

ARTICLE II. - EMPLOYEE ORGANIZATIONS^[2]

Footnotes:

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State Law reference— Firefighter's Mediation Act, O.C.G.A. § 25-5-1 et seq.

Sec. 154-36. - Statement of policy.

It shall be the policy of Fulton County to recognize, meet and confer with employee organizations in an orderly manner through a formal, structured process. This policy delineates the methodology used to recognize the organization, the process used to meet and confer with the organization, the methodology used to authorize dues deductions if requested, and the methodology used to pay deducted dues to organizations.

(90-RCM-661, 8-15-90; Ord. No. 10-0347, 3-17-10)

Sec. 154-37. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Community of interests means a group of employees who share common interests in wages, hours, and other conditions of employment.

Dues authorization card means the official finance department form used by an employee to authorize the deduction of dues or political contributions from their payroll checks and the payment of these deductions to a recognized employee organization.

Eligible employees means all employees who share a community of interests and who are not:

- (1) In an executive, professional, or administrative position as defined by the Fair Labor Standards Act;
- (2) Directors;
- (3) Department heads;
- (4) Confidential employees who work directly with and report directly to a department head or director; ~~and~~
- (5) Employees who have the actual authority to hire, fire, or discipline; ~~and~~
- (6) Employees in State funded positions.

~~When an eligible employee no longer satisfies the above mentioned criteria, he or she is no longer an eligible employee and can no longer belong to the employee organization.~~

All county employees are eligible employees for the Fulton County Employees Association. ~~All county employees who receive a Fulton County payroll check may have their member dues deducted from their payroll checks and paid to a recognized employee organization. Only eligible employees, however, shall enjoy, meet, and confer, or have other representational rights provided in this article.~~

Employee organization means any legally formed organization recognized by ~~a resolution of the~~ board of commissioners pursuant to this article and the following organizations already recognized: Fulton County Employees Association; Service Employees International Union; AFSCME Local 1644; Peace Officers Annuity; Southern States PBA; International Brotherhood of Police Officers; and FOP Fulton

~~County Lodge 64, which represents 50 percent, plus one of those employees eligible to belong to such employee organization. The Fulton County Employees Association and AFSCME Local 3 shall be considered employee organizations even though their membership is less than that required for new employee organizations. Once any new employee organization has been recognized by the board of commissioners, and has attained a membership level of 300 or more eligible employees, then such organization shall be allowed to represent any member of their organization in any county department.~~

Fulton County means Fulton County, or any officer, agency, department, bureau, division, board or commission thereof, ~~or any other political subdivision within or thereof~~ but does not mean a county constitutional or state elected or state appointed official.

(90-RCM-661, 8-15-90; 93-RC-234, 5-19-93; 94-RC-504, 10-19-94; 95-0231, 2-15-95; Ord. No. 10-0347, 3-17-10)

Cross reference— Definitions generally, § 101-2.

Sec. 154-38. - Applicability of article.

This policy shall apply to all Fulton County eligible employees who receive a Fulton County payroll check and any current or future employee organization as defined above.

(90-RCM-661, 8-15-90; Ord. No. 10-0347, 3-17-10)

Sec. 154-39. - Procedures.

- (a) Any eligible employee ~~shall not~~ have the right to form and join an employee organizations and to meet and confer with Fulton County relative to wages, hours, and working conditions through the exclusive employee organization of their own choosing.
- (b) ~~Any employee organization which desires to be recognized as an employee organization representing is designated or selected by a majority of~~ eligible employees as their exclusive representative for purposes of this article shall request recognition ~~by the~~ to the board of commissioners by filing a written request on the organization's letterhead with the county manager. The written request must include the criteria for membership to the organization and the organization's stated mission or purpose. The county manager shall confirm the requesting organization is registered with the State of Georgia or other applicable nationally recognized accrediting or regulatory agency and submit the request to the board of commissioners ~~with an analysis and recommendations~~ within 14 days of filing. ~~This analysis shall include the number of employees affected, administrative costs, and any other factors deemed necessary by the county manager. If satisfied as to the majority status of the employee organization,~~ The board of commissioners shall may thereafter, in its discretion, recognize ~~and certify the employee organization as the an exclusive employee organization under this article, representing eligible employees in the designated unit.~~ If recognition of the employee organization is granted, the county manager will so notify the director of finance and the employee organization.
- (c) Repealed and reserved. ~~If the board of commissioners does not recognize and certify the employee organization based upon the request by the employee organization, the employee organization may file a written petition with the board of commissioners for certification as the exclusive employee organization representing eligible employees in the designated unit. The petition shall be accompanied by dated statements signed by at least, 30 percent of the employees in the designated unit, indicating that such employees desire to be exclusively represented for the purposes of this article by the petitioning employee organization. The board of commissioners shall investigate the petition to determine its sufficiency and if it has reasonable cause to believe that the petition is sufficient, shall provide for an appropriate hearing upon due notice. If the board of commissioners finds the petition to be insufficient, it may dismiss the petition. If the board of commissioners finds upon the record of the~~

