

RESOLUTION NO. 2025 - 39

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING THE EMPLOYER-EMPLOYEE RELATIONS
RESOLUTION**

WHEREAS, a positive employee relations program which anticipates and addresses employee concerns results in increased job satisfaction and service to the community; and

WHEREAS, Government Code Section 3507 empowers a city to adopt reasonable rules and regulations for the administration of employer-employee relations, often referred to as an Employer-Employee Relations Resolution; and

WHEREAS, the City of Wildomar ("City") wishes to maintain an employee relations atmosphere which is conducive to the timely and effective resolution of employee concerns through the interaction of management and employees; and

WHEREAS, it is the desire of the City to protect the rights of all employees to present their individual or collective interests to the City Management; AND

WHEREAS, the City Council believes that it is in the best interests of the City and its employees to adopt this Employer-Employee Relations Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Wildomar, California, as follows:

Article I -- General Provisions

Section 1. Title and Statement of Purpose:

This Employer Employee Relations Resolution ("Resolution") implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 *et seq.*) captioned "Local Public Employee Organizations," by providing orderly procedures for the administration of employer-employee relations between the City and its employee organizations. This Resolution is intended to provide procedures for the recognition and/or decertification of employee organizations, procedures for determining appropriate units of representation and/or modifying such units, and a reasonable, uniform and orderly method for the resolution of questions regarding wages, hours, and other terms and conditions of employment of City employees.

Nothing herein shall be construed to restrict any legal or inherent exclusive City 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, commissions, and boards; set standards of service; determine the procedures and standards of selection for employment; direct its employees; take

disciplinary action; relieve its employees from duty because of lack of work or for other lawful reasons; determine the content of job classifications; subcontract work; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government 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 the technology of performing its work.

Section 2. Definitions:

The following terms shall have the meaning indicated when used in connection with this Resolution, and any term not defined in this Resolution shall have the same meaning defined for that term by the MMBA, applicable judicial decisions, Public Employee Relations Board (PERB) decisions or regulations:

- a. "Appropriate unit" means a unit of employee classes or positions, established pursuant to Article II hereof.
- b. "City" means the City of Wildomar and, where appropriate herein, refers to the City Council or any duly authorized City representative as herein defined.
- c. "Confidential Employee" means any employee who is privy to the decisions of City management relative to the City's position on matters concerning employer-employee relations and shall include employees in administrative or secretarial support positions to such employees. Positions included in the City's position classification plan to be deemed to be confidential for the purpose of this resolution are all employees listed in the following groups on the City's Position Classification Schedule: 1) Group 1 – Executive Confidential; 2) Group 2a – Management – Confidential; and 3) Group 4a - Confidential , The Employee Relations Officer may designate additional confidential positions at his/her sole discretion. Any Recognized Employee Organization or Exclusively Recognized Employee Organizations directly affected by an action taken by the Employee Relations Officer due to designation of an employee as a Confidential Employee, may appeal such decision in accordance with Section 17. Failure to initiate an appeal within fifteen (15) days of such designation shall be deemed a waiver of the organization's right to appeal the action of the Employee Relations Officer.
- d. "Consult/Consultation in Good Faith" means to communicate orally or in writing with any or all effected employee organizations, whether exclusively recognized or not, for the purpose of presenting and obtaining views or advising of proposed actions in a good faith effort to reach a consensus; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counterproposals with an exclusively recognized employee organization in an endeavor to reach

agreement in the form of a Memorandum of Understanding, nor is it subject to Article IV hereof.

