



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Human Resources	(2) MEETING DATE 12/15/2020	(3) CONTACT/PHONE Tami Douglas-Schatz, Human Resources Director (805) 781-5959	
(4) SUBJECT Introduction of an amendment to Section 2.40.060 of the County Code to move the Economic Development Manager, Chief Medical Officer, and Nuclear Power Plant Decommissioning Manager job classifications from the classified service to the unclassified service to complete previously approved Board action. Hearing date set for January 5, 2021. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Introduce the ordinance change to amend Section 2.40.060 of the County Code as reflected in Attachments 1 and 2; and 2. Direct the Clerk to set for public hearing and action on January 5, 2021. 			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date <u>February 20, 2018.</u> <u>September 22, 2020, November 17, 2020</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Zachary A. Lute			
(18) SUPERVISOR DISTRICT(S) All Districts.			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Tami Douglas-Schatz, Human Resources Director
(805) 781-5959

DATE: 12/8/2020

SUBJECT: Introduction of an amendment to Section 2.40.060 of the County Code to move the Economic Development Manager, Chief Medical Officer, and Nuclear Power Plant Decommissioning Manager job classifications from the classified service to the unclassified service to complete previously approved Board action. Hearing date set for January 5, 2021. All Districts.

RECOMMENDED ACTION

It is recommended that the Board:

1. Introduce the ordinance change to amend Section 2.40.060 of the County Code as reflected in Attachments 1 and 2; and
2. Direct the Clerk to set for public hearing and action on January 5, 2021.

DISCUSSION

The County of San Luis Obispo Civil Service System is divided into the classified and unclassified service. Employees in the classified service are governed and protected by Civil Service Rules, which cover terms of employment such as recruitment, pre-employment requirements, classification, appointment, probationary periods, employee evaluations, disciplinary actions, grievance, and appeal processes. Conversely, employees in the unclassified service are in an "at-will" employment status. The terms of their employment are outlined in employment contracts that are negotiated at the time of hire and approved by the Board of Supervisors. Positions in the unclassified service are provided for in San Luis Obispo County Ordinance 2.40.060 and include elected officials, the County Administrative Officer (CAO), County department heads, Assistant Director positions, and similar "second-level" leadership positions.

On September 22, 2020, your Board directed staff to come back as soon as possible to create internal capacity for the County's Economic Development program by hiring an Economic Development Manager (EDM). On December 8, 2020, your Board approved the new Economic Development Manager classification, set compensation, and at-will status. The at-will status was proposed due to the difficulty in obtaining qualified individuals for this highly specialized and high-level role and the immediate and critical need for this position to begin rebuilding and promoting the County's economy. It is likely that candidates would be coming from other government agencies or private sector companies, performing similar functions. Flexibility to negotiate terms of employment will help the Administrative

Office attract a larger number of qualified applicants from an already limited pool. By operation of law, specifically, the aforementioned Section 2.40.060(b), upon your approval on December 8, the position automatically fell within the classified service. This proposed ordinance change formally adds the classification to the unclassified list.

On November 5, 2019, your Board approved an amendment to the Position Allocation List for the Planning and Building department to add 1.00 FTE Division Manager - Planning to manage the land use permitting aspects of the closure of the Diablo Canyon Nuclear Power Plant. Due to the nature of the position, as well as the difficulty the County had in filling this critical role, on November 17, 2020 your Board approved the creation of the classification and compensation for a Nuclear Power Plant Decommissioning Manager. Additionally, your board approved an amendment to the department's Position Allocation List to delete the 1.00 FTE Division Manager and add the 1.00 FTE Nuclear Power Plant Decommissioning Manager. On December 8, 2020, your Board approved a limited-term at-will employment contract to fill this classification. This proposed ordinance change formally adds the classification to the unclassified list.

On February 20, 2018, your Board approved the classification and set the salary range for Chief Medical Officer. The position reports directly to the Sheriff, oversees all inmate health care, and ensures quality and efficiency which meet the County's expectations, legal requirements, and contractual obligations. On March 6, 2018, your Board approved a contract to hire Dr. Christy Mulkerin to fill this classification. This proposed ordinance change formally adds the classification to the unclassified list.

The Civil Service System was originally created to ensure government jobs were awarded to individuals based on merit, rather than political or personal affiliation. Expectations of the public, the Board of Supervisors, and the CAO in the hiring of leadership positions in County government are extremely high. Department heads also have a vested interest in hiring the best talent based on merit, experience, and fit. Much like the process for classified positions, the selection methods used for our current at-will positions are vetted at each step and are merit-based. The Economic Development Manager, Nuclear Power Plant Decommissioning Manager, and Chief Medical Officer positions would be and have been, subjected to those same standards and selection procedures to ensure the best talent is selected.

In evaluating this recommendation, Human Resources considered how an incumbent would be affected in the event performance issues or misconduct arises. Regardless of classified or unclassified status, all employees have legal protections through State and Federal employment law, including anti-discrimination and harassment laws. Moreover, all adverse employment actions are scrutinized by the Human Resources Department regardless of employment status, and action is only taken when it is appropriate and necessary. As with any employee, efforts to improve performance through performance improvement interventions would take place prior to action being taken.

OTHER AGENCY INVOLVEMENT/IMPACT

The Administrative Office, Department of Planning and Building, Sheriff's Office, and County Counsel have been involved in making this recommendation and agree with the proposed actions.

FINANCIAL CONSIDERATIONS

There are no significant anticipated financial impacts to the County budget that will result either directly or indirectly from the recommended action. Any future financial impacts associated with the recommended action will be considered as they arise.

RESULTS

The addition of the proposed EDM classification to the unclassified service would ensure the Administrative Office can hire the most qualified individual for this highly specialized and high-level role and fulfill the Board's direction. The addition of the Chief Medical Officer and Nuclear Power Plant Decommissioning Manager classifications to the Ordinance's unclassified list completes previously approved action by your Board and secures that all future incumbents in these highly specialized and critical roles are hired in an at-will status.

ATTACHMENTS

1. Attachment 1 - Ordinance 2.40.060 Tracked Changes Version
2. Attachment 2 - Ordinance 2.40.060 Clean Version