

Memorandum of Agreement
By and Between
King County
and
International Brotherhood of Teamsters Local 117
Representing
Department of Public Defense
Supervisors and Managers

SUBJECT: Temporary Public Defense Incentive & Retention Program for Class A Felony Qualified *Supervisory Attorneys*

BACKGROUND:

The Department of Public Defense (DPD) has identified an operational need to recognize and increase the number of Public Defense attorneys that are Class A felony qualified. The purpose of this Memorandum of Agreement (MOA) is to establish a temporary incentive program to encourage employees classified as Public Defense Attorney 1 – Supervisor and Managing Attorney Preparation Program (MAPP) Supervisor to achieve Class A felony qualified status and to retain those supervisory attorneys already Class A felony qualified.

AGREEMENT:

SECTION 1. CLASS A ATTORNEY INCENTIVE - BONUS ONE-STEP WAGE INCREASE

- A. One Step Bonus Incentive.** A bonus one-step wage increase will be provided to employees classified as Public Defense Attorney 1 – Supervisor and Attorney Preparation Program (MAPP) Supervisor that are not already at the top step of their wage scale and that are or become Class A felony qualified and meet the Eligibility Criteria in Section 1(B) or as provided in Section 3 of this MOA.

Employees will continue to receive normal annual wage step increases per Article 11.3 (C) and Article 11.5 of the parties collective bargaining agreement regardless of whether or when a bonus step or payment incentive is granted.

B. One Step Bonus Eligibility Criteria.

- i. Employee must be classified as a Public Defense Attorney 1 – Supervisor and Managing Attorney Preparation Program (MAPP) Supervisor not already at the top step of their respective wage ranges. If the employee is

already at the top step of their wage scale¹ the employee is ineligible for the bonus step increase. For an employee already at the top step of their respective wage scale, the employee may, however, qualify for a \$4,000 retention bonus described in Section 2.

C. Application & Determination of Employee Eligibility.

- i.** After execution of this Agreement, the Department will create a one-time Initial Class A Incentive Eligibility List of attorney supervisors that the Department has identified that meet the incentive Eligibility Criteria (1B or 2B) and email said list to attorney supervisors and the Union for review.
- ii.** For any employee not identified by the Department on the Initial Class A Incentive Eligibility List that believes they meet the criteria at any time prior to December 31, 2024, can apply via email to the DPD Director, Managing Attorney, Deputy Director, and Human Resources.

The subject line of the email should be “Supervisory Attorney Class A Incentive Application” and include attorney’s name. The employee also must indicate their Class A felony qualified status, the cause numbers of the trials they conducted that resulted in their Class A status (or Letters from previous employers to confirm out-of-state qualification). The Department will review whether the Eligibility Criteria has been met and confirm to the employee in writing. All Class A Incentive Applications must be submitted prior to December 31, 2024, or will be considered ineligible.

- iii.** The effective date of the one-step bonus increase will be within two pay periods *after* the employee is confirmed to be eligible by the Department via written notice to the employee or pay period after the Ordinance Effective² date of this Agreement, *whichever occurs later*.

¹ Public Defense Attorney 1 – Supervisor must be at steps 1-21 to be eligible for the one step bonus increase because top step is 22. Managing Attorney Preparation Program (MAPP) Supervisor must be at steps 23-26 to be eligible for the one step bonus because top step is 27. Employees at top step (e.g., 22 or 27) may be eligible for the \$4,000 incentive in Section 2.

² “Ordinance Effective Date” means 10-days following the date the King County Executive executes/signs the Ordinance following King County Council ratification. Also known as “law date.”

SECTION 2. CLASS A QUALIFIED ATTORNEYS AT TOP STEP – RETENTION AND RECOGNITION INCENTIVE

A. Incentive Payment. If a Class A qualified supervising attorney is ineligible (and has not received) the bonus one-step increase due to already being at the top step of their respective classification wage range (i.e., step 22 or 27 depending on classification), the employee may be eligible for a \$4,000 incentive payment if they are actively employed in the department on October 28, 2024, and meet the Eligibility Criteria in 2(B).

B. Incentive Payment Eligibility Criteria.

- i. Employee is in the Public Defense Attorney 1 – Supervisor or Managing Attorney Preparation Program (MAPP) Supervisor classifications.
- ii. Employee must be Class A qualified and in paid status on October 28, 2024, and at the top step of their respective wage range. An otherwise eligible employee that separates employment for any reason prior to October 28, 2024, will be ineligible for this incentive payment.
- iii. Employee has *not* received a bonus one-step increase for Class A qualified status per Section 1.

