

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



962

FROM: Human Resources Dept. **SUBMITTAL DATE:** May 14, 2003

SUBJECT: Recommendations concerning decertification of the Deputy Public Defender class series from SEIU to Unrepresented as outlined in Resolution 440-8485, and Adopt the Management Resolution No. 2003-228

RECOMMENDED MOTION: That the Board of Supervisors approve: (1) the recommendations contained in Resolution No. 440-8485 with benefit recommendations as outlined in Attachment "A"; and (2) Adopt Resolution No. 2003-228, a Resolution of the County of Riverside and other agencies providing salaries and related matters for Exempt Management, Management, Confidential, and Other Unrepresented employees, to replace and supersede Resolution 2003-071.

BACKGROUND: Employees in the Deputy Public Defender Unit recently conducted an election to determine their representation status. The vote count, completed on Thursday, May 1, 2003, resulted in 49 of 76 votes cast to decertify SEIU as their representative and become part of the Management, Confidential and Other Unrepresented (UNC) Unit. The following recommendations are made to incorporate the 84 incumbents into the Management Attorneys (MAT) salary plan with the appropriate salaries and benefits.

Ronald W. Komers
Asst. County Executive Officer/
Human Resources Director

FINANCIAL DATA:

CURRENT YEAR COST: \$14,679
NET COUNTY COST: \$14,679
BUDGET ADJUSTMENT: YES NO
SOURCE OF FUNDS:

ANNUAL COST: \$381,665
IN CURRENT YEAR BUDGET: YES NO
FOR FY: 2002/03

C.E.O. RECOMMENDATION: **APPROVE.**

COUNTY EXECUTIVE OFFICER SIGNATURE

Consent Policy
 Consent Policy

Department Recommendation:
Per Executive Officer:

Prev. Agn. Ref.

Dist.

AGENDA NO.

3 25

I. Salary Plan and Benefit Changes:

It is recommended that benefits be granted to the incumbents of the Deputy Public Defender class series as shown in Attachment "A" for Unrepresented employees. All benefits described on the attachment are consistent with the benefits currently offered to other unrepresented attorneys (County Counsel) by the Management and Confidential Resolution. The Flex Contribution amount would be reduced to \$168.75 per pay period and 401(a) Money Purchase Plan increased to \$50.00 per pay period to be consistent with other Management, Confidential and Other Unrepresented employee benefits. These employees will also participate in the Post Employment Plan, Retiree Health Contribution and PERS Final Comp Enhancement. Consistent with their Exempt FLSA status, the Deputy Public Defenders will be eligible to participate in the Annual Leave plan. It is recommended that they have their vacation and a portion of their current Sick Leave balance converted into Annual Leave as was done when the annual leave plan was originally implemented. Employees in these classes will no longer be eligible for compensation for overtime worked or compensatory time-off.

Also recommended is a salary plan and grade for the Deputy Public Defender series mirroring the Deputy County Counsel series. This complies with the County's policy to maintain all "management" attorney classifications at the same salary levels between the Child Support Services, County Counsel, District Attorney and Public Defender's Office. See Attachment "B" to review this comparison.

All recommendations are consistent with current County Policy. The cost to implement these recommended changes will be \$65,418 for the benefit changes, \$51,860 for the 8% PERS retirement pickup and another \$264,387 to make the salary plan and grade changes. Salary changes are to be effective the pay period following Board approval and Benefit changes are to be effective June 12, 2003.

The Public Defender Department agrees with these recommendations and has the funds to cover the cost of implementation.

II. Management and Confidential Resolution Changes:

Recommended narrative changes to the Resolution of the County of Riverside and other Agencies Providing Salaries and Related Matters for Exempt Management, Management, Confidential, and other Unrepresented Employees (Management and Confidential Resolution) concerning the Deputy Public Defender class series are shown in Attachment "C".

ATTACHMENT "A"
DEPUTY PUBLIC DEFENDER BENEFIT COMPARISON

BENEFIT TYPE	SEIU	UNREPRESENTED
Flex Contribution	\$395.40/mo (\$197.70/bw)	\$337.50/mo (\$168.75/bw)
Life Insurance	\$5.45/bw (\$50,000 policy)	\$5.45/bw (\$50,000 policy)
Optical Insurance	\$5.12/bw (County paid)	\$5.12/bw (County paid)
401(a) Contribution	\$15.00/pay period	\$50.00/pay period
Disability	LTD	LTD
Retiree Health	\$25.00/mo	\$128.00/mo
PERS Retirement (Hired before 7/11/02)	7% Paid by Employee for the first year 1% Paid by County	8% County paid
PERS Retirement (New Hires)	8% Paid by Employee for the first year	8% County Paid
PERS Final Comp Enhancement	None	Yes
Leave	Vacation/Sick	Annual Leave
Overtime	CTO at straight time,	None

