



**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/Human Resources  
**Department No.:** 064  
**For Agenda Of:** August 25, 2009  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Susan Paul, Assistant CEO/HR Director, 568-2817  
Director(s)  
Contact Info: Joseph Pisano, Employee Relations Manager, 568-2839

**SUBJECT:** Deputy District Attorneys' Association Contract Extension

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**County Counsel Concurrence**

As to form:

**Other Concurrence:**

As to form:

**Auditor-Controller Concurrence**

As to form:

**Recommended Actions:**

That the Board of Supervisors approve an extension of the current Memorandum of Understanding (MOU) with the Santa Barbara County Deputy District Attorney's Association (DDAA) from October 5, 2009 through October 11, 2011 under the terms outlined in Attachment I.

**Summary Text:**

The DDAA represents 44 attorneys in the District Attorney's Office. The current MOU with this group was approved by the Board on May 15, 2007 and expires on October 4, 2009. The recommended actions would establish a two-year contract extension under terms estimated to save the County approximately \$1 million over the course of the new contract as detailed below. In addition, the proposed contract-extension contains a provision that the parties will reopen the contract during its term to discuss reforms to the County's pension benefit and the current retiree medical plan. The District Attorney concurs with the recommended actions, and the DDAA has ratified the proposed agreement.

**Background:**

Over many months the County and the DDAA have met to explore possible cost-saving measures to assist the District Attorney's Office in managing its current fiscal challenges. As a result of those discussions, a plan has been developed that will result in savings to the District Attorney's office over the term of the contract. The following summarizes the key components of the agreement:

- 64-hour furlough beginning in October 2009;
- Using an early retirement incentive to rebalance attorney staffing in the District Attorney's Office for greater operational efficiency as well as achieving significant salary savings over the long-term;
- Reduction to Deputy District Attorney, IV's and Deputy District Attorney, Seniors' annual performance based merit increases; and
- Agreement to consider changes to the basic pension benefits and current retiree medical plan.

**Early Retirement Incentive:**

There are currently 44 attorney positions in the District Attorney's Office. Of those, 25 are Senior District Attorneys. An early retirement incentive offered to Deputy District Attorney Senior classification will assist the office in rebalancing its attorney staffing. Positions vacated through the early retirement incentive would remain vacant for approximately six months and would later be filled at the Deputy District Attorney I classification level.

The early retirement incentive would be offered to Deputy District Attorney, Seniors' in October 2009. Staff will return at a later date with the documents necessary to implement the early retirement incentive.

**Deputy District Attorney IV and Deputy Attorney, Senior Merit Pay:**

The current MOU with the DDAA includes provisions that grant annual merit increases ranging between 2.5% and 5% for Deputy District Attorney IV and Senior classifications, depending on performance. The recommended actions reduce the increase to a flat 2.0% for satisfactory performance and a flat 3.5% for exceptional performance for these job classifications. Employees who receive less than satisfactory evaluations are ineligible for a pay increase.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

The proposed contract extension provides for budget savings of approximately \$1 million as detailed in the Fiscal Analysis chart below.

**Fiscal Analysis:**

Description	Estimated 2-yr Savings
Savings from reducing performance increases	72,016
64-hour furlough	183,232
Rebalancing the staffing of attorneys	1,255,391
Cost of early retirement incentives*	(480,018)
<b>Total</b>	<b>1,030,621</b>

\*estimated at approximately six months salary

**Staffing Impacts:**

**Legal Positions:**

N/A

**FTEs:**

N/A

**Special Instructions:**

**Attachments:**

**cc:**

Michael F. Brown, County Executive Officer  
Christie Stanley, District Attorney  
Bob Geis, Auditor Controller  
Robert MacLeod, Chief of Employee Relations  
Allan Kaplan, President, Deputy District Attorneys' Association



**ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE COUNTY OF SANTA BARBARA AND  
THE DEPUTY DISTRICT ATTORNEYS ASSOCIATION**

**For the period of October 5, 2009 through October 2, 2011**

The parties agree that this addendum incorporates and modifies the Memorandum of Understanding (MOU) entered into by the parties on March 14, 2005 and the addendum to that MOU entered into by the parties on May 15, 2007 by the following terms:

1. The Deputy District Attorney's Association agrees to a 64-hour furlough beginning on October 5, 2009. Furlough pay reductions shall not be deducted from final average salary for the purpose of retirement.
2. Effective October 5, 2009 through October 11, 2011, the annual performance-based pay for Deputy District Attorney IV and Deputy District Attorney Senior will be as follows:
  - 2.0% for satisfactory performance
  - 3.5% for exceptional performance
  - Employees who receive less than satisfactory evaluations are ineligible for a pay increase.
3. Beginning October 5, 2009, and continuing through October 30, 2009, as allowed by Government Code Section 31641.04, the County will offer a two-year early retirement incentive to those in the class of Deputy District Attorney, Senior who are currently eligible to retire. The positions vacated as a result of the early retirement incentive will remain vacant for at least six months. When the positions are filled at a later date, they will be filled at the Deputy District Attorney I level.
4. The parties agree to reopen negotiations for the purpose of discussing reforms to the County's pension benefit and the current retiree medical plan during the term of the extension.
5. The parties agree to reopen negotiations to discuss wages should the County's financial circumstances improve during the term of the agreement.
6. The parties agree that all other terms and conditions of the existing MOU remain in full force and effect.

**Attachment I**

7. The parties agree to extend the current MOU set to expire on October 4, 2009 to October 2, 2011.

The parties agree that this contract extension shall not be binding upon the parties either in whole, or in part, unless and until formally approved by a majority vote of the County Board of Supervisors. This contract will then remain in full force and effect to and including October 2, 2011.

Dated: 8-19-09

  
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Susan Paul, Assistant CEO/HR Director  
County of Santa Barbara

Dated: 8-19-09

  
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Allan Kaplan, President  
Deputy District  
Attorneys Association