**WHEREAS,** the intent of Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 *et seq.*) Meyers-Milias-Brown Act (MMBA), is to promote improved employer-employee relations between public employers and their employees by providing orderly procedures for the administration of employer-employee relations, and

**WHEREAS,** Government Code Section 3507 empowers a public agency to adopt reasonable rules and regulations after consultation in good faith with representatives of its employee organizations for the administration of employer-employee relations, and

**WHEREAS,** the County met in good faith with representatives of each recognized bargaining unit and reviewed the forgoing document, and

**WHEREAS,** the County of Siskiyou desires to adopt such reasonable rules and regulations as authorized by law.

**NOW, THEREFORE BE IT RESOLVED** by Board of Supervisors for the County of Siskiyou hereby approves adoption of this resolution establishing these Employer-Employee Relations as outlined in Exhibit A attached hereto.

**DULY PASSED AND ADOPTED** this 6th day of June 2023 by the Board of Supervisors of the County of Siskiyou by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ed Valenzuela, Board Chair

ATTEST:

LAURA BYNUM, COUNTY CLERK

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy

**Article 1 -- General Provisions**

**1.1 Statement of Purpose:**

This Resolution implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 *et seq.*) Meyers-Milias-Brown Act (MMBA), by providing orderly procedures for the administration of employer-employee relations between the County of Siskiyou (County) and its employee organizations. However, nothing contained herein is deemed to supersede the provisions of state law, ordinances, resolutions that provide for other methods of administering employer-employee relations. This Resolution is intended, instead, to administer 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 Resolution 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 federal or state law. The County will not be required to meet and confer over the merit, necessity or organization of any service or activity provided by law or executive order.

Nothing contained in this Resolution will be construed to restrict any legal or inherent exclusive County rights with respect to matters of general legislative or managerial policy. Unless specifically in conflict with any Memorandum of Understanding, the County retains all management rights, which include, but are not limited to: the sole and exclusive right to determine the County’s mission, including that of its constituent departments, commissions, and boards; the sole and exclusive right to direct the affairs of, manage, and maintain the efficiency of the County, to set standards of service, and to control the organization and operation of the County. The County also has the sole and exclusive right to take any actions which the County deems desirable to conduct its affairs, including, but not limited to, determining the procedures and standards of selection for employment, directing its work force (including scheduling and assigning work and overtime), hiring, firing, discharges, promotions, demotions, transfers, taking disciplinary action, determining the methods, means and personnel by which County operations are to be conducted, relieving employees from duty because of budgetary considerations, lack of work, or other lawful reasons, subcontracting, maintaining discipline and efficiency of employees, determining the content of job classifications, taking all necessary actions to carry out its mission in emergencies, and exercising complete control and discretion over its organization and the technology of performing its work consistent with the provisions of this Resolution and the MMBA. The foregoing is meant to be descriptive of the County’s rights, and not exhaustive.

**1.2 Definitions:**

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

**a.** “Appropriate unit” means a unit of employee classes or positions, established pursuant to Article 2 of this Resolution.

**b.** “Board” means the Board of Supervisors for the County of Siskiyou.

**c.** “County” means the County of Siskiyou, and, where appropriate herein, refers to the Board or any duly authorized County representative as herein defined.

**d.** “Confidential Employee” means an employee who, in the course of their duties, has access to confidential information relating to the County’s administration of employer-employee relations.

**e.** “Consult/Consultation in Good Faith” means to communicate orally or in writing with all affected recognized employee organizations, in good faith, 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 representation reserved to the meet and confer process, does not involve an exchange of proposals and counterproposals in an endeavor to reach a binding agreement, nor is it subject to the impasse resolution procedures set forth in Article 4.

**f.** “Day” means calendar day unless expressly stated otherwise.

**h.** “Employee Relations Officer” means the Deputy County Administrator Personnel & Risk Manager or designee.

**i.** “Exclusively Recognized Employee Organization” means an employee organization that was formally acknowledged by the County as the sole employee organization representing the employees in an appropriate representation unit determined pursuant to Article 2, having the exclusive right to meet and confer in good faith concerning matters within the scope of representation pertaining to unit employees, and thereby assuming the corresponding obligation of fairly representing such employees.

Recognition status may only be challenged by another employee organization as set forth in Section 2.6.

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

**k.** “Management Employee” means an employee having responsibility for formulating, administering, or managing the implementation of County policies and programs.

**l.** “Proof of Employee Support” means (1) an authorization card recently signed and personally dated by an employee, provided that the card has not been subsequently revoked in writing by the employee (2) a verified authorization petition or petitions recently signed and personally dated by an employee, or (3) employee dues deduction authorizations, 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 (1) employee organization for the account of any one (1) employee will not be considered as proof of employee support for any employee organization. The only authorization which will be considered as proof of employee support hereunder is the authorization last signed by an employee. The words “recently signed” mean within ninety (90) days prior to the filing of such proof of support.

