



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Human Resources  
Department No.: 064  
For Agenda Of: 6/26/07  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

---

TO: Board of Supervisors

FROM: Department *Susan Paul*  
Director(s) Susan Paul, Assistant CEO/HR Director 568-2817  
Contact Info: Joseph Pisano, Senior HR Analyst 568-2839

SUBJECT: Equity Adjustments

---

**County Counsel Concurrence**

As to form: Select\_Concurrence

**Other Concurrence:** Select\_Other

As to form: Select\_Concurrence

**Auditor-Controller Concurrence**

As to form: Select\_Concurrence

**Recommended Actions:**

That the Board adopt the resolution in attachment "A" effective July 2, 2007 amending benefits for unrepresented employees.

**Background:**

The "Management Benefits Resolution" is revised periodically to adjust the benefits and other terms of employment affecting various unrepresented groups. The recommended action increases the biweekly Benefit Allowance by \$20 for these employees.

The Memoranda of Understanding (MOU's) between the County and all non-Safety employee organizations provide for a \$20 biweekly increase in the benefit allowance effective July 2, 2007 to help offset the increase in health insurance costs for the 2007-08 plan year.

Therefore, staff recommends that an equivalent dollar increase in benefit allowance be approved for unrepresented attorneys, and executive, management, and confidential employees.

**Fiscal and Facilities Impacts:**

Budgeted: Yes **Fiscal Analysis:**

The recommended action covers 452 employees in all departments. The estimated annual cost of the increase in Benefit Allowance is approximately \$305,600, and funding has been included in the Fiscal Year 2007-08 proposed budget for this purpose. Of the total estimated

annual increase, approximately \$41,600 will be in the form of an increase in the County's contributions to the Retirement System.

The biannual actuarial study of the Santa Barbara County Retirement System as adopted by the Retirement Board includes certain economic and non-economic assumptions in setting the employer's contribution rate, which is used to estimate the impact of the recommended actions on the County's contribution to the retirement system.

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

Please return one copy of the signed resolution to Susan Kean, Human Resources Department.

**Attachments: Authored by:** Joseph Pisano, Senior HR Analyst

**cc:** Auditor Controller  
County Counsel

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

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

WHEREAS, the Board of Supervisors recognizes that management and confidential-unrepresented employees must provide effective management and leadership to assure efficient County operations and quality public service; and

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

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

WHEREAS, by Resolution No. 06-201 the Board of Supervisors set forth the Management Personnel Benefits Policy Resolution for Management and Confidential-Unrepresented Employees; and

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

NOW, THEREFORE, BE IT RESOLVED, and it is the finding and determination of the Board of Supervisors as follows:

Resolution No. 06-201 is rescinded effective July 2, 2007, and the Management Personnel Benefits Policy is established as follows for elected officials and employees in the management and confidential-unrepresented groups listed below:

- Elected Officials (Unit 40)
- Department Heads (Unit 41)
- Assistant Department Heads (Unit 42)
- Management (Unit 43)
- Enterprise Leaders (Unit 35)
- Unrepresented Attorneys (Unit 36)
- Confidential-Unrepresented (Unit 32)

## SECTION 1. MEDICAL AND DENTAL BENEFITS

- A. For new employees, medical and dental coverage benefits under this Section shall be effective at the beginning of the month that immediately follows the employee's first pay period of employment in a regular position. Part-time employees must be employed a minimum of fifty percent (50%) of full-time in order to be eligible for insurance benefits.
- B. The County shall contribute up to \$128.00 biweekly toward the cost of the biweekly premium for employee-only medical plan coverage. The County shall contribute up to \$12.02 biweekly toward the cost of the biweekly premium for employee-only dental plan coverage. These contributions are based on full-time employment; part-time employees shall receive prorated contributions based on their percentage of full-time employment. Insurance plan premiums that exceed the County's biweekly contribution shall be paid by the employee through payroll deductions.

Employees may select coverage from the following options:

### Medical\*

- Preferred Provider Organization (PPO) Medical Plan
- Health Maintenance Organization (HMO) Medical Plan(s)
- Point of Service (POS) Medical Plan

\*All medical plans include employee assistance program coverage.

