

DEPARTMENT: Personnel

BY: Jeffrey G. Green
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Approve the ratification of the Supplement Agreements to the Memoranda of Understanding with the Deputy Sheriffs' Association (DSA) and Sheriffs' Management Association (SMA) to include the Deputy Probation Officer and Deputy Chief Probation Officer classifications. The effective date of both Supplements is October 1, 2001 through September 30, 2005. The delay in providing this matter to the Board is because of the process that was involved in order for the Probation Officers to transition from the SEIU bargaining unit to the DSA and SMA bargaining units. Although the Probation Officers requested the unit modifications prior to the termination of the DSA and SMA MOUs, a lengthy process ensued for the modification to become a reality. Once the modification was approved, the Probation Officers then had to meet and confer relative to those benefits they were interested in for their sub-unit. The end result is included in the Supplements, which are attached.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

In October 2001 and in accordance with the Employer-Employee Relations Policy, the CAO determined that the Probation Officers' requests, which were supported by the DSA and SMA, would be granted. Subsequently, after the meet and confer process, the Board and the Probation Officers' sub-units came to a tentative Agreement. The provisions of that Agreement are reflected in the Supplements.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Not applicable. The Board has previously approved tentative Agreements with the DSA and SMA Probation Officer sub-units.

| | | |
|----------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------------|
| Financial Impact? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Current FY Cost: \$ | Annual Recurring Cost: \$ |
| Budgeted In Current FY? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partially Funded | | |
| Amount in Budget: \$ _____ | | List Attachments, number pages consecutively |
| Additional Funding Needed: \$ _____ | | <u>Supplement to DSA MOU</u> |
| Source: | | <u>Supplement to SMA MOU</u> |
| Internal Transfer _____ | | _____ |
| Unanticipated Revenue _____ 4/5's vote | | _____ |
| Transfer Between Funds _____ 4/5's vote | | _____ |
| Contingency _____ 4/5's vote | | _____ |
| <input type="checkbox"/> General <input type="checkbox"/> Other | | _____ |

CLERK'S USE ONLY:

Res. No.: 03-32 Ord. No. _____
Vote - Ayes: 5 Noes: _____
Absent: _____
[Signature] Approved
 Minute Order Attached No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

_____ Requested Action Recommended
_____ No Opinion
Comments:

CAO: [Signature]

SUPPLEMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN MARIPOSA COUNTY AND THE MARIPOSA COUNTY DEPUTY SHERIFFS' ASSOCIATION

This Supplemental Agreement (hereafter "Agreement") is entered into by and between Mariposa County and the Mariposa County Deputy Sheriff's Association and is intended to memorialize the parties' negotiations concerning modification of the DSA bargaining unit to include the Deputy Probation Officer classifications. Each Article of the current Memorandum of Understanding ("MOU") between the DSA and the County, as listed below, shall apply to the Deputy Probation Officer classifications, except as specifically modified by this Agreement:

PREAMBLE - No change.

ARTICLE 1 - RECOGNITION: Modified to include Deputy Probation Officer I, Deputy Probation Officer II, and Deputy Probation Officer III.

ARTICLE 2 - DEFINITIONS: No change.

ARTICLE 3 - NON-DISCRIMINATION: No change.

ARTICLE 4 - MANAGEMENT RIGHTS: No change.

ARTICLE 5 - ASSOCIATION RIGHTS: No change.

ARTICLE 6 - COMPENSATION: No change, except as specified below:

Section 6.1 - Salaries: Modified to provide that effective October 1, 2001, the salary ranges for the Deputy Probation Officer classifications shall be adjusted as follows: Deputy Probation Officer II to Range 193; Deputy Probation Officer III to Range 217.

In addition to the adjustments to the salary ranges specified above, and subsequent to those adjustments, the salary range for the Deputy Probation Officer classifications be increased by the equivalent percentage increase in salary as specified in Section 6.1 of the DSA MOU, effective 10/01/01 (3%), 10/01/02 (3.5%), 10/01/03 (3.5%), and 10/01/04 (3.5%).

Section 6.3.4.1 - Uniform Allowance: Modified to provide a uniform allowance of \$315.00 per year per Probation Officer.

Section 6.4 - Benefits: The County's monthly contribution toward health and welfare benefits for the Deputy Probation Officer classifications, including deferred compensation, shall remain at their current levels, which are as follows:

Medical - \$255.25
Dental - \$39.29
Vision - \$10.21
Deferred Comp. - \$162.03

6.4.3. Deputy Probation Officers shall be covered under the "3%@50 plan" and the One Year Final Compensation benefit, pursuant to California Government Code Sections 21362.2 and 20042, respectively.

The parties have agreed that for the term of the agreement, the County's actual employer contribution rate for the PERS Safety Plan benefits in effect as of July 1, 2001, shall be capped at its current normal cost of 12.23%. In the event the actual employer contribution rate exceeds 12.23% during the agreement, the amount of increase over 12.23% shall be paid by the employee through payroll deduction up to the employee's salary increase for that year. Any amount above the employee's salary increase for that year shall be paid by the County. The scheduled base salary increases for this bargaining unit during the term of this contract (\$16.5%) shall not be reduced by any employee contribution to the PERS Safety Plan. Furthermore, this provision regarding the employee contribution shall only be in effect for the term of this agreement.

