



Lakeside Plaza Building
1401 Lakeside Drive, Suite 200
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TDD: (510) 272-3703

Human Resource Services

SECOND READING

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

Subject: Salary Ordinance Amendment and Administrative Code Amendment

CONTINUED FROM

 (Item #25)
Tuesday 5/22/12

Dear Board Members:

Recommendation:

That your Board (1) adopt an ordinance amending certain sections of the Salary Ordinance and (2) adopt an ordinance amending certain provisions of the Administrative Code.

Discussion/Findings:

The recent agreement reached with the Alameda County Management Employees (ACMEA) General and Confidential Units contain several benefit changes that we are recommending be extended to unrepresented management employees. Paid Management Leave is being increased by one additional day in calendar year 2012 only. Vacation sellback is being increased from 15 days to 20 days for Fiscal Year 2011-2012 only.

There are no wage increases. Therefore, unrepresented management employees will have completed four years of zero wage increases as of December 2012.

In addition, we are updating and clarifying Pregnancy and Child Bonding Leave provisions to insure consistency with Federal and State statutes for unrepresented employees; implementing a hard Vacation cap for new unrepresented management employees; and limiting Vacation Purchase to one week for unrepresented management employees accruing at two weeks, and eliminating Vacation Purchase for unrepresented management employees accruing at three weeks or more.

Financing:

Funds are available in the 2011-2012 budget appropriation to pay the costs resulting from these actions.

Very truly yours,


for Mary Welch, Interim Director
Human Resource Services

MW:wb
Z:\Board Letters\05.22.12 S.O. and Admin Code Unrepresented Management EE's

c: CAO
Auditor-Controller
County Counsel
Agency/Department Heads



Human Resource Services

Lakeside Plaza Building
1401 Lakeside Drive, Suite 200
Oakland, CA 94612-4305
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May 10, 2012

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

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Auditor-Controller
County Counsel
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AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2011 - 2012
ALAMEDA COUNTY SALARY ORDINANCE

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 7-4, Vacation Sellback, is hereby amended by the addition thereto of the following paragraph.

- S. Effective July 1, 2011, each unrepresented management employee may increase the yearly maximum vacation sellback from fifteen (15) days to twenty (20) days in Fiscal Year 2011-2012. The yearly maximum vacation sellback for unrepresented management employees shall return to fifteen (15) days in Fiscal Year 2012-2013.

SECTION II

Section 7-5, Paid Leave, is hereby amended by the addition thereto of the following paragraphs.

- T. Effective January 1, 2012, each unrepresented management employee, who is an executive, administrative, or professional employee exempt from the overtime provisions of the Fair Labor Standards Act, shall receive one additional day of paid management leave of absence for a total of eight (8) in calendar year 2012 only. The one additional day in 2012 may not be used until after July 1, of the year it is granted. The County reserves the right to designate when such additional day shall be taken. An employee appointed after the start of the calendar year 2012 shall receive paid leave of absence prorated at the rate of 5.33 hours for each month or any part of a month to be worked thereafter during the remainder of the calendar year. Paid leave shall be prorated for part time employees based upon the proportion of the normal 40 hour workweek for which the employee is regularly scheduled to work.

Effective January 1, 2013, the paid leave days for FLSA exempt unrepresented management employees shall return to seven (7) days of paid management leave per calendar year.

- U. Effective January 1, 2012, each unrepresented management employee, who is covered by the overtime provisions of the Fair Labor Standards Act, shall receive one additional day of paid management leave of absence for a total of four (4) in calendar year 2012 only. The one additional day in 2012 may not be used until after July 1, of the year it is granted. The County reserves the right to designate when such additional day shall be taken. An employee appointed after the start of the calendar year 2012 shall receive paid leave of absence prorated at the rate of 2.67 hours for each month or any part of a month to be worked thereafter during the remainder of the calendar year. Paid leave shall be prorated for part time employees based upon the proportion of the normal 40 hour workweek for which the employee is regularly scheduled to work.

Effective January 1, 2013, the paid leave days for each unrepresented management employees shall return to three (3) days of paid management leave days per calendar year.

SECTION III

Section 7-14, Vacation Purchase Program, is hereby amended by the addition thereto of the following paragraph.

