December 19, 2019

Re: Complaint No. COM-11212019-02563; Uhler, Placer County

Dear Commissioners,

On December 5, 2019, the FPPC Enforcement Division rejected my sworn complaint against Placer County Supervisor, Kirk Uhler, noting that an exception applied to the $38,000 raise for the Supervisor's wife and, as a result, he would not have been required to follow the recusal procedures. However, the exception referenced under Regulation 18702.5(a) provides that "...a personal financial effect does not include: (1) employees or retirees if the financial effect of the decision applies equally to all employees in the same bargaining unit or representative group." The assumption was that the county decision to increase the salaries of several managers so that their salaries were approximately 8% higher than the highest paid person they directly supervise applied to the Supervisor's wife. Supervisor Uhler's wife, Tamara Uhler, **did not supervise, directly or indirectly** the Supervising Child Support Attorney or the Child Support Attorneys. The Child Support Attorneys are supervised by the Child Support Service Supervising Attorney and the Supervising Child Support Attorney reports directly to the Director of Child Support Services (See, attached flow chart of Child Support Services for Placer County for 2019-2020)

As Mrs. Uhler does not directly supervise this staff, any salary increase based on compaction would not be justified. Further, this exception would not and is not a basis to excuse Mr. Uhler's actions or inactions.

As no exception applies, pursuant to Regulation 18702.5, and since based on FPPC advice letter A-19-193 Mrs. Uhler cannot be granted additional responsibilities, Mr. Uhler had a financial effect that was material as his immediate family member, his wife, would and did receive a measurable financial benefit from this decision. Mr. Uhler had a conflict of interest under the Political Reform Act that was a material financial effect on his personal finances or other financial interest that he failed to disclose. As he had a conflict of interest and the exception does not apply, he was required to follow not only the recusal procedures, but also to disclose the actual and/or potential conflicts of interest--none of which he did in these situations.

For further specifics, see the following:

Compaction with the Supervising Child Support Attorney and/ or the Child Support Attorneys cannot be the basis of the Assistant Director's 28% raise since she does not directly supervise them. Please review the facts below and the attached documents.

1. The job description for Tamara Uhler's position of Assistant Director of Child Support Services has not changed and does not include supervision of the Child Support Attorneys.
2. The job description for Child Support Attorney – Supervising expressly states that the position is "to plan, organize, direct and supervise a group of child Support attorneys in Child Support Services:"
3. The Child Support Services Department Organization charts shows that the Child Support Attorneys do not directly report to the Assistant Director of Child Support Services.
4. There has not been any re-organization of the Department of Child Support Services resulting in a change of reporting relationships or duties for the Assistant Director of Child Support Services.

December 19, 2019

5. A salary increase to the Assistant Director of Child Support Services based on compaction is not warranted since there is already a 28%+ differential between the Assistant Director and her direct reports.
6. The Placer County 2019-2020 Final Approved Budget shows that the Child Support Services Attorney – Supervising is a budgeted and filled position.

Based on these facts, the identified exemption does not apply. Please review the enclosed information and enforce the Political Reform Act. Thank you in advance for your consideration.

Respectfully,

Scott Vaughan
Concerned Taxpayer

STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

December 5, 2019

Scott Vaughan
Via email: vaughan@quiknet.com

Re: Complaint No. COM-11212019-02563; Uhler, Placer County

Dear Mr. Vaughan:

This letter is in response to the sworn complaint you submitted to the Enforcement Division of the Fair Political Practices Commission regarding the above-named individual and entity. Based on a review of the complaint and documentation provided, the Enforcement Division found insufficient evidence of a violation of the Political Reform Act (the "Act") and will not pursue an enforcement action in this matter.

As explained in the November 1, 2019 letter from the Commission's Executive Director, in order to establish that there is a conflict of interest under the Act, there must be a material financial effect on the official's personal finances or other financial interests. Regulation 18702.5(a) provides that the financial effect is material if the official or the official's immediate family member will receive a measurable financial benefit or loss from the decision. However, Regulation 18702.5 also includes an exception in subdivision (b)(1) which states: "…a personal financial effect does not include: (1) Any establishment of or change to benefits provided under an employment or retirement policy for employees or retirees if the financial effect of the decision applies equally to all employees in the same bargaining unit or other representative group."

The decision in this matter was to increase the salaries of several managers so that their salaries were approximately 8% higher than the highest paid person they directly supervise. That being the case, the exception above applies because the financial effect applies equally to all employees in the representative group. Therefore, under the Act, it does not appear that Mr. Uhler had a conflict of interest in the decision, therefore, he would not have been required to follow the recusal procedures. If you have any questions, please contact Tara Stock at tstock@fppc.ca.gov.

