

## Chapter Eight

# Public Employment & Retirement

### **Section 1: Public Employee Relations**

Counties are committed to an employment system that provides public employees with protection against arbitrary and capricious loss of jobs, unfair hiring practices, and preferential promotions or job assignments. Counties believe in and support merit systems. For this purpose, they have provided personnel services, grievance procedures, health and safety protection, retirement and pension plans. Foremost, however, counties have a fundamental obligation to all citizens to exercise the peoples' sovereign power in determining what government will do, at what cost to the taxpayer, and under what circumstances. Thus, the basic principle of county employer-employee relations is one of balancing the legitimate desires and needs of employees against the publics' right to economical, efficient, effective and stable government.

#### Collective Bargaining

Counties support collective bargaining legislation that:

- 1) Recognizes the right of each employee to join or not join organizations and bargain collectively or individually.
- 2) Recognizes the responsibility of local elected officials to govern and manage the organization and to implement public policy.
- 3) Minimizes conflict over procedural matters.
- 4) Provides an acceptable method of resolving impasse resulting from negotiations. CSAC opposes compulsory, binding arbitration.

#### Political Activity by Employees

Employees whose job security is protected by civil service or merit systems or by agreement between the county and an employee organization cannot be permitted to engage in any political activity during times when they are paid to be performing the duties of their employment.

### Nepotism Restriction

CSAC supports nepotism restriction policies that are consistent with applicable state statutes. Specifically, we support policies that prohibit employment of immediate family members by county officers, or participation of county officers or employees in employment decisions affecting immediate family members. No person should be employed in a position where that position will be directly supervised by a member of the immediate family or where it is reasonable to believe and it can be shown that employment of immediate family members in the same department, division or facility involves potential conflicts of interest.

### Employee Benefits Legislation

Counties strive to develop employee benefit plans that are affordable, responsive to the needs and desires of county employees, and reflect the values of the community. We are opposed to the state legislating salary, wages, or employee benefits for county employees. These issues must be determined only at the local bargaining table; otherwise the foundation of the collective bargaining process is undermined.

### Workers' Compensation

CSAC supports preserving the original intent of the Workers' Compensation Act and legislation that would prevent or correct abuses within the system. We believe that timely and unprejudiced benefits should be provided to employees who suffer from work-related injuries or illnesses at a reasonable cost to county employers. CSAC opposes state policy which would erode the original intent of the Workers' Compensation Act or result in excessive costs to county employers and increased litigation.

CSAC supports:

- 1) Reasonable measures to assist employees in returning to suitable employment.
- 2) Promoting medical care treatment guidelines that are based on evidentiary medicine and designed to cure or relieve the effects of employment-related injury or illness.
- 3) The concept of apportionment for disability that is the result of other industrial or non-industrial injuries or conditions.
- 4) Maintaining objectivity in evaluating permanent disability standards.
- 5) The concept that tax exemptions on temporary disability should extend only to the statutory maximum, as outlined in Labor Code 4453.
- 6) Ensuring that the Workers' Compensation Appeals Board remains a forum for efficient resolution of claim issues.

CSAC Opposes:

- 1) Extending workers' compensation benefits to any person other than the employee as defined by law, except in the case of dependent death benefits.
- 2) Injury presumptions for only certain employee classifications.

#### Coordination of Governmental Employers

Counties, cities, and local governmental management are strongly encouraged to freely exchange information of a timely nature on employee demands over wages and employee benefits as well as settlements reached. In this manner, each employer can deal more effectively with its own "meet and confer" process.

While multi-employer bargaining is not possible now, there are many real benefits available if governmental units would keep adjoining and comparable agencies promptly informed of employer positions on salaries, employee demands and employee benefits. Governmental entities are continuously used for comparison of employee benefits sometimes at an "anticipated" rather than actual level.

#### Closed Sessions for Negotiation Discussions

Successful negotiations depend upon meaningful discussions at the bargaining table. Under no circumstances should closed sessions of the Board of Supervisors and its designated management representatives be required to be opened to the public.

#### National Labor Relations Legislation

Counties oppose the intrusion of the federal government into the field of state and local public labor relations legislation. States should be free to experiment with new legislative approaches and to adopt procedures tailored to meet the needs of their constituents.

However, should national labor relations legislation become inevitable, counties should encourage adoption of legislation which parallels their positions on state legislation.

### **Section 2: Public Retirement**

Public retirement systems should be established and maintained on actuarially sound principles and be fiscally responsible. Public pension reform has garnered widespread interest and has generated significant debate among policy leaders about the appropriate remedy for actual and perceived abuse, rising costs, and accountability to taxpayers. CSAC welcomes this discussion and approaches the concept of reform with the overarching goal of ensuring public trust in public pension systems, and empowering local elected officials to exercise sound fiduciary management of pensions systems, as well as maintaining a retirement benefit sufficient to assure recruitment and retention of a competent local

government workforce. The guiding principles are intended to apply to new public employees in both PERS and 1937 Act retirement systems.

Local elected officials should be able to develop pension systems that meet the needs of their workforce, maintain principles of sound fiduciary management, and preserve their ability to recruit and retain quality employees for key positions that frequently pay less than comparable positions in the private sector. We oppose efforts to remove board of supervisor authority to determine retirement benefits since they are responsible for funding benefit changes. For 1937 Act county retirement systems, we are opposed to any legislation which would transfer authority now vested with the county board of supervisors to the county board of retirement. Such transfer could include, but is not limited to, adoption of salaries for retirement board members or employees, the extension of benefits, or decisions related to funding of the system.

