

Solano County

*675 Texas Street
Fairfield, California 94533
www.solanocounty.com*



Agenda - Final

Wednesday, February 11, 2015

6:30 PM

Solano County Board of Supervisors Chambers

Civil Service Commission

SOLANO COUNTY CIVIL SERVICE COMMISSION

*Regular Meeting
February 11, 2015
Wednesday - 6:30 p.m.
Board of Supervisors Chambers*

TO THE PUBLIC

In compliance with the Americans with Disabilities Act (ADA of 1990), the County will provide accommodations for persons with disabilities who attend public meetings. If you have the need for an accommodation such as interpreters or materials in alternative format, please contact Yvonne Liid at 707-784-6180.

If you wish to address the Commission on a matter not listed on the Agenda, you may do so under Items from the Public. The subject matter must be within the jurisdiction of the Commission.

If you wish to address any item listed on the Agenda, please submit a Speaker Card to the Recording Secretary of the Commission before the Commission considers the specific item. Cards are available on the podium in the Board Chambers.

Please limit your comments to five minutes.

For items not listed on the Agenda, please see Item #3, Items from the Public.

1. Call to Order/Roll Call
2. Pledge Of Allegiance
3. Items from the Public

This is your opportunity to address the Commission on a matter not heard on the Agenda, but it must be within the subject matter jurisdiction of the Commission. Please submit a Speaker Card before the first speaker is called and limit your comments to five minutes. Items from the public will be taken under consideration without discussion by the Commission and may be referred to staff.

4. Approval of Civil Service Commission Meeting Minutes

[CSC 15-0014](#) Approve the Minutes of the Commission Meeting of January 14, 2015

Attachments: [Minutes of January 14, 2015](#)

5. Communications
6. Information Items (No Action Required by Commissions)
7. Additions to, or deletions from, the Agenda
8. Approval of the Agenda

SCHEDULED CALENDAR

(All items under Scheduled Calendar require Commission Action)

CSC 15-0013 Conduct a hearing and render a decision for a “community of interests” determination for a bargaining unit modification (Solano County Sheriff’s Employee Association).

Attachments: [Request to Register Employee Organization, received October 9, 2014](#)
[Petition for Modification of Representation Units, received October 9, 2014](#)
[October 17, 2014 acknowledgement to Dae Kim](#)
[October 24, 2014 email-letter from Kyle Wende regarding request for more infor](#)
[October 30, 2014 determination letter by Director of Human Resources \(without](#)
[December 2, 2014 letter from Marc Fox to Kyle Wende](#)
[December 19, 2014 letter from Marc Fox to Kyle Wende and Dae Kim](#)
[December 23, 2014 letter from Kyle Wende, Request to Process Petition for Uni](#)

MISCELLANEOUS ITEMS

9. Commission/Staff Comments

Adjourn

To the Civil Service Commission meeting of March 11, 2015 at 6:30 P.M., Board Chambers, 675 Texas Street, Fairfield, CA



Solano County

675 Texas Street
Fairfield, California 94533
www.solanocounty.com

Agenda Submittal

Agenda #: **Status:** CSC Minutes
Type: CSC-Document **Department:** Civil Service Commission
File #: CSC 15-0014 **Contact:**
Agenda date: 2/11/2015 **Final action:**
Title: Approve the Minutes of the Commission Meeting of January 14, 2015

Governing body:

District:

Attachments: [Minutes of January 14, 2015](#)

Date	Ver.	Action By	Action	Result
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**MINUTES OF THE SOLANO COUNTY
CIVIL SERVICE COMMISSION**

Regular Meeting
Wednesday, January 14, 2015
Board of Supervisors Chambers
County Administration Center
Fairfield, CA 94533

1. Call to Order/Roll Call

President Neal called the meeting to order at 6:30 p.m. Roll was called, and the following Commissioners were present: Commissioner Neal, Commissioner Booe, Commissioner Riley, Commissioner Burton, and Commissioner Tedford. Commission Staff present were Marc Fox, Director of Human Resources and Commission Secretary; JoAnn Parker, Deputy County Counsel; and Antoinette Rasmussen, Recording Secretary.

2. Pledge of Allegiance

3. Items from the Public

There were no items from the public.

4. Approval of the Minutes of the Commission Meeting of October 8, 2014

A motion to approve the minutes of the November 12, 2014 Commission meeting was made by Commissioner Booe with a second by Commissioner Tedford. The motion to approve the minutes carried 5/0.

5. Communications

Human Resources Director Marc Fox stated a Merit Systems audit was completed which he provided to the Commission and that the County was in full compliance with the 6 merit principles.

Human Resources Director Marc Fox also noted that the "Degree Required" section is now bolded on the County's employment applications to provide emphasis to the applicants regarding what is needed at the time an application is filed. Commissioner Booe stated she was happy with these changes.

6. Information Items (No Action Required by Commission)

There were no information items.

7. Additions to, or deletions from, the Agenda

There were no additions to or deletions from the Agenda.

8. Approval of the Agenda

A motion was made to approve the agenda by Commissioner Riley with a second by Commissioner Booe. The motion to approve the agenda carried 5/0.

SCHEDULED CALENDAR

CSC 15-0001: Accept the Civil Service Commission regular meeting calendar for 2015

Commissioner Booe made a motion to accept the calendar with a second by Commissioner Tedford. The motion carried 5/0.

CSC 15-0002: Annual Election of the Civil Service Commission President and Vice President

Commissioner Booe nominated Commissioner Neal for President. The motion carried 5/0. Commissioner Neal accepted.

Commissioner Riley nominated Commissioner Booe for Vice President. The motion carried 5/0. Commissioner Booe accepted. Seats remained the same.

CSC 15-0003: Approve the Continued Registration of Employee Organizations

Human Resources Director Marc Fox explained the content of the packet and informed the commissioners that the continued registration for Unit 3 also includes Unit 4. He noted that all continued registrations for bargaining units were in. President Neal asked if there were nineteen total, Director Fox responded yes. Vice President Booe asked about adding email as a method of notification on pages 2-3 of Item 5 under discussion. Director Fox responded no because of the rules stated in the Employer-Employee Relations Rules and Regulations specifies mail. Vice President Booe motioned to approve continued registration with a second by Commissioner Tedford. The motion carried 5/0.

CSC 15-0005: Set the hearing date regarding the "community of interests" determination for a bargaining unit modification (Solano County Sheriff's Employee Association) and establish the hearing process

Human Resources Director Marc Fox noted that he had received a request to modify an existing bargaining unit. He completed the initial analysis disagreeing with the request. Director Fox asked the commission to approve scheduling a hearing for February 11, 2015 and to approve the hearing process for this matter. Vice President Booe made the motion to approve the hearing schedule with a second by Commissioner Riley. The motion carried 5/0. President Neal asked what will be presented. Director Fox explained that staff will make a presentation and the public will have a chance to speak. The commission will also have the opportunity to ask questions. President Neal then asked if it can be a closed meeting. Director Fox responded no, that there were open meeting requirements. Vice President Booe then asked Director Fox to provide a definition of "Community of Interests." Director Fox noted he would provide this at the hearing. Commissioner Riley then asked what the process for a unit modification was. Director Fox explained that during the October prior to the expiration of the MOU, unit modification requests can be submitted. He noted that a request came in and that he completed an analysis, resulting in denial of the request.

He further noted that if a request is denied by him, that request then goes to the Commission for a hearing. President Neal then asked if the request was to move from one bargaining unit to another and Director Fox explained that the request was to move from an existing unit to a new unit. Vice President Booe made a motion to accept the hearing process with a second by Commissioner Tedford. The motion carried 5/0.

CSC 15-0006: Set the hearing date regarding the “community of interests” determination for bargaining unit modification (Unit 19, Executive and Senior Management, represented by Professional and Technical Engineers, Local 21) and establish the hearing process

Human Resources Director Marc Fox stated that this was similar to the previous item and asked the commission to conduct the hearing on February 11, 2015. Commissioner Burton made a motion to approve with a second by Vice President Booe. The motion carried 5/0.

CSC 15-0007: Approve the 2014 Annual Report of the Civil Service Commission

Vice President Booe expressed appreciation for the report. Human Resources Director Marc Fox stated that his intent is to provide three to five years of history into the report. Commissioner Tedford expressed appreciation for the work done. Commissioner Riley made a motion to approve the report with a second by Vice President Booe. The motion carried 5/0.

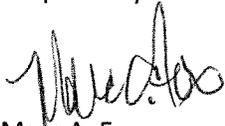
9. Commission/Staff Comments

Commissioner Tedford acknowledged and expressed appreciation that the Human Resources Department held eleven job fairs in 2014. President Neal thanked the commission for the nomination and Vice President Booe thanked the commission for her nomination.

10. Adjourn

President Neal adjourned the meeting at 6:52 p.m.

