

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



19.1
(MT 9407)

On motion of Supervisor Hewitt, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Human Resources regarding the HUMAN RESOURCES: Public Hearing in accordance with Government Code 3505.7 regarding the status of impasse between the Laborer's International Union of North America, Local 777 and the County of Riverside, and the County's Last, Best, and Final Offer for a successor Memorandum of Understanding (MOU) from the 2012-2016 MOU, All Districts, is deleted.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on March 26, 2019 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: March 26, 2019
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.
19.1

xc: H.R.

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



ITEM
19.1
(ID # 9407)

MEETING DATE:

Tuesday, March 26, 2019

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Public Hearing in accordance with Government Code 3505.7 regarding the status of impasse between the Laborer's International Union of North America, Local 777 and the County of Riverside, and the County's Last, Best, and Final Offer for a successor Memorandum of Understanding (MOU) from the 2012-2016 MOU. All Districts. [\$0] (Continued from March 19, 2019, Item #19.2, and deleted as of March 26, 2019)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the attached advisory recommendations of the Fact Finding Panel members.
2. Hear from representatives of the Laborer's International Union of North America, the County of Riverside, and any other interested parties.

ACTION:Policy

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

Laborer's International Union of North America, Local 777 (LIUNA), which represents approximately 7,200 employees, asked to open negotiations for a new Memorandum of Understanding (MOU) in approximately September 2016 and 9 bargaining sessions were held between October 2016 and August 2017. On August 31, 2017, the County declared impasse after the parties were unable to reach an agreement for a successor MOU. Subsequently, the parties attended factfinding and the County and LIUNA were unable to reach a tentative agreement and the parties remained at impasse.

On May 29, 2018, in accordance with Government Code 3505.5, the fact finding committee submitted findings of fact and recommended terms of settlement (the fact finding report) to the parties. The findings of fact and recommended terms of settlement (the fact finding report) is attached for your review. Also attached for your review, is the County and Union's response to the fact finding report, which includes dissents and recommendations.

Pursuant to Government Code 3505.7, after any applicable fact finding 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 matter before the Board today is to hold the public hearing in accordance with Government Code 3505.7

Impact on Residents and Businesses

There is no impact on residents or businesses.

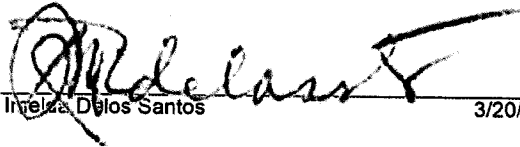
ATTACHMENTS:

Attachment A. Fact Finding Report and Recommendations dated May 10, 2018

Attachment B. County's response to the Fact Finding Report

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

Attachment C. Union's response to the Fact Finding Report



Inez Delos Santos

3/20/2019



Gregory V. Priamos, Director County Counsel

3/19/2019

✓

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Victor M. Gordo

Address: 3400 10th St.
(only if follow-up mail response requested)

City: Riverside **Zip:** _____

Phone #: _____

Date: 12/11/18 **Agenda #** 9.2

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** ☒ **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

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I give my 3 minutes to: _____

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SPEAKER'S NAME: JOHN LOMBARDO

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: 909-800-2770

Date: DEC. 11, 2018 **Agenda #** 9.2 ^{IMPOSING} ON LUNA 777
8452

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** X **Oppose** _____ **Neutral**

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I give my 3 minutes to: _____

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SPEAKER'S NAME: ADAM KIRK

City: _____ Zip: _____

Phone #: _____

Date: 12/11/18 Agenda # 9.2
8452

Position on "Regular" (non-appealed) Agenda Item:

 Support X Oppose Neutral

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 Support **Oppose** **Neutral**

I give my 3 minutes to: _____

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**Riverside County Board of Supervisors
Request to Speak**

✓
✓

Submit request to Clerk of Board (right of podium),
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Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JENNIFER DESATOFF

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 12/11/18 **Agenda #** 9.2

8452

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Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** ✓ **Oppose** _____ **Neutral**

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I give my 3 minutes to: _____

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✓

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SPEAKER'S NAME: Maria Ochoa Flynn

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 12.11.2018 **Agenda #** 9.2

PLEASE STATE YOUR POSITION BELOW:

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_____ **Support** X **Oppose** _____ **Neutral**

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SPEAKER'S NAME: Aaron DeBuzman

Address: 10394 Glen Aire Ave
(only if follow-up mail response requested)

City: Riverside **Zip:** 92506

Phone #: 323-646-1147

Date: 12/11/18 **Agenda #** _____

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** X **Oppose** 9.2 **Neutral**

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SPEAKER'S NAME: VICTOR GORDO

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 12.11.2018 **Agenda #** 3.24

PLEASE STATE YOUR POSITION BELOW:

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COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



19.2
(MT 9231)

On motion of Supervisor Perez, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Human Resources regarding the Public Hearing in accordance with Government Code 3505.7 regarding the status of impasse between the Laborer's International Union of North America, Local 777 and the County of Riverside, and the County's Last, Best, and Final Offer for a successor Memorandum of Understanding (MOU) from the 2012-2016 MOU. All Districts, is continued to Tuesday, March 26, 2019 at 9:00 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on March 19, 2019 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: March 19, 2019
Kecia Harper, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: [Signature] Deputy

AGENDA NO.
19.2

xc: H.R., CQB

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



ITEM
19.2
(ID # 9231)

MEETING DATE:

Tuesday, March 19, 2019

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Public Hearing in accordance with Government Code 3505.7 regarding the status of impasse between the Laborer's International Union of North America, Local 777 and the County of Riverside, and the County's Last, Best, and Final Offer for a successor Memorandum of Understanding (MOU) from the 2012-2016 MOU. All Districts. [\$0] (Continued from February 26, 2019, Item #19.1, MT #9054, Public Hearing was held and Item was closed following testimony from the parties) (Continued to March 26, 2019).

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the attached advisory recommendations of the Fact Finding Panel members.
2. Hear from representatives of the Laborer's International Union of North America, the County of Riverside, and any other interested parties.

ACTION:Policy

Brenda Diederichs
Brenda Diederichs, Assistant CEO / Human Resources Director

3/13/2019

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

Laborer's International Union of North America, Local 777 (LIUNA), which represents approximately 7,200 employees, asked to open negotiations for a new Memorandum of Understanding (MOU) in approximately September 2016 and 9 bargaining sessions were held between October 2016 and August 2017. On August 31, 2017, the County declared impasse after the parties were unable to reach an agreement for a successor MOU. Subsequently, the parties attended factfinding and the County and LIUNA were unable to reach a tentative agreement and the parties remained at impasse.

On May 29, 2018, in accordance with Government Code 3505.5, the fact finding committee submitted findings of fact and recommended terms of settlement (the fact finding report) to the parties. The findings of fact and recommended terms of settlement (the fact finding report) is attached for your review. Also attached for your review, is the County and Union's response to the fact finding report, which includes dissents and recommendations.

Pursuant to Government Code 3505.7, after any applicable fact finding 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 matter before the Board today is to hold the public hearing in accordance with Government Code 3505.7

Impact on Residents and Businesses

There is no impact on residents or businesses.

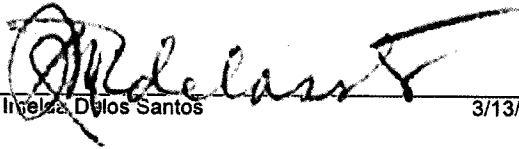
ATTACHMENTS:

Attachment A. Fact Finding Report and Recommendations dated May 10, 2018

Attachment B. County's response to the Fact Finding Report

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

Attachment C. Union's response to the Fact Finding Report



Irvela Dyllos Santos

3/13/2019



Gregory V. Priaplos, Director County Counsel

3/13/2019

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



19.1
(MT 9054)

On motion of Supervisor Spiegel, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Human Resources regarding the Public Hearing in accordance with Government Code 3505.7 regarding the status of impasse between the Laborer's International Union of North America, Local 777 and the County of Riverside, and the County's Last, Best, and Final Offer for a successor Memorandum of Understanding (MOU) from the 2012-2016 MOU. All Districts, (Continued from January 29, 2019, Item #19.6, MT #9006, Public Hearing was held and Item was closed following testimony from the parties), is continued to Tuesday, March 19, 2019 at 9:00 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on February 26, 2019 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: February 26, 2019
Kecia Harper, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: _____

Deputy

AGENDA NO.
19.1

xc: HR, COB

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



ITEM
19.1
(ID # 9054)

MEETING DATE:

Tuesday, February 26, 2019

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Public Hearing in accordance with Government Code 3505.7 regarding the status of impasse between the Laborer's International Union of North America, Local 777 and the County of Riverside, and the County's Last, Best, and Final Offer for a successor Memorandum of Understanding (MOU) from the 2012-2016 MOU. All Districts. [\$0] (Continued from January 29, 2019, Item #19.6, MT #9006, Public Hearing was held and Item was closed following testimony from the parties) (Continue to March 19, 2019)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the attached advisory recommendations of the Fact Finding Panel members.
2. Hear from representatives of the Laborer's International Union of North America, the County of Riverside, and any other interested parties.

ACTION: Policy

Brenda Niederichs
Brenda Niederichs, Assistant CEO / Human Resources Director

2/5/2019

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

Laborer's International Union of North America, Local 777 (LIUNA), which represents approximately 7,200 employees, asked to open negotiations for a new Memorandum of Understanding (MOU) in approximately September 2016 and 9 bargaining sessions were held between October 2016 and August 2017. On August 31, 2017, the County declared impasse after the parties were unable to reach an agreement for a successor MOU. Subsequently, the parties attended factfinding and the County and LIUNA were unable to reach a tentative agreement and the parties remained at impasse.

On May 29, 2018, in accordance with Government Code 3505.5, the fact finding committee submitted findings of fact and recommended terms of settlement (the fact finding report) to the parties. The findings of fact and recommended terms of settlement (the fact finding report) is attached for your review. Also attached for your review, is the County and Union's response to the fact finding report, which includes dissents and recommendations.

Pursuant to Government Code 3505.7, after any applicable fact finding 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 matter before the Board today is to hold the public hearing in accordance with Government Code 3505.7

Impact on Residents and Businesses

There is no impact on residents or businesses.

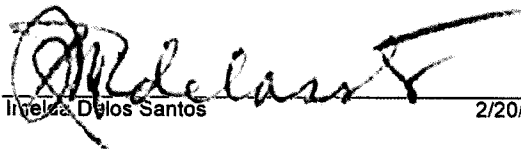
ATTACHMENTS:

Attachment A. Fact Finding Report and Recommendations dated May 10, 2018

Attachment B. County's response to the Fact Finding Report

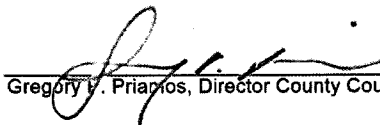
SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

Attachment C. Union's response to the Fact Finding Report



Irvelza Delos Santos

2/20/2019



Gregory V. Priamos, Director County Counsel

2/5/2019

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



19.6
(MT 9006)

On motion of Supervisor Hewitt, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Human Resources regarding the Public Hearing in accordance with Government Code 3505.7 regarding the status of impasse between the Laborer's International Union of North America, Local 777 and the County of Riverside, and the County's Last, Best, and Final Offer for a successor Memorandum of Understanding (MOU) from the 2012-2016 MOU. All Districts, (Continued from December 11, 2018, Item #9.2, MT #8452, Public Hearing was held and Item was closed following testimony from the parties), is continued to Tuesday, February 26, 2019 at 9:00 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on January 29, 2019 of Supervisors Minutes.

(seal)

WITNESS my hand and the seal of the Board of Supervisors
Dated: January 29, 2019
Kecia Harper, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: Kecia Harper Deputy

AGENDA NO.
19.6

xc: H.R., COB

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



ITEM
19.6
(ID # 9006)

MEETING DATE:

Tuesday, January 29, 2019

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Public Hearing in accordance with Government Code 3505.7 regarding the status of impasse between the Laborer's International Union of North America, Local 777 and the County of Riverside, and the County's Last, Best, and Final Offer for a successor Memorandum of Understanding (MOU) from the 2012-2016 MOU. All Districts. [\$0] (Continued from December 11, 2018, Item #9.2, MT #8452, Public Hearing was held and Item was closed following testimony from the parties)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the attached advisory recommendations of the Fact Finding Panel members.
2. Hear from representatives of the Laborer's International Union of North America, the County of Riverside, and any other interested parties.

ACTION: Policy

Brenda Niedrichs
Brenda Niedrichs, Assistant CEO / Human Resources Director

1/23/2019

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

Laborer's International Union of North America, Local 777 (LIUNA), which represents approximately 7,200 employees, asked to open negotiations for a new Memorandum of Understanding (MOU) in approximately September 2016 and 9 bargaining sessions were held between October 2016 and August 2017. On August 31, 2017, the County declared impasse after the parties were unable to reach an agreement for a successor MOU. Subsequently, the parties attended factfinding and the County and LIUNA were unable to reach a tentative agreement and the parties remained at impasse.

On May 29, 2018, in accordance with Government Code 3505.5, the fact finding committee submitted findings of fact and recommended terms of settlement (the fact finding report) to the parties. The findings of fact and recommended terms of settlement (the fact finding report) is attached for your review. Also attached for your review, is the County and Union's response to the fact finding report, which includes dissents and recommendations.