- D. Effective Plan Year 2013, and every year thereafter, unrepresented management full-time employees who elect to participate in the Vacation Purchase Program who have completed less than 104 full-time biweekly pay periods (4 years) of continuous employment and are accruing vacation at the two week per year rate may elect to purchase one additional week of vacation over and above their regular entitlement. Employees accruing vacation at three weeks or more are not eligible to participate in the Vacation Purchase Program.

SECTION IV

This ordinance shall take effect immediately, and before the expiration of fifteen days after its passage, shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the said County of Alameda.

MW:vb
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AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE
ALAMEDA COUNTY ADMINISTRATIVE CODE

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 3.12.120, Pregnancy and Child Bonding Leave, is hereby amended to read as follows.

Effective July 8, 2012, the provisions of this section shall apply to unrepresented employees of the County as follows:

An employee is entitled to a pregnancy and child bonding leave of up to six months. Such an employee may elect to take accrued vacation or compensatory time off or sick leave, when eligible, during the period of pregnancy and child bonding leave, except that in the case of an employee who is regularly scheduled to work less than the normal full-time work week for the classification, paid leave shall be granted only for those days, or fractions thereof, on which such an employee would have been regularly scheduled to work and would have worked but for the pregnancy and child bonding leave. The employee shall be entitled to sick leave, when eligible, with pay accumulated pursuant to Chapter 3.20, of the Administrative Code. The scheduling of child bonding leave (either FMLA or CFRA) on an intermittent basis and/or requests for a reduced work schedule are subject to mutual agreement by the employee and the Agency/Department Head as allowed by law.

Notwithstanding the above, the employee may be entitled to take up to seven (7) months of total leave for the integration of the pregnancy disability and child bonding leaves pursuant to the Family Medical Leave Act (FMLA), California Pregnancy Disability Leave (PDL), and California Family Rights Act (CFRA). Disability leave due to pregnancy runs concurrently with FMLA and PDL. Child bonding leave runs concurrently with FMLA and CFRA. Reinstatement subsequent to pregnancy and child bonding leave of absence shall be to the same classification from which leave was taken, and the Agency/Department Head shall make its best effort to return such employee to the same geographical location, shift and where there is specialization within a classification, to the same specialization. Questions as to whether or not the Agency/Department Head has used its best effort herein, shall not be subject to the grievance procedure.

SECTION II

Section 3.12.160 Child Bonding Leave, is hereby amended to read as follows.

Effective July 8, 2012, the provisions of this section shall apply to unrepresented employees of the County as follows:

A prospective father, spouse, domestic partner or adoptive parent is entitled to child bonding leave of up to three months, within one year of the qualifying event. Child bonding leave runs concurrently with FMLA and CFRA. The scheduling of child bonding leave (either on FMLA or CFRA) on an intermittent basis and/or requests for a reduced work schedule are subject to mutual agreement by the employee and the Agency/Department Head as allowed by law.

An employee may elect to take accrued vacation or compensatory time off during the period of child bonding leave, except that in the case of an employee who is regularly scheduled to work less than the normal full-time work week for the classification, paid leave shall be granted only for those days, or fractions thereof, on which such an employee would have worked but for child bonding leave. The use of sick leave during child bonding leave shall not be permitted unless they are otherwise eligible to use it as provided in Chapter 3.20.

Reinstatement subsequent to child bonding leave of absence shall be to the same classification from which leave was taken and the Agency/Department Head shall make his/her best effort to return such employee to the same geographical location, shift, and where there is a specialization within the classification, to the same specialization. Questions as to whether or not the Agency/Department Head has made its best effort herein shall not be subject to the grievance procedure.

SECTION III

Chapter 3.24 Vacation, of the Alameda County Administrative Code is hereby amended by the addition thereto of the following Section to read as follows.

Section 3.24.230 For unrepresented M-designated persons employed on or after July 8, 2012.

