

### Solano County

675 Texas Street Fairfield, California 94533 www.solanocounty.com

### Agenda Submittal

Agenda #: 16 Status: Regular Calendar

Type: Resolution Department: Human Resources

**File #:** 11-0589 **Contact:** Georgia Cochran - 784-3406

Agenda date: 11/22/2011 Final action:

Title: Consider adopting the terms of the Last, Best and Final Offer provided to the Solano County

Probation Peace Officer Association on October 28, 2011; Consider adopting Resolutions paying and reporting the value of employer paid member contributions to CalPERS for Bargaining Units 12 & 15 effective November 27, 2011 and January 8, 2012; and Consider adopting Resolutions paying and reporting the value of employer paid member contributions to

CalPERS for Bargaining Units 16, 16C & 16X effective December 25, 2011

Governing body: Board of Supervisors

District: All

Attachments: A - Unit #12 Unit #15 Last Best Final Offer Resolution - SPPOA, B1 - EPMC Unit 15

Miscellaneous November 27, 2011, B2 - EPMC Unit 15 Miscellaneous January 8, 2012, B3 - EPMC Unit 16, 16C, 16X Miscellaneous December 25, 2011, C1 - EPMC Unit 12 & 15 Safety November 27, 2011, C2 - EPMC Unit 12 & 15 Safety January 8, 2012, C3 - EPMC Unit 16

Safety December 25, 2011

Date Ver. Action By Action Result

#### title

Consider adopting the terms of the Last, Best and Final Offer provided to the Solano County Probation Peace Officer Association on October 28, 2011; Consider adopting Resolutions paying and reporting the value of employer paid member contributions to CalPERS for Bargaining Units 12 & 15 effective November 27, 2011 and January 8, 2012; and Consider adopting Resolutions paying and reporting the value of employer paid member contributions to CalPERS for Bargaining Units 16, 16C & 16X effective December 25, 2011

body

#### **DEPARTMENTAL RECOMMENDATION:**

The Department of Human Resources recommends the Board of Supervisors consider:

- 1. Adopting a resolution implementing the terms and conditions of employment for Solano Probation Peace Officer Association (SPPOA) Unit #12 and Unit #15;
- Adopting resolutions allowing payroll deductions for the Employer Paid Member Contribution (EPMC) and reporting the value of EPMC to CalPERS for SPPOA Bargaining Units #12, #15 effective November 27, 2011 and January 8, 2012; and
- 3. Adopting resolutions allowing payroll deductions for the Employer Paid Member Contribution (EPMC) and reporting the value of EPMC to CalPERS for Mid-Management Bargaining Units #16, #16C & 16X effective December 25, 2011.

#### SUMMARY:

The Solano Probation Peace Officer Association represents employees in Bargaining Unit #12 - Probation Employees and Bargaining Unit #15 - Probation Supervisors. This is a newly formed recognized employee organization and the current terms and conditions of employment have been in place since the formation of

this group, pending completion of the bargaining process. The parties have been negotiating since May 11, 2011 in an attempt to reach a tentative agreement for Memoranda of Understanding (MOU). In accordance with Section 3500 et seq. of the California Government Code, representatives of the County Management Team and SPPOA met 15 times over the course of over five months, including two sessions with a mediator in an attempt to reach agreement on the terms and conditions of employment to complete the MOU. During the course of the negotiating sessions, the parties were able to reach tentative agreements on ten proposals including the carry over provisions, Workers' compensation and SDI, Probationary Period, Insurance Plans, Discipline, Extra-help limited benefits, Safety, Employee Recognition Program, Bereavement Leave, and elimination of Welfare Reform language provisions. Unfortunately, the parties were not successful in coming to agreement on key monetary issues and as a result could not reach total agreement on an MOU.

#### FINANCIAL IMPACT:

The EPMC savings through the current fiscal year are estimated at \$458,013 with annual savings thereafter of \$821,265. The savings for modifying the employer contribution from 80% to 75% of the CalPERS Kaiser Bay Area Region family rate, effective January 2012 are approximately \$31,105 for the remainder of the current fiscal year and \$53,323 annually thereafter. The savings from the elimination of two (2) floating holidays are projected at \$35,097 for the remainder of the current fiscal year and \$70,193.57 annually thereafter. If the Board takes action to implement twelve (12) furlough days, the annual savings are estimated at \$421,161 annually. The total savings through the current fiscal year are estimated at \$734,796 with annual savings of \$1,365,925. The general fund savings are approximately \$536,401 and \$997,138 respectively. The table below summarizes this information.

