



King County

Metropolitan King County Council Budget and Fiscal Management Committee

STAFF REPORT

Agenda Item No.:	5	Date:	7 Feb 2012
Proposed Ordinance No.:	2012-0005	Prepared by:	Nick Wagner

A. SUMMARY

Proposed Ordinance 2012-0005 (pp. 5-6 of these materials) would approve a memorandum of agreement (MOA) between King County and the Animal Control Officers Guild. The MOA (pp. 7-9 of these materials) covers about 36 employees in Regional Animal Services of King County, which is part of the Records and Licensing Services Division of the Department of Executive Services.

Primarily, the MOA covers cost of living adjustments (COLAs) for the years 2011 through 2014 and mirrors the terms agreed to by the vast majority of county employees, as described more fully below. The parties are continuing to negotiate the remaining terms of their collective bargaining agreement.¹ The previous agreement expired at the end of 2009, but the parties have agreed to continue complying with its substantive terms during the bargaining process for a successor contract.

B. THE BARGAINING UNIT

As described in the Executive's transmittal letter (pp. 17-18 of these materials), this bargaining unit consists of Animal Control Officers, Animal Control Sergeants, and Veterinary Technicians working in Regional Animal Services of King County. They support the King County animal shelter in Kent and provide services in the field throughout King County. Their responsibilities include:

1. Protecting the safety and well-being of King County residents by:
 - a. Patrolling neighborhoods; and
 - b. Responding to reports of trespassing or stray cats and dogs, complaints of vicious animals or animal bites, and reports of loose livestock;
2. Providing for the safety and well-being of domestic pets and other animals in King County by:
 - a. Rescuing injured animals;
 - b. Picking up strays;
 - c. Providing shelter and care to lost or relinquished pets;
 - d. Providing pet-based inspection services;
 - e. Investigating animal cruelty complaints; and

¹ The negotiations are currently in mediation.

- f. Returning impounded pets to their families; and
- 3. Providing pet adoption services, including staffing the successful, annual Pet Adopt-a-thon, which has successfully placed hundreds of animals in new homes over the years.

C. TERMS OF THE MOA

The proposed MOA includes the following terms:

1. COLAs

Section 1 of the MOA (pp. 7-8 of these materials) provides for the following cost of living adjustments (COLAs), which are the same as those agreed to by the vast majority of the County’s represented employees:

Year	Formula	COLA
2011	No COLA	Zero
2012	90% of CPI-W for Seattle-Tacoma-Bremerton, with 0% floor and no ceiling	1.63%
2013	95% of CPI-W for Seattle-Tacoma-Bremerton, with 0% floor and no ceiling	2.05%
2014	95% of CPI-W for Seattle-Tacoma-Bremerton, with 0% floor and no ceiling	1.85%

This bargaining unit had previously agreed to a zero COLA for 2011. The MOA confirms that agreement and adopts the COLAs listed above for 2012-2014.

The specific COLA percentages listed in the table for 2013 and 2014 are projections by the County’s Office of Economic and Financial Analysis (OEFA).

The fiscal impact of the COLAs is described in the Fiscal Note (p. 15 of these materials), which is summarized in the table below. The cost increases listed for 2013 and 2014 are based on the OEFA projections.

	2011	2012	2013	2014
Increase over previous year	\$0	\$30,948	\$39,556	\$37,020
Cumulative increase over 2010	\$0	\$30,948	\$70,504	\$107,523

2. COLA reopener

Section 1 of the MOA (pp. 7-8 of these materials) provides that COLA negotiations will be reopened if, comparing the current year to the previous year, there is either (1) an

increase in the King County unemployment rate of more than two percentage points or (2) a decline of more than seven percent in county retail sales. Each year by July 30th the county will assess whether either of these conditions has been met.

3. Other compensation and benefits

Non-COLA forms of compensation (for example, step increases) are unaffected by the MOA, which also provides that the county will maintain the benefits negotiated in the Joint Labor Management Insurance Committee (JLMIC) through 2012 (see MOA §§ 2, 4 (p. 8 of these materials)).

D. CONSISTENCY WITH LABOR POLICIES

The proposed MOA is consistent with the County’s adopted labor policies.

