ANALYSIS

This ordinance amends Title 5 – Personnel and Title 6 -- Salaries, of the Los Angeles County Code by:

- Revising definitions and portions of Section 5.19.040, 5.25.020, 5.25.030, 5.26.020, 5.26.040, 5.26.080 and 5.26.090 relating to the timing of participant Plan elections;
- Revising portions of Sections 5.25.020 and 5.26.020, relating to compensation included in the employee portion of Plan contributions
- Clarifying pay period terminology in portions of Sections 5.25.020, 5.25.050, 5.25.055, 5.25.108, 5.26.020, 5.26.110, 5.26.120, 5.26.130 and 5.26.171 and 6.02.030;
- Revising portions of Sections 5.27.040, 5.27.050, 5.27.060, 5.27.240, 5.27.250, 5.27.260, 5.28.040, 5.28.050, 5.28.060, 5.28.240, 5.28.250, 5.28.260, 5.33.040, 5.33.050, 5.33.060, 5.37.040, 5.37.050 and 5.37.060 relating to the timing of receipt of additional Eligible Earnings from Nonelective Contributions and to the timing of reduction of Eligible Earnings pursuant to a deemed authorization;
- Modifying the Nonelective Annual Leave accrual rate in Sections 5.27.330 and 5.28.330;
- Modifying and clarifying the pay calculation methodology relative to semi-monthly payroll periods in Section 5.27.390 and 5.28.390;
- Modifying the service anniversary date for step advancement purposes in Sections 6.08.070;
- Adding new pay rate terminology and definitions relative to semi-monthly payroll periods and workday pay in Section 6.09.020;
- Amending Sections 6.09.060 and 6.20.040 relating to part-pay sick leave as workdays/hours rather than calendar-days/hours;
- Adding pay-loss calculation methodology relative to workday pay to Section 6.09.070;
- Adding a new vacation rate term and associated definition in Section 6.18.020;

- Converting vacation leave accrual rates to hours/minutes and modifying the accumulation process in Section 6.18.040;
- Converting vacation leave accrual rates to hours/minutes in Section 6.18.050 and 6.18.060;
- Amending portions of 6.18.080 to simplify the calculation of the maximum amount of accumulated vacation leave;
- Adding new definitions relative to semi-monthly payroll periods and workday pay to Section 6.20.010 for pay calculations involving special leave events;
- Converting sick leave accrual rates to hours/minutes in Section 6.20.020;
- Eliminating the part-pay sick leave five-day wait period in Section 6.20.050;
- Clarifying pay calculation methodology in 6.20.070;
- Amending Section 6.24.010 relating to the timing of semi-monthly pay and the elimination of emergency salary advances for non-Direct Deposit Program participants;
- Clarifying pay calculations relative to semi-monthly payroll periods using hourly and daily rates in Section 6.24.020; and
- Eliminating salary advances associated with approved leaves of absences in Section 6.24.030.

ANDREA SHERIDAN ORDIN
County Counsel

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

HSM:asv
Requested: 07-14-09
Revised: 02-17-10

ORDINANCE NO. 2010-0014

An ordinance amending Title 5 - Personnel and Title 6 – Salaries of the Los Angeles County Code, relating to salary and fringe benefits.

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

SECTION 1. Section 5.19.040 is hereby amended to read as follows:

5.19.040 Deferred Compensation Contributions.

. . .

B. Supplemental Deferred Compensation Contributions. Effective as of January 1, 1992, and subject to the limitations of Section 5.19.060, a Participant may enter into an agreement with the County (on a form provided by the County or its Agent) to defer irrevocably a portion of his Compensation in addition to the amounts deferred under Section 5.19.040A. Such an agreement (1) shall only apply with respect to Compensation earned by the Participant for services rendered to the County on or after the first day of the calendar month following the execution of the agreement, and (2) shall remain in effect for a minimum of one calendar month. The agreement shall thereafter be effective until the Participant (1) ceases to be a Participant for purposes of this Section 5.19.040B, or (2) modifies or revokes such agreement as of the first day of any calendar month by written notice delivered to the County or its Agent at least 20 days before the first day of each month. Effective on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, an agreement to defer compensation may be made, modified or revoked on a semi-monthly basis, in accordance with procedures established by the Administrative Committee, with an

election made on or before the 15th of a month effective with respect to Compensation paid on or about the 15th of the next month, and an election made after the 15th, but before the last day of a month, effective with respect to Compensation paid on or about the 30th of the next month.

SECTION 2. Section 5.25.020 is hereby amended to read as follows:

5.25.020 Definitions.

. . .

M. "Compensation" means base rate, as established in Title 6 of the Los Angeles County Code, as amended, plus any monthly bonus established as a designated number of schedules and/or levels in the Standardized Salary Schedule contained in such Title 6. Compensation shall not include any of the following:

. . .

Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each reference to "monthly bonus" in this Section 5.25.020.M. shall be deemed to be a reference to "payroll period bonus."

. . .

Y. "Entry Date" means ~~the first day of each month~~ the 1st day of the month or the 16th day of the month.

Z. "Includible Compensation" means wages, within the meaning of Section 3401(a) of the Code (for purposes of income tax withholding) but determined without regard to any rules that limit the remuneration included in wages based on the nature or location of the employment or the services performed, paid to an Employee by the

County for services performed for the County. Includible Compensation also includes (i) any elective deferral (as defined in Code Section 402(g)(3)), such as Tax Deferred Contributions under the Savings Plan, (ii) any amount which is contributed to a plan sponsored by the County at the election of the Employee and which is not includible in gross income under Code Sections 125, 132(f)(4) or 457, and (iii) any amount that is not available in cash to an Employee under the Choices, Options, Flexible Benefit Plans or Mega-Flex Plans (or a successor plan) because the Employee is unable to certify that the Employee has other health coverage. In order to be taken into account as Includible Compensation, an item of compensation must be paid (or treated as paid) to the Participant prior to Separation from Employment, provided, however, the following types of post-employment payments are included within Includible Compensation if they are paid by the later of 2½ months after Separation from Employment or the end of the calendar year in which the Separation from Employment occurs: (i) payments that, absent a Separation from Employment, would have been paid to the Participant in the normal course of employment and are regular compensation for services during regular working hours or outside regular working hours (such as overtime or shift differential), bonuses or other similar compensation; and (ii) Termination Pay. Except as provided in Section 5.25.055, Includible Compensation shall not include any Settlement Award (as defined in Section 5.25.055). Any item of taxable income that is not included in this definition of Includible Compensation may not be deferred in accordance with a Participant's Participation Agreement. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented,

Includible Compensation shall not include Nonelective Contributions (as that term is defined in Los Angeles County Code Sections 5.27.020, 5.28.020, 5.33.020 or 5.37.020, as applicable) unless those Nonelective Contributions are received by the Participant as a cash benefit under the Choices, Options, Flexible Benefit or Mega-Flex plans (in accordance with Los Angeles County Code Sections 5.27.050E, 5.28.050E, 5.33.050F or 5.37.050F, as applicable).

. . .

SECTION 3. Section 5.25.030 is hereby amended to read as follows:

5.25.030 Election to become a participant.

A. An Eligible Employee may become a Participant in the Plan by entering into a Participation Agreement with the County before an Entry Date. The Participant's election to defer Eligible Earnings shall become effective with respect to Eligible Earnings payable to the electing Eligible Employee for services rendered to the County on or after the next Entry Date following the execution of such Participation Agreement. Such Participation Agreement shall remain effective for a minimum of one calendar month and shall be effective thereafter for so long as the Participant remains an Eligible Employee unless revoked or modified by the Participant. The Participant may revoke or modify a Participation Agreement by providing notice, in accordance with procedures authorized by the County, prior to the commencement of the calendar month for which the revocation or modification is to be effective. Effective on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, a Participation Agreement may be made, modified or revoked on a semi-monthly basis, in

accordance with procedures established by the Administrative Committee, with an election made on or before the 15th of a month effective with respect to Eligible Earnings paid on or about the 15th of the next month, and an election made after the 15th, but before the last day of a month, effective with respect to Eligible Earnings paid on or about the 30th of the next month.

B. The Participation Agreement shall specify, as either a percentage or a dollar amount, the portion of Eligible Earnings to be deferred each ~~month~~ pay period pursuant to the Plan and contributed to the Plan; provided however, that, for any pay period, the Participant may not deduct from and defer any amount that: (i) would not be received as taxable cash but for the Participation Agreement; or (ii) would not constitute Eligible Earnings even if received as taxable cash. Moreover, the Participant's Eligible Earnings for each pay period will be reduced on a pre-tax basis in the following order: (i) first, any pre-tax contributions to the Los Angeles County Employee's Retirement Association; (ii) second, if the Participant participates in one of the flexible benefit plans under Chapters 5.27, 5.28, 5.33 or 5.37 of the County Code, by the amount of any contributions under such plans that otherwise would have constituted Eligible Earnings; (iii) third, if a Participant also participates in the Savings Plan, by the Tax Deferred Contributions to the Savings Plan; and (iv) fourth, by an amount to satisfy the Participant's Participation Agreement under Horizons Plan.

. . .

SECTION 4. Section 5.25.050 is hereby amended to read as follows:

5.25.050 Matching contributions.

. . .

C. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each reference to "month" in this Section 5.25.050 shall be deemed to be a reference to "payroll period" and each reference to "on a monthly basis" shall be deemed to be a reference to "each payroll period."

SECTION 5. Section 5.25.055 is hereby amended to read as follows:

5.25.055 Settlement Awards.

. . .

D. Matching Contributions.

. . .

3. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each reference to "month" in this Section 5.25.055D shall be deemed to be a reference to "payroll period."

E. Prior-Year Settlement Period.

. . .

5. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each reference to "month" in this Section 5.25.055E shall be deemed to be a reference to "payroll period."

. . .

SECTION 6. Section 5.25.108 is hereby amended to read as follows:

5.25.108 Rollovers and Plan-to-Plan Transfers.

A.

. . .

2. All County Pension Savings Plan Deferred Compensation Contributions and Matching Contributions earned by any Participant of that plan in the month preceding the Transfer due to be contributed for the Participant to the County Pension Savings Plan on or after the Entry Date into this Plan shall instead be contributed to this Plan. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the reference to "month" in this Section 5.25.108A.2 shall be deemed to be a reference to "payroll period."

. . .

SECTION 7. Section 5.26.020 is hereby amended to read as follows:

5.26.020 Definitions.

. . .

13.

. . .

b. Compensation shall not include any of the following:

. . .

Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management

system reflecting this provision is implemented, each reference to "monthly bonus" in this Section 5.26.020.13. shall be deemed to be a reference to "payroll period bonus."

. . . .

23. "Entry Date" means September 1, 1984, and ~~the first day of every succeeding month~~ the 1st day of the month or the 16th day of the month unless otherwise provided by the Administrative Committee.

. . .

25. "415 Compensation" means wages, within the meaning of Section 3401(a) of the Code (for purposes of income tax withholding) but determined without regard to any rules that limit the remuneration included in wages based on the nature or location of the employment or the services performed, paid to an Employee by the County. Effective for years beginning on and after January 1, 1998, 415 Compensation also includes any County contribution under a cash or deferred arrangement (including Tax Deferred Contributions) for the year, any County contributions to purchase an annuity contract under Code Section 403(b) under a salary reduction agreement, any other elective deferral (as defined in Code Section 402(g)(3)) and any amount which is contributed to a plan sponsored by the County at the election of the Employee and which is not includible in gross income under Code Section 125 or Code Section 457. For Limitation Years (as defined in Section 5.26.160) beginning on and after January 1, 2001, 415 Compensation paid or made available during such Limitation Years shall include elective amounts that are not includible in the gross income of the Employee by reason of Code Section 132(f)(4). On or after January 1, 2003, 415 Compensation also includes any amount that is not available in cash to an Employee under the Choices,

Options, Flexible Benefit Plans or Mega-Flex Plans (or a successor plan) because the Employee is unable to certify that the Employee has other health coverage. Except as provided in Part 4.5, 415 Compensation shall not include any Settlement Award (as defined in Part 4.5). In order to be taken into account as 415 Compensation, an item of compensation must be paid (or treated as paid) to the Participant prior to the Participant's Severance Date, provided, however, the following types of post-employment payments are included within 415 Compensation if they are paid by the later of 2½ months after the Participant's Severance Date or the end of the calendar year in which such Severance Date occurs: (i) payments that, absent a termination from employment, would have been paid to the Participant in the normal course of employment and are regular compensation for services during regular working hours or outside regular working hours (such as overtime or shift differential), bonuses or other similar compensation; and (ii) Termination Pay. For these purposes, the "County" includes any entity the employees of which, together with employees of the County, are required to be treated as if they were employed by a single employer under Code Section 414(b), (c), (m) or (o) (taking into account any adjustment made pursuant to Code Section 415(h)), and any entity whose employees are treated as employees of the County under Code Section 414(n). Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, 415 Compensation shall not include Nonelective Contributions (as that term is defined in Los Angeles County Code Sections 5.27.020, 5.28.020, 5.33.020 or 5.37.020, as applicable) unless those Nonelective Contributions are received by the Participant as a

cash benefit under the Choices, Options, Flexible Benefit or Mega-Flex plans (in accordance with Los Angeles County Code Sections 5.27.050E, 5.28.050E, 5.33.050F or 5.37.050F, as applicable).

. . .

SECTION 8. Section 5.26.040 is hereby amended to read as follows:

5.26.040 Commencement of Participation.

A. An Eligible Employee may become a Participant by entering into a Compensation Deferral Agreement or, effective as of January 1, 2002, a Salary Deduction Agreement before an Entry Date. Such an Eligible Employee's participation shall become effective with respect to Eligible Earnings payable for services rendered to the County on and after the next Entry Date following the date the Compensation Deferral Agreement or Salary Deduction Agreement is entered into. Effective on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, a Compensation Deferral Agreement or Salary Deduction Agreement entered on or before the 15th of a month will be effective with respect to Eligible Earnings paid on or about the 15th of the next month, and any such Agreement entered after the 15th, but before the last day of a month, will be effective with respect to Eligible Earnings paid on or about the 30th of the next month.

. . .

SECTION 9. Section 5.26.080 is hereby amended to read as follows:

5.26.080 Changes in Tax Deferred Contributions, or After-Tax Contributions.

The percentage or dollar amount designated by a Participant pursuant to Sections 5.26.060 and 5.26.065 shall continue in effect, notwithstanding any changes in the Participant's Eligible Earnings. A Participant may, however, in accordance with Section 5.26.060 or Section 5.26.065 as applicable, change the percentage or dollar amount of the Tax Deferred Contributions or After-Tax Contributions that are being made for him once each month by giving prior written notice of such change to the Administrative Committee, in accordance with procedures established by the Administrative Committee, effective with respect to Eligible Earnings payable for services rendered to the County on and after the Entry Date following the date such notice is filed. Effective on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, a participant may change the percentage or dollar amount of Tax Deferred Contributions or After-Tax Contributions that are being made for him on a semi-monthly basis, in accordance with procedures established by the Administrative Committee, with a change made on or before the 15th of a month effective with respect to Eligible Earnings paid on or about the 15th of the next month, and a change made after the 15th, but before the last day of a month, effective with respect to Eligible Earnings paid on or about the 30th of the next month.

. . .

SECTION 10. Section 5.26.090 is hereby amended to read as follows:

5.26.090 Suspension of Tax Deferred Contributions or After-Tax Contributions.

By giving prior written notice thereof to the Administrative Committee in

accordance with procedures established by the Administrative Committee, a Participant may suspend the Tax Deferred Contributions or After-Tax Contributions that are being made for him at any time effective with respect to Eligible Earnings payable for services rendered to the County on or after the Entry Date following the date such notice is filed. A Participant who has suspended the Tax Deferred Contributions or After-Tax Contributions that were being made for him may again have such contributions made for him by giving prior written notice of such change to the Administrative Committee in accordance with procedures established by the Administrative Committee (which procedures may include, at the sole discretion of the Administrative Committee, the filing of a new Compensation Deferral Agreement or Salary Deduction Agreement, as applicable, with the Administrative Committee in accordance with Section 5.26.040), effective with respect to Eligible Earnings payable for services rendered to the County on and after the Entry Date following the date such notice is filed. Effective on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, a participant may suspend or restart his Tax Deferred Contributions or After-Tax Contributions on a semi-monthly basis, in accordance with procedures established by the Administrative Committee, with an election made on or before the 15th of a month effective with respect to Eligible Earnings paid on or about the 15th of the next month, and an election made after the 15th, but before the last day of a month, effective with respect to Eligible Earnings paid on or about the 30th of the next month.

. . .

SECTION 11. Section 5.26.110 is hereby amended to read as follows:

5.26.110 Amount of Matching Contributions.

A. Subject to the provisions of the Plan and the Trust Agreement, the County shall contribute to the Investment Funds on account each month an amount equal to four percent (4%) of each Participant's monthly Compensation provided that the year-to-date cumulative Matching Contributions do not exceed such Participant's year-to-date cumulative Tax Deferred Contributions. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the reference to "month" in this Section 5.26.110.A shall be deemed to be a reference to "payroll period" and the reference to "monthly Compensation" shall be deemed to be a reference to "Compensation for that payroll period."

. . .

SECTION 12. Section 5.26.120 is hereby amended to read as follows

5.26.120 Payments to Trustee.

Matching Contributions shall be paid to the Trustee in cash at least monthly and shall be based upon the amount of Tax Deferred Contributions made during the month for which such Matching Contributions are made. Any other provision herein to the contrary notwithstanding, if it appears to the Administrative Committee that the County will not be able to make Matching Contributions for a Plan Year or any part thereof because it appears there will not be sufficient Net Revenues, the County shall cease making Matching Contributions for such Plan Year on a monthly basis and shall make

Matching Contributions, if any, within 30 days after the amount, if any, of Net Revenues for such Plan Year is determined.

If the amount of Matching Contributions for a Plan Year exceeds the amount which may be contributed to the Plan in accordance with Section 5.26.110 (except in the case of a mistake of fact covered by Section 5.26.150B), to the extent permitted by applicable law, such excess Matching Contributions shall be forfeited, placed in a suspense account and applied in accordance with Section 5.26.338.

Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each reference to "month" in this Section 5.26.120 shall be deemed to be a reference to "payroll period" and each reference to "on a monthly basis" or "at least monthly" shall be deemed to be a reference to "each payroll period."

SECTION 13. Section 5.26.130 is hereby amended to read as follows:

5.26.130 Allocation of Matching Contributions.

Matching Contributions shall be allocated and credited each month to the Matching Contributions Account of each Participant for whom Tax Deferred Contributions are made during such month, with each such Participant receiving a portion of the Matching Contributions equal to the amount calculated according to the provisions of Section 5.26.110. In the event that Matching Contributions are insufficient to provide each Participant with his fully allocated portion as provided in the preceding sentence, the Matching Contributions that are made shall be allocated proportionally to the Matching Contributions Account of each Participant in a manner consistent with

such sentence. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each reference to "month" in this Section 5.26.130 shall be deemed to be a reference to "payroll period."

