



**Contra  
Costa  
County**

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: January 17, 2017

Subject: Memoranda of Understanding with Public Employees Union, Local One and Local One CSB-Site Supervisors Unit

**RECOMMENDATION(S):**

ADOPT Resolution No. 2017/23 approving the Memoranda of Understanding between Contra Costa County and Public Employees Union, Local One and Public Employees Union, Local One, CSB-Site Supervisor Unit, implementing negotiated wage agreements and other economic terms and conditions of employment, for the period of July 1, 2016 through June 30, 2019; and APPROVE modification of the effective date of Personnel Resolution No. 21946 from January 11, 2017 to 11:59 P.M. December 31, 2016.

**FISCAL IMPACT:**

The estimated cost of the negotiated contract is \$2.0 million for FY 2016/17 (approximately \$1.1 million is due to the mid-year 5% wage increase); \$3.5 million for FY 2017/18 (\$2.2 million from the full year cost of the January 1, 2017, 5% wage increase and \$866,000 from the July 1, 2017, 2% wage increase); and \$4.8 million for FY 2018/19 (\$1.3 million from the July 1, 2018, 3% wage increase). It should be noted that the projected annual increased cost of the healthcare subsidy (\$516,000) is based upon 2017 restricted enrollment prior to eligibility in all County plans. Actual costs may be significantly higher.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/17/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Lisa Driscoll, County  
Finance Director (925) 335-1023

By: June McHuen, Deputy

## **BACKGROUND:**

Local One began bargaining with Contra Costa County July 12, 2016. The Tentative Agreements were reached between the County and Public Employees Union Local One on December 13, 2016 and ratified on December 22, 2016. The resulting Memoranda of Understanding, which are attached, include modifications to wages, health care, and other benefit changes. A summary of the changes follow.

## **Public Employees Union Local One**

### **Duration of Agreement - Section 55.4**

- July 1, 2016 – June 30, 2019

### **General Wages - Section 5.1**

- 5% - the first day of the month following union ratification
- 2% - 7/1/17
- 3% - 7/1/18
- One-time lump sum ratification payment of \$1000 for permanent active employees, including project employees. Permanent active part-time employees, including part-time project employees to receive a pro-rated amount, assuming a 40 hour work week, based on approved position hours (for example:  $\$1000 \times (20/40) = \$500$ ). Criteria for payment: employee must be employed by the County in a classification represented by the Union on the first day of the month in which the MOU is adopted by the Board of Supervisors. Temporary, and per diem employees are not eligible for the ratification payment. Permanent Intermittent to receive one payment of \$200.

### **Health, Life, & Dental Care - Section 19**

- Provide employees access to more affordable health plans for the 2017 plan year;
- Cost sharing with active employees in 2017 and beyond (50/50 share of medical plan increases);
- Establish new County Contribution subsidy for active employees for Kaiser Plan B
- Three tier Employee, Employee +1 Dependent, Employee +2 or More Dependent plan structure for active employee;
- Mechanism to address medical plans that meet the criteria for a high cost employer-sponsored health plan that may be subject to an excise penalty (a.k.a. Cadillac Tax) under the federal Patient Protection and Affordable Care Act ("ACA") (42 U.S.C. § 18081);
- Access to County health plans for employees who are not otherwise eligible for health coverage by the County and who meet eligibility requirements to receive an offer of coverage from the County under the federal Patient Protection and Affordable Care Act ("ACA") (42 U.S.C. § 18081) at employee expense;
- Participation in the Joint Labor/Management Benefit Committee to 1) select a

replacement medical or dental plan in the event that a plan is no longer available; 2) design a wellness program; 3) discuss future medical, dental, or vision plan design; or 4) assess the future impact of any excise tax pursuant to the federal Patient Protection and Affordable Care Act (“ACA”) (42 U.S.C. § 18081) on any high cost medical plans offered by the County;

- Add Section 19.12 - Voluntary Vision plan;
- Add Section 19.13 - Health Savings Account;
- Delete Section 19.18 – Health Care Oversight Committee; and
- Delete Section 19.19 – Health Plan Re-opener.