Respectfully submitted,



Marc A. Fox
Director of Human Resources



Solano County

675 Texas Street
Fairfield, California 94533
www.solanocounty.com

Agenda Submittal

Agenda #: **Status:** CSC Presentation
Type: CSC-Document **Department:** Civil Service Commission
File #: CSC 15-0013 **Contact:**
Agenda date: 2/11/2015 **Final action:**
Title: Conduct a hearing and render a decision for a “community of interests” determination for a bargaining unit modification (Solano County Sheriff’s Employee Association).

Governing body:

District:

Attachments: [Request to Register Employee Organization, received October 9, 2014](#)
[Petition for Modification of Representation Units, received October 9, 2014](#)
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Date	Ver.	Action By	Action	Result
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HUMAN RESOURCES' RECOMMENDATION:

The Director of Human Resources recommends that the Civil Service Commission finds that a “community of interests” does not exist for the bargaining unit modification requested by the Solano County Sheriff’s Employee Association and that the job classifications remain represented by the existing collective bargaining units.

SUMMARY:

On October 9, 2014, the Solano County Sheriff’s Employee Association (“Association”) submitted a proposed bargaining unit modification to the Director of Human Resources. The Association augmented its submittal with additional information on October 24, 2014. The Association wishes to amend the composition of existing bargaining units by removing six job classifications from Unit 7 (Regulatory, Technical and General Services Employees; represented by SEIU, Local 1021) and from Unit 87 (Extra Help Regulatory, Technical and General Services Employees; represented by SEIU, Local 1021). More specifically, the Association has requested that the Animal Control Officer, Coroner Forensic Technician, Emergency Services Technician, Evidence Technician, Latent Fingerprint Examiner, and Sheriff’s Security Officer positions be moved from Unit 7 (Regulatory, Technical and General Services; SEIU, Local 1021) or from Unit 87 (Extra Help Regulatory, Technical And General Services; SEIU, Local 1021) and moved into the new representation unit.

On October 30, 2014, the Director of Human Resources notified the Association that the requested bargaining unit modification does not establish a community of interests which is distinct from the existing community of interests within the current unit and, accordingly, denied the petition.

On December 23, 2014, the Solano County Sheriff’s Employee Association appealed to the Civil Service Commission. On January 4, 2015, the Civil Service Commission scheduled the “community of interests” hearing for February 11, 2015.

On January 4, 2015, the Civil Service Commission established the following hearing process:

- Staff presentation
- Appellant (or representative) presentation, limited to 20 minutes
- Comments from the public or any interested parties, limited to 3 minutes (individual) or 5 minutes (organization)
- Appellant, limited to 10 minutes
- Staff making any additional comments
- The President of the Commission may extend additional time for presentations/comments
- Discussion by the Commission; decision by the Commission
- Commission vote on the issue of whether there is a sufficient community of interest between the classifications to be moved to a new bargaining unit

DISCUSSION:

Association's Petition Submittal

On October 9, 2014, the Solano County Sheriff's Employee Association ("Association") submitted a petition for a unit modification requesting that six job classifications are removed from the existing collective bargaining unit and placed within a new unit represented by the Association. The October 9, 2014 petition identified the following reasons the Association had petitioned for a unit modification:

- "Units 7 and 87 do not satisfy the Civil Service Commission's chief criterion for establishment of representation units."
- "The classifications listed... are unique to the Sheriff's Office and involve knowledge and skills which are not transferrable to any other Department within the County."
- "Because these job classifications are part of a law enforcement agency, they are also subject to a unique hierarchy, and can be exposed to distinct disciplinary and physical welfare risks."
- "Units 7 and 87 as a whole neither understand nor bargain for these interests."
- "These bargaining units are therefore not 'the largest feasible group of classifications having an identifiable community of interest.'"
- "Such community of interest does not exist within these representation units, and severance is both necessary and appropriate."

The supplemental information received on October 24, 2014 provided the following additional information:

- "[The Association feels] that being part of Unit 7 and Unit 87 does not fairly represent our interests. Our collective bargaining rights have been convoluted with the interests of clerical and social workers. We do not have a community of interest with clerical or social workers. Unlike the vast majority of other classifications in Unit 7 and Unit 87, our job skills are not readily transferrable to any other County department. We are law enforcement support employees. We as a group need representation that focuses on proper training, safety equipment and uniforms, and access to other law enforcement resources. The employees in the proposed modified unit put themselves in danger on the job every day dealing with a variety of hostile situations. The existing bargaining unit treats our law enforcement duties as an extreme minority, and does not represent these unique concerns. Specifically, we do not have access to the legal resources that are available to other law

enforcement officers. Most of the employees in our group carry firearms and perform law enforcement duties. Many of us exercise limited peace officer powers. If one of us fires a weapon in a critical incident, we need immediate assistance from both our union and counsel. Even when not using weapons, we engage in conduct that is subject to a higher degree of public scrutiny than any clerical workers. We cannot rely on a predominantly clerical employee group to represent public safety classifications.”

- “Our existing bargaining unit representative has failed to represent our interests and failed to attend meetings on our behalf. This failure has resulted in our goals being delay[ed] or ignored - goals we share with the Sheriff’s Office. There must be a harmonious employer-employee relationship for any organization to be successful. We feel the existing bargaining unit structure lacks this harmony. Because Unit 7 and Unit 87 at large do not put any focus on our specific needs, these overbroad unit designations and hinder the mission of the Sheriff’s Office. We can better support the Sheriff’s Office if we can bargain as a law enforcement support group, rather than a small fraction of a generalized clerical group.”
- “The classifications in the proposed modified unit are all unique to the Sheriff’s Office, and perform duties which cannot be readily replaced. As long as we are part of Unit 7 and Unit 87, a strike by the clerical employees would have a devastating impact on the Sheriff’s Office. Because of our specialized classifications with unique training, we cannot be ‘temporarily replaced.’ It would be impossible for other administrative employees within the Sheriff’s Office to cover the duties of our technical classifications, and it would be unreasonably expensive for Sheriff’s Deputies to cover the duties of our public safety classifications. Employees in the proposed modified unit are critical to public safety and we support the mission of the Sheriff’s Office. We do not want to be stuck across a picket line if the larger clerical group urges a strike.”

Community of Interest Checklist

The Public Employment Relations Board (“PERB”) issued a checklist in 1987 to assist in the evaluation of a community of interests. To help determine whether a community of interests exists, the employer or union could consider:

- A. Job Duties
- B. Qualifications/Training/Skills
- C. Work Location
- D. Hiring/Supervision/Discipline
- E. Integration/Interchange
- F. Wages and Hours
- G. Fringe Benefits

Review of the Submitted Petition for Unit Modification

Most of the petition’s rationale for a separate bargaining unit is that these classifications are distinct from clerical employees and social workers. The Association has requested that the Animal Control Officer, Coroner Forensic Technician, Emergency Services Technician, Evidence Technician, Latent Fingerprint Examiner, and Sheriff’s Security Officer positions be removed from Unit 7 (Regulatory, Technical and General Services; SEIU, Local 1021) or from Unit 87 (Extra Help Regulatory, Technical and General Services; SEIU, Local 1021) and moved into the new representation unit. Clerical employees are in a different bargaining unit, Unit 9 (Clerical Employees) and social workers are also in a different bargaining unit, Unit 5 (Health and Welfare Employees). The rationale for separating the requested classifications from clerical employees and social workers is a flawed argument as the requested classifications are already in a different bargaining unit.

The Association requested six classifications for modification of representation units and excluded from the petition fifteen other classifications with positions exclusively within the Sheriff’s Office. However, even if some or all of these other classifications had been included, the determination that the unit modification petition is denied would remain the same. The minimum qualifications of the six requested classifications range from no prior related work experience

with graduation from high school/GED up to two years of related work experience with some vocation/technical training. Within the existing unit 7 representation unit, there remain other classifications which are similar in the qualifications as those for which the Association has requested.

The Association cites as one rationale for the unit modification that the classifications are unique to the Sheriff's Office. However, as it relates to the County's animal control services (for which the Association requests the unit modification for Animal Care Officer), that program has not exclusively been assigned to the Sheriff's Office. For example, the County changed the organizational reporting relationship by moving animal control services from the Department of General Services to the Sheriff's Office in July 2011.

Using as a rationale that the requested classifications are presently housed only within the Sheriff's Office or that the job skills are not readily transferrable to another County department is contrary to the existing Unit 7 representational unit. For example, the Unit 7 representational unit includes classifications found exclusively within other departments, such as the Department of Agriculture/Weights and Measures, the Assessor/Recorder's Office, the Department of Health and Social Services, and the Department of Library Services, as a few examples.

