

SECTION 3.5.2: EXECUTIVE/UNCLASSIFIED MANAGEMENT COMPENSATION

PLAN. This Compensation Plan establishes compensation of employees in classes designated EM, NA, NE, or UM and provides for initial placement and subsequent adjustments of salaries within the structure of the Executive/Unclassified Management Schedule of Rates set forth in Appendix One (Salary Schedule). Any adjustments in rates of compensation pursuant to this Plan shall be administered by the Chief Administrative Officer for all classes subject to this Plan, including Board of Supervisors' appointees, except that the Board of Supervisors shall act in place of the Chief Administrative Officer and the Executive Compensation Committee in establishing the compensation of the Chief Administrative Officer. The CAO shall serve as the designated representative of the Board of Supervisors in salary discussions with appointees of the Board, and shall have the authority to approve salary rates and compensation of such appointees pursuant to the provisions of this Plan. For purposes of this provision, wherever this Plan indicates an "appointing authority" has salary approval authority, the CAO shall act in place of the Board for appointees of the Board.

(Added 10/07/88, Ord. No. 7533)
(Amended 12/28/90, Ord. No. 7839)
(Amended 04/29/97, Ord. No. 8785)
(Amended 01/18/08, Ord. No. 9912)

(a) **Structure.**

- (1) The minimum, maximum and control point rates of the designated ranges are set forth in the Executive/Unclassified Management Schedule of rates in Appendix One.

(Added 10/07/88, Ord. No. 7533)
(Amended 12/28/90, Ord. No. 7839)

- (2) The control point rate of each designated range represents the job value of a fully competent employee and is the benchmark used to compare the class to other classes, internally and externally. The control point rate may be changed periodically, by amendment to this ordinance, to reflect changes in internal and/or external factors. Any such changes to control point rates shall not automatically change the current rate of employees in classes subject to this Plan.

(Added 10/07/88, Ord. No. 7533)
(Amended 12/28/90, Ord. No. 7839)
(Amended 01/18/08, Ord. No. 9912)

- (3) The ranges do not have steps. Employees may be paid an amount equal to or between the minimum and maximum rates of the designated range, in accordance with the provisions set forth herein.

(Added 10/07/88, Ord. No. 7533)
(Renumbered 12/28/90, Ord. No. 7839)

- (4) The structure of the schedule of rates and designated ranges for classes subject to this Plan will be reviewed periodically, based on changes in the labor market, internal equity and funds available for salaries.

(Added 10/07/88, Ord. No. 7533)
(Renumbered 12/28/90, Ord. No. 7839)

- (b) Application. Article 1.3 (Step Placement) and Article 1.4 (Adjustment in Range), shall not apply to employees subject to this Plan. This Plan applies to all classes designated EM or UM in Appendix One.

(Amended 08/02/85, Ord. No. 6978)
(Amended 09/27/85, Ord. No. 7016)
(Amended 01/30/87, Ord. No. 7265)
(Renumbered and Amended 10/07/88, Ord. No. 7533)
(Amended 09/22/89, Ord. No. 7662)
(Amended 08/24/90, Ord. No. 7776)
(Amended 12/28/90, Ord. No. 7839)
(Amended 01/22/93, Ord. No. 8179)
(Amended 04/29/94, Ord. No. 8390)
(Amended 08/19/94, Ord. No. 8448)
(Amended 09/26/95, Ord. No. 8582)
(Amended 04/29/97, Ord. No. 8785)
(Amended 07/18/97, Ord. No. 8812)
(Amended 12/18/98, Ord. No. 8987)
(Amended 10/01/04, Ord. No. 9677)
(Amended 06/23/06, Ord. No. 9783)
(Amended 01/18/08, Ord. No. 9912)

- (c) Appointments. Employees appointed to classes subject to this Plan may receive a rate up to 85% of the mid-point rate of the designated range, as determined by the appointing authority. The Director may approve, after consulting with the appointing authority, a starting rate above 85% of the mid-point, not to exceed the mid-point, for candidates possessing exemplary credentials and/or outstanding qualifications. Appointments above the mid-point for candidates possessing such credentials or qualifications are subject to the recommendation of the Director and to the

review and written approval of the Chief Administrative Officer. Pay rates above control point for employees in classes designated EM, NA, NE and UM are subject to the duration of time specified in the guidelines established by the Chief Administrative Officer. At the expiration of the duration of time specified in the CAO's guidelines, the CAO may reduce the pay rate to a rate not less than the control point for any employee subject to this Plan.

(Amended 01/30/87, Ord. No. 7265)
(Deleted 10/07/88, Ord. No. 7533)
(Renumbered and Amended 10/07/88, Ord. No. 7533)
(Renumbered and Amended 12/28/90, Ord. No. 7839)
(Amended 04/29/97, Ord. No. 8785)
(Amended 06/23/06, Ord. No. 9783)
(Amended 01/18/08, Ord. No. 9912)

- (d) Temporary Assignment Compensation. Upon recommendation of the appointing authority and approval of the Chief Administrative Officer, employees in classes subject to this Plan may receive a rate up to 10% higher than their rate at time of assignment, not to exceed the control point, when assigned for a temporary period approved by the Chief Administrative Officer, not to exceed twelve months, to perform the duties of another class subject to this Plan with a higher control point rate. After consulting with the appointing authority, the Director may recommend the Chief Administrative Officer approve a rate more than 10% higher than their rate at time of assignment, not to exceed the control point. Temporary assignment compensation above the control point is subject to the recommendation of the Director, and to the review and written approval of the Chief Administrative Officer.

