

MEETING DATE: 2/11/08

AGENDA ITEM: Adoption of a Resolution Adopting the Revised Employer –
Employee Relations Policy and Rescinding Resolution No.
CS - 7938

ATTACHMENTS

1. Resolution with Attachment "A"

Pages
1 – 21

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1 WHEREAS, the Myers-Milias-Brown Act permits the City to adopt
2 reasonable rules and regulations after consultation in good faith with representatives of
3 Employee Organization (s) for the administration of employer-employee relations; and

4 WHEREAS, the City has consulted in good faith with such
5 representatives.

6 NOW, THEREFORE, the City Council of the City of Culver City, DOES
7 HEREBY RESOLVE AS FOLLOWS:

8 1. Pursuant to Government Code Section 3500, et seq., the City
9 Council hereby adopts a policy, as set forth in Exhibit "A" attached hereto and
10 incorporated herein by reference, which will provide orderly procedures for the
11 administration of employer-employee relations between the City and its employee
12 organizations.

13 2. Resolution No. CS-7938 is hereby rescinded.

14 3. This Resolution shall take effect immediately upon adoption.
15

16 APPROVED and ADOPTED this _____ day of _____ 2008.
17

18 _____
19 ALAN CORLIN, MAYOR
20 City of Culver City, California
21

22
23
24 ATTEST:

APPROVED AS TO FORM:

25
26 _____
27 CHRISTOPHER ARMENTA, City Clerk

26 _____
27 CAROL A. SCHWAB, City Attorney
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EMPLOYER – EMPLOYEE RELATIONS

Section 1. Statement of Purpose

This Resolution implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) captioned “Local Public Employee Organizations,” by providing orderly procedures for the administration of employer-employee relations between the City and its employee organizations. Nothing contained herein shall be deemed to supersede the provisions of State law, City (Charter) ordinances, resolutions, rules and memorandum of understanding which establish methods of administering employee-employer relations. This Resolution is intended to strengthen merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations and the City.

It is the purpose of this Resolution to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by Federal or State law, memorandum of understanding or the Municipal Code. This policy is supplemented by provisions recognizing and defining the rights of employees to join organizations of their own choosing for the purpose of representation on matters affecting employee relations or to represent themselves individually in dealing with the City.

Section 2. Definitions

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

“Appropriate Employee Unit” means a group of employment classes or positions determined to constitute the appropriate grouping of classes for purposes of representation of employees in said classes or positions in their employer-employee relations with the City.

“City” means the City of Culver City, and where appropriate herein, refers to the City Council or any duly authorized City representative as herein defined.

“Confidential Employee” means an employee who, in the course of his/her duties, regularly has access to confidential information concerning anticipated changes which may result from collective bargaining negotiations and/or assists and acts in a confidential capacity to and for persons who formulate, determine, and effectuate management policies with respect to labor relations.

“Consult/Consultation in Good Faith” means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not necessarily involve an exchange of proposals and counter-proposals in an endeavor to reach agreement.

“Day” means calendar day unless expressly stated otherwise.

“Employee Relations Officer” means the City Manager, Human Resources Director or any qualified individual as designated by the City Manager to represent the City in employer-employee relations.

“Employee” includes executive management, management, supervisory, non-management, confidential and non-confidential employees.

“Employee Organization” means an employee organization herein above referred to and/or an organization, which has as one of its primary purposes the representation of City employees in matters pertaining to wages, hours, benefits and other terms and conditions of employment, which has submitted a petition containing the signatures of at

least thirty (30) percent of the employees in an existing or proposed Appropriate Employee Unit.

“Fact finding” means identification of the major issues in a particular dispute, review of the positions of the involved parties, and reporting of the facts by one or more impartial fact finders.

“Impasse” means the existence of unresolved differences after negotiations over an issue regarding wages, hours or other terms and conditions of employment in which the City’s Employee Relations Officer and representatives of recognized employee organizations are required to meet and confer in good faith.

