RESOLUTION - ACTION REQUESTED 2020-57

MEETING: February 4, 2020

TO: The Board of Supervisors

FROM: Kimberly Williams, Human Resources Director

RE: Side Letter of Agreement with SEIU - Reinstatement of Leave

RECOMMENDATION AND JUSTIFICATION:
Approve a Side Letter of Agreement with the Service Employees International Union Local 521 (SEIU) by agreeing to the reinstatement of four (4) hours of leave to certain employees; and authorize the Board of Supervisors Chair to sign the Side Letter of Agreement.

A group of employees in the Public Works Department filed a grievance because they were required to use four (4) hours of their leave when they transitioned from a 4/10 schedule to a 9/80 flex schedule. The County and SEIU have a mutual interest in promoting harmonious labor relations and have agreed to resolve the grievance by:

1) Agreeing that County employees are required to log forty (40) hours in a workweek.
2) Agreeing that a timekeeping misunderstanding occurred at the time the grievants transitioned from a 4/10 schedule to a 9/80 schedule.
3) Agreeing that the County will reinstate four (4) hours of leave to each affected employee.

It is recommended that the Board of Supervisors approve this Side Letter of Agreement and once approved, SEIU will withdraw their grievance with prejudice, and the leave balances of each affected employee will be increased by four (4) hours.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
None on this action. From time to time, the Board of Supervisors approves Side Letters of Agreement with bargaining units.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve this action as recommended; amend this action as the Board desires and approve.

FINANCIAL IMPACT:
Not applicable on this action.

ATTACHMENTS:
Settlement Agreement  (PDF)
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RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
GRIEVANCE
SIDE LETTER OF AGREEMENT
BETWEEN THE COUNTY OF MARIPOSA
AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 521

SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 521
Grievant

vs.

COUNTY OF MARIPOSA
Respondent.

Public Works Employees Grievance

SETTLEMENT AGREEMENT

In the interest of promoting harmonious labor relations between the parties, the County of Mariposa ("County" or "Respondent"), the Service Employees International Union, Local 521 ("SEIU" or "Grievant") and employees Troy Crocker; Stacy Deutsch; Dennis Frank; William Holt; Andy Jay; David Klomp; Michael Mari; and Raymond Micallef, et al. ("Employees"), collectively "the Parties," desire to settle the above-captioned grievance.

Recitals

A. SEIU filed a grievance on December 10, 2019 on behalf of Employees against the County alleging that the County violated the Memorandum of Understanding (MOU), specifically Section 8.2 "Schedule Changes." SEIU's statement of grievance indicates that SEIU agreed to the annual winter schedule change for Employees from a 4/10 schedule to a 9/80 flex schedule and as a result of the transition, Employees had to use four hours each of their leave accruals.

B. The Parties have a mutual interest in resolving the grievance and establishing an understanding and agreement concerning the issues surrounding SEIU's grievance on behalf of Employees.

Agreement

1. The Parties agree that County employees shall log forty (40) hours in a workweek pursuant to Section 8.1.1. of the MOU. To ensure that Employees complied with Section 8.1.1, Employees were required to use four hours of leave to ensure that 40 hours was reflected on
their respective timesheets for each week.

2. The Parties agree that a timekeeping misunderstanding occurred at the time the transition from a 4/10 schedule to a 9/80 schedule took place.

3. County will agree to promptly reinstate four hours of leave to each employee.

4. SEIU hereby withdraws the above-referenced grievance with prejudice.

5. The undersigned acknowledge that they have read and understand the terms of this Settlement Agreement and are authorized to execute this Settlement Agreement on behalf of their principals.

For Grievants:

[Signature]

Kevin Smith, Internal Organizer
Service Employees International Union 521

______________
Date

1-14-20

For Respondent

[Signature]

Kevin Cann, Chair
Mariposa County Board of Supervisors

______________
Date

2/4/2020

Approved as to Form:

[Signature]

Steven W. Dahlem, County Counsel