

SIDE LETTER BETWEEN CONTRA COSTA COUNTY AND IFPTE, LOCAL 21

This Side Letter is by and between the Professional and Technical Engineers, IFPTE, Local 21 ("Local 21") and the County of Contra Costa ("County") and is effective on _____ following approval of the Board of Supervisors.

This side letter amends the Memorandum of Understanding between the County and Local 21 (July 1, 2019- June 30, 2022) to include the new Appraisers Unit (ZD) and specifies those Sections applicable and not applicable to the new unit:

I. SECTION 1 ORGANIZATION RECOGNITION

Amend Section 1 - Organization Recognition, to add the Appraisers Unit (ZD) to the list of units recognized to be represented by Local 21. Include a list of Appraisers Unit (ZD) classifications as Appendix I (attached) to the MOU. Property Appraisers are those employees in the classifications of Associate Appraiser (DATA), Assistant Appraiser (DAVA), and Junior Appraiser (DAWA).

- **Amend Section 1 – Organization Recognition, as follows:**

Professional & Technical Engineers, Local 21, AFL-CIO is the formally recognized employee organization for the representation units listed below, and such employee organization has been certified as such pursuant to Board of Supervisors' Resolution 81/1165.

Supervisory Unit – see Appendix A

Non-Supervisory Unit – see Appendix B

Unit C – see Appendix C

[Appraisers Unit \(ZD\) – see Appendix I](#)

II. SECTION 6 — DAYS & HOURS OF WORK

Amend Section 6 – Days & Hours of Work, to exclude the Appraisers Unit (ZD) from subsections 6.6 and 6.7, include Appraisers Unit (ZD) classifications under subsection 6.18, and add new subsections 6.20 and 6.21.

- **Amend Subsection 6.6 No Overtime Pay, Holiday Pay, or Comp Time, as follows:**

6.6 No Overtime Pay, Holiday Pay, or Comp Time: Employees are not entitled to receive overtime pay, holiday pay, overtime compensatory time, or holiday compensatory time. Employees who are unable or not permitted to observe a holiday (take the day off), are authorized to receive overtime pay ONLY IF the employee is on the Overtime Exempt Exclusion List. This section does not apply to employees in Unit C [and the Appraisers Unit \(ZD\)](#).

- **Amend Subsection 6.7 Overtime Exempt Exclusion, as follows:**
 6.7 Overtime Exempt Exclusion: Employees who are awarded Annual Management Administrative Leave in recognition of the extra burden their job responsibilities may sometimes place on their work schedules are overtime exempt and are not eligible for overtime pay, holiday pay, overtime compensatory time, or holiday compensatory time. However, these employees may be made eligible for overtime pay if their names are placed on the Overtime Exempt Exclusion List by the County Administrator's Office. Employees on the Overtime Exempt Exclusion list are authorized to receive overtime pay, only. These employees are NOT eligible for holiday pay, overtime compensatory time, or holiday compensatory time. Employees on the Overtime Exempt Exclusion List are also NOT eligible for Annual Management Administrative Leave for the quarter they are on the Overtime Exempt Exclusion List. The policies and the procedures for the Overtime Exempt Exclusion List are set forth in the County Administrator's memo of November 6, 2002, as may be amended. This section does not apply to employees in Unit C [and the Appraisers Unit \(ZD\)](#).
- **Amend Subsection 6.9 Personal Holiday Credits, as follows:**
 6.9 Personal Holiday Credit. Employees are entitled to accrue two (2) hours of personal holiday credit each month. Employees in Unit C [and the Appraisers Unit \(ZD\)](#) will accrue four (4) hours of personal holiday credit each month. This time is prorated for part-time employees. No employee may accrue more than forty (40) hours of personal holiday credit. On separation from County service, employees are paid for any unused personal holiday credit hours at the employee's then current rate of pay, up to a maximum of forty (40) hours.
- **Amend Subsection 6.18 Unit C Overtime and Straight Time Pay as follows:**
 6.18 Unit C [and the Appraisers Unit \(ZD\)](#) Overtime and Straight Time Pay. Permanent full-time and part-time employees in Unit C [and the Appraisers Unit \(ZD\)](#) will be compensated for overtime at the rate of one and one-half (1.5) times their base rate of pay (excluding differentials) for authorized work performed that exceeds eight (8) hours in a day and that exceed the employee's daily scheduled hours, or forty (40) hours in a week. Work performed does not include non-worked hours.

