



Board Agenda Item 6

DATE: July 13, 2021

TO: Board of Supervisors

SUBMITTED BY: Steve Brandau, Chairman, Board of Supervisors

SUBJECT: Removal of the 120-hour minimum leave use requirement of Annual Leave, and restoral of Annual Leave hours deducted from current employees' Annual Leave Back during the 2020 Benefit Calendar Year

RECOMMENDED ACTION(S):

- 1. Approve Amendment to the Salary Resolution, deleting Section 615.5.2, which ends the requirement to take a minimum of one-hundred twenty (120) hours (fifteen [15] regular workdays) of Annual Leave for vacation/sick leave during each payroll year;**
- 2. Designate the Human Resources Department to engage Bargaining Units with respect to any impact from changes in Section 615.5; and**
- 3. Direct staff to restore Annual Leave hours deducted from current employees' Annual Leave Bank during the 2020 Benefit Calendar Year.**

There is no direct increase in Net County Cost associated with the recommended actions. Approval of the recommended actions will allow County staff to Amend SR 615.5, engage Bargaining Units regarding the beneficial change, and restore to current employees' Annual Leave Bank any lost Annual Leave due to not meeting the minimum leave use requirements during the 2020 Benefit Calendar Year. There are currently 133 County employees who were affected by the 120-hour Minimum Annual Leave Use requirement at the end of 2020. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board could choose not to approve the Salary Resolution Amendment and the minimum leave use required annually would remain unchanged. Your Board could also choose to approve the Amendment prospectively and not restore Annual Leave hours which were deducted.

FISCAL IMPACT:

There is no direct increase in Net County Cost (NCC) associated with the recommended actions. Although not removing required and unused Annual Leave hours will allow County employees to bank hours faster, the cost of those hours has already been considered in the benefit cost calculation for the County employees. There are currently 133 County employees, 132 active and one (1) who was on leave, who were affected by the 120-hour Minimum Annual Leave Use requirement at the end of 2020. Total hours of loss across all affected employees totals 2,379 hours, which were removed.

DISCUSSION:

Section 615.5.1 of the Fresno County Salary Resolution (SR) states, "It is the policy of the County that an employee be permitted to take Annual Leave for vacation to the maximum extent consistent with operational

needs.” Occasionally, however, circumstances arise that impact the ability of the employee to take earned annual leave, which is considered deferred wages, due to demands of the department’s operational needs, or to unexpected events preventing an employee from using their earned time in a manner of their choosing. COVID-19 is a current and relevant example of such circumstances.

Section 615.5.8 of the SR permits your Board to waive the minimum annual leave usage requirement in those extraordinary circumstances where it has been determined that doing so would serve the best interests of the County. COVID-19, having affected the County at large, and having demonstrated that modifications to procedures may yield other viable alternatives, such as the one recommended with this action, has provided a relevant example for why the minimum requirement is no longer necessary. Moreover, the presence of accrual caps effectively renders minimum use requirements obsolete. Board Agenda Item 61 from the December 15, 2020, Board of Supervisors’ meeting (Item 61) was approved using Section 615.5.8 of the SR. Item 61 presented multiple examples where several County employees, across various departments, were unable to use all of the minimum required leave usage during the 2020 Benefit Calendar Year and requested the waiver of the requirement.

Out of an abundance of caution and to ensure equity Countywide, approval of Item 61 developed a baseline that should be distributed to all current employees as of the effective date of the proposed Salary Resolution Amendment, not only because of the impact of COVID-19 on departmental operations, but also on the employees’ ability to use their earned Annual Leave in the manner of their choosing, which was also impacted.

The minimum requirement language was added to the SR through Agenda Item 78-36 on September 1, 1978 and additional language to cap how much Annual Leave could be banked was subsequently added on October 10, 1983. The last change to the SR language affecting the cap was approved on July 11, 2017 with Agenda Item 17-0761, wherein all County employees, except in cases where the MOU supersedes, accrue Annual Leave up to the accrual cap of 600 hours.

With your Board’s approval, County staff will be able to Amend SR 615.5, engage Bargaining Units regarding the beneficial change, and restore to current employees’ Annual Leave Bank any lost Annual Leave due to not meeting the minimum leave use requirements during the 2020 Benefit Calendar Year, up to the maximum leave accrual pursuant to the SR 611 or applicable MOU.

REFERENCE MATERIAL:

BAI #61, December 15, 2020
BAI #45, July 11, 2017
Agenda Item 78-36, September 1, 1978
Salary Resolution Amendment 83-036, October 4, 1983

CAO ANALYST:

Yussel Zalapa