

**AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE
ESTABLISHING CLASSIFICATIONS, CHARACTERISTICS AND COMPENSATION.
ORDINANCE NO. 9946 (NEW SERIES)**

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 effective August 29, 2008:

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 Entry	O/T	Rep Stat	Bene Plan Bene Prog
002415	Management Support Specialist									
	25.69 2055.20	31.23 2498.40				\$53,435.20 - \$64,958.40	Y	N	CE	CNM
002558	HHSa Contract Auditor									
	24.30 1944.00	31.53 2522.40				\$50,544.00 - \$65,582.40	Y	N	AE	NMG
002559	Sr HHSa Contract Auditor									
	30.55 2444.00	37.15 2972.00				\$63,544.00 - \$77,272.00	Y	N	MM	NMG

Section 2. Appendix One of the Compensation Ordinance is hereby amended by establishing the following job codes/classifications in the unclassified service, effective August 29, 2008:

Class No.	Salary Range	Vari Entry	O/T	Rep Stat	Bene Plan/ Bene Program
002293	Deputy Director, Air Pollution Control	12	Y	X	EM UCL

Section 3. Appendix One of the Compensation Ordinance is hereby amended by amending compensation for the following job codes/classifications effective August 1, 2008:

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	Step 8 Hrly Biwkly	Approx Annual Salary Minimum Maximum
002378	Personnel Manager, HHSa								
	36.82 2945.60	44.75 3580.00							\$76,585.60 - \$93,080.00

Section 3. Appendix One of the Compensation Ordinance is hereby amended by amending compensation for the following job codes/classifications effective August 1, 2008:

Class No.	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Approx Minimum	Annual Salary Maximum
	Hrly Biwkly	Hrly Biwkly	Hrly Biwkly	Hrly Biwkly	Hrly Biwkly	Hrly Biwkly	Hrly Biwkly	Hrly Biwkly		
005901	Sheriff's Helicopter/Airplane Mechanic									
	24.94 1995.20	26.19 2095.20	27.50 2200.00	28.88 2310.40	30.32 2425.60	31.84 2547.20	33.43 2674.40		\$51,875.20 - \$69,534.40	

Section 4. Appendix One of the Compensation Ordinance is hereby amended by amending compensation for the following job codes/classifications effective August 1, 2008:

<u>Class No.</u>	<u>Class Title</u>	<u>Salary Range</u>
000304	EMS Medical Director	21
000340	Medical Director	20
000355	Labor Relations Manager	17
002219	Asst Dir, General Services	17
002221	Public Health Officer	22
002284	Dir, Off of Emergency Svcs	17
004132	Medical Dir, Sheriff's Detent	22

Section 5. Appendix One of the Compensation Ordinance is hereby amended by amending the Variable Entry Code for the following job codes/classifications effective August 1, 2008:

<u>Class No.</u>	<u>Class Title</u>	<u>Variable Entry Indicator</u>
000790	Election Worker Specialist	<u>Y</u>
002229	Deputy Director, County Library	<u>Y</u>
002257	Executive Finance Director	<u>Y</u>
002273	Deputy Director, Animal Services	<u>Y</u>
002900	Board Assistant	<u>Y</u>
005270	Social Work Supervisor	<u>Y</u>

Section 6. Appendix One of the Compensation Ordinance is hereby amended by retitling the following job codes/classifications effective August 29, 2008:

	<u>Class No.</u>	<u>Class Title</u>
From:	002312	Senior Departmental Personnel Officer
To:	002312	Senior Departmental Human Resources Officer
From:	002328	Departmental Personnel Officer
To:	002328	Departmental Human Resources Officer
From:	002378	Personnel Manager, HHSA
To:	002378	Human Resources Manager, HHSA

Section 7. Appendix One of the Compensation Ordinance is hereby amended by designating the following job code/classification as “ Terminal” effective August 29, 2008:

<u>Class No.</u>	<u>Class Title</u>
004424	Pediatric Therapy Specialist Assistant (T)

Section 8. Subsection (c) (5) of 1.5.1 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.5.1: WORK PERIODS.

(c) Work Period.

- (5) PO and SO Classes. For employees in classifications designated PO and SO the normal work period shall consist of fourteen (14) consecutive days within which is included four (4) days of rest in a fourteen (14) consecutive day period.

Section 9. Subsection (b) (3) of 1.6.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.6.2: OVERTIME AND FLSA/NON-FLSA COMPENSATORY TIME.

(b) Overtime Designators and Compensation for Overtime.

(3) Non-Exempt Designator “N” – Premium Cash or Compensatory Time.

