

A.25.9 Vacation ~~Buy-Back~~Cash Out

Permanent employees with over one (1) year of service in Unit Z may sell back to the County up to forty (40) hours of their vacation in any calendar year if the following conditions are met:

- a) The employee has used (taken) at least eighty (80) hours of vacation during the preceding calendar year.
- b) The employee must have at least forty (40) hours of vacation remaining after the election to "cash out" of some of their vacation pursuant to Section A.30.13.

Added Section A.27.9: 10/29/85; 85-604

A.26 ABSENCE DUE TO ON THE JOB INJURY

Whenever an employee is compelled to be absent from duty because of illness or injury arising out of and incidental to his/her employment and is acting within the course of his/her employment which is covered by Workers' Compensation Insurance, such employee may utilize accumulated sick leave, regardless of the length of continuous service, to make up the difference between Workers' Compensation Insurance allowance and full pay unless such employee received benefits for the illness or injury pursuant to Section 4850 of the Labor Code.

A.27 SICK LEAVE

A.27.1 Miscellaneous Employees' Sick Leave

- a) Effective January 19, 1985, the following sick leave accrual rates shall apply to permanent employees in Unit Z.

Hired before January 19, 1985: Accrue at the rate of three and seven-tenths (3.7) hours per pay period;

Hired on or after January 19, 1985: Accrue at the rate of three and eight-hundredths (3.08) hours per pay period.

- b) Permanent employees in Unit P shall accrue sick leave at the rate of three and seven-tenths (3.7) hours per pay period.

*Reduced accrual rate: 10/20/87; 87-561
Amended 7/27/10; 10-234*

A.27.2 Approval for Use of Sick Leave

Use of accrued sick leave with pay can be granted upon the recommendation of the appointing authority in case of bona fide illness of an employee or for certain family members as permitted by County resolution, state or federal law. Illness shall not include any illness or injury for which the employee received any benefits pursuant to Section 4850 of the Labor Code.

Sick leave shall be taken in increments of not less than one-quarter (1/4) hour.

Employees shall receive the same sick leave benefits to care for a registered domestic partners as provided for employees to care for a spouse. For purposes of this policy, children of domestic partners shall be treated the

A.30.9 Disability Income Protection Plan

As a part of the management annual leave program, permanent employees with a normal work schedule of twenty (20) hours per week or more, who are covered by the annual leave program are also covered by a Disability Income Protection Plan effective on January 1, 1982, or on the first day of the pay period following their permanent appointment to an eligible class, whichever is later.

Elected officers in Units Y and O shall also be eligible for this plan on the same basis as the eligible employees.

The benefit schedules and the provisions for administering them shall be as set forth in the Monterey County Long-Term Disability Plan approved by the Board of Supervisors. The basic benefit shall be paid on a schedule of Sixty-Six and Two-Thirds Percent (66-2/3%) of an employee's base salary to a maximum salary of Six Thousand Dollars (\$6,000) per month [i.e., a maximum benefit of Four Thousand Dollars (\$4,000)] up to age sixty-five (65) or seventy (70), depending upon the employee's age at the beginning of total disability. There shall be a twenty-eight (28) calendar day elimination period from the start of disability to the date benefits become payable.

Any employee, except elected officers receiving Disability Income Protection Plan payments for a temporary disability, may use accumulated paid leave accruals to augment this benefit by an amount that will bring their total payment up to their basic salary exclusive of any special or premium pay until the employee recovers or a determination is made in accordance with the plan that the disability is permanent.

Amended 10/23/01: [REDACTED]
Amended 3/19/02; 02-096
Amended 7/27/10; 10-234

A.30.10 Annual Leave ~~Buy-Back~~Cash Out: Permanent Employees Over One (1) Year of Service

Permanent employees with at least one (1) year of service in Units X and/or Y and one (1) to nine (9) years of service in County employment may sell back to the County up to one hundred twenty (120) hours of their annual leave in any calendar year if the following conditions are met:

- a) The employee has used (taken) at least one hundred and twenty (120) hours of combined annual and professional leave during the preceding calendar year; provided

The employee must have at least forty (40) hours of annual leave remaining after ~~the~~making an election to “cash out” of some of their annual leave pursuant to Section A.30.13, and

No more than one request for partial payment of a “cash out” may be made in any calendar quarter.

Added A.30.10: 10/20/85; 85 605
Increased to 80 hours: 10/26/99: [REDACTED]
Increased to 120 hours: 1/6/04; 04/007
Amended 12/5/06; 06-021
Amended 2/6/07; 07-005

A.30.11 Annual Leave ~~Buy-Back~~Cash Out: Permanent Employees with Over Ten (10) Years of Service

Permanent employees with over one (1) year of service in Units X and/or Y and over ten (10) years of service or more in County employment may sell back to the County an additional 40 hours of annual leave; up to one hundred sixty (160) hours of their annual leave in any calendar year if the following conditions are met:

The employee has used (taken) at least 120 hours of combined annual and professional leave during the preceding calendar year; provided

The employee must have at least forty (40) hours of annual leave remaining after ~~the-making an election to~~ “cash out” of some of their annual leave pursuant to Section A.30.13, and

No more than one request for partial payment of a “cash out” may be made in any calendar quarter.