Sincerely,

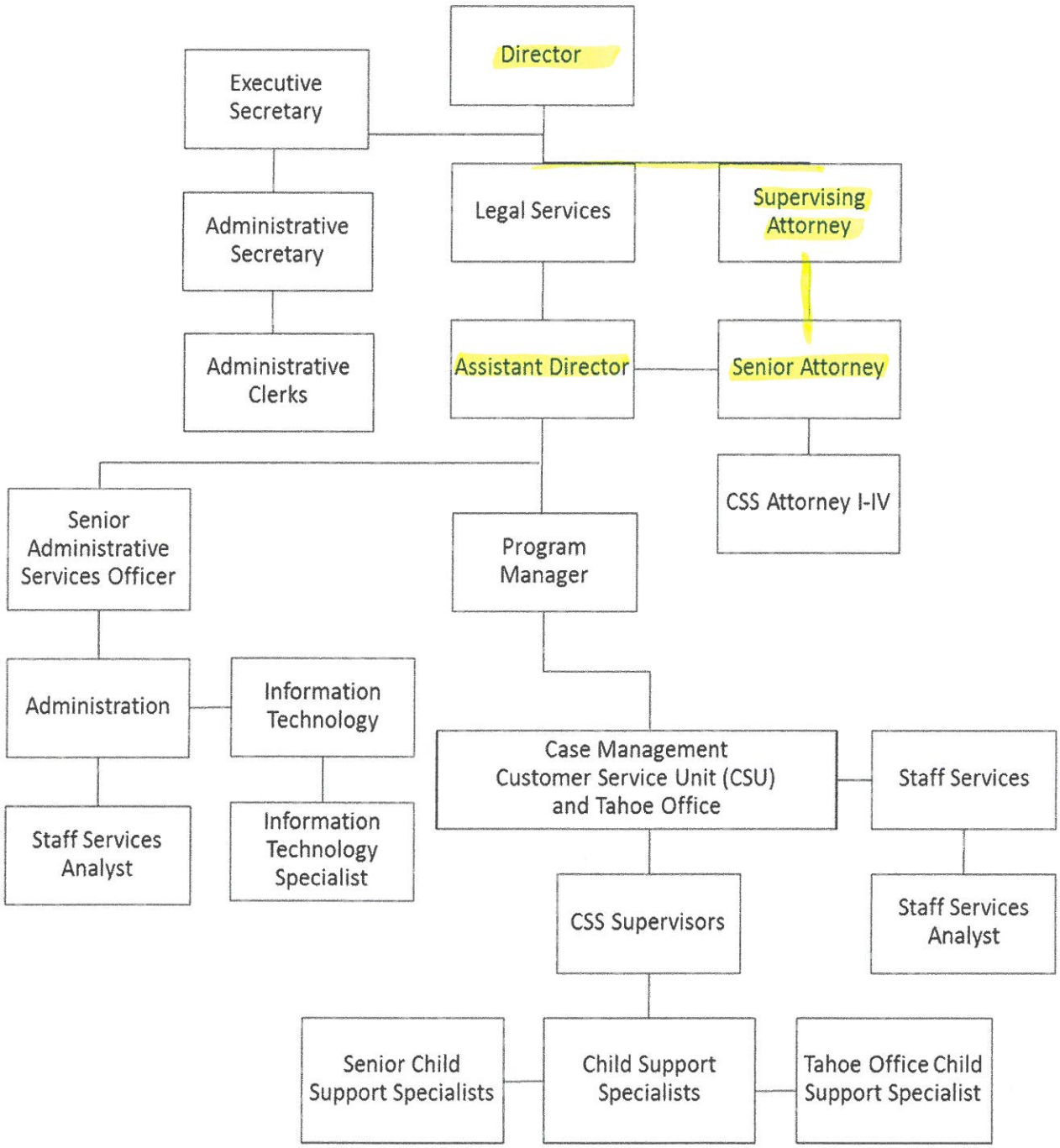
GWest

Galena West
Chief, Enforcement Division

GW:ts

cc: Kirk Uhler, Placer County Supervisor, via email: KUhler@placer.ca.gov
Karin E. Schwab, Placer County Counsel, via email: KSchwab@placer.ca.gov

CHILD SUPPORT SERVICES



Placer County

Child Support Attorney - Supervising (#14128)

$69.42-$86.69 Hourly / $12,032.80-$15,026.27 Monthly / $144,393.60-$180,315.20 Yearly

Notify Me when a Job Opens for the above position(s)

DEFINITION

(Unclassified)

To plan, organize, direct and supervise a group of child support attorneys in the Department of Child Support Services; and to perform a variety of technical tasks relative to assigned area of responsibility.

