## REVISED STAFF REPORT

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| **Agenda Item:** |  | **Date:** |  |
| **Proposed No.:** | 2016-0408 | **Name:** | Nick Wagner |

***Proposed Ordinance 2016-0408 was amended by Amendment 1 and reported out of committee with a Due Pass Consent recommendation.***

**SUBJECT**

Approval of a collective bargaining agreement with the Washington State Council of County and City Employees, Council 2, Local 21AD, covering employees in the Department of Adult and Juvenile Detention.

**SUMMARY**

Proposed Ordinance 2016-408 (Att. 1) would approve a collective bargaining (CBA) (Att. 1-A) with the Washington State Council of County and City Employees, Council 2, Local 21AD, covering about 45 employees in the Department of Adult and Juvenile Detention (DAJD). Their positions are in the following classifications (CBA Art. 15, § 1; Att. 1-A, p. 26):

* Corrections Program Specialist
* Personal Recognizance Investigator
* Occupational Education and Training Coordinator
* Recreation Coordinator
* Administrative Specialist I-III
* Administrative Office Assistant.

The new CBA is a two-year continuation of the current CBA with the changes described below. The new CBA covers the 2015 and 2016 calendar years and includes pay range increases that will carry over into 2017.

**BACKGROUND**

This bargaining unit’s previous CBA expired at the end of December 2014, but its terms continued in effect pursuant to RCW 41.56.123(1).[[1]](#footnote-1)

**ANALYSIS**

The most notable changes in the proposed new CBA are described below.

1. Term. The proposed new CBA will cover the 2015 and 2016 calendar years (CBA Art. 22; Att. 1-A, p. 32).
2. COLAs. The CBA provides for cost-of-living adjustments (COLAs) of 2.00 percent for 2015 and 2.25 percent for 2016[[2]](#footnote-2) (CBA Addendum B; Att. 1-A, following p. 35). These COLAs would be paid retroactively for 2015 and for 2016 through the date that the CBA is approved by the Council.
3. Pay Range Increases. The CBA would increase by two pay ranges (a total of about 4.9 percent) the pay ranges for the classifications Corrections Program Specialist (CPS) (from range 55 to range 57) and Personal Recognizance Investigator (PRI) (from range 53 to range 55), effective December 17, 2016 (CBA Art. 15, § 1, Att. 1-A, p. 26). As described in the Executive’s transmittal letter (Att. 7), these classifications “have been generally considered lateral promotional positions” from the positions of Corrections Officer and Corrections Sergeant, and they “have seen their wages suffer in comparison to the ‘Corrections Officers’ and ‘Sergeants’ who have gone to interest arbitration.”[[3]](#footnote-3) The proposed pay range increases for CPSs and PRIs would make up for the larger wage increases that Corrections Officers and Sergeants have received in recent years.[[4]](#footnote-4) If the CBA is approved, the maximum wage rate for PRIs (range 55, step 10) would be about two ranges higher than the maximum wage rate for Corrections Officers (slightly below range 53). The maximum rate for CPSs (range 57, step 10) would be about four ranges higher than for Corrections Officers.

Of the 45 bargaining unit employees, 24 were CPSs, 14 were PRIs, and seven were in other classifications as of June 2016. The increased cost attributable to the proposed pay range increases in 2017 is about $133,000 for the CPSs and about $62,000 for the PRIs, for a total of about $195,000. This cost does not include any wage increase that might be agreed upon for 2017.

1. Coalition Bargaining. The CBA would provide for the bargaining unit to participate in the ongoing total compensation bargaining between the County and the King County Coalition of Unions (CBA Addendum B; Att. 1-A, following p. 35).
2. Paid Parental Leave. The CBA would permit bargaining unit employees to participate in the County’s paid parental leave pilot program, effective June 1, 2016 through December 31, 2016 (CBA Addendum C; Att. 1-A, following Addendum B).
3. KCFML/FMLA Concurrency. The bargaining unit would agree to concurrency between King County Family Medical Leave (KCFML) and the leave available under the federal Family and Medical Leave Act (FMLA), as provided for under Ordinance 18191, which the Council adopted in December 2015. (CBA Addendum C; Att. 1-A, following Addendum B)
4. Seniority. Under the new CBA, an employee who leaves the bargaining unit and returns within two years would retain seniority within the employee’s classification (CBA Art. 3, § 10; Att. 1-A, pp. 5-6). Under the previous CBA, any break in service would result in loss of seniority.
5. Compensatory Time Off. The new CBA would allow an employee to accumulate up to 80 hours of compensatory time off (CTO) during a calendar year, instead of the 60 hours permitted under the previous CBA (CBA Art. 14, § 4; Att. 1-A, p. 25). This would provide greater consistency with the contracts of other bargaining units within DAJD. The CBA would continue to require that any unused CTO be cashed out at the end of the calendar year. An employee would not be permitted to carry over CTO to the following year.
6. Education Incentive. The new CBA would modify and clarify the terms under which an employee will be reimbursed for the cost of tuition and books for job-related education and training. Reimbursement would be provided for “pre-approved degree work for any and all . . . degrees in criminal justice or public administration,” but only if the employee receives a grade of C or better (or pass in a pass/fail course) and other specified conditions are met (CBA Art. 19, § 3; Att. 1-A, pp. 29-30). The CBA also provides a process for an employee to request pre-approval for reimbursement for “degrees or training programs outside of Criminal Justice or Public Administration” where “the program has a direct relationship to the employee’s work and provides a corresponding benefit to the Department.”

**FISCAL IMPACT**

As described in the Fiscal Note (Att. 8), the 2015-2016 fiscal impact of the proposed new CBA is about $190,000 and is attributable to the COLAs. The 2017 fiscal impact is about $195,000 and is attributable to the pay range increases. According to executive staff, the fiscal impact of the other contract changes is expected to be minimal.

**AMENDMENT**

Amendment 1 (Att. 2) is needed to correct a technical error in the preparation of the CBA (Att. 1-A).

1. RCW 41.56.123(1) provides: “After the termination date of a collective bargaining agreement, all of the terms and conditions specified in the collective bargaining agreement shall remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.” [↑](#footnote-ref-1)
2. These are the same amounts as the COLAs provided for in the 2014 MOA between King County and the King County Coalition of Unions (“the 2014 Coalition MOA”), which the Council approved in November 2014 by Ordinance 17916. This bargaining unit will not be receiving the $500-per-employee lump sum payment for 2014 that was received by the employees whose unions signed the 2014 Coalition MOA. [↑](#footnote-ref-2)
3. The classification specifications for CPS, PRI, and Corrections Officer are Attachments 3-5, respectively. [↑](#footnote-ref-3)
4. According to data provided by executive staff, between 2008 and 2016 Corrections Officers and Corrections Sergeants have received wage increases totaling 24.0 percent. During the same period the CPSs and PRIs in this bargaining unit received COLAs totaling 18.8%, a difference of about 5.2 percentage points. The proposed pay range increases (about 4.9%) would largely eliminate that disparity. [↑](#footnote-ref-4)