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## **.4 Employer - Employee**

- **.4.2 Statement of Purpose**

This Chapter implements Chapter 10 (commencing with Section 3500) of Division 4, Title 1 of the Government Code, captioned "Local Public Employee Organizations", by providing orderly procedures for the administration of employer-employee relations between the County and its employee organizations. However, nothing contained herein shall be deemed to supersede the provisions of State law, County ordinances, resolutions and rules which establish and regulate the merit system, or which provide for other methods of administering employer-employee relations. This Chapter is intended, instead, to strengthen merit and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations and the County.

It is the purpose of this Chapter to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by Federal or State law.

- **.4.4 Definitions**

As used in this Chapter, the following terms shall have the meanings indicated:

"Appropriate unit" means a unit of employee classes or positions, established or modified pursuant to this Chapter.

"Confidential employee" means an employee, who, in the course of his or her duties, has access to information relating to the County's administration of employer-employee relations.

"County" means the County of Glenn, and where appropriate herein, refers to the County Board of Supervisors or any duly authorized County representative as herein defined.

"Day" means calendar day unless expressly stated otherwise.

"Employee" means any person employed by the County in an authorized position as listed in the current County Budget, except elected officers and appointed department heads.

"Employee organization" means any bona fide organization which includes employees of the County and which has as one of its primary purposes representing such employees in their relations with the County.

"Exclusive recognition" means formal recognition by the County of an employee organization to the exclusion of other employee organizations pursuant to a vote of the employees in an appropriate representation unit.

"Exclusively recognized employee organization" means an employee organization which has gained exclusive recognition in an appropriate representation unit pursuant to a vote of the employees in the unit. No other organization may represent employees in such a unit except as provided in 10.04.20 below.

"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 a 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.

"Management employee" means any employee having responsibilities for the formulation or administration of County policies and programs, as designated by the County.

"Management representative" means the County Personnel Director or any persons duly designated by the County to act as a representative of the County for employer-employee relations.

"Mediation" means the efforts of an impartial third person, or persons functioning as an intermediary to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestions, and advise.

"Meet and confer in good faith" means performance by duly authorized management representatives and by duly authorized representatives of a recognized employee organization of their mutual obligation to personally meet and confer promptly upon request by either party and continue for a reasonable period of time in order to freely exchange information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the public agency of its final budget for the ensuing year. This mutual obligation shall not require either party to agree to a proposal or to make a concession.

"Professional employees" means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including but not limited to attorneys, physicians, registered nurses, engineers, architects, and the various types of physical, chemical, and biological scientist.

"Proof of employee support" means the documentation on forms approved by the County presented by an employee organization to the Personnel Director indicating approval by the required number of employees whom the employee organization purports to represent. Only signatures of employees currently employed in authorized positions within the proposed representation unit on the date the petition is filed, and whose signatures have been executed within one hundred eighty (180) calendar days prior to the date the petition is filed, shall be accepted as proof of employee approval. The total number of

employees in a proposed representation unit shall be determined by using the Position Allocation List, adjusted to reflect the positions occupied as of the closing date of the payroll period immediately preceding the date on which the petition is filed.

"Representation unit" means a unit composed of County employees organized for the purpose of employee representation, and which has been established in accordance with this chapter.

"Scope of representation" means those matters relating to employment conditions and employer-employee relations, including wages, hours, and other terms and conditions of employment; except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

"Supervisory employee" means any employee other than a management employee regularly having authority in the interest of the county to hire, transfer, suspend, layoff, recall, promote, discharge, assign, evaluate, or discipline other employees or the responsibility to assign work to and direct them or to adjust their grievances or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not merely routine or clerical nature, but requires the use of independent judgment.

- **.4.6 Employee Rights**

Subject to the provisions of this Chapter, 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 shall also have the right to refuse to join, support, or participate in the activities of employee organizations. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of his exercise of these rights.

- **.4.8 County Rights**

A. Nothing in this Chapter shall be construed to restrict any legal or inherent exclusive County rights with respect to matters of general legislative or managerial policy, which include, among others, the exclusive right to determine the methods, means, and personnel by which County Government operations are to be conducted, as well as to exercise complete control and discretion over its organization, operations and technology of performing its work including the contracting out of work; to determine the mission, function and necessity of all or part of each of its constituent departments, boards, and commissions and take all necessary actions to carry out their mission, functions and necessity, or any part thereof, as well as set standards of service to the public.

B. The County also retains the sole right to administer the County Personnel Policy and Ordinance, to classify and reclassify positions, add or delete positions or classes to or from the County Budget or Salary Resolution; to establish standards for employment, selection and promotion of employees; to direct its employees, establish rules and regulations, take disciplinary action for proper cause, to establish work schedules and work assignments, and to relieve its employees from duty for lack of work or other legitimate reasons. The County retains the right to be the sole judge of the qualification and competence of its officers and employees.

C. The County reserves the right to take whatever action may be necessary in an emergency situation; however, an exclusively recognized employee organization affected by the action shall be notified promptly of any such emergency action which affects matters within the scope of representation.

#### **.4.10 Scope of Representation**

A. Upon request, an exclusively recognized employee organization shall have the right to meet and confer in good faith to negotiate wages, hours, and other terms and conditions of employment with the appropriate level of management. Terms and conditions of employment mean health and welfare benefits, leave and transfer policies, safety conditions of employment, procedures to be used for the evaluation of employees, layoff procedures, and procedures for processing grievances and disciplinary appeals.

B. If agreement is reached by the representatives of the County and a recognized employee organization, they shall jointly present to the Board for its consideration and ratification a written memorandum of such understanding.

C. The County may adopt reasonable rules and regulations after consultation in good faith with representatives of the employee organizations concerning the administration of employee relations under this Chapter.

D. The County shall give reasonable written notice to each exclusively recognized employee organization of any proposed ordinance, rule or regulation relating to matters within the scope of representation set forth in this Chapter.

#### **.4.12 Filing of Recognition Petition**

An employee organization seeking to be formally recognized as the exclusive employee organization representing the employees in an appropriate unit shall file a petition with the Personnel Director containing the following information and documentation:

A. Name and address of the employee organization.

B. Names and titles of its officers.

C. Names of employee organization representatives who are authorized to speak on behalf of the organization.

D. A statement that the employee organization has, as one of its primary purposes, representation of employees in their employment relations with the County.

E. A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization.

F. Certified copies of the employee organization's constitution and bylaws.

G. 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.

H. A statement that the employee organization has no restriction on membership based on race, color, creed, sex, age, national origin or handicap.

I. The job classification or titles of employees in the unit claimed to be appropriate and the approximate number of employees therein.

J. Proof of employee support, as herein defined, means that at least thirty percent (30%) of the employees in the unit claimed to be appropriate desire the named organization to represent them in employer-employee relations.

K. A request that the County formally recognize the petitioner as the exclusively recognized employee organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

L. The petition, including all accompanying documents, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officers of the employee organization executing it.

- **4.13 County Review of Recognition Petition/Notice to Employees**

Following receipt of the petition, the Personnel Director shall determine whether:

A. The petition complies with the requirements of this chapter, and

B. The proposed representation unit is an appropriate unit in accordance with Section 10.04.16.

If an affirmative determination is made by the Personnel Director on the foregoing two matters, he shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for twenty (20) days thereafter. Posting the request in conspicuous County locations shall constitute written notice to the employees. If either of the foregoing matters are not affirmatively determined, the Personnel Director shall offer to consult thereon with such petitioning employee organization, and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefor in writing. The petitioning employee organization may appeal such determination in accordance with Section 10.04.26.

