



MARIPOSA COUNTY

Human Resources · (209) 742-1379



RESOLUTION - ACTION REQUESTED 2019-676

MEETING: November 26, 2019
TO: The Board of Supervisors
FROM: Kimberly Williams, Human Resources Director
RE: Approve Side Letter of Agreement with SMA--Leave for Jury Duty

RECOMMENDATION AND JUSTIFICATION:

Approve a Side Letter of Agreement with the Sheriffs' Management Association (SMA) 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.

An employee in a position represented by the Deputy Sheriffs' Association (DSA) filed a grievance because his vacation accruals were used when he served on jury duty. The DSA's Memorandum of Understanding (MOU) does not contain a negotiated provision that allows employees to take leave without impacting their leave accruals. Similarly, the SMA MOU does not contain such a provision. If an SMA employee is summoned for jury service and serves on a jury, the employee is required to use their leave accruals while serving.

The County and the SMA have a mutual interest to remedy the issue and establish an understanding and agreement relative to leave with pay for SMA-represented employees who may be summoned for future jury service. The parties have agreed to enter into a Side Letter of Agreement by allowing SMA-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 after approved, the Side Letter will be attached to the current SMA MOU.

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.

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ATTACHMENTS:

SMA Side Letter of Agreement-jury duty (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

**Side Letter of Agreement between
Mariposa County and the Sheriffs' Management Association**

This Side Letter of Agreement is made a part of and incorporated into the Memorandum of Understanding dated January 1, 2019 through December 31, 2021 by and between the County of Mariposa (County) and the Sheriffs' Management Association (SMA).

Whereas, the County and the SMA have a desire to ensure that employees who may be summoned for future jury service/duty may do so without loss of wages or any applicable leave time, and

Whereas, the Memorandum of Understanding between the County and the SMA does not contain a provision that addresses how employees will be paid in the event an employee is selected for jury service/duty, and

Whereas, the County and the SMA desire to remedy the issue and establish an understanding and agreement concerning leave with pay for SMA-represented employees who may be summoned for future jury service/duty.

Now, Therefore, the parties agree to the following:

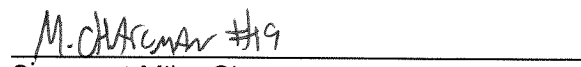
1. Effective immediately, SMA-represented employees shall be allowed to take leave from their County duties without loss of wages, vacation time, compensatory time, sick leave, or employee benefits for the purpose of responding to a summons for jury service/duty and when serving on a jury.
2. SMA-represented employees who are excused from their jury service/duty will contact their supervisor and shall return to work for the balance of their shift.

For the County:


Miles Menetrey, Chair
Board of Supervisors

Date: Nov 26 2019

For the Sheriffs' Management Association:


Sergeant Mike Charman
President

Date: 11/13/19

Approved as to Form:


Steven W. Dahlem, County Counsel