



## Legislation Details (With Text)

**File #:** 2022-0042  
**Type:** Consent Calendar Item **Status:** Passed  
**File created:** 1/6/2022 **In control:** Human Resources  
**On agenda:** 1/25/2022 **Final action:** 1/25/2022  
**Title:** Appointing a Hearing Officer in the matter of an appeal of disciplinary action.  
**Sponsors:** Human Resources  
**Indexes:**  
**Attachments:** 1. Summary Report

Date	Ver.	Action By	Action	Result
1/25/2022	1	Board of Supervisors	Approved as recommended	Pass

**To:** The Board of Commissioners of the Sonoma County Community Development Commission  
**Department or Agency Name(s):** Sonoma County Human Resources Department, Sonoma County Community Development Commission  
**Staff Name and Phone Number:** Carol Allen, (707) 565-2549  
**Vote Requirement:** 4/5th  
**Supervisory District(s):** Countywide

**Title:**  
Appointing a Hearing Officer in the matter of an appeal of disciplinary action.

### Recommended Action:

Delegate authority for the Human Resources Director or designee to appoint a hearing officer in the matter of appeal of disciplinary action. (4/5<sup>th</sup> Vote Required)

### Executive Summary:

The current Memorandum of Understanding (MOU) with SEIU 1021, authorizes SEIU represented employees of the Commission to appeal specified disciplinary actions to the Community Development Commission Board of Commissioners. As employees of the Community Development Commission are not classified under the County's Civil Service System, the MOU gives the Board the choice to hear the appeal itself, or assign it to a hearing officer. If heard by a hearing officer, the decision is final. On January 5, an employee filed an appeal of disciplinary action related to that employee's dismissal.

Human Resources requests approval for the delegation of authority to the Human Resources Director or designee to appoint a hearing officer in the matter of an appeal of disciplinary action.

### Discussion:

On January 4, 2022, the Interim Executive Director of the Sonoma County Community Development Commission issued an order of dismissal to one of its employees who is represented by SEIU. On January 5, 2022, the employee filed a timely appeal of this disciplinary action.

The current Memorandum of Understanding (MOU) with SEIU 1021, authorizes SEIU represented employees

of the Commission to appeal certain disciplinary actions to the Community Development Commission Board of Commissioners. As employees of the Community Development Commission are not classified under the County's Civil Service System, the MOU gives the Board of Commissioners the choice to hear the appeal or assign it to a hearing officer. If heard by a hearing officer, the decision is final.

Under the MOU, the matter must be placed on the agenda of the Board of Commissioners within 30 days of receipt of a petition to set a hearing date, or decide to appoint a hearing officer.

Staff request the Board approve delegating authority to the Human Resources Director or designee to appoint a hearing officer to hear the appeal. Alternatively, the Board of Commissioners may set a hearing date for a future Board meeting and hear the appeal themselves.

**Strategic Plan:**

N/A

**Prior Board Actions:**

None

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 21-22 Adopted</b>	<b>FY22-23 Projected</b>	<b>FY 23-24 Projected</b>
Budgeted Expenses	\$3,000		
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$3,000		
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$3,000</b>		

**Narrative Explanation of Fiscal Impacts:**

According to the current SEIU Memorandum of Understanding (MOU), Article 6.12(h), the costs of a hearing officer shall be shared by the parties. The total cost is estimated by County Counsel to be \$6,000. No new appropriations are requested; the department has sufficient funding to absorb the estimated cost of the hearing officer.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

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**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

None

**Related Items “On File” with the Clerk of the Board:**

N/A