

BOARD AGENDA ITEM

39

*B.M.*

TO: BOARD OF SUPERVISORS  
THROUGH: COUNTY ADMINISTRATOR  
FROM: BEVERLY MORSE, ASSISTANT COUNTY ADMINISTRATOR

SUBJECT: RATIFICATION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MERCED COUNTY AND AFSCME REPRESENTING UNITS 4, 5, 6, AND 8

SUMMARY:

The MOU between Merced County and AFSCME on behalf of Units 4, 5, 6, and 8 ended on December 31, 2000. Meet and Confer sessions with AFSCME representatives to negotiate a successor MOU began last September and have recently culminated in a 3 year contract extending from January 1, 2001 to December 31, 2003. AFSCME membership ratified the agreement on May 24, 2001. Highlights of the new agreement include the following:

1. Salary adjustments to be implemented for all represented employees in June, 2001, July, 2002, and July, 2003.
2. Benchmark surveys to be completed for July, 2001, 2002 and 2003, with incremental adjustments made in pay period 24 to progressively move toward 100% of the survey average.
3. Implementation of an annual Employee Loyalty Bonus for employees achieving 10 years (20800 paid hours) of county service.

MOU only

STAFFING IMPACT: None by this action.

FISCAL IMPACT: Estimated net General Fund cost for the 3 year term of the MOU is \$3.8 million. According to actuarial analysis, this change will have no impact on the funding status of the Retirement System.

CONTRACT/RESOLUTION/ABSTRACT SUBMITTED N/A

REQUEST REVIEWED BY: County Counsel *[Signature]* Auditor *[Signature]*

ADMINISTRATION RECOMMENDATION/COMMENT:

REQUEST/RECOMMENDATION/ACTION NEEDED: Approve a new Memorandum of Understanding MOU between Merced County and AFSCME representing Units 4, 5, 6, and 8 and authorize the Chairman to sign the MOU.

For Board Staff Only: TO: MANAGEMENT SERVICES

BOARD ACTION 06/05/2001 O'BANION/RIVERO

INFORMATION ONLY MODIFIED APPROVED RECOMMENDATION

BOARD ORDER TO FOLLOW  
CONTRACT NO. 2001116

#820607

1. 2003, will be paid an Employee Loyalty Bonus of \$750 effective Pay Period 25, 2003.

### OTHER COMPENSATION ADJUSTMENTS :

1. Night Shift Differential  
Increase from \$.50 per hour to \$.75 per hour effective first Pay Period in July, 2001 for represented classes unless otherwise noted below.  
Increase from \$2.00 to \$2.25 for RN's in Health and Mental Health.  
Increase from \$1.00 to \$1.25 for Non-RN's in Health and Mental Health

2. On Call Pay  
Increase from \$2.25 to 2.50 effective first Pay Period in 7/01  
Increase from \$2.50 to 2.75 effective first Pay Period in 7/02  
Increase from \$2.75 to 3.00 effective first Pay Period in 7/03

Effective the first Pay Period in 7/01, in addition to on-call pay, Social Workers who are on-call for 7 consecutive days shall receive a total of 3.5 hours of overtime pay for time spent on phone calls and related departmental reporting requirements

3. Bilingual Pay  
Increase from \$.50 to .55 effective first Pay Period in 7/01  
Increase from \$.55 to .60 effective first Pay Period in 7/02  
Increase from \$.60 to .65 effective first Pay Period in 7/03  
Effective the first Pay Period in 7/01, bilingual pay will be paid on all work hours including overtime

### OTHER TERMS AND CONDITIONS:

1. Salary Separation Issue for SW III to IV  
CPS 5% differential will be included as part of salary when determining step placement for employees promoting from SW III to SW IV

2. Family Support - Alternate Work Schedules  
Family Support agrees to reconsider offering alternate work schedules to employees with implementation subject to any departmental obstacles/problems being worked out.

3. Safety Retirement  
County agrees to request outside actuary study on "3% at 50" for safety classifications to be completed prior to January, 2002. Upon completion the County will share results with union.

4. Classification Issues  
County agrees to study during FY 01/02 the following:  
1. Compensation relationship/structure in the seven counties for Communicable Disease Investigator positions or contractors performing such duties.  
2. Salary relationships in seven counties between Environmental Health Specialists and Hazardous Materials Specialist  
3. Employment and Training Worker Classification with regard to accuracy due to potential changes which have occurred in scope of duties  
4. Staffing levels for Appraiser's holding special credentials  
5. Any results from classification studies will be implemented as part of Final Budget 02/03 unless otherwise mutually agreed.

