

MEMORANDUM

PLACER COUNTY
OFFICE OF THE COUNTY EXECUTIVE

To: Honorable Board of Supervisors
From: David Boesch, County Executive Officer
By: Nicole Lopez, CEO Risk Management
Date: September 1, 2015
Subject: Appeal by Placer Correction and Probation Officers Association of the Employee Relations Officer's Determination that the Proposed Unit of Probation Officers and Correction Officers is not an Appropriate Unit.

BACKGROUND:

The Meyers-Milias Brown Act (MMBA, Government Code sections 3500 et seq.) governs labor-management relationships within California local entities, including counties. The MMBA permits the County to establish local rules governing labor relations after consultations with the County's employee organizations. At the same time, the MMBA establishes mandatory rights and duties governing all local agencies.

Placer County and its employee organizations have agreed to local rules in the form of the Placer County Employer-Employee Relations Policy (EERP). (Attachment A) Among other matters, the EERP provides the procedures governing how an employee organization is chosen to represent a group of employees and how bargaining units are created and modified.

The Placer Public Employees Organization (PPEO) represents two bargaining units – the General Bargaining Unit and the Professional Bargaining Unit. County Deputy Probation Officers, who are represented by PPEO, are currently members of the Professional Bargaining Unit. On the other hand, Correctional Officers, who are also represented by PPEO, are currently members of the General Bargaining Unit.

On February 6, 2015, Placer Correction and Probation Officers Association (PCPOA) submitted to the County two (2) separate petitions for severance, seeking to sever Probation Officers from the Professional Unit and Correctional Officers from the General Unit, and for recognition of a separate unit consisting of Probation and Correctional Officer classifications. (Attachment B)

On May 1, 2015, the County Employee Relations Officer ("ERO") issued the County's initial response and determination that the proposed unit of Deputy Probation Officers and Correctional Officers was not an appropriate unit. (Attachment C) Thereafter, PCPOA requested to meet with the ERO. The meeting was held on June 1, 2015. On July 29, 2015, the ERO informed the PCPOA that his position remained unchanged, and informed the PCPOA of the reasons for his determination, in writing. (Attachment D)

On July 31, 2015, PCPOA submitted to the Clerk of the County of Placer Board of Supervisors an appeal of the County ERO's determination. (Attachment E) In its July 31, 2015 appeal notice, PCPOA "requests the Board of Supervisors exercise its discretion and refer the dispute to a third party hearing process." Section 11 of the County's Employer-Employee Relations Policy entitled "Appeals," states, in part: "The Board shall commence to consider the matter within thirty (30) days of filing of the appeal. The Board may, in its discretion, refer the dispute to a third party hearing process."

DISCUSSION:

The County ERO and the PCPOA, through their respective attorneys, have stipulated to the items listed below in order to avoid a dispute pertaining to the timing and procedure of the Board of Supervisor's consideration of the appeal. (Attachment F)

The parties stipulated to the following items:

1. The Parties agree to waive the 30-day timeline set forth in Section 11 of the County's Employer-Employee Relations Policy ("EERP"), which states that following PCPOA's filing of the appeal:

The Board shall commence to consider the matter within thirty (30) days of the filing of the appeal.

2. The Parties have agreed to and propose the Board of Supervisors at its September 1, 2015 meeting, determine how the PCPOA appeal will proceed by deciding whether the Board will consider the appeal on a future hearing date, or refer the dispute to a third party hearing process.
3. If the Board refers the matter to a third party hearing process, the Parties request the Board specify whether the Board is delegating its final decision making authority on the appeal to the hearing officer, or if the hearing officer's decision will be a recommendation to the Board, with the Board issuing the final decision.
 - a. The PCPOA prefers the Board refer the dispute to a third party hearing process, and the Board delegate to the hearing officer the authority to issue a final and binding decision on the appeal.
 - b. The County's Employee Relations Officer prefers the Board not refer the matter to a third party hearing process.
4. After the Board determines the manner in which the appeal will be decided, the Parties will confer regarding a mutually convenient date and the procedures for the Board's and/or third party hearing officer's consideration of the merits of PCPOA's appeal.
5. For purposes of the Board's consideration of the PCPOA's appeal on September 1, 2015, the Parties have agreed to the following:

- a. The sole issue before the Board on September 1, 2015, is whether to refer the dispute to a third party hearing process, and if so, whether the hearing officer's decision is final, or if it will be a recommendation to the Board.
 - b. To assist with the determination of this issue, the Board will be provided copies of this Stipulation, the Severance Petitions, the Employee Relations Officer's May 1, 2015 and July 29, 2015 written response to the PCPOA's petitions, the PCPOA appeal letter of July 31, 2015, and a copy of the County's Employer-Employee Relations Policy.
6. The Board of Supervisors' consideration of the issue on September 1, 2015 will not be a hearing. No oral or written evidence will be submitted to the Board. Either Party may address the Board during the public comment on the Board item.

ACTION REQUESTED

Board determination on the proceedings of the PCPOA appeal including whether:

1. The Board will consider the appeal on a future hearing date, or refer the dispute to a third party hearing process; and,
2. If the Board refers the matter to a third party hearing process, determine whether:
 - a. The Board is delegating its final decision making authority on the appeal to the hearing officer; or,
 - b. The hearing officer's decision will be a recommendation to the Board, with the Board issuing the final decision.

Attachments:

- Attachment A: Placer County Employer-Employee Relations Policy
 Attachment B: Recognition Petitions filed by the Placer Correction and Probation Officers Association (PCPOA).
 Attachment C: Letter dated May 1, 2015 from David Boesch, County Executive Officer, in Response to PCPOA's Petitions.
 Attachment D: Letter dated July 29, 2015 from David Boesch, County Executive Officer, in Response to PCPOA's Petitions.
 Attachment E: Letter dated July 31, 2015 from PCPOA requesting an appeal to the Board of Supervisors.
 Attachment F: Stipulation regarding the Board of Supervisors' consideration of the PCPOA's Appeal of the ERO's Determination.

Placer County Employer-Employee Relations Policy

EMPLOYER-EMPLOYEE RELATIONS POLICY

Article I -- General Provisions

Sec. 1. Purpose:

This Policy is intended to provide for orderly procedures for the administration of employer-employee relations between the County of Placer (the County) and its employee organizations. However, nothing contained herein shall be deemed to supersede or conflict with the provisions of the Charter of the County of Placer, the Placer County Code (County ordinances), the Civil Service Commission Enabling Ordinance (hereinafter jointly known as "Local Law"), or valid and applicable state or federal law. Where Local Law provides procedures different than or inconsistent with any procedures contained in this Policy, then the procedures of Local Law shall be deemed the exclusive method. This Policy is intended to promote positive personnel management and employer-employee relations and to strengthen the merit and civil service system and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations and the County.

It is the purpose of this Policy to provide procedures for meeting and conferring in good faith with Recognized Employee Organizations regarding matters that directly and significantly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by Local Law or valid and applicable state or federal law. However, nothing herein shall be construed to restrict any legal or inherent exclusive County rights with respect to matters of general legislative or managerial policy, which include among others: The exclusive right to determine the mission of its constituent departments, commissions, and boards; set standards of service; determine the procedures and standards of selection for employment; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other lawful reasons; determine the content of job classifications; subcontract work; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; exercise complete control and discretion over its organization and the technology of performing its work; and manage the affairs of the County in the most economical and efficient manner, and in the best interests of its citizens.

Sec. 2. Definitions:

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

- a. "Appropriate unit" means a unit of employee classes or positions, established pursuant to Article II - Representation Proceedings hereof.

b. "County" means the County of Placer and, where appropriate herein, refers to the County Board of Supervisors or any duly authorized County representative as herein defined.

c. "Confidential Employee" means non-management employee who, in the course of his or her duties, has access to confidential information relating to the County's administration of employer-employee relations.

d. "Consult/Consultation in Good Faith" means to communicate orally or in writing with all effected employee organizations, whether exclusively recognized or not, for the purpose of presenting and obtaining views or advising of proposed actions in an effort to reach a consensus; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counterproposals with an exclusively recognized employee organization in an endeavor to reach agreement in the form of a Memorandum of Understanding, nor is it subject to Article IV – Impasse Procedures hereof.

e. "Day" means calendar day unless expressly stated otherwise.

f. "Employee Relations Officer" means the County Executive Officer or his/her duly authorized representative, except as otherwise provided for by the Board of Supervisors.

g. "Exclusively Recognized Employee Organization" means an employee organization which has been formally acknowledged by the County as the sole employee organization representing the employees in an appropriate representation unit pursuant to Article II – Representation Proceedings hereof, having the exclusive right to meet and confer in good faith concerning statutorily required subjects pertaining to unit employees, and thereby assuming the corresponding obligation of fairly representing such employees.

h. "Impasse" means that the representatives of the County and a Recognized Employee Organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a Memorandum of Understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.

i. "Management Employee" means an employee having responsibility for formulating, administering or managing the implementation of County policies and programs.

j. "Professional Employee" means an employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and various types of physical, chemical and biological scientists.

k. "Proof of Employee Support" means (1) an authorization card recently signed and personally dated by an employee, or (2) a verified authorization petition or petitions recently signed and personally dated by an employee, or (3) employee dues deduction authorization, using the payroll register for the period immediately prior to the date a petition is filed hereunder, except that dues deduction authorizations for more than one employee organization for the account of any one employee shall not be considered as proof of employee support for any employee organization. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee. The words "recently signed" shall mean within ninety (90) days prior to the filing of a petition.

Article II -- Representation Proceedings

Sec. 3. Filing of Recognition Petition by Employee Organization:

An employee organization which seeks to be formally acknowledged as an Exclusively Recognized Employee Organization representing the employees in an appropriate unit shall file a petition with the Employee Relations Officer. The Petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization executing it. The Petition shall contain the following information and documentation:

- a. Name and address of the employee organization.
- b. Names and titles of its officers.
- c. Names of employee organization representatives who are authorized to speak on behalf of the organization.
- d. A statement that the employee organization has, as one of its primary purposes, the responsibility of representing employees in their employment relations with the County.
- e. A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization.
- f. Certified copies of the employee organization's constitution and bylaws.
- g. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
- h. A statement that the employee organization has no restriction on membership based on race, color, religion, creed, sex, national origin, age, sexual orientation, mental or physical disability or medical condition.
- i. The job classifications or position titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- j. A statement that the employee organization has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the County. Such written proof shall be

submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party. The "majority of the employees" requirement shall become effective upon the adoption of this Policy by the Board of Supervisors with respect to future Recognition Petitions, and shall not effect the status of any Exclusively Recognized Employee Organization which was recognized under the former policy of a "30% of the employees" requirement.

k. A request that the Employee Relations Officer formally acknowledge the petitioner as the Exclusively Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

Sec. 4. County Response to Recognition Petition:

Upon receipt of the Petition, the Employee Relations Officer shall determine whether: (a) There has been compliance with the requirements of the Recognition Petition, and (b) shall put before the Board of Supervisors the determination of the proposed representation unit as an appropriate unit in accordance with Article II, Sec. 8 - Policy and Standards for Determination of Appropriate Units.

If an affirmative determination is made on the foregoing two matters, the Employee Relations Officer shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with Sec. 11 - Appeals, of this Policy.

Sec. 5. Open Period for Filing Challenging Petition:

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some, but not all the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least 50% and otherwise in the same form and manner as set forth in Article II, Sec. 3 - Filing of Recognition Petition by Employee Organization. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Board of Supervisors shall determine the appropriate unit or units in accordance with the standards in Article II, Sec. 8 - Policy and Standards for Determination of Appropriate Units. The petitioning employee organizations shall have fifteen (15) days from the date notice of such unit determination

is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to Article II, Sec. 11 - Appeals.

Sec. 6. Election Procedure:

Pursuant to Government Code § 3507(d) elections are required in every case as the basis of exclusive recognition of employee organizations. The Employee Relations Officer shall arrange for a secret ballot election to be conducted by a party agreed to by the Employee Relations Officer and the concerned employee organization(s), in accordance with such party's rules and procedures subject to the provisions of this Policy. All employee organizations who have duly submitted petitions which have been determined to be in conformance with this Article II shall be included on the ballot. The ballot shall also reserve to employees the choice of representing themselves individually in their employment relations with the County, that is, the choice of no organizational representation. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the County in the same unit on the date of the election. An employee organization shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all members eligible to vote. In an election involving three or more choices, where none of the choices receives a majority vote, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a run-off election.

There shall be no more than one valid election under this Policy pursuant to any petition in a 12-month period affecting the same unit. In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the California State Mediation and Conciliation Service. Costs of conducting elections shall be borne in equal shares by the County and by each employee organization appearing on the ballot.

Sec. 7. Procedure for Decertification of Exclusively Recognized Employee

Organization:

A Decertification Petition alleging that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Officer only during the month of February of any year following the first full year of recognition. However, no Decertification Petition can be filed within six (6) months of the beginning date of a Memorandum of Understanding. A Decertification Petition may be filed by two or more employees or their representative, or an employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

- a. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
- b. The name of the established appropriate unit and of the incumbent Exclusively Recognized Employee Organization sought to be decertified as a representative of that unit.
- c. An allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.
- d. Proof of employee support that at least 50% of the employees in the established appropriate unit no longer desire to be represented by the incumbent Exclusively Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party within the time limits specified in the first paragraph of this Section.

An employee organization may, in satisfaction of the Decertification Petition requirements hereunder, file a Petition under this Section in the form of a Recognition Petition that evidences proof of employee support of at least 50%, that includes the allegation and information required under paragraph (c.) of this Section 7, and otherwise conforms to the requirements of this Article, Section 3 – Filing of Recognition Petition by Employee Organization.

The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Article II. If his/her determination is in the negative, he/she shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such Petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with Article II, Sec. 11 – Appeals. If the determination of the Employee Relations Officer is in the affirmative, or if his/her negative determination is reversed on appeal, he/she shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees.

The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification and, if a Recognition Petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with Article II, Sec. 6 – Election Procedure.

During the "open period" specified in the first paragraph of this Sec. 7, the Employee Relations Officer may on his/her own motion, when he/she has reason to believe that a majority of unit employees no longer wish to be represented by the incumbent Exclusively Recognized Employee Organization, give notice to that organization and all unit employees that he/she will arrange for an election to determine that issue. In such event any other employee organization may within fifteen (15) days of such notice file a Recognition Petition in accordance with this Sec. 7, which the Employee Relations Officer shall act on in accordance with this Sec. 7.

If, pursuant to this Sec. 7, a different employee organization is formally acknowledged as the Exclusively Recognized Employee Organization, such organization shall be bound by all the terms and conditions of any Memorandum of Understanding then in effect for its remaining term

Sec. 8. Policy and Standards for Determination of Appropriate Units:

The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the County and its compatibility with the primary responsibility of the County and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

- a. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.
- b. History of representation in the County and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.
- c. Consistency with the organizational patterns of the County.
- d. Effect of differing legally mandated impasse resolution procedures.
- e. Number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units.
- f. Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more units.

Notwithstanding the foregoing provisions of this Section, managerial and confidential responsibilities, as defined in Sec. 2 – Definitions, of this Policy, are determining factors in establishing appropriate units hereunder, and therefore managerial

and confidential employees may only be included in a unit consisting solely of managerial or confidential employees respectively. Managerial and confidential employees may not represent any employee organization which represents other employees.

The Board of Supervisors shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate or delete modified classifications or positions from units in accordance with the provisions of this Section. The decision of the Board of Supervisors shall be final.

Sec. 9. Procedure for Modification of Established Appropriate Units:

Requests by employee organizations for modifications of established appropriate units may be considered by the Board of Supervisors only during the period specified in Article II, Sec. 7 – Procedure for Decertification of Exclusively Recognized Employee Organization. Such requests shall be submitted in the form of a Recognition Petition and, in addition to the requirements set forth in Article II, Sec. 3 – Filing of Recognition Petition by Employee Organization, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Sec. 8 – Policy and Standards for Determination of Appropriate Units hereof. The Employee Relations Officer shall process, on behalf of the Board of Supervisors, such petitions as other Recognition Petitions under this Article II.

The Board of Supervisors may by its own motion propose that an established unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter the Board of Supervisors shall determine the composition of the appropriate unit or units in accordance with Article II, Sec. 8 – Policy and Standards for Determination of Appropriate Units, and the Employee Relations Officer shall give written notice of such determination to the affected employee organizations. The Board's determination may be appealed as provided in Article II, Section 11 - Appeals. If a unit is modified pursuant to the motion of the Board, employee organizations may thereafter file Recognition Petitions seeking to become the Exclusively Recognized Employee Organization for such new appropriate unit or units pursuant to Sec. 3 – Filing of Recognition Petition by Employee Organization hereof.

Sec. 10. Procedure for Processing Severance Requests:

An employee organization may file a request to become the recognized employee organization of a unit alleged to be appropriate that consists of a group of employees who are already a part of a larger established unit represented by another recognized employee organization. The timing, form and processing of such request shall be as specified in Sec. 9 – Procedure for Modification of Established Appropriate Units for modification requests.

Sec. 11. Appeals:

An employee organization aggrieved by an appropriate unit determination of the Board of Supervisors; or an employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Sec. 3 – Filing of Recognition Petition by Employee Organization), Challenging Petition (Sec. 5 – Open Period for Filing Challenging Petition), Decertification Petition (Sec. 7 – Procedure for Decertification of Exclusively Recognized Employee Organization), Unit Modification Petition (Sec. 9 – Procedure for Modification of Established Appropriate Units), or employees aggrieved by a determination of the Employee Relations Officer that a Decertification Petition (Sec. 7 - Procedure for Decertification of Exclusively Recognized Employee Organization) has not been filed in compliance with the applicable provisions of this Article, may, within ten (10) days of notice of the final decision, request to submit the matter to mediation by the State Mediation and Conciliation Service, or may, in lieu thereof or thereafter, appeal such determination to the Board of Supervisors for final decision. Any appeal to the Board shall be filed within fifteen (15) days of notice of the final determination, or the termination of mediation proceedings, whichever is later.

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

Sec. 12. Revocation of Recognition:

The Board of Supervisors, after a public hearing, may revoke the recognition of any employee organization which repeatedly violates any Federal, State, or Local Law, or any rules adopted herein, for the orderly and responsible administration of employer-employee relations.

Article III -- Administration

Sec. 13. Submission of Current Information by Recognized Employee Organizations:

All changes in the information filed with the County by an Exclusively Recognized Employee Organization under items (a.) through (h.) of its Recognized Petition under Sec. 3 – Filing of Recognition Petition by Employee Organization, of this Policy shall be submitted in writing to the Employee Relations Officer within fourteen (14) days of such change.

Sec. 14. Employee Organization Activities -- Use of County Resources:

Generally, access to County work locations and the use of County paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in this section or in a Memoranda of Understanding. Such access shall be limited to lawful activities consistent with the provisions of this Policy, that pertain directly to the employer-employee relationship, shall not include contacting employees on County time who are not members of the particular employee organization, and shall not include such internal employee organization business as soliciting membership or representation rights, campaigning for office, and organization meetings and elections, and shall not interfere with the efficiency, safety and security of County operations.

Any authorized representative of a recognized employee organization may contact members of his/her organization in County facilities provided he/she has first made arrangements with the Department Head, or designee, to provide for a time when such contact does not disrupt County business. There shall be a presumption that an employee is available to meet with an organization representative during the employee's personal time (regularly scheduled lunch and breaks, or outside of regular working hours).

