FOR IMMEDIATE RELEASE

September 30, 2020

<u>Deputy Sheriffs' Association (DSA) Impasse Factfinding Report</u>

As a result of continued labor negotiations between the County and the Deputy Sheriffs' Association (DSA) for a successor Memorandum of Understanding (MOU) which resulted in an impasse without reaching an agreement, the County and DSA participated in an impasse factfinding hearing in accordance with state law. This nonbinding impasse factfinding hearing was held before a three-member factfinding panel, including a DSA member, a County member and Neutral Factfinder Chairman Claude Ames. On September 2, 2020, Neutral Factfinder Chairman Claude Ames issued the "Factfinding Panel's Report and Recommendations" regarding this labor negotiations impasse. This report is attached to this announcement and is available online at www.co.tehama.ca.us.

Included on pages 7-8 of Neutral Factfinder Chairman Claude Ames' "Factfinding Panel's Report and Recommendations" are the following findings:

> ***<u>Ability to Pay</u>****: Evidence presented in this factfinding hearing clearly supports the County's position that its overall costs and expenditures are outpacing its current revenues in the County's General Fund, which also funds public safety for the County's Sheriff Department. Although the County began the 2015-2016 fiscal year with a $14,320,369 carryover balance in the General Fund, continued deficits in each fiscal year thereafter has reduced this amount to $2,000,708 going into the 2019-2020 fiscal year. This amount was insufficient, however, to cover the County's continued General Fund budget deficits between revenues and expenditures. The County had to use $1,152,348 of its "****County Reserve Committed for Economic Uncertainty****" funds and $150,700 of other committed and reserve County funds designated for the Dept. of Health Services and Antelope Sewer Project. These funds totaled $1,303,048 of committed/reserve funds budgeted by the County to cover the General Fund gap.*
>
> *Assuming that if budget [expenditures] and revenues stays at a same status quo with the DSA, the County has presented evidence that its CalPERS costs for safety employees, including a majority of DSA members, will increase each year going forward over $1.3 million in ongoing costs between fiscal years 2018-2019 and 2024-2025. The County's figures are based on estimates of an assumed CalPERS 7.25% annual rate of return, which has changed significantly now in light of the COVID-19 impact. CalPERS announced on July 15, 2020 that the annual rate for the 2019-2020 fiscal year was actually lower at 4.7%. All member agencies now, including the County, will incur additional CalPERS cost to make up the difference. These are unfunded liability that are taken from the General Fund.*
>
> *DSA presented a different picture of the County's financial health at the factfinding hearing of budgeted positions which are never filled resulting in millions of dollars in recent budget cycles that are available to allocate toward DSA's*

proposals. According to DSA, budgeting money for positions that are not being filled is tantamount to holding funds in reserve as an un-designated cash reserve fund. Better to pay employees appropriately with these reserved fund rather than perpetuate continuing cycles of unspent payroll from vacant positions going unfilled. [T]he DSA position on the County's ability to pay is that it can do so by allocating these unspent funds to bring DSA members within the average salary range of the six (6) comparable County agencies which pay higher than Tehama County.

Following Neutral Factfinder Chairman Claude Ames' "Factfinding Panel's Report and Recommendations", the Board of Supervisors remains committed to working with DSA to find a solution to this labor negotiations impasse, while balancing the County's ongoing fiscal challenges and continuing to provide for the public safety of the community.

For Additional Information:

Bob Williams, Chairman 527-4655

In The Matter of the Impasse

Between

COUNTY OF TEHAMA,

-and-

COUNTY OF TEHAMA DEPUTY SHERIFF'S ASSOCIATION.

FACTFINDING PANEL'S REPORT AND RECOMMENDATIONS

PERB CASE #SA-IM-213-M

Hearing Held on: June 24, 2020

Recommendation: September 2, 2020

Composition of the Factfinding Panel

Impartial Chairperson: Claude Dawson Ames, Esq.
Chairman Factfinding Panel
Post Office Box 11180
Oakland, CA 94611

County Member: Gage C. Dungy, Esq.
Liebert Cassidy Whitmore
400 Capitol Mall, Suite 1260
Sacramento, CA 95814

Association Member: Steve Allen, Labor Relations Negotiator
Goyette & Associates
2366 Gold Meadow Way, Suite 200
Gold River, CA 95670

I.

