



Sacramento Metropolitan Fire District

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ADAM A. HOUSE
Fire Chief

RESOLUTION NO. 2024-103

RESOLUTION OF BOARD OF DIRECTORS OF THE SACRAMENTO METROPOLITAN FIRE DISTRICT ADOPTING POLICY RELATING TO EMPLOYER- EMPLOYEE RELATIONS

ARTICLE I – STATEMENT OF PURPOSE

This Resolution is enacted pursuant to California Government Code Sections 3500 et seq., to establish orderly procedures to promote full communication between the District and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the District and its employee organizations. It is the purpose of this Resolution to promote the improvement of personnel management and employer-employee relations within the District by providing a uniform basis for recognizing the right of its employees to join organizations of their own choice and be represented by such organizations in their employment relationship with the District.

Nothing contained herein shall be deemed to supersede the provisions of existing State law, ordinances, resolutions and rules which establish and regulate the merit system, or which provide for other methods of administering employer-employee relations. This Resolution 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 and the District.

ARTICLE II – AUTHORITY OF FIRE CHIEF

The District hereby declares, as a matter of policy, that the Board of Directors and its members will deal with employee organizations and their representatives solely through the Fire Chief except when otherwise expressly provided for by the terms of this Resolution.

ARTICLE III – DEFINITIONS

1. The terms “employee organization,” “recognized employee organization,” and “mediation” have the meanings specified in California Government Code Section 3501.
2. The meaning of “scope of representation” is as that term is defined in California Government Code Section 3504.
3. “Confidential Employee” means an employee who regularly participates in making or regularly has advance knowledge of confidential information relating to the District’s administration of employer- employee relations.

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4. “Management Employee” means an employee having responsibility for formulating, administering, or managing the implementation of District policies and programs.

5. “Supervisory Employee” means an employee having responsibility for assigning and directing the work of other employees, or for rewarding or disciplining them, or for adjusting 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.

6. “Professional Employee” means an employee engaged in work (a) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, and (b) involving the consistent exercise of discretion and judgment in its performance, and (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.

7. “Employee Relations Officer” means the Fire Chief or designee.

8. “Proof of Employee Support” is demonstrated under this Resolution by (a) an authorization card recently signed by an employee, provided that the card has not been subsequently revoked in writing by the employee; (b) employee dues deduction authorizations, using the payroll immediately prior to the date a petition is filed hereunder, except that deductions for more than one employee organization for the account of any one employee shall not be considered proof of employee approval for more than one employee organization, or (c) a verified authorization petition or petitions recently signed by an employee. The words “recently signed” mean signed within one hundred eighty (180) days prior to the filing of a petition hereunder.

9. “Impasse” means that the representatives of the District 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/or concerning matters over which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.

10. Terms not defined herein shall have the meanings as set forth in the MMBA.

ARTICLE IV – REPRESENTATION PROCEEDINGS

1. Filing of Recognition Petition by Employee Organization

An employee organization that wishes to be certified as the recognized employee organization for a designated representation unit for which unit no employee organization has been certified shall file a recognition petition with the Employee Relations Officer. The petition shall be signed by the organization’s duly authorized officers, and shall contain the following information and documentation:

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- a. The name and mailing address of the organization.
- b. The names and titles of its officers.
- c. Designation of those persons, not exceeding three in number, and their addresses, to whom notice sent by regular mail will be deemed sufficient notice on the organization for any purpose.
- d. A statement that the organization does not discriminate or restrict membership or participation based on legally-protected classifications.
- e. A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with the District.
- f. A statement that the organization agrees to comply with the provisions of this Resolution.
- g. A copy of its constitution and bylaws, if any.
- h. The job classifications or position titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- i. Proof of employee support of thirty percent (30%) or more of the employees within such representation unit.

2. District Response to Recognition Petition

Upon receipt of the Petition, the Employee Relations Officer shall determine whether:

- a. There has been compliance with the requirements for the filing of a Recognition Petition as set forth in section 1 of this Article IV; and
- b. The proposed representation unit is an appropriate unit in accordance with section 9 of this Article IV.

