

January 10, 2023

Board of Supervisors  
Kern County Administrative Center  
1115 Truxtun Avenue  
Bakersfield, CA 93301

**PROPOSED AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COUNTY OF KERN AND THE KERN COUNTY DETENTION OFFICERS'  
ASSOCIATION PROVIDING AN EQUITY SALARY ADJUSTMENT TO ALL COVERED  
EMPLOYEES, RESTRUCTURING THE TERMS OF THE RECRUITMENT AND  
RETENTION BONUS, AND ELIMINATING THE FITNESS INCENTIVE PROGRAM,  
EFFECTIVE JANUARY 14, 2023**

**Fiscal Impact: \$7.4 million annually General Fund; Not Budgeted; Discretionary**

The Human Resources Division requests your Board's approval of Amendment No. 1 to the Memorandum of Understanding ("MOU") between the County of Kern and the Kern County Detention Officers' Association ("KCDOA").

On November 9, 2021, your Board approved a new MOU with KCDOA that expires June 30, 2024. The County and the Kern County Sheriff's Office continue to experience significant difficulty in recruiting and retaining personnel in the Detentions Bureau. The department currently has 78 funded vacancies, which amounts to a 32.5% vacancy rate. Current Detentions personnel continue to work significant amounts of mandatory overtime to maintain mandated staffing of the facilities due to the high vacancy rate. The department continues to staff its downtown jail with Deputy Sheriff personnel due to the high volume of vacant positions in the KCDOA. The department and the County's primary objective is to fill these vacancies as quickly as possible to allow as many sworn deputies to move out of the facility and into patrol assignments, thereby providing additional public safety services to the residents of the unincorporated areas of the County. Fixing the recruitment and retention challenges of the positions represented by KCDOA is critical to achieving this objective.

The proposed Amendment No. 1 to the MOU provides all covered employees with an approximate 22% salary adjustment. Since the last contract was approved in November 2021, the Detentions Deputy classification has fallen significant below the market average salary for our counties of comparison. The proposed market equity adjustment will bring us to the most competitive position will rectify that disparity.

In addition, the amendment restructures the existing recruitment and retention bonus of \$15,000 to further incentivize potential job seekers to enter this career field and begin a career in law enforcement with the Kern County Sheriff's Office. This amendment allows for the full amount of the bonus to be paid after a new employee begin service as a Detentions Deputy. In return, new employees are expected to serve a five-year term with the department or as a sworn peace officer with the County.

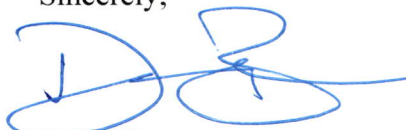
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The final component of the proposed amendment continues the County's progress of eliminating its fitness incentive program. Under this program, employees who complete a physical evaluation every other year can earn an additional 4% of salary. This program has not seen successful participation (38% of KCDOA employees) over the years and when possible, the County has sought to bolster base salary by eliminating the program. During the last KCDOA MOU negotiations, the parties agreed to discontinue the program for new employees, and with this amendment, will discontinue the program altogether.

The parties met and conferred over the contents of this proposed amendment and reached agreement on November 30, 2022. County Counsel has approved the amendment as to form. The fiscal impact of the proposed amendment is \$7.4 million annually. Much of the fiscal impact will be covered by the General Fund unless additional resources are received to supplement.

Therefore, **IT IS RECOMMENDED** that your Board approve the proposed Amendment No. 1 to the KCDOA MOU, authorize the Chairman to sign, and direct Human Resources Division to amend the Departmental Positions and Salary Schedule, and process all necessary payroll transactions according to the terms of the agreement.

