



Midpeninsula Regional  
Open Space District

R-12-118  
Meeting 12-37  
November 28, 2012

## AGENDA ITEM 6

### AGENDA ITEM

Approval of Memorandum of Understanding with Midpeninsula Regional Open Space District Field Employees Association and Approval of Salary and Benefits for the Office, Supervisory, and Management Employees

### GENERAL MANAGER'S RECOMMENDATIONS

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1. Adopt the accompanying resolution approving the Memorandum of Understanding (MOU) with the Midpeninsula Regional Open Space District Field Employees Association (FEA), for a term of July 1, 2012, through June 30, 2015, effective November 26, 2012.
2. Adopt the accompanying resolution approving the Salary and Benefits for the Office, Supervisory, and Management (OSM) employees, effective November 26, 2012.
3. Approve the accompanying resolution to amend the Employer Paid Member Contribution (EPMC) with the California Public Employees Retirement System (PERS) to implement the appropriate provisions of Recommendations 1 and 2 as necessary, including returning to the Board for any additional required actions.
4. Approve the attached update to the District's Fiscal Year (FY) 2012-13 Classification and Compensation Plan.
5. Direct staff to return to the Board with appropriate revisions to the District's Personnel Policies and Procedures Manual to implement Recommendation 2 for OSM employees, as needed.

### SUMMARY

A new Memorandum of Understanding with the Field Employees Association has been reached for a three-year term expiring June 30, 2015. As has been past practice, the Board recommends extending the same salary and benefit adjustments to the Office, Supervisory, and Management employees. Approval of the attached resolutions will enable the District to implement these changes.

## **DISCUSSION**

### **Background**

The Field Employees Association is the exclusive labor relations bargaining representative for the District's Open Space Technicians, Lead Open Space Technicians, Equipment Mechanic Operators, Farm Maintenance Worker, and Rangers. On August 9, 2006, the District approved a five-year contract with the FEA (Report R-06-86) for the period from April 1, 2006, through March 31, 2011. In March 2011, that agreement was extended by 15 months with a new expiration date of June 30, 2012.

The District and the FEA entered into contract negotiations in February 2012. The FEA's negotiating team was comprised of Tim Cantillon, Labor Representative; Brad Pennington, Elisa Stanton, and Kerry Carlson, Rangers; and Grant Kern, Equipment Mechanic Operator. The District's negotiating team included Deborah Glasser from Deborah Glasser Labor Relations; Annetta Spiegel, Human Resources Supervisor; David Sanguinetti, Operations Manager; and Kate Drayson, Administrative Services Manager.

Prior to meeting with the FEA negotiating team, the District negotiating team met with the Board to receive direction on desired outcomes of the negotiations. The Board expressed the desire to increase the employee cost-share amount of the PERS retirement benefit and medical insurance premiums, in order to ensure the future sustainability of District employee salary and benefits costs as well as provide benefits more in alignment with those of comparable agencies.

The District and FEA negotiating teams successfully reached tentative agreement on the proposed three-year MOU on October 10, 2012, and the tentative MOU was ratified at the FEA meeting of Tuesday, October 30, 2012. The Board met in Closed Session on November 14, 2012, and voted to approve the three-year MOU with economic changes for the first year taking effect on November 26, 2012, and directed staff to consider applying the same changes to the OSM employees. Board Appointees are excluded as their compensation will be considered separately as part of their annual contract renewal process.

### **Economic Changes**

While employees will receive a 3% salary increase in each of the next three years, it will be offset by a 2% annual reduction in the District-paid portion of the employee PERS contribution, as well as an increase in the employee cost-share for a portion of medical insurance premiums. The net impact of these adjustments is a 1% or less annual salary increase per employee in each of the next three years. Below is a summary of the key economic changes that will apply to all regular District employees.

Compensation – The District will conduct a compensation study in spring 2013. Additionally, the following salary increases will be effective at the beginning of the closest pay period on or after the dates below:

- Year 1: 3% on November 26, 2012
- Year 2: 3% on July 1, 2013
- Year 3: 3% on July 1, 2014

Retirement – The portion of the employee-paid PERS retirement contribution will increase from 2% to 8%, which is the maximum employee contribution, over the term of the three-year agreement according to the following schedule (with changes taking effect at the beginning of the closest pay period on or after the dates below):

- Year 1: Employee contribution will increase from 2% to 4% on November 26, 2012
- Year 2: Employee contribution will increase from 4% to 6% on July 1, 2013
- Year 3: Employee contribution will increase from 6% to 8% on July 1, 2014

Additionally, pursuant to AB340, the California Public Employees Pension Reform Act of 2012, effective January 1, 2013, all new District employees will have a 2% @ 62 retirement formula and will pay for 50% of the total costs of pension contributions.