If the Employee Relations Officer determines the petition satisfies the two criteria above, the Employee Relations Officer 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 thirty (30) days thereafter.

If the Employee Relations Officer determines that the petition does not satisfy one or both of the criteria above, the Employee Relations Officer shall offer to consult with such petitioning employee organization. The Employee Relations Officer, after consulting with the labor organization, will inform that organization in writing why the petition fails to satisfy the criteria above.

The petitioning employee organization may appeal the Employee Relations Officer's determination in accordance with section 12 of this Article IV.

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3. Open Period for Filing Challenging Petition

Within thirty (30) days of the date written notice was given to 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 acknowledged 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 a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty percent (30%) and otherwise in the same form and manner as set forth in section 1 of this Article IV. If the challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on the overlapping petitions for the purpose of ascertaining the more appropriate unit. The petitioning employee organizations shall have the opportunity to be heard during the hearing. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in section 9 of this Article IV and shall provide written notice of the Employee Relations Officer's determination.

If the petitioning employee organizations do not agree with the decision rendered by the Employee Relations Officer, the petitioning employee organizations shall have fifteen (15) days from the date of when the notice of such unit determination is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to 12 of this Article IV.

4. Granting Recognition Without an Election

If the Petition is in order, and the proof of support shows that a majority of the employees in the unit deemed to be appropriate have designated the petitioning employee organization to represent them, and if no other employee organization filed a challenging petition, the petitioning employee organization and the Employee Relations Officer shall request the California State Mediation and Conciliation Service ("CSMCS"), or another agreed-upon neutral third party, to review the count, form, accuracy and propriety of the proof of support. If the neutral third party makes an affirmative determination, the Employee Relations Officer shall formally acknowledge the petitioning employee organization as the Exclusive Recognized Employee Organization for the designated unit.

5. Election Procedure

Where recognition is not granted pursuant to section 4 of this Article IV, then, upon determination of an appropriate unit in accordance with sections 2 and 9 of this Article IV, the Employee Relations Officer shall arrange for a secret ballot election to be conducted and supervised by a party agreed to by the Employee Relations Officer and the concerned employee organization(s), in accordance with such party's rules and procedures subject to the provisions of this Resolution.

In the event that the parties are unable to agree on a third party to conduct an election, the Employee Relations Officer shall request CSMCS to call and conduct a secret ballot election in accordance with its own procedures and regulations and pursuant to the election procedures as herein below set forth. If a challenging petition is filed, and is accompanied by proof of employee approval

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equal to at least ten percent (10%) of the employees within the representation unit, the CSMCS shall include such challenging employee organization on the ballot.

Whenever the CSMCS calls an election pursuant hereto, it shall include the choice of no organization on the ballot. Employees entitled to vote in a representational election shall be those employees within the representation unit whose name appeared on the payroll immediately prior to the date of the election. An employee organization shall be certified by the Employee Relation Officer as the recognized employee organization within the representation unit if:

- (1) That employee organization has received the vote of a numerical majority of all the employees eligible to vote in the unit in which the election is held, or,
- (2) More than fifty percent (50%) of the total number of employees in the unit eligible to vote have voted in the election, and the employee organization receives a numerical majority of all votes cast in the election, or,
- (3) In an election involving three or more choices, where none of the choices receives a majority of the ballot votes cast, and where more than a fifty percent (50%) of the total number of employees in the unit eligible to vote have voted in the election, a run-off election shall be conducted between the two choices receiving the largest number of ballot votes cast; the rules governing an initial election being applicable to a run-off election.

There shall be no more than one valid election under this Resolution pursuant to any petition in a 12-month period affecting the same unit.

The costs of conducting elections shall be borne in equal shares by the District and by each employee organization appearing on the ballot.

6. Decertification Procedures

A decertification petition may be filed with the Employee Relations Officer by employees or an employee organization to determine whether or not a recognized employee organization continues to represent a majority of the employees in the representation unit only during the month of March of any year following the first full year of recognition, during the thirty (30) day period commencing one hundred twenty (120) days prior to the termination date of a Memorandum of Understanding then having been in effect less than three (3) years, whichever occurs later, or any time following expiration of a Memorandum of Understanding.

