ANALYSIS

This ordinance amends Title 6 - Salaries, of the Los Angeles County Code by:

- Amending portions of Section 6.78.350 (Department of Health Services – Additional information).

RAYMOND G. FORTNER, JR.
County Counsel

By: _____
for HALVOR S. MELOM
Principal Deputy County Counsel
Labor & Employment Division

HSM:asv

ORDINANCE NO. _____

An ordinance amending Title 6 - Salaries, of the Los Angeles County Code relating to Chapter 6.78 (Department of Health Services).

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 34. Section 6.78.350 (Department of Health Services – Additional information) is hereby amended to read as follows:

6.78.350 Additional information.

...

L. For recruitment and retention purposes for the position of Chief Deputy Director Health Services, Clinical and Medical Affairs (UC), Item No. 4552 only, the Director of Health Services may, with the prior approval of the Board of Supervisors or the Chief Executive Officer, also provide, in addition to those benefits specified by the County Code, an amount equal to up to six months' salary at the then current rate upon the termination, by the director, of the appointment to the unclassified position. The termination benefit authorized under this section is payable only upon the S~~s~~eparation from S~~s~~ervice of the Chief Deputy Director Health Services, Clinical and Medical Affairs (UC). The termination benefits shall be inapplicable: (1) if the employee does not complete one year of service in that position prior to such termination; (2) if the employee has been charged with and is convicted of a felony or any crime involving misconduct relating to County employment; or (3) if the employee exercises return rights to the classified service pursuant to section 33.6 of the County Charter.

The rate or rates established by this provision constitute a base rate.

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R. Compensation of Chief Deputy Director, HS, Operations (UC).

For recruitment and retention purposes for the position of Chief Deputy Director, HS, Operations (UC), Item No. 4551, the director of health services may, with the prior approval of the board of supervisors, also provide, in addition to those benefits specified by the County Code, an amount equal to up to six months' salary at the then current rate upon termination, by the director, of the appointment to the unclassified position. The termination benefit authorized under this section is payable only upon the Sseparation from Sservice of the Chief Deputy Director, HS, Operations (UC). The termination benefits shall be inapplicable: (1) if the employee does not complete one year of service in that position prior to such termination; (2) if the employee has been charged with and is convicted of a felony or any crime involving misconduct relating to County employment; or (3) if the employee exercises return rights to the classified service pursuant to section 33.6 of the County Charter.

The rate or rates established by this subsection R shall constitute a base rate.

S. Compensation of Hospital Administrator II (Item No. 8083) and Hospital Administrator II (UC) (Item No. 8084).

For recruitment and retention purposes for the position of Hospital Administrator II (UC) (Item No. 8084), Martin Luther King, Jr./Charles R. Drew Medical Center only, the director of health services may, with prior approval of the board of supervisors, also provide, in addition to those benefits specified by the County Code, an amount equal to twelve months' salary at the then current rate upon termination, by the director, of the appointment to the unclassified position. The termination benefit authorized under this

section is payable only upon Sseparation from Sservice of the Hospital Administrator II (UC) (Item No. 8084), Martin Luther King, Jr./Charles R. Drew Medical Center. The termination benefits shall be inapplicable: (1) if the employee has been charged with and is convicted of a felony or any crime involving misconduct relating to County employment; or (2) if the employee exercises return rights to the classified service pursuant to section 33.6 of the County Charter.

The rate or rates established by this subsection S shall constitute a base rate.

T. Payments made pursuant to sections 6.78.350.L, R, and S shall be made on or before the 30th day following the employee's Separation from Service.

1. For purposes of this section 6.78.350, Separation from Service occurs when the employee terminates employment (including a termination from employment due to death or retirement) with the county (and any other public entity of which the Los Angeles County board of supervisors is the governing body).

2. A termination of employment will have occurred only if the county and employee reasonably anticipate that the level of bona fide services to be performed by the employee after that date (whether as an employee or an independent contractor) will permanently decrease to no more than 49% of the average level of bona fide services performed (whether as an employee or an independent contractor) over the immediately preceding testing period. For these purposes, the testing period is the preceding 36-month period or the full period of services to the county if the employee has been providing services for less than 36 months.

a. A termination of employment does not occur while the employee is on a Bona Fide Leave of Absence (as defined herein) if the period of such

leave does not exceed 6 months or, if longer, so long as the individual retains a right to reemployment with the county under applicable statute, ordinance or contract. A Bona Fide Leave of Absence includes military leave, sick leave, or other bona fide leave of absence under applicable rules, provided that there is a reasonable expectation that the employee will return to perform services for the county. If the Bona Fide Leave of Absence exceeds 6 months and the individual does not retain a right to reemployment under applicable statute, ordinance or contract, the employment relationship is deemed to terminate on the first date immediately following that 6-month period. Notwithstanding the foregoing, if a Bona Fide Leave of Absence is due to any medically determinable physical or mental impairment that can be expected to result in death or can be expected to last for a continuous period of not less than six months, and where the impairment causes the employee to be unable to perform the duties of his or her position of employment or any substantially similar position of employment, a period of 29 months is substituted for the 6-month period otherwise applicable under this provision.

b. For purposes of sections 6.78.350.T.2.a., for periods during which an employee is on a Bona Fide Leave of Absence and has not otherwise terminated employment, the employee is treated as providing bona fide services at a level equal to the level of services that the employee would have been required to perform to receive the compensation paid during that Bona Fide Leave of Absence. Periods during which the employee is on an unpaid Bona Fide Leave of Absence are disregarded for the purposes of section 6.78.350.T.2.a.

SECTION 58. Pursuant to Government Code Section 25123(f), this ordinance shall take effect immediately upon final passage.

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