- (a) Non-exempt employees covered by the FLSA are eligible for overtime at time and one-half (1½) cash or compensatory time off. The decision to pay cash or compensatory time off shall be at the discretion of the appointing authority.
- (b) For employees in classes with non-exempt designator "N," cash payment shall be made at straight-time rates for all of the eligible employees' FLSA compensatory time balance upon termination. This payoff shall be at the average hourly rate received by the employee during the last three years of employment, or the final hourly rate, whichever is higher.
- (c) Classes designated DI and DM. Eligible for cash compensation at one and one-half (1½) rate for each hour of overtime worked over 85 hours in a work period. With the approval of the appointing authority, eligible employees in classes with designator "N" may receive compensatory time off at one and one-half (1½) rate in lieu of cash compensation. The appointing authority may approve the payment of cash at the regular hourly rate in lieu of compensatory time for any portion of an employee's accumulated FLSA compensatory time that has been on the employee's leave balance for more than thirty (30) days.
- (d) Classes Designated PO and SO.
- (i) Full-time Employees: Full-time employees' overtime is authorized or ordered work, actually worked by an employee, which is in excess of the employee's regularly scheduled work period. No full-time employee will be paid overtime unless he/she works more than eighty-four (84) hours in any work period. When the appointing authority establishes a work schedule which is the employee's routine work schedule, and such schedule results in the employee routinely working more than eighty-four (84) hours in a work period, the hours actually worked in the work period which exceed eighty-four (84) hours shall be considered overtime.

- (ii) Part-time Employees: Permanent part-time employees' overtime is authorized or ordered work, actually worked by an employee, which is in excess of eighty-four (84) hours per work period. When the appointing authority establishes a work schedule which is the employee's routine work schedule, and such schedule results in the employee routinely working more than eighty-four (84) hours in a work period, the hours actually worked in the work period which exceed eighty-four (84) hours shall be considered overtime.
- (iii) Extra Hours Worked: Extra hours or hours actually worked in excess of eighty (80) hours but less than eighty-four (84) hours in the fourteen (14) day consecutive day work period shall be compensated at straight time hourly rate.
- (e) Classes Designated DS: Overtime is authorized or ordered work, performed by an employee which is in excess of eighty-five (85) hours in the standard work period.

Section 10. Subsection (c) of 1.6.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.6.2: OVERTIME AND FLSA/NON-FLSA COMPENSATORY TIME.

- (c) Work Hours Required Before Overtime is Accrued.

Work Period Hours Required Before Overtime is Accrued								
Union Code	O/T Code	Reg Work Period		Full-Time Employee		Permanent Part-Time Employee		O/T Earned at:
		Days	Hours	Wk 1	Wk 2	Wk 1	Wk 2	
CEM, MA, PR, MM	E	14	80	80		80		1.0 after 80 hours
SM (7K Exempt)	E	14	85	85		85		1.0 after 85 hours
AE, CE, CEM, CL, CM, CR, FS, HS, MA, MM, PR, PS, RN, SS, SW	N	7	40	40	40	40	40	1.5 after 40 hours
PS classes: 5726, 5727, 5728, 5729 (Public Assistance Investigator Trainee, I, II and Supervisor)	N	14	80	80		80		1.5 after 80 hours
7J Exempt employees (San Diego County Psychiatric Hospital)	N	14	80	80		80		1.5 for any hours worked over 8 hours in a day.
PO, SO (7K Exempt)	N	14	80/84	80/84		80/84		1.0 after 80 hours, then 1.5 after 84 hours.
DI, DM (7K Exempt)	N	14	80	80		80		1.0 after 80, then 1.5 after 85 hours.
DS (7K Exempt)	N	14	85	85		85		1.5 after 85 hours
AM, AS, CC, CS, DA, EM, NA, NE, NM, NS, PD, PM, UM	X	N/A	N/A	N/A	N/A	N/A	N/A	Not Eligible for Overtime

Section 11. Subsection (c) (2) of 1.8.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.6.4: STANDBY.

(c) Standby Compensation.

- (2) Critical Standby Duty. Employees in eligible classes listed below shall be paid the equivalent of two (2) hours compensation for each “critical” standby shift, provided such shift is not longer than the employee’s normal workday. A normal workday is defined as at least eight (8) hours.

Section 12. Subsection (d) of 1.8.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.8.2: WORK LOCATION PREMIUMS.

- (d) Positions in Medical and Detention Facility Locations. Eligible employees assigned to work at a medical or detention facility as his/her primary work location shall be paid twenty-five cents (\$.25) per hour in addition to the salary prescribed for his/her class for each hour worked in the following locations.

<u>Inpatient Units, Admissions and Screening:</u>	
•	San Diego County Psychiatric Hospital
<u>Initial Intake, Admissions and Screening of Kids:</u>	
•	Polinsky Children’s Center
<u>Medication Management:</u>	
•	Central Regional Clinic
•	East County Outpatient Clinic
•	Forensic Mental Health Services
•	Grantville
•	North Coastal Outpatient Clinic
•	North Inland Outpatient Clinic
•	Southeast Region Outpatient Clinic
•	Camp Barrett
•	Juvenile Ranch Facility
<u>Jail Information</u>	
Booking Section	
Release Section	
Dispensary of the Sheriff’s Department	
Psychiatric Security Unit at the Jail	
East Mesa Juvenile Detention Facility	
Kearny Mesa Juvenile Detention Facility	
Jail Kitchens	
Sheriff’s Central Production Center	
Sheriff’s Central Laundry	

