



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: CEO
Department No.:
For Agenda Of: 2-03-09
Placement: Departmental
Estimated Tme: 30 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Michael F. Brown, County Executive Officer 568-3404
Susan Paul, Asst CEO/HR Director 568-2817
Contact Info: Jeri Muth, Assistant Human Resources Director 568-2816

SUBJECT: Mandatory Countywide Hiring Freeze

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- 1) Direct the County Executive Officer to implement a mandatory (hard) hiring freeze effective February 3, 2009 that would include full-time, part time, extra help, temporary help, provisional appointments, promotions, voluntary demotions, transfers, departmental position allocation changes, temporary assignments, and contractors on payroll;
- 2) Determine any exceptions or exemptions including those such as:
 - a. Extra help and regular positions required to maintain mandatory staffing at Juvenile Institutions and the Psychiatric Health Facility such as: Assistant ADMHS Medical Director, Clinical Psychologists, Mental Health Practitioners, Staff Nurse, Psychiatrist, Sheriff Deputy classifications, etc.
 - b. Custody Deputy classifications at the jail in cases where overtime costs will exceed the cost of filling a vacancy;

- c. Firefighters, Fire Engineers, and Fire Captains to meet constant staffing requirements in cases where overtime costs will exceed the cost of filling a vacancy;
 - d. Classifications assigned to 24-hour Park operations;
 - e. Certain positions such as: Communications Dispatcher classifications; Juvenile Institution Officers; Custody Deputy classifications; and
 - f. Certain non-General Fund functions such as: Roads, Solid Waste, Flood Control, and Laguna Sanitation.
- 3) Direct the County Executive Officer to provide department heads with instructions to implement the mandatory hiring freeze as directed by the Board;
 - 4) Direct department heads to manage overtime costs within their approved budgets; and
 - 5) Schedule this matter for reevaluation at a Board meeting in approximately six months (August 2009).

Summary Text:

The County of Santa Barbara is facing unprecedented fiscal challenges in the Fiscal Year 2009-2010 budget and potentially beyond. In addition, there are still unknown State of California budget impacts that may further impact the County's financial stability. Therefore, pursuant to the Board's discussion on January 27, 2009 to agendaize a discussion on the implementation of a hiring freeze, this item is before the Board for policy direction.

Background:

The County began experiencing a financial downturn in Fiscal Year 2007-2008 as the economic slowdown began. The Fiscal Year 2008-2009 Budget was based on flat revenues coupled with considerable increases in the cost of retirement. In order to balance the Fiscal Year 2008-2009 Budget, the County was faced with making significant service level reductions which were forestalled through pay concessions from the majority of the County's labor organizations, the implementation of a mandatory furlough for the majority of the workforce, and a hard freeze on management salaries until at least January 2010.

The five-year financial forecast shows an increasing budget gap over the next few years and the economic downturn continues to worsen. In Fiscal Year 2009-2010 (and perhaps beyond), the County will face significant financial challenges, including the impacts of a serious financial shortfall at the State level.

In December 2003 when the County faced significant fiscal impacts due to the VLF rollback and resource shortfalls, the Board of Supervisors approved a hiring freeze that included:

- A temporary freeze on filling regular positions (across all funds);
- A temporary freeze on the hiring of Extra Help positions funded by the General Fund;
- A temporary freeze in filling temporary positions funded by the General Fund; and
- A temporary freeze on approving new Contractor on Payroll agreements.

In May 2004 the Board was advised that in the six months since the implementation of the December 2003 hiring freeze, 370 exemptions had been requested with an annual cost of \$20.9 million, of which \$6.6 million was from the General Fund. A similar hiring freeze was implemented in 1995. Thus, history shows that in order for a hiring freeze to be successful, stringent and consistent application of and adherence to the policy is necessary.

In light of the current extreme economic conditions at both the State and local level, at the January 27, 2009 Board meeting, the Board discussed implementing a Countywide mandatory hiring freeze.

