

**ORDINANCE NO. 9630 (NEW SERIES)**

**AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE  
ESTABLISHING  
AUTHORIZED CLASSIFICATION CHARACTERISTICS, AND  
COMPENSATION.**

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

**Section 1.** Appendix One of the Compensation Ordinance is hereby amended by establishing the following classification and compensation in the classified service effective April 30, 2004:

Class No.	Step 1 Hrly Biwkly	Step 2 Hrly Biwkly	Step 3 Hrly Biwkly	Step 4 Hrly Biwkly	Step 5 Hrly Biwkly	Approx Annual Salary Minimum	Maximum	Vari Entr.	Rep O/T	Bene Pla Stat	Bene Pro
5783	Sheriff's Detentions Captain										
	35.96	37.76	39.65	41.63	43.71	\$79,471.60 – \$	96,599.10	N	C	SM	02/SHR
	3056.60	3209.60	3370.25	3538.55	3715.35						

**Section 2.** Appendix One of the Compensation Ordinance is hereby amended by amending compensation for the following classification/job code effective April 2, 2004.

Class No.	Step 1 Hrly Biwkly	Step 2 Hrly Biwkly	Step 3 Hrly Biwkly	Step 4 Hrly Biwkly	Step 5 Hrly Biwkly	Step 6 Hrly Biwkly	Step 7 Hrly Biwkly	Approx Annual Salary Minimum – Maximum
0919	Temp Expert Prof Emp - Pathology							\$17,388.80 - \$326,040.00
	8.36	156.75						
		12,540.0						
	668.80	0						
3706	Project Manager, Public Works							\$61,921.60 - \$91,998.40
	29.77	44.23						
	2381.6							
	0	3538.40						
6327	District Park Manager							

**Section 2.** Appendix One of the Compensation Ordinance is hereby amended by amending compensation for the following classification/job code effective April 2, 2004.

Class No.	Step 1 Hrly Biwkly	Step 2 Hrly Biwkly	Step 3 Hrly Biwkly	Step 4 Hrly Biwkly	Step 5 Hrly Biwkly	Step 6 Hrly Biwkly	Step 7 Hrly Biwkly	Approx Annual Salary Minimum – Maximum
	25.94	27.24	28.60	30.03	31.53			\$53,955.20 -
	2075.20		2288.00	2402.40	2522.40			\$65,582.40
	0	2179.20	0	0	0			

**Section 3.** Appendix One of the Compensation Ordinance is hereby amended by retitling classifications as follows effective April 30, 2004:

	<u>Class No.</u>	<u>Class Title</u>
From:	0919	Temp Expert Prof Emp-Pathologist
To:	0919	Temp Expert Prof-M.D., D.O., D.V.M.
From:	0953	Chief, Facilities Operation
To:	0953	Chief, General Services
From:	3523	Junior Planner
To:	3523	Junior Land Use/Environmental Planner
From:	4421	Pediatric Therapy Specialist I
To:	4421	Rehabilitative Therapist
From:	4422	Pediatric Therapy Specialist II
To:	4422	Senior Rehabilitative Therapist
From:	4423	Pediatric Therapy Specialist III
To:	4423	Supervising Rehabilitative Therapist
From:	4426	Physical Therapy Assistant
To:	4426	Rehabilitative Therapist Assistant
From:	4832	Mental Health Consultant I
To:	4832	Mental Health Consultant
From:	4911	Social Services Aide II
To:	4911	Social Services Aide

**Section 4.** Appendix One of the Compensation Ordinance is hereby amended by deleting the following classifications/job codes effective May 28, 2004:

<u>Class No.</u>	<u>Class Title</u>
0312	Financial Audits Manager (T)
0967	Transportation Program Manager
2165	Budget Director
2168	Accounting and Fiscal Control Director
2223	Deputy Director, Community Health Services
2294	Deputy Director, Social Services
2336	International Case Specialist
2388	Assistant Labor Relations Specialist
2408	Probation Projects Specialist
2519	Forensic Accountant, DA
3535	Reinvestment Coordinator
3617	Asst. Electrical Engineer
3625	Asst. Structural Engineer
3640	Assoc. Electrical Engineer
3643	Assoc. Mechanical Engineer
3650	Assoc. Structural Engineer
3729	Sr. Mechanical Engineer
3834	Land Use Technician Supervisor (T)
4831	Mental Health Consultant II (T)
4912	Social Services Aide I
5258	Senior Protective Services Worker (T)
5883	Facilities Technician
6031	Equipment Operator II (T)

**Section 5.** Appendix One of the Compensation Ordinance is hereby amended by amending the variable entry criteria for the following classifications/job codes effective April 2, 2004:

<u>Class No.</u>	<u>Class Title</u>	<u>Variable Entry Indicator</u>
0741	Per Diem Physician	Y
0896	Temp Expert-Prof Employee	Y
0919	Temp Expert-Prof, M.D., D.O., D.V.M.	Y
3104	Precinct Planning Technician	Y
3105	Senior Precinct Planning Technician	Y

**Section 6.** Appendix One of the Compensation Ordinance is hereby amended by establishing the Overtime Eligibility Indicator Code for the following classifications/job codes effective April 2, 2004:

<u>Class No.</u>	<u>Class Title</u>	<u>Overtime Indicator</u>
0740	Emergency Room Psychiatrist	N
0741	Per Diem Physician	N
4123	Chief, Chronic Dis Prev & Hlth Pro	N
4124	Chief, Maternal & Child Hlth	N
4126	Chief, St Commun Disease Ctrl	N
4127	Chief, Cmnty Epidemiology Ctrl	N
4128	Chief, TB Control & Border Hlh	N
4129	Chief, AIDS & Community Epidem	N
4130	Medical Director, Edgemoor	N
4195	Supv Psychiatrist	N
4245	Chief Pharmacist	N

**Section 7.** Appendix One of the Compensation Ordinance is hereby amended by designating the following classifications/job codes as “Terminal”:

<u>Class No.</u>	<u>Class Title</u>
4400	Occupational Therapist II (T)
4405	Occupational Therapist I (T)
4410	Physical Therapist II (T)
4420	Physical Therapist I (T)

**Section 8.** Subsections (a), (n) and (z) of Section 1.1.3 of the Compensation Ordinance are hereby amended to read as follows:

SECTION 1.1.3: DEFINITIONS. In this ordinance unless the context or subject matter otherwise requires:

- (a) "Appendix One" means Appendix One to this ordinance, which contains a list of classes in the Classified and Unclassified Services, and the Superior Court Service, along with class numbers, hourly or biweekly salary rates at each step within the range; and designations showing whether eligible for variable entrance step, representation status, if any, or not represented (e.g., CE, CEM, EO, EM, NA, NE, NR), eligibility for overtime, and eligibility for a benefit program.
- (n) "Director" means the Director, Human Resources.

(z)

Abbreviations used in this ordinance shall have the following respective meanings:	
“AE”	- Appraisal, Electronic Data Processing, Fiscal and Purchasing Unit
“AM”	- Child Support Program Attorney Unit
“AS”	- Child Support Program Attorney Supervising Unit
“CC”	- Deputy County Counsel Unit
“CE”	- Confidential Employees
“CEM”	- Confidential Employee, Management
“CL”	- Clerical Unit
“CM”	- Construction, Maintenance, Operations & Repair Work Unit
“CR”	- Crafts Unit
“CS”	- Deputy County Counsel Supervisors Unit
“DS”	- Deputy Sheriff’s Unit
“DA”	- District Attorney’s Unit
“DI”	- District Attorney Investigator’s Unit
“DM”	- District Attorney Investigator’s Middle Management Unit
“EC”	- Executive Classified
“EO”	- Elected Officers
“EM”	- Executive Management
“EU”	- Executive Unclassified
“FS”	- Food Services Unit
“HS”	- Health Services Unit
“IW0”	- Interim Temporary Worker
“IW1”	- Interim Temporary Worker
“IW2”	- Interim Temporary Worker
“IW3”	- Interim Temporary Worker
“IW5”	- Interim Temporary Worker
“MA”	- Management Employees
“MM”	- Middle Management Unit
“NA”	- Not Represented Administrator
“NC”	- Not Compensated
“NE”	- Not Represented Executive
“NM”	- Not Represented Manager
“NR”	- Not Represented
“NS”	- Not Represented Support
“PD”	- Public Defender

(z)

Abbreviations used in this ordinance shall have the following respective meanings:	
“PM”	- Public Defender Management
“PO”	- Probation Officer’s Unit
“PR”	- Professional Unit
“PS”	- Public Service Unit
“RN”	- Registered Nurses Unit
“SC”	- Superior Court Unit
“SD0”	- Special District
“SD1”	- Special District – Executive
“SD2”	- Special District – Management
“SD5”	- Special District – Professional
“SD6”	- Special District – Conf Non Mgmt
“SM”	- Sheriff’s Management Unit
“SO”	- Supervising Probation Officers Unit
“SS”	- Social Services Supervisors Unit
“SW”	- Social Workers Unit
“UM”	- Unclassified Management

When used in the Appendix, these abbreviations show, in the column headed "Union Code," the representation status of the classes so designated, whether represented by a recognized employee organization, or not (e.g., CE, CEM, EC, EM, NA, NE, NR, SD1, etc.).

