

COUNTY OF SAN LUIS OBISPO
GRIEVANCE FORM

Personnel Department ■ County Government Center, 1055 Monterey St., Ste. D-250 ■ San Luis Obispo, CA 93408 ■ (805) 781-5959

Date May 23, 2019 Your Job Classification Title: All DSA represented classifications
Name Lars Luther on behalf of San Luis Obispo County Deputy Sheriffs' Association Or Examination Title _____
Address P.O Box 3458 Department Sheriff's Office
City, State, Zip Code San Luis Obispo, CA 93403 Division _____
Telephone (805) 801-0523 Representative (if applicable) Vance Piggott, attorney Rains Lucia Stern St. Phalle & Silver - vpiggott@rlslawyers.com

This form is required to be completed to state a grievance to the Civil Service Commission in accordance with Rule 4. Rule 4.05 GRIEVANCES states:

"The procedure established herein is limited to application to complaints of unfair or improper treatment in County employment and to matters specifically involving the interpretation or application of ordinances, rules, policies and agreement."

Review Civil Service Rule 4 in its entirety to ensure this form is filed within the time limits set forth in the Rules. If you have questions about the procedure, contact the Personnel Office for information. DO NOT contact members of the Civil Service Commission or Board of Supervisors prior to the date that your matter is scheduled for hearing.

Return the completed form in an envelope marked CONFIDENTIAL - Attention Personnel Director, County Government Center, 1055 Monterey St., Ste. D-250, San Luis Obispo, CA 93408.

Instructions: In the following space, continuing on the reverse side of this form, you are required to provide the following information. If necessary, continue on additional sheets of paper.

1. Nature of grievance. List the specific facts and events that are the basis of this grievance.
2. Violation or infraction. List the specific Civil Service Rule(s), Board of Supervisors regulations(s) or other law(s) you believe have not been followed.
3. Relief requested. List the specific remedy or solution you are seeking in order to solve or correct this grievance.

Important: Do not attach additional materials or evidence to this form. Please type or print legibly.

1. Nature of Grievance:

In reviewing the San Luis Obispo County Sheriff's Office Policy Manual and the County Code, the San Luis Obispo County Deputy Sheriffs' Association has discovered that the Sheriff's Office has consistently and routinely denied all Association members the two 15-minute rest periods that should accompany each shift. Specifically, Sheriff's Office Policy Manual section 1034.1.2, titled "15 Minute Breaks", states:

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the sheriff's facility shall remain at the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios. When deputies take their breaks away from their vehicles or assigned work station they shall do so only with the knowledge and clearance of the Dispatch Center or supervisor.

Similarly, Subsection (a) of Section 2.44.120 of the County Code, titled "Rest breaks" states:

Except as otherwise provided by law, all employees of the county shall be entitled to one fifteen-minute rest break for each four hours worked.

Despite the clear and unambiguous mandates set forth in both the Sheriff's Office Policy Manual and the County Code, the Association is unable to identify any instance where the Sheriff's Office has established a practice or procedure for permitting employees to take their 15-minute rest break. As a result of the Sheriff's Office's failure to establish a procedure to afford employees an opportunity to actually enjoy the rest period, Association members have not received their 15 minute rest breaks.

2. Violation or Infraction.

In light of the foregoing, the Association believes that County Code sections 2.44.120(a) and Sheriff's Office Policy Manual section 1034.1.2 have been violated.

3. Relief Requested.

To remedy this grievance, the Association requests that:

(1) the Sheriff's Office promptly establish a procedure to ensure that Association members are provided their 15-minute rest breaks for every four (4) hours of work and

(2) provide each member with one (1) hour of compensation for each shift (including overtime assignments) where employees did not receive a 15-minute rest break for every four (4) hours of work dating back 20 working days prior to the initiation of the informal grievance process.

(Continue completing items 1-3 on reverse)

GRIEVANCE FORM - continued

Prior to submitting this written grievance, have you conferred with?

	<i>Yes</i>	<i>No</i>	<i>Name</i>	<i>Date</i>
<i>1. Immediate Supervisor</i>				
<i>2. Appointing Authority</i>				
<i>3. Personnel Director</i>				

Signature of grievant: _____ Date: _____

P:\Administration\FORMS\Grievance 03.17.2005.doc