

ORDINANCE NO. 9987 (NEW SERIES)

**AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE
ESTABLISHING CLASSIFICATIONS, CHARACTERISTICS AND COMPENSATION.**

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

Section 1. Section 1.2.8 of the Compensation Ordinance is hereby added to read as follows:

SECTION 1.2.8 ELECTION OR APPOINTMENT TO ELECTIVE OFFICE; LEAVE BALANCES

- (a) In the event a regular County employee is elected to County Elective Office or appointed to fill a vacancy in a County Elective Office, that employee's election or appointment will not be deemed a separation from County services for purposes of this Ordinance.
- (b) County Elective Officers are not eligible to accrue or use leave credits pursuant to Chapter 4 of this ordinance, or to accrue or use compensatory time balances pursuant to Section 1.6.2 of this ordinance.
- (c) Definitions.
 - (1) For purposes of this Section, "County Elective Office" is defined to include the offices held by the elective officers identified in Section 600 of the San Diego County Charter, as well as members of the Board of Supervisors as defined in Article IV of the San Diego County Charter. This section does not apply to County employees who are appointed to County Elective Office while on unpaid leave pursuant to Section 4.3.7. Employees on leave pursuant to Section 4.3.7 who have been appointed to elective office will have their leave balances maintained until their appointment expires and they return to full duty in their previous classification.
 - (2) For purposes of this Section, "Appointment to a County Elective Office" means appointment to that office pursuant to San Diego County Charter Sections 500.2, 500.3 or 401.4.
 - (3) For purposes of this Section a County Elective Officer assumes office at noon on the first Monday after January First following the election. If a County Elective Officer is appointed, for purposes of this Section, the elected official will assume office upon taking the oath of that office.
- (d) Compensatory Time Balances.
 - (1) In the event an employee in a class with the overtime designator "N," who is eligible to accrue FLSA Compensatory Time Off as defined in Section 1.6.2, is elected or appointed to County Elective Office, the election or appointment shall be treated as a transfer from classified to unclassified service as defined in Section 1.6.2(k)(2)(b). The employee's accumulated FLSA compensatory time shall be paid to the employee within a reasonable period of time following the date the employee assumes the County Elective Office. The payment of the FLSA compensatory time off shall be calculated by multiplying the number of compensatory time off hours in the employee's accrual balance times the employee's hourly rate of pay that was in effect as of the last date the employee was employed in the position immediately prior to the date the employee assumed the County Elective Office.
 - (2) In the event an employee in a class with overtime designator "E" "N" or "X" is elected or appointed to County Elective Office, that employee's Non-FLSA

Compensatory Time hours will not be eligible for pay off, and such hours shall be forfeited by the employee and terminated from the employee's Non-FLSA Compensatory balance upon the employee assuming County Elective Office.

(e) Vacation Credits.

- (1) In the event an employee eligible to earn vacation credits pursuant to Section 4.2.1(b) is elected or appointed to County Elective Office, that employee's vacation credits shall be retained in the employee's vacation credit accrual balance upon the employee assuming County Elective Office and until the elected official is no longer serving as a County Elective Officer.
- (2) Within a reasonable period following the time the elected official ceased serving as a County Elective Officer, the elected official shall be paid for the vacation credits specified in subdivision (e)(1) above, at his/her rate of pay in effect as of the last date the elected official was employed in the position immediately prior to the date he/she assumed County Elective Office.
- (3) The employee's rate of pay as specified in subdivision (e)(2) above shall not be increased by any salary increases that may have taken effect while the employee served in County Elective Office.

(f) Sick Leave Credits.

- (1) In the event an employee eligible to earn sick leave credits pursuant to Section 4.2.2(b) is elected or appointed to County Elective Office, that employee's sick leave credits shall be retained in the employee's sick leave credit accrual account upon the employee assuming County Elective Office and until the elected official is no longer serving as a County Elective Officer. If the elected official is no longer serving as a County Elective Officer, the elected official's sick leave balance will be converted to cash or retirement credit pursuant to Sections 4.2.2(f), (g) and (h) according to the rules applicable to, the position the elected official occupied immediately prior to assuming County Elective Office. To the extent that the elected official is eligible for and elects to convert his/her sick leave credits to cash pursuant to 4.2.2(h), the cash out shall be paid to the elected official within a reasonable period of time at the rate of pay in effect as of the last date he/she was employed in the position immediately prior to the date the elected official assumed County Elective Office. The employee's rate of pay shall not be increased by any salary increases that may have taken effect while the employee served in County Elective Office.
- (2) Time served in County Elective Office shall not count toward the number of years of continuous service required for an employee to be eligible for the conversion of their sick leave credits to cash or retirement credit under Sections 4.2.2(f) or (g).