Pursuant to Government Code 3505.7, after any applicable fact finding 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 matter before the Board today is to hold the public hearing in accordance with Government Code 3505.7

Impact on Residents and Businesses

There is no impact on residents or businesses.

ATTACHMENTS:

Attachment A. Fact Finding Report and Recommendations dated May 10, 2018

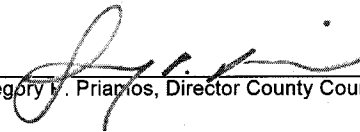
Attachment B. County's response to the Fact Finding Report

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

Attachment C. Union's response to the Fact Finding Report


Alex Gann

1/24/2019


Gregory H. Priamos, Director County Counsel

1/24/2019

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



9.2

(MT 8452)

9:00 a.m. being the time set for public hearing on the recommendation from Human Resources regarding Public Hearing in accordance with Government Code 3505.7 regarding the status of impasse between the Laborer's International Union of North America, Local 777 and the County of Riverside, and the County's Last, Best, and Final Offer for a successor Memorandum of Understanding (MOU) from the 2012-2016 MOU, All Districts.

On motion of Supervisor Washington, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, January 29, 2019 at 9:00 a.m. or as soon as possible thereafter.

Roll Call:

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

Brenda Diederichs, Human Resources Director and Bret Ehman, County Legal Representative for employee relations presented the matter.

The following people spoke on the matter:

Victor M. Gordo
John Loribardo
Adam Kirk
Jennifer Desatoff
Maria Orchoa Flynn
Anton DeGusman

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on December 11, 2018 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: December 11, 2018
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: Kecia Harper-Ihem Deputy

AGENDA NO.
9.2

xc: HR, CQB

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



ITEM
9.2
(ID # 8452)

MEETING DATE:

Tuesday, December 11, 2018

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Public Hearing in accordance with Government Code 3505.7 regarding the status of impasse between the Laborer's International Union of North America, Local 777 and the County of Riverside, and the County's Last, Best, and Final Offer for a successor Memorandum of Understanding (MOU) from the 2012-2016 MOU. All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the attached advisory recommendations of the Fact Finding Panel members.
2. Hear from representatives of the Laborer's International Union of North America, the County of Riverside, and any other interested parties.

ACTION: Policy


Brenda Diederichs, Assistant CEO / Human Resources Director 11/8/2018

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

Laborer's International Union of North America, Local 777 (LIUNA), which represents approximately 7,200 employees, asked to open negotiations for a new Memorandum of Understanding (MOU) in approximately September 2016 and 9 bargaining sessions were held between October 2016 and August 2017. On August 31, 2017, the County declared impasse after the parties were unable to reach an agreement for a successor MOU. Subsequently, the parties attended factfinding and the County and LIUNA were unable to reach a tentative agreement and the parties remained at impasse.

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The matter before the Board today is to hold the public hearing in accordance with Government Code 3505.7

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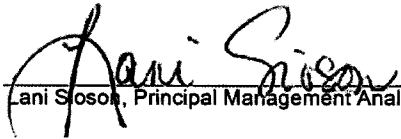
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SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

Attachment C. Union's response to the Fact Finding Report



Lani Sison, Principal Management Analyst

12/3/2018



Gregory L. Priamos, Director County Counsel

11/8/2018



CALL (951) 368-9222
EMAIL legalis@pe.com

THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PONumber	PRODUCT	SIZE	Amount
12/1/18	0011207316		PE Riverside	4 x 48 Li	249.60

Invoice text: LIUNA

Placed by: Stephanie Cribbs

Legal Advertising Memo Invoice

BALANCE DUE

249.60

SALES/CONTACT INFORMATION		ADVERTISER INFORMATION		
Nick Eller 951-368-9229	BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
	12/01/2018	5209148	5209148	BOARD OF SUPERVISORS



THE PRESS-ENTERPRISE

Legal Advertising Memo Invoice

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

ADVERTISER/CLIENT NAME		
BOARD OF SUPERVISORS		
BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER
12/01/2018	5209148	5209148
BALANCE DUE	ORDER NUMBER	TERMS OF PAYMENT
249.60	0011207316	DUE UPON RECEIPT

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
'PO BOX 1147'
RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPER PARTNERSHIP
dba The Press-Enterprise
PO Box 65210
Colorado Springs, CO 80962-5210

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: LIUNA /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

12/01/2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: December 01, 2018
At: Riverside, California


Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011207316-01

P.O. Number:

Ad Copy:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY IN ACCORDANCE WITH GOVERNMENT CODE 3505.7, REGARDING THE IMPASSE WHICH WAS REACHED IN LABOR NEGOTIATIONS BETWEEN THE COUNTY OF RIVERSIDE AND THE LABORERS INTERNATIONAL UNION OF NORTH AMERICA (LIUNA), LOCAL 777.

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, December 11, 2018 at 9:30 A.M. or as soon as possible thereafter. This hearing is authorized by California Government Code section 3505.7 as the applicable mediation and statutory fact finding procedures have been completed.

LIUNA, which represents approximately 7,200 employees, asked to open negotiations for a new Memorandum of Understanding (MOU) September 2016 and 9 bargaining sessions were held. The County declared impasse after the parties were unable to reach an agreement for a successor MOU. Subsequently, the parties attended fact finding. The parties were unable to reach a tentative agreement at fact finding and the parties remain at impasse.

The County of Riverside Human Resources recommended that the Board of Supervisors receive and consider the final recommendations of the Fact Finding Panel and hear from representatives of both the LIUNA and the County of Riverside, and any other interested parties.

Any person wishing to testify in support of or in opposition, may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: November 27, 2018

Kecia Harper-Ihem, Clerk of the Board
By: Stephanie Cribbs, Board Assistant

12/1



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

November 27, 2018

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

E-MAIL: legals@thedesertsun.com
TEL: (760) 322-2222

RE: NOTICE OF PUBLIC HEARING: LIUNA FACT FINDING

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) Time on Saturday, December 1, 2018.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Stephanie Cribbs

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY IN ACCORDANCE WITH GOVERNMENT CODE 3505.7, REGARDING THE IMPASSE WHICH WAS REACHED IN LABOR NEGOTIATIONS BETWEEN THE COUNTY OF RIVERSIDE AND THE LABORERS INTERNATIONAL UNION OF NORTH AMERICA (LIUNA), LOCAL 777.

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, December 11, 2018 at 9:30 A.M.** or as soon as possible thereafter. This hearing is authorized by California Government Code section 3505.7 as the applicable mediation and statutory fact finding procedures have been completed.

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The County of Riverside Human Resources recommended that the Board of Supervisors receive and consider the final recommendations of the Fact Finding Panel and hear from representatives of both the LIUNA and the County of Riverside, and any other interested parties.

Any person wishing to testify in support of or in opposition, may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision.

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Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: November 27, 2018

Kecia Harper-Ihem, Clerk of the Board
By: Stephanie Cribbs, Board Assistant



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

November 27, 2018

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
TEL: (951) 368-9268

RE: NOTICE OF PUBLIC HEARING: LIUNA FACT FINDING

To Whom It May Concern:

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We require your affidavit of publication immediately upon completion of the last publication.

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NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Stephanie Cribbs

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY IN ACCORDANCE WITH GOVERNMENT CODE 3505.7, REGARDING THE IMPASSE WHICH WAS REACHED IN LABOR NEGOTIATIONS BETWEEN THE COUNTY OF RIVERSIDE AND THE LABORERS INTERNATIONAL UNION OF NORTH AMERICA (LIUNA), LOCAL 777.

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, December 11, 2018 at 9:30 A.M.** or as soon as possible thereafter. This hearing is authorized by California Government Code section 3505.7 as the applicable mediation and statutory fact finding procedures have been completed.

LIUNA, which represents approximately 7,200 employees, asked to open negotiations for a new Memorandum of Understanding (MOU) September 2016 and 9 bargaining sessions were held. The County declared impasse after the parties were unable to reach an agreement for a successor MOU. Subsequently, the parties attended fact finding. The parties were unable to reach a tentative agreement at fact finding and the parties remain at impasse.

The County of Riverside Human Resources recommended that the Board of Supervisors receive and consider the final recommendations of the Fact Finding Panel and hear from representatives of both the LIUNA and the County of Riverside, and any other interested parties.

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Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: November 27, 2018

Kecia Harper-Ihem, Clerk of the Board
By: Stephanie Cribbs, Board Assistant

Barton, Karen

Nov. 27

From: Turner, Tammi
Sent: Thursday, November 8, 2018 12:16 PM
To: Barton, Karen
Cc: Cacho, Clorissa; BOYDD, April
Subject: RE: LIUNA Board Hearing
Attachments: Notice for Hearing-Posting 120418.docx

Hi Karen,

Attached is the notice that we would like published in the Desert Sun and Press Enterprise on **December 1, 2018**. By law the notice needs to be published 10 days prior to the public hearing. The hearing is being held on December 11th. Once you receive confirmation from the newspapers, please forward me a copy for my records. Let me know if you have any questions.

Thanks – Tammi

Tammi Turner, PHR

Principal Human Resources Analyst
Riverside County Human Resources, Employee & Labor Relations Division
Work: (951) 955-6279 (micro 56279)
Fax: (951) 955-9816
Mail Stop #: 1081
tltturner@rivco.org

From: Barton, Karen
Sent: Monday, November 05, 2018 3:33 PM
To: Turner, Tammi <TLTURNER@RIVCO.ORG>
Cc: Cacho, Clorissa <CCACHO@RIVCO.ORG>
Subject: RE: LIUNA Board Hearing

Hi Tammi,

I would need the information by November 16th if it is going for December 4th and by November 26th if it is going by December 11th.

Best Wishes,

Karen Lynn Barton

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951)955-1047 Fax (951)955-1071
Mail Stop #1010

klbarton@rivco.org
<http://rivcocob.org/>



NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain **information that is privileged, confidential and exempt from disclosure** under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone and immediately delete this communication and all its attachments.

From: Turner, Tammi
Sent: Monday, November 5, 2018 3:07 PM
To: Barton, Karen <KLBARTON@RIVCO.ORG>
Cc: Cacho, Clorissa <CCACHO@RIVCO.ORG>
Subject: RE: LIUNA Board Hearing

Hi Karen,

I was off a day for the Dec. 4th posting, it would need to be posted Nov. 24th.

Tammi Turner, PHR

Principal Human Resources Analyst
Riverside County Human Resources, Employee & Labor Relations Division
Work: (951) 955-6279 (micro 56279)
Fax: (951) 955-9816
Mail Stop #: 1081
tturner@rivco.org

From: Turner, Tammi
Sent: Monday, November 05, 2018 3:03 PM
To: Barton, Karen <KLBARTON@RIVCO.ORG>
Cc: Cacho, Clorissa <CCACHO@RIVCO.ORG>
Subject: LIUNA Board Hearing

Hi Karen,

We have a Board action item coming up on either Dec. 4th or Dec. 11th. This action item will require the hearing notice to be published 10 days prior to the hearing in the Press Enterprise and Desert Sun. Can you let me know when the deadline dates would be for both Dec. 4th (posting Nov. 23rd) and Dec. 11th (posting Dec. 1st).

Thanks - Tammi

Tammi Turner, PHR

Principal Human Resources Analyst

Riverside County Human Resources, Employee & Labor Relations Division

Work: (951) 955-6279 (micro 56279)

Fax: (951) 955-9816

Mail Stop #: 1081

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Dated: December 1, 2018

By: Kecia Harper-Ihem, Clerk of the Board
Karen Barton, Board Assistant



mediagroup

PART OF THE USA TODAY NETWORK

PO Box 23430
Green Bay, WI 54305-3430
Tel: 760-778-4578 / Fax 760-778-4731
Email: legals@thedesertsun.com

**PROOF OF
PUBLICATION**

**STATE OF CALIFORNIA SS.
COUNTY OF RIVERSIDE**

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST

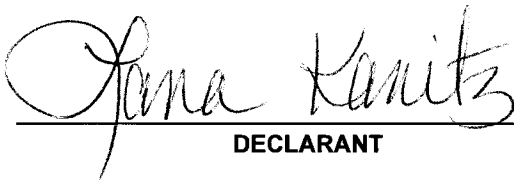
RIVERSIDE CA 92501

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set type not smaller than non paniel) in each and en issue of said newspaper and not in any supplem thereof on the following dates, to wit:

12/01/18

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.. Executed on this 3rd of December 2018 in Green Bay, WI, County of Brown.


DECLARANT

Ad#:0003273296
P O : LIUNA PH
of Affidavits :1

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Dated: November 27, 2018
Pub: 12/1/18

Kecia Harper-Ihem, Clerk of the Board
By: Stephanie Cribbs, Board Assistant

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Dated: November 27, 2018
Pub: 12/1/18

Kecia Harper-Ihem, Clerk of the Board
By: Stephanie Cribbs, Board Assistant

Riverside County / LIUNA, LOCAL 777
Public Hearing on County's Last Best and Final Offer
December 11, 2018, 9:00 A.M.