### Dental

- Preferred Provider Organization (PPO) Dental Plan
  - Dental Maintenance Organization (DMO) Dental Plan
- C. Employees may insure their eligible dependents (including registered domestic partners as defined in Paragraph E below) under the medical and dental plans listed above in accordance with the rules and regulations applicable to obtaining said dependent coverage.
- D. If two regular County employees are either (a) married to each other or (b) registered domestic partners as defined in Paragraph E below, and are both eligible for contributions from the County toward employee-only medical and dental coverage, they may consolidate the County contributions toward the premium cost for "employee plus two or more dependents" coverage held by one of the employees. In this situation, one employee (referred to below as the "spouse or partner") becomes a dependent on the other employee's (referred to below as the "primary employee") medical and dental coverage.

In order to be eligible under this provision, all of the following conditions must be met:

- Both employees are covered by the same medical and dental plan;
- The spouse or partner is insured as a dependent on the primary employee's medical and dental plan insurance;
- The spouse or partner has waived employee-only coverage;
- Both employees have authorized the consolidation of contributions on a form prescribed by the Human Resources Director;
- In the case of domestic partnerships, the employees must be registered partners as specified below. Employees registering as domestic partners shall be responsible for all tax consequences of this benefit.

The amount of the consolidated contributions shall be that amount which would otherwise be contributed by the County toward the employee's and the spouse's employee-only premiums for the respective medical and dental plans less the cost for participation by the spouse or partner in the Employee Assistance Program and the County's healthcare advocacy program. The appropriate contributions shall be made by the respective departments employing each employee.

- E. Domestic partners as defined below shall be included as "eligible dependents" pursuant to Paragraph C and shall be eligible for combined health contributions pursuant to Paragraph D, above.

Domestic partners shall be defined as follows:

- Are sole spousal equivalents;
- Are eighteen (18) years of age or older;
- Are mentally competent to contract;
- Reside together and intend to do so indefinitely;
- Are jointly responsible for each others common welfare and financial obligations;
- Are both unmarried and not related to each other by blood to a degree of closeness so as to bar marriage in the state of residence;
- Have registered as domestic partners with a state, county or city agency; and
- Have not filed a Statement of Termination of Domestic Partnership within the last six months.

The employee and his/her domestic partner will be required to declare by affidavit that they meet these requirements in order for the domestic partner to participate in the County's medical and dental health insurance programs. Insurance plans do not cover the children of domestic partners.

SECTION 2. HEALTH INSURANCE BENEFITS DURING MEDICAL LEAVE OF ABSENCE

Employees who are absent from work due to a medical condition including injury, illness, pregnancy and childbirth shall receive the County contribution toward health plan coverage for a leave period up to 18 months. Insurance premiums exceeding the County's contribution and for dependents shall be the responsibility of the employee during the leave period. If an employee has paid leave accruals in excess of eighteen (18) months at the start of the leave, the County will continue to make its contribution toward health coverage while paid leave is being used and until such time as the paid leave is exhausted.

SECTION 3. LONG TERM DISABILITY INSURANCE

The County shall provide a Long Term Disability Insurance Plan for all management and confidential-unrepresented employees.

The waiting period for benefit eligibility will be 60 days. The benefit will equal sixty percent of pre-disability earnings in accordance with specific plan provisions, limitations and exclusions.

SECTION 4. TERM LIFE INSURANCE

Management and confidential-unrepresented employees shall be provided with basic Group Term Life Insurance paid for by the County in accordance with the following schedule:

Department Heads and Elected Officials	\$50,000
Assistant Department Heads	\$30,000
Management and Confidential-Unrepresented Employees	\$20,000

SECTION 5. FLEXIBLE SPENDING ACCOUNT PLAN

- A. All management and confidential-unrepresented employees shall be eligible to participate in the County sponsored Flexible Spending Account Plan.

The Flexible Spending Account Plan will include the following salary reduction options:

1. Pre-Tax Health Insurance Premium Option--for employees and their dependents;
2. Pre-Tax Health Care Spending Account Option;
3. Pre-Tax Dependent Care Spending Account Option;
4. Pre-Tax Life Insurance Premium Option;
5. Pre-Tax Personal Accident Insurance Program.

