



Agenda Submittal

Agenda #: 5 **Status:** Consent Calendar
Type: Resolution **Department:** Human Resources
File #: 19-627 **Contact:** Marc A. Fox, 784-2552
Agenda date: 8/13/2019 **Final action:** 8/13/2019
Title: Adopt a resolution amending the County's Personnel and Salary Resolution Section 5.5, Salary Upon Promotion

Governing body: Board of Supervisors

District: All

Attachments: 1. A - Resolution, 2. Adopted Resolution, 3. Minute Order

Date	Ver.	Action By	Action	Result
8/13/2019	1	Board of Supervisors		

Published Notice Required? Yes ☐ No ☒

Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Board adopt a resolution amending the Personnel and Salary Resolution Section 5.5, Salary Upon Promotion.

SUMMARY:

The County's Personnel and Salary Resolution applies to employees in Unit 30 (Confidential), Unit 61 (unrepresented Executive Management), Unit 62 (unrepresented Senior Management) and Unit 00 (unrepresented extra help). Section 5.5, Salary Upon Promotion, dictates that an employee who promotes is to receive the lowest available salary which provides him/her with a five percent pay increase. However, an external applicant for employment may be hired at any of the available salary steps and, based on that individual's education and experiences, may be offered a higher salary than the employee who promotes. The proposed Personnel and Salary Resolution amendment will permit an employee covered by the Personnel and Salary Resolution to be considered, when justified, a salary step which is greater than the minimum five percent pay increase.

FINANCIAL IMPACT:

The cost associated with preparing the agenda item is nominal and absorbed by the department's FY2019/20 Adopted Budget. It is assumed that an employee covered by the Personnel and Salary Resolution who promotes will not be earning a higher wage than the employee who last held that position and, therefore, it is anticipated that there is no net increased cost in the adoption of the proposed Personnel and Salary Resolution amendment.

DISCUSSION:

AB168 (Eggman, 2017) became law effective January 1, 2018, and prohibits employers from initiating inquiries about an individual applicant's salary history. The law indicates that an employer may not rely on an external

applicant's prior salary history as a factor in determining whether to offer employment, or what salary to offer the applicant. The prospective employer may not orally or in writing, whether directly or indirectly, seek out salary history from an external applicant.

Personnel and Salary Resolution Section 5.2, Pay for New Employees, authorizes a department director to offer an applicant salary steps one, two or three. The department director may offer salary step four or five upon approval of the Director of Human Resources. (Nearly all County classifications have five salary steps.)

Following adoption of AB168, the County amended the application for employment by removing salary history information. The Human Resources Department also amended the request form a department director completes when requesting that an external applicant is offered employment at salary step four or five. The amended request form removed salary history information and department's justification for the higher salary step focuses on the applicant's education and work experience.

An external applicant for employment has the ability to negotiate his/her starting salary. (The salary must be one of the five steps within that classification's salary schedule.) An internal applicant who promotes, however, does not have the ability to negotiate his/her promotional salary as the Personnel and Salary Resolution Section 5.5, Salary Upon Promotion, dictates that the internal employee is to be offered the lowest available salary step which provides the employee with a minimum five percent pay increase. Thus, we may have two individuals, an external applicant and an internal employee, who have comparable education and work experience but each would be offered a different salary because of the restriction specified by the salary upon promotion.

The proposed Personnel and Salary Resolution amendment authorizes a department director to request a salary step greater than the five percent increase as circumstances warrant, subject to the concurrence of the Director of Human Resources and County Administrator. The proposed amendment, if adopted by the Board, provides similar pay consideration of the internal applicant as the external applicant.

The Director of Human Resources' evaluation will be based on:

- The request is made for a difficult or hard to fill classification; and/or
- The department director can demonstrate that employees with similar backgrounds, including education and experience, were hired at the same (or higher) salary step as the requested salary step for the internal candidate. The look back period for this shall be seven years.

The term "difficult or hard to fill classification" includes two or more of the following criteria:

- a) The last two prior recruitments yielded five or fewer qualified applicants; or
- b) The minimum qualifications for the position require a high level of specialized skill, or a high level of education, or a State license (e.g., nurse, physician, attorney, engineer, etc.); or
- c) The vacancy rate for the classification is two percentage points higher than the County average; or
- d) Labor market fill rate as determined by the California Bureau of Labor Statistics has a fill rate of less than 1.0, which indicates the industry is one where other employers have challenges to find qualified individuals to fill the demand or need; or
- e) Multiple prior job offers to applicants have been declined.

The aforementioned Director of Human Resources' evaluation criteria may be evaluated for effectiveness from time to time and any amendment to these criteria will be made with the concurrence of the County Administrator.

ALTERNATIVES:

The Board of Supervisors could choose not to amend this section of the Personnel and Salary Resolution; however, this option is not recommended as the County wishes to offer a promotional salary for employees covered by the Personnel and Salary Resolution comparable to that offered to an applicant newly hired by the County.

OTHER AGENCY INVOLVEMENT:

The Director of Human Resources worked with the County Administrator's Office in the development of the proposed amendment.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION