

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
WHATCOM COUNTY, WASHINGTON
AND
WHATCOM COUNTY DEPUTY SHERIFF'S GUILD**

This Memorandum of Understanding is by and between Whatcom County hereafter called "the County" and the Whatcom County Deputy Sheriff's Guild, hereafter called "the Guild" regarding the Guild's Collective Bargaining Agreement (CBA) dated December 8, 2009 – December 31, 2011.

The County is committed to mitigating the negative budgeting impacts of the 2008 recession while attempting to avoid the layoff of employees through the agreed use of unpaid furlough time during 2009 and 2010. This Agreement is certified as an integral part of the County's expenditure reduction efforts for any compensation forgone due to time coded as furlough (pay type 794 or 803) beginning July 1, 2009 and continuing through December 25, 2010.

Section 21.1.2.1 of the CBA advises that Guild Unit members will take forty (40) hours of unpaid furlough leave (UFL) prior to December 25, 2010 and the parties shall adopt a MOU agreeing upon a method of scheduling unpaid furlough leave.

The parties have met, conferred, and bargained as required by law, and agree to the following:

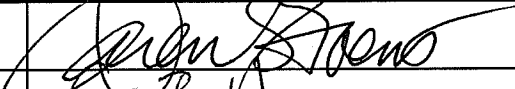

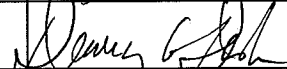
1. Within Departments/Divisions receiving all or some support by the general fund, there shall be consistent participation of County employees, Union and non-represented, in the Unpaid Furlough Leave (UFL) plan unless specific equivalent alternatives are adopted by other bargaining units or awarded by arbitration (to include County imposed layoff). In the event the above doesn't occur, UFL and/or equivalent alternatives for Guild Unit members shall be subject to good faith bargaining up to and including binding arbitration.
2. Forty (40) UFL hours will be required of each Guild Unit member, or a pro rata number of such hours based upon hire date, between July 1, 2009 and December 25, 2010.
 - a) The forty (40) UFL hours, will be scheduled by March 31, 2010 and used before December 25, 2010.
 - b) It is the joint responsibility of the individual unit member and County to make certain that Guild Unit members take a sufficient number of furlough hours consistent with this MOU. If, at any time, a Guild Unit member has not scheduled sufficient UFL, or equivalent alternative to meet the requirement of taking 40 furlough hours by December 25, 2010, those hours will be assigned by the Sheriff's Office. In no event shall a unit member be assigned to take more than eight (8) hours per calendar month, but may elect to do so. If a Guild Unit member has not achieved 40 furlough hours by December 25, 2010, four (4) hours straight time will be deducted from the following paychecks at the then current hourly rate until the remainder of UFL has been satisfied.
 - c) If a Guild Unit member separates from County employment and has hours of UFL yet to be taken, those hours shall not be required to be taken by other members of the unit.
3. In lieu of UFL, Guild Unit members may elect one of the following negotiated pay cuts and submit their election in writing before the deadline date listed below:
 - a. Effectuate the 2010 negotiated pay cut by reducing their hourly rate from the first full pay period in January 2010 until the first full pay period in January 2011. The reduction

in base wage would be 1.92% (the equivalent percentage of 40 hours of an annual 2,080 hours) from the negotiated increase of 2.45%. By selecting this option, employees would not be required to take unpaid furlough in 2010 and this would satisfy the negotiated pay cut requirement for 2010. This option would have to be selected in writing by completing an Election Form and returning it to Human Resources by December 16, 2009.