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#### **.4.14 Challenging Petitions/Overlapping Units**

Within twenty (20) days of the date of written notice to the affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally recognized as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged), by filing documentation evidencing proof of employee support in the unit claimed to be appropriate of at least thirty percent (30%) of the employees in the unit claimed to be appropriate and otherwise in the same form and manner as set forth in Section 10.04.12. If such challenging petition seeks establishment of an overlapping unit, the Personnel Director shall consult with the petitioning employee organizations for the purpose of ascertaining the more appropriate unit. Thereafter, the Personnel Director shall determine the appropriate unit or units in accordance with the standards in Section 10.04.16. The petitioning employee organizations shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the Personnel Director to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 10.04.26

#### **.4.16 Appropriate Units**

The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the County and its compatibility with the primary responsibility of the County and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

- A. The unit shall include the broadest feasible groups of employees based upon internal and occupational community interest. Fragmentation of units is to be avoided.
- B. The effect of the proposed unit on the efficient operation of County services and on sound employer-employee relations.
- C. Consistency with the organizational patterns of the County.
- D. The history of employee relations in the unit, among other employees in the County, and in similar public employment.
- E. Similarity of duties, skills, and working conditions of employees.
- F. No County employment classification title shall be included in more than one representation unit.
- G. Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee organization consisting of such employees.
- H. Management and Supervisory employees may only be represented by an organization or organizations

composed solely of such employees but shall not represent any employee organization which represents other employees of the public agency.

I. Confidential employees may not be represented in a bargaining unit together with nonconfidential employees.

J. Notwithstanding the provisions of this Section to the contrary a unit shall consist of at least ten (10) employees.

K. Elected and appointed officials shall not be members of any unit.

#### **4.18 Procedure for Modification of Established Appropriate Units**

A. Requests by employee organizations for modifications to established appropriate units may be considered by the Personnel Director only during the period of 120 to 150 days prior to the expiration date of the Memorandum of Understanding. Such documentation shall be submitted in accordance with the requirements set forth in this Section and shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth herein. The Personnel Director shall process such requests as stated below.

B. The Personnel Director may on his own motion propose during the period specified in this Section, that an established unit be modified and shall process such proposal as stated below.

C. The Personnel Director shall give written notice of the proposed modifications to all affected employee organizations and shall hold a meeting concerning the proposed modifications, at which time all affected employee organizations shall be heard.

D. Thereafter, the Personnel Director shall determine the composition of the appropriate unit or units in accordance with Section 10.04.16 and shall give written notice of such determination to the affected employee organizations.

E. The Personnel Director may after notice to and consultation with affected employee organizations, allocate new classifications, or positions, reallocate classifications or positions, or delete classifications in accordance with the provisions of Section 10.04.16.

F. The allocation of new classifications or the deletion of abolished classifications may be done at any time and may not be considered a modification of the unit if in the determination of the Personnel Director such additions or deletions have no significant impact on the appropriateness of the unit.

G. If a unit is modified pursuant to the decision of the Personnel Director hereunder, employee organizations may thereafter file petitions for a new appropriate unit or units pursuant to Section 10.04.12.

H. There shall not be more than one election in a twelve (12) month period affecting the same bargaining unit.

I. Any determinations made by the Personnel Director are subject to appeal as provided in Section 10.04.26.

## **.4.20 Procedure for Decertification of Exclusively Recognized Employee Organizations**

A. Proof of employee support alleging that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Personnel Director only during the period of 120 to 150 days prior to the expiration of the agreement. Such documentation may be filed by two or more employees, their representative or an employee organization and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

1. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
2. The name of the established appropriate unit and of the incumbent exclusively recognized employee organization sought to be decertified as the representative of that unit.
3. An allegation that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.
4. Proof of employee support that at least thirty percent (30%) of the employees in the established appropriate unit no longer desire to be represented by the incumbent exclusively recognized employee organization. Such proof shall be submitted for confirmation to the Personnel Director within the time limits specified in the first paragraph of this Section.

B. The Personnel Director shall initially determine whether the documentation has been filed in compliance with the applicable provisions of this Section. If his determination is in the negative, he shall offer to consult thereon with the representatives of such petitioning employees or employee organization, and, if such determination thereafter remains unchanged, shall return such documentation to the employees or employee organization with a statement of the reasons therefor in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 10.04.26. If the determination of the Personnel Director is in the affirmative, or if his negative determination is reversed on appeal, he shall give written notice of such Decertification or Recognition documentation to the incumbent exclusively recognized employee organization and to unit employees.