SECTION 14. Section 5.26.171 is hereby amended to read as follows:

5.26.171 Application to Settlement Awards.

. . .

C. Matching Contributions.

. . .

4. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each reference to "month" in this Section 5.26.171.C shall be deemed to be a reference to "payroll period."

D. Prior-Year Settlement Period.

. . .

5. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each reference to "month" in this Section 5.26.171.D shall be deemed to be a reference to "payroll period."

. . .

SECTION 15. Section 5.27.040 is hereby amended to read as follows:

5.27.040 Contributions.

A. Nonelective Contributions. Except as otherwise provided herein, each month the County shall contribute to the Plan on behalf of each Participant an amount equal to the greater of $809.00 or 10 percent of such Participant's Compensation for the preceding month beginning the 2009 Plan Year; provided, however, that no Nonelective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Nonelective Contributions shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, an advance of approximately one-half the monthly Nonelective Contributions received as additional Eligible Earnings in accordance with Section 5.27.050E shall be reflected in County payroll warrants issued on or about the thirtieth day of the month in which the requisite pay status was completed and the remainder of such additional Eligible Earnings shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed.

B. Elective Contributions. Each Eligible Employee prior to commencing his participation in the Plan and each Participant prior to the beginning of a Plan Year may irrevocably elect to have an additional dollar amount contributed by the County during a Plan Year for each month that he participates in the Plan as an Elective Contribution, not to exceed his Eligible Earnings for such month, and to have his Eligible Earnings reduced each month by an amount equal to such Elective Contribution; provided,

however, that no Elective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Such Elective Contribution on behalf of a Participant each month shall equal the amount necessary to fund the Taxable Benefits and/or Nontaxable Benefits chosen by such Participant pursuant to the election procedure set forth in Section 5.27.060, after first applying the Nonelective Contribution for such month to the cost of such Taxable Benefits and/or Nontaxable Benefits. In the event of contractual renegotiation, change in method of funding, or substitution of a Taxable Benefit and/or Nontaxable Benefit during a Plan Year, the County, without prior notice to Participants, may automatically adjust the Elective Contributions made for, and/or the Eligible Earnings paid to, Participants who have selected such Taxable Benefits and/or Nontaxable Benefits, in accordance with increases or decreases in the cost of the Taxable Benefits and/or Nontaxable Benefits. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, monthly Elective Contributions shall be apportioned over semi-monthly pay periods so that approximately one-half the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings as reflected in County payroll warrants issued on or about the thirtieth day of the month to which the Eligible Earnings relate and the remainder of the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings reflected in County payroll warrants issued on or about the fifteenth day of the following month.

. . .

SECTION 16. Section 5.27.050 is hereby amended to read as follows:

5.27.050 Benefits.

....

E. Cash Benefit. Any portion of a Nonelective Contribution made on behalf of a Participant which is not necessary to fund the Taxable Benefits and Nontaxable Benefits selected by the Participant shall be received by the Participant in the form of an increase in his Eligible Earnings for that month, with such amounts to be reflected in County payroll warrants as described in Section 5.27.040A; provided, however, that the total cash benefit provided by this Subdivision 1 shall not exceed the lesser of the following, whichever is applicable:

. . .

SECTION 17. Section 5.27.060 is hereby amended to read as follows:

5.27.060 Benefit election procedure and allocation of Contributions.

. . .

B. Deemed Elections. Any Eligible Employee who is enrolled in an insured health or welfare benefit program incorporated into the Plan as a Taxable Benefit or Nontaxable Benefit on the date his election form is due to be filed pursuant to subsection A of this section, or any Participant who in the current Plan Year receives one or more Taxable Benefits or Nontaxable Benefits who fails to make a timely election of Benefits for either initial participation or continued participation in the Plan, whichever is relevant, shall be deemed to have elected to receive the same type, and if applicable, the same amount, of Taxable Benefits and Nontaxable Benefits elected for the period preceding Plan participation or for the previous Plan Year except as otherwise provided in the Election Information. To the extent that the dollar value of the Nonelective

Contribution made on behalf of such Participant exceeds the cost of such Taxable Benefits and/or Nontaxable Benefits, the Participant shall receive the difference in additional monthly Eligible Earnings during the Plan Year except as otherwise provided in the Election Information. To the extent that the cost of such Taxable Benefits and/or Nontaxable Benefits exceeds the Nonelective Contributions, the Participant shall be deemed to have authorized the County to reduce his Eligible Earnings by such amount each month as may be necessary to cover the excess cost of such Taxable Benefits and/or Nontaxable Benefits, in accordance with the limit set forth in Section 5.27.040B. Any Eligible Employee or Participant who fails to submit the election form on or before the due date who was not so enrolled in an insured health or welfare benefit program shall be deemed to have elected to receive the entire amount of the Nonelective Contributions made on his behalf during the next Plan Year as additions to his Eligible Earnings each month during such Plan Year, except as otherwise provided in the Election Information. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented: 1) any additional monthly Eligible Earnings received due to a Participant's deemed election under this Section 5.27.060B shall be reflected in County payroll warrants as described in Section 5.27.040A, and 2) a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.27.040B.

. . .

E. Compensation Reduction Agreement. If, in respect of any month during a

Plan Year, the cost of the Taxable Benefits and/or Nontaxable Benefits elected by a Participant for such Plan Year exceeds the amount of Nonelective Contributions made on his behalf for such month, the Participant shall be deemed to have authorized the County, in accordance with the limit set forth in Section 5.27.040B hereof, to reduce his Eligible Earnings by such amount each month as is necessary to cover the excess cost of the Taxable Benefits and/or Nontaxable Benefits elected by such Participant and to make corresponding Elective Contributions to the Plan on his behalf. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.27.040B.

. . .

SECTION 18. Section 5.27.240 is hereby amended to read as follows:

5.27.240 Contributions.

A. Nonelective Contributions.

. . .

2. In no event shall a Nonelective Contribution be made on behalf of any Participant who has not been in a pay status for at least eight hours during the prior month. Nonelective Contributions shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed. Effective beginning on and after April 1, 2010, or such later date

as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, an advance of approximately one-half the monthly Nonelective Contributions received as additional Eligible Earnings in accordance with Section 5.27.250E shall be reflected in County payroll warrants issued on or about the thirtieth day of the month in which the requisite pay status was completed and the remainder of such additional Eligible Earnings shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed.

B. Elective Contributions. Each Eligible Employee prior to commencing his participation in the Plan and each Participant prior to the beginning of a Plan Year may irrevocably elect to have an additional dollar amount contributed by the County during a Plan Year for each month that he participates in the Plan as an Elective Contribution, not to exceed his Eligible Earnings for such month, and to have his Eligible Earnings reduced each month by an amount equal to such Elective Contribution; provided, however, that no Elective Contributions shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Such Elective Contribution on behalf of a Participant each month shall be equal to the amount necessary to fund the Taxable Benefits and/or Nontaxable Benefits chosen by such Participant pursuant to the election procedure set forth in Section 5.27.260A after first applying the Nonelective Contribution for such month to the cost of such Taxable Benefits and/or Nontaxable Benefits. In the event of contractual renegotiation, change in method of funding, or substitution of a Taxable Benefit and/or Nontaxable Benefit during a Plan Year, the County, without prior notice to Participants, may automatically

adjust the Elective Contributions made for and/or the Eligible Earnings paid to, Participants who have selected such Taxable Benefits and/or Nontaxable Benefits, in accordance with increases or decreases in the cost of the Taxable Benefits and/or Nontaxable Benefits. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, monthly Elective Contributions shall be apportioned over semi-monthly pay periods so that approximately one-half the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings as reflected in County payroll warrants issued on or about the thirtieth day of the month to which such Eligible Earnings relate and the remainder of the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings reflected in County payroll warrants issued on or about the fifteenth day of the month.

. . .

SECTION 19. Section 5.27.250 is hereby amended to read as follows:

5.27.250 Benefits.

. . .

E. Nonelective Contributions. Cash Benefit. Any portion of a Nonelective Contribution made on behalf of a Participant which is not necessary to fund the Taxable Benefits and Nontaxable Benefits selected by the Participant shall be received by the Participant in the form of an increase in his Eligible Earnings for that month, with such amount to be reflected in County payroll warrants as described in Section 5.27.240A; provided, however, that the total cash benefit provided by this Subdivision 2 shall not exceed the lesser of the following, whichever is applicable:

. . .

SECTION 20. Section 5.27.260 is hereby amended to read as follows:

5.27.260 Benefits election procedure and allocation of Contributions.

. . .