INTRODUCTION

Tehama County is located in the northern part of California with an estimated population of 65,000 people, or 21.5 persons per square mile. Agriculture is the predominant industry and the medium annual income is approximately $43,899. Red Bluff is Tehama County's largest city and the County Seat. Dave Hencratt is the Tehama County Sheriff and the Sheriff's Office is located in Red Bluff. The Tehama County Sheriffs are represented by the Tehama County Deputy Sheriff's Association (DSA) and recognized as the authorized bargaining unit by Tehama County pursuant to Article 2: ***Recognition***, of the Partie's Memorandum of Understanding (MOU).

Tehama County and the Tehama County DSA began their current 2019-2020 bargaining negotiations and successor proposals and counter proposals as follows:

* September 11, 2019 - DSA initial proposal provided to County (via email).

* September 30, 2019 - First negotiations meeting between County and DSA. Reviewed DSA initial proposal.

* October 21, 2019 - Second negotiations meeting between County and DSA. Reviewed County's financial situation.

* November 4, 2019 - Third negotiations meeting between County and DSA. County provides initial proposal to DSA.

* November 15, 2019 - DSA provides counterproposal to County (via email).

* December 17, 2019 - Fourth negotiations meeting between County and DSA. Discussed potential alternative cost-saving proposals in lieu of decrease. County provides counterproposal to DSA via email after meeting.

* December 19, 2019 - DSA provides impasse declaration to County (via email).

* January 10, 2020 - Impasse meeting between County and DSA. County provides Last, Best, and Final Offer to DSA. DSA rejects County's Last, Best, and Final Offer. County and DSA prepare a Written Declaration of Impasse and then agree to begin with impasse mediation.

On March 9, 2020, the Neutral Chair was notified by PERB of his selection by the parties to chair the Factfinding Panel. The Chair contacted the parties and accepted his appointment and scheduled a factfinding hearing via Zoom conferencing with the designated Panel representatives and Advocates on June 24, 2020.

II.

ISSUES PRESENTED

The parties' respective issues in dispute before the Panel are as follows:

A. ***The County's Issues:***

1. Term:1 year from agreement.
2. Salary: 3% decrease in employee wages.
3. Uniform Allowance: Increase from $720 to $770.

B. ***The DSA's Issues***:

1. Term:1 year.
2. Safety: Staffing levels increase.
3. Salary: Increase of 3.35 to 27.4% .
4. Working out of classification: Out-of-class pay.
5. Special Pay: Education Incentives.
6. Special Pay: Training Officers.
7. Special Pay: Shift Differential Pay.
8. Hours-Overtime: CTO Maximum Accumulation.
9. Hours-Overtime: Schedule Changes.
10. Holidays: Compensation payable ""Shift Based".
11. Vacations: Maximum Accumulation Increase.
12. Vacation: 10-Day Approval Process.
13. Uniforms: Increase Allowance $900 Annually.
14. Classification Proposal: Communication Dispatcher Class series I-II.

C. ***Issues Tentatively Agreed Upon: (subject to overall agreement)***

1. County's proposal to increase the number of bilingual pay positions to 5 positions. *(Estimated increased ongoing cost to County of **$9,144/year**.)*

2. County's proposal to provide deferred compensation up to $60/month for unit members. *(Estimated increased ongoing cost to County of **$59,760/year**.)*

3. County's proposal for clean-up language regarding:

   a. MOU Article 5 (Association Security).

   b. MOU Articles 16.3 & 16.4 (Reasonable Accommodation Leave).

   c. MOU Article 9.4 (Industrial Illness and Injury).

   d. MOU Article 37 (Joint Labor Management Committee).

   e. MOU Article 15.2 (Seniority).

III.

STATUTORY CRITERIA

California Government Code §3505.4(d) sets forth the criteria upon which factfinders must consider and give weight to when evaluating matters such as this one:

> In arriving at their findings and recommendations, the factfinders shall consider, weigh, and be guided by all the following criteria:
>
> (1) State and federal laws that are applicable to the employer.
> (2) Local rules, regulations or ordinances.
> (3) Stipulations of the parties.
> (4) ***The interests and welfare of the public and the financial ability of the public agency.***
> **(5)** ***Comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding with the wages, hours, and conditions of employment of employees performing similar services in comparable public agencies.***
> (6) The consumer price index for goods and services, commonly known as the cost of living.
> (7) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
> (8) Any other facts, not confined to those specified in paragraphs (1) to (7), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations.

IV.

RELEVANT FINDINGS OF FACT

The majority of issues presented before our factfinding panel relate primarily to the parties economic proposals (Issues #2-10, 12-14) resulting in this impasse between the County and DSA over a proposed County cost savings to the General Fund in the form of concessions. The County is seeking a 1-year fiscally sustainable agreement with the DSA that it argues will help reduce General Fund expenditures by reducing deputy wages by 3%, resulting in a savings of approximately $220,122 in the General Fund. The County's expenditures far exceeded revenues in 2016/2017, 2017/2018, 2018/2019, and is also projected for 2019/2020. In an effort to increase revenues, the County introduced "Measure G" a one percent (1%) tax measure that would provide an additional $7.9 million to the General Fund, if passed in March 2020. But "Measure G" was resoundingly defeated by an 84.83 percentile vote, with only 16% voting in favor of the tax measure. DSA rallied against "Measure G" and did not support it. The County maintains that it is facing a long term structural deficit based on reduced revenues from CalPERS due to investment losses of up to $69 billion and Unfunded Liabilities (UFL) which are expected by 2024 to cost the County an additional $1.3 million. In 2019/2020, the County's increased UFL was $321,250. These are UFL increases that are due in large part to CalPERS poor investment performance - loss of money.

The County further expects to see a substantial reduction in the $5.3 million realignment money that it annually receives from the State of California, because of the decrease in state tax revenues due to COVID-19. In order to continue providing the types of services, including post security, local public safety programs, juvenile, patrol, mental health, child foster care, etc., the County has to make up the difference in state funding and tax revenue reductions. Public Safety is funded substantially from the General Fund for fiscal Year 2020/2021. This will comprise nearly $25 million of a total General Fund budget of just under $60 million, which is approximately 62% of the entire budget. The County's global bond rating by Standard and Poors' (S&P) was lowered in 2019 from A-plus to A-minus. S&P also issued warnings that unless corrective measures were taken to reduce County expenses, they could expect lower ratings in the future. Evidence indicates that the County assessed all agencies for concessions in reducing the General Fund gap before proposing a DSA wage concession of 3%, with an estimated cost savings to the General Fund of $220,120.00

DSA has a different slant on the County's financial health and its ability to pay based on savings from numerous vacant positions, budgeted positions but not filled, to fund DSA's proposed pay increases. The DSA proposal is for an increase in salary between 3% and 27.4% for the various classifications with an estimated cost by the County of $906,794. DSA disagrees with the County's method of costing out the proposed increase since it is based on allocated positions, versus actual filled positions. DSA argues that the County budgets are flexible in spending and their revenue plan can be reallocated when necessary to support DSA's salary proposal, since it is unlikely that these vacant positions will ever be filled by the County, without improving recruitment and retention of Deputy Sheriffs. DSA conducted two (2) comparable salary surveys with six (6) similar NorCal rural counties (Siskiyou, Butte, Yuba, Lake, Glenn and Shasta). Tehama County was well behind the average in salaries paid employees by these comparable counties. As such, DSA is seeking a market adjustment with Tehama County, bringing these employees within the average salary range of their six (6) comparable counties.

V.

ANALYSIS AND PANEL RECOMMENDATIONS

The Panel's primary role is to apply all of the relevant factors set forth in MMBA, as codified in California Government Code §3505(a) to the facts underlying the parties' impasse, and to render the Panel's best recommendations in light of those factors. The Panel's recommendations are not binding of the parties but may add a sobering reflection on the parties' present positions.

Factors # 4 & 5 apply, which we will evaluate and review along with all of the disputed impasse issue beginning with Issue # 1-Term;

A. <u>**TERM**</u>

<u>Issue # 1 :</u> ***<u>Term of Agreement</u>***

The County proposes a one-year term. The DSA also proposes a one-year term.

<u>Panel's Recommendation</u>:

Since both the County and DSA propose a one-year term, the Chair recommends a similar one-year term starting in fiscal year 7-1-20. This allows both parties time to reassess positions and resolve their current disputes. The additional time will can be used by the parties to prepare for their next round of bargaining negotiations. The *elephant* in the room of course, is the COVID-19 pandemic, and its economic cost on both this and successor contracts between them. The parties are inexorability and financially intertwined with each other going forward, and must be willing to compromise. Accordingly, unless the parties have some other proposal that has not been presented to the Panel, the Chair would counsel trust and patience to both parties.

