

**RANCHO MURIETA COMMUNITY
SERVICES DISTRICT**

EMPLOYER-EMPLOYEE RELATIONS

**DISTRICT CODE
CHAPTER 7**

**Amended August 14, 2002 by
Ordinance 02-03**

DISTRICT CODE

CHAPTER 7

EMPLOYER-EMPLOYEE RELATIONS

SECTION 1.00 GENERAL PROVISIONS

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

SECTION 2.00 DEFINITIONS

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

- 2.01 Appropriate Unit. A grouping of District classification of positions, established pursuant to this Chapter.
- 2.02 Board. When used alone, the Board of Directors of the Rancho Murieta Community Services District.
- 2.03 Confidential Employee. An employee who, in the course of his or her duties, has access to information relating to the District's administration of employer-employee relations, including, but not limited to, any information not generally available for public dissemination.
- 2.04 Consult/Consultation in Good Faith. To communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the scope of such meet and confer process. Matters subject to consultation are not subject to Section 10.00 hereof.
- 2.05 Department Head. The highest management level person having overall supervisory responsibility over an established department.

- 2.06 Day. Calendar day unless expressly stated otherwise.
- 2.07 District. Rancho Murieta Community Services District.
- 2.08 Employee. A person who is legally occupying a position in the District service or who is on an authorized leave-of absence from such a position.
- 2.09 Employee Relations Officer. The General Manager or the Manager's duly authorized representative.
- 2.10 Exclusive Recognized Employee Organization. An employee organization which has been formally acknowledged by the District as the employee organization that solely represents the employees in an appropriate representation unit pursuant to this Chapter.
- 2.11 Impasse. The representatives of the District and an Exclusive 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.
- 2.12 Meet and Confer. The process whereby representatives of the District and of exclusive recognized employee organizations in good faith exchange information, opinions, and proposals to endeavor to reach agreement on wages, hours, and other terms and conditions of employment, as contemplated by Government Code Section 3505.
- 2.13 Majority. More than fifty (50) percent.
- 2.14 Management Employee. An employee having responsibility for formulating, administering or managing the implementation of District policies or programs.
- 2.15 Professional Employee. Any employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, those classes of employees defined in Government Code Section 3507.3.

- 2.16 Proof of Employee Support. An authorization card recently signed and personally dated by an employee. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee. The words "recently signed" shall mean within ninety (90) days prior to the filing of a petition or card.
- 2.17 Scope of Representation. All matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment, but not including consideration of the merits, necessity or organization of any service or activity provided by law or executive order.
- 2.18 Supervisory Employee. Any employee having authority, in the interest of the District, to hire, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing, the exercise of authority is not of a merely routine or clerical nature but requires the use of independent judgment.
- 2.19 Valid Election. An election held pursuant to procedures contained in this Chapter which results in one choice having a majority of the valid votes cast in its favor.

SECTION 3.00 EMPLOYEE RIGHTS

- 3.01 Nothing in this Chapter shall be construed to restrict any legal or inherent exclusive District rights with respect to matters of general legislative or managerial policy, which include among others; the exclusive right to determine the mission of its constituent departments; set standards of selection for employment and promotion; determine which District employees are management, supervisory, and confidential personnel; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which District operations are to be conducted; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and technology of performing its work.

- 3.02 Nothing in this Chapter is intended to restrict Consultation or meeting and conferring with recognized employee organizations regarding matters within the right of the District to determine, nor to restrict the duties or authorities vested by law in the District, its Board of Directors or its General Manager.

SECTION 4.00 EMPLOYEE RIGHTS.

- 4.01 District employees shall have the right to join and participate in the lawful activities of an employee organization. Employees shall also have the right to refuse to join or participate in the activities of an employee organization and shall have the right to represent themselves individually at any time in their employment relations with the District.
- 4.02 No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the District or by any employee organization because of the exercise of these rights.
- 4.03 Professional employees shall not be denied the right to be represented separately from non-professional employees by a professional employee organization consisting of such professional employees.

SECTION 5.00 RIGHTS OF RECOGNIZED EMPLOYEE ORGANIZATIONS.

