

Meeting date: 10/20/09 (16)

ORDINANCE NO 10016 (NEW SERIES)

AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Section 2.1.18 of the Compensation Ordinance is hereby added to read as follows:

SECTION 2.1.18: PUBLIC EMERGENCY ORDER NOT TO REPORT TO NORMAL WORK LOCATION AND AUTHORIZATION OF COMPENSATION.

- (a) Eligibility. Notwithstanding section 1.2.6, employees serving in positions designated biweekly pursuant to section 1.2.3(a) are eligible for the compensation authorized by this section, except as provided in subsection (d) of this Section. Eligible employees under this section are employees who are ordered by their appointing authority to not report to their normal assigned work location pursuant to this section, and who come within the meaning of the following definitions:
- (1) Employees who serve in non-essential job function positions, according to the designation in the employees' department Continuity of Operations Plan (COOP), and who may or may not be directed by their appointing authority to work at home or an alternate work location during an emergency.
 - (2) Employees who serve in essential job function positions, according to the employees' department COOP, and who are directed by their appointing authority to work at home or an alternate work location during an emergency.
- (b) Authorization and Public Emergency Justification for Order Not to Report to Normal Work Location.
- (1) CAO Authorization for Order Not to Report to Normal Work Location. If the Chief Administrative Officer activates the County's COOP due to a declaration of a local public emergency as defined in the California Emergency Services Act (Government Code Section 8558), the CAO may authorize County appointing authorities, including both elected and appointed County officials, to order eligible employees to not report to their normal assigned work locations.
 - (2) Public Emergency Justification. The justification for the CAO's authorization to the appointing authorities, pursuant to this section, shall

be based upon the CAO's determination that the public health and safety requires minimal to no travel on the local roads and highways.

- (c) Authorization for Appointing Authorities to Order Eligible Employees Not to Report to Normal Work Location and to Direct Eligible Employees Whether to Work at Home or Alternate Work Location. Appointing authorities are authorized to order eligible employees to not report to their normal assigned work location only if the CAO authorizes such order pursuant to subsection (b) above. When the CAO authorizes such an order, the appointing authority may determine which eligible employees shall be ordered to not report to their normal assigned work location, and shall direct such employees whether to perform their assigned duties, as follows:
- (1) Employees in Non-Essential Function Positions. When the appointing authority orders eligible employees who serve in non-essential function positions to not report to their normal assigned work location, the appointing authority's order shall also include direction to the employees that they either:
 - (i) must continue to perform their regular work duties, to the extent possible, at their home (or alternate location as specified in subsection (c) (4)) during their regularly scheduled hours while the order under this subsection is in effect, or
 - (ii) are not required to perform their regular work duties because it is not possible to perform such duties outside their normal work locations.
 - (2) Employees in Essential Function Positions. When the appointing authority orders eligible employees who serve in essential function positions to not report to their normal assigned work location, the appointing authority's order shall also include direction to the employees that they must continue to perform their regular work duties, to the extent possible, at their home (or alternate location as specified in subsection (c)(4)) during their regularly scheduled hours while the order under this subsection is in effect.
 - (3) Period of Time for Order Not to Report to Normal Work Location. The period of time during which an appointing authority is authorized to have in effect any order not to report to a normal assigned work location shall:
 - (i) commence on or after the day the CAO activates the County's COOP, and
 - (ii) terminate on or before the day the CAO deactivates the County COOP, as determined by the appointing authority by designation

of such time period for each eligible employee that is ordered not to report to his/her normal work location.

- (4) Alternate Work Location. An appointing authority may order some or all eligible employees pursuant to this section to perform work during their regularly scheduled hours at their home, an alternate work location, including other County facilities, or any other location approved by the appointing authority.
- (d) Authorization and Calculation of Compensation. Eligible employees under this section are authorized to be compensated pursuant to the following calculation:
- (1) The calculation of the payment authorized by this subsection shall be based upon the number of hours in the employee's established regularly scheduled standard work day that an eligible employee was scheduled to work on the applicable days the employee was ordered not to report to his/her normal assigned work location pursuant to subsection (c), regardless of whether the employee performed work. For any hours not actually worked during the periods indicated under subsection (c), the calculation of payment will not include any Premiums as defined in Compensation Ordinance Articles 1.6 through 1.11, inclusive.
 - (2) The calculation of payment will not include any scheduled or anticipated overtime.
 - (3) Compensation paid pursuant to this section shall not count as hours worked for purposes of calculating overtime.
- (e) Exceptions. This section shall not apply to employees who were on authorized paid leave (e.g., vacation, sick leave, compensatory time off, or any other paid leave) of absence during all or a portion of any of the days specified in subsection (c). Such employees shall be compensated pursuant to the paid leave of absence provisions applicable to their absence from work during the days specified in subsection (c). This section also shall not apply to employees who were on authorized leave without pay during all or any portion of any of the days specified in subsection (c) since such employees would not have worked on these days regardless of the emergency conditions.

