April 5, 2024

The Honorable Tina McKinnor
Chair, Assembly Public Employment and Retirement Committee
1020 N Street, Room 153
Sacramento, CA 95814

RE: AB 2561 (McKinnor) Local public employees: vacant positions – OPPOSE (As Amended March 11, 2024)

Dear Assembly Member McKinnor,

The California State Association of Counties (CSAC), Urban Counties of California (UCC), California Special Districts Association (CSDA), Rural County Representatives of California (RCRC), California Transit Association (CTA), County Health Executives Association of California (CHEAC), County Behavioral Health Directors Association (CBHDA), California Welfare Directors Association (CWDA), and the League of California Cities (Cal Cities), respectfully oppose Assembly Bill (AB) 2561. This measure requires local agencies with bargaining unit vacancy rates exceeding 10% for more than 180 days (approximately 6 months) to produce, implement, and publish a plan to reduce their vacancy rates to 0% within the subsequent 180 days. The bill also requires the public agency to present this plan during a public hearing to the governing legislative body and to publish the plan on its internet website for public review for at least one year.

Sizable vacancy rates exist in the public sector – for the state and for local employers. While the bill notably omits the state, the vacancy rate for the State of California has consistently been above 10 percent statewide for at least the past 20 years. As of February 2024, the vacancy rate for state jobs in California is about 20 percent.[1]

For counties, the issue of vacancies is particularly acute with the highest rates typically in behavioral health, the sheriff's department, corrections, and employment and social

[1] https://lao.ca.gov/Publications/Report/4888

services. Local government decision-makers and public agency department heads recognize the impact that long-term vacancy rates have, both on current employees and those who receive services from those departments. Many specialty positions like nurses, licensed behavioral health professionals, social workers, police, teachers, and planners are experiencing nationwide workforce shortages and a dwindling pipeline for new entrants, driven by both an expansion of services and an aging workforce. To further complicate recruitment, local governments are competing with both the private sector and other government agencies. Local governments have been implementing innovative ways to try to boost recruitment and incentivize retention (e.g., sign-on bonuses, housing stipends, etc.).

In spite of these efforts, vacancies persist; driven by several distinct circumstances. The public sector workforce has changed. In a post-COVID era, there is a much higher demand for remote work, which is not a benefit that can be offered within public agencies across all departments or for all roles. Furthermore, newer entrants to the workforce have changed priorities when it comes to the benefits and conditions of their work. Public employees were on the front lines of the COVID response. While the state passed legislation and the Governor signed executive orders and set policy during those challenging months, public agency employees were the vessel of service delivery and the implementer of those policies. This work was arduous, nearly endless and seemingly thankless. In conjunction with delivering on the policies and priorities set by the state during the pandemic, counties specifically, have been burdened with several simultaneous overhauls of county service delivery, as mandated by the state. There is no doubt a correlation between the county programs dealing with the largest realignments of service delivery and structural overhaul as mandated in State law and those departments with the highest vacancy rates. Employees have experienced burn-out, harassment from the public, and a seemingly endless series of demands to transform systems of care or service delivery while simultaneously providing consistent and effective services, without adequate state support to meet state law. Obviously, it is difficult to retain staff in those conditions.

If the true intent of AB 2561 is to provide a path for public agencies to reduce staff vacancies, diverting staff away from core service delivery and mandating they spend time producing reports on their vacancy rates will not achieve that goal. The total impact of mandated realignments without adequate concurrent funding and flexibility has also contributed to these vacancy rates. Adding another unfunded mandate on public agencies will not solve the problem this bill has identified. It is just as likely to create even more burn-out from employees tasked with producing the very report the bill mandates.

Local agencies are committed to continuing the work happening now between all levels of government and employees to expand pipeline programs, build pathways into public sector jobs, modernize the hiring process, and offer competitive compensation. We cannot close the workforce shortages overnight; it will take investment from educational institutions, all levels of government, and the private sector to meet the workforce demands across the country. We must use our limited human resources staff to hire employees during this economically challenging time rather than diverting resources to additional reports that will tell what we already know. Local bargaining units have the ability to address workforce concerns or develop hiring/retention strategies/incentives at the barraging table within agreements and compensation studies. We welcome partnering on workforce strategies and believe there is a more productive and economical pathway than AB 2561.

For those reasons, CSAC, UCC, CSDA, RCRC, CTA, CHEAC, CBHDA, CWDA, and Cal Cities respectfully oppose AB 2561 (McKinnor). Please do not hesitate to reach out to us with your questions.

Sincerely,

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