The Association also claimed that the unit modification is appropriate because the employees within the requested classifications are also subject to a unique hierarchy, and can be exposed to distinct disciplinary and physical welfare risks. This rationale also falls short. Presumably, the "unique hierarchy" mentioned is the Sheriff's Office command, which provides a structured manner of meeting with each level of supervision in order and not bypassing a layer. While other departments may have an "open door policy," nothing precludes a department director or other manager from instituting a department policy or practice necessitating that employees meet with each level of supervision in order of their chain of command.

The Association has not identified distinct disciplinary risks. Employees within the requested classifications are not subject to the Public Safety Officers Procedural Bill of Rights Act (Government Code 3300 *et seq*). There is not a distinct disciplinary track for the requested classifications.

The Association has not identified distinct physical risks. While a dog bite, for example received by an Animal Control Officer, may be distinct, physical risks exist for other classifications within Unit 7. For example, other positions work outdoors (e.g., appraiser, inspectors, code compliance, assessors) or interact with potentially difficult customers/citizens (e.g., permit technicians, dental assistants, process servers, librarians).

The Association makes assertions regarding performing law enforcement duties and carrying a firearm. However, the Association's assertions are inaccurate. Of the requested six classifications, only two have limited authority to make arrests or carry a firearm (Animal Care Officer and Sheriff's Security Officer). Said differently, a minority of the requested positions have arrest powers or carry a firearm while the majority of the requested classifications do not have arrest powers or carry a firearm. The County, consistent with law, provides legal representation when an employee fires a weapon in connection with performing job duties within the course and scope of employment.

The Association asserts that the current bargaining unit representative fails to represent the employees' interests and fails to attend meetings, resulting in shared goals being delayed or ignored. We have identified at least two instances where the Association's claim is inaccurate. The Animal Control Officer classification specification was amended, with the Civil Service Commission approving the amendment in March 2014. Similarly, the Sheriff's Security Officer classification specification was also amended, also with the Civil Service Commission approving the amendment in March 2014. Neither classification specification amendment occurred without the current union's involvement and the involvement of the current unit 7 assigned union representative.

The wages, hours, fringe benefits, and other working conditions are either the same or substantially similar to other classifications within Unit 7.

It was my determination that the requested unit modification does not establish a community of interests which is distinct from the existing community of interests within the current unit 7 (regular employees) or unit 87 (extra help employees), and accordingly the petition was denied. The recommendation of the Human Resources Director is that, following the hearing, the Commission upholds the Human Resources Director's determination and denies the request to modify the existing collective bargaining units.

ALTERNATIVES:

The Commission could grant the appeal and find that a community of interests exists sufficient for a unit modification; however, this alternative is not recommended as described above.

OTHER AGENCY INVOLVEMENT:

Not applicable.

REQUEST TO REGISTER EMPLOYEE ORGANIZATION

Pursuant to Solano County Employer-Employee Relations Rules and Regulations, Section 7, the Solano County Sheriff's Employee Association hereby requests of the Director of Human Resources to be registered as an employee organization.

1. Name and Address.

Solano County Sheriff's Employee Association
PO Box 1
Suisun City, CA 94585

2. Statement of Non-Affiliation.

The Solano County Sheriff's Employee Association is not presently affiliated with any existing regional, state, national, or international organization.

3. Principal Officers.

President: Dae Kim
Vice-President: Steve Christie
Secretary-Treasurer: Kevin Ives

4. Statement of Purpose.

The Solano County Sheriff's Employee Association has as its primary purpose the representation of its members in their employer-employee relations with the County.

5. Agent for Service of Process.

Dae Kim
PO Box 1
Suisun City, CA 94585

6. Statement of Non-Discrimination.

The Solano County Sheriff's Employee Association has no restriction on membership based on race, color, creed, national origin, sex, age, or physical or mental impairment.

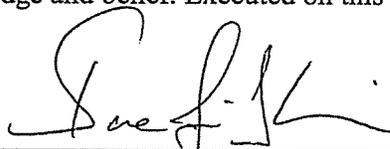
7. A copy of the Solano County Sheriff's Employee Association bylaws is attached hereto as Exhibit A. The organization does not have a constitution.

2014 OCT -9 AM 9:19
COUNTY OF SOLANO
HUMAN RESOURCES

8. Authorized Representatives.

The authorized representative of the Solano County Sheriff's Employee Association at this time is Dae Kim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief. Executed on this 7th day of October, 2014, at Fairfield, California.



Dae Kim, President



Kevin Ives, Secretary-Treasurer

**SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
BYLAWS**

PREFACE

The following are the BYLAWS for the Solano County Sheriff's Employee Association.

ARTICLE I

This Association shall be known as "Solano County Sheriff's Employee Association.", a registered employee organization with all the rights provided it pursuant to the Employer-Employee Relations Rules and Regulations of the County of Solano.

ARTICLE II

PURPOSE:

WHEREAS, the status of a law enforcement personnel is that of a professional person devoted to the principles of protecting, promoting and elevating fundamental welfare of the community, and,

WHEREAS, professional men and women generally must unite for the maintenance of the integrity of their professional ideals;

THEREFORE, the object and purpose of this association shall be, though not limited to:

1. Assisting wherever possible in all matters pertaining to the welfare and advancement of all members, when compatible with the public interest;
2. Supporting the efficiency of the Solano County Sheriff's Office, and the general well-being of the community;
3. Providing representation for its members in matters relating to employment working conditions and benefits in the absence of any other employee organization who has been granted exclusive recognition;
4. Consultation with appropriate levels of County management in an effort to secure fair compensation for its members for the performance of their professional duties and to improve conditions of employment through collective efforts in all areas of labor representation, collective bargaining, legislative and political activity, in the absence of any other employee organization who has been granted exclusive recognition;
5. Uniting all persons within its jurisdiction for professional and social advancement;
6. Encouraging activities tending to improve the morale and general welfare of the members;

ARTICLE III

MEMBERSHIP:

1. Any person who is a permanent, part-time, extra-help, or probationary Solano County Sheriff's Office employee in the following job classifications shall be eligible for Active Membership in this Association: Animal Control Officer, Emergency Services Technician, Sheriff's Security Officer, Evidence Technician, Latent Fingerprint Examiner, Coroner Forensic Technician.
2. Notwithstanding (1), no person shall be entitled to the rights and privileges of Active Membership in this Association who is not current in dues or payment assessments.
3. Any active member who becomes suspended from employment, separated from employment with the Sheriff's Office while pursuing an administrative appeal, or disabled while off-duty for a period of six (6) months or less, need not pay any dues for that period. The six (6) month period may be extended by the Association Board of Directors. Members shall be responsible for paying their own insurances, if applicable, during this period unless waived by the Board of Directors.
4. Any eligible person can become an Active Member of this Association upon acknowledged receipt of their application by a Board Member designated to receive said application.
5. The voting power and privilege of holding office and attending membership meetings in this Association shall rest exclusively with the Active Members.
6. The Association does not have a class of membership other than Active Member.

ARTICLE IV

Any member may be expelled, suspended, or terminated from membership in the Association for cause. Cause includes the member engaging in any act or activity detrimental to the goals, objectives, purpose or Bylaws of this Association, or with law enforcement in general.

- a. Any member expelled, suspended, or terminated shall receive a notice of the action, including a statement of reasons for said action, at least fifteen (15) days prior to the effective date. The notice of expulsion, suspension, or termination must be sent to the member by first class or registered mail to the last address of the member as listed in the Association's records.
- b. Any member to be expelled, suspended, or terminated shall have an opportunity to be heard, in accordance with the provisions set forth in Robert's Rules of Order, not less than five (5) days before the effective date of the action.
- c. Any expelled, suspended, or terminated member may apply to the Board of Directors for re-admittance to the Association no sooner than six (6) months from the date of action, and each six (6) months thereafter.

ARTICLE V

DUES:

1. The annual dues of this Association, if applicable, shall be assessed by the Board of Directors for all active members payable by payroll deduction if available by law.
2. Members may request to purchase Legal Defense Fund coverage, if such is available to members of the Association.

3. Any member who becomes disabled while off-duty for a period of six calendar months or less or is on active military duty for any period of time shall not be required to pay any dues for that period. Said member shall be required to pay any amounts for continuation of Legal Defense Fund coverage and any optional insurance coverage if required or eligible.
4. Dues assessments shall be used from time to time to raise funds for specific Association purposes. The notice of assessment shall identify the purpose, length and amount of the dues assessment. Assessments shall first be presented to the Board of Directors for approval. The Board of Directors shall then present the Assessment to the General Membership for a ballot vote in accordance with these Bylaws. Dues Assessments shall require a majority vote of returned ballots to pass.

