

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF AMENDING THE MANAGEMENT) RESOLUTION NO. _____
PERSONNEL BENEFITS POLICY FOR MANAGEMENT)
AND CONFIDENTIAL-UNREPRESENTED EMPLOYEES)

WHEREAS, the Board of Supervisors recognizes and values the work that management, confidential-unrepresented employees, and unrepresented attorneys do to assure efficient County operations and quality public service; and

WHEREAS, the Board of Supervisors recognizes the responsibilities inherent in management and confidential-unrepresented and unrepresented attorney assignments and the extraordinary performance required of these employees; and

WHEREAS, the Board of Supervisors desires to publish a Management Personnel Benefits Policy whereby benefits and certain terms and conditions of employment to be afforded the management, confidential-unrepresented employees, and unrepresented attorneys are officially recognized by the Board of Supervisors; and

WHEREAS, by Resolution No.13-263 the Board of Supervisors set forth the Management Personnel Benefits Policy Resolution for management, confidential-unrepresented employees, and unrepresented attorneys; and

WHEREAS, the Board of Supervisors retains the right at any time to change terms and conditions of employment for employees in these groups; and

WHEREAS, the Board of Supervisors desires to revise this Management Personnel Benefits Policy at this time; and

WHEREAS, the California Healthy Workplaces, Healthy Families Act of 2014 requires employers to provide all covered employees with paid sick leave each year, beginning July 1, 2015; and

WHEREAS, the California Healthy Workplaces, Healthy Families Act of 2014 expands the allowed use of sick leave to include absences related to domestic violence, sexual assault, and stalking; and

WHEREAS, the California Healthy Workplaces, Healthy Families Act of 2014 further requires employers to reinstate unused sick leave balances when an employee separates and returns to work for that employer within one year of separation;

NOW, THEREFORE, BE IT RESOLVED, that Section Eight of Resolution No. 13-263 be amended as follows:

SECTION 8. SICK LEAVE

A. Each regular full-time or regular part-time management, confidential-unrepresented employee, or unrepresented attorney shall accrue sick leave at the rate of .0463 hours for each hour in a regular pay or paid leave status, excluding overtime, call back and standby.

B. Management, confidential-unrepresented employees, and unrepresented attorneys shall receive eighty (80) hours sick leave accrual upon appointment or such prorated amount for regular part-time employees. Employees entering management, confidential-unrepresented, or unrepresented attorney classes from union-represented County classes shall retain their current sick leave balances and shall only receive additional sick leave accrual necessary to provide a balance of eighty (80) hours sick leave.

C. Unused sick leave shall be cumulative from year to year, with no accrual limit.

D. Sick leave usage may not exceed each employee's accrued sick leave balance reported on the Leave Report at the end of the prior pay period immediately preceding the pay period in which the leave is taken. However, the salary of an exempt employee shall not be subject to reduction because of variations in the quantity of work performed except in accordance with Department of Labor regulations (29 C.F.R. §.541.5(d)).

E. Employees may use accrued sick leave for the employee or a specified family member for the diagnosis, care, or treatment of an existing health condition or preventive care, or for specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking. A department head, or other appropriate authority, may require evidence in the form of a physician's certificate, or otherwise, of the adequacy of the reason for any employee's absence during the time for which sick leave was requested. Under no circumstances is sick leave to be used in lieu of, in addition to, or as vacation. The Auditor may require a physician's certificate from the department in order to determine correctness of payroll records.

F. When a member of his/her immediate family is seriously ill or injured and requires the employee's presence and attendance, an employee may be allowed by the appointing authority to use up to one-half of the employee's annual accumulated sick leave to attend such family member; provided that the employee has that many hours of accrued sick leave balance and that not more than six days (48 hours) per year may be allowed for the illness or injury of any one member of the employee's immediate family. Employees in Fire shift assignments may be allowed to use up to three shifts (72 hours) of accumulated sick leave for this purpose. Subject to department head approval, an employee may exceed the six day (or three shift) limit to care for an immediate family member who has a catastrophic or life threatening illness as verified by a physician's statement.

G. Up to a maximum of five days (40 hours) of accumulated sick leave may be granted by the appointing authority or his/her designee to an employee for absence from duty because of any and each death in the employee's immediate family. Employees in Fire shift assignments may be allowed to use up to three shifts (72 hours) of accumulated sick leave for this purpose.

H. For the purposes of Paragraphs F and G above, "immediate family" is defined as husband, wife, domestic partner, parent, stepparent, brother, sister, child, stepchild, grandparent, grandchild, and mother-in-law or father-in-law of the employee.

I. An employee may, when necessary and at the discretion of his department head, be granted up to two hours leave with pay to make voluntary non-remunerated blood donations to non-profit blood banks in the county. Time off in excess of two hours and up to an additional two hours may be used for this purpose, but such additional time off shall be charged to accumulated sick leave. Leave for the purpose of donating blood shall not exceed five times in any one calendar year.

J. Each regular full-time or regular part-time management or confidential-unrepresented employee with an Accumulated Unused Sick Leave balance in excess of 240 hours as of September 17, 1978, is eligible for sick leave payoff in accordance with the following provisions. Upon termination of employment from County service by resignation or retirement in good standing, 50% of the value of the Eligible Accumulated Unused Sick Leave hours will be paid at the employee's hourly rate in effect as of September 17, 1978. Eligible Accumulated Sick Leave hours are defined as the Accumulated Unused Sick Leave hours between 240 and 960 hours reported as of September 17, 1978, or if less, the hours reported at the time of termination.

K. Any payment made under Paragraph J will be made only once to an employee in his/her work history with the County upon honorable termination of employment. If an employee is subsequently rehired in the service of the County, incentive payment for Unused Sick Leave will not be applicable, and previous balances paid off upon termination will not be restored.

L. Except upon layoff in accordance with Civil Service Rule XI, termination of County employment shall abrogate all sick leave accrued to the time of such termination, regardless of whether such person subsequently re-enters County employment or service. Except as provided in Paragraph J, no payment shall be made to any employee for unused sick leave accumulated to his credit at the time of his termination from County service.

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M. Notwithstanding provisions of Paragraph L above, an employee shall have any previously-accrued and unused sick leave hours reinstated if the employee separates from County service and is rehired as a Regular employee within one year of that separation.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

ACCEPTED AND AGREED:
COUNTY OF SANTA BARBARA

By: _____
Deputy

By: _____
JANET WOLF
Chair, Board of Supervisors

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: Victoria Parks Tuttle
Deputy