- e. "Day" means calendar day unless expressly stated otherwise.
- f. "Employee" means any person regularly employed by the City except elected and appointed officials.
- g. "Employee Organization" means any lawful organization that includes employees of the City as members and has as one of its primary purposes representing such employees in their employment relations with the City or any organization that seeks to represent employees in their relations with the City, provided, however, that the organization has no restriction on membership based on race, color, creed, sex, sexual orientation, marital status, or national origin, ancestry, religion, age (over 40), gender, gender identity, and gender expression, reproductive health decision-making, political affiliation, family care leave status, pregnancy, breastfeeding, physical or mental disability, medical condition, military and veteran status, genetic information, or a combination of two or more of the foregoing categories, or other basis protected by local, state or federal laws.
- h. "Employee Relations Officer" means the City Manager or their duly authorized representative.
- i. "Exclusively Recognized Employee Organization" means a sole employee organization certified as the representative of all employees in a unit or units, whether or not those employees are its members, and having the exclusive right and duty to meet and confer in good faith on behalf of said employees concerning statutorily required subjects pertaining to unit employees and thereby assuming the corresponding obligation of fairly representing said employees.
- j. "Filing Period" is the period between October 1st and December 31st of every year following the adoption of this Resolution during which Employee Organizations may submit petitions to be recognized, decertified, or modified, or the period within which an Employee Organization may propose to modify any existing unit of representation.
- k. "Impasse" is defined by the MMBA, legally binding judicial decisions and PERB interpretations. For reference it means that the representatives of the City and an Exclusively 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.

- I. "Management Employee" means:
 - 1. An employee having significant responsibility for the formulation of program objectives and/or the development or policies and procedures for their accomplishment. Management Employees include, but are not limited to: the City Manager, Administrative Services Director, City Clerk, City Clerk – MMC Certified, Community Services Director, Community Development Director, Assistant City Manager, Deputy City Manager, Assistant to the City Manager, Economic Development Director, Public Works Director, Public Works Director/City Engineer, Chief Building Official, Code Enforcement Manager, Finance Manager, Human Resources and Risk Manager, Community Services Manager, Engineering Division Manager, Maintenance Manager, Planning Manager, Principal Engineer, Principal Planner, Senior Engineer, and Senior Planner.
 - 2. Any employee having authority to exercise independent judgment in carrying out City policy to hire, transfer, suspend, lay off, recall, promote, discharge, assign, award or discipline other employees, or having the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action if in connection with the foregoing, the exercise of such authority is not a merely routine and clerical nature, but requires the use of independent judgment.
- m. "MMBA": The Meyers-Milias-Brown Act, California Government Code section 3500 et. seq.
- n. "Mediation or Conciliation" means the efforts of an impartial third person or persons, functioning as intermediaries, to assist the City and an Exclusively Recognized Employee Organization in reaching a voluntary resolution to an impasse, through interpretation, suggestion and advice. Mediation and Conciliation are interchangeable terms.
- o. "Meet and Confer in Good Faith" is defined by the MMBA; legally binding judicial decisions and PERB interpretations. For reference it means the exchange of proposals and counterproposals between representatives of the City and an Exclusively Recognized Employee Organization regarding matters within the required scope of the meet and confer process in an endeavor to reach agreement.
- p. "Memorandum of Understanding" means a written document jointly prepared by the Employee Relations Officer, or designee(s), and a Recognized Employee Organization or Exclusively Recognized Employee Organization enumerating any agreement reached as the result of meeting and conferring on matters within the scope of representation, and the same

signed by the parties involved and ratified by the majority of the relevant bargaining unit and approved by the City Council.

- q. "Proof of Employee Support" means Employees or Employee organization submitting a petition to the Employee Relations Officer for a determination provided for in this Resolution to have clearly shown a desire to be represented and to have demonstrated proof of support by the requisite number of affected employees by means of any one or a combination of the following:
1. recently signed and dated signatures and each employee's printed name on petition with the purpose of the petition clearly stated on each page of the petition; or
 2. an authorization card recently signed and personally dated by an employee, provided that the card has not been subsequently revoked in writing by the employee; or
 3. Only signatures of employees currently employed in the positions within the affected or proposed representation unit on the date the petition is filed, and whose signatures have been recently signed shall be accepted as proof of support.

The words "recently signed" in this document shall mean signed within ninety (90) days prior to the filing of a petition.

- r. "Proposed Unit" means a unit that the Employee Relations Officer has not yet designated as an appropriate unit.
- s. "Professional Employee" means employees engaged in work requiring specialized knowledge and skill attained through completion of a recognized course of instruction, including, but not limited to, attorneys, planners, librarians, analysts, engineers, recreation specialists, teachers and various types of physical, chemical and biological scientists.
- t. "Scope of Representation" is defined by the MMBA, legally binding judicial decisions and PERB interpretations. For reference, it means all matters relating to employment conditions and employer-employee relations, including, but not limited to wages, hours, and other terms and conditions of employment. However, 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. City rights as defined herein in Section 3 are excluded from the scope of representation.