ARTICLE VI

BOARD OF DIRECTORS

1. The corporate powers, business and property of this Association, shall be controlled by a Board of Directors, consisting of five (5) members. Such members shall include the President, Vice-President, Secretary-Treasurer, and two (2) Directors-at-Large.
2. The Directors shall be elected by a majority vote of the members.
3. Vacancies in the Board shall be filled by the majority vote of Directors remaining in office. Every Director so appointed shall hold office for the remaining term of that seat.
4. Regular meetings of the Board of Directors shall be held at such time and place as the Board may from time to time prescribe. Notice of the holding of such regular meeting shall be communicated by the Secretary to the Board members at least one (1) week in advance of the time set for each meeting.
5. Special meetings of the Board of Directors may be called at any time by the President of the Association or a majority of the Board members by notice to the Board members at least seventy-two (72) hours prior to the time of such special meeting. Special meetings shall be held only for a specific purpose as noticed in the meeting agenda in accordance with Robert's Rules of Order.
6. The President shall chair the Board meetings.
7. Three (3) Board members shall constitute a quorum at any meeting of the Board of Directors.

ARTICLE VII

OFFICERS:

1. This Association shall have a President, Vice-President, and a Secretary-Treasurer who shall be elected for two (2) year terms. These positions shall jointly be referred to as the Executive Board.
2. In the event of a vacancy in any of these offices, the Board of Directors shall appoint a successor by majority vote to complete the unexpired term.
3. The President shall preside over all meetings; shall sign all contracts and other written instruments authorized and approved by the Board of Directors; may countersign checks drawn by the Secretary-Treasurer and shall perform such other duties as the Board may designate. He/She shall be responsible for coordinating the activities of this Association, and may in his/her judgment, appoint committees to carryout specific programs.

4. The Vice-President shall act, and have all the power of the President whenever the President is absent or unable to act.
5. The Secretary-Treasurer shall have custody of and be responsible for all funds and securities of the Association. He/She shall keep such funds in such bank or banks as may be designated by the Board of Directors. Such funds shall be paid out by a check, credit card or electronic banking as authorized by the Board of Directors; Executive Board members shall be authorized to sign checks for the Association as authorized by the Board of Directors. Checks over \$1,000 shall be signed by two (2) members of the Executive Board. The Secretary-Treasurer shall at reasonable times and places exhibit his/her books and accounts to any member of the Association upon written request. Receipts will be given when monies received. Receipts, canceled checks and stubs and other appropriate records sufficient to clearly portray the financial activity of the Association will be retained until such time as their destruction is specifically authorized by resolution of the Board of Directors acting after consultation with legal counsel.
6. The Secretary-Treasurer shall keep a complete written record of the proceedings of the Board of Directors and meetings of the Association members, see that all notices are given as prescribed by these Bylaws, be custodian of the Association records, and in general perform such other duties as may be assigned to him/her by the President or Board of Directors. Written records of the proceedings of the Board of Directors shall be made available for approval by the Board of Directors and available for review by the general membership and shall remain the property of the Association. The Secretary-Treasurer will also maintain a current roster of the membership and will regularly report additions and deletions to the Board of Directors.

ARTICLE VIII

VACANCY, RESIGNATION OR REMOVAL FROM OFFICE:

1. Any Board position shall be deemed vacated when the Board member voluntarily separates employment with the County of Solano.
2. A Board position may be deemed vacated when the Board Member misses two or more consecutive Board meetings and/or two or more consecutive general membership meetings without a reason acceptable to the majority of the Board of Directors. The Secretary-Treasurer shall keep the attendance records.
3. A Board position may be deemed vacated when the elected Board member is no longer an active member of the bargaining unit through change of County job classification to one not included in this Association's active membership.
4. Active members of the Association may recall any elected or appointed officer by these guidelines.
 - a. Serve a Petition to Recall signed by no less than one-third (1/3) of the active members of the Association on the Association Secretary in person or by US Mail to the Association's current address.
 - b. The Petition to Recall must be accompanied by a letter designating an active member of the Association who will serve as the contact person for the Petition.
 - c. The Secretary-Treasurer shall acknowledge receipt of the Petition by dating it and returning a copy to the member who submitted the Petition and letter.

- d. The Petition to Recall shall clearly state the intent to recall said officer and each person signing the petition shall provide:
 - i. Printed name
 - ii. Signature
 - iii. Job title
 - iv. Date signed
 - v. Contact phone number for verification purposes
 - e. Signatures with incomplete or illegible information are null and void and will not be counted.
 - f. Proxy signatures are not allowed.
 - g. The Board shall verify all signatures within ten (10) calendar days. If the signatures cannot be verified, the entire petition shall be returned to the member presenting the petition. Once the signatures are confirmed, the Board shall within fifteen (15) calendar days prepare and distribute to all voting members in accordance with the Bylaws. The ballot shall list the name of the Board member who is being subject to recall and the office held. The question on the ballot shall ask the question, "Shall the above named Board Member be recalled?"
 - h. The recall shall fail unless at least fifty percent (50%) of all active members carried on the roster participate in the vote with at least two-thirds (2/3) of the members voting for the officer to be recalled.
5. The Board may remove a Board member for cause if the member is:
- a. Declared of unsound mind by a court
 - b. Convicted of a felony
 - c. Found by court to have breached his/her statutory duty of care
 - d. Is absent from two (2) consecutive or six (6) board meetings in a calendar year, unless excused by the majority vote of the Board.
 - e. The President may appoint an Investigative Committee to investigate allegations of wrongdoing by a Board member or any other general member. If the President is accused then the Vice-President shall appoint the committee. The committee shall consist of at least two (2) non-Board Active members.
 - f. If removed, the Board member may request appeal to the Active membership. The report of the special committee will be made available to the membership. A membership vote of two-thirds (2/3) of the Active membership shall be required to overturn the Board's action.

ARTICLE IX

ELECTIONS:

1. Election of officers and Directors shall take place in October, and the August and September meeting will be open for nominations.
 - a. Voting shall be by secret ballot.
 - b. All active members of the Association are eligible to vote.
 - c. The ballots shall be made available by a designated elections committee to each member. Voting may be done by mail to the Association via US Mail, by depositing ballots into a secure ballot box, or by secure online voting. A member may request a paper ballot in the event online voting is used and the member is unable to or chooses not to vote online. If ballots are mailed or

deposited into a ballot box, the Elections Committee shall be responsible for counting the ballots and certifying the election. The date, time, and location of the counting of the ballots shall be made available to all members eligible to vote. Any Association member who is eligible to vote may be present during the counting of the ballots.

2. Candidates receiving the largest number of votes cast for the office shall be elected to the office.
3. Officers and directors shall take office at the November 1 annual meeting and shall hold office for a term of two (2) years.
4. Each candidate for office shall receive space for a two hundred fifty (250) word statement to be mailed with each ballot.

ARTICLE X

MEETINGS:

1. The annual Board Association Planning meeting shall be held in the month of November at a place designated by the President. Regular Board meetings shall be held bi-monthly, the time and place to be determined and designated by the President. General Membership meetings of the Association may be called by the President upon giving three (3) days notice to the Association members.
2. A quorum at a general membership meeting shall consist of those association members present at any meeting called in accordance with these Bylaws. A quorum at a meeting of the Board of Directors shall consist of three (3) members. All votes on business must be passed by a majority of those present. Otherwise, it must be specified by the Bylaws or parliamentary authority. All voting shall be by show of hands unless otherwise requested by any member.

ARTICLE XI

COMMITTEES:

Committees shall be appointed by the President from time to time, as deemed necessary to carry on the business of the Association. The committee chairperson will give reports o the committee's activity at the monthly Board meetings.

ARTICLE XII

The rules contained in Robert's Rules of Order Revised shall govern the Association, except where inconsistent with these Bylaws.

ARTICLE XIII

The fiscal year of this Association shall extend from November 1 through October

ARTICLE XIV

These Bylaws may be altered or amended only by proposition in writing, signed by the active member or active members offering it, and must first be submitted to the Board of Directors for their approval. If approved by the majority of the board of Directors, such changes will be submitted to a vote of the entire active membership of the Association. A two-thirds (2/3) affirmative vote of all members who cast votes is required. Thirty (30) days notice must be given to the active membership of such proposed change.

ARTICLE XV

FUNDING OF THE ORGANIZATION:

1. All monies collected from donations, dues, fines, projects or other sources will be receipted and placed in the general funds except for funds which may, from time to time, be collected for a specific purpose as decided upon by the general membership.
2. The Board of Directors of this Association shall not make any expenditure over FIFTEEN HUNDRED (\$1,500) DOLLARS unless the matter is noticed to the General Membership so that the general membership can express their feelings and opinion on the expenditure to the Board of Directors. The notice shall be posted at least three (3) days prior to the vote of the board to expend the funds. Ordinary or routine business expenditures shall be exempt from this limit. The Treasurer shall present a financial report at each Board meeting specifying expenditures and changes in funds and securities of the Association since the previous report

ARTICLE XVI

DISTRIBUTION OF ASSETS UPON DISSOLUTION:

If and when this Association is dissolved, it will be the final responsibility of the then Board of Directors to distribute the remaining assets, after satisfaction of all liabilities, to a legally established tax exempt charitable organization, which shall be determined by a simple majority of the members of the said Board of Directors in attendance at the final meeting of the Board of Directors. Should the Board of Directors for any reason not be able to effect the distribution of the remaining assets in the manner above stated within a period of ninety (90) days following the payment of the last known liability, then the remaining assets shall be distributed to the County of Solano, for the benefit of the Sheriff's Office, within ten (10) days of the above noted ninety (90) day period.

