

ORDINANCE NO. 9910 (NEW SERIES)

**AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE
ESTABLISHING CLASSIFICATIONS, CHARACTERISTICS AND COMPENSATION.**

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

Section 1. Appendix One of the Compensation Ordinance is hereby amended by amending compensation for the following job codes/classifications effective December 21, 2007:

Class No.	Step 1 Hrly Biwkly	Step 2 Hrly Biwkly	Step 3 Hrly Biwkly	Step 4 Hrly Biwkly	Step 5 Hrly Biwkly	Step 6 Hrly Biwkly	Step 7 Hrly Biwkly	Step 8 Hrly Biwkly	Approx Minimum	Annual Salary Maximum
003615	Assistant Engineer									
	26.93	28.28	29.69	31.17	32.73	34.37				
	2154.40	2262.40	2375.20	2493.60	2618.40	2749.60			\$56,014.40 - \$71,489.60	
003780	Assistant Surveyor									
	26.93	28.28	29.69	31.17	32.73	34.37				
	2154.40	2262.40	2375.20	2493.60	2618.40	2749.60			\$56,014.40 - \$71,489.60	
003816	Graphic Designer									
	26.09	27.39	28.76	30.20	31.71					
	2087.20	2191.20	2300.80	2416.00	2536.80				\$54,267.20 - \$65,956.80	
004506	Director of Nursing									
	46.90	49.24	51.70	54.29	57.00					
	3752.00	3939.20	4136.00	4343.20	4560.00				\$97,552.00 - \$118,560.00	

Section 2. Appendix One of the Compensation Ordinance is hereby amended by designating the following job codes/classifications as "Terminal" effective January 18, 2008:

<u>Class No.</u>	<u>Class Title</u>
003695	Junior Engineer (T)
003779	Junior Surveyor (T)

Section 3. Appendix One of the Compensation Ordinance is hereby amended by deleting the following job codes/classifications effective January 18, 2008:

<u>Class No.</u>	<u>Class Title</u>
004410	Physical Therapist II (T)
004420	Physical Therapist I (T)
004536	Head Staff Nurse (T)
006162	Security Coordinator

Section 4. Section 1.2.5 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.2.5: APPOINTMENT OF DEPUTIES.

- (a) An appointing authority is entitled under the codes, the general law, or the County Charter, to appoint deputies. An employee is appointed as a deputy when he or she is appointed to a position which, according to the County's official job description is identified as a deputy, and/or will perform duties, responsibilities, and functions of a deputy, regardless of whether the position title is designated as "deputy," "clerk," or by any other title. The following actions shall constitute official record in the County that the person appointed to such position is duly authorized to serve as a deputy for his or her principal officer in the County office or department to which the person was appointed:
 - (1) When the appointing authority for the department or office, in which the employee is appointed as a deputy, takes and approves an official action to appoint the employee to a deputy position, such official action shall constitute the official record that the employee was appointed as a deputy.
 - (2) When the appointing authority for the department or office, in which the employee was appointed as a deputy, takes and approves an official action to terminate such appointment, such official action shall constitute the official record that the employee no longer serves as a deputy, and that all powers and duties associated with the performance of official functions as a deputy have been revoked.
- (b) Pursuant to the authority granted to charter counties by the California Constitution, and pursuant to the authority granted to the Board of Supervisors by the San Diego County Charter concerning the power to prescribe and regulate the duties, qualifications, and manner of appointment of deputies, the process established under this section shall be used to appoint and to revoke the appointment of deputies in lieu of the process established in Government Code section 24102 or any other general law of the state relating to the method of appointment of deputies.
- (c) The person appointed shall be and is hereby authorized to perform any and all acts which deputies in said departments are entitled to perform. In addition to the number of deputies herein provided, every County officer, except a supervisor or judicial officer, may appoint as many deputies to serve, without compensation, as may be necessary for the prompt and faithful discharge of official duties. Any department head may appoint employees of any other department as deputies in the department without extra compensation.
- (d) It is hereby clarified that when this Section 1.2.5 was amended pursuant to section 11 of Ordinance No. 9721 on June 24, 2005, and section 8 of Ordinance No. 9734, on September 30, 2005, [hereafter, "Ordinance sections 11 & 8"], which amended and added language to what is now included under subsections (a) and (b) above, the purpose and intent of such language was and is to retroactively apply to all appointments and terminations of appointments of deputies who were employed with the County on and before the effective dates of Ordinance sections 11 & 8. In addition, the provisions of Ordinance sections 11 & 8 prospectively apply to all appointments and terminations of appointments of deputies on and after the effective dates of Ordinance sections 11 & 8.

Section 5. Section 1.7.23 of the Compensation Ordinance is hereby added to read as follows:

1.7.23: OPEN ENROLLEE INCENTIVE PROGRAM:

- (a) The Open Enrollee Incentive Program is intended to mitigate certain costs involved when an individual is responsible for self financing their attendance at a Law Enforcement/Detentions Academy.
- (b) An Open Enrollee is defined as a law enforcement/detentions student, who has self-enrolled in and is currently attending a Law Enforcement/Detentions Academy, or who has graduated in the last six months, but who has not yet been hired or sponsored by a law enforcement agency.
 - (1) Eligibility Requirements:
 - (a) An Open Enrollee student as defined above, who is subsequently hired by the Sheriff's Department into one of the following classifications:

5747 – Deputy Sheriff Cadet

5797 – Deputy Sheriff Cadet – Detentions/Court Services
5746 – Deputy Sheriff
5757 – Deputy Sheriff – Detentions/Court Services

- (b) Employees receiving the Open Enrollee Incentive are ineligible for the lateral incentive program.
- (2) Procedure for Payment:
- (a) Open Enrollee Incentive payments will be paid at the following intervals:
 - (i) \$1,275 – 45 days following completion of the hiring process (payment will be made in the next regular check).
 - (ii) \$1,275 – At the successful completion of the applicable probationary period (payment will be made in the next regular check).
 - (b) In no event will an employee receive more than the maximum of \$2,550 in Open Enrollee Incentive payment.
 - (c) The decision to award or deny payment under this Open Enrollee Incentive Program shall be at the sole discretion of the County and shall not be subject to appeal or grievance.