**Section 9.** Subsection (d)(2) of Section 1.6.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.6.2: SCHEDULED OVERTIME.

(d) Types of Overtime. The following describes each type of authorized overtime. The appendix to this ordinance contains a list of all classes. Each class is assigned an overtime designator in the column entitled "Overtime." The designator identifies eligibility for overtime as one of the following types:

- (1) Not Eligible for Overtime (Designator "N"). Not eligible for authorized overtime and not eligible to accrue or accumulate compensatory time off.
- (2) Straight Cash or Compensatory Time Off (Designator "C"). This provision shall not be construed to provide payoff of all or any portion of compensatory time balances; provided, however, for eligible employees in classes designated CC, CE, CEM, CS, MA, NM, SD2, or SM all compensatory time shall be paid off in the event of death of the employee.

(a) Employees in eligible classes are eligible for compensatory time off on an hour-for-hour basis for authorized overtime worked to be taken as authorized by the appointing authority. If granting compensatory time off would impair the effective operation of the department, or if authorizing payment of cash in lieu of compensatory time off would improve the operation of the department, the appointing authority, with the approval of the Chief Administrative Officer, may authorize the payment of cash at straight-time rates in lieu of compensatory time off. Cash payments shall not be made unless the required approvals are given prior to the time the overtime is worked.

Eligible Classes: Classes designated SM.

(b) Employees in eligible classes are eligible for cash or compensatory time off on an hour-for-hour basis for authorized overtime worked. The decision to pay cash or compensatory time off shall be at the discretion of the appointing authority.

Eligible Classes: Classes designated CE, CEM and MA.

c) Notwithstanding subsection (b) above, employees in eligible classes are eligible for cash or compensatory time off at one and one-half (1-1/2) times the employee's hourly rate for each hour of overtime worked in the Plan Check Unit of the Department of Planning and Land Use. The decision to pay cash or compensatory time off shall be at the discretion of the appointing authority.

Eligible Classes:

- 3664 Plans Examiner
- 3695 Junior Engineer
- 3735 Senior Structural Engineer

**Section 10.** Section 1.7.33 of the Compensation Ordinance is hereby repealed.

**Section 11.** Section 1.8.7 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.8.7: JAIL/INSTITUTIONAL LOCATIONS: Sheriff's Social Work Unit.

Effective June 28, 2002, an eligible employee in a classification designated below whose principal assignment is to jail institutional work locations specifically designated below shall receive additional compensation at a rate approximately ten percent (10.0%) above the employee's regular base rate for such assignment. This premium shall apply to time worked but shall not apply to terminal payoff.

**Section 11.** (continued):

Designated Jail/Institutional Work Locations	Eligible Classes
1. Central Jail	4400 Occupational Therapist II (T)
2. Colinas (Women's & Men's)	4407 Recreational Therapist
3. George Bailey Detention Facility	4421 Rehabilitative Therapist
4. Vista Detention Facility	5279 Sheriff's Detention, Mental Health Clinician
	5280 Sheriff's Detention, Chief Mental Health Clinician

**Section 12.** Section 1.9.2 of the Compensation Ordinance is hereby amended to read as follows:



SECTION 1.9.2: BILINGUAL ASSIGNMENT.

On recommendation of the appointing authority, the Director may approve payment of Class A or Class B bilingual premium to an employee assigned to a position designated as requiring a Class A or Class B bilingual employee and where qualifications have been determined by the Director. Employees may only receive one bilingual premium at a time. In order to insure adequate level of bilingual proficiency, the Director may require periodic evaluation of incumbents receiving bilingual premium.

<u>Class A</u>		<u>Class B</u>	
The employee must be assigned to a position designated as requiring bilingual skills fifty percent (50%) or more of the time, or forty (40) hours or more in an eighty (80) hour biweekly pay period, or to a position designated as requiring bilingual skills in a class designated DS, or to a position designated as requiring technical bilingual skills (reading, writing, translating). The fifty percent (50%) requirement shall mean the actual time spent conversing in or interpreting a second language.		The employee must be assigned to a position designated as requiring bilingual skills less than fifty percent (50%) of the time or less than forty (40) hours in an eighty (80) hour biweekly pay period. This less than fifty percent (50%) requirement shall mean the actual time spent conversing in or interpreting a second language.	
<u>Biweekly Rate:</u>	<u>Eligible Classes:</u>	<u>Biweekly Rate:</u>	<u>Eligible Classes:</u>
(1) Thirty-two dollars and thirty cents [\$32.30] biweekly.	Any employee except employees in Class 5725, International Case Coordinator or those designated eligible classes, and in (2) or (3) below.	(1) Sixteen dollars and fifteen cents [\$16.15] biweekly.	Any employee except employees in Class 5725, International Case Coordinator, and employees designated DS or those designated eligible classes, and in (2) or (3) below.
(2) Forty dollars [\$40.00] biweekly.	Classes designated AE, CL, CM, CR, FS, MM, PR, PS, SS, HS, RN and: 4911 Social Services Aide 4913 Protective Services Assistant 5223 Human Services Specialist 5235 Social Worker I 5253 Protective Services Wkr II 5254 Protective Services Wkr III 5257 Protective Services Wkr I 5260 Social Worker III 5261 Social Worker V 5265 Social Worker II 5266 Social Worker IV	(2) Twenty dollars [\$20.00] biweekly.	Classes designated AE, CL, CM, CR, FS, MM, PR, PS, SS, HS, RN and: 4911 Social Services Aide 4913 Protective Services Assistant 5223 Human Services Specialist 5235 Social Worker I 5253 Protective Services Wkr II 5254 Protective Services Wkr III 5257 Protective Services Wkr I 5260 Social Worker III 5261 Social Worker V 5265 Social Worker II 5266 Social Worker IV

**Section 13.** Section 1.10.7 of the Compensation Ordinance is hereby repealed.

**Section 14.** Subsection (a) of Section 1.12.4 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.12.4: MASTER OF SOCIAL WORK (MSW).

- (a) Employees in eligible classes shall be paid fifty dollars (\$50) biweekly upon furnishing satisfactory evidence that he/she possesses a Master of Social Work (MSW) degree.

Eligible Classes:

5203	Aging Program Specialist I
5204	Aging Program Specialist II
5205	Aging Program Specialist III
5237	Adult Protective Services Specialist
5238	Senior Adult Protective Services Specialist
5239	Adult Protective Services Supervisor
5257	Protective Services Worker
5259	Protective Services Supervisor

**Section 15.** Subsection (a) of Section 1.12.8 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.12.8: REGISTERED ENGINEERS, ARCHITECTS AND SURVEYORS.

- (a) Eligible employees shall be paid approximately five percent (5%) upon furnishing satisfactory evidence that they possess a current valid State of California registration as a Professional Engineer.

Eligible Classes:

3615	Assistant Engineer
3695	Junior Engineer

**Section 16.** Section 2.1.5 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 2.1.5: "PASS THROUGH" PAYMENTS: In recognition of the fact that that State of California has designated funds for the direct compensation of certain designated employees who provide health care services in Skilled Nursing Facilities; the monies involved derive directly from the State of California and not from the funds of the County of San Diego; the State of California seeks to "pass through" compensation for health

care employees who are assigned to provide direct patient care at skilled nursing facilities for which the County receives funds through the State of California pursuant to the provisions of Welfare and Institutions Code Section 14110.6.

