

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3.28
(MT7331)

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Human Resources regarding the Adoption of Resolution of the Board of Supervisors of the County of Riverside to Impose the County's Last, Best, and Final Offer dated July 19, 2017 to Service Employees International Union, Local 721, All Districts, is deleted.

Roll Call:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on July 17, 2018 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: July 17, 2018
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: [Signature] Deputy

AGENDA NO.
3.28

xc: H.R.

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
3.28
(ID # 7331)

MEETING DATE:

Tuesday, July 17, 2018

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Adoption of Resolution of the Board of Supervisors of the County of Riverside to Impose the County's Last, Best, and Final Offer dated July 19, 2017 to Service Employees International Union, Local 721, All Districts. [\$0] (3.71 of 06/26/2018) (Department requests Item be deleted)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution 2018-127 in accordance with Government Code 3505.7, a Resolution of the Board of Supervisors of the County of Riverside to Impose the County's Last, Best, and Final Offer dated July 19, 2017 to Service Employees International Union, Local 721.

ACTION: Policy

Michael Bowers

Michael Bowers, Interim HR Director

6/14/2018

MINUTES OF THE BOARD OF SUPERVISORS

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	18/19

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Service Employees International Union, Local 721 (SEIU), which represents approximately 7,300 employees, asked to open negotiations for a new Memorandum of Understanding (MOU) on July 26, 2016 and 39 bargaining sessions were held. On August 30, 2017 the County declared impasse after the parties were unable to reach an agreement for a successor MOU. Subsequently, the parties exhausted impasse procedures including factfinding, and holding a public hearing (May 8, 2018) on the factfinder's report.

Accordingly, pursuant to Government Code 3505.7, after any applicable factfinding procedures have been exhausted, but no earlier than 10 days after the factfinders' written findings of fact and recommended terms of settlement have been submitted to the parties, a public agency that is not required to proceed to interest arbitration may, after holding a public hearing regarding the impasse, implement its last, best, and final offer, but shall not implement a memorandum of understanding.

The County values its employees and their contributions, but we are unable to sustain continuing escalating increases in SEIU members' compensation due to our structural deficit, declining reserves, and projected substantially increasing financial obligations. Riverside County SEIU members' average total compensation is over \$106,540 annually, which is 7% higher than their peers in the surrounding comparable counties and 18% higher for those at the top step. SEIU members have received, on average, a 49% increase in compensation over the past 5 years. Additionally, SEIU members' compensation at top step is, on average, over 18% above market.

It should be noted the Public Employees Relations Board (PERB) has obtained a Temporary Restraining Order on behalf of SEIU in Superior Court against the County in order to halt the issuance of the County's Last, Best, and Final Offer. The hearing on the Preliminary Injunction is occurring today, (June 26, 2018). Should the Court grant the Preliminary Injunction on SEIU's request to enjoin the Board from imposing the Last, Best, and Final Offer, the Board should take no action on this item.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

In the event the Preliminary Injunction is not granted, the matter before the Board today is to adopt the Resolution to impose the County's Last, Best, and Final Offer in accordance with Government Code 3505.7. Adoption of this Resolution will impose the County's Last, Best, and Final Offer on SEIU represented employees (excluding SEIU represented Per Diem Unit employees).

The major substantive items in the Last, Best, and Final Offer include:

Wages – No Cost of Living, Pay or Salary Adjustments.

Step/Anniversary/Merit Increase – Employees will receive one (1) step anniversary/merit increase on the employee's anniversary date.

Release Time – Elimination of the union education release time bank (provided 20 minutes of release time per represented employee per calendar year).

State Disability Insurance – Elimination of the County's obligation to pay for Short Term and Long Term Disability and apply for and transition to the State Disability Insurance Plan.

Internal Parity/Realignment - Consolidate the Social Worker series and the Registered Nurse series.

In addition to the above, amendments were made to the following items: POST Certification Pay (tiered system), shift differential, bilingual pay, sick leave/vacation leave payout, low census staffing at RUHS Medical Center, and non-disciplinary appeal. Elimination of the following items: DPSS command post bonus and meal allowance; the special provision for Fire and Sheriff Department holiday(s); medical subsidies for employees hired after adoption by the Board, automatic salary compaction fixes, and the fairness agreement. Non-economic amendments were made to clarify the intent of existing language (i.e. retirement, promotion, demotion, fitness for duty, voluntary time bank, grievances, layoff, and reinstatement.). The modifications listed are not exhaustive and the County's Last, Best, and Final Offer should be referenced for specific terms or conditions.

