



Human Resource Services

February 25, 2020

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612-4305

SUBJECT: ADOPT SALARY ORDINANCE AMENDMENTS TO 1) ADJUST THE SALARY FOR LEGAL SECRETARY (JOB CODE #1240NM); 2) UPDATE THE ARTICLE 7 HEADING; 3) UPDATE ARTICLE 7, SECTION 7-1; 4) DELETE ARTICLE 7, SECTION 7-18; 5) ADD ARTICLE 7, SECTION 7-19; 6) UPDATE ARTICLE 3, SUBSECTION 3-13.18; AND 7) ADOPT A SIDELETTER OF AGREEMENT WITH A) TEAMSTERS AND B) ACMEA UNIT 075 THAT IMPLEMENT THE PROBATION DEPT'S PRETRIAL DIVISION PILOT

Dear Board Members:

RECOMMENDATIONS:

- A. Adopt Salary Ordinance amendments to:
 - i. update subsection 1-1.1 of Section 1-1 in Article 1, to adjust the salary for the classification of Legal Secretary (Job Code #1240NM) represented by the Northern California Public Sector Region, Local 1021, of the Services Employees International Union (SEIU Local 1021), by ten percent (10%) due to recruitment and retention issues, retroactive to February 9, 2020;
 - ii. update the Article 7 heading by removing repetitive language already stated in Section 7-1 (Application) and incorporating Article 7 administration language from Section 7-18;
 - iii. update Article 7, Section 7-1 (Application) by removing repetitive language and clarifying the application of Article 7;
 - iv. delete Article 7, Section 7-18 (Administration) by moving the language from this section to the Article 7 heading;
 - v. add Article 7, Section 7-19 (Judicial Benefits) to codify existing judicial benefits provided to Alameda County Judicial Officers; and
 - vi. update Article 3, subsection 3-13.18 to include the assignment of supervision of professional and/or technical human resources staff in an Operating Department/Agency as criteria for providing additional compensation to a Labor Relations Analyst I (Job Code #0283PA); Labor Relations Analyst II (JC #0284PA); and Principal Labor Relations Analyst (JC #0281PA).
- B. Adopt one (1) Sideletter of Agreement between the County of Alameda ("County") and Teamsters Local Union 856 ("Teamsters") to implement the Alameda County Probation Department ("ACPD") Pretrial Division pilot alternate biweekly work schedule pursuant to section 207(k) of the Fair Labor Standards Act ("FLSA") and Code of Federal Regulations (CFR) Part 553, for its 24/7 required staffing coverage, retroactive to February 9, 2020; and
- C. Adopt one (1) Sideletter of Agreement between the County and the Alameda County Management Employees Association Probation Department Managers Representation Unit 075 ("ACMEA") to implement the ACPD Pretrial Division pilot alternate biweekly work schedule for its 24/7 required staffing coverage.

DISCUSSION/SUMMARY:

On May 21, 2019, your Board adopted a three (3) year extension of the December 21, 2015 – December 14, 2019 Memorandum of Understanding (MOU) between SEIU Local 1021 and the County to December 21, 2015 - December 10, 2022. The extension included changes to various provisions of the MOU including increased medical premium employee cost-sharing, enhanced dental maximum, increased County Allowance and Share the Savings stipends, as well as wage increases. In addition to these changes, SEIU Local 1021 requested, and the County agreed to review specific classifications affected by recruitment, retention and/or internal alignment issues. The Legal Secretary (Job Code #1240NM) classification is the final pending classification item reviewed as part of the MOU extension. Staff concluded that process, including discussions with SEIU Local 1021, and reached agreement to revise the classification specification of Legal Secretary (Job Code #1240NM) which was approved by the Civil Service Commission on October 9, 2019, and the recommended salary adjustment of ten-percent (10%) retroactive to February 9, 2020, including an adjustment to the salary steps (Step 1 to Step 5) so that this classification comports with the County's standard salary range spread.

As part of the ongoing project to clean up the Salary Ordinance and Administrative Code, staff recommends updating the heading of Article 7 of the Salary Ordinance by removing the duplicate application language that already exists in Article 7, Section 7-1 (Application) and incorporating the administration language from Section 7-18 to the Article 7 heading for better placement of information. In addition, staff recommends updating Article 7, Section 7-1 (Application) by clarifying to whom the various sections within the Article apply as well as by removing repetitive language.

Further, on March 12, 2019, your Board approved a recommendation to delete Article 7, Section 7-6 (Job-Related Expenses Reimbursement Plan) from the Salary Ordinance, an obsolete section that only pertained to benefits the County's employee organizations agreed to eliminate in exchange for the County Allowance benefit. However, staff learned that although not specifically stated in Section 7-6, Auditor-Controller staff relied on this section for authority to approve and process reimbursement requests for Judicial Officers required under the Memorandum of Understanding (MOU) between the County and the Alameda County Superior Court (Court), approved by the Board on May 25, 2010. Under the MOU, the County administers two (2) Court-paid benefits to Judicial Officers as follows: 1) an \$800 per year job-related expenses reimbursement benefit, and 2) a \$1,500 per year County Allowance used towards the County-administered Cafeteria Benefit Plan. Moreover, the County also provides basic life insurance with \$25,000 coverage to Judicial Officers as authorized by the Board on October 22, 1987. To ensure correct authority is codified in the Salary Ordinance, staff recommends including the County and Court MOU required benefits and the life insurance benefit to the new Section 7-19, titled Judicial Benefits.

In addition, on April 17, 2018, your Board approved a recommendation to amend Article 3, subsection 3-13.18 of the Salary Ordinance, which redefines the criteria for providing additional compensation to a Labor Relations Analyst I (JC #0283PA); Labor Relations Analyst II (JC #0284PA); and Principal Labor Relations Analyst (JC #0281PA) to include the supervision of Human Resources Trainee(s) and/or Departmental Human Resources Officer(s). However, the criteria should have also included the supervision of professional and/or technical human resources staff in an Operating Department/Agency. Therefore, staff recommend amending the criteria to include this additional supervision assignment.

We also recommend that your Board adopt one (1) Sideletter of Agreement between the County and Teamsters (Attachment 1) that implements the ACPD Pretrial Division pilot alternate biweekly work schedule of 14 consecutive days, consisting of a 12-hour workday (36-hours in one (1) week and 48-hours in the other week) pursuant to Section 207(k) of the FLSA and CFR Part 553, effective February 9, 2020. The alternate biweekly work schedule would apply to employees in the classifications of Deputy Probation Officer I (Job Code #6108), Deputy Probation Officer II (Job Code #6110), and Deputy Probation Officer III (Job Code #6115) assigned to the Assessment Unit of the Pretrial Division.

Lastly, we recommend that your Board adopt one (1) Sideletter of Agreement between the County and ACMEA (Attachment 2) that implements the ACPD Pretrial Division pilot alternate biweekly work schedule that encompasses a compressed workweek of a 10-hour workday, four (4) days per week, including all or part of a weekend, required in order to facilitate the pilot required 24/7 coverage. The ACMEA alternate biweekly work schedule is applicable to employees in the classification of Unit Supervisor, Probation (Job Code #6122), assigned to the Pretrial Division whose workday currently consists of eight (8) hours.

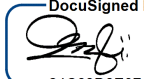
FINANCING:

Funds are available in the 2019-2020 Approved Budget and will be included in future years' requested budgets to cover the costs resulting from the applicable actions.

VISION 2026 GOAL:

The Salary Ordinance amendments meet the 10x goal pathways of **Employment for All** in support of our shared vision of a **Prosperous and Vibrant Economy**.

Very truly yours,

DocuSigned by:

24C63D85074A48D
Margarita Zamora for Joe Angelo, Director
Human Resource Services

c: CAO
Auditor-Controller
County Counsel
Agency/Department Heads

By 
Kristy van Herick, Asst. County Counsel

O-2020-12

AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2019 - 2020
COUNTY OF ALAMEDA SALARY ORDINANCE

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Article 1, Section 1-1, Subsection 1-1.1 of the County of Alameda Salary Ordinance is hereby amended thereto of the following job code, title and salary, to be effective on February 9, 2020.

