



## Legislation Text

---

**File #:** 2022-0545, **Version:** 1

---

**To:** The Board of Directors of the Sonoma County Water Agency

**Department or Agency Name(s):** Sonoma County Human Resources Department, Sonoma County Water Agency

**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 Sonoma Water to appeal specified disciplinary actions to the Board of Directors of Sonoma Water. As employees of Sonoma Water are not classified under the County's Civil Service System, the MOU gives the Board the choice to hear the appeal itself, or assigning it to a hearing officer. If heard by a hearing officer, the decision is final. On April 19, 2022, 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 April 19, 2022, the Director of the Sonoma County Water Agency issued an order of dismissal to one of its employees who is represented by SEIU. On April 19, 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 Sonoma County Water Agency to appeal specified disciplinary actions to the Board of Directors of the Water Agency. As employees of the Water Agency are not classified under the County's Civil Service System, the MOU gives the Board the choice to hear the appeal itself, or assigning 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 Directors 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 Directors may set a hearing date for a future Board meeting and hear the

appeal themselves.

**Strategic Plan:**

N/A

**Prior Board Actions:**

May 6, 2008: Board approved Sonoma County Water Agency to appoint a hearing officer in the matter of the appeal of disciplinary action.

June 10, 1997: Board approved Sonoma County Water Agency to appoint a hearing officer in the matter of the appeal of disciplinary action.

August 13, 1996: Board approved Sonoma County Water Agency to appoint a hearing officer in the matter of the appeal of disciplinary action.

April 9, 2019: August 13, 1996: Board approved Sonoma County Water Agency to appoint a hearing officer in the matter of the appeal of disciplinary action.

**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 6.12h, 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>

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

N/A

**Attachments:**

None

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

N/A