Description	•	s)Annual County t or (Savings)
11/27/11: 6% EPMC reduction, additional 3% (Safety) and 2% (Misc) EPMC reductions effective 1/8/12	(458,013)	(821,265)
Decrease contribution to cafeteria plan to 75% of CalPERS Kaiser Bay Area Region family rate effective 01/01/12	(31,105)	(53,323)
Eliminate 2 Floating Holidays effective 12/31/11	(35,097)	(70,194)
Furlough up to 12 days /or Reduction in pay by 4.62% for 24 hours facility	(210,581)	(421,161)
Total Savings	(734,796)	(1,365,943)
Total General Fund Savings	(536,401)	(997,138)

#### DISCUSSION:

#### Solano Probation Peace Officer Association

SPPOA represents approximately 141 employees in Bargaining Unit #12 (Deputy Probation Officer and Group Counselor class series) and 11 employees in Bargaining Unit #15 (Deputy Probation Officer - Supervising).

On June 29, 2010, the Board adopted a resolution of its intent to negotiate a lower retirement tier for all new

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hires. Discussions with the SPPOA, Local 1021 began on May 11, 2011.

The County's major proposals are identified below:

<u>Carry Over Provisions</u>: SPPOA, as the new exclusive bargaining representative currently does not have an MOU. However, existing terms and conditions of employment continue until a successor agreement is negotiated or negotiations are concluded. On May 24, 2011, the County is proposed to carry over those provisions of the existing terms and conditions of employment where no modifications or minor changes are being proposed. They included: Preamble, Recognition, No Discrimination, Hours of Work, Deferred Compensation, Mileage Reimbursement, Tuition Reimbursement, Conflict of Interest, No Strike/No Lockout, Layoffs, Americans With Disabilities Act (ADA), Personnel Files, Contracting Out, Labor Management Committee, Severability, and Appendix E.

**Retirement Plan**: The County is proposed a lower retirement tier for new hires, from a 2% at age 50 formula to a 2% at age 55 formula; in addition, move from retirement calculations from highest 12 consecutive months to highest 36 consecutive months. In addition, the County proposed all employees pay their entire share of retirement (EPMC) 6% effective 11/27/11 and the remaining 3% safety, 2% miscellaneous effective 1/8/12.

**Employer Rate Sharing:** The County proposed employees share equally in the employer's retirement rate above 15% with a cap of 17% for Safety members and a rate sharing of 14%-16% for Miscellaneous members effective June 24, 2012.

<u>Health and Welfare</u>: The County proposed to reduce its contribution toward the employee's cafeteria plan from 80% of the Kaiser Family rate to 75% of Kaiser's 2012. Family rate effective January 1, 2012.

Holidays: The County proposed to delete two floating holidays effective December 31, 2011.

<u>Facility Closure (Furlough)</u>: The County proposed that, upon action by the Board of Supervisors, the County has the ability to close facilities and/or furlough employees up to 12 days per fiscal year. Employees working in 24/7 operations would have an equal reduction in pay.

**Merit Step Increases**: The County proposed to standardize the time frames for employees to receive merit increases to completion of 26 bi-weekly pay-periods. This proposal lengthens the time it takes to reach the highest salary step.

<u>Workers' Compensation and Temporary light Duty for injured Employees</u>: The County proposed to reduce the duration it provides medical benefits towards employee's cafeteria plan while on leave of absence for a work related injury to the legal requirement of twelve weeks or so long as the employee is fully integrating leave balances, whichever is longer.

<u>SDI and Temporary light Duty for injured Employees</u>: The County proposed to reduce the duration it provides medical benefits towards employee's cafeteria plan while on leave of absence for a non-work related injury to the legal requirement of twelve weeks or so long as the employee is fully integrating leave balances, whichever is longer.

**<u>Probationary Period</u>**: The County proposed to allow probationary periods to be extended beyond 26 pay periods.

<u>Leaves and Authorized Time off</u>: T he County proposed vacation and sick leave language consistent with other bargaining units. The County also proposed to modify existing language thereby requiring all unused sick leave, upon retirement or release from employment due to layoff, to be converted to a retirement health savings account (RHS).

