

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA #: \*B-12

AGENDA DATE: June 7, 2016

**SUBJECT:**

Approval of Compensation and Benefit Changes for All Unrepresented Confidential and Management Employees, Department Heads, and Elected Officials

**BOARD ACTION AS FOLLOWS:**

No. 2016-284

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

**MOTION:**

Approved Staff Recommendation Nos. 1-5 and, minor technical corrections were made to the ordinances regarding the effective dates.

INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCES C.S. 1171 AND C.S. 1172

ATTEST:

  
ELIZABETH A. KING, Clerk of the Board of Supervisors

ORD-55-W-2  
File No. ORD-55-W-3

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

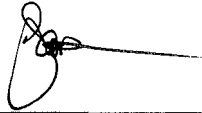
DEPT: Chief Executive Office

BOARD AGENDA #: \*B-12

Urgent  Routine

AGENDA DATE: June 7, 2016

CEO CONCURRENCE:



4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval of Compensation and Benefit Changes for All Unrepresented Confidential and Management Employees, Department Heads, and Elected Officials

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**STAFF RECOMMENDATIONS:**

1. Approve a 3% increase in base salary and corresponding amendment to the Salary and Position Allocation Resolution for all unrepresented confidential and management employees, department heads, and elected officials effective the first full pay period following July 1, 2017.
2. Approve restoration and amendment of Professional Development benefits for all unrepresented confidential and management employees, department heads, and elected officials effective July 1, 2016.
3. Approve recommended adjustments to Management Leave benefits for department heads and management employees beginning with the first full pay period following July 1, 2016.
4. Introduce and waive the first reading of an ordinance to amend Stanislaus County Code Section 3.40.010 related to Sick Leave earning rate and use for department heads and management employees beginning Payroll Calendar Year 2017.
5. Introduce and waive the first reading of an ordinance to amend Stanislaus County Code Section 3.36.050 related to Vacation leave for department heads and management employees.

**DISCUSSION:**

The County employs approximately 415 employees in unrepresented bargaining units, comprised of managers, confidential assistants, department heads and elected officials. Unrepresented employees (excluding elected officials and certain contracted positions) are generally considered unclassified "at-will" employees, with limited employment rights in comparison to the majority of the County's workforce who are assigned classified status and are represented by labor organizations responsible for negotiating changes in wages and benefits.

The County has historically applied similar changes in base adjustments to compensation and benefits for unrepresented and represented bargaining units to maintain consistency in the overall compensation program for the County workforce. The County has also maintained certain benefit programs that are unique to unrepresented employees, in an effort to

## Approval of Compensation and Benefit Changes for All Unrepresented Confidential and Management Employees, Department Heads, and Elected Officials

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acknowledge the increased demands for recruiting employees into unclassified positions with the loss of certain job protection rights. During the period of the Great Recession, unrepresented County employees participated in wage and benefit reductions consistent with those implemented through negotiations with classified employees. In addition, the County also eliminated some of the traditional benefits that were unique to unclassified employees, such as the loss of cafeteria style benefit programs, eligibility for annual performance-based bonuses and the suspension of professional development benefits. These additional benefit reductions have narrowed the few remaining differences in benefits between employees serving in a represented classified employment capacity with job protection benefits, and those employees serving in an unrepresented, unclassified capacity.

The recommendations included in this agenda item are intended to maintain internal parity between base compensation for represented employees and unrepresented management, while also recognizing the impact of prior decreases to management benefits and a growing need to better position the organization to recruit qualified applicants into leadership positions in the County.

### Fiscal Year 2017-2018 Wage Increase

The County negotiated multi-year agreements with all represented bargaining units starting with Fiscal Year 2014-2015. As a result of those negotiations, approximately 80% of the County's workforce is covered through multi-year (48-month) agreements extending through Fiscal Year 2017-2018. The terms of those negotiated agreements provide for a 3% salary increase in the last year of the agreements, Fiscal Year 2017-2018. The Board of Supervisors has taken prior action to approve wage adjustments for unrepresented employees through Fiscal Year 2016-2017, but has not taken action to address unrepresented compensation in Fiscal Year 2017-2018. This agenda item recommends approving a 3% salary increase for unrepresented employees in Fiscal Year 2017-2018, consistent with the prior wage increase previously approved for the majority of County employees. Approval of this recommendation will ensure base salary increases for unrepresented employees will remain consistent with those previously approved for represented employees.

### Professional Development Benefits

The County has offered unrepresented employees professional development benefits for over 25 years. The current Professional Development Allowance Policy for unrepresented employees was approved by the Board of Supervisors on February 29, 2000, but has been suspended due to budgetary constraints since Fiscal Year 2009-2010. Recognizing the improved fiscal climate and the need to invest in the ongoing professional development of County leadership, a revised version of this policy has been developed for consideration of the Board of Supervisors for implementation on July 1, 2016. The primary revisions to the policy include new standards intended to narrow the focus of qualifying expenses to provide improved alignment with the professional demands of individual participants, while also increasing the total allowable reimbursements for confidential and management employees by \$200 per year and for department heads and elected officials by \$300 per year. A copy of the revised Professional Development Allowance Policy is attached to this agenda item for consideration.

# Approval of Compensation and Benefit Changes for All Unrepresented Confidential and Management Employees, Department Heads, and Elected Officials

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## Management Leave

The Board of Supervisors approved Management Leave of up to 40 hours each calendar year for department heads and management employees on June 6, 1989 (No. 89-763). It is recommended to increase annual Management Leave hours from 40 hours of leave to 56 hours per calendar year starting the first pay period of 2017 in light of the increasingly competitive talent market for public sector leadership positions, and in acknowledgment of the extended hours department heads and management employees frequently work without overtime compensation. It is also recommended that an additional one-time allocation of 8 hours of Management Leave be granted to these employees effective the first full pay period following July 1, 2016 in order to match the rate of increase for the remainder of the 2016 calendar year. These recommendations do not apply to confidential employees who are eligible for overtime compensation, or to elected officials who do not participate in County leave time benefits.

In considering existing policies for Management Leave, County leadership identified several current inconsistencies in the application of the benefit program across County departments, including various policies interpreting the proration of Management Leave benefits for new or terminating employees. Given that Management Leave is allocated in full at the beginning of the calendar year, it is recommended that allotments be prorated for all employees when they are hired or promoted into an applicable position, so as not to award a full year's worth of Management Leave to individuals hired or promoted later in the calendar year. The proration schedule below, effective the first full pay period following July 1, 2016, will standardize Management Leave proration at a rate consistent with the proposed increase to 56 hours per year.

<i>First Calendar Year of Employment Management Leave Proration Schedule</i>	
Hired Between	Hours Allocated
1/1 – 3/31	56
4/1 – 6/30	42
7/1 – 9/30	28
10/1 – 12/31	14

Proration of Management Leave is not recommended for terminating employees, as this practice has been tested in certain County departments with unfavorable results based on the number of unique scenarios that are presented when balancing final leave accruals upon the termination of employment. A close review of these practices has shown very little benefit was generated in exchange for the significant administrative burden required to implement proration of Management Leave benefits for terminating employees. Upon approval of this agenda item, the Chief Executive Office will implement standards County-wide to ensure that the availability of Management Leave benefits is applied uniformly across all County departments.

## Sick Leave Accrual Policy

The practice of crediting eligible department heads and management employees with 96 hours of Sick Leave on January 1st of each calendar year was approved by the Board of Supervisors on May 3, 1994 (Stanislaus County Code 3.40.010C), as an exception to the standard practice

## Approval of Compensation and Benefit Changes for All Unrepresented Confidential and Management Employees, Department Heads, and Elected Officials

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of accruing Sick Leave on a pay period basis. The practice of front loading requires greater administrative time on the part of County Staff than does the traditional pay period accrual method and creates a need for manual adjustments when affected employees exit County employment. Removal of Section 3.40.010C of Stanislaus County Code will reduce the administrative burden while also creating greater consistency among County employees with respect to Sick Leave administration. A copy of the proposed change in County Code eliminating the practice of front loading Sick Leave benefits for department heads and management employees is attached to this agenda item.

### Negative Vacation Accrual Policy

On November 14, 1995, the Board of Supervisors, in order to better facilitate the transition from lump crediting of vacation hours to an accrual basis for department heads and management employees, allowed for these individuals to carry a “negative” vacation balance (Stanislaus County Code 3.36.050B). Having successfully completed this transition, there is no longer a need for department heads and management employees to maintain the ability to carry any “negative” vacation balance. Removal of Section 3.36.050B of Stanislaus County Code will eliminate this ability and will also create consistency in how vacation balances are treated and administered across classifications. A copy of the proposed change in County Code eliminating the availability of “negative” vacation balances for department heads and management employees is attached to this agenda item.

