

**AN ORDINANCE AMENDING
THE COMPENSATION ORDINANCE**

AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE

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

Section 1. Subsection (n) of section 4.2.1 of the Compensation Ordinance is hereby amended to read as follow:

SECTION 4.2.1: VACATION.

- (a) Definition. Vacation is a paid absence from work to refresh and rejuvenate an employee.
- (b) Availability of Credit and Minimum Unit. Vacation credits shall become available for use on the first day of the period of paid service following the pay period in which they were earned. Vacation credit shall be accrued and used in tenths of hours.

(Amended 02/12/02, Ord. No. 9433)

- (1) No vacation credits shall be eligible for terminal payment until the employee has completed a minimum of one year (12 months) of continuous paid service in his/her current employment.

(Amended 11/07/86, Ord. No. 7228)
 (Amended 12/14/90, Ord. No. 7835)
 (Amended 05/03/91, Ord. No. 7904)
 (Amended 03/15/96, Ord. No. 8650)
 (Amended 09/22/00, Ord. No. 9247)
 (Amended 12/15/00, Ord. No. 9288)
 (Amended 07/17/01, Ord. No. 9356)
 (Amended 07/17/01, Ord. No. 9360)
 (Amended 01/11/02, Ord. Nos. 9415; 9417)
 (Amended 02/12/02, Ord. No. 9433)

- (c) 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
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(Amended 10/07/88, Ord. No. 7533)

- (2) Additional Earnings (Unclassified Only): Bene Plan 01, 03 and 04. In addition to the vacation credit earned under (1) above, an eligible employee in a class assigned to Bene Plan 01 or 03, or an eligible employee assigned to Bene Plan 04, shall earn 1.923% of a working hour of vacation credit for each hour of paid service.

(Amended 12/15/00, Ord. No. 9288)

(Amended 02/12/02, Ord. No. 9433)

- (3) Additional Earnings: Bene Plan 02. In addition to the vacation credit earned under (1) above, an eligible employee in a class assigned to Bene Plan 02 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.

(d) Granting Vacation, Vacation Schedules, Holidays.

- (1) Vacation Schedule. Vacation schedules shall be arranged by the appointing authority with particular regard to the needs of the service, and so far as possible, the wishes of the employee. Vacation time may commence any hour of any day of the week. The appointing authority may, in his/her discretion, divide the employee's vacation time if the needs of the service so require or permit.

- (2) Use of Credits. All vacation granted to and taken by an employee will be charged against that employee's accrued vacation credits.

- (3) Holidays During Vacation. Paid holidays immediately preceding, immediately following, or wholly within the vacation period shall not be charged as vacation, except that when the eligible employee is

paid the monetary value of vacation credits, or granted pre-retirement terminal vacation, such paid holidays shall be charged as vacation.

(e) Accumulation.

- (1) Application. This subsection applies to all employees except those in classes designated CE, CEM, EC, EM, EU, MA, NA, NE, NM, NR, NS, UM, SD0, SD1 and SD2. This section shall not apply to classes in Superior Court Service.

(Added 11/18/92, Ord. No. 8176)
(Amended 01/08/93, Ord. No. 8195)
(Amended 01/08/93, Ord. No. 8650)
(Amended 08/15/97, Ord. No. 8823)
(Amended 11/07/97, Ord. No. 8843)
(Amended 09/25/98, Ord. No. 8959)
(Amended 09/22/00, Ord. No. 9247)
(Amended 07/17/01, Ord. No. 9356)
(Amended 07/17/01, Ord. No. 9360)
(Amended 02/12/02, Ord. No. 9433)

(2) Maximum Accumulation.

