



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: October 13, 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: Amendment to the Personnel Benefits Policy for Management and Confidential-
Unrepresented Employees

County Counsel Concurrence

As to form: Yes

Other Concurrence:

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Effective October 19, 2020, adopt the Resolution in Attachment A in the Matter of Amending the Personnel Benefits Policy for Management and Confidential-Unrepresented Employees to:
 - i. provide a maximum of 112 hours of annual administrative leave for managers in the Fire Department working shift schedules, and
 - ii. make ministerial updates to record terms and conditions of employment for unrepresented attorneys and to incorporate other previously adopted changes and recently updated bargaining units into the resolution, and
 - iii. clarify that provisions for retirement pickups and wage increases for the Undersheriff and for unrepresented safety managers in the Fire Department remain as previously adopted by the Board of Supervisors, and
- b) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4) that the above actions are government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and therefore are not a project subject to environmental review.

Summary Text:

The recommended actions would adopt a new resolution to modify the Personnel Benefits Policy for Management and Confidential-Unrepresented Employees as set forth in Attachment A; changes are tracked in Attachment B.

The only substantive change recommended to the current terms and conditions of employment in the policy is to increase the maximum eligibility for administrative leave for managers assigned to 112 hour per pay period work schedules. This change would currently affect 9 managers in the Fire Department. Unrepresented exempt management employees are eligible for a maximum of 80 hours of annual administrative leave, which is the equivalent of two weeks a year for all management staff except for managers in the Fire Department assigned to shift schedules, who generally work a minimum of 56 hours weekly/112 hours per pay period. The recommended action increases the annual maximum administrative leave to 112 hours for managers in the Fire Department working shift schedules to provide the equivalent of two weeks leave for this group of employees and establish parity with other managers.

The recommended action also implements ministerial changes to the Personnel Benefits Policy for Management and Confidential-Unrepresented Employees to reflect previous Board actions to implement terms and conditions of employment for Unrepresented Attorneys consistent with those for the Civil Attorneys' Association, and to acknowledge that safety management employees previously in bargaining units 42 and 43 have transitioned to bargaining units 62 and 63, as a result of the implementation of pension cost sharing for these employees. The revised resolution also incorporates provisions previously adopted by the Board to establish a leave sharing policy for County employees during declared disasters.

In addition, the recommended action clarifies that certain provisions for retirement pickups for safety employees in legacy retirement plans and for wage increases for unrepresented safety managers in the Fire Department and for the Undersheriff previously adopted by the Board on June 18, 2019 remain in full force and effect. This clarification is necessary because the most recent update to the Personnel Benefits Policy for Management and Confidential-Unrepresented Employees, which was adopted by the Board on May 19, 2020, inadvertently left those provisions out. The recommended action adds the previously adopted language to the current resolution to correct this administrative clerical error; it does not change either the retirement pickups or the wage increases previously approved for affected employees.

Background:

Current terms for "Administrative Leave" are set forth as follows in the Personnel Benefits Policy for Management and Confidential-Unrepresented Employees:

Purpose. Management and other salaried employees are compensated for meeting the requirements and performing the duties of their job regardless of the number or scheduling of hours worked. Such employees may be required periodically or routinely to work long or irregular hours, and to attend various meetings and functions outside of normal "business hours" to fulfill their responsibilities.

Due to standards of public accountability and the resulting need for all employees to account for all time for which they are compensated, the County has created a vehicle to record paid time off

not charged to accrued leave balances when a salaried employee occasionally works less than his/her regular schedule. This paid time off is called administrative leave. The purpose of administrative leave is to provide a process for authorized leave time to record amounts to be paid to salaried employees when their pay period total regular hours plus any use of vacation, holiday, or sick leave is less than their normal full-time schedule (80 hours).

Approval Required. Salaried employees do not have a right to administrative leave. This leave is not an entitlement, it is not related to hours worked, nor is it subject to accrual or payment for unused leave. Use of administrative leave is restricted to instances where there is a sound business justification as approved by an employee's department head. An employee's use of administrative leave shall not exceed 80 hours per employee per payroll year.

