

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



FROM: Human Resources Department

SUBMITTAL DATE:

August 3, 2011

SUBJECT: County's Request for Appeal related to the grievance concerning the revision of Board Policy C-10 and take home vehicles in the Office of the District Attorney.

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 reject the decision by Arbitrator Louis M. Zigman, Esq., and deny the grievance.

BACKGROUND: On or about July 19, 2011, an advisory arbitration opinion was issued by Mr. Louis Zigman, Esq. Pursuant to grievance procedure between the parties set out below and contained in the 2008-2011 MOU, the County 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.

Barbara A. Olivier

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

FINANCIAL DATA	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:	2011/2012

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

C.E.O. RECOMMENDATION:

APPROVE

BY: *Bill Luna*
Bill Luna

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent
-
-

3)

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing on Tuesday, September 13, 2011, at 9:30 a.m.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: August 16, 2011
xc: HR, COB

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

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

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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 reject the advisory opinion of the arbitrator. A copy of the advisory arbitration opinion issued by Mr. Zigman is included as Attachment B. The positions of both parties are set forth in their post-hearing briefs filed with the arbitrator and are included as Attachment C (County of Riverside) and Attachment D (Riverside Sheriffs' Association) hereto.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



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(1)

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from the Human Resources regarding County's Request for Appeal Related to the Grievance concerning the Revision of Board Policy C-10 Alcohol and Drug Abuse Policy and Take Home Vehicles in the Office of the District Attorney is approved as recommended, and is set for public hearing on September 13, 2011 at 9:30 a.m.

(2)

On Motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter be reconsidered.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on August 16, 2011 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: August 16, 2011
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: _____

Kulluqutan

Deputy

AGENDA NO.
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xc: HR, COB