“Management Employee” means an employee having responsibility for formulating, administering or managing the implementation of City policies and/or programs. Such responsibilities may include but are not limited to, exercising supervisory authority and determining the merits, necessity, and scope of a public service or program.

“Meet and Confer in Good Faith” means the mutual obligation of the City’s Employee Relations Officer and representatives of recognized employee organizations personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals and to endeavor to reach agreement on matters within the scope of representation.

“Non-management, Non-confidential Employee” means an employee having no primary/predominant responsibility for formulating, administering, managing or supervising City policies or programs.

“Recognized Employee Organization” means an employee organization which has been formally acknowledged by the City as the majority representative of employees in an Appropriate Employee Unit. Such certified majority representative shall be the

exclusive representative of the employees in the unit, subject to the right of an employee to represent him/herself as provided in Section 3 of this Resolution.

“Resolution” means, unless otherwise specified herein, “Employer-Employee Relations Resolution of the City of Culver City.”

“Scope of Representation” means all matters relating to employment conditions and employer-employee relations, including, but not limited to: wages, hours, and other terms and conditions of employment.

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

“Timely Filing Period” means a thirty (30) day period commencing one hundred-fifty (150) days and ending one hundred twenty (120) days prior to the end of a valid Memorandum of Understanding or the thirty (30) day period following the expiration of a valid Memorandum of Understanding.

“Unit Modification” means the addition of new classes to or the deletion of existing classes from an existing Appropriate Employee Unit or the reassignment of classes from an existing Authorized Employee Unit to a proposed new unit.

Section 3. Employee Rights and Responsibilities

a. Employees of the City shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters within the scope of representation.

b. Employees of the City shall also have the right to refuse to join or participate in the activities of employee organizations and shall have the right to

represent themselves individually in their employment relations with the City. The City and a Recognized Employee Organization may negotiate an agency shop agreement pursuant to Government Code Section 3502.5.

c. No employee or employee organization shall be interfered with, dominated, intimidated, restrained, coerced, or discriminated against by the City because of the exercise of the rights contained in this Resolution.

d. No employee shall be interfered with, dominated, intimidated, restrained, coerced, or discriminated against by any employee organization because of the exercise of the rights contained in this Resolution.

Section 4. City Rights and Responsibilities

In order to insure that the City is able to carry out its functions and responsibilities imposed by law, the City has and will retain the exclusive right to manage and direct the performance of City services, which include among others, the exclusive right to: determine issues of public policy; determine the mission of its constituent departments, commissions and boards; set levels and standards of service; determine the procedures and standards of selection for employment; direct its employees; take disciplinary action for just cause; relieve its employees from duty because of lack of work or lack of funds or for other lawful reasons; maintain the efficiency of governmental operations; contract out work; determine the methods, means and personnel by which the City's operations are to be conducted, exercise control and discretion over its organization and the technology of performing its work and to take all necessary actions to maintain uninterrupted service to the community and carry out its mission in emergencies; provided, however, that the exercise of these rights does not preclude employees or their representatives from consulting or raising grievances about the practical terms and conditions of employment.

Section 5. Unit Determination and Proof of Support

a. Unit Appropriateness:

The Unit Appropriateness Test used to determine the appropriateness of an employee unit shall be that the unit has the broadest feasible groupings of classes that share an identifiable community of interest. Sub factors to be considered shall be:

(1) History of representation in the City and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.

(2) Impact on the stability of employer-employee relations should single or related classes be divided among two or more units.

(3) Effect on the administration of employer-employee relations created by the fragmentation of classes and proliferation of units.

(4) Degree to which employees are subject to the same rules of supervision or covered under common benefit or group coverage plans.