ATTACHMENT "B" ATTORNEY CLASSIFICATION SERIES

Job Code	Job Classification	Alloc Pos	Union Code	Sal Plan	Grade	Max Step	Min Annual	Max Annual	FLSA
CURRENT Deputy Public Defender Class structure:									
78560	DEP PUBLIC DEFENDER IV-S	0	SEP	PD1	112	11	\$87,378	\$114,026	E
78554	DEP PUBLIC DEFENDER IV	41	SEP	PD1	109	11	\$82,414	\$107,534	E
78553	DEP PUBLIC DEFENDER III	44	SEP	PD1	106	11	\$74,097	\$96,671	E
78552	DEP PUBLIC DEFENDER II	0	SEP	PD1	103	10	\$63,171	\$80,250	E
78551	DEP PUBLIC DEFENDER I	0	SEP	PD1	100	10	\$52,181	\$66,268	E
ALLOCATED POSITIONS		85							
RECOMMENDED Deputy Public Defender Class structure:									
78560	DEP PUBLIC DEFENDER IV-S	0	UNC	MAT	112	12	\$90,602	\$121,619	E
78554	DEP PUBLIC DEFENDER IV	41	UNC	MAT	109	12	\$85,417	\$114,644	E
78553	DEP PUBLIC DEFENDER III	44	UNC	MAT	106	10	\$76,741	\$97,651	E
78552	DEP PUBLIC DEFENDER II	0	UNC	MAT	103	9	\$65,343	\$80,961	E
78551	DEP PUBLIC DEFENDER I	0	UNC	MAT	100	9	\$53,881	\$66,779	E
ALLOCATED POSITIONS		85							
78516	DEP COUNTY COUNSEL IV-S	0	UNC	MAT	112	12	\$90,602	\$121,619	E
78514	DEP COUNTY COUNSEL IV	32	UNC	MAT	109	12	\$85,417	\$114,644	E
78513	DEP COUNTY COUNSEL III	0	UNC	MAT	106	10	\$76,741	\$97,651	E
78512	DEP COUNTY COUNSEL II	0	UNC	MAT	103	9	\$65,343	\$80,961	E
78511	DEP COUNTY COUNSEL I	0	UNC	MAT	100	9	\$53,881	\$66,779	E
ALLOCATED POSITIONS		32							
37492	DEP CHILD SUPP ATTORNEY IV-S	2	PR7	DAT	112	12	\$90,602	\$121,619	E
37493	DEP CHILD SUPP ATTORNEY IV	6	PR7	DAT	109	12	\$85,417	\$114,644	E
37494	DEP CHILD SUPP ATTORNEY III	8	PR7	DAT	106	10	\$76,741	\$97,651	E
37495	DEP CHILD SUPP ATTORNEY II	0	PR7	DAT	103	9	\$65,343	\$80,961	E
37496	DEP CHILD SUPP ATTORNEY I	1	PR7	DAT	100	9	\$53,881	\$66,779	E
ALLOCATED POSITIONS		16							
78538	DEP DISTRICT ATTORNEY IV-S	0	PR7	DAT	112	12	\$90,602	\$121,619	E
78534	DEP DISTRICT ATTORNEY IV	76	PR7	DAT	109	12	\$85,417	\$114,644	E
78533	DEP DISTRICT ATTORNEY III	69	PR7	DAT	106	10	\$76,741	\$97,651	E
78532	DEP DISTRICT ATTORNEY II	0	PR7	DAT	103	9	\$65,343	\$80,961	E
78531	DEP DISTRICT ATTORNEY I	0	PR7	DAT	100	9	\$53,881	\$66,779	E
ALLOCATED POSITIONS		145							

ATTACHMENT "C"

Detail of Changes

Mgmt Resolution

Key: *new*

Sec 1501

D. Special Assignment of Attorneys: The incumbent of a Deputy County Counsel IV, of the County Counsel's Office, who has demonstrated exceptional performance of the most difficult and responsible legal work assignments and who is assigned supervisory responsibilities over a unit within the division may be compensated at a rate which is ~~eleven (11) ranges~~ **approximately six percent (6%)** higher than that specified for such a position OR at a range midway between the salary ranges for the classes of Deputy County Counsel IV and Principal Deputy County Counsel, whichever is less. Such additional compensation 1) shall be at the discretion of the department head, 2) shall not be deemed a promotion, and 3) shall be limited to eight (8) or fewer Deputy County Counsel IV positions.

The incumbent of a Deputy Public Defender IV position, of the Public Defender's Office, who has demonstrated exceptional performance of the most difficult and responsible legal work assignments and/or who is assigned supervisory responsibilities over a unit within a division may be compensated at a rate which is approximately six percent (6%) higher than that specified for such a position OR at a range midway between the salary ranges for the classes of Deputy Public Defender IV or a Supervising Deputy Public Defender, whichever is less. Such additional compensation 1) shall be at the discretion of the department head, 2) shall not be deemed a promotion, and 3) shall be limited to ten (10) or fewer such Deputy Public Defender IV positions.

Article 22

2. Effective March 18, 2004, employees in the above listed classifications shall receive a 3% increase in their base salaries. ***In addition to the classifications listed above, the following classifications are to be included in the March 18, 2004 base salary increase, January 6, 2005 additional salary step and June 23, 2005 base salary increase:***

78560	<i>Deputy Public Defender IV-S</i>
78554	<i>Deputy Public Defender IV</i>
78553	<i>Deputy Public Defender III</i>
78552	<i>Deputy Public Defender II</i>
78551	<i>Deputy Public Defender I</i>

ARTICLE 24 SUPERSESSION

This resolution supersedes Resolution 2003-71 in its entirety.