

**MEMORANDUM  
PERSONNEL DEPARTMENT  
COUNTY OF PLACER**

**TO:** Board of Supervisors  
**FROM:** Nancy Nittler, Personnel Director *nn*  
**BY:** Ann Craig, Personnel Services Manager *ac*  
**DATE:** September 27, 2011  
**SUBJECT:** Adoption of Required CalPERS Resolutions for the Placer County Superior Court

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**REQUESTED ACTION AND RECOMMENDATION:**

Approve the attached CalPERS Resolutions to identify that the Placer County Superior Court employees, excluding the Court Commissioners and Referees, will pay the full employee retirement contribution effective October 8, 2011.

**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 resolutions need 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 memorandum from the Court, outlines that all current and future Court employees, except the Commissioners and Referees, will pay the full share of the employee retirement contribution effective October 8, 2011. The Commissioners and Referees will continue with the same 1% employee contribution rate as previously adopted by resolution by your Board on August 7, 2001. The Placer County Superior Court will continue to pay the required employer share for all Court employees. This change in the portion of the PERS contract for the Court will not impact County employees.

**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 Executive, Management, Confidential and Professional Court Employees
3. CalPERS Resolution for Represented Court Employees
4. CalPERS Resolution for the Placer County Court Commissioners and Referees

cc: Jake Chatters, Placer County Superior Court Executive Officer  
Tom Miller, County Executive Officer  
Therese Leonard, 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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P.O. BOX 619072, ROSEVILLE, CA 95661

(916) 408-6186 - FAX (916) 408-6188

September 16, 2011

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

From: Jake Chatters, Court Executive Officer *Chatters*

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

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## **Requested Action:**

Advance the attached three CalPERS resolutions 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 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 October 8, 2011, the Court will change the EPMC for its employees as follows:

- For employees represented by a labor union (International Union of Operating Engineers, Stationary Local 39 and the California Federation of Interpreters) – The court will reduce the EPMC from 7% to 0% for all current and future employees.
- For employees in the Executive, Management, Professional and Confidential units – The court will reduce the EPMC from 7% to 0% for all current and future employees.
- For employees in the Commissioner and Referee classifications – The court will make no change and continue the EPMC at 7% for all current and future employees.

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

### **Fiscal Impact**

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

This action will save the Court approximately \$475,000 in fiscal year 2011/2012 and approximately \$630,000 annually thereafter. The Court is facing a \$1.75 million budget deficit in FY 2011/2012. Changes in the employee contributions towards retirement, or stated a different way, the elimination of the Court paying a portion of the employee share of retirement, will substantially reduce this budget deficit in the current year. These actions were taken by the Court following extensive bargaining with the primary labor union.

Attachments:

CalPERS Resolutions change the Employer Paid Member Contributions for current and future Superior Court employees in the following classifications, effective October 8, 2011:

1. Commissioners and Referees; Effective October 8, 2011
2. Executive, Management, Professional, and Confidential Employees; Effective October 8, 2011
3. Employees represented by Local 39, International Union of Operating Engineers and the California Federation of Interpreters; Effective October 8, 2011

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

In the matter of:      Adopting the CalPERS Resolution to reduce the Employer Paid Member Contributions for current and future Superior Court employees represented by Local 39, International Union of Operating Engineers and the California Federation of Interpreters; Effective October 8, 2011.

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 September 27, 2011 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Robert Weygandt  
Chairman, Board of Supervisors

Attest:  
Clerk of said Board

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**WHEREAS,**            The governing body of the Placer County 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 Placer County 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 represented by Local 39, International Union of Operating Engineers and the California Federation of Interpreters 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 October 8, 2011.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Placer County 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 27<sup>h</sup> day of September 2011.

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

In the matter of:      Adopting the CalPERS Resolution to reduce the Employer Paid Member Contributions for current and future Superior Court employees in the following classifications: Executive, Management, Professional, and Confidential Employees; Effective October 8, 2011

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 September 27, 2011 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Robert Weygandt,  
Chairman, Board of Supervisors

Attest:  
Clerk of said Board

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**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 Placer County 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 Executive, Management, Professional, and Confidential units 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 October 8, 2011.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Placer County 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 27<sup>h</sup> day of September 2011.

## 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 Superior Court Commissioners and Referees Effective October 8, 2011.

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 September 27, 2011 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Robert Weygandt,  
Chairman, Board of Supervisors

Attest:  
Clerk of said Board

\_\_\_\_\_

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- WHEREAS,**            The governing body of the Placer County 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 Placer County 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 7% of the normal contribution as EPMC, and reporting the same percent as Compensation earnable, excluding Government Code Section 20636(c)(4) as additional compensation.
- The effective date of this Resolution shall be October 8, 2011.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Placer County 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 27<sup>h</sup> day of September 2011.