Job Code		Unit	Title	Effective Date	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	FLSA Status
1240	NM	010	Legal Secretary	2/9/2020	2,190.00	2,299.50	2,414.25	2,535.00	2,661.75	N

SECTION II

The heading of Article 7 of the County of Alameda Salary Ordinance is hereby amended as follows:

Article 7 - Other Provisions. ~~The County Administrator and Auditor-Controller are directed to prepare regulations and procedures for the administration and implementation of this Article. Applicable to Persons in Classifications Designated SE, EM, SM, PA, CA, MA, OR M and only as specifically mentioned in certain provisions to employees represented by the Probation Peace Officers' Association in Representation Units 001 and 076 (reference to PPOA approved by BOS 12/21/10) and by the Union of American Physicians and Dentists in Representation Units 018 and 024, (reference to UAPD approved by BOS 3/13/12) and unrepresented non-management classes related to SEIU represented employees (reference to unrepresented non-management approved by BOS 7/24/12), except for unrepresented related to SEIU Intermittent, Services As Needed (SAN), unrepresented related to management, unrepresented related to Physicians and Dentist Services as Needed (SAN), unrepresented classes that don't receive regularly scheduled adjustments and Temporary Assignment Pool (TAP) employees. (Reference to unrepresented SEIU Intermittent approved by BOS 10/2/12)~~

SECTION III

Article 7, Section 7-1. APPLICATION of the County of Alameda Salary Ordinance is hereby amended as follows:

Unless specifically stated, This article ~~Article~~ applies only to persons occupying positions in management or "M-designated" ~~for which they~~ with Job Code which includes the suffix SE, EM, SM, PA, CA, MA or M. ~~S~~ such persons are hereafter called employee(s). The provisions of this article, listed in Sections 7-1, 7-2, 7-8, 7-9, 7-10, 7-11, and 7-12 and other than Sections 7-3, 7-4, and 7-5 shall also apply to judges of the municipal courts and to elective County officers. ~~The provisions of this Article, listed in Sections 7-1, 7-2, and 7-19 shall apply to judges of the municipal courts.~~

This article shall not apply to County retirees employed temporarily in positions requiring special skills and knowledge as permitted by section 31680.2 of the Government Code.

This ~~article~~ **Article** shall also apply, only as specifically mentioned in certain provisions, to employees represented by the Probation Peace Officers' Association in Representation Units 001 and 076, ~~and by~~ the Union of American Physicians and Dentists in Representation Units 018 and 024, and

~~This article shall also apply, only as specifically mentioned in certain provisions, to unrepresented non-management classes/classifications related to SEIU represented employee, except for unrepresented related to SEIU Intermittent, Services As Needed (SAN), unrepresented related to management, unrepresented related to Physicians and Dentists, Services as Needed (SAN), unrepresented classes that don't receive regularly scheduled adjustments and Temporary Assignment Pool (TAP) employees.~~

This Article shall not apply to County retirees employed temporarily in positions requiring special skills and knowledge as permitted by Section 31680.2 of the Government Code, as well as Intermittent, Service-As-Needed (SAN), and Temporary Assignment Pool (TAP) employees.

SECTION IV

Article 7, Section 7-18. ADMINISTRATION of the County of Alameda Salary Ordinance is hereby deleted in its entirety.

SECTION 7-18. ADMINISTRATION

~~The County Administrator and Auditor-Controller are directed to prepare regulations and procedures for the administration and implementation of this Article 7.~~

SECTION V

Article 7, Section 7-19. JUDICIAL BENEFITS of the County of Alameda Salary Ordinance is hereby added as follows:

SECTION 7-19. JUDICIAL BENEFITS

A. Job-Related Expenses Reimbursement Plan

Effective 1/1/08, Alameda County Judicial Officers who are employed and on a paid status during the first pay period of the calendar year shall be reimbursed, at Court expense, for job-related expenses as stated below, up to \$800 for the calendar year, based on \$30.77 for each biweekly pay period worked, if they were on full-time status during the qualifying pay period, and a prorated amount if on less than full-time status during that pay period. Alameda County Judicial Officers who take office after the first pay period of any calendar year shall not be entitled to this benefit for the calendar year.

