

**TAHOE FOREST HOSPITAL DISTRICT**  
**EMPLOYER-EMPLOYEE RELATIONS RESOLUTION**

85-4

WHEREAS, the primary mission of the Tahoe Forest Hospital District is the provision of full and effective health services to the citizens in the community; and

WHEREAS, the orderly conduct of employee relations matters involving employees of the District is conducive to the fulfillment of the District's primary mission; and

WHEREAS, the adoption of uniform regulations concerning employee relations matters provides a means of assuring the orderly conduct of such matters.

NOW, THEREFORE, the Board of Directors of the Tahoe Forest Hospital District does hereby resolve the following:

Section 1. Purpose

The purpose of the Resolution is to promote sound personnel management and to establish a uniform procedure for determining representation units, certifying employee organizations and decertifying employee organizations and resolving questions concerning representation.

Section 2. Definitions

A. "Certified Employee Organization" means an employee organization which has been certified by the Board of Directors as the exclusive representative of a Representation Unit pursuant to a secret ballot election among employees in an appropriate unit.

B. "Decertification" means the removal of an employee organization as the exclusive representative of a Representation Unit.

C. "Employee" means any individual employed by the Hospital except those persons elected by popular vote.

D. "Employee Organization" means any lawful organization which includes employees of the Hospital and which has as one of its primary purposes representing such employees in their employment relations with the Hospital.

E. "Managerial Employee" means any employee having or exercising independent responsibility for formulating or administering Hospital policies and programs and also means any employee who has the authority to hire, transfer, suspend, layoff, recall, evaluate, promote, discharge, schedule, assign, reward, discipline, direct the work or adjust grievances of other employees or to effectively recommend any of the aforementioned actions.

F. "Professional Employee" means:

(1) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) 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) any employee who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

G. "Representation Unit" means an appropriate grouping of employees based upon a community of interest among the employees and the efficient operation of the Hospital. Each Representation Unit shall be entitled to select an exclusive representative pursuant to this Resolution.

H. "Confidential Employee" means any employee who has, as part of his/her job duties, access to confidential material regarding the operation of the Hospital.

### Section 3. Employee Rights

Employees shall have the right to form, join and participate in activities of employee organizations of their own choosing for the purpose of representation on all appropriate matters of employee relations, and 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 District.

### Section 4. Certified Employee Organization's Rights

A certified employee organization shall have the exclusive right to represent employees in an appropriate bargaining unit regarding wages, hours and other terms and conditions of employment with the District. Except that nothing herein shall limit the right of an employee to represent him/her self in employment matters.

### Section 5. District Rights

A. The rights of the District include, but are not limited to, the exclusive right to determine the mission of the Hospital and its departments; set its standards of service; determine the procedures and standards of selection for employment and promotion; manage its employees and its operations; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of District operations; determine the number, location, and nature of its facilities; determine the methods, means, and personnel by which District operations are to be conducted, including subcontracting;

determine and redetermine the content of job classifications; take any and all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work. Nothing in this section or Resolution shall be construed to limit, amend, decrease, revoke or otherwise modify the rights vested in the District by the California District Hospital Act as amended, or other laws regulating, authorizing or empowering the District to act or refrain from acting.

#### Section 6. Petition for Recognition

A. An employee organization that seeks to become the certified employee organization in a Representation Unit shall file a Petition with the Administrator of the Hospital containing the following information and documentation:

- (1) Name and address of the employee organization;
- (2) Names and titles of its officers and authorized representatives;
- (3) A statement that the organization has as one of its primary purposes representing employees in their employment relations;
- (4) Information as to whether the organization is a chapter of, local of, or affiliated directly or indirectly in any manner with any regional, state, national, or international employee organization and, if so, the name and address(es) of such other organization;
- (5) Certified copies of the employee organization's constitution and bylaws and those of any organizations with which it is affiliated or otherwise associated;
- (6) A description of the Representation Unit sought to be represented by the employee organization including relevant job classifications and/or job titles;
- (7) Written proof that the employee organization has in its possession, dated within three months of the date upon which the Petition is filed, that not less than thirty (30) percent of the employees in the Representation Unit have requested that there be an election to determine if a majority of the employees in the Representation Unit wish to be represented by the employee organization;
- (8) A statement that the employee organization wishes to be certified as the exclusive representative of the employees in the unit claimed to be appropriate;
- (9) A designation of those persons, not exceeding two in number, and their addresses, to whom notice, sent by regular United States mail, will be deemed sufficient notice to the employee organization for any purpose;
- (10) A statement that the employee organization has no restriction of membership based upon race, color, creed, sex, age or national origin;
- (11) A declaration under penalty of perjury by the Chief Executive Officer of the organization stating that all of the matters set forth in subsection (1) through (10) above are true and correct.

B. Any change in information required in this section shall be duly filed with the Administrator of the Hospital in the same manner as the information in the original.

C. The withholding or falsification of any information required by this section shall constitute reasonable grounds for the denial of or withdrawal of certification by the District.

D. Upon receipt of the Petition, the Administrator or his designated representative shall review the Petition to determine if the requirements set forth above have been met. The Administrator shall then make a recommendation to the Board of Directors regarding the validity of the Petition.

