

RULES AND REGULATIONS

LOS ANGELES COUNTY EMPLOYEE RELATIONS COMMISSION

ADOPTED IN PART AND AMENDED IN PART
THROUGH JUNE 23, 2025



IN ACCORDANCE WITH THE LOS ANGELES COUNTY
EMPLOYEE RELATIONS ORDINANCE, SECTION 5.04.170,
LOS ANGELES COUNTY ADMINISTRATIVE CODE

**LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION**

**RULES AND REGULATIONS
ADOPTED IN PART AND AMENDED IN PART JUNE 23, 2025**

CONTENTS

RULE 1. SCOPE AND AUTHORITY

- 1.01 Scope
- 1.02 Authority
- 1.03 Construction of Rules
- 1.04 Purpose
- 1.05 Amendments
- 1.06 Effective Date of Amendments
- 1.07 Severability

RULE 2. DEFINITIONS

- 2.01 General
- 2.02 Special Definitions
- 2.03 The Singular Term
- 2.04 Shall and May

RULE 3. ADMINISTRATION

- 3.01 Duties of Chair
- 3.02 Acting Chair
- 3.03 Executive Director
- 3.04 Acting Executive Director
- 3.05 Docket
- 3.06 Office Location

RULE 4. MEETINGS AND PROCEDURES

- 4.01 Types of Meetings
- 4.02 Regular Meetings
- 4.03 Special Meetings
- 4.04 Executive Sessions
- 4.05 Teleconference Meetings and Hearings
- 4.06 Public Meetings
- 4.07 Public Records
- 4.08 Agenda
- 4.09 Appearances and Practice Before the Commission
- 4.10 Continuances of Matters Before the Commission
- 4.11 Dismissal for Non-Appearance at Commission Meeting or Lack of Timely Communication
- 4.12 Minutes
- 4.13 Rules of Order
- 4.14 Quorum
- 4.15 Seconds to Motions
- 4.16 Reconsideration Based on Administrative or Ministerial Error
- 4.17 Transcripts of Proceedings
- 4.18 Memorandum of Understanding
- 4.19 Other Proceedings

RULE 5. REPRESENTATION, CERTIFICATION, DECERTIFICATION, SEVERANCE AND ELECTIONS

- 5.01 Certified Organizations – In General
- 5.02 Registration Requirements of Employee Organizations
- 5.03 Procedure for Registration of Employee Organizations
- 5.04 Petitions for Unit Determination or Certification: Filing
- 5.05 Contents
- 5.06 Proof of Interest and Intervenors
- 5.07 Petitions for Decertification: Filing
- 5.08 Petitions for Severance: Filing
- 5.09 Contract Bar: Time to File
- 5.10 Notice of Filing
- 5.11 Hearings
- 5.12 Elections: General
- 5.13 Notice of Election
- 5.14 Administration
- 5.15 Observers
- 5.16 Voting Procedure
- 5.17 Challenges
- 5.18 Counting Ballots
- 5.19 Run-Off Elections
- 5.20 Report of Results
- 5.21 Objections
- 5.22 Filing of Stipulations
- 5.23 Contents of Stipulation
- 5.24 Action on Stipulation
- 5.25 Certification Following Card Count
- 5.26 Certification Following Election
- 5.27 Notice of Certification
- 5.28 Motion for Rehearing or Reconsideration of Certification
- 5.29 Certification Life and Amendments to a Certification
- 5.30 Waiver of Time Requirements

RULE 6. UNFAIR EMPLOYEE RELATIONS PRACTICES

- 6.01 Filing
- 6.02 Contents of Charge
- 6.03 Service of Charge
- 6.04 Position Statement
- 6.05 Preliminary Investigation of Charge
- 6.06 Commission Action
- 6.07 Answer to Charge
- 6.08 Deferral to Arbitration
- 6.09 Requests for Intervention
- 6.10 Scheduling of Hearings
- 6.11 Hearings
- 6.12 Location of Hearings
- 6.13 Substitution of Hearing Officers
- 6.14 Amendments and Withdrawal of Charges
- 6.15 Report of Individual Hearing Officer
- 6.16 Decision and Order of the Commission
- 6.17 Motions for Rehearing or Reconsideration
- 6.18 Waiver of Time Requirements

RULE 7. RESOLUTION OF DISPUTES PURSUANT TO SECTION 5.04.230 (GRIEVANCES) AND 5.04.250 (IMPASSES) OF THE ORDINANCE

- 7.01 Scope
- 7.02 Policy

- 7.03 Notice of Impasse
- 7.04 Mediation
- 7.05 Factfinding
- 7.06 Arbitration
- 7.07 Selection
- 7.08 Waiver of Time Requirements

RULE 1

SCOPE AND AUTHORITY

1.01 SCOPE

These Rules and Regulations (herein called "Rules") govern procedures before the Los Angeles County Employee Relations Commission (herein called "Commission" or "Employee Relations Commission" or "ERCOM," a commission formed under the Employee Relations Ordinance No. 9646, adopted September 3, 1968, and as hereafter amended and set out in Section 5.04 of the Los Angeles County Code (herein called "the Ordinance" or "the ERO").

(Amended June 23, 2025)

1.02 AUTHORITY

Pursuant to Section 5.04.170 of the Ordinance, the Commission does hereby prescribe and adopt these Rules which shall have the force and effect of law consistent with ERCOM's power under Section 5.04 of the Ordinance and under the Meyers-Milius-Brown Act.

(Amended June 23, 2025)

1.03 CONSTRUCTION OF RULES

The Rules shall be liberally construed to effectuate the purpose of the Ordinance and to secure the just and speedy determination of every proceeding.

1.04 PURPOSE

The Rules prescribe procedures and basic principles which the Commission will utilize in:

- a. Deciding questions concerning the appropriate unit for the purpose of recognition as the majority representative and related issues submitted for the Commission's consideration.
- b. Supervising elections to determine whether an employee organization is the choice of a majority of the employees in an appropriate unit as their representative and certifying the results.
- c. Deciding complaints of alleged unfair employee relations practices and other alleged violations of the Ordinance or these Rules.
- d. Resolving disputes through the general procedure relating to mediation, factfinding and arbitration pursuant to Sections 5.04.230 and 5.04.250 of the Ordinance.
- e. Effectuating the purposes and policies of the Ordinance.

(Amended June 23, 2025)

1.05 AMENDMENTS

After giving at least thirty (30) days' notice by posting on the Commission's Official website and by emailing all parties on the Commission's Official Mailing List, the Commission may hold public hearings to consider adoption of amendments to these Rules or to adopt new rules.

(Amended and Renumbered June 23, 2025)

1.06 EFFECTIVE DATE OF AMENDMENTS

All rules and amendments shall become effective immediately upon their adoption by the Commission unless some later date is specified.

(Renumbered June 23, 2025)

1.07 SEVERABILITY

If any portion of these Rules is declared by a court of competent jurisdiction to be void, such decision shall not affect the validity of the remaining portions of these Rules.

(Renumbered June 23, 2025)

RULE 2

DEFINITIONS

2.01 GENERAL

Terms and definitions set forth in Section 5.04.030 of the Ordinance are hereby adopted and incorporated herein as if here fully set forth. When used in these Rules, the specific terms defined in said Section 5.04.030 shall have the meanings there set forth.

(Amended June 23, 2025)

2.02 SPECIAL DEFINITIONS

- a. "Chair," which the Ordinance refers to as "Chairman," means a person elected Chair of the Commission pursuant to Section 5.04.140 of the Ordinance and, where applicable, refers to an Acting Chair.
- b. "Certified Employee Organization" or "Certified Employee Representative" means an Employee Organization or its duly authorized representative that has been certified by the Employee Relations Commission as representing the majority of the employees in an appropriate employee bargaining unit.
- c. "Commission's Official Mailing List" means the list of individuals and employee organizations to whom the Executive Director sends official notices of the Commission.
- d. "Commission's Official Website" means the public website formally designated by the Commission and located at <https://ercom.lacounty.gov/>.
- e. "Days" means calendar days exclusive of Saturdays, Sundays and holidays as specified in Section 6.12.040 of the Ordinance 6.12.040, provided, however, that references herein to periods of thirty (30) days or longer shall be defined to mean calendar days without exclusions. In the event the expiration of such time period falls on a Saturday, Sunday or holiday the next workday shall be considered as the date of expiration.
- f. "Electronic Signature" means an electronic sound, symbol, or process attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign an electronic record.
- g. "Employee Organization" means any lawful organization which includes employees of the County and which has as one of its primary purposes representing such employees in its relations with the County; provided that said Employee

Organization has no restrictions based on the characteristics listed in the Los Angeles County Policy of Equity, which include age (40 and over), ancestry, color, ethnicity, religious creed (including religious dress and grooming practices), denial of family and medical care leave, disability (including mental and physical disability), marital status, medical condition (cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race (inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, reproductive health decision making, reproductive loss leave, off-duty cannabis use, any future characteristics that may be added to the Los Angeles County Policy of Equity, and any other characteristics presently or in the future protected by federal, state or local law. Such representation of employees is not in the capacity of a Certified Employee Organization or Certified Employee Representative as defined in this Rule 2.02 (b) unless and until said Employee Organization has been so certified as the majority representative by the Commission under Rule 5.

