



County of El Dorado

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Legislation Details (With Text)

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Title: County Counsel recommending the Board adopt and authorize the Chair to sign Resolution 111-2017 to clarify an ambiguity in Resolutions 180-2013 and 235-2014 regarding prior service credit to Department Heads for service earned in another city or county. (Est. Time: 5 Min.)

FUNDING: N/A

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Attachments: 1. A - Blue Route 7-18-17, 2. B - Resolution 7-18-17, 3. Executed resolution 111-2017

Date	Ver.	Action By	Action	Result
7/18/2017	1	Board of Supervisors	Approved	Pass

County Counsel recommending the Board adopt and authorize the Chair to sign Resolution **111-2017** to clarify an ambiguity in Resolutions 180-2013 and 235-2014 regarding prior service credit to Department Heads for service earned in another city or county. (Est. Time: 5 Min.)

FUNDING: N/A

DEPARTMENT RECOMMENDATION

County Counsel recommends that this resolution be passed to clarify an ambiguity in Resolutions 180-2013 and 235-2014 regarding prior service credit to Department Heads for service earned in another city or county.

DISCUSSION / BACKGROUND

This proposed resolution is a follow-up to the Board's direction given on December 8, 2015, relating to Resolutions 180-2013 and 235-2014.

By way of background, in 1999 the County began allowing department heads to use prior service with other cities and counties to count towards the necessary service credits for longevity pay. For example, if a department head had worked seven years with Yolo County and three years with El Dorado County, he or she would have had ten total years of service credit, and could have qualified for longevity pay under the Salary and Benefits Resolution.

On July 15, 2003, the Board approved Resolution 204-2003, which amended the Salary and Benefits Resolution to eliminate the credit for department heads' prior service with other cities and counties. This meant that only service with El Dorado County would count toward longevity pay for the affected department heads.

In November 2013, the Board comprehensively modified the salary structure for the seven County elected officials by adopting Resolution 180-2013. This resolution established a new base salary for

elected department heads and eliminated all of their historical salary supplements, including longevity pay. The relevant portion of that resolution used an italicize-and-strikeout protocol, under which words to be added were italicized and/or included in a text box, and words to be eliminated were struck through. The resolution included language referencing prior service credit from the 2001 Salary & Benefits Resolution. However, that language was not italicized or included in a text box, as was all other language intended to be added to the Salary and Benefits Resolution. Resolution 180-2013 specifically states that it “is not intended to, and it shall not be deemed to, alter, change, or otherwise modify any compensation of a County Officer, elected official, or employee other than the elected department head position specified.” Because longevity was explicitly eliminated for elected department heads in its entirety, and the Board explicitly stated that the resolution was not intended to alter any other person’s compensation, it does not appear there was intent to reinstate the old prior service credit language.

In December 2014, the Board adopted Resolution 235-2014 with the stated intent of “reinstating eligibility for longevity/POST and CPA incentive pay for elected department heads, until a comprehensive Classification and Compensation study is conducted and implemented.” This reversal of portions of the 2013 action addressed issues with salary compaction between the elected department heads and their subordinate staff members. The 2014 resolution used an underline-and-strikeout protocol, under which words to be added were underlined, and words to be eliminated were struck through. As with the 2013 resolution on which it was based, the 2014 resolution included the language regarding prior service credit. Also similar to the 2013 resolution, that language was not underlined, while all other added language was underlined. Nowhere in the 2014 resolution did the Board state any intent to alter compensation for any employee other than elected department heads.

Having been made aware of the potential ambiguity regarding prior service credit in the 2013 and 2014 resolutions, the Board considered the matter again on December 8, 2015. The Board clarified that it never intended to reinstate prior service credit for service with other cities or counties. However, a point was raised as to whether this clarification should be made via resolution. Accordingly, this proposed resolution formally clarifies that the Board’s intention with respect to Resolutions 180-2013 and 235-2014 was not to reinstate prior service credit for “prior related professional service with any city or county” for department heads. Further, in the event that the prior service credit language is deemed to have been reinstated by one or both of the 2013 or 2014 resolutions, the proposed resolution conclusively eliminates the prior service credit language from Section 1402 of the Salary and Benefits Resolution for Unrepresented Employees.

ALTERNATIVES

The Board could choose to allow longevity to department heads based on total service in other counties and cities as was done prior to 2003. However, this would increase costs to the County.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

None

CAO RECOMMENDATION

The Chief Administrative Office supports this resolution which corrects prior mistakes and clarifies the Board's policy regarding longevity pay for service in other counties and cities.

FINANCIAL IMPACT

None

CLERK OF THE BOARD FOLLOW UP ACTIONS

Board Clerk to provide Human Resources with one (1) copy of resolution signed by the Chair.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

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