

RESOLUTION NO. 1762, SERIES 1975

RESOLUTION AMENDING ARTICLE VI OF RESOLUTION 1303, SERIES 1973  
RELATING TO REPRESENTATION UNITS

BE IT RESOLVED by the City Council of the City of Davis as follows:

SECTION 1. Article VI of Resolution 1303, Series 1973, is hereby amended to read as follows:

ARTICLE VI - REPRESENTATION UNITS

(1) The representation units set forth in Exhibit A, attached hereto and made a part hereof, are the appropriate units for representation by recognized employee organizations. Said representation units may be modified in accordance with the criteria and procedures set forth in subsections (2) and (3) of this article.

(2) Establishment or modification of representation units.

(a) Where no representation unit exists or where a modification of an existing unit is desired, including the splitting of job classifications, a registered employee organization may submit a petition to the Personnel Officer requesting the creation or modification of a representation unit. The petition shall include a list of the classifications to be included in the proposed unit, the number of employees in each classification, as well as the divisions and departments to which they belong. The petition must be accompanied by proof that the organization has been requested to represent at least thirty percent (30%) of the employees within the proposed unit. Upon receipt and verification of such petition, the Personnel Officer shall promptly give notice of the request to the employees in the proposed unit and to any affected recognized employee organization.

(b) Within thirty (30) calendar days of the date notice is given of the filing of a petition for establishment or modification of a unit, any other registered employee organization may challenge the appropriateness of the requested representation unit by petitioning for the establishment of a different unit or by petitioning to maintain the then existing unit or units. The petition shall be filed with the Personnel Officer by the same procedure as set forth in subsection (a).

(c) If a challenge is filed, the Personnel Officer shall notify the registered employee organization which submitted the original petition. If an amended petition is not filed by the original petitioner

HIF809

184

within seven (7) days of such notice, the original petition and challenge shall be submitted to the City Council as provided below. Upon filing of an amended petition, the original petition shall be deemed revoked and the amended petition shall be considered on its own merits as if originally filed.

(d) The Personnel Officer shall submit the petition and any challenge to the City Council. The Council shall hold hearings on all petitions for representation units or modifications thereof, at which time the registered employee organization which filed the original petition and any challenging registered employee organizations shall be heard.

(e) The City Council shall, within fourteen (14) days of the conclusion of the hearing, make the final determination on the appropriateness of the representation unit or units. In making such determination, the Council shall not be limited to consideration of the unit or units requested, provided, however, that if the Council is considering the establishment or modification of a representation unit other than one described in an original petition or in a challenging petition, the following procedure shall be followed:

(i) The City Council shall set a date, not more than forty (40) nor less than thirty (30) days after the initial hearing, when it will act on establishing the representation unit or units, and shall direct the Personnel Officer to cause timely notice of the date and purpose of said hearing to be given to all employees within the unit or units being considered, and to all affected employee organizations.

(ii) At the time set for the hearing, the Council shall afford all persons present, and all registered employee organizations or representatives thereof, an opportunity to be heard on the question of establishing or modifying the representation unit or units which were not described in an original petition or in a challenging petition.

(iii) After all persons and employee organizations or representatives thereof who wish to be heard on the matter have been afforded an opportunity to be heard, the Council shall, within fourteen (14) days, render its decision on establishing or modifying the representation unit or units.

(3) Criteria for determination or modification of representation units. In determining whether an employee representation unit is appropriate, the following factors shall be considered:

(a) An appropriate representation unit shall be the largest feasible group of employees having an identifiable community of interest.

(b) The effect of the proposed unit on the efficient operation of City services and on sound employee relations.

(c) The history of employee relations in the City.

HIF809

(d) Similarity of duties, skills, wages and working conditions.

(e) Professional employees, as defined in subsection 6 of Article III, shall have the right to be represented separately from non-professional employees by a professional employee organization consisting of such professional employees.

(f) No single job classification shall be included within two (2) or more representation units.

(g) No management or confidential employee shall be included in the same representation unit with nonmanagement or nonconfidential employees.

PASSED AND ADOPTED by the City Council of the City of Davis on this 16th day of July, 1975, by the following vote:

AYES : Councilmen Black, Holdstock, Stevens, Tomasi, Mayor Poulos.

NOES : None.

ABSENT: None.

*Joan G. Poulos*  
JOAN G. POULOS  
Mayor

ATTEST:

*Howard L. Reese*  
HOWARD L. REESE  
City Clerk