

ARTICLE 1.2: GENERAL PROVISIONS

SECTION 1.2.1: APPLICATION. The provisions of this chapter apply to the Classified and Unclassified Services of the County, unless expressly provided otherwise or a contrary intention is apparent from the context. Article 1.6 (Overtime, Standby, Call-back and Shift Premiums) shall not apply to the Unclassified Service.

(Amended 07/27/90, Ord. No. 7789)
(Amended 12/09/03, Ord. No. 9618)

SECTION 1.2.2: PAYMENT OF SALARIES. Unless otherwise provided by federal law, state statute, charter, general law, or this ordinance, the salary and compensation of all officers, boards, commissions, assistants, deputies, clerks, attaches, and other employees, as fixed in this ordinance, whether specific as an annual rate, a biweekly rate, or as an hourly rate, per diem or per unit basis, shall be paid in biweekly installments. Any compensation in addition to the base salary for a class, including premium pay, shall also be paid biweekly.

SECTION 1.2.3: BIWEEKLY/REGULAR AND HOURLY RATE.

- (a) Biweekly/Regular Employees. The following employees shall be paid at a biweekly rate, unless a special rate of pay is provided for the position to which appointed:
- (1) Employees having a permanent appointment to a full-time or regularly scheduled part-time position of forty (40) or more hours in each biweekly pay period.
 - (2) Employees having attained permanent status who are temporarily appointed to a full-time or regularly scheduled part-time position of forty (40) or more hours in each biweekly pay period.
 - (3) Employees having a certified temporary appointment to a full-time or regularly scheduled part-time position of forty (40) or more hours in each biweekly pay period.
- (b) Hourly/Temporary Employees.
- (1) All other employees, except those paid at a special rate, are hourly rate employees.
 - (2) The hourly rate is computed by dividing the applicable biweekly rate of pay by the number of working hours in a normal biweekly pay

period for full-time employees for such class. Any fraction of a cent in the resulting quotient shall be rounded upward to the next cent.

(c) Minimum Wage Law.

The minimum hourly pay rate for all regular and temporary employee classes paid at a biweekly or hourly rate shall be no less than the minimum wage per hour according to state law. Whenever an increase to the applicable state minimum wage is enacted, the minimum hourly pay rate for regular and temporary employee classes shall be increased to the extent necessary to equal the new state minimum wage. Increases to minimum hourly pay rates for employee classes shall take effect on the first day of the pay period of the enacted date, as required by the state minimum wage law.

(Amended 06/17/88, Ord. No. 7477)
(Added 02/17/95, Ord. No. 8504)
(Amended 05/08/98, Ord. No. 8906)
(Amended 09/29/06, Ord. No. 9799)
(Amended 01/18/08, Ord. No. 9912)
(Amended 12/05/23, Ord. No. 10870)

SECTION 1.2.4: FULL COMPENSATION. The compensation provided for herein shall be in full for all official services performed. Any additional amounts received by any County employee for any official service shall be paid into the County Treasury and placed to the credit of the general fund unless some other fund is especially designated by law.

(Amended 01/18/08, Ord. No. 9912)

SECTION 1.2.5: APPOINTMENT OF DEPUTIES.

(a) An appointing authority is entitled under the codes, the general law, or the County Charter, to appoint deputies. An employee is appointed as a deputy when he or she is appointed to a position which, according to the County's official job description is identified as a deputy, and/or will perform duties, responsibilities, and functions of a deputy, regardless of whether the position title is designated as "deputy," "clerk," or by any other title. The following actions shall constitute official record in the County that the person appointed to such position is duly authorized to serve as a deputy for his or her principal officer in the County office or department to which the person was appointed:

(1) When the appointing authority for the department or office, in which

the employee is appointed as a deputy, takes and approves an official action to appoint the employee to a deputy position, such official action shall constitute the official record that the employee was appointed as a deputy.

- (2) When the appointing authority for the department or office, in which the employee was appointed as a deputy, takes and approves an official action to terminate such appointment, such official action shall constitute the official record that the employee no longer serves as a deputy, and that all powers and duties associated with the performance of official functions as a deputy have been revoked.
- (b) Pursuant to the authority granted to charter counties by the California Constitution, and pursuant to the authority granted to the Board of Supervisors by the San Diego County Charter concerning the power to prescribe and regulate the duties, qualifications, and manner of appointment of deputies, the process established under this section shall be used to appoint and to revoke the appointment of deputies in lieu of the process established in Government Code section 24102 or any other general law of the state relating to the method of appointment of deputies.
 - (c) The person appointed shall be and is hereby authorized to perform any and all acts which deputies in said departments are entitled to perform. In addition to the number of deputies herein provided, every County officer, except a supervisor or judicial officer, may appoint as many deputies to serve, without compensation, as may be necessary for the prompt and faithful discharge of official duties. Any department head may appoint employees of any other department as deputies in the department without extra compensation.
 - (d) It is hereby clarified that when this Section 1.2.5 was amended pursuant to section 11 of Ordinance No. 9721 on June 24, 2005, and section 8 of Ordinance No. 9734, on September 30, 2005, [hereafter, "Ordinance sections 11 & 8"], which amended and added language to what is now included under subsections (a) and (b) above, the purpose and intent of such language was and is to retroactively apply to all appointments and terminations of appointments of deputies who were employed with the County on and before the effective dates of Ordinance sections 11 & 8. In addition, the provisions of Ordinance sections 11 & 8 prospectively apply to all appointments and terminations of appointments of deputies on and after the effective dates of Ordinance sections 11 & 8.

(Amended 12/09/03, Ord. No. 9618)
(Amended 06/24/05, Ord. No. 9721)

(Amended 09/30/05, Ord. No. 9734)
(Amended 12/21/07, Ord. No. 9910)

SECTION 1.2.6: COMPENSATION AUTHORIZED BY ORDINANCE. No County officer or employee shall receive any compensation or benefits other than as authorized by law, and no County officer or employee shall be compensated for services not actually performed or for hours not actually worked, except for paid leave or compensation provided for herein.

(Amended 03/01/90, Ord. No. 7719)

SECTION 1.2.7: CLASSES EXEMPT FROM FLSA. For purposes of clarifying the meaning of Section 1.2.6 (Compensation Authorized by Ordinance) and the meaning of the provisions of this Compensation Ordinance prior to the March 1, 1990 operative date of Section 1.2.6, compensation authorized by law for employees in classes exempt from the provisions of the federal Fair Labor Standards Act (FLSA) who are subject to the salary test set forth in the FLSA regulations includes compensation for periods of absence from work of less than one full regularly scheduled work day for such employees where they have no accumulated paid leave credits applicable to such absence. These employees are salaried employees within the meaning of the FLSA and thereby are entitled to this compensation pursuant to the provisions of the FLSA and its implementing federal regulations. This section merely clarifies compensation rights of employees exempt from FLSA as such rights have existed pursuant to federal law and this Compensation Ordinance.

(Added 04/05/91, Ord. No. 7873)
(Amended 01/18/08, Ord. No. 9912)

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.

(Added 06/19/09, Ord. No. 9987)