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**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FROM:** Human Resources Dept.

**SUBMITTAL DATE:**  
August 16, 2007

**SUBJECT:** Action on Advisory Arbitration Opinion as required by the Memoranda of Understanding ("MOU") between the County of Riverside and Service Employees International Union (SEIU), Local 1997

**RECOMMENDED MOTION:** That the Board of Supervisors accept without further factual testimony the advisory arbitration opinion of Arbitrator Michael Prihar dated September 19, 2006, in the grievance filed by the Service Employees International Union (SEIU) on behalf of Wayne Rogers.

**BACKGROUND:** The Memoranda of Understanding (MOU) between the County and the various unions that represent County employees each contain a clause that provides for advisory arbitration as part of the grievance resolution procedure. After receipt of an advisory arbitration opinion, the Board is empowered to accept, reject, or accept part of a decision and reject the rest, without further testimony from either party. The Board previously considered Human Resources recommendations on various advisory arbitrations (July 31, 2007, 3.65), with LIUNA, RSA, and SEIU.

Ronald W. Komers  
Asst. County Executive Officer/HR Director

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ -	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$ -	Budget Adjustment:	NO
	Annual Net County Cost:	\$ -	For Fiscal Year:	2007/08

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

BY:   
Elizabeth J. Olson

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

Dep't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: **ATTACHMENTS FILED WITH THE CLERK OF THE BOARD** District: Agenda Number: **3.29**

**BACKGROUND (continued)**

On July 31, 2007, the Board of Supervisors acted on the only advisory opinion during FY 2006/07, arising under an MOU between the County and the Riverside Sheriff's Association (RSA). Since that time, the County and the Laborers International Union of North America (LIUNA) settled the outstanding issues related to the only advisory arbitration opinion during FY 2006/07 arising under the MOU between the County and LIUNA. The only remaining advisory arbitration decision requiring Board action is the decision of Arbitrator Prihar, described herein, which arose under the SEIU MOU.

**Prihar Decision (Rogers Grievance):** The issue in the Wayne Rogers grievance filed by SEIU was whether the employee was entitled to compensation for hours "worked out of class" from January 2004 until he was reclassified on January 19, 2006. Mr. Rogers was performing some duties that were outside the scope of his existing classification but did not fit within any existing County classification. He was reclassified following a study by the Human Resources Department and his grievance sought pay for the time spent performing the out of class duties. The MOU between the County and SEIU does not provide any monetary remedy for an employee found to be working out of class in excess of 480 hours in a calendar year. On that basis, the arbitrator refused to order a remedy for Mr. Rogers. A copy of the arbitrator's decision is attached for your review (Attachment "A").

On July 31, 2007, the Board directed Human Resources to work with the various unions to develop alternatives to the present advisory arbitration process. Negotiations are currently underway with RSA and other unions on a revised process.