Reimbursement may be made for all actual and necessary expenses for job-related (1) training and conferences; (2) technical, managerial, or professional publications; (3) tools and technology; and (4) membership dues in professional organizations deemed by the Court Executive Officer to be in the interest of the County/Court, and in civic, fraternal, service and cultural organizations, membership in which is deemed by the Court Executive Officer to be of significant importance to the County/Court in terms of its goals and objectives, provided that payment of membership dues in an organization is authorized hereunder only if a majority of the members thereof are not current or former County/Court employees, except in the case where reimbursement of dues in such organizations was approved by the Court Executive Officer and in effect prior to July 1, 1981; (5) job required licenses, certification, or Federal, State, or Board registration expenses provided that they are approved by the Court Executive

Officer and are not currently being reimbursed by the County/Court or State funding source. Fees for all licenses issued by the Department of Motor Vehicles are not reimbursable.

Claims for reimbursement hereunder shall be submitted to the Court Executive Officer who shall, following the last payday in December of any year, certify to the Auditor-Controller the amount of the reimbursement for each eligible employee during the specified reimbursement period which are deemed by the Court Executive Officer to be job-related and approved for reimbursement, and the sums so certified shall thereafter be paid. Pursuant to IRS regulations, reimbursements are subject to all applicable taxes.

B. Group Term Life Insurance

Effective 1/1/88, Alameda County Judicial Officers shall be provided, at County expense, group term life insurance in the amount of \$25,000, with said coverage being reduced by thirty-five percent (35%) at the age of sixty-five (65). This coverage is subject to the provisions, conditions, and limitations of the insurer's contract with the County.

C. Cafeteria Benefit Plan

Alameda County Judicial Officers are eligible to participate in the County-administered Cafeteria Benefit Plan, authorized under Section 125 of the Internal Revenue Service (IRS) Code (as outlined in Section 7-9). During the annual Open Enrollment for each new plan year, or within the first 30 days of becoming eligible, the County Allowance (as outlined in Section 7-6.D) will be allocated towards eligible plans of the County's Cafeteria Benefit Plan as follows, if elected:

- Supplemental Employee Group Life Insurance and Group Accidental Death and Dismemberment Insurance

Remaining County Allowance funds and pre-tax salary contributions may be allocated towards eligible Flexible Spending Accounts as follows:

- Health Care
- Dependent Care
- Adoption Assistance

The cost, maximum contributions, limitations, exclusions, and other provisions for these benefits are outlined in the County's Employee Benefits Handbook or in the applicable insurer contracts.

Alameda County Judicial Officers shall continue to participate in the Cafeteria Benefit Plan, subject to any amendments/changes that may occur at the sole discretion of the Board of Supervisors.

D. County Allowance

Alameda County Judicial Officers who are employed and on a paid status during the first pay period of any calendar year shall be eligible for, at Court expense, a County Allowance amount of up to \$1500 for the calendar year effective 1/1/08, payable on a semi-monthly basis, if they were on full-time status during the qualifying pay period, and a prorated amount if on less than full-time status during that pay period. Alameda County Judicial Officers who take office after the first pay period of any calendar year shall not be eligible to this benefit for the calendar year.

Failure by the Judicial Officers to allocate their County Allowance to the eligible benefits noted in Section 7-6.C within the stated timeframe will result in having the unallocated funds be paid out in the form of an

after-tax earnings on a semi-monthly basis, up to a total of fifteen hundred dollars (\$1,500). Any remaining unspent funds in any of the Flexible Spending Accounts at the end of the year or grace period, including salary contributions made towards the Cafeteria Benefit Plan, are County funds.

