



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: CEO

Department No.: 012

For Agenda Of: December 8, 2015  
(First Reading)  
December 15, 2015  
(Second Reading)

Placement: Departmental

Estimated Time: 15 minutes

Continued Item: No

If Yes, date from:

Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Department Robert MacLeod, Interim Human Resources Director, 568-  
Director(s) 2805  
Contact Info: Joseph Pisano, Employee Relations Manager, 568-2839

**SUBJECT:** Clarification of Additional Compensation During Emergencies

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Select\_Other

As to form: Select\_Concurrence

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:** That the Board of Supervisors:

- A. Considers the introduction (first reading) of the Ordinance in Attachment A amending County Code Chapter 27, Section 27-14 pertaining to additional compensation during emergencies to make consistent with existing employee memoranda of understanding (MOUs) between the County and employee organizations and with provisions in the Management Personnel Benefits Policy.
- B. Sets a hearing on the Administrative Agenda for December 15, 2015 to consider recommendations as follows:
  - i. Consider the adoption (second reading) of the Ordinance in Attachment A amending County Code Chapter 27, Section 27-14 pertaining to additional compensation during emergencies, to make consistent with existing employee memoranda of understanding (MOUs) between the County and employee organizations and with provisions in the Management Personnel Benefits Policy.

- ii. Read the title of the Ordinance and waive the reading of the Ordinance in full; and
- C. Determines that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(2) because it consists of general policy and procedure making that will not result in changes in the environment.

**Summary Text:**

The recommended actions clarify provisions in County Code Chapter 27, Section 27-14 to make consistent with existing employee memoranda of understanding (MOUs) between the County and employee organizations and with provisions in the Management Personnel Benefits Policy. Specifically, the recommended actions:

1. Make clear that elected officials and appointed department heads are not eligible for additional compensation during declared emergencies and eliminate the reference to additional compensation for holidays under this code section;
2. Add language to this code section to specify that the Board will determine additional compensation to be received by other exempt employees through resolution or memorandum of understanding; and
3. Delete redundant language that indicates County Code Section 27-14 governs in any instance where there is a conflict between that section and any other County Code provisions or Board resolutions.

**Background:**

County Code Chapter 27, Section 27-14 provides for additional compensation to be paid to full-time employees and officers who work extra hours during declared emergencies, including those employees normally exempt from overtime. The statute also includes an exception for "department heads and assistant department heads." This language does not make it clear that the exception applies to elected officials as well as appointed department heads.

In addition, County Code Chapter 27, Section 27-14 currently states the following:

- (a) The work for which additional compensation is made shall be "overtime" or "holiday" work as the same shall then be established and defined by the board of supervisors of the county.
- (b) The rate of compensation and the amount and manner of payment thereof for such emergency overtime and holiday work shall be as provided by the board of supervisors for overtime and holiday work performed in situations other than such emergencies.
- (c) The provisions of this section shall prevail over any conflicting provision of this Code or resolutions of the board of supervisors, it being the intent and purpose of this section to provide for payment of overtime and holiday work in emergencies as defined herein

to county employees and officers (except department heads and assistant department heads).

These bulleted sections in the County Code are inconsistent with memoranda of understanding (MOUs) between the County and employee organizations and with provisions in the Management Personnel Benefits Policy. As a practical matter, removing the reference to additional compensation for "holiday work" only eliminates the inconsistencies in the language; it will not change the way the County treats employees who work holidays: either employees will be paid on a holiday when they do not work, or if they work on a holiday they will be paid at the appropriate rate and accrue the holiday hours in a leave bank for use at another time.

The recommended actions would amend the County Code, Chapter 27 Section 27-14 to adopt the language proposed in Attachment A (changes are tracked in Attachment B) to clarify that both elected officials and appointed department heads are ineligible for additional compensation in declared emergencies, to stipulate that no additional compensation will be paid for holidays under this code section, to specify that the Board will determine additional compensation in declared emergencies for employees through MOUs and Board resolutions, and to strike language that will be redundant once it is established that MOUs and Board resolutions are the vehicles by which the Board will determine the rates of additional compensation for employees during declared emergencies.

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

There are no fiscal or facilities impacts associated with the recommended actions, which primarily align the County Code with governing MOUs and current practice.

**Attachments:**

Attachment A: Proposed Revision to County Code Chapter 27, Section 27-14

Attachment B: Proposed Revision to County Code Chapter 27, Section 27-14 (Changes Tracked)

**Authored by:** Joseph Pisano

**cc:** Mona H. Miyasato, County Executive Officer  
Michael C. Ghizzoni, County Counsel  
Robert W. Geis Auditor-Controller