

County of Lassen, California
OFFICE OF COUNTY COUNSEL

Robert M. Burns, Lassen County Counsel
221 South Roop Street, Ste. 2
Susanville CA 96130



MEMORANDUM

May 13th, 2020

TO: Board of Supervisors

FROM: Robert Burns, County Counsel

RE: Proposed Side Letter Agreements-Vacation Accruals

ACTION REQUESTED: 1. Receive report; and 2. Ratify side letter agreements; and 3. Adopt resolution; and/or 4. Provide direction to staff.

DISCUSSION: Employees within the covered classifications, and some unrepresented too, are entitled to vacation accrual at the rate established by their collective bargaining agreement (different rates for different periods of service). Some employees have accumulated balances for differing reasons above and beyond the maximum amount permitted by Lassen County Personnel Rules and Regulations (maximum of 254 hours of accrued vacation pursuant to section 902(2)(e)). Management has identified that the accumulated vacation accruals constitute an ongoing fiscal liability which needs to be addressed.

FISCAL IMPACT: See attached rough analysis by Auditor.

In order for the side letters to have effect, they must be approved by the Board of Supervisors.

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Group	Liability 4/30/2020
UPEC	\$106.96
MPA	\$590.22
Appointed	\$3,917.75
LCPOA-A	\$10,987.66
LCPOA-B	\$2,401.62
DSA	\$3,735.75
	\$21,739.96
POA MGT/SUP	\$27,228.51
CAO	\$549.63
TOTAL	\$49,518.10

D2A

SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
LASSEN COUNTY DEPUTY SHERIFF'S ASSOCIATION

DESCRIPTION OF THE ISSUE

Employees within the covered classifications are entitled to vacation accrual at the rate established by the agreement (different rates for different periods of service). Some employees have accumulated vacation accrual balances for differing reasons (some the responsibility of the employee and some because of the needs of the departments) above and beyond the maximum amount permitted by Lassen County Personnel Rules and Regulations (maximum of 254 hours of accrued vacation pursuant to section 902(2)(e)).

The Personnel Rule cited above has not been uniformly enforced. Management has identified that the accumulated vacation accruals constitute an ongoing fiscal liability which needs to be addressed. In an effort to equitably address the ongoing accrual of vacation, and to address those employees who have accumulated balances beyond what the Personnel Rules and regulations allow, the parties have met and agreed to the following resolution:

AGREEMENT OF THE PARTIES

Effective as of the date of ratification, the following practice shall occur:

1. Any and all employees (in this bargaining unit) who have accumulated vacation accrual balances in excess of 254 hours as of April 18, 2020 (end of pay period) shall be paid out for those balances in excess of 254 hours (payout may not correspond to normal payroll); and
2. Thereafter, no accumulated vacation accrual balance may exceed 254 hours for the classifications in this bargaining unit; and
3. Any employee who foregoes this one time opportunity to be paid out for vacation accruals in excess of the 254 hour cap shall cease accruing vacation until such time as that employees vacation accruals are reduced to 254 hours or below; and
4. The Union waives any ability to file or advance an unfair practice charge with the Public Employment Relations Board against County for departing from past practice of allowing accumulation of vacation balances in excess of 254 hours in favor of enforcing that limitation.

For the County:

Mr. David Teeter
Chairman, Lassen County Board of Supervisors


Robert M. Burns
County Counsel-As to form only

Date

Date

5-13-20

For the Union:

 129

Scott Ducasse
Unit President


Date

MPA

**SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
LASSEN COUNTY MANAGEMENT AND PROFESSIONALS ASSOCIATION**

DESCRIPTION OF THE ISSUE

Employees within the covered classifications are entitled to vacation accrual at the rate established by the agreement (different rates for different periods of service). Some employees have accumulated vacation accrual balances for differing reasons (some the responsibility of the employee and some because of the needs of the departments) above and beyond the maximum amount permitted by Lassen County Personnel Rules and Regulations (maximum of 254 hours of accrued vacation pursuant to section 902(2)(e)).

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2. Thereafter, no accumulated vacation accrual balance may exceed 254 hours for the classifications in this bargaining unit; and
3. Any employee who foregoes this one time opportunity to be paid out for vacation accruals in excess of the 254 hour cap shall cease accruing vacation until such time as that employees vacation accruals are reduced to 254 hours or below; and
4. The Union waives any ability to file or advance an unfair practice charge with the Public Employment Relations Board against County for departing from past practice of allowing accumulation of vacation balances in excess of 254 hours in favor of enforcing that limitation.

