W.10.a.

AGENDA COVER MEMO

Memorandum Date:

December 23, 2009

Order Date:

January 6, 2010

TO:

Board of County Commissioners

DEPARTMENT:

Human Resources

PRESENTED BY:

Hector Rios, Sr. Human Resources Analyst

AGENDA ITEM TITLE:

IN THE MATTER OF ADOPTING A NEW COMPENSATION

AND CLASSIFICATION PLANS FOR STAFF IN THE ASSISTANT COUNY COUNSEL CLASSIFICATIONS

I. MOTION

MOVE APPROVAL OF ORDER 10 --____ IN THE MATTER OF ADOPTING A NEW COMPENSATION AND CLASSIFICATION PLANS FOR STAFF IN THE ASSISTANT COUNY COUNSEL CLASSIFICATIONS

II. AGENDA ITEM SUMMARY

The current Agreement between Lane County and the Prosecuting Attorneys Association (PAA) was ratified by the Board of Commissioners on June 17, 2009 and is a two-year contract, ending in June of 2011.

As a result of the increase in compensation for attorneyes represented by the PAA, there is internal inequity with the non-represented staff in the Assistant County Counsel classifications who are employed in the Office of Legal Counsel. As agreed with the Board of County Commissioners in the follow-up note from the Agenda Cover memo presented when the Board approved the compensation and classification plans for the PAA, the Human Resources department reviewed the compensation for staff in these classifications to determine if adjustments were needed.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. <u>Board Action and Other History</u>

In December 2006 the Board approved a classification and compensation plan for the County's non-represented positions that allows us to reduce the number of classifications into broader definitions by utilizing a methodology referred to as *broad-banding*. Human Resources has now had more than two years experience in administering this type of plan and believes it is a far more flexible and easier (and therefore less costly) plan to work with than the other type of plan (Point Factor) still in place for the majority of our employees.

The classifications held by Assistant County Counsel staff were reviewed and their compensation was adjusted in August of 2007. In 2007, the Board approved a new compensation plan for a number of non-represented classifications which included the Assistant County Counsel.

B. Policy Issues

Under the Charter, the Lane Code (2.260-2.265) and Lane Manual (2.235), the Board sets the classification and compensation plans for the County. Chapter 3, Section 20 of the APM addresses the process of performing a review or audit of positions, generally on an individual basis. If the Board of County Commissioners approves the proposed plans, employees in the affected position will be reclassified to the new classifications and placed on the new salary ranges.

C. Board Goals

The mission of Lane County is to provide high quality government services in a fair, open and economical manner to best meet the needs and expectations of our citizens and guests. The Lane County Strategic Plan clearly addresses the need for the Human Resources department to direct and coordinate the overall planning effort to identify actions to assure that workforce capabilities meet future needs, and to aim for a flexible classification and compensation system so that the system supports and does not inhibit excellent performance in the delivery of County services.

The County's Strategic Plan outlines specific objectives for our personnel programs, which include our classification and compensation plans. Section A2 states in part that we will "strive for a flexible classification and compensation system;" we will "ensure that the system supports and does

not inhibit excellent performance in the delivery of County services;" and that "County personnel polices will encourage job-related training and career development support." Section B3 of the Strategic Plan goes on to describe the requirements of the Human Resources Plan, stating that it should assess both current and future workforce needs and capabilities, identify actions to assure that workforce capabilities meet future needs, and specify policies and practices to encourage training and development supports so employees have the knowledge, skills, and abilities to perform well.

Section 28 (4) of the Lane County Charter requires that "the Board of County Commissioners shall maintain a system of personnel administration, including appeal procedures, in which each person in that service shall receive equitable compensation fixed on the basis of

- (i) competence in the position with the county,
- (ii) record of service there and elsewhere,
- (iii) the range of compensation paid others by public and private employers for comparable service
- (iv) the county's financial condition and policies, and
- (v) other factors relevant to the determination of what is fair compensation for the individual."

In addition, Lane Manual Section 2.235, Rule IV-3(a) states that "the compensation plan for County personnel shall provide reasonably competitive ranges of pay for each classification of employment. The Board may make adjustments in a salary range or ranges as necessary to attract and hold competent personnel and to provide equity between the various classifications. Such salary range adjustments are to be distinguished from merit increases in that they are not intended to give recognition to length or quality of service but are to be based solely on prevailing rates of pay in private business and other public jurisdictions in our market area for positions comparable to the various classes of work in the County service."

The classifications and compensation grades for the positions referenced in Attachment A1, A2, A3, and B meet the above policy goals.

D. Financial and/or Resource Considerations

The proposed classification and compensation plan changes will cost approximately \$21,000 over the course of fiscal year 2009-2010. Staff in the Assistant County Counsel classifications would be placed on the appropriate grade on the new compensation plan at the step closest to their current salary which does not represent a decrease in pay. Should the board approve the new compensation and classification plan, the

additional cost for the remainder of the current Fiscal Year would be about \$10,000.

E. Analysis

1. Classification Plan:

Implementing this new classification and compensation plans will move the compensation for our Assistant County Counsel staff closer to market in terms of their compensation. While Lane County may still be below market, a greater increase in compensation would likely create internal inequity with staff represented by the Prosecuting Attorney's Association.

The following table shows the allocation of Assistant County Counsel staff from their current classification to their proposed classification.

# of employees	Current Classification	New Classification	New Pay Grade
0	Assistant County Counsel 1	Assistant County Counsel 1	C42
1	Assistant County Counsel 2	Assistant County Counsel 2	C43
0	Assistant County Counsel 3	Assistant County Counsel 2	C43
4	Assistant County Counsel 4	Assistant County Counsel 3	C44

- The current classifications of Assistant County Counsel 2 and 3 would be collapsed into a new Assistant County Counsel 2
- 2. The current Assistant County Counsel 4 would be renamed Assistant County Counsel 3

The "C" designation of the pay grade for all of the classifications identify them as being responsible for determining the means or process of achieving the objectives, standards, or guidelines established by policy makers, department directors and senior management staff. Selecting the process is a decision that must precede carrying out the operations that make up the process. These are typically decisions made by managers, supervisors, professionals and/or senior technical specialist positions.

Classification specifications for the proposed classifications are provided in Attachments A-1 through A-4.

2. Compensation Plan:

Currently, the compensation range for Assistant County Counsel staff is, on average, at the minimum step 15% below market, and, on average

2% above market, at the maximum step. Should the Board approve the new compensation plan, Lane County will close the gap between what the market pays and will address the internal inequity that resulted when the PAA compensation plan was approved by the Board.

The proposed plan (Attachment B) allows for approximately 20% between the ACC 1 and 2 and the ACC 2 and 3. Use of the nine-step pay plan structure currently in place for all non-represented employees allows for a relatively easy conversion. In addition, because the differential between the minimum and maximum is 50%, employees can remain on the same grade longer without topping out in their classification and then seeking other options that either place pressure on the system (reclassifications) or cause our attorneys to look for external opportunities.

F. Alternatives/Options

- 1. Approve the proposed classification and compensation plans as listed on the Board order.
- 2. Reject the proposed classification and compensation plans.

IV. TIMING/IMPLEMENTATION

Following Board action, Human Resources staff is prepared to implement the approved plan changes to be effective on the date of Board action, with the process outlined in the Board Order.

V. RECOMMENDATION

Human Resources staff recommends the Board approves Option 1 as listed above.

VI. ATTACHMENTS

- 1. Board Order
- 2. Proposed classification specifications for Assistant County Counsel 1, 2, & 3 (Attachment A1, A2, and A3).
- 3. Current and Proposed compensation plan (Attachment B).

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

) IN THE MATTER OF ADOPTING A
ORDER 10
) NEW COMPENSATION AND
) CLASSIFICATION PLANS FOR STAFF
) IN THE ASSISTANT COUNY
) COUNSEL CLASSIFICATIONS
)

WHEREAS, as a result of bargaining the 2009-2011 collective bargaining agreement with the Prosecuting Attorneys Association (PAA), on August, 19th, 2009, the Board of County Commissioners approved a new compensation plan for Attorneys represented by the PAA; and

WHEREAS, the increase in compensation for Attorneys represented by the PAA has resulted in internal inequity when compared with non-represented staff in the Assistant County Counsel classifications employed in the Office of County Counsel; and

WHEREAS, the Board of County Commissioners was made aware of this internal inequity and agreed to review the compensation for the Assistant County Counsel staff in light of the changes to the compensation plan for the Prosecuting Attorneys Association; and

WHEREAS, a salary survey was conducted of other similar counties, and that survey reflected that Lane County is behind market for our Assistant County Counsel classifications; therefore

IT IS HEREBY ORDERED, that a new compensation plan be implemented to move staff in the Assistant County Counsel classifications in order to reduce internal inequity and to bring the compensation for Assistant County Counsel classifications closer to market; and

IT IS FURTHER ORDERED that the Assistant County Counsel classifications be reduced from 4 levels to 3 (Assistant County Counsel 3, Assistant County Counsel 2, and Assistant County Counsel 1), as referenced in Attachment A1, A2, and A3 incorporated by this reference; and

IT IS FURTHER ORDERED that employees who are currently in the Assistant County Counsel 4 classification be moved to Assistant County Counsel 3 classification; employees who are currently in the Assistant County Counsel 3 classification be moved to Assistant County Counsel 2 classification; and

IT IS FURTHER ORDERED that employees be placed on the appropriate grade on the new comp plan at the step closest to their current salary which does not represent a decrease in pay; and

IT IS FURTHER ORDERED that implementation of the new compensation plan be effective on January 9, 2010. Employees will retain their original merit eligibility dates, and

IT IS FURTHER ORDERED that the Compensation Plan for these classifications is set as described in Attachment B incorporated by this reference.

Dated this	_day of	·, 2010.	

Bill Fleenor, Chair Board of County Commissioners

ATTACHMENT A1

ASSISTANT COUNTY COUNSEL 1

DEFINITION

To assist in advising and counseling County administration and management on its legal rights and obligations to assure that the County's operations comply with the law; to defend, prosecute and negotiate litigated matters to which the County is a party to assure effective legal representation; and to perform related duties as assigned.

CLASS CHARACTERISTICS

This is the entry level class in the Assistant County Counsel series. The Assistant County Counsel is a career series. This class is distinguished from the Assistant County Counsel 2 by the performance of the more routine tasks and duties assigned to positions within the series including case research, less complex court cases and responding to routine questions. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the County Counsel, and technical and functional supervision from the Assistant County Counsel 3.

May exercise functional and technical supervision over assigned staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to the following:

Defends County officers or employees in any action for damages based on an alleged wrongful act or omission in performance of official duty.

Prosecutes and defends actions, suits and proceedings to which the County is a party.

Researches and drafts County Charter amendments, ordinances, orders, contracts, deeds and other formal documents; reviews documents with appropriate personnel.

LANE COUNTY Assistant County Counsel 1 (Continued)

MINIMUM QUALIFICATIONS

Knowledge of:

Applicable laws, ordinances and departmental policies and procedures.

Principles and practices of litigation.

Principles and practices of negotiation, mediation and conflict resolution.

Principles and practices of business and legal writing, including format and grammar.

Judicial procedure and rules of evidence.

Modern office procedures, methods and computer equipment.

Ability to:

Organize, interpret and apply legal principles.

Analyze and understand applicable factual matters.

Properly interpret, evaluate and make decisions in accordance with the law.

Conduct research on legal problems.

Write legal papers and reports.

Establish and maintain effective working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training

Training:

A Juris Doctorate from an accredited law school.

LANE COUNTY Assistant County Counsel 1 (Continued)

Experience:

No experience is required.

Special Requirements:

Member of the Oregon State Bar at the time of appointment.

Possession of a valid Driver's license, if required to drive. Must have an Oregon Driver's License by the time of appointment.

ATTACHMENT A2

ASSISTANT COUNTY COUNSEL 2

DEFINITION

To assist in advising and/or advise and counsel County administration and management on its legal rights and obligations to assure that the County's operations comply with the law; to defend, prosecute and negotiate litigated matters to which the County is a party to assure effective legal representation; and to perform related duties as assigned.

CLASS CHARACTERISTICS

This is the journey level class within the Assistant County Counsel series. The Assistant County Counsel is a career series. Employees within this class are distinguished from the Assistant County Counsel 1 by the performance of the full range of duties as assigned including complex court cases and responding to complex questions. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit.

This class is distinguished from the Assistant County Counsel 3 in that the latter performs duties requiring specialized legal knowledge related to area of assignment, and by the level of responsibility assumed and the complexity of duties assigned

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the County Counsel, and technical and functional supervision from the Assistant County Counsel 3.

Exercises functional and technical supervision over assigned staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to the following:

Reviews Board of County Commissioners' agenda items and confers with appropriate personnel on questions or problems.

Defends County officers or employees in any action for damages based on an alleged wrongful act or omission in performance of official duty.

Assistant County Counsel 2 (Continued)

EXAMPLES OF DUTIES (con't)

Prosecutes and defends complex and sensitive actions, suits and proceedings to which the County is a party.

Advises County Administrator's office and other executive personnel on complex and sensitive legal questions; discusses policy implications and risks of presenting situations.

Researches and drafts complex legal opinions and memoranda in response to requests from County administrative and executive personnel.

Approves all formal ordinances, orders and actions of the Board of County Commissioners as to the legal sufficiency.

Researches and drafts County charter amendments, ordinances orders, contracts, deeds and other formal documents; reviews documents with appropriate personnel.