- h. "Executive Director" means the person appointed by the Commission pursuant to applicable Civil Service Rules to the position of Executive Director and, where applicable, refers to an Acting Executive Director.
- i. "File with" or "Submit to" or "Notify" the Commission, the Executive Director or a Hearing Officer, unless otherwise specifically provided in these Rules, means:
 - 1. to send a document electronically via email to ERCOMfilings@bos.lacounty.gov; or
 - 2. if allowed or requested by the Executive Director, to send via trackable US mail or other trackable delivery service, or to deliver by hand a hard copy (or copies) of a document to the Executive Director or to a staff person designated by the Executive Director or designated by the Commission.
- j. "Public Records" means all rules, regulations, written or electronic statements of policy or interpretations formulated, adopted or used by the Commission, all petitions and complaints, decisions, opinions and orders, written testimony, or electronic minutes of meetings of the Commission and any other material on file in the office of the Commission unless accorded confidential treatment pursuant to law, including the Rules of the Commission.
- k. "Registered Organization" means any Employee Organization described in this Rule 2.02 (g), including both certified and non-certified, that has registered with the Commission pursuant to Rules 5.02 and 5.03.
- l. "To Serve" (unless otherwise provided for in these Rules), means:
 - 1. to send a document electronically via email to interested parties and to submit to the Executive Director proof of such service within three days, or
 - 2. if allowed or requested by the Executive Director, to send via trackable US mail or other trackable delivery service, or to deliver by hand a hard copy (or copies) of a document, and submit proof of service within three days to the Executive Director or to a staff person designated by the Executive Director or designated by the Commission.

(Amended June 23, 2025)

2.03 THE SINGULAR TERM

The singular term as used herein means plural where applicable.

(Renumbered June 23, 2025)

2.04 SHALL AND MAY

As used herein, “shall” is a mandatory verb and “may” is a permissive verb.

RULE 3

ADMINISTRATION

3.01 DUTIES OF CHAIR

The Chair shall preside at all meetings of the Commission, act as spokesperson for the Commission, and perform such duties as shall be delegated to the Chair by the Commission.

(Amended June 23, 2025)

3.02 ACTING CHAIR

In the Chair’s absence, the Chair shall designate one of the Commissioners to serve as Acting Chair who shall have all the duties of Chair. If no such designation has been made, the senior Commissioner shall serve as Acting Chair.

(Amended June 23, 2025)

3.03 EXECUTIVE DIRECTOR

The Executive Director shall be appointed by the Commission from the applicable Civil Service certified eligibility list and shall perform the duties prescribed by these Rules and other duties that the Commission may prescribe.

(Amended June 23, 2025)

3.04 ACTING EXECUTIVE DIRECTOR

- a. Whenever a vacancy occurs for the position of Executive Director, the Commission may appoint an Acting Executive Director to serve until such time as a new Executive Director is appointed.
- b. Whenever it is necessary for the Executive Director to be absent, the Executive Director shall designate a Commission staff person to act in the Executive Director’s absence.

(Amended June 23, 2025)

3.05 DOCKET

The Commission shall maintain a docket of all petitions, complaints and proceedings, assigning each a number.

(Renumbered June 23, 2025)

3.06 OFFICE LOCATION

The office of the Commission is located at Los Angeles County Kenneth Hahn Hall of Administration, 500 West Temple Street, Room 374, Los Angeles California 90012. Written communications to the Commission shall be so addressed, unless otherwise specifically directed.

(Amended and Renumbered, June 23, 2025)

RULE 4

MEETINGS AND PROCEDURES

4.01 TYPES OF MEETINGS

The Commission may convene the following types of meetings:

- a. Regular
- b. Special
- c. Executive Sessions

4.02 REGULAR MEETINGS

The Commission shall meet regularly at least once each month. Regular meetings shall be held on the fourth Monday of the month at 1:00 PM in the Commission Meeting Room 374-A at the Los Angeles County Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles California 90012, or at such other date, time or place as the Commission may designate.

(Amended June 23, 2025)

4.03 SPECIAL MEETINGS

A special meeting may be ordered at any time by the Chair by giving notice to all Commissioners and to all individuals on the Commission's Official Mailing List at least 48 hours before the time of such meeting. A copy of the notice shall also be posted on the Commission's Official Website. The notice shall specify the time and place of the special meeting and the business to be transacted.

(Amended June 23, 2025)

4.04 EXECUTIVE SESSIONS

During a regular or special meeting, the Commission may hold executive sessions for any purpose that falls within the exceptions or exemptions for open meetings under the Brown Act.

(Amended June 23, 2025)

4.05 TELECONFERENCE MEETINGS AND HEARINGS

The Commission, including but not limited to its hearing officers, may hold meetings or hearings via teleconference to the extent allowed by law and, if applicable, by Rule 6.12 of these Rules.

(Added June 23, 2025)

4.06 PUBLIC MEETINGS

All meetings of the Commission shall be open to the public except as provided in Rule 4.04, herein.

(Amended and Renumbered June 23, 2025)

4.07 PUBLIC RECORDS

Copies of public records from the Commission shall be posted on the Commission's Official Website. Photocopies of public records shall be made and given to any person upon request and upon payment of any fees prescribed by law, and certified copies of extracts from public records shall also be given upon request and upon payment of any fees prescribed by law.

(Amended and Renumbered June 23, 2025)

4.08 AGENDA

- a. The Executive Director shall, as directed by the Commission, prepare the agenda for all meetings and post said agenda on the Commission's Official Website at least 72 hours before the time set for the meeting unless otherwise decided by the Commission, provided the notice is in compliance with the Brown Act.
- b. In order to be included on a Commission meeting agenda for a regularly scheduled meeting, an item must be submitted to the Executive Director no later than 5:00 PM of the seventh business day preceding the meeting.
- c. For good cause and in the Executive Director's sole discretion, an item filed after the deadline may be placed on the agenda.

(Amended and Renumbered June 23, 2025)

4.09 APPEARANCES AND PRACTICE BEFORE THE COMMISSION

- a. An Employee Organization may be represented by a person duly designated and authorized by the Employee Organization; and the County may designate a person authorized to appear in its behalf.
- b. In any proceeding under these Rules, any public employee, Employee Organization or the County may be represented by counsel or any other authorized person.
- c. When a person acting in a representative capacity appears in person or signs a paper in practice before the Commission, that person's personal appearance or signature shall constitute a representation to the Commission that under the provisions of these Rules and the law that they are authorized to represent the particular person or organization in whose behalf they act. The Commission may at any time require that any persons transacting business before the Commission in a representative capacity to show their authority to act in such capacity.

(Amended and Renumbered June 23, 2025)

4.10 CONTINUANCES OF MATTERS BEFORE COMMISSION

- a. In general, the Commission will grant one continuance for newly docketed matters that have not been completely briefed. Such a continuance shall not extend beyond 45 days from the date of service of the charge.

- b. Further requests for a continuance will generally not be granted except upon a showing of good cause, such as pending settlement discussions or contemplation of new counsel.

(Added June 23, 2025)

4.11 DISMISSAL FOR NON-APPEARANCE AT COMMISSION MEETING OR LACK OF TIMELY COMMUNICATION

The Commission may send to hearing or dismiss those matters in which a party:

- a. does not appear at a Commission meeting when scheduled to do so; and
- b. has not communicated with the Executive Director prior to the Commission meeting in order to show good cause as to their inability to appear at the meeting.

(Added June 23, 2025)

4.12 MINUTES

The Executive Director shall record, or cause to be recorded, the minutes of all meetings of the Commission. The minutes shall include the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners, except where the act is unanimous. The minutes shall be presented for correction and approval at the next regular meeting. When approved by the Commission, the minutes, or a true copy thereof, certified by the Executive Director, shall constitute the official minutes of the Commission and shall be posted on the Commission's Official Website.

(Amended and Renumbered June 23, 2025)

4.13 RULES OF ORDER

Except as otherwise provided in these Rules, "Robert's Rules of Order" shall guide the Commission in its proceedings.

(Renumbered June 23, 2025)

4.14 QUORUM

Two members of the Commission shall constitute a quorum and the concurrence of two members shall be necessary for action, except that:

- a. At meetings held for the exclusive purpose of conducting mediation, factfinding or arbitration in connection with the resolution of disputes as provided in Sections 5.04.230 and 5.04.250 of the Ordinance, one member shall constitute a quorum.
- b. When a Commissioner is designated as a hearing officer to conduct proceedings in an unfair employee relations practice charge (consistent with Rule 6.06), one member shall constitute a quorum.

(Amended and Renumbered June 23, 2025)

4.15 SECONDS TO MOTIONS

Motions need not be seconded.

(Renumbered June 23, 2025)

4.16 RECONSIDERATION BASED ON ADMINISTRATIVE OR MINISTERIAL ERROR

The Commission, on its own motion or in response to a motion from any of the parties, may review and reconsider any of its prior decisions, orders or other actions upon a showing of administrative or ministerial error on the part of the Commission provided the Executive Director is notified of a request for review or reconsideration within 90 days of said decision, order or other action.

(Amended and Renumbered June 23, 2025)

4.17 TRANSCRIPTS OF PROCEEDINGS

The Executive Director shall make an audio and/or video recording of all public Commission meetings. Any individual or entity may request an audio and/or video recording from the Executive Director at no cost. Any individual or entity may request an official transcript provided they notify the Executive Director at least ten (10) days prior to the Commission meeting. The requesting party is responsible for fees related to the transcript. An official reporter shall make the only official transcript of proceedings before the Commission.

(Amended and Renumbered June 23, 2025)

4.18 MEMORANDUM OF UNDERSTANDING

Within sixty (60) days of the signing of a Memorandum of Understanding (MOU), the County shall file a copy of such Memorandum of Understanding with the Commission. A copy of any amendment thereto shall also be filed with the Commission within thirty (30) days after such amendment has been adopted by the parties.

(Renumbered June 23, 2025)

4.19 OTHER PROCEEDINGS

A party to a proceeding before the Commission must notify the Commission of any proceeding brought before any court, commission, arbitrator or other public body relating to the subject matter of its case, including the date such action was filed. If such action is initiated at any stage in the Employee Relations Commission proceedings subsequent to, prior to, or concurrently with the filing of a petition or charge, the party must so notify the Commission within 30 days from the filing date. The notifying party shall be responsible for obtaining email or written proof from the Executive Director of such notifications.