<u>Eligible Classes:</u>	
2403	Accounting Technician
2430	Cashier
2493	Account Clerk
2494	Payroll Clerk
2510	Senior Account Clerk
2511	Senior Payroll Clerk

<u>Eligible Classes:</u>	
2513	Senior Cashier
2521	Account Clerk Specialist
2650	Stock Clerk
2655	Sr Storekeeper
2658	Storekeeper II (T)
2660	Storekeeper
2664	Pharmacy Stock Clerk
2700	Office Assistant
2706	Admissions Clerk
2707	Senior Admissions Clerk
2709	Departmental Clerk
2710	Junior Clerk (T)
2715	Records Clerk
2729	Office Support Specialist
2730	Senior Office Assistant
2745	Supervising Office Assistant
2756	Administrative Secretary I
2757	Administrative Secretary II
3008	Word Processor Operator
3009	Senior Word Processor Operator
3046	Medical Records Clerk
5236	Departmental Aide
3049	Medical Records Technician
3055	Senior Medical Records Technician
4260	Pharmacy Technician
6405	Food Services Supervisor
6410	Senior Cook
6411	Cook
6415	Food Services Worker
6520	Linen Marker & Distributor
6530	Laundry Worker
7520	Sewing Room Operator
7530	Sewing Room Supervisor

Section 13. Section 1.12.5 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.12.5: DOCTORAL DEGREE – CHIEF, PUBLIC HEALTH LABORATORY. Eligible employees shall be paid approximately seven and one-half percent (7-1/2%) above their regular base rate upon furnishing satisfactory evidence that they possess a doctoral degree in a field determined by the Director to be especially suited to the position held.

Eligible Classes:

4315 Chief, Public Health Lab

Section 14. 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	41.57
2	2 BR / 1 BA Mobile Home	49.92
3	2 BR / 2 BA Mobile Home	58.21
4	1 BR / 1 BA Apartment	41.57
5	2 BR / 1 BA Apartment	57.48
6	3 BR / 1 BA Apartment	58.21
7	3 BR / 1-1/2 - 2 BA Apartment	66.53
8	1 BR / 1 BA House	49.92
9	2 BR / 1 BA House	58.29
10	2 BR / 2 BA House or 3 BR / 1 BA House	66.53
11	3 BR / 1-1/2 - 2 BA House	74.82
12	4 BR / 2 BA House	191.23

Section 15. Section 2.1.3 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 2.1.3: RELOCATION ALLOWANCE FOR HARD-TO-RECRUIT PROFESSIONAL CLASSES. Upon approval by the Chief Administrative Officer or designee, a relocation allowance, up to \$8,000, may be authorized for professional classes designated by the Director as Hard-to-Recruit. Relocation expenses may include, but are not limited to, personal transportation, moving expenses and temporary housing. Approval must be obtained prior to any job offer. Claims for expenses submitted pursuant to this provision shall be subject to review and determination by the Auditor and Controller prior to reimbursement.

Section 16. Subsection (b) of 3.5.3 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 3.5.3: RELOCATION ALLOWANCE.

- (b) Unclassified Management. Upon determination by the appointing authority and approval by the Chief Administrative Officer or designee, that relocation allowance is appropriate to facilitate recruitment or selection for an appointment to a vacant position in a class designated UM, NA or NE a relocation allowance in an amount not to exceed \$10,000 may be authorized for the actual and reasonable relocation expenses incurred incidental to relocation of the appointee and his/her immediate family to San Diego County. Expenses may include, but are not limited to, personal transportation, moving expenses for household goods, and temporary housing arrangements. Claims for expenses submitted pursuant to this provision shall be subject to review and determination by the Auditor and Controller prior to reimbursement

Section 17. Subsection (b) of Section 4.2.21 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.2.21: PROFESSIONAL TIME OFF.

- (b) Employees in Classes Designated CC and CS.
- (1) General. At the discretion of the County Counsel and in accordance with the standards issued on November 17, 2003, as interpreted by memoranda dated May 12, 2004 and April 18, 2005, an employee may be granted professional time off (PTO) not to exceed a maximum of one hundred twenty (120) hours per fiscal year. The decision on whether to grant Professional Time Off shall be based on the guidelines applicable to PTO, and shall take into account an employee's overall workload involving assigned projects and cases.
- (2) Conditions. In addition to the above referenced guidelines applicable to PTO, Professional Time Off is subject to the following conditions:
- (a) Requests for PTO must be submitted on the Office's Leave of Absence slip and acted upon by the Appointing Authority (or his designee) prior to the commencement of the requested leave.
- (b) PTO shall be limited to a maximum of one hundred twenty (120) available hours each fiscal year.
- (c) PTO shall be limited to increments of full workdays.
- (d) PTO has no cash value and is ineligible for terminal payoff.

Section 18. Section 4.3.1 of the Compensation Ordinance is hereby repealed.

SECTION 4.3.1 DISABILITY LEAVE

Section 19. Section 4.3.1 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.1: FAMILY/MEDICAL LEAVE.

