



**Human Resources and
Development
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: January 29, 2019

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
CONTACT PERSON: Rhonda Sjostrom PHONE: 636-4900		

SUBJECT: Agreement with the State of California Office of Administrative Hearings.

REQUEST(S):
That the Board of Supervisors:

- 1.) Approve an agreement with the State of California Office of Administrative Hearings to provide the services of Administrative Law Judges for conducting employee disciplinary hearings. This agreement is effective for five (5) years upon approval and execution of all signatures to this contract and the maximum amount of the agreement is \$48,000; and
- 2.) Authorize the Chairman of the Board to sign two (2) copies of the agreement.

SUMMARY:
The County's Personnel Rules and Memoranda of Understanding with several employee organizations contain provisions for the State of California Office of Administrative Hearings to provide an Administrative Law Judge to hear employee appeals of disciplinary actions. Specifically, Personnel Rule 12.8.B.2. states that the County, "Shall contact the State Office of Administrative Hearings and ascertain presently available dates when a Hearing Officer might be available to conduct a formal disciplinary hearing pursuant to these Rules and shall notify the employee of such dates, and of the dates on which the County's representative will be available for the hearing."

California Government Code section 27727 states, "Any county or other local public entity may contract with the Office of Administrative Hearings of the State of California, and the office is hereby authorized to contract for services for an administrative law judge or a hearing officer to conduct proceedings pursuant to this chapter."

SUBJECT: Agreement with the State of California Office of Administrative Hearings.

DATE: January 29, 2019

Government Code section 11370.4 requires that all costs for services provided by the Office of Administrative Hearings be recovered from the agencies served. The Office of Administrative Hearings charges include filing fees, the Administrative Law Judge hourly rate (based on the rates set forth in the Department of General Services Price Book), and translator/interpreter fees as required.

The contract is effective upon approval and execution of all signatures to this contract. The maximum amount of the agreement is \$48,000 over the five (5) years term.

We would like to bring to the Board's attention the following deviations from County Contract Protocol: This Agreement is for multiple years (five (5) years); County must sign the agreement first; County must indemnify the State; No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required; No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties; and this Agreement may be cancelled or terminated without cause by either party by giving 30 calendar days advance written notice to the other party.

County Counsel has reviewed the agreement and concurs with its necessity and form.

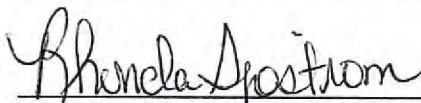
FISCAL IMPACT/FINANCING:

Funding for this agreement is included in the FY 2018/19 Budget. The maximum amount of the agreement is \$48,000 over the five (5) years term.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Organizational Performance: Promote an organization that continuously demonstrates the value of its employees in fulfilling the County mission.

ADMINISTRATIVE SIGN-OFF:



Rhonda Sjoström
Human Resources Director

cc: Auditor -Controller
County Counsel
County Administrative Office (2)

Attachment(s) Standard Agreement with Exhibits A-C

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF AGREEMENT)
WITH THE STATE OF CALIFORNIA) Resolution No. _____
OFFICE OF ADMINISTRATIVE HEARINGS) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JANUARY 29, 2019
BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

That the Board of Supervisors:

- 1.) Approved an agreement with the State of California Office of Administrative Hearings to provide the services of Administrative Law Judges for conducting employee disciplinary hearings. This agreement is effective for five (5) years upon approval and execution of all signatures to this contract and the maximum amount of the agreement is \$48,000;and
- 2.) Authorized the Chairman of the Board to sign two (2) copies of the agreement.