- (a) Edgemoor "Pass Through" Premium Pay: Eligible employees in the following classes shall receive “Edgemoor Pass Through” premium pay up to a maximum of 10% calculated on their base hourly pay rate. This premium shall apply to all paid hours and shall not apply towards terminal payoff.

<u>Class No.</u>	<u>Class Title</u>
2650	Stock Clerk
4538	Staff Nurse II
4539	Staff Nurse I
4613	Hospital Supply Technician
4615	Nurses Assistant
4625	Licensed Vocational Nurse
4770	Dietitian
5884	Building Maintenance Engineer
5905	Carpenter
5920	Electrician
5940	Painter
5967	Senior Painter
6200	Building Maintenance Engineer Assistant

**Section 16.** Continued.

<u>Class No.</u>	<u>Class Title</u>
6305	Gardener II
6320	Gardener I
6410	Senior Cook
6411	Cook
6415	Food Services Worker
6520	Linen Marker & Distributor
6531	Laundry Worker II (T)
7030	Senior Custodian
7031	Custodian
7514	Shuttle Bus Driver
7520	Sewing Room Operator
7541	Construction & Services Worker I

- (b) Retroactive Adjustment for FY 2002-2003: Eligible employees in the classes listed in (a) above, shall receive a 20.28% retroactive adjustment calculated on the amount of the Wage Pass Through Premium received by each employee for the period beginning August 1, 2002 and ending July 31, 2003. This retroactive adjustment shall be paid to employees assigned to the Edgemoor Skilled Nursing Facility for all paid hours.

An employee, as described in (a) above in the listed classifications, is eligible if assigned to the Edgemoor Skilled Nursing Facility during the period August 1, 2002 through July 31, 2003.

Payment of the “Edgemoor Pass Through” premium pay is contingent upon continuation of funding by the State of California or, if such funding is not continued, shall be at the discretion of the County.

**Section 17.** Section 3.6.11 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 3.6.11: INTERIM TEMPORARY WORKER. There is established in the County of San Diego, the following classes/job codes of Interim Temporary Worker to provide for temporary appointment to a position when funding of the position has been approved by the Board, and:

- (a) There is no existing class/job code for the work described and authorized by the Board, or
- (b) The classification process has not been completed and approved by the Department of Human Resources.

Compensation for the classes/job codes below shall be as specified in Appendix One of

this ordinance and shall be that of the requested classification or class/job code pending establishment, subject to the provisions of Articles 1.3, 3.5 and 3.6 of this Ordinance. A person serving as an Interim Temporary Worker may be eligible for employee benefits at the level of employee benefits applicable to the class/job code pending establishment. A person serving as an Interim Temporary Worker shall not be eligible for a step increase. Appointment shall be temporary and shall not exceed six (6) months or thirty days after a list of eligibles is available for certification from a reinstatement list or regular list for the new class, whichever comes first. Appointments shall be approved by the Director according to the guidelines established by the Director.

Class/Job Code No.	Interim Temporary Worker - Class/Job Code Title	Rep Stat	Equivalent Rep Stat	Bene Prog
8010	Official/Administrator - Executive	IW1	EO, EC, EM, EU, NE, SD1	UCL
8012	Official/Administrator - Unclassified Mgmt	IW3	NA, UM	UCL
8020	Professional – Mgmt	IW2	CEM, MA, NM, SD2, SM	MGT
8021	Professional – General	IW5	AE, PR, SO	NMG
8022	Professional – Attorney	IW2	AM, AS, CC, CS, DA, PD, PM	CC, DA, PD
8023	Professional – Physician	IW5	PR, NR	NMG
8024	Professional – Social Worker	IW5	SW	SW
8030	Technician – General	IW5	AE, CE, CM, HS, PS	CNM, NMG
8031	Technician – Mgmt	IW2	MA	MGT
8040	Protective Service Worker	IW0	DI, DM	DAI
8041	Protective Service Worker – Sheriff	IW0	DS	SHRF
8050	Paraprofessional	IW5	HS	NMG
8051	Paraprofessional – Social Work	IW5	SW	SW
8060	Administrative/Clerical	IW5	AE, CE, CL, CM, MM, NS, PO, PS	CNM, NMG
8061	Administrative/Clerical-Supervisor	IW2	MA, NS	MGT
8070	Skilled Craft	IW5	CM, CR	NMG
8080	Service-Maintenance	IW5	CM, CR, FS, PS	NMG

**Section 18.** Section 3.6.15 of the Compensation Ordinance is hereby amended to read as follows:

**SECTION 3.6.15: TEMPORARY EXPERT PROFESSIONAL EMPLOYEE, M.D., D.O., D.V.M.** Persons shall not be appointed to positions in the following class until the Director has exempted such positions from the Classified Service for a specific period of temporary service, not to exceed twelve (12) months of full-time service or its equivalent. For the following class, compensation shall be:

- (a) \$175 for each Medical Examiner's case in which an M.D. performs autopsy, determines cause of death, or determines cause is undeterminable, and so certifies.
- (b) \$50.00 for each Medical Examiner's case in which no autopsy performed but M.D. conducts medical investigation, determines cause of death, or determines cause is undeterminable, and so certifies.
- (c) \$12.00 for each written autopsy report or for each written medical investigation report transcribed and delivered to the Medical Examiner.
- (d) \$200.00 for each appearance before the Superior Court.
- (e) \$100.00 for each appearance before the Grand Jury.

Class No.    Title

0919            Temporary Expert Professional Employee, M.D., D.O., D.V.M

**Section 19.** Subsection (d) of Section 4.2.1 of the Compensation Ordinance is hereby amended to read as follows:

**SECTION 4.2.1: VACATION**

(d) Computation.

- (1) Rate of Earnings. Vacation credit earned by an eligible employee having the stated years of continuous service during present employment shall be computed at the stated percentage of a working hour of vacation credit for each hour of paid service, resulting in the approximate one-year earnings shown, as follows:

Years	Credit	Approximate Annual Earnings
Less than five (5)	3.846%	80 hours/10 days
Over five (5) but less than fifteen (15)	5.769%	120 hours/15 days
Over fifteen (15)	7.692%	160 hours/20 days

**Section 19.** Continued.

- (2) Additional Earnings (Unclassified Only): UCL Benefit Program and employees who are eligible under Section 5.1.5 (Grandfathered Classes. In addition to the vacation credit earned under (1) above, an eligible employee in a job code designated under the UCL Benefit Program or a Grandfathered Class designated in Section 5.1.5 shall earn 1.923% of a working hour of vacation credit for each hour of paid service.
- (3) Additional Earnings: CC, DA, MGT and PD Benefit Programs, as well as Union Code SM. In addition to the vacation credit earned under (1) above, an eligible employee in a job code designated under CC, DA, MGT and PD other than those designated in Section 5.1.5 (Grandparented Classes), shall earn .769% of a working hour of vacation credit for each hour of paid service.
- (4) Change in Earnings Rate. A change in the rate of vacation earned by an eligible employee shall be made only at the beginning of the pay period following the employee's eligibility for the different rate.
- (5) Return to Duty Following Layoff or Disability Retirement. When a permanent employee returns to duty within three (3) years of layoff or disability retirement, continuous service immediately prior to separation because of layoff or disability retirement shall be included when determining continuous service to establish the vacation earning rate, and the date of commencement of work prior to such separation shall be the date used in establishing the vacation earning rate of such employee.

**Section 20.** Subsections (c) and (f)(5) of Section 4.2.2 of the Compensation Ordinance are hereby amended to read as follows:

SECTION 4.2.2: SICK LEAVE.

(c) Accumulation.

- (1) Sick leave credit shall be earned at the rate of five percent (5%) of the employee's paid service during the pay period and shall be credited in units of one-tenth of an hour.
- (2) 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. 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) An employee designated eligible for Benefit Program CC, DA, MGT, PD or UCL, 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.

(f) Payoff of Unused Sick Leave. Cash payment and credit toward retirement for employees' unused sick leave credits.