- ## **.4.22 Election Procedure**

A. If less than 60% of the employees in the unit claimed to be appropriate sign the petition or in some other way demonstrate to the Personnel Director their support, an election shall be conducted pursuant to this section. Within twenty (20) calendar days of the last date that a recognition petition can be filed, as determined by the Personnel Director or as decided by an appeal, the Personnel Director shall arrange for a secret ballot election to be conducted in accordance with the provisions of this Chapter. All employee organizations that have filed petitions which have been determined to conform to Section 10.04.12 shall be included on the ballot. The choice of "No Organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons employed in full-time and part-time regular positions within the designated appropriate unit who were employed during the pay period

immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the County in the same unit on the date of the election.

B. The election shall be conducted by the California State Conciliation Service unless both parties agree on another party hereinafter referred to as the Election Supervisor.

C. Costs of conducting elections, if any, shall be borne in equal shares by the County and each employee organization appearing on the ballot. If the election is called at the request of the County, the County shall bear all normal election expenses. The party desiring observers shall provide for those observers at its own expense.

D. The Election Supervisor shall have the final authority to make such arrangements and ruling as he deems necessary to carry out the election. No later than twenty (20) days prior to the election, the Election Supervisor shall meet with the eligible employee organizations to discuss the election arrangement and rules. Such rules shall be made available to the organizations no later than ten (10) days prior to the election.

E. An employee organization shall be formally recognized as the exclusively recognized employee organization for the appropriate unit following an election or runoff election if it receives a numerical majority (more than 50%) of the valid votes cast.

F. In an election where there are more than two choices on the ballot, including the choice of no organization, and none of the choices receive a majority of the votes cast by the employees within the representation unit, a runoff election shall be conducted between the choices receiving the largest and second largest number of votes.

G. Each eligible employee organization shall submit to the Personnel Director the designation it desires on the ballot no later than twenty (20) calendar days before the election. Such designation shall be the official name of the organization as submitted in their bylaws pursuant to Section 10.04.12 or an abbreviated version thereof. If any organization fails to submit such designation, the Personnel Director shall prepare a designation for use on the ballot. The order in which the eligible choices appear on the ballot shall be determined by lot.

H. The ballots shall include the question "Do you wish to be represented in respect to wages, hours, and other conditions of employment by?" Following the question the eligible choices shall be listed on the ballot in the order determined by lot. The eligible choices shall also include the choice of "No organization."

I. A notice of election in a form approved by the Elections Supervisor shall be posted at locations serving employees in the unit involved at least five (5) days prior to the election.

J. If agreed to by the organizations appearing on the ballot and the Personnel Director, each eligible employee organization and the County are authorized to provide one observer at each polling place. Each party shall be responsible for the presence of his observers and no balloting or counting shall be delayed because of the absence of one or more observers.

K. Any authorized observer may challenge the eligibility of a voter. It shall be the duty of the Election Supervisor or his designee to place the challenged ballot in a sealed envelope indicating that the voter in

question has cast a challenged ballot.

L. The Election Supervisor shall subsequently determine the eligibility of the voter who cast a challenged ballot and either count or reject said vote. The decision of the Election Supervisor shall not be subject to appeal and shall be final and binding on all parties. The Election Supervisor may employ at no expense to the eligible registered organizations as assistants in the conduct of the election, persons normally employed as elections officials by the County who are not County employees. The Election Supervisor may also use the services of the Registrar of Voters and his staff and such persons that are used by the Election Supervisor are charged with strict neutrality in the conduct of their duties.

M. Voting locations shall be agreed to by the parties or designated by the Election Supervisor after consultation with the parties no later than fifteen (15) days before the election. The election will be by secret ballot and voters will be allowed to vote without fear or restraint or coercion.

N. At the conclusion of the election, the Election Supervisor, after disposing of the challenged ballots, shall count all the ballots and certify the results of the election. These results shall be final and binding on the parties.

O. The Election Supervisor is hereby authorized to make such administrative and procedural rulings as he or she deems necessary to carry out the elections. A violation of these rules by a party may serve to void the election. The Election Supervisor shall have the sole authority to make a ruling under this section.

