

KERN COUNTY SUPERIOR COURT

COURT VOLUNTARY SEPARATION INCENTIVE PROGRAM (CVSIP)

What

The Court Voluntary Separation Incentive Program ("CVSIP") is a voluntary separation opportunity to help reduce annual ongoing Court payroll costs by providing incentives for eligible Court members to leave employment in the form of separation pay incentives and/or retirement benefit enhancements. The goal of the CVSIP is to facilitate the voluntary reduction of 54 employees from Court service as quickly as possible.

Who

A current regular status Court employee or promotional probationary employee with at least one year of continuous service with the Kern County Superior Court is eligible to apply. The employee must voluntarily resign during the application and acceptance time frame designated. All classifications are eligible for this program except the Court Executive Officer, Deputy Court Executive Officers, and Commissioners and the Referee.

Employees who have applied for retirement or submitted a written or oral resignation prior to announcement of this Incentive Plan will be eligible. Those who have already retired or separated from the Court at the time of this announcement will not be eligible.

When

The Court is accepting applications from employees for CVSIP during the applicable window period:

- Applications must be received by 4 PM on July 23, 2012
- Deadline for signing contractual agreement is July 30, 2012
- Last day of work is August 10, 2012.
- Full compensation of wages will be received on August 21, 2012.
- Compensation for vacation and sick leave cash out and incentive pay will be available no later than September 4, 2012.

Applications received after the applicable deadline cannot be considered.

Criteria for Acceptance

The Court must be able to achieve significant and tangible salary savings by either deleting your position or backfilling with an existing Court employee through the promotional process but paid at an entry level salary. To receive the monetary incentive employees must sign a waiver and release of all claims, including unemployment insurance.

Should the number of CVSIP applicants exceed Court requirements within the same classification or unit, the Court may have to determine the acceptable number of applicants and then choose based on seniority. In determining whether to offer the CVSIP to an individual or classification, the Court will take into consideration: the budget, staffing needs to meet business priorities, service levels and impact, separation costs, and other issues as deemed necessary.

The Court Executive Officer shall make the final decision on which employees are approved to receive the Court Voluntary Separation Incentive Program payment/benefits, and approval or non-approval is not subject to appeal.

For those employees whose applications have been approved, a written separation agreement must be executed. The separation agreement must include the following provisions:

1. A statement that the employee is required to pay all applicable taxes on the payment.
2. The employee's acknowledgement that the Employer will withhold applicable taxes, according to law, before processing payment.
3. The employee's agreement to waive all retention rights along with a statement that the separation is voluntary and not coerced or obtained through means other than the terms of the separation agreement.
4. The date of the employee's last day of work; an acknowledgment that no payment will be made until after the last day of work and full compliance with other provisions of the separation agreement.
5. The total amount of the separation incentive, how it was calculated, and a statement that the amount is within the protocols of the policy.

6. A statement that the employee agrees not to seek any type of relief or to file any type of claim or action against the Court arising out of the employment relationship or the separation incentive.

7. An acknowledgment that the employee will not seek any type of paid reemployment, including independent contractor, with the Kern County Superior Court for a period of one (1) year from the date of resignation/separation.

8. An acknowledgment that any payment or benefit received under this plan is considered terminal pay and therefore not compensation earnable for purposes of retirement.

Once the employee has signed the agreement, the employee will have seven (7) days in which to revoke the agreement. The seven (7) day revocation period cannot be reduced or extended.

Incentive Package

- **Cash Incentive**

16 or more years of service	\$20,000
10 – 15 years of service	\$15,000
1 – 9 years	\$1,000 per year of service

The cash incentive will be paid out as a one-time taxable cash payment and/or deposited into the deferred compensation plan administered by the County of Kern.

- **Medical/Rx/Dental/Vision Coverage**

Employees separating from the Court may elect to continue to cover themselves and any eligible dependents who were covered prior to the employee's separation by enrolling in COBRA. The Court will pay the premiums for both employee and eligible dependents for a period no longer than 12 months from the date of separation.

Employees who have 15 or more years of service and are eligible for the Retiree Health Premium Supplement Plan (RHPSP) will have

one year of COBRA coverage for them and their eligible dependents, after which they may elect to enter RHPSP with an additional five (5) service years added to their eligibility, thereby ensuring that they will have a minimum of 50% up to a maximum of 100% payment of their employee-only retiree health premium at the time they leave COBRA.

- **Sick Leave Pay Out**

Employees who are separating but not retiring who have five or more years of continuous service with the Court will receive payment for unused sick leave in an amount as computed below:

Up to 40 hours	100%
Next 41-100 hours	75%
Next 101-200 hours	50%
Next 201-500 hours	25%

Retirees will have a cash payout of their accrued sick leave at the time of their separation per the Memorandum of Understanding:

0-19 years	50% up to a maximum of 1152 hours
20-24 years	75% up to a maximum of 1152 hours
25 + years	100% up to a maximum of 1152 hours

Other Conditions

Participating employees may not be rehired by the Court in any capacity (e.g., extra help, working retiree, independent contractor, consultant, etc.) for at least 12 months from the date of separation unless approved as an exception by the Court Executive Officer.

Employees approved to participate must fulfill all regularly scheduled hours or be on an approved leave of absence to remain eligible to receive the incentive.

June 29, 2012