No employee organization material shall be posted, or displayed at other than regularly existing bulletin boards. Departments shall allow the use of bulletin boards by employee organizations under the following conditions:

- (1) For internal departmental bulletin boards, it shall be posted on space as designated by the Department Head.
- (2) Posted material shall bear the identity of the organization posting it.
- (3) Posted material shall not be misleading, nor violate any Federal, State, or Local Law, or Civil Service Ordinance, law, statute, or rule.
- (4) Material shall be neatly displayed and shall be promptly removed when no longer timely.
- (5) It shall not be of such quantity as to prevent the use of such bulletin boards for other County purposes.
- (6) General public bulletin boards use will require approval by the County Executive prior to posting.

County facilities may be made available for use by recognized employee organizations provided that appropriate advance arrangements are made. The granting of such use may be conditioned on appropriate charges to offset the cost of such use.

When meeting with employer representatives, both the employer and employee organization shall designate a primary spokesperson. In addition to the primary spokesperson, the employer and employee organization may send not more than three advisors to such meeting, unless otherwise agreed upon by all parties. Such advisors shall not directly participate in discussions unless mutually agreed upon by all parties. If any of the intended advisors of the employee organization are County employees, the organization shall secure the pre-approval of the advisors' Department Head(s) such that the advisors' absence shall not disrupt County business.

With respect to participating in a grievance process pursuant to Local Law, or valid and applicable state or federal law, any grievant, or group of employees having a common grievance, may use no more than one-half (1/2) hour of a working shift for the preparation of a grievance. No more than one County employee belonging to the grievant's employee association may represent such grievant or group of employees having a common grievance in preparation of a grievance. If such preparation is to take place during working hours, any such grievant(s) shall first contact the affected department head(s) to arrange for a time and place for such preparation. The affected department head(s) shall act reasonably in such scheduling, however, may choose a place and time that will least disrupt County business.

Employees, employee organization representatives, and employer representatives shall, whenever participating in any meeting, act in a mature and responsible manner, and shall avoid actions which are designed to insult, intimidate, mislead, misrepresent, confuse, or incite illegal action, or action contrary to Local Law, or valid and applicable state or federal law.

Sec. 15. Payroll Deductions:

An exclusively recognized employee organization shall be entitled to request that payroll deductions be made for payment of organization membership dues.

Sec. 16. Procedure for the Administration of the Policy:

The County Executive Officer in conjunction with the Personnel Director, or their designees, are hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Policy after consultation with affected employee organizations.

All requests and reasons for addition, amendment or modification of the Employer-Employee Relations Policy shall be submitted in writing to the Personnel Director. The Personnel Director shall set up a meeting with the County Executive Officer, within a reasonable time to review and discuss the request. The Personnel Director and County Executive Officer shall set up a meeting with recognized employee organizations to consult on the request. Written notification of such meeting shall be sent by the Personnel Director to the interested parties stating the time, date and place of such meeting. Failure to attend such scheduled meeting by a representative of a recognized employee organization, or present a written statement shall be construed as agreement to whatever recommendations may be made by the group reviewing the request. After reviewing the request, each participant may submit to the Board of Supervisors its recommendation whether such amendment shall be adopted in whole, or in part. The proposed changes to the policy shall be submitted to the Board of Supervisors for action.

Article IV -- Impasse Procedures

Sec. 17. Initiation of Impasse Procedures:

If the meet and confer process has reached impasse as defined in Section 2 - Definitions of this Policy, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all issues. An impasse meeting shall then be scheduled promptly by the Employee Relations Officer. The purpose of such meeting shall be: (a) To review the position of the parties in a final effort to reach agreement on a Memorandum of Understanding; and (b) If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

Sec. 18. Impasse Procedures:

Impasse procedures are as follows:

If the parties agree to submit the dispute to non-binding mediation, and agree on the selection of a mediator, the dispute shall be submitted to mediation. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.

If mediation was not agreed to, or having so agreed the impasse has not been resolved, the Board of Supervisors may take such action regarding the impasse as it in its discretion deems appropriate as in the public interest. Any legislative action by the Board of Supervisors on the impasse shall be final and binding.

Sec. 19. Costs of Impasse Procedures:

The cost for the services of a mediator utilized by the parties, and other mutually incurred costs of mediation, shall be borne equally by the County and Exclusively Recognized Employee Organization. Separately incurred costs of a party, shall be borne by such party.

Article V -- Miscellaneous Provisions

Sec. 20. Construction:

This Policy shall be administered and construed as follows:

(a) Nothing in this Policy shall be construed to deny to any person, employee, organization, the County, or any authorized officer, body or other representative of the County, the rights, powers and authority granted by Local Law or valid and applicable state or federal law.

(b) This Policy shall be interpreted so as to carry out its purpose as set forth in Article I – General Provisions

(c) Nothing in this Policy shall be construed as making the provisions of California Labor Code Section 923 applicable to County employees or employee organizations, or of giving employees or employee organizations the right to participate in, support, cooperate or encourage, directly or indirectly, any strike, sick-out or other total or partial stoppage or slowdown of work. In consideration of and as a condition of initial and continued employment by the County, employees recognize that any such actions by them are in violation of their conditions of employment except as expressly otherwise provided by contrary Local Law or legally valid and preemptive state law. In the event employees engage in such actions, they shall subject themselves to discipline up to and including termination, and may be replaced, to the extent such actions are not prohibited by preemptive law; and employee organizations may thereby forfeit rights accorded them under County law or contract.

Sec. 21. Grievance Procedure Oversight:

Violations of a grievance process/procedure pursuant to Local Law, or valid and applicable state or federal law, shall be reported in writing to the Employee Relations Officer, with a copy to the Personnel Director. The Employee Relations Officer shall act promptly to insure compliance therewith. This paragraph shall not be applicable to disagreement as to any decision, but only as to whether the correct procedure has been followed.

Sec. 22. County Representatives:

Except as may be otherwise provided herein, and except as otherwise provided for by the Board of Supervisors, the County Executive Officer and the Personnel Director, or their designees, will represent the County in any meet and confer or consultation with employee organizations, and will make recommendations concerning employer-employee relations. Where this Policy provides that the Board of Supervisors shall meet with or provide a hearing, other than an appeal hearing, to an employee organization on an issue to be decided by the Board, the meeting or hearing will be provided by the Employee Relations Officer, on behalf of the Board, who will then make recommendations to the Board based on the information obtained in the meetings or hearings.

Sec. 23. Severability:

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

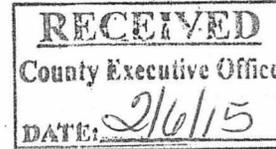
**Recognition Petitions filed by the Placer Correction and
Probation Officers Association (PCPOA)**



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
 BUSINESS PROGRAMS | BUSINESS ENTITIES
 1500 11th Street, 3rd floor | Sacramento, CA 95814 | Tel 916.657.5448 | www.sos.ca.gov

January 6, 2015

REBECCA LYKE
 PO BOX 3446
 AUBURN CA 95604



*@ 13legm
 A Barber
 BK*

RE: PLACER COUNTY PEACE OFFICERS ASSOCIATION

Your document and accompanying filing fee are being returned for the following reason(s):

1. The officers who must sign this document are the chairman of the board, the president or any vice president AND the secretary, the treasurer or any assistant secretary or assistant treasurer. (Corp. Code § 173.) Please obtain the required signature(s).

Information, including forms and instructions, is available through our web site at www.sos.ca.gov, through the links: Business Programs; Forms & Fees.

Please make the above corrections and resubmit. To assist our office in coordinating your previous correspondence with your new transmittal, please address your correspondence to the attention of the undersigned upon resubmittal and mail to: Business Programs Division, 1500 11th Street, Room 390, Sacramento, CA 95814.

JANESSA M. JOSEPH
 Attorney III
 Legal Review Unit
 (916) 653-6244

JMJ:rjb

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

The undersigned certify that:

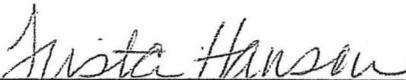
1. They are the president and treasurer, respectively, of Placer County Peace Officers Association, a California corporation.
2. Article "I" of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is Placer Correction and Probation Officers Association.
3. The foregoing amendment of Articles of Incorporation has been duly approved by the board of directors.
4. The corporation has no members.

We further declare under penalty of perjury under the laws of the state of California that the matters set forth in this certificate are true and correct of our own knowledge.

1/16/15

DATE: 1-20-15



TRISTA HANSEN, PRESIDENT



JAKE MUCHER, TREASURER

FILED *DM*
*cm*Secretary of State
State of California

FEB 26 2014

ARTICLES OF INCORPORATION
PLACER COUNTY PEACE OFFICERS ASSOCIATIONI. 2 CC

The name of this corporation is Placer County Peace Officers Association.

II.

- A. This corporation is a non-profit **Mutual Benefit Corporation** organized under the Nonprofit Mutual Benefit Corporation Law. The purpose of this corporation is to engage in any lawful act or activity, other than credit union business, for which a corporation may be organized under such law.
- B. The specific purpose of this organization is to better the working conditions of its members, improve service to the public, and to promote the individual and mutual interests of the Placer County Correctional Officers, Placer County Probation Officers, and this organization, by and through all means within its scope of operation. This corporation is organized and operated exclusively for labor representation purposes within the meaning of Section 501(c)(5) of the Internal Revenue Code.

III.

The name and address in the State of California of this corporation's initial agent for service of process is:

David E. Mastagni, Esq.
1912 I Street
Sacramento, California 95811

IV.

Notwithstanding any of the above statements of purpose and powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purposes of this corporation.

The corporate street address is 8407 Oliva Rd Roseville CA 95678
The corporate mailing address is PO BOX 7844 Auburn CA 95604

V.

Notwithstanding any other provision of these articles, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under 501(c)(5) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law); or (b) by any organization contributions to which are deductible under section 501(c)(5) of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue Law).

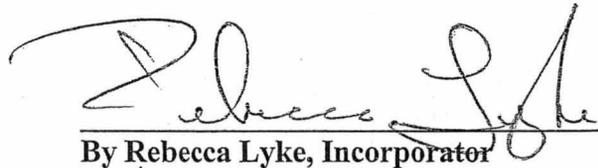
VI.

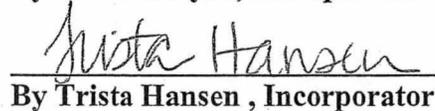
No part of the net earnings of the corporation shall inure to the benefit, or be distributable to its members, trustees, directors, officers or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments distributions in furtherance of Section 501(c)(5) of the Internal Revenue Code of 1986 purposes.

IX.

Upon dissolution of this organization, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(5) of the Internal Revenue Code (or corresponding provision of any future United States Internal Revenue Law), or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Superior Court of the County in which the principal office of the association is then located, exclusively for such purposes or to such organization or organizations as said Court shall determine.

Date: 2/26/14


By Rebecca Lyke, Incorporator


By Trista Hansen, Incorporator

**RECOGNITION AND SEVERANCE PETITION FILED BY THE
PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION**

GENERAL BARGAINING UNIT SEVERANCE PETITION OF THE PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION AND PETITION FOR RECOGNITION OF SEPARATE BARGAINING UNIT.

The Placer Correction and Probation Officers Association (PCPOA) submits this Petition for unit severance pursuant to Article II, Section 10 of the Employer-Employee Relations Policy ("Policy").

Pursuant to Article II, Section 10 of the Policy, the PCPOA Petitions to sever the General-Safety Unit removing the classifications of Correctional Officer I, Correctional Officer II, and Correctional Sergeant and placing them into a newly created Public Safety Officer Unit with the classifications of Deputy Probation Officer I, Field; Deputy Probation Officer I, Institution; Deputy Probation Officer II, Field; Deputy Probation Officer II, Institution; Deputy Probation Officer, Senior, Field; Deputy Probation Officer, Senior, Institution; Deputy Probation Officer, Supervising, Field; and Deputy Probation Officer, Supervising, Institution from the Professional- Safety Unit. These classifications are currently represented by Placer Public Employees Organization (PPEO). Pursuant to Section 10 of the Policy, the PCPOA requests to sever the bargaining unit so as to create a separate Public Safety Officer Unit represented by the PCPOA. The PCPOA further requests the County recognize the PCPOA as the exclusive collective bargaining representative for the Public Safety Officer Unit for purposes of collective bargaining and representation over wages, hours, and other terms and conditions of employment.

ARTICLE II, SECTION 3 INFORMATION.

Pursuant to the requirements set forth in Article II, Section 3 of the Policy, PCPOA submits the following:

- a) Name and address of the employee organization:

Placer Correction and Probation Officers Association Inc., doing business as "Placer Correction and Probation Officers Association", P.O. Box 7844, Auburn, California 95604.

- b) Names and titles of its officers:

Trista Hansen, President
Rebecca Lyke, Vice-President
Kenny Hee, Vice-President
Michel Pichardo, Secretary
Jake Mucher, Treasurer

- c) Names of employee organization representatives who are authorized to speak on behalf of the organization:

Trista Hansen, President
Rebecca Lyke, Vice-President
Kenny Hee, Vice-President
Michel Pichardo, Secretary
Jake Mucher, Treasurer
Kathleen N. Mastagni Storm, Attorney for PCPOA
Joshua A. Olander, Attorney for PCPOA

- d) A statement that the employee organization has, as one of its primary purposes, the responsibility of representing employees in their employment relations with the County:

The PCPOA's primary purpose is the responsibility of representing employees in their employment relations with the County.

- e) A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization:

The PCPOA is not a chapter of, nor affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization.

- f) Certified copies of the employee organization's constitution and bylaws:

Certified copies of the Articles of Incorporation and Constitution and Bylaws are attached hereto collectively as Exhibit "1."

- g) A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose:

Trista Hansen, President, P.O. Box 7844, Auburn, California 95604
Michel Pichardo, Secretary, P.O. Box 7844, Auburn, California 95604

- h) A statement that the employee organization has no restriction on membership based on race, color, religion, creed, sex, national origin, age, sexual orientation, mental or physical disability or medical condition:

The PCPOA has no restriction on membership based on race, color, religion, creed, sex, national origin, age, sexual orientation, mental or physical disability, or medical condition.

- i) The job classifications or position titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein:

The Professional- Safety Unit contains approximately 102 employees in the classifications of: Deputy Probation Officer I, Field; Deputy Probation Officer I, Institution; Deputy Probation Officer II, Field; Deputy Probation Officer II, Institution; Deputy Probation Officer, Senior, Field; Deputy Probation Officer, Senior, Institution; Deputy Probation Officer, Supervising, Field; Deputy Probation Officer, Supervising, Institution.

The General- Safety unit contains approximately 97 employees in the classifications of: Correctional Officer I, Correctional Officer II, and Correctional Sergeant.

- j) A statement that the employee organization has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the County:

The PCPOA has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the County. Article I, Section 2(2) of the Policy defines "Proof of Employee Support" as "a verified authorization petition or petitions recently signed and personally dated by an employee."

Pursuant to Article I, Section 2(2) proof of support is reflected in the attached verified authorization petition. (True and correct copies of the verified authorization petition is attached hereto as Exhibit "2.")

- k) A request that the Employee Relations Officer formally acknowledge the petitioner as the Exclusively Recognized Employee Organization Representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

The PCPOA requests that the Employee Relations Officer formally acknowledge the PCPOA as the Exclusively Recognized Employee Organization representing the employees in the proposed Unit.

STATEMENT OF ALL RELEVANT FACTS AND CITATIONS IN SUPPORT OF THE PROPOSED UNIT SEVERANCE IN TERMS OF THE POLICIES AND STANDARDS SET FORTH IN ARTICLE II, SECTION 8.

The factors set forth in Section 8 support a determination that the proposed severance is appropriate. The proposed unit will have a positive effect on the efficient operations of the County and its compatibility with the primary responsibility of the County and its employees to effectively and economically serve the public, and provide employees with effective representation based on recognized community of interest considerations. The unit proposed by the PCPOA satisfies the factors set forth in Section 8 as follows:

- a) Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions:

A review of the job descriptions posted online for the classifications reveals a multitude of shared qualifications and duties. Field probation officers work closely with institution probation officers and correctional officers to maintain County's corrections programs and assist inmates to prepare for the transition to life out of custody. They are all charged with the safekeeping of adults and juveniles in their custody or supervision. They keep records and prepare reports on the activities and progress of these adults and juveniles, and appear in court to testify when required. Correction and probation officers ensure that adults and juveniles do not have items in their possession that are contraband or would violate the terms of their probation, and are authorized to conduct searches. Correction and probation officers work together toward the rehabilitation of offenders by overseeing treatment, education, and vocational programs. They are trained to provide emergency first aid to the persons in their custody or supervision. They escort inmates within the jails or juvenile facilities, and transport inmates or juveniles as needed. Correctional officers handle the booking and release of inmates, and probation officers handle the same tasks for juveniles and probationers in juvenile detention and transitional living facilities. Correctional officers interview and classify inmates in order to assign them to appropriate detention areas. Similarly, probation officers make detention decisions regarding the housing of juveniles and make recommendations for the advisability of probation and the terms thereof. Probation and correctional officers carry, and are trained to use, pepper spray and handcuffs in their daily duties. Probation and correctional officers work similar schedules consisting of both 8, 10, and 12 hour shifts. Lastly, all three classifications are required to, and regularly do, engage in physical restraint of inmates, juveniles, and probationers.

Further, all classifications in the proposed unit are eligible for shift differential pay, 24 hour staffing, benefits pursuant to Labor Code section 4850, safety retirement benefits, and must pass the same or similar physical and psychological testing. They all must complete an introductory course prescribed by the Commission on Peace Officer Standards and Training pursuant to Penal Code section 832. They are subject to the examinations prescribed by the Corrections Standards Authority in Title 15, Sections 130-132. Additionally, all these classifications are granted rights and protections in the Peace Officer Bill of Rights Act that dictate the process and procedures of internal investigations.

Finally, both correctional officers and probation officers should be considered professional employees. The County defines a professional employee as "an employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction." Here, because the position requires specialized training, correctional officers satisfy the County's definition of a professional employee. Similar to probation officers, correctional officers are required to attend and complete a P.O.S.T. certification course pursuant to Penal Code section 832. This required specialized training qualifies correctional officers as professional employees as defined by the County. In 2008, Tom Miller, then County Executive Officer, concluded that "professional employees are generally deemed to share a community of interest by virtue of their inclusion under the 'professional employee' definition." In this case, not only do they share a community of interest based on being professional employees, but even more so because they are required to attend the same

or similar courses in order to receive their specialized knowledge.

In *Long Beach Community College District* (1999) PERB Decision No. 1315, PERB held security officers were entitled to sever from the established general employee association, the California School Employees Association, and form a separate bargaining unit comprised solely of campus security officers and become affiliated with Police Officers' Association. PERB based this decision on its determination that the security employees possessed a community of interest separate from the other classified employees. PERB noted the security officers carry guns, wear special uniforms, special patches, and special shoes, possessed POST basic certifications, maintained sworn status, received specialized training, physical ability evaluations, and psychological evaluations to be hired. The factors set forth in *Long Beach* are equally applicable to the instant Petition and support the requested unit severance. Similarly, in *Sacramento City Unified School District* (1977) PERB Decision No. 30, PERB found strong public policy considerations in favor of a separate unit for security officers.

In sum, the probation and correctional officers in the proposed unit share many similarities, and possess a greater community of interest with each other than with the other classifications in the General and Professional units. They perform similar kinds of work, have similar working conditions, and are subject to similar qualifications. In their current bargaining unit, Probation and Corrections number approximately 200 safety officer members out of approximately 1500 non-safety county employees. The unit proposed by PCPOA's petition is an appropriate unit, and therefore satisfies the statutory requirements. Neither the Policy nor the MMBA permit County to deny PCPOA's petition merely because it does not propose the best possible unit.

