



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Human Resources
Department No.: 064
For Agenda Of: November 10, 2020
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Maria Elena De Guevara, Human Resources Director
Director(s) 568-2816
Contact Info: Joseph Pisano, Employee Relations Division Chief
568-2839
SUBJECT: Deputy Sheriff's Association Release Time – SB 1085

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Approve the side letter agreement in Attachment A with the Deputy Sheriffs' Association regarding release time, effective November 16, 2020 and
- B. Determine that the above action is an organizational or administrative activity of the government that will not result in direct or indirect physical changes in the environment and is therefore not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines.

Summary Text:

On September 28, 2018 the Governor approved Senate Bill 1085, which requires public employers to grant reasonable leaves of absence without loss of compensation or other benefits for the purpose of enabling employees to serve as stewards or officers of public sector labor organizations, including as stewards or officers of any statewide or national employee organization with which a local public sector labor organization is affiliated.

SB 1085 also enables the public employer to be reimbursed by the employee organization for compensation paid to employees on such leave. The definition of "reasonable leaves of absence" and the specific terms of reimbursement are subject to negotiations between the parties.

The Deputy Sheriffs' Association (DSA) and Santa Barbara County (County) have met and conferred in good faith and reached agreement on the terms set forth in the side letter in Attachment A. The recommended actions would approve the terms in the side letter and incorporate them into the Memorandum of Understanding (MOU) for terms and conditions of employment between the parties. If approved, these terms would be formally added to the actual MOU when the next successor agreement is reached.

Background:

The MOU between the DSA and the County became effective on July 2, 2018 and expires on February 20, 2022. On September 28, 2018 the Governor approved Senate Bill 1085, which requires public employers to negotiate regarding terms for release time for representatives of local labor organizations at the request of the organization. The DSA and the County have met and conferred in good faith and reached agreement on the terms set forth in the side letter in Attachment A.

The recommended actions would modify existing terms and conditions of the MOU between the parties, specifically by adding the provisions for release time set forth in the attached side letter to Section 3: Association Security.

Key provisions of the agreement are that:

- The DSA will be provided use of up to 1000 hours of paid release time per payroll year
- The DSA will reimburse the County for 50% of the cost of each hour of release time used
- The DSA will share some of the costs of any overtime that may periodically result from backfilling behind other employees on release time
- Release time will only be approved for time employees were regularly scheduled to work but instead use to engage in qualifying activities
- The DSA will make payment to the County for its share of the costs of release time within 45 days of receipt of an invoice for such time
- Hours left unused in any given payroll year will not carry forward from one year to the next and will have no cash value at the start of a new payroll year
- DSA members who are on release time are in an off-duty status

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Salaries for members of the DSA who will use paid release time if the recommended actions are approved are already budgeted, and the DSA will reimburse the County for half of the cost of all hours paid to employees who use paid release time. Therefore, there is no additional cost to the County for this release time, and the primary impact is on productivity, with some modest potential salary savings when the County is reimbursed for hours it would otherwise have paid for in full.

In cases where the Sheriff's Office may be required to backfill behind employees on release time by having other staff work overtime, there will be additional costs, part of which the DSA has agreed to pay. It is impossible to know how frequently that will happen, but under the cost sharing provisions of the agreement, the DSA will pay half of the overtime component of any backfill, in addition to its share of the costs of the employees who are released.

The actual cost will depend on how many hours of backfill, if any, are required, and in what job classifications. Salary costs for a Sheriff's Sergeant, for example, are different than costs for a Communications Dispatcher. Assuming 1) that the maximum 1,000 potential hours of release time were used, 2) that each of the 1,000 hours would require backfill, and 3) that the most expensive backfill scenario for the County occurs, the estimated additional cost would be approximately \$55,000. A more likely scenario is that not all hours will require backfill, and those that do will not always be at the most expensive level for the County. In addition, DSA reimbursement for any hours that would not require backfill would partially offset the cost of hours that do. Actual additional costs, if any, will depend on how many hours of release time are used, by whom, and how many require backfill.

Attachment A: Side Letter Agreement between the DSA and the County re. SB 1085

Authored by: Joseph Pisano, Employee Relations Division Chief

cc: Mona Miyasato, County Executive Officer
Betsy Schaffer, Auditor Controller
Michael Ghizzoni, County Counsel
Bill Brown, Sheriff