

**Los Osos Community Services District
DRAFT Minutes of the Special Meeting of October 24, 2017**

AGENDA ITEM	DISCUSSION OR ACTION
<p>1. CALL TO ORDER/FLAG SALUTE/SILENT OBSERVANCE/ROLL CALL</p>	<p>President Storm called the meeting to order at 5:05 p.m. and led the flag salute.</p> <p>Roll Call: Charles Cesena, Director – Present Marshall Ochylski, Director – Absent Louis Tornatzky, Director – Present Vicki Milledge, Vice President – Present Jon-Erik Storm, President – Present</p> <p>The following Staff were present: Renee Osborne, General Manager David Fleishman, District Legal Counsel David Hirsch, Legal Counsel Ann Kudart, Administrative Services Manager</p>
<p>2. PUBLIC COMMENT ON AGENDA ITEM</p> <p>3. PUBLIC HEARING Regarding Grievance Filed by Jason Zatt, Utility Compliance Technician II, Concerning Direction by the General Manager to Submit to a Fitness for Duty Exam</p>	<p>President Storm called for any comments from the public on the hearing item regarding a grievance filed by Utility Compliance Technician Jason Zatt.</p> <p>Public Comment – Julie Tacker commented that the public was at a disadvantage as there was no staff report or a copy of the claim; believes the General Manager is the reason for two members of staff leaving; and, inquired as to the legal costs to the District.</p> <p>Steve Best commented that it was difficult to comment without a staff report.</p> <p>President Storm closed public comment and explained that this was a quasi-judicial hearing in which the Board of Directors is sitting collectively and will proceed with a motion. He read into the record a letter dated November 24, 2017, from Pat McNamara, General Manager, San Luis Obispo County Employees' Association (SLOCEA), Mr. Zatt's representative, requesting that prior to this meeting the Board continue the grievance hearing until its regularly scheduled meeting on November 2, 2017 in order to provide SLOCEA and Mr. Zatt with a fair opportunity to have the grievance heard by the full Board.</p> <p>District Counsel Fleishman reported that there has been no legal cause shown in the motion for continuing, that there is a quorum present this evening in accordance with the Board Bylaws with a sufficient number of members present to take action on the grievance, and that there are provisions in the grievance procedure that if the employee does not present the grievance or does not confirm to the time limits for presenting the grievance then the grievance is considered resolved. Mr. Fleishman reported that Mr. Zatt had previously requested that the grievance hearing be put into abeyance until such time as he had been released by his doctor and that Mr. Zatt made the request in May and reiterated that request fairly frequently and that Mr. Zatt was released by his doctor last week and that there is no practical reason for the continuous request. Mr. Fleishman requested the motion be denied.</p> <p>Mr. Fleishman reported he responded to SLOCEA's letter that there is no legal cause to grant the continuance and that the District does not agree to extend the time for hearing the grievance.</p> <p>A motion was made by President Storm to deny the motion to continue the grievance. The motion was seconded by Vice President Milledge and carried with the following vote:</p> <p>Ayes: Directors Storm, Milledge, Tornatzky Nays: Cesena Abstain: None Absent: Ochylski</p> <p>President Storm recessed the meeting for a short break at 5:35 p.m.</p> <p>The Board reconvened at 5:40 p.m. President Storm announced that the Board was prepared to hear the matter, that District Counsel Fleishman was prepared to present the case, and that the grievant and his representative failed to appear despite the fact that they were offered an opportunity to present their case.</p> <p>President Storm moved to dismiss the grievance as it has been abandoned by the grievant and that the grievant has failed to present the grievance as required by Section 5010.4D of the District Personnel Policy. The motion was seconded by Vice President Milledge and carried with the following vote:</p>

AGENDA ITEM	DISCUSSION
	<p>Ayes: Directors Storm, Milledge, Tornatzky Nays: Cesena Abstain: None Absent: Ochylski</p>
<p>15. ADJOURNMENT</p>	<p>The meeting adjourned at 5:44 p.m.</p>