E. LEGAL REVIEW

The CBA has been reviewed by the Office of the Prosecuting Attorney, Civil Division. (Transmittal letter, p. 18 of these materials)

F. INVITED

- 1. Rob Sprague, Labor Negotiator, King County Office of Labor Relations
- 2. Sid Vinnedge, Legal Representative, Animal Control Officers Guild

ATTACHMENTS

Page

1. Proposed Ordinance 2012-0005	5
a. Att. A (Memorandum of Agreement)	7
2. Checklist and Summary of Changes	11
3. Contract Summary	13
4. Fiscal Note	15
5. Transmittal letter	17

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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

January 31, 2012

Ordinance

Proposed No. 2012-0005.1

Sponsors Patterson

1 AN ORDINANCE approving and adopting a memorandum
2 of agreement negotiated by and between King County and
3 the Animal Control Officers Guild representing employees
4 in the department of executive services; and establishing
5 the effective date of said agreement.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. The memorandum of agreement negotiated by and between King
8 County and the Animal Control Officers Guild representing employees in the department
9 of executive services and attached hereto is hereby approved and adopted by this
10 reference made a part hereof.

11 SECTION 2. Terms and conditions of said agreement shall be effective from
12 January 1, 2011, through and including December 31, 2014.

13

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 Animal Control Officers Guild Addressing the 2011 Budget Crisis

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN
KING COUNTY AND
ANIMAL CONTROL OFFICERS GUILD
ADDRESSING THE 2011 BUDGET CRISIS**

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

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 employees represented by Animal Control Officers Guild - Animal Control - Department of Executive Services (Records and Licensing Services)

cba Code	Union	Contract
170	ACOG	Animal Control - Department of Executive Services (Records and Licensing Services)

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.

NOW THEREFORE, King County and Animal Control Officers Guild agree as follows.

1. The parties have negotiated that all employees covered by collective bargaining agreements that are open on the subject of 2011 Cost of Living pay adjustments and represented by the aforementioned Unions will not receive a 2011 Cost of Living pay adjustment.

The parties agree that wages will be increased by percentage amounts shown below:

A. 2012 COLA

Employees shall be eligible to receive 90% of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bremerton Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W, July of the previous year to June of the current year). Zero floor and no ceiling.

B. 2013 COLA

Employees shall be eligible to receive 95% of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bremerton Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W, July of the previous year to June of the current year). Zero floor and no ceiling.

C. 2014 COLA

Employees shall be eligible to receive 95% of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bremerton Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W, July of the previous year to June of the current year). Zero floor and no ceiling.

The parties agree when significant shifts in economic and fiscal conditions occur during the term of this agreement, the parties agree to reopen negotiations for COLA when triggered by either an increase in the King County unemployment rate of more than 2 percentage points compared with the previous year or a decline of more than 7% in County retail sales as determined by comparing current year to previous year. Data will be derived from Washington State Department of Revenue. By no later than July 30th of each year of this agreement, the county will assess whether the economic measurements listed above trigger contract reopeners on COLA for the subsequent year.

2. Employees covered by this Agreement will be eligible to receive, in 2011, 2012, 2013 and 2014, other forms of compensation adjustments as provided for in their collective bargaining agreement.

3. As determined by the County, savings generated by forgoing a 2011 Cost of Living pay adjustment shall be applied by the County in such a way as to reduce the loss of jobs held by bargaining unit members covered by the terms of this Agreement.

4. The County agrees to maintain the benefits negotiated in the Joint Labor Management Insurance Committee for 2011 through 2012.

5. The parties acknowledge that all parties have fulfilled their obligations to engage in collective bargaining over the subjects contained in this Agreement.

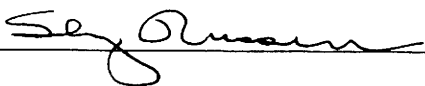
6. The parties acknowledge that this Agreement is subject to approval by the King County Council and ratification by the membership of the aforementioned Unions.

7. Any dispute regarding the interpretation and/or application of this Agreement shall be handled pursuant to the terms of the applicable Union's grievance procedure, provided that if more than one bargaining unit has the same or similar dispute, the grievances shall be consolidated.

8. The parties agree that this Memorandum of Agreement shall be in effect through December 31, 2014.

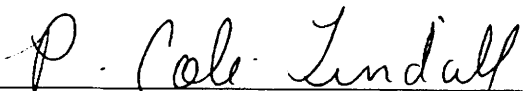
9. The parties hereby agree that if, subsequent to the execution of this Agreement, the County reaches an agreement with the Amalgamated Transit Union, Local 587 (ATU) related to the 2011 COLA that is more favorable, this entire agreement will be reopened for negotiations for those bargaining units eligible for interest arbitration.

