



JANUARY 11, 2017



## A message from MCMEA President Eric Swift

**H**ello and welcome to your second MCMEA newsletter! I hope everyone had a restful and enjoyable holiday season. Thank you to everyone who has registered on our brand new website: [www.newmcmea.org](http://www.newmcmea.org). If you haven't done so yet, please click "register" in the upper right hand corner of the site to gain full member access.

We have one more request as we ramp up our online presence: please "like" our page on Facebook! You can find us at [facebook.com/newmcmea](https://www.facebook.com/newmcmea). We will post news and updates on the page.

Happy New Year!

*Eric Swift*

ERIC SWIFT, PRESIDENT

## DON'T MISS!

### First Training of 2017: Managing for Results

**D**on't miss our first training of 2017! The topic is "Managing for Results." This training is a collaboration between County Administrators and MCMEA. Lunch will be provided and release time will be granted for the extra half hour. Please add the date to your outlook calendar!

**DATE:** Wednesday, January 11, 2017

**TIME:** 12:00 – 1:30 p.m.

**WHERE:** Civic Center Board Chambers

## HOW TO REACH THE MCMEA BOARD

**PRESIDENT** Eric Swift (415) 473-2959;  
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[fmeneau@newmcmea.org](mailto:fmeneau@newmcmea.org)

**VISIT** <http://newmcmea.org/about-us/mcmea-committees> to view MCMEA committees and committee roster.

If you're having any issues or questions with the website, please email [webmaster@newmcmea.org](mailto:webmaster@newmcmea.org).

## Great Feedback from Bilingual Changes

I'd like to thank members who weighed in on the changes in bilingual pay following our newsletter release last month. While I'm still waiting to hear anything official from the Human Resources Department, one of our Directors helped clarify what might be misleading in the notice.

I stated in the last newsletter that, "It was mentioned that any pre-PEPRA employees (those hired before January 1, 2013) will be grandfathered into the classification. Meaning, if you have a bilingual position now, you will retain it unless you promote or change positions." This may have been interpreted as any staff hired after January 2013 who are currently in bilingual positions are not grandfathered in and will be losing their bilingual classification. That is not the case.

All staff hired into bilingual positions before the classifications changed will remain in their bilingual classifications. The bilingual pay will count toward retirement calculations.

If a staff person who is currently in a bilingual class goes into a monolingual class, she can't get back into a bilingual class in the future. She would be subjected to the differential situation instead. However, if she was initially hired before January 2013, the differential pay would go into her retirement.

For all staff who were/are hired after January 2013 and are not currently in a bilingual class, but now go into a position requiring bilingual skills, they will get the differential and it will not count toward retirement.

We will be sure to keep members updated as the situation progresses.

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**We are revamping our website! Check it out at [www.newmcmea.org](http://www.newmcmea.org). Make sure to click "register" in the upper right hand corner to gain full member access!**

## **A reminder to the MCMEA membership regarding our salary compaction contract language**

### **SECTION XXXVIII: SALARY COMPACTION**

**A. Supervisory Compaction** – The Human Resources Department may recommend to the Board of Supervisors an adjustment to compensation for a MCMEA represented employee(s) subject to the following conditions:

1. The employee(s) as part of their regular job responsibilities supervises and directs the work of a subordinate(s).
2. The Supervisory relationship is permanent as determined by Human Resources. (Relationship has existed for at least 12 months, and is likely to continue).
3. The Compensation range of Supervisor/Manager (at top step) is less than 7% over the compensation rate of subordinate(s) top step, exclusive of special pay for Shift differential.
4. The following shall not be considered when determining salary compaction:
  - a. Supervisors and managers that supervise and manage job classes that receive special pay (including bilingual job classes). However, bilingual pay differential may be considered when it has a demonstrable impact on recruitment and retention.
  - b. Supervisors and managers that supervise and manage professionals with highly technical expertise which differs from his or her own.
  - c. Supervisors and managers of licensed medical professionals.

In addition, you must be the person actually writing and signing the employees evaluation as well. If you have any questions or concerns, please reach out to a MCMEA board member.

**Have you “liked” our page on Facebook yet?**



Go to [facebook.com/newmcmea](https://facebook.com/newmcmea) and click “like” under the cover photo. We’ll be posting real time news and updates here as well as helpful articles, so make sure to click “like” to follow us.

## Union Coalition Heads to Supreme Court

**O**n November 22, 2016, the California Supreme Court granted Marin Association of Public Employees v. Marin County Employee's Retirement Association (MCERA) case for review. As the California Supreme Court only hears about 5% of the cases brought before it, we are pleased our case was granted. However, it was not without widespread state support we reached this step. Key organizations who backed us include: Orange County Managers Association, International Federation of Professional and Technical Engineers Local 21, Alameda County Management Employees Association, Physicians' and Dentists' Organization of Contra Costa, Orange County Attorneys Association, California State Teachers' Retirement Board and Teamsters Joint Council 7.

**What exactly are we suing for?** It seemed to start as a simple and very reasonable retirement calculation. After January 1, 2013, MCERA no longer would include calculations of unused healthcare fringe benefits, stand-by pay, call back, cash in lieu and administrative response pay. So, if you retired on December 31, 2012, you received those types of pay but than if you retired the next day or later, you did not. Basically, the law created another tier, undoing longstanding methods of retirement calculations.

We filed this case in Marin County on January 18, 2013. Since then our attorneys have been on an unprecedented rollercoaster of events. In March of 2013, the Marin Judge granted an intervention to Attorney General Kamala Harris to join MCERA in the fight against us. From then forward we've faced two opponents. Perhaps it's been effective. We lost in Marin Superior Court and we lost on appeal in the California Court of Appeals.

**Why are we moving forward?** The loss in the California Court of Appeals did not reflect a decision that answered our suit of adding the fringe, stand-by, call back, cash in lieu and administrative response pay. The Court's decision went far beyond and opened the door to changes that could affect everyone in the retirement system and possibly gut it for all. The Coalition of Unions here in Marin cannot leave the current decision standing. We agreed to move forward together.

As we await the Supreme Court's dates, they have informed us the matter is deferred until the Court of Appeals decision in the Contra Costa case is settled. **Let me make one thing clear, what happens next will affect your life and your retirement.**