

County of Lassen, California
OFFICE OF COUNTY COUNSEL

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



MEMORANDUM

June 9th, 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.

////////////////

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

MPA

SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
LASSEN COUNTY MANAGEMENT & PROFESSIONALS 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. For any and all employees (in this bargaining unit) on June 27, 2020 (end of pay period), all vacation leave balances in excess of 254 hours shall become the new cap for those individual employees (employees at their cap will either use or lose as they accrue); and
2. Employees who have in excess of 254 on that date may deal with their excess balance in a couple of ways:
 - A. Make a request, which must be approved, (to their dept. head) before June 20, 2020 to be cashed out (balance paid out this fiscal year and their new cap becomes 254); or
 - B. Keep their new cap until end of pay period December 26, 2020 and then be paid out for the difference between their new cap minus 80 hours and 254 hours; their new cap would be 254 on beginning of pay period starting December 27, 2020; 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

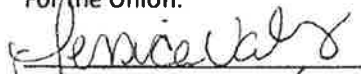
Date



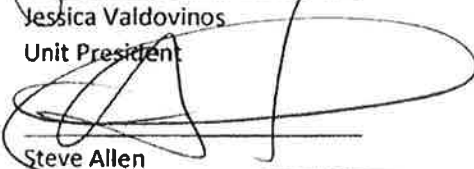
Robert M. Burns
County Counsel-As to form only

6-1-20
Date

For the Union:



Jessica Valdovinos
Unit President



Steve Allen
Labor Representative

5/28/2020
Date

6-1-20
Date

SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
LASSEN COUNTY GENERAL UNIT (Union)
TO MEMORANDUM OF UNDERSTANDING EFFECTIVE
NOVEMBER 13, 2018 THROUGH JUNE 30, 2020

VPEC

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. For any and all employees (in this bargaining unit) on June 27, 2020 (end of pay period), all vacation leave balances in excess of 254 hours shall become the new cap for those individual employees (employees at their cap will either use or lose as they accrue); and
2. Employees who have in excess of 254 on that date may deal with their excess balance in a couple of ways:
 - A. Make a request, which must be approved, (to their dept. head) before June 20, 2020 to be cashed out (balance paid out this fiscal year and their new cap becomes 254); or
 - B. Keep their new cap until end of pay period December 26, 2020 and then be paid out for the difference between their new cap minus 80 hours and 254 hours; their new cap would be 254 on beginning of pay period starting December 27, 2020; 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

6-4-20
Date

For the Union:

Barbara Ramey
Labor Representative

6/4/2020
Date

KWA

SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
LASSEN COUNTY ROAD WORKERS ASSOCIATION (Union)
TO MEMORANDUM OF UNDERSTANDING EFFECTIVE
DECEMBER 18, 2018 THROUGH JUNE 30, 2020

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. For any and all employees (in this bargaining unit) on June 27, 2020 (end of pay period), all vacation leave balances in excess of 254 hours shall become the new cap for those individual employees (employees at their cap will either use or lose as they accrue); and
2. Employees who have in excess of 254 on that date may deal with their excess balance in a couple of ways:
 - A. Make a request, which must be approved, (to their dept. head) before June 20, 2020 to be cashed out (balance paid out this fiscal year and their new cap becomes 254); or
 - B. Keep their new cap until end of pay period December 26, 2020 and then be paid out for the difference between their new cap minus 80 hours and 254 hours; their new cap would be 254 on beginning of pay period starting December 27, 2020; 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

Date

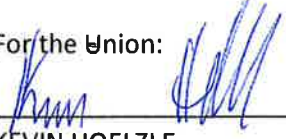


Robert M. Burns
County Counsel-As to form only



Date

For the Union:



KEVIN HOELZLE
Unit President

Date

DSA

SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
LASSEN COUNTY DEPUTY SHERIFF'S 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. For any and all employees (in this bargaining unit) on June 27, 2020 (end of pay period), all vacation leave balances in excess of 254 hours shall become the new cap for those individual employees (employees at their cap will either use or lose as they accrue); and
2. Employees who have in excess of 254 on that date may deal with their excess balance in a couple of ways:
 - A. Make a request, which must be approved, (to their dept. head) before June 20, 2020 to be cashed out (balance paid out this fiscal year and their new cap becomes 254); or
 - B. Keep their new cap until end of pay period December 26, 2020 and then be paid out for the difference between their new cap minus 80 hours and 254 hours; their new cap would be 254 on beginning of pay period starting December 27, 2020; 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