For Animal Control Officers Guild:



11/17/11
Date

For King County:



Patti Cole-Tindall, Director
Office of Labor Relations
King County Executive Office

11-17-11
Date

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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) for Animal Control Officers Guild (Animal Control - Department of Executive Services (Records and Licensing Services))
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? 1 MOA only</i>	Yes

<i>Six Point Summary of changes to the attached agreement:</i>
1. Provides COLA calculations for 2012, 2013 and 2014 based on the average annual growth of the local consumer price index, consistent with agreements with other county labor organizations.
2. Provides for a COLA reopener based on measured significant shifts in economic and fiscal conditions if they occur during the term of this agreement.
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CONTRACT SUMMARY

CONTRACT: Memorandum of Agreement regarding 2011 Zero COLA (Addressing the 2011 Budget Crisis) for Animal Control Officers Guild (Animal Control - Department of Executive Services (Records and Licensing Services))

TERM OF CONTRACT: January 1, 2011, through December 31, 2014

DESCRIPTION OF WORK PERFORMED BY BARGAINING UNIT MEMBERS: Animal Control Officers, Animal Control Sergeants and Veterinary Technicians who operate the King County animal shelter in Kent and provide animal control services in the field throughout King County.

NEGOTIATOR: Rob Sprague

COUNCIL POLICY	COMMENTS
➤ REDUCTION-IN-FORCE:	The underlying contract provides that a reduction in force shall be based on seniority within job classification.
➤ INTEREST-BASED BARGAINING:	Negotiations have been and are being conducted in a collaborative and interest-based environment.
➤ DIVERSITY IN THE COUNTY'S WORKFORCE:	The underlying contract contains an equal employment opportunity clause that is consistent with Personnel Guidelines and county ordinances.
➤ CONTRACTING OUT OF WORK:	The underlying contract does not specifically address contracting out of work; the contract allows for the use of volunteers in a variety of activity with animals, customers and the public.
➤ LABOR / MANAGEMENT COMMITTEES:	The underlying contract does not have a specific requirement for a general labor/management committee but does provide for quarterly labor management meetings to discuss the volunteer program; the parties have agreed to and in practice are using ongoing, general labor-management meetings.
➤ MEDIATION:	The underlying contract provides alternative dispute resolution procedures which are to be used prior to filing an unfair labor practice and which may be used by mutual agreement after a grievance is filed.
➤ CONTRACT CONSOLIDATION:	N/A
➤ HEALTH BENEFITS COST SHARING:	The underlying contract provides for Guild participation in the Joint Labor Management Insurance Committee and for insured benefits as determined by this Committee.

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

CONTRACT: Memorandum of Agreement regarding 2011 Zero COLA (Addressing the 2011 Budget Crisis) for Animal Control Officers Guild (Animal Control - Department of Executive Services (Records and Licensing Services))

COUNCIL POLICY	COMMENTS
➤ TIMELINESS OF LABOR CONTRACT NEGOTIATIONS:	The parties reached this agreement on cost of living adjustments prior to the applicable dates of those adjustments. The underlying contract is still being negotiated.
➤ USE OF TEMPORARY AND PART-TIME EMPLOYEES:	The use of temporary and part-time employees within the underlying contract is consistent with county policy.

MISCELLANEOUS CONTRACT ISSUES:	
➤ BIWEEKLY PAY:	The underlying contract provides for the county's ability to implement bi-weekly pay as well as the specifics of the transition to bi-weekly pay consistent with other negotiated transition provisions in the county.
➤ INTEREST ARBITRATION ELIGIBLE:	This bargaining unit is not interest arbitration eligible.
➤ NO STRIKE PROVISION:	The underlying contract prohibits causing or condoning any work stoppage.
➤ ADDITIONAL LEAVE PROVISIONS:	The underlying contract provides for standard county vacation, sick and holiday leave provisions.
➤ HOURS OF WORK:	Employees work a traditional 40 hour work week, on either a five day, eight hour schedule or a four day, ten hour schedule.
➤ PERFORMANCE EVALUATIONS:	Employees in the bargaining unit are subject to annual performance evaluations.



FISCAL NOTE

2012-005

Ordinance/Motion No.	Memorandum of Agreement		
Title:	2011 Zero COLA (Addressing the 2011 Budget Crisis) for Animal Control Officers Guild (Animal Control - Department of Executive Services (Records and Licensing Services))		
Effective Date:	1/1/2011		
Affected Agency and/or Agencies:	Records and Licensing		
Note Prepared by:	Matthew McCoy, Labor Relations Analyst, Office of Labor Relations <i>Carolyn Sargent for mm 11/18/11</i>	Phone: 205-8004	
Department Sign Off: <i>ym</i>	Sean Bouffiou, Finance Administrator, RALS	Phone: 296-4148	
Note Reviewed by: Supplemental Required?	Yiling Wong, Budget Analyst	Phone: 263-9725	
NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>		

