

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

694



**FROM:** Human Resources Department

**SUBMITTAL DATE:**  
July 20, 2010

**SUBJECT:** County's Opposition to the Request for Appeal filed by the Riverside Sheriffs' Association related to the grievance concerning the Senior District Attorney Investigator IIIB classification.

**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 Supervisors receive and consider the recommendation of the Human Resources Department to uphold the decision by Arbitrator Fredric R. Horowitz, Esq., and deny the grievance.

**BACKGROUND:** On or about July 6, 2010, RSA filed with the Board of Supervisors an appeal of an advisory arbitration opinion issued by Mr. Fredric R. Horowitz on June 29, 2010. Pursuant to grievance procedure between the parties set out below and contained in the 2008-2011 MOU, the County is required to respond within 10 days to the filed appeal. The County filed its opposition with the Clerk of the Board on July 14, 2010.

*Barbara A. Olivier*

Barbara A. Olivier  
Asst. County Executive Officer/Human Resources Dir.

<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:	2010/2011

<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: *Karen L. Johnson*  
Karen L. Johnson

County Executive Office Signature

Policy  Policy

Consent  Consent

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing on Tuesday, August 31, 2010, at 9:30 a.m.

Ayes: Buster, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: July 27, 2010  
xc: HR, DA, COB

Kecia Harper-Ihem  
Clerk of the Board  
By: *[Signature]*  
Deputy

Dept's Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: | District: ALL | Agenda Number:

**3.91**

**BACKGROUND continued:**

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 A, the County urges the Board of Supervisors to accept the advisory opinion of the experienced arbitrator and to not substitute its opinion for that of the expert hired by the parties to resolve the issue. A copy of the advisory arbitration opinion issued by Mr. Horowitz is included as Exhibit A of Attachment A and a copy of the appeal filed by the Riverside Sheriffs' Association is included as Attachment B.