

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 02/05/2013 by the following vote:

AYES: 4 **John Gioia**
 Candace Andersen
 Karen Mitchoff
 Federal D. Glover

NOES:

ABSENT: 1 **Mary N. Piepho**

ABSTAIN:

RECUSE:



Resolution No. 2013/76

Establishing the Deputy County Counsel- Deep Class- Exempt and resolution to establish the terms of that deep class

Whereas the Board of Supervisors has enacted Resolution 83/1, as amended, referred to as the Salary Regulations, and Section 20 of that Resolution provides for deep classes; and

Whereas the County Counsel has requested that the deep class of Deputy County Counsel-Exempt be established;

That the deep class of Deputy County Counsel-Exempt is established with the compensation provisions and terms and conditions of employment contained herein.

1. Salary Range.

Compensation for the deep class of Deputy County Counsel-Exempt is set by the Board of Supervisors and periodically reviewed during consideration of compensation for County management classifications.

The following basic, standard, and advanced salary ranges correspond with the Deputy County Counsel-Exempt job specifications in which duties and responsibilities are defined. The steps within each level are as shown below:

Salary Schedule Effective 2/6/2013
(Level / Step)

Advanced Step 1 / \$10,407.08
Step 2 / \$10,667.26
Step 3 / \$10,933.94
Step 4 / \$11,207.29
Step 5 / \$11,487.47
Step 6 / \$11,774.66
Step 7 / \$12,069.02
Step 8 / \$12,370.75

Standard Step 1 / \$8,537.43
Step 2 / \$8,750.86
Step 3 / \$8,969.63
Step 4 / \$9,193.87
Step 5 / \$9,423.72
Step 6 / \$9,659.31
Step 7 / \$9,900.80
Step 8 / \$10,148.32

Basic Step 1 / \$7,003.66
Step 2 / \$7,178.75
Step 3 / \$7,358.22
Step 4 / \$7,542.17
Step 5 / \$7,730.73
Step 6 / \$7,924.00
Step 7 / \$8,122.10
Step 8 / \$8,325.15

Increments between steps are two and one-half percent (2.5%). For positions given Advanced Level assignments, Step 8 is the maximum salary for excellent performance. For positions given Standard Level assignments, Step 8 is the maximum salary for satisfactory performance. For positions given Basic Level assignments, Step 8 is the maximum salary for satisfactory performance.

2. Initial Appointments.

Initial appointments into the deep class of Deputy County Counsel-Exempt may be made at any level and any step of the salary range for which the employee is qualified and appointed, as determined by and at the discretion of the County Council. A promotional appointment must result in at least a five percent (5%) salary increase, if the salary schedule for the level to which the position is assigned permits such an adjustment.

3. Reassignment to a Higher Level.

A Deputy County Counsel-Exempt who meets the minimum qualifications for a higher level assignment may be reassigned by the County Council to the higher level, and if so reassigned, must be placed at the first salary step of the higher level, even if this results in a salary adjustment of less than five percent (5%). Assignment to a higher level is the sole prerogative of the County Council. As additional organizational or operational needs arise, Deputy County Counsel-Exempt positions may be added to or deleted from higher levels.

4. Probation.

The deep class of Deputy County Counsel-Exempt is exempt from the merit system. This means that incumbents do not have a probationary period and serve at the pleasure of the County Council. Incumbents may be terminated by the County Council at any time and without cause.

5. Re-Employment.

Any incumbent of the deep class of Deputy County Counsel-Exempt who terminates his or her employment with the County in good standing and who subsequently is re-employed as a Deputy County Counsel-Exempt within the period of his or her re-employment eligibility, may be appointed at the assignment level and salary level at which he or she was employed at the time of termination, provided that a vacant position exists at that former assignment level. Said appointment will be at the first salary step of the assignment level, unless otherwise specified by the County Council, in which case an employee may be appointed to the salary step at which he or she was employed at the time of her or his termination. If a vacant position does not exist at the assignment level the employee held at the time of termination, said employee may be appointed to a lower assignment level position, provided that a vacant position exists at that lower level.

6. Definition and Application of Terms.

- a. Reassignment - means the movement of a position and its incumbent, if filled, from one assignment level to another level within the deep class.
- b. Promotion, Demotion and Transfer - For the purposes of promotion, demotion, and transfer to and from the deep class of Deputy County Counsel-Exempt, salary refers to and is based on the salary range established for each of the assignment levels within the deep class, rather than on the bottom and top salary steps of the entire deep class.