(5) Consistency with the organizational patterns of the City.

b. Proof of Employee Support

One or more of the following shall constitute proof of employee support for a petitioning Employee Organization:

(1) An authorization card signed within the previous 90 days and personally dated by the employee, or

(2) A verified authorization petition or petitions signed within the previous 90 days and personally dated by the employee, or

(3) An authorized employee dues deduction on behalf of the petitioning organization appearing on the payroll register for the period immediately prior to the date a petition is filed hereunder. If an employee has filed any of the foregoing as proof of support for more than one employee organization, then all such authorizations for that employee shall be excluded as proof of employee support for any employee

organization. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee.

Section 6. Continuation of Existing Conditions

Those Appropriate Employee Units, established by the City prior to the adoption of this resolution, shall continue as the Appropriate Employee Units until and unless changed pursuant to the provisions of this resolution; and employee organizations recognized by the City as representatives of employees in the Appropriate Employee Units, prior to the adoption of this resolution, shall retain such recognition unless and until recognition is granted otherwise pursuant to the provisions of this resolution.

Section 7. Modification of a Unit

a. Employee Organization Request

Request(s) by Employee Organization(s) for modification of existing Appropriate Employee Unit(s) may be presented to the Employee Relations Officer only during a Timely Filing Period. Such requests shall be submitted as prescribed in Section 6 of this resolution in the form of a Recognition Petition and, in addition to the requirements set forth for filing a Recognition Petition, shall contain a complete statement of all relevant facts and citations in support of the proposed Modified Unit in terms of the Unit Appropriateness Test set forth in this resolution. The Employee Relations Officer shall certify that all required information has been properly filed and shall process such petitions in the same manner as all other Recognition Petitions.

b. Employee Relations Officer Initiative

The Employee Relations Officer may, during a Timely Filing Period, propose that an established Appropriate Employee Unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to and shall consult with any affected Recognized Employee Organization. Thereafter, the

Employee Relations Officer shall certify the modification(s), if any, in the composition of the Appropriate Employee Unit or units. If the Employee Relations Officer takes action to modify an existing bargaining unit, the employees shall continue to be represented by their exclusive representative until and unless the employees initiate an appropriate decertification action against the incumbent recognized employee organization.

c. Waiver of Time

The Employee Relations Officer and Recognized Employee Organizations may by mutual agreement waive the above Timely Filing Period requirement for initiation of a modification action.

d. Employee Comments

Any affected employee may, within ten (10) days of the date written notice was given, that unit modification has been proposed, file with the Employee Relations Officer written statements setting forth any basis upon which said employee believes inclusion of the employee's class with the proposed unit would be inconsistent with criteria of the Unit Appropriateness Test. The Employee Relations Officer shall meet with said employee prior to determining the Appropriate Employee Units or units.

e. Appeal

If an Appropriate Employee Unit is modified by the action of the Employee Relations Officer, an affected Recognized Employee Organization may appeal the modification as provided for in Section 11 of this resolution.

f. Modification Certified

If, in the absence of an appeal or an appeal of the Employee Relations Officer's action is denied, the Appropriate Employee Unit shall be deemed to be modified pursuant to the action of the Employee Relations Officer, who shall certify the modification in writing to the Employee organization(s) affected.

g. New Unit Representation

If the modification of existing Appropriate Employee Unit(s) results in the establishing of additional Appropriate Employee Unit(s), representation of employees in said additional Unit(s) shall be determined pursuant to the Decertification Procedures of this resolution, if the affected employee initiates an appropriate decertification action.