(Amended and Renumbered June 23, 2025)

RULE 5

REPRESENTATION, CERTIFICATION, DECERTIFICATION, SEVERANCE AND ELECTIONS

5.01 CERTIFIED ORGANIZATIONS – IN GENERAL

Only registered Employee Organizations that have been certified as majority representatives of appropriate employee representation units as per Rule 5 (and thus referred to as Certified Organizations) shall be entitled to negotiate on wages, hours, and other terms and conditions of employment for such units. This shall not preclude other Employee Organizations or individual employees from consulting with management representatives on employee relations matters of

concern to them, however such discussions shall not include entitlement to negotiation on wages, hours, and terms and conditions of employment, which is reserved only for the exclusive representation of a bargaining unit as certified and described in Section 5.04.210 of the Ordinance and as defined in Rule 2.02(b) of these Rules.

(Added June 23, 2025)

5.02 REGISTRATION REQUIREMENTS OF EMPLOYEE ORGANIZATIONS

- a. All Employee Organizations, including both certified and non-certified, shall be registered and shall submit to the Commission the information and material shown below. The Commission shall provide a copy of this information to the Director of Personnel.
 1. Official name, mailing address (for legal notice), email address, and telephone number.
 2. Names and titles of officers.
 3. Name of local representatives and persons who are authorized to speak on behalf of its members.
 4. Optional designation of a person you desire to receive a copy of notices to your organization.
 5. A statement that the organization includes employees of the County and has as one of its primary purposes representing such employees in their employment relations with the County and that said organization has no restriction on membership based on the characteristics listed in the Los Angeles County Policy of Equity, which include age (40 and over), ancestry, color, ethnicity, religious creed (including religious dress and grooming practices), denial of family and medical care leave, disability (including mental and physical disability), marital status, medical condition (cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race (inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, reproductive health decision making, reproductive loss leave, off-duty cannabis use, any future characteristics that may be added to the Los Angeles County Policy of Equity, and any other characteristics presently or in the future protected by federal, state or local law.
 6. A statement whether the organization is a chapter or local of, or affiliated with, a regional, state, national or international organization, and if so, the name and address of each such organization.
 7. A copy of its constitution and bylaws.
- b. No registration of any Employee Organization shall be effective until such time as the provisions of this Rule 5.02 and Rule 5.03 have been complied with.
- c. When any of the above information is changed for a non-certified Employee Organization, the non-certified Employee Organization shall notify the Commission within thirty (30) days of the effective date of such change.
- d. Registration of non-certified Employee Organizations shall be subject to annual review by the Executive Director in accordance with Sections 5.02 and 5.03 of this Rule.

(Added May 19, 1995; Amended and Renumbered June 23, 2025)

5.03 PROCEDURE FOR REGISTRATION OF EMPLOYEE ORGANIZATIONS

- a. Upon the filing of an Employee Organization registration, the Commission shall cause a true copy thereof to be posted on the Commission's Official website and/or docket, and true copies to be given to the Director of Personnel and other affected management representatives and each of the Employee Organizations that appear to be interested in the group of employees for which the registration is being filed. An accompanying notice shall state the date of filing of each registration.
- b. Consideration of whether such registration meets the formal requirements of the Ordinance and these Rules will be set as a matter of business on the Commission's agenda at a regularly scheduled meeting promptly following receipt of the Employee Organization registration, subject to Rule 4.08.
- c. The Commission in its sole discretion may grant the registration, deny the registration, or refer the matter to a public hearing under these Rules.

(Added June 16, 1994; Amended and Renumbered June 23, 2025)

5.04 PETITIONS FOR UNIT DETERMINATION OR CERTIFICATION: FILING

- a. A petition for certification of an Employee Organization as the majority representative of an appropriate employee representation unit, or for the determination of an appropriate Certified Employee Organization, hereinafter called a petition for certification, may be filed with the Commission by an Employee Organization.
- b. Such a petition may also be filed by the Director of Personnel in the event that two or more Employee Organizations formally claim to represent a majority of the employees in the same or overlapping employee representation units.
- c. All petitions shall be submitted on a form provided by the Commission, shall be signed by a duly authorized representative and shall contain a declaration by the person signing under penalty of perjury that its contents are true and correct to the best of their knowledge and belief. The petition shall be filed with the Commission, however the Executive Director may require parties to file hard copies with the Commission.
- d. A petition for certification may be withdrawn only with the consent of the Commission.
- e. Upon the filing of a petition for certification, the County may file a responding statement supporting or opposing the proposed employee representation unit. Such response shall be filed with the Commission within 20 days following the date of service of the petition for certification.

(Amended and Renumbered June 23, 2025)

5.05 CONTENTS

A petition for certification shall contain:

- a. The name, address, email address and telephone number of the petitioner and of one designated representative authorized to receive notices or requests for information.
- b. The name, address, email address and telephone number of the County Department, Board, Commission or other body in which or by whom the affected

employees are employed and the name, address, email address, and telephone number of a management representative thereof.

- c. A description of the employee representation unit claimed to be appropriate, the estimated number of employees in said unit, the classifications of employees therein, and the estimated number of employees in each classification. Where the claimed unit includes both professional employees and nonprofessional employees, a separate petition shall be filed for the professional employees. If all positions in any classification are not proposed to be included in the unit, lists or descriptions of the positions to be included and excluded shall be set forth.
- d. The names, addresses, email addresses and telephone numbers of Employee Organizations other than petitioner who, to petitioner's best knowledge and belief, claim to represent any of the employees in the allegedly appropriate unit and a brief description, if known, of the written agreements, if any, covering any employee in such unit.
- e. Any other relevant facts.

(Amended and Renumbered June 23, 2025)

5.06 PROOF OF INTEREST AND INTERVENORS

- a. Proof of an employee's support for representation petitions, including petitions for certification, requests for recognition, severance requests or petitions, and those unit modification petitions for which proof of support is required, shall clearly demonstrate that the employee desires to be represented by the petitioning employee organization for the purpose of meeting and negotiating or meeting and conferring on wages, hours and other terms and conditions of employment.
- b. At the time of filing a petition, a petitioning employee organization shall submit to the Commission evidence that at least thirty percent (30%) of the employees in the claimed unit desire petitioner to represent them in their employment relations with the County. If such evidence is not timely submitted, the Commission may dismiss the petition. Such evidence may include copies of currently effective membership cards, a list of employees authorizing payroll deductions for membership dues, authorization cards, or an authorization statement containing the printed name of each authorizing employee and that employee's signature executed within ninety (90) days preceding the filing date of the petition by the employee organization.
- c. An Employee Organization which submits to the Commission like evidence that at least ten percent (10%) of the employees in the unit claimed to be appropriate desire such organization to represent them for the purpose of such employment relations may intervene in the proceedings, attend and participate in all conferences and any hearing that may be held, and, if approved by the Commission, appear on the ballot of such election as may be ordered by the Commission in the proceedings. Such evidence shall be submitted within ten (10) days after the posting of the Commission's notice of the filing of the original petition. If such evidence is not timely submitted, the Commission may deny the intervention, however, the Commission may, in its discretion, receive argument from an Employee Organization on the appropriateness of a claimed unit even though that organization has not qualified as an intervenor.
- d. The petitioning employee organization and any intervening Employee Organization which has complied with the requirements in (a), (b) and (c) above, as well as the Director of Personnel, may file a Statement of Appearance with the Commission no later than the seventh business day prior to the date set for hearing the petition.

The Commission will furnish copies of appearance statements to all parties of interest prior to the hearing in the matter.

(Amended and Renumbered June 23, 2025)

5.07 PETITIONS FOR DECERTIFICATION: FILING

- a. Proof of employee support for a decertification petition shall clearly demonstrate that the employee no longer desires to be represented by the exclusive representative.
- b. A petition for decertification alleging that a Certified Employee Organization is no longer the majority representative of the employees in an appropriate employee representation unit may be filed by an Employee Organization, a single employee, or a group of employees or their representative. The petition for decertification shall be in writing and signed, and shall contain a declaration by the person signing it under penalty of perjury that its contents are true and correct to the best of that person's knowledge and belief. The petition shall be filed with the Commission, however the Executive Director may require parties to file hard copies with the Commission.
- c. The Petition for Decertification shall contain:
 1. The name, address, email address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for information.
 2. The name, address, email address and telephone number of the certified employee organization.
 3. The name, address, email address and telephone number of the County Department, Board, Commission, or other body involved.
 4. A description of the employee representation unit involved and the approximate number of employees therein.
 5. The name, address, email address and telephone number of any Employee Organization, other than the Certified Employee Organization, who to petitioner's best knowledge and belief claims to represent any employees in the employee representation unit.
 6. The expiration date of any written agreement covering employees in the unit.
 7. An allegation that the Certified Employee Organization no longer is the majority representative of the employees in such unit.
 8. Any other relevant facts.
- d. At the time of filing a petition for decertification, the petitioner shall submit to the Commission evidence that at least thirty percent (30%) of the employees in the unit do not desire to be represented in their employment relations by the Certified Employee Organization. Such evidence shall contain the printed name of the authorizing employee and that employee's signature executed within ninety (90) days preceding the filing date of the petition. If such evidence is not timely submitted, the Commission may dismiss the petition.