Attends Board of County Commissioners' meetings to advise the Board on legal questions that may arise.

Serves as County Counsel as necessary.

MINIMUM QUALIFICATIONS

Knowledge of:

Applicable laws, ordinances and departmental policies and procedures.

Principles and practices of municipal law.

Principles and practices of litigation.

Principles and practices of investigation.

Principles and practices of negotiation, mediation and conflict resolution.

Principles and practices of business and legal writing including format and grammar; judicial procedure and rules of evidence.

Modern office procedures, methods and computer equipment.

Assistant County Counsel 2 (Continued)

Ability to:

Identify and recommend realistic alternative solutions to problems.

Organize, interpret and apply complex legal principles.

Analyze and understand applicable factual matters.

Properly interpret, evaluate and make decisions in accordance with the law.

Conduct research on complex legal problems.

Write complex legal papers and reports.

Establish and maintain effective working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training

Training:

A Juris Doctorate from an accredited law school.

Experience:

Three years of responsible municipal legal counsel or litigation experience.

An equivalent combination of experience and training that will demonstrate the required knowledge and abilities is qualifying.

Special Requirements:

Member of the Oregon State Bar at the time of appointment.

Possession of a valid Driver's license, if required to drive. Must have an Oregon Driver's License by the time of appointment.

ATTACHMENT A3

ASSISTANT COUNTY COUNSEL 3

DEFINITION

To advise and counsel County administration and management on its legal rights and obligations to assure that the County's operations comply with the law; to defend, prosecute and negotiate litigated matters to which the County is a party, to assure effective legal representation; and to perform related duties as assigned.

CLASS CHARACTERISTICS

This is the advanced journey level class in the Assistant County Counsel series. The Assistant County Counsel is a career series. Positions at this level are distinguished from other classes within the series by the level of responsibility assumed and the complexity of duties assigned. Employees perform the most difficult and responsible types of duties assigned to classes within this series including advising and providing counsel on the most complex and sensitive cases, providing advice on complex and sensitive issues and projects, and providing technical and functional supervision over less experienced professional personnel. Employees at this level are required to be fully trained in all procedures related to assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the County Counsel.

Exercises functional and technical supervision over assigned staff

EXAMPLES OF DUTIES - Duties may include, but are not limited to the following:

Advises the Board of County Commissioners on the method, effect and consequences of proposed major policy or procedural changes and makes recommendations for or against such change.

Reviews Board of County Commissioners' agenda items and confers with appropriate personnel on questions or problems.

Defends County officers or employees in any action for damages based on an alleged wrongful act or omission in performance of official duty.

Prosecutes and defends complex and sensitive actions, suits and proceedings to which the County is a party.

Assistant County Counsel 3 (Continued)

EXAMPLES OF DUTIES (con't)

Advises County Administrator's office and other executive personnel on complex and sensitive legal questions; discusses policy implications and risks of presenting situations.

Researches and drafts complex legal opinions and memoranda in response to requests from County administrative and executive personnel.

Approves all formal ordinances, orders and actions of the Board of County Commissioners as to the legal sufficiency.

Researches and drafts County charter amendments, ordinances, orders, contracts, deeds and other formal documents; reviews documents with appropriate personnel.

Attends Board of County Commissioners' meetings to advise the Board on legal questions that may arise.

Serves as County Counsel as necessary.

MINIMUM QUALIFICATIONS

Knowledge of:

Applicable laws, ordinances and departmental policies and procedures.

Principles and practices of municipal law.

Principles and practices of litigation.

Principles and practices of investigation.

Principles and practices of negotiation, mediation and conflict resolution.

Principles and practices of business and legal writing, including format and grammar; judicial procedure and rules of evidence.

Modern office procedures, methods and computer equipment.

Assistant County Counsel 3 (Continued)

Ability to:

Identify and recommend realistic alternative solutions to problems.

Conduct or assist in municipal litigation, including judicial, administrative and appellate forums.

Assist top level decision makers in the development and implementation of major changes in policy or procedures.

Organize, interpret and apply complex legal principles.

Analyze and understand applicable factual matters.

Properly interpret, evaluate and make decisions in accordance with the law.

Conduct research on complex legal problems.

Write complex legal papers and reports.

Establish and maintain effective working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training

Training:

A Juris Doctorate from an accredited law school.

Experience:

Five years of responsible municipal legal counsel or litigation experience.

An equivalent combination of experience and training that will demonstrate the required knowledge and abilities is qualifying.

LANE COUNTY Assistant County Counsel 3 (Continued)

Special Requirements:

Member of the Oregon State Bar at the time of appointment.