Section 3. City Rights and Responsibilities:

The City, on its own behalf and on behalf of its electors, has and will retain all powers, rights, authority, duties and responsibilities conferred and vested in it by the laws and the constitution of the State of California, the Constitution of the United States, the Wildomar Municipal Code and any modifications made thereto and any resolution passed by City officials. Nothing in this Resolution shall be construed to limit or impair the right of the City to exercise its own discretion on all of the following matters, whatever may be the effect upon employment, when in its sole discretion it may determine it to be in the public interest to do any or all of the following

- a. To manage the City generally and to determine the issues of policy.
- b. To determine the existence or nonexistence of facts which are the basis of management decisions.
- c. To determine the mission of its constituent departments, boards, and commissions.
- d. To determine the necessity and organization of any service or activity conducted by the City and to expand or diminish any service.
- e. To determine the nature, manner, means, and extent of services to be provided to the public.
- f. To establish methods of financing.
- g. To determine the types of equipment or technology to be used.
- h. To determine and/or change the facilities, methods, technology, means, and size of the work force by which the City operations are to be conducted.
- i. To determine and change the number of locations, relocations, and types of operations, processes, and materials to be used in carrying out all City functions, including, but not limited to, the right to contract for or subcontract any work or operation.
- j. To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments for any employee.
- k. To relieve employees from duties without cause, as well as for lack of work or-similar non-disciplinary reasons.
- l. To establish and modify productivity and performance programs and standards for City operations.
- m. To discharge, suspend, demote, or otherwise discipline in accordance with the provisions and procedures set forth in departmental and City disciplinary procedures.

- n. To determine job classifications and to reclassify employees.
- o. To hire, transfer, promote, and demote employees for non-disciplinary reasons.
- p. To determine policies, procedures, and standards for the selection, training and promotion of employees.
- q. To establish employee performance standards including, but not limited to, quality and quantity work standards and to require compliance therewith.
- r. To maintain order and efficiency in its facilities and operations.
- s. To establish and promulgate and/or modify rules and regulations to maintain order and safety in the City.
- t. To take any and all necessary action to carry out the mission of the City in emergencies.

The City retains its rights to amend, modify, or rescind any policies, practices, or agreements which impact upon wages, hours, or working conditions of employees in cases of emergency as declared by the City Manager. Emergencies shall be defined as an act of God, natural disaster, legislative act, judicial action, as defined in Government Code section 8558, or other acts which are beyond the control of the City. If, under, this Section, the City takes such action, said action shall continue only for the duration of the emergency.

Section 4. Employee Rights and Responsibilities:

Employees of the City shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters within the scope of representation. Employees of the City shall also have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the City. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against by the City or by any employee organization because of the exercise of these rights.

Professional Employees shall not be denied the right to be represented separately from non-professional employees by an employee organization consisting of such Professional Employees.

No Management or Confidential Employee may represent any employee organization, which represents other non-Management, or non-Confidential employees of the City, on matters within the scope of representation, unless as permitted by the City's Employee Relations Officer, and no Management or Confidential Employee may engage in any activity with or on behalf of any employee organization which would result

in an actual or apparent conflict of interest, as determined by the Employee Relations Officer, which includes sharing confidential labor relations information derived from their confidential status with anyone outside the City's authorized labor representatives and designated confidential employees

Article II -- Representation Proceedings

Section 5. Filing of Recognition Petition by Employee Organization:

Only one employee organization shall be recognized as an employee organization representing employees in a unit and, after the effective date of this Resolution, only exclusive recognition on behalf of a unit established in accordance with this Resolution or amendment hereto shall be conferred. An employee organization which seeks to be formally acknowledged as an Exclusively Recognized Employee Organization representing the employees in an appropriate unit shall file a petition with the Employee Relations Officer during the Filing Period. The petition shall contain the following information:

- a. Name, address, and telephone number 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, the responsibility of representing employees in their employment relations with the City.
- 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(s).
- f. A copy of the employee organization's current constitution and bylaws, which shall contain a statement that the employee organization has, as one of its primary purposes, the representation of employees in their employment relations with the City.
- g. A designation of those persons, not exceeding two (2) in number, and their addresses, to whom notice 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 any protected characteristic as required by federal, state, or local law.