(5) Retirement Credit. Unused sick leave credits earned prior to January 12, 1978, which were not subject to payoff, shall be credited toward length of service for computing retirement benefits of employees who, on their last day of service are receiving management benefits (Benefit Program CC, DA, MGT, PD, or UCL).



**Section 21.** Section 4.2.8 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.2.8: EXECUTIVE RELEASE TIME.

- (a) Definition. Executive Release Time is paid absence from work.
- (b) Eligibility. Only those employees in classes designated eligible for the UCL Benefit Program shall be eligible for Executive Release Time.
- (c) Executive Release Time shall be authorized pursuant to the guidelines established by the Chief Administrative Officer.

**Section 22.** Section 4.3.12 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.3.12: FAMILY/MEDICAL LEAVE.

- (a) Authority. Family/Medical Leave (FML) shall be in accordance with the Federal Family and Medical Leave Act (FMLA) of 1993, together with the federal regulations promulgated pursuant to the FMLA, and the California Family Rights Act (CFRA) of 1991, as amended, together with state regulations promulgated pursuant to the CFRA. The County FML shall be governed by these federal and state provisions, and by the provisions set forth below under this Section. [Certain provisions under this Section may refer to the federal FMLA regulations under Title 29 Code of Federal Regulations (hereinafter "CFR") or to the California CFRA regulations under Title 29 of the California Code of Regulations (hereinafter "CCR").]
- (b) Definition.
  - (1) General. FML is leave without pay from the employee's class and position granted by the appointing authority based upon the qualifying reasons specified under subparagraph (2) below, with the right to return to a position in the same class in the same department as was occupied at the commencement of the leave as defined in 29 CFR 825.14. FML also shall be counted as paid leave when the employee is granted County paid leave pursuant to this Compensation Ordinance for any of the qualifying reasons specified under subparagraph (2) below:
  - (2) Qualifying Reasons for FML Eligibility. An appointing authority is required to grant FML to eligible employees for any of the following qualifying reasons required by the FMLA and CFRA:

- (a) For birth of a child, and to care for the newborn child;
  - (b) For placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;
  - (c) To care for the employee's spouse, son, daughter, or parent, with a serious health condition; and
  - (d) Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's job.
- (3) Coordination with County Leave Programs. FML shall be coordinated with County paid leave and unpaid leave as follows:

(A) FML Paid Leave.

An employee who requests leave and is eligible for paid leave under the County's paid leave provisions, and who also qualifies for and is approved for FML, shall be required to use the applicable paid leave during the period of the FML, subject to the following exceptions:

- (i) Paid injury leave pursuant to Compensation Ordinance Section 4.2.3 shall not be counted against FML leave; and

**Section 22. Continued.**

- (ii) Fair Labor Standards Act (FLSA) compensatory time off is not a form of accrued paid leave that the County may require the employee to substitute for unpaid FMLA leave. However, the employee may elect to use FLSA compensatory time for a FML reason, and such time off shall not be counted as FML leave.

(B) FML Unpaid Leave.

An employee who requests leave and is NOT eligible for paid leave under the County's paid leave provisions, but who qualifies for and is approved for FML, shall be on FML unpaid leave pursuant to the provisions of this Section.

(C) County Unpaid Leave.

An employee who requests leave and is NOT eligible for paid leave or for FML, but who qualifies for unpaid leave under one of the County's unpaid leave provisions, may be considered for County unpaid leave (not FML unpaid leave) pursuant to the provisions of the County unpaid leave program.

- (c) Eligibility. Notwithstanding the provisions of Section 4.1.1 governing the application of Chapter 4 on Leaves of Absences, all employees who have been employed by the County for at least 12 months and for at least 1250 hours of service during the 12-month period immediately preceding the commencement of the leave are eligible for FML.
- (d) Duration. An eligible employee is entitled to a total of 12 workweeks of FML during a 12-month period. The 12-month period shall be measured forward from the date the employee's first FML leave begins. The next 12-month period would begin the first time FML leave is taken after completion of any previous 12-month period. The duration of FML for a husband and wife both employed by the County is governed by a special provision under 29 CFR Section 825.202. NOTE: An employee is entitled to take leave for a disability on account of pregnancy, childbirth, or related medical conditions beyond the 12 workweeks in a 12-month period; however, such leave beyond the 12 workweeks is pursuant to the California Pregnancy Disability Leave provision under Government Code Section 12945 and shall not constitute FML.
- (e) Requesting FML/Appointing Authority Action.
  - (1) Generally. An employee must give notice to the appointing authority of the need for FML. To give such notice an employee does not need to assert rights for FML expressly or even mention FML; however, the employee must state a qualifying reason for FML. An employee who fails to demonstrate an FML qualifying reason is not eligible for FML. However, the appointing authority may consider the employee for other types of County authorized leaves.
  - (2) Requesting PAID LEAVE/Appointing Authority Action.
    - (A) If an employee requests paid leave or FML and does not inform the appointing authority of the reason for the leave, the appointing authority should inquire further to ascertain whether the leave is for a FML qualifying reason.
    - (B) If the employee indicates that the leave is for an FML qualifying reason, the appointing authority should:

FIRST – Determine whether the employee is eligible for paid leave under the County’s paid leave provisions;

SECOND - Determine whether the leave qualifies as FML.

NOTE: To qualify as FML leave, an absence because of a serious health condition (not requiring inpatient hospital care) must be for more than three (3) calendar days.

- (C) The appointing authority is to take the following action based upon the determinations made as indicated:

**Section 22. Continued.**

Eligible for Paid Leave	Qualifies For FML	Actions by Appointing Authority
Yes	Yes	Grant paid leave and count it against FML duration.
Yes	No	Consider whether to grant paid leave in normal manner that all paid leave requests are considered.
No	Yes	Grant FML unpaid leave.
No	No	Consider whether to grant County unpaid leave in normal manner that all unpaid leave requests are considered.

- (D) Prior Notice Requirement. The amount of prior notice required of an employee requesting paid leave which qualifies as FML shall be according to the applicable Memorandums of Agreement and Compensation Ordinance provisions governing the County's paid leaves and the policy and practice of each appointing authority relating to the consideration of paid leave requests. However, in no event shall such prior notice requirements be greater than 30 calendar days.

(3) Requesting UNPAID LEAVE/Appointing Authority Action.

- (A) If an employee requests unpaid leave, the employee shall inform the appointing authority of the reason for the leave.

- (B) If the employee indicates that the leave is for a FML qualifying reason, the appointing authority should determine whether the leave qualifies as FML.
- (C) The appointing authority shall take the following action based upon the determinations made as indicated:

Qualifies For FML	Actions by Appointing Authority
Yes	Grant FML unpaid leave.
No	Consider whether to grant County unpaid leave in normal manner that all unpaid leave requests are considered.

- (D) Prior Notice Requirement. An employee requesting unpaid leave for an FML qualifying reason must provide the appointing authority at least 30 calendar days advance notice before FML leave is to begin if the need for the leave is foreseeable. If 30 days notice is not practicable, notice must be given as soon as practicable. The terms "as soon as practicable" ordinarily would mean at least verbal notification to the appointing authority within one to two business days of when the need for leave becomes known to the employee. This subparagraph (D) shall be governed by the provisions under 29 CFR Sections 825.302 - 825.304, inclusive.
- (4) Federal Notice Requirement. All employees granted FML shall be provided the required federal notice on the form entitled:

NOTICE TO EMPLOYEES REQUESTING FEDERAL FAMILY AND/OR MEDICAL LEAVE OF THEIR SPECIFIC RIGHTS AND OBLIGATIONS

**Section 22. Continued.**

- (f) Scheduling of FML. During the 12-month period, the 12 workweeks of FML may be taken for one continuous period of time, for separate continuous periods of time, intermittently, or on a reduce leave schedule. The provisions for "intermittent leave" and a "reduced leave schedule" are governed by 29 CFR Section 825.203 and 825.205 and 2 CCR Section

7297.3. If an employee takes FML because of the birth, adoption or foster care placement of a child, the employee may take a "reduced leave schedule" only if the appointing authority agrees as provided under CFR Section 825.203(a). If an employee takes FML upon the birth, adoption or foster care placement of a child, the employee may take "intermittent leave" in minimum increments of two weeks, although the employee may, on two occasions, take a leave of less than two weeks duration as provided under 2 CCR Section 7297.3.

