

#### SECTION 4.2.1: VACATION.

- (a) Definition. Vacation is paid time off earned by eligible employees to refresh and rejuvenate.
- (b) Eligibility. To earn vacation credit, or become entitled to take vacation, an employee must be paid at a biweekly rate (i.e. a “regular employee” per Section 1.1.3 (Definitions). Where the rate of pay of an employee is changed to an hourly, per diem, per clinic, per license issued or any other rate of pay other than a biweekly rate, such employee shall not be entitled to any vacation and shall discontinue earning vacation credit. Such employee shall be paid the monetary value of all their unused vacation credit and for any vacation earned but not yet credited to them at the time of the change in their rate of pay.
- (c) 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.
- (d) 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 or granted pre-retirement terminal vacation, such paid holidays shall be charged as vacation.
- (e) Vacation Earnings.
  - (1) General Principles.
    - (a) Continuous Service. Vacation credits are earned by having the stated years of continuous service during present employment.
    - (b) Credits Earned. Credits are earned for each hour of regularly scheduled paid service, including Voluntary Time Off (VTO) and Work Furlough, but not including overtime.
    - (c) 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.
    - (d) Return to Duty Following Layoff or Disability Retirement. When an employee is reinstated after layoff or disability retirement, the continuous service date held immediately

prior to the layoff or disability shall be used for vacation computation.

- (e) Recognition of prior public service. In recognition of time worked for a public employer immediately prior to being hired by the County of San Diego, newly hired employees “lateral deputies” will be given an initial amount of 42.5 hours of vacation in the first payroll period of paid service. Lateral deputies that leave County employment within six months of the date of hire are not eligible to cash out any remaining amount of the initial unaccrued 42.5 hours of vacation. Newly hired “lateral deputies” may be credited for their time worked at the immediately prior public employer for purposes of calculating vacation accrual allowing the employee to accrue vacation hours at a higher rate. This applies to any current “lateral deputy” hired prior to August 5, 2022, in the eligible classes listed below.

Eligible Classes:

- 005746 Deputy Sheriff
- 005757 Deputy Sheriff’s – Detentions/Court Services

(Added 08/30/22, Ord. No. 10805)  
 (Amended 06/27/23, Ord. No. 10855)

- (2) Rate of Earnings. Eligible employees in the designated union codes below earn vacation credit as follows:

Vacation Earnings by Union Code			
Union Code	Years of Continuous Service During Present Employment	Vacation Credit % Earned for Each Hour of Regularly Scheduled Paid Service	Hour/Day Approximate Equivalent for Full-Time Employees Over One Year (26 Biweekly Pay Periods)
AE, CE, CL, CM, CR, DI, DM, FS, HS, MM, PO, PR, PS, RN, SO, SS, SW	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/

Vacation Earnings by Union Code			
Union Code	Years of Continuous Service During Present Employment	Vacation Credit % Earned for Each Hour of Regularly Scheduled Paid Service	Hour/Day Approximate Equivalent for Full-Time Employees Over One Year (26 Biweekly Pay Periods)
			20 days
EM, (excluding class 2109), NA, NE, NS, UM, and employees grandfathered under Section 5.1.5	Less than 5	5.769%	15 days
	5 to 14	7.692%	20 days
	15 or more	9.615%	25 days
Class 2109	Less than 5	7.692%	20 days
	5 to 14	9.615%	25 days
	15 or more	11.538%	30 days
AM, AS, CC, CEM, CS, DA, MA, NM, PD, PM	Less than 5	4.615%	96 hours/ 12 work days
	5 to 15	6.548%	136 hours/ 17 work days
	15 or more	8.461%	176 hours/ 22 work days
DS	Less than 5	3.846%	85 hours/ 10 work days
	5 to 15	5.769%	127½ hours/ 15 work days
	15 or more	7.692%	170 hours/ 20 work days
SM	Less than 5	4.615%	102 hours/ 12 work days
	5 to 15	6.548%	144.5 hours/ 17 work days
	15 or more	8.461%	187 hours/ 22 work days

(Amended 01/16/09 Ord. No. 9963)  
(Amended 10/14/16 Ord. No. 10439)

(f) Granting Vacation, Requests and Schedules.

(1) Vacation Approval. Unless otherwise specified below vacation shall be approved as follows:

(a) The appointing authority determines the time and duration of vacation taken by the employee. Therefore, the advance consent of the appointing authority is required to be obtained by an employee prior to using vacation.

(b) The appointing authority shall endeavor to respond as soon as possible to an employee's written request for vacation but not later than thirty (30) days (within 15 working days for classes designated SW) from the date the request is submitted.

(2) Service Needs.

(a) Vacation schedules shall be arranged with particular regard to the needs of the service, and, so far as possible, with the wishes of the employee.

(b) Designated Attorney Classes. Vacation schedules shall be arranged with particular regard to the needs of the service, and an employee may be required to use vacation for operational or other needs of the department.

Eligible Classes: Classes designated: AM, AS, CC, CS and DA.