### **POLICY ISSUE:**

The Board of Supervisors is asked to approve the staff recommendations consistent with Stanislaus County Code Title 1 General Provisions, specific to the amendment of County code and related policies prior to implementation. County Code section 1.01.010 provides for Board of Supervisors’ adoption of primary and secondary codes as authorized by the California State legislature and pursuant to the provisions of Sections 50022.1-50022.8 and 50022.10 of the Government Code. Specific to code amendments, Government Code section 50022.7 provides: “If at any time any code which any local agency has previously adopted by reference, shall be amended by the agency which originally promulgated or adopted it, then the legislative body may adopt such amendment or amended code by reference through the same procedure as required for the adoption of the original code, or an ordinance may be enacted in regular manner, setting forth the entire text of such amendment.”

### **FISCAL IMPACT:**

The estimated cost for restoring the professional development benefit for unrepresented employees is \$315,000 for all departments, and \$137,000 for General Fund departments. These costs have not been included in department budgets in the 2016-2017 Recommended Proposed Budget, scheduled for consideration of the Board of Supervisors on June 14, 2016. Fiscal impacts to individual departments and potential recommendations for changes in department appropriations will be evaluated during Budget Year 2016-2017 as necessary.

Approval of Compensation and Benefit Changes for All Unrepresented Confidential and Management Employees, Department Heads, and Elected Officials

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<b>Cost of recommended action:</b>		\$ 315,000
<b>Source(s) of Funding:</b>		
Funds other than General Fund	<u>\$ 178,000</u>	
<b>Funding Total:</b>		<u>\$ 178,000</u>
<b>Net Cost to County General Fund</b>		<u><u>\$ 137,000</u></u>

<b>Fiscal Year:</b>	2016-2017
<b>Budget Adjustment/Appropriations needed:</b>	Yes/No

**Fund Balance projected as of July 1, 2016**                      \$127.5 million

The estimated cost for approving a 3% salary increase for all unrepresented employees in Budget Year 2017-2018 is \$1.4 million for all funds and \$644,000 for General Fund departments. These cost impacts have been included in the long range financial model developed to support ongoing budget planning, and will be included in department budget recommendations for Budget Year 2017-2018 upon approval of the Board of Supervisors.

**BOARD OF SUPERVISORS' PRIORITY:**

The recommended actions are consistent with the Board's priority of Efficient Delivery of Public Services by maintaining a compensation and benefit package for unrepresented confidential and management employees, department heads, and elected officials that will assist the County in recruiting and maintaining a qualified workforce.

**STAFFING IMPACT:**

Existing Chief Executive Office and Auditor-Controller's staff have revised these policies and will oversee the implementation.

**CONTACT PERSON:**

Jody Hayes, Assistant Executive Officer                                      Telephone: (209) 525-6333

**ATTACHMENT(S):**

- A. Stanislaus County Professional Development Allowance Policy – revised
- B. An Ordinance to Amend Sick Leave Policy for Department Heads and Management Employees, to a Pay Period Accrual Basis
- C. An Ordinance Relating to Authority for Department Heads and Management Employees to Carry a "Negative" Vacation Balance

# ATTACHMENT A

## Stanislaus County Professional Development Allowance Policy – revised



**STANISLAUS COUNTY  
BOARD OF SUPERVISORS RESOLUTION  
ADOPTED XXX XX, 201X/RESOLUTION # 201X-XXX  
PROFESSIONAL DEVELOPMENT ALLOWANCE POLICY**

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**I. Professional Development Allowance:**

The Professional Development Allowance provides an annual reimbursement allowance to assist eligible employees in achieving professional and educational growth related to their professional position within Stanislaus County. The Allowance covers work-related expenditures such as classes and seminars, professional memberships, registration fees, educational materials, tools, and equipment (see section *II. Reimbursable Benefits Covered* for further detail).

All benefits provided under this Allowance are subject to applicable provisions of federal and/or state law, and all applicable County policies and procedures, as approved by the County Administrator and the Board of Supervisors. These policies and procedures include but are not limited to the County Travel Policy, Vehicle Use Policy, Purchasing Card Policy, and the Internet and Email Policy. The Professional Development Allowance may be used in conjunction with the Educational Reimbursement program, up to but not exceeding the full amount of the qualifying incurred expense.