As a condition precedent to the receiving of the assets of the Association upon dissolution, the recipient organization or entity must be willing to indemnify the Association or any others responsible for the debts thereof, for any claims submitted against the Association subsequent to the disbursement of the remaining assets so disbursed and received for a time period coinciding with the time period during which the Association or others may be obligated to pay.

 COPY

PETITION FOR MODIFICATION OF REPRESENTATION UNITS

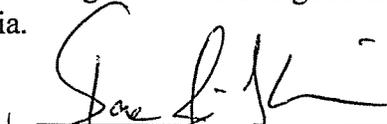
Pursuant to Solano County Employer-Employee Relations Rules and Regulations, Section 7, the Solano County Sheriff's Employee Association hereby petitions for modification of representation units. Units 7 and 87 do not satisfy the Civil Service Commission's chief criterion for establishment of representation units. The classifications listed below are unique to the Sheriff's Office and involve knowledge and skills which are not transferrable to any other Department within the County. Because these job classifications are part of a law enforcement agency, they are also subject to a unique hierarchy, and can be exposed to distinct disciplinary and physical welfare risks. Units 7 and 87 as a whole neither understand nor bargain for these interests. These bargaining units are therefore not "the largest feasible group of classifications having an identifiable community of interest." Such community of interest does not exist within these representation units, and severance is both necessary and appropriate.

The Solano County Sheriff's Employee Association petitions to modify County Bargaining Units 7 and 87, to sever out employees in the job classifications listed in the chart below. These job classifications would instead form a new bargaining unit.

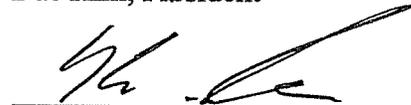
<u>Job Classification</u>	<u># of Employees</u>	<u>Division or Department</u>
Animal Control Officer	3	Sheriff-Public Safety
Emergency Services Technician	1 / 1 (extra help)	Sheriff-Office of Emergency Services
Sheriff's Security Officer	11 / 15 (EH)	Sheriff-Public Safety
Evidence Technician	2	Sheriff-Administrative Services
Latent Fingerprint Examiner	2	Sheriff- Administrative Services
Coroner Forensic Technician	1	Sheriff-Coroner

Attached are authorization cards showing greater than 30% of this proposed modified representation unit supports representation by the Solano County Sheriff's Employee Association.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief. Signed on this ninth day of October, 2014, at Fairfield, California.



Dae Kim, President



Kevin Ives, Secretary-Treasurer

PROPERTY OF
SHERIFF'S OFFICE
HUMAN RESOURCES
2014 OCT -9 AM 9:15
COUNTY OF SOLANO

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

I, the undersigned, am an employee of the County of Solano. I am currently represented by SEIU, Local 1021. However, I wish to instead be represented by the Solano County Sheriff's Employee Association. I hereby express my support of and authorize the Solano County Sheriff's Employee Association to represent me as my exclusive bargaining representative under the Public Employee Relations Law (PERL); in collective bargaining with the company on all matters related to wages, hours, and working conditions. This authorization is binding, does not expire, and remains valid until such time as I submit a written revocation.

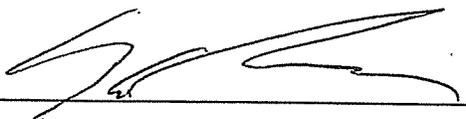
NAME: Kevin Jves

EMAIL: SAR-MAN@yahoo.com

PHONE: 707 790 0554

JOB CLASSIFICATION:

OES Technician F.T.

Signed: 

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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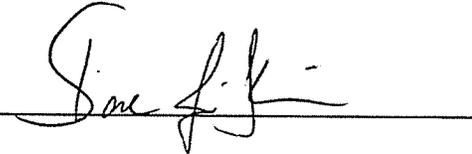
NAME: DAE J. KIM

EMAIL: DAEKIM81@gmail.com

PHONE: 925-305-4072

JOB CLASSIFICATION:

Animal Control Officer - F.T.

Signed: 

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: MARIL J GARCIA JR

EMAIL: MJGarcia707@gmail.com

PHONE: 707-688-2778

JOB CLASSIFICATION:

ANIMAL CONTROL OFFICER F.T.

Signed: M. Garcia Jr

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: Angela Cunha
EMAIL: cunhangel@yahoo.com
PHONE: 707 290 8858

JOB CLASSIFICATION:

Evidence Technician F.T.

Signed



SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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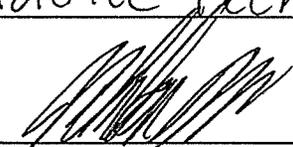
NAME: Nicholas Weiss

EMAIL: NICKSAX@Yahoo.COM

PHONE: 707-631-4093

JOB CLASSIFICATION:

Evidence Technician FT

Signed:  _____

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: Julia DiRienzo

EMAIL: jdjularoo56@gmail.com

PHONE: (707) 495-5732

JOB CLASSIFICATION:

LATENT FINGERPRINT EXAMINER F.T.

Signed: Julia DiRienzo

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: DARRELL KLASEY

EMAIL: klasey@sbcslobal.net

PHONE: (925) 228-9028

JOB CLASSIFICATION:

LATENT FINGERPRINT EXAMINER (FT)

Signed: 

FT

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: MARICELLA TICKNOR

EMAIL: maricella.ticknor@comcast.net

PHONE: (530) 588-6747

JOB CLASSIFICATION:

SHERIFF SECURITY OFFICER F.T.

Signed: Maricella Ticknor

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: GURSHARAN BHANGU

EMAIL: GSRBHANGU@SOLANO COUNTY.COM

PHONE: (510) 375-2586

JOB CLASSIFICATION:

SHERIFF'S SECURITY OFFICER F.T.

Signed: Gursharan Bhangu

FT

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: SHAWN T. SAUNDERS

EMAIL: ~~STSAUNDERS@SOLANO-COUNTY.COM~~ CSO 350 SAUNDERS@gmail.com

PHONE: 925) 354-0327

JOB CLASSIFICATION:

SHERIFF SECURITY OFFICER F.T.

Signed: Shawn T. Saunders

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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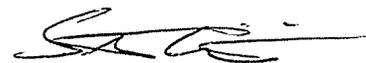
NAME: STEVE CHRISTIE

EMAIL: PALEHORSEIRIDE@gmail.com

PHONE: (707) 207-3661

JOB CLASSIFICATION:

SSO F.T.

Signed: 

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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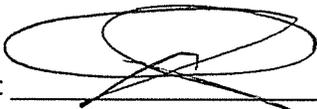
NAME: CLAUDETTE SEGOVIA

EMAIL: CCSegovia@solanocounty.com

PHONE: (707) 384-9766

JOB CLASSIFICATION:

Sheriff Security Officer F.T.

Signed:  _____

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: JOSEPH FINNIGAN

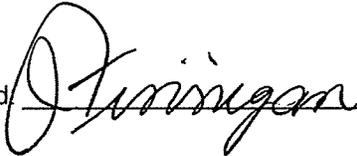
EMAIL: JFFINNIGAN@SOLANO COUNTY.COM

PHONE: 707-631-2805

JOB CLASSIFICATION:

SHERIFF SECURITY OFFICER F-T.

Signed



SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: JOSE LITO A. CRUZ

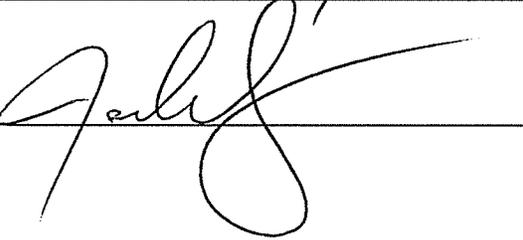
EMAIL: JACRUZ@SOLANOCOUNTY.COM

PHONE: 707-553-5201

JOB CLASSIFICATION:

SHERIFF SECURITY OFFICER F.T.