- i. The job classifications or position titles of employees in the proposed unit claimed to be appropriate 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 a majority of the total eligible employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.
- k. A request that the Employee Relations Officer formally acknowledge 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.

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.

Section 6. City Response to Recognition Petition:

- a. Upon receipt of the Recognition Petition, the Employee Relations Officer shall determine whether:
 - 1. The Recognition Petition satisfies the requirements of Article II, Section 5; and
 - 2. The proposed representation unit is an appropriate unit in accordance with Section 12 of this Resolution.

The Employee Relations Officer may request verification of the sufficiency of the signatures submitted in support of a petition. Such request for verification shall be made within five (5) days after receipt of the petition. The time to request verification may be extended by mutual agreement. Verification shall be made by a mutually agreeable third party who shall advise the City and the employee organization of its findings.

- b. If an affirmative determination is made by the Employee Relations Officer on the foregoing matters listed in subsection (a) above, the Employee Relations Officer shall inform the petitioning employee organization, give written notice of the Recognition Petition to all the employees in the unit and any other employee organization(s) representing any employee in the same unit, and take no action on said request for thirty (30) days thereafter.

- c. If either of the foregoing matters listed in subsection (a) above are not affirmatively determined, then the Employee Relations Officer shall deny the Recognition Petition and inform the petitioning employee organization of the reasons therefor in writing. The petitioning employee organization shall have seven (7) days to cure any defects in the Recognition Petition. All defaults must be cured, and a valid Recognition Petition must be submitted by the end of the Filing Period, unless the submission deadline is extended by the Employee Relations Officer, who shall not extend the cure period more than fifteen (15) days beyond the end of the Filing Period. Neither the Employee Relations Officer nor the City is obligated to assist the petitioning employee organization in curing the alleged defects to the Recognition Petition.
- d. The petitioning employee organization may appeal such determination in accordance with Section 17 of this Resolution.

Section 7. 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(s) 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(s) in accordance with Section 5 of this Resolution, except that the proof of employee support in the proposed appropriate unit shall be at least thirty percent (30%) of the total employees in the unit. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard.

Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in Section 12. The petitioning employee organizations shall have fifteen (15) days from the date 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 Section 17.

Section 8. Neutral Third Party Review of Proof of Support

In the event the parties cannot agree whether the petition, or competing petition (if applicable), demonstrates the required proof of support for a recognition petition, decertification petition, severance petition, or unit modification petition, under this Resolution, a neutral third party, selected by the Employee Relations Officer and the employee organization(s) shall review the proof of support submitted in support of the original petition and any competing petition (if applicable) to verify whether the employee

organization has demonstrated the required proof of support for a recognition petition, decertification petition, severance petition or unit modification petition under this Resolution.

In the event the Employee Relations Officer and the employee organization(s) cannot agree on a neutral third party, the California State Mediation and Conciliation Service shall be the neutral third party. In the event that the neutral third party determines, based on employee proof of support that a second or competing employee organization has the support of at least thirty percent (30%) of the employees in the unit in which recognition, decertification or severance is sought, the neutral third party shall order an election to establish which employee organization, if any, has majority status. The election shall be conducted in accordance with Section 10.

Section 9. Granting Recognition Without an Election:

If the proof of support shows that a majority of the employees in the appropriate unit 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, 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 Exclusively Recognized Employee Organization for the designated unit.

