

*Before the Board of Supervisors  
County of Monterey, State of California*

**Resolution No.: 23-092**

PPPR Control No. 23-014

- a. Amend Personnel Policies and Practices Resolution (PPPR) )  
No. 98-394 to modify Section A.5.7 Temporary Working Out )  
of Class Assignment; )
- b. Amend Personnel Policies and Practices Resolution (PPPR) )  
No. 98-394 to modify Section A.24.2 Weekend Holidays; )
- c. Amend Personnel Policies and Practices Resolution (PPPR) )  
No. 98-394 to modify Section A.27.4 Bereavement Leave; )
- d. Amend Personnel Policies and Practices Resolution (PPPR) )  
No. 98-394 to modify Sections A.30.10 Annual Leave Cash )  
Out: Permanent Employees Over One (1) Year of Service, )  
A.30.11 Annual Leave Cash Out: Permanent Employees with )  
Over Ten (10) Years of Service and add Section A.30.13.3 )  
Vacation/Annual Leave/Paid Time Off Emergency Cashout; )
- e. Direct the Human Resources Department to implement the )  
changes. )

**WHEREAS**, on December 20, 2022, the County of Monterey reached a tentative agreement on a muti-year agreement with the County Employee Management Association (Unit X); and

**WHEREAS**, On January 24, 2023, the Board of Supervisors approved Personnel Policies and Practices Resolution No. 98-394 amendments for Units Y and ZX to follow the base wage salary increases, benefits, and some special pays negotiated by Unit X to ensure equity among the management and executive management classifications and to avoid compaction issues; and

**WHEREAS**, classifications in Unit ZX are also in Unit X and should maintain the same base wage, benefits, and some special pay provisions; and

**WHEREAS**, additional amendments to the Personnel Policies and Practices Resolution No. 98-394 were necessary to standardize and clarify the provisions; and

**WHEREAS**, the actions require the Personnel Policies and Practices Resolution No. 98-394 to be amended;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors in and for the County of Monterey as follows:

1. Section A.5.7 Temporary Working Out of Class Assignment of Personnel Policies and Practices Resolution No.98-394 are amended as indicated below:

**A.5.7 Temporary Working Out of Class Assignment**

**a. Safety & Attorney Employees**

An employee in Unit A, B, C, D or E who is temporarily assigned for a period in excess of twenty (20) consecutive working days to work in a class having a higher salary range shall be considered, as to the time in excess of twenty (20) consecutive working days, to have been temporarily promoted and shall receive the salary herein provided for

promotions. Such temporary promotions shall not result in an adjustment in eligibility for step increases in the lower, permanent class. The provisions of this section shall apply only in situations where the person occupying the higher class is absent by reason of vacation, sick leave, leave of absence, or disciplinary suspension.

b. Unrepresented Employees

When an employee in Units, Y, Z, or ZX is temporarily assigned to and performs significantly all of the duties of a higher allocated position in a classification whose salary range is at least five percent (5%) higher than the range of the employee's regular classification, that employee shall be compensated at the step in the higher classification that provides an increase to the assigned employee of at least five percent (5%). Such assignment shall not change the unit designation or other benefits of the assigned employee. The assignment must be for over ten (10) consecutive working days. Such additional compensation shall begin on the first day of the pay period following the assignment to the duties of the higher position. If the assignment begins on the first Monday of the pay period, the additional compensation shall be effective the beginning of that pay period.

For working out of classification the employee shall be compensated at the step in the higher classification that provides an increase to the assigned employee of at least five percent (5%). As such, if the 5% does not result in the employee reaching at least the first step of the higher salary range, the employee will be placed at the first step of the higher salary range.

At one hundred eighty (180) days, the working out of classification assignment will be reviewed to determine whether it is appropriate for this person to continue working out of classification.

Employees working out of classification or who are removed from Working out of Classification duty as a result of poor performance shall not be subject to unsatisfactory performance evaluation for their participation in said assignment. Participating employees removed from such assignment as a result of unsatisfactory performance shall instead be returned to their official job classification and duties. Failure to successfully complete a Working out of Classification assignment, as a result of performance, shall not have an impact on employee's official job classification or duties.