Permanent full-time and part-time employees will be paid straight time pay at the rate of one (1.0) hour times the employee's base rate of pay (excluding differentials) for hours worked in excess of the employees daily number of scheduled hours that do not qualify for overtime pay. Employees are not entitled to compensatory time off in lieu of overtime or straight time pay.
- **Add new Subsection 6.20 – Appraisers Unit (ZD) Holidays Observed on Regular Day Off of Full-Time Employees on 4/10, 9/80, Flexible, and Alternate Work Schedule, as follows:**
[6.20 Appraisers Unit \(ZD\) Holidays Observed on Regular Day Off of Full-Time Employees on 4/10, 9/80, Flexible, and Alternate Work Schedule:](#)

 1. [When a holiday is observed by the County on the regularly scheduled day off of an employee who is on a 4/10, 9/80, flexible, or alternate work schedule, the employee is entitled to take eight \(8\) hours of flexible pay at the rate of 1.0 times his/her base rate of pay \(not including differentials\) or flexible compensatory time in recognition of his/her](#)

regularly scheduled day off.

2. Flexible compensatory time may not be accumulated in excess of two hundred eighty-eight (288) hours. After 288 hours are accrued by an employee, the employee will receive flexible pay at the rate of 1.0 times his/her base rate of pay. Flexible compensatory time may be taken on those dates and times determined by mutual agreement of the employee and the Department Head or designee.
3. Flexible compensatory time will be paid off only upon a change in status. A change in status includes separation, transfer to another department, reassignment to a permanent-intermittent position, or transfer assignment, or promotion or demotion into a position that is not eligible for flexible compensatory time.
4. Employees who elect to receive flexible compensatory time must agree to do so for a full fiscal year (July 1 through June 30). The employee must notify their departmental payroll staff of any change in the election by May 31 of each year.

- **Add new Subsection 6.21 – Appraisers Unit (ZD) 4/10 Summer Schedule, as follows:**

6.21 Appraisers Unit (ZD) 4/10 Summer Schedule. The Assessor may continue the annual 4/10 summer schedule, which begins when the Assessor declares and ends on October 31st of each year.

III. SECTION 12 HEALTH, LIFE & DENTAL CARE

Amend subsections 12.12 and 12.14 to remove reference to \$5,000 cap per calendar year.

- **Amend subsection 12.12 and 12.14 as follows:**

12.12 Health Care Spending Account: After six (6) months of permanent employment, full time and part time (20/40 or greater) employees may elect to participate in a Health Care Spending Account (HCSA) Program designated to qualify for tax savings under Section 125 of the Internal Revenue Code, but such savings are not guaranteed. The HCSA Program allows employees to set aside a predetermined amount of money from their pay, not to exceed ~~five thousand dollars (\$5,000)~~ the maximum amount authorized by federal law, per calendar year, of before tax dollars, for health care expenses not reimbursed by any other health benefit plans. HCSA dollars may be expended on any eligible medical expenses allowed by Internal Revenue Code Section 125. Any unused balance is forfeited and cannot be recovered by the employee

12.14 Dependent Care Assistance Program: The County offers the option of enrolling in a Dependent Care Assistance Program (DCAP) designed to qualify for tax savings under Section 129 of the Internal Revenue Code, but such savings are not guaranteed. The program allows employees to set aside ~~up to five thousand dollars (\$5,000)~~ a predetermined amount of annual salary not to exceed the maximum amount authorized by federal law, of annual salary (before taxes) per calendar year, of before-tax dollars to pay for eligible dependent care (child and elder care) expenses. Any unused balance is forfeited and cannot be recovered by the employee

