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Human Resource Services

November 3, 2020

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

SUBJECT: ADOPT SALARY ORDINANCE AMENDMENTS TO: 1) UPDATE SUBSECTION 1-1.1 TO ESTABLISH JC #0196EM AND CORRECT THE SALARIES FOR JC #8620SM & #8625SM; 2) AMEND SUBSECTION 3-11.9 TO ADD JC #0196EM; AND 3) AMEND SUBSECTION 3-13.17; ADOPT AN ADMINISTRATIVE CODE AMENDMENT TO ADD SECTION 3.24.250 RELATED TO COVID-19; & ADOPT A SIDELETTER OF AGREEMENT WITH DSA TO AMEND SUBSECTIONS 7.L.2 & 20.E OF THE MOU RELATED TO COVID-19

Dear Board Members:

RECOMMENDATIONS:

A. Adopt Salary Ordinance amendments to:

- i. Update Article 1, Section 1-1 (Pay Rate Schedules), Subsection 1-1.1 to establish one (1) new classification of Deputy Director of Detention Facilities Operations (Job Code ("JC") (#0196EM) located in the General Services Agency ("GSA"), effective November 15, 2020; and correct the salaries for two (2) classifications represented by the Alameda County Management Employees Association ("ACMEA") Sheriff's Sworn Unit, retroactive to October 4, 2020;
- ii. Amend Article 3, Section 3-11 (General Services Agency), Subsection 3-11.9 to add salary administration criteria for the new classification of Deputy Director of Detention Facilities Operations (JC #0196EM), effective November 15, 2020; and
- iii. Amend Article 3, Section 3-13 (Human Resource Services), Subsection 3-13.17 to replace the referenced classification from Human Resources Analyst ("HRA") II (JC #0280CA) with the newly retitled and revised classification of HRA (JC #0291), retroactive to August 23, 2020.

B. Adopt one (1) Administrative Code amendment to Chapter 3.24 (VACATIONS) related to COVID-19 by adding Section 3.24.250 (Temporary Increase to Maximum Vacation Leave) to temporarily modify the vacation hard cap and limitation on unused vacation leave balances stated in Sections 3.24.040 (For unrepresented non-M-designated persons employed after January 1, 1956), 3.24.060 (Cash payment in lieu of vacation leave), 3.24.070 (Limitation on unused vacation leave balances for unrepresented M-designated employees), and 3.24.230 (For unrepresented M-designated persons employed on or after July 8, 2012) by allowing 80-hours accrual above the applicable maximum vacation leave balance, retroactive to June 15, 2020, through December 31, 2021.

C. Adopt one (1) Sideletter of Agreement ("SLA") between the County of Alameda ("County") and Deputy Sheriffs' Association ("DSA") related to COVID-19 to amend Sections 7 (Overtime), subsection 7.L.2; and 20 (Additional Compensation), subsection 20.E (Premium Pay) of the County and DSA Memorandum of Understanding ("MOU").

DISCUSSION/SUMMARY:

Staff recommends that your Board approve establishing one (1) new classification of Deputy Director of Detention Facilities Operations (JC #0196EM) in GSA, effective November 15, 2020. The creation of this classification was requested by GSA and

is warranted given the scope of duties and responsibilities is distinguished from the existing agencywide classification of Deputy Director, General Services Agency (JC #0194EM). This new classification will provide senior leadership and manage the high-profile capital projects specifically for the Santa Rita Jail and Juvenile Justice Center (collectively known as “detention facilities”), including oversight of building maintenance, as well as the day-to-day operations at the detention facilities. In addition, staff recommends amending Article 3, Section 3-11 (General Services Agency), subsection 3-11.9 of the Salary Ordinance to include salary administration criteria for this new classification, effective November 15, 2020.

On September 22, 2020, your Board approved the salary increase of three and six-tenth percent (3.60%) for the classifications represented by the Alameda County Management Employees Association (“ACMEA”) Sheriff’s Sworn Unit. However, staff discovered that the listed salary rate at step 3 and step 4 for the classifications of Lieutenant (JC #8620SM) and Captain (JC #8625SM), respectively, was incorrect. Therefore, staff recommends correcting the step 3 salary rate for Lieutenant (JC #8620SM) from \$6828.00 to \$6268.00 and the step 4 salary rate for Captain (JC #8625SM) from \$7569.00 to \$7569.60, retroactive to October 4, 2020.

