



## Legislation Text

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**File #:** 18-0251, **Version:** 1

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Human Resources Department recommending the Board approve and authorize the Chair to sign Resolution **022-2018** to retroactively change the bargaining unit of:

- 1) One (1.0) Senior Office Assistant position in the Chief Administrative Office, Economic Development Division from GE (Local 1) to CO (Confidential); and
- 2) One (1.0) Executive Secretary-Law Justice position in the Public Defender's Office from GE to CO.

### **DEPARTMENT RECOMMENDATION**

Human Resources Department recommending the Board approve and authorize the Chair to sign Resolution 022-2018 to change the bargaining unit of:

- 1) One (1.0) Senior Office Assistant position in the Chief Administrative Office, Economic Development Division from GE (Local 1) to CO (Confidential); and
- 2) One (1.0) Executive Secretary-Law Justice position in the Public Defender's Office from GE to CO.

### **DISCUSSION / BACKGROUND**

Based on past practice, in January 2018 (pay period 2) the Human Resources (HR) Department, along with the union's approval, changed the bargaining unit of one (1) Senior Office Assistant position in the Chief Administrative Office from GE to CO.

Shortly after this action, the HR Department discovered a similar situation that occurred in August 2017. On September 27, 2016, the Board approved to add one (1.0) Executive Secretary Law Justice allocation in the Public Defender's Office; however, the resolution (Reso #: 162-2016) did not identify a bargaining unit, so it can be assumed that it defaulted to GE. In August 2017, the HR Department, along with the union's approval, changed the bargaining unit from GE to CO.

In both instances, Board approval was not obtained. HR conducted research and reviewed the following:

County of El Dorado Personnel Rules, Part 3 - Position Classification, Section 301 General, which states: *"...Upon the recommendation of the Human Resources Department, the Board approves all new classes and class specifications, abolishes classes, and determines the representation unit or units to which each class is assigned...."*

A Hearing Officer's Decision from a February 2000 arbitration (see Attachment A), which states: *"...Qualifying job duties involve aiding and assisting a department head or manager in employee investigations, processing discipline or grievances, or preparing bargaining strategy or policy formation, which includes but is not limited to typing and processing related document. In most cases, that would call for a department manager to have one support person designated as confidential..."*

The HR Department requested a review and opinion from County Counsel as to whether or not the Board needs to approve all bargaining unit changes. In short, the response was yes, the Board must

approve all bargaining unit changes.

Based on the CO definition as listed in the Hearing Officer's Decision above, the HR Department is requesting that the Board approve the two positions to be officially retroactively changed to CO.

Lastly, the HR Department has stored County Counsel's response and will ensure it is added to standard operating procedures so that any future proposed bargaining unit changes are presented to the Board for consideration prior to implementation.

### **ALTERNATIVES**

The Board could choose to not retroactively approve the bargaining unit changes and the positions will be placed back into the GE bargaining unit.

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

County Counsel, Chief Administrative Office, Public Defender's Office

### **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

The changes to the bargaining unit for each position to Confidential will result in an increase of approximately \$7,500 per year per position.

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

Provide the Human Resources Department (Attention: Katie Lee) with a copy of both signed resolutions.

### **STRATEGIC PLAN COMPONENT**

Good Governance.

### **CONTACT**

Tameka Usher, Director of Human Resource