



MARIPOSA COUNTY

Human Resources • (209) 742-1379



RESOLUTION - ACTION REQUESTED 2019-675

MEETING: November 26, 2019

TO: The Board of Supervisors

FROM: Kimberly Williams, Human Resources Director

RE: Approve Side Letter of Agreement with DSA--Leave for Jury Duty

RECOMMENDATION AND JUSTIFICATION:

Approve a Side Letter of Agreement with the Deputy Sheriffs' Association (DSA) to allow employees to take leave for jury duty without impacting their leave accruals; and Authorize the Board of Supervisors Chair to Sign the Side Letter of Agreement

Deputy Probation Officer Tim Bennett filed a grievance because his vacation accruals were used when he served on jury duty. The Memoranda of Understanding with the Service Employees International Union Local 521 (SEIU) and the Mariposa County Managerial and Confidential Organization (MCMCO) contain a negotiated provision that allows employees to take leave without impacting their leave accruals when summoned for jury duty. The DSA Memorandum of Understanding (MOU) does not contain a "jury duty" provision. Thus, employees in the DSA unit who serve on a jury are required to use their leave accruals.

In their grievance, the DSA contends that the County violated the Mariposa County Employee Handbook because the handbook states that the County will grant time off in conjunction with service on a jury and "that no deduction from salary will be made for the absence while serving as a juror." Although there is language that states the handbook is not a legal contract or an entitlement to benefits not otherwise provided and that employees should refer to the applicable MOU as it relates to benefits, the County and the DSA have a mutual interest in promoting harmonious labor relations. The parties agree to resolve the grievance by allowing DSA-represented employees to take leave without loss of wages, vacation time, compensatory time, sick leave, or any other benefit for purposes of responding to a summons for jury service and when serving on a jury.

It is recommended that the Board of Supervisors approve this Side Letter of Agreement and once approved, the DSA will withdraw their grievance with prejudice and Deputy Probation Officer Tim Bennett's leave accruals that he used to serve on a jury will be reinstated.

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.

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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:

DSA-Tim Bennett Grievance Side Letter (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey