REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY, CALIFORNIA AND RECORD OF ACTION

March 25, 2003

FROM: **MARCEL TURNER**, Director
Human Resources

SUBJECT: **SUPERVISING ATTORNEY COMPENSATION CHANGES**

RECOMMENDATIONS:

1. Accept Findings of Fact, Conclusion, Advisory Award issued by Advisory Arbitrator David Hart on February 26, 2003, in the matter of Interest Arbitration between the County of San Bernardino and San Bernardino Public Employees Association (SBPEA) for Supervisory Unit employees in the position classifications of Supervising Deputy District Attorneys and Supervising Deputy Public Defenders, as on file with the Clerk of the Board.
2. Implement Arbitrators Award as a minute order amendment to the Salary Ordinance.
3. Approve use of contingency funds of $122,000 to partially finance the cost of this Advisory Award. (Four votes required)
4. Approve use of Equity Pool reserves of $122,000 to partially finance the cost of this Advisory Award. (Four votes required)
5. Authorize Auditor/Controller-Recorder to adjust appropriations as detailed in the financial impact section. (Four votes required)

BACKGROUND INFORMATION: The 2001-2004 Consolidated Memorandum of Understanding (MOU) between the County and SBPEA included an agreement to reopen the MOU to address compensation for attorneys assigned to the Supervisory Unit upon conclusion of MOU negotiations with the San Bernardino County Public Attorneys' Association for the Attorney Unit.

The parties met and conferred last fall and were unable to come to an agreement. SBPEA declared impasse and a mediator/advisory arbitrator (David Hart) was selected and appointed in December 2002. The mediation/advisory arbitration session held on January 27, 2003 did not result in an agreement. Accordingly, Mr. Hart took the matter under submission. On February 26, 2003, Mr. Hart issued his Advisory Award, which was received by Human Resources on March 3, 2003.

Mr. Hart's Advisory Award provided for Supervising Deputy District Attorneys and Supervising Deputy Public Defenders to receive an equity adjustment from Range 83 to Range 87 (approximately 10%) effective September 9, 2002, with one-half of the equity adjustment to be funded out of the "Equity Pool" established in the MOU. These employees are also to receive the same across-the-board increases provided to the Supervisory Unit on July 12, 2003 and July 10, 2004. Further, these employees are to receive 40 hours of Attorney Leave each year in lieu of Annual Leave.

cc – Human Resources - Turner
Auditor – Pat Sharrit
~~Human Resources - Sanchez~~
County Counsel - Stringer
CAO - Kopp
File w/attachment

mo

Record of Action of the Board of Supervisors

APPROVED BOARD OF SUPERVISORS
COUNTY OF SAN BERNARDINO

MOTION	MOVE	AYE	AYE	SECOND	AYE
	1	2	3	4	5

J. RENEE BASTIAN, CLERK OF THE BOARD

BY _____

DATED: March 25, 2003

ITEM 065

It is recommended that the Arbitrator's award be accepted. This will enable the supervisors to be compensated at an amount greater than their subordinates can receive. This award is supported by external salary comparison data.

Pursuant to the Employee Relations Ordinance, if the Board does not take action to install, revise, or reject the ruling within 30 days, the decision of the advisory arbitrator will be binding.

REVIEW BY OTHERS: This item has been reviewed by County Counsel (Ruth Stringer, Chief Deputy County Counsel) on March 19, 2003 and the County Administrative Office (Daniel R. Kopp, Administrative Analyst) on March 21, 2003.

FINANCIAL IMPACT: In fiscal year 2002-03, the cost of this item will be $244,000. In fiscal year 2003-04, the cost of this item will be $307,000. These are 100% local costs and are not included in the fiscal year 2002-03 District Attorney or Public Defender budgets. Appropriation adjustments are required as follows:

District Attorney	AAA DAT DAT 100 1010	$166,000
Public Defender	AAA PBD PBD 100 1010	78,000
Contingencies	AAA CNR CNR 600 6000	(122,000)
Equity Pool reserves	AAA B665	(122,000)

In accordance with the Arbitrator's recommendation, one-half of the total will be applied to the Equity Pool reserve established in the MOU for general employees.

SUPERVISORIAL DISTRICTS: All

PRESENTER: Elizabeth Sanchez, Employee Relations Chief, 387-6051