

Web Posting Transmittal Sheet

Meeting Date: 7/24/19

✓	BU #	NAME OF UNIT
	6	Health and Welfare Supervisors <i>SHAPE</i>
	10	Skilled Craft and Service Maintenance <i>Stationary Engineers, Local 39</i>
✓	3	Law Enforcement Employees
	4	Law Enforcement Supervisors <i>Deputy Sheriff's Association</i>
	12	Probation Employees
	15	Probation Supervisors <i>Probation Peace Officer Association</i>
	13	Correctional Officers <i>Sheriff's Custody Association</i>
	14	Correctional Supervisors <i>Teamsters, Local 856</i>
	17	Law Enforcement Management
	18	Law Enforcement Management <i>Law Enforcement Management Association</i>
	2	Nurses
	7	Regulatory, Technical and General Services
	9	Clerical Employees
	5	Health and Welfare Service Employees
	8	General Services Supervisors
	82	EH Nurses
	87	EH Regulatory, Technical, & General Services
	89	EH Clerical Employees
	90	EH Probation Employees <i>SEIU</i>
	1	Attorneys <i>Teamsters, Local 150</i>
	11	Psychiatrists, Physicians and Dentists <i>Union of American Physicians &amp; Dentists</i>
	16	Mid Management <i>AMMPS</i>
	19	Executive and Senior Management <i>Professional &amp; Technical Engineers, Local 21</i>

- County Proposal(s) to Union  
 Union Proposal(s) to County

Proposal(s) attached.

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COUNTY OF SOLANO  
AND  
SOLANO DEPUTY SHERIFFS' ASSOCIATION  
201 MEMORANDUM OF UNDERSTANDING NEGOTIATIONS

Proposal #11

Offered:

Subject: Workers Compensation

Proposal: To treat employees in the Welfare Fraud Investigator Classification Series at the same level as the District Attorney Investigator Series. This article is proposed for both Units #3 and #4.

Association Interest: The Welfare Fraud Investigators are classified as peace officers pursuant to Penal Code section 830.35. Labor Code 4850 fails to recognize them similarly to deputy sheriffs and District Attorney investigators. The association sees the duties of these positions as similar, so propose the Welfare Fraud Investigators receive the workers compensation benefits as the District Attorney Investigators.

MOU Language:

**7. WORKERS' COMPENSATION**

7.1 Workers' Compensation

- A. In accordance with the California Labor Code, the County provides all statutory workers' compensation benefits for County employees who sustain work-related injuries or illnesses. Pursuant to Labor Code 3700 et seq., the County is self-insured for Workers' Compensation at no cost to the employees.
- B. In lieu of the statutory three (3) days waiting period for temporary disability payments, pursuant to Labor Code section 4652, whenever an employee is compelled by direction of a physician to be absent from duty due to an injury or illness determined to be work related by the County, the employee shall receive full compensation for his/her scheduled workdays and paid holidays falling during the first three (3) days of such absence. Thereafter accrued leave shall be integrated with Worker's Compensation temporary disability benefits pursuant to Section 7.4H1G.
- C. In accordance with Labor Code 4850, whenever any employee is compelled by direction of a physician to be absent from duty due to an injury or illness determined to be work-related by the County, the employee shall receive full compensation, in lieu of Workers' Compensation temporary disability for a period not exceeding one year, or until such earlier date he/she is retired on permanent disability pension and is actually receiving disability pension payments or advanced disability pension payments pursuant to Labor Code 4850.3. If temporary disability exceeds the one-year period, the employee is eligible for

temporary disability payments integrated with accumulated leave pursuant to Section 7.411J.

- D. Welfare Fraud Investigators, who become disabled by illness or injury, arising out of and in the course of their duties, will be accorded the benefits of Deputy Sheriffs or other law enforcement personnel pursuant to Sections 3212.5, 3212.6 and 4850 of the California Labor Code.

Both industrial accident leave and sick leave payments will be coordinated with Workers' Compensation payments to maintain the employee's basic straight time earnings. Vacation and sick leave shall continue to accrue during the period of industrial absence or for one (1) year, whichever is shorter. Upon return to work sick leave credits utilized during such absence shall be restored.

- E.E. In the event that the County is unable to determine if the injury or illness is work-related, the employee shall use sick leave and upon exhaustion of sick leave may utilize any other accumulated leave benefits. Once the injury or illness is determined to be work-related, leave benefits will be restored in accordance with Section EB, above and Labor Code 4850.