Section 6. Section 2.1.17 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 2.1.17: SHERIFF’S DEPARTMENT HARD TO RECRUIT REFERRAL REWARD PROGRAM

Sheriff’s Department Hard to Recruit Referral Reward Program for Employees Hired before December 21, 2007. Only regular employees of the San Diego County Sheriff’s Department shall be eligible to receive a referral reward of \$500.00 for referring qualified candidates for the following hard to recruit job codes/classifications:

Eligible Classes:

002820	Sheriff’s Radio Trainee
002822	Sheriff’s Emergency Services Dispatcher
004548	Sheriff’s Detentions Nurse
005746	Deputy Sheriff
005747	Sheriff’s Cadet
005757	Deputy Sheriff Detentions/Court Services
005797	Deputy Sheriff Cadet Detentions/Court Services

Eligibility Criteria

- (a) Only regular employees of the San Diego County Sheriff’s Department are eligible to submit referrals under this program with the following exceptions:
 - (1) Employees assigned to the Sheriff’s Human Resources Personnel Division and Labor Relations Unit;
 - (2) Those employees who have responsibility for recruitment as part of their assigned job duties, including individuals assigned on a temporary basis to carry out specialized recruiting activities unless it can be verified that the recruitment did not occur during that activity; and
 - (3) All elected and unclassified employees.

- (b) Eligible employees must be active at the time of referral and active at the time of reward to receive payment of reward.

Amount of Referral Reward

The amount of referral reward will be a gross payment of \$500.00 and will be paid through the regular payroll advice or warrant.

Referrals Eligible for Referral Reward

- (a) Referrals only qualify under this program if a written referral is made by an eligible employee during the recruitment period.
- (b) Current Sheriff's Department employees do not qualify as "applicants" to be referred under this program.
- (c) Immediate family of the referring employee does not qualify as "applicants" to be referred under this program. Immediate family includes husband, wife, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepparent, or any person serving as a parent, or who has served as a parent, or any other person living in the same household as the employee.
- (d) An employee is only eligible to receive up to five (5) referral reward payments per fiscal year, regardless of the total number of referrals made by the employee that meet the criteria for successful completion of the program. No employee will be eligible for any referral reward payment during his or her last twelve (12) months of employment.
- (e) Only one employee may qualify for the referral reward for each referred candidate. In the event of multiple Referral Forms submitted for the same candidate, the Referral Form with the earliest time/date stamp will be used in determining the eligibility for reward.

Payment of Reward

- (a) The recruited employee has to complete the below listed length of service in order for the \$500.00 referral reward to be paid to the employee who made the referral:
 - (1) Deputy Sheriff (005746) – upon completion of academy or three (3) months of employment if lateral hire;
 - (2) Deputy Sheriff Detentions/Court Services (005757) – upon completion of academy or three (3) months of employment if lateral hire.
 - (3) Sheriff Cadet (005747) – upon completion of academy.
 - (4) Deputy Sheriff Cadet Detentions/Court Services (005797) – upon completion of academy.
 - (5) Sheriff's Detention Nurse (004548) – three (3) months of employment.
 - (6) Sheriff's Radio Trainee (002820) – three (3) months of employment.
 - (7) Sheriff's Emergency Services Dispatcher (002822) – three (3) months of employment.
- (b) A gross payment of \$500.00 will be made to the referring employee through the regular payroll advice or warrant.
- (c) The decision to award or deny payment under the Hard to Recruit Referral Reward Program shall be at the sole discretion of the County and shall not be subject to appeal.

This program will expire on June 18, 2009.

Sheriff's Department Hard to Recruit Referral Reward Program for Employees Hired On or After December 21, 2007. Only regular employees of the San Diego County Sheriff's Department shall be eligible to receive a referral reward of \$1,000.00 for referring qualified candidates for the following hard to recruit job codes/classifications:

Eligible Classes:

002820	Sheriff's Radio Trainee
002822	Sheriff's Emergency Services Dispatcher
004548	Sheriff's Detentions Nurse
005746	Deputy Sheriff
005747	Sheriff's Cadet
005757	Deputy Sheriff Detentions/Court Services
005797	Deputy Sheriff Cadet Detentions/Court Services

Eligibility Criteria

- (a) Only regular employees of the San Diego County Sheriff's Department are eligible to submit referrals under this program with the following exceptions:
 - (1) Employees assigned to the Sheriff's Human Resources Personnel Division and Labor Relations Unit;
 - (2) Those employees who have responsibility for recruitment as part of their assigned job duties, including individuals assigned on a temporary basis to carry out specialized recruiting activities unless it can be verified that the recruitment did not occur during that activity; and
 - (3) All elected and unclassified employees.
- (b) Eligible employees must be active at the time of referral and active at the time of reward to receive payment of reward.

Amount of Referral Reward

The amount of referral reward will be a gross payment of \$1,000.00 and will be paid through the regular payroll advice or warrant.

Referrals Eligible for Referral Reward

- (a) Referrals only qualify under this program if a written referral is made by an eligible employee during the recruitment period.
- (b) Current Sheriff's Department employees do not qualify as "applicants" to be referred under this program.
- (c) Immediate family of the referring employee does not qualify as "applicants" to be referred under this program. Immediate family includes husband, wife, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepparent, or any person serving as a parent, or who has served as a parent, or any other person living in the same household as the employee.
- (d) An employee is only eligible to receive up to five (5) referral reward payments per fiscal year, regardless of the total number of referrals made by the employee that meet the criteria for successful completion of the program. No employee will be eligible for any referral reward payment during his or her last twelve (12) months of employment.

- (e) Only one employee may qualify for the referral reward for each referred candidate. In the event of multiple Referral Forms submitted for the same candidate, the Referral Form with the earliest time/date stamp will be used in determining the eligibility for reward.

Payment of Reward

- (a) The recruited employee has to complete the below listed length of service in order for the \$1,000.00 referral reward to be paid to the employee who made the referral:
 - (1) Deputy Sheriff (005746) – upon completion of academy or three (3) months of employment if lateral hire;
 - (2) Deputy Sheriff Detentions/Court Services (005757) – upon completion of academy or three (3) months of employment if lateral hire.
 - (3) Sheriff Cadet (005747) – upon completion of academy.
 - (4) Deputy Sheriff Cadet Detentions/Court Services (005797) – upon completion of academy.
 - (5) Sheriff's Detention Nurse (004548) – three (3) months of employment.
 - (6) Sheriff's Radio Trainee (002820) – three (3) months of employment.
 - (7) Sheriff's Emergency Services Dispatcher (002822) – three (3) months of employment.
- (b) A gross payment of \$1,000.00 will be made to the referring employee through the regular payroll advice or warrant.
- (c) The decision to award or deny payment under the Hard to Recruit Referral Reward Program for Employees Hired On or After December 21, 2007, shall be at the sole discretion of the County and shall not be subject to appeal.

This program will expire on June 18, 2009.

Section 7. Section 4.2.3. of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.2.3: INJURY LEAVE.

- (a) Definition. Injury leave is paid leave granted to a biweekly employee while disabled and unable to perform his or her job duties because of a job-related injury, entitled to Workers' Compensation temporary total disability benefits, and is not ineligible under one or more conditions listed in subsection (b) herein. Injury leave compensation shall equal the difference between seventy-five percent (75%) of employee's wage rate and employee's Workers' Compensation temporary total disability indemnity.
- (b) Ineligibility.

An employee shall not be entitled to injury leave under the following conditions:

- (1) Failure to use or wear prescribed safety or personal protective equipment;
- (2) Failure to follow safety rules and regulations;
- (3) Where the employee's gross negligence or willful misconduct is a proximate cause of the injury;
- (4) Any time the appointing authority, upon investigation, certifies that suitable light-duty employment is available, and employee refused to accept it.

Eligible Classes:

Classes designated AE, AM, AS, CC, CE, CEM, CL, CM, CR, CS, DA, EM, FS, HS, MA, MM, NM, NS, PD, PM, PR, PS, RN, SS, SW and UM.

- (5) Injury leave shall not be granted for aggravation, recurrence or sequelae of a pre-existing non-service connected physical disability or any physical condition existing prior to employment by the County, nor for recurrences, aggravation or sequelae of disabilities for which employee has received a permanent disability award or a compromise and release settlement under Workers' Compensation. To the extent employee is otherwise eligible, sick leave may be granted.

(c) Definitions.

- (1) Director: The Director of the Department of Human Resources.
- (2) Risk Management Division: The Division within the Department of Human Resources which administers the provision of workers' compensation benefits as mandated by the State of California.
- (3) Safety Rules and Regulations: Any and all County or Departmental rules, policies, and procedures, and California Occupational Safety and Health Act (CAL-OSHA) regulations, which relate to prevention of injury in the County work environment.
- (4) Wage Rate: The eligible employee's biweekly rate of pay, plus those specific premiums and/or bonuses, which are paid on paid leave. Overtime, and any compensation identified as paid for time worked only and not applicable on paid leave, are excluded.
- (5) Workers' Compensation: Benefits provided pursuant to Division IV of the California Labor Code.
- (6) Treating Physician: Any physician listed in Labor Code Section 3209.3 who is authorized by the County and is currently treating the employee for the job-related injury which forms the basis for injury leave eligibility.
- (7) Light Duty: Any restriction of hours worked and/or duties performed as a result of a job-related injury where such hours and/or duties are different than the employee's established work schedule and/or regular assigned duties prior to the injury.

- (d) Request. Each request for injury leave shall be submitted to the employee's appointing authority within 48 hours after medical treatment is obtained or as soon as practicable thereafter accompanied by verification of the treating physician authorized by the County. It shall set forth the reasons for the request and any further information as may be required by the Director.

(e) Investigation.

- (1) The appointing authority shall make such investigation as is necessary to determine whether or not facts exist which support the request. Upon concluding the investigation, the appointing authority shall provide a summary of the findings to the Department of Human Resources, Risk Management Division.
- (2) The Director shall review the findings of the appointing authority and make any further investigation as is appropriate.
- (3) The Director may grant the request in whole or in part and determine the duration of the injury leave, or may deny the request. The Director shall notify the employee and the appointing authority of the decision in writing.

(f) Appeal.

- (1) The Director's decision shall be final unless appealed by the employee. Within ten (10) County business days of postmark or confirmed delivery of the Director's decision, the employee may appeal the decision by requesting arbitration. Written notice requesting arbitration must be presented to the Risk Management Division of the Department of Human Resources within the ten (10) days specified herein. The request for arbitration shall specify the basis for the appeal.
- (2) Selection of Arbitrator. The Risk Management Division will maintain a list of qualified neutral arbitrators from the Superior Court Arbitrator Personal Injury Panel. These arbitrators shall have workers' compensation experience. For employees in classes designated AM, AS, CE, CEM, CC, CS, DA, EM, MA, NA, NE, NM, NR, PD, PM, SW and UM the Risk Management Division will assign an arbitrator in rotation from the Superior Court Panel to hear the appeal. The arbitrator shall be determined by assigning names from the Panel in alphabetical rotation. For all other employees, the arbitrator shall be determined by the parties alternately striking names from the Superior Court Injury Panel until only one remains.
- (3) Authority of the Arbitrator. The arbitrator shall hear the appeal and determine whether or not injury leave should be granted and, if so, its duration by applying only this Injury Leave provision. However, the arbitrator shall have no authority to add to, delete from, or modify this Injury Leave provision. The arbitrator shall submit findings and a decision in writing. The decision of the arbitrator shall be final.
- (4) Each party to the appeal before an arbitrator shall bear his/her own expenses in connection therewith. All fees and expenses of the arbitrator shall be borne one-half by the County and one-half by the appellant.
- (5) For the period of June 23, 2006 through June 18, 2009 the appellant's share shall not exceed one hundred fifty dollars (\$150) per hearing.

