REVISED

ANALYSIS

This ordinance amends Title 6 – Salaries, of the Los Angeles County code by:

- Amending portions of Sections 6.08.310 (Definitions), 6.08.325 (Performance management), 6.08.340 (Tier I and Tier II Management Appraisal and Performance Plan basic salary structure), 6.08.360 (Special provisions), 6.08.370 (Tier I establishment of salary upon appointment), 6.08.375 (Tier I merit salary adjustment provisions), 6.08.385 (Tier II establishment of step placement upon appointment), 6.08.390 (Tier II Step advancement provisions), 6.08.395 (Tier I and Tier II departmental special rates);

- Repealing a portion of Section 6.08.335 (Tier I and Tier II Management Appraisal and Performance Plan General Salary Adjustment provisions);

- Repealing Sections 6.08.345 (Temporary positions and appointments), 6.10.090 (Acting department head – Additional compensation);

- Adding Sections 6.08.373 (Tier I General Salary Adjustment provision), 6.08.387 (Tier II General Salary Adjustment provision).

RAYMOND G. FORTNER, JR.
County Counsel

By: _____
HALVOR S. MELOM
Principal Deputy County Counsel
Labor & Employment Division

HSM:asv
Requested: 06-16-08
Revised: 11-17-08

HOA 567078.1

ORDINANCE NO. 2008-0069

An ordinance amending Title 6 - Salaries of the Los Angeles County Code, relating to the Management Appraisal and Performance Plan.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 6.08.310 (Management Appraisal and Performance Plan – Definitions) is hereby amended to read as follows:

6.08.310 Definitions.

The following terms when used in this Part 3 with initial capital letters, unless the context clearly indicates otherwise, shall have the following respective meanings:

A. "Appointing Authority" means the board of supervisors for any person employed and paid as an appointed ~~County officer or an item designated as~~ "~~L~~ department head" ~~pursuant to the provisions of Section 6.28.020 B of this code.~~ The Chief Executive Officer (UC) shall be the Appointing Authority for the Chief Deputy, Chief Executive Officer (UC) and Deputy, Chief Executive Officer (UC) positions. The retirement administrator shall be the Appointing Authority of all Participants serving on the staff of the Los Angeles County Employees Retirement Association. The commission on human relations shall be the Appointing Authority for any person employed in the position of Executive Director, Human Relations Commission. The board of retirement and the board of investments jointly shall be the Appointing Authority for any person designated to act as retirement administrator pursuant to Section 6.27.020 of this code. County department heads are the Appointing Authority for all other persons compensated pursuant to this Part 3.

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G. "Tier I" means that part of the Plan that is applicable to unclassified management positions and other positions specifically designated as eligible for Tier I by the board of supervisors. Salary ranges applicable to Tier I Participants are designated by the letter "R" in Sections 6.28.050 and 6.26.020 A of this code. Tier I Salary ranges are defined in terms of a minimum rate, a maximum rate, and a Control Point ~~and are divided into quartiles for salary administration purposes in accordance with the provisions of Section 6.08.370~~.

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K. "Y-Rate" means, for purposes of this Part 3, a special salary rate which entitles a person to receive a salary at a rate higher than ~~t~~ the maximum of the Salary range for the position which the person holds.

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SECTION 2. Section 6.08.325 (Management Appraisal and Performance Plan – Performance management) is hereby amended to read as follows:

6.08.325 Performance management.

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B. Rating Period.

1. The rating period will be as designated by the chief administrative officer. However, the performance of each Participant will be reviewed periodically by the Appointing Authority or his/her designee during the performance period. At the

conclusion of the rating period, the Appointing Authority or his/her designee will review the performance of each Participant and complete an evaluation form in the manner established by the director of personnel. To ensure uniform administration, departmental performance ratings shall be in conformance with standards issued by the director of personnel. At the discretion of the Appointing Authority, an evaluation form may be completed for those Participants with less than six months service in the Plan. The Appointing Authority or his/her designee shall have the option of rating Participants on leave for more than six months of ~~r~~ the rating period. Participants on leave for less than six months shall be given an overall performance rating except in the case where the director of personnel has determined that unusual circumstances exist. Where Participants on a leave of absence are rated, any Tier I Merit Salary Adjustment or Tier II Step Advancement may, at the discretion of the Appointing Authority, be granted upon the Participant's return to work. Participants who are not rated shall not be granted a Tier I Merit Salary Adjustment or a Tier II Step Advancement.