County's Presentation in Support of its Last Best and Final Offer

1. OVERVIEW

- a. LIUNA represents about 7000 County Employees
- b. Annual Payroll = \$353,000,000.00;
- c. 3-year contract - \$1,050,000,000.00
- d. 1% increase = \$4,500,000.00 **(Exh. 1)**

2. CURRENT AND COMPARABLE COMPENSATION

- a. LIUNA members received approximately **41% increases on average in the 2012-2017 MOU.** (About 6-7% per year under the prior MOU. **(Exh. 2)** (2% COLAs + 2.7-8.2% Merit Step Increases)
- b. 20.18% above surrounding counties in top step. **(Exh. 1, p. 3)**
- c. Average **total annual compensation for LIUNA member is over \$63,785,** which is the median income for citizens of the County of Riverside. **(Exh. 3)**

3. ABILITY TO PAY

- a. County operating at a \$200,000,000.00 structural deficit. **(Exh. 4)**
- b. County facing as much as \$657,000,000.00 in additional potential obligations over the next 5 years. **(Exh. 5)**

4. LAST BEST FINAL OFFER

- a. **2.71% increases** each year. **(Exh. 6)** (\$12,195,000.00 per year = \$36,585,000 over a 3-year term.)
- b. Merit Increases at one step at a time.

5. BARGAINING HISTORY IN LBFO

- a. 8 months of bargaining and 9 bargaining sessions (**Exh. 7**)
- b. County acquiesced in good faith on material financial terms:
 - i. Flex Benefit Cash Back
 - ii. Medical Subsidies

6. CHAIR'S ADVISORY RECOMMENDATIONS (Exh. 8)

- a. Two year agreement
- b. 5.42% increases each year = \$24,390,000.00 x 2 years = \$48,780,000. (**Exh. 8, page 21**)
- c. No COLA Raises
- d. Status quo on Flex Benefits from prior MOU but Me Too provision
- e. Medical subsidies continue for new hires (\$25/\$100)
- f. Chair also imposed a standard or a burden that simply does not exist under the law (a burden of persuasion to change the status quo from previous MOU)

7. COUNTY'S ADVISORY RECOMMENDATIONS (Exh. 9)

- a. County structural deficit and increasing financial obligations
- b. LBFO is merely reducing the rate of increases (7-9% to 3%)

8. LIUNA

- a. Admitted the County faces significant economic problems but also that it would never agree to the County's proposed concessions
- b. Bargaining was professional (no strike, no escalating pressure tactics, only one PERB charge alleging premature declaration of impasse). Mainly just disagreements on economic terms.

9. COUNTY OF RIVERSIDE

- a. County takes all measures to balance fairly compensating its employees with its duty to its constituents and to fiscal responsibility

2016 Negotiations Between the County of
Riverside and Laborers' International Union
of North America , Local 777 (LIUNA)

OVERVIEW OF MARKET POSITION

NOVEMBER 29, 2016

LIUNA Unit Overview

- County Employees: 22,456
- County Classifications: 1,926
- County Payroll: \$1,537,624,101
- County 1% Cost: ~\$19.4 Million/Year
- LIUNA Represented Employees: 7,476
- LIUNA Represented Classifications: 390
- LIUNA Represented Payroll: \$353,275,998
- LIUNA Represented 1% Cost: ~\$4.5 Million/Year

Average County Benefit Rollup: 25.26%
LIUNA Benefit Rollup: 27.92%
Includes Employer Contributions for: PERS, Sec.Sec, UI, LTD/STD, and Medicare.

Market Survey Process

- **Journey Level**
 - Incumbents are expected to perform the full range of duties with only occasional instruction or assistance. Positions at this level frequently work outside the immediate proximity of a supervisor.
- **5 County Comparison**
 - Los Angeles County
 - Orange County
 - San Bernardino County
 - San Diego County
 - Ventura County

Cyclical Study Schedule Overview

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct-Dec
2015					Health and Allied 172 Active Classes (LJUNA, SERJ, Mgmt)					
2016	LT. 49 Active Classes (LJUNA, SERJ, Mgmt)		Community and Human Services 134 Active Classes (LJUNA, SERJ, Mgmt, Probation)				Admin 180 Active Classes (LJUNA, SERJ, Mgmt)			
2017	Admin (Cont.)									
2018	Fiscal 75 Active Classes (LJUNA, SERJ, Mgmt)		Legal 42 Active Classes (LJUNA, SERJ, Mgmt, PSA, CDA)			Protective Services 124 Active Classes (LJUNA, SERJ, Mgmt, Law Enforcement, PSA, LEAD, Probation)				
2019	Inspection and Technical 89 Active Classes (LJUNA, SERJ, Mgmt)			Environmental and Public Works 187 Active Classes (LJUNA, SERJ, Mgmt)				Custodial, Maintenance, Trade 148 Active Classes (LJUNA, SERJ, Mgmt)		
2020	Custodial, Maintenance, Trade (Cont.)									

Market Survey Overview

- Summary of Market Surveys (LIUNA)
 - 390 Total Classifications
 - 313 Active (Filled) Classifications
 - 21 Journey Level Classifications Surveyed
 - Approximately 4,283 Incumbents Represented (57%)
 - Average Market Position, Minimum Step: 4.82% Below
 - Average Market Position, Maximum Step: 20.18% Above

Market Survey Data

Class Title	Incumbents in Series	% Above/Below Market Min	% Above/Below Market Max
AC Mechanic	23	-10.31%	12.64%
Accounting Assistant II	232	3.23%	30.12%
Animal Control Officer II	33	-1.61%	21.42%
Animal License Inspector	8	-4.87%	14.95%
Building Maintenance Mechanic	33	-11.33%	13.21%
Building Maintenance Worker	26	-5.19%	19.76%
Child Support Specialist	100	3.84%	26.78%
Community Services Officer II	132	29.50%	63.07%
Custodian	92	-10.42%	12.67%
Eligibility Technician II	1261	-6.89%	21.22%

Market Survey Data

Class Title	Number of Salaries	% Above/Below Market Min	% Above/Below Market Max
Health Services Assistant - DOPH	114	4.16%	28.92%
Housekeeper	136	-10.51%	12.88%
Legal Support Assistant II	167	-1.69%	22.09%
Maintenance Carpenter	6	-9.14%	17.79%
Maintenance Electrician	16	-12.58%	10.12%
Maintenance Plumber	18	-8.78%	14.55%
Medical Assistant	172	-9.46%	15.64%
Office Assistant II	1651	-7.60%	17.87%
Painter	5	-12.47%	16.98%
Sr Detention Food Svcs Worker	43	-7.57%	19.61%
Welfare Fraud Investigator	15	-11.53%	11.90%

External Market Survey Data

Accounting Assistant II

Riv Co Class Code: 15912

Jurisdiction	Title	Min Salary	Max Salary	Spread
Los Angeles County	Account Clerk I	\$30,040	\$40,348	34.23%
Orange County	Accounting Assistant II	\$34,133	\$42,848	25.53%
San Bernardino County	Fiscal Assistant	\$36,182	\$40,062	37.56%
San Diego County	Account Clerk Specialist	\$34,528	\$42,453	22.96%
Venture County	Fiscal Assistant II	\$27,525	\$38,478	39.78%
Riverside County	County Clerk	\$31,086	\$40,842	31.38%
	County Medial	\$30,090	\$40,348	34.23%
	Accounting Assistant II	\$22,080	\$28,145	63.61%
	Dollar Difference from Mean	\$1,005	\$12,303	
	Percentage difference from mean	3.23%	30.12%	
	Dollar difference from median	\$2,030	\$12,798	
	Percentage difference from med an	6.78%	31.71%	

External Market Survey Data

Animal Control Officer II

Riv Co Class Code:73510

Jurisdiction	Title	Min Salary	Max Salary	Spread
Los Angeles County	<u>Animal Control Officer I</u>	\$40,743	\$53,317	30.85%
Orange County	<u>Animal Control Officer</u>	\$48,941	\$67,330	34.62%
San Bernardino County	<u>Animal Control Officer</u>	\$32,594	\$44,720	37.20%
San Diego County	<u>Animal Control Officer</u>	\$38,374	\$50,898	26.27%
Ventura County	<u>Animal Control Officer II</u>	\$38,376	\$51,280	40.89%
County Mean:		\$38,808	\$53,523	34.41%
County Median:		\$38,374	\$51,280	30.16%
Riverside County	<u>Animal Control Officer I</u>	\$36,185	\$48,864	63.87%
Dollar Difference from Mean:		-8640	\$11,481	
Percentage difference from mean:		-1.61%	21.42%	
Dollar difference from median:		-2209	\$13,714	
Percentage difference from median:		-0.53%	26.78%	

External Market Survey Data

Child Support Specialist

Riv Co Class Code:37551

Jurisdiction	Title	Min Salary	Max Salary	Spread
Los Angeles County	<u>Child Support Officer II</u>	\$42,358	\$55,489	30.98%
Orange County	<u>Child Support Officer</u>	\$37,762	\$50,946	34.18%
San Bernardino County	<u>Child Support Officer I</u>	\$38,828	\$53,082	37.43%
San Diego County	<u>Child Support Officer</u>	\$37,827	\$56,243	49.47%
Ventura County	<u>Child Support Services Specialist I</u>	\$37,560	\$47,911	27.58%
County Mean:		\$38,788	\$53,670	35.80%
County Median:		\$37,762	\$53,082	40.61%
Riverside County	<u>Child Support Specialist</u>	\$48,275	\$65,778	65.80%
Dollar Difference from Mean:		\$1,489	\$14,108	
Percentage difference from mean:		3.84%	26.78%	
Dollar difference from median:		\$10,513	\$18,016	
Percentage difference from median:		6.89%	26.80%	

External Market Survey Data

Community Services Officer II

Riv Co Class Code: 62265

Jurisdiction	Title	Min Salary	Max Salary	Spread
Los Angeles County	Community Services Assistant, Sher II	\$27,825	\$35,988	30.63%
Orange County	Sheriff's Community Services Officer	\$37,211	\$48,941	31.21%
San Bernardino County	Sheriff's Service Specialist	\$33,779	\$48,467	37.68%
San Diego County	Community Services Officer	\$32,677	\$40,227	23.11%
Ventura County	n/a			
County Mean:		\$32,783	\$43,168	31.69%
County Median:		\$33,226	\$43,347	30.49%
Riverside County	Community Services Officer II	\$42,488	\$70,370	65.71%
Dollar Difference from Mean:		\$9,705	\$27,202	
Percentage difference from mean:		29.80%	63.07%	
Dollar difference from median:		\$9,261	\$37,021	
Percentage difference from median:		27.81%	82.35%	

External Market Survey Data

Eligibility Technician II

Riv Co Class Code: 13602

Jurisdiction	Title	Min Salary	Max Salary	Spread
Los Angeles County	Eligibility Worker II	\$38,866	\$46,081	23.90%
Orange County	Eligibility Technician	\$35,672	\$46,214	35.16%
San Bernardino County	Eligibility Worker II	\$33,010	\$45,323	37.30%
San Diego County	Human Services Specialist	\$34,070	\$48,508	42.37%
Ventura County	HS Client Benefit Specialist II	\$44,784	\$46,877	4.74%
County Mean:		\$37,282	\$47,400	27.21%
County Median:		\$35,672	\$46,081	34.79%
Riverside County	Eligibility Technician II	\$34,898	\$57,487	65.90%
Dollar Difference from Mean:		-\$2,588	\$10,057	
Percentage difference from mean:		-6.89%	21.22%	
Dollar difference from median:		-\$878	\$21,377	
Percentage difference from median:		-2.74%	46.50%	

External Market Survey Data

Health Services Assistant - DOPH

Riv Co Class Code: 57793

Jurisdiction	Title	Min Salary	Max Salary	Spread
Los Angeles County	n/a			
Orange County	Community Worker II	\$29,321	\$35,402	20.53%
San Bernardino County	Health Services Assistant I	\$28,489	\$34,368	17.21%
San Diego County	Special Services Aide	\$29,373	\$35,318	20.03%
Ventura County	Health Technician II	\$26,624	\$27,535	3.38%
	County Mean	\$27,029	\$35,152	33.68%
	County Median:	\$27,582	\$35,880	32.48%
Riverside County	Health Services Assistant - DOPH	\$26,132	\$48,810	65.89%
	Dollar Difference from Mean:	\$1,122	\$10,457	
	Percentage difference from mean:	4.16%	29.92%	
	Dollar difference from median:	\$1,548	\$10,730	
	Percentage difference from median:	5.87%	29.91%	

External Market Survey Data

Legal Support Assistant II

Riv Co Class Code: 13851

Jurisdiction	Title	Min Salary	Max Salary	Spread
Los Angeles County	Legal Office Support Assistant	\$42,772	\$57,555	34.80%
Orange County	Attorney's Clerk	\$34,896	\$46,342	32.48%
San Bernardino County	Legal Document Classifier II	\$32,178	\$44,178	37.30%
San Diego County	Legal Support Assistant II	\$33,778	\$41,517	22.91%
Ventura County	Legal Processing Assistant II	\$34,190	\$47,808	39.85%
	County Mean	\$35,579	\$47,485	33.45%
	County Median	\$34,180	\$46,342	35.68%
Riverside County	Legal Support Assistant II	\$34,679	\$57,998	66.73%
	Dollar Difference from Mean:	-\$800	\$12,489	
	Percent to % difference from mean:	-1.69 %	22.09%	
	Dollar difference from median:	\$799	\$11,628	
	Percent to % difference from median:	2.34 %	28.09%	

COLA	
	LIUNA
2012	
2013	2.0%
2014	2.0%
2015	2.0%
2016	2.0%
2017	
Sum	8.0%
Compounded Percentage	8.24%

Merit Increases (Steps on Anniv Date @ 2.71%)	
	LIUNA
2012	1
2013	1
2014	3
2015	3
2016	2
2017	2
Sum	12
Compounded Percentage	37.83%

*Beginning 2014, 1 step increments if EE is currently step 8 or higher.

