



## Legislation Text

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**File #:** 21-0541, **Version:** 1

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Chief Administrative Office recommending the Board:

- 1) Provide direction to staff relative to the compensation paid to all department heads and unrepresented employees; and
- 2) Provide direction as to whether the Board wants staff to review and return with recommendations relative to the compensation paid to members of the Board of Supervisors.

**FUNDING:** Primarily General Fund with some positions being paid with State and Federal Funding.

**DISCUSSION/BACKGROUND:**

Salary & Benefits Resolution

The Unrepresented Salary & Benefits Resolution (Resolution 165-2020) states the following relative to compensation for elected department heads:

- *Section 602: Salaries/Compensation - Elected Department Heads*

*The salary for Elected Department Heads shall be established by Resolution. No longer than every four (4) years in March of the year prior to the filing deadline for election to office, the Department of Human Resources will conduct a salary survey and provide information to the Board of Supervisors with a salary recommendation for each Elected Department Head based upon external and internal comparison data. Elected Department Heads shall be entitled to benefits and entitlements provided as specified in this Salary and Benefits Resolution.*

*Notwithstanding the foregoing, the base salary of the District Attorney shall be maintained so that it is equal to the base salary of the Sheriff/Coroner/Public Administrator.*

Compensation amounts for appointed department heads and unrepresented employees are established pursuant to Section 603 of the Personnel Rules, which state, "A *standard salary schedule consisting of ranges of hourly and monthly salary rates in dollars and cents for employment in paid positions shall be established and amended by resolution of the Board of Supervisors.*"

Lastly, the Salary and Benefits Resolution for unrepresented employees also includes a provision that sets and maintains the base salary wage scale of the Deputy County Counsel classification so that it is equal to the base salary wage of the Deputy District Attorney IV classification, and that Deputy County Counsel classifications shall receive any future base wage adjustments at the same amount and time as any given to the Deputy District Attorney IV. For background purposes, this provision was included as a result of the agreement to dissolve the County Counsel Association and instead designate employees as unrepresented management.

Compensation Philosophy/History

The current compensation philosophy of the Board of Supervisors is to attempt to compensate all

employees at the median of the total compensation paid to employees in Butte, Napa, Nevada, Placer, Sacramento, Solano, Sutter and Yolo counties and the State of California.

Due to fiscal constraints the County has not been able to achieve this goal. As a result, during the last round of bargaining negotiations most positions in El Dorado County were compensated approximately 8%-10% below the median. Exceptions to this include the Criminal Attorneys Association in which the positions are compensated 5% below the median and those positions who are compensated in accordance with El Dorado County Charter Section 504 which are compensated above the median of these jurisdictions (e.g, Sheriff Deputies, Sergeants, Lieutenants, Captains and the Undersheriff). On November 7, 2017 (Legistar 14-1649), the Board adjusted the compensation paid to appointed Department Heads and unrepresented management employees by 4.6% to compensate for no longer having the ability to cash out unused management leave.

On May 14, 2019 (Legistar 19-0664), the Board directed staff to increase the compensation paid to the Sheriff by a one-time adjustment totaling 2.5% and to return to the Board with a revised Salary & Benefits resolution to include language confirming that the District Attorney and Sheriff shall be compensated equally.

On February 4, 2020 (Legistar 20-0122), the Board adjusted compensation paid to all Department Heads and unrepresented management employees, at which time the Board revised the salary schedule to compensate all unrepresented management employees to no less than 10% below the median, and Department Heads no less than 8% below the median.

On December 2, 2020 (Legistar 21-0042), the Board directed Human Resources to return to the Board within 45 days with a resolution increasing the salary of the Treasurer-Tax Collector to that it is aligned with the Assessor in order to address the fact that the Assistant Treasurer-Tax Collector was compensated more than the Treasurer-Tax Collector due to longevity pay. This direction was completed on January 12, 2021 (Legistar 21-0042).