~~hearing that the petition is sufficient, it shall immediately order an election by secret ballot. The date, time, location, rules and procedures for the election shall be decided upon by mutual agreement of the petitioning employee organization and Fulton County and reduced to writing within 14 days of the filing of the petition.~~

- (d) ~~After recognition, When an employee organization shall have the right to meet and confer with Fulton County relative to wages, hours, and working conditions on behalf of the eligible employees who are members of the employee organization. is selected by simple majority of the employees voting in an election, the board of commissioners shall certify the employee organization as the exclusive representative of all employees in the designated unit.~~
- (e) ~~Repealed and reserved. No petition may be filed seeking an election in any proposed or existing unit of eligible employees to determine an exclusive employee organization within 12 months after the date of certification covering any of the employees in designated unit or within 12 months of the execution of an agreement concerning wages, hours or working conditions.~~
- (f) Any Fulton County eligible employee who receives a Fulton County payroll check may ~~join the exclusively recognized employee organizations and~~ have their member dues deducted from their payroll checks and paid to the employee organization by properly completing ~~the dues within 30 days of signing~~ the dues authorization card. This deduction will be in force unless employment is terminated, the employee stops deduction, the dues authorization card expires, or the employee organization is no longer recognized by the board of commissioners. The above-mentioned deduction is also conditioned upon the fact that any employee or any official or member of an employee organization individually or collectively will not strike, and will not take part in any strike, sit-down, slow-down, or any interference with the operation of Fulton County by picketing, patrolling, demonstrating, or any stoppage of work, or similar activities. In addition, the deduction of dues is conditioned upon there being no campaigning or soliciting for membership on Fulton County property during working hours except as defined in MOU authorized by the board of commissioners or county manager. The dues deduction shall not be made in the event the wages of an employee for any period of pay, after making all deductions required by law and previously authorized by the employee, is less than should not equal the amount of such dues.
- (g) After deducting the cost to Fulton County of implementing such deduction of dues, the director of finance will remit the balance of dues collected to the employee organization, together with a list of names of those employees from whom the dues were collected on the last business day of each month.

(90-RCM-661, 8-15-90; 90-RC-695, 12-15-90; Ord. No. 10-0347, 3-17-10)

Sec. 154-40. - Prohibited discrimination.

There shall be no discrimination against any Fulton County employee because of the fact that such employee is a member of a recognized employee organization, nor shall such members receive any advantage or preferential treatment of any kind over those employees who are not members of an employee organization. No employee shall be required, as a condition of employment with Fulton County, to become a member of any employee organization.

(90-RCM-661, 8-15-90; Ord. No. 10-0347, 3-17-10)

Sec. 154-41. - Adverse actions and reprisals.

No disciplinary action or other adverse action shall be taken or threatened against any employee, nor shall any employee be intimidated by any supervisor or department head who has the authority to take, direct others to take, recommend, or approve any personnel action as a reprisal for an employee's membership or participation in any employee's organization or union. All members of employee organizations and unions shall be allowed to conduct standard and customary union activities, subject to

the employee's compliance with Fulton County's leave policy or prior board of commissioners' approval for attending Fulton County functions. The ~~chief human resources officer~~personnel director is hereby directed to devise a policy and procedure for enforcement of the provisions of this section and further, to develop appropriate penalties for violations of this section, which penalties shall include dismissal for cause.

(95-0230, 2-15-95; Ord. No. 10-0347, 3-17-10)

Sec. 154-42. - Meetings.

When an employee organization requests to meet and confer with ~~the Fulton e~~County, the designated ~~Fulton C~~ounty representative shall meet at mutually agreed times with the appointed or elected representatives of the employee organization for the mutual purpose of discussing wages, hours, or working conditions, insofar as such may be appropriate under county, state, and federal laws, and the county personnel regulations, policies and procedures.

(90-RCM-661, 8-15-90; Ord. No. 10-0347, 3-17-10)

Sec. 154-43. - ~~Agreements~~Proposals.

An exclusive employee organization may present proposals to Fulton County concerning wages, hours, or working conditions. Whenever such proposals are presented by the exclusive employee organization the designated ~~Fulton C~~ounty representative shall meet, confer and discuss such proposals with the exclusive employee organization. Upon the completion of discussions, the results shall be reduced to writing and be presented to the appropriate officials which may include administrative, a legislative or other governing body or an elected official for their consideration. in the form of a binding agreement, ordinance, resolution, bill, law or other form required for adoption. Unless and until the writing is adopted as law, any part of an agreed upon proposal in conflict with existing Fulton County laws or regulations shall be void and unenforceable.

(Ord. No. 10-0347, 3-17-10)

Editor's note— Ord. No. 10-0347, adopted March 17, 2010, renumbered the former § 154-43 as § 154-44 and enacted a new § 154-43 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 154-44. - Representative of the county.

The ~~personnel director of the county~~ chief human resources officer shall designate a person in the ~~personnel~~ department of human resources management to serve as ~~the Fulton e~~County's representative to meet with employee organizations when appropriate.

(90-RCM-661, 8-15-90; Ord. No. 10-0347, 3-17-10)

See the editor's note to § 154-43.

Secs. 154-45—154-70. - Reserved.