2. Section A.24.2 Weekend Holidays of Personnel Policies and Practices Resolution No.98-394 are amended as indicated below:

A.24.2 Weekend Holidays

When December 24th (Christmas Eve) actually falls on a Saturday or Sunday, the preceding Friday shall be the holiday in lieu of the day observed. When December 25th (Christmas) actually falls on a Saturday or Sunday, the following Monday shall be the holiday in lieu of the day observed. If one of the above listed holidays falls on a Sunday, the following Monday shall be the holiday in lieu of the day observed. If one of the

bove listed holidays falls on a Saturday, the preceding Friday shall be the holiday in lieu of the day observed. When the day on which a County holiday is observed falls on a worker's regularly scheduled day off the worker shall be entitled to holiday compensatory time off on an hour-for-hour basis up to eight (8) hours.

3. Section A.27.4 Bereavement Leave of Personnel Policies and Practices Resolution No.98-394 are amended as indicated below:

#### A.27.4 Bereavement Leave

Use of accrued leave with pay may be granted upon recommendation of the Department Head or designee up to a maximum of ten (10) working days per occurrence in the case of the death of a father, mother, brother, sister, spouse, child, foster child, grandparents, grandchild, eligible domestic partner, child of eligible domestic partner, father-in-law, mother-in-law, daughter-in-law, son-in-law, step parent, step daughter, step son, step brother or step sister. Bereavement leave shall be charged to annual leave/PTO/Vacation/Sick Leave/Professional Leave. As a condition of granting leave for bereavement purposes, the Department Head or designee may request a verification of the loss.

4. Sections A.30.10 Annual Leave Cash Out: Permanent Employees Over One (1) Year of Service, A.30.11 Annual Leave Cash Out: Permanent Employees with Over Ten (10) Years of Service and add Section A.30.13.3 Vacation/Annual Leave/Paid Time Off Emergency Cashout of Personnel Policies and Practices Resolution No.98-394 are amended as indicated below:

#### A.30.10 Annual Leave Cash Out: Permanent Employees Over One (1) Year of Service

Permanent employees in Units Y and/or ZX with at least 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.
- b) The employee must have at least forty (40) hours of annual leave remaining after making an election to "cash out" of some of their annual leave pursuant to Section A.30.13.
- c) No more than one request for partial payment of a "cash out" may be made in any calendar quarter.

#### A.30.11 Annual Leave Cash Out: Permanent Employees with Over Ten (10) Years of Service

Permanent employees in Unit Y and/or ZX with 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:

- a) The employee has used (taken) at least 120 hours of combined annual and professional leave during the preceding calendar year.
- b) The employee must have at least forty (40) hours of annual leave remaining after making an election to “cash out” of some of their annual leave pursuant to Section A.30.13.
- c) No more than one request for partial payment of a “cash out” may be made in any calendar quarter.

*A.30.13.3 Vacation/Annual Leave/Paid Time Off Emergency Cashout*

Notwithstanding the requirement for an irrevocable election for the cash-out of vacation/annual leave/paid time off for the upcoming calendar year, an employee may cash out vacation/annual leave/paid time off in an existing year, on the following terms:

- a) The employee may cash-out no more than the maximum number of vacation/annual leave/paid time off (including any cash out previously elected) as set for in their respective Memorandum of Understanding (MOU) or applicable provisions of the PPPR.
- b) The amount cashed out shall be made in hours, not dollar amounts, and must be in increments of 8 hours (with a minimum cash out of 10 hours) and shall be subject to a twenty-five percent (25%) penalty. That is, if an employee cashes out accrued time in excess of any amount designated pursuant to subdivision (a), above, the penalty shall be 25% of the excess amount cashed out. For example, if an employee irrevocably elects 40 hours of cash out pursuant to subdivision (a) but wishes to cash out an additional 40 hours in the current calendar year (assuming all other criteria as listed in Section A.30.13.1 above are met), the employee will receive the cash value of 30 additional hours, but 40 additional hours will be removed from the employee’s accrued balance.

5. The Human Resources Department is directed to implement the actions.

**PASSED AND ADOPTED** on this 14<sup>th</sup> day of March 2023, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, and Root Askew

NOES: None

ABSENT: Supervisor Adams

Motions Passed 4 to 0

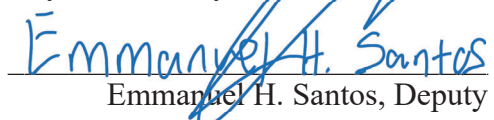
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on March 14, 2023.

Dated: March 15, 2023

File ID: RES 23-170

Agenda Item No. 34

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

  
Emmanuel H. Santos, Deputy