

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

IN THE MATTER OF AMENDING RESOLUTION) RESOLUTION NO. _____
NO. 05-183, AS AMENDED, BEING THE MANAGEMENT)
PERSONNEL BENEFITS POLICY FOR MANAGEMENT)
AND CONFIDENTIAL-UNREPRESENTED EMPLOYEES)
OF THE COUNTY OF SANTA BARBARA)

WHEREAS, Salary Resolution No.05-183 established benefits for management and confidential-unrepresented employees, including elected officials; and

WHEREAS, this Board of Supervisors finds that there is good cause for amending said Resolution No. 05-183, as amended in the manner provided in this Resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

- 1. Resolution No. 05-183, adopted by this Board on July 21, 2005, is hereby amended by amending that portions of Sections 8 and 10 to read as follows effective December 4, 2006:

SECTION 8. SICK LEAVE

A. Each regular full-time or regular part-time management or confidential-unrepresented employee 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. (Elected officials in office as of the date of adoption of this resolution shall accrue at the equivalent rate, retroactive to their first term.)

B. Management and confidential-unrepresented employees shall receive eighty (80) hours sick leave accrual upon appointment or such prorated amount for regular part-time employees. Employees entering management or confidential-unrepresented classes from County non-management or non-confidential 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. Notwithstanding the above, persons who leave County service for reasons other than layoff and are subsequently reappointed within one year of separation are not eligible for sick leave credit under this provision.

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

D. Sick leave 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. 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 five days (40 hours) of accumulated sick leave to attend such family member; provided that not more than five days 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 five 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, parent, brother, sister, child,

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.

SECTION 10. VACATION

A. For each hour in a regular pay status, excluding overtime, call back and standby, each regular full-time or regular part-time management or confidential-unrepresented employee shall accrue vacation based on continuous County service as provided in the chart below:

Continuous County Service	Hourly/Annual Accrual	Maximum Allowable Accrual
0-2 yrs. (0-24 mo.)	.0463 hrs./96 hrs.	368 hours
3-4 yrs. (25-48 mo.)	.0616 hrs./128 hrs.	368 hours
5-10 yrs. (49-120 mo.)	.0731 hrs./152 hrs.	440 hours
11-14 yrs. (121-168 mo.)	.0847 hrs./176 hrs.	470 hours
15+ yrs. (169+ mo.)	.0962 hrs./200 hrs.	500 hours

(Elected officials in office as of the date of adoption of this resolution shall accrue at the appropriate rate(s), retroactive to their first term.)

B. Vacation accrual may accumulate up to the Maximum Allowable Accrual provided for in the chart in Paragraph A above.

C. For employees in Fire shift assignments who work an average fifty-six (56) hour work week, the annual accrual and maximum allowable accrual provided for in Paragraph A shall be multiplied by a factor of 1.4.

D. Upon appointment to a Department Head classification (Units 40 and 41), an employee shall receive eighty (80) hours of vacation credit if appointed from outside Santa Barbara County government service. Upon appointment to an Assistant Department Head classification (Unit 42), an employee shall receive forty (40) hours of vacation credit if appointed from outside Santa Barbara County government service. Notwithstanding the above, persons who leave County service and who are subsequently reappointed within one year of separation are not eligible for vacation credit under this provision.

E. Employees appointed to positions in Units 32, 40-43 from outside Santa Barbara County government service from either a city, county (other than Santa Barbara County), special district, state or federal government agency shall receive credit for their prior years of public agency service towards their annual vacation accrual rate if that public agency experience ended within six months of the date of employment.

F. In addition to any credit provided for in Paragraph E, above, permanent employees who separate from County service and then return may recoup their past service credit for purposes of vacation accrual under the following conditions:

- Employees may be absent from County service no more than three consecutive years; and
- Employees must have left County service in good standing and their last two performance evaluation ratings prior

to leaving County service must have been satisfactory or above.

Former service credit, in such cases, shall be combined with the new and current employment, in addition to any received in accordance with Paragraph E, above, in determining the employee's vacation accrual rates.

G. Notwithstanding the provisions of Paragraphs A, B and C above, an employee absent due to a work-related injury, receiving Workers' Compensation Temporary Disability and unable to take vacation may accrue vacation above the Maximum Allowable Accrual. Following his/her return to work, the employee shall make every reasonable effort to promptly take vacation in excess of the Maximum Allowable Accrual.

H. Management and confidential-unrepresented employees may, once during each payroll year and with the approval of the department head, request pay for up to eighty hours of accrued vacation in lieu of vacation time off. Such vacation conversion shall be based on the employee's hourly rate in effect at the time of payment. After the vacation conversion, an employee shall have an accrued vacation balance of at least forty hours. Notwithstanding the above, employees in Fire shift assignments may request pay for up to one hundred twelve (112) hours of accrued vacation, and after vacation conversion shall have an accrued balance of at least fifty-six (56) hours. Any cash conversion of accrued vacation approved pursuant to this provision shall be effective no sooner than one year following any previous conversion (i.e., only one conversion is allowed in any twelve month period).

I. Except as provided below, an employee is not entitled to use vacation credits or accrual unless or until he/she has been a regular employee for six (6) continuous months. Consequently, a person failing to complete such service receives no payment for vacation credits upon termination. Department heads and assistant department heads may use the vacation credits provided in Paragraph D above, immediately upon appointment.

J. No payment in lieu of vacation shall be made to any employee except upon termination of employment or as provided for in Paragraph H and upon proper certification to the Auditor by the department head or appointing authority of such accrual. Terminating employees shall be paid for accumulated vacation as of the date of termination.

K. Vacation shall not include any regular holidays taken during a vacation period.

L. Employees may be required to take vacation with reasonable notice.

M. Vacation usage may not exceed each employee's accrued vacation balance reported on the Leave Report at the end of the prior pay period. 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)).

2. Except as amended by this Resolution, Resolution No. 05-183 as amended, continues unchanged as in full force and effect.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2006 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD

Chair, Board of Supervisors

By: _____ (SEAL)
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL
NOVEMBER 1993
12/5/06