DISTINGUISHING CHARACTERISTICS

The Supervisor level recognizes positions that perform full, first-line supervisory responsibilities including planning, assigning and evaluating the work of subordinates and are responsible for a program area within a work unit or department.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Director of Child Support Services.

Exercises direct supervision over assigned professional, technical and clerical personnel.

EXAMPLES OF ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

- Recommend and assist in the implementation of Department goals and objectives; establish schedules and methods for child support attorneys; implement policies and

Placer County

Director Of Child Support Services (#19866)

$72.91-$91.06 Hourly / $12,637.73-$15,783.73 Monthly / $151,652.80-$189,404.80 Yearly

Notify Me when a Job Opens for the above position(s)

DEFINITION

(Unclassified)

To plan, organize, direct and review the activities and operations of the Department of Child Support Services including providing professional supervision to legal staff; to coordinate assigned activities with other departments and outside agencies; and to provide highly responsible and complex administrative support to the County Executive Officer.

DISTINGUISHING CHARACTERISTICS

The Director level recognizes classes with full responsibility for the administration of a County department.

SUPERVISION RECEIVED AND EXERCISED

Receives policy direction from the County Executive Officer, Board of Supervisors, and California State Department of Child Support Services.

Exercises direct supervision over professional, technical, and clerical personnel.

EXAMPLES OF ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

- Develop, plan and implement Department goals and objectives; recommend and administer policies and procedures.
- Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the County Executive Officer and Board of Supervisors.
- Direct, oversee and participate in the development of the Department's work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.
- Supervise and participate in the development and administration of the Department budget; direct the forecast of funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments.
- Select, train, motivate and evaluate personnel; provide or coordinate staff training; conduct performance evaluations; implement discipline procedures; maintain discipline and high standards necessary for the efficient and professional operation of the Department.
- On an occasional basis, try cases in the Superior court; prepare trial briefs; check questions of law; draft jury instructions; present opening statement; interrogate and cross-examine witnesses as needed; argue points of law; make final arguments and summations.
- Consult and cooperate with the State Department of Child Support Services, County department managers, advocacy groups on all aspects of child support services, community outreach; discuss problems, develop alternatives and strategies for dealing with those problems; assist in implementation of solutions, as necessary.
- Advise members of the public and of local law enforcement agencies of legal procedures pertaining to Child Support Services.

- Represent the Department to outside agencies and organizations; participate in outside community and professional groups and committees; provide legal technical assistance as necessary.
- Research and prepare legal technical and administrative reports and studies; prepare written correspondence as necessary.
- Build and maintain positive working relationships with the State Department of Child Support Services, co-workers, other County employees and the public using principles of good customer service.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Experience and Training
Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience: Five years of increasingly responsible experience in a public agency, including three years of administrative and management responsibility.

Training: Equivalent to a Bachelor's degree from an accredited college or university with major course work in business or public administration, psychology/sociology, or related fields. Equivalent to a Juris Doctorate from an accredited law school.

License or Certificate:
May need to possess a valid driver's license as required by the position. Proof of adequate vehicle insurance and medical clearance may also be required.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Principles and practices of leadership, motivation, team building and conflict resolution preferably in a child support program.
- Pertinent local, State and Federal laws, rules and regulations.
- Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.
- Principles and practices of organization, administration and personnel management.
- Principles and practices of budget preparation and administration.
- Principles of supervision, training and performance evaluation.
- Managing automation efforts including the direction of systems development, maintenance, operational efforts and hardware and software inventory.

Ability to:

- Plan, direct and control the administration and operations of the Child Support Services Department.
- On a continuous basis, analyze budget and technical reports; interpret and evaluate staff reports; know laws, regulations and codes; observe performance and evaluate staff; problem solve Department related issues; remember various rules; and explain and interpret policy.
- On a continuous basis, sit at desk and in meetings for long periods of time. Intermittently twist to reach equipment surrounding desk; perform simple grasping and fine manipulation; use telephone and communicate through written means.
- Develop and implement Department policies and procedures.
- Analyze and implement program mandates.
- Gain cooperation through discussion and persuasion.
- Successfully develop, control and administer Departmental budget and expenditures.
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Interpret and apply County policies, procedures, rules and regulations.
- Communicate clearly and concisely, both orally and in writing.
- Supervise, train and evaluate assigned personnel.
- Establish and maintain effective working relationships with those contacted in the course of work including diverse interest groups including advocacy groups and other governmental organizations.