All requests for reimbursement must be submitted on a professional development claim form (available on the intranet) with invoice and proof of payment attached. This form must be signed by the department head and submitted to the Auditor-Controller's Office Payroll Division for payment.

**ANNUAL AMOUNT OF PROFESSIONAL DEVELOPMENT ALLOWANCE**

Bargaining Unit	Fiscal Year Allowance
Confidential—BU 2	\$400.00
Attorneys—BU 3*	\$900.00
Management Attorneys—BU M	\$900.00
Management—BU M	\$900.00
Department Heads—BU 0,1	\$1200.00
Board of Supervisors—BU O	\$1200.00

\*Bar Dues are also reimbursed in addition to the Professional Development Allowance

According to the Attorneys' Memorandum of Understanding (M.O.U.), the County agrees to the full payment of basic bar dues for each attorney. Each attorney must provide to the department head or his designee, his or her individual bar due bill so that the County can submit the payment to the State directly on behalf of the attorney. Professional development reimbursement provisions are specified in the Attorneys' M.O.U.

**Professional Development Allowance must be used or it expires at our fiscal year-end (June 30<sup>th</sup>).** Claims will not be paid retroactively. For example, an employee pays for a reimbursable refresher course in January; however, the employee forgets to turn in the claim for reimbursement prior to June 30th. This expense would not be eligible for reimbursement. Each employee receiving Professional Development Allowance is personally responsible for filing his or her annual claim in a timely manner.



**II. Reimbursable Benefits Covered**

The Professional Development Allowance provides reimbursements for applicable expenses to assist employees in achieving professional and educational growth related to their professional position within Stanislaus County. As such, all expenses must be related to the employee’s current career within the County.

<b><i>APPLICABLE BENEFITS</i></b>		
<b>Benefit</b>	<b>Description</b>	<b>Notes</b>
<b>Training</b> <ul style="list-style-type: none"> <li>• Training that maintains or improves skills related to the employee’s current career with the County.</li> </ul>	<ul style="list-style-type: none"> <li>• Registration-related expenses</li> <li>• Textbooks</li> <li>• Parking</li> <li>• Travel and lodging</li> <li>• Meals</li> <li>• Materials related to job promotions</li> <li>• Mileage Reimbursement</li> <li>• Student Activity Fee</li> </ul>	<ul style="list-style-type: none"> <li>• Includes tuition, registration fees, ID badge, mandatory health fees, lab fees, and textbooks.</li> <li>• Includes all County sponsored or required training.</li> <li>• Student Health Fee excluded.</li> </ul>
<b>Professional Meetings, Seminars, &amp; Conferences</b>	<ul style="list-style-type: none"> <li>• Registration</li> <li>• Textbooks</li> <li>• Parking</li> <li>• Travel and Lodging</li> <li>• Meals</li> <li>• Mileage Reimbursement</li> </ul>	<ul style="list-style-type: none"> <li>• Social events and luncheons that are not related to County business are not reimbursable.</li> </ul>
<b>Computer and Mobile Device Hardware and Software</b>	<ul style="list-style-type: none"> <li>• Educational and reference material</li> <li>• Application software</li> <li>• Computer hardware devices include desktop computers or laptops, and peripheral connectivity devices.</li> <li>• Mobile devices include, e-readers, tablets, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Productivity Applications are applicable.</li> <li>• Specifically excludes: cellular phone hardware, digital cameras, camcorders, GPS devices, smart watches, gaming devices, data or internet service charges, etc.</li> </ul>
<b>Licenses and Certifications: Required and highly desired professional certifications</b>	<ul style="list-style-type: none"> <li>• Professional licenses and certification</li> <li>• Re-licensing and Re-Certification</li> </ul>	
<b>Membership Dues</b>	<ul style="list-style-type: none"> <li>• Dues to professional or technical organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Charitable contributions and fines excluded.</li> </ul>
<b>Reading Material Media Material</b>	<ul style="list-style-type: none"> <li>• Books</li> <li>• Professional or Technical journals</li> <li>• Periodicals</li> <li>• Audio media</li> <li>• Video media</li> </ul>	<ul style="list-style-type: none"> <li>• Excludes magazine subscriptions, newspapers, and general interest journals and periodicals.</li> </ul>
<p><b>NOTE: If applicable, all policy regarding benefit allowances as outlined in the Memorandum of Understanding for specific bargaining units supersedes this list.</b></p>		

If the employee finances a computer purchase on their personal credit card, or some other type of payment plan, they will be reimbursed up to the employee's maximum allowance when the employee submits their professional development claim. Documentation for installment purchases must be submitted each time that reimbursement is claimed. **The employee must have made actual installment payments in order to qualify for reimbursement. Do not submit originals with the claim.** Documentation must include a copy of the sales invoice, and/or contract of sale and a copy of the payment document, such as credit card receipt, check, or cash receipt, if applicable.