Eligible Classes:

Classes Designated AE, CL, CM, CR, FS, HS, MM, PR, PS, RN and SS.

(g) Duration of Injury Leave.

- (1) No injury leave may be granted during the first three (3) full calendar days after the employee leaves work as a result of the injury, except where the injury causes disability of more than fourteen (14) full calendar days or necessitates hospitalization within the three (3) calendar day waiting period. In such cases, injury leave may commence the first day the injured employee leaves work or is hospitalized as a result of the injury.
- (2) The duration of injury leave shall be that determined by the Director, after an investigation. An injury shall be deemed to continue through a recurrence, aggravation, or sequelae of the initial injury for which the leave may be granted. Injury leave shall not total more than seven hundred and twenty (720) aggregate hours for employees in classes designated AM, AS, CC, CS, DA, PD, PM or ninety (90) aggregate calendar days for employees in classes designated CC and CS or one thousand four hundred and forty (1,440) aggregate hours for all other employees, for the particular injury.
- (3) If, subsequent to the granting of injury leave for a period of less than seven hundred and twenty (720) aggregate hours or ninety (90) aggregate calendar days or one thousand four hundred and forty (1,440) aggregate hours, as provided in subsection 2 above, it appears that leave should be granted for an additional period of time, the employee may request additional injury leave. This request shall be submitted and determined in the same manner as an original request for injury leave, provided that the total duration of the original and additional injury leave shall not exceed

seven hundred and twenty (720) aggregate hours or ninety (90) aggregate calendar days or one thousand four hundred and forty (1,440) aggregate hours, as provided in subsection 2 above.

- (4) In no event shall any injury leave exceed a total of seven hundred and twenty (720) aggregate hours or ninety (90) aggregate calendar days or one thousand four hundred and forty (1,440) aggregate hours as provided in subsection 2 above, extend beyond five (5) years from the date of the initial injury, nor extend beyond the period in which the employee is employed.
- (h) Holidays Falling During Injury Leave.
- (1) A County holiday (Section 5.9.1(c) falling during the period of injury leave shall be charged as injury leave and not paid as a holiday.
 - (2) Injury Leave time shall be considered paid leave for the purpose of determining eligibility for accruing floating holiday credits.
- (i) Absence Pending Injury Leave. When a claim for workers' compensation benefits and/or a final determination of entitlement to injury leave is pending, an employee may take paid leave or compensatory time off. If the employee becomes eligible for injury leave, it shall commence on the date determined by the Director after an investigation. Any sick leave, compensatory time, or other paid leave used in lieu of injury leave after such date of commencement, shall be restored to the employee's balance(s), except that if the difference between the paid leave used and the injury leave for the same time period requires that employee reimburse County, the difference shall be deducted from the balances restored, to the extent available.
- (j) Workers' Compensation and Leave.
- (1) An employee shall not, through a combination of temporary disability indemnity payments and paid sick leave, injury leave or paid leave pursuant to Section 4850 of the Labor Code, receive payment in excess of his or her wage rate. The amount paid for such leaves shall be decreased by the amount of any temporary disability for the same period to which the employee is or may be entitled under Workers' Compensation.
 - (2) If an employee has received his or her wage rate as paid sick leave, and temporary disability back payments covering the same period are made to the employee, then the employee shall be liable to the County for the amount that the combination of such back payments and sick leave exceeds the employee's wage rate. The County may deduct from any future payments it makes to such employee an amount equal to the total of such excess payment. Insofar as practical, such deduction shall be done by a method that will not cause undue hardship to the employee. To the extent that such deductions represent compensation for sick leave used, the employee's sick leave balance shall be restored.
 - (3) Nothing herein contained shall be deemed to affect the employee's entitlement to medical, surgical and hospital treatment or temporary disability indemnity benefits under Workers' Compensation.
- (k) Light Duty. Where the injured employee's treating physician authorized by the County recommends light-duty assignment, it will be the responsibility of the appointing authority to arrange suitable light duty. Department of Human Resources may provide staff technical assistance to find a suitable light-duty assignment, one which accommodates the particular restrictions provided by the treating physician.

Section 8. Section 4.2.21 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.2.21: PROFESSIONAL TIME OFF.

- (a) Employees in Classes Designated AM, AS, DA, PD and PM.

- (1) General. At the discretion of the Appointing Authority and in accordance with any guidelines the Appointing Authority may issue, an employee may be granted professional time off not to exceed a maximum of one hundred twenty (120) hours per fiscal year for AM, AS and DA Units and not to exceed a maximum of forty (40) hours per fiscal year for the PD and PM Units. The Appointing Authority's decision on whether to grant professional time off shall be based on an employee's overall workload associated with assigned projects and caseload.
- (2) Use of Professional Time Off.
 - (a) Must be approved by the Appointing Authority or the Appointing Authority's designee, either orally or in writing, prior to the commencement of the leave.
 - (b) Shall be limited to a cumulative maximum of one hundred twenty (120) hours in a fiscal year for the AM, AS and DA Units and a maximum of forty (40) hours in a fiscal year for the PD and PM Units.
 - (c) Shall be limited to increments of eight (8) hours, which shall constitute a full workday.
 - (d) Shall not accumulate or be earned as a matter of right.
 - (e) Has no cash value and is ineligible for terminal payoff.
- (b) Employees in Classes Designated CC and CS.
 - (1) General. At the discretion of the County Counsel and in accordance with the standards issued on November 17, 2003, as interpreted by memoranda dated May 12, 2004 and April 18, 2005, an employee may be granted professional time off (PTO) not to exceed a maximum of eighty (80) hours per fiscal year. The decision on whether to grant Professional Time Off shall be based on the guidelines applicable to PTO, and shall take into account an employee's overall workload involving assigned projects and cases. In addition to the above referenced guidelines applicable to PTO, Professional Time Off is subject to the following conditions:
 - (2) Conditions.
 - (a) Requests for PTO must be submitted on the Office's Leave of Absence slip and acted upon by the Appointing Authority (or his designee) prior to the commencement of the requested leave.
 - (b) PTO shall be limited to a maximum of eighty (80) available hours each fiscal year.
 - (c) PTO shall be limited to increments of full workdays.
 - (d) PTO has no cash value and is ineligible for terminal payoff.