There are a number of departmental promotional recruitments and open recruitments currently in progress and in various stages of the recruitment and selection process. Attachment A details those recruitments that are in progress. In addition, as shown on Attachment B, there are number of completed recruitments for which a hiring decision has not yet been made. Some recruitments may be for positions in 24-hour facilities while others are for safety positions.

Mandatory Hiring Freeze Program

The Board may choose to consider a number of factors in implementing the policy for a Countywide mandatory hiring freeze. Board policy may include some or all of the following components:

1. All recruitments currently in progress, both open and departmental recruitments, be closed and candidates be notified that the recruitment has been cancelled, excluding any positions exempted pursuant to Board policy.
2. Including/excluding any or all of the following:

- a. Extra help and regular positions to maintain mandatory staffing at Juvenile Institutions and the Psychiatric Health Facility such as: Assistant ADMHS Medical Director, Clinical Psychologists, Mental Health Practitioners, Staff Nurse, Psychiatrist, Sheriff Deputy classifications, etc.
 - b. Custody Deputy classifications at the jail in cases where overtime costs will exceed the cost of filling a vacancy;
 - c. Firefighters, Fire Engineers, and Fire Captains to meet constant staffing requirements in cases where overtime costs will exceed the cost of filling a vacancy;
 - d. Classifications assigned to 24-hour Park operations;
 - e. Certain positions such as: Communications Dispatcher classifications; Juvenile Institution Officers; Custody Deputy classifications, and Sheriff Deputy classifications; and
 - f. Non-General Fund positions such as those in Roads, Solid Waste, Flood Control, and Laguna Sanitation.
3. Monthly, CEO/Human Resources (CEO/HR) would bring forward for Board consideration any requests from County departments for exemption from the Board's policy. Requests for exemption would include a justification from the County department and a recommendation from CEO/Budget for the Board's consideration. Attachment C is a draft form that could be used for this purpose.
4. For the duration of the mandatory hiring freeze, departments would not be able to take or approve the following actions without Board authorization:
- a. Fill regular full-time or part-time positions;
 - b. Hire extra-help or temporary employees (including County retirees);
 - c. Extend current extra help appointments beyond 1040 hours per year;
 - d. Departmental promotions (not including flex promotions);

- e. Permit employee inter-departmental transfers;
 - f. Permit part-time employee allocation to positions funded at a higher level;
 - g. Hire or renew contracts with Contractors on Payroll (COP);
 - h. Transition regular employees into extra-help or COP positions;
 - i. Permit voluntary demotions;
 - j. Make temporary assignments/appointments or provisional appointments pursuant to Civil Service Rules 418, 902, and 1414 (Attachment D);
 - k. Departmental position allocations to higher-paid classifications; and
 - l. Any other staffing or personnel action that would incur a cost.
5. Departments could be required to manage their overtime costs within their approved budgets to ensure that the hiring freeze does not result in increased overtime costs.
6. Requests for any of the above-actions would be taken to the Board of Supervisors for consideration on a monthly basis along with the department's justification and a recommendation from CEO/Budget.
7. Any written job offers made or staffing actions authorized prior to February 3, 2009 should be honored; any offers not made in writing before February 3, 2009 could be cancelled.
8. The hiring freeze would be reevaluated in six months.
9. Attachment E is a draft of Hiring Freeze Guidelines that could be provided to departments to help them implement Board policy. The Guidelines would be modified based on Board policy direction.

Fiscal and Facilities Impacts: N/A

Staffing Impacts:

N/A

Special Instructions None

Attachments:

- A – Recruitment Requests in Progress
- B - Recruitment Requests Completed – Pending Hire
- C - Draft Request for Exemption from Hiring Freeze
- D - Civil Service Rules 418 and 1414
- E - Draft Hiring Freeze Guidelines