(Added 12/28/90, Ord. No. 7839)

- (e) Adjustment Within Range Between Minimum and Control Point.

- (1) Any adjustment up to the control point in the designated range for the eligible employee's class shall be approved by the appointing authority and shall be subject to the determination by the appointing authority that the eligible employee's overall level of documented performance is rated at the level of meritorious or higher. The amount and duration of adjustment shall be within the guidelines promulgated periodically by the Chief Administrative Officer. No provision contained in this subsection shall be construed to provide a guarantee of adjustment or maintenance of rate at any time during the employee's term of employment in a class subject to this Plan.

(Added 10/07/88, Ord. No. 7533)
(Renumbered and Amended 12/28/90, Ord. No. 7839)
(Amended 09/26/95, Ord. No. 8582)
(Amended 10/25/96, Ord. No. 8744)
(Amended 04/29/97, Ord. No. 8785)

- (2) No provision contained in this subsection shall be construed to limit or deny an appointing authority's discretion to postpone an adjustment or reduce the compensation of an employee as a result of the employee's documented performance.

(Added 10/07/88, Ord. No. 7533)
(Amended 12/28/90, Ord. No. 7839)
(Amended 04/29/97, Ord. No. 8785)

- (3) Notwithstanding (1) and (2) above, salary rates of employees in classes subject to this Plan may be adjusted upon recommendation of the Executive Compensation Committee and approval of the Chief Administrative Officer after:

- (a) Consideration of compensation analysis reported by the Director based upon pertinent salary survey data; and/or
- (b) Review of the employee's qualifications and expected performance level subject to the determination of the appointing authority that the employee's overall documented performance is rated at the level of "meritorious" or higher; and/or

(Amended 04/29/97, Ord. No. 8785)

- (c) Consideration of issues related to recruitment, retention or internal salary relationships.

(Added 10/07/88, Ord. No. 7533)
(Amended 12/02/88, Ord. No. 7553)
(Amended 12/28/90, Ord. No. 7839)
(Amended 12/22/95, Ord. No. 8620)

- (f) Adjustment Within Range Above Control Point. Proposals for adjustment above the control point rate of the designated range shall be performance based and set forth in writing by the appointing authority on the form prescribed by the Director and submitted to the Executive Compensation Committee for consideration. The proposal must include:

- (1) An approved written Performance Plan established for the

employee's position; and

- (2) The Executive Performance Evaluation form indicating that the eligible employee's overall performance is rated at the level of "outstanding." This rating alone does not entitle an eligible employee to a pay adjustment.

Salary rates of employees in classes subject to this Plan may also be adjusted after consideration of compensation analysis reported by the Director based upon pertinent salary survey data and/or after consideration of issues related to recruitment, retention or internal salary relationships. Any amount of adjustment under this subsection shall be based upon the recommendation of the Executive Compensation Committee and approval of the Chief Administrative Officer. The duration of adjustment for employees in classes designated EM, UM, NA and NE, shall be within the guidelines promulgated periodically by the Chief Administrative Officer. At the expiration of the duration of time specified in the CAO's guidelines, the CAO may reduce the pay rate to a rate not less than the control point for any employee subject to this Plan.

(Added 10/07/88, Ord. No. 7533)
(Amended 12/02/88, Ord. No. 7553)
(Amended 12/28/90, Ord. No. 7839)
(Amended 04/29/97, Ord. No. 8785)
(Amended 06/23/06, Ord. No. 9783)
(Amended 01/18/08, Ord. No. 9912)

(g) Pay for Performance Plan: Base Pay Adjustment/Recognition Award.

(1) Base Pay Adjustment.

- (a) Employees in classes designated EM and UM may receive a base pay adjustment increase or decrease based upon overall performance in a fiscal year. Employees must receive a performance evaluation following the fiscal year of their performance before they may receive a base pay adjustment.

(Amended 06/23/06, Ord. No. 9783)
(Amended 01/18/08, Ord. No. 9912)

- (b) To be eligible for consideration of a base pay adjustment for overall performance, an eligible employee must submit a Performance Plan to the CAO no later than August 31 of the fiscal year during which performance will be evaluated. Eligible employees who are appointed to their positions after

the commencement of the fiscal year must submit their Performance Plans to the CAO by the end of the third month of their appointment with the County. All Performance Plans submitted to the CAO will be available for public review pursuant to the Public Records Act.

