



County Executive Office

Memorandum

December 11, 2023

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer

Subject: Exception to Rule 21

Digitally signed by Frank Kim
 DN: cn=Frank Kim, o=County
 of Orange, ou=CEO,
 email=frank.kim@ocgov.com,
 c=US
 Date: 2023.12.12 08:49:34
 +08'00'

2023 DEC 12 PM 3:45
 CLERK OF THE BOARD
 COUNTY OF ORANGE
 BOARD OF SUPERVISORS

RECEIVED

S35A

The County Executive Office is requesting a Supplemental Agenda Staff Report for the December 19, 2023, Board Hearing.

Agency: County Executive Office

Subject: Approve 2023-2026 Memorandum of Understanding with the Association of Orange County Deputy Sheriffs for the Peace Officer and Supervising Peace Officer Units

Districts: All Districts

Reason Item is Supplemental: The County Executive Office is requesting this supplemental item because the parties are in the process of finalizing the language of the successor Memorandum of Understanding. A tentative agreement was reached by the parties on November 29, 2023, and the Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Justification: This item needs to be on the supplemental agenda on December 19, 2023, to avoid an unfair labor practice charge.

Concur:

Donald P. Wagner, Chairman of the Board of Supervisors

cc: Board of Supervisors
 County Executive Office
 County Counsel

Agenda Item
Clerk's Use Only

S35A



SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

MEETING DATE: 12/19/2023
 LEGAL ENTITY TAKING ACTION: Board of Supervisors
 BOARD OF SUPERVISORS DISTRICT(S): All Districts
 SUBMITTING AGENCY/DEPARTMENT: County Executive Office
 DEPARTMENT HEAD REVIEW: *[Signature]*
 DEPARTMENT CONTACT PERSON(S): Colette Farnes (714) 834-2836
 Jamie Newton (714) 834-2247

2023 DEC 12 PM 3:45
 CLERK OF THE BOARD
 COUNTY OF ORANGE
 BOARD OF SUPERVISORS
 RECEIVED

SUBJECT: Approve 2023-2026 Memorandum of Understanding with the Association of Orange County Deputy Sheriffs for the Peace Officer and Supervising Peace Officer Units

CEO CONCUR

[Signature]

CEO Signature

Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County of Orange, ou=CEO, email=frank.kim@ocgov.com, c=US
Date: 2023.12.12 08:49:02 -0800

COUNTY COUNSEL REVIEW
Approve as to Form

[Signature]

County Counsel Signature

Action

CLERK OF THE BOARD
Discussion

3 Votes Board Majority

Budgeted: N/A

Current Year Cost: See Financial Impact Section

Annual Cost: See Financial Impact Section

Staffing Impact: No

of Positions: N/A

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: See Financial Impact Section

County Audit in last 3 years No

Levine Act Review Completed: N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S)

1. Approve and adopt the attached 2023-2026 Memorandum of Understanding between the County of Orange and the Association of Orange County Deputy Sheriffs for the Peace Officer and Supervising Peace Officer Units for the period of June 30, 2023, through June 25, 2026.
2. Authorize the County Executive Officer or designee to execute the attached 2023-2026 Memorandum of Understanding between the County of Orange and the Association of Orange County Deputy Sheriffs for the period of June 30, 2023, through June 25, 2026.

SUMMARY:

Approval and adoption of the 2023-2026 Memorandum of Understanding between the County of Orange and the Association of Orange County Deputy Sheriffs for the Peace Officer and Supervising Peace Officer Units will ratify the terms and conditions of employment.

BACKGROUND INFORMATION:

The Association of Orange County Deputy Sheriffs (AOCDS) represents approximately 2,100 employees in seven different Peace Officer classifications: Deputy Sheriff Trainee, Deputy Sheriff I & II, Sergeant, Investigator, District Attorney Investigator and Supervising Attorney's Investigator.

The previous Memorandum of Understanding (MOU) for the terms and conditions of employment for the Peace Officer and Supervising Peace Officer Units was July 1, 2019, through June 29, 2023. On May 18, 2023, representatives from the County and AOCDS commenced the meet and confer process to negotiate a successor MOU.