#### Union Recognition - Section 1

- Update represented units.

#### Shop Stewards and Official Representatives - Section 4

- Section 4.2 - Change maximum release time hours per year to 50 hours for union sponsored training programs.
- Section 4.2 - Update language for release time requests to be provided in writing to the Employee Relations Officer or designee; delete “in writing to the Department.
- Section 4.3 - Delete reference to Attendant-LVN Aide, Engineering, GS&M, and Health Services Units.

#### Overtime Compensatory Time - Section 7

- Update language in Section 7.2.B to add that new employees (including those demoted/promoted, etc.) hired after May 31 of each year must wait until the next fiscal year to select comp time. The employee will become eligible to elect comp time for the following fiscal year as outlined in 7.2.A above.
- Delete “annually” from Section 7.3.A to clarify that employees do not need to re-elect comp time each year.

#### Workforce Reduction/Layoff/Reassignment - Section 11

- Update Labor Relations Manager to Employee Relations Officer or his/her designee.
- Reduce amount of time individuals remain on layoff list from four (4) years to two (2) years.

#### Holidays and Personal Holiday Credit - Section 12

- Delete Section 12.1(D) and (E).

#### Vacation Leave - Section 13.3

- Delete first paragraph in Section 13.3 – Vacation Accrual Rates.
- Update second paragraph of Section 13.3 with current represented units.
- Move Section 58.9.C – outlines vacation accruals for the Investigative Unit to Section 13.3.
- Move Section 58.10.K – outlines vacation accruals for the Library Unit to Section

13.3.

#### Sick Leave - Workers' Compensation - Section 14

- Update Section 14.3.D.1 – changed “conditions” to “limitations”
- Update language in Section 14.4.A.1.
- Update Section 14.4.B.3 – changed “of explanation” to “and duration”.
- Update Section 14.6 – Workers' Compensation to reflect the current percentage (75%) of Workers' Compensation pay to employees for accepted claims.

#### State Disability Insurance - Section 16

- Update 16.1 – General Provisions with updated SDI language.
- SDI buyback negotiated out of the 1995-1999 MOU; practice has continued, but will terminate upon Board of Supervisors approval (January 17, 2017).

#### Jury Duty and Witness Duty - Section 18

- Section 18.2 – Witness Duty: Delete first sentence of last paragraph.

#### Probationary Periods Over Six/Nine Months - Section 20.2

- Add Animal Services Sergeant (BJTD) – one (1) year.
- Delete inactive classes: Apprentice Mechanic and Security Guard.
- Delete Public Service Officer from list.

#### Transfer & Reassignment - Section 22

- Section 22.3 – add language that this section also applies to CSB Unit in conjunction with Section 58.6.F.
- Delete Section 22.4.
- Delete Section 22.5.

#### Grievance Procedure - Section 25

- Remove reference to “Human Resources Director” and replace with “Employee Relations Officer or his/her designee.”
- Increase timeline for issuance of Step 3 decision from 15 workdays to 20 workdays.
- Update Section 25.6 – Compensation Complaints.
- Clarify the time limit for discipline appeals is governed by Section 24.6 – Procedure on Dismissal, Suspension, Temporary Reduction in Pay, or Demotion.

#### Retirement Contribution - Section 27

- Delete reference to safety employees' retirement in Section 27.1.
- Delete Section 27.2.D – Reference to seeking legislation.
- Delete Section 27.3 – Safety Employees Retirement.

#### Safety Shoes and Prescription Safety Eyeglasses - Section 29

- Add definition of “eligible”.

- Update the process for safety shoe reimbursement.
- Update the maximum safety eyewear reimbursable limits for prescription safety eyeglasses.

