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Title: Chief Administrative Office recommending the Board provide direction to the Human Resources Director relative to the compensation paid to the Sheriff and the District Attorney. (Est. Time: 30 Min.)

FUNDING: General Fund.

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Date	Ver.	Action By	Action	Result
5/14/2019	1	Board of Supervisors		
5/14/2019	1	Board of Supervisors	Failed	Fail
5/14/2019	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board provide direction to the Human Resources Director relative to the compensation paid to the Sheriff and the District Attorney. (Est. Time: 30 Min.)

FUNDING: General Fund.

DISCUSSION / BACKGROUND

Purpose/Reason for Recommendation

The purpose of this report is to provide the Board with the history and background of the compensation paid to the Sheriff and District Attorney, and to seek direction from the Board regarding requests from the Sheriff and District Attorney to increase their compensation.

Due to salary increases provided to subordinate staff, primarily as a result of Charter Section 504 salary increases the last several years, the Undersheriff is compensated approximately 0.48% higher than the Sheriff. As a result, the Sheriff is requesting the Board approve an increase to his salary.

In addition, Charter Section 504 salary increases provided to the Chief Investigator - District Attorney have created compaction issues in the District Attorney's Office. Specifically, the Chief Investigator is currently compensated approximately 3.16% less than the District Attorney. If the Charter Section 504 increases are consistent with the last three to four years, the Chief Investigator will be making more than the District Attorney prior to the end of the District Attorney's current term. Coupled with the salary increase provided to the Sheriff, the compensation relationship between the Sheriff and the District Attorney is inconsistent with other counties. As a result, the District Attorney is requesting his salary be increased to match the salary of the Sheriff.

Authority

The following is a summary of authorizing documents relative to this matter:

- 1) Charter Section 504 states the following, noting the Sheriff, District Attorney or Chief Investigator are not included in the charter language:

The Sheriff's Salary initiative, commonly known as Measure A, and passed by a majority of the voters at a general election on November 7, 1972, is hereby repealed.

The Board of Supervisors shall, at least annually determine the existing average salaries for the South Lake Tahoe Police Department, Amador County Sheriff's Department and the California Highway Patrol for each class of position employed by said agencies. Effective on the first day of January of each year after this charter provision first becomes effective, the Board of Supervisors shall adjust and determine that the average salary for each class of position as set forth herein be at least equal to the average of the salaries for the comparable positions in the South Lake Tahoe Police Department, Amador County Sheriff's Department and the California Highway Patrol.

As used herein, the term "comparable class of position" shall mean a group of positions substantially similar with respect to qualifications or duties or responsibilities using the following positions as guidelines:

Undersheriff, Captain, Lieutenant, Sergeant, Deputy Sheriff, Clerk

The provisions of this section shall prevail over any otherwise conflicting provisions of this charter or general law which may relate to salaries of County officers or employees who are not elected by popular vote.

- 2) In 1999, the Board of Supervisors adopted Resolution 227-99 which stated "*Salaries for the classes of Sheriff's Captain, Sheriff's Lieutenant, Undersheriff **and Sheriff** or other Unrepresented classes, affected by Measure N, Charter Section 504, shall be set in accordance with Charter Section 504, for each calendar year...*"

As a result of this action, while Charter Section 504 does not include the Sheriff, the Board made the policy decision to link the Sheriff's compensation amount to Charter Section 504 and update the Sheriff's salary on an annual basis. This decision was likely due to salary compaction between the Sheriff and Undersheriff.

- 3) While the Chief Investigator is not identified in Charter Section 504, the Memorandum of Understanding between the County and the Law Enforcement Managers Association states, "*The wage scale for the District Attorney Chief Investigator classification will match the wage scale for the Sheriff's Captain classification.*" This requirement was negotiated into the MOU dating back to at least 2005, the oldest MOU Human Resources staff was able to locate. Keeping in mind the Sheriff's Captain is included in Charter Section 504, this negotiated benefit provides the Chief Investigator with the same benefits of other positions identified in the Charter. It should also be noted the MOU with the Deputy Sheriff's Association links the salary of the District Attorney Investigator to the salary of Sheriff's Sergeant, resulting in the District Attorney Investigator also receiving salary increased tied to Charter Section 504.