(Amended and Renumbered June 23, 2025)

5.08 PETITIONS FOR SEVERANCE: FILING

- a. A petition for severance requesting the removal of a specific class or classes from an established representation unit may be filed by a single employee or a group of

- employees. Said employee(s) must be an incumbent(s) in the class or classes for which severance is requested.
- b. The petition for severance shall be signed and shall contain a declaration by the person signing it under penalty of perjury that its contents are true and correct to the best of that person's knowledge and belief. The petition shall be filed with the Commission; however the Executive Director may require parties to file hard copies with the Commission.
 - c. The petition for severance shall contain:
 - 1. The name, address, email address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for information.
 - 2. The name, address, email address and telephone number of the Certified Employee Organization.
 - 3. The name, address, email address and telephone number of the County Department, Board, Commission, or other body involved.
 - 4. A list of the class or classes for which severance is requested and the approximate number of employees therein.
 - 5. A brief statement setting forth the basis for the severance request.
 - 6. The expiration date of any written agreement covering employees in the unit.
 - d. At the time of filing a petition for severance, the petitioner shall submit to the Commission evidence that at least fifty percent (50%) of the employees in the class or classes for which severance is requested support such request. Such statement shall contain the printed name of employee and the employee's signature executed within 90 days preceding the filing date of the petition. If such evidence is not timely submitted, the Commission may dismiss the petition.
 - e. The Certified Employee Organization and/or the County Chief Executive Officer may file a responding statement supporting or opposing the severance petition. Such response shall be filed with the Commission within twenty (20) days following the date of service of the petition for severance.

(Amended and Renumbered June 23, 2025)

5.09 CONTRACT BAR: TIME TO FILE

- a. Except as provided by section (b) of this rule, a valid written agreement between the County and a Certified Employee Organization governing the wages, hours and/or terms and conditions of employment of employees in an appropriate employee representation unit shall bar the filing of a petition for severance, a petition for certification or a petition for decertification of a majority representative for such unit during the term of such written agreement, not exceeding two years, unless the life of the certification of such organization is altered by the Commission pursuant to Rule 5.29.
- b. A petition for severance, petition for certification or a petition for decertification may be filed only during a period beginning not earlier than 150 days and ending not later than 90 days before the expiration date of any such written agreement. If the agreement is for an indefinite term or for a term longer than two years, a petition for severance, a petition for certification or a petition for decertification may be filed within the period of 150 days and no later than 90 days before the second anniversary date of the agreement or any subsequent annual anniversary date.

(Amended and Renumbered June 23, 2025)

5.10 NOTICE OF FILING

- a. Upon the filing of a petition for severance, a petition for certification or a petition for decertification, the Commission shall cause a true copy thereof to be posted on the Commission's Official Website and/or docket, and true copies to be given to the Director of Personnel and other affected management representatives and each of the employee organizations that appear to be interested in the unit for which the petition is filed. An accompanying notice shall state the date of filing of each petition.
- b. Consideration of whether a petition meets the formal requirements of the Ordinance and of these Rules, and whether a question concerning representation (QCR) exists shall be set on the Commission's agenda at the regularly scheduled Commission meeting following the last date set for receipt of such proof of interest, subject to Rule 4.08. The determination of whether such proof is satisfactory shall be handled administratively by the Commission and shall not be subject to question thereafter.
- c. If the Commission determines that a petition is sufficient as to form and that the proof of interest of the petitioner is also sufficient, the Commission may set the matter for public hearing. The Commission, however, reserves the right to make such other disposition of a petition for severance as it deems appropriate following a review of any statements submitted pursuant to Rule 5.08 (e). If the Commission orders a public hearing, the Commission will provide at least ten (10) days' notice to the Director of Personnel, affected management representatives, and each of the interested employee organizations of the time and place of such hearing, the interested parties who may appear, and the matters to be determined.
- d. During the period of ten (10) days preceding such hearing, the County department head of each department with employees in the classes contained in the petition shall post in conspicuous places in the department copies of notices provided by the Commission noting the petition and the hearing ordered by the Commission.

(Amended and Renumbered June 23, 2025)

5.11 HEARINGS

- a. The Commission shall determine whether a hearing shall be conducted by the full Commission or by a hearing officer. For purposes of this Rule, the term "hearing officer" shall mean a single Commission member, an individual from the Commission's current panel of neutrals, or the Commission's Executive Director. Prior to such determination, the Commission may consider the timely request of any interested party on the question of whether the hearing should be conducted by the full Commission or by a hearing officer. If the Commission determines that a hearing shall be conducted by a hearing officer, it shall also designate the hearing officer who shall conduct the hearing.
- b. The Commission may conduct a prehearing conference with the interested parties prior to a hearing for purposes of clarifying issues, obtaining stipulations, or taking any other action to expedite the hearing. In the event the Commission has assigned the conduct of the hearing to a hearing officer, the hearing officer shall also conduct the prehearing conference.
- c. Hearings shall be limited to matters noticed for hearing which relate to representation, including determination of an appropriate employee representation unit, the certification or decertification of a majority representative, the propriety of deleting or adding certain employee classes to an existing unit, the holding of an

election or other means of ascertaining representation. Interested parties to any such hearing include those parties specified by the Commission in its Notice of Hearing; provided, however, that the Director of Personnel shall have the right to be a party to any hearing involving questions of unit determination or certification. In appropriate cases, the Commission may consolidate for hearing two or more representation proceedings, or one or more representation proceedings and unfair employee relations practice proceedings, or proceedings involving alleged violations of the Ordinance.

- d. In the event a hearing is conducted by a hearing officer rather than the Commission, the hearing officer shall prepare a written report upon the conclusion of the hearing setting forth findings and recommendations relative to the matters under consideration during the hearing. Copies of said findings and recommendations shall be submitted to the Executive Director, and the Executive Director shall then promptly furnish the findings and recommendations to all participating parties. Within ten (10) days of receiving such findings and recommendations, any of the participating parties may file with the Commission a challenge to any or all of either the findings or recommendations. Copies of challenges must be served upon all other participating parties within three (3) days of being filed with the Commission. The consideration of such challenge shall be set as an item for business on the regular agenda of the Commission, subject to Rule 4.08. The Commission may, in its discretion, receive argument from the participating parties concerning said challenges. In this event, the Commission will decide whether argument shall be oral or written, or both. In the event no challenge is made by the participating parties, the Commission shall proceed to direct a secret ballot election, dismiss the petition or take other appropriate action. In the event of a challenge, the Commission shall consider it and the responses, if any, and proceed to determine all matters in dispute including, but not limited to, the scope of the appropriate employee representation unit or units, whether to direct a secret ballot election, dismiss the petition or take other appropriate action.
- e. If the Commission orders an election to be held, it shall determine which parties shall appear on the ballot, the form of the ballot, the employees eligible to vote, the rules governing the election, and the date, time, and place of the election. Elections shall be held within thirty (30) days of such order; provided, however, that the time for an election may be extended by the Commission for good cause. The date, time, and place of elections should be set, insofar as reasonably possible, to allow the maximum number of employees to vote.
- f. The Commission promptly shall issue a notice of its decision to all interested parties, including the Director of Personnel.

(Amended and Renumbered June 23, 2025)

5.12 ELECTIONS: GENERAL

- a. All elections ordered by the Commission shall be by secret ballot and shall be conducted under supervision of the Commission.
- b. Eligible voters shall be those employees in the unit who were employed during the payroll period immediately preceding the date the order for an election was issued by the Commission (unless the parties mutually agree to another date, and such date is confirmed by the Commission), including those who did not work during such period because of illness, vacation or authorized leave of absence and who are employed by the County in the same unit on the date of the election.

- c. The Los Angeles County Auditor-Controller shall provide to the Commission employee lists equal in number to the number of employee organizations on the ballot plus two. The list shall contain the names in alphabetical order of all the employees in the unit who are eligible to vote; employee numbers; job titles; and departments. The Commission shall distribute a copy of the list to each employee organization on the ballot at least fifteen (15) days before the election. When necessary, the Executive Director will endeavor to seek the parties agreement on the contents of the eligibility list. This list shall then become the official eligibility list. Where no agreement is reached on one or more of the employees listed, such employee will be advised of the right to cast a challenged ballot.
- d. Every ballot in an initial election shall contain a choice of "No Representation" in addition to the names of the employee organizations which the Commission has directed to be placed on the ballot.
- e. The Commission may conduct an election in whole or in part by mail ballot if, in the Commission's sole discretion, the mail ballot procedure is deemed more appropriate. If an election by mail ballot is ordered, the Commission will at that time establish rules and procedures to guard against fraud, mistake, ineligible voting, and the like.
- f. No election shall be conducted in any employee representation unit or any subdivisions thereof within which in the preceding twelve (12) month period an election had been held; except upon consent of the parties and upon order of the Commission after a showing of good cause.

(Amended and Renumbered June 23, 2025)

5.13 NOTICE OF ELECTION

Prior to the election, the Commission will cause to be prepared a notice of election specifying the date and place thereof, the hours the polls will be open, the classifications of employees in the appropriate unit in which the election is to be conducted, the rules concerning eligibility to vote, a sample ballot, and such additional information and instructions as the Commission may determine. Copies of the notice and sample ballot will be sent to the employee organizations appearing on the ballot and to the Director of Personnel, who shall cause them to be posted on the employee websites, bulletin boards in work areas of the affected employees, and other appropriate places as directed by the Commission for at least ten (10) calendar days before the date of the election. This posting requirement may be modified by mutual agreement of the parties upon approval of the Commission, or it may be modified by the Commission.

(Amended and Renumbered June 23, 2025)

5.14 ADMINISTRATION

- a. All elections shall be conducted under the Commission's Rules and under the supervision of the Commission. The Commission will utilize to the greatest extent it deems feasible the services of the California Public Employment Relations Board (PERB) or other existing agencies of state or local government to administer elections as the Commission's election agents.
- b. The Commission or its election agent shall appoint one election officer to conduct voting at each voting place. The Commission may also appoint one or more aides to assist election officers in their duties.
- c. The duties of election officers and their aides shall include:

1. Officially opening and closing the voting place.
 2. Identifying and determining eligibility of each voter.
 3. Challenging or receiving challenges of eligibility from observers.
 4. Tallying the ballots.
 5. Maintaining the efficient and orderly operation of the voting place.
- d. Election officers and their aides shall wear identification badges at all times during their presence at the voting place.