2. In the case of a person employed as a department head, the evaluation shall be in accordance with the procedures set forth in Section 2.06.100 of this code.

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E. In rating the performance of the chief, civil service commission and ERCOM, the provisions of Section 3.10 ~~2~~.020 of this code shall be followed.

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SECTION 3. Section 6.08.335 (Management Appraisal and Performance Plan – Tier I and Tier II Management Appraisal and Performance Plan General Salary Adjustment provisions) is hereby amended to read as follows:

6.08.335 Tier I and Tier II Management Appraisal and Performance Plan General Salary Adjustment provisions.

Recommendation of chief administrative officer. The chief administrative officer shall recommend, as appropriate, and the board of supervisors may approve General Salary Adjustments for Participants. General Salary Adjustments are adjustments which are across-the-board in nature and which affect the Salary Structure for Tier I and Tier II. General Salary Adjustments, where implemented, are intended to keep pace with external salary inflation and preserve internal pay relationships with other County employees who are not Participants. In recommending a General Salary Adjustment, the chief administrative officer shall consider both the County' s operational needs, including the need to recruit and retain quality personnel under the Plan, and the County' s ability to pay for the adjustments. ~~General Salary Adjustments may take the form of percentage changes in the Tier I and/or Tier II Salary Structure on specific dates approved by the board of supervisors with concurrent changes in the actual salaries of Participants. Only Participants who have received a current performance evaluation of "Met Expectations" or better may receive a General Salary Adjustment. In no event shall a General Salary Adjustment apply to a Participant who has not received a current performance evaluation of "Met Expectations" or better.~~

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SECTION 4. Section 6.08.340 (Management Appraisal and Performance Plan – Tier I and Tier II Management Appraisal and Performance Plan basic salary structure) is hereby amended to read as follows:

6.08.340 Tier I and Tier II Management Appraisal and Performance Plan basic salary structure.

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E. Change of Status. When a person receives a change of classification, is transferred, or is appointed from an eligible list to a position, such change of status shall not be deemed a promotion or demotion when there is a difference of less than 2.75 percent between the Control Point of the old Salary range and the Control Point of the new Salary range or between the Control Point of the new Salary range and the highest step of a position not designated for the Plan. Said person will be placed within the Salary range at his/her then current salary <u>or for Tier II, placed on the nearest step that does not result in a decrease in salary for the participant</u>. Where the new position is outside the Plan, the employee's salary step placement shall be determined as otherwise provided by this code.

F. Reduction of Salary Range. When a person continues to hold a position whose Salary range is reduced or which is reclassified to a lower level, said person will be placed within the new Salary range at his/her current salary <u>or for Tier II, placed on</u>

the nearest step that does not result in a decrease in salary for the participant. If the current salary is higher than the new salary range maximum, said person's rate of pay shall be identified as a Y-Rate, which shall remain until such time as the Y-Rate is within the Salary range for the position.

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I. Exception for Certain Participants. ~~Except as provided in Section 6.08.345 A, the~~ The compensation of any Participant employed in a class or position designated by an item sub other than "A" or "L" pursuant to the provisions of Section 6.28.020 A shall be limited to that provided by this subsection. Such Participant shall be compensated at a salary rate not to exceed the Control Point of the Salary range or at any salary within the Salary range, with the concurrence of the chief administrative officer. The salary rate for such Participants shall be adjusted in accordance with board of supervisors approved General Salary Adjustments providing the Appointing Authority certifies such Participant' s performance is equivalent to "Met Expectations" or better.

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SECTION 5. Section 6.08.345 (Management Appraisal and Performance Plan – Temporary positions and appointments) is hereby deleted in its entirety:

~~**6.08.345 Temporary positions and appointments.**~~

~~A. Higher-level Position. When a person on a permanent position is appointed to a temporary higher-level position or to a permanent position on a temporary basis, said person will be placed at a salary rate within the Salary range for the higher-level position which provides an increase of at least 5.5 percent, but not less~~

~~than the minimum of the Salary range. A person holding such higher-level position may be granted General Salary Adjustment and, if eligible, the applicable Tier I Merit Salary Adjustment of the Tier II Step Advancement.~~

~~B. Return to Lower-Level Position. Upon returning to the lower-level position, said person shall have his/her base salary reduced by an amount equal to the amount resulting from the temporary promotion and be placed at the maximum of the Salary range for the lower-level position or at his/her adjusted salary rate, whichever is less.~~

SECTION 6. Section 6.08.360 (Management Appraisal and Performance Plan – Special provisions) is hereby amended to read as follows:

6.08.360 Special provisions.

The provisions of Chapter 6.10 shall apply to Participants except as modified, deleted, or supplemented below. Special rates shall not be included in base salary for the purpose of calculating pay increases.

