THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office **BOARD AGENDA #** *B-4

Urgent ☐ **Routine** ☒ **AGENDA DATE** April 27, 2010

CEO Concurs with Recommendation YES ☒ **NO** ☐ **4/5 Vote Required YES** ☐ **NO** ☒
(Information Attached)

SUBJECT:

Approval to Extend the Expiration Date of the Current Memorandum of Understanding Between the County of Stanislaus and the Stanislaus Sworn Deputies Association from December 31, 2010 to June 30, 2012

STAFF RECOMMENDATIONS:

1. Approve the extension of the current Memorandum of Understanding between the County and the Stanislaus Sworn Deputies Association from December 31, 2010 to June 30, 2012.

2. Authorize the Chief Executive Officer and all parties to sign the extension agreement.

FISCAL IMPACT:

There are no County costs associated with the recommendation to extend the current Memorandum of Understanding with the Stanislaus Sworn Deputies Association (SSDA). The contract extension has been approved by SSDA in conjunction with their agreement to implement a five percent salary cost reduction in Fiscal Years 2010-2011 and 2011-2012. The five percent salary cost reduction is estimated to reduce labor costs up to $785,000 per fiscal year and will assist in preserving current Deputy Sheriff and Deputy Coroner positions over the term of the agreement. Actual savings in the Sheriff Department's budget may be reduced in some circumstances based on non-General Fund Deputy Sheriff positions funded through department contracts or grant funded programs.

BOARD ACTION AS FOLLOWS:

No. 2010-229

On motion of Supervisor Chiesa, **Seconded by Supervisor** DeMartini
and approved by the following vote,
Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None
1) X **Approved as recommended**
2)___ **Denied**
3)___ **Approved as amended**
4)___ **Other:**
MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

The current Memorandum of Understanding (MOU) between the County and the Stanislaus Sworn Deputies Association (SSDA) is effective July 1, 2009 through December 31, 2010. The SSDA represents approximately 180 employees in the Sheriff's Department.

In January 2010, the Chief Executive Officer invited all County labor organizations to negotiate collectively to consider proposals for five percent salary cost reductions in all County departments for Fiscal Years 2010-2011 and 2011-2012. Negotiations were conducted from January 2010 through March 2010 and resulted in tentative agreements with 12 County labor organizations supporting an across the board five percent salary cost reduction for all County employees over the next two fiscal years. SSDA participated in the collective negotiations and supported the tentative agreement reached with all labor groups. The tentative agreements for five percent salary cost reductions for all labor groups, including SSDA, were approved by the Board of Supervisors on April 6, 2010.

During the cost reduction negotiations, the County and SSDA reached a tentative agreement to extend the expiration of their current Memorandum of Understanding (MOU) from December 31, 2010 to June 30, 2012. The extension of the MOU will coincide with the term of the previously approved five percent salary cost reduction agreement which will also expire June 30, 2012. The specific terms and conditions of the five percent salary cost reduction and contract extension are included in the attached agreement. Unless specifically stated, all provisions of the negotiated agreement are effective upon approval of the Board of Supervisors.

POLICY ISSUES:

The Board of Supervisors should consider the effect of this labor agreement on the fiscal and policy direction and priorities of the organization.

STAFFING IMPACT:

There is no impact on staffing resulting from the terms of this agreement.

CONTACT:

Jody Hayes, Deputy Executive Officer. Telephone: (209) 525-6333

AGREEMENT
BETWEEN COUNTY OF STANISLAUS
AND
STANISLAUS SWORN DEPUTIES ASSOCIATION

RE: EXTENSION OF CURRENT MEMORANDUM OF UNDERSTANDING

Pursuant to this agreement between the County of Stanislaus (County), and the Stanislaus Sworn Deputies Association (SSDA), the parties agree as follows:

Whereas, the County has requested all labor organizations to consider proposals for salary cost reductions in Fiscal Years 2010-2011 and 2011-2012; and

Whereas, SSDA has requested an extension of the current Memorandum of Understanding between the County and SSDA which is due to expire on December 31, 2010.

Now therefore, the parties agree to the following terms and conditions, subject to ratification of SSDA membership and the County Board of Supervisors:

1. The parties agree to extend the expiration of the current Memorandum of Understanding between the County and SSDA from December 31, 2010, to June 30, 2012.

2. The parties agree Section 7-A of the agreement will be amended to apply only to represented or unrepresented bargaining units in the Stanislaus County Sheriff's Department.

3. The parties agree to meet and confer during the term of this agreement upon the County's request to negotiate retirement benefits for employees hired into the bargaining unit after January 1, 2011. The meet and confer shall not be any earlier than November 1, 2010.

4. All employees in the SSDA will receive a 5% deduction in salary starting on the July 3, 2010 workday, and ending on the June 30, 2012 workday. The 5% salary deduction will be on a pre-tax basis and will be calculated on the employee's base wage. The Salary deduction will not decrease the compensation paid for extra pays (special assignment pay, etc.). Retirement contributions will not be withheld on behalf of the employee or County on the amount of salary deducted.

5. All employees receiving a 5% salary deduction will receive four hours of special accrued leave time each pay period in which the 5% salary deduction is taken, or an equivalent amount of special accrued leave time pro-rated based on the number of hours paid to the employee. The total special accrued leave time earned in each fiscal year will be 104 hours, based on 5% salary deductions for each 80 hours of paid time during 26 pay periods. Special accrued leave time will be administered in the same manner as vacation time for purposes of determining overtime eligibility.

