

2017-00012

**MEMORANDUM OF AGREEMENT**

Agreement made this 20<sup>th</sup> day of January, 2017 by and between the County of Essex (hereinafter "County") and the Communications Workers of America, Local 1081-Clericals (hereinafter "Union").

**WHEREAS**, the County and Union are parties to the Memorandum of Agreement which expires on December 31, 2017; and

**WHEREAS**, the County and Union have engaged in good faith collective negotiations for a successor agreement; and

**WHEREAS**, the County and Union have reached agreement on the terms and conditions for a successor agreement subject to ratification by the Union membership and approval by the Essex County Executive and Essex County Board of Chosen Freeholders.

**NOW, THEREFORE**, in consideration of the mutual covenants and undertaking herein set forth the parties agree as follows:

1. The terms of the Collective Bargaining Agreement between the parties and subsequent Memorandums of Agreement between the parties shall remain in full force and effect except as modified herein.

2. **Terms of Agreement**

The term of the new agreement shall be for a period of 3 year(s), effective January 1, 2017 through December 31, 2019

3. **Wages**

Wages shall be increased as follows:

Effective January 1, 2017 2.20%

Effective January 1, 2018 2.25%

Effective January 1, 2019 2.25%

The parties agree that the wage increments set forth above will only be guaranteed to the Union for the period of time selected within the Terms of Agreement above.<sup>1</sup>

4. **Health Benefits**

The Union agrees to the change of health benefit carriers from Aetna to the State Health Benefits Program ("SHBP), effective January 1, 2017, and consents to accept all benefits provided under the SHBP.

5. The attached letter (Addendum A) and attached email containing an attachment in the form of a chart (Addendum B) are hereby incorporated and made part of the within Memorandum of Agreement.

6. All other terms of the Collective Bargaining Agreement and related Memorandums of Agreement between the parties shall remain unchanged during the duration of the within agreement.

7. This Memorandum of Agreement together with the prior Collective Bargaining Agreement and Memorandums of Agreement represent the complete and final agreement between the parties and is contingent upon ratification and approval of the union membership, the Essex County Executive and Essex County Board of Chosen Freeholders. All proposals, whether written or oral, presented by the County and the Union during the course of negotiations are deemed withdrawn and not a part of this Agreement. This Agreement cannot be modified except by a writing signed by the parties.


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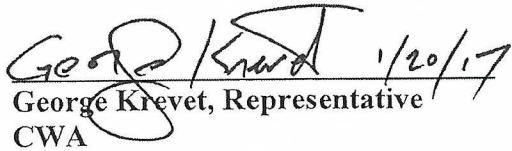
<sup>1</sup> For example, if the union elects a one (1) year contract extension, it will be guaranteed the 1/1/17 wage increment only. If the union elects a two (2) year extension, it will be guaranteed the 1/1/17 and 1/1/18 wage increments. Lastly, if the union elects a three (3) year extension, it will be guaranteed the 1/1/17, 1/1/18, and 1/1/19 wage increments as set forth above.

IN WITNESS WHEREOF, the parties have, by their authorized representatives,

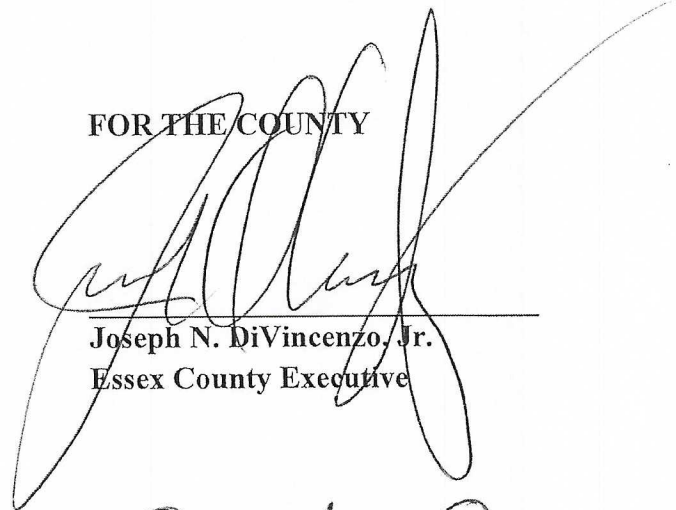
set their hands and seals this 20<sup>th</sup> day January 2017.