- (c) Base pay adjustments shall be based upon the recommendation of the appointing authority and the Executive Compensation Committee and the approval of the Chief Administrative Officer, after receipt and consideration of the appointing authority's request, subject to the availability of funds within the departmental budget. For executives serving in positions appointed by the Board of Supervisors and the Chief Administrative Officer, and after consultation with the Board of Supervisors for Board appointees, the CAO shall act in place of the Executive Compensation Committee for purposes of this subdivision, and the CAO shall consult with the Executive Compensation Committee on CAO appointees.
- (d) Specific objectives and criteria to measure overall performance, as established in the written Performance Plan and approved by the Chief Administrative Officer, shall be provided to all affected employees and shall be used in determining an eligible employee's overall performance.
- (e) Nothing contained in this subsection shall prevent the Chief Administrative Officer from making a base pay adjustment increase or decrease at any time based upon the Chief Administrative Officer's assessment of overall performance of an employee in classes designated EM and UM, except that for Board appointees, the Chief Administrative Officer shall first consult with the Board on the performance of the Board appointees.

(Amended 06/23/06, Ord. No. 9783)

(Amended 01/18/08, Ord. No. 9912)

(2) Chief Administrative Officer Recognition Award for Outstanding Achievement.

- (a) Employees in classes designated EM and UM may receive a recognition award during any fiscal year for an outstanding achievement up to a total of ten percent (10%) of the employee's approximate annual salary at the time of approval of the award, not to exceed \$10,000, upon approval

by the Chief Administrative Officer. To be eligible for a recognition award for an outstanding achievement, an employee must have served at least six (6) months in eligible classes under this subsection during the period immediately preceding the time the recognition award is approved, and must be serving in an eligible class under this subsection at the time the recognition award is approved.

(Amended 06/23/06, Ord. No. 9783)

(Amended 01/18/08, Ord. No. 9912)

- (b) The Chief Administrative Officer may at any time during a fiscal year grant an eligible employee a recognition award for outstanding achievement. In considering such an award, the Chief Administrative Officer shall review the circumstances comprising the achievement, including any information or recommendations provided by the Assistant Chief Administrative Officer, a Deputy Chief Administrative Officer or an appointing authority describing the achievement and its realized or expected results. No eligible employee may receive more than one recognition award per fiscal year under this subsection.
- (c) Each recognition award for outstanding achievement shall be paid in a lump sum during a fiscal year. Recognition award payments shall not affect the employee's base rate of compensation.
- (d) Commencing the first day of the first full pay period of each fiscal year, compensation of employees in classes subject to this Plan shall be unfixed and indefinite for each fiscal year thereafter until such time as the appointing authority determines whether to recommend a recognition award for outstanding achievement to the Chief Administrative Officer for consideration of the award and, in the event recommendation for approval is made, until the Chief Administrative Officer acts on the request.

(Amended 01/18/08, Ord. No. 9912)

(h) Executive Compensation Committee. Wherever this Plan refers to the Executive Compensation Committee, the following shall apply:

- (1) The Executive Compensation Committee shall consist of the Assistant Chief Administrative Officer, the Group General Managers for the Land Use and Environment Group, Public Safety

Group, Deputy Chief Administrative Officer/Director, Health & Human Services Agency, Director, Human Resources, Deputy Chief Administrative Officer/Chief Financial Officer and other designee(s) appointed by the CAO, and County Counsel as an ex officio member. The Assistant Chief Administrative Officer may serve as committee chairperson, the Director, Human Resources, shall serve as Secretary and the Director's designee(s) shall serve as staff to the Executive Compensation Committee.

(Amended 07/21/98, Ord. No. 8939)
(Added 10/07/88, Ord. No. 7533)
(Amended 04/29/97, Ord. No. 8785)
(Amended 12/28/90, Ord. No. 7839)
(Amended 01/11/00, Ord. No. 9114)
(Amended 01/10/14, Ord. No. 10314)
(Amended 10/31/14, Ord. No. 10354)
(Amended 07/01/19, Ord. No. 10609)

- (2) The Executive Compensation Committee shall be responsible for assisting the Chief Administrative Officer to insure that all salary determinations are in accordance with the provisions set forth in this Plan, and that such determinations are applied consistently and equitably to employees in classes subject to this Plan.

(Added 10/07/88, Ord. No. 7533)

- (3) Any salary determinations by the Chief Administrative Officer pursuant to this Plan shall be made only after consideration of the recommendation of the Executive Compensation Committee, except with respect to executives appointed by the Board of Supervisors and the CAO, in which case the CAO shall act in place of the Executive Compensation Committee.

(Added 10/07/88, Ord. No. 7533)
(Amended 04/29/97, Ord. No. 8785)

- (4) In cases designated herein where the appointing authority must submit requests for salary adjustment to the Executive Compensation Committee for consideration, the Executive Compensation Committee shall consider such requests and may refer them back to the appointing authority or may make a recommendation to the Chief Administrative Officer.

(Added 10/07/88, Ord. No. 7533)

(i) Integrated Leave Program.

(Added 11/18/92, Ord. No. 8176)
(Repealed 01/18/08, Ord. No. 9912)

(j) (No section this number)

(k) Executive Management Compensation Option Plan.

(Added 10/07/88, Ord. No. 7533)
(Amended 08/11/89, Ord. No. 7656)
(Amended 12/28/90, Ord. No. 7839)
(Repealed 04/29/97, Ord. No. 8785)