B. <u>**ECONOMIC PROPOSALS**</u>

<u>ISSUES # 2-10, 12-14 :</u> ***<u>STATUTORY CRITERIA §§3505.4(d)(4)(5)</u>***

The interest and welfare of the public and financial ability of the public agency; comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding, with comparable agencies.

<u>Ability to Pay</u>: Evidence presented in the factfinding hearing clearly supports the County's position that its overall costs and expenditures are outpacing its current revenues in the County's General Fund, which also funds public safety for the County's Sheriff Department. Although the County began the 2015-2016 fiscal year with a $14,320,369 carryover balance in the General Fund, continued deficits in each fiscal year thereafter has reduced this amount to $2,000,708 going into the 2019-2020 fiscal year. This amount was insufficient, however, to cover the County's continued General Fund budget deficits between revenues and expenditures. The County had to use $1,152,348 of its "***County Reserve Committed for Economic Uncertainty***" funds and $150,700 of other committed and reserve County funds designated for the Dept. of Health Services and Antelope

Sewer Project. These funds totaled $1,303,048 of committed/reserve funds budgeted by the County to cover the General Fund gap.

Assuming that if budget and revenues stays at a same status quo with the DSA, the County has presented evidence that its CalPERS costs for safety employees, including a majority of DSA members, will increase each year going forward over $1.3 million in ongoing costs between fiscal years 2018-2019 and 2024-2025. The County's figures are based on estimates of an assumed CalPERS 7.25% annual rate of return, which has changed significantly now in light of the COVID-19 impact. CalPERS announced on July 15, 2020 that the annual rate for the 2019-2020 fiscal year was actually lower at 4.7%. All member agencies now, including the County, will incur additional CalPERS cost to make up the difference. These are unfunded liability that are taken from the General Fund.

DSA presented a different picture of the County's financial health at the factfinding hearing of budgeted positions which are never filled resulting in millions of dollars in recent budget cycles that are available to allocate toward DSA's proposals. According to DSA, budgeting money for positions that are not being filled is tantamount to holding funds in reserve as an un-designated cash reserve fund. Better to pay employees appropriately with these reserved fund rather than perpetuate continuing cycles of unspent payroll from vacant positions going unfilled. he DSA position on the County's ability to pay is that it can do so by allocating these unspent funds to bring DSA members within the average salary range of the six (6) comparable County agencies which pay higher than Tehama County. DSA economic expert Tim Reilly testified during the factfinding hearing that the County had fiscal resources ($8 million) available to provide salary increases based on his review of the County's audited financial statements; (*County Auditor Leroy Anderson responded, that these funds are almost entirely restricted and unavailable to the County Board of Supervisors, save for $41,944.*) The County's proposed 3% reduction in wages is viewed as political and retaliation by DSA, for taking a public " vote of no confidence" against the current *CAO* and failing to support *Tax Measure "G"*, which was resoundingly defeated by 83% of the votes.

Based on the above findings, the Panel will now address all remaining fourteen (14) issues in dispute and our present recommendations:

ISSUE* #2: SALARY *INCREASES

The County proposes a 3% wage concession from DSA members based on its current fiscal situation that would provide an estimated cost savings of $222,122 per year to the General Fund.

The DSA proposes wage increase ranging from 3% to 27.4% that would result in an estimated ongoing cost to the County of $906,794. DSA has rejected the County's wage reduction proposal.

County Panel Member Recommendation:

Based on the preponderance of the evidence that the County's fiscal situation is not improving and its ongoing expenditures continue to increase and cannot be covered by the County's revenues -- both now and a projected in future years -- the recommendation is to accept the County proposal for a 3% wage concession and to reject the DSA's proposal for wage increases ranging from 3.3% to 27.4% which would involve an estimated increased ongoing cost to the County of $906,794, that the County is not in a position to incur.

It is also important to note that the County's projected cost savings of $222,122 from this proposal would actually be offset by approximately $73,604 in proposed ongoing increases from the increased bilingual positions and deferred compensation that have already been tentatively agreed upon, and by the proposed $50 increase in the Uniform Allowance (Issue #3 below), which would only result in an overall cost savings of $148,518.