Section 10. Granting Recognition Through Election Procedure:

The Employee Relations Officer shall arrange for a secret ballot election to be conducted 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. All employee organizations who have duly submitted petitions which have been determined to be in conformance with Article II of this Resolution shall be included on the ballot. The ballot shall also reserve to employees the choice of representing themselves individually in their employment relations with the City. Employees entitled to vote in such election shall be those persons employed in regular full time 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 City in the same unit on the date of the election. An employee organization shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three or more choices, where none of the choices receives more than 50% of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election

being applicable to a run-off election. Within five (5) days from the date that the ballots of any election are counted, the Employee Relations Officer shall give written notice of the final results of the election to the City Council and to the participating employee organizations.

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.

In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the California State Mediation and Conciliation Service.

Costs of conducting elections shall be borne in equal shares by the City and by each employee organization appearing on the ballot.

Section 11. Procedure for Decertification of Exclusively Recognized Employee Organization:

A Decertification Petition 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 Employee Relations Officer only during the month of March of any year following the first full year of recognition or during the thirty (30) day period commencing one hundred fifty (150) days prior to the termination date of a Memorandum of Understanding, whichever occurs later. A Decertification 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 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.

- e. The Employee Relations Officer can accept only those petitions which (1) request decertification of the current recognized employee organization; and (2) do not request to carve out another unit from the already established appropriate unit.

An employee organization may, in satisfaction of the Decertification 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, that includes the allegation and information required under paragraph (c) of this Section 11, and otherwise conforms to the requirements of Section 5 of this Resolution.

The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Resolution. If his/her determination is not affirmatively made, he/she 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 17 of this Resolution. If the determination of the Employee Relations Officer is in the affirmative, or if a 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.

The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after such notice 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 10 of this Resolution.

During the period specified in the first paragraph of this Section 11, the Employee Relations Officer may on his/her own motion, when he/she has reason to believe that a majority of unit employees no longer wish to be represented by the incumbent Exclusively Recognized Employee Organization, give notice to that organization and all unit employees that he/she will arrange for an election to determine that issue. In such event, any other employee organization may within fifteen (15) days of such notice file a Recognition Petition in accordance with this Section 11, which the Employee Relations Officer shall act on in accordance with this Section 11.

If, pursuant to this Section 11, 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.

Employee organizations, employees, or the Employee Relations Officer may initiate the decertification process; and either the Employee Relations Officer or the employee organization may propose unit modifications pursuant to Section 15. In the event the challenging employee organization wins the election, it is bound by the Memorandum of Understanding then in effect for its remaining term.

Section 12. 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 City and its compatibility with the primary responsibility of the City 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. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.
- b. History of representation in the City and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.
- c. Consistency with the organizational patterns of the City.
- d. Effect of differing legally mandated impasse resolution procedures.
- 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 related classifications among two or more units. A single classification shall not be divided between different units under any circumstances.

Notwithstanding the foregoing provisions of this Section, managerial, and confidential responsibilities, as defined in Section 2 of this Resolution, are determining factors in establishing appropriate units hereunder, and therefore 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 which represents other 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 modified classifications or

positions from units in accordance with the provisions of this Section. The decision of the Employee Relations Officer shall be final and binding.

Section 13. Appropriate Units:

As of the adoption date of this Resolution, there are no appropriate units under the terms of this Resolution and pursuant to Section 3500 et seq. of the Government Code.

Section 14. Meet and Confer in Good Faith:

The City shall meet and confer in good faith with any Exclusively Recognized Employee Organization prior to initiating, modifying, or eliminating any program or activity which will affect the wages, hours, benefits, or working conditions of the employees represented by the organization, and on matters within the scope of representation. In cases of emergency when the City Council determines that an ordinance, resolution, rule or regulation must be adopted immediately without prior notice or meeting with any Exclusively Recognized Employee Organization, the City shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of the same.

In the event the City gives notice of an anticipated action pursuant to this Section, the City may specify in said notice a reasonable period of time within which the meet and confer process must be completed. If an Exclusively Recognized Employee Organization fails to deliver to the City a written request for a meeting within seven (7) days after receipt of the notice given by the City, or within such other noticed time as specified by the City due to an emergency, said employee organization(s) shall be deemed conclusively to have waived any right to meet and confer as to any matter noticed by the City pursuant to this Section.