These options are described in detail in the Flexible Spending Plan brochure and in the Legal Plan Document and supplemental materials. Compensation received in accordance with Section 6 (Benefit Allowance) may be used by employees to fund the options described above. All salary reduction amounts are included in base salaries for the purpose of computing retirement earnings and are subject to appropriate Internal Revenue Service regulations.

This plan may be amended in the future to revise the benefit options.

- B. Benefits selected under this plan cannot be changed during the plan year except for a change in family status consistent with the benefit change. Enrollment in the plan shall be offered on an annual basis at the beginning of the plan year. New employees may enroll within the first thirty (30) days of employment. Continued operation of the Program shall be subject to County administrative procedures.

SECTION 6. BENEFIT ALLOWANCE

- A. The County shall provide each full-time employee a biweekly allowance as provided below, designated as "Benefit Allowance." Regular part-time employees are eligible for this allowance based on a prorated equivalent of their employment status. The benefit allowance, which is received in cash, has a primary purpose of allowing employees to fund employee and dependent health insurance costs. Employees may also use the allowance to fund options in the Flexible Spending Account Plan and/or receive the remainder in cash.

	<u>Biweekly</u>
Elected Officials (Unit 40) (except Supervisors)	\$278.24
Department Heads (Unit 41)	\$249.44
Assistant Department Heads (Unit 42)	\$228.64
Management (Unit 43)	\$191.54
Enterprise Leaders (Unit 35)	\$191.54
Unrepresented Attorneys (Unit 36)	\$191.54
Confidential-Unrepresented (Unit 32)	\$238.92

- B. This allowance will be paid on a biweekly basis to each regular employee based on the prorated number of non-premium hours paid in a pay period.

SECTION 7. STATE DISABILITY INSURANCE (SDI)

Confidential-unrepresented (Unit 32) employees have elected to participate in SDI. Benefits received from SDI shall be integrated with paid leave as follows:

- A. All employees eligible for SDI benefits shall use their available sick leave credits to supplement their SDI benefits so that the sum of the SDI benefits and sick leave credits used equals 80% of their gross salary.

- B. Employees eligible for SDI benefits may apply with the State of California for approval as soon as possible following the date of their eligibility for SDI benefits. Current eligibility begins on the eighth consecutive calendar day of an extended illness or injury. An employee must apply for SDI when illness or injury causes him/her to miss work for more than twelve consecutive calendar days.
- C. When an employee has used all available sick leave credits, (s)he may use any available overtime and/or holiday credits first and vacation second to supplement his/her SDI benefits up to 80% of gross salary.

If during the disability period the employee reaches his/her Maximum Allowable Accrual for vacation, then the employee shall be allowed to use up to forty (40) hours of vacation time, prior to the use of sick leave, overtime and/or holiday credits, in order to supplement his/her SDI benefits up to 80% of gross salary.

- D. Employees eligible for Paid Family Leave (PFL) benefits may apply with the State of California. Employees receiving PFL benefits may integrate available sick leave credits to the extent provided in Section 12(E) of this agreement; available overtime and/or holiday credits; and vacation to supplement their PFL benefits up to 100% of gross salary. Available overtime and/or holiday credits shall be used prior to integrating with vacation.

Employees participating in this program are solely responsible for understanding the tax consequences of receiving PFL benefits.

## 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.
- 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.
- I. 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 9. FAMILY LEAVE

Family care leave benefits are set forth in the County's Administrative Policies and Procedures Manual.

#### 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.)	.0463hrs./96hrs.	368 hrs.
3-4 yrs.(25-48 mo.)	.0616hrs./128hrs.	368 hrs.
5-10 yrs. (49-120 mo.)	.0731hrs./152hrs.	440 hrs.
11-14 yrs.(121-168 mo.)	.0847hrs./176hrs.	470 hrs.
15+ yrs.(169+ mo.)	.0962hrs./200hrs.	500 hrs.

- 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 (Unit 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, 41-43 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)).