(Amended 02/12/02, Ord. No. 9433)

- (a) The balance of an employee's vacation credits of record (including vacation earned but not credited); hereinafter, "accumulation" shall not exceed an amount equal to twice the annualized current vacation earnings rate of the employee. This is the employee's "Maximum Balance".
- (b) In any payroll period, an employee shall earn vacation equal to the lesser of:
- (1) The earnings specified in (c) "Computation", above; or
 - (2) The amount of earnings necessary which, when added to the employee's existing accumulation, will cause the accumulation to equal the employee's Maximum Balance.
- (c) If, at the end of any payroll period an employee's accumulation equals or exceeds the employee's Maximum Balance, no vacation credits shall be earned by the employee for that payroll period.
- (d) Employees whose vacation accumulation exceeds their Maximum Balance on the operative date of this provision will not have the excess credits removed except through normal usage (including Catastrophic Leave donations), pay down in accordance with Section 4.2.1(h) below, pay off in accordance with Section 4.2.1(g) below, or adjustment required to correct an error.
- (3) Notification of Required Usage. The appointing authority shall notify employees who have reached 80% of their Maximum Balance.

(Amended 04/29/94, Ord. No. 8390)
(Amended 03/15/96, Ord. No. 8650)

- (f) Accumulation- Classes Designated (CE, CEM, EC, EM, EU, MA, NA, NE, NM, NR, UM, SD0, SD1, and SD2)

(Amended 11/07/97, Ord. No. 8843)
(Amended 09/22/00, Ord. No. 9247)
(Amended 07/17/01, Ord. No. 9356)
(Amended 02/12/02, Ord. No. 9433)

- (1) Maximum Accumulation.

- (a) Definition. An employee's "maximum accumulation" of vacation credits (including vacation earned but not credited) shall be the greater of either:

- (1) two and one-half times the employee's annualized full-time, current vacation earnings rate; or

(Amended 02/12/02, Ord. No. 9433)

- (2) the amount of the employee's earned vacation credits as of the end of payroll 6 in fiscal year 1997-98 (September 11, 1997), less any reduction to this amount pursuant to the cash-out/pay-down provision of subsection (h) of Section 4.2.1.

(Amended 02/12/02, Ord. No. 9433)

- (g) Payoff of Unused Vacation.

(Amended 02/12/02, Ord. No. 9433)

Separation from County Service.

- (1) Employees shall not be eligible for terminal payment until the employee has completed a minimum of one year (twelve months) of continuous paid service in his/her current employment.

(Amended 07/17/01, Ord. No. 9356)

- (2) Except as otherwise provided in Article 4.2.1(g)(3) below, an eligible employee separating from County service, whether voluntarily or involuntarily, or ceasing to earn vacation credit due to changing from a biweekly to other pay rate, shall be paid the monetary value of all available vacation credit, including credit earned during the pay period in which the change of status occurs. The monetary value shall be computed on the basis of the employee's rate of pay at the time of separation or change of status, and shall not include any increase in pay

which would have occurred had the vacation been granted, nor shall it include payment for any holiday. Notwithstanding the above, an eligible employee retiring from County service may be granted pre-retirement vacation in lieu of being paid its monetary value.

(Amended 03/15/96, Ord. No. 8650)

(Amended 08/15/97, Ord. No. 8823)

(Amended 09/22/00, Ord. No. 9247)

(Amended 01/08/03, Ord. No. 9526)

- (3) Notwithstanding any other provision in this Article 4.2.1(g), for employees designated AM, AS, CC, CE, CEM, CS, DA, DI, DM, EC, EM, EU, MA, NA, NE, NM, NR, PD, PM, SD0, SD1, SD2, SO, SM, SW, or UM, an eligible employee who is a participant in the County of San Diego Defined Benefit Pension Plan or the County of San Diego Defined Contribution Savings Plan or both of such plans on the date of his or her separation from County service, shall not be paid the monetary value of all available vacation credit as provided in Article 4.2.1(g) above but, in lieu of such payment, shall receive the benefits provided for under the County of San Diego Defined Benefit Pension Plan and the County of San Diego Defined Contribution Savings Plan, if any, as provided therein.