Medical Benefits – The District will continue to pay the full cost of “Employee Only” coverage for the lowest cost PERS HMO plan. The employee cost-share for the “Employee + 1” and “Employee + Family” will increase from 10% to 15% of the difference between the lowest cost one-party HMO plan and the lowest cost two-party or family HMO plan premiums. If the employee selects a more expensive plan than the lowest cost HMO, the employee will pay 100% of the additional premium cost above what is paid for by the District.

Other Benefits – The District will provide Indexed 1959 Survivor Benefits, a new benefit for employees, to survivors of a member who dies prior to retirement. Both the District and the employee will pay \$2.60 per month for this benefit. This benefit is optional for current employees; however, future hires will be required to participate in the plan.

### **FEA Memorandum of Understanding**

Attachment D to this report provides a summary of the economic and non-economic changes to the contract with the FEA. Additional economic changes include adjustments to the night shift differential, an increase in the annual uniform allowance, new Field Training Officer and Medical Trainer Programs, an increase in the Equipment Operator Mechanic salary range to reflect revised duties, and implementation of a Longevity Pay Program for employees with 10 or more years of service with the District.

### **BOARD COMMITTEE REVIEW**

This item was not reviewed by Committee, but instead by the full Board in closed session during the course of negotiations.

**FISCAL IMPACT**

The cost of these adjustments for FY2012-13 is approximately \$300,000 and will be covered by vacancy savings. The cost impacts for FY2013-14 will be included in the FY2013-14 Proposed Budget scheduled to be reviewed by the Board on February 27, 2013.

**PUBLIC NOTICE**

Notice was provided pursuant to the Brown Act. No additional notice is necessary.

**CEQA COMPLIANCE**

No compliance is required as this action is not a project under the California Environmental Quality Act (CEQA).

**NEXT STEP**

If approved, staff will 1) work with PERS to make the appropriate changes, and 2) enter salary and benefit changes into the payroll system with an effective date of November 26, 2012.

Attachments:

1. Resolution Approving MOU with FEA
2. Resolution Approving Adjustments to OSM Salaries and Benefits
3. Resolution Approving Adjustments to contract with PERS
4. Summary of Proposed MOU Changes
5. Revised District Classification and Compensation Plan
6. Memorandum of Agreement with Field Employees Association

Responsible Manager:

Kate Drayson, Administrative Services Manager

Prepared by:

Kate Drayson, Administrative Services Manager

Candice Basnight, Human Resources Supervisor

David Sanguinetti, Operations Manager

Contact person:

Kate Drayson, Administrative Services Manager

**ATTACHMENT 1**

**RESOLUTION NO. 12-XX**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT  
APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AND  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FIELD  
EMPLOYEES ASSOCIATION**

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WHEREAS, Midpeninsula Regional Open Space District Field Employees Association is the exclusively recognized employee organization for the District's Open Space Technicians, Lead Open Space Technicians, Rangers, Equipment Mechanic-Operators, and Farm Maintenance Worker; and

WHEREAS, pursuant to California Government Code Section 3500 *et seq.*, representatives of the District, and the Midpeninsula Regional Open Space District Field Employees Association have completed negotiations for a Memorandum of Agreement for a term of July 1, 2012 through June 31, 2015; and

WHEREAS, on October 30, 2012 the bargaining unit represented by Midpeninsula Regional Open Space District Field Employees Association ratified the Memorandum of Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District does hereby approve the Memorandum of Understanding between Midpeninsula Regional Open Space District and Midpeninsula Regional Open Space District Field Employees Association for a term of July 1, 2012 through June 31, 2015, a copy of which is attached hereto and by reference made a part hereof, with the economic terms having an effective date of November 26, 2012.