## SECTION 11. HOLIDAYS

- A. Holidays regularly observed by the County of Santa Barbara for management and confidential employees (except elected officials) are:

New Year's Day, January 1  
Martin Luther King Jr.'s Birthday, 3rd Monday in January  
Washington's Birthday, 3rd Monday in February  
Memorial Day, last Monday in May  
Independence Day, July 4  
Labor Day, 1st Monday in September  
Veterans Day, November 11  
Thanksgiving Day, 4th Thursday in November  
Thanksgiving Day Friday, the day after Thanksgiving  
Christmas Day, December 25  
Floating Holiday (See Paragraph B below)

- B. All regular employees in a pay status (including paid leave) for any portion of pay period one of each year shall be credited with eight (8) hours holiday leave. Regular part-time employees shall receive a prorated equivalent. This holiday leave must be used during the payroll year and may not be accumulated from year to year. The floating holiday credit may be used in the same pay period in which it is accrued, subject to Paragraph C below.
- C. Holiday leave shall be subject to the approval and/or be taken at the direction of the appointing authority or designee.
- D. Each County holiday which falls on Saturday shall be observed on the preceding Friday; and, in this event, the Saturday shall not be considered as a holiday for purposes of compensation and/or time off. Each County holiday which falls on Sunday shall be observed on the following Monday; and, in this event, the Sunday shall not be considered as a holiday for purposes of compensation and/or time off.
- E. Regular employees leaving County service shall be paid all compensatory holiday time which has accrued but has not been otherwise compensated.
- F. In the following sections reference to eight (8) hours shall apply to regular full-time employees and in the case of regular part-time employee the eight (8) hours shall be a prorated equivalent.
- G. When a holiday falls on an employee's regularly scheduled work day, the employee shall be paid eight (8) hours cash payment for the holiday. When a holiday falls on an employee's regularly scheduled day off, the employee shall accrue eight (8) hours of compensatory holiday time.

- H. When an employee who is overtime exempt is required to work on a holiday which falls on the employee's regularly scheduled work day, the employee shall, in addition to his/her regular salary for the day, accrue compensatory holiday time on an hour for hour basis for all hours worked up to eight (8) hours.
- I. When an employee who is eligible for overtime is required to work on a holiday, the employee shall, in addition to eight (8) hours regular cash payment for the holiday, accrue compensatory holiday time at straight time and cash payment at one half time for all hours worked up to eight (8) hours.
- J. Employees who accrue holiday time shall take the compensatory time during the payroll year in which the holiday is accrued.
- K. In order to receive holiday compensation, an employee must be in paid status on the scheduled work day immediately prior to and/or after the holiday. Notwithstanding the above, neither the first day of employment nor the last day of employment may be a holiday.
- L. Holiday Compensation for Fire Shift Employees -- Each pay period in which a holiday occurs, Fire shift employees shall receive additional compensation at the rate of one-tenth of the employee's basic biweekly salary for each holiday included in that pay period irrespective of whether or not the employee actually works on any such holiday, unless the employee is excused from working a regularly scheduled shift on such holiday, which time off shall be deemed full compensation for such holiday.

## SECTION 12. LEAVE DONATION

Employees (except elected officials) shall be eligible to participate as donors and recipients in the leave donation program, which provides a mechanism for assisting employees who have exhausted paid leave due to a serious or catastrophic illness or injury. This program allows a regular County employee to donate the monetary value of accrued vacation, holiday or overtime hours to a specific, eligible employee who has exhausted his/her own available leave balances. Serious or catastrophic illness or injury is defined as the employee's own adverse medical condition which requires the employee to be absent from work for more than twenty (20) consecutive work days, or a similarly debilitating illness or injury of the employee's immediate family member (as defined in Section 8, paragraph H) requiring the employee's attendance.

- A. To receive leave donations, an employee:
  - must have been employed in a regular position for a minimum of six months;
  - must be absent from work due to his/her own catastrophic illness or injury for more than twenty consecutive work days (as verified by a

physician's statement), or be absent from work in order to attend his/her immediate family member who has a catastrophic illness or injury (as verified by a physician's statement); and must have exhausted all earned leave balances (including sick leave [if related to the employee's own illness], vacation, overtime and holiday credits); except however, the appointing authority may approve the solicitation/acceptance of leave donations prior to all balances being exhausted, when the physician's statement and leave balances indicate the probable exhaustion of balances within two pay periods.