Placer County

Assistant Director Of Child Support Services (#19869)

$66.70-$83.30 Hourly / $11,561.33-$14,438.67 Monthly / $138,736.00-$173,264.00 Yearly

Notify Me when a Job Opens for the above position(s)

DEFINITION

(Unclassified)

To assist the Director of Child Support Services in managing and directing the overall operations of the Department of Child Support Services; to act for the Director of Child Support Services in the absence of the Director; and to supervise the work of assigned subordinate staff.

DISTINGUISHING CHARACTERISTICS

The Assistant Director level recognizes positions that serve as a full line assistant to the department director, in addition, the assistant director performs administrative and management tasks for the director as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Child Support Services.

Exercises direct supervision over management, supervisory, professional, technical and clerical personnel.

EXAMPLES OF ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

- Assist the Director of Child Support Services in managing and directing the Department of Child Support Services.
- Assist in developing the Departments goals and objectives; assist in the development and implementation of policies and procedures.
- Plan, organize and direct activities and operations of the Department; confer with the Director regarding policies and major operating procedures; review, evaluate and recommend change; work with and assist subordinates with problems and recommend course of action.
- Develop and implement work plans, performance measures, assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.
- Prepare the Department's budget; assist in budget recommendation and implementation; assist and participate in the forecast of funds needed for staffing, equipment, materials and supplies; administer the approved budget.
- Recommend the appointment of personnel; provide or coordinate staff training; conduct performance evaluations; implement discipline procedures as requested; maintain discipline and high standards necessary for the efficient and professional operation of the Department.
- Consult and cooperate with the State Department of Child Support Services, County Department managers, advocacy groups on all aspects of child support services, community outreach; discuss problems, develop alternatives and strategies for dealing with those problems; assist in implementation of solutions, as necessary.
- Conduct and/or attend various public meetings to represent the interest of the Department.
- Advise members of the public and of local law enforcement agencies of legal procedures pertaining to child support services.

- Build and maintain positive working relationships with the State Department of Child Support Services, co-workers, other County employees and the public using principles of good customer service.
- Represent the Department to outside agencies and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.
- Research and prepare technical and administrative reports; prepare written correspondence.
- Perform a variety of special assignments.
- In the absence of the Director of Child Support Services, assume responsibility of the Department as needed.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Experience and Training
Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience: Five years of senior level managerial, administrative or supervisory experience relating to planning, organizing and directing the functions of a child support agency.

Training: Equivalent to a Bachelor's degree from an accredited college or university with major course work in business or public administration or other related fields.

License or Certificate:
May need to possess a valid driver's license as required by the position. Proof of adequate vehicle insurance and medical clearance may also be required.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Principles and practices of leadership, motivation, team building and conflict resolution preferably in a child support program.
- Pertinent local, State and Federal laws, rules and regulations.
- Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.
- Principles and practices of policy development and implementation.
- Principles and practices of organization, administration and personnel management.
- Principles and practices of budget preparation and administration.
- Principles of supervision, training and performance evaluation.
- Office automation management, including assisting with the direction of systems development, maintenance, operational efforts and hardware and software inventory.
- Principles and practices of organizational analysis, performance measures and management.

Ability to:

- Assist in the planning, directing and monitoring the administration and operations of the Child Support Services Department.
- On a continuous basis, analyze budget and technical reports; interpret and evaluate staff reports; know laws, regulations and codes; observe performance and evaluate staff; problem solve Department related issues; remember various rules; and explain and interpret policy.
- Assist in the developing and implementation of Department policies and procedures.
- Analyze and implement program mandates.
- Gain cooperation through discussion and persuasion.
- Successfully develop, control and administer departmental budget and expenditures.
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Interpret and apply State and County policies, procedures, rules and regulations.
- Communicate clearly and concisely, both orally and in writing.
- Supervise, train and evaluate assigned personnel.
- Establish and maintain effective working relationships with those contacted in the course of work including diverse interest groups including advocacy groups and other governmental organizations.
- Represent the County under diverse circumstances and prepare and deliver oral presentations to small and large groups.

