

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

881



**FROM:** Human Resources Department

**SUBMITTAL DATE:**  
June 5, 2013

**SUBJECT:** County's Opposition to the Request for Appeal filed by the Riverside Sheriffs' Association related to the grievance concerning Matthew Spain.

**RECOMMENDED MOTION:**

- (1) That the Clerk of the Board set a public hearing within 45 days and notify both the Human Resources Department and the Riverside Sheriffs' Association of the date the matter will be heard by the Board.
- (2) That the Board of Supervisor's receive and consider the recommendation of the Human Resources Department to uphold the decision by Arbitrator Michael Prihar.

**BACKGROUND:** On or about May 13, 2013, RSA filed with the Board of Supervisors an appeal of an advisory arbitration opinion issued by Mr. Michael Prihar on April 29, 2013 (Attachment A). Pursuant to grievance procedure between the parties set out below and contained in the 2012-2016 MOU, the County is required to respond within 10 days to the filed appeal.

Departmental Concurrence

  
 \_\_\_\_\_  
 Barbara A. Olivier  
 Asst. County Executive Officer/Human Resources Director

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	2012/13

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

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

**APPROVE**

BY:   
 \_\_\_\_\_  
 Ivan M. Chand      6/6/2013

**County Executive Office Signature**

- Policy
- Consent
- Policy
- Consent

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

**Prev. Agn. Ref.:** \_\_\_\_\_ | **District:** All | **Agenda Number:** \_\_\_\_\_

**3-42**

**BACKGROUND continued:**

The County's Opposition to the appeal was filed and served on May 23, 2013 (Attachment B). The Memorandum of Understanding for the Law Enforcement Unit, specifically Article XI, Section 12, provides the following:

- J. Either the Human Resources Department or RSA may appeal the decision of the arbitrator to the Board of Supervisors within fifteen (15) calendar days of the date of the arbitrator's award. All appeals must include a copy of the award. A copy of the appeal, and all documents submitted to the Board of Supervisors in support thereof, shall be served on the respondent by the appellant at the time the appeal is filed. The respondent shall have ten (10) calendar days from date of the receipt of the appeal in which to file and serve its written opposition, if any. The Board of Supervisors shall hear and decide the appeal within forty-five (45) calendar days of the date of the appeal. The Clerk of the Board of Supervisors shall give reasonable notice to both parties of the date the matter will be heard by the Board. Both parties shall be given a minimum of fifteen minutes to present oral argument in favor of their respective positions; however, no additional testimony will be taken.

The Board of Supervisors may either accept or reject the arbitrator's decision, or accept part of the decision and reject the rest. If the Board of Supervisors rejects all or part of the arbitrator's decision, the Board shall state its reasons for rejection in a written decision. The decision of the Board of Supervisors shall be the final step in these administrative procedures. If RSA is dissatisfied with the Board's decision it may bring an action in Superior Court to enforce the MOU.

In the event that neither party appeals within fifteen (15) calendar days of the date of the arbitrator's award, the Arbitrator's Award shall be final and binding on the parties. In the event that Human Resources appeals but the Board of Supervisors does not rule on the appeal within forty-five (45) calendar days of the appeal, the arbitrator's ruling shall be final and binding. In the event that RSA appeals but the Board of Supervisors does not rule on the appeal within forty-five (45) calendar days, RSA will have exhausted its administrative remedies and may bring an action in Superior Court to enforce the MOU.

For the reasons set forth in Attachment B, the County urges the Board of Supervisors to accept the advisory opinion of the experienced arbitrator. A copy of the advisory arbitration opinion issued by Mr. Prihar is included as Exhibit AXI of Attachment A.