EXPENDITURES FROM:

Fund Title	Fund Code	Department	2011	2012	2013	2014
Animal Services	1431	RALS-RASKC	\$ 0	\$ 30,948	\$ 39,556	\$ 37,020
TOTAL: Increase FM previous year			\$ 0	\$ 30,948	\$ 39,556	\$ 37,020
TOTAL: Cumulative			\$ 0	\$ 30,948	\$ 70,504	\$ 107,523

EXPENDITURE BY CATEGORIES:

Expense Type	Department	2010 Base	2011	2012	2013	2014
Salaries	RALS-RASKC	\$ 1,538,596	\$ 0	\$ 25,079	\$ 32,055	\$ 30,000
OT		\$ 112,668	\$ 0	\$ 1,836	\$ 2,347	\$ 2,197
PERS & FICA		\$ 247,359	\$ 0	\$ 4,032	\$ 5,154	\$ 4,823
TOTAL: Increase FM previous year		\$ 1,898,623	\$ 00	\$ 30,948	\$ 39,556	\$ 37,020
TOTAL: Cumulative			\$ 00	\$ 30,948	\$ 70,504	\$ 107,523

ASSUMPTIONS:

Assumptions used in estimating expenditure include:

- Contract Period(s): 1/1/2011 – 12/31/2014
- Wage Adjustments & Effective Dates:
 - COLA:
 - 0.00% for 2011;
 - 90% Seattle June to June for 2012, 1.63%;
 - 95% Seattle June to June for 2013 and 2014, assumed at 2.05% and 1.88%.
 - Assumptions per Forecasting Council.
 - Other:
 - Retro/Lump Sum Payment:
- Other Wage-Related Factors:
 - Step Increase Movement: Assumes step distribution is constant over time.
 - PERS/FICA: PERS/FICA at 14.98%
 - Overtime: Overtime based on 2010 actual. Assumes staffing is constant over time.

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November 19, 2011

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

Dear Councilmember Gossett:

The enclosed ordinance, if approved, will ratify a memorandum of agreement with the Animal Control Officers Guild for the period of January 1, 2011, through December 31, 2014. This agreement covers approximately 36 employees in the Records and Licensing Services Division of the Department of Executive Services.

This bargaining unit covers Animal Control Officers, Animal Control Sergeants and Veterinary Technicians working for Regional Animal Services of King County. These employees support the King County animal shelter in Kent and provide services in the field throughout King County. They protect the safety and well-being of King County residents by patrolling neighborhoods, responding to reports of trespassing/stray cats and dogs, complaints of vicious animals or animal bites and reports of loose livestock. They provide for the safety and well-being of domestic pets and other animals in King County by rescuing injured animals, picking up strays, providing shelter and care to lost or relinquished pets, providing pet-based inspection services, investigating animal cruelty complaints and returning impounded pets to their families. These employees also provide pet adoption services, including staffing the successful, annual Pet Adopt-a-thon, which has successfully placed hundreds of animals in new homes over the years.

This bargaining unit has previously agreed to the zero percent cost-of-living adjustment (COLA) in 2011. This agreement covers COLA for this bargaining unit for 2012 through 2014, which is consistent with the COLA formula agreed to with other labor organizations in the County. The adjustment for 2012 is based on 90% of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bremerton Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W, July of the previous year to June of the current year). The adjustment for 2013 and 2014 is based on 95% of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bremerton Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W, July of the previous year to June of the current year).

The Honorable Larry Gossett
November 19, 2011
Page 2

Additionally the parties agree when significant shifts in economic and fiscal conditions occur during the term of this agreement, the parties agree to reopen negotiations for COLA when triggered by either an increase in the King County unemployment rate of more than two percentage points compared with the previous year or a decline of more than 7% in County retail sales as determined by comparing current year to previous year. Data will be derived from Washington State Department of Revenue. By no later than July 30th of each year of this agreement, the County will assess whether the economic measurements listed above trigger contract reopeners on COLA for the subsequent year. The parties continue to be in negotiations over the remaining terms of the collective bargaining agreement.

The settlement reached is a product of good faith collective bargaining between King County and the Union. The 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.

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: Cindy Domingo, Acting Chief of Staff
Mark Melroy, Senior Principal Legislative Analyst, BFM Committee
Anne Noris, Clerk of the Council
Dwight Dively, Director, Office of Performance, Strategy and Budget
Carrie Cihak, Chief Advisor, Policy and Strategic Initiatives, King County Executive Office
Patti Cole-Tindall, Director, Office of Labor Relations