COMMUNICATIONS WORKERS  
OF AMERICA, LOCAL 1081

  
\_\_\_\_\_  
David H. Weiner  
President

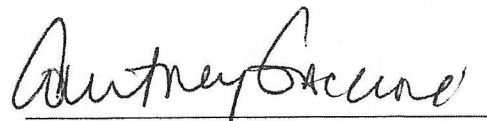
  
\_\_\_\_\_  
George Krevet, Representative  
CWA

FOR THE COUNTY

  
\_\_\_\_\_  
Joseph N. DiVincenzo, Jr.  
Essex County Executive

  
\_\_\_\_\_  
Deborah Davis Ford, Clerk of the  
Board of Chosen Freeholders

Approved as to Form

  
\_\_\_\_\_  
Courtney Gaccione, Esq.  
Essex County Counsel

# ADDENDUM A



## OFFICE OF THE COUNTY COUNSEL

Hall of Records, Room 535, Newark, New Jersey 07102  
973.621.5003 --- 973.621.4599 (Fax)  
www.essexcountynj.org

**Joseph N. DiVincenzo, Jr.**  
Essex County Executive

**Courtney M. Gaccione**  
Essex County Counsel

September 29, 2016

Via Electronic Mail

Re: SHBP transition 2017/2018

To Whom it May Concern:

This letter shall serve as confirmation that in moving the County of Essex into the SHBP effective January 1, 2017, that the level of benefits provided under the SHBP for the year 2017 will not change during 2017. Further, when moving into the calendar year 2018, the County of Essex agrees that if there is a change in benefits provided by the SHBP that that the parties mutually agree is not equal to or greater than those benefits provided under the SHBP during the 2017 calendar year, the County will negotiate in good faith the benefits or compensation to be provided.

Very truly yours,

Courtney Gaccione  
Essex County Counsel

*Putting Essex County First*

ESSEX COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

# ADDENDUM B



## Robin Magrath

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**From:** Courtney Gaccione <cgaccione@counsel.essexcountynj.org>  
**Sent:** Tuesday, October 18, 2016 4:15 PM  
**To:** Carol Perkins; CWALocal1081@aol.com; CWA1081@aol.com  
**Cc:** dbander@msmlaborlaw.com; 'Jim Mets'; rjackson@admin.essexcountynj.org; rciallella@admin.essexcountynj.org; 'Robin Magrath'; 'Phil Alagia'  
**Subject:** Offer for Gauer Employees to move into SHBP  
**Attachments:** img-X17155545-0001.pdf

Carol/David:

As we discussed last week when we met, the New Jersey State Division of Pension and Benefits has denied the County's request to "carve out" the Gauer employees from the SHBP citing the statutory requirement under N.J.A.C. 17:9-5.4 that all eligible active and retired employees be moved into the SHBP without exception. Accordingly, the County is now offering to make all Gauer covered employees "whole" upon their move into the SHBP. This means that Gauer employees will be reimbursed for the differential between their plan in effect December 31, 2016 and the plan they choose under the SHBP. There will be a separate fund, managed by a third-party administrator, set up for this purpose.

In response to your inquiry, we have confirmed that current (not new) employees have been permitted to leave and then re-enter the Traditional plan. However, under this proposal the County will only reimburse the difference between the plan the employee has in place effective December 31, 2016 and the chosen SHBP plan. I have attached for your review a chart which outlines the six (6) categories that the County will provide reimbursement for once the County moves into the SHBP.

Again, this proposal only becomes effective January 1, 2017 when the County has been begun participation in the SHBP.

Please do not hesitate to contact me with any further questions you may have.

Best,  
Courtney

-----Original Message-----

From: Essex County Counsel  
[mailto:[essexctycounsel@counsel.essexcountynj.org](mailto:essexctycounsel@counsel.essexcountynj.org)]  
Sent: Monday, October 17, 2016 3:56 PM  
To: [cgaccione@counsel.essexcountynj.org](mailto:cgaccione@counsel.essexcountynj.org)  
Subject: Scan from a Xerox D95/D110/D125

Please open the attached document. It was scanned and sent to you using a Xerox D95/D110/D125.