A Decertification Petition may be filed by ten percent (10%) or more of an established bargaining unit or three employees, whichever is more, or 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:

- a. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.

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- b. The name of the established appropriate unit and of the incumbent Exclusively Recognized Employee Organization sought to be decertified as a representative of that unit.
- c. 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.
- d. Proof of employee support that at least thirty (30) percent 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 Employee Relations Officer or to a mutually agreed upon disinterested third party within the time limits specified in the first paragraph of this Section.

An employee organization may file a Petition for Decertification by filing a Recognition Petition that evidences proof of employee support of at least thirty percent (30%) percent, that includes the allegations and information required under this section 6, and otherwise conforms to the requirements of section 1 of this Article IV.

The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Article IV. If the Employee Relations Officer determines the Petition does not comply with Article IV, the Employee Relations Officer shall offer to consult with the petitioning employees and/or employee organization. If the Employee Relations Officer's negative determination remains unchanged, the Employee Relations Officer shall return the Petition to the employees or employee organization with a written statement of the reasons for the Employee Relations Officer's determination. The petitioning employees or employee organization may appeal such determination in accordance with section 12 of this Article IV.

If the determination of the Employee Relations Officer is affirmative, or if the Employee Relations Officer's negative determination is reversed on appeal, the Employee Relations Officer shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees. Upon request, the Employee Relations Officer shall provide a copy of the Petition.

The Employee Relations Officer shall then arrange for a secret ballot election to be held on or about thirty (30) days after the written notice of Decertification or Recognition to determine the wishes of unit employees as to the question of decertification and, if a Recognition Petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with section 5 of this Article IV.

During the "open period" specified in the first paragraph of this section 6, the Employee Relations Officer may, with good reason to believe that a majority of unit employees no longer wish to be represented by the incumbent Exclusively Recognized Employee Organization, notify that organization and all unit employees that the Employee Relations Officer shall arrange for an election to determine that issue. In such event any other employee organization may, within fifteen

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(15) days of such notice, file a Recognition Petition in accordance with this section 6, which the Employee Relations Officer shall act on in accordance with section 10.

If, pursuant to this section 6, a different employee organization is formally acknowledged as the Exclusively Recognized Employee Organization, such organization shall be bound by all the terms and conditions of any Memorandum of Understanding then in effect for its remaining term.

7. Costs of Conducting Elections

Costs of conducting elections, if any, shall be borne equally by the District and the employee organization(s).

8. Updating Recognized Employee Organization Information

Recognized employee organizations shall annually, on or before the anniversary date of recognition, file a written statement with the Employee Relations Officer, indicating changes in items (a) through (i) as they appeared in the recognition petition filed pursuant to section 1 of this Article IV, or as subsequently amended by a written statement hereunder, or, as appropriate, shall indicate that there has been no change in such information. The statement shall be signed by the duly authorized officer of the recognized employee organization.

9. Policy and Standards for Determination of Appropriate Units

The Employee Relations Officer shall maintain a list of all current bargaining units in the District and shall have the management discretion to form and define reasonable bargaining units, based on the procedures specified in this Resolution. The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the District and its compatibility with the primary responsibility of the District 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.

In considering whether classifications share an identifiable community of interest, the following facts shall be considered:

- a. Similarity of the work performed, required qualifications, levels of responsibility, and the general working conditions.
- b. History of representation in the District; except that no unit shall be deemed appropriate solely on the basis of the extent to which employees in the proposed unit have organized.
- c. Consistency with the organizational patterns and structure of the District.
- d. Effect of differing legally-mandated impasse resolution procedures.

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e. Number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units.

f. Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more bargaining units.

g. Whether the classifications have managerial, supervisory, and/or confidential responsibilities, as defined in Article III of this Resolution.

Notwithstanding the foregoing provisions of this Section, managerial and confidential employees may only be included in a unit consisting solely of managerial or confidential employees respectively. Managerial and confidential employees may not represent any employee organization that represents other employees.