<u>Insurance Plans</u>: The County included existing language that identifies insurance plan options available to existing employees.

<u>Dismissal</u>, <u>suspension or demotion for cause</u>: On May 24, 2011, the County proposed a disciplinary process similar to other bargaining units.

<u>Limited Extra Help Benefits</u>: The County proposed language that explains how an employee, who is being hired into a permanent position from an extra-help position, is given consideration for time worked for purposes of vacation accruals and seniority placement.

Safety: The County proposed language stating it would provide safety equipment to ensure worker safety.

<u>Overtime and Call Duty:</u> The County proposed language that would define a work-period as over 40 hours or, for those employees on alternative work schedule, as over 80 hours.

<u>Grievance Procedure</u>: The County proposed to modify Step 4 of grievance procedure changing Adjustment Board process to mediation process, which reflects current practice; the proposal maintains existing terms and conditions of employment. If tentative agreement was reached, and upon ratification of an MOU, the process would end with Step 5, arbitration; without agreement, the process ends at Step 4, mediation.

**Term**: On June 29, 2011 the County proposed a term of the MOU be through September 28, 2013.

The parties reached a point of persistent impasse on October 6, 2011 and subsequently agreed to mediation. Despite meeting with the mediator on two occasions, the parties were unable to reach agreement. Through the mediation process, the parties were able to reach conceptual agreement on many of the outstanding proposals including the Retirement Plan EPMC, health benefit contribution reduction, holidays, merit step

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proposals, including the Retirement Plan, EPMC, health benefit contribution reduction, holidays, merit step increases, overtime and call duty, grievance procedure and term; however, agreement was predicated on agreement of the full package.

The parties remain in disagreement on the proposals involving the duration of the furlough language, the timing and type (cost of living adjustment vs. market adjustment) of salary increase, and the employees sharing in the employer's portion of CalPERS rate increases. The County provided SPPOA the Last, Best and Final Offer on October 28, 2011, which the SPPOA team rejected.

The imposed terms and conditions of employment contain the following major changes:

- 1. Permanent reductions in the EPMC. This agreement will make permanent reductions to EPMC. The first reduction of 6% for both Safety and Miscellaneous members is effective the pay period following Board adoption of the MOU (November 27, 2011). Effective January 8, 2012, an additional 3% reduction to EPMC for Safety members and an addition 2% reduction for Safety-Miscellaneous Members will be implemented. This is saving the County 9% and 8% respectively of previously provided EPMC.
- 2. A second retirement tier of 2% @ 55 for future safety employees. A separate resolution will be brought forward after receiving the PERS actuarial study to modify the PERS contract.
- 3. Changes to the Health & Welfare Insurance to reflect 75% of the CalPERS Kaiser Bay Area Region family rate effective January 2012.
- 4. Modification of step increases for new hires to be at 26 pay period increments, thereby extending the period of time it takes to get to the top salary step from 3.5 years to 4 years.
- 5. Facility Closure/Furlough. This provision would authorize the Board of Supervisors to implement a furlough/facility closure of up to twelve days per fiscal year and provides employees in these bargaining units who work in 24 hour facility to have their pay reduced up to 4.62% or equal to the value of the number of furlough days imposed.
  - Floating Holidays. Effective December 31, 2011, two floating holidays are eliminated.
- 7. Workers' Compensation and State Disability Insurance (SDI). Reduces the period of time in which the County provides health benefits to the period of time an employee is integrating their sick leave balances or the period of time an employee is taking leave in accordance with the Family Medical Leave Act (FMLA), whichever is longer.
- 8. Retirement Health Savings Account. Effective July 21, 2013, upon retirement, death or layoff, requires all unused sick leave be converted to a retirement health savings account.

#### Mid Management Bargaining Units

On March 22, 2011, the BOS adopted a resolution approving the Memorandum of Understanding with Unit #16, Public Employees Union, Local One. As part of this agreement, the Board permanently reduced the EPMC for this group by 3% and stated its intent to further reduce the EPMC by an additional 3% for Unit #16 and an additional 1% for Units #16C and 16X at the same time that the EPMC was further reduced for unrepresented management. There was no specified date for such action at the time the Board approved the Unit #16 MOU. The Board subsequently took action to set the date of December 25, 2011 to further reduce EPMC for unrepresented management by an additional 3%. The attached resolution provides the technical mechanism to reduce the EPMC for Unit #16, 16C, and 16X as discussed above.