Section 8. Decertification of an Organization

A Decertification Petition may not be filed within one year after a valid election which resulted in the formal recognition or continued recognition of a majority representative or during the first three years a valid Memorandum of Understanding except during a Timely Filing Period. A valid memorandum of understanding shall not serve as a bar to the filing of a Decertification Petition for more than a three-year period. To be accepted, a Decertification Petition must contain the signatures of two or more employees in the unit or be filed by an Employee Organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct, and complete:

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

b. The name of the existing Appropriate Employee Unit and of the incumbent Recognized Employee Organization sought to be decertified as the representative of that unit;

c. An allegation that the incumbent Recognized Employee Organization no longer represents a majority of the employees in the Appropriate Employee Unit, and any other relevant and material facts relating thereto;

d. A statement that the Employee Organization has in its possession proof of employee support showing that at least thirty (30) percent of the employees in the

existing Appropriate Employee Unit no longer desire to be represented by the incumbent Recognized Employee Organization. The City, its agents or an incumbent recognized employee organization representing affected employees may request verification of the sufficiency of the signatures submitted in support of a petition. Such request for verification shall be made within 15 calendar days. The time to request verification may be extended by mutual agreement. Verification shall be made by a mutually agreeable third party or the State Conciliation Service who shall advise the City and the employee organization of its findings.

The Employee Relations Officer shall initially determine whether the Decertification Petition has been filed in compliance with the applicable provisions. If his determination is in the negative, he shall offer to consult thereon with the representative(s) of such petitioning employees or Employee Organization, and if such determination thereafter remains unchanged, shall return such petition to the petitioning employees or Employee Organization with a statement of the reasons therefore in writing. The petitioning employees or Employee Organization shall within fifteen (15) days from the date notice of such determination is communicated to them by the Employee Relations Officer be permitted to amend their petitions to conform to such determination or appeal such determination in accordance with the appeal procedures provided for in Section 11 of this resolution. If the determination of the Employee Relations Officer is in the affirmative, or if his negative determination is reversed on appeal, he shall give written notice to the incumbent Recognized Employee Organization and to all employees in the unit(s) affected that the Decertification Petition is in conformity, and that an election shall be called.

The Employee Relations Officer shall arrange for a secret ballot election to be held on or before thirty (30) days after such notice to determine the wishes of unit employees as to the question of representation. Such election shall be conducted in conformance with the election procedure provided for in Section 10 of this resolution and

the ballot shall contain the choice of the incumbent Recognized Employee Organization, other Employee Organization(s) which have filed a Recognition Petition pursuant to this resolution and "No Organization."

Section 9. Recognition Procedures

a. Filing Recognition Petition

A Petition for Recognition may be filed during the Timely Filing Period as defined in Section 2 and/or in conjunction with a Decertification Petition as outlined in Section 8. An Employee Organization that seeks to be formally recognized as the Employee Organization representing the employees in an Appropriate Employee Unit shall file a Recognition Petition with the Employee Relations Officer containing the following information and documentation:

- (1) Name and address of the Employee Organization;
- (2) Names and titles of its officers;
- (3) Names of Employee Organization representatives who are

authorized to speak on behalf of the organization;

b. A statement that the Employee Organization as one of its primary purposes, represents employees in their employment relations with the City;

c. A statement regarding the Employee Organization's relationship either directly or indirectly with a local regional, state, national, or international organization, and, if so, the names and addresses of each such other organization;

d. Certified copies of the Employee Organization's Articles of Incorporation, constitution and by-laws;

e. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the Employee Organization for any purpose;

f. A statement that the Employee Organization has no restriction on membership based on race, color, creed, sex, or national origin;

g. The job classes or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein;

h. A statement that the Employee Organization has in its possession Proof of Employee Support pursuant to this resolution to establish that at least thirty (30) percent of the employees in the unit claimed to be appropriate have designated the Employee Organization to represent them in their employment relations with the City.

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

The Recognition Petition, including the Proof of Employee Support and all accompanying documentation, shall be declared to be true, correct, and complete, under penalty of perjury, by the duly authorized officer(s) of the Employee Organization executing it.