- (a) Family Medical Leave (FML) shall be in accordance with the federal Family and Medical Leave Act of 1993 ("FMLA"), Public Law 103-3, 107 Stat. 6 (29 USC 2601 et seq.) as well as California Family Rights Act of 1991 ("CFRA") pursuant to Govt. Code Section 12945.2, administrative regulations promulgated by the California Fair Employment and Housing Commission, subject to the conditions set forth below. 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. FML is unpaid time off under Federal law which may be granted to an eligible employee for certain qualifying events specified under subsection (c) (2) below. However, employees will be required to use applicable paid leave balances concurrently with FML.
- (c) Eligibility.
- (1) Family Medical Leave shall apply to all biweekly rate employees who have been employed by the County for at least twelve (12) months and for at least one thousand two hundred and fifty (1,250)

hours of service during the twelve (12) month period immediately preceding the commencement of the leave and who meet all the eligibility requirements of the FMLA or the CFRA.

- (2) Qualifying Events for FML Eligibility. An appointing authority is required to grant FML to eligible employees for any of the following qualifying events 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.
- (d) Conditions.
 - (1) Requesting FML. The employee shall give notice to the appointing authority of the need for FML by completing the required forms. 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. The requested leave will be counted against the employee's annual FMLA and California Family rights Act ("CFRA") entitlement as well. This notice shall refer to the leave as "FML".
 - (2) Medical Certification. If an employee is requesting leave for more than three days due to their own serious health condition or a serious health condition of a family member, they must provide medical certification on the form entitled "Certification of Health Care Provider" (Form DHR EB-20). If an employee does not submit a medical certification, FML may not be granted. Under certain circumstances, recertification of the serious health condition may be required.
 - (3) Job Retention. Following FML leave, the employee is entitled to return to the same or an equivalent job upon return from leave. However, should the employee exhaust their FML leave and continue on some other form of County unpaid leave, they may not be entitled to return to their previous position.
 - (4) Health Insurance Liability. The employee may be liable for the payment of health insurance premiums paid by the County during their FML leave if the employee does not return to work for at least thirty (30) days after taking FML leave as more fully set forth in Section 4.3.1(g), Maintenance of Insurance Coverage, below.
 - (5) Fitness-for-Duty. The employee will be required to provide a fitness-for-duty certification before returning to work, unless the appointing authority determines that the certification is not necessary as more fully set forth in Section 4.3.1 (i), Certification Prior to Return from Leave, below.
- (e) 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 due to pregnancy, childbirth, or related medical conditions pursuant to the California Pregnancy Disability Leave provision under Government Code section 12945 which shall not constitute FML. Twelve (12) workweeks of FML may be used once an employee is no longer disabled by pregnancy.

- (f) Coordination with County Leave Programs. FML shall be coordinated with County paid leave and unpaid leave as follows:
- (1) FML Paid Leave. The employee is required by the County of San Diego to substitute accrued vacation or other applicable paid leave in lieu of FML unpaid leave if the employee is eligible for the paid leave according to the County's paid leave provisions. Such paid leave usage will be counted against the employee's FML duration entitlement subject to the following exceptions:
 - (a) Paid injury leave pursuant to Compensation Ordinance section 4.2.3 shall not be counted against FML leave; and
 - (b) 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.
 - (2) 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.
 - (3) 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.
- (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 been provided if the employee had been employed continuously during the entire FML period.
 - (2) Premium Payments During FML Paid Leave. The County will continue to make its regular contributions toward insurance premiums for up to twelve (12) weeks of FML in order to maintain insurance benefits.
 - (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] 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. The employee will be required to continue to pay their share of their regular insurance premium payments during FML.
 - (c) Employee's Failure to Submit Payment While on Leave. 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.
- (h) 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.
- (i) 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 20. Section 4.3.2 of the Compensation Ordinance is hereby repealed.

4.3.2: LEAVE FOR TEMPORARY COUNTY POSITIONS

Section 21. Section 4.3.2 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.2: LEAVE OF ABSENCE WITHOUT PAY.

- (a) Definition. Leave from the employee's class and position without pay, granted at the discretion of the appointing authority. A permanent employee may be granted unpaid leave, either with the right to return or without the right to return. Exception: no paid leave of any kind will be granted an employee who is on suspension as discipline.
- (b) Leave Without Pay with Right to Return. If leave without pay with right to return is granted, after such leave the employee shall be entitled to return to the same class in the same department as was occupied at the commencement of the leave.
- (c) Leave Without Pay without Right to Return. If leave without pay without right to return is granted, after such leave, the employee shall not have entitlement to return to the same class in the same department as he/she occupied at the commencement of the leave.
- (d) With Right to Return – Conditions and Duration of Leave.
 - (1) Appointing Authority Approval. Leave without pay with right to return may be granted at the discretion of the appointing authority in the following instances.
 - (a) 60 Days or Less. For a maximum of sixty (60) workdays for some purpose not otherwise covered by any other leave without pay provision.
 - (i) The employee has exhausted non-FLSA compensatory time off and vacation, unless excluded under subsection (ii) below.