Public pension systems provide an important public benefit by assisting public agencies to recruit and retain quality employees. Any fraud or abuse must be eliminated to ensure the public trust and to preserve the overall public value of these systems.

Public pension systems boards have a constitutional duty to:

- (a) Protect administration of the system to ensure benefits are available to members; and
- (b) Minimize employer costs. The constitutional provisions and state statutes governing such boards should promote responsible financial management and discourage conflicts of interest.

Public pensions should adhere to the following principles:

1) Protect Local Control and Flexibility

- a. Local elected officials should be able to develop pension systems that meet the needs of their workforce, maintain principles of sound fiduciary management, and preserve their ability to recruit and retain quality employees for key positions that frequently pay less than comparable positions in the private sector. A statewide mandated retirement system is neither appropriate nor practical, given the diversity of California's communities. Further, a mandated defined contribution retirement system could force a reconsideration of the decision of local governments not to participate in Social Security.

2) Eliminate Abuse

- a. Public pension systems provide an important public benefit by assisting public agencies to recruit and retain quality employees. Any fraud or abuse must be eliminated to ensure the public trust and to preserve the overall public value of these systems.

3) Reduce and Contain Costs

- a. Public pension reform should provide for cost relief for government, public employees, and taxpayers.
- 4) Increase Predictability of Costs and Benefits for Employee and Employer
- a. Responsible financial planning requires predictability. Employers must be able to predict their financial obligations in future years. Employees should have the security of an appropriate and predictable level of income for their retirement after a career in public service.
- 5) Strengthen Local Control to Develop Plans with Equitable Sharing of Costs and Risks Between Employee and Employer
- a. Equitable sharing of pension costs and risks promotes shared responsibility for the financial health of pension systems and reduces the incentive for either employees or employers to advocate changes that result in disproportionate costs to the other party, while diminishing the exclusive impact on employers for costs resulting from increases in unfunded liability.
- 6) Increase Pension System Accountability
- a. Public pension systems boards have a constitutional duty to both protect administration of the system to ensure benefits are available to members and minimize employer costs. The constitutional provisions and state statutes governing such boards should promote responsible financial management and discourage conflicts of interest.

### **Section 3: Industrial Disability Retirement**

CSAC has traditionally supported the principle of provision of IDR to safety employees who are unable to continue their safety employment due to a bona fide job-connected disabling injury or illness. CSAC also has traditionally recognized that IDR can be extremely expensive, and that responsible reforms may be warranted to limit the cost to truly legitimate claims.

### **Section 4: Occupational Safety and Health Standards**

The occupational safety and health standards and practices for counties should comply with Cal-OSHA.

#### Safety Member Category

The safety member classification is intended to provide a retirement system for the class or classes of public employees whose duties consist of physically active functions in the protection and safety of the public. The purpose of such classification is to ensure that persons so employed will be agile and active and possess a high degree of physical alertness and stamina and it is designed to provide an opportunity for career employment and, at the same time, provide for and ensure separation from such service without financial hardship at a relatively younger age than other employees. The term "safety," as used

in the retirement law, refers to the safety of the public.

Personal risk or the hazardous nature of job functions are not elements of the classification and shall have no bearing in determining the establishment of or eligibility for safety membership.

#### Coordination of Personnel Functions with Central Administration

Counties recognize the success or failures of local government rests heavily on the quality of its personnel, and therefore support the close organizational ties between the central administration and the personnel function. Counties are encouraged to establish and maintain effective partnerships between central administration and the personnel functions and to link activities directly related to those functions.

#### Equal Employment Opportunity

The California State Association of Counties is committed to the concept of equal employment opportunity (EEO) in public service as a basic merit system principle. Acceptance of this principle does not end with mere prohibition of discriminatory practices. We recognize the obligation of counties to develop practical plans for specific steps to be taken to achieve more fully the goal of equal employment opportunity in county government. This includes positive efforts in recruitment, examination, selection, promotion, pay, job restructuring and due process protection so that appropriate numbers of protected group members achieve positions in county government and are provided promotional opportunities at all job classification levels.

#### Testing, Selection, and Promotion

Counties believe initial selection and promotional devices used should eliminate artificial barriers, be job related and ensure job success. Special consideration should be given to facilitate the transfer and promotion of qualified employees and full utilization of human resources particularly in protected classes.

#### Licensing and Certification

The counties urge a review of all requirements for licenses or certificates for county employment to ensure they are realistically related to job performance. Counties should strive to prevent the requirement of licenses or certificates when those requirements create artificial barriers to employment and/or upward mobility.

#### State Duplication of Federal Law and Reporting Requirements

Counties are opposed to the adoption of state laws which duplicate, are inconsistent or conflict with federal law or regulations.

Counties are greatly concerned with the multitude of varying EEO reporting requirements coming from state and federal government. The time required to gather and report EEO data from the many different

state and federal agencies, each requiring its own data, greatly reduces the time available to accomplish the objective of EEO. Counties urge state and federal government reporting requirements that are realistically related to necessary monitoring and evaluation activities.

Counties support the consolidation and integration of federal agencies with responsibilities for the monitoring, auditing or regulating of local affirmative action plans and activities. The federal government should initiate efforts to increase standardization and uniformity of their practices in these areas.

### **Section 5: Workforce Development**

CSAC recognizes and endorses the principles of prime sponsorship and accountability of county officials in the planning, administration and supervision of comprehensive local systems of workforce training and employment--with a minimum of federal regulation.