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**Human Resource Services**

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December 15, 2020

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

SUBJECT: ADOPT A SALARY ORDINANCE AMENDMENT TO UPDATE SUBSECTION 1-1.1 TO AMEND THE FLSA DESIGNATION FOR THE CLASS OF SUPERVISING CHILD CARE WORKER (JC #6284M) AND UPDATE SUBSECTION 3-21.100 RELATED TO COVID-19; AND ADOPT AN ADMINISTRATIVE CODE AMENDMENT TO UPDATE CHAPTER 3.72 (MISCELLANEOUS PERSONNEL REGULATIONS) SECTION 3.72.070 (EXCLUSION OF REHIRED RETIREE EMPLOYEES FROM CERTAIN FRINGE BENEFITS)

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 amend the Fair Labor Standards Act ("FLSA") designation for one (1) classification of Supervising Child Care Worker (Job Code ("JC") #6284M) from "mixed" to "exempt" in the Social Services Agency ("SSA"), effective January 10, 2021; and
  - ii. Update Article 3, Section 3-21, Subsection 3-21.100 to clarify the suspension of the vacation cap and limitation on unused vacation leave balances related to COVID-19 for all eligible employees as stated in each respective Memoranda of Understanding and allow 80-hours accrual above the vacation cap from June 15, 2020 through December 31, 2021.
- B. Adopt one (1) Administrative Code amendment to Chapter 3.72 (MISCELLANEOUS PERSONNEL REGULATIONS) by updating and amending Section 3.72.070 (Exclusion of Rehired Retiree Employees from Certain Fringe Benefits) to reflect the current classifications to which the Section applies.

**DISCUSSION/SUMMARY:**

Staff recommends that your Board approve amending the FLSA designation for the Supervising Child Care Worker (JC #6284M) classification from "mixed" (a mixture of exempt and non-exempt) to "exempt" status. When the Supervising Child Care Worker classification (JC #6284M) was established in 1975, the Human Resource Services Department ("HRS") Personnel Services Division ("PSD") determined the appropriate FLSA designation as "mixed" based on the assigned scope/level of work and internal structure. The "mixed" FLSA designation is used when there are varied responsibilities of positions within the same classification, with some positions meeting the requirements of "exempt" FLSA designation and others not meeting those requirements. When an employee is hired into said classification, the specific position into which the employee is hired is designated either as exempt or non-exempt, depending on the position's specific responsibilities. In recent decades, HRS PSD generally designates FLSA status by classification (for all positions within the classification) as either exempt or non-exempt, with few exceptions and upon recent review of the Supervising Child Care Worker (JC #6284M) classification, it was determined that the FLSA designation should be "exempt". Staff notified the International Federation of Professional and Technical Engineers ("IFPTE") Local 21 Professional Association of County Employees ("PACE") Representation Unit S25 of HRS PSD's intention to change the FLSA designation and IFPTE Local 21 PACE S25 did not raise any concerns with the proposed change. Also, there is no impact to the single incumbent in the classification since the position occupied is designated as FLSA exempt.

Therefore, staff recommends that your Board approve amending the FLSA designation for one (1) classification of Supervising Child Care Worker (JC #6284M) from "mixed" to "exempt" in SSA, effective January 10, 2021.

In addition, staff recommends that your Board approves amending subsection 3-21.100 of the Salary Ordinance to provide clarification to said current provision that allows an additional 80-hours vacation accrual above the maximum vacation accrual hard cap to apply to vacation cap, which will be inclusive of both the soft- and hard-cap vacation accrual, stipulated in each respective Memoranda of Understanding, for all eligible employees, retroactive from June 15, 2020 through December 31, 2021. Staff also recommends that this amended subsection shall sunset effective December 31, 2021 and shall be deleted from the Salary Ordinance upon the sunset date.