- (ii) Employees shall not be required to exhaust paid leave prior to commencing leave of 60 work days or less in classes designated: AE, AM, AS, CL, CM, CR, DA, DS, FS, HS, MM, PR, PS, RN, SM, SS and SW.
- (b) Temporary Appointment. To accept a temporary appointment (includes provisional and certified temporary appointments) to a classified or (acting temporary) unclassified position in a County department.
 - (i) Conditions. Employees shall not be required to exhaust paid leave.
 - (ii) Duration. Such leaves shall be for a maximum of twenty-six (26) biweekly pay periods, except for employees in classes designated PO, when such leave shall be for a maximum of thirteen (13) biweekly pay periods.
 - (iii) An employee granted leave without pay pursuant to this provision if not offered an opportunity to return to the same class of position in the same department at the expiration of such leave, shall be provided additional leave until a position in his/her class and department is made available to him/her, provided that such employee shall have a right to the first vacancy in his/her class and department which occurs during such additional leave, and provided further that such additional leave shall not exceed twenty-six (26) biweekly pay periods.
- (c) Disability Leave. When certified by a medical doctor to be unable to perform the duties of the employee's position.
 - (i) Conditions. The employee has exhausted paid leave.
 - (ii) Duration. Such leave shall be for the duration of the disability but not to exceed one (1) year.
 - (iii) If an employee is unable to return to work at the end of one (1) year, the employee shall be placed on leave without pay without right to return for a maximum of one (1) year as provided below in section (e), Without Right to Return. While on this additional leave, employees in classes designated AM, AS, CC, CS, DA, PD, PM, PO, and SO, shall be entitled to the first vacancy in the same class in the same department as was occupied at the commencement of the leave.
 - (iv) For employees in classes designated SW, if a disability retirement application is pending with the San Diego County Employees Retirement Association (SDCERA), such leave shall continue until final determination of the application is made.
- (2) Director Approval. At the discretion of the appointing authority, and approval of the Director, Department of Human Resources, an employee may be granted leave without pay for good cause, other than illness, up to twenty-six (26) biweekly pay periods. Good cause includes leave requested for union activity. Such leaves may be extended a maximum of twenty-six (26) biweekly pay periods by the Director if circumstances warrant.
- (e) Without Right to Return – Conditions and Duration of Leave.
 - (1) The Director, Department of Human Resources, may, with proper justification, grant a leave without pay without right to return for a maximum of twenty-six (26) biweekly pay periods.
 - (a) Leave Extension. An employee granted leave without pay pursuant to this provision, if not offered an opportunity to return to the same class of position in the same department at

the expiration of such leave, shall be provided additional leave until a position in his/her class and department is made available to him/her, and provided further that such additional leave shall not exceed twenty-six (26) biweekly pay periods.

- (b) Failure to Return from Leave. Any employee who is not returned to County employment at the expiration of the initial leave without pay and who is not returned to County employment within the next succeeding twenty-six (26) biweekly pay periods shall be deemed to be absent without leave.
- (2) PO employees. For employees in classes designated PO at the discretion of the appointing authority and upon approval of the Director, Department of Human Resources, an employee may be granted leave without pay for good cause, other than illness, up to one (1) year. Such leave may be extended a maximum of one (1) year by the Director, Department of Human Resources, if circumstances warrant. At the expiration of leave without pay without right to return an employee shall have the right to the first vacancy in the class in the department.

Section 22. Section 4.3.3 of the Compensation Ordinance is hereby repealed.

SECTION 4.3.3: MISCELLANEOUS LEAVE

Section 23. Section 4.3.3 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.3: COMPULSORY LEAVE.

- (a) Definition. Compulsory Leave means the employee's non-disciplinary absence from duty imposed by the appointing authority. When placed on such leave, paid leave and compensatory time off shall first be exhausted before the employee is placed on compulsory leave without pay.
- (b) Conditions.
 - (1) Required Examination. If, in the opinion of an employee's appointing authority, such employee is mentally or physically incapacitated to perform assigned duties, such employee may be required by the appointing authority to submit to examination by a licensed physician or licensed clinical psychologist designated or approved by the Commission.
 - (2) Report. If the report of the physician or licensed clinical psychologist shows the employee to be in a mentally or physically unfit condition to perform assigned duties, the appointing authority shall have the right to compel such employee to take sufficient leave of absence to become fit to perform assigned duties.
 - (3) Commission Appeal. The employee may appeal to the Commission the appointing authority's determination to place the employee on leave.
- (c) Duration. For not to exceed the period necessary for the employee to become fit to perform assigned duties.

Section 24. Section 4.3.4 of the Compensation Ordinance is hereby repealed.

SECTION 4.3.4: LEAVE WITHOUT PAY – STAFF TO ELECTED OFFICIAL

Section 25. Section 4.3.4 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.4: UNPAID MILITARY LEAVE.

- (a) Definition. Unpaid military leave means that an employee is engaged in military service and has exhausted or is not eligible for paid military leave.
- (b) Conditions. Unpaid military leave is automatically granted to employees engaged in active military duty who:
 - (1) Have exceeded the paid thirty (30) days military leave per fiscal year as defined in Section 4.2.6(a) (Military Leave); or
 - (2) Are ineligible for paid leave or who chose not to use paid leave accruals while on military assignment.
- (c) Duration. Shall cease when the employee returns to County paid service or is approved for another type of leave of absence.