**Beginning 2013, 1 step increments if EE is currently step 8 or higher.

Flex (Medical Contribution)	
	LIUNA
2012	\$699
2017	\$823
Percent Increase	17.68%



LIUNA Base Wage Increases 2012 to 2017

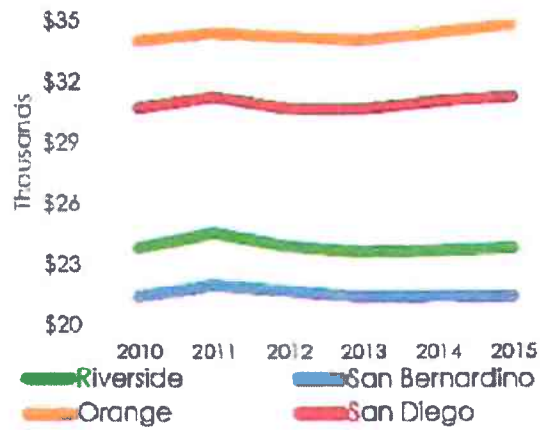
- Number of LIUNA Employees Continuously Since 2012: **3,899 (54%)**
- Base Wage¹ Increase Since 2012: **41%**
- Number With Base Wage Increase Less Than 20% Since 2012: **24 (<1%)**

BASE WAGE INCREASE SINCE	LIUNA	Average Per Year
Average Increase 2012-Present	40.91%	6.82%
Average Increase 2013-Present	38.61%	7.72%
Average Increase 2014-Present	31.68%	7.92%
Average Increase 2015-Present	20.87%	6.96%
Average Increase 2016-Present	7.77%	3.88%
Average Increase 2017-Present	2.96%	2.96%

¹ Included in the 41% average pay increase includes pay increases/decreases related to promotions/demotions, 8D adjustments, etc.; these cannot be filtered out due to the data size and source. Base Pay does not include any specialty pay, differentials, or bonuses. Present Day is defined as 1/1/2018. All other data is effective January 1st for each respective year

County of Riverside – General Population Income and Unemployment

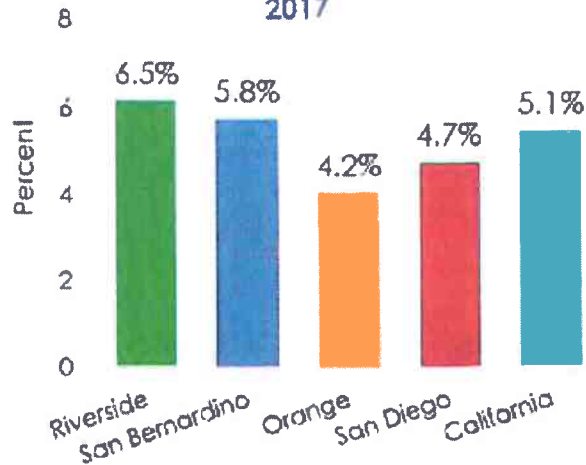
Per Capita Personal Income



Median Family Income 2015



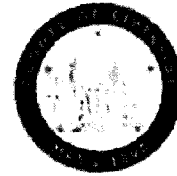
Unemployment Rates 2017



BUDGET AT A GLANCE

FY 17/18 Budget \$ billions	
	Appropriations
Salaries and Benefits	2.377
Services and Supplies	1.647
Other Charges	1.390
Fixed Assets	0.156
Operating Transfers Out	0.144
Approp for Contingencies	0.020
Intrafund Transfers	-0.234
Total Appropriations	5.500
	Sources
Intergovernmental Revenues	2.378
Charges For Current Services	1.701
Taxes	0.429
Other Revenue	0.411
Operating Transfers in	0.119
Rev Fr Use Of Money & Property	0.071
Fines, Forfeitures & Penalties	0.060
Other In-Lieu And Other Govt	0.031
Licenses, Permits & Franchises	0.022
Total Revenues	5.221
Net Use of Fund Balance	0.279
Total Sources	5.500

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



**ITEM
3.40
(ID # 8108)**

MEETING DATE:
Tuesday, January 9, 2018

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Budget Recommendations and John J. Benoit Detention Center Staffing.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the budget update; and
2. Approve initial staffing recommendation as determined by the Executive Office for staffing of Phase I of the John J. Benoit Detention Center.

ACTION:


Abi Martin, Delegate for George Johnson 1/4/2018

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				
NET COUNTY COST				
SOURCE OF FUNDS:			Budget Adjustment:	No
			For Fiscal Year:	17/18

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

As directed at the adoption of the First Quarter Budget Report, the Executive Office is returning with an update on identified budget challenges.

First Quarter Budget Report Follow Up

The Executive Office is committed to working on budget issues throughout the year, reporting on concerns early, and taking steps to remedy those situations. In November, the Executive Office met with those departments that identified current and future budget issues. Specifically, the Sheriff's Department, the Law Office of the Public Defender, the District Attorney's Office, the Probation Department, and the Riverside University Health System. The departments participated in discussions to help better understand their budget concerns and to identify steps that would align their budgets with currently allocated net county costs.

As a result of those meetings, we have updated our multi-year forecast to show year-over-year impacts to our reserves. Among the obligations, the multi-year forecast includes phased staffing of the John J. Benoit Detention Center (JJBDC). If nothing is done to bring balance to these departments, our reserves will dip to its lowest point in FY 20/21, to an estimated \$8M (ATTACHMENT A). This untenable position leaves no room for any unforeseen impact, either from an economic nature or natural disaster. We must take steps now in order to maintain adequate reserves and have a fiscally balanced budget.

After meeting with the departments, the Executive Office worked with other county departments to identify potential issues that could impact the general fund. Some of the costs we have mentioned include, but are not limited to: In-Home Supportive Services (IHSS), improvements to medical and behavioral health services in our county correctional facilities, CREST, state-negotiated COLA increases for Fire employees, rising general liability insurance costs, and "last mile costs" relating to broadband capabilities at various county facilities (ATTACHMENT B). We also have some discretion over unquantified potential impacts, such as deferred maintenance and a new financial system.

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

Of all potential impacts, one that we have no control over, but affects us most are pension obligations. These obligations are for existing employees and must be paid by the county. Based on work with our actuarial consultant and the PARC Committee, we have an estimated pension-obligation forecast for the next five years.

The forecast for new pension obligations for existing employees countywide are as follows (in millions):

	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23
General Fund	\$ 17.2	\$ 28.4	\$ 41.0	\$ 51.1	\$ 60.4
Non GF	<u>\$ 62.3</u>	<u>\$103.0</u>	<u>\$149.0</u>	<u>\$185.4</u>	<u>\$219.1</u>
Grand Total	\$ 79.5	\$131.4	\$190.1	\$236.5	\$279.5

Pension rate increases are affected by many factors, such as mortality rate and lowered rate on assumptions of return, as directed by the CalPERS Board. All departments will be expected to absorb the pension obligations in future fiscal years. We have also asked departments to focus on their own operations and provide recommendations that may present savings or opportunities for revenue growth. The pension obligation anticipated costs have not been factored into our multi-year forecast. Because these costs exceed projected revenue, departments will have to reduce their operational expenses across the county to offset those upcoming increases. A series of meetings are underway now to prepare for the upcoming budget season and start the work to strategize, find solutions, and make difficult decisions. The next annual PARC report is due to the Board of Supervisors at the end of this month or early February and will include additional information.

The Executive Office continues to work with departments to identify solutions to our shared budgetary challenges. As a first step, the CEO has issued a memorandum to all department heads directing a hiring freeze that is immediately in effect for all general fund and ISF departments and that hiring requests for HR and procurement classifications will be denied. (While not directly impacted at this time, it is expected that non-general fund and non-ISF departments should closely review any hiring plans and needs before hiring additional employees.) Exceptions to the hiring freeze may be granted by the CEO only after the departments provide sufficient justification.

Additionally, the Executive Office and Human Resources reached out to union leadership to schedule meetings to present the county's budget situation and answer any questions. Those meetings are being scheduled during January/February.

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

John J. Benoit Center – Phase I Staffing Recommendation

The Executive Office and the Sheriff's Department have been meeting to discuss the staffing needed for the phased opening of JJBDC.

In the first phase, two of the jail's housing units will open with 388 beds. Other essential functions that include administration, booking, release, transportation, classification, and business office operations must also be staffed. This first phase opening is required so that the old Indio Jail, with 353 beds, can be torn down to complete the JJBDC construction project. To open JJBDC, the Sheriff's Department is requesting additional positions, including sworn, correctional, management, supervision and line staff. The additional positions, along with currently funded positions at the existing Indio Jail, will be used to safely operate the two housing units within JJBDC when the facility is completed in the summer of 2018.

Due to the size and design of JJBDC, the additional positions are needed to provide a safe and secure environment for the staff and inmates housed within the facility. The positions will be utilized to provide the necessary staff on each shift to effectively operate the essential functions of the facility.

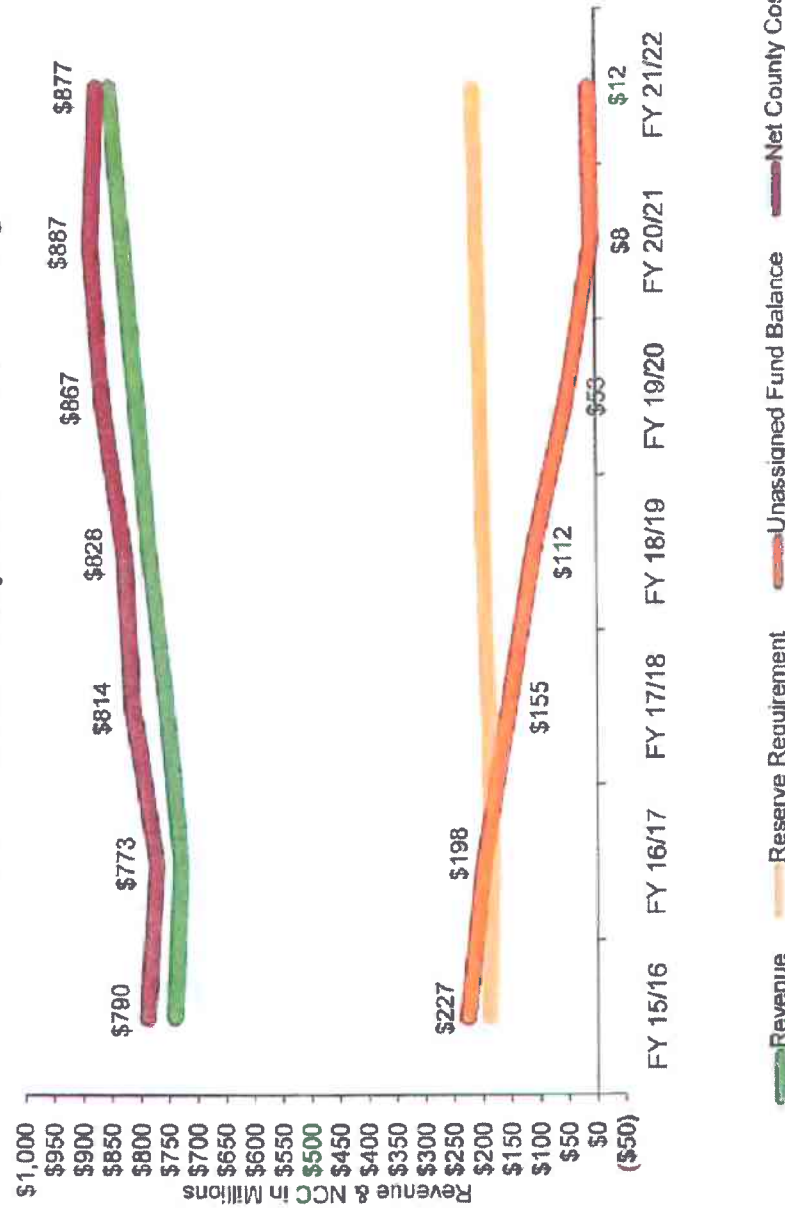
The estimated annual cost is \$7 million for Phase I of the JJBDC staffing plan and any necessary budget adjustment will be presented in the Third Quarter Budget Report. Further discussions for future phases will continue during the Fiscal Year 2018-2019 budget process.

Conclusion

As committed by the Executive Office, communication is ongoing and will be complete, direct and often. While there is only so much in discretionary revenue to allocate, it is expected all departments will work together to meet this challenge head-on. The Executive Office is committed to collaborating and leveraging resources, as well as solving challenges as soon as possible. The Executive Office, working together with departments, will present periodic updates to the Board.