Date



Robert M. Burns
County Counsel-As to form only

6-4-20
Date

For the Union:



Stephen Lawton
VP President

5/27/20
Date

Labor Representative

Date

POA

SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
LASSEN COUNTY PEACE OFFICER 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. For any and all employees (in this bargaining unit) on June 27, 2020 (end of pay period), all vacation leave balances in excess of 254 hours shall become the new cap for those individual employees (employees at their cap will either use or lose as they accrue); and
2. Employees who have in excess of 254 on that date may deal with their excess balance in a couple of ways:
 - A. Make a request, which must be approved, (to their dept. head) before June 20, 2020 to be cashed out (balance paid out this fiscal year and their new cap becomes 254); or
 - B. Keep their new cap until end of pay period December 26, 2020 and then be paid out for the difference between their new cap minus 80 hours and 254 hours; their new cap would be 254 on beginning of pay period starting December 27, 2020; 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:

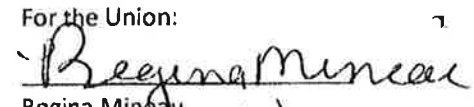
Mr. David Teeter
Chairman, Lassen County Board of Supervisors

Date

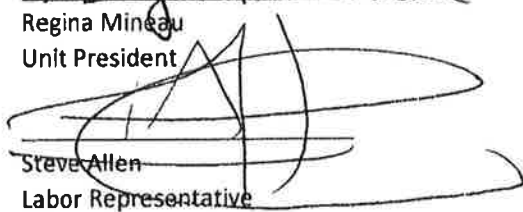

Robert M. Burns
County Counsel-As to form only

6-4-20
Date

For the Union:


Regina Mineau
Unit President

5-27-20
Date


Steve Allen
Labor Representative

5-27-20
Date

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

POA 20

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. For any and all employees (in this bargaining unit) on June 27, 2020 (end of pay period), all vacation leave balances in excess of 254 hours shall become the new cap for those individual employees (employees at their cap will either use or lose as they accrue); and
2. Employees who have in excess of 254 on that date may deal with their excess balance in a couple of ways:
 - A. Make a request, which must be approved, (to their dept. head) before June 20, 2020 to be cashed out (balance paid out this fiscal year and their new cap becomes 254); or
 - B. Keep their new cap until end of pay period December 26, 2020 and then be paid out for the difference between their new cap minus 80 hours and 254 hours; their new cap would be 254 on beginning of pay period starting December 27, 2020; 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

Date



Robert M. Burns
County Counsel-As to form only

5-27-20
Date

For the Association:

Chris McNally
Unit President

Date

WES GRAY
MEMBER



5-27-20

POAml

SIDE LETTER AGREEMENT BETWEEN THE COUNTY OF LASSEN (County) AND
LASSEN COUNTY PEACE OFFICERS MANAGEMENT ASSOCIATION (Association)
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. For any and all employees (in this bargaining unit) on June 27, 2020 (end of pay period), all vacation leave balances in excess of 254 hours shall become the new cap for those individual employees (employees at their cap will either use or lose as they accrue); and
2. Employees who have in excess of 254 on that date may deal with their excess balance in a couple of ways:
 - A. Make a request, which must be approved, (to their dept. head) before June 20, 2020 to be cashed out (balance paid out this fiscal year and their new cap becomes 254); or
 - B. Keep their new cap until end of pay period December 26, 2020 and then be paid out for the difference between their new cap minus 80 hours and 254 hours; their new cap would be 254 on beginning of pay period starting December 27, 2020; 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

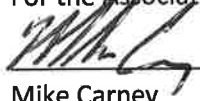
Date



Robert M. Burns
County Counsel-As to form only

5-27-20
Date

For the Association:



Mike Carney
Unit President

5/27/20
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

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 all Lassen County bargaining units for the purpose of resolving this issue through use of side letters; all Lassen County bargaining units have agreed to resolve the issue through side letters; 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, shall not accumulate more vacation than that which they have as of June 27, 2020 (employees at their cap will either use or lose as they accrue), and any balances they may have in excess of 254 hours on that date may be dealt with in either of the following ways:

1. Make a request, which must be approved, (to their Dept Head, or the CAO (if they are a Dept Head)) before June 20, 2020 to be cashed out (balance paid out this fiscal year and their new cap becomes 254); or
2. Keep their new cap until end of pay period December 26, 2020 and then be paid out for the difference between their new cap minus 80 hours and 254 hours; their new cap would be 254 on beginning of pay period starting December 27, 2020.

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