29000 et seq. of the Government Code, or the adoption of a county ordinance by the board of supervisors. If the county fails to take action to comply with a binding order of the commission within such reasonable time as the commission may specify, an aggrieved party may petition the Superior Court for a writ of mandate to enforce the order.

2. If the commission's decision and order requires action by the board of supervisors as set forth above, the chief administrative officer shall submit the appropriate documents and materials to the board of supervisors to enable it to take such action. If the board of supervisors does not take action within such reasonable time as the commission may specify, the commission shall so notify the other parties. An aggrieved party may then seek judicial relief from the Superior Court for enforcement of the commission's order to the extent that compliance with such order is required by state law, or by this chapter or any valid rule or regulation issued thereunder. Notwithstanding the failure of the board of supervisors to take such action, the Superior Court shall have jurisdiction to exercise its independent judgment on the evidence in light of the whole record and in its discretion to take additional evidence and to issue a writ of mandamus enforcing the commission's order on a finding by the Superior Court that the county has committed an unfair employee relations practice in violation of state law, or this chapter.

F. If the decision is that an employee organization or its representatives or members have engaged in an unfair employee relations practice, or have otherwise violated this chapter or any rule or regulation issued thereunder, the commission shall direct the offending party to take appropriate corrective action. If compliance with the commission's decision is not obtained within the time specified by the commission, it shall so notify the chief administrative officer who may then take appropriate action, subject, however, to appeal to the commission by the affected party. (Ord. 85-0032 § 1(i), (j), 1985; Ord. 11155 § 1, 1975; Ord. 9646 § 12, 1968.)

5.04.250 Impasse Resolution Procedures.

A. If the appropriate management representatives and the representatives of a certified employee organization reach an impasse, the matter may be submitted to the commission by either party.

B. The commission shall consider all requests for mediation, fact-finding or arbitration under this section. If the commission concludes that there has been insufficient effort between the parties to resolve the impasse, it may deny the request and remand the matter to the parties for further consideration. If the

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commission concludes that such further consideration would not result in settlement, it may in its discretion attempt to mediate the dispute, or it may appoint one or more mediators or fact-finders to assist the parties. The commission may institute mediation or fact-finding on its own motion, on initial/successor memorandum of understanding. The commission may invoke arbitration only by mutual consent of the parties.

C. The following constitute the jurisdictional and procedural requirements for the implementation of mediation, fact-finding or arbitration on initial/successor memorandum of understanding:

1. Mediation, when requested by either party at interest or instituted by commission initiative, prior to fact-finding, is authorized in connection with all disputed matters. All mediation proceedings shall be private. The mediator or mediators shall prepare and file a confidential report with the commission.

2. Fact-finding, when requested by either party or instituted by commission initiative, is authorized in connection with all disputed matters. The recommendations of the fact-finder or fact-finders shall be limited to the issues originally referred for dispute settlement. Fact-finding proceedings shall be public or private as determined by the commission. The fact-finding report shall be filed with the commission. The commission shall, within five calendar days, transmit copies thereof to the parties in interest and may, in its discretion, make the report public.

3. Request for fact-finding must be filed with the commission within 10 business days of impasse or the conclusion of mediation.

4. Arbitration of the terms of initial or renewed collective agreements shall be permitted only by written request of the parties to the dispute and the scope of such arbitration shall be subject to such limitations as may be set forth in said written request.

D. The fees and expenses, if any, of mediators, fact-finders and arbitrators shall be shared equally by the parties involved. Standard rates of compensation for mediators, fact-finders and arbitrators shall be determined by the commission, subject to approval by the board of supervisors. The county shall furnish meeting space and recording and transcribing services when requested for such proceedings.

E. The following constitute the procedural requirements for the implementation of mediation and fact-finding on County Charter amendments or other matters subject to referendum:

1. All proposals under this section must be submitted to the other party at least 90 calendar days prior to the final date to place the measure on the ballot.

2. Negotiations shall begin within 10 calendar days of receipt of proposals, and shall be for a period necessary to reach agreement, but in no event longer than 90 calendar days from receipt of proposal.

3. In the event a tentative agreement is not reached, any party may request mediation and/or fact-finding. Any mediation procedures utilized within this process shall not exceed five calendar days, nor any fact-finding exceed 45 calendar days.

Mediation, when requested by either party at interest prior to fact-finding, is authorized in connection with all disputed matters. All mediation proceedings shall be private. The mediator or mediators shall prepare and file a confidential report with the commission.

4. All mediation and/or fact-finding proceedings, regarding resolution of disputes that arise in the course of negotiations regarding Charter amendments, shall not exceed the 90-day limit of subsection E2 of this section.

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5. Fact-finding, when requested by either party, is authorized in connection with all disputed matters. The recommendations of the fact-finder or fact-finders shall be limited to the issues originally referred for dispute settlement. Fact-finding proceedings shall be public or private as determined by the commission. The fact-finding report shall be filed with the commission. The commission shall, within five calendar days, transmit copies thereof to the parties in interest and may, in its discretion, make the report public.

6. Following the receipt of the fact-finder's report, the parties may have an opportunity to attempt a final settlement of the matter, provided such opportunity is within 90 days from the receipt of the proposal.

7. The fees and expenses, if any, of mediators, fact-finders and arbitrators shall be shared equally by the parties involved. Standard rates of compensation for mediators, fact-finders and arbitrators shall be determined by the commission, subject to approval by the board of supervisors. The county shall furnish meeting space and recording and transcribing services when requested for such proceedings.

F. All other negotiations not included in subsections C and E: No time limit on length of total process; however, mediation is limited to five consecutive business days and, in the event fact-finding is requested by either party, such request must be filed within 10 business days of impasse or the conclusion of mediation, and said fact-finding is limited to 15 business days for hearing and 30 business days in which the report must be received by the parties, for a total of 45 business days for the fact-finding process.

1. The fees and expenses, if any, of mediators, fact-finders and arbitrators shall be shared equally by the parties involved. Standard rates of compensation for mediators, fact-finders and arbitrators shall be determined by the commission, subject to approval by the board of supervisors. The county shall furnish meeting space and recording and transcribing services when requested for such proceedings.

G. The parties may mutually agree to waive the time limits set forth above, but failure of a third party to act timely shall not stay the time limits.

H. If the legal requirement that Charter amendments be negotiated is eliminated, these impasse resolution procedures do not imply an obligation on the part of the county to continue to negotiate Charter amendments. (Ord. 87-0205 § 1, 1987; Ord. 9646 § 13, 1968.)