- D.F. The County will continue to pay the employer share of the monthly premium for medical, vision, dental, and life insurance coverage on behalf of a qualified regular full or part-time employee who is receiving 4850 temporary disability benefits or Workers' Compensation temporary disability benefits for a maximum of 15 months.

- E.G. Sick leave and vacation credit shall accrue during any pay period in which the employee is eligible to receive 4850 temporary disability benefits or Workers' Compensation temporary disability benefits.

- F.H. Up to two (2) hours paid County time off may be used to attend repeat medical appointments due to a work-related injury or illness. Such appointments should be scheduled during the employee's off duty hours whenever possible. Sick leave may be used for medical appointments due to work related injuries beyond two hours.

- G.I. Service credit as provided in this Memorandum of Understanding or in the Personnel and Salary Resolution toward longevity compensation, seniority, and step increase eligibility shall not be affected by any pay period during which an employee received both County paid leave and 4850 temporary disability benefits or workers' compensation temporary disability benefits.

- H.J. Workers' Compensation temporary disability shall be integrated with accrued County leave as follows:

1. Employees must promptly inform departmental payroll clerks of their workers' compensation temporary disability benefit amount and provide documentation of receipt for which h/she is eligible.
  
2. Employees' pay, including leave accruals and workers' compensation temporary disability benefits shall not exceed the employee's regular gross pay. Gross pay is made up of regular base pay, bilingual differential, and longevity compensation as applicable. Upon exhaustion of sick leave, other accumulated leave may be integrated with weekly workers' compensation temporary disability benefits, at the employees' discretion. Employees must integrate all required leave to equal 100% of their full-time equivalent position.

For the DSA: \_\_\_\_\_

Date: \_\_\_\_\_

For the County: \_\_\_\_\_

Date: \_\_\_\_\_

1/24/19  
2:52

COUNTY OF SOLANO  
AND  
SOLANO DEPUTY SHERIFFS' ASSOCIATION  
201 MEMORANDUM OF UNDERSTANDING NEGOTIATIONS

Proposal #10

Offered:

Subject: Welfare Fraud Investigator Classifications

Proposal: To compensate employees assigned in the Welfare Fraud Investigator Classification Series at the same level as the District Attorney Investigator Series. This article is proposed for both Units #3 and #4.

Association Interest: The classifications of Welfare Fraud Investigator and Welfare Fraud Investigator (Supervising) have essentially the same experience, education, and training requirements as their counterparts in the District Attorney's Office; and essentially perform the same jobs functions. Over the past two decades, the Welfare Fraud Investigator classifications have taken on more traditional law enforcement duties, such as carrying firearms; conducting felony criminal investigations; making arrests; and executing both search and arrest warrants. In fact, in more than half of the counties in California, the Welfare Fraud Investigator function is performed by District Attorney Investigators.

The current pay disparity appears to be an anomaly between the District Attorney Investigator and Welfare Fraud Investigator classifications, and does not appear to adversely impact other classifications. For example, an Investigative Assistant in the Health and Social Services Department is paid the same as an Investigative Assistant in the District Attorney's Office.

The Human Resources Department has acknowledged the Welfare Fraud Investigator series as "hard to fill." In 2017, during the last series of contract negotiations, the Special Investigations Bureau had been trying to fill vacancies since September 2014. Although they were able to fill four out of six positions, it took approximately three years to do so. Those hired came from out-of-state, or from dramatically lower paying agencies. Of those six openings, one of those positions was reclassified as an Appeals Specialist, due to the inability to hire at the investigator level. Since that time, the County has lost three additional Investigators; resulting in two additionally eliminated positions from the budget.

The disparity in pay has continued to cause retention issues. In fact, three former Welfare Fraud Investigators are now Solano County District Attorney Investigators. All have cited the disparity between pay and benefits as their primary reasons for leaving their respective Welfare Fraud Investigator positions. Within the last year, one investigator laterally transferred to the Solano County District Attorney's Office, while another joined the Sonoma County District Attorney's Office.

MOU Language:

The Welfare Fraud Investigator Series shall be compensated at the same level as the District Attorney Investigator Series.

For the DSA: \_\_\_\_\_ Date: \_\_\_\_\_

For the County: \_\_\_\_\_ Date: \_\_\_\_\_