B. Deemed Elections. Any Eligible Employee who is enrolled in an insured health or welfare benefit program incorporated into the Plan as a Taxable Benefit or Nontaxable Benefit on the date his election form is due to be filed pursuant to subsection A of this section, or any Participant who in the current Plan Year receives one or more Taxable Benefits or Nontaxable Benefits who fails to make a timely election of Benefits for either initial participation or continued participation in the Plan, whichever is relevant, shall be deemed to have elected to receive the same type, and if applicable, the same amount, of Taxable Benefits and Nontaxable Benefits elected for the period preceding Plan participation or for the previous Plan Year, except as otherwise provided in the Election Information. To the extent that the dollar value of the Nonelective Contribution made on behalf of such Participant exceeds the cost of such Taxable Benefits and/or Nontaxable Benefits, the Participant shall receive the difference in additional monthly Eligible Earnings during the Plan Year except as otherwise provided in the Election Information. To the extent that the cost of such Taxable Benefits and/or Nontaxable Benefits exceeds the Nonelective Contributions, the Participant shall be deemed to have authorized the County to reduce his Eligible Earnings by such amount each month as may be necessary to cover the excess cost of such Taxable Benefits and/or Nontaxable Benefits, in accordance with the limit set forth in Section 5.27.240B. Any Eligible Employee or Participant who fails to submit the election form on or before

the due date who was not so enrolled in an insured health or welfare benefit program shall be deemed to have elected to receive the entire amount of the Nonelective Contributions made on his behalf during the next Plan Year as additions to his Eligible Earnings each month during such Plan Year, except as otherwise provided in the Election Information. Effective beginning on or after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented: 1) any additional monthly Eligible Earnings received due to a Participant's deemed election under this Section 5.27.260B shall be reflected in County payroll warrants as described in Section 5.27.240A, and 2) a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.27.240B.

. . .

E. Compensation Reduction Agreement. If, in respect of any month during a Plan Year, the cost of the Taxable Benefits and/or Nontaxable Benefits elected by a Participant for such Plan Year exceeds the amount of Nonelective Contributions made on his behalf for such month, the Participant shall be deemed to have authorized the County, in accordance with the limit set forth in Section 5.27.040B hereof, to reduce his Eligible Earnings by such amount each month as is necessary to cover the excess cost of the Taxable Benefits and/or Nontaxable Benefits elected by such Participant and to make corresponding Elective Contributions to the Plan on his behalf. Effective beginning on or after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting

this provision is implemented, a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.27.240B.

. . .

SECTION 21. Section 5.27.330 is hereby amended to read as follows:

5.27.330 Nonelective Annual Leave.

A. Annual Allowance.

. . .

B. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each Participant shall accrue Nonelective Annual Leave based on the Participant's active service at the rate of four (4) hours per pay period up to an annual maximum of 10 days of paid Nonelective Annual Leave available for use January 1st of each subsequent Plan Year. Any unpaid hours of active service in the pay period will cause a proportionate reduction in the Nonelective Annual Leave entitlement for that pay period.

~~B.~~ C. Accrual of Unused Time.

. . .

SECTION 22. Section 5.27.390 is hereby amended to read as follows:

5.27.390 Core coverage, optional benefits and benefit costs.

. . .

D. Hourly Rate Determination. Effective beginning on and after April 1, 2010,

or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the income replacement benefit will be paid at the workday hourly rate for the Eligible Participant's Compensation, with such hourly rate calculated by dividing one-half of Compensation by the number of scheduled workday hours in the applicable semi-monthly pay period; provided, however, that for Eligible Participants whose Disability qualifies them for workers' compensation benefits, the income replacement benefit will be paid at the calendar day hourly rate for the Eligible Participant's Compensation, with such hourly rate calculated by dividing the monthly benefit by the number of calendar day hours in the month.

SECTION 23. Section 5.28.040 is hereby amended to read as follows:

5.28.040 Contributions.

A. Nonelective Contributions. Except as otherwise provided herein, each month the County shall contribute to the Plan on behalf of each Participant an amount equal to the greater of $809.00 or 10 percent of such Participant's Compensation for the preceding month beginning the 2009 Plan Year; provided, however, that no Nonelective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Nonelective Contributions shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, an advance of approximately one-half the monthly

Nonelective Contributions received as additional Eligible Earnings in accordance with Section 5.28.050E shall be reflected in County payroll warrants issued on or about the thirtieth day of the month in which the requisite pay status was completed and the remainder of such additional Eligible Earnings shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed.

B. Elective Contributions. Each Eligible Employee prior to commencing his participation in the Plan and each Participant prior to the beginning of a Plan Year may irrevocably elect to have an additional dollar amount contributed by the County during a Plan Year for each month that he participates in the Plan as an Elective Contribution, not to exceed his Eligible Earnings for such month, and to have his Eligible Earnings reduced each month by an amount equal to such Elective Contribution; provided, however, that no Elective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Such Elective Contribution on behalf of a Participant each month shall equal the amount necessary to fund the Taxable Benefits and/or Nontaxable Benefits chosen by such Participant pursuant to the election procedure set forth in Section 5.28.060, after first applying the Nonelective Contribution for such month to the cost of such Taxable Benefits and/or Nontaxable Benefits. In the event of contractual renegotiation, change in method of funding, or substitution of a Taxable Benefit and/or Nontaxable Benefit during a Plan Year, the County, without prior notice to Participants, may automatically adjust the Elective Contributions made for, and/or the Eligible Earnings paid to, Participants who have selected such Taxable Benefits and/or Nontaxable Benefits in accordance with

increases or decreases in the cost of the Taxable Benefits and/or Nontaxable Benefits. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, monthly Elective Contributions shall be apportioned over semi-monthly pay periods so that approximately one-half the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings as reflected in County payroll warrants issued on or about the thirtieth day of the month to which the Eligible Earnings relate and the remainder of the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings reflected in County payroll warrants issued on or about the fifteenth day of the following month.

. . .

SECTION 24. Section 5.28.050 is hereby amended to read as follows:

5.28.050 Benefits.

. . .

E. Cash Benefit. Any portion of a Nonelective Contribution made on behalf of a Participant which is not necessary to fund the Taxable Benefits and Nontaxable Benefits selected by the Participant shall be received by the Participant in the form of an increase in his Eligible Earnings for that month, with such amount to be reflected in County payroll warrants as described in Section 5.28.040A.

. . .

SECTION 25. Section 5.28.060 is hereby amended to read as follows:

5.28.060 Benefit election procedure and allocation of Contributions.

. . .

B. Deemed Elections.

1. Except as provided in subsection (B)(2) of this section, any Eligible Employee who is enrolled in an insured health or welfare benefit program incorporated into the Plan as a Taxable Benefit or Nontaxable Benefit on the date his election form is due to be filed pursuant to subsection A of this section, or any Participant who in the current Plan Year receives one or more Taxable Benefits or Nontaxable Benefits who fails to make a timely election of Benefits for continued participation in the Plan, shall be deemed to have elected to receive the same type, and if applicable, the same amount, of Taxable Benefits and Nontaxable Benefits elected for the previous Plan Year except as otherwise provided in the Election Information. To the extent that the dollar value of the Nonelective Contribution made on behalf of such Participant exceeds the cost of such Taxable Benefits and/or Nontaxable Benefits, the Participant shall receive the difference in additional monthly Eligible Earnings during the Plan Year except as otherwise provided in the Election Information. To the extent that the cost of such Nontaxable Benefits exceeds the Nonelective Contributions, the Participant shall be deemed to have authorized the County to reduce his Eligible Earnings by such amount each month as may be necessary to cover the excess cost of such Taxable Benefits and/or Nontaxable Benefits, in accordance with the limit set forth in Section 5.28.040B. Any Eligible Employee or Participant who fails to submit the election form on or before the due date who was not so enrolled in an insured health or welfare benefit program shall be deemed to have elected to receive the entire amount of the Nonelective Contributions made on his behalf during the next Plan Year as additions to his Eligible Earnings each month during such Plan Year, except as otherwise provided in the

Election Information. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented: 1) any additional monthly Eligible Earnings received due to a Participant's deemed election under this Section 5.28.060B shall be reflected in County payroll warrants as described in Section 5.28.040A, and 2) a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.28.040B.

. . .

E. Compensation Reduction Agreement. If, in respect of any month during a Plan Year, the cost of the Taxable Benefits and/or Nontaxable Benefits elected by a Participant for such Plan Year exceeds the amount of Nonelective Contributions made on his behalf for such month, the Participant shall be deemed to have authorized the County~~.~~ ~~In~~ in accordance with the limit set forth in Section 5.28.040B hereof, to reduce his Eligible Earnings by such amount each month as is necessary to cover the excess cost of the Taxable Benefits and/or Nontaxable Benefits elected by such Participant and to make corresponding Elective Contributions to the Plan on his behalf. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.28.040B.

. . .

SECTION 26. Section 5.28.240 is hereby amended to read as follows:

5.28.240 Contributions.

A. Nonelective Contributions.

. . .

2. In no event shall a Nonelective Contribution be made on behalf of any Participant who has not been in a pay status for at least eight hours during the prior month. Nonelective Contributions shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, an advance of approximately one-half the monthly Nonelective Contributions received as additional Eligible Earnings in accordance with Section 5.28.250E shall be reflected in County payroll warrants issued on or about the thirtieth day of the month in which the requisite pay status was completed and the remainder of such additional Eligible Earnings shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed.

B. Elective Contributions. Each Eligible Employee prior to commencing his participation in the Plan and each Participant prior to the beginning of a Plan Year may irrevocably elect to have an additional dollar amount contributed by the County during a Plan Year for each month that he participates in the Plan as an Elective Contribution, not to exceed his Eligible Earnings for such month, and to have his Eligible Earnings

reduced each month by an amount equal to such Elective Contribution; provided, however, that no Elective Contributions shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Such Elective Contribution on behalf of a Participant each month shall be equal to the amount necessary to fund the Taxable Benefits and/or Nontaxable Benefits chosen by such Participant pursuant to the election procedure set forth in Section 5.28.260A after first applying the Nonelective Contribution for such month to the cost of such Taxable Benefits and/or Nontaxable Benefits. In the event of contractual renegotiation, change in method of funding, or substitution of a Taxable Benefit and/or Nontaxable Benefit during a Plan Year, the County, without prior notice to Participants, may automatically adjust the Elective Contributions made for and/or the Eligible Earnings paid to, Participants who have selected such Taxable Benefits and/or Nontaxable Benefits, in accordance with increases or decreases in the cost of the Taxable Benefits and/or Nontaxable Benefits. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, monthly Elective Contributions shall be apportioned over semi-monthly pay periods so that approximately one-half the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings as reflected in County payroll warrants issued on or about the thirtieth day of the month to which the Eligible Earnings relate and the remainder of the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings reflected in County payroll warrants issued on or about the fifteenth day of the following month.