**m.** “Supervisory Employee” means any employee having authority, in the interest of the County, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

**n.** Terms not defined herein have the meanings as set forth in the MMBA.

**Article 2 -- Representation Proceedings**

**2.1 Filing of Recognition Petition by Employee Organization:**

An employee organization that seeks to be formally acknowledged as the Exclusively Recognized Employee Organization representing the employees in an appropriate unit will file a petition with the Employee Relations Officer containing the following information and documentation:

**a.** Name and address of the employee organization.

**b.** Names and titles of its officers and mailing addresses.

**c.** Names and telephone numbers of employee organization representatives who are authorized to speak on behalf of the organization in any communication with the County.

**d.** A statement that the employee organization has, as one (1) 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.** Copies of the employee organization’s constitution and bylaws.

**g.** A designation of those persons, not exceeding two (2) in number, and their addresses, and/or email addresses, to whom notice sent by regular United States mail and/or email 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, marital status, sexual orientation, mental or physical disability, medical condition, military or veteran status, gender identity or expression, genetic information, or any other legally protected classification.

**i.** The job classifications claimed to be appropriate and the approximate number of employees.

**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 must be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.

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

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

**2.2 County Response to Recognition Petition:**

Upon receipt of the Petition, the Employee Relations Officer determines whether:

**a.** There has been compliance with the requirements for the filing of a Recognition Petition as set forth in Section 2.1.

**b.** The proposed representation unit is an appropriate unit in accordance with Section 2.7.

If an affirmative determination is made by the Employee Relations Officer on the foregoing two (2) matters, they will so inform the petitioning employee organization, give written notice of such request for recognition to the employees in the unit, and will take no action on the request for thirty (30) days thereafter.

If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer will offer to consult thereon with such petitioning employee organization and, if such determination remains unchanged, will inform that organization of the reasons in writing.

The petitioning employee organization may appeal the determination in accordance with Section 2.10.

**2.3 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 (1) that 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 thirty percent (30%) and otherwise in the same form and manner as set forth in Section 2.1. If the challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer will call for a hearing on such overlapping petitions for the purpose of ascertaining the appropriate unit, at which time the petitioning employee organizations will be heard. Thereafter, the Employee Relations Officer will determine the appropriate unit or units in accordance with the standards in Section 2.7 and will provide written notice of their determination to each petitioning employee organization.

If the petitioning employee organizations do not agree with the decision rendered by the Employee Relations Officer, the petitioning employee organizations will have fifteen (15) days from the date the Employee Relations Officer notified them of their unit determination to amend the petitions to conform to the determination or to appeal such determination pursuant to Section 2.10.

**2.4 Granting Recognition without an Election:**

If the Petition is in order, and the proof of support shows that a majority of the employees in the unit deemed to be appropriate have designated the petitioning employee organization to represent them, and if no other employee organization filed a challenging petition, the petitioning employee organization and the Employee Relations Officer will request the California State Mediation and Conciliation Service, or another agreed-upon neutral third party, review the count, form, accuracy, and propriety of the proof of support. If the neutral third party makes an affirmative determination, the Employee Relations Officer will formally acknowledge the petitioning employee organization as the Exclusive Recognized Employee Organization for the designated unit.

**2.5 Election Procedure:**

Where recognition is not granted pursuant to Section 2.4, then, upon determination of an appropriate unit in accordance with Sections 2.2 and 2.7, the Employee Relations Officer will arrange for a secret ballot election to be conducted by a party agreed to by the Employee Relations Officer and the concerned employee organization(s), in accordance with such party's rules and procedures subject to the provisions of this Resolution. All employee organizations who have duly submitted petitions which have been determined to be in conformance with Article 2 will be included on the ballot. The choice of “no organization” must be included on the ballot thereby allowing employees the choice of representing themselves individually in their employment relations with the County.

Employees entitled to vote in the election are 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 the 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 will be formally acknowledged as the Exclusively Recognized Employee Organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three (3) or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election will be conducted between the two (2) choices receiving the largest number of valid votes cast. The rules governing an initial election also apply to a run-off election.

There will be no more than one (1) valid election under this Resolution pursuant to any petition in a twelve (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 may be conducted by the California State Mediation and Conciliation Service (CSMCS). In the event that CSMCS declines to conduct the election, for any reason, then the election may be conducted by a neutral arbitrator selected from a list of seven (7) names to be provided by CSMCS or, if that body for any reason fails to provide such a list, by the American Arbitration Association (AAA). The incumbent recognized employee organization will first strike one (1) name, the petitioning organization will then strike one (1) name, and alternate so forth. The last name remaining will be the election monitor.