Signed: _____



SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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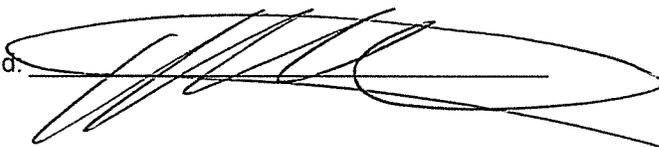
NAME: JAMES T. PUCCI

EMAIL: J.T.PUCCI@SolanoCounty.com

PHONE: 707-980-8152

JOB CLASSIFICATION:

Sheriff's Security Officer F.1

Signed: 

FT

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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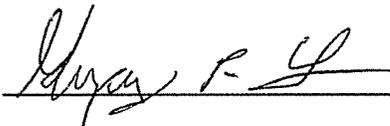
NAME: GREGORY P. LUTHY

EMAIL: LUTHYONE@COMCAST.NET

PHONE: (707) 416-6001

JOB CLASSIFICATION:

SHERIFF'S SECURITY OFFICER FT

Signed: 

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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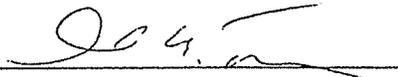
NAME: DAVID A. FULLEN

EMAIL: DAVIDFULLEN@HOTMAIL.COM

PHONE: 707 330 6730

JOB CLASSIFICATION:

SSO

Signed: 

EK

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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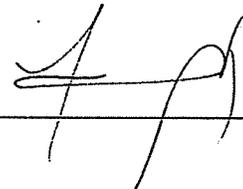
NAME: FRANK KING

EMAIL: Frank.King@Co-cast.net

PHONE: 707 290 4583 E.A.

JOB CLASSIFICATION:

550

Signed: 

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: ERIC V. LUKE

EMAIL: EVLUKE@SOLANOCOUNTY.COM

PHONE: 707-342-1298

JOB CLASSIFICATION:

S.S.O. E.H.

Signed: 

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: Ricky WIZNER

EMAIL: RICKWIZNER@ATT.NET

PHONE: (916) 417-7835

JOB CLASSIFICATION:
S.S.O. E.H.

Signed: Ricky Wizer

SOLANO COUNTY SHERIFF'S EMPLOYEE ASSOCIATION
Authorization Card

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NAME: HOUSTON GRIMM

EMAIL: hcggrimm@aol.com

PHONE: 707 249-1692 (CELL)

JOB CLASSIFICATION:

P.T. EMERGENCY SERVICE TECH.

Signed: H. Grimm

MARC A. FOX
Director
mafox@solanocounty.com
(707) 784-2552

JEANNINE M. SEHER
Assistant Director
jmseher@solanocounty.com
(707) 784-3406

DEPARTMENT OF HUMAN RESOURCES



COPY



SOLANO
COUNTY

675 Texas Street, Suite 1800
Fairfield, CA 94533-6342
Phone (707) 784-6170
Fax (707) 784-1988

www.solanocounty.com

October 17, 2014

Dae Kim
PO Box 1
Suisun City, CA 94585

Regarding: Petition for Modification of Representation Units

Dear Mr. Kim:

I wanted to take a moment and acknowledge our October 9, 2014 receipt of the Request to Register Employee Organization and the Petition for Modification of Representation Units. The Petition provides for the following reasons why the "Solano County Sheriff's Employee Association" has petitioned for a unit modification:

- Units 7 and 87 do not satisfy the Civil Service Commission's chief criterion for establishment of representation units.
- The classifications listed below are unique to the Sheriff's Office and involve knowledge and skills which are not transferrable to any other Department within the County.
- Because these job classifications are part of a law enforcement agency, they are also subject to a unique hierarchy, and can be exposed to distinct disciplinary and physical welfare risks.
- Units 7 and 87 as a whole neither understand nor bargain for these interests.
- These bargaining units are therefore not "the largest feasible group of classifications having an identifiable community of interest."
- Such community of interest does not exist within these representation units, and severance is both necessary and appropriate.

I am presently evaluating the Petition. Any additional information that the Solano County Sheriff's Employee Association wishes to provide which clarifies, defines, elaborates or otherwise explains why the proposed unit is appropriate and has a community of interest would be welcomed. Such information, however, must be received by me not later than Friday, October 24th.

I can be reached at (707) 784-2552 should you have any questions or concerns.

Sincerely,

Marc A. Fox
Director of Human Resources

Copy: Azniv Darbinian, Assistant County Counsel

Fox, Marc A.

 COPY

From: Kyle A. Wende <kwende@mastagni.com>
Sent: Friday, October 24, 2014 1:45 PM
To: Fox, Marc A.
Subject: RE: Solano County Sheriff's Employee Association
Attachments: SEA additional information in support of petition.docx

Good afternoon Mr. Fox,

Please see attached correspondence, a letter from Mr. Dae J. Kim in response to your October 17, 2014 request for additional information.

Best,

Kyle A. Wende | Associate

 **MASTAGNI HOLSTEDT, A.P.C.**

Labor and Employment Department

1912 I Street | Sacramento, CA 95811

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October 21, 2014

Dae J. Kim
President
Sheriff's Employees Association
PO Box 1
Suisun City, CA 94585

Marc A. Fox
Director of Human Resources
County of Solano
675 Texas St., Suite 1800
Fairfield, CA 94533

RE: Request for more information regarding unit modification

Dear Mr. Fox:

As requested, the following is an outline of why the Sheriff's Employees Association should be granted the request for unit modification and sever out of Unit 7 and Unit 87.

1. We feel that being part of Unit 7 and Unit 87 does not fairly represent our interests. Our collective bargaining rights have been convoluted with the interests of clerical and social workers. We do not have a community of interest with clerical or social workers. Unlike the vast majority of other classifications in Unit 7 and Unit 87, our job skills are not readily transferrable to any other County department. We are law enforcement support employees. We as a group need representation that focuses on proper training, safety equipment and uniforms, and access to other law enforcement resources. The employees in the proposed modified unit put themselves in danger on the job every day dealing with a variety of hostile situations. The existing bargaining unit treats our law enforcement duties as an extreme minority, and does not represent these unique concerns. Specifically, we do not have access to the legal resources that are available to other law enforcement officers. Most of the employees in our group carry firearms and perform law enforcement duties. Many of us exercise limited peace officer powers. If one of us fires a weapon in a critical incident, we need immediate assistance from both our union and counsel. Even when not using weapons, we engage in conduct that is subject to a higher degree of public scrutiny than any clerical workers. We cannot rely on a predominantly clerical employee group to represent public safety classifications.
2. Our existing bargaining unit representative has failed to represent our interests and failed to attend meetings on our behalf. This failure has resulted in our goals being delay or ignored—goals we share with the Sheriff's Office. There must be a harmonious employer-employee relationship for any organization to be successful. We feel the existing bargaining unit structure lacks this harmony. Because Unit 7 and Unit 87 at large do not put any focus on our specific needs, these overbroad unit designations and hinder

the mission of the Sheriff's Office. We can better support the Sheriff's Office if we can bargain as a law enforcement support group, rather than as a small fraction of a generalized clerical group.

3. The classifications in the proposed modified unit are all unique to the Sheriff's Office, and perform duties which cannot be readily replaced. As long as we are part of Unit 7 and Unit 87, a strike by the clerical employees would have a devastating impact on the Sheriff's Office. Because of our specialized classifications with unique training, we cannot be 'temporarily replaced.' It would be impossible for other administrative employees within the Sheriff's Office to cover the duties of our technical classifications, and it would be unreasonably expensive for Sheriff's Deputies to cover the duties of our public safety classifications. Employees in the proposed modified unit are critical to public safety and we support the mission of the Sheriff's Office. We do not want to be stuck across a picket line if the larger clerical group urges a strike.

Respectfully,

Dae J. Kim

MARC A. FOX
Director
mafox@solanocounty.com
(707) 784-2552

JEANNINE M. SEHER
Assistant Director
jmseher@solanocounty.com
(707) 784-3406

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October 30, 2014

 COPY

Dae Kim
PO Box 1
Suisun City, CA 94585

Regarding: Petition for Modification of Representation Units

Dear Mr. Kim:

I have received and reviewed your petition for modification of representation units received on October 9, 2014 and the supplemental information received on October 24, 2014. The petition identifies the following reasons the "Solano County Sheriff's Employee Association" ("Association") has petitioned for a unit modification:

- "Units 7 and 87 do not satisfy the Civil Service Commission's chief criterion for establishment of representation units."
- "The classifications listed... are unique to the Sheriff's Office and involve knowledge and skills which are not transferrable to any other Department within the County."
- "Because these job classifications are part of a law enforcement agency, they are also subject to a unique hierarchy, and can be exposed to distinct disciplinary and physical welfare risks."
- "Units 7 and 87 as a whole neither understand nor bargain for these interests."
- "These bargaining units are therefore not 'the largest feasible group of classifications having an identifiable community of interest.'"
- "Such community of interest does not exist within these representation units, and severance is both necessary and appropriate."