For the County:

Mr. David Teeter
Chairman, Lassen County Board of Supervisors

Date

Robert M. Burns
County Counsel-As to form only

Date

5-13-20

For the Union:

Jessica Valdovinos

Jessica Valdovinos
Unit President

[Signature]

Steve Allen
Labor Representative
Goyette and Assoc.

4/6/2020
Date

4-6-20
Date

RWA

SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
LASSEN COUNTY ROAD WORKERS ASSOCIATION

DESCRIPTION OF THE ISSUE

Employees within the covered classifications are entitled to vacation accrual at the rate established by the agreement (different rates for different periods of service). Some employees have accumulated vacation accrual balances for differing reasons (some the responsibility of the employee and some because of the needs of the departments) above and beyond the maximum amount permitted by Lassen County Personnel Rules and Regulations (maximum of 254 hours of accrued vacation pursuant to section 902(2)(e)).

The Personnel Rule cited above has not been uniformly enforced. Management has identified that the accumulated vacation accruals constitute an ongoing fiscal liability which needs to be addressed. In an effort to equitably address the ongoing accrual of vacation, and to address those employees who have accumulated balances beyond what the Personnel Rules and regulations allow, the parties have met and agreed to the following resolution:

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1. Any and all employees (in this bargaining unit) who have accumulated vacation accrual balances in excess of 254 hours as of April 18, 2020 (end of pay period) shall be paid out for those balances in excess of 254 hours (payout may not correspond to normal payroll); and
2. Thereafter, no accumulated vacation accrual balance may exceed 254 hours for the classifications in this bargaining unit; and
3. Any employee who foregoes this one time opportunity to be paid out for vacation accruals in excess of the 254 hour cap shall cease accruing vacation until such time as that employees vacation accruals are reduced to 254 hours or below; and
4. The Union waives any ability to file or advance an unfair practice charge with the Public Employment Relations Board against County for departing from past practice of allowing accumulation of vacation balances in excess of 254 hours in favor of enforcing that limitation.

For the County:

Mr. David Teeter
Chairman, Lassen County Board of Supervisors

Robert M. Burns
County Counsel-As to form only

Date

Date

5-13-20

For the Union:



Kevin Hoelzle
Unit President

4-6-20
Date

POA

SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
LASSEN COUNTY PEACE OFFICERS ASSOCIATION (Union)
TO MEMORANDUM OF UNDERSTANDING EFFECTIVE
JUNE 25, 2019 THROUGH JUNE 30, 2021

DESCRIPTION OF THE ISSUE

Employees within the covered classifications are entitled to vacation accrual at the rate established by the agreement (different rates for different periods of service). Some employees have accumulated vacation accrual balances for differing reasons (some the responsibility of the employee and some because of the needs of the departments) above and beyond the maximum amount permitted by Lassen County Personnel Rules and Regulations (maximum of 254 hours of accrued vacation pursuant to section 902(2)(e)).

The Personnel Rule cited above has not been uniformly enforced. Management has identified that the accumulated vacation accruals constitute an ongoing fiscal liability which needs to be addressed. In an effort to equitably address the ongoing accrual of vacation, and to address those employees who have accumulated balances beyond what the Personnel Rules and regulations allow, the parties have met and agreed to the following resolution:

AGREEMENT OF THE PARTIES

Effective as of the date of ratification, the following practice shall occur:

1. Any and all employees (in this bargaining unit) who have accumulated vacation accrual balances in excess of 254 hours as of April 18, 2020 (end of pay period) shall be paid out for those balances in excess of 254 hours (payout may not correspond to normal payroll); and
2. Thereafter, no accumulated vacation accrual balance may exceed 254 hours for the classifications in this bargaining unit; and
3. The Union waives any ability to file or advance an unfair practice charge with the Public Employment Relations Board against County for departing from past practice of allowing accumulation of vacation balances in excess of 254 hours in favor of enforcing that limitation.

For the County:

Mr. David Teeter
Chairman, Lassen County Board of Supervisors

Robert M. Burns
County Counsel-As to form only

Date

5-13-20

Date

For the Union:

Regina Mineau

Gina Mineau
Unit President

4-28-20

Date

Steve Allen
Labor Representative
Goyette and Assoc.

