TO: Board of Supervisors
FROM: County Counsel, Michael Ciccozzi
SUBJECT: County Counsel: Adopt and authorize Chair to sign Findings and Decision of Board of Supervisors regarding Appeal of Denial of Grievance filed by the Deputy Sheriffs Association
DATE: August 11, 2020
NUMBER: 414/2020

Recommendation

County Counsel requests the Board adopt the Findings and Decision of the Board of Supervisors denying the appeal from the denial of a grievance filed by the Deputy Sheriffs’ Association and authorize the Chair to sign.

Background

The Deputy Sheriff’s Association (DSA) filed a grievance on behalf of its members regarding the interpretation of Section 29.05, Employer Contribution to Deferred Compensation Plan of the Memorandum of Understanding (“MOU”). The DSA’s position was that the term “years of service” as used in that section should include all time an employee worked for Yuba County regardless of whether there was a break in service of any duration. The County through its Human Resources Director took the position that the term “years of service” is determined in accordance with the Service Computation Date as defined in Section 1.02 of the MOU.

The matter immediately proceeded to formal Step 3 of the County Grievance procedure as established by Yuba County Ordinance Code section 3.10.100. The Grievance was reviewed by the Human Resources Director and denied on January 31, 2020.

The DSA timely appealed the decision of the Human Resources Director to the Board of Supervisors.
The DSA appeal was heard by the Board of Supervisors on July 28, 2020. At that time, the parties through counsel presented the testimony of witnesses, evidence and argument. Upon completion of the presentation of the evidence and argument, the hearing was closed. After hearing the evidence and argument, the Board by a three to one vote denied the appeal. Supervisor Fletcher was the dissenting vote. Supervisor Bradford was absent from the proceedings.

The Board, in accordance with ordinance Code section 3.10.100(e)(4), then directed that written findings and decision be prepared and continued the matter to August 11, 2020 for the sole purpose of reviewing and adopting the findings and decision.

**Discussion**

Before the Board are the proposed findings and decision for review and approval by the Board of Supervisors. Findings are the legally required reasons for an administrative or quasi-judicial decision. They bridge the gap between the raw evidence presented to the administrative body, such as the Board of Supervisors, and the final decision. There is no particular format required for findings and decision so long as the findings provide the basis for the decision in a logical form.

If the Board would like to make changes to the proposed findings and decision this hearing allows the Board to make those modifications to the findings.

The Board has already voted on the decision, e.g. denial of the appeal, and as such, this is not an opportunity to revisit that decision.

Typically, in the case of a quasi-judicial hearing, an absent supervisor would not be entitled to vote on the decision of the Board unless they had familiarized themselves with the evidence presented at the hearing by reviewing the transcript, audio, or video of the proceeding.

**Fiscal Impact**

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<thead>
<tr>
<th>Source of Funds</th>
<th>General Fund</th>
<th>Non-General Fund</th>
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<tbody>
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<td>None</td>
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**Attachments**

FINDINGS AND DECISION DENYING APPEAL OF DENIAL OF GRIEVANCE