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Human Resource Services

March 31, 2020

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

SUBJECT: ADOPT SALARY ORDINANCE AMENDMENTS TO 1) ADD ARTICLE 3, SUBSECTION 3-19.18; 2) UPDATE ARTICLE 3, SUBSECTION 3-21.22; AND 3) UPDATE ARTICLE 7, SECTION 7-19 (JUDICIAL BENEFITS); AND 4) ADOPT A SIDELETTER OF AGREEMENT WITH DEPUTY SHERIFFS' ASSOCIATION (DSA) THAT AMENDS SECTION 7 (OVERTIME), SUBSECTION 7.L.2. OF THE DSA MEMORANDUM OF UNDERSTANDING (MOU)

Dear Board Members:

RECOMMENDATIONS:

- A. Adopt Salary Ordinance amendments to:
 - i. add subsection 3-19.18 for a previously approved footnote in Article 3, Section 3-19 (Tax Collector-Treasurer Department) retroactive to September 23, 2018, which was erroneously assigned as subsection number 3-19.17;
 - ii. update Article 3, subsection 3-21.22 of Section 3-21 (Miscellaneous) by deleting language that is no longer applicable, adding Job Code #0496CA (Chief of Staff, Board of Supervisors) and applicable salary administration language for the classifications listed; and
 - iii. amend Article 7, Section 7-19 (Judicial Benefits) to correct the benefits administration language and subsections referenced.
- B. Adopt one (1) Sideletter of Agreement between the County of Alameda ("County") and the Deputy Sheriffs' Association of Alameda County ("DSA") to amend Section 7 (Overtime), subsection 7.L.2. of the Memorandum of Understanding ("MOU") between the County and DSA.

DISCUSSION/SUMMARY:

On September 18, 2018, your Board approved the establishment of a five percent (5%) footnote in the Treasurer-Tax Collector's Office for one (1) Business License Tax Auditor (Job Code #0161NM) to perform in a lead capacity on an ongoing basis to other support staff in the Business License Tax Unit, as well as function as the Office Manager in the absence of the supervisor. Due to an administrative oversight, staff inadvertently assigned a new footnote the incorrect subsection number 3-19.17; the correct footnote subsection number should be 3-19.18. To avoid duplication of subsection numbers, staff recommends adding this footnote as subsection 3-19.18 (effective retroactive to September 23, 2018).

As part of the ongoing project to clean up the Salary Ordinance, staff recommends updating Article 3, subsection 3-21.22 of Section 3-21 (Miscellaneous) by removing language that is no longer applicable. In addition, staff recommends adding the classification of Chief of Staff, Board of Supervisors (Job Code #0496CA) and updating the salary administration language to reflect current processes.

On March 10, 2020, your Board approved a recommendation to add a new Section 7-19 (Judicial Benefits) in Article 7 of the Salary Ordinance. Staff received clarification on the administration of this benefit requiring amendment to subsections 7-19.D (County Allowance) and 7-19.C (Cafeteria Benefit Plan). The County Allowance for Alameda County Judicial Officers (subsection 7-19.D) is administered in the same manner as County employees, and Judicial Officers are not eligible to enroll in the County's Adoption Assistance Flexible Spending Account (subsection 7-19.C). Staff recommends amending the language in subsections 7-19.D and 7-19.C to accurately reflect the Judicial benefits paid for by the Court and administered by the County.

Lastly, we request that your Board adopt a Sideletter of Agreement between the County and DSA. On November 26, 2019, your Board adopted a five (5) year MOU extension of the June 24, 2012 through June 13, 2020 DSA MOU, to June 21, 2025. The MOU extension included an unintended amendment to subsection 7.L.2. that restricted the ability of employees to work overtime except under specific circumstances. The restriction did not exist prior to the MOU extension. Neither the County nor DSA anticipated that the change to subsection 7.L.2. would reduce the pool of employees eligible to work overtime. In order to expand the pool of employees eligible to work overtime, the County and DSA agreed to eliminate the restriction (delete reference to vacation leave and in-lieu holiday in subsection 7.L.2.). As such, the County met and conferred with DSA and reached agreement as reflected in the attached Sideletter of Agreement on the changes to Section 7 (Overtime), subsection 7.L.2 of the DSA MOU.

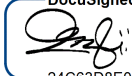
FINANCING:

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:


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Margarita Zamora for Joe Angelo, Director
Human Resource Services

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

Approved as to Form
DONNA ZIEGLER, County Counsel

O-2020-19

By 
Kristy van Henck, Asst. County Counsel

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 3, Section 3-19 of the County of Alameda Salary Ordinance is hereby amended by the addition of subsection 3-19.18 as follows, to be effective September 23, 2018:

3-19.18 - Effective September 23, 2018, not to exceed one (1) position under Job Code 0161NM, when performing lead duties in the Business License Tax Unit of the Treasurer-Tax Collector Department on an on-going basis, and serving as the Office Manager in the Hayward Office in the absence of the supervisor, shall receive an additional five percent (5%) compensation. This footnote shall sunset on September 19, 2020.

SECTION II

Article 3, Section 3-21, Subsection 3-21.22 of the County of Alameda Salary Ordinance is hereby amended as follows:

3-21.22 - Persons employed under Job Codes 0495CA and 0496CA, may be compensated at any biweekly amount salary within the range of salaries shown for those classifications, subject to the following criteria as determined by the Department Head, and approved by the County Administrator and the Director of Human Resource Services. It is further provided that the salaries shall not be subject to the five-step salary plan nor to general adjustments prescribed for other County employees.

