

**LETTER OF UNDERSTANDING
BY AND BETWEEN
WHATCOM COUNTY, WASHINGTON
AND
WASHINGTON STATE NURSES ASSOCIATION**

This Letter of Understanding is by and between Whatcom County hereafter called "the County" and the Washington State Nurses Association, hereafter called "the Union" regarding the WSNA Collective Bargaining Agreement (CBA) dated April 20, 2008 – December 31, 2012.

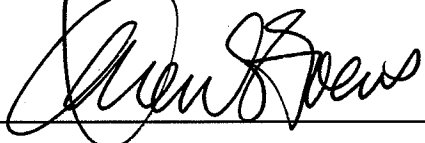
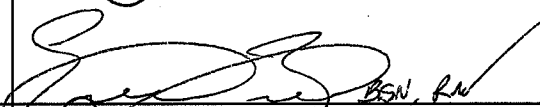
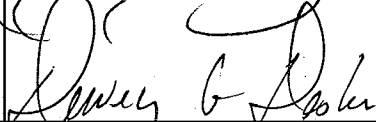
The County is committed to mitigating the negative budgeting impacts of the 2008 recession while attempting to avoid the layoff of employees through the agreed use of unpaid furlough time during 2009 and 2010. This Agreement is certified as an integral part of the County's expenditure reduction efforts as set out in Senate Bill 6157 for any compensation foregone due to time coded as furlough (pay type 794 or 803) beginning July 1, 2009 and continuing through December 25, 2010.

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.
2. The equivalent dollar amount of eighty (80) UFL hours will be required of each employee, or a pro rata number of such hours based upon FTE or hire date, on an employee basis or from the unit on a unit basis between January 1, 2009 and December 25, 2010. A goal of the equivalent dollar amount of forty (40) UFL hours, but not less than 30 hours will be required to be scheduled by October 9, 2009 and used before the end of 2009. The remaining dollar equivalent of UFL hours must be scheduled by March 1, 2010 and taken before December 25, 2010. If a unit member terminates County employment, and has hours of UFL yet to take, those hours shall not be required to be taken by other members of the unit so long as the amount does not exceed 80 hours in any one year. Employees hired after the date of this LOU will be required, pro-rated based upon their hire date, to take 80 hours of UFL before December 25, 2010.
3. Use of UFL hours must follow the guidelines as set forth in the Mandatory Unpaid Furlough Executive Order 2009-06 attached hereto and a part hereof.
4. Consistent with County needs, workload, and maintaining benefit eligibility, employees shall select their own UFL hours with the approval of the employee's supervisor, department head or elected official; and, such selection shall not be unreasonably denied.

- a. UFL hours can be substituted for pre-scheduled vacation by completion of a Leave Request form by October 9, 2009.
 - b. The remaining dollar equivalent of UFL hours must be scheduled by March 1, 2010 using the departmental/division vacation selection procedure by completion of a Leave Request form.
 - c. For purposes of employee selection of UFL hours, the departmental/division vacation selection procedure shall be used.
 - d. UFL hours can be taken in as little as one-hour increments as approved by the employee's supervisor. Some work assignments may require taking UFL hours in work-day increments.
 - e. Employees who have already taken voluntary unpaid furlough (using pay types 794 or 803 as appropriate) during 2009 shall receive credit towards the UFL plan equivalent dollar amount.
5. The County agrees that consistent with the foregoing, should a 0.5 FTE employee drop below 80 compensable hours in a calendar month SOLELY as a result of meeting UFL plan goals then, in such case, for such employee, the UFL plan hours observed in such month shall be counted in accordance with section 23.3.1.
 6. FLSA exempt employees shall become hourly in any week UFL hours are used and shall report their hours on the appropriate timesheet. FLSA exempt employees shall not work in excess of their normal schedule less UFL hours in any UFL workweek.
 7. Employees electing to utilize UFL in lieu of vacation shall be eligible for an increase in vacation carryover under section 6.2.2 up to a maximum of 280 hours on December 31, 2009 for carryover into 2010 and on December 31, 2010 for carryover into 2011.
 8. For the two years beginning January 1, 2011 and January 1, 2012, the number of personal holidays shall be increased from one to two during each calendar year. The personal holiday must be used in the year awarded.
 9. Any disputes regarding application of this LOU are subject to the CBA grievance procedure.
 10. The County agrees to continue to inform the Union prior to January 1, 2010 regarding General Fund revenues and expenditures (improvement or weakening) such that should unanticipated fiscal improvement occur the Union can advance the proposition for the cessation of ULF and in such event the County will give serious consideration to such proposal.
 11. The County will comply with certification requirements outlined in SB 6157 and the rules adopted by the Department of Retirement Systems (DRS) for this statute.
 12. This LOU may be amended with mutual agreement of the County and the Union.

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

Name	Signature	Date
Karen Sterling Goens, HR Manager		10/6/09
WSNA Representative	 BSN, RW	10-5-09
Executive's Office		10/8/09

Approved as to Form:



Daniel L. Gibson, Assistant Chief Civil Deputy Prosecuting Attorney

10/07/09

Date



WHATCOM COUNTY
EXECUTIVE ORDER 2009-06

Mandatory Unpaid Furloughs

WHEREAS, the County faces shrinking revenues, rising costs, and the diminishment of its necessary reserves causing an immediate need to impose mandatory unpaid furloughs during 2009 and 2010; and

WHEREAS, reducing expenditures for employees' compensation is certified by this Executive Order as an integral part of the County's expenditure reduction efforts;

NOW, THEREFORE, by virtue of the power vested in me by the Home Rule Charter for Whatcom County, I hereby order that the policy of Whatcom County pursuant to this executive order shall now be as outlined in the ATTACHED ADMINISTRATIVE GUIDELINES FOR "MANDATORY UNPAID FURLOUGHS."

Effective the 10th day of June, 2009.

Pete Kremen, Whatcom County Executive

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.