DSA Panel Member Recommendation:

Data presented by the DSA based on six (6) comparable counties selected by the County all indisputably justifies the increases proposed by the DSA. The County has not refuted the accuracy of the data or the merit of the DSA proposal. The County argues ability to pay which is addressed earlier. However, given the agreement for a one-year term in conjunction with the uncertain economic effect of the ongoing COVID-19 pandemic, it is reasonable to implement a portion of the DSA proposal as part of a "transition agreement" to pave the way for consideration of a longer term contract in future negotiations based on salaries of the six (6) comparable counties: Siskiyou, Butte, Yuba, Lake, Shasta and Glenn, which are similar in many ways to Tehama County, but pay much higher salaries.

Neutral Chair's Recommendation:

The evidence presented at hearing supports a finding that the County's expenses do exceed revenues and DSA's member salaries are substantially below the salaries of all six (6) comparable County agencies with similar rural and other population factors as Tehama County. The evidence does not support the County's request for a 3% wage concession from DSA members who are already underpaid, with numerous vacant positions budgeted, but are not allocated. Nor does the evidence record support DSA's salary proposals costing the County approximately $906,794. As such, the Chair recommends that DSA receive 1/3 of its proposed pay request for each classification or alternatively 5%, which ever increase is larger.

ISSUE #3*: *UNIFORM ALLOWANCE

The County proposes an increase in the Uniform Allowance from $720 to $770, with an estimated annual cost to the County of $4,700.

The DSA proposes an increase in the Uniform Allowance from $720 to $900, with an extended annual cost to the County of $16,920.

County Panel Member Recommendation:

The County's fiscal situation is not improving and its ongoing expenditures continue to increase and cannot be covered by the County's revenues. The recommendation is to accept the County's proposal for an increase in the Uniform Allowance from $720 to $770. This increase still provides an improvement in the Uniform Allowance to deputies. The County's proposal does not have as significant a fiscal impact or incur an increased ongoing cost as does the DSA's, which is almost four times greater than the County's proposal. DSA's proposal should be rejected.

DSA Panel Member Recommendation:

DSA has demonstrated that an increase in uniform allowance is warranted. The current uniform allowance is $720 annually and should be increased to $900 based on higher replacement costs for deputies' boots and clothing. The County's proposed increase to $770 does not cover the deputies' actual replacement cost.

Neutral Chair's Recommendation:

The evidence presented supports the County's proposed Uniform Allowance increase from $720 to $770 annually. Based on the County's fiscal condition, the proposed allowance increase of $50.00 for the one (1) year term agreement, is both appropriate and reasonable.

ISSUE #4: MINIMUM STAFFING LEVELS

DSA Panel Member Recommendation:

The DSA proposes having a minimum staffing level for all Patrol Deputies, Correctional Deputies and Dispatcher classifications, in order to maintain a safe working environment.

County Panel Member Recommendation:

The County rejects DSA's minimum staffing proposal based on increased expenditures and overtime cost to ensure that minimum staffing levels are met. The County is not in a position to incur this additional cost. Further, this would take away the Sheriff's discretion and judgment in making staffing decisions when warranted.

Neutral Chair's Recommendation:

The evidence presented supports the County's rejection of DSA's minimum staffing levels which would increase overtime cost, something that the County is not fiscally able to do at this time. Although staffing does affect safety and work load, it is a management decision that would impact the Sheriff's discretion and ability to plan appropriate staffing levels as needed.

ISSUE#5: OUT-OF-CLASS PAY WORKING DETECTIVE/ INVESTIGATOR POSITIONS

DSA Panel Member Recommendation:

DSA recommends out-of- classification pay for a Deputy Sheriff officially assigned to work full time in the position of a higher paid classification, that is distinctly different and in a separate classification. The deputy should receive a higher out- of- class pay while working in the higher rated classification and temporary work assignment.

County Panel Member Recommendation:

The County recommends that the DSA's proposal to expand out-of- class pay for deputies working in the Detective/Investigator floating position be rejected due to increased and ongoing costs that the County cannot afford to incur at this time. The Detective/Investigator position is distinguishable from the existing four (4) permanent Detective/Investigator positions, which provides beneficial training and experience on a rotating basis to deputies, for future promotions to permanent Detective/Investigator job positions.

Neutral Chair's Recommendation:

The evidence presented supports the DSA's proposal that a Deputy Sheriff who is formally assigned (*even on a rotating/ floating basis*) to work full time in the higher grade classification should receive out-of-class pay, while assigned to work the higher and separate classification. Higher pay is also viewed by the Chair as an incentive and a benefit for deputies seeking assignment to a higher and separate work classification.

ISSUE #6 : EDUCATION PAY INCENTIVES

DSA Panel Member Recommendation:

DSA proposes and recommends that the County provide additional educational incentive pay to other classifications in order to improve their job knowledge and work experience.