Recruitment Requests - In Progress

<i>Department</i>	<i>Position</i>	<i>Number Vacancies</i>	<i>Annual Cost</i>
ADMHS	ADMHS Psychiatric Tech I/II	1	74,090
ADMHS	Cost Analyst II	1	113,545
ADMHS	FOP III	1	83,318
ADMHS	Patients Rights Advocate	1	89,730
ADMHS	Psych Nurse I	1	100,636
ADMHS	Psych Nurse II	1	105,784
ADMHS	Psych Nurse Sr, QA/Utilization	1	113,998
ADMHS	Psychiatrist Board Certified	1	291,119
	Total	8	972,220
Child Support	Child Support Officer, Sr.	1	72,121
Clerk-Rcrd-Assr	EDP Sys & Prog Analyst I	1	104,210
Fire	Fire Chief	1	252,787
Fire	Fire Engineer/Inspector	8	1,075,291
Fire	Firefighter Trainee/Paramedic	4	396,620
	Total	13	1,724,699
ITD	Program/Business Leader -	1	143,717
P&D	(Planner I) Assistant Planner	2	168,695
P&D	Planner III	2	227,540
P&D	Planning Director	1	252,787
	Total	5	649,022
Parks	Park Maintenance Worker	1	62,910
Public Health	Health Education Asst	1	50,817
Public Health	Medical Asst	1	55,311
Public Health	Occupational Therapist/Pediatrics	1	110,417
Public Health	Public Health Nurse	0	-
Public Health	Public Health Nutritionist	1	81,038
Public Health	Staff Nurse (RN)	1	100,636
Public Health	Staff Nurse, Senior	1	111,190
Public Health	Staff Physician I/II	1	253,175
	Total	7	762,582
Public Works	Engineering Environmental Planner	1	90,845
Public Works	Heavy Equipment Op	1	72,773
Public Works	Hydrologist Senior	1	115,073
Public Works	Mapping GIS Analyst	1	95,681
Public Works	Project Clean Water Programs	1	143,717
	Total	5	518,089

All salaries are calculated at maximum salary available within discretion of Department Heads.

Recruitment Requests - In Progress

<i>Department</i>	<i>Position</i>	<i>Number Vacancies</i>	<i>Annual Cost</i>
Retirement	Retire Financial Acct Analyst I	1	123,840
Sheriff	Communications Dispatcher I	6	507,737
Sheriff	Sheriff's Deputy Trainee	10	945,342
	Total	16	1,453,080
Social Services	Eligibility Worker I	6	303,079
Social Services	Social Service Worker	0	-
Social Services	Social Services Practitioner	1	84,851
	Total	7	387,931
Grand Total Vacancies		66	
Grand Total Savings			6,974,421

All salaries are calculated at maximum salary available within discretion of Department Heads.

Recruitment Requests Completed - Pending Hire

<i>Department</i>	<i>Position</i>	<i>Number Vacancies</i>	<i>Annual Cost</i>
ADMHS	Accountant I	1	80,326
ADMHS	ADHMS Recovery Asst.	1	51,070
ADMHS	Associate Finance Director	1	149,049
ADMHS	Utilization & Quality Manager	1	143,717
	Total	4	424,162
Clerk-Rcrd-Assr	AOP I	1	48,778
District Attorney	LOP I	1	48,778
Fire	Fire Captain	2	310,661
Fire	Fire Equipment Operator	1	148,510
Fire	Firefighter	2	242,092
Fire	Firefighter - Lateral Transfers	0	-
Fire	Firefighter, Trainee LOA - 1414	2	198,310
	Total	7	899,573
First Five	AOP I	1	48,778
General Services	Financial Business Leader	1	143,717
HCD	Enterprise Leader - General	1	149,049
HCD	Senior Housing Program Special...	1	103,178
	Total	2	252,227
P&D	Ag Land Use Planner	1	132,137
Parks	Park Ranger II	1	66,128
Probation	JIO	0	-
Public Defender	Deputy Public Defender I-IV	1	211,657
Public Health	Health Care Practitioner	1	131,742
Public Health	Pharmacy Technician	1	60,267
	Total	2	192,008
Public Works	FOP I	1	48,778
Public Works	Maintenance Worker	1	61,423
Public Works	Maintenance Worker App	0	-
Public Works	Water Agency Manager	1	147,027
	Total	3	257,228
Sheriff	Communication Dispatcher I	4	338,492
Sheriff	Cook-Sheriff's Institutions	2	119,219

All salaries are calculated at maximum salary available within discretion of Department Heads.