5. Grievance and Appeal  
1. Increase stewards from 30 to 35 effective 7/01/01  
2. Modify grievance and appeal form to mutual satisfaction of both parties and develop cover information sheet to explain the process.

6. Establish Labor Management Committee  
Potential Topics  
-Need for and posting of seniority lists

ATTACHMENT 1  
TO MERCED COUNTY-AFSCME MOU

AMENDMENTS TO THE HUMAN RESOURCES RULES/REGULATIONS RESOLUTION ARE  
AGREED TO AS FOLLOWS:

Section 2. F. SICK LEAVE

3. Sick leave earned may be applied to absence caused by illness or injury of an employee. Sick leave may be used for medical and dental office calls when absent during working hours for this purpose and authorized by the department head. Such leave earned may also be used by an employee when an illness or injury of an immediate family member, as defined in 3, a, residing with the employee, is serious enough to require the employee to be absent from duty to personally care for such a person. Sick leave for this purpose shall not exceed five (5) working days (with no limitation on the number of hours for Unit 3, 4, 5, 6 and 8, and Unrepresented Management employees), per fiscal year and requires authorization by the department head. Use of sick leave for this purpose shall be unlimited for Units 3, 4, 5, 6, and 8, and Unrepresented Management; and, requires department head authorization. Use of sick leave for this purpose shall be limited for Units 7, 2 and P to the amount required by California law which is the amount accrued over six months of employment or 6 days (48 hours) per fiscal year and requires authorization by the department head. The use of sick leave for medical and dental appointments by Unit 3 employees requires advance approval by the department head. Under unusual or emergency circumstances, the department head may waive the advance authorization provision.
3. c. Employees working on alternate work schedules may not use more than forty (40) working hours per fiscal year in order to care for an immediate family member suffering from illness or injury.

Section 2. L. BEREAVEMENT LEAVE

3. Bereavement leave with pay not chargeable to vacation or sick leave may be granted upon the recommendation of the department head in the death of a relative in the first degree.

An employee's relative in the first degree is defined as follows: husband, wife, child, father, mother, sister, brother, father-in-law, mother-in-law, grandparents, son-in-law, daughter-in-law, grandchild, and foster parents or guardian.

An employee's relative in the first degree is defined as follows: husband, wife, child, spouse by current marriage;

- 1) spouse by current marriage;
- 2) child, step-child by current marriage;
- 3) son-in-law, daughter-in-law, parent-in-law by current marriage;
- 4) parent, step-parent, foster parent, guardian;
- 5) sibling(s);
- 6) grandparents, grandchildren

4. Whenever a regular full-time County employee or employee in Employment At-Will status is compelled to be absent from duty by reason of a death of a relative in the first degree, he shall be entitled to three (3) regularly scheduled consecutive work days working days. Employees working under an alternate work schedule shall be entitled to the equivalent of three (3) eight (8) hour work days not to exceed twenty-four (24) work hours off.

2 Course of study must be approved by the employee's department head.

1. Employee must have completed their Probation Period and received standard or above performance evaluations.

**B. Eligibility Criteria**

Leave without pay for an employee to pursue a course of study which will increase an employee's abilities and skills upon return to the job.

**A. Definition**

**3. Education**

All employees, except those appointed to an Employment At-Will Status, who are denied a leave under the provisions of Family Care Leave may file a grievance with Management Services. The decision of the Assistant County Administrator responsible for Management Services shall be issued within two (5) working days after the grievance is filed, and shall be final.

**C. Grievance Process**

Certification from the eligible relatives, attending care provider must include the nature of the relative's condition which necessitates care from a family member and dates indicating the duration of the care needed.

**2. Eligibility, Approval Process and Conditions**

Eligibility criteria, process procedures and conditions, as outlined for the employee remain the same when care is given to an eligible family member.

**1. Definition**

**B. Care for Eligible Relative**

Eligible employees may apply for a leave of absence to care for an eligible relative in accordance with the provisions of FMLA and CFRA as outlined above. Eligible relatives are defined in Section 2. F. 3. a. of the Human Resources Rules and Regulations.

**3) Approval Process/Conditions**

Same as for FMLA; except, Employees are required to use sick time during the otherwise unpaid portion of their leave until such time as their accrued time is exhausted. The employee may, at their discretion, use accrued vacation time.

**2) Eligibility Criteria**

All employees are eligible for PDL.

**1) Definition**

Employees who are disabled by pregnancy, childbirth or related medical conditions are entitled to pregnancy disability leave (PDL) of up to four months, depending on the period of actual disability as indicated by the attending physician.

**c. Pregnancy Disability Leave (State)**