Also, under the MMBA, professional employees have the right to be represented separately from non-professional employees.

The Employee Relations Officer shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate or delete classifications or positions from units in accordance with the provisions of this Section. The decision of the Employee Relations Officer may be appealed as provided in section 12 of this Article IV.

10. Procedure for Modification of Established Appropriate Units

a. Request for Modification from Employee Organization- Requests by employee organizations for modifications of established appropriate units may be considered by the Employee Relations Officer only during the period specified in section 6 of this Article IV. Such requests shall be submitted in the form of a Recognition Petition and, in addition to the requirements set forth in section 1 of this Article IV, 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 in section 9 of this Article IV. The Employee Relations Officer shall process such petitions as other Recognition Petitions under this Article IV.

b. Unit Modification by Action of the Employee Relations Officer- The Employee Relations Officer may initiate a unit modification at any time for good cause, including but not limited to when new classifications are adopted, existing classifications abolished, or when classifications are no longer compatible with the existing bargaining unit under the factors of section 9 of this Article IV. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard.

Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with section 9 of this Article IV, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's

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determination may be appealed as provided in section 12 of this Article IV. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, employee organizations may thereafter file Recognition Petitions seeking to become the Exclusively Recognized Employee Organization for such new appropriate unit or units pursuant to section 1 of this Article IV.

11. Procedure for Processing Severance Requests

An employee organization may file a request to become the exclusively recognized employee organization of a unit alleged to be appropriate that consists of a group of employees who are already a part of a larger established unit represented by another exclusively recognized employee organization. The timing, form and processing of such request shall be as specified in section 10 of this Article IV for modification requests.

12. Appeals

An employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition, Challenging Petition, Decertification Petition, Determination of an Appropriate Unit, Unit Modification Petition or Severance Request has not been filed in compliance with the applicable provisions of this Article IV, may, within ten (10) days of notice of the Employee Relations Officer's determination, appeal such determination to a third party hearing officer for final and binding arbitration. Appeals to final and binding arbitration shall be filed in writing with the Board of Directors, and a copy thereof served on the Employee Relations Officer. The parties shall strive to commence arbitration of the matter within thirty (30) days of the filing of the appeal.

ARTICLE V – MEET AND CONFER

Upon request, a recognized employee organization shall have the right to meet and confer in good faith regarding matters within the scope of representation with the Employee Relations Officer /or designee(s). Provided, however, that nothing herein shall require meeting and conferring between parties to a Memorandum of Understanding during the term of such Memorandum regarding matters to take effect during such term, except that such parties may meet and confer during such term on a matter within the scope of representation where (a) the matter was not covered by the Memorandum or expressly raised as an issue during the meeting and conferring process out of which such Memorandum arose, and (b) there shall have arisen a significant change in circumstances with respect to such matter, which could not have reasonably been anticipated by both parties at the time they signed such Memorandum.

Employees in classifications not included in supervisory and confidential representation units shall not participate in meeting and conferring or grievance resolution processes pertaining to supervisory and confidential representation unit classification.

In the absence of express authorization in advance by the Employee Relations Officer, not more than two District employees representing a recognized employee organization requesting such a meeting shall be entitled to attend without loss of compensation or other benefit, nor shall more

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than a total of three representatives for each recognized employee organization be entitled to attend such meetings.

District employees who shall represent a recognized employee organization at such meeting shall give reasonable advance notice thereof to their immediate supervisor, but in no event shall such notice be given less than one full working day or shift before the meeting; except, however, that the Employee Relations Officer may, in his discretion, waive this requirement for advance notice.

If agreement is reached on matters subject to approval by the Board of Directors, the parties shall jointly prepare a written Memorandum of Understanding, and the Employee Relations Officer shall present it to the Board, as appropriate, for determination. If agreement is reached on matters not subject to such approval, the Employee Relations Officer and the recognized employee organization(s) shall, at the request of one of the parties, prepare a written memorandum of such understanding.