- (g) Other Leave. No other leave provisions provided for in this ordinance shall be subject to terminal leave pay when an employee assumes County Elective Office or is no longer serving as a County Elective Officer. Any leave balances, other than those identified in this Section, shall be forfeited by the employee and such leave balances shall be terminated on the day the employee assumes County Elective Office.

Section 2. Subsection (b) of 1.13.3 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.13.3: CHARGES FOR MAINTENANCE.

- (b) County Owned and Maintained Housing Facilities.
- (1) The provisions of the Board of Supervisors Policy G-14 on Employee Occupied County-Owned Residences as adopted by the Board of Supervisors on May 1, 1990 govern the administration of this provision.
 - (2) Charges for specific living quarters shall be based upon a determination of the class in which each house, apartment, or room shall be included, made by resolution of the Board of Supervisors. Employees shall be charged at the biweekly rate; however, when computing the charges for a portion of a biweekly pay period, the daily rate shall be used. Charges for living quarters shall be paid by employees or deducted from employees' compensation at the end of the pay period for which the living quarters are furnished.

Class	Description	Biweekly Rate
1	1 BR / 1 BA Mobile Home	41.39
2	2 BR / 1 BA Mobile Home	49.67
3	2 BR / 2 BA Mobile Home	57.92
4	1 BR / 1 BA Apartment	41.36
5	2 BR / 1 BA Apartment	57.19
6	3 BR / 1 BA Apartment	57.92
7	3 BR / 1-1/2 - 2 BA Apartment	66.20
8	1 BR / 1 BA House	49.67
9	2 BR / 1 BA House	58.00
10	2 BR / 2 BA House or 3 BR / 1 BA House	66.20
11	3 BR / 1-1/2 - 2 BA House	74.45
12	4 BR / 2 BA House	190.27

Section 3. Section 4.3.11 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.3.11: VOLUNTARY TIME OFF.

- (a) **Definition.** Notwithstanding any other provision of this article, the appointing authority may for good cause grant an eligible permanent or probationary employee a voluntary leave of absence without pay with right to return to the same position. The employee's request for voluntary time off pursuant to this section shall be for the personal reasons of the employee to handle his or her personal affairs.
- (b) **Conditions.** Voluntary time off (VTO) is subject to the following conditions:
 - (1) Shall be taken in increments of one full-hour for all eligible employees.
 - (2) Credits toward sick leave, vacation, retirement, and holiday eligibility shall accrue as though the employee were on paid status. The County shall pay for each employee the required retirement contribution consisting of the County's required contribution and the employee's required contribution. The County's payment of the employee's required contribution shall include the County's retirement contribution offset calculated pursuant to the provisions of Article 5.6.
 - (3) Time shall apply toward time in service for step advancement, completion of probation, and toward seniority for purposes of layoff.

- (4) Shall be granted without requiring employees to first use accumulated vacation and compensatory time off.
 - (5) Shall be available only to employees who are on paid status the entire workday immediately before as well as immediately after time taken off.
 - (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.
 - (7) Voluntary time off authorized per biweekly pay period shall not exceed one-half of the employee's total number of authorized hours for the biweekly pay period and, VTO shall not be used in more than two consecutive pay periods at a time.
- (b) Eligibility. Employees in classes designated AE, AM, AS, CC, CE, CEM, CL, CM, CR, CS, DA, DI, DM, DS, EM, FS, HS, MA, MM, NA, NE, NM, NS, PD, PM, PO, PR, PS, RN, SM, ~~SO~~, SS, SW and UM are eligible for participation in this program of voluntary time off.
- (d) Duration of Section. This section shall only be operative through June 30, 2010 and, at that time, is repealed unless otherwise extended by ordinance action of the Board of Supervisors.

Section 4. Appendix One of the Compensation Ordinance is hereby amended by deleting the following Job code/classification effective July 17, 2009:

<u>Class No.</u>	<u>Class Title</u>
000900	Div Chief, Revenue and Recovery
002448	Deferred Compensation Program Manager
002470	Cost Analyst Supervisor
003067	Publications Supervisor

Section 5. Effective Date. Sections 1 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 6. Operative Date. Operative dates by specified section are listed in the table below.

Section Number	Operative Date
Section 1	6/19/09
Section 2	7/3/09
Section 3	6/19/09
Section 4	7/17/09

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 16th June, 2009.