- b. Effectuate the 2010 negotiated pay cut through a one-time monetary amount in a lump sum payroll deduction equivalent to _____ hours (full hour increments only) at the December 2009 straight time hourly rate. Such payroll deduction shall occur from the gross wages owed to the employee on the same paycheck as his or her 2009 compensatory time cashout. The above hours will be deducted from the 40 hour Unpaid Furlough Leave obligation ("negotiated pay cut"). Any remaining hours will be scheduled and taken as unpaid furlough per the Memorandum of Understanding. This particular provision is contingent upon being acceptable to both Washington State Labor & Industries and the U.S. Department of Labor. If at any point in the future it is determined by either of these agencies to not be acceptable, at that point, the County will repay the deducted amount and the requirement for meeting the negotiated pay cut by taking furlough hours would then be required. This option would have to be selected in writing by completing an Election Form and returning it to Human Resources by December 16, 2009.
4. Use of UFL hours must follow the guidelines as set forth in the Administrative Guidelines contained in Executive Order 2009-06 attached hereto and a part hereof except as it may be in conflict with other parts of this agreement. In such a case, the MOU specific language shall prevail.
 5. Consistent with County needs, workload, and maintaining benefit eligibility, Guild Unit members shall select their own UFL hours with the approval of their supervisor, division head, or elected official by completion of a Leave Request Form; and, such selection shall not be unreasonably denied. The following rules apply to Guild furlough leave:
 - a) UFL hours may be substituted for pre-scheduled vacation by completion of a Leave Request form by March 31, 2010.
 - b) UFL hours can be taken in as little as one-hour increments as approved by the employee's supervisor.
 - c) In seniority order, employees will be given the option to bid on a calendar provided by the Sheriff's Office whole work days only in the first round of bidding with a deadline of February 1, 2010. Any remaining furlough hours must be bid in the second round with a deadline of March 31, 2010. Voluntary furlough hours can be taken prior to completion of bidding if approved by the employee's supervisor. These voluntary furlough hours must be coded as furlough (using pay type 794 or 803 as appropriate) to receive credit towards the mandatory UFL hours.
 - d) If a Guild Unit member is unable to take pre-scheduled furlough, substitute furlough leave must be requested within three calendar days for supervisor approval.
 - e) Guild Unit members shall not be required to work split shifts or take UFL on holidays recognized in section 4.4.
 - f) Employees who have already taken voluntary unpaid furlough (using pay type 794 or 803 as appropriate) during 2009 shall receive credit towards the UFL plan.

6. Guild Unit members electing to utilize UFL in lieu of paid vacation shall be eligible for an increase in vacation carryover up to a maximum of 310 hours on December 31, 2010 for carryover into 2011.
7. Guild Unit members shall be allowed to work billable extra-duty overtime shifts while on UFL. For purposes of this section, furlough hours will only be included in calculating overtime eligibility for billable extra-duty overtime.
8. Any disagreements in relation to application of this MOU are subject to the CBA grievance procedure.
9. The County agrees to continue to inform the Guild (on at least a quarterly basis) prior to January 1, 2011 regarding General Fund revenues and expenditures (improvement or weakening) such that should unanticipated fiscal improvement occur the Guild can advance the proposition for the cessation of UFL and in such event the County will give serious consideration to such proposal.
10. This MOU may be amended with mutual agreement of the County and the Guild.

The foregoing being the Agreement of the Parties is in addition to such other agreements made in the Guild's CBA and this Agreement shall supersede any conflicting provision in the CBA. This Agreement shall be effective as of the last date indicated below.

Name	Signature	Date
Karen Sterling Goens, HR Manager		12/7/09
Steve Harris, WCDSG President		12/7/09
Executive's Office		12/7/09

Approved as to Form:



Daniel L. Gibson, Assistant Chief Civil Deputy Prosecuting Attorney

12/07/09

Date

Executive Order 2009-06
**MANDATORY UNPAID FURLOUGH
ADMINISTRATIVE GUIDELINES**
As of June 10, 2009

- Employees **MUST** continue to meet benefit thresholds.
- No requirement for employees to exhaust paid leave balances.
- Time off may be taken for full work days; however supervisors can approve use in as little as one-hour increments (except Group 1 non-represented employees).
- Critical work priorities for the County must continue to be met.
- Furlough hours will not be included for the purpose of determining overtime eligibility.
- Furloughs must create **NO** additional labor costs such as:
 - ✓ Extra help hours
 - ✓ Overtime
 - ✓ Out-of-class pay
 - ✓ Compensatory time
- Requires advance request on a Leave Request Form and supervisor approval by established timeframe.
- Pay type 794 or 803 (as appropriate) must be used on the Leave Request Form and timesheet to receive credit for the furlough.