Section 15. Procedure for Modification of Established Appropriate Units:

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 11 of this Resolution. Such requests shall be submitted in the form of a Recognition Petition and, in addition to the requirements set forth in Section 5 of this Resolution, 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 12 in this Resolution. The Employee Relations Officer shall process such petitions as other Recognition Petitions under this Resolution.

The Employee Relations Officer may by his/her own motion propose that an established unit be modified. 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 12 of this

Resolution, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided in Section 17 of this Article. 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 5 hereof.

Section 16. Procedure for Processing Severance Requests:

An employee organization may file a request to become the 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 recognized employee organization. The timing, form, and processing of such request shall be as specified in Section 16 for modification requests.

Section 17. Appeals:

An Employee Organization aggrieved by an appropriate unit determination of the Employee Relations Officer; or an Employee Organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Section 5), Challenging Petition (Section 7), Decertification Petition (Section 11), Unit Modification Petition (Section 15), or employees aggrieved by a determination of the Employee Relations Officer that a Decertification Petition (Section 11) has not been filed in compliance with the applicable provisions of this Resolution, may, within ten (10) days of notice of the Employee Relations Officer's final decision, request to submit the matter to mediation by the State Mediation and Conciliation Service, or may, in lieu thereof or thereafter, appeal such determination to the City Council for final decision within fifteen (15) days of notice of the Employee Relations Officer's determination or the termination of mediation proceedings, whichever is later.

Appeals to the City Council shall be filed in writing with the City Clerk, and a copy thereof served on the Employee Relations Officer. The City Council shall commence to consider the matter within thirty (30) days of the filing of the appeal. The City Council may, in its discretion, refer the dispute to a third party hearing process. Any decision of the City Council on the use of such procedure, and/or any decision of the City Council determining the substance of the dispute shall be final and binding.

Article III -- Administration

Section 18. Submission of Current Information by Recognized Employee Organizations:

All changes in the information filed with the City by a Recognized Employee Organization under items (a.) through (h.) of its Recognized Petition under Section 5 of this Resolution shall be submitted in writing to the Employee Relations Officer within fourteen (14) days of such change.

Section 19. Employee Organization Activities -- Use of City Resources:

Access to City work locations and the use of City paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in Memoranda of Understanding and/or administrative procedures, shall be limited to lawful activities consistent with the provisions of this Resolution that pertain directly to the employer-employee relationship and not such internal employee organization business as soliciting membership, campaigning for office, and organization meetings and elections, and shall not interfere with the efficiency, safety and security of City operations.

Section 20. Administrative Rules and Procedures:

The City Manager is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Resolution after consultation with affected employee organizations.

Article IV -- Impasse Procedures

Section 21. Initiation of Impasse Procedures:

If the meet and confer process has reached impasse as defined in Section 2 of this Resolution, 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 issues. An impasse meeting shall then be scheduled promptly by the Employee Relations Officer. The purpose of such meeting shall be:

- a. To review the position of the parties in a final effort to reach agreement on a Memorandum of Understanding; and
- b. If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

Section 22. Impasse Procedures:

Impasse procedures are as follows:

- a. If the parties agree to submit the dispute to mediation, then mediation will be conducted by a mediator from the California State Mediation and Conciliation Service, unless the parties agree to use 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. If there is a cost for the services of a mediator, then such costs shall be borne equally by the City and the involved employee organization.

- b. If the parties, having so agreed to mediation, fail to resolve the dispute within thirty (30) days after the appointment of the mediator, then either party may thereafter request to submit the Impasse to fact-finding, as provided in Section 23. The parties are free to mutually extend the time limit if confirmed in writing.
- c. If the parties do not agree to mediation, then the employee organization may request to submit the Impasse to fact-finding, as provided in Section 23.
- d. If the Impasse has not been resolved through mediation, or the employee organization fails to request fact-finding, then the Impasse will be sent to the City Council, which shall hold a public hearing on the Impasse and take such action regarding the Impasse as it, in its discretion, deems appropriate as in the public interest, including but not limited to, unilaterally implementing its last, best, and final offer or such terms as must be reasonably comprehended from the last, best, and final offer. Any legislative action by the City Council on the Impasse shall be final and binding.