. . .

SECTION 27. Section 5.28.250 is hereby amended to read as follows:

5.28.250 Benefits.

. . .

E. Cash Benefit. Any portion of a Nonelective Contribution made on behalf of a Participant which is not necessary to fund the Taxable Benefits and Nontaxable Benefits selected by the Participant shall be received by the Participant in the form of an increase in his Eligible Earnings for that month, with such amount to be reflected in County payroll warrants as described in Section 5.28.240A.

. . .

SECTION 28. Section 5.28.260 is hereby amended to read as follows:

5.28.260 Benefits election procedure and allocation of Contributions.

. . .

B. Deemed Elections.

1. Except as provided in subsection (B)(2) of this section, any Eligible Employee who is enrolled in an insured health or welfare benefit program incorporated into the Plan as a Taxable Benefit or Nontaxable Benefit on the date his election form is due to be filed pursuant to subsection A of this section, or any Participant who in the current Plan Year receives one or more Taxable Benefits or Nontaxable Benefits who fails to make a timely election of Benefits for continued participation in the Plan, shall be deemed to have elected to receive the same type, and if applicable, the same amount, of Taxable Benefits and Nontaxable Benefits elected for the previous Plan Year, except as otherwise provided in the Election Information. To the extent that the dollar value of

the Nonelective Contribution made on behalf of such Participant exceeds the cost of such Taxable Benefits and/or Nontaxable Benefits, the Participant shall receive the difference in additional monthly Eligible Earnings during the Plan Year except as otherwise provided in the Election Information. To the extent that the cost of such Taxable Benefits and/or Nontaxable Benefits exceeds the Nonelective Contributions, the Participant shall be deemed to have authorized the County to reduce his Eligible Earnings by such amount each month as may be necessary to cover the excess cost of such Taxable Benefits and/or Nontaxable Benefits, in accordance with the limit set forth in Section 5.28.240B. Any Eligible Employee or Participant who fails to submit the election form on or before the due date who was not so enrolled in an insured health or welfare benefit program shall be deemed to have elected to receive the entire amount of the Nonelective Contributions made on his behalf during the Plan Year as additions to his Eligible Earnings each month during such Plan Year, except as otherwise provided in the Election Information. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented: 1) any additional monthly Eligible Earnings received due to a Participant's deemed election under this Section 5.28.260B shall be reflected in County payroll warrants as described in Section 5.28.240A, and 2) a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.28.240B.

. . .

E. Compensation Reduction Agreement. If, in respect of any month during a Plan Year, the cost of the Taxable Benefits and/or Nontaxable Benefits elected by a Participant for such Plan Year exceeds the amount of Nonelective Contributions made on his behalf for such month, the Participant shall be deemed to have authorized the County, in accordance with the limit set forth in Section 5.28.240B hereof, to reduce his Eligible Earnings by such amount each month as is necessary to cover the excess cost of the Taxable Benefits and/or Nontaxable Benefits elected by such Participant and to make corresponding Elective Contributions to the Plan on his behalf. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.28.240B.

. . .

SECTION 29. Section 5.28.330 is hereby amended to read as follows:

5.28.330 Nonelective Annual Leave.

. . .

B. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each Participant shall accrue Nonelective Annual Leave based on the Participant's active service at the rate of four (4) hours per pay period up to an annual maximum of 10 days of paid Nonelective

Annual Leave available for use January 1st of each subsequent Plan Year. Any unpaid hours of active service in the pay period will cause a proportionate reduction in the Nonelective Annual Leave entitlement for that pay period.

~~B.~~ C. Accrual of Unused Time.

. . .

SECTION 30. Section 5.28.390 is hereby amended to read as follows:

5.28.390 Core Coverage, Optional Benefits and benefit costs.

. . .

D. Hourly Rate Determination. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the income replacement benefit will be paid at the workday hourly rate for the Eligible Participant's Compensation, with such hourly rate calculated by dividing one-half of Compensation by the number of scheduled workday hours in the applicable semi-monthly pay period; provided, however, that for Eligible Participants whose Disability qualifies them for workers' compensation benefits, the income replacement benefit will be paid at the calendar day hourly rate for the Eligible Participant's Compensation, with such hourly rate calculated by dividing the monthly benefit by the number of calendar day hours in the month.

SECTION 31. Section 5.33.040 is hereby amended to read as follows:

5.33.040 Contributions.

A. Nonelective Contributions.

. . .

3. No Nonelective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Nonelective Contributions shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, an advance of approximately one-half the monthly Nonelective Contributions received as additional Eligible Earnings in accordance with Section 5.33.050F shall be reflected in County payroll warrants issued on or about the thirtieth day of the month in which the requisite pay status was completed and the remainder of such additional Eligible Earnings shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was complete.

B. Elective Contributions. Each Eligible Employee prior to commencing his participation in the Plan and each Participant prior to the beginning of a Plan Year may irrevocably elect to have an additional dollar amount contributed by the County during a Plan Year for each month that he participates in the Plan as an Elective Contribution, not to exceed his Eligible Earnings for such month, and to have his Eligible Earnings reduced each month by an amount equal to such Elective Contribution; provided, however, that no Elective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Such Elective Contribution on behalf of a Participant each month shall equal the amount necessary to fund the Taxable Benefits and/or Nontaxable Benefits chosen by such Participant

pursuant to the election procedures set forth in Section 5.33.060, after first applying the Nonelective Contribution for such month to the cost of such Taxable Benefits and/or Nontaxable Benefits. In the event of contractual renegotiation, change in method of funding, or substitution of a Taxable Benefit and/or Nontaxable Benefit during a Plan Year, the County, without prior notice to Participants, may automatically adjust the Elective Contributions made for, and/or the Eligible Earnings paid to, Participants who have selected such Taxable Benefits and/or Nontaxable Benefits, in accordance with increases or decreases in the cost of the Taxable Benefits and/or Nontaxable Benefits. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, monthly Elective Contributions shall be apportioned over semi-monthly pay periods so that approximately one-half the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings as reflected in County payroll warrants issued on or about the thirtieth day of the month to which the Eligible Earnings relate and the remainder of the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings reflected in County payroll warrants issued on or about the fifteenth day of the following month.

. . .

SECTION 32. Section 5.33.050 is hereby amended to read as follows:

5.33.050 Benefits.

. . .

F. Cash Benefit. Any portion of a Nonelective Contribution made on behalf of a Participant which is not necessary to fund the Taxable Benefits and Nontaxable

Benefits selected by the Participant shall be received by the Participant in the form of an increase in his Eligible Earnings for that month, with such amount to be reflected in County payroll warrants as described in Section 5.33.040A.

SECTION 33. Section 5.33.060 is hereby amended to read as follows:

5.33.060 Benefit election procedure and allocation of contributions.

. . .

B. Deemed Elections. Any Eligible Employee who is enrolled in a Medical Insurance Plan on the date his election form is due to be filed pursuant to subsection A of this section, or any Participant who in the current Plan Year receives one or more Taxable Benefits or Nontaxable Benefits who fails to make a timely election of Benefits for either initial participation or continued participation in the Plan, whichever is relevant, shall be deemed to have elected to receive the same type, and if applicable, the same amount, of Taxable Benefits or Nontaxable Benefits elected for the period preceding Plan participation or for the previous Plan Year. To the extent that the dollar value of the Nonelective Contribution made on behalf of such Participant exceeds the cost of such Taxable Benefits and/or Nontaxable Benefits, the Participant shall receive the difference in additional monthly Eligible Earnings during the Plan Year. To the extent that the cost of such Taxable Benefits and/or Nontaxable Benefits exceeds the Nonelective Contributions, the Participant shall be deemed to have authorized the County to reduce his Eligible Earnings by such amount each month as may be necessary to cover the excess cost of such Taxable Benefits and/or Nontaxable Benefits, in accordance with the limit set forth in Section 5.33.040B. Any Participant who fails to submit the election form on or before the due date who was not enrolled in

an insured health or welfare benefit program incorporated into the Plan as a Taxable Benefit and/or Nontaxable Benefit shall be deemed to have elected to receive the entire amount of the Nonelective Contributions made on his behalf during the next Plan Year as additions to his Eligible Earnings each month during such Plan Year. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented: 1) any additional monthly Eligible Earnings received due to a Participant's deemed election under this Section 5.33.060B shall be reflected in County payroll warrants as described in Section 5.33.040A, and 2) a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.33.040B.

. . .

E. Compensation Reduction Agreement. If, in respect of any month during a Plan Year, the cost of the Taxable Benefits and/or Nontaxable Benefits elected by a Participant for such Plan Year exceeds the amount of Nonelective Contributions made on his behalf for such month, the Participant shall be deemed to have authorized the County, in accordance with the limit set forth in Section 5.33.040B hereof, to reduce his Eligible Earnings by such amount each month as is necessary to cover the excess cost of the Taxable Benefits and/or Nontaxable Benefits elected by such Participant and to make corresponding Elective Contributions to the Plan on his behalf. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting

this provision is implemented, a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.33.040B.