Section 9. Section 4.3.11 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.3.11: VOLUNTARY TIME OFF.

- (a) Definition. Notwithstanding any other provision of this article, the appointing authority may for good cause grant an eligible permanent or probationary employee a voluntary leave of absence without pay with right to return to the same position. The employee's request for voluntary time off pursuant to this section shall be for the personal reasons of the employee to handle his or her personal affairs.
- (b) Conditions. Voluntary time off (VTO) is subject to the following conditions:
 - (1) Shall be taken in increments of one full-hour for all eligible employees.

- (2) Credits toward sick leave, vacation, retirement, and holiday eligibility shall accrue as though the employee were on paid status. The County shall pay for each employee the required retirement contribution consisting of the County's required contribution and the employee's required contribution. The County's payment of the employee's required contribution shall include the County's retirement contribution offset calculated pursuant to the provisions of Article 5.6.
 - (3) Time shall apply toward time in service for step advancement, completion of probation, and toward seniority for purposes of layoff.
 - (4) Shall be granted without requiring employees to first use accumulated vacation and compensatory time off.
 - (5) Shall be available only to employees who are on paid status the entire workday immediately before as well as immediately after time taken off.
 - (6) Shall not be available to employees on other leave without pay, nor shall it be used in combination with paid leave which must be exhausted prior to commencing other leave without pay.
 - (7) Voluntary time off authorized per biweekly pay period shall not exceed one-half of the employee's total number of authorized hours for the biweekly pay period and, VTO shall not be used in more than two consecutive pay periods at a time.
- (c) Eligibility. Employees in classes designated AE, AM, AS, CC, CE, CEM, CL, CM, CR, CS, DA, DI, DM, DS, EM, FS, HS, MA, MM, NA, NE, NM, NS, PD, PM, PO, PR, PS, RN, SO, SM, SS, SW and UM are eligible for participation in this program of voluntary time off.
- (d) Duration of Section. This section shall only be operative through June 30, 2008 and, at that time, is repealed unless otherwise extended by ordinance action of the Board of Supervisors.

Section 10. Section 5.1.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.1.2: BENEFIT PROGRAMS. Unless additional or different benefits are provided by federal or state law (e.g. Unemployment Insurance and Workers' Compensation) the benefits of all employees, officers, boards, commissions, assistants, deputies, clerks and attaches, including elected officials and department heads and their deputies and assistants, are set forth in the following "Benefit Programs," which determine the benefits applicable to persons in each type. The Salary Schedule contains a list of all classes. Each class is assigned a "Benefit Plan Designator" in the column headed "Ben Pgm," which identifies eligibility for benefits as one of the following types, for all employees in that class except those on an "hourly" or "special rate" pay basis.

- (a) County Counsel (CC) Benefit Program. Employees in job codes designated as CC and CS are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:
- | | |
|-------|---|
| 5.1.6 | Flexible Benefits Plan |
| 5.3 | Basic Life Insurance |
| 5.4 | Long Term Disability |
| 5.6 | Retirement Contribution Offset |
| 5.7 | Payment in Lieu of Retirement Contribution Offset |
| 5.9 | Holidays |
| 5.10 | Suggestion Awards Program |
| 5.11 | Employee Recognition and Awards Program |
- (b) Confidential Non-Management (CNM) Benefit Program. Employees in job codes designated as CE are eligible for basic benefits listed below plus State Disability Insurance (SDI). All employees in classes covered under CNM Benefit Program shall participate in SDI as the result of an election by the employees in the representation unit for that class. All premiums required by the State for SDI shall be automatically

deducted from the pay of covered employees by the Auditor and Controller and forwarded to the State pursuant to the rules and regulations of the State of California in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognition and Awards Program

- (c) District Attorney (DA) Benefit Program. Employees in job codes designated as DA, AS and AM are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.4 Long Term Disability
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program

- (d) District Attorney Investigator (DAI) Benefit Program. Employees in job codes designated as DI and DM are eligible for basic benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognition and Awards Program

- (e) Management (MGT) Benefit Program. Employees in job codes designated as CEM, MA, and NM are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.4 Long Term Disability
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognition and Awards Program

- (f) Non-Management (NMG) Benefit Program. Employees in job codes designated as AE, CL, CM, CR, FS, HS, MM, NS, PO, PR, PS, RN and SS are eligible for basic benefits listed below, plus State Disability Insurance (SDI). All employees in classes covered under NMG Benefit Program shall participate in SDI as the result of an election by the employees in the representation unit for that class. All premiums required by the State for SDI shall be automatically deducted from the pay of covered employees by the Auditor and Controller and forwarded to the State pursuant to the rules and regulations of the State of California.