The "normal full-time schedule" for managers in the Fire Department who work shift schedules is 112 hours per pay period, rather than the 80 hours per pay period noted above, which applies to other managers. The maximum 80 hours of administrative leave currently provided is the equivalent of a full pay period of potential time off for these other managers. Providing up to 112 hours of administrative leave to managers in the Fire Department who work shift schedules of 112 hours per pay period establishes parity with other managers in the annual maximum administrative leave for this group of Fire Department managers.

As noted in the current provisions, administrative leave is at the discretion of department heads; it is not an entitlement, and it is not related to actual hours worked. The recommended action is intended to establish parity for overtime exempt managers who are normally assigned to work different standard schedules of at least 112 hours per pay period.

In addition, the recommended action codifies changes previously implemented for unrepresented attorneys, whose terms and conditions of employment typically change with those of employees represented by the Civil Attorneys' Association (CAA). Specifically, changes have been made to the attached resolution to record the alignment of retirement pickups for unrepresented attorneys in legacy retirement plans with similar provisions for their represented counterparts, and to indicate their eligibility for reimbursement for professional expenses up to \$750 annually and their participation in SDI on the same terms as employees represented by the CAA. These terms were adopted for affected attorneys at the same time as recent MOUs with the CAA and are now incorporated into the Personnel Benefits Policy for Management and Confidential-Unrepresented Employees for the record. The updated resolution also includes specific reference to the eligibility of unrepresented employees to participate in the Major Disaster Leave-Sharing Plan, which was approved by the Board in the wake of the Thomas Fire and debris flow in 2018. Per that plan, County of Santa Barbara employees can make voluntary leave donations to a County-sponsored Disaster Leave Pool for the benefit of other County employees who have been adversely affected by a major disaster.

Finally, on May 19, 2020, the Board of Supervisors adopted a resolution making changes to the Personnel Benefits Policy for Management and Confidential-Unrepresented Employees to document the eligibility for retiree medical subsidies (aka OPEB) for unrepresented safety managers. The text of the resolution adopted by the Board at that time did not include separate provisions for retirement pickups for employees in legacy retirement plans or for wage increases for unrepresented safety managers in the Fire Department and for the Undersheriff from a resolution previously adopted by the Board of Supervisors on June 18,

2019. The recommended action adds the language that was inadvertently left out of the May 19, 2020 resolution back into the current resolution.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The recommended action has no fiscal impacts. There are currently 9 managers in the Fire Department assigned to shift schedules who would each be eligible for up to an additional 32 hours of administrative leave per year. However, these are all salaried employees whose salaries are already budgeted and whose basic compensation will not change if the recommended increase in administrative leave eligibility is adopted. In addition, there are no actual changes to the terms and conditions of unrepresented attorneys; the recommended changes to the resolution for these employees simply notes actions previously taken by the Board and incorporates them in the attached resolution for the record. Moreover, as previously noted, the recommended actions do not change retirement pickups or future wage increases for current or future affected safety employees; it merely adds language from a prior resolution, that was inadvertently omitted but not rescinded earlier this year, back into the current resolution.

Key Contract Risks: N/A

Staffing Impacts:

Legal Positions:
N/A

FTEs:
N/A

Special Instructions:

Please return copies of the executed resolution to Stephanie Langsdorf in Human Resources.

Attachments:

- A. Resolution in the Matter of Amending the Personnel Benefits Policy for Management and Confidential-Unrepresented Employees
- B. Resolution in the Matter of Amending the Personnel Benefits Policy for Management and Confidential-Unrepresented Employees (changes tracked)

Authored by: Joseph Pisano

cc: Mona Miyasato, County Executive Officer
Michael C. Ghizzoni, County Counsel
Betsy Schaffer, Auditor Controller
Bill Brown, Sheriff
Mark Hartwig, Fire Chief
Assistant CEOs