Section 26. Section 4.3.5 of the Compensation Ordinance is hereby repealed.

SECTION 4.3.5: LEAVE FROM THE CLASSIFIED SERVICE TO ACCEPT UNCLASSIFIED SERVICE COUNTY POSITIONS

Section 27. Section 4.3.5 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.5: MILITARY SPOUSE/DOMESTIC PARTNER LEAVE

- (a) Definition. Military Spouse/Domestic Partner leave (MSL) is unpaid leave granted to the spouse or domestic partner of a member of the Armed Forces, National Guard or Reserves when that member is on leave from deployment from a designated combat theater or combat zone during a period of military conflict.
- (b) Eligibility. Employees paid at a bi-weekly rate or hourly employees who work an average of twenty (20) hours per week or more are eligible.
- (c) Conditions. Upon request, MSL is automatically granted to employees who:
 - (1) Are the legal spouse or domestic partner of a military member and provide documentation verifying such relationship; and
 - (2) That military member will be on leave from a combat theater/ combat zone as designated by the President by Executive Order during a period of military conflict.
- (d) Duration. An employee may request ten (10) days of MSL per occurrence of the military member receiving qualified military leave.
- (e) Coordination with County Leave Programs. Employees may substitute accrued vacation and other applicable paid leaves in lieu of unpaid leave if the employee is eligible for the paid leave according to the County's paid leave provisions.

Section 28. Section 4.3.6 of the Compensation Ordinance is hereby repealed.

SECTION 4.3.6: SHORT TERM VOLUNTARY WORK FURLOUGH

Section 29. Section 4.3.6 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.6: LEAVE WITHOUT PAY-STAFF TO ELECTED OFFICIAL

- (a) Definition. The Director, Department of Human Resources, may grant a leave without pay to a classified employee for an indefinite period of time to accept an unclassified position as staff to an elected official. This leave may be either with or without the right to return. The employee shall not be required to exhaust paid leave.
- (b) Exception. This section shall not apply to classes designated PO and SO.

Section 30. Section 4.3.7 of the Compensation Ordinance is hereby repealed.

SECTION 4.3.7: LONG TERM VOLUNTARY WORK FURLOUGH

Section 31. Section 4.3.7 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.7: LEAVE FROM THE CLASSIFIED SERVICE TO ACCEPT UNCLASSIFIED SERVICE COUNTY POSITIONS

- (a) Application. The provisions of this section are only applicable to employees in classes designated AE, AM, AS, CC, CE, CEM, CL, CM, CR, CS, DA, DI, DM, DS, FS, HS, MA, MM, PO, PD, PM, PR, PS, RN, SM, SO, SS, or SW.
- (b) Definition. Leave from the classified service without pay, granted at the discretion of the Director, to accept a position in the Unclassified County Service; without the right to return.
- (c) Conditions. The employee:
 - (1) has accepted appointment to a position in the Unclassified Service;
 - (2) shall not be required to exhaust paid leave.
- (d) Duration. For an indefinite period.

Section 32. Section 4.3.8 of the Compensation Ordinance is hereby repealed.

SECTION 4.3.8: COMPULSORY LEAVE

Section 33. Section 4.3.8 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.8: SHORT-TERM VOLUNTARY WORK FURLOUGH. Notwithstanding any other provision of this article, the appointing authority, on approval of the Chief Administrative Officer for good cause may grant a permanent or probationary employee a voluntary leave of absence without pay with right to return to the same position, subject to the following conditions:

- (a) Leave must be taken in increments of one full regular work day for the eligible employee; e.g. eight (8), nine (9), ten (10), or twelve (12) hours.

- (b) Such leave shall be available only during a period or periods of time designated by the Board of Supervisors as times of economic hardship.
- (c) The amount of leave time taken during the period authorized by the Board of Supervisors shall not exceed the total number of hours in one regular pay period of the eligible employee.
- (d) Credits toward sick leave, vacation, and holiday eligibility shall accrue as though the employee were on paid status.
- (e) Time on this special unpaid leave shall apply toward time in service for step advancement, completion of probation, and toward seniority for purposes of layoff.
- (f) Shall be granted without requiring employees to first use accumulated vacation and compensatory time off prior to taking this special unpaid leave.
- (g) Such leave is available only to employees who are on paid status the entire work day before as well as the entire work day after the work furlough day(s).
- (h) Employees on other leave without pay shall not be eligible for work furlough.

Section 34. Section 4.3.9 of the Compensation Ordinance is hereby repealed:

SECTION 4.3.9: SPECIAL LEAVE – AM, AS, and DA.

