

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

Deleted: BOARD OF SUPERVISORS

Deleted: COUNTY OF SAN BERNARDINO

April 7, 2020

FROM

DIANE RUNDLES, Director, Human Resources

SUBJECT

Authorization of New Representation Units for the San Bernardino County Fire Protection District

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District

1. Establish the Fire Auxiliary Services Unit and Fire Auxiliary Services Supervisory Unit as authorized employee representation units.
2. Waive the election to determine the exclusive employee organization for the Fire Auxiliary Services Unit.
3. Certify the election results for the Fire Auxiliary Services Supervisory Unit.
4. Recognize Teamsters Local 1932 as the authorized exclusive employee organization for the Fire Auxiliary Services Unit and the Fire Auxiliary Services Supervisory Unit.
5. Authorize the County Chief Executive Officer, to commence negotiations on behalf of the San Bernardino County Fire Protection District with the Teamsters Local 1932 for an initial Memorandum of Understanding.

(Presenter: Diane Rundles, Director, 387-5570)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The nature of this item has no financial impact to the San Bernardino County Fire Protection District.

BACKGROUND INFORMATION

The establishment of the Fire Auxiliary Services Unit and the Fire Auxiliary Services Supervisory Unit (Units), waiver of election for the Fire Auxiliary Services Unit and certification for the election of the Fire Auxiliary Services Supervisory Unit will formally recognize the Teamsters Local 1932 (Teamsters) as the authorized exclusive employee organization for the Units, and authorize the County Chief Executive Officer to commence negotiations for the San Bernardino County Fire Protection District (County Fire) with Teamsters on a Memorandum of Understanding for the Units.

On November 25, 2019, Teamsters filed an initial petition with the Human Resources Department seeking to represent classifications in County Fire that were unrepresented and whose terms and conditions of employment were contained in the Non-Represented Employee Compensation Plan. Teamsters petition requested the establishment of a new bargaining unit that would contain both supervisory and non-supervisory classifications in the same unit.

Human Resources notified Teamsters that the petition was not appropriate as filed, but that by creating a supervisory unit and a separate non-supervisory unit, and excluding two classifications comprised of three employees designated as "Confidential" due to their access to information relating to County Fire's administration of employer-employee relations, an affirmative determination of the petition could be made.

Teamsters notified the County that they were in agreement with the creation of a supervisory and non-supervisory bargaining unit and the exclusion of the three employees designated as "Confidential." Based on the concurrence of Teamsters with the two changes an affirmative determination of the petition was made.

On January 16, 2020, in accordance with the Special Districts Employee Relations Ordinance (ERO) No. SD 85-8, notices of the filing of the petition were sent to all employee organizations who represent employees in County Fire, and posted at the appropriate work locations advising employees in the affected classifications of the proposed assignment of their classification to a representation unit. Following those notices, the required 30-day period was provided to allow for challenges to the petition; no challenges were filed by employees or any employee association.

Teamsters submitted signed authorization cards with proof of support of approximately 72% of eligible employees to be placed in the new non-supervisory unit. Section 6(e) of the ERO provides that the recognized employee organization shall be determined by secret ballot election. However, the Meyers-Milias-Brown Act provides in Government Code 3507.1(c) that an Agency may accept majority support from a petition or support cards. Because the proposed non-supervisory unit is currently unrepresented, there were no challenges filed with a competing request to represent the proposed non-supervisory unit, and 72% of the employees to be placed in the new non-supervisory representation unit signed a petition requesting to be represented by Teamsters. It is requested that the election be waived pursuant to Government Code 3507.1(c), and that Teamsters be certified as the non-supervisory unit's exclusive employee organization.

Teamsters submitted signed authorization cards with proof of support of approximately 60% of eligible employees to be placed in the proposed new supervisory unit. Based on the lower percentage of submitted cards and in accordance with Section 6(e) of the ERO, a neutral third party was selected to conduct a secret ballot election. The election was held between February 20, 2020 and March 3, 2020. Ballots were counted by the neutral third party elections supervisor on March 5, 2020, and representation by Teamsters was selected by 90% of the valid votes cast. Pursuant to SD 85-8, election results shall be forwarded to the governing body for certification.

PROCUREMENT

Not Applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Cynthia O'Neill, Supervising Deputy County Counsel, 387-5455) on March 23, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Tom Forster, Administrative Analyst, 387-5423) on March 18, 2020; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on March 23, 2020.