The City, its agents or an incumbent recognized employee organization representing affected employees may request verification of the sufficiency of the signatures submitted in support of a petition. Such request for verification shall be made within 15 calendar days. The time to request verification may be extended by mutual agreement. Verification shall be made by a mutually agreeable third party or the State Conciliation Service who shall advise the City and the employee organization of its findings.

j. City's Response

Upon receipt of the Recognition Petition, the Employee Relations Officer shall within thirty (30) days determine whether:

(1) There has been compliance with the requirements of the Recognized Petition; and

(2) The proposed representation unit is an Appropriate Employee Unit in accordance with the provisions of this resolution.

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

If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning Employee Organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. This petitioning Employee Organization shall within fifteen (15) days from the date notice of such determination is communicated to them by the Employee Relations Officer be permitted to amend their petitions to conform to such determination or appeal such determination pursuant to Section 11 of this resolution.

k. Competing Organization(s)

Within thirty (30) days of the date written notice was given to affected employees that a valid Recognition Petition for representatives of an appropriate unit has been filed, any other Employee Organization may file a competing request to be formally acknowledged as the Recognized Employee Organization of the employees in the same unit by filing a petition evidencing Proof of Employee Support in the same form and manner as set forth in the requirements for filing a Recognition Petition.

Section 10. Election Procedure

a. Secret Ballot Election

The Employee Relations Officer shall arrange for a secret ballot election

to be conducted by the State Mediation and Conciliation Service. All Employee Organizations who have duly submitted petitions which have been determined to be in conformance with this resolution shall be included on the ballot. The choice of "No Organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons employed in positions within the designated Appropriate Employee Unit who were employed during the pay period immediately prior to date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation, or other authorized leaves of absence, and who are employed by the City in the same employee unit on the date of the election. An Employee Organization shall be formally acknowledged as the Recognized Employee Organization for a designated Appropriate Employee Unit following an election or runoff election, if it received a numerical majority of all valid votes cast in the election. In an election involving three or more choices where none of the choices receives a majority of the valid votes cast, a runoff election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a runoff election.

The Employee Relations Officer shall certify the results of the election and notify each Employee Organization appearing on the ballot.

There shall be not more than one valid election under this resolution pursuant to any petition in a 12-month period affecting the same employee unit.

b. Exclusive Recognition of an Employee Organization Based on a Majority Showing by Way of Signed Petition, Authorization Cards, or Union Membership Cards

Pursuant to Government Code Section 3507.1(c), as an alternative to a secret ballot election, the City 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 Employee Unit desire the representation, unless another labor organization has previously been lawfully recognized as exclusive or majority representative of all or part of the same unit. Exclusive or majority representation shall be determined by a neutral third party selected by the City and the employee organization who shall review the signed petition, authorization cards, or union membership cards to verify the exclusive or majority status of the Employee Organization. In the event the City and the employee organization cannot agree on a neutral third party, the Division of the Conciliation of the Department of Industrial Relations shall be the neutral third party and shall verify the exclusive or majority status of the Employee Organization. In the event the neutral third party determines, based on a signed petition, authorization cards, or union membership cards, that a second labor organization has the support of at least 30 percent of the employees in the unit in which recognition is sought, the neutral third party shall order an election to establish which labor organization, if any, has majority status.

Section 11. Appeal Procedures

An Employee Organization aggrieved by a determination of the Employee Relations Officer as indicated herein, may appeal the determination to the City Manager within fifteen (15) days of notice of such determination. Upon receipt of such an appeal, the City Manager shall within ten (10) days select and submit the appeal to a neutral Fact Finder. The Fact Finder shall, within thirty (30) days after receiving the appeal, hold a hearing, make a finding of facts, and submit a recommendation to the City Manager. Within ten (10) days of receipt of said recommendation, the City Manager shall make a decision whether to sustain or overrule the determination of the Employee Relations Officer and shall notify all parties of the decision. Within fifteen (15) days of notice of such decision, the aggrieved party may appeal the decision of the City Manager to the City Council for final decision.

