



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 19-1184 **Version:** 1

**Type:** Agenda Item **Status:** Approved

**File created:** 12/9/2019 **In control:** Board of Supervisors

**On agenda:** 12/17/2019 **Final action:** 12/17/2019

**Title:** Director of Human Resources and the Chief Administrative Officer recommending the Board:  
1) Approve the establishment of a new unrepresented bargaining unit entitled BD;  
2) Approve and authorize the Chair to sign Resolution 237-2019 to move the Supervisor-Board of Supervisors classification from the EL bargaining unit to the newly established, unrepresented Board of Supervisors bargaining unit of BD;  
3) Approve and authorize the Chair to sign Resolution 238-2019 for:  
a) The modification of established bargaining units to dissolve the Deputy County Counsel (CC) bargaining unit;  
b) Reallocate the classifications currently represented by the CC unit into the Unrepresented Management (UM) unit; and  
c) Increase the salaries for the classifications of Associate Deputy County Counsel, Deputy County Counsel, and Sr. Deputy County Counsel;  
4) Approve and authorize the Chair to sign the revised Salary and Benefits Resolution for Unrepresented Employees - Resolution 235-2019; and  
5) Approve the updated 2020 Calendar Year Benefit Rate Cards to include the new unrepresented BD bargaining group and remove the CC bargaining unit, effective December 21, 2019.

**FUNDING:** General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Resolution EL to BD 12-17-19, 2. B - Resolution CC to UM 12-17-19, 3. C1 - Salary and Benefits Reso Unrep Employees 12-17-19 CLEAN, 4. C2 - Salary and Benefits Reso Unrep Employees 12-17-19 REDLINE, 5. D - 2020 Draft Rate Card - BD CA MA SM 12-17-19, 6. E - 2020 Draft Rate Card - DENTAL-VISION 12-17-19, 7. F - Approved Blue Route EL to BD 12-17-19, 8. G - Approved Blue Route CC to UM 12-17-19, 9. H - Approved Blue Route Salary and Benefits Reso 12-17-19, 10. Executed Resolution 237-2019, 11. Executed Resolution 238-2019, 12. Executed Resolution 235-2019

| Date       | Ver. | Action By            | Action   | Result |
|------------|------|----------------------|----------|--------|
| 12/17/2019 | 1    | Board of Supervisors | Approved | Pass   |

Director of Human Resources and the Chief Administrative Officer recommending the Board:  
1) Approve the establishment of a new unrepresented bargaining unit entitled BD;  
2) Approve and authorize the Chair to sign Resolution **237-2019** to move the Supervisor-Board of Supervisors classification from the EL bargaining unit to the newly established, unrepresented Board of Supervisors bargaining unit of BD;  
3) Approve and authorize the Chair to sign Resolution **238-2019** for:  
a) The modification of established bargaining units to dissolve the Deputy County Counsel (CC) bargaining unit;  
b) Reallocate the classifications currently represented by the CC unit into the Unrepresented Management (UM) unit; and  
c) Increase the salaries for the classifications of Associate Deputy County Counsel, Deputy County

Counsel, and Sr. Deputy County Counsel;

4) Approve and authorize the Chair to sign the revised Salary and Benefits Resolution for Unrepresented Employees - Resolution **235-2019**; and

5) Approve the updated 2020 Calendar Year Benefit Rate Cards to include the new unrepresented BD bargaining group and remove the CC bargaining unit, effective December 21, 2019.

**FUNDING:** General Fund.

## **DISCUSSION / BACKGROUND**

### **Board of Supervisors Unit:**

Earlier this year it was discovered that incumbents in the classification of Supervisor-Board of Supervisors, which have historically been assigned to the Elected (EL) bargaining unit (comprised of elected department heads and members of the Board of Supervisors), were receiving certain benefits inconsistent with the compensation ordinance.

In short, County Ordinance Chapter 2.06.020 states that Supervisors shall:

- 1) Receive \$6,000 in Optional Benefit Credits;
- 2) Pay 35% of their health/dental/vision benefits; and
- 3) Not receive a long term disability benefit.

However, members of the Board of Supervisors were inadvertently being treated the same as elected department heads in that:

- 1) They were receiving \$6,240 in Optional Benefit Credits;
- 2) The County was covering up to 7.5% of health/dental/vision benefits each time an increase took place; and
- 3) They were eligible for the long term disability benefit.

Staff is working out an arrangement to address repayment with each member of the Board of Supervisors. At the direction of County Counsel, the Director of Human Resources and the Chief Administrative Officer are seeking approval, in the spirit of transparency and to mitigate any further confusion and inconsistency, by moving forward to:

- 1) Break out the elected department heads and the members of the Board of Supervisors by creating a new unrepresented bargaining unit, and using the union code entitled "BD" in which those holding the classification of Supervisor-Board of Supervisors would be placed;
- 2) Update the Salary and Benefits Resolution for Unrepresented Employees to eliminate conflicts with the County Ordinance;
- 3) Eliminate the term "elected official" and be consistent in using the term "elected department heads" to represent the correct positions; and
- 4) Revise the appropriate benefit rate cards to include the newly established "BD" unrepresented bargaining unit.

