

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors
FROM: Thomas M. Miller, County Executive Officer
Nancy Nittler, Personnel Director
DATE: February 14, 2012
SUBJECT: Placer Public Employee Organization Redevelopment Agency Layoff Impacts Side Letter of Agreement and Non-codified Ordinance

ACTION REQUESTED

That the Board of Supervisors approves and authorizes the Chairman to execute the attached Placer Public Employee Organization (PPEO) Redevelopment Agency Layoff Impacts Side Letter of Agreement and introduce the attached uncodified ordinance implementing the Agreement.

BACKGROUND

In 2011 two laws were enacted: The Dissolution Act (AB 1X-26) which eliminated Redevelopment Agencies and the Alternative Redevelopment Program Act (AB 1X-27) which provided an alternative payment program to avoid dissolution. The legislation was ultimately signed into law and allowed agencies to avoid elimination of their Agency if their legislative bodies committed to making significant payments to local school and special districts. On August 9, 2011 your Board adopted an urgency ordinance electing to participate in the State Voluntary Payment program. A lawsuit was filed by organizations external to Placer County challenging the constitutionality of the two bills. On December 29, 2011 the California Supreme Court upheld the Dissolution Act and found the Alternative Redevelopment Program to be unconstitutional. These Court decision dissolved Redevelopment Agencies effective February 1, 2012.

On January 24th your Board elected to be the successor agency for the former Redevelopment Agency and for housing. In addition, the Redevelopment Department was established and staffed to wind down the responsibilities and obligations of the former Redevelopment Agency and divest the organization of its assets over the next couple of years. Redevelopment Agency staffs were reallocated to the new department effective February 1, 2012, however workforce reductions are necessary due to the significant reduction in workload and funding.

On April 5, 2011 the Board of Supervisors approved Resolution 2011-84 which delegated authority to direct layoffs to the County Executive Officer for FY 2011-12.

PPEO LAYOFF IMPACT SIDE LETTER

Implementing layoffs necessitates a meet and confer obligation on the impacts of those layoffs with the appropriate bargaining unit's representative. Over the last month, layoff impact discussions have been in progress with the Placer Public Employees Organization (PPEO) which represents the employees in positions affected by the layoffs. Recently PPEO and the County's negotiating teams approved the following terms for a side letter of agreement:

1. Laid off employees accepting extra help positions will stay on the re-employment list.
2. Exclusive to the positions laid off in these negotiations, the County will allow these employees the ability to apply for lateral and promotional recruitments for two years.
3. The reemployment list duration shall be for two years from the layoff effective date.
4. The County will reimburse the laid off employee for 80% of the normal employer cost for two months of COBRA medical coverage; extends coverage through May 2012.

Of the 10 "at risk" employees in the Redevelopment Department subject to layoff, four will receive notices with an effective date of March 9, 2012. The county's management team strongly encourages all Redevelopment Department employees to apply for alternative county positions as they are made available through the recruitment process. As of this writing several professional and support position recruitments are currently underway or soon to be posted for departments such as CDRA and Facility Services to fill existing staffing needs. The six remaining employees would work on the transition team over the next 12 to 24 months and remain 'at risk of layoff'; the terms in this agreement would apply to them at a future date. Given the recruitment opportunities that will be available, we anticipate that all of these employees will have the ability to continue, or return to, county employment.

FISCAL IMPACT

The additional cost to the County to extend health insurance benefits to laid off employees is estimated at less than \$7,500 and is contained within the FY 2011-12 budget approved by your Board on January 24th.

Attachment: Layoff Impact Side Letter of Agreement
Ordinance (uncodified)

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

In the matter of: An uncodified ordinance providing for a limited
Waiver of certain provisions Chapter 3 regarding promotional
and lateral appointments and COBRA reimbursement pursuant to Side
Letter of Agreement Placer County Public Employee's
Organization (PPEO) Layoff Impacts

Ordinance No.: _____

First Reading: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a
regular meeting held _____ February 14, 2012 _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairwoman, Board of Supervisors

Attest:
Clerk of said Board

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES
HEREBY ORDAIN AS FOLLOWS:**

Section 1. Pursuant to the Side Letter Agreement effective February 14, 2012, negotiated with the Placer Public Employees Organization (PPEO) regarding the impact of layoffs resulting from a California Supreme Court Decision mandating the dissolution of Redevelopment Agencies, those individuals subject to layoff shall be entitled to apply and be appointed in lateral and promotional recruitments conducted for a minimum of two (2) years from the date of layoff.

