

MEMORANDUM OF UNDERSTANDING BETWEEN THE  
COUNTY OF MENDOCINO AND THE MENDOCINO COUNTY  
ASSOCIATION OF CONFIDENTIAL EMPLOYEES

EFFECTIVE OCTOBER 1, 2010  
THROUGH SEPTEMBER 30, 2011

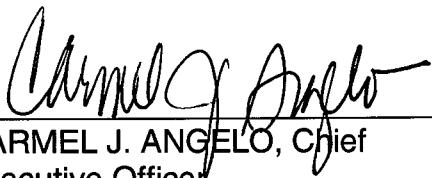


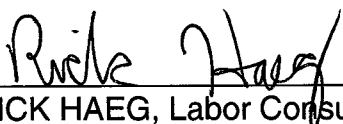
This Memorandum of Understanding (MOU) represents the tentative agreements reached between the County of Mendocino (County) and the Mendocino County Association of Confidential Employees (MCACE) on October 8, 2010 as follows:

1. **Term** – One year - October 1, 2010 – September 30, 2011.
2. **Salary** – 10% on-going salary reduction effective the first full pay period following adoption of a new MOU. In the event there is a lower percentage salary reduction implemented for the SEIU bargaining unit, the percentage reduction for the MCACE Unit shall be reduced to be the same reduction applied to SEIU as of the effective date of the SEIU salary reduction.
3. **Retirement** – A new second lower tier retirement formula for employees hired into the Confidential Unit job classifications may be created if created for other bargaining units including general (non-safety) classifications.
4. **Master MOU** – The parties agree to meet and work collectively to create a Master MOU, incorporating current and prior MOU provisions that are still in force and effect.
5. **Market Study** – Should the County conduct a market study for other bargaining groups, MCACE will be included.
6. **Voluntary Layoff Program** – Implemented per Attachment 1.
7. **Retirement Incentives** – If the County offers early retirement incentives to other bargaining units they will also agree to discuss the subject with the Confidential Unit.
8. All other terms and conditions of employment remain in effect during the term of this agreement.

DATED: October 26, 2010

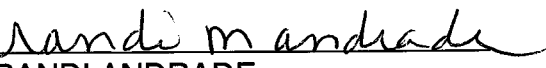
**COUNTY OF MENDOCINO**


By:   
CARMEL J. ANGELO, Chief  
Executive Officer

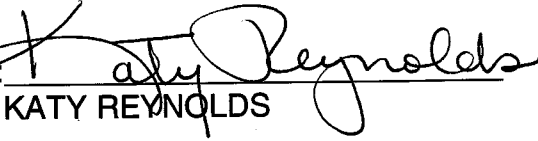
By:   
RICK HAEG, Labor Consultant  
Nickolaus & Haeg

**MENDOCINO COUNTY  
ASSOCIATION OF CONFIDENTIAL  
EMPLOYEES**

By:   
CYNDI MONTESANTI

By:   
RANDI ANDRADE

By:   
TERESIA A. HAASE  
Human Resources Director

By:   
KATY REYNOLDS


By:   
CHAIR, Board of Supervisors

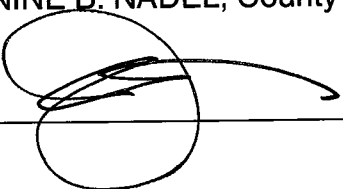
OCT 26 2010

CARMEL J. ANGELO, Clerk of said Board

**APPROVED AS TO FORM:**

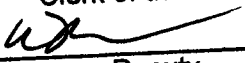
JEANINE B. NADEL, County Counsel

By:   
Deputy

By: 

I hereby certify that according to the provisions of Government Code sections 25103, delivery of this document has been made.