(Amended and Renumbered June 23, 2025)

5.15 OBSERVERS

Employee organizations who are parties to an election may each designate an observer or, with the approval of the Commission, a larger number at each voting place to observe that ballots are properly cast and votes properly counted. County management may have observers at each voting place who do not exceed in number the total number of employee organization observers authorized for such voting place. Names of observers shall be presented to the election officer at least three (3) days before the election. Observers shall be subject to such reasonable limitations as the election officer may prescribe. They shall wear identification badges and shall refrain from electioneering or attempting in any way to influence any voter at or near the voting place.

(Renumbered June 23, 2025)

5.16 VOTING PROCEDURE

- a. There shall be no electioneering within 100 feet of the polling place.
- b. Prior to receiving a ballot from the election officer or aide:
 1. Each voter shall be asked to clearly identify themselves.
 2. The name of the voter shall be located upon the roster of eligible employees.
 3. Observers shall be given an opportunity to verify the identification of the voter.
 4. The voter shall sign opposite their name on the roster.
- c. Each voter shall then take the ballot to a vacant polling booth and mark the ballot appropriately. The voter shall not sign the ballot. Under scrutiny of the election officer or the aide, the voter shall deposit the ballot in the ballot box. The ballot shall be locked or sealed at all times during the election and shall not be opened until the close of the election.
- d. An eligible voter who is on authorized leave of absence, vacation, or whose official duties for the County prevent them from being present at their prescribed voting place shall be entitled to submit their ballot by United States mail. A ballot, along with an addressed envelope, will be mailed upon the voter's prior written request to each such eligible voter at least ten (10) calendar days in advance of the election. When returning their marked ballot, each voter shall sign their name and indicate their employee number in the spaces provided on the detachable stub of the return envelope. All mail ballots must be returned by 5:00 p.m. of the last day of the election and will be counted as promptly thereafter as possible, but not later than five (5) days thereafter. If duly postmarked ballots are received subsequent to the last day of the election and within the five-day period allowed for the count, and should those ballots affect the results of the election they will be counted; otherwise, not.

- e. If a voter inadvertently spoils a ballot they may return it to the election officer or their designated aide who shall deliver another ballot to the voter. The election officer or the election officer's designated aide shall preserve the spoiled ballot for the time of counting ballots.

(Renumbered June 23, 2025)

5.17 CHALLENGES

- a. An authorized observer, the Commission or the Commission's election officer, prior to the time the voter casts a ballot, may challenge for good cause the eligibility of any person to vote in the election. Challenges made after the ballot has been placed in the ballot box will not be considered. A person challenged as an ineligible voter shall be permitted to vote in secret.
- b. At the time the election officer gives the challenged voter a ballot, they shall also hand the voter an envelope on the stub of which is written the word "challenged," the voters name, and employee number, the challenger's name, and the reason for the challenge. The voter shall then take this envelope and ballot to the voting area. After marking the ballot, the voter shall place the ballot in the envelope and seal the envelope before leaving the voting area. Such sealed envelope shall then be delivered to the election officer or their designated aide who shall place the sealed envelope in the ballot box.
- c. When the ballots are counted, the challenged ballots shall be separated and shall not be counted. In situations where the number of challenged ballots is not sufficient to affect the outcome of the election, the challenges will not be considered. If the number of challenged ballots is sufficient to affect the outcome of the election, the Commission's election representative shall review the information furnished by the election officer or their aide, along with any other pertinent information, and make a report to the Commission. The Commission shall overrule or sustain the challenges.
- d. If a challenge is sustained, the ballot so challenged will not be opened. If a challenge is overruled, the Commission shall direct that the challenged ballot be opened and counted with the unchallenged ballots and that a revised tally of ballots be prepared.
- e. Prior to the counting of ballots, any challenger may withdraw their challenge. If a challenge is so withdrawn, the ballot shall be removed from the challenge envelope and mixed with the other unchallenged ballots in the ballot box.

(Renumbered June 23, 2025)

5.18 COUNTING BALLOTS

- a. Only election officers or their aides shall handle ballots. All ballots counted and uncounted shall be kept in view of the observers at all times and until the tally of ballots is finally signed.
- b. The election officer shall open the ballot box, remove and spread open the ballots stacking them in one pile regardless of marking. If more than one election officer or aide is participating in the count, each official may open ballots. Each official, however, shall stack their ballots in one pile regardless of marking. The election officer shall then take each stack of opened ballots and combine them into one pile. The election officer shall then sort the ballots into piles according to the preferences shown on the ballot, and shall then count and tally the ballots cast for each choice in lots of 50, laying the ballots face up so that observers may inspect

the marks. As the count of each 50 is finished, the observers shall be asked if they wish a recount. Each lot of 50 shall be bound with a rubber band or gummed paper with the contents indicated on the back of the package. Separate piles for each marking shall be maintained. The count shall continue in this manner until the ballots are exhausted.

- c. The validity of a ballot may be challenged on the grounds that it is torn, defaced, marked in an ambiguous fashion, or is otherwise defective. The Commission's election representative will determine whether the objective intent of the voter in marking the ballot can be reasonably determined and, if so, determine it. If such intent cannot be reasonably determined or if the ballot directly or indirectly identifies the voter, the ballot shall be declared void and it shall be preserved.
- d. When the count is completed, the election officer shall total the record sheet. The bundles of ballots shall then be checked with the totals. If there is agreement, the election officer shall enter the final count on the tally of ballots, sign it, and have it signed by the observers. Upon completion of the vote count, all voted, void and unused ballots shall be sealed in separate envelopes on the outside of each of which is noted the contents of that envelope. In two other envelopes, an election official shall seal all tally sheets and the roster of voters. These envelopes and the official tally of ballots shall be delivered without delay by the election officer to the Commission.
- e. The Commission or its duly authorized representatives shall count the mail-in ballots. The name on the stub of each envelope shall be checked against a roster of eligible voters. The stub shall then be removed and destroyed. Next, the ballots shall be removed from the envelopes and mixed together before counting. The counting will take place in the manner specified hereinabove. The final count shall be entered on a special tally of mail-in ballots.
- f. After counting the ballots submitted by mail, the Commission or its duly authorized representatives shall take the tallies of ballots submitted by all voting places along with the tally of mail-in ballots and compute the total number of votes for each employee organization and the "No Representation" alternatives. Each party to the election, including the affected County management representatives, may designate one observer to attend the count of mail-in-ballots and the final computation of results. The names of these observers shall be presented to the Commission at least three (3) days in advance of the election.

(Renumbered June 23, 2025)

5.19 RUN-OFF ELECTIONS

A run-off election shall be conducted within fifteen (15) days of the initial election, as specified by the Commission, when an election in which the ballot provided for three or more choices (including "No Representation") results in no choice receiving a majority of the valid ballots cast, and there are no valid objections to the election. The ballot in the run-off election shall provide for a selection between the two choices receiving the largest and second largest number of valid votes cast. The Commission may in its discretion maintain the same eligibility date or establish a new eligibility date in a run-off election. Only one run-off election shall be conducted. All rules and procedures governing an initial election shall apply to a run-off election.

(Renumbered June 23, 2025)

5.20 REPORT OF RESULTS

The Commission shall promptly furnish the results of an election or run-off election to all interested parties including affected County management and employee organizations.

(Renumbered June 23, 2025)

5.21 OBJECTIONS

- a. Within ten (10) days after a report of the ballot count has been furnished, any party to the election may file with the Commission objections to the election or conduct affecting the results of the election or the report of the count. The grounds for valid objections shall include, but are not limited to, prohibited election procedures, false statements calculated to mislead voters, electioneering at or near voting places, or intimidation or coercion of voters. The objections shall be in writing and contain a brief statement of the facts upon which objections are based and shall be signed. A true copy shall be served on all other interested parties and a separate statement that such copies have been served on the other parties shall be filed with the Commission.
- b. The Commission may conduct a hearing or otherwise investigate in order to make a determination respecting the objections. The Commission may also ask the Executive Director or a hearing officer to conduct an investigation.

(Amended and Renumbered June 23, 2025)

5.22 FILING OF STIPULATIONS

- a. Subject to the approval of the Commission, a stipulation to determine a majority representative may be filed with the Commission by the Director of Personnel and one or more Employee Organizations.
- b. The stipulation shall be either:
 1. to initiate an election; or
 2. to conduct a count or check of currently effective membership cards; current payroll deductions for membership dues; authorization cards or a signed petition (hereinafter called "card count") executed within ninety (90) days preceding the filing of a petition for certification, or preceding the stipulation if no petition for certification was filed.
- c. The stipulation may be filed either in the absence of any petition for certification or following the filing of such a petition but before an election has been directed. The Commission shall give notice of the filing of such stipulation to all other interested parties in the manner provided in Rule 5.10 (a). No such stipulation shall bar an Employee Organization, not a party to the stipulation, from intervening in the proceedings.

(Amended and Renumbered June 23, 2025)

5.23 CONTENTS OF STIPULATION

- a. A stipulation to determine a majority representative shall be signed and verified by all parties and filed with the Commission.
- b. The stipulation shall include:
 1. The names, addresses, telephone numbers and email addresses of the parties on whose behalf the election or card count is stipulated.