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**ATTACHMENT 2**

**RESOLUTION NO. 12-XX**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL  
OPEN SPACE DISTRICT APPROVING ADJUSTMENTS TO THE SALARIES, BENEFITS AND  
TERMS AND CONDITIONS OF EMPLOYMENT FOR THE OFFICE, SUPERVISORY AND  
MANAGEMENT EMPLOYEES OF THE DISTRICT**

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WHEREAS, the office, supervisory and management employees are employed by the District and as such receive and are subject to certain salaries and benefits and terms and conditions of employment;

WHEREAS, it has been the custom and practice of the District to apply largely the same salaries, benefits, and terms and conditions of employment to the office, supervisory, and management employees as to the represented employees;

WHEREAS, the three employees appointed by the Board, the General Manager, the Controller, and the General Counsel, have separate negotiated contracts that will be reviewed separately, as part of their regular annual contract review process;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District does hereby approve the adjusted Salaries, Benefits and Terms and Conditions of employment as set out in Board Report R-12-118, with an effective date of November 26, 2012 for all economic terms, for the office, supervisory, and management employees of the District, excluding the three employees appointed directly by the Board, and direct that any necessary or appropriate implementing revisions to the District's Personnel Policies and Procedures Manual be presented to the Board for approval.

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**ATTACHMENT 3**

**RESOLUTION NO. 12-XX**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING ADJUSTMENTS TO THE EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

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WHEREAS, the governing body of the Midpeninsula Regional Open Space District has the authority to implement Government Code Section 20691;

WHEREAS, the governing body of the Midpeninsula Regional Open Space District has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the Midpeninsula Regional Open Space District of a resolution to commence said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the Midpeninsula Regional Open Space District has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees of the Miscellaneous Employees Group, excluding the Board Appointees.
- This benefit shall consist of paying 4% of the normal member contributions as EPMC effective November 26, 2012.
- This benefit shall consist of paying 2% of the normal member contributions as EPMC effective July 8, 2013.
- This benefit shall consist of paying 0% of the normal member contributions as EPMC effective July 7, 2014.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Midpeninsula Regional Open Space District elects to pay EPMC, as set forth above.

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## ATTACHMENT 4

### Summary of Proposed Changes to the Memorandum of Understanding Between Midpeninsula Regional Open Space District and District Field Employees Association

July 1, 2012 through June 30, 2015

#### PRIMARY ECONOMIC CHANGES

##### Compensation (Section 7.1)

1. Salary increases (would be effective at the beginning of the closest pay period on or after the dates listed below):
  - Year 1: 3% increase upon ratification (November 26, 2013)
  - Year 2: 3% increase on July 1, 2013
  - Year 3: 3% increase on July 1, 2014
2. The Koff & Associates Classification and Compensation Study compensation adjustments will be implemented for the Field Employees and the District will conduct a new compensation survey in the Spring of 2013.
3. Salary Adjustment for Equipment Mechanic Operator (EMO) Classification – As a result of revisions to the EMO job duties, the salary range will increase by 5% from Range 23 to 25.

##### Retirement (Section 7.2K)

Employee-paid PERS will increase (would be effective at the beginning of the closest pay period on or after the dates listed below):

- Year 1: from 2% to 4% effective November 26, 2012
- Year 2: from 4% to 6% effective July 1, 2013
- Year 3: from 6% to 8% effective July 1, 2014

Pursuant to AB340, the California Public Employees Pension Reform Act of 2012, effective January 1, 2013, new District employees will have a 2% @62 retirement formula and pay 50% of pension costs.

##### Medical Benefits (Section 7.2B)

The District will pay the full cost of the “Employee Only” coverage for the lowest cost PERS HMO plan by paying \$350 per month per employee (regular, full-time) for the health insurance premium and contributing additional funds into to cover the balance of employee-only coverage.

Effective November 26, 2012, the District will pay 85% of the difference between the lowest cost HMO one-party plan and the lowest cost HMO two-party or family plan premiums, as may be selected by the employee. If the employee selects a more expensive plan than the lowest cost HMO, the employee will pay 100% of the additional premium cost above what is paid for by the District under the lowest cost HMO plan as described above.



## Other Economic Changes

- **Minimum Call-Back (Section 5.2C)** – A total of one hour commute time to and from the employee’s work station can be included in the three-hour minimum call-back time paid at time and one-half.
- **Indexed 1959 Survivor Benefits (Section 7.2N – New)** – As soon as is practicable, the District will provide Indexed 1959 Survivor Benefits to survivors of a member who dies prior to retirement. Under this program, the District pays a \$2.60 per employee per month premium and the employee also pays a premium of \$2.60 per month. This is an amendment to the District’s contract with PERS and will take 30 to 90 days to implement this benefit. Current employees have the option of opting in or out of this benefit, however, once the contract is amended all new hires will be required to participate.
- **Night Shift Differential (Section 7.5)** – Employees will be paid a differential of \$3 per hour for each hour worked after 2:00 p.m. when at least 4 hours of the assigned work schedule occurs after 5:00 p.m. and before 6:00 a.m.
- **Field Training Officer (FTO) Program (Section 7.10 - New)** – An employee will receive 5% higher pay when acting as FTO for the time the employee is in the assignment.
- **Medical Trainer (Section 7.11 – New)** – An employee will receive 5% higher pay when acting as Medical Trainer for the time the employee is in the assignment.
- **Longevity Pay (Section 7.12 – New)** – Employees with 10 or more years of District employment are eligible on their anniversary date for a 1% of annual salary lump sum of salary payment.
- **Uniform Allowance (Section 9.2)** – The annual allowance increases from \$640/year to \$775/year per employee and, effective FY2013-14, the amount will be included in employee paychecks and evenly distributed over the 26 pay periods.

