

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2012

PRESENT:

ABSENT:

RESOLUTION NO. _____

AMENDMENT OF THE 2010-2011 MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF SAN LUIS OBISPO AND
THE ASSOCIATION OF SAN LUIS OBISPO COUNTY DEPUTY SHERIFFS (ASLOCDS),
SUPERVISORY SWORN LAW ENFORCEMENT UNIT,
AND TO AMEND THE SAN LUIS OBISPO COUNTY PENSION TRUST
RETIREMENT PLAN BY AMENDING ARTICLE 28: TIER TWO - SAFETY

The following resolution is hereby offered and read:

WHEREAS, the Association of San Luis Obispo County Deputy Sheriffs (hereinafter referred to as "ASLOCDS") is recognized as the exclusive representative of employees in the Supervisory Sworn Law Enforcement Unit (BU28); and

WHEREAS, since on or about January 27, 2012, the Management Representative has met and conferred and negotiated in good faith with the ASLOCDS Supervisory Sworn Law Enforcement Unit concerning wages, hours and other conditions of employment as required by the Employee Relations Policy; and

WHEREAS, an agreement was reached by the Management Representative and the ASLOCDS Supervisory Sworn Law Enforcement Unit concerning all ASLOCDS Supervisory Sworn Law Enforcement Unit employees defined and identified as to classifications within that unit of representation; and those parties thereafter jointly prepared and executed a written Amendment of the 2010-2011 Memorandum of Understanding, a copy of which is attached hereto as "Attachment B"; and

WHEREAS, the County's Management Representative and the ASLOCDS Supervisory Sworn Law Enforcement Unit have agreed and the Board of Supervisors of the County of San Luis Obispo finds that the Amendment of the 2010-2011 Memorandum of Understanding is

consistent with Section 2.48.180 of the San Luis Obispo County Code and constitutes a method of determining the prevailing wages or salaries previously negotiated for those employees within the unit of representation for the same quality of service rendered to persons, governmental agencies, firms or corporations under similar employment insofar as prevailing salary or wages can be ascertained, and is consistent with the guiding principles set forth in the County's Employee Relations Policy; and

WHEREAS, it is in the best interest of the County of San Luis Obispo that the Board of Supervisors implement the Amendment of the 2010-2011 Memorandum of Understanding reached between the Management Representative and the ASLOCDS Supervisory Sworn Law Enforcement Unit, attached hereto as "Attachment B"; and

WHEREAS, pursuant to Section 2.48.090 of the San Luis Obispo County Code, the compensation of all officers and employees of the County of San Luis Obispo shall be regulated by resolution of the Board of Supervisors of said County; and

WHEREAS, on October 13, 2009 and October 12, 2010, the Board of Supervisors approved three major initiatives for the County's Labor Program which included: 1) establishment of a second, lower tier of retirement benefits (second tier) for newly hired employees for all bargaining units in an effort to address the County's goal of financial sustainability with the County's pension plan, 2) negotiation of pension rate increases with the goal of a 50/50 share, and 3) negotiating wages and the removal of contractual obligations for wage determination; and

WHEREAS, the attached MOU Amendment addresses all three of the initiatives set forth by the Board of Supervisors for the County's Labor Program; and

WHEREAS, the County has reached agreement on a second tier with the ASLOCDS Supervisory Sworn Law Enforcement Unit (BU28), which will be implemented with a June 24, 2012 effective date; and

WHEREAS, the San Luis Obispo County Pension Trust Plan shall include a second tier for the ASLOCDS Supervisory Sworn Law Enforcement Unit (BU28), which will be implemented with a June 24, 2012 effective date; and

WHEREAS, all employees newly hired into the ASLOCDS Supervisory Sworn Law Enforcement Unit (BU28), on or after June 24, 2012, will be placed in a new second tier of retirement benefits; and

WHEREAS, current County employees in the ASLOCDS Supervisory Sworn Law Enforcement Unit (BU28), as well as current County employees in these units who promote, transfer or otherwise change bargaining units, will remain in the first tier pension benefit plan; and

WHEREAS, amendments to the Plan includes an amendment to Article 28: Tier Two – Safety, which outline the provisions of the Tier Two Pension Plan; and

WHEREAS, it is in the best interest of the County of San Luis Obispo that the Board of Supervisors implement the revisions to the San Luis Obispo County Pension Trust Plan, attached hereto entitled Article 28: Tier Two – Safety (attached as “Exhibit A”).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. That the recitals set forth hereinabove are true, correct, valid and incorporated herein; and
2. That the Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS) Supervisory Sworn Law Enforcement Unit (BU28) Memorandum of Understanding, which commenced February 25, 2010, and terminated on December 31, 2011, is amended and extended through December 31, 2014; and
3. That Article 28: Tier Two – Safety to the San Luis Obispo County Employees Retirement Plan be revised; and
4. That the San Luis Obispo County Employees Retirement Plan is hereby amended to include the revisions to Article 28: Tier Two – Safety and that effective June 24, 2012, newly hired employees in the ASLOCDS Supervisory Sworn Law Enforcement Unit (BU28), will be placed in the Tier Two Retirement Plan pursuant to the terms of the Plan as set forth in Article 28: Tier Two – Safety attached hereto as “Exhibit A”; and
5. That the Retirement Plan Appendices, T2-B.S.27.S and T2-B.S.28.S, be and are hereby added, as attached and incorporated herein as “Appendix B Tier 2”; and
6. That the Amendment of the 2010-2011 Supervisory Sworn Law Enforcement Unit (BU28) Memorandum of Understanding attached hereto as “Attachment B” is hereby approved.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted:

Chairman of the Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

BY: _____, Deputy Clerk

APPROVED TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: 
Rita L. Neal
Assistant County Counsel

Date: June 6, 2012