Over the next six months, the parties met on multiple occasions and collaboratively arrived at a tentative agreement on November 29, 2023, on the proposal under consideration by your Honorable Board of Supervisors (Board). Human Resource Services requests your Honorable Board's approval and adoption of the 2023-2026 Memorandum of Understanding.

This agreement reflects the Board's desire to maintain a competitive standing among comparable law enforcement agencies for recruitment and retention purposes.

A summary of the significant deal points in the 2023-2026 MOU include:

Term

Three-year term from June 30, 2023, through June 25, 2026.

Wages

- Effective the first day of the first full pay period following Board adoption, the salary schedules will be increased by 8.00 percent.
- Effective June 28, 2024, the salary schedules will be increased by 5.00 percent.
- Effective June 27, 2025, the salary schedules will be increased by 4.00 percent.

Premium Pays

- Effective the first day of the first full pay period following Board of Supervisors adoption of MOU, eligible employees assigned as a Motorcycle Officer will receive premium pay in the amount of \$253.85 biweekly (approximately \$550 per month).
- Effective the first day of the first full pay period following Board of Supervisors adoption of MOU, eligible employees assigned as Substitutes to the Hazardous Devices Squad or Explosive Detection Squad will receive premium pay in the amount of \$235.39 biweekly (approximately \$510 per month).
- Effective the first day of the first full pay period following Board of Supervisors adoption of MOU, eligible employees assigned to the Hazardous Devices Squad or Explosive Detection Squad on a

regular, full-time basis will receive premium pay in the amount of \$535.38 biweekly (approximately \$1160 per month).

- Effective the first day of the first full pay period following Board of Supervisors adoption of MOU, eligible employees assigned to the Hazardous Devices Squad or Explosive Detection Squad on a regular, full-time basis and assigned by management as divers will receive premium pay in the amount of \$746.77 biweekly (approximately \$1,618 per month).
- Effective the first day of the first full pay period following Board of Supervisors adoption of MOU, eligible employees assigned to the Tactical Support Team Assignment shall be paid premium pay in the amount of four (4) percent of individual base pay.
- Effective the first day of the first full pay period following Board of Supervisors adoption of MOU, eligible employees performing supervisory duties shall be paid thirteen (13) percent of individual base pay for a Supervisory Peace Officer Standards and Training (P.O.S.T.) Certificate.

Sick Leave

- Effective the first day of the first full pay period following Board adoption, expand Personal Emergency Leave to include Personal Business Leave and allow up to 40 hours per fiscal year.
- Effective the first day of the first full pay period following Board adoption, allow up to 10 hours of Sick Leave per fiscal year for Parent Child School Leave.

Holidays

- Observe Native American Day holiday in lieu of Columbus Day.
- When a holiday falls on a Saturday, the Friday immediately preceding shall be observed as the holiday.

Miscellaneous

The proposed MOU includes all negotiated financial and language changes indicated as red-line changes. Other changes include an agreement to:

- Allow use of bereavement leave to be extended beyond six months from the date of the loss to 12 months, provided an employee obtained written approval from a supervisor within six months of the loss;
- Establish a Leave Language working group to clarify language regarding leaves of absences and streamline language for understandability;
- Share all costs of arbitration where lawfully permitted;
- Continue participation in Bilingual Study working group;
- Limiting the length of an Arbitration for New Hire Probation releases alleging discrimination;
- Update all grievance processing timelines to 14 days;
- Clarifying employee rights to representation; and
- Additional administrative clean-up that occurred during the term of the contract.

FINANCIAL IMPACT:

The estimated total cost incurred over the term of the MOU is \$150.9M, \$113.6M of which is Net County Cost (NCC). The estimated cost of \$17.5M (\$13.2M NCC) will occur in FY 2023-24; \$57.3M (\$43.1M NCC) will occur in FY 2024-25; \$76.1M (\$57.3M NCC) will occur in FY 2025-26.

In addition to NCC funding, other funding sources include primarily charges for services to contract partners, as well as Prop 172, AB109, and state/federal grants.

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A – 2023-2026 Association of Orange County Deputy Sheriffs MOU

Attachment B – 2023-2026 Association of Orange County Deputy Sheriffs MOU (redlined version)

Attachment C – November 29, 2023, Signed Deal Points (Tentative Agreement)