(g) Maintenance of Insurance Coverage.

(1) General Requirement. An employee's group insurance coverage shall be maintained during approved FML on the same conditions as coverage would have provided if the employee had been employed continuously during the entire FML period.

(2) Premium Payments During FML Paid Leave. The County's contribution for the employee and the employee's payroll deduction for all insurance premiums shall continue during the period of FML paid leave in order to continue all the employee's insurance coverage.

(3) Premium Payments During FML Unpaid Leave.

(a) County Contribution Towards Employee Premium. During the period that an employee is on FML unpaid leave, the County shall continue to make its contributions required under Compensation Ordinance Sections 5.1.6(c) [Flexible Benefits Plan] or 5.2.2 [General Group Health Insurance] and all other group insurance benefits provided by the County even though the employee is not receiving pay during this FML unpaid leave period.

(b) Employee Premium Payment. During the period that an employee is on FML unpaid leave, the employee shall be required to submit payment to the County for the employee's share of premiums for each of the group insurance programs received by the employee in an amount and at the same time that such payments would have been made by payroll deduction.

(c) Employee's Failure to Submit Timely Payment. If an employee fails to submit the full amount of the insurance premium payments on a timely basis, the County shall pay the required amount on behalf of the employee on an advance basis in order to maintain all of the employee's

insurance coverage. The employee shall continue to be obligated for these premiums and shall reimburse the County for the payments. The reimbursement shall be as follows:

- (i) During the period of the FML unpaid leave, the employee shall make payment to the County for all the required premiums which are past due.
- (ii) Upon the employee's return to work from leave, any required premiums not paid by employee shall be entered as added payroll deductions. The amount of each added payroll deduction shall be equal to the amount of each separate premium not paid by the employee. This added payroll deduction shall be entered on each of the employee's biweekly pay warrants until the full amount of the premiums is paid in full.

**Section 22. Continued.**

- (d) Insurance Premiums Due Upon Employee's Failure to Return to Work After FML Unpaid Leave. If an employee fails to return to work for at least 30 days after FML unpaid leave, except for those circumstances indicated under CFR Section 825.213(a)(1)-(3) and (c), the insurance premiums paid during FML Unpaid Leave by the County through the County's contributions and any premium amounts owed by the employee which are paid during FML unpaid leave by the County on an advanced basis are the obligation of the employee and shall be considered a debt owed by the non-returning employee to the County. The County may recover this debt through the deduction from any sums due to the employee from any required payoffs owed to the employee from vacation or sick leave balances.
  
- (h) Certification Prior to Return from Leave. An employee may return to work at the conclusion of FML for their own serious health condition contingent upon providing a medical release prior to returning to work. At its discretion, the Appointing Authority may determine that a certification is not necessary and the employee will be permitted to return to work.

**Section 23.** Section 5.1.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.1.2: BENEFIT PROGRAMS. Unless additional or different benefits are provided by federal or state law (e.g. Unemployment Insurance and Workers' Compensation) the benefits of all employees, officers, boards, commissions, assistants, deputies, clerks and attaches, including elected officials and department heads and their deputies and assistants, are set forth in the following "Benefit Programs," which determine the benefits applicable to persons in each type. Appendix One contains a list of all classes. Each class is assigned a "Benefit Plan Designator" in the column headed "Ben Pgm," which identifies eligibility for benefits as one of the following types, for all employees in that class except those on an "hourly" or "special rate" pay basis.

- (a) County Counsel (CC) Benefit Program. Employees in job codes designated as CC and CS are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:
  - 5.1.6 Flexible Benefits Plan
  - 5.3 Basic Life Insurance
  - 5.4 Long Term Disability
  - 5.6 Retirement Contribution Offset
  - 5.7 Payment in Lieu of Retirement Contribution Offset



- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognition and Awards Program

(b) Confidential Non-Management (CNM) Benefit Program. Employees in job codes designated as CE, SO and SD6 are eligible for basic benefits listed below plus State Disability Insurance (SDI). All employees in classes covered under CNM Benefit Program shall participate in SDI as the result of an election by the employees in the representation unit for that class. All premiums required by the State for SDI shall be automatically deducted from the pay of covered employees by the Auditor and Controller and forwarded to the State pursuant to the rules and regulations of the State of California in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognition and Awards Program

**Section 23. Continued.**

- (c) District Attorney (DA) Benefit Program. Employees in job codes designated as DA, AS and AM are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.4 Long Term Disability
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program

- (d) District Attorney Investigator (DAI) Benefit Program. Employees in job codes designated as DI and DM are eligible for basic benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognition and Awards Program

- (e) Management (MGT) Benefit Program. Employees in job codes designated as CEM, MA, IW2, SD2, and NM are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.4 Long Term Disability
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program

- (f) Non-Management (NMG) Benefit Program. Employees in job codes designated as AE, CL, CM, CR, FS, HS, IW0, IW5, MM, NS, PO, PR, PS, RN, SD5, and SS are eligible for basic benefits listed in below, plus State Disability Insurance (SDI). All employees in classes covered under NMG Benefit Program shall participate in SDI as the result of an election by the employees in the representation unit for that class. All premiums required by the State for SDI shall be automatically deducted from the pay of

covered employees by the Auditor and Controller and forwarded to the State pursuant to the rules and regulations of the State of California.

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognition and Awards Program

**Section 23. Continued.**

(g) Public Defender (PD) Benefit Program. Employees in job codes designated as PD and PM are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.4 Long Term Disability
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards
- 5.11 Employee Recognition and Awards Program

(h) Sheriff (SHRF) Benefit Program. Employees in job codes designated as DS are eligible for basic benefits, and SM are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.4 Long Term Disability (SM only)
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognition and Awards Program

(i) Social Worker (SW) Benefit Program. Employees in job codes designated as SW are eligible for basic benefits listed below plus State Disability Insurance (SDI). All employees in classes covered under SW Benefit Program shall participate in SDI as the result of an election by the employees in the representation unit for that class. All premiums required by the State for SDI shall be automatically deducted from the pay of covered employees by the Auditor and Controller and forwarded to the State pursuant to the rules and regulations of the State of California.

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognitions and Awards Program

- (j) Unclassified (UCL) Benefit Program. Employees in job codes designated as EC, EM, EU, IW1, IW3, NA, NE, SD1, AND UM are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.4 Long Term Disability
- 5.5 Executive Management Physical Examination (excluding IW3, NA and UM)
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.11 Employee Recognition and Awards Program

- (k) Hourly and Special Rate Employees. Notwithstanding appointment to a class with a Benefit Program Designator, hourly or special rate employees may be eligible for only the following benefits:

Workers' Compensation coverage;  
Unemployment Insurance;  
Suggestion Awards Program

**Section 23. Continued.**

- (l) Other Benefits. In addition to the benefits listed above in the Benefit Program, there are other benefits, which are elsewhere provided for:

- (1) Leaves of Absence. Benefits described and set forth in other sections of this ordinance are paid and unpaid leaves of absence set forth in Chapter 4. Chapter 4 also contains provisions relating to cash payoffs for unused sick and annual leave, and retirement credit for unused sick leave, which may be applicable.
- (2) Retirement. Retirement benefits for employees hired on or prior to September 30, 1978, shall be those established for Tier I of the General Retirement Program or Tier I of the Safety Retirement Program for eligible employees.

Retirement benefits for employees hired on or after October 1, 1978, shall be those established for Tier II of the General Retirement Program or Tier II of the Safety Retirement Program for eligible employees.

An individual employee covered by Tier I General or Tier I Safety Retirement Program benefits may elect to be covered by the lower benefits of Tier II if they follow the individual counseling and

disclosure requirements prescribed by law and administered by the Retirement Office.

The County shall adopt the County contribution rates, including those not integrated with Social Security, as recommended each year by the Board of Retirement as set forth in a letter to the Board of Supervisors from the County Chief Financial Officer. The County shall pay the rate prescribed for employer contributions into the General or Safety Retirement Fund in accordance with the rules and regulations governing such employer contributions.

