

September 28, 2021

Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue
Bakersfield, CA 93301

**PROPOSED MEMORANDUM OF UNDERSTANDING WITH KERN COUNTY
PROSECUTORS' ASSOCIATION FOR WAGES, HOURS, AND TERMS AND CONDITIONS
OF EMPLOYMENT THROUGH JUNE 30, 2024**

**Fiscal Impact: \$1.41 million [\$1.33M Budget Unit 2180; \$80,000 Budget Unit 2183]; Not Budgeted;
Discretionary**

Kern County's 2021-2026 Strategic Plan includes the key objective "*Be a Model of Excellence in Managing our Business and Workforce.*" Included under that objective are the goals of attracting, developing, and retaining top talent across all business areas of the County. The plan identifies the need to ensure competitive compensation practices and to reform our countywide compensation system to enable regular cost of living adjustments (COLAs). The proposed Memorandum of Understanding (MOU) with the Kern County Prosecutors' Association (KCPA) takes a significant step toward achieving these objectives for the employees they represent.

The current MOU with KCPA expired on June 30, 2020. The parties began successor MOU negotiations on July 15, 2021 and reached a tentative agreement on all items on August 12, 2021. KCPA conducted a successful ratification vote of the tentative agreement, and the parties jointly propose the attached successor MOU for Board of Supervisors approval.

The key substantive changes provided in this proposed MOU are:

- Contract term through June 30, 2024
- A 3% equity adjustment effective October 9, 2021
- A new 10-Base Cost of Living Adjustment (COLA) step salary schedule with 2% incremental growth between each COLA step to be effective January 1, 2022
- A 2.5% additional COLA effective July 2, 2022
- Elimination of overtime and compensatory time off eligibility
- Implementation of a trade-time policy for additional work beyond the job responsibilities
- A one-time option to cash out compensatory time off balances
- Addition of Winter Recess for 2021, 2022, and 2023
- An increase in life insurance from \$10,000 to \$20,000

The jointly proposed MOU exemplifies a necessary restructure of our compensation structure affording all employees more regular wage growth throughout the tenure of their employment with the County. The restructured salary schedule increases the entry-level salary for all represented positions to better position our District Attorney and Department of Child Support Services with recruiting new attorneys to fill

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vacant and vital positions. It also provides regular and sustainable base wage growth of 2% each year for a total of nine years. This structure also affords the County the ability to offer additional COLAs at a more regular intervals to ensure that we are keeping pace with the labor market and the rising cost of living, starting on July 2022 with a 2.5% COLA.

The proposed MOU also continues your Board's approach to ensuring that overtime is paid according to Fair Labor Standards Act requirements by eliminating overtime and compensatory time off eligibility for overtime exempt attorneys. The MOU adds Winter Recess for three years of additional paid time off for all members during the holiday season, or in the alternative up to three floating days to use in a subsequent calendar year.

The fiscal impact of the proposed three-year MOU is \$1.33 million in the District Attorney's budget unit and \$80,000 in the Department of Child Support Services budget unit. County Counsel has approved the proposed Memorandum of Understanding as to form.

Therefore, IT IS RECOMMENDED that your Board approve the proposed Memorandum of Understanding with the Kern County Prosecutors' Association for wages, hours, and terms and conditions of employment through June 30, 2024 and direct the Human Resources Division to implement the changes.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Brown', with a stylized flourish at the end.

Devin Brown
Chief Human Resources Officer

cc: Cynthia J. Zimmer, District Attorney
Elizabeth Chavez, Director of Child Support Services
Michael A. Caves, President of KCPA