County Panel Member Recommendation:

The County's recommendation is to reject DSA's proposal based on additional cost for job classifications that otherwise are not eligible for such pay.

Neutral Chair's Recommendation:

Although education is valued by both parties, the Neutral Chair is not persuaded that DSA's proposal would be a prudent use of County funds to attract and retain employees and recommends, that the DSA proposal be rejected.

ISSUE #7 : SPECIAL PAY-SHIFT DIFFERENTIALS - $0.50/HOUR TO 5% OF SALARY

DSA Panel Member Recommendation:

DSA proposes an increase to the existing shift differential pay of deputies from $0.50/hour to a variable rate of 5% of salary. The shift differential increase will provide a greater incentive to attract deputies to work these undesirable shifts.

County Panel Member Recommendation:

The County's fiscal situation is not improving and its ongoing expenditures continue to increase and cannot be covered by the County's revenues. The recommendation is to reject the DSA's proposal to increase shift differential pay from a flat rate of $0.50/hour to 5% of salary as it involves increased ongoing costs the County is not in a position to incur at this time.

Neutral Chair's Recommendation:

Although an increase in shift differential compensation may have merit in a negotiated settlement between the bargaining parties, the Neutral Chair believes that the County's resources should be prioritized in favor of implementing salary increases and recommends that DSA's shift differential proposal be rejected.

ISSUE #8: INCREASE NUMBER OF TRAINING OFFICERS FROM 11 to 16

DSA Panel Member Recommendation:

DSA proposes to increase the existing number of training officers from 11 to 16 and has identified a special need for additional training officers, within the Department's different operational units.

County Panel Member Recommendation:

The County's recommendation is to reject the DSA's proposal to increase the number of training officers from 11 to 16 as it involves increased costs that the County is not in a position to incur at this time. Each training officer is provided a 5% salary increase for shifts while acting as a training instructor and receives a 2.5% salary increase for any shifts in which they are not assigned training duties. DSA's proposal will have an estimated increased ongoing cost to the County of $15,240, that it is not in a position to incur at this time based on the fiscal issues referenced above.

Neutral Chair's Recommendation:

Normally the number of training officer assignments is typically driven by operational need as determined and overseen by management. The Neutral Chair is not convinced this proposal is a necessary priority when the focus is on recruitment and retention of employees. In lieu of increasing the number of Training Officers at this time, the parties should consider entering into side letters, if and when, there is a temporary need for more training officers during the 1 year term agreement. The Neutral Chair sides with the County and recommends rejection of the DSA's proposal.

ISSUE #9 - DOUBLE CTO CAP FROM 120 HOURS TO 240 HOURS

DSA Panel Member Recommendation:

The current maximum compensatory time off (CTO) is 120 hours. The DSA proposes this maximum accumulation be increased to 240 hours.

County Panel Member Recommendation:

The County's fiscal situation is not improving and its ongoing expenditures continue to increase - both now and as projected. The County's recommendation is to reject the DSA's proposal to double the CTO cap from 120 hours to 240 hours. This proposal would result in increased and ongoing costs (*unfunded liability*) that the County is not in a position to incur at this time.

Neutral Chair's Recommendation:

DSA's proposal to increase the maximum CTO from 120 hours to 240 hours may have merit, but at this time, it is best reserved for later negotiations between the parties, and to prioritize the County funds on an increase in DSA salaries. The Chair recommends that the DSA proposal be rejected.

ISSUE #10: HOURS AND OVERTIME SCHEDULE CHANGE (Article 12)

DSA Panel Member Recommendation:

DSA propose changes to the language in Article 12.9 as follows:"*Employees will not have their hours or shifts changed solely to avoid overtime*." DSA's proposal provides an assurance that deputies that the County will not change their scheduled assignments at the last minute just to avoid paying over time.

County Panel Member Recommendation:

The County recommends rejection of the proposed new language that would restrict the Sheriff Department's ability to make necessary schedule changes that may result in avoiding the payment of overtime. And, such policy would result in increased costs that the County is not in a position to incur. Additionally, the changed policy would take away the Sheriff's authority and discretion to schedule employees based on the unpredictable nature of law enforcement and public safety demands. Nothing in the County's existing policy of scheduling DSA members, takes away any overtime assigned and worked by an employee.

