



King County
Metropolitan King County Council
Law, Justice, Health and Human Services Committee

STAFF REPORT

Agenda Item:	8	Name:	Nick Wagner
Proposed Ordinance:	2011-0128	Date:	March 29, 2011
Invited:	Rob Sprague, Labor Negotiator, King County Office of Labor Relations Doug Justus, President, King County Corrections Guild		

SUBJECT

An ordinance adopting a memorandum of agreement between King County and the King County Corrections Guild covering Corrections Officers and Corrections Sergeants working in the Department of Adult and Juvenile Detention.

SUMMARY

Proposed Ordinance 2011-0128 (pp. 5-6 of these materials) would adopt a Memorandum of Agreement (MOA) (pp. 7-8 of these materials) with the King County Corrections Guild (KCCG) addressing economic conditions for this bargaining unit for the period from 1 January 2011 through 31 December 2012, including a zero cost of living adjustment (COLA) for 2011 and a COLA reopener for 2012. Noneconomic issues continue to be negotiated.

BACKGROUND

The King County Department of Adult and Juvenile Detention (DAJD) operates one of the largest detention systems in the Pacific Northwest. DAJD operates two adult secure detention facilities: the King County Correctional Facility (KCCF) in Seattle and the Maleng Regional Justice Center (MRJC) in Kent. The department is responsible for over 43,000 bookings a year and houses an average of 2,100 inmates each day.

The bargaining unit consists of about 580 Corrections Officers and Corrections Sergeants, who are responsible for safety and security at the KCCF and the MRJC. They supervise inmates at every security level from minimum to ultra-high.

NEW CONTRACT PROVISIONS

The proposed MOA contains the following changes to the parties' collective bargaining agreement. Although the MOA was not signed until January of 2011, tentative

agreement was reached during the Council's budget deliberations in the fall of 2010, and the 2011 Adopted Budget reflects the economic terms of the MOA.

1. Zero COLA for 2011; COLA reopener for 2012

This bargaining unit's previous collective bargaining agreement (CBA), which was the result of an interest arbitration award, set an annual COLA floor of three percent for the years 2007 through 2010. In view of the financial crisis that the county has been facing, KCCG has agreed in section 3 of the MOA to a zero COLA for 2011 and a COLA reopener for 2012 (see p. 7 of these materials). The KCCG zero COLA agreement is estimated to save the county about \$1,365,000 in 2011. This savings is reflected in the 2011 Adopted Budget.

2. Longevity incentive pay

The previous CBA provided longevity incentive pay for bargaining unit members, ranging from one percent for six-year employees to five percent for 15-year employees, based on the employee's starting pay step.¹ Section 4 of the MOA (p. 7 of these materials) changes the basis for the longevity incentive pay calculation from the employee's starting pay step to the employee's current pay step. The initial annual cost of this change is \$421,439, beginning in 2011. This cost is reflected in the 2011 Adopted Budget.

The annual cost of this change will increase slightly each year, since each bargaining unit member will have an additional year of longevity. This increase will be offset to the extent that any employees are replaced by employees of lesser longevity.

REINSTATEMENT OF FOUR CORRECTIONS OFFICER POSITIONS

Section 6 of the MOA (p. 8 of these materials) provides, "Subject to the King County budget process, the Executive shall propose and advocate for the reinstatement of four (4) Corrections Officer positions that were eliminated in the Budget submitted by the Executive to the King County Council." The four positions were included, and their cost is reflected, in the 2011 Adopted Budget.² The total cost of the four positions for 2011 is about \$400,000.

CONTINUING NEGOTIATION OF NON-ECONOMIC ISSUES

Section 5 of the MOA (p. 8 of these materials) provides in part: "The parties agree to continue bargaining on all currently open non-economic issues and that if resolution is not made, the remaining non-economic issues that are mandatory subjects of negotiations shall be eligible for mediation and interest arbitration."

¹ For employees hired before 1981, longevity pay had been based on the 12-month pay step.

² The MOA does not make the reinstatement of these positions a part of the collective bargaining agreement.

CONSISTENCY WITH LABOR POLICIES

The proposed MOA appears to be consistent with the county’s adopted labor policies.

