

SANTA BARBARA COUNTY EMPLOYEES' RETIREMENT SYSTEM

# Stand-by Duty Fact Finding Report

November 10, 2020

## Contents

Executive Summary.....	4
Review Background and Procedures .....	4
Analysis Criteria for Compensation Earnable .....	4
Analysis of Santa Barbara County Stand-by Duty .....	4
Analysis of Normal Working Hours .....	5
Analysis of Stand-by Duty Utilization.....	5
Conclusions and Recommendations.....	6
Recommendation 1: Remove stand-by pay codes from the schedule of earnings codes included in compensation earnable. ....	7
Recommendation 2: Establish clear guidance for future inclusion of new stand-by duty earnings codes in compensation earnable. ....	7
Recommendation 3: Remove the earning code STC from the schedule of earnings codes included in compensation earnable and refund contributions made on such pay subsequent to December 31, 2012. ....	7
Recommendation 4: Affirm the inclusion of the earnings codes DAP, DEP and SPA in compensation earnable. ....	8
Recommendation 5: Consider implementation of procedures for evaluation of corrections. ....	8
Review Background and Procedures .....	9
What Did the Supreme Court’s Decision Say About Stand-by pay? .....	9
Departmental Interviews .....	10
Member Interviews.....	10
Data Analysis.....	11
Analysis Criteria for Compensation Earnable .....	11
Criteria for Available to Similarly Situated Members .....	11
Sheriff Department Classifications.....	13
Criteria for Normal Working Hours.....	15
Wastewater Plant Operators .....	16
Analysis of County of Santa Barbara Stand-by Duty.....	17
Stand-by Duty County Policy and Normal Working Hours.....	19
Stand-by Duty Performance Analysis.....	21
Wastewater Plant Operator III.....	22
Fire Captain - Staff.....	23
Social Services Worker Sr. PS/L.....	24

Measure of Dispersion by Classification .....	25
Small Job Classifications.....	25
Non – Hourly Earnings Codes.....	25
Conclusions, Findings and Recommendations.....	26
Recommendation 1: Remove pay codes from the schedule of earnings codes included in compensation earnable. ....	27
Recommendation 2: Establish clear guidance for future inclusion of new stand-by duty earnings codes in compensation earnable. ....	27
Recommendation 3: Remove the earning code STC from the schedule of earnings codes included in compensation earnable and refund contributions made on such pay subsequent to December 31, 2012. ....	28
Recommendation 4: Affirm the inclusion of the earnings codes DAP, DEP and SPA in compensation earnable. ....	28
Recommendation 5: Consider implementation of procedures for evaluation of corrections. ....	28
Appendix A: Job Classification Dispersion Statistics .....	29
Appendix B: Affected Job Classifications .....	36
Appendix C: Government Code Section 31461.....	38

## Executive Summary

### Review Background and Procedures

This report was prepared in response to the California Supreme Court Ruling in Alameda County Deputy Sheriffs' Assoc. v. Alameda County Employees' Retirement Association (the Alameda Decision). The Alameda Decision, among other things, clarified the responsibility of the Board of Retirement to broadly construe the provisions of PEPPRA that seek to control pension enhancement. The facts of the Alameda case specifically dealt with the inclusion of irregularly and voluntarily performed stand-by duty in compensation earnable.

Based on a review performed in 2012, SBCERS Board of Retirement has held that stand-by duty is part of the normal working hours of membership and therefore stand-by pay should be included in compensation earnable for legacy members. In response to the Alameda Decision, staff prepared this report in order to provide a current review of stand-by duty in the context of normal working hours and evaluate individual member use in comparison with class averages. The report was the result of interviews with 11 County of Santa Barbara operating departments, interviews with affected members and analysis of thousands of time card entries made by SBCERS members. In making this report, we sought to gather information that would demonstrate:

1. Whether stand-by duty is part of the normal working hours of SBCERS membership.
2. Whether inclusion of stand-by pay in compensation earnable was resulting in members receiving pensions greater than the average of similarly situated members.

### Analysis Criteria for Compensation Earnable

For the purposes of this report we established criteria for both normal working hours and similarly situated members. For normal working hours we adopted the criteria that stand-by duty needed to be mandatory and uniformly distributed across the classification. In this report, we describe the factors that demonstrate normal working hours. These factors included regular scheduling and performance of the member's regular job for which the member earns their base pay. We also concluded that in order for the stand-by duty to be part of the member's regular schedule it could not be the result of assuming another member's scheduled work time or be the result of an ad hoc or incident related need. In order to determine the average compensation earnable for similarly situated members, we utilized the County's existing job classification system.

### Analysis of Santa Barbara County Stand-by Duty

The County uses several earnings codes to account for duty performed by members on an hourly basis. In addition to hourly stand-by duty, the County also has stand-by per call pay and special duty pay types that are paid in lump sum each bi-weekly pay period regardless of utilization. Total compensation paid to members working stand-by averaged \$22,785 per pay period. On average, the County utilized 93 legacy members to work approximately 5,821 hours of stand-by duty per pay period. This is an average of 63 Hours of stand-by duty per affected employee. This utilization is the equivalent of an additional 72 full time equivalent employees on an hours performed basis.

The County has members in more than 114 job classifications that work stand-by duty. The functions most reliant on stand-by to cover operational responsibility are located within public safety, welfare and

protective services and those who support critical infrastructure. Eleven departments account for almost all of the stand-by duty performed by legacy plan members.

### Analysis of Normal Working Hours

Most operational managers took the position that stand-by duty was ultimately mandatory; however, many had also adopted informal policies of convenience. We also found several instances of stand-by that was driven by the member's job assignment or job location. However, in the instances where stand-by duty was truly mandatory and job specific, we often were unable to demonstrate that similarly situated members of the same grade or class (job classification) all performed the assigned duty. This is due to the fact that the specialized assignments were performed by members in large job classifications. In this way, we were unable to determine that such stand-by duty was uniform across the broad classification.

In our department interviews, we found multiple examples of job classifications in the County that met all of our criteria for normal working hours. In all circumstances, these were small job classifications, with the class description closely matched to the member's job assignment and where each member performed a very consistent function within the class. The conclusion from departmental interviews was supported by data analysis.

### Analysis of Stand-by Duty Utilization

To perform our analysis of stand-by duty we measured utilization across two different dimensions for each pay period. First, we evaluated how frequently members performed stand-by duty. Second, we measured the volume of stand-by duty performed within each instance. Using these two factors we were able to measure dispersion of stand-by duty performance for each job classification. In reviewing the calculated dispersion we arrived at a result that correlated with the results of our qualitative interviews. Specifically, we found that:

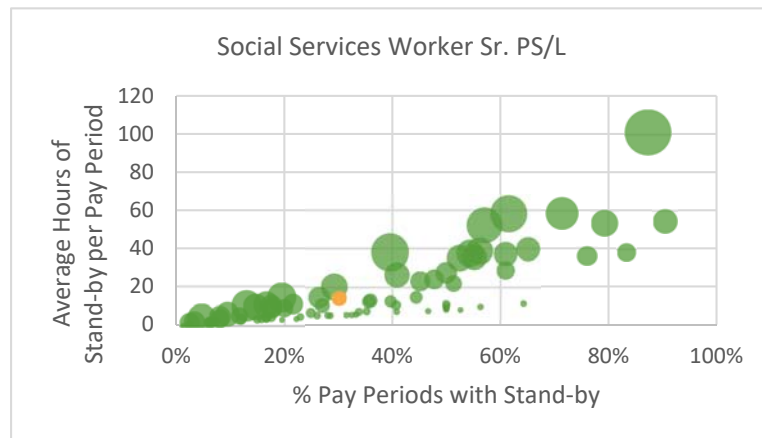


Figure 1 Chart of Social Services Worker Sr. PS/L shows a broad dispersion that is consistent with flexible departmental scheduling policies (bullet 2).

1. There are instances of job classifications performing stand-by duty that are part of normal working schedules and worked by all members of the classification. In these instances the dispersion analysis showed a tight grouping or smaller distribution of outcomes relative to the mean. We estimate that these classifications account for significantly less than 50% of the classifications using stand-by.

2. There are instances of stand-by duty that are part of normal working schedules but not performed by all members in the job classification at the same frequency or volume. In these instances the dispersion analysis showed a broad distribution of results, with numerous members performing stand-by duty at rates greater than one standard deviation from the class mean. We found this result to be consistent with departments who had adopted policies of convenience with regard to scheduling members on stand-by duty.

3. Numerous classifications contain highly specialized assignments that result in certain members performing stand-by duty at a high rate, but the majority of members in the classification perform little or no stand-by duty at all. In these cases, the dispersion analysis often displayed a barbell pattern, with a small group of members performing stand-by duty at rates greater than one standard deviation from the class mean. The members in these classifications met all of the criteria for normal working hours except for the uniformity criteria (because most members of the classification do not perform the specialized assignment).

### Conclusions and Recommendations

We found significant evidence to support the determination made by the Board of Retirement in 2012 that stand-by duty is performed as part of the normal working hours of membership. In departmental interviews departmental management often held the position that such time was part of the member's normal schedule and was a cost effective way of managing their department. We also found that once we applied a statistical test to the data in order to compare a member's pay to that of other class members, the finding on normal working schedule is rendered moot because of policies of convenience surrounding schedule changes or because the stand-by was only worked by a small number of members performing specialized assignments.

Using job classifications to create cohorts of similarly situated employees produces what may be viewed as an arbitrary result. The variables of population and diversity of assignments within the series mean that some groups get it and other groups don't; this happens regardless of the individual contract between the employer and the member. We cite the barbell pattern and the existence of specialized assignments within classifications to support this view. However, departing from County job classifications to define a member's peer group may be inconsistent with the statute and may be seen as equally arbitrary, placing the Board of Retirement in the position of defining classes of County employment in a manner different than the employer.

Based on this research, we cannot conclude that all past stand-by duty should be removed from compensation earnable unilaterally and without consideration of individual job classifications. Further, we conclude that any determination that a correction to a member account is necessary can only be made on an individual basis. We found many instances where stand-by was part of normal working schedules of members and that it was worked by all similarly situated members, but not at the same amount. The dispersion may be attributable to volunteerism but also to myriad other factors having nothing to do with the goal of enhancing a members pension and more to do with the efficient management of personnel resources.

Ultimately, we concluded that the current system of accounting for stand-by duty does not support reliable and consistent outcomes. Management policy is subject to change based on the preferences and style of individual managers and the County's budgetary cycles. In order for the Board of Retirement and SBCERS staff to ensure consistent outcomes, the underlying policies of the County need to remain consistent. We do not believe that consistency will be achieved unless the related policies have greater permanence.

For that reason, we recommend that the Board of Retirement adopt the following recommendations as its determinations regarding the inclusion of stand-by duty in compensation earnable prospectively, for all legacy members.

Recommendation 1: Remove stand-by pay codes from the schedule of earnings codes included in compensation earnable.

We recommend that the Board of Retirement remove the following hourly earnings codes from its calculation of compensation earnable.

Earning Code	Title	Hourly	Amount	Employee Group
STA	Stand By 2	Y	\$2.00	Local 620
SBY	Stand By 2.6	Y	\$2.60	Local 721, PPOA
STB	Stand By 3	Y	\$3.00	Local 620, Local 721, ETA
SSB	Sheriff Stand By	Y	\$4.00	DSA
SBF	Stand By Firefighters	Y	\$4.00	Local 2046
STE	Stand By 4	Y	\$4.00	Local 721

This recommendation should be considered concurrently with Recommendation 2.

Recommendation 2: Establish clear guidance for future inclusion of new stand-by duty earnings codes in compensation earnable.

We recommend that the Board of Retirement establish the following standards for inclusion of new earnings codes used to account for stand-by duty when inclusion in compensation earnable is proposed.

1. Normal working schedule and any mandatory stand-by duty included in that schedule must be clearly defined in writing, including the number of stand-by duty hours normally scheduled for each job classification and associated earning code in an executed memorandum of understanding. Such hours shall be the maximum hours includable in compensation earnable for a member of the class.
2. The County must have documented time card procedures that direct employees to separately account for ad hoc, voluntary or assumed stand-by duty using an earning code that is recognizable as not included in compensation earnable and for which retirement contributions will not be collected. For the purposes of this requirement, the earnings codes identified in Recommendation 1 are suitable.
3. County scheduling procedures must allocate and track stand-by duty hours to all affected members of a class.

Recommendation 3: Remove the earning code STC from the schedule of earnings codes included in compensation earnable and refund contributions made on such pay subsequent to December 31, 2012.

In our review, we concluded that the earning code STC has been erroneously included in compensation earnable since the passage of PEPPRA. In recognition that this was included as an item of compensation earnable incorrectly, we recommend that contributions made since January 1, 2013 on this pay be refunded to active members and that STC not be included in compensation earnable at retirement.

Recommendation 4: Affirm the inclusion of the earnings codes DAP, DEP and SPA in compensation earnable.

