

SECOND READING - CONTINUED FROM 10/26/2021



AGENDA NO. _____ October 26, 2021

Lakeside Plaza Building
1401 Lakeside Drive, Suite 200
Oakland, CA 94612-4305
TDD: (510) 272-3703

Human Resource Services

October 26, 2021

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 CORRECT THE SALARIES FOR THE CLASSIFICATIONS OF 8602NM, 8625SM, & 8635SM AND CORRECT THE UNIT REPRESENTATION FOR THE CLASSIFICATION OF 8617NM, AND 2) ADD NEW SUBSECTION 3-21.105; AND ADOPT A TOTAL OF TWO (2) SIDELETTERS OF AGREEMENT WITH THE ACMEA SHERIFF'S SWORN UNIT 026, 027 & 028 AND THE COUNTY RELATED TO THE IMPLEMENTATION OF AB 119 AND SB 866

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 correct the minimum salary range for the classifications of Deputy Sheriff I (JC #8602NM), Captain (JC #8625SM), and Division Commander (JC #8635SM) located in the Alameda County Sheriff's Office ("ACSO") retroactive to October 3, 2021; and to correct the unit representation for classification of Sergeant (JC #8617NM) from 017 to 013; and
 - ii. add subsection 3-21.105 to Article 3, Section 3-21 (Miscellaneous) to provide COVID-19 Paid Administrative Leave ("PAL") for employees who are subject to the July 26, 2021, August 5, 2021, August 19, 2021, September 28, 2021 State of California Public Health Officer ("SPHO") Orders, and future SPHO Order(s) and County of Alameda ("County") policy mandating that employees 1) obtain and provide verification of vaccination or 2) undergo mandatory regular COVID-19 testing (as applicable), retroactive to October 1, 2021.

- B. Adopt a total of two (2) Sideletters of Agreement ("SLA") between the Alameda County Management Employees Association ("ACMEA") Sheriff's Sworn Unit 026, 027 and 028 and the County of Alameda ("County") to implement provisions related to:
 - i. Union Access to New Employee Orientation and relevant updates to applicable sections of the current Memorandum of Understanding ("MOU") related to the implementation of Assembly Bill ("AB") 119 (Attachment 1); and
 - ii. Implementation of the Janus v. AFSCME decision and Senate Bill ("SB") 866 (Attachment 2).

DISCUSSION/SUMMARY:

On September 28, 2021, your Board approved salary increases for classifications represented by the County Deputy Sheriff's Association and ACMEA Sheriff's Sworn Unit 026, 027 and 028 by three and fifty-two tenths percent (3.52%) based upon MOU provisions effective October 3, 2021. Staff discovered that the minimum salary range for the classifications of Deputy Sheriff I (JC #8602NM), Captain (JC #8625SM), and Division Commander (JC #8635SM) and the bargaining unit designation for the classification of Sergeant (JC #8617NM) listed on the Salary Ordinance amendment are incorrect.

Therefore, staff recommend corrections to the minimum salary range and the bargaining unit designation for said classifications retroactive to October 3, 2021.

In addition, on July 26, 2021, the SPHO issued an Order requiring employers who employ workers in Acute Health Care & Long-Term Care Settings; High-Risk Congregate Settings (correctional facilities; detention centers); and other Health Care Settings to A) verify vaccine status of all workers in those settings; B) implement a plan for tracking vaccination status and make the record available, upon request, to the local health jurisdiction for purposes of case investigation; and C) consider workers who are not fully vaccinated, or for whom vaccine status is unknown or documentation is not provided, to be unvaccinated. Since then, the SPHO issued four (4) additional Orders: two (2) on August 5, 2021 (1-requirement for all workers who provide services or work in specific Health Care Facilities, such as Acute Care Hospitals, Skilled Nursing Facilities, Acute Psychiatric Hospitals, Clinics, and Doctor's Offices, etc., to be vaccinated by September 30, 2021; and 2-requirement for all visitors in Health Care and Long-Term Care Settings, General Acute Care Hospitals, Skilled Nursing Facilities, and Intermediate Care Facilities to provide proof of vaccination or provide COVID-19 test results taken 72-hours prior to visit; one (1) Order on August 19, 2021, which impacts all individuals regularly assigned to provide health care or services to inmates, prisoners, or detainees and contractual staff not employed by correctional facility or detention center and provide verification of vaccination or undergo mandatory COVID-19 testing (for those who are exempt from vaccination requirements due to a qualified medical reason or sincerely held religious beliefs); and (1) Order on September 28, 2021 for all workers who provide services or work in Adult and Senior Care Facilities and In-Home Direct Care must be fully vaccinated by November 30, 2021. In addition, the County requires all County workforce members to report and provide proof of COVID-19 vaccine status. Given the ongoing expansion by the SPHO Orders and the County requirement, the potential for additional SPHO Orders as well as the expiration of the Supplemental Paid Sick Leave benefit on September 30, 2021, staff recommend that employees who are subject to the Orders as well as the County requirement (vaccination requirement or ongoing mandatory COVID-19 testing, as applicable) be granted County-paid time off (PAL) for that purpose. This subsection 3.21.105 shall be expanded to include any future SPHO Order(s), for which employees are required to comply with mandatory vaccination or subject to mandatory COVID-19 testing. This subsection 3-21.105 shall sunset effective when said SPHO Orders related to such requirements are rescinded and shall be removed from the Salary Ordinance upon the sunset date.