SECTION VI

Article 3, subsections 3-13.18 of the County of Alameda Salary Ordinance are hereby amended as follows:

3-13.18 - Effective April 22, 2018, employees in Job Code 0283PA and Job Code 0284PA, when performing the full-time responsibility of a Labor Relations Analyst and one (1) employee in Job Code 0281PA when performing the full-time responsibility of a Principal Labor Relations Analyst, shall be compensated an additional 5 percent (5%) of the base pay: when assigned overall responsibilities for the human resources functions for an Operating Department/Agency.

In addition to the compensation provided in this note above, effective April 22, 2018, employees in Job Codes 0283PA, 0284PA and 0281PA, shall be compensated an additional 5 percent (5%) of the base pay when assigned supervision of Human Resources Trainee(s), ~~and/or~~ Departmental Human Resources Officer(s) and/or professional and/or technical staff for an Operating Department/Agency. (BOS approved 4/22/14) (BOS approved 2/3/15) (BOS approved 1/12/16) (BOS approved 10/4/16) (BOS approved 12/6/16) (BOS approved 9/26/17) (BOS approved amendment 4/17/18)

SECTION VII

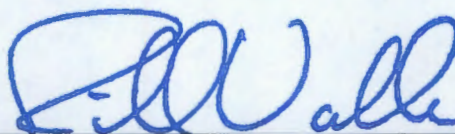
This ordinance shall take effect immediately, and before the expiration of fifteen days after its passage, shall be published once with the names of the members voting for and against it in the Inter-City Express, a newspaper published in the County of Alameda.

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors this **10th** day of **March, 2020**, to wit:

AYES: Supervisors Carson, Haggerty, Miley & President Valle – 4

NOES: None

EXCUSED: Supervisor Chan – 1



PRESIDENT, BOARD OF SUPERVISORS

File No: 30447

Agenda No: 5

Document No: O-2020-12



I certify that the foregoing is a correct copy of a Ordinance adopted by the Board of Supervisors, Alameda County, State of California

ATTEST:
Clerk, Board of Supervisors

By: R. Bailey
Deputy

SIDELETTER OF AGREEMENT
BETWEEN
TEAMSTERS, LOCAL UNION 856
AND
THE COUNTY OF ALAMEDA

PRETRIAL PILOT
February 9, 2020

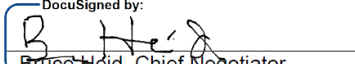
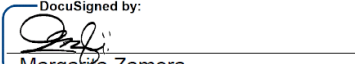
The parties to this Sideletter of Agreement ("Sideletter") are the County of Alameda (the "County") and the Teamsters, Local Union 856 (the "Union").

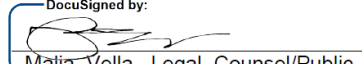
This Sideletter is the result of discussions between the parties related to the impact of the County's decision to implement the Pretrial Pilot requiring the establishment of an alternate work schedule that encompasses a 12-hour workday. In order for the Probation Department to implement the Pretrial Pilot 24/7-required staffing coverage for the Assessment Unit of the Pretrial Division, effective January 26, 2020, the parties agree to implement an alternate work schedule applicable to employees in the classifications of Deputy Probation Officer I (Job Code 6108) ("DPOI"); Deputy Probation Officer II (Job Code 6110) ("DPOII"); Deputy Probation Officer III (Job Code 6115) ("DPOIII") assigned to the Probation Department Pretrial Division Assessment Unit. The Pretrial Division alternate work schedule will be a defined work period of fourteen (14) consecutive days, consisting of a twelve (12)-hour workday (thirty six (36)-hours in a seven (7) day workweek; forty eight (48)-hours in the alternate seven (7) day workweek of the 14 day work period), including all or part of the weekend.