The supplemental information received on October 24, 2014 provided the following additional information:

- "[The Association feels] that being part of Unit 7 and Unit 87 does not fairly represent our interests. Our collective bargaining rights have been convoluted with the interests of clerical and social workers. We do not have a community of interest with clerical or social workers. Unlike the vast majority of other classifications in Unit 7 and Unit 87, our job skills are not readily transferrable to any other County department. We are law enforcement support employees. We as a group need representation that focuses on proper training, safety equipment and uniforms, and access to other law enforcement resources. The employees in the proposed modified unit put themselves in danger on the job every day dealing with a variety of

hostile situations. The existing bargaining unit treats our law enforcement duties as an extreme minority, and does not represent these unique concerns. Specifically, we do not have access to the legal resources that are available to other law enforcement officers. Most of the employees in our group carry firearms and perform law enforcement duties. Many of us exercise limited peace officer powers. If one of us fires a weapon in a critical incident, we need immediate assistance from both our union and counsel. Even when not using weapons, we engage in conduct that is subject to a higher degree of public scrutiny than any clerical workers. We cannot rely on a predominantly clerical employee group to represent public safety classifications.”

- “Our existing bargaining unit representative has failed to represent our interests and failed to attend meetings on our behalf. This failure has resulted in our goals being delay[ed] or ignored – goals we share with the Sheriff’s Office. There must be a harmonious employer-employee relationship for any organization to be successful. We feel the existing bargaining unit structure lacks this harmony. Because Unit 7 and Unit 87 at large do not put any focus on our specific needs, these overbroad unit designations and hinder the mission of the Sheriff’s Office. We can better support the Sheriff’s Office if we can bargain as a law enforcement support group, rather than a small fraction of a generalized clerical group.”
- “The classifications in the proposed modified unit are all unique to the Sheriff’s Office, and perform duties which cannot be readily replaced. As long as we are part of Unit 7 and Unit 87, a strike by the clerical employees would have a devastating impact on the Sheriff’s Office. Because of our specialized classifications with unique training, we cannot be ‘temporarily replaced.’ It would be impossible for other administrative employees within the Sheriff’s Office to cover the duties of our technical classifications, and it would be unreasonably expensive for Sheriff’s Deputies to cover the duties of our public safety classifications. Employees in the proposed modified unit are critical to public safety and we support the mission of the Sheriff’s Office. We do not want to be stuck across a picket line if the larger clerical group urges a strike.”

Most of the petition’s rationale for a separate bargaining unit is that these classifications are distinct from clerical employees and social workers. The Association has requested that the Animal Care Officer¹, Coroner Forensic Technician, Emergency Services Technician, Evidence Technician, Latent Fingerprint Examiner, and Sheriff’s Security Officer positions be removed from unit 7 (Regulatory, Technical and General Services) or from unit 87 (Extra Help Regulatory, Technical and General Services) and moved into the new representation unit. Clerical employees are in a different bargaining unit, unit 9 (Clerical Employees) and social workers are also in a different bargaining unit, unit 5 (Health and Welfare Employees). The rationale for separating the requested classifications from clerical employees and social workers is a flawed argument as the requested classifications are already in a different bargaining unit.

It is my determination that the community of interest for each of the six classifications identified above is best met with the current representation units of either unit 7 (for probationary and regular employees) and unit 87 (for extra help employees).

The Association requested six classifications for modification of representation units and excluded from the petition fifteen other classifications with positions exclusively within the Sheriff’s Office. However,

¹ The Petition names the Animal Care Officer as “Animal Control Officer.” The Civil Service Commission approved a name change, which will be presented in the near term to the Board of Supervisors for amendment to the County’s salary schedule and position allocation list.

even if some or all of these other classifications had been included, my determination would remain the same. The minimum qualifications of the six requested classifications range from no prior related work experience with graduation from high school/GED up to one year of related work experience with some vocation/technical training. Within the existing unit 7 representation unit, there remain other classifications which are similar in the qualifications as those for which the Association has requested.

The Association cites as one rationale for the unit modification that the classifications are unique to the Sheriff's Office. However, as it relates to the County's animal control services (for which the Association requests the unit modification for Animal Care Officer), that program has not exclusively been assigned to the Sheriff's Office. For example, the County changed the organizational reporting relationship by moving animal control services from the Department of General Services to the Sheriff's Office in July 2011.

Using as a rationale that the requested classifications are presently housed only within the Sheriff's Office or that the job skills are not readily transferrable to another County department is contrary to the existing Unit 7 representational unit. For example, the Unit 7 representational unit includes classifications found exclusively within other departments, such as the Auditor-Controller's Office, the Department of Agriculture/Weights and Measures, the Assessor/Recorder's Office, the Department of General Services, the Department of Health and Social Services, and the Department of Library Services, as a few examples.

The Association also claimed that the unit modification is appropriate because the employees within the requested classifications are also subject to a unique hierarchy, and can be exposed to distinct disciplinary and physical welfare risks.

This rationale also falls short. Presumably, the "unique hierarchy" mentioned is the Sheriff's Office command, which provides a structured manner of meeting with each level of supervision in order and not bypassing a layer. While other departments may have an "open door policy," nothing precludes a department director or other manager from instituting a department policy or practice necessitating that employees meet with each level of supervision in order of their chain of command.

The Association has not identified distinct disciplinary risks. Employees within the requested classifications are not subject to the Public Safety Officers Procedural Bill of Rights Act (Government Code 3300 *et seq*). There is not a distinct disciplinary track for the requested classifications.

The Association has not identified distinct physical risks. I acknowledge that a dog bite, for example received by an Animal Care Officer, may be distinct; however, physical risks exist for other classifications within unit 7. For example, other positions work outdoors (e.g., appraiser, inspectors, code compliance, assessors) or interact with potentially difficult customers/citizens (e.g., permit technicians, dental assistants, process servers, librarians).

The Association makes assertions regarding performing law enforcement duties and carrying a firearm. However, the Association's assertions are inaccurate. Of the requested six classifications, only two have limited authority to make arrests or carry a firearm (Animal Care Officer and Sheriff's Security Officer). Said differently, a minority of the requested positions have arrest powers or carry a firearm while the majority of the requested classifications do not have arrest powers or carry a firearm. The County, consistent with law, provides legal representation when an employee fires a weapon in connection with performing job duties within the course and scope of employment.

The Association asserted that the current bargaining unit representative fails to represent the employees' interests and fails to attend meetings, resulting in shared goals being delayed or ignored. I

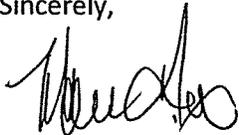
can identify at least two instances where the Association's claim is inaccurate. The Animal Care Officer classification specification was amended, with the Civil Service Commission approving the amendment in March 2014. Similarly, the Sheriff's Security Officer classification specification was also amended, also with the Civil Service Commission approving the amendment in March 2014. Neither classification specification amendment occurred without the County's notice to, and eventual concurrence of, the proposed amendments by the current unit 7 assigned union representative.

The wages, hours, fringe benefits, and other working conditions are either the same or substantially similar to other classifications within unit 7.

As mentioned earlier, it is my determination that the requested unit modification does not establish a community of interests which is distinct from the existing community of interests within the current unit 7, and accordingly the petition is denied.

In accordance with the Employer-Employee Relations Rules and Regulations (EERRR), I am referring the petition back to the originating organization so that you may consider withdrawal, resubmittal, or appeal of my determination.

Sincerely,



Marc A. Fox
Director of Human Resources

Copy:

Azniv Darbinian, Assistant County Counsel

Enclosures:

1. October 24, 2014 email from Kyle Wende to Marc Fox re: Solano County Sheriff's Employee Association
 - o October 21, 2014 (unsigned) letter from Dae Kim to Marc Fox re: Request for more information regarding unit modification
2. October 9, 2014 Request to Register Employee Organization
3. October 9, 2014 Petition for Modification of Representation Units

MARC A. FOX
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December 2, 2014

Kyle Wende
Associate
Mastagni Holstedt, A.P.C.
1912 I Street
Sacramento, CA 95811

Regarding: Petition for Modification of Representation Units

Dear Kyle:

I have received and reviewed your November 26, 2014 email regarding the Solano County Sheriff's Employee Association. In your letter, you wrote (italic, underlined text):

Mr. Kim forwarded me your response to his Association's petitions, and I have to say I'm a bit confused. Your last paragraph states, "In accordance with the Employer-Employee Relations Rules and Regulations (EERRR), I am referring the petition back to the originating organization so that you may consider withdrawal, resubmittal, or appeal of my determination." I do not see this as part of the procedure the EERRR describes for handling petitions for unit modification. Can you point me to the rule you're referring to?