If, once the alternate election monitor is appointed, the parties cannot agree as to the time, place, and manner of the election, the parties will authorize the election monitor to unilaterally determine such issues and carry out the election accordingly.

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

**2.6 Procedure for Decertification of Exclusively Recognized Employee Organization:**

A Decertification Petition alleging that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Officer only during the month of March of any year following the first full year of recognition or during the thirty (30) day period commencing one hundred twenty (120) days prior to the expiration date of a Memorandum of Understanding then having been in effect less than three (3) years, whichever occurs later. A Decertification Petition may be filed by two (2) or more employees or their representative, or an employee organization, and must contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct, and complete:

**a.** The name, address, and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.

**b.** The name of the established appropriate unit and of the incumbent Exclusively Recognized Employee Organization sought to be decertified as a representative of that unit.

**c.** An allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.

**d.** Proof of employee support that at least thirty percent (30%) of the employees in the established appropriate unit no longer desire to be represented by the incumbent Exclusively Recognized Employee Organization. Proof must 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 set forth in this Resolution, file a Petition under this Section in the form of a Recognition Petition that evidences proof of employee support of at least thirty percent (30%), that includes the allegation and information required under this Section, and otherwise conforms to the requirements of Section 2.1.

The Employee Relations Officer will initially determine whether the Petition has been filed in compliance with the applicable provisions of this Resolution. If their determination is in the negative, they will offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, will 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 the determination in accordance with Section 2.10. If the determination of the Employee Relations Officer is in the affirmative, or if their negative determination is reversed on appeal, they will give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees. Upon request, the Employee Relations Officer will provide a copy of the petition with names and all other identifying information redacted.

The Employee Relations Officer will thereupon arrange for a secret ballot election to be held on or about thirty (30) 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. The election is to be conducted in conformance with Section 2.5.

During the "open period" specified in the first paragraph of this Section, the Employee Relations Officer may on their own motion, when they have 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 they will arrange for an election to determine that issue. In such event, any other employee organization within fifteen (15) days of such notice may file a Recognition Petition in accordance with Section 2.1, which the Employee Relations Officer is to act.

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

**2.7 Policy and Standards for Determination of Appropriate Units:**

The Employee Relations Officer will maintain a list of all current bargaining units in the County and will have the management discretion to form and define reasonable bargaining units, based on the procedures specified in this Resolution. The policy objectives in determining the appropriateness of units will 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 a recognized community of interest considerations. These policy objectives require that the appropriate unit be the broadest feasible grouping of positions that share an identifiable community of interest.

In considering whether classifications share an identifiable community of interest, the following factors will be considered:

**a.** Similarity of the work performed, required qualifications, levels of responsibility, and general working conditions.

**b.** History of representation in the County; except that no unit may be deemed appropriate solely on the basis of the extent to which employees in the proposed unit have organized.

**c.** Consistency with the organizational patterns and structure 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 (2) or more bargaining units.

Department Heads, Assistant Department Heads, and Confidential employees responsibilities are determining factors in establishing appropriate units, and therefore these employees may only be included in a unit consisting solely of Department Heads, Assistant Department Heads, or Confidential employees respectively. Department Heads, Assistant Department Heads, and Confidential employees may not represent any employee organization that represents other employees.

Professional employees and peace officers have the right to be represented separately.

The Employee Relations Officer may, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate, or delete classifications or positions from units in accordance with the provisions of this Section.

**2.8 Procedure for Modification of Established Appropriate Units:**

Requests by employee organizations for modifications of established appropriate units may be considered by the Employee Relations Officer only during the period specified in Section 2.6. Such requests will be submitted in the form of a Recognition Petition and, in addition to the requirements set forth in Section 2.1, will contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section 2.7. The Employee Relations Officer will process such petitions as other Recognition Petitions under Article 2.

When new classifications are adopted, existing classifications abolished, or when a classification is no longer compatible with the existing bargaining unit under the factors of Section 2.7, the Employee Relations Officer may, by their own motion, at any time propose that an established unit be modified. The Employee Relations Officer will give written notice of the proposed modification(s) to any affected employee organization and will hold a meeting concerning the proposed modification(s), at which time all affected employee organizations may be heard.

Thereafter the Employee Relations Officer will determine the composition of the appropriate unit or units in accordance with Section 2.7 and will give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided in Section 2.10. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, employee organizations may thereafter file Recognition Petitions seeking to become the Exclusively Recognized Employee Organization for such new appropriate unit or units pursuant to Section 2.1.

**2.9 Procedure for Processing Severance Requests:**

An employee organization may file a request to become the exclusively 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 exclusively recognized employee organization. The timing, form, and processing of the request are specified in Section 2.8.