With Department-Projected Overages

Multi-Year Discretionary Funding Forecast
+ JJBDC +MOB + Projected FY 17/18 Overages



Projections:

Projected FY18 Overages:

Public Defender	+ \$2.2M
District Attorney	+ \$5.0M
Det. Behavioral	+ \$1.1M
Det. Health	+ \$0.3M
Medical Center	+ \$15.0M
Total	= \$23.6M

Assumes overages are covered and become permanent costs.

Assumes Sheriff will manage budget to avoid projected \$9.3M overage, per historic trend.

Other Potential Obligations

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Total
JUBDC Ongoing Operations		7.4	28.4	43.4	43.4	122.6
Medical Office Building			10.0	10.2	10.4	30.6
DA	5.0	5.0	5.0	5.0	5.0	25.0
PD	2.1	2.1	2.1	2.1	2.1	10.5
Correctional Health	1.1	1.1	1.1	1.1	1.1	5.5
Detention Behavioral Health	0.3	0.3	0.3	0.3	0.3	1.5
RUHS	15.0	15.0	15.0	15.0	15.0	75.0
Known IHSS	4.0	8.0	12.5	17.5	22.5	64.5
Unknown IHSS		7.0	7.0	7.0	7.0	28.0
Sheriff - Patrol		7.0	7.0	7.0	7.0	28.0
Sheriff - Inmate Settlement		11.0	11.0	11.0	11.0	44.0
Probation		8.5	6.0	4.0	4.0	22.5
CREST		4.0	8.0	12.0	16.0	40.0
Fire COLAs	8.1	17.2	28.4	41.0	51.1	145.8
Pension Obligations (NCC @ 21.6%)						
Behavioral Health Hospital Soft Costs						
EOC	8.0					8.0
Last Mile Costs	2.2					2.2
Deferred Maintenance						
Financial Management System						
Total =	\$45.8	\$93.6	\$141.8	\$176.6	\$195.9	\$653.7
Annual Pension Obligation Increase	37.5	42.0	51.9	58.7	46.4	
Total Projected Pension Obligation	\$37.5	\$79.5	\$131.4	\$190.1	\$236.5	

ATTACHMENT A Reference
 Included in multi-year forecast
 Not included in multi-year forecast

ATTACHMENT B Item 6106 BOS Meeting 1/9/2018

County of Riverside/LIUNA, Local 777, 2018 Factfinding
Summary of Total Compensation and Key Economic Terms in County LBFO

<u>Total Compensation Under LBFO</u>	<u>2012-2016 MOU Key Economic Terms</u>	<u>7/19/2017 LBFO Key Economic Terms</u>
1. Base Pay	Merit Increases (2.71% each)	Merit Increases (2.71% each)
2. Pension (Art.7,§2,p.43)	2012 1 step	1 step per year
3. OT for Non-FLSA (Art.5,§3,p.13)	2013 1 step	
4. Accumulated OT Credit or Pay (Art.5,§3,p.14)	2014 3 steps	
5. Standby Duty Premium (Art.5,§4,p.16)	2015 3 steps	
6. Call Back Premium (Art.5,§4,p.17)	2016 2 steps	
7. Double Time Premium (Art.5,§4,p.17)	2017 2 steps	
8. Shift Differential Premium (Art.5,§4,p.18)	(Ex. 29-A MOU Art. 5 §1.A., p. 21; Ex. 25 p. 1)	(Ex. 29-C LBFO Art. 6 §1.A, p. 30)
9. Bilingual Premium (Art.5,§4,p.20)	Cumulative Increase: 37.83%	Cumulative Increase Over Five Years: +14.3 %
10. Inconvenience Premium (Art.5,§4,p.23)	COLAs	COLAs
11. CTO Differential Premium (Art.5,§4,p.24)	7/11/13: 2%	COLA's that occurred under the prior MOU are not taken back and stay in place. The expired MOU provided for no new COLA's after Dec. 24, 2015 and LBFO retains that.
12. POST Certification Premium (Art.5,§4,p.27)	6/26/14: 2%	(Ex. 29-C LBFO Art. 27 §1, p. 108)
13. Equipment Operator Premium (Art.5,§4,p.29)	6/25/15: 2%	0%
14. Hazardous Waste Premium (Art.5,§4,p.29)	12/24/15: 2%	
15. Step Advance (Art.6,§1,p.30)	(Ex. 29-A MOU Art. 27 §1, p. 79, Ex. 19, p. 1; Ex. 37, p. 1)	
16. Difficult to Recruit Premium (Art.6,§1,p.33)	Cumulative Increase: 8.24%	
17. Life Insurance (Art.6,§4,p.45)	Flex Benefit Per Month	Flex Benefit Per Month
18. VEBA Eligibility (Art.6,§5,p.45)	12/02/09 \$657.88	\$823, status quo. Not reduced.
	11/14/13 \$699.33	
	11/13/14 \$770.32	(Ex. 29-C LBFO Art. 22 §1.B., p. 95)
	11/10/16 \$823.00	
	(Ex. 29-A MOU Art. 28 §3, p.79, Ex. 27, p. 2) Increase Annual Amount: \$1,484.04	
	Flex Benefit/Cash Back	Flex Benefit/Cash Back
	Yes.	Yes, status quo. Not eliminated.
	(Ex. 29-A MOU Art. 21 § 1.E, p. 70)	(Ex. 29-C LBFO Art. 22 §1.E., p. 96)
	Medical Subsidies	Medical Subsidies
	\$25/100	\$25/100 for existing employees. Not eliminated.
	(Ex. 29-A MOU Art. 22 § 1.G, p. 70)	(Ex. 29-C LBFO Art. 22 §1.G, p. 97)
	TOTAL	TOTAL
	46% increase over 5 years, plus \$1,484.04 Flex Benefit	14.3% increase over 5 years
	End.	End.

County of Riverside/LIUNA, Local 777, 2018 Factfinding
Summary of Total Compensation and Key Economic Terms in County LBFO

<p>19. Sick Leave Accrual (Art.7,§1,p.47)</p> <p>20. Sick Leave Cash Payout (Art.7,§1,p.49)</p> <p>21. Bereavement Leave (Art.7,§2,p.51)</p> <p>22. Leave of Absence (Art.7,§4,p.52)</p> <p>23. Paid Jury Duty (Art.7,§5,p.53)</p> <p>24. Vacation 80/120/160 Hours (Art.8,§1,p.56)</p> <p>25. Paid Holidays 12+ Days (Art.9,§1,p.58)</p> <p>26. Disciplinary Appeal Rights (Art.13,p.63)</p> <p>27. Grievance Rights (Art.15,p.74)</p> <p>28. Short Term Disability (Art.17,p.80)</p> <p>29. Seniority Layoff/Reinstatement (Art.18,§1,p.81)</p> <p>30. Voluntary Time-Bank (Art.19,§1,p.86)</p> <p>31. Flex Benefit Contribution – Retiree (Art.22,§1,p.95)</p> <p>32. Flex Benefit Contributions – Employee (Art.22,§1,p.95)</p> <p>33. Health Plan Waiver Cash Back (Art.22,§1,p.96)</p> <p>34. Flex Benefit Cash Back (Art.22,§1, p.96)</p> <p>35. Medical Subsidies (Art.22,§1,p.97)</p> <p>36. Uniform Allowances (Art.24§1,p.99)</p> <p>37. Release Time (Art.28,§4,p.111)</p> <p>* All references in this column are to Ex. 29-C LBFO</p> <p>** All page references are to the Exhibit's page number in the document.</p>		
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Bargaining History Index
COR / LIUNA (2016-2017 Negotiations)

	Date / Date Presented	Party	Document	Summary
	10/06/16 (Session 1)			
	10/06/16	LIUNA	Proposal Nos. 1-14	Re: 1. Art. I, § 1, Term 2. Art. XXVII, § 3, Flexible Benefits 3. Art. IV, § 3, Detention Differential 4. Art. VIII, Vacation Cash Out 5. Art. IV, § 2 Overtime Credit 6. Art. VII, § 2, Bereavement Leave 7. Article XV, Short Term Disability 8. Art. IV, POST Certificate Compensation for Welfare Fraud Investigators 9. Art. IV, Add Custodian to classifications 10. Art. VII, § 1, Proof of Illness 11. Sr Corr. Food Service Worker step inequity 12. Art. 23, Uniforms and Cleaning 13. Art IV, § 12, Correctional Stock Clerks and Store Keepers 14. Art. IV, Forensic Technician hours counted as overtime
	10/24/16 (Session 2)			
	10/24/16	LIUNA	Proposal Nos. 13-15	Re: 13. Art IV, § 12, Correctional Stock Clerks and Store Keepers Salary Increase 14. Art IV, Forensic Technician hours counted as overtime 15. Art. V, Pay for Sheriff's Court Services Assistants for Training Time
	10/26/16 (Session 3)			

Date / Date Presented	Party	Document	Summary
10/26/16	LIUNA	Proposal No. 15	Re: 15. Art. V, Pay for Sheriff's Court Services Assistants for Training Time
10/26/16	COR	Comprehensive Proposal No. 1	<i>COR's Proposal No. 1</i> re various provisions.
10/26/16	COR	Amendment to Proposal No. 1	Re Article 5 re Call Back Work.
10/26/16	COR	Amendment to Proposal No. 1	Re Article 5 re Comp Time Limitation.
10/26/16	COR	Amendment to Proposal No. 1	Re Article 13 re Disciplinary Appeal Procedure.
10/26/16	COR	Amendment to Proposal No. 1	Re Article 7 re Extension of Initial Probation.
10/26/16	COR	Amendment to Proposal No. 1	Re Article 8 re Proof of Illness.
10/26/16	COR	Amendment to Proposal No. 1	Re Article 11 re Reimbursement Program.
10/26/16	COR	Amendment to Proposal No. 1	Re Article 9 re Vacation.
11/29/16 (Session 4)			
11/29/16	LIUNA	Proposal No. 16	Re: 16. Art. 24, Tool Allowance
11/29/16	COR	COR Response to LIUNA Proposal	Re various provisions.
11/29/16	COR	Admin Cyclical Study	Re PDQ and job audit tracking.
11/29/16	COR	Overview of Market Position	Comprehensive overview of job market for 2016 Negotiations with LIUNA.
11/29/16	COR (McDonnell)	Briefing for LIUNA	By Paul McDonnell, the County's Assistant CFO-Finance re the County's difficult financial position.
12/20/16 (Session 5)			
03/13/17 (Session 6)			
03/13/17			

	Date / Date Presented	Party	Document	Summary
	03/13/17	COR	Comprehensive Proposal	<i>COR's Proposal No. 2</i> re various provisions.
	03/20/17 (Session 7)			
	03/20/17			
	03/20/17	COR	Market Survey Data	Data re comparable salaries in other counties re Eligibility Technician IIs.
	03/20/17	COR	Market Survey Data	Data re comparable salaries in other counties re Office Assistant IIs.
	03/20/17	COR	Market Survey Data	Data re comparable salaries in other counties re Welfare Fraud Investigators.
	04/24/17 (Session 8)			
	04/24/17	LIUNA	Proposal	Re: <ol style="list-style-type: none"> 1. Term 2. Suspension of merit increases 3. COLAs 4. Flex Benefit Contributions 5. Wage adjustments if other units receive increases
	06/21/17	COR	Comprehensive Proposal	<i>COR's Proposal No. 3</i> re various provisions.
	06/21/17	LIUNA	Counter Proposal	Counter to COR 6/21/17 Proposal re: <ol style="list-style-type: none"> 1. Article I, Term 2. Article XXI, Flexible Benefit Program
	07/11/17 (Session 9)			
	07/12/17	COR	Comprehensive Proposal	<i>COR's LBFO (i.e. Proposal No. 4)</i> re various provisions.
	08/15/17	LIUNA	Counter Proposal	Counter to COR 6/21/17 Proposal re: <ol style="list-style-type: none"> 3. Article I, Term 4. Article XXI, Flexible Benefit Program
	08/30/17	COR	Declaration of Impasse	Letter from Ed Zappia to Stephen Switzer.
	09/01/17	LIUNA	Request for Mediation	Letter from Stephen Switzer to Michael Stock.