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance

- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognition and Awards Program

(g) Public Defender (PD) Benefit Program. Employees in job codes designated as PD and PM are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.4 Long Term Disability
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards
- 5.11 Employee Recognition and Awards Program

(h) Sheriff (SHRF) Benefit Program. Employees in job codes designated as DS are eligible for basic benefits, and SM are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.4 Long Term Disability (SM only)
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program

(i) Social Worker (SW) Benefit Program. Employees in job codes designated as SW are eligible for basic benefits listed below plus State Disability Insurance (SDI). All employees in classes covered under SW Benefit Program shall participate in SDI as the result of an election by the employees in the representation unit for that class. All premiums required by the State for SDI shall be automatically deducted from the pay of covered employees by the Auditor and Controller and forwarded to the State pursuant to the rules and regulations of the State of California.

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognitions and Awards Program

(j) Unclassified (UCL) Benefit Program. Employees in job codes designated as EM, NA, NE, and UM are eligible for basic and management benefits in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.4 Long Term Disability
- 5.5 Executive Management Physical Examination (excluding NA and UM)
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays

5.11 Employee Recognition and Awards Program

- (k) Supervising Probation Officer (SO) Benefit Program. Employees in job codes designated as SO are eligible for basic benefits listed below plus State Disability Insurance (SDI). All employees in classes covered under SO Benefit Program shall participate in SDI as the result of an election by the employees in the representation unit for that class. All premiums required by the State for SDI shall be automatically deducted from the pay of covered employees by the Auditor and Controller and forwarded to the State pursuant to the rules and regulations of the State of California in accordance with the conditions set forth in the following sections:

- 5.1.6 Flexible Benefits Plan
- 5.3 Basic Life Insurance
- 5.6 Retirement Contribution Offset
- 5.7 Payment in Lieu of Retirement Contribution Offset
- 5.9 Holidays
- 5.10 Suggestion Awards Program
- 5.11 Employee Recognition and Awards Program

- (l) Hourly and Special Rate Employees. Notwithstanding appointment to a class with a Benefit Program Designator, hourly or special rate employees may be eligible for only the following benefits:

- Workers' Compensation coverage;
- Unemployment Insurance;
- Suggestion Awards Program
- Employee Recognition Award (cash only)

- (m) Other Benefits. In addition to the benefits listed above in the Benefit Program, there are other benefits, which are elsewhere provided for:

- (1) Leaves of Absence. Benefits described and set forth in other sections of this ordinance are paid and unpaid leaves of absence set forth in Chapter 4. Chapter 4 also contains provisions relating to cash payoffs for unused sick and annual leave, and retirement credit for unused sick leave, which may be applicable.
- (2) Retirement. Refer to 5.6.1, Retirement Contribution Offset.
- (3) Reimbursements and Allowances. Other reimbursements and allowances may be available under the County Administrative Code.
- (4) Optional Benefits. Some employees may also be eligible for other benefits not described or set forth in this ordinance. These benefits, subject to the employee's enrollment, and not contributed to by the County, are:
 - Dental Insurance
 - Vision Insurance
 - Supplemental Life Insurance
 - Supplemental Accidental Death and Dismemberment Insurance (AD&D)
 - Flexible spending accounts for pre-tax reimbursement of qualified medical and/or dependent day care expenses. Account credits must be used during the plan year in which they are earned for expenses incurred during the same plan year.
- (5) Deferred Compensation Program. Employees shall be eligible to participate in the Deferred Compensation Program provided and administered by the County or the County's selected administrative agent (or agency). Notwithstanding any provisions to the contrary, the County as

the employer may make deposits to an employee's Participation Account. The authority and discretion to approve deposits is delegated by the Board of Supervisors to the Chief Administrative Officer for the EM classifications.

Section 11. Section 5.1.4 of the Compensation Ordinance is hereby repealed:

Section 12. Section 5.1.6 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.1.6: FLEXIBLE BENEFITS PLAN. A flexible benefits plan, which is in accordance with Section 125 of the Internal Revenue Code, is authorized for eligible employees.

- (a) Plan Design. The flexible benefits plan is a cafeteria-style benefits program wherein the County makes a contribution toward the Flexible Benefits Plan for each eligible employee to be allocated during the employee's active employment. This plan includes for eligible employees pre-tax contributions for all monies paid toward health, dental, vision and/or voluntary AD&D plans. The County contribution is distributed by the employee among the menu of benefit options listed below, the specific details and administration of which are set forth in the plan brochures:
 - (1) "Core" Benefits:
 - Health insurance
 - County basic life and AD&D insurance
 - (2) Optional Benefits:
 - Dental insurance
 - Vision insurance
 - Supplemental life insurance
 - Supplemental accidental death and dismemberment insurance (AD&D)
 - Flexible spending accounts for pre-tax reimbursement of qualified medical and/or dependent day care expenses. Account credits must be used during the plan year in which they are earned for expenses incurred during the same plan year.
- (b) Eligibility. Employees employed on a full-time (80-hour biweekly) basis shall be eligible for insurance benefits. Employees employed on a part-time basis and who are regularly scheduled to work one-half time or more (forty (40) hours or more in an 80-hour biweekly pay period) and paid on a biweekly pay basis shall be eligible for insurance benefits.
- (c) Coverage.
 - (1) Required Coverage. All eligible employees will be required to have the following minimum "core" benefits for the employee only:
 - Medical insurance. Unless properly waived.
 - County basic life and AD&D insurance, pursuant to Article 5.3
 - (2) Coverage by County Spouse. An eligible County employee married to another eligible County employee may elect health insurance as a dependent under the spouse's primary plan. In such a case, the employee covered as a dependent will have the "employee only" County contribution amount available to apply toward the employee's Flexible Benefits Plan during the employee's active employment.
 - (3) Waive Coverage/Proof of Coverage. Employees who submit satisfactory "Proof of Other Health Insurance Coverage" may elect not to be covered by the County's health insurance plans. This election may only be made during the County's open enrollment period or during the year as the

result of a qualifying “change in status” as defined by Section 125 of the Internal Revenue Code. For employees waiving primary participation in a County-sponsored health plan, the County’s contribution will be deposited into the employee’s Flexible Spending Account.