Section 2. According to the terms of the Side Letter Agreement, a limited waiver and exception is hereby provided to the requirements of Placer County Code Sections 3.08.760B and 3.08.910, allowing those employees laid-off to be included in lateral and promotional examinations and eligible for appointments for a two (2) year period after layoff. If such an employee is subsequently hired from a promotional list or a lateral list in the same classification in which they were subject to lay off, the employee will be removed from the re-employment list and, by acceptance of the new position, shall not have a right of return to the re-employment list.

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Section 3. Additionally, laid off employees who purchase CalPERS health insurance COBRA coverage will have up to two (2) months of the County's share of the health insurance premium reimbursed at the current rate. The laid off employee will pay their share.

Section 4. That this ordinance shall be effective upon final adoption.

Section 5. That this ordinance is adopted as an un-codified ordinance.

PLACER COUNTY AND THE
PLACER PUBLIC EMPLOYEES' ORGANIZATION (PPEO)
SIDE LETTER OF AGREEMENT
REDEVELOPMENT AGENCY LAYOFF IMPACTS

1. Phased provision of layoff notices:
 - Phase 1: To Redevelopment Agency employees on February 15, 2012 notifying that employee that they are being laid off effective March 9, 2012.
 - Phase 2 / Transition Team: Employees that are identified as part of the Transition Team will receive layoff notices at a later date, when it has been identified that their participation on the Transition Team is no longer required. While the date of these notices is as yet unknown, it is expected that the date will not exceed one year from dissolution of the Redevelopment Agency or February 1, 2012.
2. The County will encourage laid off employees to compete for Extra Help recruitments. Acceptance of an Extra Help position will not remove the laid off employee from the re-employment list.
3. The County will allow these laid off employees the ability to apply for promotional and lateral recruitments for a minimum of two years from the date of layoff. If the laid off individual is hired from a promotional list or accepts a lateral appointment into the same classification, the employee will be removed from the re-employment list and, by acceptance of this new position, shall not have a right of return to the re-employment list.
4. The reemployment list duration shall be for two years from the layoff effective date.
5. The County will reimburse the laid off employee for 80% of the normal employer cost for two months of COBRA medical coverage (proof of previous payment required).
6. Employees laid off under this agreement, that are hired back by the County at a later date, will retain their original CalPERS pension formula and not be shifted to the Tier 2 pension formula, if permissible under the law.

Signatures:

Placer Public Employees Organization
and Stationary Engineers, Local 39:

Jerry Kalmar, Business Manager
Stationary Engineers, Local 39

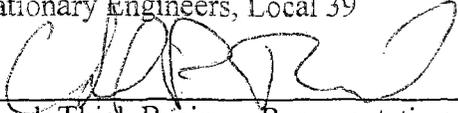
Madison Bland, President

County of Placer:

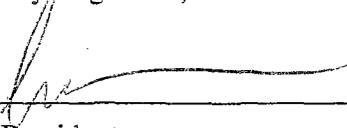
Jennifer Montgomery, Chairwoman
Placer County Board of Supervisors

Thomas Miller, County Executive Officer

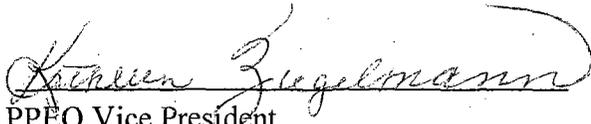
Joan Bryant, Director of Public Employees
Stationary Engineers, Local 39



Chuck Thiel, Business Representative
Stationary Engineers, Local 39



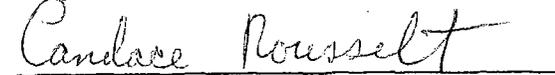
PPEO President



PPEO Vice President



Mary "Mimi" Thomas



Candace Rousselet

Nancy Nittler, Personnel Director

Adopted by the Placer County Board of
Supervisors