



Albemarle County

Legislation Text

File #: 16-225, **Version:** 1

AGENDA DATE: 5/4/2016

TITLE:

Memorandums of Understanding between the County and the Sheriff and the Clerk of Circuit Court

SUBJECT/PROPOSAL/REQUEST: Resolution approving the proposed Memorandums of Understanding between the County and the Sheriff and the Clerk of Circuit Court

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Foley, Letteri, Davis, Blair, Gerome

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Thomas C. Foley

BACKGROUND: Pursuant to the direction of prior Boards, the County offered Constitutional Officers the opportunity to include their employees in the County's pay and classification system, resulting in market-based pay and benefits as well as pay raises comparable to other County employees. In addition to assuring that Constitutional Officer employees were paid at a market level comparable to other County employees, it assured these employees that they would receive County-approved pay raises rather than raises provided by the State. The County entered into Memorandums of Understanding (MOUs) with the Sheriff and Clerk of Circuit Court in 2012. Those documents required the Sheriff's and the Clerk's employees to adhere to most County personnel and administrative policies in exchange for having the employees placed on the County's pay and classification system.

The Department of Human Resources, the County Executive's Office, and the County Attorney's Office have been working with the Sheriff and the Clerk of Circuit Court to develop updated MOUs. Staff has prepared the attached MOUs between the County and the Sheriff (Attachment A), and the Clerk of Circuit Court (Attachment B). The MOUs provide that the employees of the Constitutional Officers will be covered under the County's Classification and Pay Plan and will be subject to all of the County's personnel policies except for the grievance policy, several policies related to hiring, discipline, and termination of employees, and any policies or provisions that are superseded by State law. The policies that will apply to the Constitutional Officers' employees include those related to salary administration, leave, benefits, and course reimbursement. Benefits will not accrue to the Constitutional Officers themselves, only to their employees. The MOUs also clarify which County administrative policies will apply to the Constitutional Officers' employees

Staff continues to negotiate an MOU with the Commonwealth's Attorney. As of today, staff and the Commonwealth's Attorney have not been able to achieve an agreement on proposed MOU terms.

STRATEGIC PLAN: Operational Capacity: Ensure County government's ability to provide high quality service that achieves community priorities

DISCUSSION: Constitutional Officers and their operations are legally separate and independent from

localities, except that localities are required by State law to provide office space and certain limited benefits. State law requires that a locality provide constitutional officer employees two weeks of paid leave, seven days of sick leave, and health insurance. In Albemarle County, the operations of the constitutional officers receive substantial subsidies and benefits beyond those required by State law. If a constitutional officer employee is on the County pay plan, they receive a substantial salary supplement beyond the salary provided by the State Compensation Board to assure they are paid at a market rate and comparable to other County employees in similar positions. To establish and clarify what employment rules, procedures, and benefits apply to constitutional officer employees, common practice is for constitutional officers to enter into an MOU with the local government. Based on previous Board direction, absent a MOU, Constitutional Officers have not formally agreed to follow Albemarle County policies, and their employees are not entitled to benefits enjoyed by other County employees.

BUDGET IMPACT: Employees of the Sheriff and the Clerk of Circuit Court are currently participating in the County's Classification and Pay Plan. Therefore, there is no budget impact associated with the approval of the MOUs.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving the MOUs between the County and the Constitutional Officers, and authorizing the County Executive to execute those MOUs.

A - MOU with Sheriff

B - MOU with Clerk of Circuit Court

C - Resolution