

First 5 Commission of San Diego

Subject: Salaries and Benefits Policy

Policy Number: F5C-014

Effective Date: April 20, 2021

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Purpose

To facilitate compliance with the Health and Safety Code Section 130140 (d) (6) requiring the county commission to adopt, in a public hearing, policies and processes establishing the salaries and benefits of employees of the county commission. Those salaries and benefits shall conform to established county commission or county government policies.

Background

Companion bills AB 109 (Chan) and SB 35 (Florez) were adopted by the California State Legislature and signed into law by the Governor on September 23, 2005. The law is found in Chapters 243 and 284, Statutes of 2005, now codified in the California Health and Safety Code Section 130140 et seq.

The County of San Diego Code of Administrative Ordinances (Ordinance), Article IIIp, Sections 84.100-84.111, effective December 8, 1998, establishes the First 5 Commission of San Diego (Commission), and requires in Section 84.110 – Staff Assistance, that the Director of the Health and Human Services Agency (HHS) shall provide staff assistance to the Commission.

The Professional Services Memorandum of Understanding (MOU) between the County of San Diego (County) and the First 5 Commission of San Diego (Commission), entered into on June 13, 2000, provides that:

- The Commission shall operate with the personnel provided by the County, pursuant to County Administrative Code Section 84.110 and Articles 1 and 2 of the MOU, and take appropriate actions as are reasonably necessary to perform duties in accordance with the MOU (Article 1.3.1.)
- The County, through the Health and Human Services Agency, shall provide staff, services, and supplies to the Commission, pursuant to County Administrative Code 84.110 and the MOU (Article 2.6.1.)
- Commission staff are employees of the County with all rights and privileges accorded to all County employees and subject to all employment conditions applicable to all County employees. The Commission may employ such other individuals on a contractual basis who will be and remain professionally and economically independent of the Commission and County (MOU Article 2.7.1.).

Further, Article 2.8 of the MOU provides that the County, through the County Department of Human Resources, shall perform certain administrative functions in support of the Commission according to existing civil service rules for classified service and guidelines governing unclassified service. Those functions include:

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- Review and classify HHSA positions that are assigned to the Commission using existing County policies (Article 2.8.1)
- Review and assign pay rates of compensation for HHSA positions that are assigned to the Commission using existing County classification and compensation policies (Article 2.8.2.)
- Coordinate and assist in the development of Board letters and other administrative functions required to appoint County HHSA employees assigned to the Commission (Article 2.8.3.).

Policy

In accordance with the establishment of the First 5 Commission of San Diego pursuant to Article IIIp of the San Diego County Code of Administrative Ordinances and in accordance with the Professional Services Memorandum of Understanding between the County of San Diego and the Commission dated June 13, 2000, it is the policy of the Commission that the Director of the San Diego County Health and Human Services Agency shall provide staff assistance to the Commission and that the Commission shall operate with the personnel provided by the County of San Diego. Salaries and benefits of Commission employees shall conform to County of San Diego salaries and benefits policies as provided in the MOU. Actions taken by the Commission and the County of San Diego with respect to personnel provided to the Commission by the County shall be in compliance with all State, Federal, and local laws, regulations and ordinances applicable to such employment (Ordinance, Article IIIp, Section 84.110 and MOU Articles 1 and 2).

Further details on the County of San Diego’s salaries and benefits policies are found in the County of San Diego Compensation Ordinance. To the extent that the County Compensation Ordinance is inconsistent with any term or provision of an individual employment agreement or Memorandum of Understanding concerning a Commission employee’s salary or benefits, the term or provision of the employment agreement or the MOU shall govern.

Sunset Review: April 2024

Originally Approved: June 19, 2006 (5)

Revised: April 27, 2009 (1); June 4, 2012 (2); June 29, 2015 (2); April 2, 2018 (6)

Approved:

April 20, 2021
Date

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