	Date / Date Presented	Party	Document	Summary
	09/12/2017	COR	Rejection of Post-Impasse Mediation	Email from Ed Zappia to Stephen Switzer

FACTFINDING PANEL REPORT

In the Matter of the Impasse Between)	
)	
THE COUNTY OF RIVERSIDE)	
)	
Public Employer)	
)	FACTFINDING PANEL REPORT
-and-)	
)	PERB Case No. LA-IM-250-M
LABORERS' INTERNATIONAL UNION)	
OF NORTH AMERICA, LIUNA LOCAL 777)	
)	
Exclusive Representative)	
)	

COMPOSITION OF THE FACTFINDING PANEL:

Neutral Chair:	SANDRA LINDOERFER, Arbitrator/Factfinder 3579 E. Foothill Blvd., #294 Pasadena, CA 91107
County Member:	EDWARD ZAPPPIA, Esq., The Zappia Law Firm 7777 Center Ave., Ste. 625 Huntington Beach, CA 92647
Exclusive Representative:	VICTOR GORDO, Esq., Secretary/Treasurer Local 777 514 Shatto Place, 2 nd Floor Los Angeles, CA 90020

PRESENTING EVIDENCE/ARGUMENT TO THE PANEL:

On Behalf of the County:	John Calvagna, Esq., The Zappia Law Firm Don Kent, Assistant County Executive Officer/CFO Clarissa Cacho, Senior Human Resources Analyst, Riverside County Aaron Cyr, Senior Human Resources Analyst, Riverside County Tammi Turner, PHR, Principal Human Resources Analyst, Riverside County
On Behalf of Local 777:	Anthony Segall, Esq. Rothner Segall & Greenstone

510 S. Marengo Ave.
Pasadena, CA 91101

Melanie Scotto, Esq.
Local 777
4000 10th Street
Riverside, CA 92501

Maria Ochoa Flynn
Local 777
4000 10th Street
Riverside, CA 92501

Jeffrey Segol, Senior Manager
Harvey M. Rose Associates, LLC
1390 Market Street, Ste. 1150
San Francisco, CA 94102

Stephen Switzer
Business Manager, Local 777
4000 10th Street
Riverside, CA 92501

Adam Casas
Cook/Crewman
Local 777 Member

Mark Mosely
Lead Service Mechanic
Local 777 Member

Sandra Brown
Investigator
Local 777 Member

Richard Dickenson
Dispatcher
Local 777 Member

Cynthia Esawha
Eligibility Technician II
Local 777 Member

Jennifer Desatoff
Eligibility Technician
Local 777 Member

BACKGROUND AND PROCEDURAL HISTORY

The County of Riverside (County) and the Laborers' International Union Local 777 (Local 777 or Union) meet and confer regarding the terms and conditions of employment for three groups of employees: Inspection and Technical; Supporting Services; and Trades, Crafts and Labor. Local 777 is the recognized exclusive representative for these three groups, who are governed by a common Memorandum of Understanding (MOU). The most recent MOU was in effect from July 1, 2012 to midnight June 30, 2016. A successor MOU is at issue here.

The parties began the meet and confer process for a successor MOU in October 2016. There were approximately ten negotiations sessions, one of which was on July 12, 2017, when the County presented its Last Best and Final Offer (LBFO) to Local 777. The Union rejected the County's LBFO. There were subsequent dates of negotiations after the County's LBFO.

On August 30, 2017, the County declared impasse. There was no mediation between the parties. Local 777 requested factfinding pursuant to Government Code Section 3505.4 on September 26, 2017.

The Undersigned, Sandra Lindoerfer, was selected as the Neutral Member of the Factfinding Panel. The County selected Ed Zappia, of the Zappia Law Firm as its panel member¹. Local 777 selected Victor Gordo, Secretary/Treasurer of Local 777 as its panel member.

There were three days of presentations to the Factfinding Panel: February 21, 28, and March 20, 2018. The parties agreed to a unified list of exhibits, with sequential numbering 1-31, irrespective of which party introduced the exhibit.

The presenters for the County addressed the financial issues and exhibits, the negotiations between the parties, the comparability and other information the County had prepared. Those presenters were: Don Kent, Clarissa Cacho, Aaron Cyr, and Tammi Turner. John Calvagna represented the County and presented their case. Panel Members posed questions to the presenters as they wished. Calvagna also submitted the County's post-factfinding brief.

¹ After the first use of a person's full name, s/he will be referred to by last name only.

A number of presenters for the Union, who were employees of the County in Local 777, addressed the impact of the County's economic and non-economic proposals in the LBFO on them and their peers. Jeffrey Segol served as an expert for the Union regarding the financial situation of the County. Stephen Switzer, Melanie Scotto and Anthony Segall represented the Union and/or advocated for the Union's positions regarding various issues in the factfinding. Scotto submitted the Union's post-factfinding brief. Maria Ochoa Flynn participated in the factfinding process and provided clarifying statements, from the Union's perspective, regarding a number of issues.

There was no post-factfinding mediation immediately after the hearing. The parties submitted Post-Hearing Briefs by April 6, 2018, as agreed. The Neutral Panel member then drafted this report, and afforded the parties the opportunity to mediate their dispute regarding the new MOU before the other Panel Members submitted any dissents and/or concurring opinions. This report, including the dissenting and concurring opinions was then finalized.

A preliminary matter to note in the Chair's Report is that the parties negotiated regarding the provisions of almost the entire 2012-16 MOU, and over a long period of time. The parties' presentations during the factfinding process were very different from each other. There was not agreement in advance regarding what public employers were comparable, although the Union did concur during the factfinding that the counties selected by Riverside County were a representative sample. The parties focused their presentations on different elements of their bargaining, and emphasized different factors from Government Code Section 3505.4(d) in their presentations. Their briefs each emphasized very different elements of the LBFO and of the bargaining history. Added into this was the County's presentation and argument regarding ability to pay, which is always difficult to make and to analyze. These elements have made it difficult to craft a report that addresses all the points of the two parties. The Chair thanks the parties for their efforts in this complex matter, and has taken into account the major foci of the parties' presentations and arguments.

The Chair will also include some recommended terms of settlements in this report, at least in the major issues in these negotiations. It is her hope that this will assist the parties in reaching a voluntary overall agreement. This is always preferable to the other options, since these parties, and the principals whom they represent, will continue to have to live with each other in order for the business of the County to be conducted successfully.

RELEVANT FACTORS

Subsection 3505.4(d) of the Government Code provides as follows:

In arriving at their findings and recommendations, the factfinders shall consider, weigh, and be guided by all the following criteria:

- (1) State and federal laws that are applicable to the employer.
- (2) Local rules, regulations, or ordinances.
- (3) Stipulations of the parties.
- (4) The interests and welfare of the public and the financial ability of the public agency.
- (5) Comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding with the wages, hours, and conditions of employment of other employees performing similar services in comparable public agencies.
- (6) The consumer price index for goods and services, commonly known as the cost of living.
- (7) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
- (8) Any other facts, not confined to those specified in paragraphs (1) to (7), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations.

ISSUES

This process is not quasi-judicial, but rather quasi-legislative. There is not a formal burden of proof in the process. Rather there is a burden of persuasion, at least in the sense that either party that is

seeking to change the status quo has the burden of providing solid rationale for that change, and addressing whatever factors listed in Government Code Section 3505.4(d) that party wishes the Chair to consider. The Chair, on her own initiative, may and should consider other factors listed in that Government Code Section, to the extent information regarding those factors has been presented by the parties. The status quo does not include any provisions of the now-expired MOU which, by their own terms, expired at the end of the 2012-16 MOU.

The County has argued that the Chair has imposed a burden of persuasion on the County which "burden" is not reflected in the statute governing factfinding for MMBA employers, Government Code Section 3505.4. The Chair makes the following response:

The burden of persuasion, as used herein, is merely an attempt to describe that either party, not just the County, seeking to make a change in the status quo of the prior MOU, has the obligation to provide, as stated, a solid rationale for its proposal, based on the relevant factors in Government Code Section 3505.4. I note that one of those relevant factors is a catchall provision, Subsection (8) which refers to any other factors besides those listed in (1) through (7) which are "normally or traditionally taken into consideration in making findings and recommendations." The Chair believes that it is normal and traditional to use a factor to decide who has to make the weightier or heavier case in order for a decision maker to make recommendations. Nor does the Chair believe that it is contrary to the cited Government Code Section to speak of such burdens of persuasion, which are not the same as burdens of evidence.

Because the County declared impasse after its LBFO was not accepted by Local 777, the proposals at issue here are the proposals of the County in that LBFO. There were subsequent negotiations between the parties, and even some references to offers by Local 777 included in Local 777's presentation during the factfinding process and in its brief. I consider those post-impasse declaration proposals as possible approaches for the parties to consider, together with the LBFO and any other proposals by the County and Local 777, in any negotiations in which they might choose

to engage before the final factfinding report is submitted as required by Government Code Section 3505.5.

In this matter, there are multiple economic and non-economic proposals at issue. The first part of the analysis of the issues addresses the non-economic proposals in the County's LBFO. The non-economic proposals are those which the Union stated in its Closing Brief were non-economic proposals in the County's LBFO. The analysis is followed by recommendations for Non-Economic Terms. The second section of this Report addresses the Economic Proposals. For purposes of this factfinding, the first economic proposals addressed are those in the County's LBFO which involve some more than de minimis cost to the County and/or some more than de minimis monetary benefit or detriment to the members of the bargaining unit. They are noted as Substantial Economic Proposals. There are also economic proposals that are noted as not substantial. There is a section with analysis of the Economic Proposals, followed by a section including the Recommendations for Economic Proposals.

NON-ECONOMIC PROPOSALS

A list of the non-economic proposals in the County's LBFO follows, along with an overall analysis. All references to the MOU are to the 2012-16 MOU, found in Exhibit 29A².

The County proposes to change the following non-economic sections of the 2012-16 MOU, as noted:

Add new Article III, Section 1, Management Rights: Add this section to the MOU.

Article IV, Add new Section 3(F), Compensatory Time Off for Grant-funded positions: Eliminate compensatory time off option for grant-funded positions.

Article IV, Section 3(E), Bilingual Premium Pay: Various changes, including adding a new proficiency test and changes in eligibility.

Article V, Section 1(D), Step increases denial: No step increase if "a lack of observable performance."

² Because there were three different comprehensive proposals by the County, with changes in the numbering of articles and subsections, and because the 2012-16 MOU states the status quo from which changes would be made, all references from hereon in this decision are to that 2012-16 MOU, found in Exhibit 29A.

Article V, Section 6(A), Involuntary Demotion: Adds lower step placement in addition to anniversary date changing.

Article V, Section 6(B), Voluntary Demotion: Change anniversary date of person who receives a voluntary demotion.

Article V, Section 9, Conformance to Plan: Allow an employee to work out of class for 480 hours every year.

Article VI, Section 1(F), Employment of Relatives: New language.

Article VI, Section 10, Pre-disciplinary Memorandum: All corrective memoranda in an employee's file become permanent.

Article VI, Section 11, Election Poll Training: Removes provision allowing employees to participate in election poll training during paid time.

Article XII, Section 1(C), Disciplinary Appeal Procedure: changes definition of department.

Article XII, Section 7, Hearing Procedure-Minor Discipline: Remove right to appeal Written Reprimands.

Article XIII, Section A(2), Grievance Definition: Removes a basis for filing a grievance.

Article XIII, Section A(2), Grievance Procedure: Add a new section stating no grievances may be filed involving the termination of a probationary employee.

Article XIII, Section A(2), Grievance Procedure: No grievances regarding a voluntary time bank.

Article XIII, Section A(2), Grievance Procedure: No grievances regarding placement on a medical certification list.

Article XVII, Section 1(B), Definition of Catastrophic Medical Condition: New definition of a catastrophic medical condition, which uses a new term that is not defined.

Article XIX, Drug and Alcohol Abuse Policy: Eliminate this policy from the MOU.

Article XXIX, Section 4, Worksite Access: Change in language that would make union access to worksites more difficult.

Article XXIX, Section 6, Educating and Training Release Time: Delete entire section.

Article I, Term of the MOU³: The term of the MOU is an essential element. The LBFO includes a two-year term. Because of the protracted negotiations and the impasse process, the prior MOU's term expired 20 months ago.

ANALYSIS OF IDENTIFIED NON-ECONOMIC PROPOSALS IN THE COUNTY'S LBFO

As stated above, the burden of persuasion is on the party seeking to make a change in the status quo. Here the status quo is the 2012-16 MOU, unless specific provisions of that MOU are, by the terms of the expired MOU, only in effect for the term of that MOU.

The first factors to be considered are state and federal laws applicable to the parties. There were not any state or federal laws cited by the parties as a basis for making findings regarding the non-economic provisions at issue.

With respect to the factor of local rules, regulations and ordinances, there were some provisions cited by the County. With respect to the question of whether the Management Rights Clause should be added from the MOU, the County noted that the provisions in the Management Rights Clause were already included in the County Employee Relations Resolution (ERR), and by implication already in effect. From the County's perspective, there should be no objection to including in the MOU provisions already in effect in the County Resolution. There is a legitimate interest on the Union's part not to have a broad management rights clause reiterated in the MOU, even if the Union is already bound by the provision in the ERR. I do not see any benefit to the County of repeating the provision in the ERR in the MOU. The County can refer to the ERR in any situation where a question of Management Rights arises. With respect to the Election Poll Training provision, that provides for a specific paid leave, with leaves overall already addressed in the MOU.

The next factor to be considered is the stipulation(s) of the parties. The County argues that this factor weighs heavily in the County's favor because the Union withdrew from its tentative agreements of April 24, 2017. Tentative agreements, in the context of collective bargaining, are not the same as stipulations. They are a part of the give

³ The Union also proposed a two year term in the TA of 12/20/2016, which was retracted on April 24, 2017.

and take of the process that is collective bargaining. In the context of a difficult negotiations process, with both parties having to work within the confines of what their principals are willing to agree to, the differences between tentative agreements and stipulations is great. I do not find that the Union's tentative agreements, later withdrawn, constituted stipulations.

The next factor is the interests and the welfare of the public. There was no information provided regarding the interests of the general public with respect to the non-economic issues listed above.

Since the proposals listed in this section of the Report are non-economic, the issue of ability to pay, the Consumer Price Index, and overall compensation, do not come into play.

