

Side Letter Agreement Between the
County of Orange and OCEA for the County General Unit
April 26, 2022

The County of Orange (County), the Orange County Community Resources Department (The Department), and the Orange County Employees Association (OCEA) as the Exclusively Recognized Employee Organization for the County General Unit have conferred and in good faith hereby agree to the following provisions specific to employees in the Animal Care Officer (ACO) occupational series in the County General Unit affected by the new minimum qualifications for the ACO classifications. The following terms to be effective upon approval by the Board of Supervisors:

1. For all current employees in the classification of Animal Care Officer (ACO), the background investigation authorized in Resolution No. 21-108, passed on September 28, 2021, is considered voluntary and shall be exempt from the licensure/certification and special qualifications outlined in the class specification and considered grandfathered under the terms of this Agreement and allowed to remain in their classification of ACO. Such employees may be subject to reassignment at OC Animal Care or may have limited availability of assignments based on the business needs of the operation.
2. For all current employees in the classification of Senior Animal Care Officer (Sr. ACO), the background investigation authorized in Resolution No. 21-108, passed on September 28, 2021, is required. Those employees who are not successful in passing the background investigation shall be exempt from the licensure/certification and special qualifications outlined in the class specification and considered grandfathered under the terms of this Agreement and allowed to remain in their classification of Sr. ACO. Such employees may be subject to reassignment at OC Animal Care or may have limited availability of assignments based on the business needs of the operation.
3. Current employees in the classification of Sr. ACO who are not successful in passing a background investigation to the satisfaction of the County of Orange, may elect to reduce to the classification of ACO and be Y-Rated for the applicable duration of time listed in the existing MOU based on years of service.
4. Current employees in the classification of Sr. ACO who do not wish to participate in the background investigation process, may elect to reduce to the classification of ACO within thirty (30) days following the full execution of this Agreement, in order for the requirement of a background investigation to be voluntary. Such a reduction would result in Y-Rating for the durations of time listed in the existing MOU based on years of service.
5. Current employees in the classification of ACO or Sr. ACO who do not wish to participate in the background investigation process, may elect within thirty (30) days following the full execution of this Agreement to seek opportunities of voluntary reduction or reassignment, including classifications outside of the ACO series for which they meet the minimum qualifications. Depending on the availability and business need of the program and the County, such opportunities may be available and would also result in Y-Rating for the durations of time listed in the existing MOU based on years of service.

6. Employees covered under this agreement are not limited to remaining in their current or reduced classification and may apply to any recruitments as provided by the County's Recruitment Rules and Policies.
7. Current employees under this grandfather agreement who elect to remain in their current classification, or reduce to a lower classification in the Animal Care Officer series or an alternative classification series, will need to meet the new established minimum qualifications that went into effect October 8, 2021, if they choose to reapply for a position in the Animal Care Officer series at a later time. Therefore, all new hires, promotions and reassignments will need to meet the new minimum requirements for related/effectuated classifications.
8. Current employees in the classification of ACO who volunteer and participate in the background investigation process (submit a Livescan) within thirty (30) days following the full execution of this Agreement and subsequently pass the background investigation, will be eligible to receive a one-time lump sum payment in the gross amount of \$865.00 subject to all applicable employment taxes and deductions including retirement. Payment will be made once Department management confirms the following additional requirements have been met:
 - (a) The ACO has received training and subsequent authorization to carry and utilize controlled substances in the field for humane euthanasia and tranquilization;
 - (b) the ACO acknowledges, in writing, that if they are assigned to the overnight shift, as any employee in the classification of ACO may be, they will work the shift and utilize the controlled substances as needed.

The New Hire employees in the Classification of ACO who were required to pass the background investigation authorized in Resolution No. 21-108 as a condition of employment are not eligible for the one-time lump sum payment.

9. This Agreement represents a full and complete settlement of the matter involving the ability to pass the required FBI background check under the new minimum qualifications which is required to maintain the ability to legally possess, utilize, and transport controlled substances for humane euthanasia and tranquilization for all current employees in the ACO classification. Employees shall waive claims related to the new established minimum qualifications if such employees are not able to meet the requirements of the ACO classification. The Parties agree that no grievance, claim, dispute, unfair practice charge, litigation or appeal will be filed regarding these matters.
10. The Parties agree that this Agreement shall not serve as precedent for any other classification maintenance study, grievance, dispute, lawsuit or appeal, excepting the issues resolved by this Agreement.

All other terms and conditions contained in the 2019 - 2023 County General Unit MOU executed between the County and OCEA shall remain unchanged and unaffected by this Agreement.

FOR THE COUNTY OF ORANGE:

Colette Farnes
Chief Human Resources Officer

Dylan Wright
Director, OC Community Resources

Susie Baker	Date
Manager, Classification & Compensation	

Board of Supervisors Approval Date

Attachment: Resolution No. 21-108

Side Letter Agreement Between the
County of Orange and OCEA for the Supervisory Management Unit
April 26, 2022

The County of Orange (County), the Orange County Community Resources Department (The Department), and the Orange County Employees Association (OCEA) as the Exclusively Recognized Employee Organization for the Supervisory Management Unit have conferred and in good faith hereby agree to the following provisions specific to employees in the Supervising Animal Care Officer (Sup. ACO) classification in the Supervisory Management Unit affected by the new minimum qualifications for the Sup. ACO classification. The following terms to be effective upon approval by the Board of Supervisors:

1. For all current employees in the classification of Sup. ACO the background investigation authorized in Resolution No. 21-108, passed on September 28, 2021, is required. All current employees in the classification of Sup. ACO who are unable to successfully pass the background investigation, shall be exempt from the licensure/certification and special qualifications outline in the class specification and considered grandfathered under the terms of this Agreement. Such employees may be subject to reassignment at OC Animal Care or may have limited availability of assignments based on the business needs of the operation.
2. Current employees in the classification of Sup. ACO who are not successful in passing a background investigation to the satisfaction of the County of Orange and elect to remain in their position will be considered exempt from Resolution No. 21-108 and be allowed to remain in their classification until they promote, reassign, reduce or separate from the Sup. ACO classification. Such employees may be subject to reassignment at OC Animal Care or may have limited availability of assignments based on the business needs of the operation.
3. Current employees in the classification of Sup. ACO who are not successful in passing a background investigation to the satisfaction of the County of Orange, may elect to reduce to the classification of ACO and be Y-Rated for the applicable duration of time listed in the existing MOU based on years of service. Such employees may be subject to reassignment at OC Animal Care or may have limited availability of assignments based on the business needs of the operation.
4. Current employees in the classification of Sup. ACO who do not wish to participate in the background investigation process, may elect within thirty (30) days following the full execution of this Agreement to seek opportunities of voluntary reduction or reassignment for which they meet the minimum qualifications. Depending on the availability and business need of the program, such opportunities may be available and would also result in Y-Rating for the durations of time listed in the existing MOU based on years of service.
5. Employees covered under this agreement are not limited to remaining in their current or reduced classification and may apply to any recruitments as provided by the County's Recruitment Rules and Policies.
6. Current Sup. ACOs under this grandfather agreement who voluntarily reduce or reassign to an alternative classification, will need to meet the new established minimum qualifications that went into effect October 8, 2021, if they choose to reapply for a position in the Animal Care Officer series at a later time. Therefore, all new hires, promotions and

reassignments will need to meet the new minimum requirements for related/effectuated classifications.

7. This Agreement represents a full and complete settlement of the matter involving the ability to pass the required background check under the new minimum qualifications which is required to maintain the ability to legally possess, utilize, and transport controlled substances for humane euthanasia and tranquilization for all current employees in the Sup. ACO classification. Employees shall waive claims related to the new established minimum qualifications, if such employees are not able to meet the requirements of the Sup. ACO classification. The Parties agree that no grievance, claim, dispute, unfair practice charge, litigation or appeal will be filed regarding these matters.
8. The Parties agree that this Agreement shall not serve as precedent for any other classification maintenance study, grievance, dispute, lawsuit or appeal, excepting the issues resolved by this Agreement.

All other terms and conditions contained in the 2019 - 2023 Supervisory Management MOU executed between the County and OCEA shall remain unchanged and unaffected by this Agreement.

FOR OCEA:

FOR THE COUNTY OF ORANGE:

Charles Barfield
General Manager

Date _____

Colette Farnes
Chief Human Resources Officer

Aaron Peardon
Sr. Labor Relations Representative

Dylan Wright
Director, OC Community Resources

Susie Baker	Date
Manager, Classification & Compensation	

Board of Supervisors Approval Date

Attachment: Resolution No. 21-108

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA AUTHORIZING PARTICIPATION
IN THE DEPARTMENT OF JUSTICE BACKGROUND CHECK PROGRAM
FOR EMPLOYMENT IN THE ANIMAL CONTROL OFFICER CLASSIFICATION SERIES

September 28, 2021

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county or district or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

WHEREAS, Animal Control (Care) Officers, in order to possess and administer tranquilizers containing a controlled substance in the field, are required to comply with the certification requirements under Penal Code Section 597.1 subdivision (a) (2) (A) through (E) which includes a state and federal fingerprinting background check.

NOW THEREFORE, BE IT RESOLVED, that the County of Orange is hereby authorized to access state and federal level summary criminal history information for employment (including regular and extra help employees, volunteers, and contract workers) in the Animal Control Officer classification series with OC Community Resources (OCCR), and may not disseminate the information to a private entity.


BE IT FURTHER RESOLVED, that the County of Orange shall not consider a person who has been convicted of a felony or misdemeanor eligible for employment (including regular and extra help employees, volunteers, and contract workers) in the Animal Control Officer classification series with OCCR, except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the use of the conviction information is not job-related and consistent with business necessity, or that the conviction must otherwise be disregarded as required by applicable law. Due consideration will be given, where permitted by law, to the nature and gravity of

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Background Checks OCCR

the offense or conduct, the time that has passed since the offense or conduct and/or completion of the sentence, and the nature of the job held or sought, and any other relevant factors based on an individualized assessment.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on September 28, 2021, to wit:

AYES:	Supervisors:	KATRINA FOLEY, DONALD P. WAGNER, DOUG CHAFFEE
		LISA A. BARTLETT, ANDREW DO
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	
ABSTAINED:	Supervisor(s):	



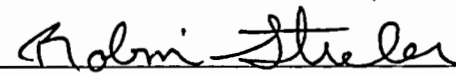
CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors

IN WITNESS WHEREOF, I have hereto set my hand and seal.





ROBIN STIELER
Clerk of the Board
County of Orange, State of California

Resolution No: 21-108
Agenda Date: 09/28/2021
Item No: 35



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

Robin Stieler, Clerk of the Board of Supervisors

By: _____
Deputy