

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: August 23, 2011 - Consent	AGENDA NO.:
SUBJECT: Adopt Resolution to amend Personnel Policies and Practices Resolution No. 98-394 to: a. Add Section A.30.12, Annual Leave on Class Change to Representation Unit with Lower Accrual Cap; and b. Authorize the Auditor-Controller to implement the terms of this amendment.	
DEPARTMENT: County Administrative Office-Human Resources Division	

RECOMMENDATION:

It is recommended that the Board of Supervisors take the following actions to adopt a Resolution to amend Personnel Policies and Practices Resolution No. 98-394 to:

- a. Add Section A.30.12, Annual Leave on Class Change to Representation Unit with Lower Accrual Cap; and
- b. Authorize the Auditor-Controller to implement the terms of this amendment.

SUMMARY/ DISCUSSION:

The recommended action is designed to allow County employees who have a class change to a represented unit with a lesser leave or vacation accrual cap to retain their accrued leave bank balance in a legacy annual leave account and request a one-time cash out of the annual or vacation leave available on the effective date of the specified personnel action; at a rate of pay applicable to the employee prior to the specified personnel action. Employees will have sixty (60) days to exercise this option from the effective date of the specified personnel action.

In July 2011, several Unit X employees voluntarily demoted to a lower class in lieu of a layoff. This is an accepted practice in the County. Some employees at the time of demotion have accrued leave in excess of the leave accrual cap of the new represented classification. For example, Unit X employees have a leave accrual cap of 850 hours whereas represented units have maximum annual accrual caps up to 400 hours. The recommended amendment recognizes the earned accruals to be retained and allows for a one-time cash out at the rate they are leaving.

The maximum annual leave 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. This legacy annual leave account will be a closed account, meaning that no additional hours will be added, but the leave may be used at the election of the employee as vacation or sick leave. The maximum vacation leave that may be cashed out shall not exceed 40 (forty) hours below the accrual maximum assigned to the new class.

The recommended action will amend the current policy as indicated in Attachment 1 and allow employees who take a demotion in lieu of a layoff to retain their accruals.

OTHER AGENCY INVOLVEMENT:

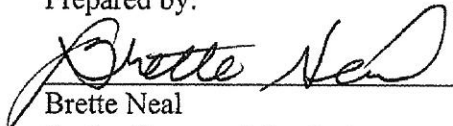
None.

FINANCING:

For FY 2011-12, the estimated cost of the one time cash out is \$24,000. These costs will be absorbed by the department receiving the employee.

Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy, or other implications to the County of Monterey.

Prepared by:


Brette Neal
Senior Personnel Analyst

Approved by:


Keith Kenda
Assistant County Administrative Officer

August 8, 2011

Att: Attachment 1 – proposed PPPR language

cc: Mike Miller, Auditor-Controller
All Department Heads
All Personnel Analysts

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 a 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 shall not exceed 40 (forty) hours below the

Attachment 1

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 A.30.12 8/23/11; 11-006

Before the Board of Supervisors in and for the
County of Monterey, State of California

Resolution No. 11-285

PPPR Control No: 11-006

- Amending Personnel Policies and Practices)
- Resolution No. 98-394 to:)
- a. Add Section A.30.12, Annual Leave on Class)
- Change to Representation Unit with Lower)
- Accrual Cap; and)
- b. Authorize the Auditor-Controller to implement)
- the terms of this amendment.....)

Upon motion of Supervisor Salinas, seconded by Supervisor Armenta, and carried by those members present, the Board hereby;

- a. Added Section A.30.12, Annual Leave on Class Change to Representation Unit with Lower Accrual Cap; and
- b. Authorized the Auditor-Controller to implement the terms of this amendment.

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.

Scanned to H

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 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 a 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 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 A.30.12 8/23/11; 11-006

PASSED AND ADOPTED on this 23rd day of August, 2011, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

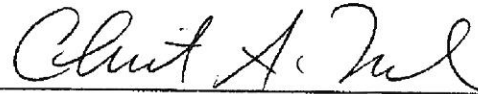
ABSENT: None

I, Gail T. Borkowski, 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 75 for the meeting on August 23, 2011.

Dated: August 29, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By



Deputy