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#### **ALTERNATIVES**:

The Board may choose not to approve the recommendations; however, staff does not recommend this alternative since the parties have concluded the negotiations process. Allowing the status quo to continue, would treat this group of employees differently from other bargaining groups who have already given up EPMC and agreed to a second retirement tier, had health benefit contributions reduced, had 2 holidays rescinded, furlough language adopted and merit step increase dates modified.

#### **OTHER AGENCY INVOLVEMENT:**

The County Administrator's Office concurs with the recommendation.

#### **CAO RECOMMENDATION:**

#### APPROVE DEPARTMENT RECOMMENDATION

**Attachment A:** Resolution Adopting the Terms of the County's "Last Best and Final Offer" to the Solano Probation Peace Officer Association for Unit #12, Unit #15

Attachment B1: Misc. EPMC Resolution, Effective November 27, 2011

Attachment B2: Misc. EPMC Resolution, Effective January 8, 2012

Attachment B3: Misc. EPMC Resolution, Effective December 25, 2011

Attachment C1: Safety EPMC Resolution, Effective November 27, 2011

**Attachment C2:** Safety EPMC Resolution, Effective January 8, 2012 **Attachment C3:** Safety EPMC Resolution, Effective December 25, 2011

Attachment D: TERMS AND CONDITIONS OF EMPLOYMENT FOR SPPOA Units #12 and #15 (on file

with Clerk of the Board)

<b>RESOLUTION NO.</b>	

# RESOLUTION ADOPTING THE TERMS OF THE COUNTY'S "LAST, BEST, AND FINAL OFFER" TO THE SOLANO PROBATION PEACE OFFICER ASSOCIATION (SPPOA) – UNIT 12, UNIT 15

**WHEREAS**, the terms and conditions of employment in effect reflect the status quo at the time of the decertification election affecting Bargaining Unit 12 and Unit 15; and

**WHEREAS**, the County and the Solano Probation Peace Officer Association met and conferred in good faith on an initial MOU in accordance with Government Code section 3501 et seq., did not reach an agreement and are at the point of persistent impasse; and

**WHEREAS**, under these circumstances, regulation of compensation of officers and employees of the County may be fixed by resolution of the Board of Supervisors.

**RESOLVED**, the Solano County Board of Supervisors enact the following;

- Adopt the terms of the County's "Last, Best, and Final offer" of October 28, 2011 covering Unit #12 and Unit #15, set forth as attachment Exhibit 1.A and incorporated by this reference. A copy of entire Imposed Terms and Conditions of Employment is on file with the Clerk of the Board of Supervisors.
- 2. Authorize the Director of Human Resources to make any technical corrections

Dated this	day of	, 2011.
AYES:	SUPERVISORS	
NOES:	SUPERVISORS	
EXCUSED:	SUPERVISORS	
		MICHAEL J. REAGAN, CHAIR Solano County Board of Supervisors
ATTEST:		
	CORSELLO, Clerk by Board of Supervi	
By:		
Patricia J.	Crittenden, Chief De	puty Clerk

<b>RESOLUTION</b>	NO.
ILCOLOTION	110.

# RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS

WHEREAS, the governing body of the County of Solano has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691; and

**WHEREAS**, the governing body of the County of Solano has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer and reported as additional compensation; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the County of Solano of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC); and

**WHEREAS**, the governing body of the County of Solano has identified the following conditions for the purpose of its election to pay EPMC;

This benefit shall apply to all Miscellaneous employees in Unit #15:

- This benefit shall consist of paying 2% of the normal contributions as EPMC, and reporting the same percent (value) of compensation earnable (excluding Government Code Section 20636(c) (4)) as additional compensation for Miscellaneous employees in Unit # 15.
- The effective date of this resolution shall be November 27, 2011.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the County of Solano elects to pay and report the value of EPMC, as set forth above.