- b) History of representation in the County and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized:

The employees in the proposed Unit are represented by the same Exclusively Recognized Employee Organization, the PPEO. The employees in the proposed unit are covered by the same memorandum of understanding, and have taken part in the same negotiation process. The proposed unit continues the existing practice of representation, albeit with the probation employees and correctional employees within the same unit. The negotiating history supports establishment of a Public Safety Officer Unit represented by the PCPOA. (See, *Livermore Valley Unified School District* (1981) PERB Decision No. 165.)

- c) Consistency with the organizational patterns of the County:

The proposed unit is consistent with the organizational patterns of the County. Currently, the Probation and Correctional officers are represented by the same Employee Organization, PPEO. The proposed severance would continue this tradition of Corrections and Probation being represented by a single Employee Organization, simply replacing PPEO with the PCPOA. Furthermore, both the General and Professional Units contain peace officer and non-peace officer classifications. Therefore, having a unit comprised of peace officers and

non-peace officers who work closely with one another would maintain consistency with the organizational pattern of the County, not disrupt it.

d) Effect of differing legally mandated impasse resolution procedures:

The proposed Unit will be comprised of employees who are all subject to the same impasse resolution procedures. Currently all members of the existing PPEO represented unit and the proposed unit are subject to the same impasse resolution procedures, which culminate in fact finding pursuant to AB 646, PERB Regulation 32802, and Government Code sections 3505.4 through 3505.7. The proposed severance does not change these rights.

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

The proposed unit encompasses approximately 200 employees and eleven (11) classifications. No fragmentation of classifications will occur because all classifications in the probation series and all classifications in the correctional series will be placed in the same unit. The requested severance will not result in proliferation of units. Further, the probation and correctional employees do not seek, nor does the statute require, proliferation of separate units comprised of different probation and corrections classifications. No significant inefficiency, fragmentation, or loss of bargaining influence would result from creation of the proposed unit. Rather, the proposed unit would allow for efficient representation of a unique community of employees and strengthen the correctional and probation officers' bargaining influence and harmony within the County.

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

The proposed unit does not divide single classifications among two or more units. The proposed unit will combine members of the Professional and General Units into a single Public Safety Officer Unit. Therefore, the effect of the proposed Unit is de minimis.

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(3)

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION

Pursuant to Article II, Sections 3 and 10 of the Employer-Employee Relations Policy (EERP), we the undersigned, desire to Sever the General- Safety Unit represented by Placer Public Employees Organization (PPEO), and to create a separate bargaining unit comprised solely of Probation officers in the classifications of Deputy Probation Officer I, Deputy Probation Officer II, Senior Deputy Probation Officer, and Supervising Deputy Probation Officer in both Field and Institution positions, as well as Correctional Officers in the classifications of Correctional Officer I, Correctional Officer II, and Correctional Sergeant. These classifications are currently part of the General-Safety and Professional-Safety Units and represented by PPEO. Pursuant to Article II, Section 3 of the County EERP, the undersigned desire to create a Probation and Correctional Officer Unit represented by the Placer Correction and Probation Officers Association (PCPOA) and request that the County also recognize the PCPOA as the exclusive collective bargaining representative for the Probation and Correctional Officer Unit for purposes of collective bargaining and representation over wages, hours and other terms and conditions of employment.

- 7 KYLE GAVT C.O. II [Signature] 1/5/15
(Print Name) (Print Classification) (Signature) (Date)
- 8 MICHAEL R. SCOTT CO II [Signature] 1-5-15
(Print Name) (Print Classification) (Signature) (Date)
- 9 William Lukenbill CO II [Signature] 1/5/15
(Print Name) (Print Classification) (Signature) (Date)
- 10 Trina Bender CO II [Signature] 1/5/15
(Print Name) (Print Classification) (Signature) (Date)
- 11 Megan Yaws CO II [Signature] 1/5/15
(Print Name) (Print Classification) (Signature) (Date)
- 12 Christina Roberts CO II [Signature] 1/6/15
(Print Name) (Print Classification) (Signature) (Date)
- 13 RABINDER SANDHU C.O. SERGEANT [Signature] 1/7/15
(Print Name) (Print Classification) (Signature) (Date)
- 14 MARK MACKAY C.O. Sergeant [Signature] 1/8/15
(Print Name) (Print Classification) (Signature) (Date)
- 15 BRIAN PARIS C.O. SERGEANT [Signature] 1/8/15
(Print Name) (Print Classification) (Signature) (Date)
- 16 MPA C.O. SERGEANT [Signature] 1/8/15
(Print Name) (Print Classification) (Signature) (Date)

MIKE NIELSEN
1/8/15
OTHERSIDE

10

13

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION

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CODY WAITCOMB
(Print Name)

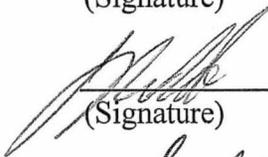
Co. II
(Print Classification)


(Signature)

01-20-15
(Date)

JOSHUA WAB
(Print Name)

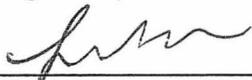
CO II
(Print Classification)


(Signature)

1/20/15
(Date)

Lisa Hanta
(Print Name)

CO II
(Print Classification)


(Signature)

1/20/15
(Date)

(Print Name)

(Print Classification)

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(10) (4)

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION
FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE
ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS
ASSOCIATION

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• DANIEL SUNDKOS (Print Name)	<u>COII</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>12-30-14</u> (Date)
• Jay JOHNSON (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>12/30/14</u> (Date)
• JESS COFFER (Print Name)	<u>COII</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>12/30/14</u> (Date)
• KIM WRIGHT (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-6-15</u> (Date)
• STEPHANIE MARLBURG (Print Name)	<u>COI</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-6-15</u> (Date)
• AMARJI BASSI [Signature] (Print Name)	<u>COII</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/6/15</u> (Date)
• Brian S. Towle (Print Name)	<u>COII</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/6/15</u> (Date)
• CALIFORNIA WILLIAMS (Print Name)	<u>COII</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/6/15</u> (Date)
• JOSEPH THOMSEN (Print Name)	<u>C.O. II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-6-15</u> (Date)
• Mary Plos (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-6-15</u> (Date)

CO

(1)

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION

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- REBECCA LYKE CORRECTIONAL SGT. [Signature] 12/29/14
(Print Name) (Print Classification) (Signature) (Date)
- DIANA SOLOMON CORRECTIONS [Signature] 12/29/14
(Print Name) (Print Classification) (Signature) (Date)
- LAURA SANCHEZ CORRECTIONAL OFFICER [Signature] 12/29/14
(Print Name) (Print Classification) (Signature) (Date)
- CHRIS FISHER CORRECTIONS [Signature] 12/29/14
(Print Name) (Print Classification) (Signature) (Date)
- FELIX SANCHEZ CORRECTIONAL OFFICER [Signature] 1/5/15
(Print Name) (Print Classification) (Signature) (Date)
- Nicholas Noriega Correctional Sergeant [Signature] 1/5/15
(Print Name) (Print Classification) (Signature) (Date)
- MAIZIL DAVEY CORRECTIONAL OFF. [Signature] 1-5-15
(Print Name) (Print Classification) (Signature) (Date)
- SARAH JONES CO [Signature] 1/5/15
(Print Name) (Print Classification) (Signature) (Date)
- ERIC REINHARDT C.O. [Signature] 1/5/15
(Print Name) (Print Classification) (Signature) (Date)
- MATT METCALF C.O. [Signature] 1/5/15
(Print Name) (Print Classification) (Signature) (Date)

CO

(2)

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION

Pursuant to Article II, Sections 3 and 10 of the Employer-Employee Relations Policy (EERP), we the undersigned, desire to Sever the General- Safety Unit represented by Placer Public Employees Organization (PPEO), and to create a separate bargaining unit comprised solely of Probation officers in the classifications of Deputy Probation Officer I, Deputy Probation Officer II, Senior Deputy Probation Officer, and Supervising Deputy Probation Officer in both Field and Institution positions, as well as Correctional Officers in the classifications of Correctional Officer I, Correctional Officer II, and Correctional Sergeant. These classifications are currently part of the General-Safety and Professional-Safety Units and represented by PPEO. Pursuant to Article II, Section 3 of the County EERP, the undersigned desire to create a Probation and Correctional Officer Unit represented by the Placer Correction and Probation Officers Association (PCPOA) and request that the County also recognize the PCPOA as the exclusive collective bargaining representative for the Probation and Correctional Officer Unit for purposes of collective bargaining and representation over wages, hours and other terms and conditions of employment.

• MIKE PRENTICE C/O II Mike Prentice 1-6-15
(Print Name) (Print Classification) (Signature) (Date)

• JASON McNALLY C/O II Jason McNally 1-6-15
(Print Name) (Print Classification) (Signature) (Date)

• Lisa Faber C/O I Lisa Faber 1-5-15
(Print Name) (Print Classification) (Signature) (Date)

• JACOB P PADILLA CO II Jacob Padilla 1/5/15
(Print Name) (Print Classification) (Signature) (Date)

• PETER BURCHAN CO II Peter Burchan 01/05/15
(Print Name) (Print Classification) (Signature) (Date)

• SHERRY SHERMAN CO II Sherry Sherman 01/05/15
(Print Name) (Print Classification) (Signature) (Date)

• TOM TURNER C.O. II Tom Turner 1/5/15
(Print Name) (Print Classification) (Signature) (Date)

• DARREN BUTCHER CO II Darren Butcher 1/5/15
(Print Name) (Print Classification) (Signature) (Date)

• Tom McClain CO II Tom McClain 1/5/15
(Print Name) (Print Classification) (Signature) (Date)

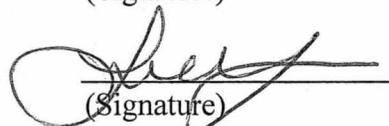
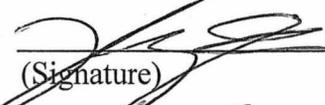
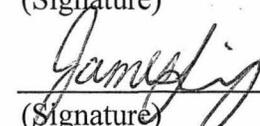
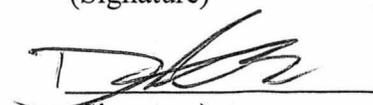
• Jacob Gewert CO Jacob Gewert 1/5/15
(Print Name) (Print Classification) (Signature) (Date)

CO

4

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION

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- RICHARD CERWANTES C/O I  1-8-15
(Print Name) (Print Classification) (Signature) (Date)
- Richard Kennedy CO II  1-8-15
(Print Name) (Print Classification) (Signature) (Date)
- Brian Ford CO II  1-8-15
(Print Name) (Print Classification) (Signature) (Date)
- JENNA RUSTING CO II  1-8-15
(Print Name) (Print Classification) (Signature) (Date)
- Kyle Adams-Murphy CO I  1-8-15
(Print Name) (Print Classification) (Signature) (Date)
- Louis Bette CO I  1-8-15
(Print Name) (Print Classification) (Signature) (Date)
- JAMES UNSEY CO I  1-8-15
(Print Name) (Print Classification) (Signature) (Date)
- D. Painter CO II  1-8-15
(Print Name) (Print Classification) (Signature) (Date)
- B. JOHNSON CO I  1-8-15
(Print Name) (Print Classification) (Signature) (Date)
- DUSTIN HALE CO II  1-8-15
(Print Name) (Print Classification) (Signature) (Date)

10

10

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION
FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE
ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS
ASSOCIATION

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• <u>STAKE MACHER</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-6-15</u> (Date)
• <u>STEVE COREY</u> (Print Name)	<u>CO SERGEANT</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/6/15</u> (Date)
• <u>S. JORDAN</u> (Print Name)	<u>C.O. II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/6/15</u> (Date)
• <u>OLEK KRUCHININ</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/6/15</u> (Date)
• <u>James Corry</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/6/15</u> (Date)
• <u>CATHERINE CLOWE</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/7/15</u> (Date)
• <u>CHRIS OLIVER</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-7-15</u> (Date)
• <u>A. VEGA</u> (Print Name)	<u>CO</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-7-15</u> (Date)
• <u>MARGARET MESSINA</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-8-15</u> (Date)
• <u>CHERYL HAMILTON</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-8-15</u> (Date)

(10)

(11)

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION

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• <u>MANISALCO, DANIELLE</u> (Print Name)	<u>COII</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/7/2015</u> (Date)
• <u>JOSHUA MANLESS</u> (Print Name)	<u>COA</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-7-15</u> (Date)
• <u>Shennifer Schmitz</u> (Print Name)	<u>COB</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/7/15</u> (Date)
• <u>Jessica Sosa</u> (Print Name)	<u>COII</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/8/15</u> (Date)
• <u>shandra Mitchell</u> (Print Name)	<u>COI</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-11-15</u> (Date)
• <u>Justin Viceri</u> (Print Name)	<u>COII</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-11-15</u> (Date)
• <u>Amy Biley</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-17-15</u> (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)

W

12

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION

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CHRIS SAUSCHALLEN CORRECTIONAL OFFICER [Signature] 1-11-15
(Print Name) (Print Classification) (Signature) (Date)

Jeromy DeCello Correctional Officer I [Signature] 1-11-15
(Print Name) (Print Classification) (Signature) (Date)

RICHARD EASTERLING CO II [Signature] 1/11/15
(Print Name) (Print Classification) (Signature) (Date)

CO

13

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION
FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE
ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS
ASSOCIATION

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WILLIAM EDWIN
(Print Name)

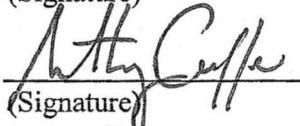
COTI
(Print Classification)


(Signature)

1/17/15
(Date)

ANTHONY CUFFE
(Print Name)

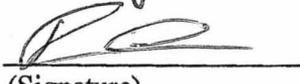
COI
(Print Classification)


(Signature)

1/17/15
(Date)

Ruben Guizar
(Print Name)

COI
(Print Classification)


(Signature)

1-17-15
(Date)

DANIEL JAKOBS
(Print Name)

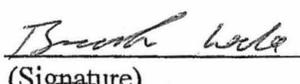
C/O 1
(Print Classification)


(Signature)

1-17-15
(Date)

Brandon Wehe
(Print Name)

C/O 1
(Print Classification)


(Signature)

1-17-15
(Date)

Dan Sousa
(Print Name)

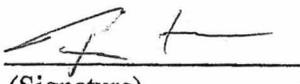
CO2
(Print Classification)


(Signature)

1-17-15
(Date)

FRED HOLMAN
(Print Name)

CO1
(Print Classification)


(Signature)

1/17/15
(Date)

(Print Name) (Print Classification) (Signature) (Date)

(Print Name) (Print Classification) (Signature) (Date)

(Print Name) (Print Classification) (Signature) (Date)

CO

5

PETITION FOR SEVERANCE OF THE GENERAL- SAFETY UNIT / PETITION FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION

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• <u>CODY WATT</u> (Print Name)	<u>C/O I</u> (Print Classification)	<u>Cwatt</u> (Signature)	<u>1/8/15</u> (Date)
• <u>ORONNA RAGGIO</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/8/15</u> (Date)
• <u>DANIEL SEARLE</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-8-15</u> (Date)
• <u>JOSS Emery</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-8-15</u> (Date)
• <u>Douglas Bender</u> (Print Name)	<u>CO I</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-8-15</u> (Date)
• <u>Katelin Laarance</u> (Print Name)	<u>CO I</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/8/15</u> (Date)
• <u>Jeff Winkler</u> (Print Name)	<u>SGT</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/13/15</u> (Date)
• <u>JAMES BACHUP</u> (Print Name)	<u>CO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/14/15</u> (Date)

(Print Name) (Print Classification) (Signature) (Date)

(Print Name) (Print Classification) (Signature) (Date)

**Placer Corrections and Probation
Officers Association
PCPOA**

**BYLAWS and Constitution
Established February 15, 2014**

Table of Contents

Article I	Association Name
Article II	Purpose and Objectives
Article III	Membership
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Article V	Officers and Duties
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Article VIII	Association and Contract Voting and Meetings

Article I Association Name

This Association shall hence forth be known and conduct business as

“Placer Corrections and Probation Officers Association”
Abbreviated PCPOA.

Article II Purpose and Objective

These good people of ardent resolve and humility gather to form this Association who's purpose and objectives include but are not limited to representing and acting for and in the best interest of its members in matters affecting or arising out of their employment relationships.

To promote and foster harmonious relations between Placer County and PCPOA as well as other law enforcement professionals.

To represent the Association Membership in their in their employment relationship with the County of Placer.

To secure adequate compensation for its members for the performance of their professional duties. Improve the conditions of employment. Maintain the high ethical and professionalism standards expected by our community of its law enforcement professionals.

To advance officer safety, encourage both the organizational and individual professional growth of our members through training and education. Promote principled conduct and good citizenship both on and off duty.

To provide financial assistance to members in matters of common interest; to promote the collective welfare and protect the interests of all its members.

To improve the economic and social wellbeing of members and their families. To be active and engaged in the community we serve and involved in charitable works.

To improve the lives and causes of the citizens we serve.

To secure legal defense and representation for our members.

To achieve the stated purposes and objectives, this Association will through combined efforts utilize legislation, legal representation, collective bargaining and other appropriate and lawful means which would be beneficial to the membership of this Association.

Article III Membership

Membership of the Association shall include:

Active Membership
Associate Membership
Honorary Membership
Retired Membership

Memberships shall be open and granted to all qualified persons regard less of race, color, religion, creed, sex, national origin, age, sexual orientation, mental or physical disability, or medical condition.

Section A

Active Membership

Active Membership in this Association is open to any persons appointed to or employed as a Correctional Officer I, Correctional Officer II or Correctional Sergeant with the Placer County Sheriff's Office, Probation Officer I or Probation Officer II, Senior Deputy Probation Officer and Supervising Deputy Probation Officer with the Placer County Probation Department
Full time and probationary officers in the listed classifications are eligible for Active Membership. Active Members have full voting privileges. Only full time employees off probation and in good standing can run for elected office.

Active Members can be selected to work on special committees or projects benefiting the Association as directed by the Board of Directors. Legal Defense Fund coverage participation is Mandatory for Active Members. Active Members in good standing have membership voting rights and are included in the bargaining unit represented by this Association.

All Active Members must be up to date and current with his/her dues, assessments and payments to be considered in good standing as well abide by all the bylaws of the Association.

Section B

Associate Membership

Associate Members are not represented for the purposes of contract bargaining or eligible to vote in Association business or attend closed door Association meetings. Associate Members will pay a reduced membership rate to be determined by the Board of Directors.

Legal Defense Fund coverage is mandatory as well as are Legal Defense Fund membership fees. Associate Members are eligible for discounted benefits such as life insurance and other as they are made available. Associate members cannot attend closed door Association meetings. Associate members are encouraged to participate in social events and social functions of the Association.

Section C

Honorary Membership

Honorary Membership is granted exclusively by a vote of the Board of Directors and given to individuals that have contributed to the benefit or significant support of the Association or distinguished themselves(s) in the eyes of the Board of Directors. Honorary Members may include widows and or orphans of PCPOA members or dignitaries. Active Members or Board of Director(s) may suggest individuals' or organizations for consideration of an Honorary Membership. Honorary Members may not vote, or hold office within the Association or attend closed door meetings. Honorary Members are encouraged to participate in social events and functions of the Association designated by the Board of Directors.