Reply: My analysis, as outlined in my letter, is that there is no community of interests which warrants the requested unit modification. I am uncertain whether the requesting Association intends to withdrawal its unit modification proposal, resubmit its proposal with new information and/or classifications, or make an appeal to the Civil Service Commission. The Employer-Employee Relations Rules and Regulations (EERRR) does not include an automatic appeal to the Commission when my determination does not support the requested change and I am uncertain what action the requesting Association would take following receipt of my analysis letter.

Also, the rules do describe notice to appropriate parties, and opportunities for a challenge petition. Was SEIU notified of the petition? If so, did they submit a challenge petition? Do you intend your letter to be the Association's opportunity to amend its petition? Finally, when will this matter be put to the Civil Service Commission as provided in Section 13(F)?

Reply: SEIU was notified of the petition as SEIU had submitted a written request asking for all unit determination notices. (They have also received notice of other unit determinations, different from any submitted by the requesting Association.)

SEIU has not submitted a challenge petition. I believe such a challenge petition would be inappropriate as SEIU already represents the classifications sought by the requesting Association

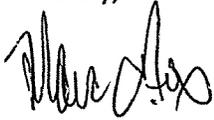
December 2, 2014

and would need not "challenge" their continued representation of classifications SEIU already does represent. Additionally, as employees have not been provided notice of the request for modification of the established representation unit (EERRR Section 13B) it is not yet timely for anyone to submit a challenge petition.

As mentioned above, my letter does provide the opportunity for the requesting Association to amend its petition, subject to any limitations within the EERRR.

This matter is not scheduled for a hearing before the Civil Service Commission as there is no appeal of my determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc A. Fox". The signature is fluid and cursive, with the first name "Marc" being the most prominent.

Marc A. Fox
Director of Human Resources

Copy:

Dae Kim, Solano County Sheriff's Employee Association

Enclosure:

November 26, 2014 email from Kyle Wende to Marc Fox

Fox, Marc A.

From: Kyle A. Wende <kwende@mastagni.com>
Sent: Wednesday, November 26, 2014 2:20 PM
To: Fox, Marc A.
Cc: Dae Kim (daekim81@gmail.com)
Subject: RE: Solano County Sheriff's Employee Association

Hi Marc,

Mr. Kim forwarded me your response to his Association's petitions, and I have to say I'm a bit confused. Your last paragraph states, "In accordance with the Employer-Employee Relations Rules and Regulations (EERRR), I am referring the petition back to the originating organization so that you may consider withdrawal, resubmittal, or appeal of my determination." I do not see this as part of the procedure the EERRR describes for handling petitions for unit modification. Can you point me to the rule you're referring to?

Also, the rules do describe notice to appropriate parties, and opportunities for a challenge petition. Was SEIU notified of the petition? If so, did they submit a challenge petition? Do you intend your letter to be the Association's opportunity to amend its petition? Finally, when will this matter be put to the Civil Service Commission as provided in Section 13(F)?

Thank you for your time,

Kyle A. Wende | Associate

 **MASTAGNI HOLSTEDT, A.P.C.**

Labor and Employment Department

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From: Fox, Marc A. [<mailto:MAFox@SolanoCounty.com>]
Sent: Friday, October 24, 2014 1:52 PM
To: Kyle A. Wende
Subject: FW: Solano County Sheriff's Employee Association

Kyle, I wanted to send you a brief email acknowledging receipt of the below email and attachment. I thank Mr. Kim and you for furnishing this additional information.

*Marc Fox
Director of Human Resources
Solano County
(t) (707) 784-2552*

From: Kyle A. Wende [mailto:kwende@mastagni.com]
Sent: Friday, October 24, 2014 1:45 PM
To: Fox, Marc A.
Subject: RE: Solano County Sheriff's Employee Association

Good afternoon Mr. Fox,

Please see attached correspondence, a letter from Mr. Dae J. Kim in response to your October 17, 2014 request for additional information.

Best,

Kyle A. Wende | Associate

 **MASTAGNI HOLSTEDT, A.P.C.**

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MARC A. FOX
Director
mafox@solanocounty.com
(707) 784-2552

JEANNINE M. SEHER
Assistant Director
jmseher@solanocounty.com
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December 19, 2014

Kyle Wende
Associate
Mastagni Holstedt, A.P.C.
1912 I Street
Sacramento, CA 95811

Dae Kim
PO Box 1
Suisun City, CA 94585

Regarding: Petition for Modification of Representation Unit

Dear Mr. Wende and Mr. Kim:

On October 30, 2014 I wrote to Mr. Kim advising that I did not find a community of interests sufficient to move forward with the requested unit modification. Clarifying information was sought from me, for which I replied. Please be advised that having not received reply to my December 2, 2014 letter or any appeal, I am closing the petition for modification of representation units.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc A. Fox".

Marc A. Fox
Director of Human Resources

DAVID P. MASTAGNI
JOHN R. HOLSTEDT
MICHAEL D. AMICK
CRAIG E. JOHNSEN
BRIAN A. DIXON
STEVEN W. WELTY
STUART C. WOO
DAVID E. MASTAGNI
RICHARD J. ROMANSKI
PHILLIP R.A. MASTAGNI
KATHLEEN N. MASTAGNI STORM
SEAN D. HOWELL
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ANTHONY S. FRANCESCHI
IAN M. ROCHE
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YOON-WOO NAM
KYLE A. WENDE
EDWARD W. LESTER
JUSTIN S. DRAKE
KENNETH E. BACON
KEVIN A. FLAUITT
GREGORY G. GOMEZ
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W. DAVID CORRICK
BRENDON P. PARENTI
EMILY R. SILVER
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GRANT A. WINTER
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IAN B. SANGSTER
COSIMO G. AJELLO
JAY A. MARK
JOSHUA A. OLANDER
SHANE P. BRADLEY
KRISTOFOR K. HELM
JOHN A. MELIS

December 23, 2014

Via Electronic & U.S. Mail

Marc Fox, Director
Department of Human Resources
County of Solano
675 Texas Street, Suite 1800
Fairfield, California 94533
MAFox@SolanoCounty.com

**Re: Request to Process Petition for Unit Modification
Solano County Sheriff's Employee Association.**

Dear Mr. Fox:

I have received your December 22, 2014 email, asking that the Solano County Sheriff's Employee Association notify you by end of business today, December 23, 2014, of its desire to appeal your determination regarding its petition for unit modification. Please consider this letter the Association's request to appeal your determination to the Civil Service Commission. Please understand, however, that the Association has reservations about diverging from the procedures provided in the Employer-Employee Relations Rules and Regulations (EERRR).

Because the Association has filed a petition for unit modification, Section 13 of the EERRR should govern. Section 13(A) provides for submitting a petition in the October prior to expiration of a multi-year contract. Section 13(B) states the Director *shall* give notice of the petition to the employees in the proposed unit and to any person or organization requesting such notices. Section 13(C) provides for another group challenging the petition. Section 13(D) provides the original petitioner an opportunity to amend or withdraw, *if* a challenge is filed; otherwise, within 15 days the matter goes to the Commission. Section 13(E) provides for the petition and the challenge being submitted to the Commission, and 13(F) clarifies the Commission's authority in making the decision as well as hearing procedure.

The Association appreciates your analysis in the determination letter, and your offer of an opportunity to amend. However, the operative provisions of the EERRR do not appear to include a determination by the Director, or a requirement that the Association affirmatively appeal to the Civil Service Commission. Further, you indicated in your December 2, 2014 letter that employees in the proposed modified unit have not been notified of the petition, and other employee

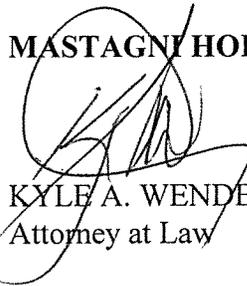
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organizations have not yet been given the opportunity to challenge the petition. Submitting the matter directly to the Commission would therefore be premature. The Association is concerned that an appeal to the Commission at this stage would cut other employee organizations out of the process, and create procedural defects which may damage the integrity of any decision the Commission ultimately makes.

The Association would prefer to follow the letter of the EERRR. As this is a unit modification petition, Section 13, "Modification of Representation Units," should govern. Procedures similar to your determination letter and opportunity to amend appear in Section 11, "Initial Establishment of Representation Units." If you feel Section 11 applies to the Association's petition, rather than Section 13, please contact me promptly so we may clarify the application of the EERRR. You can reach me by phone at (916) 491-4287. Otherwise, the Association requests that, rather than appealing directly to the Commission, the County continue with the next step in the process—the Director notifying employees in the proposed modified unit, starting the thirty-day timeline for another organization to submit a challenge petition.

Sincerely,

MASTAGNI HOLSTEDT, A.P.C.

A handwritten signature in black ink, appearing to read "K.A. Wende", is written over the typed name and title.

KYLE A. WENDE
Attorney at Law

KAW/jec

Cc: Dae Kim, daekim81@gmail.com