These earnings codes are a fixed amount paid to employees of the Public Defender, District Attorney and Behavioral Wellness department. In our review, we concluded that these codes are more similar to a special duty pay, which remains a valid category of compensation earnable post-PEPRA. They are paid regardless of utilization or timing and paid to employees in professional classifications that are generally exempt from overtime except in very limited circumstances (Attorneys and Doctors).

Recommendation 5: Consider implementation of procedures for evaluation of corrections.

Direct staff to develop and recommend procedures for the implementation of any necessary corrections to retired or active member accounts and benefits. The procedures should include the application of the Board's Errors, Corrections and Collections Policy, the applicable statute of limitations, a process for considering member and employer input, and a procedure for the calculation and implementation of any required corrections. At the option of the Board of Retirement, these recommendations may be brought to the full Board or preliminarily to an ad hoc committee.



## Review Background and Procedures

On July 30, 2020, the California Supreme Court issued its decision in *Alameda County Deputy Sheriffs' Assoc. v. Alameda County Employees' Retirement Association* (the Alameda Decision). The Alameda Decision is the culmination of seven years of litigation pertaining to 2012 amendments to the County Employees' Retirement Law (CERL) made as part of the Public Employees' Pension Reform Act of 2013 and the companion bill, AB 197 (together, "PEPRA"). PEPRA established new benefit plans for new employees and modified the definition of "compensation earnable" for members who were active employees at the time of PEPRA's passage and thereafter.

Compensation earnable is a statutory term that defines the items of compensation that SBCERS uses to calculate contributions and pension benefits for members of pre-PEPRA benefit plans. Prior to PEPRA, the statutory definition of compensation earnable, as interpreted by the courts, included special items of compensation such as stand-by, leave cash-outs, and special duty pay types. Effective January 1, 2013, PEPRA made several changes to the definition of compensation earnable for then-current members of CERL retirement systems.

In response to these changes and after study and consideration in 2012, SBCERS staff reviewed plan sponsor compensation policies and recommended several modifications to compensation earnable to the SBCERS Board of Retirement. At that time, staff concluded that stand-by duty was part of the normal working hours and regular duties of members and, similar to actions taken by several other CERL systems at the time, the SBCERS Board of Retirement determined to allow stand-by duty pay to remain in compensation earnable. Immediately following the enactment of PEPRA, other CERL retirement systems, including the three defendants in the Alameda case, adopted policies excluding certain items of compensation they found to be subject to exclusion under PEPRA definitions. One of the items of compensation excluded by those three systems was stand-by duty pay. Employee groups sued to reverse the exclusion of stand-by pay (among other items) as an item of pay for "additional services rendered outside of normal working hours."

### What Did the Supreme Court's Decision Say About Stand-by pay?

The primary cases at issue have been sent back to the trial court for further proceedings and new information may become available in the future as part of that further consideration. However, the Supreme Court ruling made clear that items of compensation paid for "additional services rendered outside normal working hours" must be excluded, as must compensation paid to enhance a member's retirement benefit, and are not limited to the examples provided in the statute. In this regard, some items of compensation related to stand-by pay should be excluded from compensation earnable.

The decision contains extensive discussion of the exclusion from compensation earnable of pay for "additional services outside of normal working hours" and reasons that such language "prevents employees from volunteering, during their final compensation period, to perform additional services outside of normal working hours to artificially inflate their daily rate of pay."

The court did not categorically state that all items of stand-by pay are excluded, and noted in its opinion the similarity of stand-by pay to overtime pay, citing another compensation earnable statute that excludes overtime pay except where the overtime is worked within the employee's "normally scheduled or regular working hours." Accordingly, this review of plan sponsor management practices is intended to evaluate,

based on current information, whether or not stand-by pay should continue to be included in compensation earnable in whole or in part.

### Departmental Interviews

SBCERS staff met with designated departmental management staff and County Human Resources department labor relations team members to document the purposes for which departments are using stand-by duty along with how it is scheduled and assigned to members. The interviews also inquired about the use of various earnings codes, the affected job classifications and the conditions imposed on members while on stand-by duty.

For the purposes of this review, SBCERS staff interviewed responsible officials for the 11 departments that are the largest users of stand-by duty. These departments are responsible for almost all of stand-by duty awarded since the passage of PEPRA. The departments reviewed included membership in both general and safety classifications and covered a broad range of classifications including first responders, professional tradespeople, traditional office workers and medical professionals. Four other departments that had de minimus utilization and were not interviewed.

<b>Department</b>	<b>Functions Utilizing Stand-by Duty</b>
<b>Fire</b>	Dispatch Duty, Public Information, Information Technology, Arson Investigations, Air Support Unit, Emergency Operations Support, Wildland Fire Crew, and Construction
<b>Sheriff</b>	Air Support, Cuyama Valley Patrol Operations and Intermittently in all divisions.
<b>Social Services</b>	Child Welfare Services and Adult Protective Services
<b>Behavioral Wellness</b>	Assertive Community Treatment, Psychiatric Health Facility, Crisis and Recovery Emergency Services, Medical Staff, Information Technology, Administration and Intermittently in all divisions.
<b>General Services</b>	Information Technology, Communications and Facilities maintenance.
<b>Parks - Community Services</b>	Cachuma Lake Recreation Area, Jalama Beach, Water Lift Stations
<b>Public Health</b>	Animal Services, Disease Control, Environmental Health, Emergency Medical Services
<b>Public Works</b>	Laguna Sanitation Plant Operations and Sewer Operations.
<b>Probation</b>	Institutions
<b>District Attorney</b>	Duty Deputy
<b>Public Defender</b>	Duty Deputy

### Member Interviews

SBCERS identified and noticed 607 legacy plan members who have earned stand-by duty pay since the passage of PEPRA. Members were notified of potential impacts to their retirement account and encouraged to call SBCERS member services in order to arrange for a virtual counseling session. During the virtual counseling session, members were asked to take a voluntary survey. The voluntary survey documented the member's stand-by duty history, including the member's assignment and role. The survey also asked members to provide information regarding how they were assigned to stand-by duty.

## Data Analysis

SBCERS staff reviewed the timecard submissions and pay history of members who have received stand – by pay subsequent to the passage of PEPR. This involved the review of thousands of time card entries over a seven-year period. Utilizing analytical and statistical procedures, SBCERS reviewed stand-by duty time entries for consistency throughout the member’s course of employment. Staff also reviewed individual member stand-by duty time coding in the context of class averages.

## Analysis Criteria for Compensation Earnable

The compensation earnable statute is constructed in two parts, the first part of the compensation earnable statute 31461 (a) provides that general definition for compensation earnable that defines compensation earnable as average compensation for the number of days ordinarily worked by persons in the same grade or class of positions (emphasis added).

*31461. (a) “Compensation earnable” by a member means **the average compensation as determined by the board, for the period under consideration upon the basis of the average number of days ordinarily worked by persons in the same grade or class of positions during the period, and at the same rate of pay...***

Explained simply, SBCERS staff interprets 31461(a) as limiting compensation earnable to that what is earned by similarly situated members. The second part of the compensation earnable statute 31461(b) lists items of compensation that are specifically excluded by the statute. In relation to stand – by duty pay, one component of the statute is particularly applicable as disallowing pay for additional services performed outside of normal working hours (emphasis added).

*31461(b)(3) Payments for **additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.***

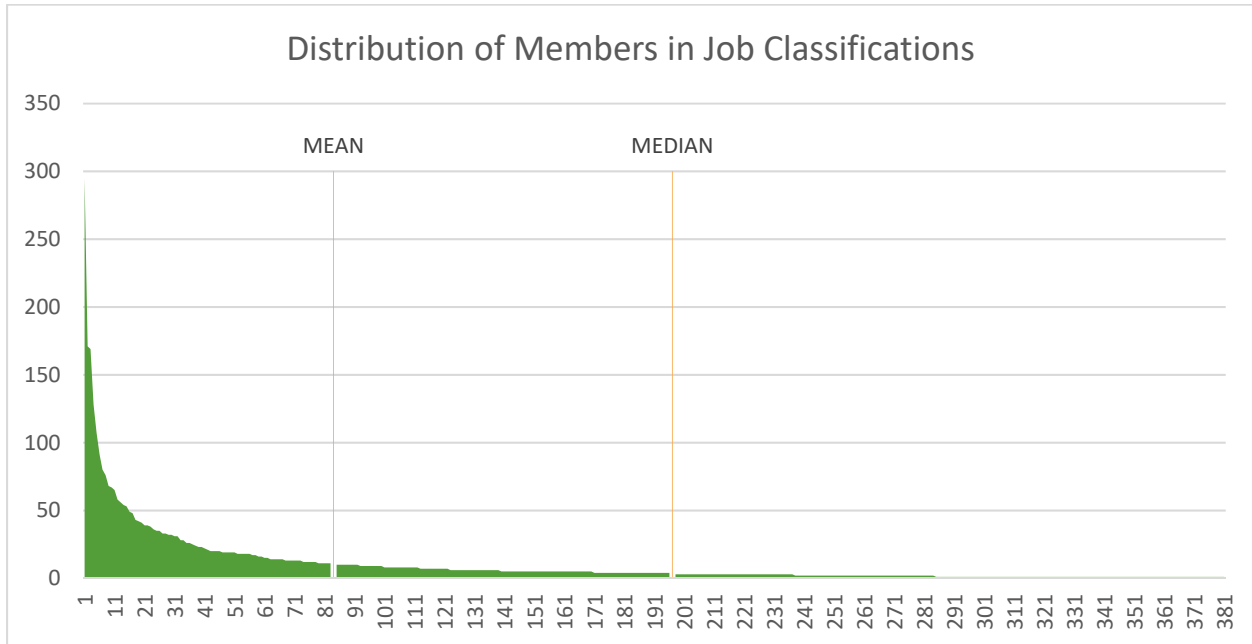
In accordance with the statutes discussed above, staff established criteria for use in performing our analysis.

## Criteria for Available to Similarly Situated Members

The County of Santa Barbara currently utilizes 385 active job classifications within its payroll system to classify approximately 4,035 current employees. These classifications include a range of positions covering all aspects of the County workforce. They include hourly and salaried positions as well as regular and contract employees. The largest classification currently holds 295 members while 97 classifications currently hold only a single member. On average, each classification has approximately 11 members, however, the median classification holds just 4 members. The 27 largest job classifications account for over 50% of the County workforce.

Many job classifications are built in a series that allows for job progression, for example, Social Services Worker is followed by Social Services Worker Sr. In other classifications, the series progression is denoted by the use of I, II, III, Sr., Supervisor or Expert at the end of the classification title. In a series, there is generally commonality across job classes in the example duties provided. In addition to series progression, some classifications have alternates that denote “restricted”, which indicates that they are performing duties that exempt them from employee group representation. If job classifications were

grouped by series, the distribution of members in job classifications would concentrate into even fewer groups of similar employees with the size of each group increasing significantly.



The classification process is a product of management’s organizational design and employee collective bargaining efforts. Generally, the process of creating or modifying a classification involves the County Human Resources department studying the job duties of a position in coordination with the requesting department and preparing a class specification that is then reviewed by the responsible employee group and operating department. Upon completion, the classification is considered by the County Board of Supervisors. Using this process, minor modifications to the classification schedule are made with regularity throughout the year. These modifications include new classifications and re-classifications of various positions based on job duties.

During the 2006 -2008 fiscal years, the County completed a major reclassification effort that was the foundation for the current County classification system. The 2006-2008 reclassification effort was implemented in multiple phases and affected a broad range of classifications included clerical and leadership classifications. One iteration of the reclassification effort resulted in the consolidation of 60 classifications into 12 classifications. Reports prepared for the County Board of Supervisors at the time stated that the objective of the project was to:

*“Provide a more flexible classification and compensation structure that would increase overall organizational capacity, provide departments with greater operational flexibility, and improve customer service delivery”<sup>1</sup>*

<sup>1</sup> <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=463161&GUID=B9B235CB-00DC-4B6E-B7F9-EFCAA327083E&Options=ID|Text|&Search=Classification>

Safety classifications have been more stable in number, however, the example duties provided discuss a broad range of activities and don't include discussion of the specific specializations involved in operating a modern public safety department. The example duties provided in the job classifications for a Sheriff Deputy and a Sheriff Deputy – Special Duty are exactly the same, while providing greater compensation for senior class. Sheriff Deputy – Special Duty being the senior class in the series tends to hold more employees who perform specialized functions for the department. Safety classifications in other departments are similar in that the example duties are broad in nature and replicate throughout the classification series.

The classification schedules currently adopted are based around theories of efficient public sector management colloquially referred to as "broad-banding." The central concept around broad-banding was that it gives management the flexibility to staff operations free from the encumbrances of the classification process. However, a consequence of broad-banding is that it groups a diverse range of assignments into a single job classification.

Simultaneous to broad-banding, the County, like all other organizations has evolved over time and is consistently providing new services, changing methods of service for existing services and eliminating others. As a result, the County maintains several job classifications that encompass a broad range of tasks that are incompatible from a scheduling perspective due to the various service demands they support.