A preliminary analysis has identified that due to salary increases provided to employees in the comparator counties, with the exception of the Sheriff, District Attorney and Treasurer-Tax Collector, the total compensation provided to department heads is approximately 10%-13% below the median, depending on the position. Based on this preliminary analysis, the Treasurer-Tax Collector is compensated approximately 5.4% below the median and the Sheriff and District Attorney are both compensated above the median of the County's comparator organizations.

### Charter Section 504 Impacts

Charter Section 504 requires the County to adjust the salaries for Sheriff deputies, sergeants, lieutenants, captains, and the Undersheriff annually based on the current salaries within the California Highway Patrol, Amador County and South Lake Tahoe Police Department.

In addition, the Memorandum of Understanding between the County and the Law Enforcement Management Association links the salary paid to the Chief Investigator - District Attorney to the Sheriff's Captain, resulting in the Chief Investigator - District Attorney also receiving Charter 504 mandated increases. Furthermore, the Deputy Sheriff Association - Law Enforcement Unit links the salary paid the Investigator (District Attorney) to the Sheriff's Sergeant, resulting in the Investigator

(District Attorney) also receiving Charter 504 mandated increases.

As stated in the May 14, 2019, staff report, a copy of which is included as Attachment A, *“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 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 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.”*

In January 2019, the Charter Section 504 mandated increases resulted in the Undersheriff being compensated more than the Sheriff when comparing total compensation and also created significant compaction between the District Attorney and Chief Investigator - DA. As indicated above, to address these concerns, on May 14, 2019 (Legistar 19-0664), the Board directed staff to:

- 1) Increase the compensation of the Sheriff by a one-time 2.5% adjustment.
- 2) Return to the Board with a revised Salary & Benefits Resolution to include language confirming the Sheriff and District Attorney shall be compensated equally.
- 3) Adjust the District Attorney’s and Sheriff’s salary immediately in order to address the compaction issues.

In addition, on February 4, 2020 (Legistar 20-0122), the Board approved a resolution establishing the Public Defender’s salary 15% below the District Attorney’s salary. As a result, the only Law and Justice Department Head who has not had their compensation adjusted in some manner as a result of the internal inconsistencies created by Charter Section 504 is the Chief Probation Officer.

#### Sheriff/District Attorney compared to Undersheriff

Recognizing the Board’s direction in May 2019 was a one-time salary adjustment to the Sheriff and District Attorney’s compensation, without further increases beginning in June 2021 the Undersheriff will again be compensated more than the Sheriff when comparing total compensation due to an increase to Step 5 of the salary scale. If the recent trend continues, the Undersheriff will also receive an additional salary increase in January 2022 as a result of Charter Section 504, which may result in a higher compensation than the Sheriff depending on the Sheriff’s current salary at that time. It should be noted that the base salary at the top step for the Sheriff (\$113.79/hour) is 15% higher than the Undersheriff (\$98.70/hour), and the reason for the higher total compensation paid to the Undersheriff is due to additional compensation primarily for Peace Officer Standards Training (POST) certification (13%) and an education incentive (5%).

Chief Probation Officer/Sheriff's Captain

In regards to the Chief Probation officer, due to Charter Section 504 the base salary for the Sheriff's Captain totals \$87.14/hour and the Chief Probation Officer's base salary totals \$82.92/hour.

The following chart identifies the base salary relationship between the Sheriff's Captain and Chief Probation Officer in the County's comparable organizations, demonstrating that on average the Chief Probation Officer's base salary is approximately 15% higher than the Sheriff's Captain. The Board should also keep in mind that Sheriff's personnel also receive compensation for POST certification and education incentives which creates a further gap when reviewing total compensation.