Section 23. Fact Finding Procedures:

- a. Upon failure to agree to, or upon failure to reach an agreement through, mediation, the employee organization may submit a written request to the Employee Relations Officer and the Public Employment Relations Board for a fact-finding panel in accordance with state law:
 1. If the dispute was submitted to mediation, then it must be submitted not sooner than thirty (30) days, but not more than forty-five (45) days, after the appointment of the mediator.
 2. If the dispute was not submitted to mediation, then it must be submitted not later than thirty (30) days following the date that either party provided the other with a written notice of an Impasse and request for an Impasse meeting.
- b. The request for fact-finding shall be filed with the Public Employment Relations Board - Los Angeles Regional Office located at 425 W. Broadway #400, Glendale, California 91204, with a proof of service, containing a declaration signed under penalty of perjury with the following information:
 1. The name of the declarant;
 2. The county and state in which the declarant is employed or resides;
 3. A statement that the declarant is over the age of 18 years and not a party to the case;

4. The address of the declarant;
5. A description of the documents served;
6. The method of service and a statement that any postage or other costs were prepaid;
7. The name(s), address(es) and, if applicable, fax number(s) used for service on the party(ies); and
8. The date of service.

Approval or disapproval of all requests for fact-finding shall be in the discretion of the Public Employment Relations Board.

- c. Within five (5) working days after notification from the Public Employment Relations Board that the fact-finding request has been approved, each party shall select a person to serve as its member of the fact-finding panel and notify the Public Employment Relations Board of its selection. The parties shall then select the chairperson by utilizing a strike procedure whereby each side strikes a member of the list provided by PERB until one is selected. Within five (5) working days after a chairperson is selected through this procedure, the parties may alternatively mutually agree upon another person to serve as chairperson. The strike procedure will be initiated by a coin toss by a representative of the City witnessed by the employee organization. The costs for the services of the chairperson, including per diem fees, if any, and actual and necessary travel and subsistence expenses, shall be divided equally between the parties. Any other mutually incurred costs shall be divided equally between the parties. Any separately incurred costs for the panel member selected by each party shall be borne by that party. The parties are free to mutually extend the time limit if confirmed in writing.
- d. Within ten (10) days of its appointment, the fact-finding panel shall meet with the parties or their representatives, either jointly or separately, and may make inquiries and investigations, hold hearings, and take any other steps it deems appropriate, including issuance of subpoenas requiring attendance and testimony and production of evidence. The parties are free to mutually extend the time limit if confirmed in writing.
- e. Within thirty (30) days of its appointment, or upon agreement by the parties for a longer period, and if the dispute is not settled by the parties within said time period, the fact-finding panel shall make findings of fact and recommend terms of settlement, which shall be advisory only. In making its findings and recommendations, the fact-finding panel shall consider the following criteria:

1. State and federal laws that are applicable to the City;
 2. Local rules, regulations, or ordinances;
 3. Stipulations of the parties;
 4. The interests and welfare of the public and the financial ability of the City;
 5. Comparison of the wages, hours, and conditions of employment to employees performing similar services in comparable public agencies;
 6. The consumer price index for goods and services, commonly known as the cost of living;
 7. The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment and all other benefits received; and
 8. Any other facts which are normally or traditionally taken into consideration in making the findings and recommendations.
- f. The fact-finding panel shall submit its findings and recommendations in writing to the parties prior to making them available to the public for the purpose of resolving the impasse. The City shall make the findings and recommendations available to the public within ten (10) calendar days after its receipt.
- g. If the Impasse has not been resolved within ten (10) calendar days after the City's receipt of the fact-finding panel findings and recommendations, then the Impasse shall be sent to the City Council, which shall then hold a hearing on the Impasse and take such action regarding the Impasse as it, in its discretion, deems appropriate as in the public interest, including but not limited to unilaterally implementing its last, best, and final offer or such terms as may be reasonably comprehended therefrom. Any legislative action by the City Council on the Impasse shall be final and binding, including but not limited to unilaterally implementing its last, best, and final offer or such terms as may be reasonably comprehended therefrom.