- 5.01 An Exclusive Recognized Employee Organization shall have the following rights with regard to employees in its bargaining unit:
- (a) To represent permanent employees in the unit in their employment relations with the District and to meet and confer in good faith with the Board or management representative (s) on matters within the scope of representation.
 - (b) Except in cases of emergency, to have reasonable written notice of any proposed ordinance, rules, resolutions, or regulation directly relating to matters within the scope of its representation and the opportunity to meet with the Board or its representative prior to the adoption of such proposal. In cases of emergency when the Board determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the Board shall provide such notice and the opportunity to meet at the earliest practical time following adoption of such ordinance, rule, resolution or regulation.
 - (c) To have an authorized representative of the recognized employee organization who may contact members of the representative's organization in District facilities provided the representative has first made arrangements with the management or

supervisory employee in charge. This right does not extend to contracting District employees on District time who are not members of the particular employee organization and soliciting membership or representation rights in an employee organization shall not be done during working hours.

- (d) To have a reasonable number of employee representatives allowed reasonable time off without loss of compensation or other benefits when formally meeting and conferring with management representatives on matters within the scope of representation.
- (e) Payroll deductions of membership dues and insurance premiums as provided in Section 9.04 of this Chapter.

5.02 Every Exclusive Recognized Employee Organization shall have the following rights:

The reasonable use of District facilities for meetings upon timely application in writing stating the purpose of such use. Such use shall not occur during the regular work hours. The District reserves the right to condition such use on payment of appropriate charges to offset the cost of such use of the facilities.

- (b) To the use of reasonable space on bulletin boards as specified by the District. All materials shall be posted upon the bulletin board space designated and not upon walls, doors, file cabinets or any other place. Posted materials shall not be obscene, defamatory, of a partisan political nature, misleading, violative of any federal, state or local ordinance, law, statute or rule. Such materials shall not pertain to public issues which do not involve the District and its relations with employees. All posted materials shall be neatly displayed and bear the identity of the sponsor and the date of posting. Unless special arrangements are made, materials posted will be removed 31 days after the publication date. The District reserves the right to determine where bulletin boards may be used. Any Exclusive Recognized Employee Organization that does not abide by these rules shall forfeit its right to have materials posted on District bulletin boards.
- (c) To reasonable access to non-confidential information pertaining to employment relations as contained in the public records of the District, subject to limitations and conditions set forth in this rule and Sections 6250-6260 of the California Government Code. Such information will be made available during regular office hours and after payment of reasonable costs, where applicable. Nothing herein shall be construed to require disclosures which constitute an unwarranted invasion of privacy or are gathered pursuant to promises to keep the source confidential. Nor shall anything herein be construed to require disclosure of records that are working papers or memoranda not retained in the ordinary course of business, records pertaining to litigation to *which the* District is a party, or to claims or appeals *which -have* not been settled. The District shall not be required to do research or assemble data in a manner other than that usually done by the District.
- (d) Any other rights granted recognized employee organizations by Sections 3500-3511 of the Government Code.

SECTION 6.00

REPRESENTATION PROCEEDINGS AND DE-CERTIFICATION.

6.01 Filing of Recognition Petition by Employee Organization. An employee organization that seeks to be formally acknowledged as the Exclusive Recognized Employee Organization representing the employees in an appropriate unit shall file a petition with the Employee Relations Officer containing the following information and documentation:

- (a) Name and address of the employee organization.
- (b) Names and titles of 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 District.
- (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 by-laws.
- (g) A designation of those persons, not exceeding two in number, and their addresses, to whom notices sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
- (h) A statement that the employee organization has no restriction on membership based on race, color, creed, sex, or national origin.
- (i) The job classification or titles of employees in the unit for which the petition is filed and the approximate number of member employees therein.
- (j) A statement that the employee organization has in its possession proof of employee support as herein defined to establish that at least 30% of the employees in the petitioned unit have designated the employee organization to represent them in their employment relations with the District. Such written proof shall be submitted

for confirmation to the Employee Relations Officer.

- (k) A request that the Board of Directors formally acknowledge the petitioner as the Exclusive Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.
- (l) An acknowledgement of this policy declaration and any amendments thereto, and an agreement to abide by same.

6.02 The petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct, and complete, under penalty of perjury, by the duly authorized officer (s) of the employee organization executing it.

6.03 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 of the Recognition Petition; and
- (b) The proposed representation unit is one of the appropriate units set forth in Section 7.03 of this Chapter.

6.04 If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, the 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 either of the foregoing matters is not affirmatively determined, the Employee Relations Officer 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 8.00 of this Chapter.