The final factor is any other facts besides those specifically considered above, which are "normally or traditionally taken into consideration in making findings and recommendations." Such a final factor is the overall "package" which the LBFO includes. In the context of bargaining for a number of monetary concessions, the County's multiple non-economic proposals have the appearance of over-reaching. When economic times are difficult, as the County is stating here, attempting to make so many changes in the non-economic status quo does not help the parties to come to an agreement on difficult compensation issues.

With respect specifically to the term of the agreement, the fact that the prior MOU is long-expired mitigates for a two year term, as was the term of the prior MOU, and as both parties proposed at various times during their negotiations.

RECOMMENDATIONS FOR NON-ECONOMIC ISSUES

Based on the foregoing analysis, I do not find a basis in the statutory factors for the above-listed proposed changes to the non-economic status quo in the 2012-16 MOU. The Panel Chair's recommendation is that the above-stated areas of the MOU remain as stated in the 2012-16 MOU, with the exception of any mutually agreed changes and the term of the MOU. The recommended term is two years, to begin the first of the month after the County Board of Supervisors adopts the new MOU, with

whatever other agreed-upon time adjustments that the parties agree to that will place the new MOU more in synchronization with prior MOUs' ending and beginning dates.

ECONOMIC PROPOSALS

The economic proposals in the County's LBFO listed below are noted as either substantial or non-substantial. The substantial proposals are those in which it appears to the Chair that they would have a more than de minimis effect on the costs to the County and/or on the compensation for a significant portion of the Local 777 members. Substantial proposals include, but are not limited to, items such as COLA, Merit Increases, for all or a significant portion of the members of Local 777, and Flex Benefits issues.

LIST OF ECONOMIC PROPOSALS

Article IV, Section B(2), Call-back Pay: No minimum hours for "remote" vs. physical call back pay. Not substantial.

Article IV, Section C, Weekend Shift: Changes in definitions of terms that would result in fewer hours of weekend pay. Not substantial.

Article IV, Section 2, Overtime: Various changes, including the definition of hours worked for purposes of overtime eligibility. Not substantial.

Article IV, Section D(2), Day Shift: Changes to make fewer hours of shift differential available to day shift employees. Not substantial.

Article IV, Section 3(F), Inconvenience Pay: Reduces periods of time when employees receive inconvenience pay. Not substantial.

Article V, Section 1, Step Increases: Reduces step increases on anniversary date from 2 steps to 1; reduction of 2.71% in step increases. Substantial (but not defined) costs.

Article VII, Section 1, Sick Leave: Only allows accrual of sick leave during hours worked. Not substantial.

Article VIII, Section 1, Vacation: Only allows accrual of vacation during hours worked. Not substantial.

Article X, Section 2, Meals: Removes provision allowing cooks and kitchen helpers a meal when they work 8 hour shifts. Not substantial.

Article XXI, Section 1(G), Medical Subsidy: Remove medical subsidy for all new hires on or after effective date of new MOU. Substantial over time.

Article XXI, Flexible Benefits: Flexible Benefits of \$823 per month for full-time employees. Substantial over time.

Article XXI, Flexible Benefits, Medical insurance premium: Eliminate subsidy for new hires as of the date of the adoption of the MOU by the Board of Supervisors. Substantial over time.

ANALYSIS OF ECONOMIC PROPOSALS

Although both parties made proposals to change the status quo of economic provisions in various parts of the 2012-16 MOU, the specific issue here is that of the economic proposals, listed above, in the County's LBFO. There will also be some reference to the economic proposals of the Union, in particular as listed in Union Exhibit 31, and in the Union's Post-Hearing Brief, but the main focus will be on the economic elements of the LBFO.

As in the case of the non-economic proposals, there will first be an overall analysis, focused on the parties' arguments and the Relevant Factors listed above.

It is first necessary to summarize what the economic proposals of the County are, as listed in the various documents provided during the factfinding process. The largest cost saving from the County's perspective (or compensation reduction from the Union's perspective) comes from a proposed change in the amount of merit increases for Local 777 employees. The proposal is to reduce the merit increases from 2 (or 3 in some cases according to the County's brief) to 1 step. Each step, according to the parties, represents 2.71%.

The County's focus in its presentation and post-factfinding argument was on how much Local 777 members would receive from this proposal, which would be the one merit step advancement, of 2.71%, not on how much reduction in compensation the proposals would involve, when compared to the 2012-16 MOU provisions. The County also argued that an additional 2.71% merit salary step increase would be almost triple the cost of a 1% salary increase for LIUNA employees. That 1% cost, according

to the County, and not countered by any information from the Union, was \$4.5 million per year. (County Exhibit 26, page 1) The Union's argument related to the cost of the higher merit salary increase was that almost a third of the Local 777 employees are already at the top step of the salary schedule, and thus do not receive merit step increases. This would reduce the County's cost estimates by approximately one third, or \$1.5 million per year.

The focus of the County's rationale for the remainder of the economic proposals in the LBFO was on slowing future cost increases. There were not, however, any specifics or estimates of how much such economic proposals would save the County or cost Local 777 employees, either individually or in the aggregate.

The County argues that Local 777 employees received a 46% increase in compensation under the 2012-16 MOU. This percentage was based on 8.24% (compounded) COLA. To that the County added 37.83% in merit increases. The County also notes a 17.68% increase in Flex Benefits over the term of that 2012-16 MOU.

The County also noted that Local 777 acknowledged to its members in the course of negotiations for this new MOU that the Union had "completely turned that around⁴." It was a reference to what Local 777 had accomplished in negotiations for the 2012-16 MOU.

The Union argued that the 30% of the Local 777 employees who have "topped out" on the salary schedule, will not receive any benefit from a merit salary increase and thus the cost to the County of any merit salary increase will not be as much as the County may be anticipating. The Union further argues that the alleged 46% increase in Local 777's employees' compensation, was mainly to recoup losses as a result of the economic downturn starting in approximately 2010.

The Union further argued that the 2% COLA increases (a total of 8%) in the 2012-16 MOU were offset by the Local 777 employees agreeing to pay the employees' contribution to their PERS retirement, which is an 8% saving to the County as well as an 8% cost to the Local 777 employees. In other words, that 8% COLA to which the County referred in its argument

⁴ "That" was a reference to compensation.

was not a real cost to the County or increase to the Local 777 employees' compensation in the 2012-16 MOU.

The Union also argued that overall the County had not had increased compensation costs for Local 777 during the course of the extended negotiations for the successor to the 2012-16 MOU. The term of the 2012-16 MOU ended on Midnight, June 30, 2016, almost two years ago. During the time since the 2012-16 MOU expired, the status quo was maintained, but there were no increases in compensation.

Overall, the Relevant Factors in Government Code Section 3505.4(d) provide the framework for an analysis of the substantial economic proposals in the LBFO. The fundamental question here is whether the County's proposed reductions in compensation, or its declining to agree to any compensation increases to Local 777 members are legitimate, based on the relevant factors the statute requires the Panel to consider.

The first factor to be considered is state and federal legislation applicable to the parties. There were not any federal laws cited by the parties as a basis for making findings regarding the economic provisions at issue. The state legal issues had to do with increasing PERS contributions imposed on the County, and expectations for additional increased PERS contributions in the future. The expectations for additional PERS cost are serious for the County's ability to pay, although they are not yet defined.

With respect to the factor of local rules, regulations and ordinances, there were some provisions cited. The County Board of Supervisors has adopted a policy, Policy B-30, which sets a standard for the minimum unassigned fund balance at 25% of the fiscal year's estimated discretionary revenues. The County also issued a targeted hiring freeze on January 8, 2018. Both of these actions are indicators of a county facing cost concerns.

The next factor to be considered are the stipulations of the parties. As stated earlier in the discussion of non-economic proposals, the County argues that this factor weighs heavily in the County's favor because the Union withdrew its tentative agreement of April 24, 2017. Tentative agreements, in the context of collective bargaining, however, are not the same as stipulations. They are a part of the give and take of

the process that is collective bargaining. In the context of a difficult negotiations process, with both parties having to work within the confines of what their principals are willing to agree to, the differences between tentative agreements and stipulations is great. I do not find that the Union's tentative agreements, which were withdrawn later in the negotiations process, constituted stipulations.

The next factor is the interests and the welfare of the public. This is a factor that is important to both the County and Local 777. Many Local 777 employees are also County residents. The public has interests both in a financially stable county, and in having employees providing good services to the residents of the County. This means having the ability to recruit and retain employees who can provide those services. The compensation employees can earn is an important factor in their recruitment and retention.

The next factor is the County's ability to pay.

The County made multiple arguments and provided information regarding the ability of the County to pay for any increases in compensation other than those in its proposal. In this matter, the Union has stated that it is willing to forego a COLA increase to help the County with its financial issues, while still pointing out that there does not seem to be a real inability to pay increases to the Local 777 employees.

The Chair notes that the costs facing the County related to the provision of adequate care and facilities for the inmate population for which the County is now responsible are not minor. There are also the costs of building of a new jail (ECDC), with approximately two thirds of the cost funded by long-term County financing. There are also increasing costs of the In-Home Supportive Services (IHSS). The County also noted the increasing pension costs the County has had to absorb, and increasing liability insurance costs⁵. These are not discretionary costs, and the County is legitimately concerned about them. There were County costs cited by the Union which were discretionary, namely the multi-million dollar cost of the KPMG contract. There was no detail about the contract

⁵ Even though Local 777 employees now pay the employees' contribution to PERS, the County still has to pay the employer's contribution.

being an ongoing or one time expenditure, nor whether the County had the discretion whether or how to cancel the contract. The Chair does not consider this expenditure as one upon which the County can rely in stating that it does not have the ability to pay any increases to Local 777 employees, since it was a discretionary expenditure. Nor does she consider that the expenditure eliminates the County's legitimate ability to pay arguments.

The Union also argued to the contrary with respect to ability to pay. The Union pointed to the information and argument provided by their expert, Segol, regarding the County's financial situation. That information showed, according to the Union, that the County is not facing a fiscal crisis. In particular, Segol's information showed that the County had 27% discretionary reserves at the close of fiscal year 2017. The County's Policy B-30 only requires a 25% reserve. Moreover, the County's Bond rating is A or AA, implying that there is a very low risk of default. Moreover, the County's tax revenues are increasing, according to Segol.

The Union also referenced their June 21, 2017 proposal in their brief. In that proposal, the Union offered to maintain the provisions of the 2012-16 MOU except for increases to the Flex Benefit amount. Under the Union proposal, that benefit would increase to \$940 per month starting with the first pay period in November 2017, and then to \$959 per month starting on the first pay period in November 2018. Neither the County nor the Union provided information regarding the cost of this proposal. In their brief, the Union stated that their proposal on this issue was contained in Exhibits 12-14. Exhibit 12 contains the Union proposal for Flex Benefits, which is to maintain parity with other represented and non-represented groups of employees in Local 777's Flex Benefit.

The County also suggests that the Union's argument that the County should take on bond measure/debt to fund pay increases for Local 777 employees merits analysis by the Chair in this report. The Chair does not believe any extensive analysis of this argument is necessary; she does not base any of her recommendations on any such argument in her analysis or recommendations herein.

The Union also stated that 30% of the Local 777 employees are already at the maximum salary step, and are no longer eligible for merit step increases. An elimination of 30% of the Local 777 employees from those who could receive a merit salary increase is significant. This implies a lesser, albeit uncalculated, cost to the County for actual merit step increases at 5.42% instead of 2.71%. The County did not provide actual historical data regarding the cost of merit salary increases for LIUNA employees at 2.71% or 5.42%. The County explained during its presentation that it did not have computer data for individual employees to separate out the various elements of their compensation. So, for example, although the County's records did show when an employee received an increase in compensation, it could be due to a number of causes, including increases for promotions, which are not at issue here.

The next factor to be considered is comparability. The parties agreed that the comparable county employers were Los Angeles, Orange, Ventura, and San Bernardino. The County provided the only comparability information in the factfinding process. There were two sets of data. The first was in Exhibit 26, and used data of a sample of 21 Journey level positions' minimum and maximum salaries from May 2016. It showed that for the surveyed positions, at the minimum step, Riverside County was 4.82% below the average minimum, and at the maximum step, Riverside County was 20.18% above the maximum average. The second External Market Survey data is in Exhibit 27. It reviewed the minimum and maximum salary for a smaller representative sample of three positions: Office Assistant II, Eligibility Technician II, and Welfare Fraud Investigator. These three positions also showed that Riverside County was below both the median and the mean for the counties surveyed in minimum salary, but that Riverside County was well above the median and mean for the counties surveyed in maximum salaries. Both Exhibit 26 and 27 also included information regarding the spread between the minimum and maximum salaries for the surveyed counties. The spread for Riverside County was considerably greater for the surveyed positions than it was for any of the other counties as of May 31, 2016. There was also a summary page in Exhibit 26, which showed Riverside County's minimum salary and the average minimum salaries for the listed positions in Local 777 would be considerably

lower compared to the market by 2020. The Riverside County minimum salaries in 2016 were 4.82% below the average of the surveyed employers, but by 2020, they were projected to be 12.07% lower. That trend did not bode well for recruitment and retention in the future for the County. With respect to the maximum salary projections for 2020, the survey data showed that the maximum salaries would be down to 11.03% above the average maximum; still considerably above the average, but with a trend to more comparability to the average. Thus, the trend for the upper levels of salary, was a decrease in the difference between the maximum salary average and the Riverside county maximum over a period of the four years after the expiration of the 2012-16 MOU.