C. Confirmation of Employee Eligibility.

- i. After execution of this Agreement, the Department will create a one-time Initial Class A Incentive Eligibility List of supervisory attorneys that the Department believes already meet the Eligibility Criteria (1B or 2B) as described above, and email said list to attorney supervisors and the Union for review.
- iv. For any employee who is not identified by the Department on the Initial Class A Incentive Eligibility List, but believes they meet the criteria and are at top step, the employee may apply via email with a Class A Incentive Application to the DPD Director, Deputy Director, Managing Attorney, and Human Resources.³
- v. After the Initial Class A Incentive Eligibility List is produced, a supervising attorney applying for the incentive must provide the Class A Incentive Application email prior to December 31, 2024, and sent to the DPD Director, Deputy Director, Managing Attorney, and Human

Resources. Requests will be deemed ineligible that are submitted after December 31, 2024.

- vi. Upon confirmation of eligibility, the payment date of the \$4,000 recognition and retention incentive will occur within two pay periods after October 28, 2024, or within two pay periods after eligibility determinations can be performed by the County with written notice to the employee (e.g., Class A Incentive Application could be received in November or December 2024). All payments are subject to standard payroll taxes and withholdings.

SECTION 3: DIRECTOR/DESIGNEE APPROVED EXTENSION OF CLASS A INCENTIVE ELIGIBILITY

- A. A supervisory attorney that is unable to meet the incentive Eligibility Criteria in (1B or 2B) may submit a Class A qualified Incentive Application *Extension Request* to the Department Director/designee and Human Resources for consideration. Extension Requests must be provided by the attorney no later than December 31, 2024. Extension Requests received after December 31, 2024, will be considered ineligible.
- B. If the Department Director/designee approves the Extension Request, the written response will stipulate the terms and timelines that the attorney is first required to complete (i.e., Class A qualified status) prior to being considered eligible to receive the one-step bonus. The terms stated in any Extension Request response must be completed no later than December 31, 2025. The Extension Request response will not determine whether an individual will ultimately be approved to rotate into felonies or ensure a caseload will allow for Class A status to be achieved or guarantee that the individual will achieve Class A status.
- C. If the Department Director/designee denies the Extension Request, that denial must be communicated in writing with the reason(s) for the rejection, and a copy must also be submitted to the Union.
- D. The Department Director/designee shall have final decision-making authority on Extension Request completion terms for an attorney to earn the one step bonus or incentive payment. However, these terms may not exceed the requirement of achieving Class A qualified status by December 31, 2025. If the attorney is already at top step, the attorney will instead be eligible for the \$4,000 incentive in lieu of the one-step bonus if the terms in the Extension Request response are completed by the attorney.
- E. An attorney whose Extension Request has been approved must notify the Department via email to DPD Director, Deputy Director, and Human Resources that they have

International Brotherhood of Teamsters Local 117 (Formerly Public Defense Management Guild) - Department of Public Defense - Supervisors and Managers

465U0123

Page 4 of 6

completed the incentive terms as described in their Extension Request response. The effective date of the one-step bonus increase will be within two pay periods *after* the Department has confirmed the employee has completed the incentive terms by written notice to the employee.

SECTION 4. INCENTIVE LIMITATIONS

- A. Under no circumstances will the same attorney supervisor be eligible to receive both a one-step bonus and a \$4,000 incentive payment or multiple one-step bonuses under this MOA and/or the SEIU Staff Unit Class A Incentive MOA.

SECTION 5. DISPUTES

- A. Any disputes regarding this MOA may be submitted to the Director of Public Defense and the Office of Labor Relations for a final decision but shall not be subject to grievance or further appeal.

SECTION 6. COMPLETE AGREEMENT

- A. This is the complete and final MOA between the parties.


SECTION 7. RATIFICATION

- A. The parties acknowledge that this MOA is subject to ratification and approval by King County Council prior to implementation.

SECTION 8. EXPIRATION

- A. This Agreement will expire after all terms have been implemented as determined by the Department.

For Teamsters Local 117:

DocuSigned by:

Paul Dasher
Secretary-Treasurer Teamsters Local 117

12/13/2023
Date

DocuSigned by:

Andre Chevalier

Andre Chevalier

Senior Labor Negotiator

King County Office of Labor Relations

12/13/2023

Date