The parties have conferred and consulted with one another regarding the impact and have entered into this Sideletter in a good faith effort to address the issues raised by the County and the Union in order to protect, to the fullest extent possible, wages, hours, and terms and conditions of employment of County employees represented by the Union. The parties agree to implement a biweekly work schedule under which an employee who would normally be subject to a 40-hour work week, is scheduled to work 84 hours during a fourteen (14) day work period and thus would only be entitled to overtime compensation for the time worked in excess of the scheduled 84 hours in a biweekly pay period. During the 14-day work period, the employee will work a schedule of 84 hours consisting of a 12-hour workday flexible work schedule pursuant to section 207(k) of the Fair Labor Standards Act (FLSA) and Code of Federal Regulations (CFR) Part 553. The 12-hour workday flexible schedule shall be for Probation Department employees involved in law enforcement activities working in the Pretrial Pilot, that include but not limited to providing the Court with release and detention recommendations and enforcing Court orders; supervision and monitoring of clients for Court compliance, and notifying the Court regarding violations of pretrial release.

For the County

For the Union

<u>SIGNATURE</u>	<u>DATE</u>
<small>DocuSigned by:</small>  Bruce Heid, Chief Negotiator <small>87C005099718443...</small> IEDA	2/7/2020
<small>DocuSigned by:</small>  Margarita Zamora <small>24C03D82074748D...</small> Labor Relations Manager	2/7/2020

<u>SIGNATURE</u>	<u>DATE</u>
<small>DocuSigned by:</small>  Malia Yella, Legal Counsel/Public Policy Coordinator <small>F5E69D09C75429...</small>	2/10/2020

SIDELETTER OF AGREEMENT
BETWEEN
ALAMEDA COUNTY MANAGEMENT EMPLOYEES ASSOCIATION
(Probation Department Managers, Unit 075)
AND
THE COUNTY OF ALAMEDA

PRETRIAL PILOT

The parties to this Sideletter of Agreement ("Sideletter") are the County of Alameda (the "County") and the Alameda County Management Employees Association (Probation Department Managers, Unit 075) (the "Union").

This Sideletter is the result of discussions between the parties related to the impact of the County's decision to implement the Pretrial Pilot, requiring the establishment of alternate work schedule that encompasses a 10-hour workday. Section 6.A. (Hours of Work) of the Memorandum of Understanding ("MOU") between the County and the Union defines the normal daily workday consisting of eight (8) hours, with the normal workweek consisting of 40 hours. In order for the Probation Department to implement the Pretrial Pilot 24/7 required staffing coverage for the Assessment Unit of the Pretrial Division, the parties agree to implement an alternate work schedule applicable to employees in the classification of Unit Supervisor, Probation (Job Code 6122) assigned to the Probation Department Pretrial Division. The Pretrial Division alternate work schedule will consist of a 4/10 compressed workweek (work 4-days, 10-hours each day), within a 40-hour workweek, including all or part of the weekend.

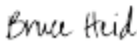
The parties have conferred and consulted with one another regarding the impact and have entered into this Sideletter in a good faith effort to address the issues raised by the County and the Union in order to protect, to the fullest extent possible, wages, hours, and terms and conditions of employment of County employees represented by the Union. This Sideletter runs parallel to and is an integral part of the existing MOU now in effect between the County and the Union, and is in force only until December 26, 2020, when the existing MOU expires, or through the end of the Pretrial Division Pilot, whichever date comes later.

Alternate Work Schedule - Pretrial Division

The alternate work schedule is only applicable to the Pretrial Division and only modifies Section 6. (subsection 6.A. (Hours of Work) of the MOU between the County of Alameda and the Alameda County Management Employees Association (Probation Department Managers, Unit 075), in that the parties agree that in order to facilitate 24/7 coverage as required in the Pretrial Pilot, employees in the classification of Unit Supervisor, Probation (Job Code 6122) assigned to the Pretrial Division shall be required to work a 4/10 compressed workweek (work 4-days, 10-hours each day) within a 40-hour workweek, including all or part of a weekend.

WHEREFORE, the parties by and through their authorized agents and representatives agree to the terms of this Sideletter of Agreement subject to the approval of this Agreement by the County of Alameda Board of Supervisors.

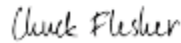
For the County

DocuSigned by:


Bruce Heid
IEDA

12/7/2019
Date: _____

For the Union

DocuSigned by:


Chuck Flesher
Mastagni Holstedt, A.P.C.

12/13/2019
Date: _____