

County of Santa Clara

Employee Services Agency

Labor Relations Department

County Government Center, East Wing

70 West Hedding Street, 8th Floor

San Jose, California 95110



DATE: August 26, 2022

TO: Honorable Members of the Board of Supervisors
Jeffrey V. Smith, M.D., J.D., County Executive

FROM: John P. Mills, Director, Employee Services Agency

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John P. Mills
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SUBJECT: Off-Agenda Report RE: Adoption of Salary Ordinance No. NS-5.22.151

At the August 16, 2022 meeting of the Board of Supervisors, Supervisor Chavez requested that Administration provide an off-agenda report relating to ineligibility for investigators in the Alternate Defender's Office to receive the compensation increase. This memorandum provides the requested information.

An investigator in the Alternate Defender's Office spoke during the Public Comment portion of the Board of Supervisors' meeting, seeking a 10% general wage increase for the classifications ("tied classes") whose salaries are tied to the Deputy Sheriff's Association ("DSA") pursuant to Appendix E, Section E.2(a) of the Memorandum of Agreement ("MOA") between the County and SEIU Local 521. The speaker's comments were incorrectly premised on the assumption that the DSA has received a 10% general wage increase to their salaries; the DSA has not.

Salary Ordinance No. NS-5.22.151 authorizes a 10% assignment differential for DSA-represented employees when assigned specific duties. Salary Ordinance No. NS-5.22.151 does not authorize a general wage increase to the salaries of DSA-represented employees. The salaries of DSA-represented employees, codified in Section 5.1 of the Memorandum of Understanding ("MOU") between the County and DSA, are unchanged and unaffected by the adoption of the assignment differential.

The MOA between the County and SEIU Local 521 requires the salaries of the tied classes to be aligned to that of the DSA. The adoption of the assignment differential has not changed the DSA's general wage increase for their salary stated in Article 5 of the MOU between the County and DSA.

Furthermore, Appendix E, Section E.2(a) of the MOA between the County and SEIU Local 521 is expressly limited to salary. Appendix E, Section E.2(a) contains no negotiated parity for any economic terms contained in the County/DSA MOU other than salary. The County/DSA MOU contains several negotiated differentials, and Appendix E, Section E.2(a) of the County/521 MOA has never been applied to any of those differentials. The County is in full compliance with Appendix E, Section E.2(a) of the County/521 MOA. Therefore, a 10% increase to the salary of the tied classes, as the Public Comment speaker seeks, is not merited.

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith

cc: Chief Board Aides
Greta Hansen, Chief Operating Officer
James R. Williams, County Counsel
Tiffany Lennear, Clerk of the Board of Supervisors
Thuy Pham, Office of Budget & Analysis
Gina Donnelly, Deputy Director, Employee Services Agency
Matthew Cottrell, Labor Relations Director
Leanna Bieganski, Assistant Director, Labor Relations Department
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