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APPROVED

DATE 2/24/09 BY CSE/

**PIERCE COUNTY CIVIL SERVICE COMMISSION  
MINUTES OF REGULAR MEETING  
Tuesday, December 9, 2008**

**AGENDA ITEM I: Call to Order**

The regular meeting of the Pierce County Civil Service Commission (PCCSC) for Sheriff's Employees was called to order at 5:03 p.m. on Tuesday, December 9, 2008. The meeting was held in the Conference Room B in the Hess Building, 901 Tacoma Avenue S., Tacoma, Washington.

**COMMISSIONERS PRESENT:** Commissioner Richard Sokolowski, Chair; Commissioner Gail Merritt-Smith; Commissioner Michael Branchini

**STAFF PRESENT:** Sandy Pietz, Chief Examiner; Phil Prettyman, Deputy Prosecuting Attorney

**AGENDA ITEM II: Approval of Minutes**

It was moved by Commissioner Branchini to approve the minutes of the following meetings:

- Regular meeting, October 14, 2008
- Special meeting, October 30, 2008
- Special meeting, November 10, 2008

The motion was seconded and carried.

**AGENDA ITEM III: Continuation of Hearing – Gregg Marty**

Chair Sokolowski deferred this item until after consideration of Agenda Item IV.

**AGENDA ITEM IV: Approval of Leave Without Pay – Multiple Employees**

Chair Sokolowski summarized that this item has come before the Commission as a result of previous discussions regarding leaves of absence over 30 days that have not been approved consistent with the Civil Service Rules and with labor contracts which require approval of leave of absence over 30 days by the Sheriff, Human Resources Director and Commission. He stated the purpose of the Commission is to approve leaves of absences over 30 days consistent with the Rules and bargaining agreements. He asked for a report regarding the status of the issues brought forward by the County and the Guild regarding leave without pay approvals.

Leann Paluck, representing the Sheriff's Guild, stated they had received a draft MOU from the County addressing this issue but that it has not been fully negotiated at this time. She stated the Guild has an objection to the Commission approving leave without pay for the employee before them at this meeting, based on the fact that he has not requested leave without pay and that he is receiving catastrophic leave and is therefore in a paid status.

Joe Carrillo, Labor Relations Manager for the county, stated he had met with Guild representatives and advised them that the contract language is clear and specifically states how leaves of absence over 30 days are to be approved. He quoted the contract language that states leaves of absence over 30 days is to be approved by the Sheriff, the Human Resources Director and the Civil Service Commission. He stated it is the process that is being disputed and the Guild is asking the County not to implement the language, however, the existing language is what needs to be applied until something different is negotiated.

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Ms. Paluck stated that the issue is that a leave without pay has always been requested by the employee and has never been unilaterally imposed, it has always been on the agenda as an employee request. In this case, the change appears to be unilaterally designated as an unpaid leave of absence.

Mr. Carrillo stated that a question would be what status is the employee in if a leave of absence is not approved according to the Rules and contract, and that the answer is the status would be an unauthorized leave. He stated the ramifications of that are far greater. He stated the employee has filled out an FMLA form and that is considered the employee's request for leave.

Chair Sokolowski stated that the contract language does not make any distinction between what kind of leave without pay, and that the issue is silent in the contract about who is requesting the leave. The issue of who requests the leave needs to be worked out between the unions and the county. He stated the language is clear what the process is and if someone is on leave without pay and its going beyond the 30 days and up to one year it has to be approved by the Commission.

**Commissioner Merritt-Smith moved and Commissioner Branchini seconded to approve the leave of absence for Linda Allmond for a period of one year from the date the leave began, or until such time as the employee returns to pay status, whichever is earlier. The motion carried.**

Chair Sokolowski advised that it is incumbent upon the county and the unions to get together and figure out what needs to be clarified and done differently. He stated the contract language is clear and unambiguous and for the county to be put in a position to not follow it is kind of committing an unfair labor practice. The current language needs to be followed until it is fixed.

**AGENDA ITEM III: Continuation of Hearing – Gregg Marty  
(Item deferred on agenda)**

Chair Sokolowski advised the Commission has completed deliberation on the hearing of appeal of disciplinary action for Gregg Marty. **Commissioner Merritt-Smith moved to uphold the one-day suspension of Deputy Gregg Marty. The motion was seconded and carried.** Chair Sokolowski noted that the Findings of Fact would be sent to the parties.

**NEW BUSINESS:**

Chair Sokolowski advised the Commission that a request has been received from Sheriff Pastor to reschedule the hearing in the matter of the appeal by Bryan Cline, said hearing currently scheduled for January 6, 2009. The Commission directed staff to check with all parties and determine if another date is available.

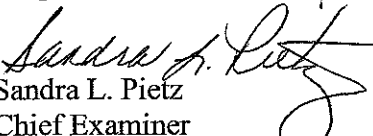
**NEXT MEETING:**

The next regular meeting of the Civil Service Commission is scheduled for January 13, 2009.

**ADJOURN:**

The meeting adjourned at 5:28 p.m.

Respectfully submitted:

  
Sandra L. Pietz  
Chief Examiner