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COUNTY OF LOS ANGELES

Kenneth Hahn Hall of Administration
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Chief Executive Officer

Fesia A. Davenport

"To Enrich Lives Through Effective and Caring Service"

July 23, 2024

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**IMPLEMENTATION OF ADDITIONAL SICK LEAVE ACCRUALS FOR TEMPORARY AND
RECURRENT EMPLOYEES AND TECHNICAL CORRECTIONS
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

This letter and accompanying ordinance will increase the amount of sick personal leave that temporary and recurrent employees may use and accrue in a calendar year to comply with updated requirements under Section 246 of the Labor Code. In addition, the ordinance will make technical corrections to update terminology used in Title 6 – Salaries to align with current practices and the Enterprise Human Resources (E-HR) system, and a correction in Title 5 – Personnel related to life insurance provisions for employees in Retirement Plan E.

IT IS RECOMMENDED THAT THE BOARD:

Adopt the accompanying ordinance amending Title 5 – Personnel to make a technical correction to an existing provision related to life insurance for Retirement Plan E members, and Title 6 - Salaries of the County Code to: (a) update the accrual and usage limitations for sick personal leave hours in compliance with Senate Bill 616 (SB 616); and (b) update obsolete terminology within the definitions listed in the "Leave of Absence" section.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In September 2014, the Healthy Workplaces, Healthy Families Act was approved by Governor Jerry Brown, which ensured that workers in California received paid sick leave to care for their own health or the health of their family members. The statute was effective January 1, 2015, and required that employees accrue sick leave at the rate of one (1) hour for every thirty (30) hours worked, provided

that an employee accrue no less than twenty-four hours (24 hours or 3 days) each calendar year. Employers were required to allow employees to use up to twenty-four (24) hours of paid sick days per year. Additionally, employers were permitted to limit total accruals to forty-eight hours (48 hours or 6 days) each calendar year.

On October 4, 2023, Governor Gavin Newsom signed SB 616 into law, which increased the required number of paid sick days that an employer must provide to its employees and allow them to use from three (3) days to five (5) days per calendar year, effective January 1, 2024. In addition, the statute increased the total sick day accrual limit from six (6) days to ten (10) days. The accrual rate of no less than one (1) hour of sick leave for every thirty (30) hours worked remained intact.

With approval of this accompanying ordinance, temporary and recurrent employees will be able to use five (5) days of sick leave per calendar year and accrue up to ten (10) sick leave days in total, in compliance with SB 616. Although the statute's accrual and use provisions do not apply to any employee that is covered by a collective bargaining agreement, the County and its labor partners have negotiated to extend these provisions to represented temporary and recurrent employees.

In addition, this ordinance makes technical corrections in Title 5 – Personnel under the Group Insurance section and Title 6 – Salaries under the Leaves of Absence section. The technical correction in Title 5 relates to Retirement Plan E Life Insurance, whereby language is amended to match corresponding language in the Fringe Benefits Memoranda of Understanding contracts of both the Coalition of County Unions (CCU) and Service Employees International Union (SEIU) Local 721. The corrections in Title 6 amends wording under various sections to align with technical terminology currently used in the County's E-HR and leave management systems.

Implementation of Strategic Plan Goals

The actions recommended in this Board letter promote the County of Los Angeles' Strategic Plan North Star Goal I – Make Investments That Transform Lives - A. Healthy Individuals and Families.

FISCAL IMPACT/FINANCING

Although the estimated cost value associated with providing two (2) additional sick leave days annually is \$892,750, there is no budgetary impact because the additional days are not compensable with in-service payouts. There are no costs associated with the technical corrections.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Civil Service Rule 16.01 authorizes leaves of absences from regular duties, with pay, under such conditions and for such periods established by the Board. The CCU and SEIU Local 721 have been informed of and support the recommendation provided above. The accompanying ordinance has been approved as to form by County Counsel.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

No impact on current services.

The Honorable Board of Supervisors

7/23/2024

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Fesia A. Davenport". The signature is fluid and cursive, with a large initial "F" and "D".

FESIA A. DAVENPORT

Chief Executive Officer

FAD:JMN:JDS

SRM:DC:TTP:rfm

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
All Department Heads
Coalition of County Unions
SEIU Local 721

ANALYSIS

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

- Amending Section 5.36.075 to make a technical correction related to life insurance for Retirement Plan E members;
- Amending Section 6.12.070 to update the accrual and usage limitations for sick personal leave; and
- Amending Sections 6.18.020, 6.18.080, 6.20.010, 6.20.020, 6.20.025, and 6.20.030 to update obsolete terminology related to leave accruals.

DAWYN R. HARRISON
County Counsel

By *Pouya Bavafa*
POUYA BAVAFa
Senior Deputy County Counsel
Labor & Employment Division

PB:av

Requested: 4/19/24
Revised: 5/14/24

ORDINANCE NO. _____

An ordinance amending Title 5 – Personnel and Title 6 – Salaries of the Los Angeles County Code, relating to: (1) a technical correction regarding life insurance for Retirement Plan E members; (2) updating the accrual and usage limitations for sick personal leave; and (3) updating obsolete terminology related to leave accruals.

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

SECTION 1. Section 5.36.075 is hereby amended to read as follows:

5.36.075 Retirement Plan E Life Insurance.

Effective with the implementation of Retirement Plan E, in addition to the life insurance specified in Section 5.36.070, the County will pay the premium for an \$~~438~~438,000.00 group term life insurance plan for all employees enrolled in Retirement Plan E who are:

- A. Permanent, full-time (designated as A, L, N, D, Z in Section 6.28.020 of this code);
- B. Paid by the county on a full-time basis while working for the county in an official training program of at least one (1) year's duration (designated as M in Section 6.28.020 of this code).

SECTION 2. Section 6.12.070 is hereby amended to read as follows:

6.12.070 Sick Personal for ~~e~~Certain ~~†~~Temporary and ~~r~~Recurrent ~~e~~Employees.

- A. Sick Personal Leave (Payable).

1. Eligibility. Employees holding temporary or recurrent positions who are employed in classifications approved by the Board shall be eligible for Sick Personal Leave (Payable) pursuant to the provisions of this section. For purposes of this section, a "temporary or recurrent position" is any position designated as an hourly as-needed item ("F" item) or an hourly recurrent item ("H" item) pursuant to Section 6.28.020.

2. Earning and Accrual of Sick Personal Leave. An eligible employee shall earn Sick Personal Leave (Payable) to a maximum of ~~eighty 48~~(80) hours based on the accrual rate of one (1) hour of Sick Personal Leave for every ~~thirty~~ (30) hours worked. Sick Personal Leave (Payable) shall be credited to the employee on a per pay period basis. Sick Personal Leave (Payable) is defined as payable upon termination of employment and hours may be paid in lieu of carrying over such hours to the subsequent year.

3. Use of Sick Personal Leave (Payable). ~~Twenty-four~~Forty (40) hours of accrued Sick Personal Leave (Payable) may be taken off per calendar year, subject to prior approval from Management during the calendar year in which it was credited to the employee or thereafter for personal reasons pursuant to County Code Section 6.20.030 A(2). Sick Personal Leave (Payable) may also be taken for the purpose of attending to the employee's own health care and health care of family members as defined in Section 6.20.080, Bereavement Leave in the County Code, as well as what is defined in California Labor Code Section 245.5 (which includes adopted or foster children, stepchildren, legal wards or children to whom the employee stands in loco parentis, a biological, adoptive, or foster parent, stepparent, or legal guardian of an

employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child). Departmental requirements for prior approval will be applied only to the extent practicable.

4. Pay for Unused Sick Personal (Payable). An employee may, at his/her option, be paid for up to three (3) Sick Personal Leave (Payable) days, which total twenty-four (24 hours) hours, in lieu of carrying over such days, if the employee uses no Sick Personal Leave (Payable) for any reason. Sick Personal Leave (Payable) shall be paid at the employee's workday rate of pay in effect at the time of payment. The remaining balance of days or the full balance of days may be carried over to the following year.

B. Sick Personal Leave (Non-Payable).

1. Eligibility. Any employee who does not earn either sick leave, nonelective leave, or special paid leave, which includes an employee who is employed exclusively on a per clinic, consultation or visit ("G" item) or per session ("J" item), or part-time as defined by 1/5 time ("P" item), 1/4 time ("Q" item), 5/16 time ("R" item), 1/3 time ("S" item), or 2/5 time ("T" item) basis shall be eligible for Sick Personal Leave (Non-Payable).

2. Earning and Accrual of Sick Personal Leave. An eligible employee shall earn Sick Personal Leave (Non-Payable) to a maximum of eighty 48(80) hours based on the accrual rate of one (1) hour of Sick Personal Leave for every thirty (30) hours worked. Sick Personal Leave (Non-Payable) shall be credited to the employee on a per pay period basis. Sick Personal Leave (Non-Payable) may be carried over to any subsequent year. Sick Personal Leave (Non-Payable) is defined as not payable

upon termination of employment and hours may not be paid in lieu of carrying over such hours to the subsequent year.

3. Use of Sick Personal Leave (Non-Payable). ~~Twenty-four~~Forty (40) hours of accrued Sick Personal leave (Non-Payable) may be taken off per calendar year, subject to prior approval of Management during the calendar year in which it was credited to the employee or thereafter for personal reasons pursuant to County Code Section 6.20.030 A(2). Sick Personal Leave (Non-Payable) may also be taken for the purpose of attending to the employee's own health care and health care of family members as defined in County Code Section 6.20.080, Bereavement Leave in the County Code, as well as what is defined in California Labor Code Section 245.5 (which includes adopted or foster children, stepchildren, legal wards or children to whom the employee stands in loco parentis, or a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child). Departmental requirements for prior approval will be applied only to the extent practicable.

SECTION 3. Section 6.18.020 is hereby amended to read as follows:

6.18.020 Definitions.

The following terms, when used in this Chapter 6.18 with initial capital letters, shall have the following meanings, unless the context clearly indicates otherwise:

...

H. "Vacation Years of Service" means the number of years of County service that an employee has acquired for vacation accrual purposes. Vacation Years of

Service are determined by taking the difference between the employee's ~~continuous service~~leave progression start date and the current date and then rounding down to the nearest full year. Effective with the pay period ending April 15, 2012, the Vacation Years of Service are determined by taking the difference between the employee's Leave Progression start date and the current date and then rounding down to the nearest full year.

SECTION 4. Section 6.18.080 is hereby amended to read as follows:

6.18.080 Time for Taking Vacations.

...

C. Vacation hours earned by an Eligible Employee pursuant to this Chapter 6.18 may not be taken off or paid off at separation from service until the employee has completed one year of service, based on the employee's ~~continuous service~~leave progression start date, or, for an otherwise eligible employee without a ~~continuous service~~leave progression start date, the employee's latest hire date.

...

SECTION 5. Section 6.20.010 is hereby amended to read as follows:

6.20.010 Definitions.

The following terms, when used in this Chapter 6.20 with initial capital letters, shall have the following meanings, unless the context clearly indicates otherwise:

...

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~~ leave progression start 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 (8) hours per day times the number of scheduled work days in the month.

SECTION 6. Section 6.20.020 is hereby amended to read as follows:

6.20.020 Accrual of ~~f~~Full-~~p~~Pay ~~s~~Sick ~~l~~Leave.

...

D. For employees assigned to a forty (40)-hour workweek who are authorized to accrue ninety-six (96) hours, or for employees assigned to a fifty-six (56)-hour shift who are authorized to accrue one hundred forty four (144) hours, the maximum hours of sick leave that can be accrued each calendar year is also based on the employee's Sick Leave Years of Service, as reflected by the employee's ~~continuous service~~ leave progression start date, or, for an employee without a ~~continuous service~~ leave progression start date, the employee's latest hire date.

...

SECTION 7. Section 6.20.025 is hereby amended to read as follows:

**6.20.025 Transition from ~~f~~Full-~~p~~Pay ~~s~~Sick ~~l~~Leave ~~p~~Provisions in ~~e~~Effect
~~p~~Prior to March 1, 1993.**

A. For employees with a ~~continuous-service~~leave progression start date of July 1, 1986, or later, whose sick leave earnings are credited to them at the beginning of each month based on active service in the preceding month, the last such crediting shall be given on March 1, 1993. On that day, the accrual by pay period as set forth in Section 6.20.020A begins for these employees, and employees will be credited with such additional sick leave, if any, they would have received based on the application of the relevant Sick-Leave Accrual Rate to qualifying hours as if the accrual began on January 1, 1993.

B. For employees with a ~~continuous-service~~leave progression start date earlier than July 1, 1986, who receive sick leave earnings in advance at the beginning of each year, the last such crediting shall be given on January 1, 1993. On January 1, 1994, the accrual by pay period as set forth in Section 6.20.020A begins for these employees. In addition, on January 1, 1994, each of these employees shall be granted a number of hours of special full-pay sick leave on a one-time-only basis. The number of hours to be granted shall be equal to the Sick Leave Maximum Hours approved for the employee's class pursuant to subsections B or C of Section 6.20.020 as of January 1, 1994. The special sick leave granted on January 1, 1994 pursuant to this section is usage-only sick leave, and any of it which remains unused when the employee terminates county service shall not be eligible for payment pursuant to Section 6.20.030B. Further, this special sick leave may not be used until all other one

hundred (100) percent Current Sick Leave, and all one hundred (100) percent Carryover Sick Leave, other than that accumulated prior to January 1, 1971, has been exhausted.

SECTION 8. Section 6.20.030 is hereby amended to read as follows:

6.20.030 Full-pPay ~~s~~Sick ~~L~~Leave ~~s~~Special ~~p~~Provisions.

...

B. Upon termination from County service, an employee who holds a permanent full-time position and who has at least five (5) years of continuous service shall receive payment for accumulated sick leave at full pay to a maximum of seven hundred twenty (720) working hours, or in the case of employees assigned to a fifty-six (56)-hour workweek schedule, to a maximum of one thousand eighty (1,080) working hours. Such payment as provided in Section 6.24.040 shall be computed at the workday hourly rate of pay in effect on the employee's final day of County service, and shall be equal to the total time which results from the sum of:

1. All unused sick leave at full pay accumulated prior to January 1, 1971; plus either:
2. For an employee with a ~~continuous service~~ leave progression start date of July 1, 1986, or later: one-half of all unused sick leave at full pay accumulated on or after January 1, 1971; or
3. For an employee with a ~~continuous service~~ leave progression start date earlier than July 1, 1986:
 - a. One-half of all Carryover Sick Leave at full pay accumulated on or after January 1, 1971, plus

b. One-half of the Sick Leave Maximum Hours authorized for the employee's class at the time of termination, less any Current Sick Leave taken.

...

Section 9. Pursuant to Government Code section 25123, this ordinance shall take effect thirty (30) days from the date of final passage, except that Section 2 shall be construed and applied as if were effective and operative on and after January 1, 2024.

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