**2.10 Appeals:**

An employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Section 2.1), Challenging Petition (Section 2.3), Decertification Petition (Section 2.6), Determination of an Appropriate Unit (Section 2.7), Unit Modification Petition (Section 2.8) or Severance Request (Section 2.9) has not been filed in compliance with the applicable provisions of Article 2, may, within ten (10) days of notice of the Employee Relations Officer’s determination, appeal such determination to the County’s Board for final decision.

Appeals to the Board must be filed in writing with the County Clerk, and a copy thereof served on the Employee Relations Officer. The Board will 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 non-binding third-party hearing process.

Any decision by the Board on the use of the procedure, and/or any decision by the Board determining the substance of the dispute will be final and binding.

**2.11 Abandonment of Unit or Good Faith Doubt of Majority Representative**

In the event a bargaining unit appears to have been abandoned by its Exclusively Recognized Employee Organization, or in the event that the Employee Relations Officer has a good faith doubt that the Exclusively Recognized Employee Organization represents a majority of the employees of the unit, the Employee Relations Officer will serve notice to the affected employee organization(s) stating the evidence leading them to the belief of abandonment or doubt of majority representational status. Such affected employee organization will have twenty (20) days to present written evidence and argument to the contrary.

If, after the twenty-day period expires, the Employee Relations Officer still believes the unit has been abandoned or still has a good faith doubt of majority representation, the Employee Relations Officer will thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after notice thereof to determine the wishes of unit employees. The question before the electorate will be, “Do you wish to continue to be represented by (name of association or union) in your formal bargaining relationship with the County?” If the answer by a majority of valid votes cast is in the affirmative, there will be no change in representational status. If the answer by a majority of valid votes cast is in the negative, then the organization’s representational status as the bargaining representative for the unit in question is terminated.

Details of the election is handled in accordance with applicable provisions of Section 2.4.

**Article 3 -- Administration**

**3.1 Submission of Current Information by Recognized Employee Organizations:**

Changes in the information filed with the County by an Exclusively Recognized Employee Organization under items (a) through (h) of its Recognition Petition under Section 2.1 will be submitted in writing to the Employee Relations Officer within fourteen (14) days of such change.

**3.2 Employee Organization Activities -- Use of County Resources:**

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

**3.3 Administrative Rules and Procedures:**

The Deputy County Administrator / Personnel and Risk Management Officer is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Resolution after consultation with affected employee organizations.

**Article 4 -- Impasse Procedures**

**4.1 Initiation of Impasse Procedures:**

If the meet and confer process has reached an impasse as defined in Section 1.2, 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 will then be scheduled promptly by the Employee Relations Officer. The purpose of the meeting is:

**a.** To identify and specify in writing the issue or issues that remain in dispute;

**b**. To review the position of the parties in a final effort to reach an agreement on a Memorandum of Understanding; and

**c.** If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedures provided.

**4.2 Impasse Procedures:**

Impasse procedures are as follows:

**a.** If the parties agree to submit the impasse to mediation, and agree on the selection of a mediator, the impasse will be submitted to mediation. Mediation proceedings will be private. The mediator will make no public recommendation, nor take any public position at any time concerning the issues.

**b.** The parties can utilize any other impasse procedures provided in accordance with the MMBA.

**c.** After any applicable impasse procedures have been exhausted, the County’s Board may hold a public hearing regarding the impasse, and take such action regarding the impasse as it in its discretion deems appropriate in the public interest, including implementation of the County’s last, best and final offer. Any legislative action by the County’s Board on the impasse is final and binding.

**4.3 Costs of Impasse Procedures:**

The cost for the services of a mediator and any other mutually incurred costs of any impasse procedures will be borne equally by the County and Exclusively Recognized Employee Organization. Separately incurred services or costs will be borne solely by the party incurring the cost.

**Article 5 -- Miscellaneous Provisions**

**5.1 Construction:**

This Resolution will be administered and construed as follows:

**a.** Nothing in this Resolution will be construed to deny any person, employee, organization, the County, or any authorized officer, body or other representative of the County, the rights, powers, and authority granted by federal or state law.

**b.** This Resolution will be interpreted so as to carry out its purpose as set forth in Article 1.

**c.** Nothing in this Resolution will 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, sickout or other total or partial stoppage or slowdown of work. In consideration of and as a condition of initial and continued employment by the County, employees recognize that any such actions by them are in violation of their conditions of employment, except as expressly otherwise provided by legally preemptive state or contrary local law. In the event employees engage in such actions, they will 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 all rights accorded them under this Resolution and other County law for a period of up to one (1) year from commencement of the activity.

**d.** Nothing in this Resolution will be construed as a waiver of any rights unless expressly and specifically stated.

**5.2 Severability:**

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