Section 35. Section 4.3.9 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.9: LONG-TERM VOLUNTARY WORK FURLOUGH. Upon determination by the appointing authority that work force reductions may be necessary in the department, the appointing authority, with the approval of the Director, Department of Human Resources, may grant a corresponding number of permanent employees leave without pay with right to return to the same class in the same service/division in the department in which the leave was granted, for up to twenty-six (26) biweekly pay periods subject to the following conditions:

- (a) Shall be granted without requiring employees to use accumulated vacation and compensatory time off;
- (b) In the event there is no vacancy upon expiration of the leave, the employee may displace an employee in the same class who has fewer layoff points. In the event there is no vacancy, and no employee in the same class with fewer layoff rating points, an additional leave of up to twenty-six (26) biweekly pay periods shall be granted during which the employee, if still physically fit, may fill the first vacancy which occurs in the same class:
 - (1) For employees in classes designated DI, DM, DS and SM the physical fitness standard applicable upon return shall not be greater than the standard applicable to the employee at the time of the furlough request.
 - (2) For employees in classes designated PO employees may fill the first vacancy which occurs in the same class after exhaustion of the reinstatement list for that class.
- (c) The employee who is granted this type of leave shall continue to accrue seniority for purposes of calculating layoff rating points in the same manner as if on paid leave.
- (d) It is understood that employees granted this type of leave will not be eligible for unemployment compensation benefits while on leave.

- (e) It is understood that employees granted this type of leave will not accrue sick leave or vacation credits while on leave.
- (f) It is understood that the County's share of health insurance premiums for the employee will not be paid during this type of leave, but the employee may continue such coverage at his/her own expense.

Section 36. Section 4.3.10 of the Compensation Ordinance is hereby repealed:

SECTION 4.3.10: APPEALS.

Section 37. Section 4.3.10 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.10: SPECIAL LEAVE – AM, AS, DA, PD and PM. The appointing authority, for good cause, may grant a permanent employee a voluntary leave of absence without pay with the right to return for a maximum of twenty-six (26) biweekly pay periods. Leave pursuant to a sabbatical leave program approved by the appointing authority shall be considered leave for good cause.

Section 38. 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 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 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) 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.
- (c) 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, 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 18, 2009, and, at that time, is repealed unless otherwise extended by ordinance action of the Board of Supervisors.

Section 39. Section 4.3.12 of the Compensation Ordinance is hereby repealed:

SECTION 4.3.12: FAMILY/MEDICAL LEAVE.

Section 40. Section 4.3.12 of the Compensation Ordinance is hereby added to read as follows:

SECTION 4.3.12: DENIAL OF LEAVE. Any question arising out of the denial of leave without pay shall be decided by the Director, Department of Human Resources.

Section 41. Subsection (d) of 5.1.6 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.1.6: FLEXIBLE BENEFITS PLAN.

- (d) County Contributions Toward Flexible Benefit Plan. Insurance premium costs shall be borne by the employee excepting that the County shall make the following contribution toward the Flexible Benefits Plan (which includes health insurance). The employee's insurance premium costs will be reduced by the amount the employee elects to distribute to his or her insurance premium costs from the County's contribution toward the Flexible Benefits Plan. The County's contribution toward the Flexible Benefits Plan shall be:

- (1) Employees in classes designated EM, NA, NE, and UM under the UCL Benefit Program.

<u>Effective January 1, 2008:</u>	Monthly
Employee Only	\$ 398.00
Employee + 1 Dependent	566.00
Employee + 2 or More Dependents	777.00
<u>Effective January 1, 2009:</u>	Monthly
Employee Only	\$ 438.00
Employee + 1 Dependent	623.00
Employee + 2 or More Dependents	855.00

- (2) Employees in classes designated CE under the CNM and CEM, MA, and NM under the MGT Benefit Programs.

<u>Effective January 1, 2008:</u>	Monthly
Employee Only	\$ 361.00
Employee + 1 Dependent	529.00
Employee + 2 or More Dependents	739.00
<u>Effective January 1, 2009:</u>	Monthly
Employee Only	\$ 397.00
Employee + 1 Dependent	582.00
Employee + 2 or More Dependents	813.00

(3) Employees in classes designated under the SW Benefit Program.

<u>Effective January 1, 2008:</u>	Monthly
Employee Only	\$ 330.00
Employee + 1 Dependent	493.00
Employee + 2 or More Dependents	701.00
<u>Effective January 1, 2009:</u>	Monthly
Employee Only	\$ 363.00
Employee + 1 Dependent	542.00
Employee + 2 or More Dependents	771.00

(4) Employees in classes designated AE, CL, CM, CR, FS, HS, MM, NS, PO, PR, PS, RN and SS under the NMG Benefit Program.

<u>Effective January 1, 2008:</u>	Monthly
Employee Only	\$ 315.00
Employee + 1 Dependent	469.00
Employee + 2 or More Dependents	672.00
<u>Effective January 1, 2009:</u>	Monthly
Employee Only	\$ 347.00
Employee + 1 Dependent	516.00
Employee + 2 or More Dependents	739.00

(5) Employees in classes designated DS and SM under the SHRF Benefit Program.

<u>Effective January 1, 2008:</u>	Monthly
Employee Only	\$ 266.00
Employee + 1 Dependent	422.00
Employee + 2 or More Dependents	625.00
<u>Effective January 1, 2009:</u>	Monthly
Employee Only	\$ 293.00
Employee + 1 Dependent	464.00
Employee + 2 or More Dependents	688.00

(6) Employees in classes designated DI and DM under the DAI Benefit Program.