. . .

SECTION 34. Section 5.37.040 is hereby amended to read as follows:

5.37.040 Contributions.

A. Nonelective Contributions.

. . .

3. No Nonelective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Nonelective Contributions shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, an advance of approximately one-half the monthly Nonelective Contributions received as additional Eligible Earnings in accordance with Section 5.37.050F shall be reflected in County payroll warrants issued on or about the thirtieth day of the month in which the requisite pay status was completed and the remainder of such additional Eligible Earnings shall be reflected in County payroll warrants issued on or about the fifteenth day of the month following the month in which the requisite pay status was completed.

B. Elective Contributions. Each Eligible Employee prior to commencing his

participation in the Plan and each Participant prior to the beginning of a Plan Year may irrevocably elect to have an additional dollar amount contributed by the County during a Plan Year for each month that he participates in the Plan as an Elective Contribution, not to exceed his Eligible Earnings for such month, and to have his Eligible Earnings reduced each month by an amount equal to such Elective Contribution; provided, however, that no Elective Contribution shall be contributed for any Participant if he has not been in a pay status for at least eight hours during the prior month. Such Elective Contributions on behalf of a Participant each month shall equal the amount necessary to fund the Taxable Benefits and/or Nontaxable Benefits chosen by such Participant pursuant to the election procedures set forth in Section 5.37.060, after first applying the Nonelective Contributions for such month to the cost of such Taxable Benefits and/or Nontaxable Benefits. In the event of contractual renegotiation, change in the method of finding, or substitution of a Taxable Benefit and/or Nontaxable Benefit during a Plan Year, the County, without prior notice to the Participants, may automatically adjust the Elective Contributions made for, and/or the Eligible Earnings paid to, Participants who have selected such Taxable Benefits and/or Nontaxable Benefits, in accordance with increases or decreases in the cost of the Taxable Benefits and/or Nontaxable Benefits. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, monthly Elective Contributions shall be apportioned over semi-monthly pay periods so that approximately one-half the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings as reflected in County payroll warrants issued on or about the thirtieth day of the month to

which the Eligible Earnings relate and the remainder of the monthly Elective Contributions shall be deducted from the Participant's Eligible Earnings reflected in County payroll warrants issued on or about the fifteenth day of the following month.

SECTION 35. Section 5.37.050 is hereby amended to read as follows:

5.37.050 Benefits.

. . .

F. Cash Benefit. Any portion of a Nonelective Contribution made on behalf of a Participant which is not necessary to fund the Taxable Benefits and/or Nontaxable Benefits selected by the Participant shall be received by the Participant in the form of an increase in his Eligible Earnings, with such amount to be reflected in County payroll warrants as described in Section 5.37.040A.

. . .

SECTION 36. Section 5.37.060 is hereby amended to read as follows:

5.37.060 Benefit election procedures and allocations of contributions.

. . .

B. Deemed Elections. Any Eligible Employee who is enrolled in a Medical Insurance Plan on the date his election form is due to be filed pursuant to subsection A of this section, or any Participant who in the current Plan Year receives one or more Taxable Benefits and/or Nontaxable Benefits who fails to make a timely election of Benefits for either initial participation or continued participation in the Plan, whichever is relevant, shall be deemed to have elected to receive the same type, and if applicable, the same amount, of Taxable Benefits and/or Nontaxable Benefits elected for the period

preceding Plan participation or for the previous Plan Year. To the extent that the dollar value of the Nonelective Contribution made on behalf of such Participant exceeds the cost of such Taxable Benefits and/or Nontaxable Benefits, the Participant shall receive the difference in additional monthly Eligible Earnings during the Plan Year. To the extent that the cost of such Nontaxable Benefits exceeds the Nonelective Contribution, the Participant shall be deemed to have authorized the County to reduce his Eligible Earnings by such amount each month as may be necessary to cover the excess cost of such Taxable Benefits and/or Nontaxable Benefits in accordance with the limit set forth in Section 5.37.040B. Any Participant who fails to submit the election form on or before the due date who was not enrolled in an insured health or welfare benefit program incorporated into the Plan as a Taxable Benefit and/or Nontaxable Benefit shall be deemed to have elected to receive the entire amount of the Nonelective Contributions made on his behalf during the next Plan Year as additions to his Eligible Earnings each month during such Plan Year. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented: 1) any additional monthly Eligible Earnings received due to a Participant's deemed election under this Section 5.37.060B shall be reflected in County payroll warrants as described in Section 5.37.040A, and 2) a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.37.040B.

. . .

E. Compensation Reduction Agreement. If, in respect of any month during a Plan Year, the cost of the Taxable Benefits and/or Nontaxable Benefits elected by a Participant for such Plan Year exceeds the amount of Nonelective Contributions made on his behalf for such month, the Participant shall be deemed to have authorized the County, in accordance with Section 5.37.040B, to reduce his Eligible Earnings by such amount each month as is necessary to cover the excess cost of the Taxable Benefits and/or Nontaxable Benefits elected by such Participant and to make corresponding Elective Contributions to the Plan on his behalf. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, a Participant's deemed authorization to have his monthly Eligible Earnings reduced shall include an authorization to have such reduction apportioned over County payroll periods and warrants as described in Section 5.37.040B.

. . .

SECTION 37. Section 6.02.030 is hereby amended to read as follows:

6.02.030 Provisions continued—Administrative clarification and inadvertent omissions.

. . .

E. Effective beginning on and after April 1, 2010, or such later date in 2010 when the County implements the human resources management system reflecting this provision, whenever the terms "month" or "monthly" are used in Titles 5 or 6 in connection with salary, pay, allowance, earnings, contributions, fees, deductions or earnings reductions, these terms are deemed to mean a monthly value that can be

apportioned over two semi-monthly pay periods each month potentially resulting in penny rounding differences.

SECTION 38. Section 6.08.070 is hereby amended to read as follows:

6.08.070 Adjusted anniversary dates for step advancement.

A. Where a person's yearly anniversary date is between the first and the 15th of the month, inclusive, his first step advancement shall be made on the first of that month, and where the anniversary date is on or after the 16th of the month, the step advancement shall be made on the first of the following month. Such persons shall then retain these new dates as their respective anniversary dates.

B. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the first step advancement for all persons newly appointed to a position shall be made one year from the date of the appointment unless otherwise specified by this Code. Those persons with adjusted anniversary dates according to rules in effect prior to system implementation in 2012 shall retain their adjusted anniversary date for that position.

. . .

SECTION 39. Section 6.09.020 is hereby amended to read as follows:

6.09.020 Definitions.

. . .

C. "Calendar-Day Rate Per Semi-Monthly Pay Period" means half the monthly pay rate, exclusive of flat dollar amount monthly, pay period, or hourly adjustments to pay provided for a class by this Title 6 divided by the number of calendar

days in the semi-monthly pay period in accordance with CEO instructions.

~~C~~ D. "Full Day" means an additional work assignment performed or work product produced outside the employee's normal work schedule which, when considered in the aggregate, is determined by the department head to be substantially equivalent to a full days work assignment or work product. A Full Day also means one full work or paid leave day.

~~D~~ E. "Salaried Employee" means any county officer, any management appraisal and performance plan participant, paid pursuant to the provisions of Chapter 6.08, Part 3, who is required to be salaried to be exempt under the Federal Fair Labor Standards Act, or any other county employee designated by the employee's department head and approved by the chief administrative officer to receive compensation for work performed in a manner consistent with the standards for exempt salaried employees set forth in the Federal Fair Labor Standards Act and its supporting regulations.

~~E~~ F. "Work Day Rate" means the monthly pay rate exclusive of flat dollar amount monthly, pay period or hourly adjustments to pay provided for a class by this Title 6, multiplied by 12 months and divided by 261 workdays. The Work Day Rate may be adjusted to reflect the actual work schedule in accordance with CEO instructions.

~~F~~G. "Work Period" means a recurring period of seven consecutive days as determined by the department head.

~~G~~H. "Work Schedule" means the recurring workdays and regular duty hours of each such workday within one or more Work Periods during which a department head requires an employee to be on duty to perform work. This schedule shall be consistent with full-time employment.

SECTION 40. Section 6.09.060 is hereby amended to read as follows:

6.09.060 Paid leaves of absence.

. . .

B. Use of Paid Leave Benefits. An employee may use paid leave as follows:

. . .

3. Part-Pay Sick Leave. The part-pay sick leave benefit provided in Section 6.20.040 of Title 6 of the Los Angeles County Code shall be reduced by one calendar day for each calendar day of part-pay sick leave taken by a Salaried Employee eligible for such benefit. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the part-pay sick leave benefit provided in Section 6.20.040 of this Code shall be reduced by one workday for each workday of part-pay sick leave taken by a Salaried Employee eligible for such benefit in accordance with CEO instructions.

. . .

Section 41. Section 6.09.070 is hereby amended to read as follows:

6.09.070 Other absences

A. Full-Day Absences Not Covered By Accrued Leave Benefits. A Salaried Employee who does not have or chooses not to use accrued leave benefits to cover a Full-Day absence, will have pay reduced at the Calendar-Day Rate for each Full Day of such absence. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, a Salaried Employee who

does not have or chooses not to use accrued leave benefits to cover a Full Day absence, will have pay reduced at the Work Day Rate of such absence.

. . .

SECTION 42. Section 6.18.020 is hereby amended to read as follows:

6.18.020 Definitions.

. . .

F. "Vacation Pay Period Rate," effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, means the maximum number of vacation leave hours and minutes an employee is entitled to each pay period apportioned according to the number of Qualifying Hours.

