



Albemarle County

Legislation Text

File #: 19-413, **Version:** 1

AGENDA DATE: 7/17/2019

TITLE:

Commonwealth's Attorney Memorandum of Understanding

SUBJECT/PROPOSAL/REQUEST: Approval of Commonwealth's Attorney Memorandum of Understanding

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Letteri, Herrick, DeLoria

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

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 and would enjoy other privileges and benefits arising from employment with the County. The County entered into Memorandums of Understanding with the Sheriff and Clerk of Circuit Court in 2012 and 2016. Those documents required the Sheriff's and 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 Commonwealth's Attorney to develop an MOU with terms that are agreeable to both parties. Staff prepared, and the Commonwealth's Attorney has signed, the attached MOU (Attachment A). As in the MOUs with the Sheriff and the Clerk of Circuit Court, the employees of the Commonwealth's Attorney will not be covered under 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several policies related to hiring, discipline, and termination of employees, and any policies or provisions that are superseded by State law.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 Commonwealth's Attorney's employees include those related to salary administration, leave, benefits, course reimbursement, and retirement. Benefits will not accrue to the Commonwealth's Attorney, but only to the employees. The MOU also clarifies which County administrative policies will apply to the employees.

STRATEGIC PLAN: Quality Government Operations: Ensure County government's capacity 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. Constitutional officer employees on the County pay plan 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 office employees, common practice is for constitutional officers to enter into an MOU with the local government.

Because the MOU will not be effective until the County signs, staff asks the Board to declare it effective as of June 28, 2019, when the Commonwealth's Attorney signed. Also, because the MOU is silent as to whether pre-MOU years of service should be credited for benefits purposes, staff recommends that prior years of service be credited because: i) the Department of Human Resources has interpreted the Constitutional Officers' MOUs to recognize years of service; and ii) there are at least two employees with at least two decades of dedicated service to Albemarle County who possibly would not be similarly recognized.

BUDGET IMPACT: Qualified employees will become eligible for the longevity bonus (\$200 per year starting after five years of service) and VERIP (\$712 per month for up to 60 months).

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment B) approving the MOU with an effective date of June 28, 2019 so that all of the employees of the Commonwealth Attorney's office will be given credit for all of their years of service provided to that office prior to June 28, 2019.

ATTACHMENTS:

Attachment A - MOU

Attachment B - Resolution