IV. SECTION 13 - PROBATIONARY PERIOD

- **Amend subsection 13.2 - Classes with Probationary Period Over Six Months as follows:**

<u>CLASSIFICATION</u>	<u>JOB CODE</u>	<u>MONTHS</u>
<u>JUNIOR APPRAISER</u>	<u>DAWA</u>	<u>12</u>

V. SECTION 21 - RETIREMENT

- **Amend subsection 21.2 - Retirement Benefit - Employees who become CCCERA members on or After January 1, 2013 as follows:**

- A. For employees who become members of the Contra Costa County Employees Retirement Association (CCCERA) on or after January 1, 2013, retirement benefits are governed by the California Public Employees Pension Reform Act of 2013 (PEPRA), (chapters 296, 297, Statutes of 2012). To the extent this Agreement conflicts with any provision of PEPRA, PEPRA will govern. (For additional information about the PEPRA pension benefit, see www.CCCERA.org)
- B. For employees hired by the County after June 30, 2014, who, under PEPRA, become New Members of CCCERA the cost of living adjustment to the retirement allowance will not exceed two percent (2%) per year, and the cost of living adjustment will be banked.
- C. For employees who, under PEPRA, become New Members of CCCERA, the disability provisions are the same as the current Tier III disability provisions.

~~D. The County will seek legislation amending the County Employees Retirement Law of 1937 to clarify that the current Tier III disability provisions apply to employees who, under PEPRA, become New Members of CCCERA. The Union will support the legislation.~~

VI. SECTION 41 – OTHER BENEFITS

- **Amend subsection 41.4 – Deferred Compensation Incentive. Add Special Benefit for Permanent Employees in the Appraisers Unit (ZD) Hired on and after January 1, 2009 (Deferred Compensation Incentive) as follows:**

C. Special Benefit for Permanent Employees in the Appraisers Unit (ZD) Hired on and after January 1, 2009:

1. Beginning on April 1, 2009 and for the term of this MOU, the County will contribute one hundred and fifty dollars (\$150) per month to an employee's account in the Contra Costa County Deferred Compensation Plan, or other tax-qualified savings program designated by the County, for employees in the Appraisers Unit (ZD) classifications who meet all of the following conditions:

- a. The employee must be hired by Contra Costa County on or after January 1, 2009 for the Appraisers Unit (ZD) classifications.

- b. The employee must be appointed to a permanent position. The position may be either full time or part time, but if it is part time, it must be designated, at a minimum, as 20 hours per week.
- c. The employee must have been employed by Contra Costa County for at least 90 calendar days.
- d. The employee must contribute a minimum of twenty-five dollars (\$25) per month to the Contra Costa County Deferred Compensation Plan, or other tax-qualified savings program designated by the County.
- e. The employee must complete and sign the required enrollment form(s) for his/her deferred compensation account and submit those forms to the Human Resources Department, Employee Benefits Services Unit.
- f. The employee may not exceed the annual maximum contribution amount allowable by the United States Internal Revenue Code.

Note – Subsequent paragraphs under subsection 41.4 will be reordered accordingly.

- **Amend subsection 41.5.E – Annual Management Administrative Leave to exclude Appraisers Unit (ZD) classifications from provision.**
 - 41.5.E - This section does not apply to employees in classifications of Unit C and the Appraisers Unit (ZD).
- **Amend subsection 41.9.D – Other Terms and Conditions of Employment (Overtime Exempt Exclusion, Overtime, Length of Service Credits) to exclude Appraisers Unit (ZD) classifications from provision.**
 - 41.9.D - This section does not apply to employees in classifications of Unit C and the Appraisers Unit (ZD).
- **Amend subsection 41.10.D – Vacation Buy Back to exclude Appraisers Unit (ZD) classifications from provision.**
 - 41.10.D - This section does not apply to employees in classifications of Unit C and the Appraisers Unit (ZD).
- **Amend subsection 41.12.G – Sick Leave Incentive Plan to exclude Appraisers Unit (ZD) classifications from provision.**
 - 41.12.G – This section does not apply to employees in the classifications of the Appraisers Unit (ZD).
- **Amend subsection 41.14 – Long Term Disability Insurance to exclude Appraisers Unit (ZD) classifications from provision.**
 - 41.14 - The County will continue in force the Long-Term Disability Insurance program with a replacement limit of eighty-five (85%) of total monthly base earnings reduced by any deductible benefits. Effective July 1, 2016, the LTD program is discontinued for employees. An LTD claim filed prior to July 1, 2016 will be processed under the LTD program, until such time as the claim is closed. This section does not apply to employees in the classifications of the Appraisers Unit (ZD).