## **NON-ECONOMIC CHANGES**

- **Article 2** – Changes language from “Union Steward” to “FEA Representative” and clarifies language regarding communication and release time for Representatives.
- **Article 5** – Memorializes the current practice regarding Alternate Work Schedules and incorporates Appendix D into Section 5.3.
- **Article 6** – Deletes language regarding time period for modified duty assignments.
- **Article 7** – Update benefits section to reflect current benefits; clarify language regarding Acting appointments and Shift Change Differential; changes pay day from the Wednesday following the end of the pay period to Friday.

- **Article 8** – Clean up language regarding performance evaluations.
- **Article 9** – Modifies required uniform items; folds bicycle program into regular Uniform Allowance; changes method of Uniform Allowance from reimbursements to distribution through employee paychecks.
- **Article 10** – Modifies vacation request process.
- **Article 11** – Memorializes current practice for Holiday Bank.
- **Article 12** – Memorialize current practices regarding Personal and Sick Leave notification and usage; for Witness/Jury Duty, if an employee is appointed to a trial and the trial is expected to last more than two weeks, the employee's schedule will be changed to Monday through Friday from 8:00 a.m. to 5:00 p.m. to coincide with the court schedule.
- **Article 13** – Allows Operations Manager to approve requests for Family Medical Leave and Leaves without pay of up to five days. Leave requests of greater than five days will require approval by the General Manager.
- **Article 17** – Clarifies language regarding warning types of discipline.
- **Article 23** – Defines the term of the MOU as three years.

ATTACHMENT 5

**Midpeninsula Regional Open Space District  
Revised Classification and Compensation Plan  
Fiscal Year 2012/2013 - Effective 11/26/2012  
(last revised 4/01/12, 1/25/12, 6/27/12)**

Classification Title	Step Range		Hourly Range \$		Monthly Range \$		Annual Range \$		Time
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Base
Seasonal Open Space Technician	Range 6		17.334	21.648	3,005	3,752	36,055	45,027	Part-time
Farm Maintenance Worker	Range 19		23.810	29.735	4,127	5,154	49,525	61,850	Full-time
Open Space Technician*	Range 19		23.810	29.735	4,127	5,154	49,525	61,850	Full-time
Administrative Assistant	Range 20		24.391	30.461	4,228	5,280	50,733	63,358	Full-time
Accounting Technician	Range 22		25.610	31.984	4,439	5,544	53,269	66,526	Full-time
Human Resources Technician	Range 22		25.610	31.984	4,439	5,544	53,269	66,526	Full-time
Lead Open Space Technician*	Range 23		26.251	32.783	4,550	5,682	54,601	68,189	Full-time
GIS Technician	Range 23		26.251	32.783	4,550	5,682	54,601	68,189	Full-time
Senior Administrative Assistant	Range 24		26.891	33.583	4,661	5,821	55,933	69,852	Full-time
Ranger	Range 25		27.563	34.422	4,778	5,967	57,331	71,599	Full-time
Equipment Mechanic/Operator	Range 25		27.563	34.422	4,778	5,967	57,331	71,599	Full-time
Public Affairs Program Coordinator	Range 25		27.563	34.422	4,778	5,967	57,331	71,599	Full-time
Information Technology Technician	Range 25		27.563	34.422	4,778	5,967	57,331	71,599	Full-time
Executive Assistant	Range 27		28.941	36.144	5,016	6,265	60,198	75,179	Full-time
Resource Management Specialist I	Range 29		30.388	37.951	5,267	6,578	63,208	78,938	Full-time
Planner I	Range 29		30.388	37.951	5,267	6,578	63,208	78,938	Full-time
Docent Program Manager	Range 30		31.129	37.025	5,396	6,418	64,749	77,012	Full-time
Volunteer Program Manager	Range 30		31.129	38.876	5,396	6,739	64,749	80,863	Full-time
Planner II	Range 31		31.908	39.848	5,531	6,907	66,368	82,884	Full-time
Management Analyst I	Range 31		31.908	39.848	5,531	6,907	66,368	82,884	Full-time
Accountant	Range 31		31.908	39.848	5,531	6,907	66,368	82,884	Full-time
Resource Management Specialist II	Range 33		33.503	39.848	5,807	6,907	69,686	82,884	Full-time
Public Affairs Specialist	Range 33		33.503	39.848	5,807	6,907	69,686	82,884	Full-time
Training and Safety Specialist	Range 35		35.178	43.933	6,098	7,615	73,171	91,380	Full-time
Real Property Specialist	Range 35		35.178	43.933	6,098	7,615	73,171	91,380	Full-time
Management Analyst II	Range 35		35.178	43.933	6,098	7,615	73,171	91,380	Full-time
Supervising Ranger	Range 35		35.178	43.933	6,098	7,615	73,171	91,380	Full-time
Maintenance, Construction & Resource Supervisor	Range 35		35.178	43.933	6,098	7,615	73,171	91,380	Full-time
Website Administrator	Range 36		36.036	45.004	6,246	7,801	74,955	93,609	Full-time
Information Technology Administrator	Range 36		36.036	45.004	6,246	7,801	74,955	93,609	Full-time