2. An agreement that a hearing will be waived and that the Commission will conduct an election (or a card count) to determine the majority representative.
3. A description of the employee representation unit agreed by the parties to be appropriate and a statement whether the unit includes (i) both professional employees and nonprofessional employees or (ii) both supervisory and nonsupervisory employees and, if so, whether they are in the same classification, or (iii) management and confidential employees together with nonmanagement or nonconfidential employees.
4. A complete list of the employees, by classification, agreed upon by the parties as being included in the employee representation unit and eligible to vote (or to sign a valid authorization card or similar document).
5. Suggested days of the week, date, time and place for the conduct of the election (or count of cards).
6. A statement that any questions arising about the conduct or results of the election (or card count) shall be processed according to the Commission's procedures following an election directed as a result of a hearing.
7. The names, addresses, email addresses and telephone numbers of any other employee organizations who, to the best knowledge and belief of the parties, claim to represent any of the employees in the unit agreed by the parties to be appropriate, and a brief description of the written agreements, if any, covering any employees in such unit.
8. A statement, to the parties' best knowledge and belief, whether any employees are employed by the County outside the unit agreed by the parties to be appropriate but in the same classification or classifications proposed by the parties to be included in such unit; and, if so, (i) the title of the classification, (ii) the approximate number of employees outside the unit who are employed in each classification, (iii) the name and address of the County Department, Board, Commission or other management body by whom employees are employed, (iv) the names, addresses and telephone numbers of any other employee organizations who claim to represent any of such employees, and (v) a brief description of the written agreements, if any, covering such employees.

(Amended and Renumbered June 23, 2025)

5.24 ACTION ON STIPULATION

The Commission shall notify the parties in writing of its granting or withholding of approval of the stipulation to determine a majority representative. If it grants approval, the Commission will order an election or conduct a card count, as the case may be, in accordance with its election procedures provided in these Rules, except to the extent those procedures must be reasonably modified in the case of a card count.

(Renumbered June 23, 2025)

5.25 CERTIFICATION FOLLOWING CARD COUNT

- a. The Commission shall grant exclusive or majority recognition to an employee organization based on a signed petition, authorization cards, or union membership cards showing that a majority of the employees in an appropriate bargaining unit desire the representation, provided that another labor organization has not been lawfully recognized as the exclusive or majority representative of all or part of the

same unit and the petition is uncontested; however the County management or any employee organization party to a representation proceeding shall be entitled as a matter of right to a secret ballot election upon written request therefor provided that the employee organization has qualified as a petitioner or intervenor under the Ordinance and these Rules.

- b. The Commission may investigate questions of representation by means of an informal hearing, and may also, on its own motion, conduct an election in lieu of a signed petition, authorization cards, or union membership cards.
- c. Upon completion of its investigation, the Commission shall make a determination of the appropriate employee representation unit and, if appropriate, shall certify the Employee Organization, if any, that has been designated as their representative by a majority of the employees in the appropriate employee representation unit.

(Amended and Renumbered June 23, 2025)

5.26 CERTIFICATION FOLLOWING ELECTION

Notwithstanding any other provision of these Rules, an Employee Organization shall be eligible for certification following an election or run-off election only if that Employee Organization has received the majority of votes cast by eligible voters in the employee representation unit in which the election was held.

(Amended and Renumbered June 23, 2025)

5.27 NOTICE OF CERTIFICATION

If the Commission certifies an Employee Organization pursuant to Rule 5.25, or if following an election the Commission acts to certify an Employee Organization pursuant to Rule 5.26, the Commission promptly shall notify in writing the Employee Organization certified, all other affected employee organizations, the Director of Personnel, the members of the Board of Supervisors and all County Departments, Boards, Commissions or other management units which have employees within the affected employee representation units.

(Amended and Renumbered June 23, 2025)

5.28 MOTION FOR REHEARING OR RECONSIDERATION OF CERTIFICATION

Within five (5) days after the issuance of a Notice of Certification by the Commission, any interested party may file a motion for rehearing or reconsideration, setting forth the specific grounds therefor. The motion shall be filed with the Commission with a separate statement that it has been served on all parties appearing in the proceedings, naming them, and the Director of Personnel. Any of such parties may file a written response to such motion within five (5) days of being served thereof. The Commission may, but need not, hold a hearing on such motion. Thereafter, the Commission shall affirm, modify or set aside its previous determination and that action shall be considered final.

(Amended and Renumbered June 23, 2025)

5.29 CERTIFICATION LIFE AND AMENDMENTS TO A CERTIFICATION

- a. When a registered employee organization has been certified by the Commission, such certification shall continue in effect for a minimum of one year. Where unusual or extraordinary circumstances appear to the Commission to require it, the Commission may modify or suspend, or may shorten or extend the life of any certification.

- b. In the event of the addition of new classes to, or the deletion of classes from, the Los Angeles County Salary Ordinance, either an affected Certified Employee Organization or the Director of Personnel may, during the life of the certification, request the Commission to add to or delete such classes or portions thereof, from an established employee representation unit. The Commission may set such matter for hearing.
- c. Where the Director of Personnel and an affected Certified Employee Organization agree that additional classes of employees not currently in an employee representation unit should be added to a certified unit, a joint request should be filed with the Executive Director of the Commission. Unless the Commission shall determine otherwise, such request shall contain the following:
 - 1. Identification of the employee representation unit involved
 - 2. A list of the classes to be added to the unit
 - 3. The number of employees in each such class
 - 4. A short statement of the facts indicating the reason for the request, such as newly created classes, classes overlooked at the time the certification was issued, or other circumstances which require the requested amendment
 - 5. A statement that the parties agree to the conduct of a card check in lieu of an election, if in fact they do so agree
 - 6. A list of names of employees to be added to the existing employee representation unit together with properly executed applications for membership in the employee organization or statements authorizing the employee organization to act as the employees' representative
- d. Where there is no opposition to the requested amendment, the Commission shall grant the motion providing it appears that it is appropriate to add the class involved to the employee representation unit and the employee organization has demonstrated its majority status among the employees sought to be included by submitting properly worded authorization cards signed within the prior ninety (90) days. The Commission, however, reserves the right to make such other disposition of the request as it deems appropriate, including, but not limited to the conducting of a secret ballot election.

(Amended and Renumbered June 23, 2025)

5.30 WAIVER OF TIME REQUIREMENTS

The Commission may, on its own motion or on motion of any party showing good cause, modify or waive any of the specific time requirements set forth in this Rule 5.

(Renumbered June 23, 2025)

RULE 6

UNFAIR EMPLOYEE RELATIONS PRACTICES

6.01 FILING

- a. A charge that the County, an employee organization or its representatives or members, individually or in concert with others, have engaged in or are engaging in any unfair employee relations practice as defined in the Ordinance, or otherwise

have violated or are violating the Ordinance or Rules and Regulations issued thereunder, may be filed by a management representative, by a representative of any employee organization, or by an individual employee or group of employees. Such charge shall be submitted on a form provided by the Commission, shall be signed, and shall contain a declaration by the person signing, under penalty of perjury, that its contents are true and correct to the best of their knowledge and belief.

- b. A charge shall be deemed untimely and subject to dismissal if filed with the Commission at its office in excess of one hundred eighty (180) days following the occurrence of the alleged act or acts on which the charge is based, or the date on which the charging party knew or should have known of said conduct. This Rule (6.01) shall not be subject to the waiver of time requirements of Rule 6.18.

(Amended June 23, 2025)

6.02 CONTENTS OF CHARGE

Such charge against the County pursuant to Section 5.04.240 (a) of the Ordinance, or against employee organizations of their representatives or members pursuant to Section 5.04.240 (b) of the Ordinance shall contain, insofar as is known, the following information.

- a. The full name, address, email address, and telephone number of the charging party and the title, capacity and any affiliation of the representative who filed the charge;
- b. The full name, address, email address and telephone number of each party against whom the charge is made (respondent);
- c. A clear and concise statement of the acts constituting the charge and of the sections (including subsections) of the Ordinance or Rules and Regulations alleged to have been violated.

(Amended June 23, 2025)

6.03 SERVICE OF CHARGE

Copies of all documents must be served on each interested party. Proof of such service shall be filed with the Commission within three (3) days of filing any document and at the filing party's expense, if any.

(Amended June 23, 2025)

6.04 POSITION STATEMENT

- a. Respondent may file a position statement with the Commission no later than 45 days after being served with an unfair practice charge unless an extension is granted by the Executive Director.
- b. If a position statement seeks dismissal of a charge, the position statement arguments shall be limited to whether the charge states a prima facie case or whether there is lack of jurisdiction or other proper procedural grounds.
- c. If a position statement is requesting a dismissal of a charge, the Commission shall consider the dismissal at its next regularly scheduled meeting. At that time, if the Commission determines that there is probable merit in the Respondent's Position Statement, the Commission may invite the Charging Party to file a Position Statement in response. A Charging Party must file its response to a Position Statement within twenty (20) days from the Commission meeting and the issue shall be decided at the following meeting, subject to Rule 4.08. The Commission

shall retain discretion to order supplemental briefing either sua sponte or in response to a position statement.

(Added June 23, 2025)

6.05 PRELIMINARY INVESTIGATION OF CHARGE

- a. Upon the filing of an unfair practice charge, in accordance with these Rules, the Executive Director shall expeditiously investigate any and all allegations by conducting a full, fair and neutral assessment of the facts, including, but not limited to, communicating with the party or parties who filed the charge and with the respondent(s). The Executive Director shall provide a confidential report to the Commission.
- b. The charging party shall provide the Executive Director with sufficient facts in its pleading to determine whether the charge states a prima facie case. If the Executive Director determines a prima facie charge has not been articulated, the Executive Director shall so advise the parties, and the charging party may, within thirty (30) days, amend the charge, withdraw it without prejudice, or bring the matter before the Commission at its next regularly scheduled meeting, subject to Rule 4.08.
- c. The Executive Director may propose or facilitate mediation, conciliation or other processes that may potentially resolve the matter.