Section 6.4.7 - Longevity Pay: The provisions of this section do not apply to the Deputy Probation Officer classifications. For those Deputy Probation Officers currently receiving longevity pay pursuant to the SEIU MOU, longevity pay will continue to be provided at the current level but shall not otherwise be subject to the provisions of section 6.4.7.

Section 6.5 - Education Incentive Pay: Only subsection 6.5.3, providing for reimbursement for continuing education expenses up to \$150.00 per semester, shall apply to the Deputy Probation Officer classifications.

Section 6.6 - Resident Pay: Does not apply to Deputy Probation Officer classifications.

Section 6.7 - Field Training & Training Premium: Does not apply to Deputy Probation Officer classifications.

ARTICLE 7 - STATUS OF EMPLOYEES: No change.

ARTICLE 8 - ATTENDANCE AND LEAVES: No change, except as specified below:

Section 8.1.1.2 Working hours for the Deputy Probation Officer classifications shall be 8:00am to 5:00pm, Monday through Friday.

Section 8.2.1.2 Deputy Probation Officers are entitled to overtime and shall be paid overtime based upon the requirement of the Fair Labor Standards Act for hours worked in excess of forty hours per work week.

Section 8.3.1 - Annual Leave: Deputy Probation Officers shall earn vacation at the following rates:

| | |
|-----------------------------|---------|
| 0-3 years of service | 2 weeks |
| 4-9 years of service | 3 weeks |
| 10 or more years of service | 4 weeks |

ARTICLE 9 - HOLIDAYS

Section 9.1 – Legal Holidays - The following are hereby established as legal holidays in the County for Deputy Probation Officers pursuant to Government Code Sections 67000, 10953, and 19854:

1. January 1st, New Year's Day
2. Third Monday in January, known as "Martin Luther King's Day"
3. Third Monday in February, know as "Presidents Day"
4. Last Monday in May, know as "Memorial Day"
5. July 4th, known as "Independence Day"
6. First Monday in September, know as "Labor Day"
7. Second Monday in October, known as "Columbus Day"
8. November 11th, know as "Veterans Day"
9. Thanksgiving Day
10. The day after Thanksgiving Day
11. December 25th, known as "Christmas Day"
12. Every day appointed by the President or Governor for public fast, thanksgiving, or holiday provided each such day is specified as a paid holiday by the President or Governor for public employees.
13. Every employee shall be entitled to take as a holiday the Friday preceding any Saturday on which one of the holidays set out in 1, 5, 8 and 11 occurs.
14. Every employee shall be entitled to take as a holiday the Monday following any Sunday on which one of the holidays set out in 1, 5, 8 and 11 above occurs.

Section 9.2 - Personal Holidays

9.2.1 - Personal Holiday - Deputy Probation Officers are entitled to a personal holiday which will be allocated on January 1 of each year to be taken in that calendar year; all new employees are entitled to a personal

holiday after their one (1) year anniversary to be taken within the calendar year of their first anniversary date.

9.2.2 - Additional Holiday - Deputy Probation Officers shall be entitled to take one of the following additional holidays subject to the employee's choice and prior approval by the employee's department head:

1. The last working day before, or the first working day after Christmas (December 25th);
2. The last working day before, or the first working day after New Year's Day (January 1st).

ARTICLE 10 - TRAVEL POLICY: No change.

ARTICLE 11 - RECLASSIFICATION AND OUT-OF-CLASS WORK: No change.

ARTICLE 12 - SENIORITY AND LAYOFF: No change.

ARTICLE 13 - EMPLOYEE DISCIPLINE: No change.

ARTICLE 14 - GRIEVANCE PROCEDURE: No change.

ARTICLE 15 - PERSONNEL FILES: No change.

ARTICLE 16 - SAFETY: No change.

ARTICLE 17 - NO STRIKE/ NO LOCKOUT: No change.

ARTICLE 18 - ENTIRE AGREEMENT: No change.

ARTICLE 19 - SAVINGS: No change.

ARTICLE 20 - DURATION: No change.

Approved this 28th day of January, 2003, by the Board of Supervisors, County of Mariposa.

For the County

For the Association





Bob Pickard, Chair
Board of Supervisors

Fred Paige, President
Deputy Sheriff's' Association

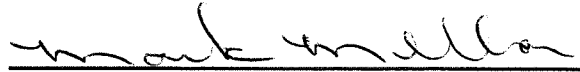
Date: 06-03-03

Date: _____



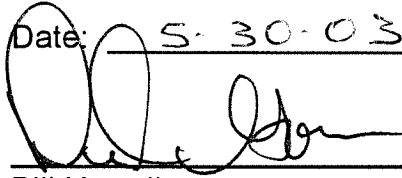
Richard C. Bolanos, County Negotiator
Liebert Cassidy Whitmore

Date: 12/12/03



Mark Mellon, Deputy Probation Officer II

Date: 5-30-03



~~Bill Hamel~~ Doug Gorman
Operating Engineers, Local No. 3

Date: 11/17/03