Section D

Retired Membership

Any Active Member who retires from employment with the Placer County Probation Department in the Probation Officer series or the Placer County Sheriff's Office in the Correctional Officer series as a member in good standing may be granted Retired Membership status, paying minimum dues as required by the State of California and or other charges the Association deems necessary as determined by the Board of Directors. Retired Members may continue any group insurance plans available so long as the premiums for such insurance are collected, deducted, or paid to the Association. Retired Members may not vote hold office. Retired Members may not attend closed door meetings without the majority approval of the Board of Directors.

Section E

Removal of Any Member

A member may be removed from the Association by a majority vote of the Board of Directors if that member causes through gross negligence or an unlawful act, the Association to be exposed to financial loss or misuse of the Association name(s), the release of confidential information to a third party or any act deemed by the Board to have done significant harm to the Association. The member shall be notified in writing no less than ten days prior to the Board meeting when the action will be discussed. The member may appear at the meeting and offer evidence to mitigate or prevent the proposed loss of membership.

Dues Assessments shall be used to raise funds for specified Association purposes. The Board of Directors must approve any Dues Assessments. Proposed Dues Assessments outside the normal election/ballot cycle will be presented to the Association Membership in a special vote and require a majority of affirmative returned ballots to pass.

Article IV

Board of Directors

Powers, Duties, Responsibilities

Section A

The executive and administrative power of the Association shall be vested in a Board of Directors consisting of 13 Active Members in good standing. Of those 13 members, five (5) will comprise the board: President, 2 each Vice Presidents, one from the Probation classification and one from the Correctional classification, Secretary, and Treasurer. Four members each from both Corrections and Probation will complete the remaining Board of Directors. Board Members will be elected at large with at least two (2) years active full-time employment and Active Member status within the Association. The President shall vote only in tiebreakers.

Section B

The Board of Directors shall be charged with the management of all business and affairs of the Association and the enforcement of the Association By-laws and its policies, the administration and preservation of all its assets, funds, and properties whatsoever.

Section C

The Board of Directors is empowered to receive and collect all monies due to the Association from any source and to pay all lawful claims filed against the treasury, accounting for such receipts and disbursements through the proper offices subject to the provision of these By-laws herein provided; to manage all properties belonging to the Association; to employ persons to assist in such management as circumstances require, under such arrangements as may seem reasonable to safeguard the best interest of the Association by all proper lawful means.

Section D

The Board of Directors shall hold in a trustee account, all funds, money, real or personal property, securities, books, accounts, papers, documents and all other matters belonging to the Association.

Section E

The Board of Directors shall at least once every three (3) years at the close of the fiscal year, cause a Financial Review by a Certified Public Accountant (CPA) to be made of all the business and transactions of the Association and for the said period the Financial Reviewer shall have access to all the books, papers, accounts, records, funds and deposits of the Association for that purpose. The necessary cost of such Financial Review shall be paid out of the funds of the Association and the complete findings and results made available to the Board of Directors on completion. The Review results shall be made available to the Membership at the next General

membership meeting. The Board of Directors will re-review and vote on acceptance of the submitted Financial Review findings at the next General Membership

Section F

The Financial Review shall be posted or made available to the membership following the Board's approval of the Review. With reasonable notice any Active Member in good standing may request of the Treasurer in writing an opportunity to review the Associations finances. Requests not to exceed two reviews in a month. If convenient for him, the Treasure may combine review requests. Review requestors will travel to designated review location as determined by the Treasurer.

Section G

Regular meetings of the Board of Directors shall be held at least once each calendar month at a time and place to be designated by the President or in his absence, the Secretary. The membership of the Board shall be notified by the Secretary of such meetings and notice shall be conveyed to each member of the Board at least five (5) days prior to such meetings. An agenda shall be included in the notices e-mailed to members of the Board.

Section H

Special meetings of the Board of Directors may be called by a majority of the Directors, by the President, or upon the written request of seventy-five (75) members of the Association, in good standing. Such written request shall be delivered to the President or the Secretary. The date, time and location shall be designated by the President or in his absence, the Secretary. The meeting must be held within fourteen (14) days. Notification of such meetings, time, location and nature of business to be transacted at such meetings shall be given to the Directors by the most expeditious means possible. No other business, except that as stated in the notice shall be transacted at a special meeting.

Section I

An emergency meeting of the Board of Directors may be called by an executive officer of the Association to deal with matters which, if not acted upon immediately, would jeopardize the well-being of the Association of its membership. No business except that as stated in the notice shall be transacted at an emergency meeting.

Section J

A majority of the Board of Directors shall constitute a quorum for the transaction of all business at regular, special or emergency meetings. A majority vote of the Board of Directors constituting a quorum shall be required to pass any motion or decide any issue unless otherwise specified by the By-laws. Proxy voting is not authorized and such votes shall not be counted if cast. The Secretary shall maintain an accurate written record of the nature of votes cast by roll call of each member of the Board of Directors on each ballot, unless such ballot was secret.

Section K

A general membership meeting shall be called at least 6 times a year. The general membership shall be notified of such meeting at least 2 weeks in advance. Notices shall be posted in the general work places of the members.

Section L

Upon the written request of (100) members of the Association in good standing a General Membership meeting may be called and the Secretary of the membership will cause the meeting to take place within two (2) weeks of written request.

Section M

None but active members with a minimum of two (2) years employment as a member of the Placer County Probation Department or Placer County Correctional Officers in good standing are eligible for election to the Board of Directors. No one but Active Members in good standing with dues paid shall be entitled to vote in any election.

Section N

Each position on the board, beginning with the President, one Vice President, Secretary, and Treasurer, will be assigned a corresponding number beginning with 1. Positions 1,3,5,7,9,11 and 13 will come up for election in the odd years. Positions 2, 4, 6, 8, 10 and 12 will come up for election on even years. Board of Directors positions are a two (2) year term. Incumbents may run for office.

Section O

In the event that any directorship becomes vacant between elections, notice of the vacancy shall be posted at least five (5) days prior to the next regular Board of Directors meeting. Nominations may be in writing by any member in good standing. If the position's term was not expired the person elected shall serve a one year term.

Section P

When a member of the Board of Directors receives a promotion higher than that designated for the position number he holds currently, he shall continue to serve until the next regularly scheduled Board of Directors meeting. At that time, his position shall be declared vacant, and the position will stand open for election.

Voting Procedure and Election Committee

Section Q

The annual nomination of members for election to the Board of Directors shall be declared open at the November meeting of the Board of Directors in an election year and shall be declared closed at the December meeting; said meeting must be held at least fifteen (15) days apart. All nominations shall be in writing and must be received by the Secretary before the opening of the regular December meeting. All nominations shall contain the following:

- a) The name of the member nominated
- b) The signature of the member making the nomination
- c) The signature of the member seconding the nomination

Section R

The annual election of members to the Board of Directors shall be held in December on a date to be fixed by the President, not less than ten (10) days; no more than three (3) weeks after the nominations are closed. Such elections shall be held by means of a secret ballot. Those receiving the largest number of votes shall be elected. It is the intention of this section that the first December Board elections of this Association after official formation take place in the December following the first full and completed year of existence. Example: Association is recognized by county, proposed Association Membership votes and approves formation and PCPOA is a formally recognized Association within the normal understanding in the year 2013, the first elections would be called for in December 2014.

Section S

Any member of the Board of Directors who absents himself from two (2) or more successive regular meetings without reasonable cause or excuse as determined by the Board of Directors may be removed and his place declared vacant and then filled like any other vacancy on the Board of Directors. The validity of such cause or excuse shall be determined by a majority vote of the members of the Board of Directors present. Removal from the Board of Directors for failure to attend shall be by a majority vote of all members of the Board of Directors. Any member of the Board of Directors removed for failure to attend may appeal his removal.

Section T

Upon the written request of one hundred (100) members of the Association in good standing and delivered to the President or the Secretary, the President or Vice President shall call a meeting of the general membership for the purpose of determining a recall of any Director. Such meeting shall be held within ten (10) days of the receipt of the request. No other matters shall be brought before the general membership at such meetings. The President shall preside at such meeting. When the President is the subject of such recall, then another officer or qualified Director shall preside. The largest number of all votes cast of those members present shall determine recall.

Section U

The Election Committee shall prepare a ballot with the name of each person seeking election to the Board of Directors. The names shall be placed adjacent to the numbered position they are seeking. If more than one candidate seeks the same position, they shall be listed in alphabetical order. The word "incumbent" shall appear after the name of all incumbent directors. On the right side of said ballot and opposite each name there shall be placed a square, the size of which shall be proportionately large enough to enable a voter to place the usual cross (X) as a voting

sign opposite the name of the candidate for which he desires to vote. The Election Committee will design the elections to ensure the maximum number of members may participate. The design and implementation plan will be approved by a majority of the Board of Directors.

Section V

At least five (5) days prior to the holding of any election, the President shall appoint an election committee consisting of not less than five (5) members of the Association who shall be charged with the duty of conducting said election and will act as tellers and judges. One of the five members shall be a member of the Board of Directors who shall be chairman of said committee. No candidate for any office shall be eligible to serve on the election committee.

Article V Officers and Duties

President Duties

The President shall be the chief executive officer and shall preside at all meetings of Board of Directors and General Membership meetings. Enforce a strict observance of these bylaws and all other laws, rules and regulation applicable to the governing of the Association and the Board of Directors. Designate committees and appoint membership thereto for which are not otherwise provided. Require officers to be diligent in their duties. Announce the decisions of the Association or the Board of Directors on all subjects. Sign checks, drafts and orders with the Treasurer, for monies and disbursements legally voted, and he shall also sign all other reports, certificates, documents or correspondence that may require his signature. Perform other such duties as the nature of his office or a majority of the Board may require. Shall have authority to appoint a Sergeant-at-Arms to preserve order whenever necessity requires. Call meetings of the Board of Directors and the Association as provided by these by-laws' Ensure committee reports are on time, provide direction to committees. Report committee and board activities at General and Special Meetings. Be ex-officio member of all committees.

Vice President(s) Duties

The Vice-President(s) in absence or the inability of the President to act shall perform duties of the President. Advise and assist the President. Shall provide direction for committees in cooperation with the chairmen. Ensure financial reports are completed on time accordance with the bylaws. Ensure officers and committee are on time. Assist the President in contacting new eligible employees with duties, requirements and obligations to the Association. Perform other duties as designated by the bylaws or Board of Directors

Secretary Duties

The Secretary shall keep accurate and complete minutes of all meetings of the Association and the Board of Directors. Be responsible with help on request for the preparation and dissemination of all ballot measures. Maintain all records of the Association not specifically provided for. Perform other duties as may be required of him by his office or by the Board of Directors. Submit all books, records, papers, documents, etc. in his possession or under his control to an authorized Financial Reviewer whenever requested Co-sign checks, drafts, or orders of the Association with the President or Vice-President, when the Treasurer is absent or unavailable; Notify general membership and the Board of Directors of all regular and special meetings of the Board and the Association.

Unless other provisions are adopted it shall be the responsibility of the Secretary to keep and maintain the Historical records of the Association such as Director names and service dates, photo and visual records of notable occurrences; arrange for record keeping of legal actions or events related to the Association. Changes to BYLAWS or other event records which may be of interest to posterity.

Treasurer Duties

The Treasurer shall keep true and accurate records on behalf of the Association, of any receipt and disbursements. Receive all monies due the Association from any source. Enter receipts showing source and purpose in appropriate ledgers. Draw and sign all orders on the treasury for monies legally voted, and secure the necessary signatures to the same. Each disbursement from the treasury will be accounted for with purpose and amount. Show the cash and other assets of the Association in full. Render such other reports and perform such other duties as may be required of him by his office or the Board of Directors. Render a full and complete report to the Association by direction of the Board of Directors. Submit all books, account, funds or equipment in his possession under his control to any authorized Financial Reviewer or Auditor whenever requested. At the expiration or sooner termination of his tenure of office, deliver to his successor all funds, monies, books, accounts, papers, documents, equipment or other matters belonging to the Association or to his office, and receive a receipt therefore a copy of which shall be filed with the Secretary.

Board of Director Duties

The Board of Directors shall transact the general business of the Association. Establish major administrative policies and implement these policies for the association's growth and development and generally govern the affairs of the Association. The Board will vote on the Presidents appointments to committees including the negotiation team. The board shall approve the Association expenditures in excess of two hundred and fifty (250.00) dollars

Any officer may resign from his office at any time by giving written notice to the Board of Directors to the President or Secretary of the Association and such shall be effective at the date of receipt or any later time specified in said notice. Acceptance of such resignation shall not be necessary.

Article VI COMMITTEES

The President, on assuming office, shall appoint members of the Board of Directors as Chairmen of standing committees including but not limited to the Member Benefits, Charity/Benevolent and Social committees. Appoint chairmen to the Communications and Bylaws committee as well as the establishment of the Association's Political Action Committee (PAC) with specific bylaws and rules governing such in accordance with state and federal laws. Each committee Chairman shall have authority to select as many committee men/women from the members of the Association as he/she deems necessary to effectively carry on the duties of the committee.

Benefits

A Benefits committee shall be established for the purpose of researching, compiling, reporting and recommending to the Board of Directors on all matters dealing with salaries, benefits and investments. Investments to include pension investment options and outside investments for Association consideration.

The Committee shall be responsible for collecting and evaluating all data relative to salaries and fringe benefits necessary for meaningful negotiation with county management during contract talks.

Charities/Benevolence

A Charities/Benevolence Committee shall be established to plan for, supervise, and administer all charitable functions of the Association.

Sub-committees may be established to administer specific events. Sub-committee membership appointments shall be at the discretion of the Charities/Benevolence Committee Chairman.

Social

A Social Committee shall be established to plan all social events for the Association to include but not limited to: annual picnics, holiday parties, retirement parties and any other events so ordered by the Board of Directors.

Communications

A Communications Committee shall be established to plan and design the various forms of communication between all members of the Association regarding social, political and other relevant events or business of interest to the Association Members. This includes but is not limited to Web Site design and update, flyers, Media relations and insuring information is communicated to the various work locations of the members.

BYLAWS

A BYLAWS committee will be established to routinely make suggestions and as directed make ballot initiatives for proposed changes to be voted on by the General Membership at regularly scheduled elections. Proposed changes to the BYLAWS should be with the intention of benefiting the Association and its positive legacy in the community.

Article VII Finances, Funds and Dues

The Board of Directors may authorize the Treasurer to invest the funds of this Association in accordance with the laws of the State of California as follows:

Deposit cash in commercial and savings accounts in banks protected by the Federal Deposit Insurance Corporation. Purchase of bonds, public utility provided such purchases are lawful investments.

Deposit cash in any building and loan association doing business in the State of California provided such deposits shall not exceed those amounts guaranteed under the provisions of any Federal law guaranteeing such deposits. Deposit cash, purchasing shares, certificates of interest, or stock in any investment fund or open end diversified management company defined by the provisions of the Federal Investment Company Act of 1940 and subject to the laws of the State of California.

All withdrawals shall be by check, and shall be signed by two officers of the Association. All expenditures in excess of \$5000.00 shall be subject to the approval of the Association membership by a vote except for the routine ongoing operating expenses which can include but may not be limited to LDF membership fee payments, association insurance payments and bookkeeper/financial review payments. It is the intent of this section to prevent embezzlement or similar acts not encumber the normal flow of payments for reoccurring or non-reoccurring debts genuinely owed by the Association. A majority of all votes cast shall authorize the expenditure. Expenditures in excess of \$500.00 and less than 5000.00 shall be subject to approval by a majority of the Board of Directors. Expenditures of \$500.00 or less by the Officers of the Association may be made when necessary to carry out the business of the Association. An accounting of the spending by Association Officers made when conducting Association business will be maintained by the Treasurer and available for viewing by the membership as per the BYLAWS.

The Association may derive revenues from the interest or profit earned on its investment or profits from affairs sponsored by it and may also be receive gifts, donations, bequests, legacies and/or other monies so long as such monies are intended for the general use and purposes of all members of the Association.

Obligations may be incurred and disbursements made only by the approval of a majority of the Board of Directors, or in accordance with regulations adopted by a majority of the Board of Directors.

Checks and or electronic or automated debit will be issued, in payment of obligations, only by the Treasurer and shall be signed by the Treasurer unless otherwise agreed on. The President or Vice President or Secretary shall also be able to sign checks in the absence of the Treasurer. The President, the Board of Directors, and the Treasurer, shall have legal custody and control of all funds, property and effects of the Association, subject to the general control of the Association.

The Board of Directors shall annually cause the books and accounts of the Treasurer to have a Financial Review by a Certified Public Accountant, selected and employed by the Board of Directors for that purpose, said Review to be under the supervision of two (2) assigned Board members. The Financial Review shall show the condition of said books and accounts. The financial condition of the Association will be made available at the following regular meeting of its members after completion. The printed statement of such condition of books and accounts as rendered by the Financial Reviewer shall be made available by the Treasurer, as stated in Article IV section A of the Treasurer duties.

Dues

Dues shall be paid by all active and associate members of the Association. Retired members shall pay minimum dues as required by the laws of the State of California or in the absence set by the Association board. The dues shall become due and payable on the 1st day of each pay period and each member of the Association shall sign a pledge card guaranteeing the payment of dues upon his acceptance as a member into the Association.

The amount of Membership dues shall be determined by the Board of Directors.

Membership in the associations Legal Defense Fund (LDF) is mandatory for Active Members. Full LDF coverage is mandatory and not included in basic membership dues.

Any active, associate, or retired member, who is more than two (2) months in arrears in his dues, shall be automatically determined delinquent and not entitled to any privileges of the Association. Any delinquent member may reinstate himself to good standing in the Association upon the payment of all arrearages and provided that petition is made to the Board of Directors and that said Board of Directors by resolution allow re-admittance to membership upon payment of the delinquent account.

Article VIII

Association Voting, Contract Voting, Meetings Association Business Voting

Election of Board members will be based on a majority of affirmative votes cast by Active Members. The ratification of BYLAW changes need 2/3 majority in the affirmative of votes cast.

Ratification of basic Dues increase need 2/3 vote in the affirmative of votes cast by Active Members.

Contract Voting

Contract ratification will be decided by ballot at a specially called ratification meeting. To ratify an affirmative vote at least 50% plus one (+1) of the ballots cast by Active Members is required.

Meetings

An American flag shall be present when good and Active Members meet. The American flag shall be present at General Membership meetings and should be present at the majority of meetings. The following is the order of meetings

Call to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of the last membership and/or Executive Board meeting

President's report, First Vice-Presidents report, Secretary's report, Treasurer's report

Communications received

Committee Reports

Old Business

New Business

Special matters as noticed

Good of the Association

Adjournment

Except as otherwise provided, Roberts Rules of Order shall regulate the conduct of the meetings of this Association

Trista Sherfey
Deputy Probation Officer
Cell # 916 719-6497
Office # 916 543-7422

PLACER COUNTY
SHERIFF-CORONER-MARSHAL
2775 Richardson Drive, Auburn, CA 95603



EST. 1851

EDWARD N. BONNER
Sheriff-Coroner-Marshal

Cell 530 320-1053
REBECCA LYKE
SERGEANT

Main Jail: (530) 745-8500
Office: (530) 889-6931
Fax: (530) 886-3855
Email: rlyke@placer.ca.gov

FILED *DSM/cm*
Secretary of State
State of California

ARTICLES OF INCORPORATION
PLACER COUNTY PEACE OFFICERS ASSOCIATION

FEB 26 2014

I. *2 cc*

The name of this corporation is Placer County Peace Officers Association.

II.

