



MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors
FROM: Thomas M. Miller, County Executive Officer
DATE: November 3, 2009
SUBJECT: FY 2009-10 Work Reassignment Program / Resolution for Delegation of the Details of the Board's Authority Under Chapter 3 of the Placer County Code.

ACTION REQUESTED

It is recommended that your Board approve the following actions:

1. Confirm the provisions of the Placer County Work Reassignment Program as it applies to classified management and confidential employees.
2. Approve the attached resolution delegating details of the Board's authority to direct layoffs under Chapter 3 of the Placer County Code to the County Executive Officer for FY 2009-10 in the event that a classified management and / or confidential employee refuses a reassignment.

BACKGROUND

On April 21, 2009 your Board approved actions to implement labor adjustments for Placer Public Employee Organization (PPEO) employees, as well as management and confidential employees projected to save the County's General and Public Safety Funds over \$6.72 million in FY 2009-10. These labor adjustments included the following provisions:

1. Provided the foundation for the development of a no lay-off budget for FY 2009-10.
2. Provided a flat 2.5% salary increase effective November 7, 2009 in lieu of an increase that would range from 2.5 to 5%.
3. Required each employee take 12 days of Mandatory Time Off (MTO) without pay.
4. Allowed the County Executive Officer to redirect PPEO, classified management and confidential staffs that had experienced a workload reduction to alternative work assignments through arrangements with county departments.

5. Provided additional budget savings through modifications of the vacation cash out options; by implementation of a Voluntary Time Off Program for PPEO employees; and by allowing employees to request a reduction to their work schedules to either part-time status or to a "job-share" position in FY 2009-10.

As part of these budget saving measures a unique program, the Placer County Work Reassignment Program was developed that would allow an employee to be reassigned to other work within the County when a "lack of work" developed, or when direct funding for specific work was no longer available and, therefore, that work was no longer available.

The specific details of this Program were set out for PPEO employees in the Amendment to the 2006-10 Memorandums of Understanding for the General and Professional Bargaining Units.

However, these details were not specifically set out for classified management and confidential employees. This has resulted in some concern about whether the same terms and conditions apply to classified management and confidential employees. Although that was the direction provided by the Board on April 21, 2009, a resolution confirming that the County Executive Officer will also apply these provisions as to classified management and confidential employees will provide further clarity. The attached resolution confirms that the Work Reassignment Program, as well as the authorization to lay off a classified management and / or confidential employee who refuses a reassignment shall fully apply to these non-represented employees.

PLACER COUNTY WORK REASSIGNMENT PROGRAM

As of this writing, the Work Reassignment Program has been successful with 27 PPEO represented employees involved in the process. The purpose of the Program was to avoid layoffs for FY 2009-10 and, as such, it pertains to all PPEO, classified management and confidential employees. The Program is being implemented as follows:

1. Where due to "lack of work" it becomes necessary to reassign employees to another department, or to another assignment within their own department, to avoid layoff, such reassignment is based upon seniority as defined in the layoff provision in the County Code.
2. Employees in positions designated for reassignment are first be provided with a list of current positions that they qualify for that are available through transfer. Employees will be encouraged to apply for these positions.
3. Reassignments are considered temporary.
4. The County is responsible to identify the number and classifications of employees that need to be reassigned to alternate work, and will continue this evaluation process throughout the fiscal year as further "lack of work" conditions evolve.

5. The County matches these employees with duties and assignments that are available for reassignment. These matches will be made in keeping with Civil Service guidelines where possible.
6. If an employee refuses the work reassignment identified then that employee will be laid off from county service in accordance with current rules.
7. Seniority for reassigned employees will not be impacted in their current department due to the reassignment of work and employees will maintain their current classification and rate of pay during their temporary reassignment.
8. Reassigned employees shall not negatively impact the seniority rights of permanent employees currently in the classification the transferred employee is assigned to.

As outlined above, if an employee refuses the work reassignment identified for them, then that employee is to be laid off from county service in accordance with current rules. As a result, your Board is being asked to adopt a resolution giving the County Executive Officer the formal authority to implement this program for classified management and confidential employees and to direct layoffs in the event that an unrepresented employee refuses a reassignment.