ARTICLE VI – DISTRICT RIGHTS

The District retains all rights to manage, direct, and control its business in all particulars, except as such rights are expressly and specifically modified by the terms of this Agreement or any subsequent amendment. Those rights include, but are not limited to, the following:

(a) To determine the merits, necessity, nature, extent or organization of any service or activity conducted, as well as the right to determine and implement its public functions and responsibilities.

(b) To direct employees of the District.

(c) To hire, promote, transfer and temporarily or permanently assign employees in position within the District.

(d) To dismiss employees because of lack of work or for other reasonable and just cause.

(e) To reprimand, demote, suspend or discharge employees for proper cause.

(f) To determine the District's budget and number of employees and the methods and technology of performing its work.

(g) To take whatever action may be appropriate to carry out its mission in situations of emergency.

(h) To contract or subcontract construction, services, maintenance, distribution or any other work with outside public or private entities.

(i) To promulgate such other reasonable rules and regulations as the District may judge appropriate, subject to the right of recognized employee organizations to consult with respect to said rules and regulations.

ARTICLE VII – PAYROLL DEDUCTIONS

Only recognized employee organizations shall have the right to have the regular membership dues of its members deducted from employees’ paychecks upon the written authorization of each such employee member in such form as will not infringe upon an employee’s rights under California Government Code Section 3502.

This Article shall not be construed to restrict a recognized employee organization from meeting and conferring with the District regarding additional payroll deductions upon the written authorization of employees in such representation unit.

ARTICLE VIII – COMMUNICATION WITH EMPLOYEES

Reasonable access to employee work locations shall be granted to officers of recognized employee organizations for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation. Such officers shall not enter any work location without previous notice and consent from the Department Head or his designee, and access may be restricted so as not to interfere with departmental operations or with established safety and security requirements.

Campaigning for office, conducting meetings or elections, and other internal employee organization business of a similar nature shall not be carried on during working hours.

ARTICLE IX – USE OF DISTRICT FACILITIES

District buildings and other facilities may be made available for use by District employees or an employee organization or their representatives in accordance with administrative procedure governing such use.

ARTICLE X – ADVANCE NOTICE

Except in cases of emergency as provided in this Article, the Board of Directors shall give reasonable written notice to each recognized employee organization affected by any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the Board of Directors and shall give such recognized employee organization the opportunity to meet with the Board of Directors. The Board shall, upon the request of the Employees Relations Officer or a recognized employee organization, delay consideration of the matter proposed to be acted upon for such period of time deemed to be reasonable by the Council or such Board, to give the parties an opportunity to meet and confer thereon in order to endeavor to agree upon a joint recommendation to be made to the Board.

In cases of emergency when the Board of Directors determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the Board of Directors shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution, or regulation.

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ARTICLE XI – EMPLOYEE ORGANIZATIONS

Employee organizations may represent their individual employee members in individual employment relations, including grievances, to the extent required by the Government Code.

ARTICLE XII – INDIVIDUAL EMPLOYEES

Nothing in this Resolution shall be construed to restrict or in any way modify the right of an individual employee to present matters involving their individual employment relationship to the appropriate level of management, provided that any action taken is not inconsistent with the terms of a memorandum of understanding then in effect, and that before any action is taken which could affect the terms and conditions of employment of other employees in the representation unit, such proposed action is communicated to the recognized employee organization for its opinion on the merits and the effect on the proposed action.

ARTICLE XIII - PROHIBITION AGAINST DISCRIMINATION

No appointing authority or their representative shall discriminate for or against any employee organization, or in any way coerce or influence any employee in their free choice to join or refrain from joining any employee organization.

It is the policy of the District to affirmatively support and encourage equal opportunity employment for members of racial, religious and other minority groups. If evidence of such discrimination by an employee organization comes to the attention of the Employee Relations Officer, it shall be their duty to refer such evidence to an appropriate legal authority having jurisdiction thereof, if any.

ARTICLE XIV – APPLICATION OF LABOR CODE SECTION 923

The enactment of this Resolution shall not be construed as making the provisions of Section 923 of the Labor Code applicable to employees or employee organizations.

