



## Legislation Details (With Text)

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**Title:** Chief Administrative Office, in conjunction with the Sheriff's Office, recommending the Board approve a pilot staffing program that provides the Sheriff's Office with greater flexibility to recruit for essential positions based on immediate need and in the best interest of public safety, while still maintaining appropriate internal controls to ensure the Sheriff's Office does not exceed his allocated budget or total allocation of positions. (Est. Time: 15 Min.)

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Date	Ver.	Action By	Action	Result
5/9/2017	1	Board of Supervisors	Approved	Pass

Chief Administrative Office, in conjunction with the Sheriff's Office, recommending the Board approve a pilot staffing program that provides the Sheriff's Office with greater flexibility to recruit for essential positions based on immediate need and in the best interest of public safety, while still maintaining appropriate internal controls to ensure the Sheriff's Office does not exceed his allocated budget or total allocation of positions. (Est. Time: 15 Min.)

**DEPARTMENT RECOMMENDATION**

The Chief Administrative Office and the Sheriff's Office, with concurrence from Human Resources and County Counsel, are recommending the Board approve the following:

- 1) Approve a pilot program ending June 30, 2018, that allows the Sheriff's Office to recruit and fill certain classifications specified by the Board of Supervisors as described below necessary in the best interest of public safety, as long as (a) the number of staff does not exceed the total number of 375 allocations in the Sheriff's Office, and(b), monthly expenditure projections completed by the Sheriff's Office and validated by the CAO's office verify the Sheriff's Office will not exceed appropriations in the current fiscal year, or within the following 12 month period.
- 2) Pursuant to Personnel Rule 205 have the Board find that by reason of unusual circumstances rigid adherence to the principles relating to the Underfill or Overfill of Regular Full/Part Time Positions as set forth in Personnel Rule 806 would be detrimental to the best interest of the county as it relates to the specific enumerated classifications. (4/5 vote required)
- 3) Direct the Chief Administrative Office and the Sheriff's Office to report back to the Board prior to July 2018 with a determination of whether the pilot program was successful and should be

continued.

- 4) Authorize the Chief Administrative Office, Sheriff's Office and Human Resources to implement this pilot program after notifying affected labor organizations and to the extent necessary upon meeting with and responding to any questions or concerns raised by labor organizations.

## **DISCUSSION / BACKGROUND**

### Summary:

Historically, the Sheriff's Office has had difficulty filling Deputy Sheriff, Correctional Officer and Public Safety Dispatcher positions, resulting in significant salary savings at the end of each year. In addition, due to State measures such as AB109 and Proposition 47, local jurisdictions across the State, including El Dorado County, are seeing an increase in crime. AB109 has also created additional challenges in local jails as a result of a higher level of criminal being housed for a longer period of time.

As a result, the Sheriff's FY 2017/18 budget submittal includes a request for two additional staff to address these challenges. Considering the difficulty in filling existing positions, rather than simply increasing his budget and personnel allocation, the Sheriff's Office and the Chief Administrative Office have been exploring alternatives that will provide the Sheriff with greater flexibility to meet his staffing needs, without an overall increase in his budget or personnel allocation.

### Background:

Over the past 5 years, and based on FY 2016/17 projections, the Sheriff's Office returns a large portion of unspent money to the General Fund, typically in excess of \$2 million. The majority of this unspent money is due to the difficulty in filling vacant deputy, correctional officer and public safety dispatcher positions as a result of lengthy recruitment time frames and background checks. Under our current practice, if the Sheriff were to fill all of his Deputy positions he would be unable to hire additional staff, even though history shows he will have turnover. Due to the lengthy hiring and background process, this results in vacancies for several months, resulting in a significant amount of fund balance at the end of each year.

Over the past three years, the Sheriff's Office has averaged 9.6 vacant Deputy Sheriff positions (7.3% vacancy rate), 7.4 vacant Correctional Officer positions (8.7% vacancy rate) and 2.5 Public Safety Dispatcher positions (16.7% vacancy rate) per pay period. Section 401c of the Personnel Rules states, "The appointing authority has the responsibility to notify the Human Resources Department as soon as a vacancy is anticipated and to advise Human Resources as to its plans for filling the vacancy." Considering the historical vacancy rate, the Sheriff's Office is always 'anticipating' a vacancy within the Deputy Sheriff, Correctional Officer and Public Safety Dispatcher allocations.

Based on discussions with the Sheriff, he believes additional deputies are needed and is beginning to see an increase in crime. However, from the CAO's perspective, it is unreasonable to add additional deputies and increase his budget when the Sheriff's Office has such a high vacancy rate. The CAO's

Office and the Sheriff's Office agree that if there is a way to facilitate the hiring process, he may not need to add positions to his budget.