Lastly, staff request that your Board adopt a total of two (2) SLAs between ACMEA Sheriff Sworn Unit 026, 027 and 028 and the County. On June 27, 2017, AB 119 was signed into law and went into effect immediately and included Government Code §3555-3559 requiring public employers to provide recognized public employee unions the right of access to new employee orientations with the structure, time, and manner of such orientation access to be subject to the collective bargaining process. The Bill also required that the public employer provide the exclusive representative with specific employee contact information for newly-hired employees and for all employees in the bargaining unit within specific timeframes. As such, ACMEA Sheriff's Sworn Unit 026, 027 and 028 was offered to meet and confer regarding the implementation of AB 119 and declined the offer. Subsequently, the County reached agreement as reflected in the first SLA, to implement provisions related to AB 119 (Union Access to New Employee Orientation and relevant updates to applicable subsections of the current MOU).

Thereafter, on June 27, 2018, the United States Supreme Court issued its decision in *Janus v. American Federation of State, County, and Municipal Employees, Council 31 (AFSCME)*. The County took immediate action to ensure its statutory obligation to implement the decision and ceased the deduction of agency fee payments from all non-union member employees. Immediately following the *Janus v. AFSCME* decision, the State of California Governor signed SB 866 to address the handling of dues deductions, meet and confer over mass communications, and maintaining confidentiality of new employee orientations. ACMEA Sheriff's Sworn Unit 026, 027 and 028 was offered to meet and confer on this matter and also declined the offer and subsequently the County reached agreement as reflected in the second SLA, including changes to applicable provisions in the current MOU.

FINANCING:

Funds are available in the 2021-2022 Approved Budget and will be included in future years' requested budgets to cover the costs resulting from the applicable action(s).

VISION 2026 GOAL:

The annual Ordinance adoption 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

Approved as to Form
DONNA ZIEGLER, County Counsel

By 
Kristy van Herick, Asst. County Counsel

O-2021-45
AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2021 – 2022
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 codes, titles, rep unit, and salaries effective as shown below:

Job Code	Unit	Title	Effective Date	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	FLSA Status	
8602	NM	013	Deputy Sheriff I	10/3/21		3490.00 3490.40	3660.00	3840.80	N	
8617	NM	017 013	Sergeant	10/3/21		5346.40	5616.00	5891.20	N	
8625	SM	027	Captain	10/3/21	6768.90 6768.80	7107.20	7457.60	7836.00	8221.60	X
8635	SM	028	Division Commander	10/3/21	7790.50 7790.40	8173.60	8578.40	9015.20	9453.60	X

SECTION II

Article 3, Section 3-21 of the County of Alameda Salary Ordinance is hereby amended by adding a new subsection as follows:

3-21.105 - Effective October 1, 2021, employees who are subject to the July 26, 2021, August 5, 2021, August 19, 2021, September 28, 2021 and future State of California Public Health Officer ("SPHO") Order(s), and any County policy mandating that employees 1) obtain and provide verification of vaccination or 2) undergo mandatory regular COVID-19 testing (as applicable), shall be granted County-paid time off on paid administrative leave ("PAL") to attend vaccination and mandatory testing appointments.

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 **2nd** day of **November, 2021**, to wit:

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

NOES: None

EXCUSED: None



PRESIDENT, BOARD OF SUPERVISORS

File No: 30685

Agenda No: 12

Document No: O-2021-45



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