#### Video Display Terminal (VDT) Users Eye Examination - Section 30

- Delete Probation Unit from paragraph one.
- Change VDT to Computer Vision Care to reflect name change.
- Updated dollar amount for frames and lenses from \$10 to \$50.

#### Performance Evaluation Procedure - Section 31

- Remove reference to HR Director and replace with Employee Relations Officer or his/her designee.

#### Mileage - Section 32

- Section 32.1 – refer to Administrative Bulletin #204.
- Add new Section 32.3 – Commuter Benefit Program - Prior to July 1, 2017, the County will offer employees the option of enrolling in an employee-funded qualified transportation (commuter) benefit program designed to qualify for tax savings under Section 132(f) of title 26 of the Internal Revenue Code, but such savings are not guaranteed. The Commuter Benefit Program will allow employees to set aside pre-tax dollars for qualified transportation expenses to the extent and amount allowed by the Internal Revenue Service.

#### Provisional Appointment - Section 35

- Delete entire section.

#### Personnel Files - Section 36

- Delete last paragraph; language obsolete (started with the October 1, 1993–September 30, 1995 MOU).

#### Service Awards - Section 37

- Delete and refer to Administrative Bulletin #410.

#### Compensation for Loss or Damage to Personal Property - Section 40

- Delete 40.A-I.
- Retain 40.J and add Administrative Bulletin #518 – Compensation for Loss of Damage to Personal Property.

#### Unfair Labor Practice - Section 41

- Delete section.

#### Length of Service Definition - Section 43

- Delete the word “provisional”.

#### Permanent-Intermittent Employees Health Plan - Section 46

- Delete entire section.

#### Provisional Employee Benefits - Section 47

- Delete entire section.

#### Hazard Pay - Section 48

- Delete reference to the decertified units.
- Add language from January 20, 2015, Board Resolution 2015/27, to include the corrections.

#### Health Examination - Section 51

- Delete paragraph 2.

#### Classification Studies, Special Studies or Other Actions - Section 52

- Delete section.

#### Temporary Employees - Section 53

- Change union dues amounts to be set by union.
- Update classes in 53.A.
- Update 53.C to change Student Worker/Administrative Intern to Student Intern.
- Delete 53.G and 53.H.
- Incorporate relevant portions of Attachment N into MOU and delete Attachment N.

#### Unit Items - Section 58

- Specified that wage increase included in this agreement effective the first of the month after ratification, and the increase effective July 1, 2017, and the lump sum payment includes the Family and Children Services Unit.
- No later than November 1, 2017, or within thirty days of the County’s receipt of notice concerning the amount of State and Federal grant funding for CSB programs for the following calendar year, the County shall request to meet and confer with the Union to discuss salary adjustments for 2018. The amount of salary adjustment and effective date shall be determined by the Union and County in the meet and confer process.
- Section 58.1.C – add Lead Pest Detection Specialist – Project (B9T1) classification to classes eligible for paid holiday as described in section 58.1.C.
- Move and update 58.10.K to 13.3 – Vacations.
- Delete second paragraph of 58.10.L regarding working more than half of the Saturday shifts.
- Delete 58.10.Q – Joint Labor-Management task force.
- Delete 58.10.S – San Ramon Library side letter was deleted during the last round of

negotiations (clean-up).

- Modify 58.10.U:
  - Paragraph 1 – increase hours per year and number of Sundays worked per year.
  - Paragraph 4 – delete the word Subfinder; update with registration and job cancelling requirements.
  - Paragraph 9 – delete
- Delete 58.10.V – Staggered Shifts.

