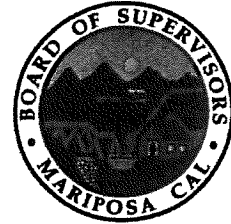




MARIPOSA COUNTY

Human Resources • (209) 742-1379



RESOLUTION - ACTION REQUESTED 2019-718

MEETING: December 17, 2019
TO: The Board of Supervisors
FROM: Kimberly Williams, Human Resources Director
RE: Side Letter of Agreement with SEIU-Out-Of-Class Pay and Promotion

RECOMMENDATION AND JUSTIFICATION:

Approve a Side Letter of Agreement with the Service Employees International Union Local 521 (SEIU) by agreeing to out-of-class pay for an Agricultural and Standards Inspector II employee and promoting the employee to the next higher class of Senior Agricultural and Standards Inspector; and authorize the Board of Supervisors Chair to sign the Side Letter of Agreement.

Agricultural and Standards Inspector II employee Monica Nielsen filed a grievance for out-of-class pay as she alleged that she was working on an ongoing basis in a higher level classification since the departure of the incumbent Deputy Agricultural Commissioner; the Deputy Ag Commissioner separated on October 10, 2017. Employee Nielsen also alleged that she was working in a supervisory capacity since July 16, 2018 and that she should be promoted to the next higher classification, which is the Senior Agricultural and Standards Inspector.

The County and SEIU have a mutual interest in promoting harmonious labor relations and have agreed to resolve the grievance by:

- 1) Providing out-of-class pay to employee Nielsen at the Senior Agricultural and Standards Inspector level beginning the day after the departure of the incumbent Deputy Ag Commissioner until the day before the Merced County Ag Commissioner assumed oversight of the Mariposa County Ag Commissioner's office, i.e., from October 11, 2017 through June 30, 2018; and
- 2) Promoting employee Nielsen to a Senior Agricultural and Standards Inspector effective August 1, 2019.

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 employee Monica Nielsen will then receive the agreed upon out-of-class pay in the first regularly scheduled pay check after the approval of this Side Letter (employee Nielsen's promotion is already in effect).

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.

Resolution - Action Requested 2019-718

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:

SEIU-Monica Nielsen 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

**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

Monica Nielsen Grievance

vs.

SETTLEMENT AGREEMENT

COUNTY OF MARIPOSA
Respondent.

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 employee Monica Nielsen ("Employee Nielsen"), collectively "the Parties," desire to settle the above-captioned grievance.

Recitals

A. SEIU filed a grievance on July 22, 2019 on behalf of Employee Nielsen against the County alleging that the County violated the Memorandum of Understanding (MOU), specifically Section 6.2.3 "Promotion" and Section 11.1 "Out-of-Class Work." SEIU alleges that Employee Nielsen was entitled to a promotion effective July 16, 2018, to a Senior Agricultural and Standards Inspector from an Agricultural and Standards Inspector II. SEIU further alleges that Employee Nielsen should have been receiving out-of-class pay since October 11, 2017 because she was performing supervisory duties.

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 Employee Nielsen.

Agreement

1. The County will agree to provide out-of-class pay, pursuant to the provisions of the SEIU MOU, to Employee Nielsen for the period of time from October 11, 2017 through and including June 30, 2018 at the Senior Agricultural and Standards Inspector level. The incumbent in the

Deputy Agricultural Commissioner position, who had been managing the department, left County employment effective October 10, 2017. The Merced County Agricultural Commissioner's office assumed oversight of the Mariposa County Agricultural Commissioner's office effective July 1, 2018.

2. The County and SEIU have agreed to promote Employee Nielsen to the Senior Agricultural and Standards Inspector position. Employee Nielsen's promotion went into effect August 1, 2019.

3. The County will pay the aforementioned out-of-class pay to Employee Nielsen in the first regularly scheduled pay check after the adoption of this Settlement Agreement.

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 Grievant:



Kevin Smith, Internal Organizer
Service Employees International Union 521

11-21-19

Date



Monica Nielsen

11/21/2019

Date

For Respondent



Miles Menetrey, Chair
Mariposa County Board of Supervisors

Dec 18 2019

Date

Approved as to Form:



Steven W. Dahlem, County Counsel