- B. Donated leave shall be changed to its cash value at the donor's base rate of pay and then credited to the recipient in equivalent hours of vacation at the recipient's base rate of pay.
- C. Donations:
  - are voluntary;
  - are made from accrued vacation, holiday or overtime balances; donation of sick leave is not permitted;
  - must be for a minimum of eight (8) hours, in whole hour increments;
  - are irrevocable, and if any donated hours remain at the end of the recipient's catastrophic leave, they shall remain available for the sole use of the recipient; and
  - are taxable on the part of the recipient, in accordance with IRS regulations, and are subject to withholding as required by law.
- D. An employee may not donate more than eighty (80) hours to any other individual employee.
- E. The total donations received into his/her vacation balance by an employee shall normally not exceed 1040 hours; however, donations in excess of 1040 hours may be considered and approved by the recipient's appointing authority.
- F. Upon approval of a request for donations, the appointing authority (or his/her designee) shall, at the employee's request, post a notice of the eligible employee's need for donations on departmental bulletin boards accessible to employees; confidential medical information shall not be included in the notice. If the eligible employee is in his/her original probationary period, the notice will include a statement of that fact.
- G. Donations shall be administered according to procedures established by the Auditor-Controller, and requested on a form prescribed by the Auditor-Controller. Signed approvals of the receiving and donating employees must be properly provided before a donation is processed.

Donors and hours donated shall be maintained as confidential payroll information.

- H. Nothing in this section shall be construed to modify the employment relationship between the County and the receiving employee, or to restrict the County's management rights. Neither shall this section modify existing County rules, policies or agreements regarding unpaid leave of absence or family leave.

## SECTION 13. OVERTIME

### Exempt Classifications

- A. The County shall determine and identify those classifications which are exempt from overtime compensation. The determination shall be in accordance with the requirements of the Fair Labor Standards Act. Classifications which have been designated as exempt shall not receive overtime, except as otherwise provided or in an emergency as provided below.
- B. Regular employees in classifications exempt from overtime compensation and, therefore, not otherwise eligible for overtime pursuant to this resolution shall be paid for overtime worked during an emergency as follows:
  - 1. No overtime compensation shall be paid for overtime work during an emergency for the first twelve (12) hours of such emergency overtime work;
  - 2. Overtime compensation shall be paid at straight time for the second twelve (12) hours of emergency overtime work; and
  - 3. Overtime compensation shall be paid at the rate of time and one-half for all hours of overtime worked in excess of twenty four (24) hours during any such emergency.
- C. Emergency for the purposes of Paragraph B of this Resolution shall mean any of the following:
  - 1. The proclamation of a "local emergency" by the Board of Supervisors or the County Administrator or his/her designee.
  - 2. The proclamation of a "state of emergency" in Santa Barbara County by the Governor.
  - 3. The designation of a "limited local emergency" by the County Administrator or his/her designee. "Limited local emergencies" may be designated in writing by the County Administrator or his/her



designee due to significant or lengthy emergency situations in Santa Barbara County, or outside the County during mutual aid responses, that require ongoing staff support.

#### Non-Exempt Classifications

- D. Overtime for non-exempt employees shall be defined as any time worked in excess of forty (40) hours in a seven day work period, exclusive of standby. Overtime shall be authorized in advance by the department head or his/her designee.
- E. Overtime work is compensable at the rate of time and one-half the regular rate as computed in accordance with the Fair Labor Standards Act. Hours worked shall accrue in increments of tenths (1/10) of an hour (6 minutes), subject to a minimum of two-tenths (2/10) of an hour (12 minutes).
- F. Overtime shall be placed in a Compensatory Overtime account or paid in the pay period in which earned, at the discretion of the department head or his/her designated representative. The maximum allowable balance in the Compensatory Overtime account shall be 240 hours.
- G. If an employee wishes to take compensatory time off, it shall be requested at least 48 hours in advance. Denial of a request for compensatory time off is subject to a determination by the department head that it would unduly disrupt the operations of the department. Compensatory Overtime shall be used before any leave-without-pay is granted pursuant to Rule XIV of the Santa Barbara County Civil Service Rule. A direction to take off compensatory overtime by the department head or his designated representative shall be given to the employee at least forty-eight (48) hours before the time off is to be taken.
- H. Except upon termination of employment, hours in the Compensatory Overtime account as of the last pay period ending prior to June 30 and December 31 shall be paid off in cash based on the employee's regular hourly rate of pay in effect at the time of payment. Payments for compensatory overtime hours are taxable as lump sum payments in accordance with IRS and State Franchise Tax Board regulations and are subject to withholding as required by law. Overtime earned in the pay period in which a cash payoff is made shall not be included in the automatic payoff of the account balance.
- I. Part-time, non-exempt employees who work beyond their regularly scheduled work hours, but less than forty (40) hours in a seven (7) day work period, shall be paid at straight time.

