BIG BEAR LAKE FIRE PROTECTION DISTRICT
MINUTES FOR THE MEETING OF
OCTOBER 10, 2005

A Meeting of the Big Bear Lake Fire Protection District was called to order by Chairman Mulvihill at 7:13 p.m., Monday, October 10, 2005, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Boardmembers Present:	Chairman Darrell Mulvihill Vice Chairman Ken Dally Boardmember S. O. Conklin Boardmember Liz Harris Boardmember Bill Jahn
Boardmembers Excused:	None

DISCUSSION/ACTION ITEMS

FP1. Ryan Harold Grievance Appeal

Board consideration of affirming the Fire Administrator's decision and direct Firefighter/Paramedic Harold to choose one of the two options as presented by the Fire Administrator.

Chuck Robillard, Union Representative of San Bernardino County Firefighters International Association - Local 935: spoke on behalf of Mr. Harold and discussed that, under the Memorandum of Understanding between the Fire Protection District and the San Bernardino County Professional Firefighters International Association – Local 935, an employee is allowed to take leave without pay while continuing to accrue paid leave benefits, which Mr. Harold has been allowed to do in the past. He reported that the initial request was approved by Mr. Harold's supervisor, but was denied by the Human Resources Manager. He further explained that Mr. Harold had never been notified that a policy existed, which states that employees that take leave without pay are not entitled to receive retirement benefits, nor does he believe that the City's Human Resources Manager has the authority to deny requests for leave without pay. He stated that Mr. Harold is asking that the twelve hours that he took off in June 2005, be considered leave without pay, and requests that his paid leave bank be credited with twelve hours, and that he be allowed to retain the paid leave he accrued during that time period.

Kevin R. Dale, Best Best & Krieger LLP: explained that the City/District Personnel Rules and Regulations, Section 10.2, provides the Human Resources

Director the authority to grant or deny requests for leave without pay, and that under Section 10.3 employees in a leave without pay status are not entitled to accrue paid time off, or retirement benefits. He explained that the Memorandum of Understanding does not conflict with the Personnel Rules and Regulations.

Motion by Mayor Pro Tem Dally, seconded by Councilmember Harris to direct staff to prepare and bring back for adoption on October 24, 2005, proposed Conclusions of Law and Award; that the Conclusions of Law and Award should reflect that no past practice exists; that Section 10.3 of the Personnel Rules and Regulations is applicable and states that employees are not entitled to certain benefits, including paid time off and District paid retirement contributions, while on leave without pay; and that in the future, the District shall be entitled to enforce and administer Section 10.3 of the Personnel Rules and Regulations so that employees do not accrue those benefits specified in Section 10.3 while on leave without pay; to deny the grievance, and allow the Grievant to have the twelve (12) hours he took off on June 21, 2005, and retirement contributions paid at District cost; on the condition that the Grievant agree to allow the District to deduct the amount of salary he received for the twelve (12) hours from his pay.

Said Motion was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn
NOES: Mulvihill
ABSENT: None
ABSTAIN: None

FP2. Ad Hoc Fire Committee

Board consideration of appointing Chairman Mulvihill and Boardmember Jahn to an ad hoc Fire Committee for the purpose of negotiating Fire Chief Morley's contract.

Motion by Boardmember Harris, seconded by Boardmember Conklin to appoint Chairman Mulvihill and Boardmember Jahn to an ad hoc Fire Committee for the purpose of negotiating Fire Chief Morley's contract.

Said Motion was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn, Mulvihill
NOES: None
ABSENT: None
ABSTAIN: None

FP3. Approval of the Minutes from the Meeting of September 26, 2005

Motion by Boardmember Jahn, seconded by Boardmember Conklin to approve the Minutes as presented.

Said Motion was approved by the following vote:

AYES:	Conklin, Harris, Jahn, Mulvihill
NOES:	None
ABSENT:	None
ABSTAIN:	Dally

ADJOURNMENT

There being no further business to come before the Council at this session, Chairman Mulvihill adjourned the meeting at 10:59 p.m.

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Katherine E. Jefferies
Board Secretary

APPROVED AT THE MEETING OF: February 13, 2006