MARIPOSA COUNTY

Human Resources/Risk Management · (209) 742-1379

RESOLUTION - ACTION REQUESTED 2015-387

MEETING: August 4, 2015

TO: The Board of Supervisors

FROM: Steve Johnson, Human Resources Director - Risk Manager

RE: Grievance Agreement Between County-SEIU Local 521

RECOMMENDATION AND JUSTIFICATION:

Approve a Grievance Side Letter of Agreement between the County of Mariposa and Service Employees International Union (SEIU) Local 521 that provides for climbing boots and the annual maintenance of these boots for members of the Public Works Department Brushing (tree trimming) crew during the duration of the existing County-SEIU Local 521 Memorandum of Understanding (MOU), and authorize the Board of Supervisors Chair to Sign the Letter of Agreement.

This proposed Agreement was developed in response to a grievance that was filed on January 21, 2015, by SEIU Local 521 alleging a past practice that the County had previously purchased the boots, then recently declined to do so, for County employees who did tree trimming. During the most recent negotiations with SEIU Local 521 for the current successor MOU, the County and SEIU Local 521 agreed on language for footwear reimbursement, but this language did not specify purchase of specialized climbing boots or the annual maintenance of these boots for the Public Works Department Brushing crew. On April 9, 2015, SEIU Local 521 contacted the County's Administrative Officer Mary Hodson requesting arbitration of the grievance.

In order to avoid a lengthy and costly arbitration process, the County, labor law Attorneys Liebert, Cassidy & Whitmore, SEIU Local 521, the County's Public Works Director Tony Stobbe and County Public Works employee Andy Jay, developed the attached proposed Agreement to address and resolve the grievance, with the following salient points:

- The Public Works Department will provide employees permanently assigned as Brushing Crew in the Roads Division of the Public Works Department two new pairs of climbing boots every five years, not to exceed a total of $450 per pair.

- During the five year period, the Public Works Department will reimburse Brushing Crew employees for annual service for each pair of boots at a cost not expected to exceed $100 per pair per year. If during this five year period, a pair of boots is rendered unserviceable due to normal use, and wear and tear, the boots may be brought to the Director of Public Works for approval for an additional pair of boots

not to exceed $450. This replacement pair will be expected to last five years per the arrangement above.

- The Union agrees to withdraw the above-referenced grievance, and any and all related litigation, with prejudice.

- This settlement agreement will be attached to the current MOU and incorporated therein for the term of the agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors approved the existing County-SEIU Local 521 Memorandum of Understanding.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
A negative action would result in continuation of the arbitration process, as requested by SEIU-Local 521.

FINANCIAL IMPACT:
Cost for these boots has been incorporated into the Public Works Department Road budget.

ATTACHMENTS:
Jay_Settlement_Agreement (DOC)

CAO RECOMMENDATION
Requested Action Recommended

Mary Hodson
Mary Hodson, CAO 7/29/2015

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier

GRIEVANCE
SIDE LETTER OF AGREEMENT
BETWEEN THE COUNTY OF MARIPOSA
AND SEIU-LOCAL 521

SERVICE EMPLOYEES INTERNATIONAL UNION Local 521, Grievant, vs. County of Mariposa, Respondent.	Andy Jay Grievance **SETTLEMENT AGREEMENT**

In the interest of promoting harmonious labor relations between the parties, the County of Mariposa ("Employer" or "County"), and the Service Employees International Union Local 521, ("SEIU" or "Union") collectively "the Parties," in pursuit of settling the above-captioned grievance, agree as follows:

1. The Union filed a grievance on January 21, 2015 against the Employer alleging that the Employer violated the provision 6.3.9.1 of a Parties' Memorandum of Understanding MOU concerning employee work boots.
2. The Employer issued a response to the grievance on February 11, 2015.
3. The Parties met the on June 29, 2015 to discuss the matter.
4. For purposes of this settlement agreement, the Parties agree as follows:
   A. The Public Works Department will provide employees permanently assigned as Brushing Crew in the Roads Division of the Public Works Department two new pairs of climbing boots every five years, not to exceed a total of $450 per pair.
   B. During the five year period, the Public Works Department will reimburse Brushing Crew employees for annual service for each pair of boots at a cost not expected to exceed $100 per pair per year.

If during this five year period, a pair of boots is rendered unserviceable due to normal use and wear and tear, the boots may be brought to the Director of Public Works for approval for an additional pair of boots not to exceed $450. This replacement pair will be expected to last five years per the arrangement above.

C. The Union agrees to withdraw the above referenced grievance, and any and all related litigation with prejudice.

D. This settlement agreement will be attached to the current MOU and incorporated therein for the term of the agreement.

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

6. The undersigned agree that this Settlement Agreement may be executed in counterparts and further agree that an executed fax or copy of this Settlement Agreement will suffice as the original.

For Grievant:

Andrew C Jay

8-18-15
DATE

For Respondent:

Merlin Jones

Merlin Jones, Chair
Mariposa County Board of Supervisors

10/14/15
DATE

For Union:

Kimberley Forney

9-29-15
DATE