**Midpeninsula Regional Open Space District**  
**Revised Classification and Compensation Plan**  
**Fiscal Year 2012/2013 - Effective 11/26/2012**  
(last revised 4/01/12, 1/25/12, 6/27/12)

Classification Title	Step Range		Hourly Range \$		Monthly Range \$		Annual Range \$		Time
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Base
Planner III	Range 39		38.784	48.436	6,723	8,396	80,671	100,747	Full-time
GIS Administrator	Range 40		39.730	49.617	6,887	8,600	82,638	103,204	Full-time
Senior Management Analyst	Range 41		40.723	50.858	7,059	8,815	84,704	105,784	Full-time
District Clerk	Range 41		40.723	50.858	7,059	8,815	84,704	105,784	Full-time
Media Communications Supervisor	Range 42		41.716	52.098	7,231	9,030	86,770	108,364	Full-time
Senior Resource Management Specialist	Range 42		41.716	52.098	7,231	9,030	86,770	108,364	Full-time
Area Superintendent	Range 43		42.759	53.401	7,412	9,256	88,939	111,073	Full-time
Human Resources Supervisor	Range 43		42.759	53.401	7,412	9,256	88,939	111,073	Full-time
Senior Planner	Range 43		42.759	53.401	7,412	9,256	88,939	111,073	Full-time
Assistant General Counsel I	Range 46		45.992	57.438	7,972	9,956	95,664	119,471	Full-time
Assistant General Counsel II	Range 48		48.292	57.438	8,371	9,956	100,447	119,471	Full-time
Administrative Services Manager	Range 51		51.974	64.909	9,009	11,251	108,106	135,010	Full-time
Natural Resources Manager	Range 51		51.974	64.909	9,009	11,251	108,106	135,010	Full-time
Operations Manager	Range 51		51.974	64.909	9,009	11,251	108,106	135,010	Full-time
Planning Manager	Range 51		51.974	64.909	9,009	11,251	108,106	135,010	Full-time
Public Affairs Manager	Range 51		51.974	64.909	9,009	11,251	108,106	135,010	Full-time
Real Property Manager	Range 51		51.974	64.909	9,009	11,251	108,106	135,010	Full-time
Assistant General Manager	Range 61		66.334	82.842	11,498	14,359	137,974	172,311	Full-time

**Notes:**

\* OST will receive an additional 1% stipend for Class A or B license; Lead OST 1% for Class A.

The Classification and Compensation Plan does not include the Board Appointee Group. Compensation for this Group is set out below.

<b>Board Appointee Group</b>	<b>Hourly Salary</b>	<b>Monthly Salary</b>	<b>Annual Salary</b>	<b>Effective Date</b>	<b>Last Revised</b>
General Manager	\$93.424	\$16,193	\$194,321	4/1/2012	2/29/2012
Controller - <i>Part-time position</i>	\$39.424	\$6,833	\$82,002	4/1/2010	7/8/2009
General Counsel	\$83.204	\$14,422	\$173,064	4/1/2012	2/29/2012

**ATTACHMENT 6**

**MEMORANDUM OF AGREEMENT  
WITH  
FIELD EMPLOYEES ASSOCIATION**

To be distributed to the Board next week.