

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

Resolution No.: -----

PPPR Control No. 20-003

- a. Amend Personnel Policies and Practices Resolution)
(PPPR) No. 98-394 Sections A.25.9, A.30.10, A.30.11, and)
A.30.13 and add sections A.25.9.2 and A.30.13.2 related to cash)
out of vacation/annual leave/paid time off (PTO) hours for)
employees who receive a change in class during the cash out)
eligibility period; and)
- b. Authorize the Auditor-Controller to process 2019 cash)
out requests for impacted employees; and)
- c. Direct the Human Resources Department to incorporate)
the changes in the Personnel Policies and Practices Resolution)
No.98-394.

WHEREAS, the Human Resources Director proposes to amend Personnel Policies and Practices Resolution No.98-394 Sections A.25.9, A.30.10, A.30.11, and A.30.13 to clarify vacation/annual leave/PTO cash out eligibility for employees;

WHEREAS, the Human Resources Director proposed to add Sections A.25.9.2 and A.30.13.2 to provide clarification for employees who receive a change in class into a different bargaining unit during the cash out eligibility period; and

WHEREAS, the Auditors Office shall process 2019 cash out requests retroactively for impacted employees who were deemed eligible for vacation/annual leave/PTO cash out prior to change in class in the previous year; and

WHEREAS, these 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. Sections A.25.9, A.30.10, A.30.11, and A.30.13 of the Personnel Policies and Practices Resolution (PPPR) No. 98-394 are amended as indicated below:

A.25.9 Vacation/Annual Leave/Paid Time Off Cash Out

A.25.9.1 Vacation/Annual Leave/Paid Time Off Cash Out Eligibility

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

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

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

Permanent employees in Units X and/or Y 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 Units X and/or Y 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 Election to Cash Out of Vacation/Annual Leave/Paid Time Off

A.30.13.1 Vacation/Annual Leave/Paid Time Off Cash Out Eligibility

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 provisions 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. An 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 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 payment is not guaranteed in the month of January.
 - iii. For employees who have pre-designated cash-out amounts and who have 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).
2. Sections A 25.9.2 and A.30.13.2 of the Personnel Policies and Practices Resolution (PPPR) No. 98-394 are added as indicated below:

A.25.9.2 Vacation/Annual Leave/Paid Time Off Cash Out Eligibility Upon Change in Class Effective November 1, 2019, employees who have qualified and elected for a cash out of vacation/annual leave/PTO pursuant to this resolution or pursuant to any MOU with a recognized employee organization do not lose their eligibility for the cash out upon reclassification or promotion, and such employees may still cash out vacation/annual leave/PTO pursuant to the criteria applicable at the time of eligibility but at the rate applicable at the time of the cash out.

A.30.13.2 Vacation/Annual Leave/Paid Time Off Cash Out Eligibility Upon Change in Class Effective November 1, 2019, employees who have qualified and elected for a cash out of vacation/annual leave/PTO pursuant to this resolution or pursuant to any MOU with a recognized employee organization do not lose their eligibility for the cash out upon reclassification or promotion, and such employees may still cash out vacation/annual leave/PTO pursuant to the criteria applicable at the time of eligibility but at the rate applicable at the time of the cash out.
3. The Auditor-Controller is authorized to process 2019 cash out requests for impacted employees; and
4. The Human Resources Department is directed to incorporate the changes in the Personnel Policies and Practices Resolution No. 98-394.

PASSED AND ADOPTED on this _____ day of _____, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

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 Minute Book _____, on _____.

Dated:

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

By _____
, Deputy