In our study, we identified that a significant portion of the stand-by duty assigned to members occurred within large job classifications. We also found that the major determinate of a members schedule and the amount of stand-by a member was assigned was more correlated to the member's

assignment to a specific program and work location staffed by the member's job class. We did not find that schedules or the assignment of stand-by duty correlated to the member's greater job classification.

In the course of our work, we identified several instances where assignments within classifications were awarded using competitive practices. In many circumstances members were asked to demonstrate specialized skills or reasons for which they were uniquely suited to a duty. Some were required to apply

#### Sheriff Department Classifications

*Members of Sheriff Deputy-Special Duty classification are assigned to almost all the commands and divisions of the Sheriff's Department. All of these various units require that employees have the basic skill set possessed by Sheriff Deputy Specialty Duty classification; however, the scheduling demands are entirely different depend on the employees duty and location.*

*Air Support Unit members receive specialized training in order to operate air assets and perform law enforcement functions that utilize those assets. Due to the limited availability of members having this specialized skill set and the need to have air assets available 24 hours a day, members employed in this division typically perform stand – by duty at a greater rate than counterparts in other divisions.*

*We found similar duty driven schedule divisions within basic patrol functions. In the Sheriff Deputy classification, we found that demand for stand – by duty is driven by the employee's work location. Employees performing patrol services in the rural Cuyama Valley were assigned ten times the amount of stand-by duty as the average Sheriff Deputy assigned stand-by over the same period. The increased rate of stand – by was due to the distant work location being an hour away from major population centers and the absence of other Sheriff Deputies available to support an officer in need. Accordingly, the two Sheriff Deputies assigned to patrol the Cuyama Valley area (and who live the area) are assigned stand – by duty for essentially all hours that they are not on active duty.*

for various duties, submit letters of intent, and in limited cases interview for the assignments. In certain departments, we found that there was no defined process for awarding specific assignments.

Several of the County's MOUs describe procedures for special assignments that are unique across job classifications. These special assignments include, Air Support Unit duty, Staff positions in the fire department and working in the Psychiatric Health Facility among others. As described in the MOUs, some of these special roles are location specific, for example, working in the Psychiatric Health Facility or Juvenile Hall is deemed a separate and specific duty within MOU documents. Many of these special roles are identified in the MOUs and have unique pay codes associated with them.

Notwithstanding our determination that job classification is an overly broad classification system we found it to be the only available objective method of determining a members "**grade or class of positions**" as is contemplated in government code section 31461(a). From a practical perspective, we reviewed the County payroll accounting procedures, budgetary procedures and were unable to determine an alternate method of classification that would allow us to reliably group members by assignment or location - the two drivers of stand-by pay - in a consistent and objective manner. We found several departments that utilize the location or budget units to capture certain instances of specialty assignments or work locations, but the data was not uniform across all departments and classifications.

Our decision to use Job Classification to establish criteria for the grade or class of positions affected, is further reinforced by the ruling of the Fourth District Court of Appeal in *Stevenson v. Board of Retirement* (2010) 186 Cal.App.4<sup>th</sup> 498. In that matter, OCERS had excluded from compensation earnable overtime pay worked by a narcotics investigator who contended that his pay should have been included because a similar amount of overtime was worked by other narcotics investigators. The Court of Appeal rejected this contention because applicable Memoranda of Understanding and other evidence of job classifications within Orange County demonstrated that the job of "narcotics investigator," although a distinct assignment within the Sheriff's Department, was not itself a "grade or class" of employment. Rather the broader class of "investigator" applied equally to narcotics investigators and other investigators in the department who did not regularly work overtime. Accordingly, the claim for inclusion of overtime within compensation earnable was rejected.

The determination to use job classification in order to determine similarly situated members, favors members who are working in smaller classifications because of the need to limit compensation earnable to the average compensation based on the average number of days worked.

<b>Definition of Similarly Situated Members</b>
Members within a job class as defined in a plan sponsor salary resolution.

## Criteria for Normal Working Hours

Government code section 31461(b)(3) requires that payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise, be excluded. Going further, the Alameda decision reasons that voluntary service should be excluded from compensation earnable. In its opinion the Court stated:

*We emphasize that there is nothing inherently abusive in the practices addressed by section 31461, subdivision (b)(2) through (4), at least when divorced from their pension consequences. Accepting **voluntary on-call duty** and cashing out unused leave time to the extent permitted by an employer are ordinary practices that serve proper public policy interests. Yet by not expressly excluding such payments when determining a county employee's pension benefit, the pre-PEPRA definition of compensation earnable allowed an employee to considerably increase his or her pension benefit by volunteering for a large quantity of on-call duty or by accumulating and cashing out a large quantity of unused leave time during the final compensation period. Because such enhancements are arguably inconsistent with the underlying concept of compensation earnable, which is intended to reflect pay for work ordinarily performed during the course of a year, these types of enhancement have been characterized as pension spiking.*

In its opinion, the court clearly differentiates voluntary stand-by from mandatory stand-by pay and excludes only the former from compensation earnable. With regard to the broader issue of stand-by pay's inclusion in compensation earnable, the Court Opinion is more permissive and notes the legitimate public purpose of such pay. The Court also drew comparison to other statutes that govern the exclusion of Overtime pay. Specifically, the Court notes the similar nature of the language in G.C. 31461(b) "normal working hours" with the use of the words "normally scheduled or regular working hours" in G.C. 31461.6, a statute that generally excludes overtime from compensation earnable unless it is regularly scheduled. From this, we conclude that the Court did not disallow all stand-by pay as a potential item of compensation earnable; rather, it disallowed stand-by pay that is used to enhance a member's pension beyond the amount that would be earned by the average member of the class.

In Staff's view, in making the connection with the principal of controlling pension enhancement, the Court is providing an important distinction. Volunteering for additional duty is not the only way a member could potentially enhance their pension through performance of an hourly duty. There are other methods of implementation to consider, including the employer's policies. For that reason, we adopted criteria for normal working hours that also excludes employees from assuming another employees mandatory time, duty that results from ad hoc assignments from management and, incident related duty.

The concept of normal working hours suggests routine, frequency, advance planning, even-handedness and consistency. We adopted criteria that the stand-by pay had to have a clear connection with a member's regular duty and, that there was a clear expectation that it was the member's responsibility to perform the duty. The regularly recurring nature of such stand-by duty was considered evidence that such duty was a normal part of the member's regular job as assigned by the department.

Examples of this include members who held specialized skills, or were responsible for maintaining critical infrastructure equipment. Other examples include myriad location based pay scenarios wherein members

### Wastewater Plant Operators

*The County maintains several small job classifications for employees who maintain and support critical wastewater infrastructure. These employees work in both the Community Services and Public Works Departments. They operate and maintain Wastewater Treatment Plants that operate 24 hours a day, 7 days a week.*

*While they don't occur often, wastewater plant failures can result to significant threats to the health and safety of the area they serve. The County uses stand-by duty to ensure that employees are available to respond and critical incidents are corrected timely. Stand-by time costs significantly less than regular time and reduces the need to staff additional shifts of employees to cover evening and weekend hours. There are currently a total of 9 members in the wastewater plant operator series for the Public Works Department and 2 members in the Water & Sewage Plant Operator series for the Community Services Department.*

*Due to the small number of these employees who are trained to operate very complex and unique pieces of equipment, members of these classifications are assigned stand – by duty regularly and at a high rate. When employees on stand-by report to work after call in, they are performing the same function that they perform while they are working regular time.*

were assigned stand-by regularly due to need to staff an operation continuously or due to limited availability of other responsive members. We found in some circumstances that there was a general correlation between the size of geographically available workforce and the rate at which members worked stand-by duty. If a small number of members are located in an area that requires continuous service, then stand-by was likely to be utilized in a higher instance.

We considered Ad Hoc assignments that derive from short-term operational needs. In the case of ad hoc assignment, we didn't view backfilling another member's illness, or being on stand-by to support a special event as part of a member's normal and recurring working hours. We viewed stand-by that results from a natural disaster; however frequently they may occur, as not a normal duty. If an Animal Control Officer – Supervisor that normally manages a shelter is placed on stand-by in order to support field operations, that would also be an example of irregular duty and not meet our definition of normal working hours. We found that a significant amount of stand-by time coded is attributable to these factors. The following chart illustrates the criteria and factors for consideration that we adopted in evaluating the information gathered.

<b>Normal Working Hours</b>	
<b><u>Out – Not Compensation Earnable</u></b>	<b><u>In – May be Compensation Earnable</u></b>
<b>Voluntary</b> – Voluntary agreement to stand – by.	<b>Mandatory</b> – Stand-by duty that is mandatory for all in the same classification.
<b>Ad Hoc</b> – Occasional assignment to stand-by duty on the basis of non-recurring factors, regardless if mandatory.	<b>Scheduled in Advance</b> – Stand-by duty scheduled in advance as part of normal scheduling practices.
<b>Assumed time</b> – Time assumed to cover another employees obligation to work stand-by.	<b>Recurring</b> – Stand-by duty that is recurring at set intervals and allocated on established rules.
<b>Incident Related</b> – Stand-by duty related to specific non-recurring incidents, emergency declarations, special events and disasters.	<b>Uniform</b> – Members within a job class assigned to work stand-by duty on a regular or rotational basis.
<b>Selective</b> – Stand-by duty that is assigned to individual members but not to other members who possess the same qualifications.	

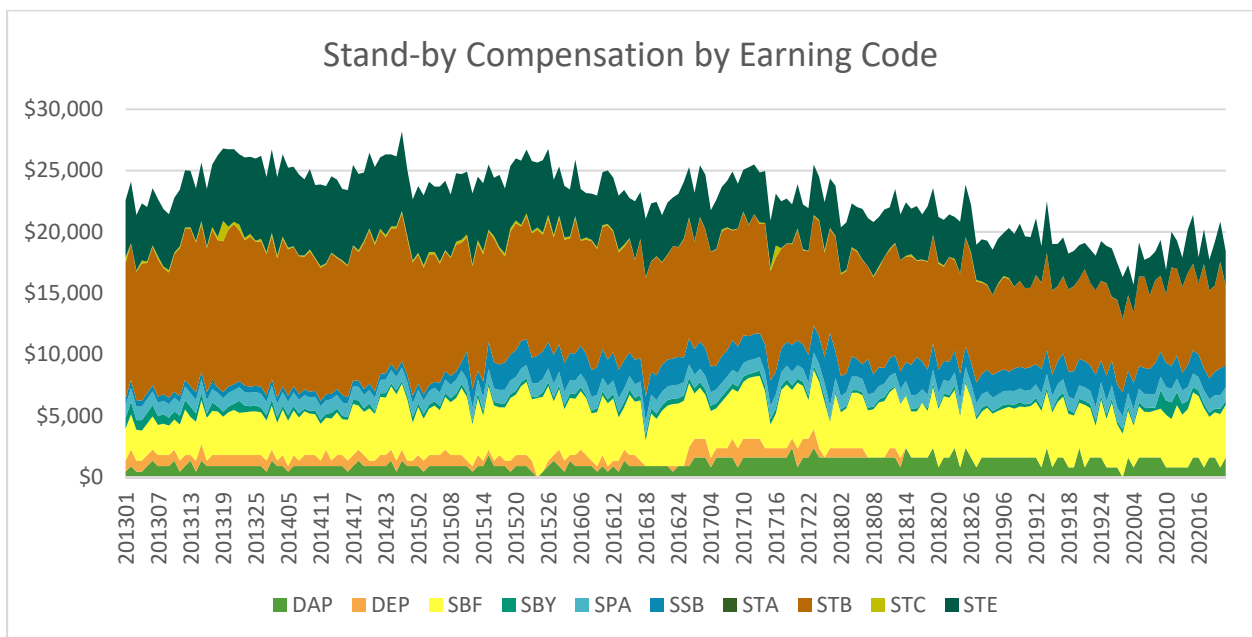


## Analysis of County of Santa Barbara Stand-by Duty

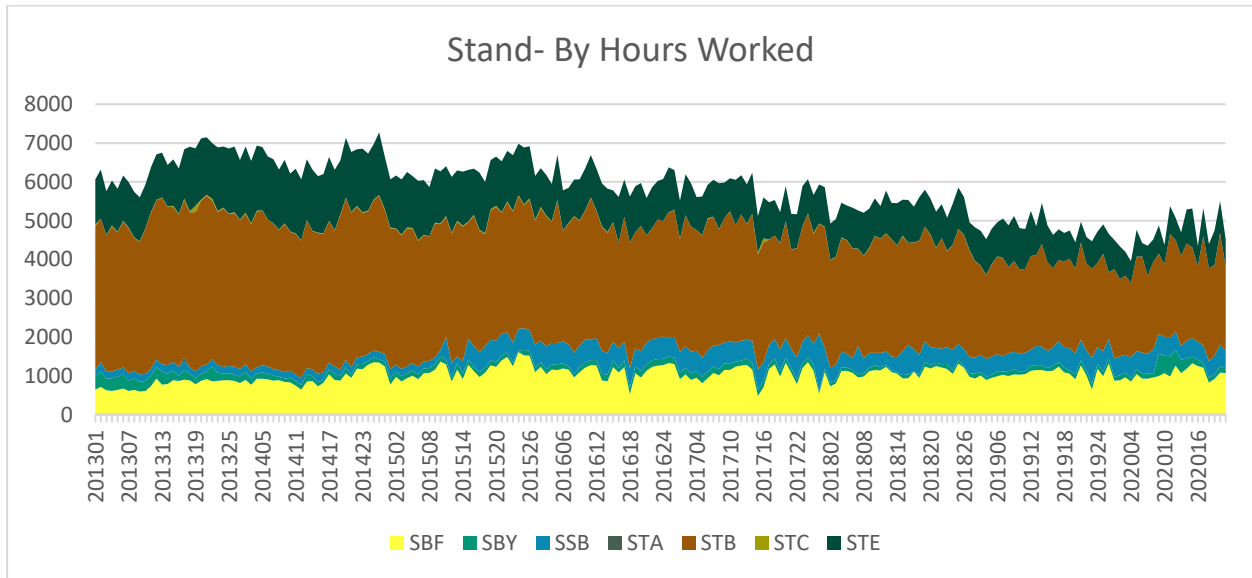
The County of Santa Barbara utilized 10 separate earnings codes during the period studied to account for Stand-by Duty performed by legacy members. Earnings codes are differentiated based on the amount of pay and the specific standards negotiated with in various memorandum of understanding. Six of the earnings codes are used to account for hours based work. The County uses one code (STC) to compensate employees on a per call basis, for accepting phone calls between midnight and 6:00am. Three earnings codes (DEP, DAP and SPA) are paid as a pay period lump sum amount and are not hours based.