- (4) Domestic Partner. An employee may elect to cover a Registered Domestic Partner or a Non-registered domestic partner under the County’s health, dental or vision plans. To cover a Registered Domestic Partner, the employee must submit a copy of the State Registration Certificate to Employee Benefits. Any premium paid by the County on behalf of the Registered Domestic Partner or Registered Domestic Partner’s dependent(s) will be considered taxable income for Federal taxes pursuant to the provisions of the Internal Revenue Code but will not be considered taxable income for State taxes, pursuant to the California Revenue and Taxation Code. To cover a Non-registered domestic partner or the non-registered domestic partner’s dependent(s), the employee must meet and agree to the specifications set forth on an “Affidavit for Enrollment of Domestic Partners”. The employee must submit the affidavit to the Employee Benefits Division of the Department of Human Resources. Any premium paid by the County on behalf of the domestic partner or the domestic partner’s dependent(s) shall be considered taxable income for Federal and State taxes to the employee with domestic partner coverage pursuant to the provisions of the Internal Revenue Code and the California Revenue and Taxation Code.
- (5) Effective Dates of Eligibility Under the Flexible Benefits Plan.
 - (a) Health Benefits (Medical, Dental and Vision). The effective date of eligibility under the Flexible Benefits Plan for new employees shall be the first day following the month of hire provided that the employee has completed and returned all enrollment forms within the month of hire. If completed forms are not received by the end of month of hire, benefits will be effective the first day of the month following receipt of completed forms. All forms must be received in the Employee Benefits Division within thirty (30) days of hire in order for benefits to commence. Eligibility shall terminate on the last day of the month in which an employee last had paid service provided that the employee’s portion of the health insurance premium is paid for such period.
 - (b) Additional Benefits. Notwithstanding subsection 5.1.6(c)(5)(a) above, eligibility for all flexible benefits plan features which are in addition to health insurance shall be thirty (30) days after the effective date on which health insurance coverage begins.
- (6) Employee Responsibility.
 - (a) Employee Application/Designation of Benefits. It is the responsibility of each employee to designate and/or apply for benefits. No retroactive benefits will be provided without proof of a timely, correctly filed application, and administrative error on the part of the County or contract provider.
 - (b) New Hires – Failure to Enroll. Employees who do not submit completed enrollment forms within forty-five (45) days of hire will be automatically enrolled in the County’s least costly health plan.
- (7) Insurance Coverage During Leaves of Absence.
 - (a) Life Insurance. Employees on leave without pay for any reason, (including suspension) may continue their life insurance coverage for up to six (6) full months. Employees choosing to continue their life insurances may do so for up to six (6) months while on leave. Premiums must be paid by the end of the month in which the employee had coverage.
 - (b) Employees may pay all premiums required for the entire six (6) month leave period in advance. In the event an employee who is on leave without pay does not pay premiums in

advance of the end of the month, the coverage shall be discontinued. Employees shall be entitled to re-apply upon return to work subject to medical insurability acceptable to the insurance provider.

(8) Health Insurance During Leaves of Absence.

- (a) During leave without pay, and in accordance with the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) Of 1986 (Pub L. 99-22), Employees may continue their health insurance coverage for up to eighteen (18) full months following the month in which the leave commenced.
- (b) The commencement of leave without pay shall be considered a “qualifying event” as defined under COBRA by virtue of the employee’s reduction in working hours. Employees who elect coverage under COBRA by choosing to continue their medical insurance shall pay one hundred two percent (102%) of the applicable premium and shall be subject to the same administrative requirements as all other COBRA group plan members. Premiums will be calculated and paid by the employee at least one (1) month in advance.
- (c) The effective date of coverage will be the first day of the month following receipt of enrollment forms in the Employee Benefits Office. With certain health plans, re-enrollment is contingent upon medical insurability.
- (d) In the event an employee who is on leave without pay does not pay medical insurance premiums in advance, the coverage shall be discontinued. Such employees shall be automatically re-enrolled in the same health plan enjoyed previous to leave without pay, within thirty (30) days from the date they return to work.

(d) County Contributions Toward Flexible Benefit Plan. Insurance premium costs shall be borne by the employee excepting that the County shall make the following contribution toward the Flexible Benefits Plan (which includes health insurance). The employee’s insurance premium costs will be reduced by the amount the employee elects to distribute to his or her insurance premium costs from the County’s contribution toward the Flexible Benefits Plan. The County’s contribution toward the Flexible Benefits Plan shall be:

(1) Employees in classes designated under the UCL Benefit Program.

<u>Effective October 1, 2006:</u>	Monthly
Employee Only	\$ 361.00
Employee + 1 Dependent	514.00
Employee + 2 or More Dependents	706.00
<u>Effective January 1, 2008:</u>	Monthly
Employee Only	\$ 398.00
Employee + 1 Dependent	566.00
Employee + 2 or More Dependents	777.00
<u>Effective January 1, 2009:</u>	Monthly
Employee Only	\$ 438.00
Employee + 1 Dependent	623.00
Employee + 2 or More Dependents	855.00

(2) Employees in classes designated under the CNM and MGT Benefit Programs.

<u>Effective October 1, 2006:</u>	Monthly
Employee Only	\$ 328.00
Employee + 1 Dependent	481.00
Employee + 2 or More Dependents	672.00
<u>Effective January 1, 2008:</u>	Monthly
Employee Only	\$ 361.00
Employee + 1 Dependent	529.00
Employee + 2 or More Dependents	739.00
<u>Effective January 1, 2009:</u>	Monthly
Employee Only	\$ 397.00
Employee + 1 Dependent	582.00
Employee + 2 or More Dependents	813.00

(3) Employees in classes designated under the SW Benefit Program.