~~F~~ G. "Vacation Years of Service" means the number of years of county service that an employee has acquired for vacation accrual purposes. For permanent employees the Vacation Years of Service are determined by taking the difference between the employee's continuous service date and the current date and then rounding down to the nearest full year. For recurrent and temporary employees, the Vacation Years of Service are determined by taking the difference between the latest hire date and the current date and rounding down to the nearest full year.

SECTION 43. Section 6.18.040 is hereby amended to read as follows:

6.18.040 Accrual of vacation leave.

A. Beginning with the pay period starting on March 1, 1993, each Eligible Employee shall accrue vacation on a pay-period basis. At the beginning of each succeeding pay period, an Eligible Employee shall accrue leave hours based on the

employee's qualifying hours and Vacation Accrual Rate during the preceding pay period. For each qualifying hour in the preceding pay period, a fraction of an hour of vacation leave shall be earned and accrued based on the appropriate Vacation Accrual Rate given in Table 1 below, subject to Vacation Maximum Hours limitation applied each calendar year. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each Eligible Employee shall accrue vacation on a pay-period basis based on the employee's Vacation Pay Period Rate given in Table 1A below, subject to the Vacation Maximum Hours limitation applied each calendar year. Any unpaid leave not constituting Qualifying Hours in the pay period will cause a proportionate reduction in the vacation leave entitlement for that pay period.

. . .

C. On the anniversary of the date reflecting a change in the Vacation Years of Service as specified in Table 1, a higher accrual rate and additional hours of vacation to which the employee is entitled as a result of the employee's length of service shall be applied during the remainder of the calendar year. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, each employee will begin accruing the higher rate and additional hours of vacation to which the employee is entitled as a result of the employee's length of service beginning with the first day of the anniversary pay period.

Table 1

(Vacation for 40-Hour Employees)

Vacation Years of Service	**Vacation Accrual Rate**	**Vacation Maximum Hours**
Less than 4 years	.041	80
4 to less than 9 years	.060	120
9 to less than 10 years	.064	128
10 to less than 11 years	.068	136
11 to less than 12 years	.072	144
12 to less than 13 years	.076	152
13 years or more	.080	160

D. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, Table 1 shall be replaced in its entirety by Table 1A as follows:

Table 1A

(Vacation for 40-Hour Employees)

Vacation Years of Service	**Vacation Pay Period Rate**	**Vacation Maximum Hours**
Less than 4 years	3:35	80
4 to less than 9 years	5:14	120
9 to less than 10 years	5:35	128
10 to less than 11 years	5:55	136
11 to less than 12 years	6:16	144

12 to less than 13 years	6:37	152
13 years or more	6:58	160

SECTION 44. Section 6.18.050 is hereby amended to read as follows:

6.18.050 Vacation accrual for probation department camp employees on a 56-hour-week basis.

A. Persons employed in probation camps on a 56-hour-week basis shall be entitled to vacations subject to the provisions of this Chapter 6.18 and on the basis of the following Table 2 in lieu of Table 1 specified in Section 6.18.025:

Table 2

Vacation Accrual for Probation 56-Hour Employees

Vacation Years of Service	**Vacation Accrual Rate**	**Vacation Maximum Hours**
0 to less than 4 years	.057	112
4 to less than 9 years	.084	168
9 to less than 11 years	.096	192
11 to less than 13 years	.108	216
13 years or more	.112	224

B. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, Table 2 shall be replaced in its entirety by Table 2A as follows:

Table 2A

Vacation Accrual for Probation 56-Hour Employees

Vacation Years of Service	Vacation Pay Period Rate	Vacation Maximum Hours
0 to less than 4 years	4:58	112
4 to less than 9 years	7:19	168
9 to less than 11 years	8:22	192
11 to less than 13 years	9:24	216
13 years or more	9:45	224

SECTION 45. Section 6.18.060 is hereby amended to read as follows:

6.18.060 Vacation accrual for fire department employees on a 56-hour-week basis.

A. Persons employed in the fire department on a 56-hour week basis shall be entitled to vacations subject to the provisions of this Chapter 6.18 and on the basis of the following Table 3 in lieu of Table 1 specified in Section 6.18.025:

Table 3

Vacation Accrual for Fire Department

56-Hour Employees

Vacation Years of Service	Vacation Accrual Rate	Vacation Maximum Hours
0 to less than 4 years	.075	144
4 to less than 10 years	.097	192
10 to less than 12 years	.111	216
12 years or more	.122	240

B. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, Table 3 shall be replaced in its entirety by Table 3A as follows:

Table 3A

Vacation Accrual for Fire Department

56-Hour Employees

Vacation Years of Service	Vacation Accrual Rate	Vacation Maximum Hours
0 to less than 4 years	6:32	144
4 to less than 10 years	8:27	192
10 to less than 12 years	9:40	216
12 years or more	10:46	240

SECTION 46. Section 6.18.080 is hereby amended to read as follows:

6.18.080 Time for taking vacations.

...

F. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, and at the end of each calendar year thereafter, an employee shall be compensated for accumulated Current and Deferred Vacation time which, in the aggregate, is in excess of 480 hours. Such excess Current and Vacation time shall be paid at the employee's workday rate of pay in effect on the last day of the calendar year.

~~F~~. G. Where specifically approved by the Board of Supervisors, safety fire fighting employees and full-time permanent, safety lifeguard employees employed in the Fire Department and full-time permanent, safety lifeguard employees employed in the department of parks and recreation shall be compensated for accumulated vacation time as follows:

1. A 56-hour safety fire fighting employee employed in the Fire Department who, as of December 31, 2005, has in excess of 720 hours of accumulated Current and Deferred Vacation time and a 40-hour safety fire fighting employee employed in the Fire Department who, as of said date, has in excess of 480 hours of accumulated Current and Deferred Vacation time shall not be paid for such time prior to termination from County service. Such accumulated Current and Deferred Vacation time shall remain available for the employee's use subject to prior approval of the employee' s department head. Upon termination from County service, any such remaining time shall be paid off at the workday rate of pay in effect on the employee's final day of County service.

. . .

SECTION 47. Section 6.20.010 is hereby amended to read as follows:

6.20.010 Definitions.

. . .

A. "Actual Work Day Hourly Rate" means the Semi-Monthly Pay Period Rate divided by the number of scheduled workday hours each pay period.

~~A~~B. "Calendar Hours" means the number of paid hours in a month for a monthly employee, based on eight hours per day times the number of days in the

month. These hours are used for part-pay sick leave. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, Workday Hours will replace Calendar Hours for part-pay sick leave purposes.

C. "Calendar-Day Hourly Rate" means the monthly pay rate, exclusive of flat monthly dollar amounts, pay period or hourly adjustments to pay provided for a class by this Title 6, divided by the number of calendar day hours in the month.

~~B~~D. "Current Sick Leave" means that sick-leave time which has been earned and accrued in the current calendar year.

~~C~~E. "Carryover Sick Leave" means that sick-leave time which was earned and accrued during the preceding calendar year or earlier.

~~D~~F. "Sick-Leave Accrual Rate" means the fractional number of sick-leave hours that are earned for each Qualifying Hour.

~~E~~G. "A Sick-Leave Day" equals eight work hours of sick leave for a 40-hour employee or 12 work hours for a 56-hour employee.

~~F~~H. "Sick Leave Maximum Hours" means the maximum number of sick-leave hours that can be earned and accrued each calendar year.

I. "Sick Leave Pay Period Rate" effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, means the maximum number of sick leave hours and minutes an employee is entitled to each pay period apportioned according to the number of Qualifying Hours.

~~G~~J. "Sick Leave Years of Service" means the number of years of county service that an employee has acquired for sick-leave accrual purposes. For permanent employees, Sick Leave Years of Service are determined by taking the difference between the employee's continuous service date and the current date and then rounding down to the nearest full year. For recurrent and temporary employees, the Sick Leave Years of Service are determined by taking the difference between the latest hire date and the current date and rounding down to the nearest full year.

K. "Workday Hours" means the number of paid hours in a month for a monthly employee, based on eight hours per day times the number of scheduled work days in the month.

SECTION 48. Section 6.20.020 is hereby amended to read as follows:

6.20.020 Accrual of full-pay sick leave.

. . .

F. The following rules provide the accrual rates and maximum hours for the categories of employees described in the foregoing subsections B, C, and D:

Rule 1. The Sick Leave Accrual Rate is .050 for employees authorized 64 or 80 hours' sick leave per calendar year and assigned to a 40-hour workweek. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the Sick Leave Pay Period Rate shall be four hours and 21 minutes (4:21) per pay period.

Rule 2. When the workweek of an employee authorized 64 hours of sick leave per calendar year is adjusted to reflect assignment to a 56-hour workweek, the Sick

Leave Maximum Hours shall be 96 hours and the Sick Leave Accrual Rate shall be .075. Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the Sick Leave Pay Period Rate shall be six hours and 32 minutes (6:32) per pay period.

Rule 3. The Sick Leave Accrual Rate and Sick Leave Maximum Hours of employees authorized 96 hours' sick leave per calendar year and assigned to a 40-hour workweek shall be as follows:

Sick Leave Years of Service	**Sick Leave** Accrual Rate	**Sick Leave** Maximum Hours
0 – 1	.050	80
More than 1 to 4	.050	88
More than 4	.050	96

Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the Sick Leave Pay Period Rate in the tabled situations above shall be four hours and 21 minutes (4:21) per pay period.