Section 2. Subsection (c) of 4.2.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.2.2: SICK LEAVE.

- (c) Earnings. Eligible employees shall earn sick leave credit at the rate of five percent (5%) of the employee's regularly scheduled hours per pay period. The hour/day approximate equivalent sick leave accrual for full-

time employees over one year (26 pay periods) is one hundred four (104) hours, or thirteen (13) days. Sick leave is credited in units of one-tenth (1/10) of one hour, up to a maximum of four (4) hours, at the beginning of the pay period following the one in which it was earned.

- (1) Earn Rate. Eligible employees shall earn sick leave credit at the rate of five percent (5%) of the employee's regularly scheduled hours per standard work period. The hour/day approximate equivalent sick leave accrual for full-time employees over one year (26 pay periods) is one hundred ten and one-half (110½) hours, or thirteen (13) days. Sick leave is credited in units of one-tenth (1/10) of one hour, up to a maximum of four-and-one-quarter (4.25) hours at the beginning of the standard work period following the one in which it was earned.

Eligible Classes: Classes designated DS and SM.

- (2) Irregular or Rotating Shifts. Paid service during one (1) pay period shall not be considered in computing sick leave earned during any other pay period except when a full-time employee works irregular or rotating shifts that average the full schedule, as defined in Section 1.5.1 (Work Periods). Such employee shall earn the normal full amount of sick leave, but not more than the normal full amount, for each such pay period worked.

- (3) Advanced Credit.

Employees first employed, or reemployed after a break in service when earned sick leave is not restored, shall be advanced eighty (80) hours of sick leave credit at the time of employment. Employees receiving advanced sick leave credit shall not accrue additional sick leave credits during the pay periods that the credited 80 hours were advanced.

Eligible Classes: Classes designated CEM, EM, MA, NM, NA, NE and UM.

- (4) Pandemic Advanced Credit Leave.

During a Pandemic, as declared by the Board of Supervisors and/or Chief Administrative Officer, employees who are ill with flu like symptoms, as defined by the Centers for Disease Control, and have exhausted all leave balances, may request and shall be advanced up to 80 hours of sick leave per fiscal year.

- (a) The advanced sick leave credits are treated like regular sick leave and can be taken in units of 1/10 of an hour for either the employee or the care of an employee's immediate family member as defined in Section 4.2.2. (a)(2) above.
 - (b) Advanced sick leave credits cannot be used in conjunction with Voluntary Time Off.
 - (c) Once an employee returns to work and begins accruing sick leave, the credit for the new sick leave hours will reduce the negative sick leave balance before any positive hours are credited.
 - (d) If an employee separates from County service and is at a negative sick leave balance, the employee will be required to repay the sick leave from their final pay out.
 - (e) This leave shall not be available to any employee currently on an approved leave of absence.
 - (f) This provision shall only be operative through June 14, 2011.
- (5) Reserve Sick Leave Credit. At time of hire, an eligible employee is credited ten (10) days reserve sick leave pending normal accrual during the first year of employment.

Eligible Classes: Classes designated AM, AS, CC, CS, DA, PD and PM.

Section 3. Subsection (b) (6) of 4.3.11 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.3.11: VOLUNTARY TIME OFF.

- (b) Conditions. Voluntary time off (VTO) is subject to the following conditions:
 - (6) Shall not be available to employees on other leave without pay, nor shall it be used in combination with paid leave which must be exhausted prior to commencing other leave without pay. In addition, it shall not be available to employees in the same pay period they receive Pandemic Advanced Credit Leave.

Section 4. Effective Date. Sections 1, 2, and 3 of this ordinance affect compensation and shall take effect upon adoption. Within fifteen days after the date of adoption of this ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

Section 5. Operative Date. Operative dates by specified section are listed in the table below.

Section Number	Operative Date
Section 1	10/23/09
Section 2	10/23/09
Section 3	10/23/09

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 20th day of October, 2009.