FY 2019-20 Final Budget
Position Allocation by Department / Appropriation and Division

Division	Classification	Monthly Salary Low Range	Monthly Salary High Range	Job Code	BOS Adopted 2018-19	ALLOC Proposed Budget 2019-20	ALLOC BOS Adopted 2019-20
Assessor	Information Technology Analyst - Senior	7,992	9,715	15717	1	1	1
Assessor	Information Technology Specialist I/II	6,575	7,992	15711	2	2	2
Assessor	Information Technology Supervisor	8,811	10,710	19864	1	0	0
Assessor	Information Technology Technician I/II	5,410	6,575	15704	1	1	1
Assessor	Managing Appraiser	8,811	10,710	13543	1	1	1
Assessor	Staff Services Analyst I/II	5,963	7,249	14710	1	1	1
	Department Total Allocated Positions				85	87	87
	Number of Funded Positions Recommended				**77**	**79**	**79**
	Department Total Number of Positions Filled 9/19/2019				**73**	**76**	**76**
	Department Total Number of Extra Help FTEs 9/19/2019				**0**	**0**	**0**
Auditor-Controller (FD10000-CC04001)							
Auditor-Controller	Account Clerk - Entry/Journey	3,661	4,449	12403	5	5	5
Auditor-Controller	Account Clerk - Senior	3,846	4,673	12404	1	1	1
Auditor-Controller	Accountant I/II	5,550	6,746	14625	7	7	7
Auditor-Controller	Accountant-Auditor - Supervising	7,368	8,956	11760	2	2	2
Auditor-Controller	Accountant Senior	6,425	7,809	14622	4	4	4
Auditor-Controller	Accounting Technician	4,349	5,287	12406	9	9	8
Auditor-Controller	Administrative Clerk - Entry/Journey	3,247	3,945	12203	1	1	1
Auditor-Controller	Administrative Services Officer	6,413	7,786	14702	1	1	1
Auditor-Controller	Assistant Auditor-Controller	11,764	14,302	19852	1	1	1
Auditor-Controller	Auditor I/II	5,827	7,082	11776	3	2	3
Auditor-Controller	Auditor-Controller	15,909	15,909	19503	1	1	1
Auditor-Controller	Auditor - Senior	6,746	8,200	11777	1	1	1
Auditor-Controller	Executive Secretary	4,449	5,410	12321	1	1	1
Auditor-Controller	Information Technology Analyst I/II	7,249	8,812	15716	1	1	1
Auditor-Controller	Managing Accountant-Auditor	9,265	11,256	11715	3	3	3
Auditor-Controller	Payroll Manager	9,265	11,256	11766	1	1	1
	Subtotal Allocated Positions				42	41	41
	Number of Funded Positions Recommended				49	44	44
	Number of Positions Filled 9/19/2019				40	37	37
	Number of Extra Help FTEs 9/19/2019				1.23	0.00	0.00
WorkDay Support (FD20316-CC04700)							
Auditor-Controller	Business Process Analyst	7,592	9,225	11761	1	1	1
Auditor-Controller	Enterprise Resource Planning (ERP) Analyst	6,871	8,355	11784	4	5	5
Auditor-Controller	Enterprise Resource Planning (ERP) Analyst - Senior	7,592	9,225	11785	2	3	3
Auditor-Controller	Enterprise Resource Planning (ERP) Manager	9,736	11,837	11786	1	1	1
Auditor-Controller	Information Technology Analyst - Senior	7,992	9,715	15717	1	4	4
	Subtotal Allocated Positions				9	14	14
	Number of Funded Positions Recommended				2	14	14
	Number of Positions Filled 9/24/2018				2	14	14
	Number of Extra Help FTEs 9/24/2018				0.00	0.00	0.00
	Department Total Allocated Positions				51	55	55
	Number of Funded Positions Recommended				**51**	**58**	**58**
	Department Total Number of Positions Filled 9/19/2019				**42**	**51**	**51**
	Department Total Number of Extra Help FTEs 9/19/2019				**1.23**	**0.00**	**0.00**
Child Support Services (FD10000-CC24001)							
Child Support Services	Administrative Clerk - Entry/Journey	3,247	3,945	12203	5	5	5
Child Support Services	Administrative Clerk - Senior	3,578	4,349	12204	1	1	1
Child Support Services	Administrative Secretary	4,037	4,907	12308	1	0	0
Child Support Services	Administrative Services Officer - Senior	7,225	8,779	14703	1	1	1
Child Support Services	Administrative Technician	4,449	5,410	14915	2	3	3
Child Support Services	Assistant Director of Child Support Services	9,265	11,256	19869	1	1	1
Child Support Services	Child Support Attorney I/II/III/IV	7,611	12,721	14130	3	3	3
Child Support Services	Child Support Attorney - Senior	10,988	13,355	14127	1	1	1
Child Support Services	Child Support Attorney - Supervising	12,364	15,026	14128	1	1	1