Rule 4. The Sick Leave Accrual Rate and Sick Leave Maximum Hours for employees authorized 96 hours' sick leave per calendar year whose Maximum Sick Leave Hours are adjusted to reflect assignment to a 56-hour workweek shall be:

Sick Leave Years of Service	**Sick Leave** Accrual Rate	**Sick Leave** Maximum Hours
0 – 1	.075	120
More than 1 to 4	.075	132
More than 4	.075	144

Effective beginning on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the Sick Leave Pay Period Rate in the tabled situations above shall be six hours and 32 minutes (6:32) per pay period.

Rule 5. Any unpaid leave not constituting Qualifying Hours in the pay period will cause a proportionate reduction in the sick leave entitlement for that pay period.

. . .

SECTION 49. Section 6.20.040 is hereby amended to read as follows:

6.20.040 Sick leave at part pay.

A. In addition to the sick leave at full pay provided for in Sections 6.20.010 through 6.20.030, a person who has completed six months or more of continuous service shall be granted sick leave at part pay in accordance with the table set forth in subsection E of this section during the remainder of the calendar year following completion of such six months' service and at the beginning of each subsequent calendar year, except as otherwise provided for in Section 6.20.060. Additional Calendar Hours of such part-pay sick leave which accrue as a result of an employee's length of service shall be allowed during the remainder of the calendar year and shall renew annually at the beginning of the calendar year, except as otherwise provided for in Section 6.20.060. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, part-pay sick leave will only be granted and used as Workday Hours rather than Calendar Hours.

. . .

E. Table of Part-pay Sick Leave. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, part-pay sick leave will be granted and used in Workday Hours rather than Calendar Hours. Part-pay sick leave Workday Hours are shown in the 65% Pay and 50% Pay columns under "Daily Basis" in Table A below.

Table A

Effective March 1, 1993

Number of Calendar Hours Allowed

	Monthly Basis		**Daily Basis**	
Continuous Service	**65% Pay**	**50% Pay**	**65% Pay**	**50% Pay**
6 months to 1 year	0	56	0	40
1 year to 2 years	56	56	40	40
2 years to 5 years	112	112	80	80
5 years to 10 years	224	336	160	240
10 years	448	336	320	240
11 years	448	392	320	280
12 years	448	448	320	320
13 years	448	504	320	360
14 years	448	560	320	400
15 years	448	616	320	440
16 years	448	672	320	480

17 years	448	728	320	520
18 years	448	784	320	560
19 years	448	840	320	600
20 years	448	896	320	640
21 years	448	1008	320	720
22 years	448	1120	320	800
23 years	448	1232	320	880
24 years	448	1344	320	960
25 years	448	1456	320	1040
26 years	448	1568	320	1120
27 years	448	1680	320	1200
28 years	448	1792	320	1280
29 years	448	1904	320	1360
30 years or over	448	2016	320	1440

SECTION 50. Section 6.20.050 is hereby amended to read as follows:

6.20.050 Sick leave—Limitations.

. . .

B. 1. Sick leave at part pay shall not be allowed to any person until all full-pay sick leave has been used.

2. Effective January 1, 1980, sick leave at part pay shall not be used until after five consecutive calendar days, commencing with the first day of absence from work, due to any single illness or injury, unless such illness or injury results in

hospitalization, in which case part-pay sick leave, subject to subsection C below, may be used from the first day of such hospitalization.

3. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, sick leave at part pay shall be allowed commencing with the first day of absence from work due to any illness or injury, subject to subsection B.1 above and subsections C, D and E below.

. . .

SECTION 51. Section 6.20.070 is hereby amended to read as follows:

6.20.070 Injuries in the course of employment.

. . .

C. Compensation and Benefits – Leaves of One Year or Less

1. Injuries Occurring On or After January 1, 1981, Affecting Persons Not Covered by Section 4850 of the Labor Code. Any employee who is absent as a result of an industrial injury incurred on or after January 1, 1981, and deemed compensable by the director of personnel or the worker's compensation appeals board and who is not eligible for compensation under Section 4850 of the Labor Code, shall receive compensation pursuant to the following:

a. To receive the difference between 70.0 percent of his base salary and the sum of the benefits prescribed by the worker's compensation laws of the state of California and earnings from other employment, when such earnings are less than 70.0 percent of his base salary. Employees shall be eligible to receive such compensation for a period of one year from the date of injury, but in no case shall such

compensation be paid for a period of time in excess of the employee's continuous service immediately prior to such injury, except that any person employed on a daily recurrent basis as an Ocean Lifeguard (Item No. 2923E) or on an hourly recurrent basis as a Lake Lifeguard (Item No. 2953H) shall be entitled to receive the benefits set forth in this subsection C for a period not to exceed one year from the date of injury or a period equal to the employee's cumulative active service performed on or after July 1, 1985, whichever is less. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, 70.0 percent of base salary as described in this section shall be calculated at the Calendar-Day Hourly Rate.

b. Crediting Previously Used Time. In the event an employee is absent due to an injury incurred on or after January 1, 1981, and the absence is charged to any previously earned vacation, sick leave, accumulated holiday time or accumulated overtime, and subsequently the injury is determined to be compensable by the director of personnel or the worker's compensation appeals board, 70.0 percent of such vacation, sick leave, holiday time, or overtime shall be restored to the employee. The remaining 30.0 percent shall be lost. Restorable time shall be calculated to the nearest 15-minute increment, and such restoration shall be deemed full recovery of any overpayment resulting from the operation of this paragraph.

c. Once the injury is determined to be compensable, no employee may use any previously earned vacation, sick leave, accumulated holiday time, or overtime to supplement the compensation provided in this section except as provided in subsections D1 and D2 below.

2. Injuries Affecting Persons Covered by Section 4850 of the Labor Code. Persons employed in positions which are eligible for compensation under Section 4850 of the Labor Code shall, in lieu of the compensation set forth in subparagraph 1 above, be entitled to compensation as provided in said Section 4850. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, compensation described in this section C.2 shall be calculated at the Actual Work Day Hourly Rate.

. . .

SECTION 52. Section 6.24.010 is hereby amended to read as follows:

6.24.010 Time of payment.

A. Persons Enrolled in the Direct Deposit Program.

. . .

C. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, employees shall be paid on a semi-monthly basis on or about the thirtieth day of the month for services rendered from the first day through the fifteenth day of the month, and on or about the fifteenth day of the succeeding month for services rendered from the sixteenth day through the last day of the month. Salary advances associated with bona fide emergencies for persons not enrolled in the Direct Deposit Program will no longer be available when the County implements the human resources management system.

Section 53. Section 6.24.020 is hereby amended to read as follows:

6.24.020 Daily and hourly rates.

A. Monthly Basis. For positions on a salary schedule and level compensated on a monthly basis, the daily rate shall equal the monthly rate divided by the number of calendar days in the month. The hourly rate shall equal one-eighth of the daily rate. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the hourly rate for positions on a salary schedule and level compensated on a full time permanent monthly basis shall equal the monthly rate divided by 174. The daily rate shall equal the hourly rate multiplied by eight.

B. Less than full time permanent monthly basis. For positions on a less than full-time monthly permanent Item Sub ("D" and "P" through "Z"), the monthly rate shall be in accordance with the item sub fractional amount, as defined in Section 6.28.020B.

C. Daily or Hourly Basis. For positions on a salary schedule and level compensated on a daily or hourly basis, the appropriate hourly rate contained in the Standardized Salary Schedule in Division 2 of this Title 6 (see Section 6.26.010) shall be the hourly rate; and the daily rate shall be the hourly rate multiplied by eight. If an appropriate rate cannot be found in the Standardized Salary Schedule, the hourly rate shall equal the monthly rate divided by 174, and the daily rate shall equal the hourly rate multiplied by eight. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, the semi-monthly rate

shall equal the monthly rate divided by 2 or the hourly rate multiplied by 87.

SECTION 54. Section 6.24.030 is hereby amended to read as follows:

6.24.030 Advances for earned vacation pay.

An employee may be paid a salary advance upon the certification of the employee's department head that such employee will be on an approved leave of absence of at least 10 consecutive working days extending over the employee's regularly established payday, provided he has accrued work or leave time to his credit to cover the period for which the advance is made. Such salary advance shall be paid in accordance with rules and procedures promulgated by the auditor-controller and approved by the board of supervisors. Effective beginning on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system reflecting this provision is implemented, salary advances associated with approved leaves of absences will no longer be available.

SECTION 55. Pursuant to Government Code Section 25123 (f), this ordinance shall take effect immediately and shall be construed and applied as if effective and operative on and after April 1, 2010, or such later date as may be determined by the Chief Administrative Officer when the human resources management system is implemented; provided, however, that Section(s) 5.27.330, 5.28.330, 6.08.070, 6.18.020, 6.18.040, 6.18.050, 6.18.060, 6.18.080, 6.20.010 (I), and 6.20.020 shall be construed and applied as if effective and operative on and after January 1, 2012, or such later date as may be determined by the Chief Administrative Officer when the human resources management system is implemented.

[520010KBCEO]

SECTION 56. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Gloria Molina
Chair

ATTEST:

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of March 30, 2010 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	Ayes		Noes
Supervisors	Zev Yaroslavsky	Supervisors	Michael D. Antonovich
	Don Knabe		
	Gloria Molina		

Effective Date: Pursuant to Section 55

~~Operative Date:~~

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By
Deputy

APPROVED AS TO FORM:
ANDREA SHERIDAN ORDIN
County Counsel

By
Leela Kapur
Chief Deputy County Counsel

S:\Ordinances\County Counsel\2010\2010-0014