

## **ARTICLE II – DEFINITIONS**

### **3.68.060      Generally**

As used in this chapter, the following terms shall have the meanings indicated. (Prior code § 2-230(b)(part)).

### **3.68.070      Appropriate Unit**

"Appropriate unit" means a unit of employee classes or positions, established pursuant to Article III of this chapter. (Prior code § 2-230(b)(1)).

### **3.68.080      Confidential Employee**

"Confidential employee" means an employee, as designated by the County, who, in the course of his duties, has access to confidential information relating to the County administration of Employer-Employee Relations. (Prior code § 2-230(b)(2)).

### **3.68.090      Consult in Good Faith**

"Consult in good faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counterproposals in an endeavor to reach agreement, nor is it subject to Article V of this chapter. (Prior code § 2-230(b)(3)).

### **3.68.100      Day**

"Day" means calendar day unless expressly stated otherwise. (Prior code § 2-230(b)(4)).

### **3.68.110      Employee Relations Officer**

"Employee Relations Officer" means the County Chief Executive Officer. (Ordinance CS 557 § 60, 1994: prior code § 2-230(b)(5)).

### **3.68.120      Impasse**

"Impasse" means that the representatives of the County and a Recognized Employee Organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in the Memorandum of Understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile. (Prior code § 2-230(b)(6)).

## **ARTICLE V – MEETING AND CONFER IMPASSE PROCEDURE**

### **3.68.330 Initiation of Impasse Procedures**

If the meet and confer process has reached impasse as defined in this chapter, either party may initiate the impasse procedures by filing with the other party 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 promptly by the Employee Relations Officer. The purpose of such impasse meeting shall be:

- A. To identify and specify in writing the issue or issues that remain in dispute;
- B. To review the position of the parties in a final effort to resolve such disputed issue or issues; and
- C. If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedures provided in this article. (Prior code § 2-233(a)).

### **3.68.340 Mediation**

- A. If the parties agree to submit the dispute to mediation, and agree on the selection of a Mediator, the dispute shall be submitted to mediation. All mediation proceedings shall be private. The Mediator shall make no public recommendation, nor take any public position at any time concerning the issues.
- B. If the parties fail to agree to submit the dispute to mediation or fail to agree on the selection of a Mediator, or fail to resolve the dispute through mediation within fifteen days after the Mediator commences meeting with the parties, the parties may agree to submit the impasse to fact finding. (Prior code § 2-233(b)).

### **3.68.350 Fact Finding--Panel Selection**

If the parties agree on fact finding, they may agree on appointment of one or more fact finders. If they fail to so agree on one or more fact finders, 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 chairperson. If they are unable to agree upon a third, they shall select by agreement the third member from one or more lists of names to be provided by the American Arbitration Association. (Prior code § 2-233(c)(part)).

### **3.68.360      Fact Finding--Procedure**

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

- A. The fact finders shall consider and be guided by applicable Federal and State laws.
- B. Subject to the stipulations of the parties, the fact finders shall determine and apply the following measures and criteria in arriving at their findings and recommendations:
  - 1. As relevant to the issues in dispute, the fact finders shall compare the total compensation hours and conditions of employment of the employees involved in the fact finding proceeding with the total compensation, hours and conditions of employment of other employees performing similar services in public and private employment in the same and comparable communities. "Total compensation" means all wage compensation, including but not limited to premium, incentive, minimum, standby, out-of-class and deferred pay; all paid leave time; all allowances, including but not limited to educational and uniform benefits; medical and hospitalization benefits; and insurance, pension and welfare benefits.
  - 2. The fact finders shall then adjust the results of the above comparisons based on the factors of equitable employment benefits, relationships between job classifications and positions within the County, the benefits of County job stability and continuity of employment, and the difficulty, or lack thereof, of recruiting and retaining qualified personnel.
  - 3. The fact finders shall then determine recommendations based on the comparisons as adjusted above subject to the financial resources of the County to implement them, taking into account other legislatively determined and projected demands on agency resources, assurance of sufficient and sound budgetary reserves, and statutory or other limitations on tax and other revenues and expenditures.
- C. The fact finders shall make written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria, adjustments, and limitations specified above. Any member of a fact finding panel shall be accorded the right to file dissenting written findings of fact and recommendations. The Fact Finder or Chairperson of the Fact Finding Panel shall serve such findings and recommendations on the Employee Relations Officer and the designated representative of the Recognized Employee Organization. If these parties have not resolved the impasse within ten days after service of the findings and recommendations upon them, the Fact Finder or the Chairperson of the Fact Finding Panel shall submit them for consideration to the Board of Supervisors in connection with the Board's legislative consideration of the issues at impasse. (Prior code § 2-233(c)(part)).

**3.68.370      Board of Supervisors**

If the parties agree to submit the impasse directly to the Board of Supervisors, or if the parties do not agree to mediation or the selection of a Mediator and do not agree to fact finding, or having so agreed, the impasse has not been resolved through such mediation or fact finding, the Board of Supervisors shall take such action regarding the impasse as it in its discretion deems appropriate in the public interest. Any legislative action by the Board of Supervisors on the impasse shall be final and binding. (Prior code § 2-233(d)).

**3.68.380      Costs of Impasse Procedures**

The costs, if any, for the services of a Mediator and Fact Finder or Chairperson of a Fact Finding Panel utilized by the parties, and other mutually incurred costs of mediation and fact finding, shall be borne equally by the County and Recognized Employee Organization. The cost of a Fact Finding Panel Member selected by each part and other separately incurred costs shall be borne by such party. (Prior code § 2-233(e)).