

DATE: July 11, 2018

TO: Patrick Hall, President, Escondido Police Officers' Association
Alex Cruz, Chief Steward, Teamsters Local 911
Steven Nugent, President, Escondido Firefighters' Association
Karen Tatge, President, Escondido City Employees' Association

FROM: Sheryl Bennett, Deputy City Manager/Administrative Services

SUBJECT: Personnel Board of Review – Side Letter to the current Memorandums of Understanding

This side letter is to memorialize that the City and its labor groups have met and conferred over the replacement of the Personnel Board of Review with an Administrative Law Judge. The parties agree that the change will result in a more efficient process that allows for increased impartiality and legal expertise related to personnel matters that are subject to the due process rights of the City of Escondido's represented employees as defined under the Personnel Rules and Regulations, Rule 28.

The City will contract with of the Office of Administrative Hearings for the assignment of an Administrative Law Judge. We will consider adopting the Administrative Procedures Act and the associated California Code of Regulations for the hearing process to provide the Administrative Law Judge common reference point. As one example, 1 CCR § 1034 allows each party to have to one peremptory challenge (disqualification without cause) of an ALJ assigned to an OAH Hearing. The San Diego Regional Office currently has eleven judges. Initial discussions with the Regional Office indicate their ability to meet our timeframes.

The City will modify Rule 28, to replace the Personnel Board of Review authority with the authority of an Administrative Law Judge. Employees covered by the Public Safety Officers' or Firefighters' Procedural Bill of Rights have modified procedural timeframes. For non-safety units, all timeframes and responsibilities will remain as outlined in the current rules.

Such change will take effect upon City Council approval of the updated Personnel Rule 28. In addition, the Municipal Code Chapter 19, Article 2, that defines the Personnel Board of Review, will be eliminated, as it is no longer relevant to the process.

In response to the labor groups' demands, the City will add the following language to Rule 28, Post Hearing Procedure; "The City will not reverse any decision of the Administrative Law Judge without specific written findings identifying the reason for the change."