<u>Effective October 1, 2008</u>	Monthly
Employee Only	\$356.00
Employee + 1 Dependent	514.00
Employee + 2 or More Dependents	718.00
<u>Effective October 1, 2009</u>	Monthly
Employee Only	\$392.00
Employee + 1 Dependent	565.00

Employee + 2 or More Dependents 790.00

- (7) Employees in classes designated CC and CS under the CC Benefit Program, DA, AS and AM under the DA Benefit Program, and PD and PM under the PD Benefit Program.

Effective January 1, 2008: Monthly

Employee Only \$ 339.00
Employee + 1 Dependent 493.00
Employee + 2 or More Dependents 696.00

Effective January 1, 2009 Monthly

Employee Only \$ 373.00
Employee + 1 Dependent 542.00
Employee + 2 or More Dependents 766.00

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

Effective October 1, 2006: Monthly

Employee Only \$ 328.00
Employee + 1 Dependent 481.00
Employee + 2 or More Dependents 672.00

Section 42. Subsection (f) of 5.9.1 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.9.1: HOLIDAYS.

- (f) Holiday Occurring on a Regularly Scheduled Day Off. If a County holiday, except holidays occurring on a Saturday or Sunday, falls on an eligible employee's scheduled day off, the employee will earn compensatory time off equivalent to one tenth (1/10) the number of scheduled hours in that employee's normal biweekly pay period.

Section 43. Section 5.11.1 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.11.1: EMPLOYEE RECOGNITION AND AWARDS PROGRAM.

- (a) Establishment and Purpose of Program. Individual departments may enact employee recognition and awards programs. The purpose of such programs is to recognize exemplary individual employees and groups of employees and improve public service through enhanced motivation. Through such programs, departments may grant commendations, cash and non-cash employee recognition leave awards to selected individual employees or groups of employees as authorized herein.
- (b) Definition. The Employee Recognition and Awards Program is administered by each appointing authority for the benefit of the employees in the appointing authority's department/office. Awards for recognition of individual employees and groups of employees shall be provided as authorized in this article. The purpose of such program shall be to improve productivity and/or customer service through enhanced motivation.
- (c) Criteria. An eligible individual employee or group of employees shall have demonstrated sustained above-average performance which (1) consistently has a positive impact on over-all efficiency and/or productivity in an area or function of the department or office; and/or (2) which enhances public relations and customer service. Each participating department shall establish and maintain written guidelines additional to these

criteria for eligibility for specific awards under its Employee Recognition and Awards Program. Such guidelines shall not conflict with the provisions of this article.

(d) Method of Calculation.

(1) Funding. Payment of cash and non-cash awards shall be from department appropriations.

(2) Types of Awards. Recognition awards may include job enhancements such as office supplies or equipment, or they can be more suited to individual interests, such as tickets to local events, gift certificates, luncheons or dinners, flowers, plaques, cash, employee recognition leave, or any other items of monetary or non-monetary value that the appointing authority determines will provide motivation, falls within the overall cost limitations prescribed herein, and is consistent with the criteria set forth under Subsection (c) above and Section 4.2.11, Employee Recognition Leave.

(3) Maximum Award.

(a) The maximum total cash or non-cash value of each separate award shall not exceed \$1,000.00 and no one employee shall receive awards valuing more than \$1,000.00 per fiscal year regardless of the source of the award.

(b) The cash value of Employee Recognition Leave shall not be included in the maximum amount of the award.

(c) Any plaque/certificate commemorating the award up to a maximum cash value of \$20.00 shall not be included in the calculation of the maximum amount of the awards.

(e) Reporting. A semi-annual report of the number, type and cash value of each award granted shall be submitted to the Chief Administrative Officer by the department at the end of each fiscal year and at the end of each calendar year.

(f) Eligibility. Employees in classes designated AE, AM, AS, CC, CE, CEM, CL, CM, CR, CS, DA, DI, DM, EM, FS, HS, MA, MM, NA, NE, NM, NR, NS, PD, PM, PO, PR, PS, RN, SO, SS, SW or UM are eligible for recognition awards under this program.

Section 44. Effective Date. Sections 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 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 45. Operative Date. Operative dates by specified section are listed in the table below.

Section Number	Operative Date
Section 1	8/29/08
Section 2	8/29/08
Section 3	8/1/08
Section 4	8/1/08
Section 5	8/1/08
Section 6	8/29/08
Section 7	8/29/08
Section 8	8/1/08
Section 9	8/1/08
Section 10	8/1/08
Section 11	8/1/08
Section 12	8/1/08
Section 13	8/1/08
Section 14	8/1/08
Section 15	8/1/08
Section 16	8/1/08
Section 17	7/22/08
Section 18	8/1/08
Section 19	8/1/08
Section 20	8/1/08
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Section 35	8/1/08
Section 36	8/1/08
Section 37	8/1/08
Section 38	8/1/08
Section 39	8/1/08
Section 40	8/1/08
Section 41	8/1/08
Section 42	8/1/08
Section 43	8/1/08

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 22nd day of July, 2008.