



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: *May 24, 2022*

DATE: Thursday, May 19, 2022

TO: Board of County Commissioners

FROM: Patricia Hurley, Director, Human Resources Department
775.328.2087, phurley@washoecounty.gov

THROUGH: Eric Brown, County Manager

SUBJECT: Recommendation to approve Collective Bargaining Agreement with the Washoe County Public Attorneys' Association (WCPAA) for a two (2) year period beginning July 1, 2022 through June 30, 2024; and ratify same; including Cost of Living Adjustments in base wage of 5% effective July 1, 2022 [FY22/23 estimated fiscal impact \$822,486]; and 3.5% beginning July 1, 2023 [FY23/24 estimated fiscal impact \$851,273]; and update agreement language regarding salaries, leave of absence, holidays, bail reform pay, parking allowance, career incentive pay, grievance procedures, and term of agreement [estimated fiscal impact \$186,325]; and approve same for Confidential Attorneys [FY22/23 estimated fiscal impact \$186,171; FY23/24 estimated fiscal impact \$193,282] [total estimated fiscal impact \$2,239,537]. (All Commission Districts.)

SUMMARY

In June 2019 the Board approved a Collective Bargaining Agreement (CBA) with the Washoe County Public Attorneys' Association (WCPAA) for a 3-year period beginning July 1, 2019 through June 30, 2022; and ratified same; including COLA(s) of 3% effective July 1, 2019; 2.5% beginning July 1, 2020 plus a one-time only lump sum payment of \$1,000 effective July 6, 2020; and 2.5% beginning July 1, 2021 plus a one-time only lump sum payment of \$1,000 effective July 5, 2021; and updated agreement language, and approved same COLA(s), annual leave, salaries, and health plan for Confidential Attorneys.

Since February 2022 Washoe County and the WCPAA have engaged in extensive negotiations for a successor Agreement. The proposed successor CBA with the WCPAA is for the two (2) year period beginning July 1, 2022 through June 30, 2024; including COLA(s) in base wages of 5% effective July 1, 2022; and 3.5% beginning July 1, 2023; and update agreement language regarding salaries, leave of absence, holidays, bail reform pay, parking allowance, career incentive pay, grievance procedures, and term of agreement.

Represented employees' employment is primarily governed by provisions within their negotiated contracts; unrepresented employees are primarily governed by the Washoe

AGENDA ITEM # _____

County Code. The Board has in the past adopted the same salary and benefits for unrepresented employees as have been negotiated for represented employees. The recommendation for COLA(s), salaries, leave of absence, holidays, bail reform pay, parking allowance, and career incentive pay for the Confidential Attorneys is the same as the applicable provisions in the proposed CBA with WCPAA.

Washoe County Strategic Objective supported by this item: Legal obligation to comply with our statutory mandate to engage in collective bargaining pursuant to NRS Chapter 288.

PREVIOUS ACTION

On June 11, 2019 the Board approved a CBA with the WCPAA for a 3-year period beginning July 1, 2019 through June 30, 2022; and ratified same; including COLA(s) of 3% effective July 1, 2019; 2.5% beginning July 1, 2020 plus a one-time only lump sum payment of \$1,000 effective July 6, 2020; and 2.5% beginning July 1, 2021 plus a one-time only lump sum payment of \$1,000 effective July 5, 2021; and updated agreement language regarding rights of association, annual leave, salaries, holiday pay, health plan, dues deduction, copying of contract, and term of agreement; and approved same COLA(s), annual leave, salaries, and health plan for Confidential Attorneys.

BACKGROUND

The parties reached Tentative Agreements on all issues. The Association has voted and ratified the Agreement. Following is a summary explanation of the substantive changes to the Agreement:

Term

The term of the Agreement is for two (2) years: July 1, 2022, through June 30, 2024.

Article 9 – Annual Leave

Added clarifying language regarding payment for any annual leave excess of 240 hours at the end of the calendar year.

Article 12 – Leave of Absence

Article 12 has been updated for clarity and to reflect Washoe County Code and current practice by clarifying absence of an employee due to aiding in a public emergency as a volunteer reserve member of a police department or sheriff's office.

Article 14 - Salaries

Article 14 has been updated with COLA(s) in base wage of 5% effective July 1, 2022, and 3.5% beginning July 1, 2023.

Article 15 – Holidays and Holiday Pay

Article 15 has been changed to remove 'holidays declared by the President of the United States or day of mourning' and replace with 'any other day declared as a Nevada State holiday' pursuant to NRS 236.015.

Article 17 – Bail Reform ~~Parking Allowance~~

Article 17 has been changed by removing Parking Allowance and adding Bail Reform pay. WCPAA employees are entitled to bail reform pay when responsible for the preparation

and court coverage associated with pretrial release hearings per AB 424 in addition to their normal job duties as follows: Saturday or Sunday Coverage \$250.00 per day in addition to regular salary; and Holiday Coverage \$500 per holiday in addition to their regular salary.