(3) PO Classes. In addition to subsection (f)(1) (Vacation Approval) above:

(a) Vacation time may commence any hour of any day of the week and shall consist of consecutive working hours.

(b) When vacation requests are granted, the appointing authority agrees not to interrupt the period of time requested or schedule the employee to work on his/her normally scheduled days off immediately preceding or following the approved vacation, except in cases of emergency.

(4) DS and SM Classes. In addition to subsection (f)(1) (Vacation Approval) above:

(a) Vacation schedules shall be arranged by the appointing

authority in a manner which assures appropriate coverage of service needs and considers the wishes of the employees.

- (b) At the discretion of the appointing authority, an employee's annual vacation time may be divided into separate time periods if the needs of the service require such division.
- (c) An employee may be permitted to alter his or her scheduled vacation time upon the approval of the appointing authority. Vacation may be taken by an employee for time segments of no less than one (1) hour with the approval of the appointing authority.
- (d) The appointing authority may require an employee to take vacation time. Unless requested by the employee, no vacation will be scheduled for a time period of less than five (5) consecutive work days by the appointing authority.

(g) Maximum Vacation Accumulation.

- (1) Maximum Balance. Eligible employees in the designated union codes or job code/classification below have a maximum vacation accumulation as follows:

<b>Maximum Vacation Accumulation</b>					
<b>Union Code</b>	<b>Maximum Allowable Accumulation</b>				<b>High Water Mark Accrual Limits</b>
	<b>Two Times Annualized Vacation Earnings Rate Limit  (2x)</b>	<b>Two and One-Half Times Annualized Vacation Earnings Rate Limit (2 ½x)</b>	<b>Three Times Annualized Vacation Earnings Rate Limit  (3x)</b>	<b>No Limit</b>	
EM, (excluding class 2109), NA, NE, UM			√		Vacation credits as of the end of payroll 6 in FY 97/98 (September 11, 1997), less any reduction to this amount following vacation credit pay-down.
CE, CEM, MA, NM, NS, SO		√			Vacation credits as of the end of payroll 6 in FY 97/98 (September 11, 1997), less any reduction to this amount following vacation credit pay-down.
Class 2109				√	
AE, AM, AS, CC, CL, CM, CR, CS, DA, FS, HS, MM, PD, PM, PO,	√				

Maximum Vacation Accumulation					
Union Code	Maximum Allowable Accumulation				High Water Mark Accrual Limits
	Two Times Annualized Vacation Earnings Rate Limit  (2x)	Two and One-Half Times Annualized Vacation Earnings Rate Limit (2 ½x)	Three Times Annualized Vacation Earnings Rate Limit  (3x)	No Limit	
PR, PS, RN, SS, SW					
DI, DM	√				Vacation credits designated as the employee's "High Water Mark" effective November 17, 2000.
DS	√				Vacation credits designated as the employee's "High Water Mark" effective February 23, 2001.
SM (with less than 15 years of County Service)		√			Vacation credits designated as the employee's "High Water Mark" effective January 12, 2001
SM (with 15 years or more of County Service)			√		Vacation credits designated as the employee's "High Water Mark" effective January 12, 2001

(Amended 03/28/08, Ord. No. 9928)  
(Amended 10/14/16, Ord. No. 10439)  
(Amended 11/09/18, Ord. No. 10571)

(Amended 06/28/22, Ord. No. 10798)  
(Amended 06/27/23, Ord. No. 10855)

(2) Maximum Allowable Accumulation (Maximum Balance).

- (a) If, at the end of any payroll period an employee's accumulation equals or exceeds the employee's allowable vacation earnings rate limit (Maximum Balance), no vacation credits shall be earned by the employee for that payroll period.
- (b) The County shall provide a one-time notification to employees who have reached eighty percent (80%) of their Maximum Balance. For employees designated SO, the County shall provide quarterly notification to employees who have reached eighty percent (80%) of their Maximum Balance. Employees who subsequently reduce their balance below eighty percent (80%) will be notified again on a one-time basis upon reaching eighty percent (80%) of their Maximum Balance.

(Amended 06/20/08, Ord. No. 9943)

(h) Vacation Credit Pay-Down. 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:

- (1) Balance Required. The employee's vacation balance has exceeded an amount equal to eighty percent (80%) of his/her Maximum Balance; and,
- (2) Employee at Limit. The employee is, or imminently will be, foregoing vacation credit accruals due to reaching the Maximum Balance; and
- (3) Request Denied. The employee has requested, and been denied, use of vacation prior to reaching their Maximum Balance; and
- (4) 50% Usage. 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,
- (5) Retention Percent. 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 four thousand dollars \$4,000 per fiscal year, which will leave a remaining balance of no less than seventy-five percent 75% of the Maximum Balance.

- (6) 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.

(i) Vacation Credits at Separation from County Service.

- (1) Separation from County Service. At the time an employee is separated from the County service, the monetary value of all vacation entitlement shall be paid, except for subsection (a) below.