Earning Code	Title	Hourly	Amount	Employee Group
STA	Stand By 2	Y	\$2.00	Local 620
SBY	Stand By 2.6	Y	\$2.60	Local 721, PPOA
STB	Stand By 3	Y	\$3.00	Local 620, Local 721, ETA
SSB	Sheriff Stand By	Y	\$4.00	DSA
SBF	Stand By Firefighters	Y	\$4.00	Local 2046
STE	Stand By 4	Y	\$4.00	Local 721
STC	Per Call Stand-by	N	\$10.00 per call	Local 620
DEP	Public Defender Deputy Duty	N	\$768.00 per pay period	Local 620
DAP	District Attorney Deputy Duty	N	\$800.00 per pay period	DDA
SPA	Physician Stand-by - Special Duty	N	\$1,100.00 per pay period	UAPD

The County has on average provided \$22,785 in compensation earnable per pay period since January 1, 2013. The amount of compensation earnable provided has been declining slightly over time as the County's work force transitions to members enrolled in PEPRA pension plans. PEPRA plan members do not receive stand-by pay as pensionable compensation. On an average dollar per pay period basis, the three most utilized earnings codes were STB (\$9,312), STE (\$4,470) and SBF (\$4,113). Over the period, the member contributions averaged \$1,052 per pay period.



The County utilized on average 93 legacy members to work approximately 5,808 hours of stand-by duty per pay period. This is an average of 63 Hours of Stand-by Duty per affected employee. This utilization is the equivalent of an additional 72 full time equivalent employees on an hours performed basis.



The County has members of over 114 job classifications that work stand-by duty. The top 11 job classifications with the highest average utilization each pay period are listed in the table below. The functions most reliant on stand-by to cover operational responsibility are located within public safety, welfare and protective services and those who support critical infrastructure. We have included in Appendix B a complete listing of affected job classifications listed in accordance with the governing Memorandum of Understanding. Viewed another way, the table above shows the 11 County Departments that accounted for the almost all of the County’s stand-by duty compensation. In total, compensation related to Stand-by Duty represents approximately 0.2% of the total compensation earnable recorded each pay period.

Average Number of Employees Utilizing Stand-by	Job Class	Average Stand-by Compensation Per Pay Period	Department
7	SOC SVCS WORKER SR PS/L	\$4,477	Social Services
6	FIRE CAPTAIN STAFF	\$4,113	Fire
6	ANIMAL CONTROL OFF II	\$4,077	General Services
5	EDP OFFICE AUTO SPEC II	\$2,998	Behavioral Wellness
3	WASTEWTR PLANT OPER III	\$1,331	Parks - Community Services
3	SOCIAL SVCS PRACTITIONER	\$1,556	Sheriff
3	SOCIAL SERVICES SUPV II	\$1,211	District Attorney
5	SHERIFFS DEPUTY S/DUTY	\$1,112	Public Health
3	BUILDING MAINT WORKER	\$979	Public Works
3	FIRE EQUIPMENT OPER	\$871	Public Defender
3	Park Ranger II	\$392	Probation

## Stand-by Duty County Policy and Normal Working Hours

In our interviews with responsible department managers, we set out to assess whether or not the departmental practices for scheduling aligned with the criteria that we established for our review. We found that procedures and policies varied across departments. We also found that while most operational managers took the position that stand-by duty was ultimately mandatory, many had also adopted informal policies of convenience. These policies of convenience mean that for the most part, managers did not have to enforce mandatory provision - *volunteering is fine so long as equity considerations are not being raised by employees who are not working stand-by.*

Notwithstanding the volunteering, we also found several instances of stand-by that was driven by the member’s job assignment or job location. However, in the instances where stand-by duty was truly mandatory and job specific, we often were unable to demonstrate that similarly situated members of the same grade or class (job classification) performed the assigned duty. This is due to the fact that these specialized assignments were performed by members of large job classifications. We also found numerous instances where a material portion of the actual stand-by duty worked within the class appeared to be either ad hoc or intermittent in nature.

Ultimately, in our department interviews we found multiple examples of job classifications in the County that met all of our criteria for normal working hours and paid to all similarly situated members. In all circumstances, these were small job classifications, with the class description closely matched to the member’s job assignment and where each member performed a very consistent function within the class.

The chart displays some of the classifications that we found to meet all the criteria, based on statistical analysis, we anticipate that there are other qualifying classifications.

Department	Operational Unit	Defined by Job Class	Mandatory for all employees	Uniform Distribution of Hours within unit
Community Services – Parks	Overnight Campgrounds <i>Water/Sewer Plant Operator Series</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fire	Construction <i>Fire Equipment Operator Series</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Public Works	Laguna Sanitation District <i>Wastewater Plant Operator Series</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

We found several examples of unique duties within larger classifications that appeared to meet all criteria, except for the fact that they are performed by members who are part of large job classifications. In many cases we found that the members who are in these classifications had special skills and abilities not possessed by other members of the class. Examples of specializations within large classifications are Public Information Officers and Arson Investigators within the Fire classifications and Air Support Unit members in the Sheriff Classifications. In other areas we found that stand-by was the result of a specific duty assignment location. Examples of this included Park Rangers assigned to overnight campgrounds, Sheriff Deputy’s assigned to Cuyama Valley, and Maintenance workers assigned to the Laguna Sanitation District.

Department	Operational Unit	Defined by Job Class	Mandatory for all employees	Uniform Distribution of Hours within unit
Community Services – Parks	Overnight Campgrounds <i>Park Ranger Series</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fire	Air Support Unit, PIO, Arson Investigators, Dispatch Duty Officer, EOC, Wildland Fire Crew (EI) <i>Fire Captain – Staff</i> <i>Fire Inspector Engineer - Staff</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Probation	Institutions Management <i>Supervising Deputy Probation Officers</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	EMS <i>PH Improvement Coordinator</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	Animal Services <i>Animal Control Officer Supervisor</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Public Works	Laguna Sanitation District <i>Maintenance Worker Series</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sheriff	Cuyama Resident Deputies <i>Sheriff Deputy</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sheriff	Air Support Unit <i>Sheriff Deputy - Special Duty</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

We found other classifications where the performance of stand-by duty did not meet the criteria because the department’s policies were permissive of volunteering, or the assignment of stand-by duty was not uniform. These are the classifications that were generally subject to management policies of convenience.

Department	Operational Unit	Defined by Job Class	Mandatory for all employees	Uniform Distribution of Hours within unit
Public Health	Environmental Health <i>Hazardous Materials Specialist Series</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Health	Animal Services <i>Animal Control Officer Series</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Social Services	Adult Protective Services and Child Welfare Services <i>Social Services Worker Series</i> <i>Social Services Practitioner Series</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

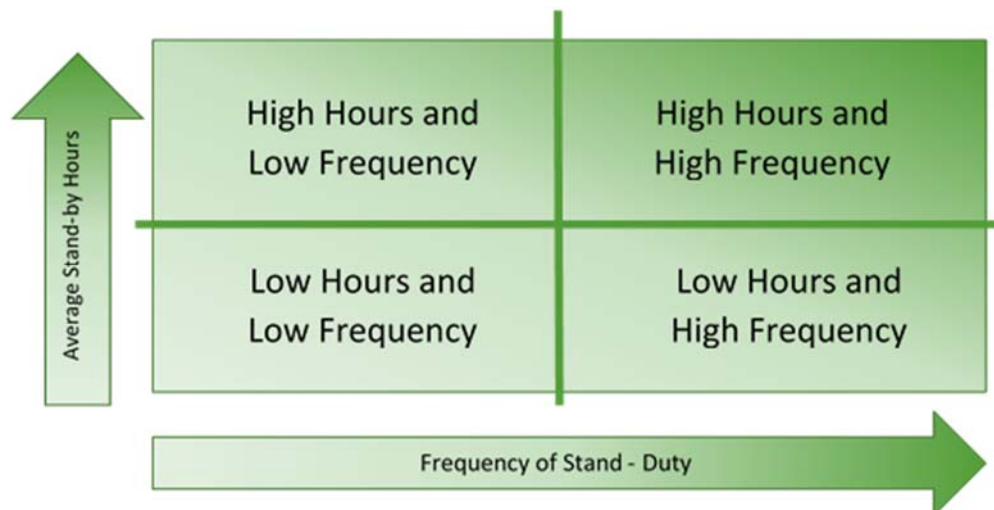
## Stand-by Duty Performance Analysis

In order to analyze the hours ordinarily worked by a member of a class we developed several metrics. First, we evaluated the classifications to assess a relative trend of stand-by performance. A consistent and level usage of stand-by indicated that the County had a regular operating need for afterhours duty coverage by the employees of a given job class. We next measured the impact or cost of that need by comparing the average compensation earnable with and without for the class.

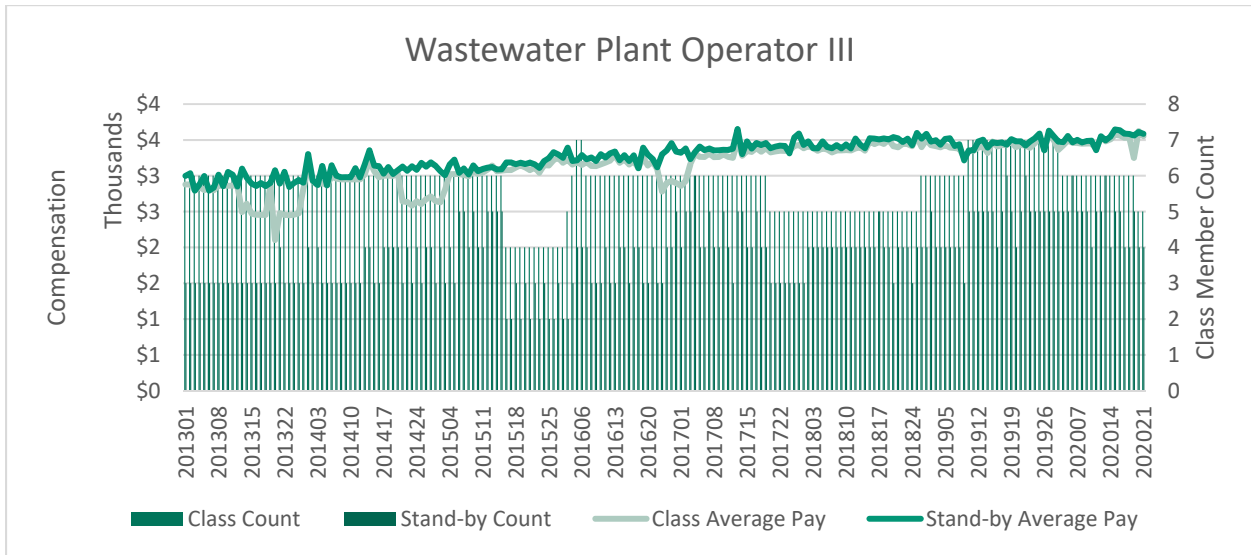
We then evaluated the frequency of stand-by duty across the class membership and the volume of stand-by duty performed within each job class. In order to establish a measure of frequency, we calculated the number of pay periods each member spent in the class and the number pay periods each member performed stand-by duty. From this we were able to calculate the probability that an employee worked stand-by during their tenure. In order to establish the volume of stand-by duty for each member we calculated the average number of hours a member worked per pay period in a given job classification.