6.05 Open Period for Filing - Challenging Petition. Within thirty (30) days of the date written notice was given to affected employees by means of posting on District bulletin boards 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 recognized employee organization of the employees in the same unit, by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty (30) percent and otherwise in the form and manner as set forth in Section 6.01 of this Chapter.

6.06 Methods of Recognition Election Procedure

- 6.06.1 Voluntary Recognition. Where the petitioning employee organization provides showing of extraordinary support by means of employee signatures clearly indicating the employee's desire to be represented by the petitioning organization in his/her employment relationship with the District, voluntary recognition of the petitioning organization may occur.
- (a) Extraordinary support shall mean at least seventy-five percent (75%) of the employees in the unit.
 - (b) Voluntary recognition shall be obtained by vote of the Board of Directors after recommendation by the Employee Relations Officer that the circumstances warrant such form of recognition.
 - (c) Should any doubt be raised as to the validity of the proof of employee support or should there be indications of fraud or coercion in obtaining the signatures, this Voluntary Recognition method shall not be available.

- 6.06.2 Recognition by Election. The Employee Relations Officer shall arrange for a secret ballot election to be conducted by the State Mediation and Conciliation Service and verified by the Employee Relations Officer and one representative of each of the concerned employee organization(s), in accordance with its rules and procedures subject to the provisions of this Chapter.
- (a) All employee organizations which have duly submitted petitions which have been determined to be in conformance with this Section shall be included on the ballot, as shall be a choice designated as "No organization" or "Represent Myself."
 - (b) Employees entitled to vote in such election shall be those persons employed in regular ~~permanent~~ **full and part-time (employed twenty {20} hours or more per week)** 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 absence, and who are employed by the District in the same unit on the date of the election.
 - (c) An employee organization receiving a majority of the valid votes cast shall be formally acknowledged as the Exclusive Recognized Employee Organization for the designated appropriate unit following an election or run-off election. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast with the rules governing an initial election being applicable to a run-off election.
 - (d) There shall be no more than one valid election under this Chapter pursuant to any petition in a 12 month period affecting the same unit.
 - (e) The cost, if any, of conducting the election shall be borne in equal share(s) by each employee organization appearing on the ballot.

- 6.06.3 Recognition by Statute. Where an Employee Organization has filed a valid petition for
6.07 Procedure for De-certification of Recognized Employee Organization.
A De-certification Petition alleging that the incumbent Exclusive Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relation Officer only during the month of January of any year following the first full year of recognition, or during a thirty (30) day period commencing one hundred eighty (180) days prior to the termination date of a Memorandum of Understanding then having been in effect more

than one (1) year. A De-certification Petition may be filed by two or more employees 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.
- (b) The names of the established appropriate unit and of the incumbent Exclusive Recognized Employee Organization sought to be decertified as the representative of that unit.
- (c) An allegation that the incumbent Exclusive 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 Exclusive Recognized Employee Organization. Such proof shall be submitted for confirmation.

6.08 An employee organization may, in satisfaction of the De-certification Petition requirements hereunder, file a Petition under this section in the form of a Recognition Petition that evidences proof of employee support of at least thirty (30) percent and otherwise conforms to the requirements of Section 6.01 of this Chapter. The Employee Relations Office shall initially determine whether the Petition has been filed in compliance with the applicable provisions of Section 6.01. If the Officer's determination is in the negative the Officer shall offer to consult thereon with the representative (s) of such petitioning employees or employee organization, and, if such determination thereafter remains unchanged, shall return such Petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 8.00 of this Chapter. If the determination of the Employee Relations Officer is in the affirmative, or if the Officer's negative determination is reversed on appeal, the Officer shall give written notice of such de-certification or Recognition Petition to the incumbent Exclusive Recognized Employee Organization and to unit employees. The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) working days after such notice to determine the wishes of the unit employees as to the question of de-certification and, if a recognition Petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with Section 6.06 of the Chapter.

SECTION 7.00 UNIT DETERMINATION.

7.01 Policy and Standards for Determination of 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 District and its compatibility with the primary responsibility of the District and its employees to effectively and 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 which share an identifiable community of interest. Factors to be considered in assigning classifications to units shall be:

- (a) Largest feasible grouping of District employees having a community of interests and constituting an entity appropriate for representation purposes;
- (b) Past history of employee representation in the unit, among other District employees, and similar public employment;
- (c) Similarity of duties, responsibilities, wages education and working conditions;
- (d) The effect on existing classification structure in dividing a classification among two or more units; and
- (e) The statutory right of professional employees to be represented separately from nonprofessional employees.