A. Temporary Assignments -- Special Rate. Any Participant assigned to perform all of the significant duties of a higher-level position in an acting or temporary capacity during the absence from work of an incumbent of an included position or when such position is vacant for 30 calendar days or longer, shall be ~~entitled~~ provided, during the term of the assignment, ~~to a~~ additional compensation of 5.5 percent. ~~adjustment in base salary or the minimum rate of the Salary range for the higher-level position, whichever is greater.~~ The chief administrative officer may approve a higher amount that does not exceed the maximum of the Salary range for the higher-level position and may waive the 30 day requirement, based on the needs of the service.

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F. Assignment of Additional Responsibility. The provisions of Section 6.10.073 shall apply to Participants except that such additional compensation authorized in accordance with the provisions of Section 6.10.073 shall be ~~equivalent to 2.75 percent, 5.5 percent, 8.25 percent, or~~ up to 11 percent of a Participant' s current salary.

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H. Acting Department Head -- Additional Compensation. Participants ~~may~~ shall be provided additional compensation of 5.5 percent unless a higher amount is approved by the board of supervisors. ~~, in lieu of compensation provided in Section 6.10.090, as a special rate~~.

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SECTION 7. Section 6.08.370 (Management Appraisal and Performance Plan – Tier I establishment of salary upon appointment) is hereby amended to read as follows:

6.08.370 Tier I establishment of salary upon appointment.

A person appointed to a class or position designated as participating in Tier I of the Plan shall be paid as follows:

A. ~~County Officers~~ Department head. For persons appointed to positions of department head, the Appointing Authority may designate a salary at any rate within or outside of the Salary range established for the position to which the person is being appointed. In the absence of such designation by the Appointing Authority, said person shall be compensated as follows:

B. Appointment of Persons Not Currently Employed by the County. For any persons who is are not currently employed by the County and who is are appointed to a positions other than department head, the chief administrative officer shall review and approve the recommendation of the Appointing Authority with regard to the initial salary placement for such person; provided, however, that any such recommended salary placement that exceeds either the control point of the salary range or $150,000 per annum shall require the specific approval of the board of supervisors. Appointing Authority may designate a salary at any rate within the first two quartile of the Salary range established for the position to which the person is being appointed provided i) the department head makes a written finding based on analysis of factors, determined by the chief administrative officer, justifying hiring above the Salary range minimum, and ii) the appointment does not exceed any other restriction or limitations that may be imposed by the chief administrative officer or the board of supervisors with regard to the appointment or the rate of compensation that may be allowed for the appointment. Appointment to a salary rate within the third quartile of the Salary range shall require submission of a written justification and prior approval of the chief administrative officer. Appointment at a salary rate within the fourth quartile of the Salary range shall require prior approval by the chief administrative officer and the board of supervisors.

C. Promotional Appointments. Except as provided in Section 6.08.340 F, a A person being promoted from another position in County service shall be compensated at a salary within the Salary range of the higher position as provided in subsection B above, except that such person shall receive an increase of at least 5.5 percent,

rounded to the nearest dollar, above his/her previous base salary but not less than the minimum of the Salary range. Promotional increases greater than 5.5 percent shall require the approval of the chief administrative officer, unless the resulting salary in the new position exceeds either the control point of the salary range or $150,000 per annum, in which case, the promotional increase shall require the approval of the board of supervisors. Persons compensated at a Y-Rate shall receive an increase of 5.5 percent, rounded to the nearest dollar, over the maximum of the Salary range for the person's present position. If the person would thereby suffer a reduction in salary, said person will be placed at his/her current salary or at such higher salary as may be specifically authorized by the chief administrative officer or the board of supervisors if the resulting salary exceeds either the control point of the salary range or $150,000 per annum.