(Amended and Renumbered June 23, 2025)

6.06 COMMISSION ACTION

The Commission shall review the unfair practice charge, any position statement filed, and preliminary investigation report.

- a. At its next regular meeting, it may, on its own motion or in response to a motion from either of the parties:
 1. Direct that there be further investigation;
 2. Dismiss the charge in whole or in part;
 3. Process the charge, as filed or amended, by directing the issuance of a notice of hearing; or
 4. Take such other action as it deems appropriate.
- b. The notice of hearing shall have a copy of the charge attached and shall be served upon those parties named in the charge or otherwise admitted by the consent of the Commission or its designee. The notice shall designate the place of hearing at a time not less than ten (10) days from issuance thereof. It shall further specify before whom the hearing will be conducted.
- c. Unless otherwise designated, the term "hearing officer" in this Rule 6 shall include the Commission, an individual commissioner, or the Commission's designee authorized to conduct a hearing.

(Renumbered June 23, 2025)

6.07 ANSWER TO CHARGE

- a. A respondent shall file its answer to the charge with the Commission within twenty (20) days after service of the notice of hearing or at a time set by the Commission or the Executive Director. At the same time, respondent shall serve a copy of the

answer on the other parties to the proceeding and submit proof of service to the Commission. If a hearing is set fewer than 20 days after the charge is served, the answer shall be filed no later than ten (10) days prior to the date of hearing stated in the notice of hearing or as otherwise directed by the Executive Director.

- b. Amended charges served after the answer is filed shall be deemed denied, except for those matters which were admitted in the answer and which have not been changed in the amended charge.
- c. The answer shall be in writing, signed by the party or its agent and contain the following information:
 - 1. The case number appearing on the unfair practice charge;
 - 2. The full name, address, email address, and telephone number of the charging party, and the title, capacity and any affiliation of the representative who filed the charge;
 - 3. The full name, address, email address, and telephone number of each party against whom the charge was made (respondent), and the title, capacity and any affiliation of the representative answering the charge;
 - 4. A specific admission or denial of each allegation contained in the unfair practice charge. If the respondent does not have knowledge of information sufficient to form a belief as to the truth of a particular allegation, the respondent shall so state and such statement shall operate as a denial of the allegation.
 - 5. A statement of any affirmative defense;
 - 6. Notwithstanding the Code of Civil Procedure Section 446, a declaration under penalty of perjury that the answer is true and complete to the best of the respondent's knowledge and belief.
- d. If the respondent fails to file an answer as provided in this section, the Commission may find such failure constitutes an admission of the truth of the material facts alleged in the charge and a waiver of respondent's right to a hearing.

(Amended and Renumbered June 23, 2025)

6.08 DEFERRAL TO ARBITRATION

- a. If the subject matter of an unfair employee relations practice charge involves the interpretation of memorandum of understanding provisions, the Commission shall place the charge in abeyance consistent with law until the grievance procedure has been exhausted and the arbitrator's award has been received.
- b. As a standing rule, the Commission directs and orders that any request for arbitration under a memorandum of understanding (MOU) be sent to arbitration. An assertion that the claim is untimely or otherwise barred because the party seeking arbitration has failed to satisfy the procedural prerequisites to arbitration shall not be a basis for refusing to submit the dispute to arbitration. All procedural defenses shall be presented to the arbitrator for resolution.
- c. Upon receipt of the arbitrator's award, the charging party shall, within thirty (30) days, transmit a copy of the award to the Commission and shall notify the commission that it wishes either to proceed with the unfair employee relations practice charge or to withdraw it. A copy of such notice shall be served simultaneously on the respondent and proof of service thereof filed with the Commission.
- d. If the charging party advises the Commission that it wishes to further process the unfair employee relations practice charge, or upon the Commission's own motion, the Commission shall review the award of the arbitrator. If in the opinion of the

Commission the arbitrator's award is not repugnant to the Employee Relations Ordinance, the Commission shall then dismiss the charge without further processing.

(Amended and Renumbered June 23, 2025)

6.09 REQUESTS FOR INTERVENTION

As to a nonparty who wishes to intervene in a proceeding under Rule 6, such nonparty must first file an application with the Commission to intervene in said proceeding within sixty (60) days of issuance of a notice of hearing or thereafter upon an application to the hearing officer in the event of an amendment that would affect the interest of such nonparty in which case the hearing officer shall rule on the application. The hearing officer shall notice a hearing upon receiving the application, make a determination as to the merit and timeliness of the application and rule promptly thereon.

(Amended and Renumbered June 23, 2025)

6.10 SCHEDULING OF HEARINGS

- a. The Executive Director shall arrange with the hearing officer and the parties a mutually satisfactory date and time for a hearing. In the absence of such an arrangement, the hearing officer shall have the authority to set the date and time for the hearing.
- b. Requests for continuance or cancellation of a hearing after that hearing has been assigned to a hearing officer shall be submitted to the hearing officer no later than thirty (30) days prior to such hearing. Such request shall state the grounds for the request and the position of each party regarding the request. A copy of the request shall be served on each party to the proceedings and proof of service thereof filed with the Commission. Hearing officers shall expeditiously rule on the request and communicate their ruling to the parties. If the continuance is not requested within thirty (30) days of a scheduled hearing, the party or parties requesting the continuance shall be responsible for the payment of any cancellation fees incurred from the hearing officer and/or hearing reporter, however the Executive Director, upon a showing of good cause, may authorize payment of the fee(s) by the Commission.
- c. Continuances for those charges that have not yet been assigned to a hearing officer may be granted by the Executive Director upon good cause and shall be in compliance with Rule 4.10. Good cause shall not include the failure of any party to adequately prepare for a properly scheduled hearing. In granting a continuance, the Commission, the Executive Director, or the Hearing Officer may consider a stipulation of the parties to that effect.
- d. Rulings of the hearing officer concerning all scheduling matters are final and not appealable to the Commission.
- e. Ordinarily, a charge shall not be continued beyond 180 days from the date of filing with the Employee Relations Commission except by mutual agreement of the parties to the matter.

(Amended and Renumbered June 23, 2025)

6.11 HEARINGS

- a. Hearings shall be limited to argument and evidence on issues of fact or law material to the proceedings.

- b. Parties, including intervenors, may appear at a hearing in person, by counsel or by other representatives; may call, examine and cross-examine witnesses; and may introduce into the record documentary or other evidence.
- c. The technical rules of evidence prevailing in the courts shall not be controlling.
- d. The hearing officer may direct or permit the filing of briefs and/or proposed findings, conclusions and order.
- e. Any party may file with the hearing officer an application for the issuance of a subpoena requiring the attendance of a witness or the production of books or documents. The application shall name and identify the witness or the documents sought and the reason therefor. Hearing officers, at their discretion, shall issue such subpoenas on a form provided by the Commission. The person served with a subpoena or any party to the action may file with the hearing officer a motion to revoke or modify the subpoena. If any party files with the hearing officer such a motion, it shall also be served on the other parties named in the charge. The hearing officer shall rule on such motion.
- f. In the event an unusually large number of subpoenas are issued for employees from a work area, the loss of which employees may cause a serious impact on County operations, the hearing officer may designate an orderly schedule of appearances so as not to cause a negative impact on County operations.
- g. The hearing officer, upon failure of any party to comply with a proper subpoena, may take appropriate measures including but not limited to disregarding evidence offered by that party and/or drawing an appropriate inference.
- h. All witnesses shall appear and shall be examined under oath or affirmation. The hearing officer shall have the authority to administer oaths and affirmations.
- i. Within five (5) days after receipt of the Notice of Hearing, any party may request the hearing officer to withdraw by filing an affidavit with the Commission setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the Commission, such affidavit is filed with due diligence and if upon due inquiry is found sufficient, the Commission shall disqualify the hearing officer, and the hearing officer shall be withdrawn from the proceeding. If the Commission does not disqualify the hearing officer, the Commission shall so rule and the hearing shall proceed.
- j. An official hearing reporter shall make the only official transcript of such proceedings. The parties may make their own arrangements with the official reporter for copies of such transcript.

(Amended and Renumbered June 23, 2025)

6.12 LOCATION OF HEARINGS

Hearings shall be held at the Los Angeles County Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles California 90012 unless ordered to be conducted remotely by the hearing officer. Only upon all parties agreeing may the hearing officer hold the hearing at a different physical location.

(Amended and Renumbered June 23, 2025)

6.13 SUBSTITUTION OF HEARING OFFICER

If a hearing officer becomes unavailable after the hearing has been opened or concluded, the Commission may transfer the case to another hearing officer for the purpose of further hearing or preparation of the report pursuant to Rule 6.15.

(Amended and Renumbered June 23, 2025)

6.14 AMENDMENTS AND WITHDRAWAL OF CHARGES

- a. The Commission, the Executive Director, or the hearing officer may permit an amendment to the charge or answer at any time on such terms as may be deemed just and consistent with due process.
- b. Any party requesting to withdraw a charge shall notify the Executive Director. If a charge has already been placed on the agenda of a prior commission meeting, then the Executive Director shall place the request to withdraw the charge on the next commission meeting agenda, subject to Rule 4.08, and the charge will not be considered to have been withdrawn until the Commission votes to withdraw it.

(Amended and Renumbered June 23, 2025)

6.15 REPORT OF INDIVIDUAL HEARING OFFICER

- a. Within thirty (30) days following the close of a hearing, the hearing officer shall prepare a report containing recommended findings of fact, conclusions and final order and their reasons therefor. This report shall be submitted to the Executive Director, and the Executive Director shall then promptly furnish the report to all parties involved.
- b. Within twenty (20) days after service of the hearing officer report, a party may file exceptions thereto with the Commission. A copy of the exceptions shall be served on each party to the proceedings and proof of service filed with the Commission. The exceptions shall:
 - 1. Set forth specifically the questions of fact, law or policy to which exceptions are taken;
 - 2. Designate by citation of page the portions of the record relied upon; and
 - 3. State the grounds for the exceptions and include citation of authorities, if any.
- c. Within twenty (20) days following service of exceptions, a statement in opposition thereto, along with any cross exceptions, may be filed with the Commission and a copy served on each party to the proceedings and proof of service thereof filed with the Commission.