Using this analysis we were able to assess the consistency of stand-by duty across the job class. The charts on the following pages shows volume (Average Hours Worked per Pay Period) on the Y-Axis and the Frequency (Average number of pay periods in which the duty is performed) on the X-Axis for each member of the job classification. The resulting scatter plot displays each member's stand-by duty performance relative to the class average for both metrics (orange dot). Shown on the following pages are 3 separate job classifications where stand-by duty was significant. The size of the plot point in the chart is an intensity indicator, it represents the average hours of stand-by worked with the periods that had no stand-by excluded from the calculation. We chose three classifications and that represented a variety of work types. The three classes also provide a graphic example of three separate results.

The closer the data points are grouped, the stronger the indication that all employees within the class were performing stand-by duty in the same relative manner. Charts with more dispersion indicated that the performance of stand-by duty is inconsistent across the class. Bar belled charts indicate overall inconsistency but show how a small group of members within a class may be working stand-by consistently. This view also displays the impact on the member pensions with outliers in the northwest quadrant indicating that select members received larger beneficial impacts than the group.

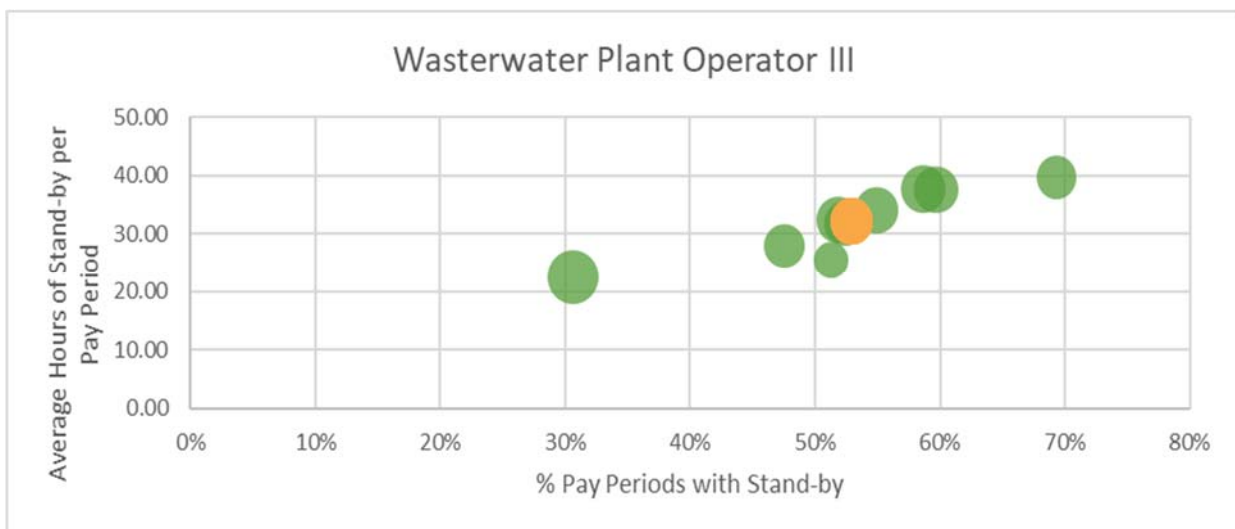


### Wastewater Plant Operator III

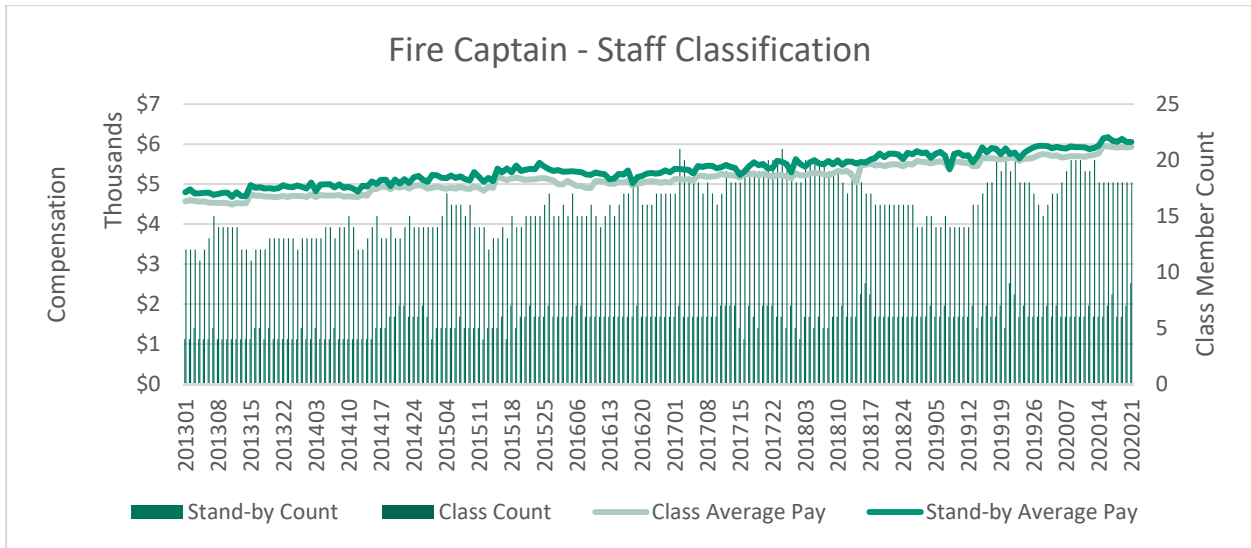


During the period studied, 9 members recorded time in the Wastewater Plant Operator III Job Classification. Of the 9 members, all have been in the class for more than 26 pay periods, or one year. On average, the County employed 6 Wastewater Plant Operator III positions during the period studied. Of these 6 positions, an average of 3.8 were awarded stand-by duty during each pay period. The positions average pay before overtime was \$3,157 per pay period. Members awarded stand-by duty earned on average \$3,280 per pay period, an average increase of \$123. For the purposes of this analysis we eliminated overtime, vacation cash outs and administrative payroll adjustments.

In the following chart, we analyze the individual performance of stand-by duty and how it affects compensation earnable for individual members of the class. The Wastewater Plant Operator III members are grouped together. This indicates that the members of the class are performing stand-by at the same relative frequency and volume. With respect to the Waste Water Plant Operator III we found the data supports the notion that stand-by duty is performed uniformly and consistently across the class. As noted above, we also found that the operating division’s policies conformed with our criteria for normal working hours.

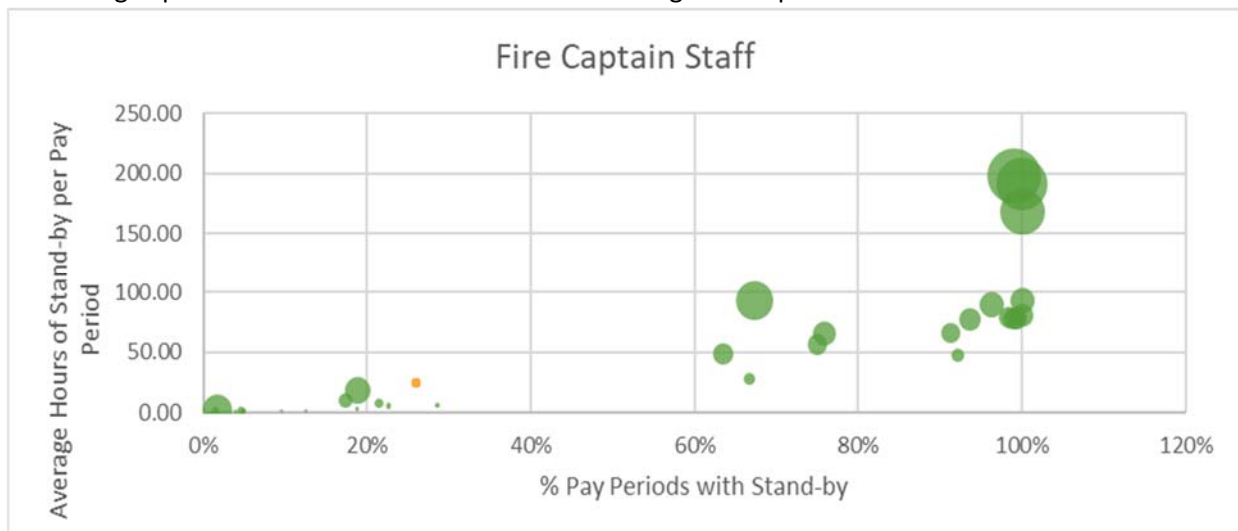


Fire Captain - Staff

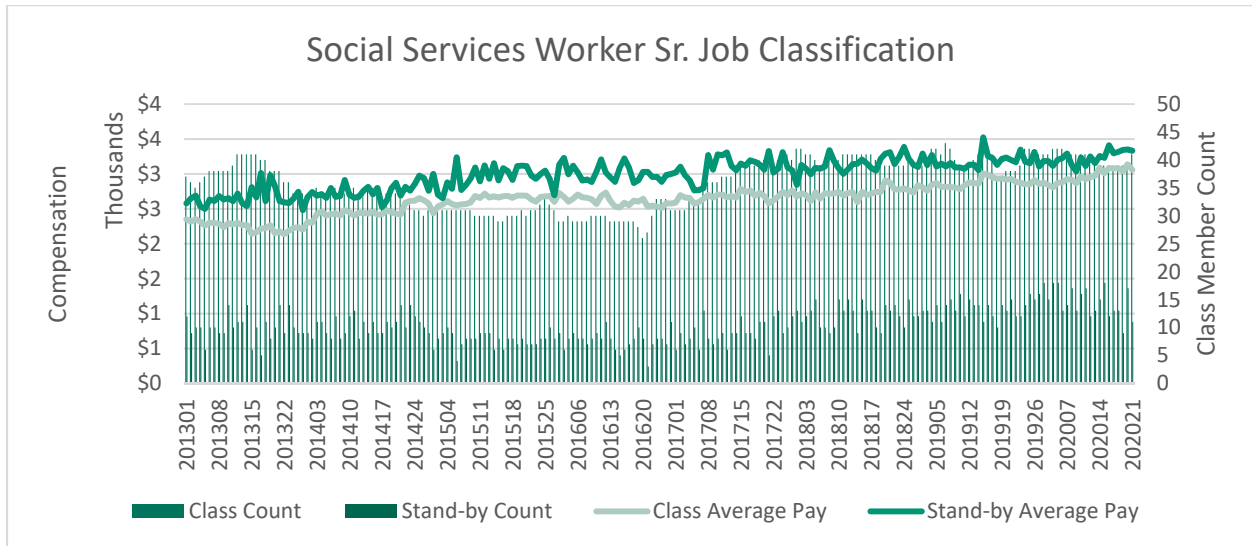


During the period studied, 65 members recorded time in the Fire Captain – Staff Job Classification. Of the 65 members, 27 members were in the class for less than 26 pay periods, or one year. The classification is used relatively flexibly with the Fire Captain – Shift classification. Class members are rotated through the classification based on job assignment and it is relatively common for members to move between the two different classifications, which have different compensation practices.

On average, the County employed 16 Fire Captain – Staff positions during the period studied. Of these 16 positions, an average of 5.5 were awarded stand-by duty during each pay period. The positions average pay before overtime was \$5,155 per pay period. Members awarded stand-by duty earned on average \$5,375 per pay period, an average increase of \$220. For the purposes of this analysis we eliminated overtime, vacation cash outs and administrative payroll adjustments. The Fire Captain Staff Classification displays a barbell pattern. This appears due to the fact that certain units within the department are continuously performing a high rate of stand-by duty. Based on interviews we know that Fire Captain – Staff members assigned to public relations, dispatch duty officers and arson investigations have scheduling expectations different from that of the average fire captain – staff member.

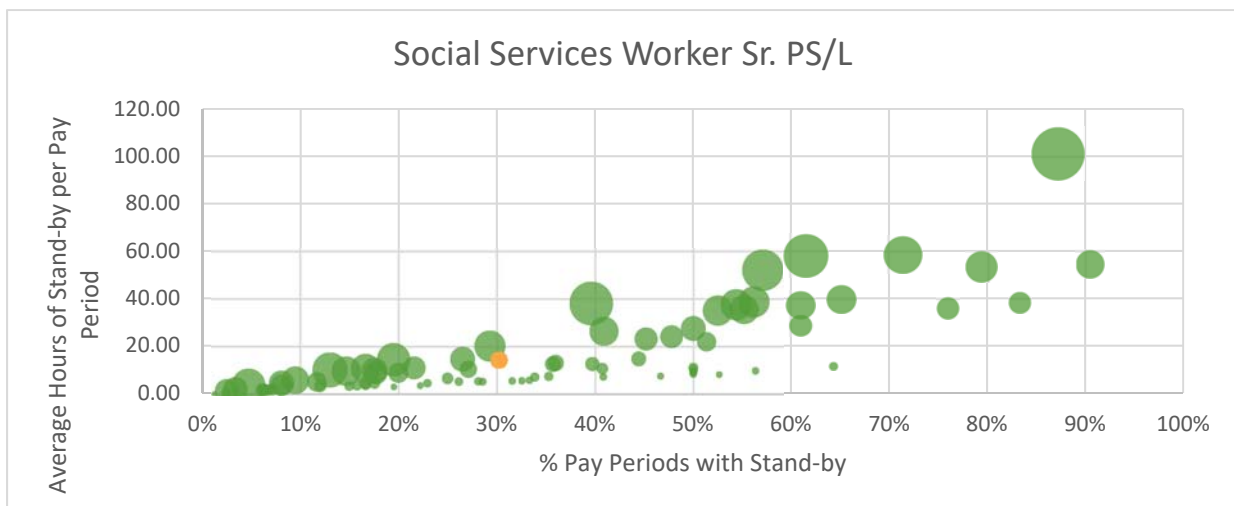


Social Services Worker Sr. PS/L



During the period studied, 89 members recorded time in the Social Services Worker Sr. PS/L Class. The classification is the Sr. or master class in the series. On average, the County employed 36 Social Services Worker Sr. PS/L positions during the period studied. Of these 36 positions, an average of 10.5 were awarded stand-by duty during each pay period. The positions average pay before overtime was \$2,644 per pay period. Members awarded stand-by duty earned on average \$2,999 per pay period, an average increase of \$355. For the purposes of this analysis we eliminated overtime, vacation cash outs and administrative payroll adjustments.