<u>Effective October 1, 2006:</u>	Monthly
Employee Only	\$ 300.00
Employee + 1 Dependent	448.00
Employee + 2 or More Dependents	637.00
<u>Effective January 1, 2008:</u>	Monthly
Employee Only	\$ 330.00
Employee + 1 Dependent	493.00
Employee + 2 or More Dependents	701.00
<u>Effective January 1, 2009:</u>	Monthly
Employee Only	\$ 363.00
Employee + 1 Dependent	542.00
Employee + 2 or More Dependents	771.00

(4) Employees in classes designated under the NMG Benefit Program.

<u>Effective October 1, 2006:</u>	Monthly
Employee Only	\$ 286.00
Employee + 1 Dependent	426.00
Employee + 2 or More Dependents	611.00
<u>Effective January 1, 2008:</u>	Monthly
Employee Only	\$ 315.00
Employee + 1 Dependent	469.00

Employee + 2 or More Dependents	672.00
<u>Effective January 1, 2009:</u>	Monthly
Employee Only	\$ 347.00
Employee + 1 Dependent	516.00
Employee + 2 or More Dependents	739.00

(5) Employees in classes designated under the SHRF Benefit Program.

<u>Effective October 1, 2006:</u>	Monthly
Employee Only	\$ 242.00
Employee + 1 Dependent	384.00
Employee + 2 or More Dependents	568.00
<u>Effective January 1, 2008:</u>	Monthly
Employee Only	\$ 266.00
Employee + 1 Dependent	422.00
Employee + 2 or More Dependents	625.00
<u>Effective January 1, 2009:</u>	Monthly
Employee Only	\$ 293.00
Employee + 1 Dependent	464.00
Employee + 2 or More Dependents	688.00

(6) Employees in classes designated under the DAI Benefit Program.

<u>Effective October 1, 2006:</u>	Monthly
Employee Only	\$ 324.00
Employee + 1 Dependent	467.00
Employee + 2 or More Dependents	653.00
<u>Effective October 1, 2008</u>	Monthly
Employee Only	\$356.00
Employee + 1 Dependent	514.00
Employee + 2 or More Dependents	718.00
<u>Effective October 1, 2009</u>	Monthly
Employee Only	\$392.00
Employee + 1 Dependent	565.00
Employee + 2 or More Dependents	790.00

(7) Employees in classes designated under the CC, DA, and PD Benefit Program.

<u>Effective October 1, 2006:</u>	Monthly
Employee Only	\$ 308.00
Employee + 1 Dependent	448.00

Employee + 2 or More Dependents 633.00

Effective January 1, 2008: Monthly

Employee Only \$ 339.00

Employee + 1 Dependent 493.00

Employee + 2 or More Dependents 696.00

Effective January 1, 2009 Monthly

Employee Only \$ 373.00

Employee + 1 Dependent 542.00

Employee + 2 or More Dependents 766.00

(8) Employees in classes designated under the SO Benefit Program.

Effective October 1, 2006: Monthly

Employee Only \$ 328.00

Employee + 1 Dependent 481.00

Employee + 2 or More Dependents 672.00

Section 13. Section 5.3.1 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.3.1: DEFINITION.

- (a) CNM, DAI, NMG, SO and SW Benefit Programs. The County's Flexible Benefit Plan shall include as a "Core Benefit", Life and AD&D insurance for each eligible employee in the amount of ten thousand (\$10,000) for the employee and two thousand dollars (\$2,000) for each dependent. Insurance administered in accordance with the terms and conditions of the agreement between the County and Insurer.
- (b) CC, DA, MGT, PD, and SHRF Benefit Programs. The County's Flexible Benefit Plan shall include as a "Core Benefit" Life and AD&D insurance for each eligible employee. A Life Insurance Policy of one (1) times the employee's annual salary up to one hundred fifty thousand dollars (\$150,000) maximum and fifty thousand dollars (\$50,000) minimum. At age seventy (70), this will be reduced by forty percent (40%) and at age seventy-five (75), by sixty percent (60%). An Accidental Death & Dismemberment Policy of one (1) times the employee's annual salary up to one hundred fifty thousand dollars (\$150,000) maximum and fifty thousand dollars (\$50,000) minimum for the employee and two thousand dollars (\$2,000) for each dependent. The coverage under this policy is available no matter where or when the accident occurs. At age seventy (70), the coverage will be reduced by forty percent (40%) and at age seventy-five (75), by sixty percent (60%). Insurance administered in accordance with the terms and conditions of the agreement between the County and the Insurer.
- (c) UCL Benefit Program. The County's Flexible Benefit Plan shall include as a "Core Benefit", Life and AD&D insurance for each eligible employee. A Life Insurance Policy of two (2) times the employee's annual salary with a minimum credit of fifty thousand dollars (\$50,000) and a maximum benefit of five hundred thousand dollars (\$500,000). At age seventy (70), this will be reduced by forty percent (40%) and at age seventy-five (75), by sixty percent (60%). An Accidental Death and Dismemberment Policy of two (2) times the employee's annual salary with a minimum benefit of fifty thousand dollars (\$50,000) and a maximum benefit of five hundred thousand dollars (\$500,000) for the employee and two thousand dollars (\$2,000) for each dependent. The coverage under this policy is available no matter where or when the accident occurs. At age seventy (70), the coverage will be reduced by forty percent (40%) and at age

seventy-five (75), by sixty percent (60%). Insurance administered in accordance with the terms and conditions of the agreement between the County and the Insurer.

Section 15. Effective Date. Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of this ordinance affect compensation and shall take effect upon adoption. Within fifteen days after the date of adoption of this ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

Section 16. Operative Date. Operative dates by specified section are listed in the table below.

Section Number	Operative Date
Section 1	12/21/07
Section 2	01/18/08
Section 3	01/18/08
Section 4	12/21/07
Section 5	12/21/07
Section 6	12/21/07
Section 7	12/21/07
Section 8	12/21/07
Section 9	12/21/07
Section 10	12/21/07
Section 11	12/21/07
Section 12	12/21/07
Section 13	12/21/07

PASSED, APPROVED, AND ADOPTED THIS 11th day of December, 2007