The unclaimed balances for the purchase of computer equipment only may be applied against future Professional Development benefits. For example, an employee purchases a computer for \$1,400 in March, and as a management employee, claimed \$900 Professional Reimbursement. In the following Stanislaus County fiscal year, the employee could claim the remaining balance of \$500 as Professional Reimbursement for the purchase of the computer.

**PROFESSIONAL DEVELOPMENT PURCHASES MAY NOT BE MADE ON A COUNTY PURCHASING CARD.**

**III. Regarding Taxability**

Allowable Professional Development reimbursements are considered, by default, to be taxable by the County, being a fringe benefit.

The Internal Revenue Code (IRC) defines a working condition fringe benefit as a form of pay for the performance of services, including property, services, cash or cash equivalent. Fringe benefits for employees are considered taxable wages unless specifically excluded by relevant sections of the Internal Revenue Code. The reimbursable benefits provided through the Professional Development Allowance are primarily governed by IRC §132.

All benefits provided through this Allowance are subject to taxability requirements of the Internal Revenue Code and any other applicable federal and/or state law relating to the provision of employment fringe benefits.

Only those benefits which are directly related to or required for the qualifying employee's job with Stanislaus County are non-taxable, as defined by federal and/or state law and can be excluded from taxable wages, otherwise the reimbursement amount is considered a taxable wage and will be taxed appropriately through payroll. According to the IRS, benefits are excluded from federal gross income as a working condition fringe benefit to the extent that, if the employee had paid the expense, they could claim the expense as a deductible business expense under IRC §162.

In rare cases as described above, benefits provided through this Allowance may be non-taxable. To be excluded from taxable wages, the working condition fringe benefits for governmental employees must be:

- Directly job-related and either necessary to maintain or improve current job skills, or is required training or education by the employer. It must be directly related to the employee's current job class.
- A training course cannot be used to meet the minimum educational requirements of the current job or would otherwise qualify the employee for a new job outside of the job class, including promotion to a higher job class.

- The expense must actually be incurred by the employee.

#### **Examples of Non-Taxable Training Reimbursable Benefits**

- Training courses, seminars, or professional conferences that are directly job-related. A course qualifying an employee for a new position within the same or similar job class would be non-taxable. For example, a Manager I enrolls in an advanced managerial course as it is required in order to be able to be promoted to a Manager III
- Other training expenses that qualify as non-taxable include registration, tuition, books, supplies and equipment for the class, training or conference and travel, transportation and temporary housing costs (hotel) to attend the class, training, or conference that are directly job-related as described above.

#### **Examples of Taxable Training Reimbursable Benefits**

- Training courses are considered taxable if they are needed to meet the minimum educational requirements of the current job, or to be used to get a new job in a different job class (for example, a Confidential Assistant going to school to obtain an Associates of Arts degree in Nursing).
- Training courses to acquire a license or special certifications leading to a new job class or trade (for example, an Account Clerk III taking classes to become an Accountant I).

#### **Examples of Other Non-Taxable Reimbursable Benefits**

- Costs/dues of professional licenses and professional organizations which are directly related to the employee's job (for example, an auditor's CPA license or a financial officer's dues to a national association of financial officers).

#### **Examples of Other Taxable Reimbursable Benefits**

- Computer Hardware: Laptops, Tablets, e-Readers, etc.

All computer hardware must have an application to the employee's current position and class at Stanislaus County in order to be a reimbursable expense.

All application, reference, and educational software must be job related.