## SECTION 14. ADMINISTRATIVE LEAVE

Management and confidential employees in classifications exempt from overtime compensation (except elected officials, but including Fire Battalion Chiefs) are eligible for administrative leave in accordance with the following provisions:

- A. Purpose. Management and other salaried employees are compensated for meeting the requirements and performing the duties of their job regardless of the number or scheduling of hours worked. Such employees may be required periodically or routinely to work long or irregular hours, and to attend various meetings and functions outside of normal "business hours" to fulfill their responsibilities.

Due to standards of public accountability and the resulting need for all employees to account for all time for which they are compensated, the County has created a vehicle to record paid time off not charged to accrued leave balances when a salaried employee occasionally works less than his/her regular schedule. This paid time off is called administrative leave. The purpose of administrative leave is to provide a process for authorized leave time to record amounts to be paid to salaried employees when their pay period total regular hours plus any use of vacation, holiday or sick leave is less than their normal full-time schedule (80 hours).

- B. Approval Required. Salaried employees do not have a right to administrative leave. This leave is not an entitlement, it is not related to hours worked nor is subject to accrual or payment for unused leave. Use is completely discretionary, upon the approval of the department head. Department heads may approve administrative leave in recognition of extraordinary work assignments, excessive work time beyond normal work schedules or to reward outstanding individual performance.

Department heads may approve their own use as well as that of their staff, unless otherwise directed by the County Administrator.

- C. Procedure. Salaried employees, after having recorded any regular, sick leave, holiday and/or vacation taken as appropriate in a pay period, may use administrative leave with the approval of their department head. The department head may grant a salaried employee up to 108 hours of administrative leave per payroll year. The County Administrator may approve additional administrative leave upon the written request of the Department Head.

SECTION 15. RETIREMENT

- A. The County offers the following retirement plans:
  - 1. General Member Employees Hired Before October 10, 1994  
Contributory Retirement Plan5A/Half-Rates
  - 2. General Member Employees Hired On or After October 10, 1994  
Contributory Retirement Plan5B/Full-Rates
  - 3. Safety Member Employees Hired Before October 10, 1994
    - a. Safety Plan 4A
    - b. Probation Employees: Safety Plan 4B
  - 4. Safety Member Employees Hired On or After October 10, 1994  
Safety Plan 4B
- B. The County may adjust the employee contribution rates to the Retirement System when such adjustments are based on an Actuary Report, recommended by the Retirement Board and approved by the Board of Supervisors. The effective dates of rate adjustments shall be in accordance with the applicable provisions of the County Employees Retirement Law of 1937.
- C. The County shall pay up to the amounts specified below of unit employee's normal biweekly contributions to the Retirement System in accordance with Government Code Sections 31630 and 31639.85. Part-time employees shall receive a prorated equivalent.

	<u>General</u>	<u>Safety</u>
Elected Officials (Unit 40) except Supervisors	\$80.00	\$60.00
Department Heads (Unit 41)	80.00	60.00
Assistant Department Heads (Unit 42)	80.00	60.00
Management (Unit 43)	80.00	60.00
Enterprise Leaders (Unit 35)	80.00	-
Unrepresented Attorneys (Unit 36)	80.00	-
Confidential (Unit 32)	30.00	-

- D. In lieu of the benefit provided by Paragraph C above, for employees in the classifications of County Administrator, Fire Chief, and Public Defender, the County shall pay up to \$172.30 of the employee's normal biweekly contribution to the Retirement System. In lieu of benefit provided by Paragraph C above, for employees in the classification of Assistant Public Defender-E, the County shall pay up to \$149.18 of the employee's normal biweekly contribution to the Retirement System.