- A. This corporation is a non-profit **Mutual Benefit Corporation** organized under the Nonprofit Mutual Benefit Corporation Law. The purpose of this corporation is to engage in any lawful act or activity, other than credit union business, for which a corporation may be organized under such law.
- B. The specific purpose of this organization is to better the working conditions of its members, improve service to the public, and to promote the individual and mutual interests of the Placer County Correctional Officers, Placer County Probation Officers, and this organization, by and through all means within its scope of operation. This corporation is organized and operated exclusively for labor representation purposes within the meaning of Section 501(c)(5) of the Internal Revenue Code.

III.

The name and address in the State of California of this corporation's initial agent for service of process is:

David E. Mastagni, Esq.
1912 I Street
Sacramento, California 95811

IV.

Notwithstanding any of the above statements of purpose and powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purposes of this corporation.

The corporate street address is 8407 Oliva Rd Roseville CA 95678
The corporate mailing address is PO BOX 7844, Auburn CA 95604

RECEIVED
County Executive Office
DATE: *2/6/15*

136pm
ABarber
BR

V.

Notwithstanding any other provision of these articles, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under 501(c)(5) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law); or (b) by any organization contributions to which are deductible under section 501(c)(5) of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue Law).

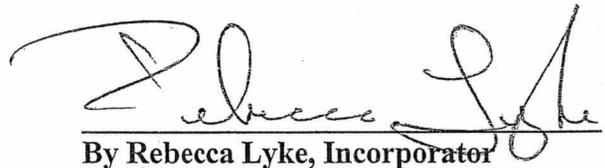
VI.

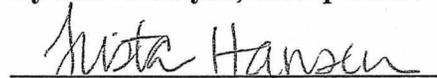
No part of the net earnings of the corporation shall inure to the benefit, or be distributable to its members, trustees, directors, officers or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments distributions in furtherance of Section 501(c)(5) of the Internal Revenue Code of 1986 purposes.

IX.

Upon dissolution of this organization, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(5) of the Internal Revenue Code (or corresponding provision of any future United States Internal Revenue Law), or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Superior Court of the County in which the principal office of the association is then located, exclusively for such purposes or to such organization or organizations as said Court shall determine.

Date: 2/26/14


By Rebecca Lyke, Incorporator


By Trista Hansen, Incorporator



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
BUSINESS PROGRAMS | BUSINESS ENTITIES

1500 11th Street, 3rd floor | Sacramento, CA 95814 | Tel 916.657.5448 | www.sos.ca.gov

January 6, 2015

REBECCA LYKE
PO BOX 3446
AUBURN CA 95604

RE: PLACER COUNTY PEACE OFFICERS ASSOCIATION

Your document and accompanying filing fee are being returned for the following reason(s):

1. The officers who must sign this document are the chairman of the board, the president or any vice president AND the secretary, the treasurer or any assistant secretary or assistant treasurer. (Corp. Code § 173.) Please obtain the required signature(s).

Information, including forms and instructions, is available through our web site at www.sos.ca.gov , through the links: Business Programs; Forms & Fees.

Please make the above corrections and resubmit. To assist our office in coordinating your previous correspondence with your new transmittal, please address your correspondence to the attention of the undersigned upon resubmittal and mail to: Business Programs Division, 1500 11th Street, Room 390, Sacramento, CA 95814.

JANESSA M. JOSEPH
Attorney III
Legal Review Unit
(916) 653-6244

JMJ:rjb

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

The undersigned certify that:

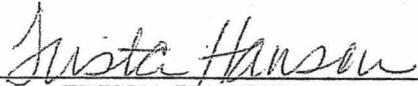
1. They are the president and treasurer, respectively, of Placer County Peace Officers Association, a California corporation.
2. Article "I" of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is Placer Correction and Probation Officers Association.
3. The foregoing amendment of Articles of Incorporation has been duly approved by the board of directors.
4. The corporation has no members.

We further declare under penalty of perjury under the laws of the state of California that the matters set forth in this certificate are true and correct of our own knowledge.

1/16/15

DATE: 1-20-15



TRISTA HANSEN, PRESIDENT



JAKE MUCHER, TREASURER

**RECOGNITION AND SEVERANCE PETITION FILED BY THE
PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION**

PROFESSIONAL BARGAINING UNIT SEVERANCE PETITION OF THE PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION AND PETITION FOR RECOGNITION OF SEPARATE BARGAINING UNIT.

The Placer Correction and Probation Officers Association (PCPOA) submits this Petition for unit severance pursuant to Article II, Section 10 of the Employer-Employee Relations Policy ("Policy").

Pursuant to Article II, Section 10 of the Policy, the PCPOA Petitions to sever the Professional- Safety Unit removing the classifications of Deputy Probation Officer I, Field; Deputy Probation Officer I, Institution; Deputy Probation Officer II, Field; Deputy Probation Officer II, Institution; Deputy Probation Officer, Senior, Field; Deputy Probation Officer, Senior, Institution; Deputy Probation Officer, Supervising, Field; and Deputy Probation Officer, Supervising, Institution and placing them into a newly created Public Safety Officer Unit with the classifications of Correctional Officer I, Correctional Officer II, and Correctional Sergeant from the General- Safety Unit. These classifications are currently represented by Placer Public Employees Organization (PPEO). Pursuant to Section 10 of the Policy, the PCPOA requests to sever the bargaining unit so as to create a separate Public Safety Officer Unit represented by the PCPOA. The PCPOA further requests the County recognize the PCPOA as the exclusive collective bargaining representative for the Public Safety Officer Unit for purposes of collective bargaining and representation over wages, hours, and other terms and conditions of employment.

ARTICLE II, SECTION 3 INFORMATION.

Pursuant to the requirements set forth in Article II, Section 3 of the Policy, PCPOA submits the following:

- a) Name and address of the employee organization:

Placer Correction and Probation Officers Association Inc., doing business as "Placer Correction and Probation Officers Association", P.O. Box 7844, Auburn, California 95604.

- b) Names and titles of its officers:

Trista Hansen, President
Rebecca Lyke, Vice-President
Kenny Hee, Vice-President
Michel Pichardo, Secretary
Jake Mucher, Treasurer

- c) Names of employee organization representatives who are authorized to speak on behalf of the organization:

Trista Hansen, President
Rebecca Lyke, Vice-President
Kenny Hee, Vice-President
Michel Pichardo, Secretary
Jake Mucher, Treasurer
Kathleen N. Mastagni Storm, Attorney for PCPOA
Joshua A. Olander, Attorney for PCPOA

- d) A statement that the employee organization has, as one of its primary purposes, the responsibility of representing employees in their employment relations with the County:

The PCPOA's primary purpose is the responsibility of representing employees in their employment relations with the County.

- e) A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization:

The PCPOA is not a chapter of, nor affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization.

- f) Certified copies of the employee organization's constitution and bylaws:

Certified copies of the Articles of Incorporation and Constitution and Bylaws are attached hereto collectively as Exhibit "1."

- g) A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose:

Trista Hansen, President, P.O. Box 7844, Auburn, California 95604
Michel Pichardo, Secretary, P.O. Box 7844, Auburn, California 95604

- h) A statement that the employee organization has no restriction on membership based on race, color, religion, creed, sex, national origin, age, sexual orientation, mental or physical disability or medical condition:

The PCPOA has no restriction on membership based on race, color, religion, creed, sex, national origin, age, sexual orientation, mental or physical disability, or medical condition.

- i) The job classifications or position titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein:

The Professional- Safety Unit contains approximately 102 employees in the classifications of: Deputy Probation Officer I, Field; Deputy Probation Officer I, Institution; Deputy Probation Officer II, Field; Deputy Probation Officer II, Institution; Deputy Probation Officer, Senior, Field; Deputy Probation Officer, Senior, Institution; Deputy Probation Officer, Supervising, Field; Deputy Probation Officer, Supervising, Institution.

The General- Safety unit contains approximately 97 employees in the classifications of: Correctional Officer I, Correctional Officer II, and Correctional Sergeant.

- j) A statement that the employee organization has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the County:

The PCPOA has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the County. Article I, Section 2(2) of the Policy defines "Proof of Employee Support" as "a verified authorization petition or petitions recently signed and personally dated by an employee."

Pursuant to Article I, Section 2(2) proof of support is reflected in the attached verified authorization petition. (True and correct copies of the verified authorization petition is attached hereto as Exhibit "2.")

- k) A request that the Employee Relations Officer formally acknowledge the petitioner as the Exclusively Recognized Employee Organization Representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

The PCPOA requests that the Employee Relations Officer formally acknowledge the PCPOA as the Exclusively Recognized Employee Organization representing the employees in the proposed Unit.

STATEMENT OF ALL RELEVANT FACTS AND CITATIONS IN SUPPORT OF THE PROPOSED UNIT SEVERANCE IN TERMS OF THE POLICIES AND STANDARDS SET FORTH IN ARTICLE II, SECTION 8.

The factors set forth in Section 8 support a determination that the proposed severance is appropriate. The proposed unit will have a positive effect on the efficient operations of the County and its compatibility with the primary responsibility of the County and its employees to effectively and economically serve the public, and provide employees with effective representation based on recognized community of interest considerations. The unit proposed by the PCPOA satisfies the factors set forth in Section 8 as follows:

- a) Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions:

A review of the job descriptions posted online for the classifications reveals a multitude of shared qualifications and duties. Field probation officers work closely with institution probation officers and correctional officers to maintain County's corrections programs and assist inmates to prepare for the transition to life out of custody. They are all charged with the safekeeping of adults and juveniles in their custody or supervision. They keep records and prepare reports on the activities and progress of these adults and juveniles, and appear in court to testify when required. Correction and probation officers ensure that adults and juveniles do not have items in their possession that are contraband or would violate the terms of their probation, and are authorized to conduct searches. Correction and probation officers work together toward the rehabilitation of offenders by overseeing treatment, education, and vocational programs. They are trained to provide emergency first aid to the persons in their custody or supervision. They escort inmates within the jails or juvenile facilities, and transport inmates or juveniles as needed. Correctional officers handle the booking and release of inmates, and probation officers handle the same tasks for juveniles and probationers in juvenile detention and transitional living facilities. Correctional officers interview and classify inmates in order to assign them to appropriate detention areas. Similarly, probation officers make detention decisions regarding the housing of juveniles and make recommendations for the advisability of probation and the terms thereof. Probation and correctional officers carry, and are trained to use, pepper spray and handcuffs in their daily duties. Probation and correctional officers work similar schedules consisting of both 8, 10, and 12 hour shifts. Lastly, all three classifications are required to, and regularly do, engage in physical restraint of inmates, juveniles, and probationers.

Further, all classifications in the proposed unit are eligible for shift differential pay, 24 hour staffing, benefits pursuant to Labor Code section 4850, safety retirement benefits, and must pass the same or similar physical and psychological testing. They all must complete an introductory course prescribed by the Commission on Peace Officer Standards and Training pursuant to Penal Code section 832. They are subject to the examinations prescribed by the Corrections Standards Authority in Title 15, Sections 130-132. Additionally, all these classifications are granted rights and protections in the Peace Officer Bill of Rights Act that dictate the process and procedures of internal investigations.

Finally, both correctional officers and probation officers should be considered professional employees. The County defines a professional employee as "an employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction." Here, because the position requires specialized training, correctional officers satisfy the County's definition of a professional employee. Similar to probation officers, correctional officers are required to attend and complete a P.O.S.T. certification course pursuant to Penal Code section 832. This required specialized training qualifies correctional officers as professional employees as defined by the County. In 2008, Tom Miller, then County Executive Officer, concluded that "professional employees are generally deemed to share a community of interest by virtue of their inclusion under the 'professional employee' definition." In this case, not only do they share a community of interest based on being professional employees, but even more so because they are required to attend the same or similar courses in order to receive their specialized knowledge.

In *Long Beach Community College District* (1999) PERB Decision No. 1315, PERB held security officers were entitled to sever from the established general employee association, the California School Employees Association, and form a separate bargaining unit comprised solely of campus security officers and become affiliated with Police Officers' Association. PERB based this decision on its determination that the security employees possessed a community of interest separate from the other classified employees. PERB noted the security officers carry guns, wear special uniforms, special patches, and special shoes, possessed POST basic certifications, maintained sworn status, received specialized training, physical ability evaluations, and psychological evaluations to be hired. The factors set forth in *Long Beach* are equally applicable to the instant Petition and support the requested unit severance. Similarly, in *Sacramento City Unified School District* (1977) PERB Decision No. 30, PERB found strong public policy considerations in favor of a separate unit for security officers.

In sum, the probation and correctional officers in the proposed unit share many similarities, and possess a greater community of interest with each other than with the other classifications in the General and Professional units. They perform similar kinds of work, have similar working conditions, and are subject to similar qualifications. In their current bargaining unit, Probation and Corrections number approximately 200 safety officer members out of approximately 1500 non-safety county employees. The unit proposed by PCPOA's petition is an appropriate unit, and therefore satisfies the statutory requirements. Neither the Policy nor the MMBA permit County to deny PCPOA's petition merely because it does not propose the best possible unit.

- b) History of representation in the County and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized:

The employees in the proposed Unit are represented by the same Exclusively Recognized Employee Organization, the PPEO. The employees in the proposed unit are covered by the same memorandum of understanding, and have taken part in the same negotiation process. The proposed unit continues the existing practice of representation, albeit with the probation employees and correctional employees within the same unit. The negotiating history supports establishment of a Public Safety Officer Unit represented by the PCPOA. (See, *Livermore Valley Unified School District* (1981) PERB Decision No. 165.)

- c) Consistency with the organizational patterns of the County:

The proposed unit is consistent with the organizational patterns of the County. Currently, the Probation and Correctional officers are represented by the same Employee Organization, PPEO. The proposed severance would continue this tradition of Corrections and Probation being represented by a single Employee Organization, simply replacing PPEO with the PCPOA. Furthermore, both the General and Professional Units contain peace officer and non-peace officer classifications. Therefore, having a unit comprised of peace officers and

non-peace officers who work closely with one another would maintain consistency with the organizational pattern of the County, not disrupt it.

d) Effect of differing legally mandated impasse resolution procedures:

The proposed Unit will be comprised of employees who are all subject to the same impasse resolution procedures. Currently all members of the existing PPEO represented unit and the proposed unit are subject to the same impasse resolution procedures, which culminate in fact finding pursuant to AB 646, PERB Regulation 32802, and Government Code sections 3505.4 through 3505.7. The proposed severance does not change these rights.

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

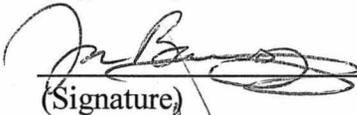
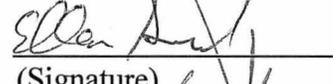
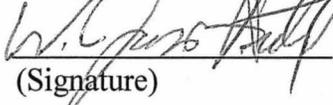
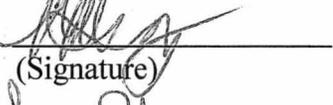
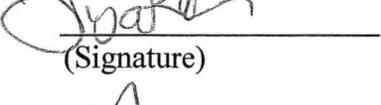
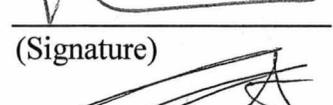
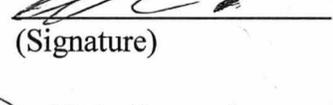
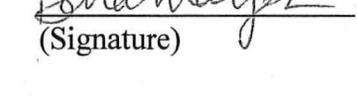
The proposed unit encompasses approximately 200 employees and eleven (11) classifications. No fragmentation of classifications will occur because all classifications in the probation series and all classifications in the correctional series will be placed in the same unit. The requested severance will not result in proliferation of units. Further, the probation and correctional employees do not seek, nor does the statute require, proliferation of separate units comprised of different probation and corrections classifications. No significant inefficiency, fragmentation, or loss of bargaining influence would result from creation of the proposed unit. Rather, the proposed unit would allow for efficient representation of a unique community of employees and strengthen the correctional and probation officers' bargaining influence and harmony within the County.

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

The proposed unit does not divide single classifications among two or more units. The proposed unit will combine members of the Professional and General Units into a single Public Safety Officer Unit. Therefore, the effect of the proposed Unit is de minimis.

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<u>BENJAMIN ZEHNER</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u></u> (Signature)	<u>01/08/15</u> (Date)
<u>Jason Barrows</u> (Print Name)	<u>Sr. DPO - Field</u> (Print Classification)	<u></u> (Signature)	<u>1/8/15</u> (Date)
<u>Ellen Swinton</u> (Print Name)	<u>DPO</u> (Print Classification)	<u></u> (Signature)	<u>1/8/15</u> (Date)
<u>STEVE SCHMIDT</u> (Print Name)	<u>DPOTI</u> (Print Classification)	<u></u> (Signature)	<u>1/8/15</u> (Date)
<u>William Jason Pahl</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u></u> (Signature)	<u>1/8/15</u> (Date)
<u>Stephen Lammy</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u></u> (Signature)	<u>1/12/15</u> (Date)
<u>Lisa Rohrer</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u></u> (Signature)	<u>1/14/15</u> (Date)
<u>Mollie Bonew</u> (Print Name)	<u>Supervisor</u> (Print Classification)	<u></u> (Signature)	<u>1/14/15</u> (Date)
<u>Andrew Stout</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u></u> (Signature)	<u>1-21-15</u> (Date)
<u>Dena Mayes</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u></u> (Signature)	<u>2/3/15</u> (Date)

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MICHEL RICHARDO DPO II
 (Print Name) (Print Classification)

[Signature] 1-13-15
 (Signature) (Date)

SAMUEL MUECA DPO 2
 (Print Name) (Print Classification)

[Signature] 1-13-15
 (Signature) (Date)

KEVIN BADTEN Sup. DPO
 (Print Name) (Print Classification)

[Signature] 1/13/15
 (Signature) (Date)

William c Parcher senior DPO
 (Print Name) (Print Classification)

[Signature] 1/13/15
 (Signature) (Date)

Marianabarcia DPO
 (Print Name) (Print Classification)

[Signature] 1/13/15
 (Signature) (Date)

Judy Degan DPO II
 (Print Name) (Print Classification)

[Signature] 1/14/15
 (Signature) (Date)

NICHOLAS BOONE DPO II
 (Print Name) (Print Classification)

[Signature] 1/14/15
 (Signature) (Date)

CHRISTINA SAWYER DPO I
 (Print Name) (Print Classification)

[Signature] 1/28/15
 (Signature) (Date)

Elizabeth Fiorello DPO II
 (Print Name) (Print Classification)

[Signature] 1/28/15
 (Signature) (Date)

Rachel Holbrook DPO II
 (Print Name) (Print Classification)

[Signature] 2/3/15
 (Signature) (Date)