Each person in the service of the County, except for an exempt position as defined in Section 3.24.170 of this Chapter, whose employment began on or after July 8, 2012, shall accrue vacation leave as follows:

- a. **Two weeks accrual** – Employees shall accrue two weeks of vacation annually until completion of 104 full-time biweekly pay periods (4 years) of continuous employment, up to a maximum balance of four weeks.
- b. **Three weeks accrual** - Employees shall accrue three weeks of vacation annually after the completion of 104 full-time biweekly pay periods (4 years) of continuous employment and until completion of 286 full-time biweekly pay periods (11 years) of continuous employment, up to a maximum balance of six weeks.
- c. **Four weeks accrual** - Employees shall accrue four weeks of vacation annually after the completion of 286 full-time biweekly pay periods (11 years) of continuous employment and until completion of 520 full-time biweekly pay periods (20 years) of continuous employment, up to a maximum balance of eight weeks.
- d. **Five weeks accrual** - Employees shall accrue five weeks of vacation annually after the completion of 520 full-time biweekly pay periods (20 years) of continuous employment, up to a maximum balance of ten weeks.

SECTION IV

Section 3.24.060, Cash payment in lieu of vacation leave, is hereby amended by the addition thereto of the following paragraph.

- C. For Unrepresented M-Designated Persons employed on or after July 8, 2012. An employee who accrues vacation leave pursuant to Section 3.24.230(A)–(D) and who leaves the county service for any reason shall be paid for unused vacation accrued to the date of his/her separation provided that such entitlement shall not exceed the employee's applicable maximum vacation balance as set forth in Section 3.24.070

Employees shall have the primary responsibility to schedule and take sufficient vacation leave to reduce their accrued vacation leave balances to a level which will permit further vacation accrual. The Agency/Department head shall make a reasonable effort to accommodate written vacation leave requests submitted by employees which state that the purpose of such request is to reduce accrued vacation leave balances to a level which will permit further vacation accrual.

SECTION V

Section 3.24.070, Limitation on unused vacation leave balances for unrepresented M-designated employees, is hereby amended to read as follows.

For employees hired prior to July 8, 2012, maximum vacation leave balances allowable prior to the pay period containing January 1st of each year beginning the year 2000, shall be no more than two times the employees' vacation accrual rate, and shall be as follows:

Vacation Accrual Rate in Pay Period Prior to January 1st	Maximum Balance in Pay Period Containing January 1st
10 days	20 days
15 days	30 days
20 days	40 days
25 days	50 days

For employees hired on or after July 8, 2012, the accrual of vacation leave will cease effective with any pay period in which the employee's vacation accrual reaches its maximum balance and shall not recommence until the employee's vacation leave balance falls below this maximum. While employees shall have the primary responsibility to schedule and take sufficient vacation to reduce their accrued vacation leave balances to levels which do not exceed their maximum balance, Department Heads will make a reasonable effort to accommodate written vacation leave requests submitted by employees which state that the purpose of such request is to reduce accrued vacation leave balances to a level below their maximum accrual.

The maximum balance for each accrual rate shall be as follows:

Vacation Accrual Rate	Maximum Balance in Pay Period
10 days	20 days
15 days	30 days
20 days	40 days
25 days	50 days

SECTION VI

Section 3.24.080, Changeover to maximum allowable vacation balance and use of previously accrued vacation for unrepresented M-designated employees, is hereby amended to read as follows.

Employees hired prior to July 8, 2012 who accrue vacation under Section 3.24.230 shall have the primary responsibility to schedule and take sufficient vacation to reduce their accrued vacation leave balances to levels which do not exceed the amount for which they can receive cash payment hereunder upon termination or which will avoid a downward adjustment in the pay period containing January 1. As of the pay period containing January 1, 2000 and every such pay period containing January 1 of each year thereafter, the vacation leave balance of any employee which exceeds the maximum accrual will be adjusted downward to the maximum vacation balance level as shown in Section 3.24.070 (by placing the excess vacation in a departmental catastrophic sick leave pool) and the County will thereafter have no obligation with respect to the vacation leave affected by the adjustment. Department Heads shall make a reasonable effort to accommodate written vacation leave requests submitted by employees which state that the purpose of such request is to reduce accrued vacation leave balances to the level which can be paid for in cash upon termination or to avoid a downward adjustment.

SECTION VII

This ordinance shall take effect immediately, and before the expiration of fifteen days after its passage, shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the said County of Alameda.