

**MEMORANDUM
PERSONNEL DEPARTMENT
COUNTY OF PLACER**

TO: Board of Supervisors
FROM: Nancy Nittler, Personnel Director
BY: Ann Craig, Personnel Services Manager
DATE: March 26, 2013
SUBJECT: Adoption of Required CalPERS Resolutions for the Placer County Superior Court

REQUESTED ACTION AND RECOMMENDATION:

Approve the attached CalPERS Resolution to identify that the Placer County Superior Court Commissioners and Referees pay the full employee retirement contribution effective April 7, 2013.

BACKGROUND:

As your Board will recall, the Placer County Superior Court was at one time part of the County structure and as a result of the Trial Court Employment Protection and Governance Act became an autonomous agency in 2001. However, the Act specified that when the Courts separated from the counties, consideration must be given to the contractual obligations including protecting the rights accrued by the employees under the retirement systems. Therefore, the Placer County Superior Court is still a part of the County's CalPERS contract. As outlined in the attached memorandum from the Court, the attached CalPERS resolution needs to be adopted by your Board to comply with the CalPERS regulations to implement the Court's commitments.

The Placer County Superior Court recently authorized a change in the amount the Court will pay for the employee's share of the retirement contribution. The attached Court memorandum, outlines that all current and future Court Commissioners and Referees will pay the full share of the employee retirement contribution effective April 7, 2013. The Placer County Superior Court will continue to pay the required employer share for all Court employees. This change in the Court's provision of the CalPERS contract will not impact County employees or the County's provisions of the CalPERS contract.

FISCAL IMPACT:

The change in the amount the Placer County Superior Court pays on behalf of its employees should have a neutral effect on the County.

Attachments:

1. Placer County Superior Court Memorandum
2. CalPERS Resolution for the Placer County Court Commissioners and Referees

cc: Jake Chatters, Placer County Superior Court Executive Officer
David Boesch, County Executive Officer
Bekki Riggan, Principal Management Analyst



Superior Court of the State of California
In and For The County of Placer

JAKE CHATTERS

COURT EXECUTIVE OFFICER

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March 6, 2013

To: Ms. Nancy Nittler, Personnel Director, County of Placer

From: Jake Chatters, Court Executive Officer

Contact: Nancy Blakeman, Human Resources Manager – 916-408-6000

Cc: Hon. Alan V. Pineschi, Presiding Judge;
Ann Craig, Personnel Services Manager, Placer County

Re: Request for Board Action on EPMC Reporting

Requested Action:

Advance the attached CalPERS resolution for approval to the Board of Supervisors to effect communication of a change in the employer-paid member contribution paid by the Superior Court of Placer County (the Court) pursuant to Government Code section 20691 for Court Commissioner and Referee employees.

Background

Why is a matter involving Court Employees before the County Board of Supervisors?

Prior to 2001, Court employees were employees of the County of Placer (County). In 2001, the State passed the Trial Court Employment Protection and Governance Act, which removed Court employees from County service and established the Court as the employer.

Today, the Court, and not the County, is responsible for negotiating with employee unions, establishing pay scales, providing benefits, and all other employment decisions and actions related to Court employees. The County has no authority over or role in Court employment, with one exception.

Court employees remain under the County's contract with CalPERS for retirement. Changes made to retirement formulas, like the one made by the County effective in March 2011 to change the miscellaneous employee formula to 2% at 55 for all new employees, automatically impact Court employees.

This automatic application does not extend to decisions regarding the Employer- Paid Member Contribution (EPMC). Decisions by the County to change the percentage of EPMC paid and

reporting for County employees does not affect Court employees. This was exhibited in March 2011 when the County changed the EPMC formulas for various classifications of County service. These changes did not impact Court employees.

The opposite is also true. The Court has sole discretion to change or modify the EPMC paid by the Court on behalf of its employees. Such action does not impact County employees.

However, pursuant to CalPERS regulations, CalPERS requires that the Governing Board that holds the contract with CalPERS adopt and transmit a resolution related to an employer's change in the EPMC.

What Action is Being Requested

Beginning on April 7, 2013, the Court will change the EPMC for its Commissioner and Referee employees. Specifically, the court will reduce the EPMC from 7% to 0% for all current and future employees in these classifications.

The Court is requesting that the Board of Supervisors adopt a CalPERS resolution memorializing this change such that it may be communicated to CalPERS.

The Court previously, in September 2011, made a similar request to change the EPMC for all other employee classifications. The Court would like to thank the Board of Supervisors for adopting those resolutions. This action would conform those changes to the remaining classifications used by the Court.

Fiscal Impact

This action will have no fiscal impact on the County as it relates to employment costs paid by the Court.

The elimination of the Court paying a portion of the employee share of retirement will reduce Court costs in this area.

Attachments:

CalPERS Resolution to change the Employer Paid Member Contributions for Superior Court Commissioner and Referees, effective April 7, 2013.

Before the Board of Supervisors County of Placer, State of California

In the matter of: Adopting the CalPERS
Resolution for the Employer Paid Member
Contributions for the Placer County Superior
Court Commissioners and Referees Effective
April 7, 2013.

Resol.No.: _____

Ord.No.: _____

First Reading: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer
at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Jim Holmes,
Chairman, Board of Supervisors

Attest:
Clerk of said Board

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- WHEREAS,** The governing body of the County of Placer has the authority to implement Government Code section 20636(c)(4) pursuant to Government Code Section 20691;
- WHEREAS,** The governing body of the Superior Court of California, in and for the County of Placer has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer;
- WHEREAS,** One of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the County of Placer of a Resolution to commence said Employer Paid Member Contributions (EPMC);

WHEREAS, the following is a statement of the proposed reporting:

- This benefit shall apply to all current and future employees in the Court Commissioner and Referee classifications covered by the CalPERS Miscellaneous Retirement Plan.
- This benefit shall consist of paying 0 percent of the normal member contributions as EPMC.
- The effective date of this Resolution shall be April 7, 2013.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the County of Placer and the Superior Court of California, in and for the County of Placer elects to pay and report EPMC, as set forth above. All payment and reporting to be completed by the Superior Court of California, in and for the County of Placer.

Adopted at a regular meeting of the Placer County Board of Supervisors at Auburn, California this 26th day of March 2013.