Impact on Residents and Businesses

There is no impact on residents and businesses.

Additional Fiscal Information

The Last, Best, and Final Offer is projected to generate approximately \$2,856,449 in savings for FY18/19. Additionally, there are a number of provisions contained in the Last, Best, and Final Offer that provide managerial discretion to generate additional savings.

Costs

Savings

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Step/Anniversary/Merit Increases (single step)		\$4,334,960
Consolidation of Registered Nurse Series	\$733,297	
Consolidation of Social Workers Series	\$787,349	
Cap Bilingual Premium to 80 hours per pay period		\$5,512
Elimination of special holiday provision		\$36,623
Total	<u>\$1,520,646</u>	<u>\$4,377,095</u>
Overall Annual Savings		<u>\$2,856,449</u>

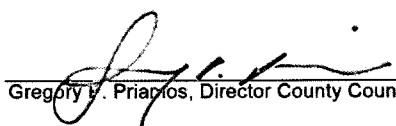
It should be noted that the total costs associated with all provisions in this contract except for those modified by the Last, Best, and Final Offer were previously approved by Board action in prior years.

ATTACHMENTS:

Attachment A. Resolution No. 2018-127, a Resolution of the Board of Supervisors of the County of Riverside imposing the County's Last, Best, and Final Offer dated July 19, 2017 to the Service Employees International Union, Local 721.

Attachment B. County's Last, Best, and Final Offer to the Service Employees International Union, Local 721 dated July 19, 2017.


Lani Soson, Principal Management Analyst 6/19/2018


Gregory V. Priaplos, Director County Counsel 6/14/2018

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3.71
(MT7331)

On motion of Supervisor Perez, seconded by Supervisor Washington and duly carried, IT WAS ORDERED that the recommendation from Human Resources regarding the Adoption of Resolution of the Board of Supervisors of the County of Riverside to Impose the County's Last, Best, and Final Offer dated July 19, 2017 to Service Employees International Union, Local 721, All Districts is continued to Tuesday, July 17, 2018 at 9:00 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Tavaglione, Washington and Perez
Nays: None
Absent: Ashley

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on June 26, 2018 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: June 26, 2018
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.
3.71

xc: HR, ~~COB~~

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
3.71
(ID # 7331)

MEETING DATE:

Tuesday, June 26, 2018

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Adoption of Resolution of the Board of Supervisors of the County of Riverside to Impose the County's Last, Best, and Final Offer dated July 19, 2017 to Service Employees International Union, Local 721, All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution 2018-127 in accordance with Government Code 3505.7, a Resolution of the Board of Supervisors of the County of Riverside to Impose the County's Last, Best, and Final Offer dated July 19, 2017 to Service Employees International Union, Local 721.

ACTION: Policy


Michael Bowers, Interim HR Director 6/14/2018

MINUTES OF THE BOARD OF SUPERVISORS

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	18/19

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Service Employees International Union, Local 721 (SEIU), which represents approximately 7,300 employees, asked to open negotiations for a new Memorandum of Understanding (MOU) on July 26, 2016 and 39 bargaining sessions were held. On August 30, 2017 the County declared impasse after the parties were unable to reach an agreement for a successor MOU. Subsequently, the parties exhausted impasse procedures including factfinding, and holding a public hearing (May 8, 2018) on the factfinder's report.

Accordingly, pursuant to Government Code 3505.7, after any applicable factfinding procedures have been exhausted, but no earlier than 10 days after the factfinders' written findings of fact and recommended terms of settlement have been submitted to the parties, a public agency that is not required to proceed to interest arbitration may, after holding a public hearing regarding the impasse, implement its last, best, and final offer, but shall not implement a memorandum of understanding.

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It should be noted the Public Employees Relations Board (PERB) has obtained a Temporary Restraining Order on behalf of SEIU in Superior Court against the County in order to halt the issuance of the County's Last, Best, and Final Offer. The hearing on the Preliminary Injunction is occurring today, (June 26, 2018). Should the Court grant the Preliminary Injunction on SEIU's request to enjoin the Board from imposing the Last, Best, and Final Offer, the Board should take no action on this item.

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It should be noted that the total costs associated with all provisions in this contract except for those modified by the Last, Best, and Final Offer were previously approved by Board action in prior years.