7.02 Notwithstanding the foregoing provisions of this Section, management, supervisory and confidential employees shall only be included in a unit consisting solely of management, supervisory and confidential employees and such management, supervisory and confidential employees shall not represent a recognized employee organization which represents other employees of the District and professional employees shall not be denied the right to be represented in a separate unit from non-professional employees.

7.03 Units Established. The following bargaining units are hereby established:

- (a) Management, Supervisory and Confidential. Including all those employees having responsibility for formulating, administering, or managing the implementation of District policies or programs; or who have the authority, in the interest of the District, to hire, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action; or who, in the course of their duties, have access to information relating to the District's administration of employer-employee relations.
- (b) General Employee Unit. Includes classes of clerical, technical, security, crafts and field workers, non-supervisory, non-management and non-confidential positions of the District. (Amended by Ordinance 02-01)

7.04 Allocation of Classification to Units. The Employee Relations Officer shall 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 after consulting with Exclusive Recognized Employee Organization.

7.05 Procedure for Modification of Established Appropriate Units. Requests by employee organizations for modifications or redefinition of established units may be considered by the Employee Relations Officer only during the period specified in Section 6.07 of this Chapter. Such requests shall be submitted in the form of a formal proposal or Recognition Petition, which, in addition to the requirements set forth in Section 6.01 of this Chapter, shall continue 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 sections 7.01-7.02 hereof. The Employee Relations Officer shall process such petitions or formal proposals as other Recognition Petitions under Section 6.00.

The Employee Relations Officer may, on the Officer's motion, propose that an established unit be modified or redefined. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected recognized employee organization during the period specified in Section 6.07 of this Chapter and shall hold a consultation concerning the proposed modification(s), at which time all affected recognized employee organizations shall be heard if they so desire. Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Section 7.01 of this Chapter, subject to approval of the Board of Directors, and shall give written notice of such modifications or redefinition to the affected recognized employee organization prior to approval of the Board. If a unit is modified or redefined pursuant to the motion of the Employee Relations Officer hereunder and if such modification or redefinition results in a substantial change in a pre-existing unit, employee organizations may thereafter file Recognition Petitions seeking to become the Recognized Employee Organization for such new or redefined appropriate unit(s) pursuant to Section 6.01 hereof.

SECTION 8.00 APPEALS.

- 8.01 Appeals. An employee organization aggrieved by an allocation of classes to a unit by the Employee Relations Officer under Section 7.04 may, within ten (10) days of notice thereof, appeal such determination to the Board of Directors for final decision.
- 8.02 An employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Sec. 6.01), Challenging Petition (Sec. 6.05), or De-certification or Recognition Petition (Sec. 6.07), or employee aggrieved by a determination of the Employee Relations Officer that a De-certification Petition (Sec. 6.07) has not been filed in compliance with the applicable provisions of this Chapter, may within fifteen (15) days of notice of such determination, appeal the determination to the Board of Directors for final decision.
- 8.03 Appeals to the Board of Directors shall be filed in writing. Decisions of the Board determining the substance of the dispute shall be final and binding.

SECTION 9.00 ADMINISTRATION.

- 9.01 Maintenance of an Exclusive Recognized Status and Submission of Current Information. An Exclusive Recognized Employee Organization shall furnish to the General Manager all changes in the information filed with the District by such recognized employee organization under items (a) through (h) of its Recognition Petition under Section 6.01 of this Chapter within fourteen (14) days of such change.
- 9.02 Revocation or Suspension of Recognition. An Exclusive Recognized Employee Organization may cease to be

recognized upon order of the Board, made after reasonable notice and opportunity to be heard, for:

- (a) Repeated or continued failure or refusal to comply with any provisions of this Chapter.
- (b) Intentional furnishing of false information to the District in any report required by this Chapter or intentionally misrepresenting membership of any employee or that the employee has authorized representation by the organization.
- (c) Participating in, encouraging, or condoning any strike, slowdown, work stoppage or other concerted activity against the District by the Exclusive Recognized Employee Organization.
- (d) Ceasing to represent employees of the District which may be presumed by failure to respond to inquires concerning representation after ninety (90) days.
- (e) Unlawful discrimination in practice or as contained in the organization's by-laws or constitution. Payroll Deductions of Behalf of Employee Organization. Upon formal certification by the District of an Exclusive Recognized Employee Organization under this Chapter, only such recognized employee organization may be provided payroll deductions of membership dues and insurance premiums for plans sponsored by such organization upon the written authorization of employees in the unit represented by such a recognized employee organization of forms acceptable to the District. The providing of such service to the Exclusive Recognized Employee Organization by the District shall be contingent upon and in accordance with the provisions of Memoranda of Understanding and/or applicable administrative procedures.