ATTACHMENTS

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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 24, 2011

Ordinance

Proposed No. 2011-0128.1

Sponsors

1 AN ORDINANCE approving and adopting the
2 memorandum of agreement negotiated by and between
3 King County and the King County Corrections Guild
4 regarding 2011 Zero COLA Addressing the 2011 Budget
5 Crisis as part of a two year economic agreement
6 representing employees in the department of adult and
7 juvenile detention; and establishing the effective date of the
8 agreement.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. The memorandum of agreement negotiated by and between King
11 County and the King County Corrections Guild regarding 2011 Zero COLA Addressing
12 the 2011 Budget Crisis as part of a two year economic agreement representing employees
13 in the department of adult and juvenile detention and attached to this ordinance is hereby
14 approved and adopted by this reference made a part of this ordinance.

15 SECTION 2. Terms and conditions of the agreement are effective from January
16 1, 2011, through and including December 31, 2012.
17

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. Memorandum of Agreement by and between King County and King County
Corrections Guild Addressing the 2011 Budget Crisis

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN
KING COUNTY AND
KING COUNTY CORRECTIONS GUILD
ADDRESSING THE 2011 BUDGET CRISIS**

WHEREAS, the County is experiencing a financial crisis with a projected General Fund revenue shortfall of 60 million dollars;

WHEREAS, effective January 1, 2011, the County will eliminate hundreds of positions;

WHEREAS, the parties have an interest in preserving as many positions as possible;

WHEREAS, the national financial crisis, the County's structural financial imbalance, and declining revenues have significantly impacted the County's ability to pay Cost of Living adjustments to its employees;

WHEREAS, the parties will through this Agreement help to preserve essential services and reduce layoffs necessary during 2011.

WHEREAS, the parties' interest arbitration award agreement expires on December 31, 2010 and the parties are currently in negotiations for a successor agreement;

NOW THEREFORE, King County and the King County Corrections Guild have reached the following agreement:

1. The parties have agreed upon a two (2) year economic agreement to be effective January 1, 2011 through December 31, 2012.
2. The successor collective bargaining agreement will include all existing tentative agreements reached by the parties' in the current negotiation process.
3. The economic agreement and successor collective bargaining agreement will include a zero COLA for 2011 and will have a COLA reopener for 2012 which is limited to negotiating what, if any, across-the-board wage increase should apply to this Bargaining Unit.
4. The economic agreement and successor collective bargaining agreement will change the application of longevity to be based on the employee's current pay rate, with the language to be adjusted as follows:

"Longevity Incentive: Additional compensation added to base monthly salaries of Corrections Officers and Corrections Supervisors. Calculation of same to be on a percentage basis using the employee's current pay step as the base. Amounts as follows:

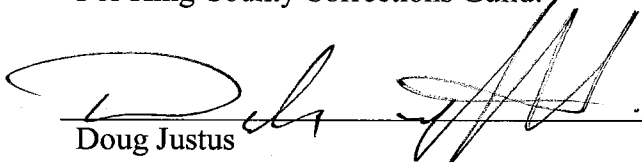
After 6 years of service:	1%
After 8 years of service:	2%
After 10 years of service:	3%
After 12 years of service:	4%
After 15 years of service:	5%."

5. The parties agree to continue bargaining on all currently open non-economic issues and that if resolution is not made, the remaining non-economic issues that are mandatory subjects of negotiations shall be eligible for mediation and interest arbitration. If arbitration is the outcome, the parties shall use the contractual grievance process for the selection of an arbitrator. The parties agree to equally share the cost of the arbitration.

6. Subject to the King County's budget process, the Executive shall propose and advocate for the reinstatement of four (4) Corrections Officer positions that were eliminated in the Budget submitted by the Executive to the King County Council.

7. This agreement shall expire on December 31, 2012.

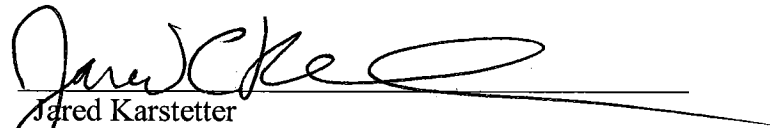
For King County Corrections Guild:



Doug Justus
President
King County Corrections Guild

1/4/2011
Date

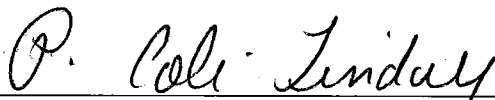
Approved as to Form for King County
Corrections Guild:



Jared Karstetter
Legal Advisor
King County Corrections Guild

4 JAN 11
Date

For King County:



Patricia Cole-Tindall
Director
Office of Labor Relations
King County Executive Office