FISCAL IMPACT

Board actions taken on April 21, 2009 guided the budget process and resulted in a FY 2009-10 Proposed Budget that was balanced. In addition Board approval of the labor concessions outlined in this memorandum guaranteed affected employees that "no lay-offs" would occur in FY 2009-10 for the PPEO represented employees, as well as classified management and confidential employees. The one exception is contained within the Work Reassignment Program, if an employee refuses a work reassignment identified for them, then that employee will be laid off from county service.

Approval of the requested action will confirm that the County Executive Officer has the authority to implement the Work Reassignment Program to classified management and confidential employees on the terms set out in the resolution, and direct the layoff of an employee that refuses a work reassignment in keeping with current rules.

Attachment

1. Resolution

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

In the matter of: A resolution delegating details of the Board's authority to direct layoffs under Chapter 3 of the Placer County Code to the County Executive Officer for FY 2009-10 in the event that a classified management and / or confidential employee refuses a reassignment.

Resolution No.: _____

FIRST READING: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held November 3, 2009, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

Ann Holman

Whereas, Placer County Code section 3.08.1090 provides that layoffs shall be made solely under the direction of the Board of Supervisors, and that under the Board's direction an appointing authority may lay off employees for necessity based on lack of funds or work;

Whereas, the County is currently experiencing a significant revenue slowdown coupled with cost increases for countywide services;

Whereas, the national economic downturn, particularly in the housing sector, has created a decrease in demand of some County services, particularly in land development and real estate areas, and has thus caused a related decrease in workload in certain program areas;

Whereas, in anticipation for the 2009-10 fiscal year, the Board has directed staff to implement a number of spending reduction measures;

Whereas, the Placer County Work Reassignment Program was developed to avoid the layoff of County employees during FY 2009-10 due to "lack of work";

Whereas, specific details of this Program were set out for PPEO employees in the Amendment to the 2006-10 Memorandums of Understanding for the General and Professional Bargaining Units;

Whereas, Board actions taken on April 21, 2009 directed that the Placer County Work Reassignment Program be applied to classified management and confidential employees;

Whereas, under the Work Reassignment Program the County Executive Officer can redirect management and/or confidential employees in departments that have experienced a workload reduction to alternative work assignments through arrangements with county departments;

Whereas, the County is responsible to identify the number and classifications of employees that need to be reassigned to alternate work, and will continue this evaluation process throughout the fiscal year as further "lack of work" conditions evolve;

Whereas, the County matches these employees with duties and assignments that are available for reassignment and that these matches will be made in keeping with Civil Service guidelines where possible;

Whereas, if a classified management or confidential employee refuses the work reassignment identified for them then that employee will be laid off from county service in accordance with current rules;

Whereas, the County Executive Officer is seeking confirmation of the application of the Work Reassignment Program and the authority to layoff classified management and / or confidential employees who refuse a work reassignment as identified for them in the Work Reassignment Program during FY 2009-10; and

Therefore Be It Resolved, By The Board Of Supervisors Of The County Of Placer, State Of California, As Follows:

The Board finds that layoffs of county employees are necessary when a classified management and / or confidential employee refuses a work reassignment identified for them under provisions of the Work Reassignment Program.

The Board confirms that the County Executive Officer is authorized to institute the Work Reassignment Program for classified management and / or confidential employees in program areas that are experiencing a lack of work and / or funding and layoff when an employee refuses a work reassignment, and to so proceed as provided for in Chapter 3 of the Placer County Code and applicable law.

The Board delegates to the County Executive Officer the authority under section 3.08.1090 to determine the timing, department, classes and number of classified management and / or confidential employees who will be subject to layoff.

In making any layoff determinations the County Executive Officer will coordinate with the department heads of any affected departments, and will obtain the cooperation of the elected officers who head any affected departments.

This finding and delegation of authority will be effective for fiscal year 2009-10, or until revoked or modified by further action of the Board of Supervisors.