Sincerely,



Devin Brown  
Chief Human Resources Officer

Attachment

cc: Donny Youngblood, Sheriff-Coroner-Public Administrator  
Brian Andrews, President of KCDOA

**AMENDMENT NO. 1 TO THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COUNTY OF KERN  
AND  
KERN COUNTY DETENTION OFFICERS' ASSOCIATION  
FOR BARGAINING UNITS T AND V**

This Amendment No. 1 to the Agreement between the County of Kern and Kern County Detention Officers' Association for Bargaining Units T through V, entered on \_\_\_\_\_, between the COUNTY OF KERN (hereafter "County"), a political subdivision of the State of California, and Kern County Detention Officers' Association (hereafter "KCDOA"), after having met and conferred in good faith:

WITNESSETH:

WHEREAS, the County and KCDOA entered into a Memorandum of Understanding (Kern County Agt. 688-2021) (hereafter "MOU") effective from November 9, 2021 through June 30, 2024; and

WHEREAS, the County and the Kern County Sheriff's Office continue to experience significant difficulty in recruiting and retaining personnel in the Detentions Bureau; and

WHEREAS, the County has fallen significantly behind the market average in salary for our counties of comparison with the classifications represented by KCDOA; and

WHEREAS, the County and KCDOA mutually agreed to reopen the salary adjustment and recruitment bonus provisions of the MOU to address the recruitment and retention challenges; and

WHEREAS, the County and KCDOA met and conferred in good faith on November 30, 2022 over the salary adjustments and modifications to the recruitment bonus provisions of the MOU;

WHEREAS, in accordance with the Agreement, representatives of County and KCDOA jointly propose the following changes to the current Agreement.

**NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:**

1. The parties agree that Article V, Section 10, Subdivision D shall be added to the MOU:

Section 10. Salary Adjustments

- D. Effective January 14, 2023, all employees covered by this MOU shall receive an increase in salary range as represented by the table below:

| Item Number | Classification                     | Range |
|-------------|------------------------------------|-------|
| 4544        | Sheriff's Detention Deputy         | 63.7  |
| 4546        | Sheriff's Detention Officer        | 59.7  |
| 4541        | Sheriff's Detentions Senior Deputy | 66.1  |
| 4543        | Sheriff's Detention Sergeant       | 68.3  |

2. The parties agree that Article V, Section 11 of the MOU shall be deleted and replaced in its entirety with the following:

Section 11. Recruitment and Retention Bonus

- A. The County will provide all employees hired on or after November 9, 2021 in a permanent capacity as a Detentions Deputy with the Sheriff's Office a \$15,000 non-pensionable recruitment and retention bonus.

The bonus shall be payable in full upon appointment by the Sheriff-Coroner-Public Administrator subject to completion of a five-year term of service as a Detentions Deputy rank or higher, including in any continuing capacity as a sworn peace officer with the County of Kern.

- B. Appointees who do not complete the agreed upon term of service shall be subject to repayment of the bonus with the following amortization schedule:
  - 1. Less than one year of service - \$15,000
  - 2. Less than two years of service - \$12,000
  - 3. Less than three years of service - \$9,000
  - 4. Less than four years of service \$6,000
  - 5. Less than five years of service \$3,000
- C. Appointees shall acknowledge in writing the terms and conditions required for the bonus prior to receipt of payment.
- 3. The parties agree that Article VII- Fitness and Wellness Program shall be deleted in its entirety from the MOU, effective January 14, 2023.
- 4. Except as amended herein, each and every term of the Agreement shall remain in full force and effect.

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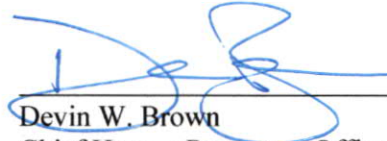
**KCDOA:**



\_\_\_\_\_  
Brian Andrews,  
President, KCDOA

**COUNTY OF KERN:**

\_\_\_\_\_  
Chairman, Board of Supervisors



\_\_\_\_\_  
Devin W. Brown  
Chief Human Resources Officer



\_\_\_\_\_  
Approved as to Form  
County Counsel