**UNION PANEL MEMBER’S RECOMMENDATION**

**2018 DSA FACTFINDING RECOMMENDATIONS**

Public Employment Relations Board Case # LA-IM-263-M

County of San Luis Obispo and the San Luis Obispo Deputy Sheriffs Association

Factfinding Dates: July 17-18, August 22, 2018

In addition to the County of San Luis Obispo’s violation of the Prevailing Wage Ordinance, its efforts to artificially suppress the compensation of its public safety employees will result in continued challenges recruiting and retaining qualified personnel. As demonstrated during the hearing, since 2013, the take-home pay of a Correctional Deputy has *decreased* by more than $100 per month. When coupled with the rapid increase in the cost of living in the County of San Luis Obispo, a career in public service is no longer possible. As a result, represented employees are already working an alarming number of overtime hours to meet minimum staffing levels. With the County’s reliance on overtime to meet minimum staffing levels increasing each year, the County’s elected officials are unnecessarily placing the County in a perilous situation.

The County’s consistent challenges in providing even *minimal* public safety service levels at a time of unprecedented economic growth is a result of political dysfunction rather than economic constraints. Indeed, as noted in the *Factfinding Report and Recommendations*, while the members of the Deputy Sheriffs’ Association continue to work an unsustainable number of overtime hours, the County’s overall staffing levels have bloated by more than 13% over the last six (6) years. Simply stated, public safety is not a priority in the County of San Luis Obispo.

While the Union appreciates that the neutral panel member has recognized the County’s elaborate efforts to suppress the wages of its employees, the *Factfinding Report and Recommendations* do not go far enough in correcting the compensation disparity suffered by members of the Deputy Sheriffs’ Association. As the neutral noted, “[t]he employees represented by the Deputy Sheriff’s Association are significantly below the market as demonstrated by the County’s survey”. Specifically, when the indisputable flaws in the County’s survey are corrected, the neutral notes that represented employees are approximately 12% behind market. Accordingly, the rather modest wage increases and extended term recommended by the neutral do not sufficiently close the gap to make the compensation afforded to represented classifications competitive with the market. Demonstrating just how dire the situation has become, should the County immediately adopt the terms recommended by the neutral, employees in the Correction Deputy classification would continue to be at least 3.2% behind the market median even when using the County’s manipulated survey methodology.

While the County has avoided discussion with respect to its manipulated survey methodology – which it once touted as the “rational universe” – this factfinding process would be incomplete without scrutinizing the methodology utilized by the County in unilaterally determining the competitive market.

Since approximately 2010, the County of San Luis Obispo has sought to change the benchmark agencies that have traditionally been used to determine compensation of County employees. With a clear emphasis on driving down the wages and benefits of employees, the County adopted an elaborate 11 point evaluation wherein it attempted to determine which employers were similarly situated. Under the County’s “rational universe” methodology, competing employers could receive one (1) point in each of the following categories if the County deemed the competitor to be similarly situated in the specified criteria: (1) Miles from San Luis Obispo; (2) Cost of Living Index; (3) Population; (4) Unincorporated Population; (5) Median Household Income; (6) Median Home Value; (7) Taxable Sales per Capita; (8) Assessed Value per Capita; (9) Total Taxes per Capita; (10) Percentage of Population with BA or Higher; and (11) Median Age. The cumulative number of points awarded to each employer would then determine if the employer was truly similarly situated. If we accept the County’s point methodology as having *any* merit, it seems that we should at least follow what their results suggest. Instead, the neutral panel member has allowed the County to selectively include the County of Fresno and the County of Kern into the market survey, even though the County’s elaborate point system suggests that neither is comparable to San Luis Obispo County. Specifically, Fresno receives only two (2) of 11 possible points, while Kern gets only four (4) of 11 possible points. No other County benchmark has less than five (5) points.

If the parties were to only consider agencies with five points as being statistically relevant/comparable to San Luis Obispo, the “rational universe” would include the following county employers: Placer (8 points); Santa Barbara (7 points); Sonoma (7 points); Santa Cruz (7 points); El Dorado (6 points); Napa (5 points); and Santa Clara (5 points). In addition to including two statistically irrelevant benchmarks (Fresno and Kern), the County of San Luis Obispo’s market survey conveniently omits two benchmarks that its point systems suggests should be included: the County of Santa Clara and the County of Napa.