Neutral Chair's Recommendation:

Scheduling is a recognized management responsibility including when to determine if overtime is needed and when to decide that it is not needed. DSA recognizes that operational situations arise that necessitate schedule and shift changes and the County recognizes the added pressure on both employees and family members when these operational changes do occur. Accordingly, the Neutral Chair recommends that DSA's proposed language be rejected until the parties' next scheduled bargaining negotiation.

ISSUE#11: HOLIDAY COMPENSATION TO MATCH ALTERNATIVE WORK SCHEDULES

DSA Panel Member Recommendation:

DSA proposes to restructure the holiday pay hours for employees based on "shift," rather than the current eight (8) hours of holiday pay, notwithstanding, whether an employee works an alternative nine (9) or twelve (12) hour schedule. DSA maintains that their proposed restructure in how holiday pay is determined will be more equitable to all employees.

County Chair's Recommendation:

The County rejects the DSA's proposal to increase holiday pay hours to match alternative work schedules as this would result in increased ongoing costs to the County that is it not in a position to incur at this time. In addition, such proposal would create an inequity among County employees by providing a greater holiday pay benefit to some full-time employees and not others, based on their assigned work schedules.

Neutral Chair's Recommendation:

Although the Neutral Chair believes that DSA's proposed restructure in holiday compensation may have merit in a broader negotiated settlement between the parties the County's financial resources at this time, should be prioritized in favor of implementing salary increases. Accordingly, the DSA's proposal should be rejected.

ISSUE #12 : VACATION - SCHEDULING

DSA Panel Member Recommendation:

DSA's proposal seeks to *"firm up"* the vacation approval process by requiring the Sheriff to *approve/deny,* an employee's vacation request, *"no later than ten (10) days before the end of the month within the vacation request was submitted."*

County Panel Member Recommendation:

The County member's recommendation is to reject the DSA's proposal as overly broad and unmanageable, within a Department where law enforcement operational changes may necessitate the need to call back employees from their vacations, based on operational needs.

Neutral Chair's Recommendation:

The Neutral Chair recommends acceptance of the DSA's proposal to include its proposed language in the upcoming contract. The delayed approval of an employee's vacation date has a negative effect, not only on employees but their family members, who must plan in advance and look forward to a family vacation with their loved ones. The DSA's proposal is viewed as a morale booster and non-economic issue.

ISSUE #13 : VACATIONS - MAXIMUM ACCUMULATION 240

DSA Panel Member Recommendation:

DSA proposes that the current maximum accumulation of vacation hours of 240 hours be increased to 360 hours.

County Panel Member Recommendation:

The County's recommendation is to reject the DSA's proposal to increase the current maximum vacation hours to 360 based on ongoing and future increased cost.

Neutral Chair's Recommendation:

The Neutral Chair recommends rejection of the DSA proposal to increase the maximum vacation hours to 360. DSA's priority is best directed toward an increase salary for deputies.

ISSUE #14 : CREATE NEW DISPATCHER II JOB CLASSIFICATION

DSA Panel Member Recommendation:

DSA proposes a new Communications Dispatcher I and II classification series similar to Deputy Sheriff I and II and Correctional Deputy I and II series, with a salary range 54 for Dispatcher I and 56 for Dispatcher II.

County Panel Member Recommendation:

The County recommends rejection of the DSA proposal to create a new Dispatcher II job classification, as this would result in increased costs that the County is not in a position to incur.

Neutral Chair's Recommendation:

The evidence indicates that the *Dispatcher* position is the only rank and file classification in the bargaining unit without a class series program of I/II. Given that Patrol Deputy and Correctional Deputy classifications were recently expanded to include a level"II" in their class series, a similar level of progression should be established for a *Communications Dispatcher II position.*

CONCLUSION

The Factfinding Panel considered and weighed all the statutory *factors* of Government Code Section 23505.4(d) and found relevant, *factors* (4) *Financial Ability* and (5) *Comparable Public Agencies*, in determining the Panel's findings and proposed recommendations to the parties. Although the Panel's findings and recommendations are non-binding they should be viewed as an impartial assessment of the parties bargaining proposals.

September 2, 2020

Respectfully Submitted,

Claude Dawson Ames

CLAUDE DAWSON AMES, Chairman

September 2, 2020 [AGREE]

Steve Allen, Labor Relations Negotiator
Goyette & Associates

September 2, 2020 [AGREE]

Gage C. Dungy, Esq.
Liebert Cassidy Whitmore