- (3) Reimbursements and Allowances. Other reimbursements and allowances may be available under the County Administrative Code.
- (4) Optional Benefits. Some employees may also be eligible for other benefits not described or set forth in this ordinance. These benefits, subject to the employee's enrollment, and not contributed to by the County, are:

- Deferred Compensation
- Payroll Deduction
- Child Care at County Child Care Facility

- (5) Deferred Compensation Program. Notwithstanding any provisions to the contrary, the County as the employer may make deposits to an employee's Participation Account. The authority and discretion to approve deposits is delegated by the Board of Supervisors to the Chief Administrative Officer for the EM classifications.

**Section 24.** Section 5.1.4 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.1.4: EMPLOYEE RESPONSIBILITY.

- (a) Designation/Application. It is the responsibility of each employee to designate and/or apply for benefits. No retroactive benefits will be provided without proof of a timely, correctly filed application, and administrative error on the part of the County or contract provider.
- (b) Insurance Coverage During Leaves of Absence. Employees on authorized leave without pay (including suspension) in eligible classes may continue their health, dental and vision insurance in accordance with federal law. Life insurance may be continued for up to six (6) full months. Such employees shall pay all premiums (consisting of both County contribution

and employee share) in advance for the first three months of continuance and shall pay any remaining premiums in one payment no later than the 21st of the third month of leave. Employees may pay all premiums required for the entire leave period in advance. If an employee on leave without pay or suspension does not pay premiums in advance, the coverage shall be discontinued.

**Section 25.** Section 5.1.5 of the Compensation Ordinance is hereby amended to read as follows:

**SECTION 5.1.5: ELIGIBILITY FOR GRANDFATHERED BENEFITS.** To be eligible for grandfathered benefits a person:

- (a) Must have been employed in one of the following classes, prior to and on January 14, 1977:

2303 Administrative Assistant II  
2304 Administrative Assistant I  
2306 Administrative Trainee  
2312 Departmental Personnel and Training Administrator  
2315 Assistant Retirement Officer  
2317 Assistant Safety Officer  
2323 Associate Personnel Analyst  
2326 Citizen Participation Coordinator  
2327 Claims Representative II  
2332 Vocational Medical Services Coordinator  
2341 Research Analyst  
2345 Loss Prevention Manager  
2365 Staff Development Specialist  
2370 Suggestion Awards Coordinator  
2380 Staff Development Manager  
2388 Labor Relations Specialist  
2396 Citizen Assistance Specialist  
2397 Board Representative III  
2398 Board Representative II  
2401 Equal Opportunity Officer II  
2411 Analyst I  
2412 Analyst II  
2426 Assistant Systems Analyst  
2427 Associate Systems Analyst  
2491 Fiscal Analyst  
2492 Investment Manager  
2506 EDP Audits Specialist  
2512 Senior Auditor

- (a) Must have been employed in one of the following classes, prior to and on January 14, 1977:

2520 Senior Systems Analyst-Software  
2525 Senior Systems Analyst  
3026 Data Processing Supervisor II  
3027 Data Processing Supervisor I  
3036 EDP Operations Coordinator  
3640 Associate Electrical Engineer  
5778 Sheriff's Inspector  
5775 Sheriff's Captain  
5887 Building Maintenance Supervisor II  
7024 Chief of Security Services  
and any class with a "v" designation listed in Appendix One; and

- (b) Must have received Management benefits in that class on that date; and
- (c) Must continually remain in a class designated in (a) above, or in any other class designated eligible for Benefit Programs UCL, DA, PD, CC, or MGT; or
- (d) Must have been employed in one of the following classes prior to and on July 5, 1985:

0343 Special Assistant (DA)  
0362 Special Assistant (Sheriff)

and/or

**Section 25. Continued.**

- (e) Must have been employed in the following class prior to and on August 2, 1985:

0342 Special Investigator

and

- (f) Must continuously remain in a class designated in (d) or (3) above.

**Section 26.** Section 5.1.6 of the Compensation Ordinance is hereby amended to read as follows:

**SECTION 5.1.6: FLEXIBLE BENEFITS PLAN.** A flexible benefits plan, administered in accordance with Section 125 of the Internal Revenue Code, the Flexible Benefits Plan Document, the Plan Brochure, and the requirements of the Director, Department of



Human Resources, is a cafeteria-style benefits program wherein the County will make a contribution for each eligible employee. The County contribution is to be designated by the employee for distribution among the benefit options listed below. The plan features pre-tax contributions for premiums for all plans except Life Insurance as well as pre-tax contributions by the employee for deposit into Flexible Spending Accounts for reimbursement of qualified medical and/or dependent day care expenses.

- (a) Required Coverage. All eligible employees, will be required to have the following minimum benefits for the employee:
  - (1) Health Insurance. Unless properly waived.
  - (2) County Basic Life and AD & D Insurance, pursuant to Articles 5.3.

Effective Dates of Eligibility Under the Flexible Benefits Plan. The effective date of eligibility under the Flexible Benefits Plan for new employees shall be the first day following the month of hire provided that the employee has completed and returned all enrollment forms within the month of hire. If completed forms are not received by the end of month of hire, benefits will be effective the first day of the month following receipt of completed forms. All forms must be received in the Employee Benefits Division within thirty (30) days of hire in order for benefits to commence. Eligibility shall terminate on the last day of the month in which an employee last had paid service provided that the employee's portion of the health insurance premium is paid for such period.

- (b) Waiving County Medical Coverage. An eligible County employee may elect to waive County medical insurance if covered under another medical plan, or if married to another County employee. In such a case, the employee will have the "employee only" County contribution amount available to apply towards the employee's Flexible Benefits Plan during the employee's active employment.
- (c) Proof of Coverage. Employees who submit satisfactory "Proof of Health Insurance Coverage" may elect not to be covered by the County's health insurance plans. This election may only be made during the County's open enrollment period or during the year as the result of a qualifying "change in status" as defined by Section 125 of the Internal Revenue Code. For employees waiving primary participation in a County-sponsored health plan, the County's contribution will be deposited into the employee's Flexible Spending Account.
- (d) Domestic Partner. An employee may elect to cover a domestic partner under the County's health, dental or vision plans. To cover a domestic partner, the employee must meet and agree to the specifications set forth on an "Affidavit of Domestic Partnership". Any premium paid by the

County on behalf of the domestic partner or the domestic partner's dependent(s) shall be considered taxable income to the employee with domestic partner coverage pursuant to the provisions of the Internal Revenue Code.

- (e) Optional Coverage. Eligible employees may designate optional benefits to which the balance of the County's contribution and employee contributions may be applied after enrolling in the coverage designated in (a) above. These optional benefits are governed by and administered in accordance with the terms and conditions of the agreement between the County and the insurer. Optional benefits include:

**Section 26. Continued.**

- (1) Dependent Health Insurance. Includes the same choices of health plans designated under (a)(1) above.
  - (2) Dental Insurance
  - (3) Vision Insurance.
  - (4) Supplemental Life Insurance. Options including one, two, or three times annual base salary with a maximum benefit of \$500,000.
  - (5) Supplemental A D & D Insurance. Coverage options including one, two, or three times annual base salary with a maximum benefit of \$500,000.
  - (6) Flexible Spending Accounts. Health Care Account and a Dependent Day Care Account.
- (f) County Contributions. County contributions to the Flexible Benefits Plan on behalf of eligible employees are made on a twice-monthly basis. In months where there are three paydays, no contribution will be made on the third payday. County contributions shall be in the amounts established below for each eligible employee:
- (1) Employees in classes designated under the UCL Benefit Program.

<u>Effective October 1, 2003:</u>	<u>Monthly</u>
Employee Only	\$306.00
Employee + 1 Dependent	405.00
Employee + 2 or More Dependents	519.00
<u>Effective December 12, 2003:</u>	<u>Monthly</u>
Employee Only	\$316.00
Employee + 1 Dependent	435.00
Employee + 2 or More Dependents	569.00
<u>Effective October 1, 2004:</u>	<u>Monthly</u>
Employee Only	\$322.00
Employee + 1 Dependent	451.00
Employee + 2 or More Dependents	605.00

<u>Effective October 1, 2005:</u>	<u>Monthly</u>
Employee Only	\$328.00
Employee + 1 Dependent	467.00
Employee + 2 or More Dependents	641.00

- (2) Employees in classes designated under the CNM and MGT Benefit Programs.