1-6-2011
Date



King County

Checklist and Summary of Changes for the attached Collective Bargaining Agreement

Name of Agreement
Memorandum of Agreement regarding 2011 Zero COLA (Addressing the 2011 Budget Crisis) as part of a two year economic agreement for the King County Corrections Guild (Department of Adult and Juvenile Detention)
Labor Negotiator
Rob Sprague

<i>Prosecuting Attorney's Review</i>	Yes
<i>Document Tracking System Routing Form; Motion or Ordinance</i>	Yes
<i>Executive Letter</i>	Yes
<i>Fiscal Note</i>	Yes
<i>Six Point Summary</i>	Yes
<i>King County Council Adopted Labor Policies Contract Summary</i>	Yes
<i>Ordinance</i>	Yes
<i>Original Signed Agreement(s)</i>	Yes
<i>Does transmittal include MOU/MOA? MOA only</i>	Yes

<i>Six Point Summary of changes to the attached agreement:</i>
1. Zero percent (0.0%) cost-of-living adjustment in 2011.
2. Reopener for cost-of-living adjustment, if any, in 2012.
3. Adjustment of current longevity schedule to be based on a percentage of employees' current wage rate. Currently, longevity schedule is based on a percentage of the Corrections Officer's starting wage rate (or based on the Corrections Officer's 12 month wage rate for employees hired prior to 1981).
4.
5.
6.

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CONTRACT SUMMARY

CONTRACT: Memorandum of Agreement regarding 2011 Zero COLA (Addressing the 2011 Budget Crisis) as part of a two year economic agreement for the King County Corrections Guild (Department of Adult and Juvenile Detention)

TERM OF CONTRACT: January 1, 2011, through December 31, 2012 (Economic Agreement)

DESCRIPTION OF WORK PERFORMED BY BARGAINING UNIT MEMBERS: These employees are responsible for the safety and security at the King County Corrections Facility in downtown Seattle and the Maleng Regional Justice Center in Kent.

NEGOTIATOR: Rob Sprague

COUNCIL POLICY	COMMENTS
➤ REDUCTION-IN-FORCE:	The underlying interest arbitration award agreement provides for layoffs based on seniority within the Department and classification.
➤ INTEREST-BASED BARGAINING:	The parties engaged in a collaborate bargaining process that led to this agreement.
➤ DIVERSITY IN THE COUNTY'S WORKFORCE:	The underlying interest arbitration award agreement contains a comprehensive non-discrimination clause.
➤ CONTRACTING OUT OF WORK:	The underlying interest arbitration aware agreement does not address contracting out.
➤ LABOR / MANAGEMENT COMMITTEES:	Management and the Guild have historically conducted Labor/Management meetings and the underlying interest arbitration award agreement provides for that continuation.
➤ MEDIATION:	The underlying interest arbitration award agreement specifically provides for the option of mediation for the settlement of disputes.
➤ CONTRACT CONSOLIDATION:	N/A
➤ HEALTH BENEFITS COST SHARING:	Health benefits are offered consistent with the agreements of the Joint Labor Management Insurance Committee.
➤ TIMELINESS OF LABOR CONTRACT NEGOTIATIONS:	The parties were able to reach a tentative agreement on this memorandum of agreement prior to the expiration of the underlying interest arbitration award agreement.

**KING COUNTY COUNCIL
ADOPTED LABOR POLICIES
CONTRACT SUMMARY**

CONTRACT:

Memorandum of Agreement regarding 2011 Zero COLA (Addressing the 2011 Budget Crisis) as part of a two year economic agreement for the King County Corrections Guild (Department of Adult and Juvenile Detention)

COUNCIL POLICY	COMMENTS
➤ USE OF TEMPORARY AND PART-TIME EMPLOYEES:	The use of temporary and/or part-time employees is limited due to the nature of the work of Corrections Officers and Corrections Sergeants.

MISCELLANEOUS CONTRACT ISSUES:	
➤ BIWEEKLY PAY:	The underlying interest arbitration award agreement contains a provision for the full implementation of bi-weekly pay.
➤ INTEREST ARBITRATION ELIGIBLE:	The bargaining unit is interest arbitration eligible.
➤ NO STRIKE PROVISION:	The underlying interest arbitration award agreement contains an article prohibiting work stoppages.
➤ ADDITIONAL LEAVE PROVISIONS:	No change in leave provisions. Established leave provisions are consistent with County Code and Policy.
➤ HOURS OF WORK:	The underlying interest arbitration award agreement provides for a 40 hour, 50 minute work week (5 days of 8 hours, 10 minutes.)
➤ PERFORMANCE EVALUATIONS:	The underlying interest arbitration award agreement provides for the ability to evaluate employees.