Article 19 – Career Incentive Pay

Article 19 has been changed as follows:

Career Incentive has been changed to a two-tiered system depending on the hire date of the employee. For those employees hired prior to July 1, 2022, the current career incentive payments are unchanged for those employees who have completed a total of five (5) years but less than (10) years of continuous full-time service and remain at the rate of \$150 per year of service up to \$1,350 for nine (9) years of service. For those employees with ten (10) or more years of continuous service, career incentive payments have been modified, for retention purposes, from the original 3% of base salary to multiple five (5) year intervals ranging from three (3%) percent to nine (9%) of base salary up to a maximum payment of \$15,000.

For those employees hired on or after July 1, 2022, or who separate from County service and are subsequently re-employed, the employee must complete a total of ten (10) years of continuous full-time service before being eligible for the annual career incentive payments. Payments are based on multiple five (5) year intervals ranging from three (3%) percent to nine (9%) percent of base salary up to a maximum payment of \$15,000.

Article 27 – Grievance Procedure

Article 27 was updated to clarify the grievance procedure and add the Federal Mediation and Conciliation Service for arbitration.

Confidential Attorneys

Represented employees' employment is primarily governed by provisions within their negotiated contracts; unrepresented employees are primarily governed by the Washoe County Code. The Board has in the past adopted the same salary and benefits for unrepresented employees as have been negotiated for represented employees. The recommendation for COLA(s), salaries, leave of absence, holidays, bail reform pay, parking allowance, and career incentive pay for the Confidential Attorneys is the same as the applicable provisions in the proposed CBA with WCPAA.

FISCAL IMPACT

The annual FY 22/23 fiscal impact associated with these recommendations is estimated at \$1,098,566 (\$912,395 for WCPAA; \$186,171 for Confidential Attorneys) and a portion is included in the FY 22/23 approved budget. These cost increases may necessitate a budget adjustment during the fiscal year. The Budget Division will monitor the budget status related to these changes and propose necessary budget adjustments as needed.

The FY 22/23 impact is broken out as follows:

FY 22/23

Description	WCPAA	CONFIDENTIAL ATTORNEYS	Total
COLA	\$822,486	\$172,491	\$994,977
Career Incentive	\$112,921	\$30,680	\$143,601
Lump Sum	(\$96,000)	(\$17,000)	(\$113,000)
Bail Reform	\$72,988	\$-0-	\$72,988
TOTAL FY22/23	\$912,395	\$186,171	\$1,098,566

The annual FY 23/24 fiscal impact associated with these recommendations is estimated at \$1,140,971 (\$947,689 for WCPAA; \$193,282 for Confidential Attorneys) and if approved will be included in the FY 23/24 budget and is broken out as follows:

FY 23/24

Description	WCPAA	CONFIDENTIAL ATTORNEYS	Total
COLA	\$851,273	\$178,528	\$1,029,801
Career Incentive	\$116,873	\$31,754	\$148,627
Lump Sum	(\$96,000)	(\$17,000)	(\$113,000)
Bail Reform	\$75,543	\$-0-	\$75,543
TOTAL FY23/24	\$947,689	\$193,282	\$1,140,971

Notes:

Totals in tables may be off by a dollar or two due to rounding

Estimated FY23 impact of 1.0% COLA per FY22 salaries (incl. PERS) = \$198,995
\$164,497 (WCPAA); \$34,498 (Confidential Attorneys)

Estimates do not include additional positions approved for FY23 or estimated PERS changes for FY24

Career Incentive fiscal impact is offset by elimination of Lump Sum payments

Bail Reform estimate reflects estimated hours/dates as basis since no baseline data is available.

FY24 estimates reflect cumulative impacts based on FY23 increases-not incremental impacts (i.e., FY23 COLA plus FY24 COLA)

RECOMMENDATION

Recommendation to approve Collective Bargaining Agreement with the Washoe County Public Attorneys' Association (WCPAA) for a two (2) year period beginning July 1, 2022 through June 30, 2024; and ratify same; including Cost of Living Adjustments in base wage of 5% effective July 1, 2022 [FY22/23 estimated fiscal impact \$822,486]; and 3.5% beginning July 1, 2023 [FY23/24 estimated fiscal impact \$851,273]; and update agreement language regarding salaries, leave of absence, holidays, bail reform pay, parking allowance, career incentive pay, grievance procedures, and term of agreement

[estimated fiscal impact \$186,325]; and approve same for Confidential Attorneys [FY22/23 estimated fiscal impact \$186,171; FY23/24 estimated fiscal impact \$193,282] [total estimated fiscal impact \$2,239,537]. (All Commission Districts.)

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to Collective Bargaining Agreement with the Washoe County Public Attorneys’ Association (WCPAA) for a two (2) year period beginning July 1, 2022 through June 30, 2024; and ratify same; including Cost of Living Adjustments in base wage of 5% effective July 1, 2022 [FY22/23 estimated fiscal impact \$822,486]; and 3.5% beginning July 1, 2023 [FY23/24 estimated fiscal impact \$851,273]; and update agreement language regarding salaries, leave of absence, holidays, bail reform pay, parking allowance, career incentive pay, grievance procedures, and term of agreement [estimated fiscal impact \$186,325]; and approve same for Confidential Attorneys [FY22/23 estimated fiscal impact \$186,171; FY23/24 estimated fiscal impact \$193,282] [total estimated fiscal impact \$2,239,537].”