



## Legislation Details (With Text)

**File #:** 18-1266 **Version:** 1  
**Type:** Agenda Item **Status:** Approved  
**File created:** 8/9/2018 **In control:** Board of Supervisors  
**On agenda:** 8/28/2018 **Final action:** 8/28/2018  
**Title:** Human Resources Health and Human Services Agency recommending the Board interpret Section 1402.3 of the Personnel Rules, in accordance with rule 207, Interpretation of Personnel Rules, authorizing Limited Term employees to roll over accrued vacation hours when hired to a competitively recruited Regular Position, and upon terminating their Limited Term position.

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/28/2018	1	Board of Supervisors	Approved	Pass

Human Resources Health and Human Services Agency recommending the Board interpret Section 1402.3 of the Personnel Rules, in accordance with rule 207, Interpretation of Personnel Rules, authorizing Limited Term employees to roll over accrued vacation hours when hired to a competitively recruited Regular Position, and upon terminating their Limited Term position.

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND:**

Limited Term employees receive all the benefits that a regular employee in the classification would receive (with the exception of civil service and seniority), including vacation accrual. According to Personnel Rules Resolution 015-2014, Section 1402.3, vacation leave shall be accrued from each employee's hire date. Upon termination of an employee's employment for any cause, he/she shall be paid for any unused vacation hours accumulated, up to the maximum amount permitted to be accumulated.

Under typical circumstances, a LT employee would be released by the County when the limited work project was completed, and their vacation accrual, if any, would be paid out. However, there have been instances in which a LT employee is selected for a regular allocated position through a competitive recruitment. In this case, the employee would be terminating their employment with the County as LT employee, even as they intend to continue employment as a Regular employee. In contrast, when a regular employee transfers or promotes to another department, they are allowed to roll over their vacation accrual to that department because they are not required to terminate their employment with the County.

As provided in section 207 of the Personnel Rules, Interpretation of Personnel Rules, the Board on its own initiative, or at the request of the CAO or a department head, may interpret any provision of these Rules.

Human Resources is requesting that the Board interpret whether the phrase “termination of an employee’s employment for any cause” necessarily includes the situation where an LT employee submits a resignation for administrative purposes, with neither the County nor the employee having an intention that the employee will discontinue County employment, and that employee is hired into a regular position with no break in service.

Human Resources is recommending that the Board interpret Section 1402.3 to apply to those employees terminating their employment with the County, with the exception of those employees leaving a Limited Term position with the County for hire into a Regular position of employment with no break in service.

HR would like the Board to consider if, at time of resignation, said employees chose to voluntarily provide a letter stating that he or she waives his or her rights under Personnel Rule 1402.3 to cash out of vacation accruals, and affirmatively requests that the balance be rolled over, may be granted the option of transferring his or her vacation accruals instead of being paid out.

Approval of this item will allow employees who terminate from a Limited Term position and accept a Regular position to roll over their accrued vacation.

**ALTERNATIVES:**

The Board could also choose to interpret the Personnel Rules to require that employees leaving LT employment be paid their vacation leave balances, and no employee subsequently hired into a Regular position, even with no break in service, would roll over their vacation leave balance.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

County Counsel

**CAO RECOMMENDATION:**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT:**

If the Board chooses to interpret Rule 1402.3 to NOT allow employees in LT positions to roll their vacation over with subsequent employment in a Regular position, the incumbents of the limited term positions will be paid out their vacation accruals termination of employment.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

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