### **Deputy County Counsel Unit:**

The Deputy County Counsel Unit (CC) is currently self-represented by El Dorado County Deputy County Counsel Association (EDCDCCA), comprised of the approximately nine (9) employees in the

unit. The Memorandum of Understanding (MOU) between the County and the EDCDCCA expired June 30, 2019.

After consultation with the EDCDCCA, and with their concurrence, the Chief Administrative Officer, in his capacity as Employee Relations Officer, and the Director of Human Resources, recommend the Board approve the dissolution of the CC unit, and reallocate the classifications currently allocated to the CC unit to the unrepresented management (UM) unit.

In consideration that such a change would result in the loss of the CC unit employees' right to meet and confer over matters within the scope of representation, including but not limited to wages, the County and EDCDCCA have agreed that the Salary and Benefits Resolution for Unrepresented Employees would be updated to provide that the base salary of the Deputy County Counsel classification shall be set and maintained equal to that of the District Attorney IV. This would result in a 5.61% base salary increase. In order to maintain current salary alignment between the three classifications in the Deputy County Counsel series, base salaries for the Associate Deputy County and Counsel and Sr. County Counsel classifications would also be increased 5.61%. The estimated annual cost for this proposition is approximately \$114,000.

Human Resources has further updated the Salary and Benefits Resolution for Unrepresented Employees to incorporate a modified provision from the existing MOU with EDCDCCA that expired June 30, 2019, to provide for the reimbursement of California State Bar Dues, and any fees associated with maintaining one's bar license, including required live-scan fingerprinting and Mandatory Continuing Legal Education (MCLE) requirements. This proposed change would extend beyond current CC classifications to any attorney classification in UM and UD that is required to possess a valid California State Bar License as a condition of employment; there are currently two (2) incumbents in the UM classifications of Assistant County Counsel and Chief Assistant District Attorney, one (1) incumbent in the UD classification of County Counsel, and one (1) incumbent in the EL classification of District Attorney that have such a requirement. Estimated cost increase for this proposed change is unknown, but is expected to be minimal given the limited number of unrepresented attorney classifications not currently receiving this benefit that is otherwise provided to represented classifications.

With the actions of the above, Human Resources is also recommending the Board adopt the revised benefit rate cards which eliminate the CC bargaining group.

### **Housekeeping Items:**

Lastly, as Human Resources made the abovementioned proposed changes to the Salary and Benefits Resolution for Unrepresented Employees, housekeeping items were also addressed in the way of:

- 1) Grammar, punctuation, and clarification;
- 2) Moving the old section of 1504 - Definitions, which defined the terms of "grievant" and "working day" up to the actual Definitions section (new Sections 308 and 314, respectively) ; and
- 3) Correcting references to the County of El Dorado Personnel Rules.
- 4) Revised Bilingual Differential wording to remove a contradiction consistent with a new HR process.

### **ALTERNATIVES**

The Board could choose not to adopt the new unrepresented Board of Supervisors (BD) unit and all

associated actions, and direct the Director of Human Resources and Chief Administrative Officer to come up with alternatives.

The Board could also choose to not approve the dissolution of CC, reallocation of CC classifications to the UM unit, and all associated actions, and direct Human Resources to re-engage EDCDCCA in negotiations for a successor MOU.

### **PRIOR BOARD ACTION**

The last Salary and Benefits Resolution for Unrepresented Employees was adopted on July 16, 2019 (Legistar #19-1030).

On August 6, 2019 (Legistar #19-1145), the Board approved 2020 Plan Year rate cards. The Board adopted amended rate cards on August 27, 2019 (Legistar #19-1226) and on September 24, 2019 (Legistar #19-1366).

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

Chief Administrative Office

County Counsel

El Dorado County Deputy County Counsel Association

### **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

The actions listed for establishment of the Board of Supervisors (BD) unit, and all associated actions, will result in an approximate annual savings of \$21,200 due to changes in benefit plans to comply with the County Ordinance Chapter 2.06.020.

The estimated annual cost for the base salary increases for Associate Deputy County Counsel, Deputy County Counsel, and Sr. Deputy County Counsel is \$114,000; estimated costs for the remainder of FY 2019-20 is approximately \$57,000. These cost increases will be partially offset by the direct and overhead costs incurred by the County to bargain with the EDCDCCA, including consultant costs for a Chief Negotiator for successor MOU negotiations.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Please provide a fully executed copy of the Resolutions to Katie Lee in Human Resources.

### **STRATEGIC PLAN COMPONENT**

Good Governance

### **CONTACT**

Tameka Usher, Director of Human Resources

Don Ashton, Chief Administrative Officer