

ORDINANCE NO. 9611 (NEW SERIES)

AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE RELATING TO FIRESTORM 2003 EMPLOYEE COMPENSATION AND LEAVE TO TAKE EFFECT IMMEDIATELY

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. It is the intent of this Board to authorize compensation for employees who were instructed not to report to work during the wild fires of October 2003. It is also the intent of this Board to provide leave to employees whose houses were damaged or destroyed in the wild fires of October 2003.

Section 2. Section 2.1.16 of the Compensation Ordinance is hereby added:

Section 2.1.16: FIRESTORM 2003 EMPLOYEE COMPENSATION

- (a) Eligibility.
Notwithstanding section 1.2.6, employees serving in positions designated biweekly pursuant to section 1.2.3 (a) are eligible for the compensation authorized by this section, except as provided in subsection (d) of this Section.
- (b) Compensation Authorized.
If because of the emergency conditions caused by Firestorm 2003, eligible employees did not work all or some of their regularly scheduled hours on the days of: (i) October 27 and 28, 2003 based upon instructions issued by the County, or (ii) October 29, 30, or 31 based upon instructions issued by their respective appointing authorities, such employees shall be paid their regular rate of pay for the time the employees did not work on the specified days for the reasons set forth in this subsection.
- (c) Calculation of Compensation
The calculation of the payment authorized by this subsection shall be based upon the number of hours in the employee's established regularly scheduled standard work day that the employee did not work on the applicable days specified in subsection (b).
- (d) Exceptions
This section shall not apply to employees who were on an authorized paid leave (e.g., vacation, sick leave, compensatory time off, or any other paid leave) of absence during all or a portion of any of the days specified in this subsection. Such employees shall be compensated pursuant to the paid leave of absence provisions applicable to their absence from work during the days specified in this section. This section also shall not apply to employees who were on authorized leave without pay during any of the days specified in this section since such employees would not have worked on these days regardless of the emergency conditions.

Section 3. Section 4.2.24 is hereby added to the Compensation Ordinance as

follows:

Section 4.2.24: FIRESTORM 2003 EMPLOYEE LEAVE

- (a) Definition. Firestorm 2003 Employee Leave is paid absence from work granted to employees, whose personal residences have been destroyed or have suffered significant damage because of fire damage caused by Firestorm 2003, who need time off from work to address the needs of restoring their personal residences.
- (b) Eligibility.
- (1) Biweekly rate employees who own their personal residences, which have been destroyed or have suffered significant damage because of the fire damage caused by Firestorm 2003, who need to take time off from work to address the needs of restoring their personal residences.
 - (2) An employee described in subdivision (1) above must submit to the Director of Human Resources information that, in the judgment of the Director, satisfactorily documents that the employee's personal residence was destroyed or suffered significant damage, as defined in subsection (c)(5) . An employee's appointing authority is authorized to approve a leave request pursuant to the provisions of this section if the Director has designated the employee as eligible for this leave.
- (c) General Provisions. Firestorm 2003 Employee Leave is subject to the following conditions:
- (1) Eligible employees are not required to exhaust other paid leave to use this paid leave.
 - (2) Eligible employees may use up to 80 hours of paid leave under this section.
 - (3) The availability of up to 80 hours of this leave does not extend beyond April 29, 2004 as indicated in subsection (e) on duration of leave.
 - (4) The authorized paid leave hours are not eligible for cash payout or terminal payoff.
 - (5) The terms "suffered significant damage" in subsection (b), with respect of an employee's personal residence, means the extent of the damage, in the judgment of the Director, will require the employee to be absent from work to address the needs of restoring such damage.
- (d) Request. Subject to the approval of the appointing authority, eligible employees may request this leave upon submittal of a written request for such leave to their appointing authority with a brief description of why they need to take the time off for that particular requested time of leave.
- (e) Duration. This leave is provided as temporary relief from the hardships associated with addressing the needs of restoring their personal residences, and will be available for use effective October 26, 2003 through April 29, 2004.

Section 4. This Ordinance is declared to be an ordinance necessary for immediate preservation of the public peace, health and safety within the meaning of Section 25123 of the

Government Code and shall take effect immediately. This Board finds that it is necessary for this Ordinance to take effect immediately because the need to keep the County's roadways clear and to protect employees from unhealthful air came up suddenly, and because it is necessary to authorize payment of those employees who were ready and able to come to work but were instructed to remain away. It is also necessary for the leave provisions to take effect immediately because of the need for employees to take prompt action to address damage to their personal residences. Employee compensation for the payroll period October 17 through October 30, 2003 is due to be paid on November 7, 2003.

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PASSED, APPROVED AND ADOPTED this 2nd day of December, 2003.

12/2/03 (20)