Sheriff/District Attorney Compensation Comparison

Human Resources completed a comparative analysis of the compensation paid to the Sheriff and the District Attorney with the 8 jurisdictions the Board has approved for compensation comparisons. This review identified the Sheriff is currently compensated approximately 9% above the median and the District Attorney's compensation is approximately 11% below the median.

Human Resources also conducted a comparison of the compensation relationship between the Sheriff and District Attorney in 20 other counties. This review identified two counties pay the District Attorney approximately 3.7% less than the Sheriff, three counties pay the Sheriff and District Attorney the same amount, and the remaining 15 counties pay the District Attorney anywhere from .68% to 27% more than the Sheriff. El Dorado County currently pays the District Attorney 12.3% less than the Sheriff.

The following table summarizes the history of the compensation paid to the Sheriff and District Attorney dating back to 2003, the first term of office after the Board adopted the Salary & Benefits resolution linking the Sheriff to Charter Section 504 increases.

	<u>January 2003</u>	<u>January 2007</u>	<u>January 2011</u>	
<u>January 2015</u>		<u>January 2019</u>		
Sheriff: \$19,242	\$9,259	\$13,617	\$16,413	\$14,832
District Attorney: \$16,870	\$10,284	\$13,326	\$13,326	\$15,394
% Variance: Sheriff - +14%	DA +10%	Sheriff +2.2%	Sheriff +23%	*Sheriff +19%

*During this time period, in addition to the base pay the Sheriff also received a 10% POST differentials and 13% of the base monthly salary of the Undersheriff at Step 5. As a result, the Sheriff's actual compensation was approximately \$18,280/month, 19% higher than the District Attorney.

Beginning in January 2015, the Undersheriff received increases as a result of Charter Section 504, but the Sheriff classification was not included. Subsequently, in December 2017, the County updated the Salary & Benefits Resolution and the provision linking the Sheriff to Charter Section 504 was removed.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Human Resources, Sheriff and District Attorney

CAO RECOMMENDATION / COMMENTS

In making this decision, the Board should consider the following:

First, the Board must make a determination relative to the compensation relationship between the Sheriff and the District Attorney. Specifically, does the Board wish to continue the practice of compensating the District Attorney less than the Sheriff, compensate them the same, or compensate the District Attorney more than the Sheriff, which is the practice of most counties?

Second, the Board must determine if they want to adjust the Sheriff's salary based on increases provided as a result of Charter Section 504, as was done beginning in 1999 through 2012. If the Board chooses to adjust the Sheriff's salary based on Charter Section 504 increases, it will address the compaction/salary inversion issue that is currently occurring between the Sheriff and Undersheriff. However, it will also create internal compensation inconsistencies between the Sheriff and other department heads.

Best practice should be to compensate Department Heads more than all other employees in the department. However, there are exceptions to this practice which are becoming more prevalent in the public sector. The March 11, 2019 edition of Governing Daily included an article titled, "*Why Some Government Managers Make Less Than Their Employees*", identified that this scenario is becoming more prevalent throughout the country. The article includes a quote from the National Association of State Personnel Executives stating, "*A lot of union states are having difficulty in getting people to take managerial and supervisor positions. Sometimes managers are making less - and sometimes significantly less- than the employees they are managing.*" According to this article, the primary reason for this issue, referred to as 'salary inversion' is due to negotiated compensation increases provided to unionized employees, which public jurisdictions cannot afford to provide to unrepresented employees.

The salary compaction in the Sheriff and District Attorney's offices are driven by negotiated benefits such as the amount of POST pay and education incentives provided to the Deputy Sheriff's Association and Law Enforcement Managers Association, as well as mandated salary increases as a result of Charter Section 504. It should be noted that an increase to the salaries of the executives could also leave less funding available for increasing compensation for other classifications that are below median throughout the organization.