<u>Effective October 1, 2003:</u>	<u>Monthly</u>
Employee Only	\$276.00
Employee + 1 Dependent	375.00
Employee + 2 or More Dependents	489.00

**Section 26. Continued.**

<u>Effective December 12, 2003:</u>	<u>Monthly</u>
Employee Only	\$286.00
Employee + 1 Dependent	405.00
Employee + 2 or More Dependents	539.00
<u>Effective October 1, 2004:</u>	<u>Monthly</u>
Employee Only	\$292.00
Employee + 1 Dependent	421.00
Employee + 2 or More Dependents	575.00
<u>Effective October 1, 2005:</u>	<u>Monthly</u>
Employee Only	\$298.00
Employee + 1 Dependent	437.00
Employee + 2 or More Dependents	611.00

- (3) Employees in classes designated under the DA and PD Benefit Programs.

<u>Effective October 1, 2003:</u>	<u>Monthly</u>
Employee Only	\$258.00
Employee + 1 Dependent	345.00
Employee + 2 or More Dependents	453.00
<u>Effective December 12, 2003:</u>	<u>Monthly</u>
Employee Only	\$268.00
Employee + 1 Dependent	375.00
Employee + 2 or More Dependents	503.00
<u>Effective October 1, 2004:</u>	<u>Monthly</u>
Employee Only	\$274.00
Employee + 1 Dependent	391.00
Employee + 2 or More Dependents	539.00
<u>Effective October 1, 2005:</u>	<u>Monthly</u>
Employee Only	\$280.00
Employee + 1 Dependent	407.00

Employee + 2 or More Dependents	575.00
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(4) Employees in classes designated under the SW Benefit Program.

<u>Effective October 1, 2003:</u>	<u>Monthly</u>
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Employee Only	\$250.00
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Employee + 1 Dependent	345.00
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Employee + 2 or More Dependents	457.00
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**Section 26. Continued.**

<u>Effective December 12, 2003:</u>	<u>Monthly</u>
Employee Only	\$260.00
Employee + 1 Dependent	375.00
Employee + 2 or More Dependents	507.00

<u>Effective October 1, 2004:</u>	<u>Monthly</u>
Employee Only	\$266.00
Employee + 1 Dependent	391.00
Employee + 2 or More Dependents	543.00

<u>Effective October 1, 2005:</u>	<u>Monthly</u>
Employee Only	\$272.00
Employee + 1 Dependent	407.00
Employee + 2 or More Dependents	579.00

(5) Employees in classes designated under the NMG Benefit Program.

<u>Effective October 1, 2003:</u>	<u>Monthly</u>
Employee Only	\$238.00
Employee + 1 Dependent	325.00
Employee + 2 or More Dependents	433.00

<u>Effective December 12, 2003:</u>	<u>Monthly</u>
Employee Only	\$248.00
Employee + 1 Dependent	355.00
Employee + 2 or More Dependents	483.00

<u>Effective October 1, 2004:</u>	<u>Monthly</u>
Employee Only	\$254.00
Employee + 1 Dependent	371.00
Employee + 2 or More Dependents	519.00

<u>Effective October 1, 2005:</u>	<u>Monthly</u>
Employee Only	\$260.00
Employee + 1 Dependent	387.00

Employee + 2 or More Dependents	555.00
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(6) Employees in classes designated under the SHRF Benefit Program.

<u>Effective October 1, 2003:</u>	<u>Monthly</u>
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Employee Only	\$196.00
Employee + 1 Dependent	276.00
Employee + 2 or More Dependents	362.00



**Section 26. Continued.**

<u>Effective December 12, 2003:</u>	<u>Monthly</u>
Employee Only	\$206.00
Employee + 1 Dependent	306.00
Employee + 2 or More Dependents	412.00
<u>Effective October 1, 2004:</u>	<u>Monthly</u>
Employee Only	\$218.00
Employee + 1 Dependent	332.00
Employee + 2 or More Dependents	464.00
<u>Effective October 1, 2005:</u>	<u>Monthly</u>
Employee Only	\$230.00
Employee + 1 Dependent	358.00
Employee + 2 or More Dependents	516.00
<u>Effective October 1, 2006:</u>	<u>Monthly</u>
Employee Only	\$242.00
Employee + 1 Dependent	384.00
Employee + 2 or More Dependents	568.00

(7) Employees in classes designated under the DAI Benefit Program.

<u>Effective October 1, 2003:</u>	<u>Monthly</u>
Employee Only	\$278.00
Employee + 1 Dependent	359.00
Employee + 2 or More Dependents	447.00
<u>Effective December 12, 2003:</u>	<u>Monthly</u>
Employee Only	\$288.00
Employee + 1 Dependent	389.00
Employee + 2 or More Dependents	497.00
<u>Effective October 1, 2004:</u>	<u>Monthly</u>
Employee Only	\$300.00
Employee + 1 Dependent	415.00
Employee + 2 or More Dependents	549.00

Effective October 1, 2005: Monthly

Employee Only	\$312.00
Employee + 1 Dependent	441.00
Employee + 2 or More Dependents	601.00

Effective October 1, 2006: Monthly

Employee Only	\$324.00
Employee + 1 Dependent	467.00
Employee + 2 or More Dependents	653.00

**Section 26. Continued.**

(8) Employees in classes designated under the CC Benefit Program.

<u>Effective October 1, 2003:</u>	<u>Monthly</u>
Employee Only	\$258.00
Employee + 1 Dependent	345.00
Employee + 2 or More Dependents	453.00
<u>Effective December 12, 2003:</u>	<u>Monthly</u>
Employee Only	\$268.00
Employee + 1 Dependent	375.00
Employee + 2 or More Dependents	503.00
<u>Effective October 1, 2004</u>	<u>Monthly</u>
Employee Only	\$274.00
Employee + 1 Dependent	391.00
Employee + 2 or More Dependents	539.00
<u>Effective October 1, 2005:</u>	<u>Monthly</u>
Employee Only	\$280.00
Employee + 1 Dependent	407.00
Employee + 2 or More Dependents	575.00

**Section 27.** Section 5.2.1 of the Compensation Ordinance is hereby repealed.

**Section 28.** Section 5.3.1 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.3.1: DEFINITION.

- (a) CNM, DAI, NMG and SW Benefit Programs: Receive life and accident insurance coverage of \$10,000 each.

- (b) CC, DA, MGT, PD, and SHRF Benefit Programs: Receive life and accident insurance coverage of one-time their annual salary, with a minimum benefit of \$50,000 and a maximum benefit of \$150,000.
- (c) UCL Benefit Program: Receive life and accident insurance of two-times their annual salary, with a minimum benefit of \$50,000 and a maximum benefit of \$500,000.
- (d) Dependent Life Insurance: Provides all eligible employees with \$2,000 term life insurance for spouse and each eligible child, ages 6 months to 21 years, and provides \$500 term life insurance for child(ren) ages 14 days to 6 months. Insurance administered in accordance with the terms and conditions of the agreement between the County and the Insurer.

**Section 29.** Section 5.3.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.3.2: METHOD OF CALCULATION. The County shall contribute a specified amount on behalf of each employee toward the premium for Employee and Dependent Basic Life Insurance coverage.

**Section 30.** Section 5.4.1 of the Compensation Ordinance is hereby amended to read as follows:

ARTICLE 5.4: LONG TERM DISABILITY

SECTION 5.4.1: DEFINITION. Disability insurance is provided to eligible employees in addition to the benefits described in Articles 5.1 and 5.3, and administered in accordance with the terms and conditions of the contract between the County and the Insurer.

- (a) Long Term Disability Insurance – Two-thirds (2/3) of the employee’s monthly salary up to a maximum benefit specified below:
  - (1) For employees in classes designated AM, AS, CC, CS, DA, PD, PM and SM, benefits commence 90 days after disabled and have a benefit maximum of \$8,000;
  - (2) For employees in classes designated CEM, MA, NM, and SD2, benefits commence 60 days after disabled and have a benefit maximum of \$12,000;

(3) For employees in classes designated as EC, EM, EU, IW1, IW3, NA, NE, SD1, and UM, benefits commence 30 days after disabled and have a benefit maximum of \$12,000.

