



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: *June 11, 2019*

**DATE:** Thursday, June 6, 2019

**TO:** Board of County Commissioners

**FROM:** Patricia Hurley, Director, Human Resources  
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**THROUGH:** Christine Vuletich, Assistant County Manager

**SUBJECT:** Recommendation to approve Collective Bargaining Agreement with the Washoe County Public Attorneys' Association (WCPAA) for a three (3) year period beginning July 1, 2019 through June 30, 2022; and ratify same; including Cost of Living Adjustments in base wage of 3% effective July 1, 2019 [FY19/20 estimated fiscal impact \$450,425]; 2.5% beginning July 1, 2020 plus a one-time only lump sum payment of \$1,000 effective July 6, 2020 [FY20/21 estimated fiscal impact \$556,686]; and 2.5% beginning July 1, 2021 plus a one-time only lump sum payment of \$1,000 effective July 5, 2021 [FY 21/22 estimated fiscal impact \$568,228]; and update agreement language regarding rights of association, annual leave, salaries, holiday pay, health plan, dues deduction, copying of contract, and term of agreement; and approve same Cost of Living Adjustments, annual leave, salaries, and health plan for Confidential Attorneys [estimated fiscal impact \$316,348 for all fiscal years]. [Total fiscal impact is estimated at \$1,891,687] (All Commission Districts.)

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### SUMMARY

In January 2018 the Board approved the Collective Bargaining Agreement (CBA) with the Washoe County Public Attorneys' Association (WCPAA) for a period ending June 30, 2019. Washoe County and the WCPAA have engaged in extensive negotiations for a successor agreement since February 2019. This proposed successor CBA is for a three (3) year period beginning July 1, 2019 through June 30, 2022 and includes a Cost of Living Adjustments (COLAs) 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 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.

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

AGENDA ITEM # \_\_\_\_\_

recommendation for COLA's, salaries, annual leave, and the health plan for the Confidential Attorneys is the same as the applicable provisions in the proposed Collective Bargaining Agreement with the Washoe County Public Attorneys' Association (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 January 9, 2018 the Board approved the CBA with the WCPAA for a one (1) year period beginning July 1, 2018 through June 30, 2019 including COLA of 2.5% effective July 1, 2018; and approved same for Confidential Attorneys.

On September 13, 2016 the Board approved the CBA with the WCPAA for the two (2) year period July 1, 2016 through June 30, 2018 including COLA's of 3% retroactive to July 1, 2016 and 3.5% beginning July 1, 2017; and updated language regarding health plans; and approved same 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 three (3) years: July 1, 2019 through June 30, 2022.

#### Article 6 – Rights of the Association

Added Paragraph F. to indicate that the full cost of association business leave is paid for by the Association or offset by the value of concessions made by the Association as required by NRS 288.255.

#### Article 9 – Annual Leave

The deadline date for the reimbursement of denied vacation leave in excess of 240 hours is modified from October 1st to October 15th under Paragraph B.3. New language under B.4 is added to allow for the cash-out of at least sixteen (16) hours and no more than forty (40) hours of accumulated vacation leave in each payroll calendar year as long as the employee submits a request in writing to the department and Comptroller by October 15th of that year. Payment will occur within two (2) pay periods of receipt of the written request on the regularly scheduled pay date. This cash-out benefit is also applicable for the non-represented confidential Attorneys.

#### Article 14 - Salaries

Paragraph A.3. is modified to reflect COLA's in base wage 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. These COLA's and one-time only lump sum payments are also applicable for the non-represented confidential Attorneys.

#### Article 15 – Holidays and Holiday Pay

The language under B. is re-written to reiterate that under NRS 236.015 when a President declares a day of mourning it is not considered a County holiday unless the local government offices are closed.

#### Article 23 – Insurance Plans

This Article is cleaned-up to remove outdated information and to update the language to reflect current information and practice. Substantial changes include: removing Section A. which includes the outdated “Cadillac Tax” language; updating Section C. on the handling of a dispute over a medical claim; removing the reference to a Vice Chairperson; and in Section E. replacing the reference to the State PEBP Retiree Health plan subsidy with the County subsidy; updating the increase of the County provided monthly subsidy to occur only in years there is an increase to health premiums; and clarifying that employees hired after June 30, 2010, that elect to remain in the County Retiree Health Plan, must, upon eligibility, enroll in Medicare Parts A and B with Medicare becoming the primary coverage; and updating that dependent children shall be covered up to the age of twenty-six (26) vs. through the age of eighteen (18). These changes are also applicable for the non-represented confidential Attorneys.

#### Article 24 – Dues Deduction

Language under D. is modified to clarify that any change in the rate of membership dues must be made in writing to the County Comptroller and must take effect on the first day of the start of a pay period.

#### Article 25 – Copy of Contract

This Article was modified to remove the necessity to reproduce Agreements and provide these copies of the Agreement to employees within sixty (60) days after signing with the costs to be borne equally by the County and Association. Language was added to reflect the current process of posting agreements to the Washoe County Human Resources website within thirty (30) days.

#### Article 38 – Terms of Agreement

Section A. is updated to reflect the new 3-year term of agreement of July 1, 2019 through June 30, 2022. Another change to Section A. is the outdated legislation SB 241 “evergreen” language, which went into effect in June of 2015, was removed.

#### ***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, annual leave, and the health plan for the Confidential Attorneys is the same as the applicable provisions in the proposed Collective Bargaining Agreement with the Washoe County Public Attorneys’ Association (WCPAA).

### **FISCAL IMPACT**

The total fiscal impact associated with these recommendations is estimated at \$1,891,687 over the three years and is broken out as follows:

FY19/20 -- WCPAA \$450,425; Confidential Attorneys \$91,152; and a portion is included in the FY19/20 approved budget. These cost increases may necessitate a budget adjustment during the fiscal year. The Budget Office will monitor the budget status related to these contracts and propose necessary budget adjustments as needed.

[Total = \$541,577]

FY20/21 -- WCPAA \$461,686 COLA + \$95,000 one-time lump sum = \$556,686  
Confidential Attorneys \$93,430 COLA + \$18,000 one-time lump sum = \$111,430

[Total = \$668,116].

FY21/22 -- WCPAA \$473,228 COLA + \$95,000 one-time lump sum = \$568,228  
Confidential Attorneys \$95,766 COLA + \$18,000 one-time lump sum = \$113,766

[Total = \$681,994].

These cost increases for future years will be included in the budget for each fiscal year.

### **RECOMMENDATION**

It is recommended that the Board of County Commissioners approve Collective Bargaining Agreement with the Washoe County Public Attorneys' Association (WCPAA) for a three (3) year period beginning July 1, 2019 through June 30, 2022; and ratify same; including Cost of Living Adjustments in base wage of 3% effective July 1, 2019 [FY19/20 estimated fiscal impact \$450,425]; 2.5% beginning July 1, 2020 plus a one-time only lump sum payment of \$1,000 effective July 6, 2020 [FY20/21 estimated fiscal impact \$556,686]; and 2.5% beginning July 1, 2021 plus a one-time only lump sum payment of \$1,000 effective July 5, 2021 [FY 21/22 estimated fiscal impact \$568,228]; and update agreement language regarding rights of association, annual leave, salaries, holiday pay, health plan, dues deduction, copying of contract, and term of agreement; and approve same Cost of Living Adjustments, annual leave, salaries, and health plan for Confidential Attorneys [estimated fiscal impact \$316,348 for all fiscal years].

### **POSSIBLE MOTION**

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

Move to approve to approve Collective Bargaining Agreement with the Washoe County Public Attorneys' Association (WCPAA) for a three (3) year period beginning July 1, 2019 through June 30, 2022; and ratify same; including Cost of Living Adjustments in base wage of 3% effective July 1, 2019 [FY19/20 estimated fiscal impact \$450,425]; 2.5% beginning July 1, 2020 plus a one-time only lump sum payment of \$1,000 effective July 6, 2020 [FY20/21 estimated fiscal impact \$556,686]; and 2.5% beginning July 1, 2021 plus a one-time only lump sum payment of \$1,000 effective July 5, 2021 [FY 21/22 estimated fiscal impact \$568,228]; and update agreement language regarding rights of association, annual leave, salaries, holiday pay, health plan, dues deduction, copying of contract, and term of agreement; and approve same Cost of Living Adjustments, annual leave, salaries, and health plan for Confidential Attorneys [estimated fiscal impact \$316,348 for all fiscal years].