ARTICLE XV – IMPASSE PROCEDURES

1. Initiation of Impasse Procedures – Impasse procedures may be invoked only after the possibility of settlement by direct discussion has been exhausted. Any party may initiate the impasse procedures by filing with the other party or parties 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 by the Employee Relations Officer forthwith after the date of filing of the written request for such meeting, with written notice to all parties affected. The purpose of such impasse meeting shall be two-fold:

(a) To permit a review of the position of all parties in a final effort to reach an agreement on the disputed issues; and

(b) If agreement is not concluded, to discuss arrangements for implementing the specific impasse procedure or procedures to which the dispute shall be submitted.

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2. Impasse Procedures – Impasse procedures are as follows:

(a) If the parties so agree, the dispute shall be submitted directly to the Board of Directors for determination.

(b) If they do not so agree within a reasonable period of time, 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. If the parties are unable to agree on a mediator after a reasonable period of time, they shall select the mediator from a list of three names to be provided by the CSMCS, or if that body for any reason shall fail to provide such list, by the American Arbitration Association. The recognized employee organization or organizations shall first strike one name, the Employee Relations Officer shall then strike one name, and the name remaining shall be the mediator.

(c) If the parties have failed to resolve all their disputes through mediation within fifteen (15) days after the mediator commenced meeting with the parties, the parties may agree to submit the issues in dispute directly to the Board of Directors. In that event the Board of Directors shall finally determine the issues after conducting a public hearing thereon and after such further investigation of the relevant facts as it may deem appropriate.

(d) If the parties fail to agree to submit the dispute directly to the Board of Directors the disputed issues shall be submitted to fact-finding.

The parties may agree on the appointment of one or more fact-finders. If they fail to so agree, 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 organizations, and those two shall name a third, who shall be the chair. If they are unable to agree upon a third, they shall select the third member from a list of five names to be provided by the American Arbitration Association, the one to serve to be determined by the alternate striking of names, with the party who is to strike the first name to be determined by chance method.

The following constitute the jurisdictional and procedural requirements for fact-findings:

(1) Fact-finders shall not have served as mediator in the same impasse under subparagraph b.

(2) Fact-finding is authorized hereunder in connection with all disputed issues that are within the scope of representations.

(3) The Fact-finder(s) shall, in arriving at their findings and recommendations, consider, weigh, and be guided by the criteria set forth in California Government Code section 3505.4(d).

(4) The Fact-finder(s) shall make written finding of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the standards specified in (3) above. The fact-finder or chairman of the fact-finding panel shall serve such findings and recommendations on the Employee Relations Officer and the designated representative of the recognized employee organizations. If these parties have not resolved recommendations upon

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them, and in no event later than ten (10) days prior to the final date set by law for submitting a final budget, the fact-finder or the chairman of the fact-finding panel shall make them public by submitting them to the District Clerk for consideration by the Board of Directors in connection with the Board's legislative determination of the issues. A determination by the Board shall be final and binding.

(5) Costs of mediation and fact-finding shall be divided one-half to the District and one-half to the recognized employee organization.

ARTICLE XV – SEVERABILITY

If any provision of this Resolution, or the application of such provision to any persons or circumstances, 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.

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PASSED, APPROVED AND ADOPTED this 25th day of July 2024. I, MARNI RITTBURG, BOARD CLERK OF SACRAMENTO METROPOLITAN FIRE DISTRICT HEREBY CERTIFY the foregoing Resolution, which supersedes Resolution No. 16 83/84, was introduced and passed at a regular meeting of the Sacramento Metropolitan Fire District Board by the following roll call vote:

AYES: President Goold, Directors Clark, Jones, Rice, Saylor, Sheetz, Webber and Wood
NOES: None
ABSENT: Director Costa
ABSTAIN: None

SACRAMENTO METROPOLITAN FIRE DISTRICT

By: 

President, Board of Directors

ATTEST:



Marni J. Rittburg, CMC, CPMC
Clerk of the Board