Number of Images: 1  
Attachment File Type: PDF

Device Name: Essex County Counsel  
Device Location:

For more information on Xerox products and solutions, please visit <http://www.xerox.com/>

<b>Benefit Difference</b>	<b>Description</b>
Office Visit copay difference	Current copay is \$5 dollars for the POS plans vs. the SHBP \$10 copay.
ER copayment difference	The Current county plans have an ER copayment for both POS plans. The Traditional plans have a richer benefit for Accidental Injury covered at 100% and 80% after deductible for Medical Emergency.
Family deductible	The out of network family deductible under the State plan is \$50 higher when compared to the current County plan
Out of Pocket (OOP) maximum adjustment	The OOP SHBP maximums are higher for out of network services @ \$2,000/\$5,000.
Pharmacy Reimbursement	Under the Traditional plan, members can submit cost for pharmacy claims once the deductible and the OOP maximum has been reached.
Out of network utilization for various services	Reflects value of additional out of network services. Routine physicals, inpatient per stay deductibles etc. Note the Aetna State plan provider network is larger than the current Aetna network as it is on a self funded platform.



RESOLUTION OF THE BOARD OF FREEHOLDERS  
COUNTY OF ESSEX

#69

RESOLUTION NO. R-2017  
00112 AUTHORITY FOR RESOLUTION: N.J.S.A. 40:41A-38(n)

PROPOSED BY: COUNTY EXECUTIVE AUTHORITY FOR ACTION: N.J.S.A. 40:41A-36(i)

SUBJECT: OFFICE OF COUNTY COUNSEL – MEMORANDUM OF AGREEMENT BETWEEN THE  
COUNTY OF ESSEX AND THE COMMUNICATIONS WORKERS OF AMERICA, LOCAL 1081-  
CLERICALS- JANUARY 1, 2017 – DECEMBER 31, 2019

WHEREAS, the County of Essex has negotiated a Memorandum of Agreement with the  
Communications Workers of America, Local 1081 - Clericals covering the period January 1,  
2017 through December 31, 2019; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to pay the  
salary and benefits of the contract (which certification is attached hereto); and

WHEREAS, the Board of Freeholders, by this resolution, wishes to approve said  
contract; now therefore be it

RESOLVED by the Essex County Board of Chosen Freeholders as follows:

1. That said Memorandum of Agreement with the Communications Workers of America, Local 1081 - Clericals, a copy of which is annexed hereto, be and hereby is approved.
2. That the County of Essex is hereby authorized to execute said contract on behalf of the County.
3. That said Memorandum of Agreement shall be a modification to the current Collective Bargaining Agreement, which expires on December 31, 2017, and reflects an additional .20% wage increment to the previously agreed upon 2.00% wage increment for 2017; and this Memorandum of Agreement shall also serve as an extension of the current Collective Bargaining Agreement, which expires on December 31, 2017, for an additional two (2) years from January 1, 2018 through December 31, 2019.
4. That three (3) fully executed copies of this Memorandum of Agreement and certified resolution be forwarded to the Office of County Counsel,  
Attn.: Robin Magrath, Director of Labor Relations.

Approved as to form and legality Courtney Greene Date 1/24/17  
 ESSEX COUNTY COUNSEL

RECORD OF VOTE (X=Vote N.V=Abstention ABS=Absent)

Moved by Freeholder Sebold

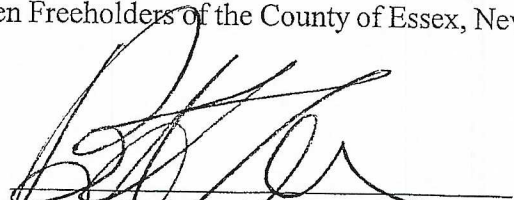
Second by Freeholder Richardson

Freeholder	Yes	No	N.V.	ABS	Freeholder	Yes	No	N.V.	ABS
Bobadilla				✓	Richardson	✓			
Gill, V.P.	✓				Sebold	✓			
Johnson	✓				Timberlake, Pres.	✓			
Jones	✓				Toro	✓			
Luciano	✓								

It is hereby certified that the foregoing Resolution was (✓) adopted ( ) defeated ( ) tabled by roll call vote at a regular meeting of the Board of Chosen Freeholders of the County of Essex, New Jersey held on Jan 25, 2017

Is Publication Required ( ) Yes ( ) No

Date Published \_\_\_\_\_

  
 Britnee N. Timberlake, President

Communications Workers of America, Local 1081 - Clericals

rm 1/23/17

RECEIVED  
 CLERK OF THE BOARD  
 2017 JAN 25 AM 9:47  
 ESSEX COUNTY  
 BOARD OF  
 CHOSEN FREEHOLDERS