(Added 01/08/03, Ord. No. 9526)

(h) Vacation Credit Pay-Down/Cash Out

(Amended 02/12/02, Ord. No. 9433)

- (1) Application. For all employees, an Appointing Authority may authorize a portion of an employee's vacation credits to be

converted to a cash payment under the following circumstances:

(Amended 02/12/02, Ord. No. 9433)

- (a) The employee's vacation balance has exceeded an amount equal to eighty percent (80%) of his/her Maximum Balance; and,
- (b) The employee is, or imminently will be, foregoing vacation credit accruals due to reaching the Maximum Balance; and
- (c) The employee has requested, and been denied, use of vacation prior to reaching their Maximum Balance; and
- (d) The employee has used one half (50%) of their authorized annualized vacation accrual for the period inclusive of payroll 07 of the previous fiscal year and payroll 06 of the current fiscal year; and,

(Amended 02/12/02, Ord. No. 9433)

- (e) The pay down shall be limited to an amount which will leave a remaining balance of no less than seventy-five percent (75%) of

the Maximum Balance. For employees designated DI, DM, DS, and SM the paydown shall be limited to a maximum amount of \$4,000 per fiscal year, which will leave a remaining balance of no less than 75% of their maximum balance.

(Amended 02/12/02, Ord. No. 9433)

- (f) When an employee is to be paid or credited the monetary value of vacation, such compensation shall be made on the basis of the employee's basic rate of pay at the time, plus those applicable premiums or bonuses which are being paid as part of the employee's hourly rate at the time of separation, exclusive of any biweekly fixed dollar amount premiums and any other premiums specifically identified as excluded from terminal payout.

(Added 07/17/01, Ord. No. 9356)

(Amended 01/11/02, Ord. Nos. 9415; 9417)

(Amended 02/12/02, Ord. No. 9433)

- (i) Extraordinary Case Load Exception. An employee designated PD or PM who is assigned as defense for a major, complex, high profile case for which the trial, or trial related activities, extends over twelve (12) continuous months or more and results in the employee not receiving vacation accruals because of meeting or exceeding the maximum vacation balance, may have such vacation, which they would have earned, credited by the appointing authority with the approval of the Chief Administrative Officer. Such request must be submitted to the appointing authority within one (1) year of conclusion of the "high profile" case. In addition, no vacation credits shall be made until the employee has reduced his/her maximum balance within this same one (1) year period to allow the vacation credits to be made without exceeding the employee's maximum allowable accumulation.

(Added 09/27/96, Ord. No. 8720)

(Amended 08/15/97, Ord. No. 8823)

(Amended 07/17/01, Ord. No. 9356)

(Amended 02/12/02, Ord. No. 9433)

- (j) CAO Sponsored Special Task Force Credit: An unclassified or non-represented employee who is assigned to a CAO sponsored special task force for a period of over twelve (12) continuous months or more and which assignment results in the employee not receiving vacation accruals because of meeting or exceeding the maximum vacation balance, may have such vacation, which the assigned employee would have earned, paid out in its cash value by the appointing authority with the approval of the Chief Administrative Officer or that Officer's designee. Such request must be submitted to the appointing authority within one (1) year of conclusion of the assignment to such special task force. In addition, no vacation credits shall be accrued until the employee has reduced his/her maximum balance within this same one (1) year period following the task force assignment.

(Added 05/08/01, Ord. No. 9336)

(Amended 07/17/01, Ord. No. 9356)

(Amended 02/12/02, Ord. No. 9433)

- (k) Major Project or Workload Exception. Notwithstanding subsection (h) for employees designated CE, CEM, MA, EC, EU, EM, NA, NE, NM, NR, UM, SD0, SD1, and SD2, effective January 10, 2002, for employees in classes designated AE, CL, CM, CR, FS, HS, MM, PO, PR, PS, RN, SO, SS, SW, an employee who is assigned to a major project or significant workload for which the project or work related activities extend over twelve (12) continuous months or more and the employee is, or imminently will be, foregoing vacation credit accruals due to reaching the Maximum Balance, may have vacation credits converted to cash payment as described in subsection (h) above.

(Added 07/17/01, Ord. No. 9356)
(Amended 02/12/02, Ord. No. 9433)

- (l) Extraordinary Case Load Exception. Employees in representation units: AM, AS, and DA who are assigned to a major, complex, high profile case for which the trial, or trial related activities, extends over twelve (12) continuous months or more and the employee is, or imminently will be, foregoing vacation accruals due to reaching maximum balance, may have vacation credits converted to a cash payment as described in subsection (h) above.