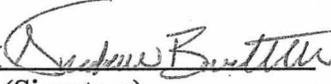
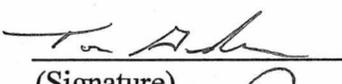
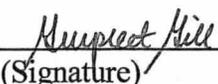
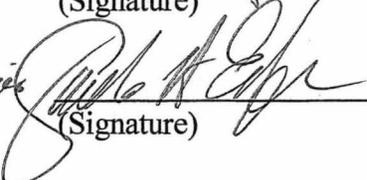
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<u>Sarah Rankin</u> (Print Name)	<u>DPOI - field</u> (Print Classification)	<u>Sarah Rankin</u> (Signature)	<u>1/14/15</u> (Date)
<u>DIANE TABER</u> (Print Name)	<u>DPO II field</u> (Print Classification)	<u>Diane Taber</u> (Signature)	<u>1-14-15</u> (Date)
<u>Amy Avila</u> (Print Name)	<u>DPO II - field</u> (Print Classification)	<u>Amy Avila</u> (Signature)	<u>1-14-15</u> (Date)
<u>Hector Meccher</u> (Print Name) (Sherfey)	<u>DPO I - FIELD</u> (Print Classification)	<u>Hector Meccher</u> (Signature)	<u>1-14-15</u> (Date)
<u>Trista Hansen</u> (Print Name)	<u>DPO II - Field</u> (Print Classification)	<u>Trista Hansen</u> (Signature)	<u>1/14/15</u> (Date)
<u>LACY HART</u> (Print Name)	<u>DPO II - Field</u> (Print Classification)	<u>Lacy Hart</u> (Signature)	<u>1/14/15</u> (Date)
<u>JOHN AVILA</u> (Print Name)	<u>DPO II - Field</u> (Print Classification)	<u>John Avila</u> (Signature)	<u>1/14/15</u> (Date)
<u>RHONDI HAYES</u> (Print Name)	<u>SDPO - FIELD</u> (Print Classification)	<u>Rhondi Hayes</u> (Signature)	<u>1-14-15</u> (Date)
<u>LISA RISSE</u> (Print Name)	<u>DPO - Field</u> (Print Classification)	<u>Lisa Risse</u> (Signature)	<u>1-21-15</u> (Date)
<u>Kelli Kethner</u> (Print Name)	<u>DPO field</u> (Print Classification)	<u>Kelli Kethner</u> (Signature)	<u>1/21/15</u> (Date)

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<u>Kenny Hee</u> (Print Name)	<u>DEPUTY PROBATION OFFICER</u> (Print Classification)	<u></u> (Signature)	<u>1/7/15</u> (Date)
<u>ANDREW BARTLETT</u> (Print Name)	<u>DEPUTY PROBATION OFFICER</u> (Print Classification)	<u></u> (Signature)	<u>01/08/2015</u> (Date)
<u>TOM GARDNER</u> (Print Name)	<u>Deputy Probation Officer</u> (Print Classification)	<u></u> (Signature)	<u>01/08/15</u> (Date)
<u>Casey Ryan</u> (Print Name)	<u>Deputy Probation</u> (Print Classification)	<u></u> (Signature)	<u>01/08/15</u> (Date)
<u>Victoria Lowm</u> (Print Name)	<u>Deputy Probation Officer</u> (Print Classification)	<u></u> (Signature)	<u>1/8/15</u> (Date)
<u>MANU LEBTOLG</u> (Print Name)	<u>DEPUTY PROBATION OFFICER</u> (Print Classification)	<u></u> (Signature)	<u>1/9/15</u> (Date)
<u>DAVID KEENAN</u> (Print Name)	<u>DEPUTY PROBATION OFFICER</u> (Print Classification)	<u></u> (Signature)	<u>1/9/15</u> (Date)
<u>Guiret Gill</u> (Print Name)	<u>Deputy Probation Officer</u> (Print Classification)	<u></u> (Signature)	<u>1/9/15</u> (Date)
<u>Stacey Consulo</u> (Print Name)	<u>Deputy Probation Officer</u> (Print Classification)	<u></u> (Signature)	<u>1-9-15</u> (Date)
<u>Sancho Eskridge</u> (Print Name)	<u>Deputy Probation Officer</u> (Print Classification)	<u></u> (Signature)	<u>1-9-15</u> (Date)

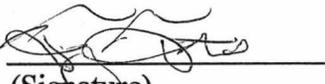
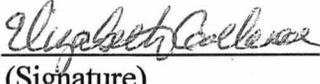
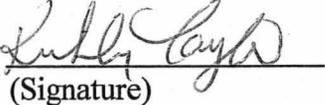
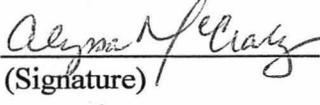
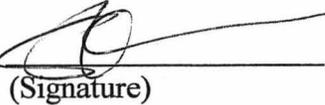
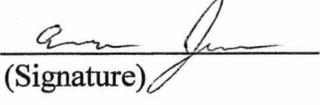
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<u>SCOTT MANN</u> (Print Name)	<u>DPO II FIELD</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/9/15</u> (Date)
<u>Stephanie Frazier</u> (Print Name)	<u>DPO II Field</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/15/15</u> (Date)
<u>[Signature] B Feenstra</u> (Print Name)	<u>Senior DPO</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/15/15</u> (Date)
<u>KRIS HARTER</u> (Print Name)	<u>DPO - Field</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/15/15</u> (Date)
<u>MATI PARRON</u> (Print Name)	<u>DPO - Field</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/16/15</u> (Date)
<u>Melanie Esque</u> (Print Name)	<u>DPO - Field</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/27/15</u> (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)

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<u>Gerald Taxara</u> (Print Name)	<u>DPO-II</u> (Print Classification)	<u></u> (Signature)	<u>1-22-15</u> (Date)
<u>Troy Tack</u> (Print Name)	<u>DPO I</u> (Print Classification)	<u></u> (Signature)	<u>1/23/15</u> (Date)
<u>Elizabeth Callenore</u> (Print Name)	<u>DPO-I</u> (Print Classification)	<u></u> (Signature)	<u>1-23-15</u> (Date)
<u>Kimberly Taylor</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u></u> (Signature)	<u>1-23-15</u> (Date)
<u>Alyssa McCrary</u> (Print Name)	<u>DPO-I</u> (Print Classification)	<u></u> (Signature)	<u>1-23-2015</u> (Date)
<u>Stephen Luvati</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u></u> (Signature)	<u>1/25/2015</u> (Date)
<u>Evan Jensen</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u></u> (Signature)	<u>1/26/2015</u> (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)

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<u>Jesse Ham. Hor</u> (Print Name)	<u>Sup. Int</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-16-15</u> (Date)
<u>DAUNA Hollway</u> (Print Name)	<u>Senior Int</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/17/15</u> (Date)
<u>Teresa Stetka</u> (Print Name)	<u>Senior Int</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/17/15</u> (Date)
<u>AUSTEN FACINO</u> (Print Name)	<u>DPO-1</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/17/15</u> (Date)
<u>Vanessa Aranda</u> (Print Name)	<u>DPO 1</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/17/15</u> (Date)
<u>JUAN ANDRADE JR.</u> (Print Name)	<u>SENIOR - INT.</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/18/15</u> (Date)
<u>LENIA MASON</u> (Print Name)	<u>DPO-1</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/18/15</u> (Date)
<u>Robert Atkinson</u> (Print Name)	<u>DPO-II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/18/15</u> (Date)
<u>Corey Evans</u> (Print Name)	<u>DPO-I</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/19/15</u> (Date)
<u>Jeff Gustafson</u> (Print Name)	<u>Supervisor-Inst</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1-22-15</u> (Date)

PETITION FOR SEVERANCE OF THE PROFESSIONAL- SAFETY UNIT/
 PETITION FOR RECOGNITION OF EXCLUSIVELY RECOGNIZED EMPLOYEE
 ORGANIZATION PLACER CORRECTION AND PROBATION OFFICERS
 ASSOCIATION

Pursuant to Article II, Sections 3 and 10 of the Employer-Employee Relations Policy (EERP), we the undersigned, desire to sever the Professional- Safety Unit represented by Placer Public Employees Organization (PPEO), and to create a separate bargaining unit comprised solely of Probation officers in the classifications of Deputy Probation Officer I, Deputy Probation Officer II, Senior Deputy Probation Officer, and Supervising Deputy Probation Officer in both Field and Institution positions, as well as Correctional Officers in the classifications of Correctional Officer I, Correctional Officer II, and Correctional Sergeant. These classifications are currently part of the General-Safety and Professional-Safety Units and represented by PPEO. Pursuant to Article II, Section 3 of the County EERP, the undersigned desire to create a Probation and Correctional Officer Unit represented by the Placer Correction and Probation Officers Association (PCPOA) and request that the County also recognize the PCPOA as the exclusive collective bargaining representative for the Probation and Correctional Officer Unit for purposes of collective bargaining and representation over wages, hours and other terms and conditions of employment.

<u>Jennifer Hamilton</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>4/28/15</u> (Date)
<u>ERIC Guerena</u> (Print Name)	<u>DPO IV</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/29/15</u> (Date)
<u>Edwine Krebs Agron</u> (Print Name)	<u>DPO II</u> (Print Classification)	<u>[Signature]</u> (Signature)	<u>1/29/15</u> (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)
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_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Print Classification)	_____ (Signature)	_____ (Date)

**Placer Corrections and Probation
Officers Association
PCPOA**

BYLAWS and Constitution
Established February 15, 2014

Table of Contents

Article I	Association Name
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Article VIII	Association and Contract Voting and Meetings

Article I Association Name

This Association shall hence forth be known and conduct business as

“Placer Corrections and Probation Officers Association”

Abbreviated PCPOA.

Article II Purpose and Objective

These good people of ardent resolve and humility gather to form this Association who's purpose and objectives include but are not limited to representing and acting for and in the best interest of its members in matters affecting or arising out of their employment relationships.

To promote and foster harmonious relations between Placer County and PCPOA as well as other law enforcement professionals.

To represent the Association Membership in their in their employment relationship with the County of Placer.

To secure adequate compensation for its members for the performance of their professional duties. Improve the conditions of employment. Maintain the high ethical and professionalism standards expected by our community of its law enforcement professionals.

To advance officer safety, encourage both the organizational and individual professional growth of our members through training and education. Promote principled conduct and good citizenship both on and off duty.

To provide financial assistance to members in matters of common interest; to promote the collective welfare and protect the interests of all its members.

To improve the economic and social wellbeing of members and their families. To be active and engaged in the community we serve and involved in charitable works.

To improve the lives and causes of the citizens we serve.

To secure legal defense and representation for our members.

To achieve the stated purposes and objectives, this Association will through combined efforts utilize legislation, legal representation, collective bargaining and other appropriate and lawful means which would be beneficial to the membership of this Association.

Article III Membership

Membership of the Association shall include:

Active Membership
Associate Membership
Honorary Membership
Retired Membership

Memberships shall be open and granted to all qualified persons regard less of race, color, religion, creed, sex, national origin, age, sexual orientation, mental or physical disability, or medical condition.

Section A

Active Membership

Active Membership in this Association is open to any persons appointed to or employed as a Correctional Officer I, Correctional Officer II or Correctional Sergeant with the Placer County Sheriff's Office, Probation Officer I or Probation Officer II, Senior Deputy Probation Officer and Supervising Deputy Probation Officer with the Placer County Probation Department
Full time and probationary officers in the listed classifications are eligible for Active Membership. Active Members have full voting privileges. Only full time employees off probation and in good standing can run for elected office.

Active Members can be selected to work on special committees or projects benefiting the Association as directed by the Board of Directors. Legal Defense Fund coverage participation is Mandatory for Active Members. Active Members in good standing have membership voting rights and are included in the bargaining unit represented by this Association.

All Active Members must be up to date and current with his/her dues, assessments and payments to be considered in good standing as well abide by all the bylaws of the Association.

Section B

Associate Membership

Associate Members are not represented for the purposes of contract bargaining or eligible to vote in Association business or attend closed door Association meetings. Associate Members will pay a reduced membership rate to be determined by the Board of Directors.

Legal Defense Fund coverage is mandatory as well as are Legal Defense Fund membership fees. Associate Members are eligible for discounted benefits such as life insurance and other as they are made available. Associate members cannot attend closed door Association meetings. Associate members are encouraged to participate in social events and social functions of the Association.

Section C

Honorary Membership

Honorary Membership is granted exclusively by a vote of the Board of Directors and given to individuals that have contributed to the benefit or significant support of the Association or distinguished themselves(s) in the eyes of the Board of Directors. Honorary Members may include widows and or orphans of PCPOA members or dignitaries. Active Members or Board of Director(s) may suggest individuals' or organizations for consideration of an Honorary Membership. Honorary Members may not vote, or hold office within the Association or attend closed door meetings. Honorary Members are encouraged to participate in social events and functions of the Association designated by the Board of Directors.

Section D

Retired Membership

Any Active Member who retires from employment with the Placer County Probation Department in the Probation Officer series or the Placer County Sheriff's Office in the Correctional Officer series as a member in good standing may be granted Retired Membership status, paying minimum dues as required by the State of California and or other charges the Association deems necessary as determined by the Board of Directors. Retired Members may continue any group insurance plans available so long as the premiums for such insurance are collected, deducted, or paid to the Association. Retired Members may not vote hold office. Retired Members may not attend closed door meetings without the majority approval of the Board of Directors.

Section E

Removal of Any Member

A member may be removed from the Association by a majority vote of the Board of Directors if that member causes through gross negligence or an unlawful act, the Association to be exposed to financial loss or misuse of the Association name(s), the release of confidential information to a third party or any act deemed by the Board to have done significant harm to the Association. The member shall be notified in writing no less than ten days prior to the Board meeting when the action will be discussed. The member may appear at the meeting and offer evidence to mitigate or prevent the proposed loss of membership.

Dues Assessments shall be used to raise funds for specified Association purposes. The Board of Directors must approve any Dues Assessments. Proposed Dues Assessments outside the normal election/ballot cycle will be presented to the Association Membership in a special vote and require a majority of affirmative returned ballots to pass.

Article IV

Board of Directors

Powers, Duties, Responsibilities

Section A

The executive and administrative power of the Association shall be vested in a Board of Directors consisting of 13 Active Members in good standing. Of those 13 members, five (5) will comprise the board: President, 2 each Vice Presidents, one from the Probation classification and one from the Correctional classification, Secretary, and Treasurer. Four members each from both Corrections and Probation will complete the remaining Board of Directors. Board Members will be elected at large with at least two (2) years active full-time employment and Active Member status within the Association. The President shall vote only in tiebreakers.

Section B

The Board of Directors shall be charged with the management of all business and affairs of the Association and the enforcement of the Association By-laws and its policies, the administration and preservation of all its assets, funds, and properties whatsoever.

Section C

The Board of Directors is empowered to receive and collect all monies due to the Association from any source and to pay all lawful claims filed against the treasury, accounting for such receipts and disbursements through the proper offices subject to the provision of these By-laws herein provided; to manage all properties belonging to the Association; to employ persons to assist in such management as circumstances require, under such arrangements as may seem reasonable to safeguard the best interest of the Association by all proper lawful means.

Section D

The Board of Directors shall hold in a trustee account, all funds, money, real or personal property, securities, books, accounts, papers, documents and all other matters belonging to the Association.

Section E

The Board of Directors shall at least once every three (3) years at the close of the fiscal year, cause a Financial Review by a Certified Public Accountant (CPA) to be made of all the business and transactions of the Association and for the said period the Financial Reviewer shall have access to all the books, papers, accounts, records, funds and deposits of the Association for that purpose. The necessary cost of such Financial Review shall be paid out of the funds of the Association and the complete findings and results made available to the Board of Directors on completion. The Review results shall be made available to the Membership at the next General

membership meeting. The Board of Directors will re-review and vote on acceptance of the submitted Financial Review findings at the next General Membership

Section F

The Financial Review shall be posted or made available to the membership following the Board's approval of the Review. With reasonable notice any Active Member in good standing may request of the Treasurer in writing an opportunity to review the Associations finances. Requests not to exceed two reviews in a month. If convenient for him, the Treasure may combine review requests. Review requestors will travel to designated review location as determined by the Treasurer.

Section G

Regular meetings of the Board of Directors shall be held at least once each calendar month at a time and place to be designated by the President or in his absence, the Secretary. The membership of the Board shall be notified by the Secretary of such meetings and notice shall be conveyed to each member of the Board at least five (5) days prior to such meetings. An agenda shall be included in the notices e-mailed to members of the Board.

Section H

Special meetings of the Board of Directors may be called by a majority of the Directors, by the President, or upon the written request of seventy-five (75) members of the Association, in good standing. Such written request shall be delivered to the President or the Secretary. The date, time and location shall be designated by the President or in his absence, the Secretary. The meeting must be held within fourteen (14) days. Notification of such meetings, time, location and nature of business to be transacted at such meetings shall be given to the Directors by the most expeditious means possible. No other business, except that as stated in the notice shall be transacted at a special meeting.

Section I

An emergency meeting of the Board of Directors may be called by an executive officer of the Association to deal with matters which, if not acted upon immediately, would jeopardize the well-being of the Association of its membership. No business except that as stated in the notice shall be transacted at an emergency meeting.

Section J

A majority of the Board of Directors shall constitute a quorum for the transaction of all business at regular, special or emergency meetings. A majority vote of the Board of Directors constituting a quorum shall be required to pass any motion or decide any issue unless otherwise specified by the By-laws. Proxy voting is not authorized and such votes shall not be counted if cast. The Secretary shall maintain an accurate written record of the nature of votes cast by roll call of each member of the Board of Directors on each ballot, unless such ballot was secret.

Section K

A general membership meeting shall be called at least 6 times a year. The general membership shall be notified of such meeting at least 2 weeks in advance. Notices shall be posted in the general work places of the members.

Section L

Upon the written request of (100) members of the Association in good standing a General Membership meeting may be called and the Secretary of the membership will cause the meeting to take place within two (2) weeks of written request.

Section M

None but active members with a minimum of two (2) years employment as a member of the Placer County Probation Department or Placer County Correctional Officers in good standing are eligible for election to the Board of Directors. No one but Active Members in good standing with dues paid shall be entitled to vote in any election.

Section N

Each position on the board, beginning with the President, one Vice President, Secretary, and Treasurer, will be assigned a corresponding number beginning with 1. Positions 1,3,5,7,9,11 and 13 will come up for election in the odd years. Positions 2, 4, 6, 8, 10 and 12 will come up for election on even years. Board of Directors positions are a two (2) year term. Incumbents may run for office.

Section O

In the event that any directorship becomes vacant between elections, notice of the vacancy shall be posted at least five (5) days prior to the next regular Board of Directors meeting. Nominations may be in writing by any member in good standing. If the position's term was not expired the person elected shall serve a one year term.

Section P

When a member of the Board of Directors receives a promotion higher than that designated for the position number he holds currently, he shall continue to serve until the next regularly scheduled Board of Directors meeting. At that time, his position shall be declared vacant, and the position will stand open for election.

Voting Procedure and Election Committee

Section Q

The annual nomination of members for election to the Board of Directors shall be declared open at the November meeting of the Board of Directors in an election year and shall be declared closed at the December meeting; said meeting must be held at least fifteen (15) days apart. All nominations shall be in writing and must be received by the Secretary before the opening of the regular December meeting. All nominations shall contain the following:

- a) The name of the member nominated
- b) The signature of the member making the nomination
- c) The signature of the member seconding the nomination

Section R

The annual election of members to the Board of Directors shall be held in December on a date to be fixed by the President, not less than ten (10) days; no more than three (3) weeks after the nominations are closed. Such elections shall be held by means of a secret ballot. Those receiving the largest number of votes shall be elected. It is the intention of this section that the first December Board elections of this Association after official formation take place in the December following the first full and completed year of existence. Example: Association is recognized by county, proposed Association Membership votes and approves formation and PCPOA is a formally recognized Association within the normal understanding in the year 2013, the first elections would be called for in December 2014.

Section S

Any member of the Board of Directors who absents himself from two (2) or more successive regular meetings without reasonable cause or excuse as determined by the Board of Directors may be removed and his place declared vacant and then filled like any other vacancy on the Board of Directors. The validity of such cause or excuse shall be determined by a majority vote of the members of the Board of Directors present. Removal from the Board of Directors for failure to attend shall be by a majority vote of all members of the Board of Directors. Any member of the Board of Directors removed for failure to attend may appeal his removal.