## SECTION 16. 401(a) SUPPLEMENTAL RETIREMENT PLAN

For management employees in Unit 43, the County shall contribute 0.24% of the employee's base salary each pay period into a 401(a) deferred compensation plan for the benefit of the employee. All employer contributions shall be immediately vested to the employee. Employees are responsible for the investment of assets in their individual account among the investment choices available and offered by the Plan Administrator. If an employee fails to direct any specific investment choice, the assets in his/her individual account will automatically be invested in the Plan Administrator's "general account." Specifics of the 401(a) Plan are contained in the Plan Document.

## SECTION 17. BILINGUAL ALLOWANCE

Management and confidential-unrepresented employees, whose duty assignments require regular and frequent use of bilingual language skills in Spanish and English, shall be eligible to receive a bilingual allowance upon designation by the department head in writing to the Human Resources Director. The amount of the allowance for full-time employees shall be \$25.38 per pay period. The bilingual allowance shall be prorated for part-time employees.

As used in this section, the phrase "regular and frequent" means at least once each working day, or at least five times each work week. Payment for the bilingual language skill is restricted to the actual needs of the position. An employee's ability to read, write, or speak Spanish, occasional or incidental use of language skills in Spanish or the use of bilingual language skills other than for the purpose of meeting the requirements of the job shall not warrant a bilingual allowance.

## SECTION 18. PROFESSIONAL LICENSE FEES

Employees shall be reimbursed for professional license fees (e.g., State bar dues, physician and surgeon certificates, professional civil engineer registration, etc.); excluding any portion designated for political purposes, under the following conditions:

1. Possession of the license or certificate must be an ongoing requirement of the position;
2. If the employee leaves County employment during the licensing period, the County's contribution shall be pro-rated (i.e., if fees have been paid in advance by the County, the employee shall be required to reimburse the County for the pro-rated portion of the fees through a reduction in the employee's final pay check).

Payments for part-time employees will be pro-rated based on their percentage of full-time employment.

## SECTION 19. TUITION AND TEXTBOOK REIMBURSEMENT

To the extent funding is available, management and confidential-unrepresented employees shall be eligible for tuition and textbook reimbursement up to a maximum of \$500 per fiscal year and in accordance with administrative regulations governing this program. Tuition reimbursement for regular, part-time employees shall be prorated based on their part-time percentage.

## SECTION 20. MILEAGE REIMBURSEMENT

Employees who, when authorized by their department, use their personal vehicle for County business shall be reimbursed for each mile driven on County business. Said reimbursement shall be at the amount per mile exempted by the Internal Revenue Service for reporting of income.

## SECTION 21. TRANSPORTATION DEMAND MANAGEMENT (TDM)

Management and confidential-unrepresented employees shall be eligible to participate in the County's TDM program and receive related benefits including the Alternative Commute Incentive.

## SECTION 22. AUTOMATIC PAYROLL DEPOSIT

All management and confidential-unrepresented employees shall participate in the County's automatic payroll deposit program. Participation shall mean the employee's execution of a payroll authorization form and submission of a voided check or savings deposit slip to the Auditor's office. It shall be the employee's choice as to which bank he/she designates as the institution receiving the payroll funds.

When the authorization form is properly executed and filed with the Auditor, the County shall automatically deposit in the employee's designated bank account the net amount of pay each designated bi-weekly payday.

## SECTION 23. ADMINISTRATION OF BENEFITS

The County Administrator, the Auditor-Controller and the Human Resources Director are hereby directed to provide the necessary administrative procedures to implement the above provisions of this resolution.

Passed and adopted by the Board of Supervisors of the County of Santa Barbara, State of California, 26th day of June, 2007, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:

Michael Brown  
Clerk of the Board

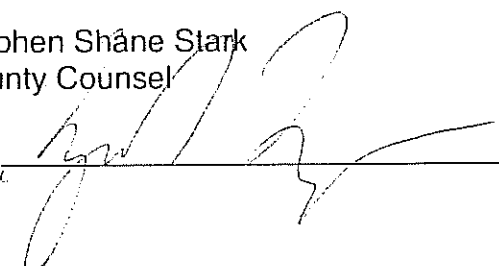
By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

Robert W. Geis, C.P.A.  
Auditor-Controller

By: \_\_\_\_\_

Stephen Shane Stark  
County Counsel

By:  \_\_\_\_\_