**COUNTY OF STANISLAUS  
PROFESSIONAL DEVELOPMENT CLAIM FORM**

Employee Name: \_\_\_\_\_ ID# \_\_\_\_\_

Department: \_\_\_\_\_ Date: \_\_\_\_\_

- (1) Claims **MUST** be certified by the claimant and the proper authority before being filed with the County Auditor-Controller.
- (2) All necessary receipts **MUST** accompany this claim, i.e. lodging, registration, computer purchases, etc., and all applicable Trip Authorizations must be on file and in accordance with the County Travel Policy.

Position, Check one box only:      \_\_\_\_\_ Board Supervisor      \_\_\_\_\_ Confidential  
 \_\_\_\_\_ Department Head      \_\_\_\_\_ Management      \_\_\_\_\_ Management Attorney

Date	Description of Reimbursement	Amount	
		Dollars	Cents
	<b>TOTAL</b>		

Prior Total Used: \$ _____  Add this Claim: \$ _____  Total Used: \$ _____	I HEREBY CERTIFY that the above claim and the items, amounts and statements are true and correct; that no part thereof has been paid; that the amount claimed is justly due and consistent with the County Professional Development Allowance Policy, and is presented within one year after the last item thereof has accrued.  <p align="center">_____</p> <p align="center"><b>Employee Signature</b></p>
Total Authorized: \$ _____	I HEREBY CERTIFY that the above listed expenditures are in compliance with current Professional Development Guidelines; and that the costs were incurred for purposes that relate to the employee's present position.  <p align="center">_____</p> <p align="center"><b>Department Head Signature</b></p>

**If you wish to claim any reimbursement(s) as tax exempt, please describe in detail how the item(s) meets the threshold of being directly related to or required for your job with Stanislaus County in order to assist the County Auditor in determining if the expenses are tax exempt.**

## ATTACHMENT B

An Ordinance to Amend Sick Leave Policy for  
Department Heads and Management Employees,  
to a Pay Period Accrual Basis

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND SICK LEAVE POLICY FOR DEPARTMENT HEADS AND MANAGEMENT EMPLOYEES, TO A PAY PERIOD ACCRUAL BASIS**

The Board of Supervisors of the County of Stanislaus, State of California, do ordain as follows:

**Section 1.** Chapter 3.40.010 of the Stanislaus County Code is amended to read as follows:

**Section 3.40.010. Sick leave earning rate use.**

A. While in the continuous service of the county, county officers and employees, other than temporary, part-time, seasonal, or personal service contract employees, shall be entitled to 3.7 working hours or a proportionately equal number of hours as prescribed in Section 3.32.010 of sick leave pay for each biweekly pay period of actual service. Such sick leave with pay can only be granted upon the recommendation of the department head in case of bona fide illness of the employee or in the event of serious illness in the employee's immediate family. "Immediate family" normally means father, mother, husband, wife, son, daughter, sister, brother, grandparents, grandchildren, father-in-law, or mother-in-law; however, for reasons held to be sufficient by the employee and department head and approved by the chief executive officer, this definition may be expanded to include other persons with whom the employee had enjoyed a parent or family-like relationship.

B. Bona fide illness shall include pregnancy when the pregnancy incapacitates the employee to the extent that she cannot fully perform the duties of her job. A statement from the employee's physician verifying such incapacity shall be required

before sick leave with pay will be granted, and the statement shall accompany the payroll on which the first illness is shown.

C. In the event of a death in the employee's immediate family, bereavement leave, not to exceed forty working hours or a proportionately equal number of hours as prescribed in Section 3.32.010, may be granted the employee without charge to sick leave.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

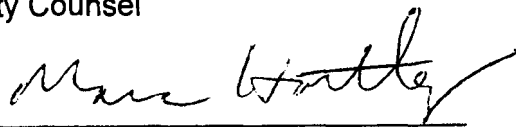
ABSENT: Supervisors:

\_\_\_\_\_  
Dick Monteith, Chair of the Board of Supervisors of the County of Stanislaus, State of California

ATTEST:  
Elizabeth A. King  
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
John P. Doering  
County Counsel

By   
\_\_\_\_\_  
Marc Hartley,  
Deputy County Counsel

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND SICK LEAVE POLICY FOR DEPARTMENT HEADS  
AND MANAGEMENT EMPLOYEES TO A PAY PERIOD ACCRUAL BASIS**

The Board of Supervisors of the County of Stanislaus, State of California, do ordain as follows:

