

**SIDE LETTER AGREEMENT
BETWEEN
CONTRA COSTA COUNTY AND
THE CONTRA COSTA COUNTY DEFENDERS' ASSOCIATION**

This Side Letter is by and between the Contra Costa County Defenders' Association ("Association") and Contra Costa County ("County") and is effective on the first of the month when approved by the Board of Supervisors.

This Side Letter:

- I. Amends the Memorandum of Understanding between the County and the Association (July 1, 2022- June 30, 2026) to add a new Section 18.9 to permit certification of an entire employment list, referred to as "Rule of the List" in Rule 711 of the County Personnel Management Regulations, when hiring for specified classifications.
 - II. Amends Section 42.2.G by replacing Deputy Public Defender – Fixed Term (25WB) with Deputy Public Defender I (25WA).
 - III. Provides amended contributions for employees affected by the change to the additional deferred compensation Section 42.2.G.
- I. A new Section 18.9 is added to the MOU as follows:

SECTION 18 – Promotion/Certification Rule

[Subsections 18.1 through 18.8 remain unchanged by this side letter.]

18.9 Certification Rule. On each request for personnel from an open employment list for the classifications of Deputy Public Defender I, Deputy Public Defender II, Deputy Public Defender III, and Deputy Public Defender IV, all names shall be certified. The appointing authority must, before selection, contact the eligibles and interview all interested eligible candidates above the rank of the person selected for appointment. The employment lists for all other classifications must comply with the requirements of the County's Personnel Management Regulations.

- II. Section 42.2 is relettered and corrected. The new Subsection G is amended as follows:

SECTION 42 - MISCELLANEOUS PROVISIONS

[Subsection 42.1, 42.2.A through C., and 42.3 remains unchanged]

42.2 Deferred Compensation

D. **No Cross Crediting:** The amounts contributed by the employee and the County pursuant to Subsection C do not count towards the “Qualifying Base Contribution Amount” or the “Monthly Base Contribution Amount for Maintaining Incentive Eligibility” in Subsection A. Similarly, the amounts contributed by the employee and the County pursuant to Subsection A do not count towards the employee’s \$25 per month minimum contribution required by Subsection C.

~~D~~E. **Maximum Annual Contribution:** All of the employee and County contributions set forth in Subsections A and C will be added together to ensure that the annual maximum contribution to the employee’s deferred compensation account does not exceed the annual maximum contribution rates set forth in the United States Internal Revenue Code.

F. **Deferred Compensation Plan – Loan Provision:** On June 26, 2012, the Board of Supervisors adopted Resolution 2012/298 approving an amendment to the Deferred Compensation Plan Loan Program. The Contra Costa County Public Defenders Association (CCCPDA) became eligible to apply for loans through the Contra Costa County Deferred Compensation Program effective June 26, 2012. The following is a summary of the provisions of the loan program:

1. The minimum amount of the loan is \$1,000.
2. The maximum amount of the loan is the lesser of 50% of the employee’s balance or \$50,000, or as otherwise provided by law.
3. The maximum amortization period of the loan is five (5) years.
4. The loan interest is fixed at the time the loan is originated and for the duration of the loan. The loan interest rate is the prime rate plus one percent (1%).
5. There is no prepayment penalty if an employee pays the balance of the loan plus any accrued interest before the original amortization period for the loan.
6. The terms of the loan may not be modified after the employee enters into the loan agreement, except as provided by law.
7. An employee may have only one loan at a time.
8. Payment for the loan is made by monthly payroll deduction.
9. An employee with a loan who is not in paid status (e.g. unpaid leave of absence) may make his/her monthly payments directly to the Plan

Administrator by some means other than payroll deduction each month the employee is in an unpaid status (e.g. by a personal check or money order).

10. The Loan Administrator (MassMutual Life Insurance Company or its successor) charges a one-time \$50 loan initiation fee. This fee is deducted from the employee's Deferred Compensation account.
11. The County charges a one-time \$25 loan initiation fee and a monthly maintenance fee of \$1.50. These fees are paid by payroll deduction.

EG. **Additional Contribution to Deferred Compensation Plan** (pursuant to the funds referenced in Section 43 - Non-Healthcare/Non-General Wage Re-Opener):

The County shall provide a monthly deferred compensation contribution to eligible employees in the Contra Costa County Defenders Association who are enrolled in the County's deferred compensation program. Only permanent full-time or permanent part-time employees in a position designated at a minimum of twenty (20) hours per week who have been employed by the County for at least ninety (90) calendar days, will be eligible for the contribution. An employee will be considered enrolled in the County's deferred compensation program as long as they maintain a balance in such an account. Any newly hired employee who satisfies these requirements will also be eligible to receive this contribution on a go-forward monthly basis provided they open a deferred compensation account during the applicable year. [The contributions and eligible classifications are as follows:](#)

1. For the 2021 contribution only, the additional contribution will be limited to eligible Public Defender Investigators Unit employees. The pro-rata amount for each Public Defender Investigators Unit employee will be determined by dividing \$33,000 by the number of eligible Public Defender Investigators Unit employees enrolled in the County's deferred compensation program on October 10, 2021. This contribution amount will be distributed proportionately on a monthly basis, starting November 10, 2021, for the remainder of the 2021 calendar year.
2. For [the 2022 and 2023 calendar years, from the February 10 through June 10, 2024 pay periods](#), the additional contribution will be available to eligible employees in the Public Defender Investigators Unit and Deputy Public Defender- Fixed Term (Job Code - 25WB) classification. After funding the increased reimbursement amount effective January 1, 2022, under Section 25.2 - Public Defender Investigator Professional Expenses. any remaining funds pursuant to Section 43 - Non-Healthcare/Non-General Wage Re-Opener, are to be applied to this contribution. The

pro-rata amount for each employee is determined for the applicable year by dividing these remaining funds by the number of eligible employees in these positions who are enrolled in the County's deferred compensation program on January 1. Individual contributions are to be distributed on a monthly basis among all eligible employees starting with the following February 10 pay date through the following January 10 pay date. The parties acknowledge that the amount of each employee's pro-rata share is subject to change from year to year as the amount will be wholly dependent on the amount of remaining funds under Section 43 and the number of employees in these positions who are enrolled in the deferred compensation program at the time.