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

Eligible Classes: Classes designated AE, AM, AS, CC, CL, CM, CR, CS, DA, DI, DM, DS, FS, HS, MM, PD, PM, PO, PR, PS, RN, SM, SO, SS and SW.

(Amended 06/20/08, Ord. No. 9943)

- (b) Vacation credits shall be eligible for terminal payment as earned.

Eligible Classes: Classes designated CE, CEM, EM, MA, NA, NE, NM, NS, and UM.

(Amended 06/20/08, Ord. No. 9943)

- (c) An employee retiring from County service may be granted a terminal vacation in lieu of being paid its monetary value. An employee on terminal vacation shall not earn any vacation credit.

- (d) Except as otherwise provided in subsection (i)(2)(b) (Terminal Pay Plan) below, When an employee is to be paid or credited (for retirement) the monetary value of vacation,

such compensation shall be made on the basis of the employee's basic rate of pay at that 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.

(2) Terminal Pay Plan.

- (a) All employees shall participate in the County's Terminal Pay Plan (Plan). However, only the terminal paychecks (including unused vacation) of those employees who have reached the age of fifty-five (55) (age fifty (50) for employees in classes designated DS, SM, and Classes 000160, 000260 and 000265) shall be placed into the Plan. These terminal paychecks shall be placed into the Plan on a pre-tax basis in accordance with the Plan, all applicable laws and all rules and regulations applicable to the Plan.

(Amended 04/11/08, Ord. No. 9932)

(Amended 09/19/14, Ord. No. 10354)

- (b) Notwithstanding any other provision in subsection 4.2.1(i) (Vacation Credits at Separation from County Service), for employees 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, SO, SM, SS, 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 subsection 4.2.1(i) (Vacation Credits at Separation from County Service) 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.

(Amended 10/14/16, Ord. No. 10439)

- (c) Notwithstanding any other provision, a "new member" as defined in Government Code section 7522.04 (f) is not eligible to participate in the County's Terminal Pay Plan.

(Amended 10/14/16, Ord. No. 10439)

- (j) Major Project or Workload Exception. Notwithstanding subsection (h)

(Vacation Credits Pay-Down) for employees designated CE, CEM, MA, EM, NA, NE, NM, NR and UM 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) (Vacation Credits Pay-Down) above.

(k) Extraordinary Case Load Exception.

- (1) Notwithstanding subsections (g)(2) (Maximum Allowable Accumulation) and (h) (Vacation Credit Pay-Down) above, 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 restored, by the appointing authority with the approval of the Chief Administrative Officer. Such restoration must be requested within one (1) year of conclusion of the "high profile" case. In addition, no restoration shall be made until the employee has reduced their maximum balance within this same one (1) year period to allow the restoration to be made without exceeding the employee's maximum allowable accumulation.
- (2) Notwithstanding subsection (h)(4) (Vacation Credit Pay-Down; 50% Usage) above, an employee designated AM, AS or DA who is 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 credit accruals due to reaching the Maximum Balance, may have vacation credits converted to a cash payment as described in subsection (i) (Vacation Credits at Separation from County Service) above.
- (3) Notwithstanding subsection (g)(2) (Maximum Allowable Accumulation) and (h) (Vacation Credit Pay-Down) above, an employee designated CC or CS who is assigned to a major, complex, or 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 credit accruals due to reaching the Maximum Balance, may have vacation credits converted to a cash payment as described in subsection (i) (Vacation Credits at Separation from County Service) above.

(Amended 06/28/22, Ord. No.10798)

- (l) 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.
  
- (m) Injury Leave Exception. Notwithstanding subsection 4.2.1(g) (Maximum Vacation Accumulation) above or covered by 4.2.1(n) (Injury Leave California Labor Code Section 4850 Exception) below, 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 4.2.1(h) (Vacation Credit Pay-Down) above and notwithstanding subsection (h)(4) (Vacation Credit Pay-Down; 50% Usage) with the approval of the appointing authority.

(Amended 03/28/08, Ord. No. 9928)

- (n) Injury Leave California Labor Code Section 4850 Exception. Notwithstanding subsection (g) (Maximum Vacation Accumulation) above, an employee who is on injury leave as defined in Section 4.2.3 (Injury Leave) 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 a cash payment as described in subsection (h) (Vacation Credit Pay-Down) above.

Eligible Classes: Classes designated: DI, DM, DS, PO, SO and SM.

- (o) Child Care Vacation Exchange. See 4.2.10 (Child Care Vacation Exchange).
  
- (p) Anti-Terrorist Campaigns Leave Exceptions. An employee who is on Anti-Terrorist Campaigns Leave in support of Operation Enduring Freedom as

defined in Section 4.2.6 (Military Leave) 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) (Vacation Credit Pay-Down) above and notwithstanding subsection (h)(3) (Vacation Credit Pay-Down; Request Denied) and subsection (h)(4) (Vacation Credit Pay-Down; 50% Usage) with the approval of the appointing authority and the Director of Human Resources.

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

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