**Section 1.** Chapter 3.40.010 of the Stanislaus County Code is amended to read as follows:

“A. While in the continuous service of the county, county officers and employees, other than temporary, part-time, seasonal, or personal service contract employees, shall be entitled to 3.7 working hours or a proportionately equal number of hours as prescribed in Section 3.32.010 of sick leave pay for each biweekly pay period of actual service. Such sick leave with pay can only be granted upon the recommendation of the department head in case of bona fide illness of the employee or in the event of serious illness in the employee’s immediate family. “Immediate family” normally means father, mother, husband, wife, son, daughter, sister, brother, grandparents, grandchildren, father-in-law, or mother-in-law; however, for reasons held to be sufficient by the employee’s department head and approved by the chief executive officer, this definition may be expanded to include other persons with whom the employee had enjoyed a parent or family-like relationship.

“B. Bona fide illness shall include pregnancy when the pregnancy incapacitates the employee to the extent that she cannot fully perform the duties of her job. A statement from the employee’s physician verifying such incapacity shall be required before sick leave with pay will be granted, and the statement shall accompany the payroll on which the first illness is shown.

“C. In the event of a death in the employee’s immediate family, bereavement leave, not to exceed forty working hours or a proportionately equal number of hours as prescribed in Section 3.32.010, may be granted the employee without charge to sick leave.”

**Section 2.** The amendment to Section 3.40.010 set forth in Section 1 of this ordinance shall be operative beginning on the first pay period of Payroll Calendar Year 2017.

**Section 3.** This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing resolution was passed and adopted at a



Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

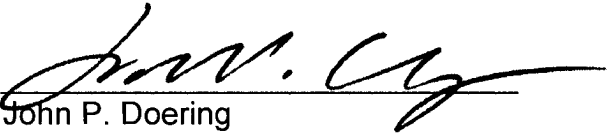
ABSENT: Supervisors:

\_\_\_\_\_  
Dick Monteith, Chair of the Board of  
Supervisors of the County of Stanislaus,  
State of California

ATTEST:  
Elizabeth A. King  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

By   
John P. Doering  
County Counsel

## ATTACHMENT C

An Ordinance Relating to Authority for Department  
Heads and Management Employees to Carry a  
“Negative” Vacation Balance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE RELATING TO AUTHORITY FOR DEPARTMENT HEADS AND MANAGEMENT EMPLOYEES TO CARRY A "NEGATIVE" VACATION BALANCE**

The Board of Supervisors of the County of Stanislaus, State of California, do ordain as follows:

**Section 1.** Chapter 3.36.050 of the Stanislaus County Code is amended to read as follows:

**Section 3.36.050. Approval Required**

A. All requests for vacation must be approved by the employee's department head. The department head is responsible for determining that the employee is eligible for the vacation requested. No employee shall be allowed to use vacation time in an amount which exceeds their balance of earned vacation unless otherwise provided pursuant to this ordinance or pursuant to an applicable memoranda of understanding.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:


ABSENT: Supervisors:

\_\_\_\_\_  
Dick Monteith, Chair of the Board of Supervisors of the County of Stanislaus, State of California

ATTEST:  
Elizabeth A. King  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
John P. Doering  
County Counsel

By   
Marc Hartley,  
Deputy County Counsel

See Corrected Version

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE RELATING TO AUTHORITY FOR DEPARTMENT HEADS AND MANAGEMENT EMPLOYEES TO CARRY A "NEGATIVE" VACATION BALANCE**

The Board of Supervisors of the County of Stanislaus, State of California, do ordain as follows:

**Section 1.** Chapter 3.36.050 of the Stanislaus County Code is amended to read as follows:

"All requests for vacation must be approved by the employee's department head. The department head is responsible for determining that the employee is eligible for the vacation requested. No employee shall be allowed to use vacation time in an amount which exceeds their balance of earned vacation unless otherwise provided pursuant to this ordinance or pursuant to an applicable memoranda of understanding."

**Section 2.** This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

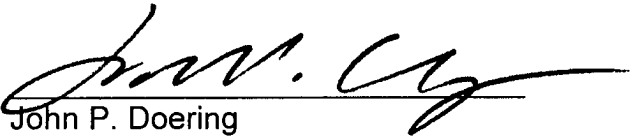
ABSENT: Supervisors:

\_\_\_\_\_  
Dick Monteith, Chair of the Board of Supervisors of the County of Stanislaus, State of California

ATTEST:  
Elizabeth A. King  
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

By   
John P. Doering  
County Counsel