Appeals to the City Council shall be filed in writing with the City Clerk and a copy thereof served on the City Manager and the Employee Relations Officer. The City Council shall commence to consider the matter within thirty (30) days of the filing of the appeal. Any decision of the City Council determining the substance of the appeal shall be final, subject to judicial review or PERB.

Section 12. Meeting and Conferring and Consulting

a. Meeting and Conferring

(1) The scope of meeting and conferring in good faith between the Employee Relations Officer and representatives of recognized employee organizations includes, but is not limited to wages, hours, and other terms and conditions of employment within the employee representation unit.

(2) Meeting and conferring shall not be required on any matter preempted or specifically provided for by Federal or State law or the City Charter, nor shall meeting and conferring be required on the exercise of Employee Rights or City Rights, unless these affect matters within scope per Government Code 3500.

(3) Requests for meeting and conferring by recognized employee organizations on matters requiring major budgetary financing shall be submitted to the City Manager in time for adequate discussion, consideration and action in connection with the budget.

(4) Meetings on those matters which affect employees generally may be held jointly with representatives of recognized employee organizations representing all of the affected employees.

b. Consultation

(1) The scope of consultation between the Employee Relations Officer and representatives of affected employee organizations includes

employee relations matters that are specifically excluded from or otherwise not subject to the meet and confer process.

(2) Every reasonable effort shall be made to have such consultation prior to effecting basic changes in any rule or procedure affecting employee relations.

(3) Requests for consultation shall be directed to the Employee Relations Officer or official having jurisdiction over the matter to be discussed.

(4) In those instances where the City has certified an Employee Organization as the Recognized Employee Organization for a particular Appropriate Employee Unit, representatives of other Employee Organizations having members in that unit shall not have the right to consult on employee relations matters on behalf of said unit.

c. Management and Confidential Employees

Management and confidential employees as defined in Section 2 of this Resolution shall be designated by Departments in consultation with the Personnel Department. Management and confidential employees shall not represent any employee organization which represents non-management or non-confidential employees on matters within the scope of representation. In the event a dispute arises with an employee organization over such designations, the matter may be appealed to the City Manager pursuant to Section 11 of this Resolution.

Section 13. Impasse Procedures

Impasse Procedures shall not be requested by either party until all attempts to reach an agreement through meeting and conferring have been unsuccessful. Either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all disputed issues.

An impasse meeting shall be scheduled promptly by the Employee Relations Officer.

The purpose of such impasse meeting shall be:

- a. To identify and specify in writing the issue or issues that remain in dispute.
- b. To review the positions of the parties in a final effort resolve such disputed issue or issues; and
- c. If the dispute is not resolved, the parties may agree to explore new avenues to settlement through one of the following:

- (1) Either party may request the assistance of a mediator.

If the parties submit the dispute to mediation and agree on the selection of a mediator, the matter shall be first submitted to mediation. All mediation proceedings shall be private.

If mediation fails to resolve the impasse it may be submitted to fact finding within 15 days thereafter.

- (2) The parties may mutually agree to request the assistance of a fact finder.

The parties shall mutually agree on one fact finder and each shall submit to such fact finder in writing the facts and issues they want ascertained. The Employee Relations Officer may submit to the fact finder specific criteria to be used in arriving at his/her findings. If mutually agreed to by both parties, the fact finder may be requested to make a recommendation an appropriate settlement of the dispute. The report of the fact finder shall be confidential and submitted directly to the parties concerned. The parties shall attempt to reach an agreement by meeting and conferring on the basis of the fact finder's report. If the parties have not reached an agreement within seven days after receiving the fact finder's report, they shall, within the next seven days, submit in writing their position on the unresolved issues to the City Council. The above time requirements may be extended by mutual agreement of the parties. The

Employee Relations Officer shall submit a copy of the fact finder's report to the City Council along with his/her own recommendations. The employee organization may also submit a report. The City Council shall then make the final decision.

Section 14. Establishing Implementing Rules

The Employee Relations Officer is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this resolution.