CARMEL J ANGELO  
Clerk of the Board

By:   
Deputy

## **VOLUNTARY LAYOFF LANGUAGE AND PROCEDURES**

In the event a mandatory layoff is authorized by the Board of Supervisors and as Department Heads begin having layoff discussions with staff, the department head may consider accepting the voluntary layoff of a permanent employee with more seniority. Such senior employee may request to voluntarily layoff to the extent of displacing a more junior employee with less seniority. Such senior employee must be in permanent status and employed in the department that is conducting the layoff. The department head in conjunction with the HR Director has final approval authority on a case-by-case basis, without regard to seniority or outcome for persons in same classification.

Upon approval of a voluntary layoff request, the employee may not withdraw the request and must proceed to be laid off. The employee who volunteers shall not have bumping or seniority rights in regard to the voluntary layoff being conducted. Upon voluntary layoff, the employee is subject to all rights and procedures as are applied to employees who are laid off from County service (except with regard to bumping rights). Seniority will remain in tact in regard to all other purposes including restoration.

When an official announcement regarding layoff is made and it is determined that voluntary layoffs will be considered, department heads may accept and consider voluntary layoffs (on a case by case basis).

A department head may only consider voluntary layoff off when the result of granting a voluntary layoff results in saving of another more junior employee otherwise slated for layoff, from being laid off.

### **Procedures:**

1. Upon authorization of layoffs by the Board of Supervisors and after decision to consider voluntary layoffs has been made and announced by a Department Head, the Department Head shall allow interested employees one week to fill out the form.
2. Department Head reviews the requests and meets with the HR Director to discuss requests and the feasibility of each request.
3. Department Head notifies Human Resource of approval or denial of requests.
4. Department Head provides employee with approved/denied form.
5. HR Department prepares official notices of impending voluntary layoff.
6. Department Head issues notices.
7. HR prepares notices rescinding layoff for any involuntary layoff notices issued that are no longer required as a result of the voluntary layoff.
8. HR maintains restoration lists in accordance with Civil Service rules.

# Request for Voluntary Layoff

To be used only when the County Board of Supervisors has declared a layoff and it has been determined that voluntary layoffs will be considered.

Complete this form if you wish to be considered for voluntary layoff from County employment. In order to qualify for voluntary layoff you must be a permanent County of Mendocino employee (you have passed probation in your current classification or in a previous classification).

Name \_\_\_\_\_ Current Supervisor \_\_\_\_\_  
(please print)

Current Classification \_\_\_\_\_ Department \_\_\_\_\_

Work address \_\_\_\_\_ Work Phone # \_\_\_\_\_

By signing this document on the line below and initialing each bullet point, I signify that I agree to and understand the following:

- I agree to a voluntary lay off from my employment as a \_\_\_\_\_ with the County of Mendocino. \_\_\_\_\_initial
- For this voluntary lay off only, I accept a temporary waiver of any displacement (bumping) rights due me because of my seniority. \_\_\_\_\_initial
- I understand that requests for voluntary layoff are subject to approval of my department head in conjunction with the HR Director, on a case-by-case basis and my request may not be granted. \_\_\_\_\_initial
- I accept that I will not be laid off until this request has been fully reviewed and approved by my Department Head. \_\_\_\_\_initial
- I understand that if this request is approved, I will be laid off at the end of the next full pay period after I have received written notification that my request for voluntary layoff has been approved. \_\_\_\_\_initial
- I understand that if this request is approved, and by accepting the above bullet, I am waiving my right to any language in my bargaining unit MOU that allows for 30 or 14-day (or other) layoff notice. \_\_\_\_\_initial
- I understand that if this request is approved, I may not withdraw the request and must proceed to be laid off. \_\_\_\_\_initial
- I understand that, except for my rights regarding restoration outlined by the Civil Service Rules (see back of this page), I will have no legal right to employment at the County. \_\_\_\_\_initial
- I understand that if I am voluntarily laid off, except for bumping rights, I will be subject to all other conditions of layoff (please see rules on the back of this document). \_\_\_\_\_initial
- I understand that I may have rights to receive State of California unemployment compensation and that these rights and receipt of such compensation are under the control of the State of California and not the County of Mendocino (for more information go to [www.edd.ca.gov](http://www.edd.ca.gov) or visit your local EDD office. \_\_\_\_\_initial

