

## **Proposed Amendments 2009 General and Attorney Unit Memorandum of Understanding**

### **Executive Summary**

**Term:** The term of the MOU's will run from the date the Union and State Bar both fully ratify the terms through December 31, 2009 on a non-retroactive basis. Negotiations will reopen toward the end of 2009 on successor MOU terms for 2010 and following.

**Holidays:** The Lincoln Birthday holiday will be eliminated. In return, the State Bar expands what are currently half-day holidays on Christmas Eve and New Year's Eve to full-day holidays. These are nonproductive work days due to the holiday season. In return for expanding these half-day holidays to full days, the State Bar gains a full productive work day in February consistent with what is the federal standard that recognizes Washington's and Lincoln's Birthdays jointly on President's Day. Currently, the State Bar, like the State of California, observes President's Day and Lincoln's Birthday separately.

**Health Care:** The State Bar has already renewed for 2009, its existing health care benefit coverages. The State Bar and bargaining unit employees split the premium cost for health care 20%(employee)/80%(State Bar). The State Bar was able to negotiate beneficial renewal rates for 2009 resulting in budget savings for 2009 from what had been projected when the budget was adopted in August 2008. Because there is no wage adjustment for 2009, the deduction from employee wages for this premium contribution causes a net reduction in wages for bargaining unit employees. Under this proposal, the State Bar will reimburse the incremental 2009 increase employees have seen in their health care premium deduction from salary, but only for 2009. This is a modest cost ranging between \$1.00 and \$33.00 per month per employee, and not exceeding a projected total annual cost of \$75,000.00. This total cost is a small portion of the significant budget savings the State Bar received in 2009 from the healthcare budget costs that were anticipated and projected in the 2009 budget. The State Bar pays 100% of the health care premium costs for Executive Staff and Confidential Employees.

**Layoffs:** The State Bar will not effectuate layoffs in 2009. The State Bar reserves the right to offer a voluntary incentive separation program as well as to notice layoffs in 2009 to be effectuated in 2010 and thereafter.

**Exempt Status/Comp Time:** A pilot program begun last year, by which employees "exempt" from overtime are treated as truly exempt from timecard monitoring in return for the elimination of "comp time," is "regularized" for attorneys in the Attorney Bargaining Unit and Investigator and LAP Case Managers and Case Specialists in the General Unit, and is expanded to the majority of exempt employees in the General Unit

with some exceptions. The elimination of “comp time” will have a favorable budget and operational impact.

**Performance Evaluations:** If a bargaining unit employee’s manager fails to timely complete the employee’s annual performance evaluation within 60 days of its due date, the employee is “deemed” to “meet requirements” under the terms of the MOU. This is consistent with current HR practice. State Bar management is assuring that there are no performance reviews over due at the time of ratification, so that this will have no immediate impact. The State Bar intends to use this provision to assist in assuring that reviews are timely completed.

**Paid Personal Days:** It is clarified that the existing allocation of two paid personal days per year is to be used for absences from work for personal reasons and not as vacation. These days do not accrue from year to year and cannot be cashed in.

All other MOU terms are fully reinstated without change.