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SECTION 8. Section 6.08.373 (Management Appraisal and Performance Plan – Tier I General Salary Adjustment provision) is hereby added to read as follows:

6.08.373 Tier I General salary adjustment provision

A. Tier I Participants. General Salary Adjustments for Tier I participants, excluding appointed department heads, will take the form of a percentage change in the R-Range Salary structure on specific dates approved by the board of supervisors with concurrent changes in the actual salaries of Participants. Only Tier I Participants who have received a current performance evaluation of "Met Expectations" or better shall receive a General Salary Adjustment.

SECTION 9. Section 6.08.375 (Management Appraisal and Performance Plan – Tier I merit salary adjustment provisions) is hereby amended to read as follows:

6.08.375 Tier I merit salary adjustment provisions.

A. ~~Department Head Recommendation.~~ Annually, in accordance with guidelines issued by the chief administrative officer, each Participant's Appointing Authority shall recommend a Merit Salary Adjustment, ranging from a minimum of zero percent to a maximum of 5 percent. Such Merit Salary Adjustments shall be limited to Participants who have been in MAPP prior to April 1st of the current fiscal year and whose current performance rating is "Met Expectations" or higher and shall take effect on October 1st of each year except as otherwise provided by this Plan. Merit Salary Adjustment recommendations are subject to chief administrative officer approval prior to becoming effective. Such adjustments may apply to and/or result in a salary that falls outside the established Tier I Salary range.

B. Appointed Department Head Merit Salary Adjustments. ~~Annually,~~ ~~t~~The chief administrative officer shall assess the performance of appointed department heads in consultation with the board of supervisors. Following such consultation, the chief administrative officer may authorize Tier I Merit Salary Adjustments for appointed department heads at such times as also designated by the chief administrative officer; provided, however, that appointed department heads who have received a current performance evaluation of "Met Expectations" or better shall receive an adjustment that is not less than the General Salary Adjustment, if any, otherwise provided to other MAPP Tier I Participants in the same fiscal year. ~~ranging from a minimum of zero~~

~~percent to a maximum of 5 percent~~. Such adjustments may apply to and/or result in a salary that falls outside the established Tier I Salary range.

SECTION 10. Section 6.08.385 (Management Appraisal and Performance Plan – Tier II establishment of step placement upon appointment) is hereby amended to read as follows:

6.08.385 Tier II establishment of step placement upon appointment.

A person appointed to a class or position designated as participating in the Tier II Management Appraisal and Performance Plan shall be paid as follows:

A. Appointment of Persons Not Employed by the County. For any persons who is not currently employed by the County and who is ~~are~~ appointed to a positions participating in the Tier II Management Appraisal and Performance Plan, the chief administrative officer shall review and approve the recommendation of the Appointing Authority with regard to the initial salary placement for such person; provided, however, that any such recommended salary placement that exceeds $150,000 per annum shall require the specific approval of the board of supervisors. ~~the Appointing Authority may designate any step up to and including step 8 of the Salary range established for the position to which the person is being appointed, provided i) the department head makes a written finding based on an analysis of factors, determined by the chief administrative officer, to justify hiring above the minimum of the Salary range, and ii) the appointment does not exceed any other restrictions or limitations that may be imposed by the chief administrative officer or the board of supervisors with regard to the appointment or the rate of compensation that may be allowed for the appointment. Appointment pursuant~~

~~to such a written finding at a salary rate beginning with step 9 and up to and including step 12 of the salary range shall require prior approval of the chief administrative officer. Appointment to the salary rate greater than step 12 shall require prior approval of the chief administrative officer and the board of supervisors.~~

B. Promotional Appointments. ~~Except as provided in Section 6.08.340 F, a~~ A person being promoted from another position in County service shall be compensated at a salary within the Salary range of the higher position ~~as provided in subsection A above~~, except that such person shall receive an increase of at least 5.5 percent, plus step placement, above his/her previous base salary but not less than the minimum of the Salary range. Promotional increases greater than 5.5 percent, plus step placement, shall require the approval of the chief administrative officer, unless the resulting salary in the new position exceeds $150,000 per annum, in which case, the promotional increase shall require the approval of the board of supervisors. Persons compensated at a Y-Rate shall receive the salary within the Salary range of the higher-level Position which provides an increase of 5.5 percent over the maximum of the Salary range for the person's present position. If the person would thereby suffer a reduction in salary, said person will be placed at his/her current salary or at such higher salary as may be specifically authorized by the chief administrative officer or the board of supervisors if the resulting salary exceeds $150,000 per annum.