Staff also recommends amending subsection 3-13.17 of the Salary Ordinance by replacing the referenced classification from HRA II (JC #0280CA) to the newly retitled and revised classification of HRA (JC #0291). The Human Resource Services (“HRS”) Personnel Services Division (“PSD”) recently underwent a restructure of the HRA classification series which included the revision and a retitle of the HRA III (JC #0291CA) to HRA (JC #0291CA) and subsequently eliminated the HRA II (JC #0280CA) classification. Effective August 23, 2020, employees who were in the classification of HRA II (JC #0280CA) were reclassified to the newly retitled HRA (JC #0291CA) classification. As a result of the restructure and the reclassification of the employees, staff recommends amending subsection 3-13.17 of the Salary Ordinance effective August 23, 2020 to reflect the newly retitled classification of HRA (JC #0291CA) and remove reference to HRA II (JC #0280CA), to ensure that the incumbent in the HRA classification performing the additional duties as described in said subsection will continue to receive the additional compensation.

On June 30, 2020, your Board took further unprecedented actions by extending several enhanced benefits to employees in a continuous effort to support our employees through the ongoing COVID-19 public health emergency. One such enhanced benefit included adding subsection 3-21.100 of the Salary Ordinance, which allowed for an additional 80-hours vacation accrual above the maximum vacation accrual hard cap, stipulated in each respective Memoranda of Understanding (“MOU”), for all eligible employees, retroactive to June 15, 2020. Subsection 3-21.100 shall sunset effective December 31, 2021 and shall be deleted from the Salary Ordinance upon the sunset date. The intent of this enhanced benefit, similar to other enhanced benefits, was to be provided to all eligible employees in the County, including Unrepresented employees. As such, staff further recommends adding Section 3.24.250 (Temporary Increase to Maximum Vacation Leave Balance) to Chapter 3.24 (VACATIONS) of the Administrative Code to provide the same said benefit to eligible employees not covered by an MOU, retroactive to June 15, 2020. Staff also recommends that this Section (3.24.250) shall sunset effective December 31, 2021 and shall be deleted from the Administrative Code upon the sunset date.

Lastly, staff recommends that your Board adopt a Sideletter of Agreement (“SLA”) between the County and DSA. On March 24, 2020, in response to the Shelter In Place Order (“Order”) for March 17, 2020 through April 7, 2020, your Board authorized the award of up to a maximum of 128 hours of COVAL leave (prorated for part-time employees) for those employees who worked during the said Order period. In August 2020, staff in the Auditor’s Office notified payroll staff in the Sheriff’s Office that DSA employees could not earn overtime or premium pay while on COVAL leave, because it (COVAL leave) was not specifically listed in the respective sections of the MOU to qualify for overtime or premium pay. The Sheriff’s Office indicated that prohibiting DSA employees from working overtime while on COVAL leave would reduce their eligible pool of employees and exacerbate their staffing shortages. In order to expand the pool of employees eligible to work overtime, the County and DSA agreed to add COVAL leave to the appropriate subsections of the MOU to allow employees on COVAL leave to work overtime and earn premium pay. As such, the County met and conferred with DSA and reached agreement as reflected in the attached SLA on the changes to Sections 7 (Overtime), subsection 7.L.1 and 20 (Additional Compensation) subsection 20.E (Premium Pay) of the MOU. This is consistent with when employees are off work using other accrued leave and work overtime.

FINANCING:

Funds are available in the 2020-2021 Approved Budget and will be included in future years' requested budgets to cover the costs resulting from these 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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Joe Angelo, Director
Human Resource Services

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

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

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 adding COVAL leave, which was awarded by the Board of Supervisors as stipulated in Salary Ordinance Section 3-21.98, in the calculation of premium overtime. Specifically, the County and the DSA agree to amend the MOU Section 7. (Overtime), subsection 7.L.1 (Compensatory Time Off Use Restrictions) by adding reference to COVAL leave; and Section 20.E (Premium Pay), to allow employees to receive premium pay while on COVAL leave.

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 terms of this Agreement to add COVAL leave shall be effective for the period covering June 14, 2020 through June 13, 2023.

In consideration of the foregoing, the parties agree to amend subsection 7.L.1., which 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, **COVAL leave**, vacation, floating holiday, or in-lieu holiday time shall only be paid in cash.
2. While on a CTO status, employee 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.