Another very important factor with respect to the comparability data presented by the County for this issue is that it shows that as of the date the data was gathered, the bottom step of the Local 777 salary schedule is below the mean and median in every position surveyed. The final step of merit increases for Local 777 employees results in an amount that is more than 20% above the median and the mean for the surveyed counties. The County focuses its argument on the highest levels of pay, and does not address the disparity between Local 777 and comparable counties at the lowest level of pay. The Union stated that 30% of the Local 777 employees are already at the maximum salary, and thus not receiving any further merit salary increases.

The other substantial economic provision is the Flex Benefit, in Article XXI. The County's LBFO included a maintenance of the current Flex Benefit of \$823. The Union's proposal in Exhibit 12 as noted in its brief, is for an increase in the Flex Benefit to match that provided to any other represented or non-represented group in the County, which would address issues of comparability between Local 777 employees and other County employees, whether represented or not.

Another element of comparability the County presented was the overall compensation, including non-wage compensation (Flex Benefits or Credits, and the value of leave benefits, including sick leave and vacation, Exhibit 27) The County's survey regarding this overall aspect of compensation focused only on the maximum salary step plus the non-wage benefits value. The best total compensation for each of the three

positions surveyed showed other counties besides Riverside County in the top position.

Looking solely at Flex Benefits as of the time of the data in Exhibit 27, the Local 777 employees are below the lowest Flex Benefits in most of the surveyed positions.

The Union argues that the 2012-16 MOU compensation improvements came after severe cuts in compensation in the 2010-12 MOU. During the 2010-12 MOU step increases were frozen and three steps were added to the bottom of the salary schedule. The frozen step increases were reinstated during the 2012-16 MOU, but delayed by two years to help the County's economic situation. During the 2012-16 MOU the Local 777 employees also started paying the 8% employee contribution to their PERS benefits, and accepted a four-step staggered COLA to offset these costs to Local 777 employees.

A final factor is "any other facts besides those specifically considered above," which are "normally or traditionally taken into consideration in making findings and recommendations." In this regard, both parties are to be commended for their attempts, albeit unsuccessful to date, to deal with yet another period of time when the County and Local 777 employees are faced with economic difficulties. Based on the provisions of the 2012-16 MOU, it appeared that Local 777 employees were recouping some of their economic losses from the recession. And now the County is again faced with major costs over which it has little to no control, including increasing costs related to incarceration responsibilities, PERS contribution rates, and IHHS services. It is to be hoped, as noted by Union expert Segol, that property and other tax revenues will continue to increase, and improve the County's future financial situation. For the present the County is faced with real economic challenges, and again, Local 777 employees are being asked in negotiations to accept some economic MOU provisions that are not easy to deal with. There is also this fact to be considered in a discussion of the Local 777 salaries at various points in the schedule: Approximately 30% of the Local 777 employees are already at the top step of the salary schedule, and will not be receiving any economic benefit from an MOU that

does not have a Flex Benefit increase or a COLA. This matters for ratification of any MOU by the Local 777 employees.

RECOMMENDATIONS FOR ECONOMIC ISSUES

Based on the foregoing analysis, these are the Chair's recommendations for the Economic Issues:

With respect to any COLA, the Chair recommends that there be no COLA during the term of the 2018-20 MOU. The Union has, at least in part, recognized that there may be some ability to pay issues related to the factors cited by the County. They may not accept all of the rationales, but they do acknowledge that there are some important and major non-discretionary factors affecting the County's ability to pay across the board increases.

Similarly, the County has recognized that there are some economic elements of a new MOU where they will be able to at least maintain the status quo of the 2012-16 MOU.

Those are:

Maintenance of the \$465 per month medical waiver for those who opt out of the County's health care plan; —

Maintenance of the health care subsidies of \$25 per month for two-party coverage and \$100 per month for the family plan, for current employees;

Maintenance of the cash back on any unused portion of an employee's Flex Benefit.

The following are the Chair's recommendations for the remaining economic proposals, in order of cost to the County and impact on the compensation of Local 777 employees, to the extent I am able to determine or estimate costs/impact.

MERIT STEP INCREASES

The above analysis shows that the merit step increases for Local 777 employees may need to have structural adjustments to enhance salaries for the employees in the beginning years of their employment, and to maintain smaller merit step increases at the top of the schedule in order

to address the comparability issues stated above. The Chair struggled with the possibility of making a specific recommendation regarding how to adjust merit salary increases to take into account the structural issues she has noted. After input from the other panel members, however, the Chair has decided that she does not have the parties' history, nor their detailed knowledge of how their salary schedule and merit salary increases work, to make such a recommendation. Rather, the Chair recommends that solely for the two-year term of the new agreement, the merit salary increases be at 5.42% for the following reasons. First, there are no other guaranteed increases in compensation for the Local 777 employees. Second, a continuation of the two-step increases will allow time for the County and Local 777 to form a Labor Management Committee to gather data regarding the merit salary increase issue for use in the next round of negotiations and devise a solution that best addresses the needs of the parties. It is recommended that the Labor Management Committee study and gather comparability data and projections about merit salary increases, their actual costs to the County over time as employees move on the salary schedule, or leave the County, over the next five to ten years, comparability with other merit salary increases in the five agreed-upon counties, and any other data that the Committee believes will be helpful to negotiators for a successor agreement to the 2018-20 MOU.

It is not possible to calculate the cost of this recommendation without data regarding how many employees would be affected by it at each merit salary increase to be awarded during the term of a new MOU. Having this provision sunset after a two-year agreement allows the parties to assess the actual historical cost of this approach, and its impact upon the County and the Local 777 employees, as well as gather data regarding comparability from the other counties whose data was used in these negotiations/factfinding. The parties can then better negotiate regarding any future changes in the merit step increase provisions of the MOU.

One additional element, related to cost of the merit salary increases, is that the County's LBFO already funds the cost of the one step merit salary increase, so that initial 2.71% does not have to be

considered in the cost of the Chair's recommendation. For the additional 2.71% for the second step of the recommended merit salary increase, the cost to the County, noted as \$4.5 Million per year, is reduced by approximately 30% because that percentage of Local 777 employees are no longer receiving merit salary increases because they are at the top step of the salary schedule. Also, by the end of the two year MOU, sometime in 2020, the County's financial situation may have changed, leading to a conclusion either that the County can then afford the two-step merit salary increase, or that the County does not have the resources for a two-step merit salary increase for Local 777 employees.

Another element that may have changed by then is the composition of the workforce. There may be more or fewer Local 777 employees who have "topped out" on the salary schedule and thus are no longer eligible for merit salary increases. These demographic changes will affect the actual costs of the 5.42% merit salary increase. They may also change the interests of the Local 777 employees with respect to where they wish any increased compensation possible for them to be focused.

Finally, the Chair takes note of the overall package of compensation elements in this recommended Decision. There is no COLA increase recommended. As will be seen below, there is no increase in Flex Benefits for Local 777 employees for the two-year term of the MOU unless the County decides that it can afford such an increase for any of its employee groups, represented or not represented. The Me Too aspect of the Flex Benefits recommendation is only for the term of the MOU, not a continuing arrangement. The County's discretion regarding what it can afford in the Flex Benefits is maintained.

It is, in the Chair's judgment, a fair compensation package, in light of difficult fiscal times. The Local 777 employees receive a small increase in a compensation element that matter to them (Merit salary increases) and the guarantee of parity in another benefit important to them, their Flex Benefit, if other groups of employees receive more than the minimum guaranteed to Local 777 employees, \$823 a month.

amount stated in the 2018-20 MOU for Flex Benefit would remain at \$823, with a provision to be negotiated regarding how and when to measure what the Flex Benefits are for other employees beside those of Local 777, and how and when any required changes in Flex Benefits would be applied to local 777 employees. It would only apply to any Flex benefit amount applicable to any group of represented or non-represented employees on or after the effective date of the new MOU.

The County argues that the me-too aspect of this recommendation is objectionable, in that it relies on faulty calculations of the cost of Local 777's proposal to move the Flex Benefits to \$940 monthly in year one of a two-year MOU, and to \$959 monthly in year two of two-year MOU, and because a me-too agreement fails to take into account the unique priorities of various bargaining units. The Chair acknowledges that the cost of Local 777's proposal for \$940 monthly Flex Benefits in year one and \$959 monthly in year two of a two-year agreement would be approximately \$23 Million.

With respect to the me-too aspect of this recommendation, the Chair notes that the recommendation is only for a me-too clause in effect for the term of the two-year agreement. Secondly, the Chair notes that health and welfare benefits are a special category of benefits, for which an employer typically negotiates for all its employees with insurance brokers or carriers. Further, the Chair notes that the 2012-16 MOU had a similar provision to the one being recommended here. It was not a part of the status quo established by that 2012-16 agreement, because it had a specific term, similar to what is being recommended here. Finally, the Chair notes that the Flex Benefit amount is one which is clearly important to the bargaining unit participating in this Factfinding. Local 777's willingness to consider a provision that guarantees their employees as much in Flex Benefits, as any other group of employees, even during tough economic times, is an indication of how important Flex Benefits are to this Union and its bargaining unit members.

MEDICAL SUBSIDY

FLEXIBLE BENEFITS

One of the Union's proposals was an increase to \$940 Flex Benefit per month the first year of a two-year agreement (from \$823 per month) and another increase to \$959 per month for the second year. The cost of this proposal, based on the County data in Exhibit 26, of 7476 employees, is approximately \$10,500,000 for year one (\$117 per employee per month), and \$approximately \$12,201,000 for the second year (an additional \$19 per employee per month and continuing the \$117 per month). The total cost for the two years would be approximately \$23,000,000. The County data in Exhibit 26 also states that the cost of a 1% increase in Local 777 compensation is \$4.5 million per year. Because \$23 Million dollars is is a significant increase over two years, at a time when the County has demonstrated a number of significant increased expenditures over which it has no control, the Chair is reluctant to recommend this increase.

It is, however, appropriate to recommend another of the Union's proposals regarding this issue. Local 777 employees should receive no less in Flex Benefits than those of any other represented or non-represented group of employees, for Flex benefits which are in effect after the effective date of the 2018-20 MOU. This will allow the County to decide, based on its economic status, whether it has sufficient resources to provide additional Flex Benefits for its employees. If the County decides that it can afford more for any group of employees, represented or not represented, then Local 777 employees, the largest group of employees of the County, will also get that benefit. If the County decides it cannot afford to increase Flex Benefits, Local 777 employees will not get any increase. I note that the 2012-16 MOU contained such a provision, only in effect for the term of that agreement. It is not, therefore a part of the status quo. It is, however, an indication that such a provision is possible and was, at least once, and recently, agreed upon by the parties. It is moreover, a fair approach to a difficult issue of how much the County can afford for this element of compensation for Local 777 employees. The recommendation is that this provision only be effective during the term of the 2018-20 MOU. The

The medical subsidy in the current MOU is a \$100 monthly subsidy for employees with family coverage, and \$25 monthly for employees with two-party coverage. Employees who only have single person coverage do not receive a subsidy. The County's LBFO removes the medical subsidies for new hires as of the date the Board of Supervisors adopts the new MOU. It is difficult to cost out this proposal because it is dependent on the numbers of new hires and what levels of medical insurance coverage they will select. One element is certain however: health benefits costs are not likely to decrease. Thus, new hires will, over time, have more and more costs for their medical coverage, relative to their peers who were hired before the effective date of the new MOU, and the newer hires' total compensation, including benefits, will decline relative to their peers. The County's rationale for this proposal is that it is one of its attempts to slow compensation increases.

Weighing all these elements, my recommendation is that the medical subsidy for new hires continue as it is for current employees in Local 777. The parties will have to address the issues of continuing increases in health benefits' costs in all their future negotiations, but it is better to do so in a comprehensive approach that does not allocate the burden of the changes onto just one group of employees.

REMAINING ECONOMIC PROPOSALS (NOT SUBSTANTIAL)

The remaining economic proposals are not, in the judgment of the Chair, either individually or as a group, substantial economic proposals, as that was defined above. They are multiple small adjustments in how compensation, in the forms of premium pay, work shift premiums, call-back pay, definitions of shifts for purposes of differential, and pay for meals is calculated.

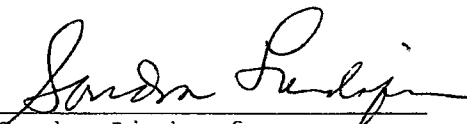
The rationale provided by the County for these multiple changes does not include an estimate of the cost savings for each of them or for the aggregate of those cost savings. There was not any comparability data provided related to these proposals. With respect to these proposed changes, the County has not met the standards in Government Code Section 3505.4. The recommendation of the Chair is, therefore, that the status

quo, that is the current provisions of the 2012-16 MOU on each of these non-substantial economic proposals in the LBFO be maintained without any changes.

Panel Chair Lindoerfer having so submitted this Report, the concurring and dissenting opinions of partisan panel members Zappia and Gordo follow hereafter, starting on page 27.

DATED: *May 10, 2018*

Respectfully submitted,


Sandra Lindoerfer
Panel Chair