



## Legislation Details (With Text)

**File #:** 19-0230      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 2/6/2019      **In control:** Board of Supervisors

**On agenda:** 2/26/2019      **Final action:** 2/26/2019

**Title:** County Counsel recommending the Board:  
 1) Approve and authorize the Chair to sign a Letter of Agreement with El Dorado County Deputy Sheriffs' Association that would permit an existing DSA member within the District Attorney's Office to receive canine handler pay under Article 5, Section 12 of the Memorandum of Understanding between the County and the DSA;  
 2) Order the Auditor-Controller to disburse six thousand dollars (\$6,000) to James Applegate, the DSA member in question, in settlement of claims against the County made by him and the DSA under the Memorandum of Understanding between the County and the DSA as well as the Fair Labor Standards Act; and  
 3) Approve and authorize the Chair to sign the underlying settlement agreement with the DSA and James Applegate.

**FUNDING:** Risk Management General Liability Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Settlement Agreement, 2. Letter of Agreement

Date	Ver.	Action By	Action	Result
2/26/2019	1	Board of Supervisors	Approved	Pass

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 3) Approve and authorize the Chair to sign the underlying settlement agreement with the DSA and James Applegate.

**FUNDING:** Risk Management General Liability Fund.

**DISCUSSION / BACKGROUND**

On January 8, 2019, the Board approved a settlement of claims against the County by a member of the Deputy Sheriffs' Association who works in the District Attorney's Office, as well as by the DSA itself. These claims relate to compensation for care of an assigned canine arising under the Memorandum of Understanding between the County and the DSA and the Fair Labor Standards Act. The settlement has two primary components: (1) a one-time payment of \$6,000 to the DSA member; and (2) execution of a Letter of Agreement to the Memorandum of Understanding with the DSA that

would ensure that the DSA member in question receives canine handler pay on a going-forward basis. This Letter of Agreement must be approved in open session. This action therefore implements the previously approved settlement.

This action would also approve and authorize the Chair to sign the associated settlement agreement on behalf of the Board.

### **ALTERNATIVES**

The Board could elect not to approve the Settlement Agreement and/or Letter of Agreement, which would in effect re-open the grievance.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

The District Attorney's Office has no objection to the settlement terms. Human Resources has approved the Letter of Agreement.

### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

There will be a one-time cost of \$6,000 to the Risk Management General Liability Fund. There are sufficient appropriations in the General Liability Fund budgeted for FY 2018-19 for this cost. Funding for ongoing compensation under this Agreement is available in the District Attorney's Office budget.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Following Board approval, the Board Clerk will return three fully executed originals of the Letter of Agreement and the Settlement Agreement to County Counsel for distribution and administration.

### **STRATEGIC PLAN COMPONENT**

Good Governance.

### **CONTACT**

Michael Ciccozzi, County Counsel