Section 24. Costs of Impasse and Fact-Finding Procedures:

The cost 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 City and Exclusively Recognized 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.

Section 25. Payroll Deductions on Behalf of Exclusively Recognized Employee Organizations:

Upon formal acknowledgement by the City of an Exclusively Recognized Employee Organization under this Resolution, only such exclusively 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 the exclusively recognized employee organization on forms provided by the exclusively recognized employee organization to the City. The providing of such service to the exclusively recognized employee organization by the City shall be contingent upon and in accordance with the provisions of a Memorandum of Understanding and/or applicable administrative procedures.

Article V -- Miscellaneous Provisions

Section 26. Peaceful Performance of City Services

Participation by an employee in any manner, in any strike, work stoppage, slow down, sick-in, or other concerted refusal to work by employees of the City or participation in any manner in any picketing or support of any such strike, work stoppage, slow down, sick-in, or other concerted refusal to work or impediment to work by employees of the City, or participation or inducing other employees of the City to engage in such activities shall subject the employee to disciplinary action up to and including termination. If an Exclusively Recognized Employee Organization, its representatives, or members, engage in, cause, instigate, encourage, or condone, in any manner, any strike, work stoppage, slow down, sick-in, or any other concerted refusal to work by employees of the City or any picketing in support thereof or any other form of interference with or of the peaceful performance of the City services in addition to any other lawful remedies or disciplinary actions, the City Manager may suspend or revoke the recognition granted such employee organization, may suspend or cancel any or all payroll deductions payable to such organization and prohibit the use of bulletin boards, prohibit the use of City facilities, and prohibit access to former work or duty stations by such organization.

Any decision of the City Manager made under provisions of this section may be appealed to the City Council by filing a written notice of appeal with the City Manager accompanied by a complete statement setting forth all the grounds upon which the appeal is based. Such notice of appeal must be filed within seven (7) days after the City Manager provides to the affected employee organization notice of the decision upon which its complaint is based. If a written notice of appeal is not filed with the City Manager within seven (7) days, then the decision of the City Manager shall be deemed final and not subject to any other appeal.

Section 27. Construction:

This Resolution shall be administered and construed as follows:

- a. Nothing in this Resolution shall be construed to deny to any person, employee, organization, the City, or any authorized officer, body or other representative of the City, the rights, powers and authority granted by federal or state law (or City provisions). Nothing in this Resolution shall be construed as a waiver of any rights unless expressly and specifically stated.
- b. This Resolution shall be interpreted so as to carry out its purpose as set forth in Article I.
- c. Nothing in this Resolution shall be construed as making the provisions of California Labor Code Section 923 applicable to City employees or employee organizations, 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 consideration of and as a condition of initial and continued employment by the City, employees recognize, as further provided in Section 26 above, that any such actions by them are in violation of their conditions of employment except as expressly otherwise provided by legally preemptive state or contrary local law. In the event employees engage in such actions, they shall subject themselves to discipline up to and including termination, and may be replaced, to the extent such actions are not prohibited by preemptive law; and employee organizations may thereby forfeit rights accorded them under City law or contract.

Section 28. Severability:

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

Section 29. Modification to the Law:

Any changes to the MMBA that affect the legality or application of any provision of this Resolution shall be incorporated herein.

Section 30. Effective Date:

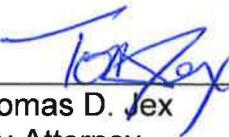
This Resolution becomes effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED this 13th day of August, 2025.



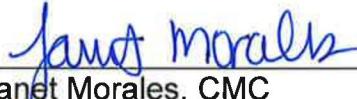
Ashlee DePhillippo
Mayor

APPROVED AS TO FORM:



Thomas D. Jex
City Attorney

ATTEST:



Janet Morales
Janet Morales, CMC
City Clerk



STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Janet Morales, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. 2025 – 39 was duly adopted at a regular meeting held on August 13, 2025, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Moore, Morabito, Mayor Pro Tem Marquez, Mayor DePhillippo

NOES: None

ABSTAIN: None

ABSENT: Nigg

Janet Morales
Janet Morales, CMC
City Clerk
City of Wildomar