- ~~A. When assigned as Administrative Assistant, not to exceed 76 percent above Step 1; Effective June 3, 2018, this subsection shall no longer apply. (BOS approved amendment 5/22/18)~~
- ~~B. Effective September 25, 2016 when assigned as Supervisor's Assistant, not to exceed 118 percent above Step 1, except that up to an additional ten percent five percent shall be available annually as a one-time adjustment based upon criteria and process developed and approved by the County Administrator and Director, Human Resource Services. (BOS approved 5% to 10% 5/24/11) (BOS approved 10% to 5% 9/6/16) Effective June 3, 2018, this subsection shall no longer apply. (BOS approved amendment 5/22/18)~~
- ~~C. Effective June 17, 2018, not to exceed one employee in each Board Office when assigned as Chief of Staff, may be compensated at any salary to the top step of the salary range, except that up to additional ten percent five percent shall be available annually as a one-time adjustment based upon criteria and process developed and approved by the County Administrator and the Director of Human Resource Services. The designation of Chief of Staff shall be limited to one employee in each Board Office and the only individual whose pay can exceed 118 percent above Step 1 is the one person designed Chief of Staff. (BOS approved 10% 5/24/11). (BOS approved~~

~~5% and one employee designated Chief of Staff 9/13/16) Effective September 22, 2018, this subsection shall no longer apply. (BOS approved deletion 10/2/18)~~

~~D. Effective June 17, 2018 an employee assigned as Chief of Staff in a Board office as referenced in paragraph C, above, may also receive ten percent additional compensation above the top step of the salary range if authorized by the appointing member of the Board of Supervisors. Effective September 22, 2018, this subsection shall no longer apply. (BOS approved 9/6/16) (BOS approved deletion 6/5/18 and is effective 6/17/18) (BOS approved deletion 10/2/18)~~

SECTION III

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 ~~January 1, 2008~~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 ~~January 1, 1988~~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 7-619.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

~~To help offset eligible Alameda County Judicial Officers' costs toward the Cafeteria Benefit Plan (as outlined in subsection 7-19.C. (Cafeteria Benefit Plan) above), the County administers, 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 each calendar year effective 4/1/08 January 1, 2008, payable on a semi-monthly basis, if they were appointed to 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 during the last two (2) full pay periods and any following partial pay period prior to December 31, after the first pay period of any calendar year shall not be eligible for to this plan benefits for until the following calendar year.~~

Failure by the Judicial Officers to allocate their County Allowance to the eligible benefits noted in Section 7-196.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) subject to IRS regulations on Health Care Flexible Spending Accounts. 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

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 **31st** day of **March, 2020**, to wit:

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

NOES: None

EXCUSED: Supervisor Miley – 1



PRESIDENT, BOARD OF SUPERVISORS

File No: 30447
Agenda No: 6
Document No: O-2020-19



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: RBaulig
Deputy

**SIDELETTER OF AGREEMENT
BETWEEN
DEPUTY SHERIFFS' ASSOCIATION
Bargaining Unit 013 (Sheriff Recruit and Deputy Sheriff) and Supervisory Unit S13 (Sergeant)
AND
THE COUNTY OF ALAMEDA**

The County of Alameda ("County") and the Deputy Sheriffs' Association ("DSA") have met and conferred and reached agreement on this Sideletter of Agreement ("Agreement") to the Memorandum of Understanding ("MOU") regarding Section 7. (Overtime), subsection 7.L.2., deleting the reference to "in-lieu holiday" and "vacation leave" from this subsection, thus allowing employees to work overtime while on CTO only while staffing Sheriff's Office approved special events. This Agreement is an integral part of the existing MOU now in effect between the County and DSA, which covers the period of June 24, 2012 through June 21, 2025.

The parties agree to amend the MOU between the County and the DSA to delete the reference to in-lieu holiday and vacation in subsection 7.L.2. As such, subsection 7.L.2. shall read as follows:

SECTION 7. OVERTIME

7.L. COMPENSATORY TIME OFF USE RESTRICTION. The express purpose of overtime/CTO is to provide compensation for hours worked in excess of the employee's normal hours in a pay period and is not for the purpose of modifying an employee's established, recurring work schedule. In order to ensure the appropriate accrual and application of overtime/CTO, the following exclusions and restrictions shall apply to all employees covered by this MOU.

1. Overtime worked while on vacation, floating holiday, or in-lieu holiday time shall only be paid in cash.
2. While on a CTO status, employees shall be authorized to work overtime only while staffing Sheriff's Office approved special events (e.g., Coliseum Security Detail the County Fair, mutual aid, etc.).
3. Overtime worked in the same pay period in which CTO or sick leave is used shall be paid in cash.
4. If management can document that an employee is utilizing overtime/CTO in a way that, on any recurring basis, modifies their established, recurring work schedule, management shall have the prerogative to, with advance notice to the employee, compel that all overtime worked by this employee be paid only in cash for whatever period of time management deems appropriate. In no case shall this period of time exceed one (1) year.

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

SIGNATURE **DATE**

 2/28/2020

Margarita Zamora
Labor Relations Manager

 2/28/2020

Rich Lucia, Undersheriff

For the Union

SIGNATURE **DATE**

 2/28/2020

Kevin Lewis, President
DSA of Alameda County