Signature

Date

OFFICIAL USE ONLY

This request for voluntary layoff is: \_\_\_\_\_ approved \_\_\_\_\_ denied

Effective date of Voluntary Layoff: \_\_\_\_\_  
(and of next full pay period after employee has been notified of this request is approved)

Signature - Appointing Authority

Date

After determination: return one copy to employee (front & back); one copy to Human Resources; one copy to employee's bargaining unit

## **Civil Service Rule VI EMPLOYMENT LISTS**

### **SECTION 3 LAYOFF REEMPLOYMENT LISTS**

A. An employee who is laid off from a position in which permanent status in the classified service is held shall be placed on a Layoff Reemployment List for the laid off classification. Position on this list shall be determined by the employee's length of service in the classification, as computed pursuant to Rule XI, Section 6, D (see below). Status on this list shall expire one year after the date of layoff. An employee who is reemployed under this rule shall be returned to work in the classification of layoff with continuous service, except for the period of layoff which shall be shown as "without pay status" and shall not count towards those benefits that are based on time within the classified service...

## **Civil Service Rule XI SEPARATIONS AND SUSPENSIONS**

### **SECTION 6C RESTORATION**

(1) Each person who has been laid off or displaced from a position in which permanent status was held, shall, in writing, be offered restoration to the next position in the same classification to be filled in the County. Should a position in the same classification in the same department become available, or should the necessity for layoff or displacement cease to exist within one year after the date of layoff or displacement an employee shall have the right to be restored to the position within the department of layoff. A candidate for restoration must be available to begin work within three weeks after receipt of the offer, or within any longer period set forth in the offer. Should the offer not be accepted the rights to restoration for this position shall be forfeited. An individual shall have the right to waive the offer of restoration twice. Upon the waiver of a third offer the name of the individual shall be removed from the Restoration List.

(2) Whenever more than one person has been laid off and/or displaced in the same class in the same department, the order of restoration shall be in the reverse order of layoff.

(3) Whenever a person is unavailable for restoration, the next senior person who is eligible for restoration shall be offered restoration in the same manner and under the same conditions. Should there be no person eligible and available for restoration, the position may be filled as otherwise provided by these rules for appointment to a vacant position.

(4) A person who is unavailable for restoration may, within two weeks after being declared unavailable, request in writing to the Civil Service Commission that consideration be given for further offer of restoration, should such occur within one year after layoff or displacement. The request shall contain a full explanation of the reason for unavailability. At the next meeting of the Commission, the Commission shall either grant or deny further offer to restoration. The Commission may specify conditions under which further offer to restoration may be granted.

### **SECTION 6D CALCULATING SERVICE**

(1) Service means employment by the County, whether with or without pay status. The length of service shall be calculated by counting calendar days except for:

- (a) Permanent part-time employees, whose service shall be counted in calendar days in proportion to the fixed percentage of full time work to which the position is budgeted and allocated; and,
- (b) Extra-help, whose service shall be counted in actual hours worked.

(2) Calculation of length of service in a particular status or classification shall be counted from the first working day of that employee (temporary and extra-help service does not apply).

(3) Length of service shall be calculated in order to ascertain the following: service in a class, service in a department, service in a class in a department, service in a status, service with the County, service for reasons of displacement (under Rule XIII, 7, B), or for such other purpose as may be required by these rules.

(4) If an employee has terminated from County employment, periods of service prior to the termination shall not be counted towards calculating length of service; however, interruptions of service in a class as a result of layoff, promotion, demotion, probationary status, temporary or provisional assignment in another class, or retirement for service connected or non-service connected disability for which the retirement allowance is subsequently canceled by the Retirement Board, shall not constitute a break in service in calculating length of service. (Rev. 9/26/79)