- (b) Benefits continue to age 65 or until disability ends. For disabilities commencing between ages 60 and 70, the benefit duration is decreased slightly for each year of increased age; benefits cease at age 70.

**Section 31.** Section 5.5.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.5.2: ELIGIBILITY. Employees in job codes designated as EC, EM, EU, IW1, NE, and SD1, and those employees who receive grandfathered benefits under Section 5.1.5.

**Section 32.** Section 5.5.3 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.5.3: METHOD OF CALCULATION. The County shall contribute the full cost of each physical examination up to the maximum specified in the contract between the County and the Provider.

**Section 33.** Section 5.9.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.9.2: "SPECIAL HOLIDAY" PROVISIONS.

- (a) Birthday Holiday. Employees in eligible classes shall be entitled to their birthday off as a holiday, except that if the needs of the department require that the employee work, the employee shall be credited with compensatory time off equivalent to one-tenth (1/10) the number of regularly scheduled hours of that employee's normal biweekly pay period, not to exceed eight (8) hours in compensatory time off (eight and one-half [8-1/2] hours for employees in classes designated DS and SM). A birthday occurring on a Saturday shall be taken on the preceding Friday; a birthday occurring on a Sunday shall be taken on the following Monday except that if the needs of the department require that the employee work, the employee, with the approval of his/her appointing authority, shall have the choice of another day on which to observe the employee's birthday. A birthday occurring during paid leave status or on a normally scheduled day off or on a paid holiday to which the employee is entitled shall be taken off on a regularly scheduled work day mutually agreeable with the employee's appointing authority.

Eligible Classes: Classes designated AE, CL, CM, CR, FS, HS, MM, PO, PR, PS, RN, SO, SW, SS, DS and SM, or classes designated CE, NR, NS, and SD0.

**Section 33. Continued.**

- (b) Admission Day. Eligible employees shall be entitled to one-tenth (1/10) the number of regularly scheduled hours in that employee's normal biweekly pay period, not to exceed eight (8) hours of holiday time (eight and one-half [8-1/2] hours for employees in classes designated DS and SM). Such time shall be taken when mutually agreeable with the appointing authority, but must be used before the first day of the first biweekly pay period in the succeeding fiscal year. Admission Day, September 9, shall not be considered a holiday for payroll purposes.

Eligible Classes:

This time may be taken in increments of 1/10 of an hour by employees in classes designated DS and SM who have paid service in Payroll 01 of each fiscal year and may be taken beginning in payroll period 03.

This time may be taken in increments of 1/10 of an hour by employees in classes designated AE, CL, CM, CR, FS, HS, MM, PR, PS, RN, SW, SS, PO and SO who have paid service in Payroll 02 of each fiscal year.

This time may be taken in increments of 1/10 of an hour by employees in classes designated CE, CEM,-MA, NM, NR, SD0, and SD2 who are not on authorized or unauthorized leave without pay on all or any part of Admission Day, September 9.

- (c) Columbus Day. Employees in eligible classes who are employed, and not on authorized or unauthorized leave without pay, on the national observance of Columbus Day, shall be entitled to one-tenth (1/10) the number of regularly scheduled hours in the employee's normal biweekly pay period, not to exceed eight (8) hours of holiday time. This time is to be taken when mutually agreeable with the appointing authority, but must be used before the first day of the first biweekly pay period in the succeeding fiscal year. The national observance of Columbus Day shall not be considered a holiday for payroll purposes.

Eligible Classes: This time may be taken in increments of 1/10 of an hour for classes designated MA; classes designated CE, CEM; grandfathered employees defined under Section 5.1.5; or classes designated NM, and SD2.

- (1) Employees in classes designated DI or DM shall take this time in one increment on a day agreeable to both the employee and the appointing authority.

- (d) Lincoln's Birthday. Employees in eligible classes who are employed, and not on authorized or unauthorized leave without pay, on the national

observance of Lincoln's Birthday, shall be entitled to one-tenth (1/10) the number of regularly scheduled hours in the employee's normal biweekly pay period, not to exceed eight (8) hours of holiday time. This time is to be taken in one increment on a day agreeable to both the employee and the appointing authority. The national observance of Lincoln's Birthday shall not be considered a holiday for payroll purposes.

Eligible Classes: Classes designated DI and DM.

**Section 34.** Section 5.12 of the Compensation Ordinance is hereby amended to read as follows:

**SECTION 5.12.1: QUALITY FIRST PROGRAM.**

- (a) Purpose. To provide performance pay in the form of an increase to an employee's hourly rate of pay for a temporary period in recognition of the added value in performance that a team or individual employees will bring to the job, as demonstrated during the Pay for Performance Evaluation Period.
- (b) Eligible Position. To receive the increased rate of performance pay during all or a portion of the temporary period that the increased pay is in effect, an employee must be:
  - (1) In a position designated by the appointing authority as covered by a performance plan prepared for an individual or as part of a team established by the appointing authority for the purpose of the Quality First Program and the Enhanced 50/50 Program, and/or

**Section 34. Continued.**

(2) For employees in representation units AE, AM, AS, CE, CEM, DA, DI, DM, DS, EC, EM, EU, CL, CM, CR, FS, HS, MA, MM, PD, PM, PO, PR, PS, RN, SO, SS, SM, SW, UM and classes 0110, 0210, 0211, 0215, 0230, 0231, 0240, 0245, 0249, 0250, 0260, 0262, 0264, 0265, 0270, 0280, 0284, 0286, 0287, 0288, 0289, 0332, 0342, 0343, 0344, 0345, 0346, 0362, 0375, 0950, 2258 and 2259 eligibility criteria shall also include the following:

- (a) The employee must have begun his/her employment with the county on or before December 31st of the Quality First Plan year; and
- (b) The employee must not have received a sub-standard performance evaluation or equivalent rating; and



(c) The employee must not have received final disciplinary action, which includes any County appeal or County review procedures including the Civil Service Commission. Disciplinary actions are defined as those formal actions that are recognized by the Civil Service Rules, but shall not include written reprimands. For the following representation units a final written reprimand is disqualifying and the employee will not be eligible: AM, AS, DA, DI, DM, DS, PD, PM and SM.

(3) In such position in the following representation units during all or any portion of the Payout Period during which the temporary increase in pay is in effect for the program indicated:

Quality First: AE, AM, AS, CE, CEM, CL, CM, CR, DA, DI, DM, DS, EC, EM, EU, FS, HS, MA, MM, PD, PM, PO, PR, PS, RN, SM, SO, SS, SW, UM and classes 0110, 0210, 0211, 0215, 0230, 0231, 0240, 0245, 0249, 0250, 0260, 0262, 0264, 0265, 0270, 0280, 0284, 0286, 0287, 0288, 0289, 0332, 0330, 0337, 0342, 0343, 0344, 0345, 0346, 0362, 0375, and 2259.

(Hereinafter, this position shall be referred to as an "eligible position.")

**Section 35.** Effective Date. Sections 2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 28, 30, 31, 32, 33 and 34 of this ordinance affect compensation and shall take effect upon adoption. All other sections of this ordinance shall take effect thirty (30) days after its 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 36.** Operative Date. Operative dates by specified section are listed in the table below.

<b>Section Number</b>	<b>Operative Date</b>
Section 1	04/30/04
Section 2	04/02/04
Section 3	04/30/04
Section 4	05/28/04
Section 5	04/02/04
Section 6	04/30/04
Section 7	04/30/04
Section 8	04/02/04
Section 9	04/02/04
Section 10	04/02/04
Section 11	04/02/04
Section 12	04/02/04
Section 13	04/02/04
Section 14	04/02/04
Section 15	04/02/04
Section 16	04/02/04
Section 17	04/02/04
Section 18	04/02/04
Section 19	04/02/04
Section 20	04/02/04
Section 21	04/02/04
Section 22	04/02/04
Section 23	04/02/04
Section 24	04/02/04
Section 25	04/02/04
Section 26	04/02/04
Section 27	04/02/04
Section 28	04/02/04
Section 29	04/02/04
Section 30	04/02/04

Section 31	04/02/04
Section 32	04/02/04
Section 33	04/02/04
Section 34	04/02/04

PASSED, APPROVED AND ADOPTED this 23th day of March, 2004.