SECTION 11. Section 6.08.387 (Management Appraisal and Performance Plan – Tier II General salary adjustment provision) is hereby added to read as follows:

6.08.387 Tier II General salary adjustment provision

A. Tier II Participants. General Salary Adjustments will take the form of a percentage change in the S-Range Salary structure on specific dates approved by the board of supervisors with concurrent changes in the actual salaries of Participants.

SECTION 12. Section 6.08.390 (Management Appraisal and Performance Plan – Tier II Step advancement provisions) is hereby amended to read as follows:

6.08.390 Tier II Step advancement provisions.

A. In accordance with guidelines issued by the chief administrative officer, each Tier II Participant may be eligible on October 1st of each year for advancement to the next salary step on the applicable Tier II S Range. Such step advancement shall be limited to Participants who have been MAPP participants prior to April 1st of the current fiscal year ~~worked at least six months on their current salary step~~ and who otherwise meet the conditions for salary step advancement set forth in the Plan.

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SECTION 13. Section 6.08.395 (Management Appraisal and Performance Plan – Tier I and Tier II departmental special rates) is hereby amended to read as follows:

6.08.395 Tier I and Tier II departmental special rates.

. . .

H. Department of the Chief Administrative Officer. Notwithstanding any other provision of this Code, persons employed as Chief Administrative Officer (UC) (Item No. 0868), Chief Deputy, Chief Administrative Officer (UC) (Item No. 0869), or Deputy, Chief Administrative Officer (UC) (Item No. 0866) shall be deemed to be Participants in Tier I of the Plan subject to the same Plan terms and conditions otherwise applicable to Tier I

Participants; provided, however, that, in lieu of a designated "R" salary range, such employees shall be compensated pursuant to a salary range for which the minimum is not less than the minimum rate for salary range R 21 and the maximum is not more than a rate that is 10 percent greater than the maximum rate for salary range R 25. The Control Point shall be the mid-point between the minimum salary rate and the maximum salary rate. The Board of Supervisors shall be the Appointing Authority for the Chief Administrative Officer (UC), and the Chief Administrative Officer (UC) shall be the Appointing Authority for the Chief Deputy, Chief Administrative Officer (UC) and Deputy, Chief Administrative Officer (UC) positions.

I. Department of Health Services. Notwithstanding any other provision of this Code, any person employed as Director of Health Services shall be deemed to be a Participant in Tier I of the Plan subject to the same Plan terms and conditions otherwise applicable to Tier I Participants; provided, however, that, in lieu of a designated "R" Salary range, such employee shall be compensated pursuant to a Salary range for which the minimum is not less than the minimum rate for Salary range R21 and the maximum is not more than a rate that is 10 percent greater than the maximum rate for Salary range R25. The Control Point shall be the mid-point between the minimum salary rate and the maximum salary rate.

SECTION 14. Section 6.10.090 is hereby deleted in its entirety:

~~**6.10.090 Acting department head -- Additional compensation.**~~

~~A. When a position of department head is vacant, the chief deputy or any person designated by the board of supervisors who may act as the department head on~~

~~a temporary basis shall, beginning with the seventh month of such acting-capacity assignment, and for the duration of such acting-capacity assignment, receive compensation at a rate two schedules higher than that established for his position in Section 6.28.050.~~

~~B. Any person receiving a bonus pursuant to the provisions of this section shall retain the same step placement and anniversary date that he had prior to receiving said bonus.~~

SECTION 15. Pursuant to Government Code Section 25123(f), this ordinance shall take effect immediately upon final passage.

[MAPP072008SOCEO]

SECTION 16. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Don Knabe

Chair

ATTEST:

Sachi A. Hamai

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of December 2, 2008 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	Ayes		Noes
Supervisors	Mark Ridley-Thomas	Supervisors	None
	Zev Yaroslavsky		
	Michael D. Antonovich		
	Don Knabe		

Effective Date: December 2, 2008

~~Operative Date:~~

Sachi A. Hamai

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By Leela Kapur

Leela Kapur
Chief Deputy County Counsel

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