The parties further agree to amend subsection 20.E., which shall read as follows:

SECTION 20 ADDITIONAL COMPENSATION

20.E. PREMIUM PAY. An employee on vacation, COVAL leave, or CTO, who works a different shift than normally scheduled or the same shift at a different work assignment, shall receive premium pay (time and one-half (1.5)) for all hours worked on that shift. Similarly, an employee on vacation or CTO who is assigned to work the Coliseum or Alameda County Fair detail, shall receive premium pay (time and one-half (1.5)) for all hours worked.

This agreement is non-precedent setting and is limited to June 14, 2020 through June 13, 2023. To that end, it is specifically agreed by and between the County and DSA that this Agreement to add COVAL leave shall not be extended, nor shall it have any force or effect beyond June 13, 2023 and amendments noted above shall not be included in a successor agreement.

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

For the Union

SIGNATURE

DATE

SIGNATURE

DATE

DocuSigned by:

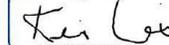


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Margarita Zamora
Labor Relations Manager

9/30/2020

DocuSigned by:



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Kevin Lewis, President
DSA of Alameda County

9/30/2020

DocuSigned by:



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Rich Lucia, Undersheriff

9/30/2020

Approved as to Form
DONNA ZIEGLER, County Counsel

By 
Kristy van Herick, Asst. County Counsel

O-2020-60

AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE
COUNTY OF ALAMEDA ADMINISTRATIVE CODE

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

SECTION I

Chapter 3.24 – VACATIONS of the County of Alameda Administrative Code is hereby added as follows:

3.24.250 – Temporary Increase Maximum Vacation Leave Balance

Effective June 15, 2020, the County shall allow an additional 80-hours of vacation leave balance above the maximum vacation leave balances stated in Sections 3.24.040 (For unrepresented non-M-designated persons employed after January 1, 1956), 3.24.060 (Cash payment in lieu of vacation leave), 3.24.070 (Limitation on unused vacation leave balances for unrepresented M-designated employees), and 3.24.230 (For unrepresented M-designated persons employed on or after July 8, 2012), for all eligible employees, through December 31, 2021. This Section (3.24.250) shall sunset effective December 31, 2021 and shall be deleted from the Administrative Code upon the sunset date.

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors this **17th** day of **November, 2020**, to wit:

AYES: Supervisors Carson, Chan, Haggerty, Miley & President Valle – 5

NOES: None

EXCUSED: None



PRESIDENT, BOARD OF SUPERVISORS

File No: 30502
Agenda No: 30
Document No: O-2020-60



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

Approved as to Form
DONNA ZIEGLER, County Counsel

By 
Kristy van Herick, Asst. County Counsel

O-2020-59

AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2020 – 2021
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 for the following job codes, titles, and salaries, to be effective on the date shown below:

Job Code		Title	Unit Code	Effective Date	Step 01	Step 02	Step 03	Step 04	Step 05	FLSA Status
0196	EM	Deputy Director of Detention Facilities Operations	051	11/15/20	6129.60				7454.40	X
8620	SM	Lieutenant	026	10/4/20			6828.00 6268.00	6582.40	6906.40	X
8625	SM	Captain	027	10/4/20	6538.40	6865.60	7204.00	7569.00 7569.60	7942.40	X

SECTION II

Article 3, Section 3-11, Subsection 3-11.9 of the County of Alameda Salary Ordinance is hereby amended as follows:

3-11.9 - Persons occupying positions under Job Codes 0176PA, 0178SM, 0185SM, 0193EM, 0196EM, 0236SM, 0421SM, 0451SM, 2218SM, 2219SM, 7425SM, 9445SM, 9689M, 9690SM, 9691PA, 9692SM, 9693PA, 9695MA, 9698PA, 9699SM, or 9702SM may be compensated at any biweekly amount in the salary range for that class as determined by the Director, General Services Agency.

SECTION III

Article 3, Section 3-13, Subsection 3-13.17 of the County of Alameda Salary Ordinance is hereby amended as follows:

3-13.17 - Effective ~~September 2, 2012~~ August 23, 2020, not to exceed one (1) employee in Job Code 02800291 CA, in the Personnel Services Division of the Human Resource Services Department, when assigned, in addition to the regular assignment, the primary system administration and on-call support role for the online recruitment and testing system, shall be compensated an additional five percent (5%) compensation of the base pay.

SECTION IV

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 17th day of November, 2020, to wit:

AYES: Supervisors Carson, Chan, Haggerty, Miley & President Valle – 5

NOES: None

EXCUSED: None



PRESIDENT, BOARD OF SUPERVISORS

File No: 30502
Agenda No: 30
Document No: O-2020-59



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