9.05 Administrative Rules and Procedures. The Employee Relations Officer is hereby authorized to establish such administrative rules and procedures, not in conflict with this Chapter, as appropriate to implement and administer the provisions of this Chapter after consultation with affected employee organizations.

SECTION 10.00 IMPASSE PROCEDURES

10.01 Initiation of Impasse Procedure. If the meet and confer process has reached impasse as defined in this Chapter, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled promptly by the Employee Relations Officer. The purpose of such impasse meeting shall be:

- (a) To identify and specify in writing the issue or issues that remain in dispute;
- (b) To review the position of the parties in a final effort to resolve such disputed issue or issues; and

(c) If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedure provided herein.

10.02 Impasse Procedures.

(a) If the dispute is not resolved following the meeting provided by Section 10.01, the District and the Exclusive Recognized Employee Organization together may agree upon the appointment of a mediator mutually agreeable to the parties. If the parties agree as to the use and selection of a mediator, all mediation proceedings shall be private. The mediator shall make no public recommendation or take any public position at any time concerning the issues.

(b) If the parties agree to submit the impasse directly to the Board of Directors, or if the parties do not agree on the use or selection of a mediator, or having so agreed, the issue(s) at impasse has not been resolved through such mediation, the impasse shall be submitted to the Board of Directors which, after holding a hearing, 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 Directors on the impasse shall be final and binding.

SECTION 11.00 LAW ENFORCEMENT PROVISIONS

11.01 All positions, and classes of positions, which are entitled "Security Service Officer" have duties consisting primarily of the enforcement of state laws and local ordinances. Because it is in the public interest, a District employee serving in any position entitled Security Service Officer is prohibited from forming, joining or participating in an employee organization.

11.02 Section 11.00 shall not be construed to limit or otherwise affect the right of employees of any entity with which the District contracts for the provision of security service to form, join or participate in an employee organization.

11.03 Section 11.00 shall not be construed to limit the right of any District employees who are full-time "peace officers" (as specified in Government Code Section 3508. from joining or participating in employee organizations, as identified in Government Code Section 3508.

SECTION 12.00 MISCELLANEOUS PROVISIONS

SECTION ONE:

12.01 Construction. This Chapter shall be administered and construed as follows:

(a) Nothing in this Chapter shall be construed to deny to any person, employee, organization, the District, or any authorized officer, body or other representative of the District, the rights, powers and authority granted by Federal or State law or local resolutions and ordinances.

(b) This Chapter shall be interpreted so as to carry out its purposes as set forth in Section 1.00.

(c) Nothing in this Chapter shall be construed as making the provisions of California Labor Code Section 923 applicable to District employees or employee organizations, or of giving employee organizations the right to participate in, support, cooperate or encourage, directly or indirectly, any strike against the District, sick-out or other total or partial stoppage, interference with or slowdown of work. In the event employees engage in such action, they should be deemed to have abandoned their employment and subjected themselves to discipline, including immediate termination; and the employee organizations may thereby forfeit all rights accorded them under this Chapter.

SECTION TWO:

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms and provisions of any prior District ordinances, resolutions, rules or regulations, the terms of this Ordinance shall prevail with respect to the terms and provisions of prior ordinances, resolutions, rules and regulations are hereby repealed.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, no other provision of this ordinance shall be affected thereby.

SECTION THREE:

This Ordinance shall be in full force and effect immediately after adoption.

SECTION FOUR:

The establishment, modification, structure, restructuring and approval of the fees, rates, tolls or other charges as set forth herein are for the purposes of continuing to meet the District's cost for operation and maintenance, supplies and equipment, financial reserves, and capital replacement needs, and are necessary to maintain service within the District's existing service area.

PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District, Sacramento County, California, at a meeting duly held on April 10, 2002, by the following roll call vote:

AYES: All Present (Lensch, Brennan, Cravens, Kuntz, White)

NOES: None

ABSENT: None

ABSTAIN: None