VII. SECTION 42 SPECIAL BENEFITS FOR MANAGEMENT EMPLOYEES BY DEPARTMENT OR CLASS

- **Amend subsection 42.6 - Assessor Education Differential, to add the listed classes from the Appraisers Unit (ZD) as eligible for the Assessor Education Differential, as follows:**

Employees in the classes of Principal Appraiser (DADC), Supervising Appraiser (DAHC), Supervising Auditor-Appraiser (DRNA), Auditor-Appraiser I (DRWB), Auditor Appraiser II (DRVA) **and**, Senior Auditor-Appraiser (DRTA), [Associate Appraiser \(DARA\)](#), [Assistant Appraiser \(DAVA\)](#), and [Junior Appraiser \(DAWA\)](#) are entitled to a salary differential of two and one-half percent (2.5%) of base monthly salary for possession of a certification for educational achievement from at least one of the following:

- A. American Institute of Real Estate Appraisers Residential Member designation.
- B. State Board of Equalization Advanced Appraiser Certification.
- C. International Association of Assessing Officers Residential Evaluation Specialist.
- D. Society of Auditor-Appraiser Master Auditor-Appraiser designation.
- E. Society of Real Estate Appraisers Senior Residential Appraiser designation.
- F. Any other certification approved by the County Assessor and the Director of Human Resources.

- **Add new Subsection 42.30 – Property Appraiser Division Differentials, as follows:**

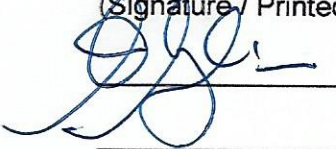
[Property Appraiser Division Differentials: Associate Appraisers assigned to the Standards Division of the Assessor's Office shall receive a monthly differential in the amount of two and one-half percent \(2.5%\) of monthly base pay for each month assigned. This differential is in recognition of the additional responsibilities and duties required when assigned to the Standards Division. The Associate Appraiser in the Standards Division who is assigned the responsibility of providing lead direction and training to subordinate Appraisers shall receive a monthly differential in the amount of two and one-half percent \(2.5%\) of monthly base pay in addition to the differential described above.](#)

VIII. All other provisions of the MOU between the County and Local 21 that are not specifically amended or excluded by this Side Letter are applicable to the classifications in the Appraisers Unit (ZD).


The terms of this Side Letter will be incorporated into the next MOU between the County and Local 21. Except as specifically amended or excluded by this Side Letter, all other terms and conditions of the MOU between Contra Costa County and Local 21 (July 1, 2019 -June 30, 2022) remain unchanged by this Side Letter. In the event either party identifies any unknown or unintended adverse impacts associated with this side letter, the parties will meet and confer to resolve the concerns.

Date: 2/18/21

Contra Costa County:
(Signature / Printed Name)

 / Alvan Mangelino
_____/_____
_____/_____
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_____/_____

IFPTE, Local 21:
(Signature / Printed Name)

 / JUSTIN DECKER
_____/_____
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APPENDIX I

CLASSIFICATIONS IN THE APPRAISERS UNIT (ZD)
(Sorted by: Classification)
Effective July 1, 2020

Job Code	Class Title	Flex Staff (F), Deep Class (D)	Salary Range	
			From	To
DAWA	JUNIOR APPRAISER	F	\$5,730.81	\$6,318.22
DAVA	ASSISTANT APPRAISER	F	\$5,742.17	\$6,979.65
DATA	ASSOCIATE APPRAISER	F	\$6,848.86	\$8,324.83