Third, the Board should take into consideration that the salary paid to the Undersheriff is not within their control. In regards to the salary relationship between the Chief Investigator and the District Attorney, the County created the compaction issue by agreeing to link the Chief Investigator compensation to the Sheriff Captain position and Charter Section 504 through the labor negotiation process.

Fourth, if the Board establishes a structure that pays the Sheriff more than the current Undersheriff, upon retirement there is the potential that the person selected to serve as the next Undersheriff will not have the same level of POST certification or a Bachelor's Degree, which will result in lower incentive percentages. If the Board directs staff to increase the Sheriff's salary to a certain percentage above the Undersheriff at this time, and in the event this scenario takes place, the Board is then prohibited from reducing the Sheriff's salary to maintain the percentage difference.

Fifth, based on trends over the last five years, Charter Section 504 will result in additional increases to the Undersheriff and Chief Investigator's salary ranging from 0.24% to 4.78%, and an average increase during that period of time totaling 2.46% per year. While this is not certain, the Board should be aware that if they increase the salary of the Sheriff and District Attorney this year to a specific percentage above the Undersheriff and Chief Investigator, future increases during the middle of the term will likely be needed to maintain that differential.

Sixth, if the Board chooses to allow the Undersheriff's salary to increase above the salary of the Sheriff, you should keep in mind that it could result in a well-qualified Undersheriff choosing not to run for the office of Sheriff since it would result in a reduction in pay, or a well qualified Sheriff's Captain

choosing not to run for office since the salary increase would not be commensurate with the increased responsibility.

Finally, the Board should recognize that as a result of Charter Section 504, whatever decision is made will not resolve the internal inconsistencies in the compensation structure. For example, if the Board chooses to set the Sheriff and/or District Attorney's salary outside of the Charter Section 504 process and instead establish their salary in relationship to the comparable counties used for compensation purposes, salary compaction and salary inversion within those departments will continue and likely worsen in future years.

If the Board chooses to establish the salary of the Sheriff and/or the District Attorney in a manner consistent with Charter Section 504, it will result in compensation inconsistencies when compared to other department head positions and the market as established by the Board. The County cannot afford to maintain a consistent compensation structure among all Department Heads, while also continuing to work toward a consistent compensation structure for all other employees under this scenario.

Recommendations

- 1) The Board should direct staff to return to the Board with a revised Salary & Benefits Resolution within the next 60 days that clearly identifies their philosophy in regards to compensation for the Sheriff and District Attorney.
- 2) Considering most counties compensate the District Attorney in an amount equal to or greater than the Sheriff, the salary compaction within the District Attorney's office is due County negotiated benefits to the Chief Investigator, and that the District Attorney is approximately 11% below the median, it is recommended that the revisions to the Salary & Benefits Resolution include language confirming the District Attorney and Sheriff shall be compensated equally. The Board should also provide direction to staff to adjust the District Attorney's salary immediately in order to address the compaction issues and the inconsistency in the relationship to the Sheriff's salary, or wait until the beginning of the next term of office, keeping in mind the County has a practice of adjusting salaries during the middle of an elected term.
- 3) In regards to the Sheriff's salary, the fundamental decision is whether the Board wants the compensation inconsistencies to be within the Sheriff's Office or external to other County department heads. If the Board feels the Sheriff should be paid more than the Undersheriff, you should direct staff to link the Sheriff's compensation to Charter Section 504, similar to what the Board decided to do in 2001. If the Board feels the salary of the Sheriff should be determined in a manner consistent with all other County employees you should direct staff to make no changes to the compensation of the Sheriff at this time, and evaluate the compensation paid to the Sheriff based on the counties used for comparison purposes to be effective the beginning of the next term.

FINANCIAL IMPACT

If the Board directs staff to adjust the salary of the District Attorney to be equal to the Sheriff, the fiscal impact will be approximately \$24,400/year. The fiscal impact of any adjustments to the Sheriff's salary will depend on the percentage increase authorized by the Board.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Good Governance by as much as possible ensuring a fair and equitable compensation structure.

CONTACT

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