7. Anniversary Dates.

- a. New Employee Hired at Step 1 of any Level: The anniversary date of a new employee hired into this deep class at Step 1 of any one of the three assignment levels is the first day of the month following the calendar date that the employee completes six months of full time service.

b. New Employee Hired at Any Other Step: The anniversary date of a new employee hired into this deep class at any step other than Step 1 of any one of the three assignment levels is the first day of the month following the calendar date that the employee completes one year of full time service.

c. Reassignment to Higher Level: The anniversary date of an incumbent who is reassigned to a higher assignment level (at any step) is the first day of the month following the calendar date that the employee completes six months of full time service in the higher assignment level.

d. Reassignment to Lower Level: The anniversary date of an employee who is reassigned from a higher assignment level to a lower assignment level is unchanged.

8. Salary Adjustments.

a. Merit Increments - Based upon review of each incumbent's performance, the County Council may authorize a merit increment in the salary of that incumbent effective upon the anniversary date, unless deferred. Such increment may consist of an advancement of the employee's salary by one or two steps on the salary schedule for that assignment level. In the case of less than satisfactory performance, and as to the Advanced Level, less than excellent performance, the employee's merit increment must be deferred until such time as the performance of the employee is satisfactory or excellent. No merit increment may be given without an affirmative recommendation to do so by the County Council, and no provision of this Resolution will be construed to make the advancement of salaries mandatory. The County Council may recommend unconditional denial of a merit increment or make the denial subject to review at some later date, including a date before the next anniversary date. Incumbents on military leave will receive merit increments that may accrue to them during the period of military leave.

b. Outstanding Performance Adjustment - If the County Council deems that an incumbent's performance has been outstanding, the incumbent's salary may be advanced in any anniversary year, but not more than two steps on the salary schedule established for that assignment level. Such adjustment may be awarded on a date other than the incumbent's anniversary date for Outstanding Performance only, provided that the adjustment may not be effective sooner than 60 days after any merit increment that was granted effective on the incumbent's anniversary date. Any additional step(s) awarded to reflect Outstanding Performance will remain in effect only for twelve months, may be terminated by the County Council at any time, and may be renewed by the County Council for consecutive twelve month periods, at the sole discretion of the County Council.

c. Other Salary Adjustments - Salary adjustments other than Outstanding Merit steps and deferred Merit Increments are effective on the employee's anniversary date, or as otherwise specified.

9. Demotion.

A county employee who promotes from the deep class of Deputy County Counsel-Exempt and is subsequently reinstated to the deep class as the result of demotion will be reinstated at the assignment level and salary step attained prior to promotion. In the event that there is no vacant position at the assignment level to which the employee is to be demoted, the Personnel Management Regulations regarding layoffs will apply. Whenever the demotion is the result of a layoff, the salary of the demoted employee will be that step on the salary schedule of the assignment level from which the employee was promoted, which the employee would have achieved had the employee remained continuously in that assignment level, all within range increments being granted on the anniversary dates in the demotional position.

10. Salary on Voluntary Demotion.

Notwithstanding Section 9, whenever any employee voluntarily demotes to Deputy County Counsel-Exempt at an assignment level that has a salary schedule that is lower than the salary schedule of the class from which the employee is demoting, the employee's salary will remain the same if the steps in the new (demoted) salary schedule permit, and if not, the new salary will be at the highest permitted salary step below the former salary.

11. Salary on Transfer.

Whenever an employee transfers to a Deputy County Counsel-Exempt position, the employee will continue to be compensated at the same step or closest amount allowed by the new salary schedule.

12. Salary on Reassignment from a Higher Assignment Level to Lower Assignment Level.

A Deputy County Counsel-Exempt who is reassigned from a higher assignment level to a lower assignment level will be placed at the step of the lower assignment level salary schedule that the employee would have achieved had the employee remained continuously in the lower assignment level.

13. Seniority.

The seniority of employees in the deep class of Deputy County Counsel-Exempt for layoff and displacement purposes will be determined in accordance with Personnel Management Regulations, Section 1205, provided that each Deputy County Counsel-Exempt assignment level will be treated as a separate class, incumbents of lower assignment level positions will be considered as not meeting the requirements for higher assignment levels, and incumbents of higher assignment level positions will be considered as meeting the requirements for lower assignment levels.

14. Other Provisions.

Subject to the provisions of this Resolution, the provisions of Resolution 83/1 and the Personnel Management Regulations, as amended, are applicable to the Deputy County Counsel-Exempt deep class.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 5, 2013

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Wanda McAdoo, (925) 335-1811

By: Carrie Del Bonta, Deputy

cc: Wanda McAdoo, Roxana Mendoza, MJ Saepharn