

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

IN THE MATTER OF AMENDING THE
MANAGEMENT PERSONNEL BENEFITS
POLICY FOR MANAGEMENT AND
CONFIDENTIAL-UNREPRESENTED
EMPLOYEES

APCD RESOLUTION NO. _____

RECITALS

WHEREAS, the Board of Directors recognizes and values the work that Management and Confidential-Unrepresented employees do to assure efficient District operations and quality public service; and

WHEREAS, the Board of Directors recognizes the responsibilities inherent in Management and Confidential-Unrepresented employees and the extraordinary performance required of these employees; and

WHEREAS, the Board of Directors desires to publish a Management Personnel Benefits Policy whereby benefits to be afforded the Management and Confidential-Unrepresented employees are officially recognized by the Board of Directors; and

WHEREAS, APCD Resolution No. 13-13, as amended, sets forth the Management Personnel Benefits Policy Resolution for Management and Confidential-Unrepresented Employees; and

WHEREAS, the Board of Directors retains the right at any time to change terms and conditions of employment for employees in these groups; and

WHEREAS, the California Healthy Workplaces, Healthy Families Act of 2014 requires employers to provide all covered employees with paid sick leave each year, beginning July 1, 2015; and

WHEREAS, the California Healthy Workplaces, Healthy Families Act of 2014 expands the allowed use of sick leave to include absences related to domestic violence, sexual assault, and stalking; and

WHEREAS, the California Healthy Workplaces, Healthy Families Act of 2014 further requires employers to reinstate unused sick leave balances when an employee separates and returns to work for that employer within one year of separation;

WHEREAS, this Air Pollution Control District Board of Directors desires to amend this Management Personnel Benefits Policy at this time;

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

1. That Section Four of Resolution No. 13-13, adopted on August 15, 2013, and as subsequently amended, is hereby further amended as follows:

SECTION 4. SICK LEAVE

- A. Each regular full-time or regular part-time management or confidential-unrepresented employee shall accrue sick leave at the rate of .0463 hours for each hour in a regular pay or paid leave status, excluding overtime, call back and standby.
- B. Management and confidential-unrepresented employees shall receive eighty (80) hours sick leave accrual upon appointment or such prorated amount for regular part-time employees. Employees entering management or confidential-unrepresented classes from District non-management or non-confidential classes shall retain their current sick leave balances and shall only receive additional sick leave accrual necessary to provide a balance of eighty (80) hours sick leave. ~~Notwithstanding the above, persons who leave District service for reasons other than layoff and are subsequently reappointed within one year of separation are not eligible for sick leave credit under this provision.~~
- C. Unused sick leave shall be cumulative from year to year with no accrual limit.

- D. Sick leave usage may not exceed each employee's accrued sick leave balance reported on the Leave Report at the end of the prior pay period immediately preceding the pay period in which the leave is taken. However, the salary of an exempt employee shall not be subject to reduction because of variations in the quality or quantity of work performed except in accordance with the Department of Labor regulations (29 C.F.R. Section 541.602).
- E. A division manager, or other appropriate authority, may require evidence in the form of a physician's certificate, or otherwise, of the adequacy of the reason for any employee's absence during the time for which sick leave was requested. Under no circumstances is sick leave to be used in lieu of, in addition to, or as vacation. The District may require a physician's certificate in order to determine correctness of payroll records.
- F. When a member of his/her immediate family is seriously ill or injured and requires the employee's presence and attendance, an employee may be allowed by the appointing authority to use accumulated sick leave to attend such family in accordance with the Family Medical Leave Act and California Labor Code Section 233. Family member is defined as a child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis; regardless of age or dependency status); a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; a spouse; a registered domestic partner; a grandparent; a grandchild; a sibling.
- G. The District shall authorize six (6) days of bereavement leave of absence with pay to an employee due to the death of an immediate family member. Bereavement leave shall not be authorized more than two times per calendar year. Authorized bereavement leave under this article shall not be charged against an employee's accrued sick or vacation balances.

- H. Up to a maximum of five (5) days of accumulated sick leave may be granted by the appointing authority or his/her designee to an employee for absence from duty because of any and each death in the employee's immediate family. This is in addition to item 4-G above.
- I. For the purposes of Paragraphs 4-G and 4-H above, "immediate family" is defined as husband, wife, parent, brother, sister, child, stepchild, grandparent, grandchild, and mother-in-law, father-in-law, or domestic partner of the employee.
- J. An employee may, when necessary and at the discretion of the APCO, be granted up to two hours leave with pay to make voluntary non-~~renumerated~~ remunerated blood donations to non-profit blood banks in the County. Time off in excess of two hours and up to an additional two hours may be used for this purpose, but such additional time off shall be charged to accumulated sick leave. Leave for the purpose of donating blood shall not exceed five times in any one calendar year.
- K. Each regular full-time or regular part-time management or confidential-unrepresented employee with an Accumulated Unused Sick Leave balance in excess of 240 hours as of September 17, 1978, is eligible for sick leave payoff in accordance with the following provisions. Upon termination of employment from District service by resignation or retirement in good standing, 50% of the value of the Eligible Accumulated Unused Sick Leave hours will be paid at the employee's hourly rate in effect as of September 17, 1978. Eligible Accumulated Sick Leave hours are defined as the Accumulated Unused Sick Leave hours between 240 and 960 hours reported as of September 17, 1978, or if less, the hours reported at the time of termination.
- L. Any payment made under Paragraph K will be made only once to an employee in his/her work history with the District upon honorable termination of employment. If an employee is subsequently rehired in the service of the District, incentive payment for Unused Sick Leave will not be applicable, and previous balances paid off upon termination will not be restored.
- M. Except upon layoff, termination of District employment shall abrogate all sick leave accrued to the time of such termination, regardless of whether such person

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subsequently re-enters District employment or service. Except as provided in Paragraph K, no payment shall be made to any employee for unused sick leave accumulated to his credit at the time of his termination from District service.

N. Employees may use accrued sick leave for the employee or a specified family member for the diagnosis, care, or treatment of an existing health condition or preventive care, or for specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.

O. Notwithstanding the provisions of Paragraph M above, an employee shall have any previously accrued and unused sick leave hours reinstated if the employee separates from District service and is rehired as a Regular employee within one year of voluntary separation in good standing for reasons other than retirement.

PASSED, APPROVED AND ADOPTED by the Air Pollution Control District Board of the Santa Barbara County, State of California, this ___ day of _____, 2015, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT

By _____
Chair

ATTEST:

LOUIS D. VAN MULLEM, JR.
Clerk of the Board

By _____
Deputy

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
Santa Barbara County Counsel

By _____
Deputy