(Added 09/27/96, Ord. No. 8720)
(Amended 08/15/97, Ord. No. 8823)
(Amended 01/11/02, Ord. Nos. 9415; 9417)
(Amended 02/12/02, Ord. No. 9433)

- (m) Injury Leave Exception. An employee who is on injury leave as defined in Section 4.2.3 for a period of six (6) months or more within the last twelve (12) month period and the employee is, or imminently will be, foregoing vacation credit accruals due to reaching the Maximum Balance, may have vacation credits converted to cash payment as described in subsection (h) above and notwithstanding subsection (h) (1) (d) with the approval of the appointing authority and the Director of Human Resources.

(Added 02/12/02, Ord. No. 9433)

- (n) Anti-Terrorist Campaigns Leave Exceptions. An employee who is on Anti-Terrorist Campaigns Leave in support of Operation Enduring Freedom as defined in Section 4.2.20 and is, or imminently will be, foregoing vacation credit accruals due to reaching the Maximum Balance, may have vacation credits converted to cash payment as described in subsection (h) above and notwithstanding subsection (h) (1)(c) and subsection (h)(1)(d) with the approval of the appointing authority and the Director of Human Resources.

Section 2. Section 4.2.20 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.2.20: ANTI-TERRORIST CAMPAIGNS:

- (a) **Definition.** Leave is paid absence from work granted to employees who have been ordered to active military duty as a direct result of the September 11, 2001 attacks on the World Trade Center and Pentagon and in support of Operation Enduring Freedom.
- (b) **Eligibility.** Biweekly rate employees who are members of the reserved corps of the armed forces of the United States or the National Guard or the Naval Militia who have been ordered to active duty as a direct result of the September 11, 2001 attacks on the World Trade Center and Pentagon and in support of Operation Enduring Freedom. Employees shall not be eligible for this paid leave during the period in which they are receiving paid military leave pursuant to the Federal Military Statutes or the California Military and Veterans Code. The Director of Human Resources, in consultation with the employee's appointing authority and the Chief Financial Officer/Auditor and Controller, shall be the final arbiter of eligibility under this section.
- (c) **Duration.** This leave is provided as temporary relief from financial hardship due to loss of pay and benefits for employees on active military duty as a direct result of the September 11, 2001 attacks on the World Trade Center and Pentagon. This paid leave shall cease on the date the employee officially is released from the active military duty or December 31, 2004, whichever occurs earlier.

(Amended 07/23/02, Ord. No. 9486)

- (c) **Method of Calculation.** The amount of this paid leave shall be equal to the employee's normal biweekly gross pay (not including overtime pay) as of the first date the employee is absent from work due to being ordered to active military duty, offset by the amount of gross military pay for such duty including all military allowances paid to the employee. In the event the military pay, including allowances, equals or exceeds the employee's pay for the pay period pursuant to this provision, the employee shall receive no pay for that pay period except that the County shall continue to pay the required employer contributions toward the employee's premiums (including dependents' premiums) for group insurance benefits sponsored by the County of San Diego and the employee shall be responsible for making the required employee and dependent contributions, if any, toward the premiums for such group insurance benefits.
- (e) **Condition of Payment.** Payments authorized under this section shall be conditioned upon compliance with the procedures established by the Chief Financial Officer/Auditor and Controller.

(Added 10/09/01, Ord. No. 9395)

- (f) **Vacation Pay Down Exception.** Eligible employees as defined above will have a vacation pay down as identified in Section 4.2.1 (h)(1)(n).

Section 3. Effective Date. Sections 1 and 2 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.

PASSED, APPROVED and ADOPTED this 21st day of May, 2003.

GREG COX, CHAIRMAN
Board of Supervisors, County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 21st day of May ,2003.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By *Kellie C. Kellogg*
Kellie C. Kellogg, Deputy



APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY *[Signature]*
5/21/03 (18) SENIOR DEPUTY
No. 9554