*Added 12/5/06; 06-021
Amended 2/6/07; 07-005*

A.30.12 Annual Leave and Vacation Accrual on Class Change to Represented Unit with Lesser Leave or Vacation Accrual Cap

When an Employee is:

- a) Involuntarily demoted or reclassified; or the classification to which he/she is currently assigned is moved into a different representation unit,
AND
- b) The annual leave or vacation accrual cap assigned to the new class or representation unit differs from and is of overall lesser value than the annual leave or vacation accrual cap assigned to his/her former class or representation unit;

The employee may elect to:

Annual Leave:

- (1) Request a one-time cash out of the annual leave available on the effective date of the specified personnel action subject to the conditions provided. Employees will have sixty (60) days to exercise this option from the effective date of the specified personnel action. The maximum amount that may be cashed out shall not exceed the maximum amount allowable under the annual leave buyback policy applicable to the employee prior to the specified personnel action and shall be paid at the employee's rate of pay prior to the specified personnel action. Any remaining balance shall be retained in a legacy annual leave bucket separate from vacation and sick leave. The legacy annual leave bucket may be used at the election of the employee and in the same manner as vacation or sick leave. This legacy annual leave bucket shall be a closed bucket; meaning that no additional hours may be added and can only be cashed out when the employee separates from employment in the same manner as other accruals.

OR

- 2) Do nothing. If the employee chooses not to cash out any annual leave, the entire annual leave balance will be retained in a legacy annual leave bucket separate from vacation and sick leave. The legacy annual leave bucket may be used at the election of the employee and in the same manner as vacation or sick leave. The legacy annual leave bucket shall be a closed bucket; meaning that no additional hours may be added and can only be cashed out when the employee separates from employment in the same manner as other accruals.

Where a benefit such as the sick leave bank requires the exhaustion of all accruals as a condition of eligibility, the legacy annual leave bucket shall be treated as other accruals.

Vacation:

- 1) Request one-time cash out of the vacation leave available on the effective date of the specified personnel action subject to the conditions provided. Employees will have sixty (60) days to exercise this option from the effective date of the specified personnel action. The maximum amount that may be cashed out pursuant to this provision shall not exceed 40 (forty) hours below the accrual maximum assigned to the new class and shall be paid at the employee's rate of pay prior to the specified personnel action.

Added Section 8/23/11; 11-285

A.31 COMMISSIONER ANNUAL LEAVE & INCOME PROTECTION (Deleted)

Deleted 7/27/10; 10-234

A.32 LEAVE OF ABSENCE - MILITARY

Every employee of the County shall be entitled to such leaves of absence and other benefits as are provided in Division II, Part I, Chapter VII of the Military and Veterans Code.

A.33 LEAVE OF ABSENCE WITHOUT PAY

- a) A leave of absence without pay may be granted or required by the appointing authority for a permanent or seasonal employee for a period not to exceed that provided in b) below. All leaves of absence without pay must be timely reported to the Human Resources and Auditor Controller offices on forms prescribed for that purpose.
- b) No permanent employee shall be involuntarily placed on leave without pay, except for disciplinary reasons, in excess of forty-five (45) working days in a calendar year. A leave of absence without pay may not be granted for a period to exceed:

A.30.13 Election to Cash Out of Vacation/Annual Leave/Paid Time Off

In order to “cash out” or otherwise require the County to buy back vacation, annual leave or paid time off, the employee must first meet the eligibility criteria set forth in the applicable provision of the PPPR. If such criteria are met, only then the employee may request and be granted compensation in lieu of vacation/ annual leave/PTO for up to the amounts set forth in the PPPR, under the terms set forth below. If such criteria are not met as of December 31 of the calendar year in which the election is required to be made, then the employee has no right to election to “cash out” accrued time in the next calendar year.

- a) An eligible employee may elect to pre-designate an irrevocable cash-out amount of up to the maximum number of hours of vacation/annual leave/PTO for the upcoming calendar year as set forth for his/her respective class. Requests for cash out must be made prior to December 1 of the calendar year before the cash out will be made (for example, requests for the 2016 calendar year will be made before December 1, 2015).
- b) Cash-out designations shall be made in hours, not dollar amounts, and must be in increments of 8 hours.

Any such request will be subject to the following:

- i. Any employee utilizing this provision will be required to submit an irrevocable election by December 1st of the calendar year prior to the calendar year in which the vacation/annual leave/PTO hours to be cashed out are earned.
- ii. An employee who elected to receive the cash-out as set forth above, may request a full or a partial payment of the cash-out at any time in the designated calendar year, but only once per calendar quarter. For requested cash-out occurring in 2016, a full or partial cash out payment is not guaranteed in the month of January.
- iii. For employees who have pre-designated cash-out amounts and who have not requested actual payment(s) of the entire designated “cash out amount” by December 1st of that calendar year, the County will automatically pay out the pre-designated amount (or remaining amount designated but not paid) by the last paycheck of the calendar year.
- iv. Employees who have not elected to pre-designate a cash out by the applicable deadline (December 1st of the prior calendar year) will be deemed to have waived their right and will not be eligible to cash out any vacation/annual leave/PTO in the following calendar year (for example, if no designation is made by December 1, 2015, no cash out is available in 2016).