

ORDINANCE NO 9892 (NEW SERIES)

AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE
RELATING TO FIRESTORM 2007 EMPLOYEE COMPENSATION AND LEAVE
TO TAKE EFFECT IMMEDIATELY.

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

Section 1. It is the intent of this Board to authorize compensation for employees who were instructed not to report to work during the wildfires of October 2007. It is also the intent of this Board to provide leave to employees whose houses were damaged or destroyed in the wildfires of October 2007.

Section 2. Section 2.1.16 of the Compensation Ordinance is hereby added to read as follows:

SECTION 2.1.16: FIRESTORM 2007 EMPLOYEE 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.
- (b) Compensation Authorized. If the Chief Administrative Officer activates the County's Continuity of Operations Plan (COOP) because of the emergency conditions caused by Firestorm 2007, County appointing authorities are authorized to determine that eligible employees, who perform non-essential functions, need not work all or some of their regularly scheduled hours commencing October 22, 2007, and any days thereafter, until such time that the Chief Administrative Officer deactivates the COOP. These eligible employees shall be paid their regular rate of pay for the time the employees did not work on the specified days for the reasons set forth in this subsection.
- (c) Calculation of Compensation. 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 the employee did not work on the applicable days specified in subsection (b).
- (d) 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 this subsection. Such employees shall be compensated pursuant to the paid leave of absence provisions applicable to their absence from work during the days specified in this section. This section also shall not apply to employees who were on authorized leave without pay during any of the days specified in this section since such employees would not have worked on these days regardless of the emergency conditions.

Section 3. Section 4.2.24 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.2.24: FIRESTORM 2007 EMPLOYEE LEAVE.

- (a) Definition. Firestorm 2007 Employee Leave is paid absence from work granted to employees, whose personal residences have been destroyed or have suffered significant damage because of fire damage caused by Firestorm 2007, who need time off from work to address the needs of restoring their personal residences.
- (b) Eligibility.
 - (1) Biweekly rate employees who own their personal residences, which have been destroyed or have suffered significant damage because of the fire damage caused by Firestorm

2007, who need to take time off from work to address the needs of restoring their personal residences.

- (2) An employee described in subdivision (1) above must submit to the Director of Human Resources information that, in the judgment of the Director, satisfactorily documents that the employee's personal residence was destroyed or suffered significant damage, as defined in subsection (c)(5). An employee's appointing authority is authorized to approve a leave request pursuant to the provisions of this section if the Director has designated the employee eligible for this leave.
- (c) General Provisions. Firestorm 2007 Employee Leave is subject to the following conditions.
- (1) Eligible employees are not required to exhaust other paid leave to use this paid leave.
 - (2) Eligible employees may use up to eighty (80) hours of paid leave under this section.
 - (3) The availability of up to eighty (80) hours of this leave does not extend beyond April 24, 2008 as indicated in subsection (e) on duration of leave.
 - (4) The authorized paid leave hours are not eligible for cash payout or terminal payoff.
 - (5) The terms "suffered significant damage" in subsection (b), with respect to an employee's personal residence, means the extent of the damage, in the judgment of the Director, will require the employee to be absent from work to address the needs of restoring such damage.
- (d) Request. Subject to the approval of the appointing authority, eligible employees may request this leave upon submittal of a written request for such leave to their appointing authority with a brief description of why they need to take the time off for that particular requested time of leave.
- (e) Duration. This leave is provided as temporary relief from the hardships associated with addressing the needs of restoring their personal residences, and will be available for use effective October 22, 2007 through April 24, 2008.

Section 4. This Ordinance is declared to be an ordinance necessary for immediate preservation of the public peace, health and safety within the meaning of Section 25123 of the Government Code and shall take effect immediately. This Board finds that it is necessary for this Ordinance to take effect immediately because the need to keep the County's roadways clear and to protect employees from unhealthful air came up suddenly, and because it is necessary to authorize payment of those employees who were ready and able to come to work but were instructed to remain away. It is also necessary for the leave provisions to take effect immediately because of the need for employees to take prompt action to address damage to their personal residences. Employee compensation for the payroll period including October 22, 2007 and any days immediately thereafter, is due to be paid in early to mid-November 2007.

Section 5. Effective Date. This ordinance affects 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. This ordinance shall be operative October 24, 2007.

PASSED, APPROVED, AND ADOPTED THIS 24th day of October, 2007.