(Amended and Renumbered June 23, 2025)

6.16 DECISION AND ORDER OF THE COMMISSION

- a. Where a hearing officer has been appointed, the Commission may adopt, modify or reverse the report, or any part thereof. If the Commission accepts the findings of fact contained in such report, it need not read the record of the hearing. If the Commission declines to accept such findings, it must read the record. The Commission shall issue within a reasonable period of time its Decision and Order.
- b. Where the hearing was conducted by the Commission as a whole, the Commission shall issue within a reasonable period of time its Decision and Order.
- c. Where the offending party in an unfair practice proceeding customarily and regularly communicates with public employees by email, intranet, websites, or other electronic means, it may be required to use those same media to post notice of the hearing officer's and Commission's decision and remedial order. Any posting of electronic means may be in addition to whatever other traditional physical posting requirements are being used, if any.

(Amended and Renumbered June 23, 2025)

6.17 MOTIONS FOR REHEARING OR RECONSIDERATION

Within twenty (20) days after the issuance of the Decision and Order by the Commission, any interested party may file a motion for rehearing or reconsideration, setting forth the specific grounds therefor. The motion shall be accompanied by a separate statement that it has been served on all parties appearing in the proceedings. Any of such parties may file a response to such motion within five (5) days of being served thereof. The Commission may, but need not, hold a hearing on such motion. Thereafter, the Commission shall affirm, modify or set aside its previous determination and that action shall be considered final.

(Amended and Renumbered June 23, 2025)

6.18 WAIVER OF TIME REQUIREMENTS

Either the Commission or the hearing officer, as the case may be, may act to modify or waive any of the specific time requirements set forth in this Rule 6 upon a showing of good cause, except that the individual hearing officers shall not be empowered to extend the time for filing their reports without the consent of the Commission.

(Renumbered June 23, 2025)

RULE 7

RESOLUTION OF DISPUTES PURSUANT TO SECTION 5.04.230 (GRIEVANCES) AND 5.04.250 (IMPASSES) OF THE ORDINANCE

7.01 SCOPE

This Rule governs the general procedures relating to mediation, factfinding and arbitration in employee relations disputes arising under Section 5.04.230 and 5.04.250 of the Ordinance.

(Amended June 23, 2025)

7.02 POLICY

It is the policy of the Commission to encourage parties to voluntarily settle their differences. If the parties are unable to resolve their differences, either party may request the assistance of the Commission and the Commission shall assist the parties by providing mediation or factfinding in order to promote cooperative relations between the County and its employees and to protect the public by assuring effective and orderly operations of County government.

7.03 NOTICE OF IMPASSE

If, after good faith negotiations, County management and a Certified Employee Organization fail to reach agreement, either party to the negotiations may file a notice of impasse with the Commission and simultaneously serve a copy on the other party involved. The notice of impasse shall contain the following:

- a. Name, address, email address and telephone number of certified employee organization and the name, address, email address and telephone number of its principal representative to be contacted.

- b. Name, address, email address and telephone number of the principal management representative to be contacted.
- c. Identification of the bargaining unit by the nomenclature on the certification.
- d. Dates of negotiation sessions held.
- e. A clear and concise statement of the issues in dispute.
- f. A clear and concise statement of any other relevant facts, if any.
- g. A statement noting whether the request is joint or unilateral.
- h. Proof that a copy of the notice of impasse was served to other parties to the negotiations.

(Amended June 23, 2025)

7.04 MEDIATION

- a. Upon the filing of a notice of impasse, the Commission, may, upon its own motion or when requested by either party in interest, appoint a mediator from its register of mediators. The Commission shall strongly consider appointing any mediator that is mutually requested by both parties.
- b. The function of a mediator shall be to assist the parties in a dispute to arrive at a voluntary agreement. The mediator may hold separate or joint meetings with the parties or their representatives and such meetings shall be private and nonpublic in nature. Any information disclosed by the parties to the mediator, in the performance of his duties, shall not be divulged. All material received or prepared by the mediator while serving in such capacity shall be classified as confidential.
- c. The mediator shall report in writing to the Commission the results of their mediation efforts, as follows:
 - 1. A statement of the dates and duration of the meetings held.
 - 2. A brief description of the unresolved issues which existed at the beginning of the mediation effort.
 - 3. A brief statement of the issues resolved through mediation and the terms of the agreement reached.
 - 4. A statement of resolved issues, if any.
 - 5. A recommendation as to whether or not the Commission should invoke factfinding with recommendations for settlement of the unresolved issues.

(Amended and Renumbered June 23, 2025)

7.05 FACTFINDING

- a. Factfinding may be requested by either party or instituted by the Commission. A request for factfinding must be filed with the Commission not sooner than thirty (30) days, but not more than forty-five (45) days, following the appointment of a mediator pursuant to the parties' agreement to mediate or to the mediation process required by these rules. If the dispute was not submitted to mediation, either party may request that the parties' differences be submitted to a factfinding panel not later than thirty (30) days following a notice of impasse being filed with the Commission and served on the other party involved. Within five (5) days after receipt of the request, each party shall select a person to serve as its member of the factfinding panel. Within five (5) days after the selection of panel members by the parties, the Commission shall select a chairperson of the factfinding panel.
- b. Within five (5) days after the Commission selects a chairperson of the factfinding panel, the parties may mutually agree upon a person to serve as chairperson in lieu of the person selected by the Commission.

- c. Within ten (10) days after its appointment, the factfinding panel shall meet with the parties or their representatives, either jointly or separately, and may make inquiries and investigations, hold hearings, and take any other steps it deems appropriate. For the purpose of the hearings, investigations, and inquiries, the panel shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. The provisions in Rule 6.11 e, f and g shall apply.
- d. In arriving at its findings and recommendations, the factfinding panel shall consider, weigh, and be guided by all the following criteria:
 - 1. Local rules, regulations, or ordinances
 - 2. State and federal laws that are applicable to the employer
 - 3. Stipulations of the parties
 - 4. The interests and welfare of the public and the financial ability of the public agency
 - 5. Comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding with the wages, hours, and conditions of employment of other employees performing similar services in comparable public agencies.
 - 6. The consumer price index for goods and services, commonly known as the cost of living.
 - 7. The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
 - 8. Any other facts, not confined to those specified in paragraphs (1) to (7), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations.
- e. At the conclusion of the hearing, the factfinding panel may allow the parties to simultaneously submit closing briefs within a specified period of time. Within fifteen (15) days after receipt of the official transcript of the proceedings or of the parties' closing briefs, whichever is later, the factfinding panel shall file a report and recommendations with the Commission. The factfinders selected by the parties may file dissenting and/or concurring opinions, which shall be attached to the advisory report.
- f. Upon receipt of the report and recommendations, the Commission shall furnish copies thereof to the parties in interest within ten (10) days. The parties to the impasse shall file with the Commission notification of acceptance or rejection, in whole or in part, and the reasons therefor within fifteen (15) days after receipt of the factfinder's report and recommendations.
- g. The parties may mutually agree to waive the time limits set forth above, but failure of a third party to act timely shall not stay the time limits.
- h. The procedural right for a party to request a factfinding panel cannot be expressly or voluntarily waived.
- i. If the dispute is not settled within 30 days after the appointment of the factfinding panel, or upon agreement by both parties within a longer period, the factfinding panel shall make findings of fact and recommend terms of settlement, which shall be advisory only. The factfinding panel shall submit any findings of fact and recommended terms of settlement to the parties before they are made available to the public. The Commission shall make these findings and recommendations publicly available within ten (10) days after their receipt.
- j. After any applicable mediation and factfinding procedures have been exhausted, but no earlier than ten (10) days after the factfinders' findings of fact and

recommended terms of settlement have been submitted to the parties pursuant to Rule 7.05 (e), if the County is not required to proceed to interest arbitration, it may, after holding a public hearing regarding the impasse, implement its last, best, and final offer, but shall not implement a memorandum of understanding. The unilateral implementation of the County's last, best, and final offer shall not deprive a recognized employee organization of the right each year to meet and confer on matters within the scope of representation, whether or not those matters are included in the unilateral implementation, prior to the adoption by the Board of Supervisors of its annual budget, or as otherwise required by law. Where the impasse concerns operational issues, the County department head or their designee shall preside over the public hearing concerning the impasse.

(Amended and Renumbered June 23, 2025)

7.06 ARBITRATION

- a. A request for arbitration shall be filed on the form provided by ERCOM, either by the Executive Director or on the ERCOM website, and shall include:
 1. The language of the agreement authorizing arbitration.
 2. A brief statement of the issue(s) in dispute, properly referenced, with the language of the references cited attached.
- b. Arbitration shall be governed by the appropriate sections of the California Code of Civil Procedure.
- c. The Commission may exercise its authority to issue standing orders with regard to requests for arbitration.

(Amended and Renumbered June 23, 2025)

7.07 SELECTION

Any person who has been selected by the Commission for listing on its register of mediators, factfinders or arbitrators may act in such capacity when appointed by the Commission, or by a Commissioner authorized to make such an appointment. The Commission, or any member of the Commission at the Commission's discretion, may serve as mediator, factfinder or arbitrator.

Renumbered June 23, 2025)

7.08 WAIVER OF TIME REQUIREMENTS

The Commission may, on its own motion or on motion of any party showing good cause, modify or waive any of the specific time requirements set forth in this Rule 7.

(Renumbered June 23, 2025)