The Social Services Worker Sr. PS/L displays a widely dispersed pattern. This dispersion shows that while stand-by duty is a consistent operational need for the county, the actual performance is varied and inconsistent across the classification due to the variety of programs supported, the location of assigned coverage areas and volunteerism. This result is consistent with our interviews which indicated that location considerations drove utilization and revealed that while stand-by performance is ultimately mandatory, management has maintained a policy of convenience that allows for employees to trade shifts and arrange coverage so long as it is approved by a supervisor.





## Measure of Dispersion by Classification

Using the data we gathered, we were able to calculate the dispersion of frequency and volume of stand-by performance by calculating the Coefficient of Variation (CV) by job classification for each measure. Also known as the relative standard deviation or ratio of standard deviation to the mean, the CV measures the dispersion of a data set relative to the mean. This is an imperfect measurement and can be noisy for smaller classifications; however, we have found the lower the CV of the classification, the more likely it is to meet our criteria for inclusion in compensation earnable. We provide the results for hours based earnings codes and classifications in the [appendices of this report](#).

In evaluating the CV results across all classifications, we estimate that significantly less than 50% of the total stand-by duty performed will meet our criteria for inclusion in compensation earnable based on it being the amount “ordinarily worked by a member of the same grade or class.” This estimate is provided before consideration of the County’s actual operating procedure and whether the duty is part of a member’s normal working schedule, which likely would reduce that result further.

## Small Job Classifications

Within the population of members working stand-by duty we identified 16 classifications with fewer than five members overall and 58 classifications with fewer than five members who work stand-by. Of the classifications with less than five members, eight only had one member. For very small classifications the definition of “normal” and “ordinary” presents a complex consideration. For a classification of one, ordinary and normal could be as simple as what happened. There is no variation within work schedules to analyze.

In general, the smaller the classification the more likely we are to see smaller variation in the assigned duties; what follows is that the smaller the classification, the more likely there is to be homogenous scheduling across the class. However, what variation there is complicates analysis due to the outsize affect one member can have on the class average. In several smaller classifications we see a phenomena where one member of the classification has no stand-by duty, however, the remainder of the class is working stand-by duty in a consistent manner. In this case, we have one member that is creating dispersion, not by electing to work more hours on average (potential pension enhancement) but by electing to **NOT** work thereby reducing their compensation earnable to an amount below the class average and ostensibly increasing the compensation earnable of other members of the class.

## Non – Hourly Earnings Codes

In our review, we identified several earning codes that are similar to stand-by but not paid on an hourly basis. STC is a “\$10 per call pay” that is awarded when an employee takes a phone call or service request between the hours of 12:00am and 6:00am. DAP, DEP and SPA earnings codes are a fixed amount paid to employees of the Public Defender, District Attorney and Behavioral Wellness department. These codes are not hours based, rather they are bi-weekly fixed amount paid to an employee who is assigned the responsibility for answering service requests made after 5:00pm and before 8:00am M-F and any time on Saturday and Sunday.

## Conclusions, Findings and Recommendations

In evaluation of the facts gathered along with analysis of the data, we conclude that there is a material portion of stand-by duty that meets the criteria for inclusion in compensation earnable for legacy members. We were able to support this conclusion on the basis of departmental interviews, member interviews and by using statistical measurements of the data. However, we also conclude that the majority of stand-by duty (greater than 50%) being performed likely does not meet the test for inclusion in compensation earnable.

We support this conclusion that the majority of stand-by duty should be excluded from compensation earnable prospectively through our observations of:

- inconsistent policy across operating divisions of the County,
- the County's creation of broad job classifications that group disparate job assignments into a single class and,
- the County's large geographic service area that places differing scheduling demands on members based on their job location.

These findings are not a criticism of the County; rather it is an acknowledgement that operating policy design and workload management procedures are intended to maximize service outcomes. The issue of calculating a member's pension benefit is second to the objective priorities of operational management when it comes to ensuring the quality delivery of critical services. Further, management has never received direction to modify classification procedures or time reporting in the manner contemplated by the Court. As a result, the current policy framework does not permit a reliable systematic approach to controlling pension enhancement that could result from volunteerism or other management practices that create uneven outcomes.

Further, the issues of "normal working schedule", "ordinarily worked" and "similar class or pay grade" are ephemeral qualities that change with each new management regime and budgetary cycle. Absent a rigid policy constraint it is entirely likely that what was includable in 2013, may not be so in 2015 but again be includable in 2020. Looking backward, there is no way to determine with absolute certainty whether a specific instance of stand-by pay should be included or not based simply on the records maintained.

Overall, we found some evidence to support the determination made by the Board of Retirement in 2012 that stand-by duty is performed as part of the normal working hours of membership. In interviews departmental management often held the position that such time was part of the member's normal schedule and was a cost effective way of managing their department. We also found that once we applied a statistical test to the data in order to compare a members pay to that of similarly situated members, a study not performed in 2012, that a finding on normal working schedule is not supportable in the majority of cases.

Using job classifications to create cohorts of similarly situated employees produces what may be viewed as an arbitrary result. The variables of population and diversity of assignments within the series mean that some groups get it and other groups don't; this happens regardless of the individual contract between the employer and the member. We cite the barbell pattern and the existence of specialized assignments within classifications to support this view. However, departing from County job classifications to define a member's peer group may be inconsistent with the statute and may be seen as equally arbitrary, placing

the Board of Retirement in the position of defining classes of County employment in a manner different than the employer.

This is exemplified by the many instances we found where stand-by was part of normal working schedules of members and that the Board could conclude that it was worked by all similarly situated members. Given those two conclusions, the question then goes to what happens when the amount of stand-by worked by an individual member of the class is far in excess of the class average. This may be attributable to volunteerism but also to myriad other factors having nothing to do with the goal of enhancing a members pension. For that reason, we recommend that the Board of Retirement adopt the following recommendations as its determinations regarding the inclusion of stand-by duty in compensation earnable prospectively.

**Recommendation 1: Remove pay codes from the schedule of earnings codes included in compensation earnable.**

We recommend that the Board of Retirement remove the following hourly earnings codes from its calculation of compensation earnable.

<b>Earning Code</b>	<b>Title</b>	<b>Hourly</b>	<b>Amount</b>	<b>Employee Group</b>
STA	Stand By 2	Y	\$2.00	Local 620
SBY	Stand By 2.6	Y	\$2.60	Local 721, PPOA
STB	Stand By 3	Y	\$3.00	Local 620, Local 721, ETA
SSB	Sheriff Stand By	Y	\$4.00	DSA
SBF	Stand By Firefighters	Y	\$4.00	Local 2046
STE	Stand By 4	Y	\$4.00	Local 721

We support this recommendation on the basis that the current operating policies of the County do not support consistent outcomes with regard to the calculation and determination of compensation earnable at the individual member level. This recommendation should be considered concurrently with Recommendation 2.

**Recommendation 2: Establish clear guidance for future inclusion of new stand-by duty earnings codes in compensation earnable.**

We recommend that the Board of Retirement establish the following standards for inclusion of new earnings codes used to account for stand-by duty when inclusion in compensation earnable is proposed.

1. Normal working schedule and any mandatory stand by duty included in that schedule must be clearly defined in writing, including the number of stand-by duty hours normally scheduled for each job classification and associated earning code in an executed memorandum of understanding. Such hours shall be the maximum hours includable in compensation earnable for a member of the class.
2. The County must have documented time card procedures that direct employees to separately account for ad hoc, voluntary or assumed stand-by duty using an earning code that is not to be included in compensation earnable, and for which no retirement contributions are collected. For the purposes of this requirement, the earnings codes identified in Recommendation 1 are suitable.

3. County scheduling procedures must allocate and track stand-by duty hours to all affected members of a class.

Recommendation 3: Remove the earning code STC from the schedule of earnings codes included in compensation earnable and refund contributions made on such pay subsequent to December 31, 2012.

In our review, we concluded that the earning code STC has been erroneously included in compensation earnable since the passage of PEPRRA. STC is a "\$10 per call pay" that is awarded when an employee takes a phone call or service request between the hours of 12:00am and 6:00am. By its very nature it is not subject to a normal schedule, rather, it is an incident based pay more similar to overtime pay. In recognition that this was included as an item of compensation earnable incorrectly, we recommend that contributions on this pay be refunded to active members.

Recommendation 4: Affirm the inclusion of the earnings codes DAP, DEP and SPA in compensation earnable.

These earnings codes are a fixed amount paid to employees of the Public Defender, District Attorney and Behavioral Wellness department. These codes are not hours based, rather they are bi-weekly fixed amount paid to an employee who is assigned the responsibility for answering service requests made after 5:00pm and before 8:00am M-F and any time on Saturday and Sunday. Due to budgetary considerations, the County is not currently using the DEP code for public defenders. In our review, we concluded that these codes are more similar to a special duty pay. They are paid regardless of utilization or timing and paid to employees in professional classifications that are generally exempt from overtime except in very limited circumstances (Attorneys and Doctors).

Recommendation 5: Consider implementation of procedures for evaluation of corrections.

Direct staff to develop and recommend procedures for the implementation of any necessary corrections to retired or active member accounts and benefits. The procedures should include the application of the Board's Errors, Corrections and Collections Policy, the applicable statute of limitations, a process for considering member and employer input, and a procedure for the calculation and implementation of any required corrections. At the option of the Board of Retirement, these recommendations may be brought to the full Board or preliminarily to an ad hoc committee.

## Appendix A: Job Classification Dispersion Statistics

Job Class Title	Count of Members		Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Freq. CV	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Vol. CV
	with stand-by	Total Count														
ADMHS CASE WORKER	23	66	11.22%	22.17%	33.39%	-10.95%	86%	21%	198%	5.9	17.2	23.1	-11.3	91%	26%	291%
ADMHS PRACTITIONER II	14	69	4.87%	16.22%	21.09%	-11.35%	93%	13%	333%	2.7	10.7	13.4	-8.0	94%	14%	398%
ADMHS PRACTITIONER INTERN	30	104	12.12%	26.67%	38.79%	-14.55%	86%	14%	220%	9.5	24.7	34.2	-15.2	89%	18%	260%
ADMHS PSYCHIATRIC TECH II	7	37	8.37%	23.93%	32.30%	-15.56%	92%	11%	286%	7.3	27.6	34.9	-20.3	95%	14%	377%
ADMHS RECOVERY ASSISTANT	15	56	8.85%	21.30%	30.15%	-12.45%	89%	16%	241%	6.7	22.0	28.6	-15.3	93%	20%	330%
ADMHS TEAM SUPV-PRACTITIONER	9	38	8.01%	25.32%	33.33%	-17.30%	92%	16%	316%	2.8	8.0	10.9	-5.2	92%	16%	282%
ALCOHOL & DRUG SERVICE SPEC	5	19	11.24%	23.45%	34.69%	-12.22%	84%	11%	209%	3.8	9.7	13.5	-5.8	89%	16%	251%
ANIMAL CONTROL OFF I	10	13	52.80%	40.24%	93.04%	12.56%	54%	54%	76%	19.9	18.4	38.3	1.5	46%	46%	92%
DEPUTY DISTRICT ATTY SR	27	35	6.37%	5.03%	11.40%	1.34%	60%	60%	79%	0.0	0.0	0.0	0.0	0%	0%	--
ANIMAL CONTROL OFF II	13	14	77.11%	27.70%	104.81%	49.42%	86%	86%	36%	35.0	17.7	52.7	17.3	71%	71%	51%
ANIMAL CONTROL OFF SUPV	7	11	38.99%	36.72%	75.71%	2.27%	45%	45%	94%	15.6	15.5	31.2	0.1	45%	45%	99%
DEP PUBLIC DEFENDER III	19	28	5.59%	5.02%	10.61%	0.58%	54%	54%	90%	0.0	0.0	0.0	0.0	0%	0%	--
AIRCRAFT MECHANIC	1	5	0.24%	0.47%	0.71%	-0.24%	80%	0%	200%	0.1	0.1	0.2	-0.1	80%	0%	200%
BUILDING MAINT WORKER	12	34	15.70%	24.73%	40.43%	-9.04%	79%	15%	158%	13.6	21.2	34.8	-7.7	79%	15%	157%
DEPUTY DISTRICT ATTY IV	23	32	6.06%	5.87%	11.93%	0.20%	59%	59%	97%	0.0	0.0	0.0	0.0	0%	0%	--
COMPUTER SYSTEMS SPEC I	6	22	9.33%	17.84%	27.17%	-8.50%	82%	9%	191%	5.8	17.5	23.2	-11.7	95%	23%	303%