FISCAL NOTE

Ordinance/Motion No.	Memorandum of Agreement	
Title:	2011 Zero COLA (Addressing the 2011 Budget Crisis) and two year economic agreement to be effective January 1, 2011 through December 31, 2012 for King County Corrections Guild (Department of Adult and Juvenile Detention)	
Effective Date:	1/1/2011 - 12/31/2012	
Affected Agency and/or Agencies:	Department of Adult and Juvenile Detention	
Note Prepared by:	Matt McCoy, Labor Relations Analyst, Office of Labor Relations	Phone: 205-8004
Department Sign Off:	Pat Presson, Finance Manager, DAJD	Phone: 296-3410
Note Reviewed by:	Supplemental Required? NO <input type="checkbox"/> YES <input type="checkbox"/>	Jo Anne Fox, Budget Analyst Phone: 263-9696

EXPENDITURES FROM:

Fund Title	Fund Code	Department	2011	2012		
CX	10	DAJD	\$ 421,439	TBD		
TOTAL			\$ 421,439	TBD		

EXPENDITURE BY CATEGORIES:

Expense Type	Department	2010 Base	2011	2012		
Wages	DAJD	\$ 40,246,117	\$ 335,380	TBD		
Overtime		\$ 5,712,101	\$ 32,176			
PERS and FICA		\$ 6,737,475	\$ 53,884			
TOTAL		\$ 52,695,693	\$ 421,439	TBD		

ASSUMPTIONS:

Assumptions used in estimating expenditure include:

- Contract Period (s):** 2 year MOA from 1/1/2011 to 12/31/2012.
- Wage Adjustments & Effective Dates:**
 - COLA:** Zero COLA for 2011. Re-opener for wages in 2012.
 - Other:** Longevity to be based on employee's hourly rate as of 1/1/2011. (Formerly based on 1st step of Correction Office rate.)
 - Retro/Lump Sum Payment:**
- Other Wage-Related Factors:**
 - Step Increase Movement:** Contract provisions unchanged.
 - PERS/FICA:** Payroll taxes estimated to be 14.66%.
 - Overtime:** Projected using 2010 actual overtime.
- Other Cost Factors:**

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March 8, 2011

The Honorable Larry Gossett
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Gossett:

I am pleased to transmit to you this Memorandum of Agreement with the King County Corrections Guild detailing an economic agreement for January 1, 2011, through December 31, 2012. This agreement is consistent with sound financial planning and with the commitments I made in my balanced 2011 proposed budget that addressed the County's \$60 million general fund deficit. This transmittal is for a bargaining unit of 578 employees who ratified a zero cost of living adjustment (COLA) for 2011.

Our employees affected by this agreement are represented by the King County Corrections Guild and work in the job classifications of Corrections Officer and Corrections Sergeant. These employees are responsible for the safety and security at the King County Corrections Facility in downtown Seattle and the Maleng Regional Justice Center in Kent.

This agreement covers all economic conditions for this bargaining unit for 2011 and 2012. In addition to providing for a zero percent COLA in 2011 this agreement contains a reopener for COLA in 2012. Additionally, the agreement calls for a conversion of the existing longevity schedule from being based on the start step of the Corrections Officer pay range (or 12 month step for employees hired prior to January 1, 1981) to the same percentage and timeline but based on the employee's actual pay rate. With this agreement, the parties eliminated the existing minimum three percent COLA that was a result of the previous interest arbitration award. The parties are currently in negotiations over the remaining non-economic issues.

The settlement reached is a product of good faith collective bargaining between King County and the King County Corrections Guild. This agreement compares favorably with other settlements and is within our capacity to finance. This agreement has been reviewed by the Office of the Prosecuting Attorney, Civil Division.

The Honorable Larry Gossett
March 8, 2011
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If you have questions, please contact Patti Cole-Tindall, Director, Office of Labor Relations, at 206-296-4273, at your convenience.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
 ATTN: Tom Bristow, Chief of Staff
 Anne Noris, Clerk of the Council
Dwight Dively, Director, Office of Performance, Strategy, and Budget
Patti Cole-Tindall, Director, Office of Labor Relations