



COUNTY of VENTURA

COUNTY EXECUTIVE OFFICE

Sevet Johnson, PsyD
County Executive Officer

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Human Resources Director
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June 6, 2023

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

Subject: Public Hearing Regarding Adoption of an Amendment to the 2021-2023 Memorandum of Agreement between the County of Ventura and the Criminal Justice Attorneys' Association of Ventura County, With No Material Impact on Funding Status of the Retirement System; and Waiver of Second Public Hearing.

Recommendations:

It is recommended that your Board:

1. Commence a public hearing on adoption of an amendment to the 2021–2023 Memorandum of Agreement (MOA) between the County of Ventura (County) and the Criminal Justice Attorneys' Association of Ventura County (CJAAVC); and
2. Waive the second public hearing required by Article 20, Section 2006(B), of the Personnel Rules and Regulations, and adopt the proposed amendment to the MOA at the conclusion of the hearing.

Fiscal/Mandates Impact:

Mandatory:	No
Source of Funding:	Various
Funding Match Required:	No
Impact on Other Departments:	Varies

Summary of Fiscal Impact:

	<u>FY 2022-23</u>	<u>FY 2023-24</u>
Total Cost*	\$0	\$93,014

*The fiscal impact assumes that CJAAVC members' health plan enrollments remain the same for plan year 2023.

California Government Code sections 31515.5 and 23026 require that the County give written notice of any salary and benefit changes, including an explanation of the financial

impact of the change on the funding of the County's retirement system. The cost of the three proposed Employee Incentive Programs is anticipated to be approximately \$93,014 and is not included in pensionable compensation. Accordingly, we do not expect the recommended action to have a negative or material impact on the funding status of the retirement system.

Discussion:

In December 2021, the MOA between the County and CJAAVC was adopted by your Board. The CJAAVC MOA covers employees in the Attorney classification series, who work within the following Agency's: District Attorney's Office, Public Defender's Office and the Department of Child Support Services.

The proposed amendment allows an agency/department, with the approval of the County Executive Officer, to grant a pay/salary adjustment within the existing pay/salary range of an identified job classification (e.g., Attorney II) or classifications (e.g., Attorney I/II/III) for some or all of the individuals employed in any such job classification(s) within an organizational unit or entire Agency/Department.

As a result of the COVID-19 pandemic and the subsequent economic downturn, the global, national and regional economies are undergoing a period of significant turbulence marked by supply shortages, persistent, steep inflation, and critical labor market tightness. The County competes with other government employers and the private and non-profit sector to recruit and retain employees. Consequently, the County is experiencing a sustained and widespread increase in vacancy and turnover rates in numerous positions. Recent recruitments for mission critical positions have resulted in lower-than-expected interest by qualified applicants, leaving many positions vacant. The employment offers that are being extended to candidates are for a rate of pay that is higher on the pay scale than in years past – usually from the mid-to-upper range of the salary schedule. This practice has resulted in the unintended consequence of a pay disparity between employees who have been with the County for years and those who are newly hired. The proposed amendment will allow County agency/departments to compete for and retain highly sought after and difficult-to-find positions to continue to provide County Services.

In addition, three new incentive payment programs have been designed to enhance the County's competitiveness in the labor market: a New Hire Incentive, an Employee Referral Incentive, and an Employee Retention Incentive. These incentives are recruitment and retention tools commonly used in the private sector that we believe are appropriate to utilize at the County when market conditions warrant, with the approval of the County Executive Officer, or designee.

We are recommending the addition of new Article 29 Employee Incentive Programs to the MOA as follows:

- A. **Sec. 2901 – New Hire Incentive** in an amount up to ten percent (10%) of the newly hired employee's current annual base wage, upon agency head recommendation and the approval of the CEO (or designee). This program aims to incentivize applicants to apply for open recruitments that have been challenged with low candidate interest. The incentive would be paid to the newly hired employee in a single lump sum that would be repayable should the new employee fail to remain in a County classification covered by the CJAAVC MOA for a minimum of 4,160 compensable hours.

Our office estimates approximately three (3) New Hire Incentives to be paid in the 2023-2024 fiscal year at an approximate cost of \$54,726.

- B. **Sec. 2902 – Employee Referral Incentive** in the gross amount of five hundred dollars (\$500) per referral to incumbent County employees who assist the County's recruitment efforts by referring external candidates to positions for which there is a competitive market. The Director of Human Resources, or designee, shall determine the positions eligible to receive the Employee Referral Incentive. The referred candidate must be hired and must successfully complete the required probationary period before the incentive payment will be made.

Our office estimates approximately two (2) Employee Referral Incentives to be paid in the 2023-2024 fiscal year at an approximate cost of \$1,000.

- C. **Section 2903 - Employee Retention Incentive** of up to ten percent (10%) of the base annual salary of County employees in high performing, difficult to retain positions, upon agency recommendation and the approval of the CEO (or designee). Additionally, the employee must submit verifiable proof that they have received an employment offer from an outside employer. The incentive would be paid in a single lump sum not to exceed the difference between the employee's current base annual wage and the amount of the verified competitive job offer but not to exceed ten percent (10%) of base. The incentive would be repayable should the employee fail to remain in employed by the County a minimum of 4,160 compensable hours.

Our office estimates approximately two (2) Employee Retention Incentives to be paid in the 2023-2024 fiscal year at an approximate cost of \$37,287.

To be in compliance with a new law (AB 1949) that took effect on January 1, 2023, the parties have agreed to amend Section 1404 Bereavement Leave to allow employees to be absent up to five (5) working days for the death of an immediate family member. The additional two (2) working days may be compensated by the employee using accrued annual leave or vacation, accrued sick leave, or leave without pay.

Additionally, the County of Ventura and CJAAVC agreed to add language that establishes a Medical Opt-Out Option for CJAAVC members who do not wish to participate in County

Sponsored health plans. This language was added to, among other things, ensure the program is in compliance with regulatory requirements.

Summary:

If approved by your Board, this amendment will address the increases in vacancy and turnover rates that the County has been experiencing while allowing the County to be competitive in a difficult labor market. The revision of the Bereavement Leave section will ensure we are in compliance with a new law that went into effect on January 1, 2023. Furthermore, the adoption of the new language that establishes a Medical Opt-Out Option for CJAAVC members who do not wish to participate in County Sponsored health plans, will ensure that we are in compliance with regulatory requirements.

A copy of the proposed amendment to the MOA is attached as Exhibit 1. We recommend that your Board commence a public hearing on the adoption of the MOA between the County and CJAAVC, waive a second hearing, and adopt the proposed amendment at the end of the hearing.

This letter has been reviewed by the County Executive Office, the Auditor-Controller's Office, the Ventura County Civil Service Commission, and County Counsel. If you have any questions regarding this item, please call me at (805) 654-2561.

Respectfully submitted,



Shawn Atin
Assistant County Executive Officer/Human Resources Director



Sevet Johnson, PsyD
County Executive Officer

c: Jeffery S. Burgh, Auditor-Controller
Tiffany N. North, County Counsel
Mike Pettit, Assistant County Executive Officer
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J. Tabin Cosio, Chief Deputy Executive Officer
Criminal Justice Attorneys' Association of Ventura County

Attachments:

- Exhibit 1 – CJAAVC 2021 – 2023 MOA Amendment
- Exhibit 2 – Civil Service Commission Letter