Section T

Upon the written request of one hundred (100) members of the Association in good standing and delivered to the President or the Secretary, the President or Vice President shall call a meeting of the general membership for the purpose of determining a recall of any Director. Such meeting shall be held within ten (10) days of the receipt of the request. No other matters shall be brought before the general membership at such meetings. The President shall preside at such meeting. When the President is the subject of such recall, then another officer or qualified Director shall preside. The largest number of all votes cast of those members present shall determine recall.

Section U

The Election Committee shall prepare a ballot with the name of each person seeking election to the Board of Directors. The names shall be placed adjacent to the numbered position they are seeking. If more than one candidate seeks the same position, they shall be listed in alphabetical order. The word "incumbent" shall appear after the name of all incumbent directors. On the right side of said ballot and opposite each name there shall be placed a square, the size of which shall be proportionately large enough to enable a voter to place the usual cross (X) as a voting

sign opposite the name of the candidate for which he desires to vote. The Election Committee will design the elections to ensure the maximum number of members may participate. The design and implementation plan will be approved by a majority of the Board of Directors.

Section V

At least five (5) days prior to the holding of any election, the President shall appoint an election committee consisting of not less than five (5) members of the Association who shall be charged with the duty of conducting said election and will act as tellers and judges. One of the five members shall be a member of the Board of Directors who shall be chairman of said committee. No candidate for any office shall be eligible to serve on the election committee.

Article V Officers and Duties

President Duties

The President shall be the chief executive officer and shall preside at all meetings of Board of Directors and General Membership meetings. Enforce a strict observance of these bylaws and all other laws, rules and regulation applicable to the governing of the Association and the Board of Directors. Designate committees and appoint membership thereto for which are not otherwise provided. Require officers to be diligent in their duties. Announce the decisions of the Association or the Board of Directors on all subjects. Sign checks, drafts and orders with the Treasurer, for monies and disbursements legally voted, and he shall also sign all other reports, certificates, documents or correspondence that may require his signature. Perform other such duties as the nature of his office or a majority of the Board may require. Shall have authority to appoint a Sergeant-at-Arms to preserve order whenever necessity requires. Call meetings of the Board of Directors and the Association as provided by these by-laws' Ensure committee reports are on time, provide direction to committees. Report committee and board activities at General and Special Meetings. Be ex-officio member of all committees.

Vice President(s) Duties

The Vice-President(s) in absence or the inability of the President to act shall perform duties of the President. Advise and assist the President. Shall provide direction for committees in cooperation with the chairmen. Ensure financial reports are completed on time accordance with the bylaws. Ensure officers and committee are on time. Assist the President in contacting new eligible employees with duties, requirements and obligations to the Association. Perform other duties as designated by the bylaws or Board of Directors

Secretary Duties

The Secretary shall keep accurate and complete minutes of all meetings of the Association and the Board of Directors. Be responsible with help on request for the preparation and dissemination of all ballot measures. Maintain all records of the Association not specifically provided for. Perform other duties as may be required of him by his office or by the Board of Directors. Submit all books, records, papers, documents, etc. in his possession or under his control to an authorized Financial Reviewer whenever requested Co-sign checks, drafts, or orders of the Association with the President or Vice-President, when the Treasurer is absent or unavailable; Notify general membership and the Board of Directors of all regular and special meetings of the Board and the Association.

Unless other provisions are adopted it shall be the responsibility of the Secretary to keep and maintain the Historical records of the Association such as Director names and service dates, photo and visual records of notable occurrences; arrange for record keeping of legal actions or events related to the Association. Changes to BYLAWS or other event records which may be of interest to posterity.

Treasurer Duties

The Treasurer shall keep true and accurate records on behalf of the Association, of any receipt and disbursements. Receive all monies due the Association from any source. Enter receipts showing source and purpose in appropriate ledgers. Draw and sign all orders on the treasury for monies legally voted, and secure the necessary signatures to the same. Each disbursement from the treasury will be accounted for with purpose and amount. Show the cash and other assets of the Association in full. Render such other reports and perform such other duties as may be required of him by his office or the Board of Directors. Render a full and complete report to the Association by direction of the Board of Directors. Submit all books, account, funds or equipment in his possession under his control to any authorized Financial Reviewer or Auditor whenever requested. At the expiration or sooner termination of his tenure of office, deliver to his successor all funds, monies, books, accounts, papers, documents, equipment or other matters belonging to the Association or to his office, and receive a receipt therefore a copy of which shall be filed with the Secretary.

Board of Director Duties

The Board of Directors shall transact the general business of the Association. Establish major administrative policies and implement these policies for the association's growth and development and generally govern the affairs of the Association. The Board will vote on the Presidents appointments to committees including the negotiation team. The board shall approve the Association expenditures in excess of two hundred and fifty (250.00) dollars

Any officer may resign from his office at any time by giving written notice to the Board of Directors to the President or Secretary of the Association and such shall be effective at the date of receipt or any later time specified in said notice. Acceptance of such resignation shall not be necessary.

Article VI COMMITTEES

The President, on assuming office, shall appoint members of the Board of Directors as Chairmen of standing committees including but not limited to the Member Benefits, Charity/Benevolent and Social committees. Appoint chairmen to the Communications and Bylaws committee as well as the establishment of the Association's Political Action Committee (PAC) with specific bylaws and rules governing such in accordance with state and federal laws. Each committee Chairman shall have authority to select as many committee men/women from the members of the Association as he/she deems necessary to effectively carry on the duties of the committee.

Benefits

A Benefits committee shall be established for the purpose of researching, compiling, reporting and recommending to the Board of Directors on all matters dealing with salaries, benefits and investments. Investments to include pension investment options and outside investments for Association consideration.

The Committee shall be responsible for collecting and evaluating all data relative to salaries and fringe benefits necessary for meaningful negotiation with county management during contract talks.

Charities/Benevolence

A Charities/Benevolence Committee shall be established to plan for, supervise, and administer all charitable functions of the Association.

Sub-committees may be established to administer specific events. Sub-committee membership appointments shall be at the discretion of the Charities/Benevolence Committee Chairman.

Social

A Social Committee shall be established to plan all social events for the Association to include but not limited to: annual picnics, holiday parties, retirement parties and any other events so ordered by the Board of Directors.

Communications

A Communications Committee shall be established to plan and design the various forms of communication between all members of the Association regarding social, political and other relevant events or business of interest to the Association Members. This includes but is not limited to Web Site design and update, flyers, Media relations and insuring information is communicated to the various work locations of the members.

BYLAWS

A BYLAWS committee will be established to routinely make suggestions and as directed make ballot initiatives for proposed changes to be voted on by the General Membership at regularly scheduled elections. Proposed changes to the BYLAWS should be with the intention of benefiting the Association and its positive legacy in the community.

Article VII Finances, Funds and Dues

The Board of Directors may authorize the Treasurer to invest the funds of this Association in accordance with the laws of the State of California as follows:

Deposit cash in commercial and savings accounts in banks protected by the Federal Deposit Insurance Corporation. Purchase of bonds, public utility provided such purchases are lawful investments.

Deposit cash in any building and loan association doing business in the State of California provided such deposits shall not exceed those amounts guaranteed under the provisions of any Federal law guaranteeing such deposits. Deposit cash, purchasing shares, certificates of interest, or stock in any investment fund or open end diversified management company defined by the provisions of the Federal Investment Company Act of 1940 and subject to the laws of the State of California.

All withdrawals shall be by check, and shall be signed by two officers of the Association. All expenditures in excess of \$5000.00 shall be subject to the approval of the Association membership by a vote except for the routine ongoing operating expenses which can include but may not be limited to LDF membership fee payments, association insurance payments and bookkeeper/financial review payments. It is the intent of this section to prevent embezzlement or similar acts not encumber the normal flow of payments for reoccurring or non-reoccurring debts genuinely owed by the Association. A majority of all votes cast shall authorize the expenditure. Expenditures in excess of \$500.00 and less than 5000.00 shall be subject to approval by a majority of the Board of Directors. Expenditures of \$500.00 or less by the Officers of the Association may be made when necessary to carry out the business of the Association. An accounting of the spending by Association Officers made when conducting Association business will be maintained by the Treasurer and available for viewing by the membership as per the BYLAWS.

The Association may derive revenues from the interest or profit earned on its investment or profits from affairs sponsored by it and may also be receive gifts, donations, bequests, legacies and/or other monies so long as such monies are intended for the general use and purposes of all members of the Association.

Obligations may be incurred and disbursements made only by the approval of a majority of the Board of Directors, or in accordance with regulations adopted by a majority of the Board of Directors.

Checks and or electronic or automated debit will be issued, in payment of obligations, only by the Treasurer and shall be signed by the Treasurer unless otherwise agreed on. The President or Vice President or Secretary shall also be able to sign checks in the absence of the Treasurer. The President, the Board of Directors, and the Treasurer, shall have legal custody and control of all funds, property and effects of the Association, subject to the general control of the Association.

The Board of Directors shall annually cause the books and accounts of the Treasurer to have a Financial Review by a Certified Public Accountant, selected and employed by the Board of Directors for that purpose, said Review to be under the supervision of two (2) assigned Board members. The Financial Review shall show the condition of said books and accounts. The financial condition of the Association will be made available at the following regular meeting of its members after completion. The printed statement of such condition of books and accounts as rendered by the Financial Reviewer shall be made available by the Treasurer, as stated in Article IV section A of the Treasurer duties.

Dues

Dues shall be paid by all active and associate members of the Association. Retired members shall pay minimum dues as required by the laws of the State of California or in the absence set by the Association board. The dues shall become due and payable on the 1st day of each pay period and each member of the Association shall sign a pledge card guaranteeing the payment of dues upon his acceptance as a member into the Association.

The amount of Membership dues shall be determined by the Board of Directors.

Membership in the associations Legal Defense Fund (LDF) is mandatory for Active Members. Full LDF coverage is mandatory and not included in basic membership dues.

Any active, associate, or retired member, who is more than two (2) months in arrears in his dues, shall be automatically determined delinquent and not entitled to any privileges of the Association. Any delinquent member may reinstate himself to good standing in the Association upon the payment of all arrearages and provided that petition is made to the Board of Directors and that said Board of Directors by resolution allow re-admittance to membership upon payment of the delinquent account.

Article VIII

Association Voting, Contract Voting, Meetings Association Business Voting

Election of Board members will be based on a majority of affirmative votes cast by Active Members. The ratification of BYLAW changes need 2/3 majority in the affirmative of votes cast.

Ratification of basic Dues increase need 2/3 vote in the affirmative of votes cast by Active Members.

Contract Voting

Contract ratification will be decided by ballot at a specially called ratification meeting. To ratify an affirmative vote at least 50% plus one (+1) of the ballots cast by Active Members is required.

Meetings

An American flag shall be present when good and Active Members meet. The American flag shall be present at General Membership meetings and should be present at the majority of meetings. The following is the order of meetings

Call to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of the last membership and/or Executive Board meeting

President's report, First Vice-Presidents report, Secretary's report, Treasurer's report

Communications received

Committee Reports

Old Business

New Business

Special matters as noticed

Good of the Association

Adjournment

Except as otherwise provided, Roberts Rules of Order shall regulate the conduct of the meetings of this Association

Letter dated May 1, 2015 from David Boesch, County Executive Officer, in Response to PCPOA's Petitions



COUNTY OF PLACER

BOARD MEMBERS

JACK DURAN District 1	JIM HOLMES District 3
ROBERT M. WEYGANDT District 2	KIRK UHLER District 4
JENNIFER MONTGOMERY District 5	

OFFICE OF COUNTY EXECUTIVE

David Boesch, County Executive Officer

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603
TELEPHONE: 530/889-4030
FAX: 530/889-4023
www.placer.ca.gov

May 1, 2015

VIA EMAIL AND U.S. MAIL

Trista Hansen, President
Placer Correction and Probation Officers Association
P.O. Box 7844
Auburn, CA 95604

Re: Placer County's Response and Review of Separate Petitions for Severance, received February 6, 2015, from Placer Correction and Probation Officers Association

Dear Ms. Hansen:

On or about February 6, 2015, the County received two separate petitions for severance filed by Placer Correction and Probation Officers Association (PCPOA). In the first petition filed by PCPOA, the Deputy Probation Officers seek to separate out from their existing Professional Unit and join a new proposed unit with Correctional Officers. In the second petition filed by PCPOA, the Correctional Officers seek to separate out from their existing General Unit and join a new proposed unit with Deputy Probation Officers.

On March 26, 2015, the County requested clarification from PCPOA whether the Deputy Probation Officers, as peace officers, are seeking to exercise their rights to a peace officer only unit under Government Code section 3508. On March 27, 2015, PCPOA responded that the Deputy Probation Officers were not exercising that right, but seek to join a new proposed unit with Correctional Officers as a mixed unit.

In light of this clarification, the County has conducted a review of both petitions under the County's Employer Employee Relations Policy (Local Rules). The County provides one response to both petitions in light of the fact that PCPOA is seeking the same outcome in both petitions—that Deputy Probation Officers and Correctional Officers be placed in a new proposed unit together.

A. The Proposed Unit is Not an Appropriate Unit

Section 8 of Article II of the County's Local Rules sets forth the policy and standards for determining the appropriateness of units. The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the County and its compatibility with the primary responsibility of the County and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest.

Trista Hansen, President

Placer Correction and Probation Officers Association

Re: Placer County's Response and Review of Separate Petitions for Severance, received
February 6, 2015, from Placer Correction and Probation Officers Association
May 1, 2015

In reviewing the petitions and relevant materials, the County finds that the Deputy Probation Officers do not share a community of interest with the Correctional Officers, and vice versa. The petitioned-for unit at issue does not possess a separate and distinct community of interest necessary to a finding that it is an appropriate unit.

Further, the petitions fail to show that the employees in the proposed unit share a community of interest that is separate and distinct from the remainder of their respective existing units. Indeed, it is clear that Deputy Probation Officers share a community of interest with the classifications within their existing Professional Unit, and Correctional Officers share a community of interest with the classifications within their existing General Unit.

The Employee Relations Officer has considered the relevant factors as follows. The below is not intended to be exhaustive, but provides key points relied upon in addressing the petitions.

- a. *Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.*

Despite the contentions made in the PCPOA petitions seeking to create a "Public Safety Officer Unit," Deputy Probation Officers and Correctional Officers are not sufficiently similar. Many of the duties, the general kinds of work performed, the types of qualifications required, and their general working conditions are not similar or sufficiently similar. For example:

- Correctional Officers maintain security and ensure inmate welfare in a County jail, oversee jail activities and facilities during an assigned shift, and perform related work as assigned. They work only in an adult institution (County jail).

On the other hand, none of the Deputy Probation Officers are assigned to work in the County jail. Despite the implication by its job title, the Deputy Probation Officer-Institution does not work in the County jail.

- Each Correctional Officer wears a uniform, and Correctional Officers receive uniform allowances. Deputy Probation Officers are not required to wear uniforms; only the Deputy Probation Officers working in the Juvenile Detention Facility are required to wear department-issued shirts; they do not receive a uniform allowance.
- Deputy Probation Officers-Institution work only with juveniles. None of the Correctional Officers work specifically with juveniles. The Correctional Officers work in a different work setting: with adults at the County jail. These classifications deal with a different set of individuals, creating a different level of work and requiring different skill sets and qualifications.

Deputy Probation Officers perform a variety of duties, based upon their specific classification. As already stated, the Deputy Probation Officer-Institution provides for the care and custody of incarcerated juveniles in juvenile detention facilities; and provides counseling on an occasional basis to juvenile wards. The Deputy Probation Officer-Field is assigned to investigate cases of juvenile delinquency or adult applicants for probation; and to supervise and counsel juveniles and adults on probation. Deputy Probation Officers perform arrests, searches and seizures while out in the field and in

Trista Hansen, President

Placer Correction and Probation Officers Association

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May 1, 2015

unfamiliar places; transport suspects to the jail for booking; and, they perform crisis intervention, individual counseling, and case management activities out in the community.

- On the other hand, Correctional Officers do not work in similar conditions nor do they perform similar kinds of work. Notably, Correctional Officers are limited in their interactions with those at the jail.
- The petitions appear to suggest that Deputy Probation Officers and Correctional Officers work closely with one another, specifically stating that "Field probation officers work closely with institution probation officers and correctional officers to maintain County's corrections programs and assist inmates to prepare for the transition to life out of custody." PCPOA's contention that the Deputy Probation Officers and Correctional Officers work closely together is erroneous. Correctional Officers do not have a role in assisting inmates to prepare for the transition to life out of custody. Further, when visiting the County jail, Deputy Probation Officers are treated as "visitors"; Correctional Officers must allow Deputy Probation Officers access in and around the facility, thereby clearly delineating their separate roles and working conditions. Correctional Officers and Deputy Probation Officers do not work together in providing services to inmates.
- Deputy Probation Officers (and Sheriff Deputies) testify in court; Correctional Officers do not testify in court. In addition, Deputy Probation Officers provide recommendations and written reports to the Courts.
- Correctional Officers are part of the General Unit. This is a wall-to-wall general unit, consisting of approximately 140 classifications. These classifications include: Public Safety Dispatchers, Community Service Officers, Evidence Technicians, and Animal Control Officers. They all have a community of interest with the Correctional Officers. For example, these classifications are eligible for shift differential pay. Client Services Assistants and Client Services Counselors which are within the General Unit, also cover 24/7 operations. Similar to Correctional Officers, Road Maintenance Workers, Building Craft Mechanics, Custodians and Cooks utilize and supervise minimum security inmate labor which in most instances requires transporting the inmates to work locations throughout the County. However, only approximately three out of 97 Correctional Officers are assigned to transport inmates outside of the County jail. The inmates must be minimum security inmates.
- The Deputy Probation Officers and Correctional Officers also do not share similar or the same qualifications, as significantly more training and education are required for a Deputy Probation Officer than what is required for a Correctional Officer. The minimum qualifications for a Deputy Probation Officer – Field include the "equivalent to a Bachelor's degree from an accredited four-year college or university with major course work in corrections, criminal justice, or a closely related field." The minimum qualifications for a Correctional Officer include "completion of twelfth grade or G.E.D." No college level coursework is required. While Correctional Officers are required to complete the Corrections Standards Authority Corrections Officer core course and the course work required by California State Penal Code Section 832 within one year of employment, any such training does not rise to the level or equivalency of the four-year

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college or university; again, a minimum qualification for a Deputy Probation Officer - Field.

- Deputy Probation Officers are peace officers and are granted rights and protections in the Public Safety Officers Procedural Bill of Rights Act, Government Code section 3300 et seq. They must meet minimum standards required for peace officers as set forth in Section 1029 and 1031 of the Government Code. On the other hand, Correctional Officers are not peace officers and are not covered under the Public Safety Officers Procedural Bill of Rights Act, Government Code section 3300 et seq. They are not required to meet the same minimum standards as those required by Deputy Probation Officers.
 - In light of the level of training and educational requirements, Deputy Probation Officers clearly have a community of interest with the other professional employees in the Professional Unit. Correctional Officers are not professional employees and would not have a right to be included in the Professional Unit. The minimum qualifications for Correctional Officers are similar in kind to those for the remaining classifications in the General Unit.
 - Correctional Officers are not sworn officers. Correctional Officers are not required or allowed to carry firearms in the scope and course of their job duties. On the other hand, unlike Correctional Officers, Deputy Probation Officers utilize bullet resistant vests and are required to qualify for the use of a firearm and, as a result, must undergo expanded psychological assessments and range clearances.
 - The general working conditions are also different among the two classifications. As already noted, Deputy Probation Officers either work in juvenile facilities or are out in the field in locations in the community such as private residences, places of business, schools, etc. with many unknown factors and fewer immediate resources available while performing duties such as case management, search, seizure, arrest, and transportation; meeting with other individuals; and representing the Probation Department in various pre-adjudicatory hearings. The only setting that Correctional Officers work at is the County jail.
 - While both Correctional Officers and Deputy Probation Officers may be eligible for shift differential pay, so are all employees in the Professional and General Units. Alternative work schedules can be requested and considered for all employees including all other General Unit employees throughout the County.
- b. *History of representation in the County and similar employment; except, however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.*

Both the General Unit and the Professional Unit are represented by the same Exclusively Recognized Employee Organization, the Placer Public Employees Organization (PPEO). There is a long-standing negotiating history with the County that resulted in successive

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negotiated agreements. The history of employee relations between the County and PPEO is stable.