Recruitment Requests Completed - Pending Hire

<i>Department</i>	<i>Position</i>	<i>Number Vacancies</i>	<i>Annual Cost</i>
Sheriff	Forensic Tech II	1	87,518
Sheriff	Forensic Technician I	1	68,543
Sheriff	Storekeeper	1	53,682
	Total	9	667,454
Social Services	AOP I	1	48,778
Social Services	SS Division Chief (Program)	0	-
	Total	1	48,778
Grand Total Vacancies		35	
		Grand Total Savings	3,441,404

All salaries are calculated at maximum salary available within discretion of Department Heads.

Tracking #: _____

DRAFT - Hiring Freeze Exemption Request

Dept: _____

Fund: _____

Program Org Unit: _____

Class: _____

Class #: _____

Working Title: _____

Position #: _____

Job Type: Regular
 Extra Help
 Contractor on Payroll

Job Term: FT
 PT

Appt Type: Temporary Assg (418)
 Provisional Appt (902)
 Temporary Appt (1414)
 Promotional

Flex Promotional (609)
 Transfer
 Reclass

How long has position been vacant? _____

Name of previous incumbent: _____

I hereby certify there is sufficient appropriation to fund this position for the remainder of the FY. Cost from anticipated date until end of current FY is \$ _____.

Department Head Signature: _____

Date: _____

Justification for Filling Position:

CEO Office Only

Budget Analyst
Recommend:

Budget Director Recommend:

CEO Approved:

Yes:
 No: Initial: _____

Yes:
 No: Initial: _____

Yes:
 No: Initial: _____

418. Salary on Temporary Assignment Out of Class (not Temporary Appointment).

The salary for a regular employee temporarily assigned to perform all of the duties of a higher classification shall be within the salary range of the higher class, and the salary of the regular employee shall be governed by Section 409 and 410 of these Rules. The employee so assigned shall be entitled to the higher salary on the first day of a biweekly pay period, after the time worked in a higher class exceeds thirty consecutive calendar days. Upon termination of a temporary assignment to a higher class, the salary of the employee shall be restored with all adjustments which would have occurred had the temporary assignment not been made.

A regular employee so temporarily assigned must meet the minimum qualifications of the higher class, but need not be qualified by examination nor have standing on an eligible list for the higher class. A temporary assignment of the duties of a higher class under this Section is distinguished from a temporary appointment, as provided by Section 904 of these Rules, in that the employee is not appointed to the higher class but is assigned all of the duties of the higher class and paid the salary as provided for that higher class. The temporary assignment, unlike a temporary appointment, may be made without reference to an eligible list.

A temporary assignment by a department head of a regular employee to work in a higher class requires a recommendation by the Personnel Director and a prior authorization by the Administrative Officer.

Temporary assignments may be made by the appointing authority subject to the provisions above when a position is vacant or when an incumbent employee is absent from a position. This section shall not apply to periods of vacation, except as provided in Rule Fourteen. Such assignments shall be temporary and shall terminate when the position is filled, when incumbent employee returns to work, or when the temporary assignment is discontinued. In no event shall the temporary assignment exceed 365 consecutive days.

902. Provisional Appointment.

If a position has been classified, minimum qualifications established, and an appropriate employment list contains fewer than three available names, the appointing authority may, with the approval of the Personnel Director, make a provisional appointment. A person who is appointed provisionally shall meet the minimum qualifications for the class. The acceptance of a provisional appointment shall not jeopardize the employee's status in the position from which the employee promoted.

A provisional appointment may not exceed six months, but shall not continue for more than thirty days after a new list is established for the class unless the list is sooner exhausted. If a provisional employee has filed a complaint concerning an examination or a request for an investigation which is granted by the Commission, the appointment

may continue during the pendency of such complaint or investigation before the Commission except as provided herein.

An initial provisional appointment may be extended beyond the six months limit up to but not exceeding an additional six months upon approval of the Personnel Director on the basis that an examination has been publicly announced or recruitment activity has been initiated. The examination will be held whenever enough qualified applicants have filed to assure adequate competition.