P. Any of the above election procedures as set forth in paragraphs B through O may be altered or waived by mutual agreement of the parties.

- **.4.24 Granting Exclusive Recognition**

Upon a determination that an employee organization has received a majority of ballots cast in an election, the Board of Supervisors shall, by resolution, grant exclusive recognition for the appropriate bargaining unit. A new exclusively recognized employee organization shall assume the terms and conditions of any existing memorandum of understanding.

- **.4.26 Appeals**

An employee organization aggrieved by an appropriate unit determination by the Personnel Director may, within ten (10) days of notice thereof, request the intervention of the California State Conciliation Service pursuant to Government Code Sections 3507.1 and 3507.3, or may, in lieu thereof, appeal such determination to the Board of Supervisors for final decision within ten (10) calendar days of notice of the Personnel Director's determination.

- **.4.28 Meeting and Conferring**

A. Only exclusively recognized employee organizations in established representation units shall be entitled to meet and confer with duly designated management representatives on wages, hours, and other terms and conditions of employment for such units.

B. The County is under no obligation to meet and confer with employee organizations who are not exclusively recognized, or who willfully violate any of the provisions of this Chapter, or who are engaged in any illegal action against the County.

C. Meeting and conferring shall not be required on any subject preempted by Federal or State law, rule, or regulation. Proposed amendments to this Chapter shall be subject to consultation after reasonable notice.

D. Agreements reached as a result of meeting and conferring shall be incorporated in a written memorandum of understanding signed by the County representative, his designee when appropriate, and the duly designated representative of the recognized employee organization with whom the agreement has been reached. Such memorandum of understanding shall not exceed a three-year term. Signed memorandums of understanding shall be mutually submitted to the Board of Supervisors, but shall not be in effect or binding on the parties until formally approved by the Board of Supervisors.

- **.4.30 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 within ten (10) calendar days by the Personnel Director. The purposes of such impasse meeting shall be as follows:

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 herein.

- **.4.32 Mediation**

A. Either party may request mediation. Such mediator shall be selected from a panel to be provided by the California State Conciliation Service unless both parties agree to another mediator. 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 resolve the dispute through mediation within fifteen (15) calendar days after the mediator commences meeting with the parties, the parties may mutually agree to submit the impasse to fact-finding.

- **.4.34 Fact-Finding**

If the parties mutually agree to submit the impasse to 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 County; one member shall be appointed by the exclusively 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 California State Conciliation Service. 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" shall mean 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, job injury, disability 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 County and the designated representative of the exclusively recognized employee organization.

D. If the parties have not resolved the impasse within ten (10) 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 by the Board of Supervisors in connection with the Board's legislative consideration of the issues at impasse.

- **[4.36 Board of Supervisors](#)**

If the parties agree to submit the impasse directly to the Board of Supervisors, or if the parties do not resolve the impasse through mediation or do not agree to 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.

- **.4.38 Cost 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 the employee organization. The cost for a fact-finding panel member selected by each party and other separately incurred costs shall be borne by such party.

- **.4.40 Construction**

This Chapter shall be administered and construed as follows:

A. While this Chapter shall prevail over any other policy, resolution, rule or memorandum of understanding, nothing in this Chapter shall be construed to deny to any person, employee, organization, the County, or any authorized officer, body or other representative of the County, the rights, powers and authority granted by Federal or State law.

B. This Chapter shall be interpreted so as to carry out its purpose as set forth in Section 10.04.02.

C. Nothing in this Chapter shall be construed as making the provisions of California Labor Code Section 923 applicable to County employees or employee organization, or of giving employees or employee organizations the right to participate in, support, cooperate or encourage, directly or indirectly, any strike, sickout or other total or partial stoppage or slowdown of work. In the event employees engage in such actions, they shall subject themselves to possible disciplinary action up to and including termination and may be deemed to have abandoned their employment. If an employee organization is found by the County, after a public hearing, to have engaged in such activity the County may withdraw all rights accorded the organization under this Chapter and other County law for a period up to one year from commencement of such activity.

- **.4.42 Severability**

If any provisions of this Chapter or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Chapter, 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.

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