(1) If the Board of Directors determines that the Petition is not valid, the Petition shall be dismissed without prejudice to refiling.

(2) If the Board determines that the Petition is valid, an election shall be conducted in accordance with the Election Procedure set forth in Section 9.

#### Section 7. Appropriate Representation Units

There shall be two Representation Units at Tahoe Forest Hospital District.

(1) Unit A shall include all professional employees excluding all non-professional, managerial and confidential employees.

(2) Unit B shall include all non-professional employees excluding all professional, managerial and confidential employees.

(3) Nothing herein shall limit the right of one union to represent both units.

#### Section 8. Unit Clarification

A. In the event that a certified employee organization disputes the unit placement of a new job classification, it may file a Unit Clarification Request with the Administrator. Said Request shall include:

(1) The name of the job classification in dispute;

(2) The Representation Unit of the job classification and the unit believed to be appropriate by the employee organization;

(3) A concise statement setting forth the rationale for modifying the unit placement.

B. The Administrator shall forward this request to the Board of Directors along with a recommendation. The Board of Directors shall decide whether to grant the request and modify the unit placement.

#### Section 9. Election Procedure

A. This election procedure shall apply to certification, decertification and merger/affiliation elections.

B. The California State Mediation and Conciliation Service shall conduct the election.

C. All employees in the unit who were employed in the payroll period immediately preceding the date of the election agreement and who received pay from the Hospital during the month preceding the election shall be eligible to vote, except that any employee who has resigned, retired or who was otherwise terminated or placed on indefinite layoff prior to the time of the election, shall not be eligible to vote. Temporary employees shall not be eligible to vote.

D. The Administrator or his designated representative and a representative of the employee organization shall make the arrangements for the election with the State Mediation and Conciliation Service to conduct the election. The election shall be by secret ballot and those employees who are on vacation, leave or otherwise unable to be present for the vote shall be provided absentee ballots.

E. Any party to the election may challenge a voter's eligibility to vote in the election by so notifying the agent from State Conciliation. If the challenged ballot(s) is sufficient to affect the results of the election, the Administrator and the employee organization(s) shall have thirty (30) days to file position statements with the Board of Directors regarding the challenged voter's eligibility to vote. The Board of Directors shall consider both sides and render a final decision on whether the challenged ballot(s) shall be opened and counted.

F. If the employee organization receives a majority vote of employees voting, it shall be certified by the Board of Directors as the exclusive representative of the Representation Unit. Such certification shall not preclude employees from representing themselves individually on employee relations matters of concern to them. If the election is a decertification election, the Board shall revoke the certification of the employee organization if it fails to receive the majority vote of the employees voting.

#### Section 10. Decertification of an Employee Organization

A. A Decertification Petition alleging that the incumbent recognized employee organization no longer represents the employees in an established Representation Unit may be filed with the Administrator at any time after the incumbent employee organization has been recognized by the Hospital for at least one (1) year. Such a Petition shall contain the following information:

(1) The name and/or a description of the established unit and the name of the incumbent employee organization sought to be decertified as the representative of that unit; and

(2) A statement that the incumbent employee organization no longer represents the employees in the unit; and

(3) Proof of employee support that at least thirty (30) percent of the current employees in the unit no longer desire to be represented by the incumbent employee organization. Employee signatures indicating a desire to no longer be represented by the employee organization shall be dated no more than three (3) months prior to the filing of the petition.



B. Upon receipt of the Petition, the Administrator or his designated representative shall review the Petition to determine if the requirements set forth above have been met. The Administrator shall then make a recommendation to the Board of Directors regarding the validity of the Petition.

(1) If the Board of Directors determines that the Petition is not valid, the Petition shall be dismissed without prejudice to refiling.

(2) If the Board determines that the Petition is valid, an election shall be conducted in accordance with the Election Procedure set forth in Section 9.

C. The Administrator may file a Decertification Petition directly with the Board of Directors at any time after the incumbent employee organization has been recognized for at least one (1) year. Such a Petition shall contain the following information:

(1) The name and/or a description of the established unit and the name of the incumbent employee organization sought to be decertified as the representative of that unit; and

(2) A statement that the incumbent employee organization no longer represents a majority of the employees in the unit; and

(3) A statement explaining the objective considerations upon which the conclusion (in sub-paragraph 2) is based.

D. If the Board of Directors determines that there is not sufficient objective consideration to believe that the incumbent employee organization no longer represents a majority of the employees in the unit, it shall dismiss the Petition.

E. If the Board of Directors determines that there is sufficient objective consideration to believe that the incumbent employee organization no longer represents a majority of the employees in the unit, an election shall be conducted in accordance with the Election Procedure set forth in Section 9.

#### Section 11. Mergers/Affiliations

In the event that a certified employee organization either merges with or affiliates with any other employee organization, a secret ballot election shall be conducted in accordance with the provisions set forth in Section 9. The newly created organization shall comply with the requirements set forth in Section 8.

#### Section 12. Separability

If any provision of this Resolution, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.