The PPEO MOU provides for the specific needs of both the Deputy Probation Officers and the Correctional Officers. For example, Deputy Probation Officers assigned to work undercover are allowed a 5 percent pay increase. (Article VI, Section 6.11) Correctional Officers are entitled to a uniform allowance of \$1,065 per year. (Article XI, Section 11.16) The PPEO MOU specifically provides for a seniority system and overtime bid procedures for Correctional Officers (Article IV, Sections 4.15-4.16). The PPEO MOU specifically states that the discipline procedures set forth in the MOU shall not be deemed to grant or deny any right or duty granted or denied by the peace officer bill of rights. (Article X, Section 10.02)

There is no evidence that the PPEO has trampled the interests of employees in the proposed unit. Further, there is no evidence or information to suggest that PPEO was incapable of representing the interests of the proposed unit. Also, the fact that the current PPEO president is a Deputy Probation Officer supports that conclusion.

Deputy Probation Officers are both peace officers and professional employees. The Correctional Officer classifications are neither. Deputy Probation Officers have not always been represented by the PPEO, but were once a part of the Deputy Sheriffs Association (DSA), but then sought to be part of the Professional Unit represented by PPEO.

c. *Consistency with the organizational patterns of the County.*

The proposed unit creates less consistency with the organizational patterns of the County. Right now, the Correctional Officers are part of the General Unit, whereas the Deputy Probation Officers are part of the Professional Unit. While both the General Unit and the Professional Unit are represented by the same Exclusively Recognized Employee Organization (the Placer Public Employees Organization (PPEO)), Deputy Probation Officers and Correctional Officers are different classifications which the PCPOA proposes to be taken out of different bargaining units. In other words, Deputy Probation Officers and Correctional Officers are not currently in the same bargaining unit. The Deputy Sheriffs Association represents peace officers, specifically the deputy sheriffs, coroner, welfare fraud/child support investigators, district attorney investigator, and sheriffs' sergeants. No other group within the County is represented by an exclusive representative.

d. *Effect of differing legally mandated impasse resolution procedures.*

The impasse resolution procedures do not appear to be different at this time. Both Correctional Officers and Deputy Probation Officers are subject to the Meyers-Milias Brown Act's (MMBA) impasse resolution procedures.

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

The Deputy Probation Officer classifications and the Correctional Officer classifications both seek to separate from their respective larger units. The Deputy Probation Officer classifications are identified as peace officers under Penal Code section 830.5. They are

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also professionals, as defined by the Local Rules and Government Code section 3507.3 of the MMBA.

On the other hand, the Correctional Officer classifications are neither professional employees nor peace officers under any Penal Code provision. Rather, they are public officers as defined by Penal Code section 831.

As reflected in PCPOA's March 27, 2015, response to the County's request for clarification, Correctional Officers' request to join a separate unit with the Deputy Probation Officers, who are peace officers, would result in a mixed unit of peace and non-peace officers. The Deputy Probation Officer classifications are not seeking to move into a unit consisting solely of peace officers or into a unit consisting solely of professional employees.

The proposed unit has a total of 11 classifications, three of which are the Correctional Officer classifications, and the eight remaining are Deputy Probation Officer classifications. The PCPOA petition states that a total of 200 employees work in both sets of classifications. A total of 101 employees work in the Deputy Probation Officer classifications, and a total of another 97 employees work in the Correctional Officer classifications. The Professional Unit currently consists of 525 employees. The General Unit currently consists of 1,291 employees. The Professional Unit and the General Unit are separate units. It is unlikely that the proposed smaller unit would "strengthen" the Correctional and Deputy Probation Officers' bargaining influence and harmony within the County, because the number of employees in the proposed unit would be significantly smaller than the existing units. Rather, the creation of the proposed unit would result in proliferation of units.

The Deputy Probation Officer classifications, whether as professional employees or peace officers, have a right to be represented separately from the general classifications (the Correctional Officer classifications), if they were to later request to be severed from the proposed PCPOA unit. If they did so, they would constitute a unit of eight classifications and approximately 100 employees. Two separate employee units of approximately 100 employees separate and apart from the currently existing units (Professional and General) with the same interests, would not be efficient for the administration of labor relations, and would lead to the fragmentation of bargaining units and a decrease in collective influence.

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

Neither petition appears to create a division of a single or related classifications among two or more units.

In reviewing these factors, the proposed unit is not appropriate. It does not serve the County's stated policy objectives. The proposed unit will create proliferation of units. The proposed unit will not be the broadest feasible grouping of positions that share an identifiable community of interest. Deputy Probation Officers and Correctional Officers do not share a community of interest.

- B. Petition for Recognition is Moot

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Because the proposed unit is not appropriate, the County considers the petitions for recognition of PCPOA to be moot under Section 3 of the Local Rules.

Should you have any additional authority for the County to consider or wish to meet to discuss the severance petitions, please contact Maryellen Peters, Deputy County Executive Officer, Risk Management Division, County of Placer, 145 Fulweiler Avenue, Suite 100, Auburn, CA 95603; mpeters@placer.ca.gov, to schedule an appointment. Ms. Peters will ensure that I timely receive correspondence on this matter.

Sincerely,

COUNTY OF PLACER



David Boesch
Placer County Executive Officer

Cc: Kathleen Mastagni-Storm (counsel for PCPOA)
Gerald O. Carden, County Counsel
Maryellen Peters, Deputy County Executive Officer

**Letter dated July 29, 2015 from David Boesch, County
Executive Officer, in Response to PCPOA's Petitions**



COUNTY OF PLACER

BOARD MEMBERS

JACK DURAN District 1	JIM HOLMES District 3
ROBERT M. WEYGANDT District 2	KIRK UHLER District 4
JENNIFER MONTGOMERY District 5	

OFFICE OF COUNTY EXECUTIVE

David Boesch, County Executive Officer

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603
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July 29, 2015

Trista Hansen, President
Placer Correction and Probation Officers Association
P.O. Box 7844
Auburn, CA 95604

Via E-mail and U.S. Mail

Re: Placer County's Response following the June 1, 2015 Meeting with Placer Correction and Probation Officers Association

Dear Ms. Hansen:

This serves as the County's response following the meeting between County representatives and Placer Correction and Probation Officers Association (PCPOA) representatives on June 1, 2015.

After careful consideration of the presentation PCPOA made on June 1, 2015, my decision to deny PCPOA's severance and recognition petitions remains unchanged. For reasons previously provided, the proposed unit is not appropriate. PCPOA may appeal this determination in accordance with Section 11 – Appeals of the County's Local Rules.

A. Background

As a recap of the procedural history, on or about February 6, 2015, the County received two separate petitions for severance filed by Placer Correction and Probation Officers Association (PCPOA). In the first petition filed by PCPOA, the Deputy Probation Officers seek to separate out from their existing Professional Unit, and join a new proposed unit with Correctional Officers. In the second petition filed by PCPOA, the Correctional Officers seek to separate out from their existing General Unit, and join a new proposed unit with Deputy Probation Officers.

On March 26, 2015, the County requested clarification from PCPOA whether the Deputy Probation Officers, as peace officers, are seeking to exercise their rights to a peace officer only unit under Government Code section 3508. On March 27, 2015, PCPOA responded that the Deputy Probation Officers were not exercising that right, but seek to join a new proposed unit with Correctional Officers as a mixed unit.

On May 1, 2015, the County issued its initial response and determination that the proposed unit of Deputy Probation Officers and Correctional Officers was not appropriate.

On May 5, 2015, PCPOA requested a meeting pursuant to Section 4 of the County's Local Rules. The parties agreed to meet on June 1, 2015.

On June 1, 2015, the parties met pursuant to Section 4 of the County's Local Rules. On behalf of the County, I served as the Employee Relations Officer. Also present on behalf of the County were Maryellen Peters, then-Deputy County Executive Officer, and Arlin Kachalia, Liebert Cassidy Whitmore, as outside counsel for the County. PCPOA was represented by you, Rebecca Lyke, and Jake Mucher, as well as counsel, Kathleen Storm and Josh Olander, both of the Mastagni law firm.

B. The Proposed Unit is Not an Appropriate Unit

The reasons identified in the County's May 1, 2015 letter for why the proposed unit is not appropriate still stand. What follows is in response to some points PCPOA made at the June 1, 2015 meeting. The below is not meant to be exhaustive of my reasons for my decision.

1. The County recognizes and agrees that the standard for consideration is not the best unit, but what is an appropriate unit consistent with Section 8 of the Local Rules;
2. Deputy Probation Officers (DPO's) are unique in that they are both peace officers and professional employees. Despite PCPOA's contention, Correctional Officers (CO's) are neither. Unlike the DPO's, Correctional Officers do not require the same high level of clearance to carry firearms. Correctional Officers are not allowed to carry firearms within the course and scope of their employment.
3. Because DPO's are professional employees, this gives them a community of interest with the other classifications in the Professional Unit. The County cannot prohibit professional employees from being in an appropriate professional unit. (Gov. Code, § 3507.3).
4. CO's do not require the same level of education as that required for DPO's. CO's may independently choose to educate themselves at a higher level but this is not a job requirement.
5. Peace officers (e.g. deputy sheriffs or DPO's) are entitled to greater procedural protections during interrogations pursuant to the Public Safety Officer Procedural Bill of Rights, Government Code section 3303. CO's are not peace officers. However, the Sheriff's Department conducts its Internal Affairs investigations the same for all employees within the department, whether or not those employees are peace officers.
6. The level of education and nature of training required for DPO's is considerably different in amount and type than what is required for CO's. The same is true for both classifications' general working conditions. The two sets of classifications are not comparable for purposes of the community of interest analysis. The work functions of each classification are not dependent upon the other classification.
7. Following the parties' meeting, Mr. Olander emailed on Friday, June 5, 2015, the County with his research of the number of bargaining units and representatives at other counties, which he identified as either similar in population or by geographical location. The County disputes and questions the relevance of this information. As Ms. Peters stated during the June 1, 2015 meeting, the County understood that unit members were generally satisfied with their respective employee organizations, and therefore there has not been an undue proliferation of units. Also, as Ms. Peters stated, the

Trista Hansen, President
Placer Correction and Probation Officers Association

Via E-mail and U.S. Mail

Re: Placer County's Response following the June 1, 2015 Meeting with Placer Correction and Probation Officers Association

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County's costs would presumably increase since it does not have a dedicated labor relations unit to conduct labor negotiations with an additional bargaining unit.

8. PCPOA does not have an issue with pay and benefits the DPO's and CO's receive pursuant to their current Placer Public Employees Organization ("PPEO") Memorandum of Understanding. This negates any contention that PPEO has been ineffective in its representation of the DPO's and CO's.
9. PCPOA's contention that PPEO does not provide legal representation at the initial stages of an administrative investigation is not a relevant factor to the analysis. PCPOA does not contend that PPEO never provides legal representation. For any conduct within the scope and course of employment, county employees may seek legal representation pursuant to Government Code section 825. As for disciplinary investigations, there is no evidence to suggest that PPEO has not provided effective representation.

Again, the above is not meant to be exhaustive of the reasons for my decision. For purposes of any future proceeding, the County reserves the right to amend and address any additional claims or contentions or provide additional reasons for its decision.

In light of Ms. Peters' retirement from the County in June 2015, instead of forwarding any further communications in this matter to Ms. Peters, please instead forward such communications to Ms. Nicole Lopez, Risk Management Division, County of Placer, 145 Fulweiler Avenue, Suite 100, Auburn, CA 95603; nlopez@placer.ca.gov. Ms. Lopez will be able to ensure that I timely receive correspondence on this matter.

Sincerely,

COUNTY OF PLACER



David Boesch
Placer County Executive Officer

Cc: Kathleen Mastagni-Storm (counsel for PCPOA) (via email)
Arlin Kachalia, LCW (via email)
Gerald O. Carden, Placer County County Counsel

Letter dated July 31, 2015 from PCPOA requesting
an appeal to the Board of Supervisors

DAVID P. MASTAGNI
JOHN R. HOLSTEDT
MICHAEL D. AMICK
CRAIG E. JOHNSON
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
SEAN D. CURRIN
ISAAC S. STEVENS
PAUL T. DOLBERG
ANTHONY S. FRANCESCHI
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July 31, 2015

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SHANE P. BRADLEY
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JOHN A. MELIS
CHARLES H. GLAUBERMAN
GERALD D. LATASA
CAMERON S. HUEY
DUSTIN C. INGRAMHAM
LAURIE E. DANIELS

Sent Via U.S. and Electronic Mail

Clerk of the Board of Supervisors
Attn: Sharlet Pyne
Placer County, County Administrative Center
175 Fulweiler Avenue
Auburn, California 95603
Email: spyne@placer.ca.gov

**Re: Request for Appeal to Board of Supervisors
Our File No. RET/14-0227**

Dear Ms. Pyne:

Pursuant to Employer-Employee Relations Policy ("EERP") Section 11, the Placer Correction and Probation Officers Association ("PCPOA") hereby appeals the denial of PCPOA's severance and recognition petition to the Board of Supervisors. On July 29, 2015 David Boesch denied the petitions on the basis the proposed unit is not appropriate. Mr. Boesch failed to address multiple concerns raised on June 1, 2015 and mis-characterized others, such as the Association's satisfaction with PPEO.

Therefore, PCPOA appeals the County's determination to the Board of Supervisors for final decision. PCPOA also respectfully requests the Board of Supervisors exercise its discretion and refer the dispute to a third party hearing process. Please contact my office with any questions or concerns.

Sincerely,

MASTAGNI HOLSTEDT, APC

KATHLEEN N. MASTAGNI STORM
Attorney at Law

KNMS/cca

cc: David Boesch, Placer County Executive Officer
Nicole Lopez, Risk Management Division
Trista Sherfey (via electronic mail only)
Rebecca Lyke (via electronic mail only)
Joshua Olander, Attorney with Mastagni

Stipulation regarding the Board of Supervisors'
consideration of the PCPOA's Appeal of the ERO's
Determination

BEFORE THE BOARD OF SUPERVISORS FOR PLACER COUNTY

**STIPULATION REGARDING THE BOARD OF SUPERVISORS' CONSIDERATION OF
THE PLACER CORRECTION AND PROBATION OFFICERS ASSOCIATION'S APPEAL
OF THE EMPLOYEE RELATIONS OFFICER'S DETERMINATION.**

Placer Correction and Probation Officers Association ("PCPOA") and the County of Placer ("County") (collectively "the Parties"), by and through their respective attorneys, hereby stipulate as follows:

I. Recitals- Procedural Background

- a. On February 6, 2015, PCPOA submitted to the County two (2) separate petitions for severance, seeking to sever Probation Officers from the Professional Unit and Correctional Officers from the General Unit, and for recognition of a separate unit consisting of Probation and Correctional Officer classifications.
- b. On May 1, 2015, the County Employee Relations Officer ("ERO") issued the County's initial response and determination that the proposed unit of Deputy Probation Officers and Correctional Officers was not an appropriate unit.
- c. Thereafter, PCPOA requested to meet with the ERO. The meeting was held on June 1, 2015.
- d. On July 29, 2015, the ERO informed the PCPOA that his position remained unchanged, and informed the PCPOA of the reasons for his determination, in writing.
- e. On July 31, 2015, PCPOA submitted to the Clerk of the County of Placer Board of Supervisors an appeal of the County ERO's determination.
- f. In its July 31, 2015 appeal notice, PCPOA "requests the Board of Supervisors exercise its discretion and refer the dispute to a third party hearing process." Section 11 of the County's Employer-Employee Relations Policy entitled "Appeals," states, in part: "The Board shall commence to consider the matter within thirty (30) days of filing of the appeal. The Board may, in its discretion, refer the dispute to a third party hearing process."

- II. Whereas the Parties seek to avoid a dispute pertaining to the timing and procedure of the Board of Supervisor's consideration of the PCPOA's appeal pursuant to Section 11 of the Employer-Employee Relations Policy,

THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

- a. The parties agree to waive the 30-day timeline set forth in Section 11 of the County's Employer-Employee Relations Policy ("EERP"), which states that following PCPOA's filing of the appeal:

The Board shall commence to consider the matter within thirty (30) days of the filing of the appeal.

- b. The Parties have agreed to and propose the Board of Supervisors at its September 1, 2015 meeting, determine how the PCPOA appeal will proceed by deciding whether the Board will consider the appeal on a future hearing date, or refer the dispute to a third party hearing process.
- c. If the Board refers the matter to a third party hearing process, the Parties request the Board specify whether the Board is delegating its final decision making authority on the appeal to the hearing officer, or if the hearing officer's decision will be a recommendation to the Board, with the Board issuing the final decision.
 - i. The PCPOA prefers the Board refer the dispute to a third party hearing process, and the Board delegate to the hearing officer the authority to issue a final and binding decision on the appeal.
 - ii. The County's Employee Relations Officer prefers the Board not refer the matter to a third party hearing process.
- d. After the Board determines the manner in which the appeal will be decided, the Parties will confer regarding a mutually convenient date and the procedures for the Board's and/or third party hearing officer's consideration of the merits of PCPOA's appeal.
- e. For purposes of the Board's consideration of the PCPOA's appeal on September 1, 2015, the Parties have agreed to the following:
 - 1. The sole issue before the Board on September 1, 2015, is whether to refer the dispute to a third party hearing process, and if so, whether the hearing officer's decision is final, or if it will be a recommendation to the Board.
 - 2. To assist with the determination of this issue, the Board will be provided copies of this Stipulation, the Severance Petitions, the Employee Relations Officer's May 1, 2015 and July 29, 2015 written response to the PCPOA's petitions, the PCPOA appeal letter of July 31, 2015, and a copy of the County's Employer-Employee Relations Policy.

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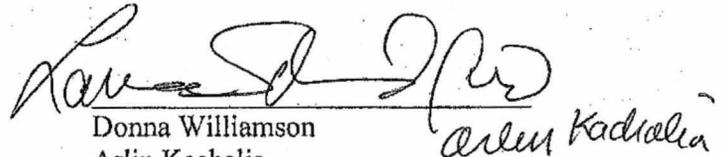
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3. The Board of Supervisors' consideration of the issue on September 1, 2015 will not be a hearing. No oral or written evidence will be submitted to the Board. Either Party may address the Board during the public comment on the Board item.

IT IS SO STIPULATED.

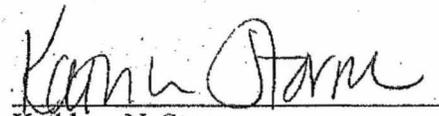
Dated: August 21, 2015

By: LIEBERT CASSIDY WHITMORE


Donna Williamson
Arlin Kachalia
Zachary Shine
Attorneys for County of Placer

Dated: August 11, 2015

By: MASTAGNI HOLSTEDT, APC


Kathleen N. Storm
Joshua A. Olander
Attorneys for Placer Correction and
Probation Officers Association