Currently, the Sheriff's Office has 131 Deputy Sheriff allocations, 85 Correctional Officer allocations, 15 Public Safety Dispatcher allocations and 375 total position allocations. Based on current practice, the Sheriff is not permitted to hire more than 131 Deputies, 85 Correctional Officers and 15 Public Safety Dispatchers without approval from the Director of Human Resources and the CAO, in accordance with Personnel Rules, Section 806(b) which states, "*In order to maximize flexibility of the organization to meet unusual and/or unique staffing needs requiring longer term temporary "overfills", the CAO may authorize an allocation to be temporarily overfilled with an authorized position in a related classification that has a higher salary range. The Appointing Authority must submit the request to the Director and the CAO for approval. The request must describe the unique need, the amount of additional salary benefit cost above the amount allocated, and that the amount is available in the department's budget. When an overfill is approved, it must be filled with a regular or temporary employee that has been selected through a competitive recruitment process. An appointment to an overfilled position may last until the next budget cycle, but in no event longer than one (1) year.*"

#### Proposed Pilot Program

Rather than add personnel allocations to the Sheriff's budget resulting in an increase to the budget and in accordance with Personnel Rule 205(b), I am recommending a less restrictive interpretation of the personnel rules as a pilot program for the Sheriff's Office.

It is proposed that the Sheriff be authorized to overfill/underfill the classifications of Correctional Officer I/II, Deputy Sheriff I/II, and Public Safety Dispatcher I/II so as to best meet the public safety needs of the County.

The following are the four basic principles of this proposal:

- 1) Instead of managing his hiring practices at the classification level, permit the Sheriff to hire Deputy Sheriff I/II, Correctional Officer I/II and Public Safety Dispatcher I/II positions necessary for the best interest of public safety within the flexibility authorized by the Board pursuant to Personnel Rule 205(b) as long as he does not exceed his total number of personnel allocations (e.g., 375 FTEs).
- 2) The Sheriff will still be required to manage his budget and not exceed his salary and benefit appropriations. In addition, he will be required to provide monthly expenditure projections identifying total expenditures during the current fiscal year, as well as total salary expenditures for a 12 month period demonstrating he is not exceeding his appropriations.
- 3) The Sheriff's Office will be required to work all staff within the appropriate classification which they were hired.
- 4) Consistent with Section 806(b) of the Personnel Rules, all personnel positions and allocations will be 'trued up' at the end of FY 2017/18, by a vote of the Board of Supervisors (in compliance with Government Code section 29007) in a manner that does not result in an

increase to the overall salary and benefit budget allocations.

If this model is approved, the Sheriff will be able to determine what staff best meet the public safety needs of the community and will be able to hire more than the allocated number of these three classifications as long as other identified vacant classifications are available, and as long as his current year as well as his 12 month projections demonstrate he is within budget authority.

#### Anticipated Benefits

If approved, it is anticipated this will allow the Sheriff to better meet the public safety needs of the County by lowering the vacancy rate of essential positions without increasing the budget. It will also provide a mechanism to identify a baseline budget for the Sheriff's Office as we slowly reduce his budget to be more consistent with actual expenditures.

Specific indicators that will be measured to determine if this program is successful include the following:

- 1) Average Sheriff Deputy I/II vacancy rate in FY 17/18 compared to prior years.
- 2) Average Correctional Officer I/II vacancy rate in FY 17/18 compared to prior years.
- 3) Average Public Safety Dispatcher I/II vacancy rate in FY 17/18 compared to prior years.
- 4) Percentage of actual salary and benefit expenditures to budget in FY 17/18 compared to prior years.

#### Potential Risks

It is anticipated this will result in less fund balance at the end of the fiscal year, so it will be essential for the County to discontinue relying on the high fund balances to fund ongoing operational costs. In addition, if the Sheriff does not manage his personnel allocation and budget closely, he could exceed his salary and benefits appropriation. Considering the significant fund balance returned each year, this does not appear to be a significant risk during FY 17/18. Therefore, as a pilot program the CAO's Office and the Sheriff's Office will evaluate this program at the end of FY 17/18 to determine if it should continue. In addition, the program will need to be carefully managed to ensure compliance with civil service rules.

#### **ALTERNATIVES:**

The Board could choose not to approve this pilot program and maintain the existing practices. If the Board does not approve the pilot program, the Sheriff will be requesting two additional deputy positions in his FY 2017/18 budget request.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Human Resources have both reviewed this proposal and believe that all legal concerns can be addressed.

#### **FINANCIAL IMPACT**

If successful, this pilot program will reduce the high vacancy rates within the Sheriff's Office, resulting

in less year end fund balance, while also allowing the Sheriff to hire additional staff without increasing his budget.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Public Safety

Good Governance

**CONTACT**

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