Lastly, staff recommends that your Board approve updating and amending Administrative Code Chapter 3.72 (MISCELLANEOUS PERSONNEL REGULATIONS) Section 3.72.070 (Exclusion of Rehired Retiree Employees from Certain Fringe Benefits) to reflect current classifications to which this Section applies. Staff recently noticed that said Section still references the old classifications of Retiree Specialist I (JC #1090) and Retiree Specialist II (JC #1091), both of which were revised and retitled to the current classifications of Retired Annuitant I (JC #1090) and Retired Annuitant II (JC #1091), respectively. The Civil Service Commission ("CSC") approved the revision and retitle of said classifications on August 31, 2005. On the same date, the CSC approved the establishment of two (2) additional classifications for rehired retirees of Retired Annuitant – Safety I (JC #1092) and Retired Annuitant – Safety II (JC #1093); classifications to which this Section also applies. Therefore, staff recommends that your Board approve updating and amending Administrative Code Chapter 3.72 (MISCELLANEOUS PERSONNEL REGULATIONS) Section 3.72.070 (Exclusion of Rehired Retiree Employees from Certain Fringe Benefits) to include the four (4) unrepresented classifications of Retiree Specialist I (JC #1090), Retiree Specialist II (JC #1091), Retired Annuitant – Safety I (JC #1092) and Retired Annuitant – Safety II (JC #1093).

**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, if applicable.

**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:  
  
2CC022F934DA404  
Joe Angelo, Director  
Human Resource Services

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

Approved as to Form  
DONNA ZIEGLER, County Counsel

By   
Kristy van Herick, Asst. County Counsel

O-2021-2

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 FLSA status for the following job code, title, and salary, to be effective January 10, 2021:

Job Code	Title	Unit Code	Step 01	Step 02	Step 03	Step 04	Step 05	FLSA Status
6284 M	Supervising Child Care Worker	S25	\$2,395.20	\$2,511.20	\$2,638.40	\$2,760.00	\$2,904.00	M X

**SECTION II**

**Article 3, Section 3-21, Subsection 3-21.100** of the County of Alameda Salary Ordinance is hereby amended to read as follows:

Effective June 15, 2020, the County shall allow an additional 80-hours vacation accrual above the maximum vacation accrual ~~hard~~-cap, stipulated in each respective Memoranda of Understanding, for all eligible employees, through December 31, 2021. This subsection shall sunset effective December 31, 2021 and shall be deleted from the Salary Ordinance upon the sunset date.

**SECTION III**

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 **5<sup>th</sup>** day of **January, 2021**, to wit:

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

**NOES:** None

**EXCUSED:** None



**PRESIDENT, BOARD OF SUPERVISORS**

File No: 30502  
Agenda No: 17  
Document No: O-2021-2



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:   
Deputy

Approved as to Form  
DONNA ZIEGLER, County Counsel

By   
Kristy van Herick, Asst. County Counsel

O-2021-3

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 3.72 – MISCELLANEOUS PERSONNEL REGULATIONS** of the County of Alameda Administrative Code is hereby amended as follows:

**3.72.070 - Exclusion of rehired retiree employees from certain fringe benefits.**

All persons employed in the classifications of Retired Annuitant I (Job Code #1090), Retired Annuitant II (Job Code #1091), Retired Annuitant – Safety I (Job Code #1092) and Retired Annuitant – Safety II (Job Code #1093) ~~Retiree Specialist I and Retiree Specialist II~~ shall not be eligible for the fringe benefits or accrued leaves set forth in Chapter 3.12 Leaves of Absence, Chapter 3.16 Holidays, Chapter 3.20 Sick Leave, Chapter 3.24 Vacations, Chapter 3.64 Employee Health and Welfare Benefit Program, and Chapter 3.68 Retirement System, except for the following:

- A. County paid holidays enumerated in Section 3.16.010(A)(1)—(A)(11), provided that the employee is scheduled and on paid status the workday before and the workday after the holiday; and
- B. Any benefits mandated by federal or state law.

(Ord. 2004-35 § 1)

**THE FOREGOING** was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors this **5<sup>th</sup>** day of **January, 2021**, to wit:

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

**NOES:** None

**EXCUSED:** None



**PRESIDENT, BOARD OF SUPERVISORS**

File No: 30502

Agenda No: 17

Document No: O-2021-3



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