6. Special accrued leave time will be reported as a separate accrual amount on each employee's payroll advice notice. Employees may go negative in their special accrual leave time balance up to a maximum of 104 hours, however employees may not go negative in any amount greater than the employee's current vacation accrual amount. Employees may not carry a negative balance over at the end of each fiscal year. If an employee has a negative balance at the end of the fiscal year, or upon separation of employment, the County will reduce the employee's vacation accrual amount by an equal portion to balance the employee's special accrued leave time to zero.

7. Special accrued leave time will be utilized during any period of office closure approved by the Board of Supervisors. Office closure schedules will be communicated by July 1, 2010 for the period of time from July 1, 2010 to December 31, 2010, and by October 1, 2010 for the period of time from January 1, 2011 to June 30, 2011. Office closure schedules will be communicated by July 1, 2011 for the entire Fiscal Year 2011-2012. With Department Head approval, employees may work during periods of approved office closures in limited circumstances to provide required County services.

   Any remaining special accrued leave time not utilized during an office closure will be eligible for the employee to use as requested with the approval of their Department Head or designee. Department Heads may substitute the use of vacation with special accrued leave time as necessary, unless an employee is at the maximum level of vacation accrual.

8. Employees and departments are encouraged to schedule and utilize all special accrued leave time within the fiscal year in which it is accrued. Special accrued leave time not utilized within the fiscal year may be carry forward up to June 30, 2013. All special accrued leave time will expire and not be eligible for use on or after July 1, 2013. Special accrued leave time does not have a vested cash value and may not be cashed out during employment or at the time of termination.

9. Employees retiring from County service will be exempted from 5% salary deductions for a one year period prior to their identified date of retirement. In order to receive this exemption, retiring employees will need to sign an irrevocable notice of their retirement/resignation from County service on forms provided by the County. Employees may request Department Head approval to extend their planned retirement/resignation date, however any approved extension of their planned retirement/resignation date will require an adjustment of salary deductions and special accrued leave time to ensure that the employee is not exempted from the salary deductions for a period greater than 12 months. Employees must be eligible for a regular service retirement in order to receive this exemption.

10. The parties agree to implement a Retirement Incentive Program as outlined in Attachment A.

11. The County agrees to temporarily modify existing reduction in force policies to extend return rights for employees impacted by a reduction in force to three years. This extension of return rights will apply to all permanent regular employees

represented by the SSDA who are terminated or demoted through a reduction in force action from the date of agreement through June 30, 2012.

12. The SSDA recognizes that the implementation of the 5% salary deduction is not a form of discipline for individual employees and employees may not appeal this reduction in salary under any County appeal procedures.

13. Implementation of the 5% salary deduction will not impact an employee's existing leave time accrual benefits (sick leave, vacation, etc.), retirement service credit or health insurance benefits.

14. Vacation cash outs will not be approved for employees participating in the 5% salary deduction program in Fiscal Years 2010-2011 and 2011-2012; individual MOU provisions will remain for employees reaching the vacation accrual maximum and denied the use of vacation.

15. Employees may voluntarily request unpaid Voluntary Time Off (VTO), as per County policy, in addition to the 5% salary deduction.

Agreed to this _______ day of __________, 2010

Richard W. Robinson Chief Executive Officer	Ryan Kelley SSDA President Stanislaus Sworn Deputies Association

Approved as to Form:

Edward Burroughs
Deputy County Counsel

Attachment A

Stanislaus County
Retirement Incentive Program

Eligibility

20 Years of full-time service in Stanislaus County; or

Full-time employee eligible for normal service retirement from StanCERA as of July 1, 2010

- General Members – 30 yrs of total service OR 50 yrs old with 5 yrs of service and 10 yrs of membership in StanCERA
- Safety Members – 20 yrs of total service OR 50 yrs old with 5 yrs of service and 10 yrs of membership in StanCERA

Benefit

Termination pay of $1,000 per year of full-time County service, up to a maximum of $25,000

Termination pay is not retirement contributable and will not impact employee's final average salary calculation for retirement

Option available for employees to split benefit payment between July 2010 and January 2011; employee will be converted to extra help employment status for purposes of the January 2011 payment distribution but will not be eligible to earn any additional compensation. Employees will have the option of diverting payments to deferred compensation plans in accordance with IRS regulations.

Cost

Paid out of existing department appropriations in FY 2010-2011

Approval

Employee participation in Retirement Incentive Program will require Department Head and CEO approval

Request and approval process to be completed in conjunction with Proposed Budget for departments to include savings in FY 2010-2011 budget

Based on a review of the program for FY 2010-2011, County may offer the program again for employees retiring in July 2011 to assist with the FY 2011-2012 budget. This option is at the sole discretion of the County.

Staffing Impact

Department to delete the resulting vacant position by August 1, 2010

If resulting vacancy is identified as a critical position, department may substitute for an alternative position(s) of equal value (requires CEO approval)

Employees approved for Retirement Incentive Program are not eligible for future employment with Stanislaus County (including regular, part-time or personal services contract), unless approved by the Board of Supervisors