Job Class Title	Count of Members		Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Freq. CV	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Vol. CV
	with stand-by	Total Count														
COMPUTER SYSTEMS SPEC II	12	59	5.00%	14.16%	19.16%	-9.15%	90%	10%	283%	2.1	7.2	9.3	-5.0	92%	12%	340%
CUSTODY DEPUTY	117	365	1.55%	3.40%	4.96%	-1.85%	87%	19%	220%	0.0	0.1	0.1	-0.1	89%	21%	235%
HVAC SPECIALIST	3	6	20.51%	22.51%	43.02%	-2.00%	83%	33%	110%	19.8	22.2	41.9	-2.4	83%	33%	112%
CUSTODY DEPUTY S/DUTY	23	83	1.51%	4.12%	5.62%	-2.61%	90%	18%	273%	0.0	0.1	0.2	-0.1	94%	22%	287%
CCS SUPERVISING THERAPIST	1	5	0.39%	0.78%	1.17%	-0.39%	80%	0%	200%	0.0	0.1	0.1	0.0	80%	0%	200%
COMM EQUIP TECH SR	2	4	45.33%	45.33%	90.66%	0.00%	75%	25%	100%	39.2	39.2	78.4	0.0	75%	25%	100%
COMM SYSTEMS SUPV	1	1	75.61%	0.00%	75.61%	75.61%	0%	0%	0%	75.6	0.0	75.6	75.6	0%	0%	0%
DEP PUBLIC DEFENDER IV	14	26	3.10%	3.48%	6.58%	-0.39%	85%	38%	113%	0.0	0.0	0.0	0.0	0%	0%	--
CUSTODY SERGEANT	17	43	2.75%	4.95%	7.70%	-2.20%	84%	23%	180%	0.1	0.1	0.2	-0.1	81%	21%	180%
DEP PROBATION OFFICER SUP	11	35	17.67%	31.96%	49.62%	-14.29%	83%	14%	181%	8.2	15.0	23.2	-6.8	86%	17%	182%
HAZARD MATERIALS SUPV	4	7	35.24%	42.64%	77.88%	-7.40%	71%	29%	121%	42.8	53.9	96.7	-11.1	71%	29%	126%
DEP PUBLIC DEFENDER II	13	27	3.56%	4.51%	8.07%	-0.94%	85%	33%	127%	0.0	0.0	0.0	0.0	0%	0%	--
EDP NETWORK TECH II	7	7	42.00%	13.88%	55.87%	28.12%	71%	71%	33%	33.7	10.5	44.2	23.2	57%	57%	31%
DEPUTY DISTRICT ATTY III	15	40	3.04%	4.30%	7.33%	-1.26%	70%	8%	141%	0.0	0.0	0.0	0.0	0%	0%	--
ADMHS REHABILITATION SPEC	4	11	17.52%	24.81%	42.33%	-7.29%	73%	9%	142%	6.0	8.7	14.7	-2.7	73%	9%	144%
EDP NETWORK TECH III	5	6	50.71%	23.08%	73.78%	27.63%	83%	83%	46%	41.7	19.7	61.4	22.1	83%	83%	47%
DEP PUBLIC DEFENDER I	14	27	6.92%	10.05%	16.97%	-3.13%	85%	37%	145%	0.0	0.0	0.0	0.0	0%	0%	--
DA INVESTIGATOR III	1	3	0.18%	0.25%	0.42%	-0.07%	67%	0%	141%	0.1	0.2	0.3	-0.1	67%	0%	141%
EDP OFFICE AUTO SPEC I	6	13	12.09%	25.31%	37.39%	-13.22%	85%	31%	209%	15.3	38.5	53.8	-23.2	92%	38%	252%

Job Class Title	Count of Members with stand-by	Total Count	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Freq. CV	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Vol. CV
MAINTENANCE PLUMBER	3	9	16.97%	25.49%	42.46%	-8.52%	78%	11%	150%	15.5	23.2	38.7	-7.7	78%	11%	150%
FIRE CAPTAIN SHIFT	19	96	1.47%	5.32%	6.79%	-3.85%	93%	13%	362%	0.4	1.8	2.2	-1.4	97%	17%	464%
FIRE CAPTAIN STAFF	31	65	25.92%	38.80%	64.72%	-12.88%	75%	23%	150%	24.6	46.3	70.8	-21.7	83%	31%	188%
BUILDING MAINT SUPV	4	15	10.31%	17.69%	28.00%	-7.38%	80%	7%	172%	8.0	14.0	21.9	-6.0	73%	0%	175%
ADMHS TEAM SUPV-RN	2	8	20.99%	37.23%	58.21%	-16.24%	75%	0%	177%	27.4	54.8	82.3	-27.4	88%	13%	200%
FIRE ENG INSPECTOR SHIFT	9	104	1.29%	8.39%	9.68%	-7.10%	98%	7%	652%	0.4	3.3	3.7	-2.9	98%	7%	760%
FIRE ENG INSPECTOR STAFF	12	35	27.58%	40.00%	67.58%	-12.42%	74%	9%	145%	22.4	33.5	55.9	-11.1	74%	9%	150%
DA INVESTIGATOR I	2	8	0.18%	0.33%	0.51%	-0.15%	75%	0%	182%	0.1	0.2	0.4	-0.1	88%	13%	188%
PSYCHIATRIC NURSE SR	3	11	7.88%	14.98%	22.86%	-7.10%	82%	9%	190%	5.8	13.2	19.0	-7.4	91%	18%	226%
FIREFIGHTER STAFF	7	50	12.26%	30.72%	42.98%	-18.46%	86%	0%	251%	10.0	25.1	35.1	-15.1	86%	0%	251%
HAZ MATERIALS SPEC II	12	17	28.62%	23.50%	52.12%	5.12%	53%	53%	82%	26.4	22.7	49.0	3.7	53%	53%	86%
PARK RANGER I	2	8	16.06%	32.34%	48.40%	-16.28%	88%	13%	201%	8.0	18.9	26.9	-10.8	88%	13%	235%
HAZ MATERIALS SPEC SR	5	7	31.07%	32.71%	63.78%	-1.64%	71%	43%	105%	33.3	35.8	69.1	-2.4	71%	43%	107%
JUVENILE INST OFFICER	5	122	0.06%	0.46%	0.52%	-0.40%	97%	1%	711%	0.0	0.4	0.4	-0.4	99%	3%	1056%
MAINTENANCE WORKER II	6	79	2.94%	11.54%	14.48%	-8.60%	94%	1%	393%	2.0	8.0	10.0	-5.9	94%	1%	393%
EDP OFFICE AUTO COORD	1	1	0.49%	0.00%	0.49%	0.49%	0%	0%	0%	0.2	0.0	0.2	0.2	0%	0%	0%
PARK RANGER II	19	34	25.70%	37.94%	63.63%	-12.24%	76%	32%	148%	14.8	24.9	39.6	-10.1	76%	32%	169%
PARK RANGER III	8	9	45.62%	37.30%	82.91%	8.32%	56%	56%	82%	32.1	34.1	66.2	-2.0	89%	78%	106%

Job Class Title	Count of Members with stand-by	Total Count	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Freq. CV	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Vol. CV
HEALTH EDUCATION ASST SR	1	6	0.24%	0.55%	0.79%	-0.30%	83%	0%	224%	0.0	0.1	0.1	0.0	83%	0%	224%
PH PERFORM IMPROVE COORD	5	8	16.19%	18.39%	34.57%	-2.20%	75%	38%	114%	18.5	24.1	42.6	-5.5	75%	38%	130%
ELECTRONICS SYSTEMS TECH	3	4	18.46%	30.59%	49.05%	-12.13%	75%	50%	166%	15.1	25.3	40.4	-10.2	75%	50%	168%
DEP PUBLIC DEFENDER SR	3	16	0.45%	1.09%	1.54%	-0.64%	88%	6%	244%	0.0	0.0	0.0	0.0	0%	0%	--
DA INVESTIGATOR SUPV	1	7	0.17%	0.42%	0.59%	-0.25%	86%	0%	245%	0.1	0.3	0.5	-0.2	86%	0%	245%
FACILITIES SUPERVISOR	1	5	5.38%	10.77%	16.15%	-5.38%	80%	0%	200%	6.3	12.6	19.0	-6.3	80%	0%	200%
PSYCHIATRIC NURSE II	9	47	9.69%	25.39%	35.07%	-15.70%	87%	6%	262%	4.4	14.2	18.6	-9.8	91%	11%	320%
DA INVESTIGATOR II	2	15	0.09%	0.22%	0.31%	-0.13%	87%	0%	255%	0.0	0.1	0.2	-0.1	93%	7%	296%
PUBLIC HEALTH NURSE	20	66	5.08%	10.71%	15.80%	-5.63%	85%	15%	211%	0.8	1.8	2.6	-1.0	88%	18%	224%
PUBLIC HEALTH NURSE SUPV	8	12	19.98%	19.62%	39.59%	0.36%	58%	58%	98%	3.4	3.5	6.9	-0.1	83%	50%	103%
FINANCIAL SYS ANALYST I	1	9	0.35%	0.98%	1.33%	-0.63%	89%	0%	283%	0.0	0.0	0.0	0.0	0%	0%	--
FIRE EQUIPMENT OPER	3	3	92.36%	1.15%	93.51%	91.21%	67%	67%	1%	44.3	2.2	46.5	42.1	33%	33%	5%
FIRE EQUIPMENT OPER SUPV	1	1	91.22%	0.00%	91.22%	91.22%	0%	0%	0%	55.3	0.0	55.3	55.3	0%	0%	0%
COMPUTER SYSTEMS SPEC SUPV	1	9	0.19%	0.55%	0.74%	-0.35%	89%	0%	283%	0.1	0.2	0.2	-0.1	89%	0%	283%
SHERIFFS DEPUTY	61	258	1.43%	10.18%	11.62%	-8.75%	99%	22%	711%	1.1	9.9	11.0	-8.8	99%	22%	895%
GEOLOGIST REGISTERED	1	3	0.65%	0.92%	1.57%	-0.27%	67%	0%	141%	0.4	0.6	1.0	-0.2	67%	0%	141%
SHERIFFS DEPUTY S/DUTY	69	164	3.04%	11.35%	14.38%	-8.31%	96%	38%	374%	1.7	9.1	10.8	-7.4	96%	38%	526%
ENVIRON HEALTH SPEC	3	20	0.20%	0.59%	0.79%	-0.39%	90%	5%	292%	0.0	0.0	0.1	0.0	90%	5%	294%



Job Class Title	Count of Members with stand-by	Total Count	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Freq. CV	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Vol. CV
ENVIRON HEALTH SPEC SR	3	12	3.11%	9.36%	12.47%	-6.26%	92%	17%	301%	2.6	8.6	11.2	-6.0	92%	17%	329%
SHERIFFS SERGEANT	23	71	1.08%	5.35%	6.44%	-4.27%	99%	31%	494%	0.5	3.8	4.3	-3.3	99%	31%	760%
SOC SVCS WORKER SR PS/L	79	89	30.24%	23.80%	54.04%	6.44%	62%	62%	79%	14.2	17.7	31.9	-3.5	83%	72%	125%
EDP SYS & PROG ANLST I	1	14	0.07%	0.25%	0.32%	-0.18%	93%	0%	361%	0.0	0.1	0.2	-0.1	93%	0%	361%
SOCIAL SERVICES SUPV I	8	9	43.93%	29.18%	73.11%	14.75%	56%	56%	66%	49.5	34.4	84.0	15.1	56%	56%	69%
SOCIAL SERVICES SUPV II	24	28	22.90%	25.24%	48.14%	-2.34%	82%	68%	110%	16.2	19.3	35.5	-3.2	89%	75%	120%
MAINT ELECTRICIAN	1	1	35.71%	0.00%	35.71%	35.71%	0%	0%	0%	34.4	0.0	34.4	34.4	0%	0%	0%
HEALTH EDUCATION ASST	2	22	0.45%	1.68%	2.12%	-1.23%	95%	5%	374%	0.1	0.3	0.4	-0.2	95%	5%	396%
SOCIAL SERVICES WORKER	76	122	16.21%	19.36%	35.56%	-3.15%	83%	45%	119%	9.0	14.3	23.3	-5.3	87%	49%	159%
PROG/BUS LDR-ATTY	1	18	0.10%	0.43%	0.54%	-0.33%	94%	0%	412%	0.0	0.0	0.0	0.0	0%	0%	--
DEPUTY DISTRICT ATTY II	3	40	0.39%	1.79%	2.18%	-1.40%	93%	0%	458%	0.0	0.0	0.0	0.0	0%	0%	--
SOCIAL SVCS PRACTITIONER	61	87	20.65%	21.28%	41.93%	-0.63%	79%	49%	103%	8.6	10.8	19.4	-2.1	89%	59%	124%
ACCOUNTANT I	1	29	0.36%	1.90%	2.26%	-1.54%	97%	0%	529%	0.0	0.2	0.3	-0.2	97%	0%	529%
EDP SYS & PROG ANLST SR	1	30	0.02%	0.09%	0.10%	-0.07%	97%	0%	539%	0.0	0.2	0.2	-0.2	97%	0%	539%
COMMUNICATIONS DISP II	1	31	0.03%	0.14%	0.17%	-0.12%	97%	0%	548%	0.0	0.0	0.0	0.0	97%	0%	548%
MAINTENANCE LEADER	2	36	1.56%	9.08%	10.65%	-7.52%	97%	3%	581%	1.2	7.2	8.4	-5.9	97%	3%	590%
DEP PROBATION OFFICER SR	3	81	0.30%	1.79%	2.09%	-1.48%	96%	0%	590%	0.2	0.9	1.1	-0.8	96%	0%	540%
COST ANALYST II	1	37	0.17%	1.01%	1.18%	-0.84%	97%	0%	600%	0.0	0.0	0.0	0.0	0%	0%	--
PSYCHIATRIC NURSE SUPV	3	3	44.75%	37.37%	82.12%	7.38%	33%	33%	84%	42.5	33.3	75.7	9.2	33%	33%	78%