3. Beginning with the July 10, 2024 pay period and all subsequent years, the additional contribution will be available to eligible employees in the Public Defender Investigators Unit and Deputy Public Defender I (25WA) classification. After funding the increased reimbursement amount under Section 25.2 - Public Defender Investigator Professional Expenses., any remaining funds pursuant to Section 43 - Non-Healthcare/Non-General Wage Re-Opener, are to be applied to this contribution. The pro-rata amount for each employee is determined for the applicable year by dividing these remaining funds by the number of eligible employees in these positions who are enrolled in the County's deferred compensation program on January 1. Individual contributions are to be distributed on a monthly basis among all eligible employees starting with the following February 10 pay date through the following January 10 pay date. The parties acknowledge that the amount of each employee's pro-rata share is subject to change from year to year as the amount will be wholly dependent on the amount of remaining funds under Section 43 and the number of employees in these positions who are enrolled in the deferred compensation program at the time.

The contribution under this subsection G. will be added to any existing amounts already deferred or contributed to the Contra Costa County Deferred Compensation Plan for the purpose of ensuring that the annual Plan maximum contributions as defined under IRS Code Section 457(b), or other tax qualified designated saving vehicle, are not exceeded.

- III. The Additional Deferred Compensation contributions described in the new subsection G. of Section 42.2 added by this Side Letter will be adjusted only for the remainder of the 2024 calendar year and contributed for the eligible employees as described in Exhibit A, attached to this Side Letter and incorporated herein by reference. A one-time lump sum contribution also will be made for Employee #94102 in the amount of \$609.66 to account for the months of February – April.

The terms of sections I. and II. of this Side Letter will be incorporated into the next MOU between the County and the Association. The parties acknowledge that this Side Letter resolves Grievance # 006-24 and does not impact any other pending grievances. Except as specifically amended or excluded by this Side Letter, all other terms and conditions of the MOU between the County and the Association (July 1, 2022- June 30, 2026) remain unchanged by this Side Letter.

Date: 6/12/2024

Contra Costa County:
(Signature / Printed Name)

DocuSigned by:
David Sanford / David Sanford
256DA027F7FB477...

DocuSigned by:
Rebecca Cox / Rebecca Cox
695AD9D188D6407...

_____/_____

_____/_____

CCC Defenders' Association:
(Signature / Printed Name)

DocuSigned by:
Michael Caesar / Michael Caesar
59AC465E04F449C...

_____/_____

_____/_____

_____/_____

Exhibit A

ID	Job Code	Classification	Enrolled as of 1/1/24?	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	New Annual Amount	Annual minus received	New Monthly Amount July-January
93994	25WA	DPD I	No															
92429	25WA	DPD I	Yes						201.70	201.70	201.70	201.70	201.70	201.70	201.70	1411.84	1411.84	201.70
93929	25WA	DPD I	No															
93370	25WA	DPD I	Yes						201.70	201.70	201.70	201.70	201.70	201.70	201.70	1411.84	1411.84	201.70
94442	25WA	DPD I	No															
92469	25WA	DPD I	Yes						201.70	201.70	201.70	201.70	201.70	201.70	201.70	1411.84	1411.84	201.70
92428	25WA	DPD I	Yes						201.70	201.70	201.70	201.70	201.70	201.70	201.70	1411.84	1411.84	201.70
93930	25WA	DPD I	No															
93933	25WA	DPD I	No															
93935	25WA	DPD I	No															
94082	25WA	DPD I	Yes						201.70	201.70	201.70	201.70	201.70	201.70	201.70	1411.84	1411.84	201.70
93993	25WA	DPD I	Yes						201.70	201.70	201.70	201.70	201.70	201.70	201.70	1411.84	1411.84	201.70
94053	25WA	DPD I	Yes						201.70	201.70	201.70	201.70	201.70	201.70	201.70	1411.84	1411.84	201.70
91957	6NVA	PD Investigatr II	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
86581	6NVA	PD Investigatr II	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
88574	6NVA	PD Investigatr II	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
79625	6NVA	PD Investigatr II	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
87332	6NVA	PD Investigatr II	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
80452	6NVA	PD Investigatr II	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
78413	6NVA	PD Investigatr II	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
88566	6NVA	PD Investigatr II	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
87420	6NVA	PD Investigatr II	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
93452	6NWA	PD Investigator I	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
94102	6NWA	PD Investigator I	Yes - Error	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54
93254	6NWA	PD Investigator I	No															
94051	6NWA	PD Investigator I	Yes	203.22	203.22	203.22	203.22	203.22	56.54	56.54	56.54	56.54	56.54	56.54	56.54	1411.84	395.74	56.54

7 DPD qualify
 12 PD qualify
 19 total eligible employees

Total 26824.96

***County contributions will be made only up to the annual maximum permitted by the IRS