The period of provisional appointment shall not be credited as part of the probationary period as provided in these Rules.

A provisional appointment to a position in the classified service shall be deemed to be a continuing request for certification of eligibles for regular appointment, and immediately following the establishment of a new appropriate eligible list, the Personnel Director shall certify eligibles to such position without further request from the appointing authority.

1414. Appointment to Fill Vacancy During Leave of Absence.

An appointment to a position vacated as a result of a leave of absence shall be made from names certified from an appropriate eligible list in the same manner as provided for permanent appointments, except that an individual appointed to such a position shall be notified, in writing, by the appointing authority that the duration of his employment shall be subject to the return of the individual who is on leave. This provision shall apply likewise to any successive appointments made to the same position.

The name of an individual appointed from an eligible list to fill a position vacated as a result of a leave of absence shall remain on that eligible list, and he shall be certified to future permanent positions in the same manner as if he had not been certified and appointed to the vacancy.

DRAFT
MANDATORY HIRING FREEZE GUIDELINES

Effective February 3, 2009 the Board of Supervisors implemented a policy directing a Countywide mandatory (hard) hiring freeze. The purpose of the freeze is to gain immediate salary savings to assist the County in managing its limited financial resources.

SUMMARY:

Effectively immediately, a freeze has been placed on:

1. Filling regular full-time or part-time positions;
2. Hiring extra-help and temporary employees (including County retirees);
3. Extending extra help appointments beyond 1040 hours in a year;
4. Departmental promotions (excluding flex promotions);
5. Employee transfers between departments;
6. Part-time employee allocation to positions funded at a higher level (e.g., .5 to .75 or full-time positions);
7. Hire or renew contracts with Contractors on Payroll (COP), except for Board-approved exemptions;
8. Transition regular employees into extra help or COP positions;

9. Voluntary demotions;
10. Temporary assignments, provisional and temporary appointments (Civil Service Rule 418, 902, and 1414);
11. Departmental Position Allocation Changes resulting in a higher-paid classification; and
12. Any other staffing or personnel action that would incur a cost.

All recruitments currently in progress are cancelled. All certifications of employees eligible for selection are cancelled.

Any written job offers made before February 3, 2009 will be honored. Any offers not made in writing before February 3, 2009 are cancelled. A copy of the written offer must be included with the employee's personnel paperwork submitted to CEO/Human Resources.

Departments may request an exemption from the hiring freeze by completing the attached Request for Hiring Freeze Exemption and submitting it to CEO/Human Resources by the first Tuesday of each month. Exemption requests will be forwarded to the Board of Supervisors for review and approval on a Board agenda the following month. The Board Letter will include the CEO's recommendation as to whether the exemption should be granted. Recruitments and referral of qualified candidates may be made to the hiring Department only after the Board has approved the exemption.

PROCEDURES FOR REQUESTING EXEMPTION:

1. To request an exemption from the hiring freeze, the Department Director will submit a Hiring Freeze Exemption Request to CEO/Human Resources by the first Tuesday of the month for consideration by the Board of Supervisors on a Board agenda the following month. In the justification section of the request form, departments are encouraged to explain why the action should be approved; the consequences of not filling; the alternatives that were considered; and

the amount and/or percentage of revenue, if any, that offsets the cost of filling the position. One form is required for each requested position.

2. CEO/Human Resources will log and route the Department's request to the Department's budget analyst in the CEO's Office for review and recommendation.
3. The CEO Budget Director will review the analyst's recommendation and make a recommendation to the CEO.
4. The CEO will make the final recommendation and return the completed form to CEO/Human Resources with a copy to the Department Director.
5. CEO and CEO/Human Resources will prepare a Board Letter requesting that the Board consider each exemption request. The Board Letter will include a copy of the Department's Hiring Freeze Exemption Request as well as the CEO's recommendation.
6. If the Board approves the exemption request, the Department may move forward with the personnel change. CEO/Human Resources will coordinate necessary recruitment and certification activities with the Department.