Date

UPEC

SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
UNITED PUBLIC EMPLOYEES OF CALIFORNIA, Local 792

DESCRIPTION OF THE ISSUE

Employees within the covered classifications are entitled to vacation accrual at the rate established by the agreement (different rates for different periods of service). Some employees have accumulated vacation accrual balances for differing reasons (some the responsibility of the employee and some because of the needs of the departments) above and beyond the maximum amount permitted by Lassen County Personnel Rules and Regulations (maximum of 254 hours of accrued vacation pursuant to section 902(2)(e)).

The Personnel Rule cited above has not been uniformly enforced. Management has identified that the accumulated vacation accruals constitute an ongoing fiscal liability which needs to be addressed. In an effort to equitably address the ongoing accrual of vacation, and to address those employees who have accumulated balances beyond what the Personnel Rules and regulations allow, the parties have met and agreed to the following resolution:

AGREEMENT OF THE PARTIES

Effective as of the date of ratification, the following practice shall occur:

1. Any and all employees (in this bargaining unit) who have accumulated vacation accrual balances in excess of 254 hours as of April 18, 2020 (end of pay period) shall be paid out for those balances in excess of 254 hours (payout may not correspond to normal payroll); and
2. Thereafter, no accumulated vacation accrual balance may exceed 254 hours for the classifications in this bargaining unit; and
3. Any employee who foregoes this one time opportunity to be paid out for vacation accruals in excess of the 254 hour cap shall cease accruing vacation until such time as that employees vacation accruals are reduced to 254 hours or below; and
4. The Union waives any ability to file or advance an unfair practice charge with the Public Employment Relations Board against County for departing from past practice of allowing accumulation of vacation balances in excess of 254 hours in favor of enforcing that limitation.

For the County:

Mr. David Teeter
Chairman, Lassen County Board of Supervisors

Date




Robert M. Burns
County Counsel-As to form only

5-13-20

Date

For the Union:



Barbara Ramey
Labor Relations Representative, UPEC 792

April 13, 2020

Date

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA CAPPING VACATION LEAVE
ACCRUALS FOR APPOINTED DEPARTMENT HEADS, CONFIDENTIAL EMPLOYEES , AND
THE UNDERSHERIFF AT 254 HOURS MAXIMUM AND PAYING OUT FOR BALANCES IN
EXCESS THEREOF

WHEREAS, county employees are entitled to accrue vacation leave at agreed upon rates; that many employees accumulate their vacation leave, and those accruals, for some employees, total in the hundreds of hours; that county personnel rule 902(2)(e) limits the accumulation of vacation leave to 254 hours; that some employees have been allowed to accumulate balances in excess of this number; and

WHEREAS, management has identified that the accumulated vacation leave accruals in excess of 254 hours constitutes an ongoing fiscal liability which needs to be addressed; and

WHEREAS, management has met and conferred with, and acquired side letters from, the Road Workers Association, United Public Employees of California, Local 792, the Management and Professional Association, the Deputy Sheriff's Association, and the Peace Officers Association; the side letters cap the accrual of vacation at 254 hours and pay out the employees who have balances in excess thereof; the appointed department heads, confidential employees, and the undersheriff should be addressed as well; salaries and benefits for those employees are usually expressed through resolution rather than agreement; elected officials are as well but they don't accrue vacation and thus need not be addressed.

NOW, THEREFORE, BE IT RESOLVED THAT all department heads, confidential employees, and the undersheriff who have accumulated vacation leave balances in excess of 254 hours as of April 18, 2020 (end of pay period) shall be paid out for those balances in excess of 254 (payout may not correspond to normal payroll); and

BE IT FURTHER RESOLVED THAT thereafter, no accumulated vacation accrual balances may exceed 254 hours for the appointed department heads, confidential employees, and the undersheriff; and

BE IT FURTHER RESOLVED THAT any appointed department head, confidential employee, or the undersheriff who foregoes this one time opportunity to be paid out for vacation accruals in excess of the 254 hour cap shall cease accruing vacation until such time as that employees vacation accruals are reduced to 254 hours or below.

The foregoing Resolution was adopted at a special meeting of the Board of Supervisors of the county of Lassen, State of California, held on the _____ day of _____, 20____ by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF LASSEN, STATE OF CALIFORNIA

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY: _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a special meeting thereof held on the ____ day of _____, 20____.

Deputy Clerk of the County of Lassen
Board of Supervisors