<b>Base Hourly Salary Comparison as of March 2021</b>			
	Chief Probation Officer	Sheriff's Captain	% Variance
El Dorado	\$82.92	\$87.14	-5.1%
Butte	\$81.37	\$61.30	24.7%
Napa	\$95.64	\$91.06	4.8%
Nevada	\$78.10	\$71.65	8.3%
Placer	\$85.55	\$76.63	10.4%
Sacramento	\$116.10	\$77.00	33.7%
Solano	\$100.29	\$87.10	13.2%
Sutter	\$73.38	N/A	N/A
Yolo	\$91.54	\$77.24	15.6%

Based on a preliminary analysis, if the Board approves increasing the total compensation provided to the Chief Probation Officer to 8% below the median, the base salary for the Chief Probation Officer and the Sheriff's Captain will be about the same.

Board of Supervisors

In regards to the compensation paid to the members of the Board of Supervisors, the monthly salary is currently \$6,406/month. Per County Ordinance, the last time the Board members received a salary increase was in January 2007. Based on the County's comparator organizations, in 2019 the Board members were approximately 9.42% below the total compensation median.

**ALTERNATIVES**

The Board could choose not to provide direction at this time and choose not to adjust the compensation paid to department heads during this calendar year.

**PRIOR BOARD ACTION**

- Legistar #14-1649
- Legistar #19-0664
- Legistar #20-0122
- Legistar #20-1600
- Legistar #21-0042

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Human Resources

**CAO RECOMMENDATION / COMMENTS**

- 1) Recommend the Board direct Human Resources to return with a new salary resolution stating the Sheriff's total compensation will remain 2.5% above the Undersheriff on an ongoing basis, as well as confirming the District Attorney and Sheriff shall continue to receive the same base salary no later than June 30, 2021.
- 2) Recommend the Board direct Human Resources to return with a new salary resolution stating the Public Defender's base salary will be set at 15% below the District Attorney's base salary no later than September 30, 2021,
- 3) Recommend the Board direct staff to continue compensating the Assessor and the Treasurer/Tax-Collector at the same amount.
- 4) Recommend that with the exception of the Sheriff, District Attorney, Public Defender, Treasurer/Collector and Deputy County Counsel classifications, the Board direct Human Resources to return with an updated salary resolution increasing the compensation paid to all other Unrepresented Department Heads, Unrepresented Management employees and Confidential employees totaling no less than 8% below the median of the comparator organizations no later than September 30, 2021.
- 5) Recommend the Board provide direction as to whether the compensation paid to the Chief Probation Officer should be adjusted so that it is comparable to or higher than the Sheriff's Captain, both at this time and on an ongoing basis since the Sheriff Captain's salary is adjusted annually in accordance with Charter Section 504, keeping in mind the base salary of the Chief Probation Officer is approximately 15% higher than the Sheriff's Captain in the comparator counties.
- 6) Recommend the Board consider increasing the Deferred Compensation contribution from 2.5% to 5% of the base salary for all Unrepresented and Elected Department Heads in order to provide a more competitive compensation package without increasing ongoing pension liability.
- 7) Recommend the Board provide direction as to whether you want staff to conduct an analysis of compensation paid to each Member of the Board of Supervisors and to return to the Board with updated salary resolutions and documentation establishing compensation paid to each Member at an amount no less than 8% of the median.

**FINANCIAL IMPACT**

If the Board approves the salary increases for all Department Heads, Unrepresented and Confidential employees as recommended, based on a preliminary analysis of compensation paid to employees in the comparator organizations, the total fiscal impact is anticipated to be no more than \$500,000/year plus benefits and pension costs. The impact to the General Fund will likely be no more than \$350,000 plus benefits and pension costs.

The fiscal impact of increasing the Sheriff and District Attorney's compensation cannot be identified at this time as it is dependent on salary increases provided to staff covered by Charter Section 504. A 2.5% increase to the current base salary for the Sheriff and District Attorney totals approximately \$12,000/year.

If the Board chooses to make a 5% Deferred Compensation contribution to all Department Heads, the fiscal impact will be approximately \$90,000/year which is non-PERSable. The impact to the

General Fund will be approximately \$60,000/year.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

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