Retain the following Attachments and Re-letter in the MOU:

- Attachment A Class and Salary Listing - update
- Attachment B Medical/Dental/Life Insurance - update
- Attachment C Project Employees
- Attachment D PI Special Pays and Benefits – update
- Attachment E Temporary Employees Special Pays – update
- Attachment F Class B Physical Examinations/Public Works
- Attachment G Expanded Use of Volunteers/Library
- Attachment K General Services Health & Safety Issues
- Attachment M Per Diem Special Pays - update
- Attachment O Library Practices Advisory Committee (LPAC)
- Attachment T Contracting for Service from Rehab Programs
- Attachment V Building Trades Rotation
- Attachment Y Return to Work Policy

Delete the following Attachments in the MOU:

- Attachment H Public Service Officers/Rangers
- Attachment I Cardiac Ultrasonographer-Per Diem & Pharmacist-Per Diem
- Attachment J Physical Therapist-Per Diem & Occupational Therapist-Per Diem
- Attachment L Central Library Vacation Policy (directs 58.10K)
- Attachment N Temporary Employees Agreement
- Attachment P Attendant-LVN-Aide Career Advancement Program
- Attachment Q Vegetation Management Technicians
- Attachment R Guardian Security Contract
- Attachment S ISW Reassignments/Bids
- Attachment U Healthcare Coalition Notice of Changes
- Attachment W Therapy Services – OT/PT in Hospital
- Attachment X Stationary Engineer – 24 Hour Coverage
- Attachment Z Mental Health Side Letter

**Public Employees Union Local One - CSB-Site Supervisor Unit**

Duration of Agreement - Section 33.4

- July 1, 2016 – June 30, 2019

## General Wages - Section 5.1

- 5% - the first day of the month following union ratification
- 2% - 7/1/17
- One-time lump sum ratification payment of \$1000 for permanent active employees, including project employees. Permanent active part-time employees, including part-time project employees to receive a pro-rated amount, assuming a 40 hour work week, based on approved position hours (for example:  $\$1000 \times (20/40) = \$500$ ). Criteria for payment: employee must be employed by the County in a classification represented by the Union on the first day of the month in which the MOU is adopted by the Board of Supervisors. Temporary, and per diem employees are not eligible for the ratification payment. Permanent Intermittent to receive one payment of \$200.
- No later than November 1, 2017, or within thirty days of the County's receipt of notice concerning the amount of State and Federal grant funding for CSB programs for the following calendar year, the County shall request to meet and confer with the Union to discuss salary adjustments for 2018. The amount of salary adjustment and effective date shall be determined by the Union and County in the meet and confer process.

## Health, Life, & Dental Care - Section 26

- Provide employees access to more affordable health plans for the 2017 plan year;
- Cost sharing with active employees in 2017 and beyond (50/50 share of medical plan increases);
- Establish new County Contribution subsidy for active employee for Kaiser Plan B
- Three tier Employee, Employee +1 Dependent, Employee +2 or More Dependent plan structure for active employee;
- Mechanism to address medical plans that meet the criteria for a high cost employer-sponsored health plan that may be subject to an excise penalty (a.k.a. Cadillac Tax) under the federal Patient Protection and Affordable Care Act ("ACA") (42 U.S.C. § 18081);
- Access to County health plans for employees who are not otherwise eligible for health coverage by the County and who meet eligibility requirements to receive an offer of coverage from the County under the federal Patient Protection and Affordable Care Act ("ACA") (42 U.S.C. § 18081) at employee expense;
- Participation in the Joint Labor/Management Benefit Committee to 1) select a replacement medical or dental plan in the event that a plan is no longer available; 2) design a wellness program; 3) discuss future medical, dental, or vision plan design; or 4) assess the future impact of any excise tax pursuant to the federal Patient Protection and Affordable Care Act ("ACA") (42 U.S.C. § 18081) on any high cost medical plans offered by the County;
- Add Section 26.12 - Voluntary Vision plan;
- Add Section 26.13 - Health Savings Account; and
- Delete Section 26.18 – Health Plan Re-opener.



#### Official Representatives - Section 4

- Update language for release time requests to be provided in writing to the Employee Relations Officer or designee; delete “in writing to the Department.