ATTACHMENTS:

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Lani Sison, Principal Management Analyst 6/19/2018


Gregory V. Priamos, Director County Counsel 6/14/2018

2 **RESOLUTION NO. 2018-127**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE IMPOSING THE**
4 **COUNTY'S LAST, BEST, AND FINAL OFFER TO THE SERVICE EMPLOYEES INTERNATIONAL UNION,**
5 **LOCAL 721 PURSUANT TO GOVERNMENT CODE SECTIONS 3505.4, 3505.5, AND 3505.7**

6
7 **WHEREAS**, the County of Riverside (hereinafter "County") and the Service Employees International
8 Union, Local 721 (hereinafter "SEIU") were signatories to a Memorandum of Understanding (hereinafter
9 "MOU") that expired on November 30, 2016 setting certain terms and conditions of employment for
10 employees in the SEIU;

11 **WHEREAS**, on September 12, 2016 the County and SEIU negotiation teams began to meet and engage
12 in extensive negotiations over the terms of a successor to said MOU;

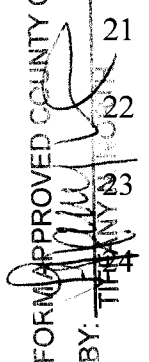
13 **WHEREAS**, notwithstanding that the County and SEIU negotiation teams participated in thirty-nine
14 negotiation sessions since September 12, 2016 in an effort to conclude the terms of a successor MOU, the
15 County and the SEIU have not reached agreement on such terms;

16 **WHEREAS**, on July 19, 2017, the County's negotiation team submitted the County's last, best, and final
17 offer to the SEIU and provided an explanation of the terms to the SEIU;

18 **WHEREAS**, the County's last, best, and final offer was not ultimately accepted and the parties did not
19 reach an agreement on the terms of a successor MOU;

20 **WHEREAS**, notwithstanding the efforts described above, the parties arrived at an impasse and the
21 County provided the SEIU with a written declaration of impasse on August 30, 2017;

22 **WHEREAS**, per the County's Employee Relations Resolution, No 2014-156, the County and the SEIU
23 were not in agreement to go to mediation in efforts to resolve the impasse;

FORM APPROVED COUNTY COUNSEL
BY:  TIFANY S. GALT
DATE: 4/21/18

1 **WHEREAS**, the County negotiation team and the SEIU participated in six days of fact finding between
2 January 24, 2018 and February 6, 2018 with a three-member fact finding panel, consisting of Tony Butka
3 (neutral panel chair), Josie Mooney (SEIU representative) and Edward Zappia (County representative) in
4 efforts to resolve the impasse;

5 **WHEREAS**, following the fact finding hearing, while the parties were trying to resolve their impasse, the
6 County and the SEIU were unable to reach a tentative agreement and the parties remained at impasse;

7 **WHEREAS**, in accordance with Government Code section 3505.5, the fact finding committee submitted
8 findings of fact and recommended terms of settlement (the fact finding report) to the parties on April 9,
9 2018;

10 **WHEREAS**, on April 29, 2018, in accordance with Government Code section 3505.5, the County of
11 Riverside made the findings and recommended terms of settlement from the fact finding panel publicly
12 available by posting for public inspection as the County regularly posts Board agendas, including on the
13 County's website;

14 **WHEREAS**, in accordance with Government Code section 3505.7, no earlier than ten (10) days following
15 receipt of the findings of fact and recommended terms of settlement from the fact finding panel, the Board
16 of Supervisors of the County of Riverside held a public hearing on May 8, 2018 and has considered the
17 impasse between the County and the SEIU and the report and all recommendations from the fact finding
18 panel. The Board has concluded that it is appropriate to implement the County's Last, Best, and Final offer;

19 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED BY THE BOARD OF SUPERVISORS OF THE**
20 **COUNTY OF RIVERSIDE, CALIFORNIA** that this Resolution is approved, thereby adopting and implementing
21 the County's Last, Best and Final Offer effective immediately, as set forth in the terms and conditions of
22 employment for County employees in the Service Employees International Union, Local 721, attached and
23 incorporated herein as Exhibit "A".
24

1 **BE IT FURTHER RESOLVED** that the County Executive Officer and Human Resources Director are hereby
2 authorized and directed to take any necessary administrative actions to implement the provisions of this
3 Resolution;

4 **BE IT FURTHER RESOLVED** that if any provision or any part of a provisions of this Resolution shall be
5 finally determined to be invalid, illegal or otherwise unenforceable, such determination shall not impair or
6 otherwise affect the validity, legality or enforceability of the remaining provision or parts of the provision of
7 this Resolution, which shall remain in full force and effect.

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