Possession of a valid Driver's license, if required to drive. Must have an Oregon Driver's License by the time of appointment.

ATTACHMENT B

CURRENT COMPENSATION SCHEDULE FOR ASSISTANT COUNTY COUNSEL STAFF

8 STRP 9	36.92	39.16	41.70	47-34
	2953.60	3128.00	3336.00	3787-30
	6,399	6,777	7,228	8,206
	76,794	81,328	86,736	99,467
G	35.38	37.46	39.96	42.37
E	2830.40	2996.80	3196.80	3629.60
E	6,133	6,493	6,926	7,864
U	73,590	77,917	83,117	94,370
STEP 7	33.85	35.84	38.23	43.39
	2708.00	2867.20	3058.40	3471.20
	5,867	6,212	6,627	7,521
	70,408	74,547	79,518	90,251
STEP 6	32.31	34.21	36.49	41.42
	2584.80	2736.80	2919.20	3313.60
	5,600	5,930	6,325	7,179
	67,205	71,157	75,899	86,154
STEP 5	30.77	32.58	34.75	39.44
	2461.60	2606.40	2780.00	3155.20
	5,333	5,647	6,023	6.836
	64,002	67,766	72,280	82,035
STRP 4	29.23	30.96	33.02	37.47
	2338.40	2476.80	2641.60	2997.60
	5,067	5,366	5,723	6,495
	60,798	64,397	68,682	77,938
STEP 3	27.69	29.33	31.27	35.51
	2215.20	2346.40	2501.60	2840.80
	4,800	5,084	5,420	6,155
	57,595	61,006	65,042	73,861
sovertime STEP 2	561 1 26.15 2092.00 4,533 54,392	1sel 2 27.69 2215.20 4,800 57,595	sel 3 29.54 2363.20 5,120 61,443	#61 4 22.40 5.82.40 69.742
*=Jobcode exempted from paid JOBCODE/ GRADE STEP 1	Assist County Counsel 1 HRLY 24.62 26.1 BIWK 1969.60 2092.0 MTHY 4,267 4,53 YRLY 51,210 54,39	Assist County Counse HRLY 26.06 BIWK 2084.80 MTHY 4,517 YRLY 54,205	Assist County Counsel 3 HRLY 27.80 29.54 BIWK 2224.00 2363.20 MTHY 4,819 5,120 YRLY 57,824 61,443	ABSISt County Counsel HRLY 31.56 BINK 2524.80 S WITH 5,470
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*=Jobcod JOBCOD GRADE	* N4603 C43	* N4602 C44	* N4601 C45	• K4500 D63
UNION/	ii	11	1.1	1.1
SAL PLAN	nrp	NRP	NRP	MR <i>P</i>

ATTACHMENT B - continued

PROPOSED COMPENSATION SCHEDULE FOR ASSISTANT COUNTY COUNSEL STAFF

										21.0	
/NOIMI	*=Jobcod	e exempte %/	*=Jobcode exempted from paid	overtime							
SAL PLAN	GRADE	ĵ	STEP 1	STEP 2	STEP 3	STRP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
11 NRP	547	Assist HRLY	Assist County Counsel	sel 1 26.15	27.69	29.23	30.77	32.31	33.85	.35,38	36.92
		BIWK	1969.60 4,267	2092.00 4,533	2215.20 4,800	2338.40 5,067	2461.60 5,333	2584.80 5,600	2708.00	2830.40 6.133	2953.60
٠		YRLY	51,210	54,392	57,595	60,798	64,002	67,205	70,408	73,590	76,794
		Assist	Assist County Counsel	el 2							
11	·	HRLY	6 C C C C C C C C C C C C C C C C C C C	31.12	32.95	34.78	36.61	38.44	40.27	42.10	43.93
July 1	C43	MIHY	5,077	2489,60 5,394	2636.00 5,711	2782,40 6,029	2928.B0 6.346	3075.20 6.663	3221.60	3368,00	3514.40 7 615
		YRLY	60,923	64,730	68,536	72,342	76,149	79,955	83,762	87,568	91,374
		Assist (Assist County Counsel	e							
11	* <u>`</u>	HRLY	35.11	37.30	39.50	41.69	43.88	46.08	48.27	50.47	52.66
REF	440	BIWK	2808.80	2984,00	3160.00	3335.20	3510.40	3686.40	3861.60	4037.60	4212.80
		MIHX	6,086	6, 465	6,847	7,326	7,606	7,987	8,367	8,748	9.128
		YKLY	73,029	77,584	82,160	86,715	91,270	95,846	100,402	104,978	109,533