#### Provisions for Part-Time Employees and PI Employees-Reopener - Section 10.4

- Delete section - does not apply to the CSB Unit.

#### Workforce Reduction and Layoff - Section 9.2.H

- Update Labor Relations Manager to Employee Relations Officer or his/her designee.
- Reduce amount of time individuals remain on layoff list from four (4) years to two (2) years.

#### Workers' Compensation & Continuing Pay - Section 13

- Update Section 13.1 – Workers' Compensation to reflect the current percentage (75%) of Workers' Compensation pay to employees for accepted claims.
- Delete Section 13.6 – Rehabilitation Integration.

#### State Disability Insurance - Section 14.1

- Update 14.1 – General Provisions with updated SDI language.

#### Jury Duty and Witness Duty - Section 17

- Section 17.2 – Witness Duty: Delete first sentence of last paragraph.

#### Grievance Procedure - Section 23

- Remove reference to “Human Resources Director” and replace with “Employee Relations Officer or his/her designee.”
- Increase timeline for issuance of Step 3 decision from 15 workdays to 20 workdays.
- Update Section 23.6 – Compensation Complaints.
- Clarify the time limit for discipline appeals is governed by Section 22.6 – Procedure on Dismissal, Suspension, Temporary Reduction in Pay, or Demotion.

#### Retirement Contribution - Section 28

- Delete Section 28.2.D – Reference to seeking legislation.

#### Mileage - Section 27

- Section 27.1 – refer to Administrative Bulletin #204.
- Insert Administrative Bulletin number into section 27.1.
- Add new Section 27.2 – Commuter Benefit Program - Prior to July 1, 2017, the County will offer employees the option of enrolling in an employee-funded qualified transportation (commuter) benefit program designed to qualify for tax savings under Section 132(f) of title 26 of the Internal Revenue Code, but such savings are not

guaranteed. The Commuter Benefit Program will allow employees to set aside pre-tax dollars for qualified transportation expenses to the extent and amount allowed by the Internal Revenue Service.

#### Service Awards - Section 30

- Delete and refer to Administrative Bulletin #410.

#### Unfair Labor Practice - Section 31

- Delete section.

#### **Animal Services Department Position Adjustment Resolution No. 21946**

Resolution No. 21946, which was adopted by the Board of Supervisors on January 10, 2017, with an effective date of the day following Board adoption, reallocated the classification of Animal Services Officer (BJWD) (represented) on the salary schedule from salary plan and grade QAH 1300 (\$3,425 -\$5,186) with ten merit steps to salary plan and grade QAH 1300 (\$3,964 -\$5,186) with even merit steps; reallocate the classification of Animal Services Sergeant (BJTD) (represented) on the salary schedule from salary plan and grade QAH 1398 (\$3,770 -\$5,709) with ten merit steps to salary plan and grade QAH 1398 (\$4,364 -\$5,709) with seven merit steps; reallocate the classification of Animal Services Lieutenant (BJHB) (represented) on the salary schedule from salary plan and grade ZAH 1025(\$4,695 -\$6,771) with nine merit steps to salary plan and grade ZAH 1025 (\$5,175 -\$6,935) with seven steps; and to adjust the final step of the new Animal Services Lieutenant (BJHB) (represented) salary range from a 2.5% increase to a 5% increase. The intent was for these actions to precede the Local One wage increases effective January 1, 2017; therefore, the Board is asked to modify the effective date from January 11, 2017 to December 31, 2016 at 11:59 P.M.

#### **CONSEQUENCE OF NEGATIVE ACTION:**

The County will continue to be out of contract with the Unions and may experience recruitment and retention difficulties.

#### **ATTACHMENTS**

Resolution No. 2017/23

PEU Local One MOU 7/1/2016-6/30/2019

PEU Local One-CSB Site Supervisors MOU 7/1/2016-6/30/2019