

## AGREEMENT

This Agreement is entered into and effective this 7th day of March, 2006, by and between the County of Orange ("County"), its Resources and Development Management Department ("RDMD"), and the Orange County Employees Association ("OCEA").

RDMD/Planning and Development Services has encountered significant economic problems in connection with Building and Safety Fund, Fund 113. In an effort to address those problems RDMD has proposed to transfer twenty-one or fewer employees represented by OCEA to other positions within RDMD outside Fund 113. The County, RDMD, and OCEA agree to the proposed transfers, contingent on the following:

1. No position involved in these transfers shall be eliminated. All current positions and classifications involved in these transfers shall be retained in Fund 113 through June 30, 2008.
2. Each employee transferred shall be transferred to a regular position and classification identical to his or her current classification (for which he or she shall be deemed qualified), at the same salary, benefits, and seniority, and at no loss of any current entitlement.
3. The County shall not contract out any work that could be or could have been performed by an employee in the classifications involved in the transfers without meeting and conferring, excepting only plan check work, and as to such work the County agrees to meet and confer regarding any decision to contract out that work, including but not limited to clarification of, or matters not covered by, the 11/30/05 plan check services agreement between the County and OCEA. Notwithstanding the above, the County shall not contract out building inspection with exception in the event of an unforeseen, emergency service need that cannot be met by County employees within forty-eight (48) hours of notice of such need, the County may contract for such service only. It is anticipated that this exception will apply to an unforeseen or emergency situation only, and that County personnel will resume providing service following that event.
4. If the County elects to fill a vacant position formerly held by a transferring employee, the employee transferred shall have the first right to return to his or her former position, in his or her same classification, based on seniority, until June 30, 2008.
5. The following method shall be used to determine individual transferees:
  - a. Employees who have confirmed a retirement date
  - b. Volunteers
  - c. Seniority
  - d. Final and binding mediation as to all special skill exemption claims.

6. The County shall stipulate to and implement the requested remedy in the pending unfair practice charge, except that no letter of apology shall be required from the County.
7. The parties shall promptly continue to meet and confer regarding any and all issues emanating from the need, rationale, or justification for these or any future transfers related to funding issues in Fund 113, and regarding workload issues.
8. This agreement shall not constitute or be construed as an acknowledgement by OCEA of the County's ability to contract out any work, nor constitute a waiver of the rights of any party under the law, except and to the extent set forth herein.

COUNTY OF ORANGE

ORANGE COUNTY EMPLOYEES ASSOCIATION

---

Dianna R. Garcia  
Director of Human Resources

---

Nick Berardino  
General Manager

---

Shelley Carlucci  
Assistant Human Resources Director

---

Denice Findlay  
Sr. Employee Relations Manager

---

Tim Neely  
Director, RDMD/Planning and  
Development Services

---

Tom Dawson

---

Mansour Katany

---

Gary Meier

---

Doug Scott

---

John Striffler