

MEMORANDUM OF AGREEMENT

Retire/Rehire Program

This Memorandum of Agreement (MOA) is entered into by Clackamas County Sheriff's Office (Agency) and/or Clackamas County (County) and the Clackamas County Peace Officers Association (Association).

Background

- The County and the Association are parties to a Collective Bargaining Agreement (CBA) for the period July 1, 2020 through June 30, 2023.
- Article 28, Section 2, line 2, subsection C, item 4e states:
- "Employee will not earn any additional leave accruals except for two (2) personal leave days banked upon rehire. Such days have no value upon separation of employment. Employee may also request time off without pay subject to supervisory approval."
- When the retire/rehire program was initially introduced in the 2017-2020 CBA, the expected length of the assignment was "not to exceed 180 calendar days from the employee's retirement date" (Article 28, Section 2, subsection 2C, item 1 of the Clackamas County/CCPOA CBA 2017-2020). The language included in this article of the contract was crafted in a way to align with Oregon Revised Statute 238, which placed a limit on the number of hours a PERS retiree could work for a PERS participating employer. PERS retirees were limited to working no more than 1,040 hours in a calendar year, which was the equivalent of working six months of full-time work in a 40-hour work week. There was no expectation the retired employee would be employed by the Sheriff's Office after the cap on the hours worked was met.
- However, when Oregon Senate Bill 1049 was passed in 2019, the cap on the number of hours a PERS retiree could work for a PERS participating employer in a given year was lifted. During bargaining for the 7/1/20 - 06/30/23 Clackamas County/CCPOA CBA, the above referenced article was rewritten to incorporate the changes allowed in Oregon Senate Bill 1049. Specifically, the following language to Article 28, Section 2, subsection B was written to include:
- "The Rehire Period shall be up to an additional one hundred and eighty (180) calendar days'; or an amount of time not to extend past December 31, 2024 for employees rehired under Senate Bill 1049 (2019)."
- However, with the original PERS cap on the number of hours worked by a retiree no longer applicable, the possibility of a rehired retiree remaining employed with CCSO continually through December 31, 2024 is an ever increasing possibility.
- The County and the Association agree to the following change to item "4e" of the above referenced article:

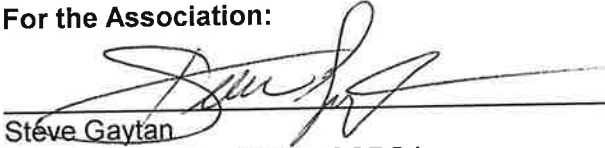
Agreement

- Article 28, Section 2, line 2, subsection C, item 4e is modified to read:

"Employee will not earn any additional leave accruals except for two (2) personal leave days per calendar year. These personal leaves days are not to be in addition to personal leave days the employee received prior to retirement. If the employee utilized their contractually provided personal leave days in the calendar year in which they retired, they shall not be eligible for additional personal leave days until the following calendar year." These personal leave days must be used by December 31 of the calendar year they are earned. Any hours remaining at the end of the calendar year will be lost and will not roll over to the subsequent calendar year. These personal leave days have no value upon separation of employment. Employee may also request time off without pay subject to supervisory approval.

- This MOUA is effective upon signing of all parties and shall expire on January 1, 2025,.

For the Association:



Steve Gaytan
Services Vice President - CCPOA

4/27/2022

Date

For the Agency:



Jesse Ashby
Chief Deputy - Clackamas County Sheriff's Office

4/27/2022

Date

For the County:



Eric Sarha
Deputy Human Resources Director

4/27/2022

Date