Job Class Title	Count of Members with stand-by	Total Count	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Freq. CV	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Vol. CV
DEP PROBATION OFFICER RADIO COMMUNICATION SYSTEMS ENGINEER	4	151	0.12%	0.75%	0.86%	-0.63%	97%	0%	647%	0.1	0.4	0.5	-0.3	97%	0%	612%
VICTIM WITNESS PROG ASST II	1	1	90.00%	0.00%	90.00%	90.00%	0%	0%	0%	71.6	0.0	71.6	71.6	0%	0%	0%
JUVENILE INST OFFICER SR	8	18	11.29%	18.24%	29.53%	-6.95%	78%	22%	162%	8.4	14.0	22.3	-5.6	83%	28%	166%
WASTEWTR PLANT OPER II	1	49	0.02%	0.12%	0.13%	-0.10%	98%	0%	693%	0.0	0.0	0.0	0.0	98%	0%	693%
WASTEWTR PLANT OPER III	5	6	34.30%	21.57%	55.87%	12.73%	67%	67%	63%	21.0	13.4	34.4	7.5	50%	50%	64%
DEPT BUS SPEC I	9	9	52.93%	9.90%	62.83%	43.03%	78%	78%	19%	32.2	5.5	37.7	26.6	56%	56%	17%
MEDICAL ASSISTANT	2	68	1.46%	11.54%	13.00%	-10.08%	99%	1%	789%	0.9	6.8	7.6	-5.9	99%	1%	789%
ASST DEPT LDR-EXEC	2	100	0.05%	0.40%	0.45%	-0.35%	98%	0%	819%	0.1	0.7	0.8	-0.7	99%	1%	974%
FIREFIGHTER SHIFT	1	94	0.01%	0.05%	0.06%	-0.05%	99%	0%	964%	0.0	0.0	0.0	0.0	0%	0%	--
SOCIAL SVCS WORKER SR	4	141	0.41%	3.96%	4.37%	-3.56%	98%	1%	972%	0.1	1.4	1.5	-1.2	99%	2%	1047%
DEPT BUS SPEC II	1	1	20.41%	0.00%	20.41%	20.41%	0%	0%	0%	13.1	0.0	13.1	13.1	0%	0%	0%
ADMN OFFICE PRO III	2	123	0.52%	5.65%	6.17%	-5.14%	99%	1%	1094%	0.5	5.3	5.8	-4.8	99%	1%	1104%
VICTIM WITNESS PROG SUPV	1	168	0.01%	0.17%	0.19%	-0.16%	99%	0%	1292%	0.0	0.1	0.1	-0.1	99%	0%	1292%
WASTEWTR PLANT OPER CHIEF	2	2	10.18%	9.69%	19.87%	0.49%	0%	0%	95%	18.1	17.8	35.9	0.3	50%	50%	98%
ADMN OFFICE PRO SR	1	2	0.40%	0.40%	0.81%	0.00%	0%	0%	100%	0.1	0.1	0.1	0.0	0%	0%	100%
ADMN OFFICE PRO II	3	215	0.47%	6.59%	7.06%	-6.12%	100%	1%	1401%	0.1	0.5	0.6	-0.5	99%	0%	1030%
WASTEWTR PLANT OPER SUPV	3	535	0.37%	5.98%	6.35%	-5.61%	100%	0%	1628%	0.0	0.4	0.4	-0.3	100%	0%	1627%
	5	5	45.42%	20.94%	66.36%	24.48%	60%	60%	46%	25.6	9.2	34.7	16.4	40%	40%	36%

<i>Job Class Title</i>	Count of Members with stand-by	Total Count	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Freq. CV	Mean	Std. Dev.	Upper bound	Lower Bound	% of Total Members within 1SD of Mean	% of stand-by Members within 1SD of Mean	Vol. CV
														80%	20%	
WASTEWTR PLANT OPER TR	2	5	28.29%	34.65%	62.93%	-6.36%	60%	0%	122%	22.4	28.0	50.4	-5.6	80%	20%	125%
WTR & SEWAGE PLANT OPER II	1	1	97.56%	0.00%	97.56%	97.56%	0%	0%	0%	110.5	0.0	110.5	110.5	0%	0%	0%
WTR/SEW PLANT OPER CHIEF	1	1	99.51%	0.00%	99.51%	99.51%	0%	0%	0%	118.4	0.0	118.4	118.4	0%	0%	0%

## Appendix B: Affected Job Classifications

<b>District Attorney Association</b>	
DEPUTY DISTRICT ATTY II	DEPUTY DISTRICT ATTY IV
DEPUTY DISTRICT ATTY III	DEPUTY DISTRICT ATTY SR
Deputy Sheriff Association	
COMMUNICATIONS DISP II	DA INVESTIGATOR III
CUSTODY DEPUTY	DA INVESTIGATOR SUPV
CUSTODY DEPUTY S/DUTY	SHERIFFS DEPUTY
CUSTODY SERGEANT	SHERIFFS DEPUTY S/DUTY
DA INVESTIGATOR I	SHERIFFS SERGEANT
DA INVESTIGATOR II	
<b>Engineers &amp; Technicians Association</b>	
ENVIRON HEALTH SPEC	HAZ MATERIALS SPEC II
ENVIRON HEALTH SPEC SR	HAZ MATERIALS SPEC SR
GEOLOGIST REGISTERED	HAZARD MATERIALS SUPV
Fire Fighters Local 2046	
FIRE CAPTAIN SHIFT	FIRE EQUIPMENT OPER
FIRE CAPTAIN STAFF	FIRE EQUIPMENT OPER SUPV
FIRE ENG INSPECTOR SHIFT	FIREFIGHTER SHIFT
FIRE ENG INSPECTOR STAFF	FIREFIGHTER STAFF
<b>Probation Peace Officers Association</b>	
DEP PROBATION OFFICER	JUVENILE INST OFFICER
DEP PROBATION OFFICER SR	JUVENILE INST OFFICER SR
DEP PROBATION OFFICER SUP	DEP PROBATION OFFICER SUP
<b>SEIU Local 721</b>	
SOC SVCS WORKER SR PS/L	SOCIAL SERVICES WORKER
SOCIAL SERVICES SUPV I	SOCIAL SVCS PRACTITIONER
SOCIAL SERVICES SUPV II	SOCIAL SVCS WORKER SR
<b>Union of American Physicians and Dentists</b>	
STAFF PHYSICIAN	
<b>Unrepresented</b>	
PROG/BUS LDR-ATTY	

<b>SEIU Local 620</b>	
ACCOUNTANT I	EDP SYS & PROG ANLST I
ADMHS CASE WORKER	EDP SYS & PROG ANLST SR
ADMHS PRACTITIONER II	ELECTRONICS SYSTEMS TECH
ADMHS PRACTITIONER INTERN	FACILITIES SUPERVISOR
ADMHS PSYCHIATRIC TECH II	FINANCIAL SYS ANALYST I
ADMHS RECOVERY ASSISTANT	HEALTH EDUCATION ASST
ADMHS REHABILITATION SPEC	HEALTH EDUCATION ASST SR
ADMHS TEAM SUPV-PRACTITIONER	HVAC SPECIALIST
ADMHS TEAM SUPV-RN	MAINT ELECTRICIAN
AIRCRAFT MECHANIC	MAINTENANCE LEADER
ALCOHOL & DRUG SERVICE SPEC	MAINTENANCE PLUMBER
ANIMAL CONTROL OFF I	MAINTENANCE WORKER II
ANIMAL CONTROL OFF II	MEDICAL ASSISTANT
ANIMAL CONTROL OFF SUPV	PARK RANGER I
BUILDING MAINT SUPV	PARK RANGER II
BUILDING MAINT WORKER	PARK RANGER III
CCS SUPERVISING THERAPIST	PH PERFORM IMPROVE COORD
COMM EQUIP TECH SR	PSYCHIATRIC NURSE II
COMM SYSTEMS SUPV	PSYCHIATRIC NURSE SR
COMPUTER SYSTEMS SPEC I	PSYCHIATRIC NURSE SUPV
COMPUTER SYSTEMS SPEC II	PUBLIC HEALTH NURSE
COMPUTER SYSTEMS SPEC SUPV	PUBLIC HEALTH NURSE SUPV
COST ANALYST II	RADIO COMMUNICATION SYSTEMS ENGINEER
DEP PUBLIC DEFENDER I	VICTIM WITNESS PROG ASST II
DEP PUBLIC DEFENDER II	VICTIM WITNESS PROG SUPV
DEP PUBLIC DEFENDER III	WASTEWTR PLANT OPER CHIEF
DEP PUBLIC DEFENDER IV	WASTEWTR PLANT OPER II
DEP PUBLIC DEFENDER SR	WASTEWTR PLANT OPER III
DEPT BUS SPEC I	WASTEWTR PLANT OPER SUPV
DEPT BUS SPEC II	WASTEWTR PLANT OPER TR
EDP NETWORK TECH II	WTR & SEWAGE PLANT OPER II
EDP NETWORK TECH III	WTR/SEW PLANT OPER CHIEF
EDP OFFICE AUTO COORD	ADMN OFFICE PRO II
EDP OFFICE AUTO SPEC I	ADMN OFFICE PRO III
EDP OFFICE AUTO SPEC II	ADMN OFFICE PRO SR

## Appendix C: Government Code Section 31461

*31461(a) "Compensation earnable" by a member means the average compensation as determined by the board, for the period under consideration upon the basis of the average number of days ordinarily worked by persons in the same grade or class of positions during the period, and at the same rate of pay. The computation for any absence shall be based on the compensation of the position held by the member at the beginning of the absence. Compensation, as defined in Section 31460, that has been deferred shall be deemed "compensation earnable" when earned, rather than when paid.*

*(b) "Compensation earnable" does not include, in any case, the following:*

*(1) Any compensation determined by the board to have been paid to enhance a member's retirement benefit under that system. That compensation may include:*

*(A) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member, and which was converted to and received by the member in the form of a cash payment in the final average salary period.*

*(B) Any one-time or ad hoc payment made to a member, but not to all similarly situated members in the member's grade or class.*

*(C) Any payment that is made solely due to the termination of the member's employment, but is received by the member while employed, except those payments that do not exceed what is earned and payable in each 12-month period during the final average salary period regardless of when reported or paid.*

*(2) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, in an amount that exceeds that which may be earned and payable in each 12-month period during the final average salary period, regardless of when reported or paid.*

*(3) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.*

*(4) Payments made at the termination of employment, except those payments that do not exceed what is earned and payable in each 12-month period during the final average salary period, regardless of when reported or paid.*

*(c) The terms of subdivision (b) are intended to be consistent with and not in conflict with the holdings in *Salus v. San Diego County Employees Retirement Association* (2004) 117 Cal.App.4th 734 and *In re Retirement Cases* (2003)110 Cal.App.4th 426.*

*(Amended by Stats. 2012, Ch. 297, Sec. 2. (AB 197) Effective January 1, 2013.)*

*31461.6(a) "Compensation earnable" shall not include overtime premium pay other than premium pay for hours worked within the normally scheduled or regular working hours that are in excess of the statutory*

*maximum workweek or work period applicable to the employee under Section 201 and following of Title 29 of the United States Code.*

***(b) This section shall not apply to a member who is subject to the California Public Employees' Pension Reform Act of 2013.***

*(Amended by Stats. 2013, Ch. 247, Sec. 6. (AB 1380) Effective January 1, 2014.)*