



## Legislation Text

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**File #:** 22-0636, **Version:** 1

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Human Resources Department recommending the Board adopt and authorize the Chair to sign the negotiated Letter of Agreement to the Memorandum of Understanding between the County of El Dorado and Operating Engineers Local Union No. 3 representing the Trades and Crafts bargaining unit.

**FUNDING:** Various.

### **DISCUSSION / BACKGROUND**

County of El Dorado (County) and Operating Engineers Local Union No. 3 (Union), representing employees in the Trades and Crafts bargaining unit, have an executed Memorandum of Understanding (MOU) for the period of January 1, 2021 to June 30, 2024.

In December 2021, the Facilities Division of the Chief Administrative Office conducted a Request for Proposals (RFP) for countywide custodial services. The results from that RFP projected an estimated savings for the County of between \$304,000 - \$508,000 annually when custodial services are contracted out to the lowest bidders. The projected savings also reflect a higher level of service than can currently be performed with existing staff in house, and assume the retention of only one (1) Custodial Supervisor to help oversee contracted vendors.

Currently, the County has 8.0 full-time equivalent (FTE) Custodian, 1.0 FTE Sr. Custodian, and 1.0 FTE Custodial Supervisor filled allocations. In order to realize the projected savings, the County would outsource (contract out) custodial services and have a Reduction in Force (RIF) of up to nine (9) existing County custodial employees (retaining the one Custodial Supervisor allocation).

The County met and conferred in good faith with the Union over bargainable impacts associated with the conceptual transfer of bargaining unit work to a contracted vendor and the associated RIF of custodial staff; the parties have reached an agreement accordingly. Because of the unique nature of this RIF related to the outsourcing of bargaining unit work, the terms of this Letter of Agreement (LOA) would supersede existing MOU provisions on RIF, with exception to terms on status of restoration in Article 11 of the MOU which would apply should the County reinstate the employment of laid off custodian(s) within three (3) years of the RIF.

The LOA addresses terms and conditions related to this RIF, as summarized below:

- Effective date of layoff and notification timelines for employees requesting early layoff.
- Alternate employment opportunity as Highway Maintenance Worker I, and associated provisions, such as probationary period and procedural terms.
- Severance for custodians who separate from County employment as a result of this RIF, or who separate employment during the probationary period for Highway Maintenance Worker I in Lieu of layoff.
- Reinstatement rights and other administrative issues, such as unemployment benefits.

The Human Resources Department recommends the Board adopt and authorize the LOA, which needs to be in place prior to the effective date of layoff, so the County can comply with the terms for employees subject to this RIF, including providing alternate employment opportunities, subject to the Board's adoption of the RIF. Upon adoption of the LOA by the Board, staff will return to the Board with resolution(s) for the Board to:

- 1) Approve a Reduction in Force (RIF) for 9.0 FTE custodial allocations effective no later than July 20, 2022; and
- 2) Add Highway Maintenance I allocation(s) as necessary to absorb any interested Custodian/Sr. Custodian subject to the RIF, effective July 16, 2022; and
- 3) Waive any applicable competitive recruitment, eligibility list, and/or minimum qualification requirements under the County of El Dorado Personnel Rules to facilitate the Highway Maintenance Worker I appointment(s) in lieu of layoff; and
- 4) Authorize any other actions identified at that time, as applicable, which are deemed necessary to comply with the terms of the LOA.

The LOA, which shall supersede all previous agreements and any policies, practices, or ordinance provisions with which it may be in conflict, shall become of full force and effect upon approval and adoption by the Board of Supervisors.

#### **ALTERNATIVES**

The County negotiated this Letter of Agreement in good faith with the Union under authority and direction of the Board, thus there are no recommended alternatives.

#### **PRIOR BOARD ACTION**

N/A

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Operating Engineers Local Union No. 3, County Counsel

#### **CAO RECOMMENDATION**

Approve as recommended.

#### **FINANCIAL IMPACT**

The LOA severance payment provision has a one-time cost of up to \$72,000. If there are insufficient Highway Maintenance Worker vacancies to absorb the custodians in lieu of layoff, then the cost of adding an additional allocation is approximately \$80,000 for salary and benefits per 1.0 FTE allocation per year.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Human Resources will provide the Clerk with three (3) original LOAs for the Chair to sign; and
- 2) The Clerk will return two (2) original LOAs to Misty Garcia in Human Resources once fully executed by the Chair, and retain one (1) fully executed agreement for the Board.

#### **STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

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