On Motion of Supervisor \_\_\_\_\_\_\_, and second by Supervisor \_\_\_\_\_\_, the Solano County Board of Supervisors adopted this resolution on \_\_\_\_\_\_, 2011, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_\_\_

EXCUSED: SUPERVISORS: \_\_\_\_\_\_\_

MICHAEL J. REAGAN, CHAIR Solano County Board of Supervisors

ATTEST:

ATTEST:
BIRGITTA E. CORSELLO, Clerk Solano County Board of Supervisors
Ву:
Patricia J. Crittenden, Chief Deputy Clerk

RESOLUTION NO.
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### RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS FOR EMPLOYER PAID MEMBER CONTRIBUTIONS

**WHEREAS**, the governing body of the County of Solano has the authority to implement Government Code Section 20691; and

**WHEREAS**, the governing body of the County of Solano has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer; and

**WHEREAS**, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the County of Solano of a Resolution to commence said Employer Paid Member Contributions (EPMC); and

**WHEREAS**, the governing body of the County of Solano has identified the following conditions for the purpose of its election to pay EPMC:

This benefit shall apply to all Miscellaneous employees in Unit #15

- This benefit shall consist of paying 0% of the normal member contributions as EPMC.
- The effective date of this Resolution shall be January 8, 2012.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the County of Solano elects to pay EPMC, as set forth above.

On Motion of Solano Coun vote:	Supervisor ty Board of Supervi	, and second by Supervisor sors adopted this resolution on	, the , 2011, by the following
AYES:	SUPERVISORS		
NOES:	SUPERVISORS		
EXCUSED:	SUPERVISORS:		
		MICHAEL J. REAGAN, CHAIR Solano County Board of Supervisors	
ATTEST:			
	CORSELLO, Clerk ty Board of Supervi		
By:Patricia J.	Crittenden, Chief De	puty Clerk	

<b>RESOLUTION</b>	NO
INDUCED HOR	110.

# RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS

WHEREAS, the governing body of the County of Solano has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691; and

**WHEREAS**, the governing body of the County of Solano has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer and reported as additional compensation; and

**WHEREAS**, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the County of Solano of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC); and

**WHEREAS**, the governing body of the County of Solano has identified the following conditions for the purpose of its election to pay EPMC;

This benefit shall apply to all Safety employees in Unit #12 & #15:

- This benefit shall consist of paying 3% of the normal contributions as EPMC, and reporting the same percent (value) of compensation earnable (excluding Government Code Section 20636(c) (4)) as additional compensation for Safety employees in Unit #12 & #15.
- The effective date of this resolution shall be November 27, 2011.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the County of Solano elects to pay and report the value of EPMC, as set forth above.

On Motion of Solano Counvote:	Supervisor ty Board of Superv	, and second by Supervisor isors adopted this resolution on	, the , 2011, by the following
AYES:	SUPERVISORS		
NOES:	SUPERVISORS		
EXCUSED:	SUPERVISORS:		
		MICHAEL J. REAGAN, CHAIR Solano County Board of Supervisors	
ATTEST:			
	. CORSELLO, Clerl ity Board of Superv		
By:	. Crittenden, Chief De		
rallicia J.	. Chillehaen, Chiel De	DULY CIEIN	

RESOLUTION NO.
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### RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS FOR EMPLOYER PAID MEMBER CONTRIBUTIONS

**WHEREAS**, the governing body of the County of Solano has the authority to implement Government Code Section 20691; and

**WHEREAS**, the governing body of the County of Solano has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer; and

**WHEREAS**, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the County of Solano of a Resolution to commence said Employer Paid Member Contributions (EPMC); and

**WHEREAS**, the governing body of the County of Solano has identified the following conditions for the purpose of its election to pay EPMC:

This benefit shall apply to all Safety employees in Unit #12 & #15

Patricia J. Crittenden, Chief Deputy Clerk

- This benefit shall consist of paying 0% of the normal member contributions as EPMC.
- The effective date of this Resolution shall be January 8, 2012.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the County of Solano elects to pay EPMC, as set forth above.

On Motion of Supervisor \_\_\_\_\_\_\_, and second by Supervisor \_\_\_\_\_\_, the Solano County Board of Supervisors adopted this resolution on \_\_\_\_\_\_, 2011, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_\_\_

EXCUSED: SUPERVISORS: \_\_\_\_\_\_\_

MICHAEL J. REAGAN, CHAIR Solano County Board of Supervisors

ATTEST:

BIRGITTA E. CORSELLO, Clerk Solano County Board of Supervisors