

Memo



To: Advisory Board of Directors

From: Tarry Smith, District Administrator
Ingrid S. Penney, Administrative Services Manager

Date: November 17, 2016

Subject: Proposed Personnel Policy Updates

Background and Introduction:

The last update to the District's Personnel Policy was made in May 2012. Since 2012, there has been new employment law regarding sick leave, affecting part time and seasonal/temporary employees; addition of a holiday observed; inclusion of administrative leave for the District Administrator and other exempt positions, and other amendments to provide better clarity.

Process development included review of employment law changes, review of personnel policies from the two dependent recreation and park districts, benefit surveys of local districts, and the County Personnel Ordinance.

The management team reviewed all 36 Sections of the District Personnel Policy and met over the course of several meetings to discuss possible changes. Staff met with the Policy and Program Committee comprised of Directors Conroy and Carroll to review proposed changes. Highlights of these changes follow under discussion.

Discussion:

Highlights of Specific Proposed Changes –

Section 3 – Employee Status: Administrative Analyst position was added to the classification of Exempt Employees under the Administrative Employee category, based on the job description/duty statement.

Section 6 – Holidays:

- 1) Clarified that payment for work performed on a holiday by a regular part time or full time employee will be paid in the form of compensated time at the overtime rate of time and one half.

- 2) Added Cesar Chavez Day in March for regular full time employees – Holiday observed by the State and County of Sacramento, as well as other local public agencies.

Section 7 – Sick Leave: Added sick leave benefits and procedures for part time and/or seasonal/temporary employees.

This is a mandatory change under CA Employment law. Healthy Workplaces, Healthy Families Act of 2014 requires all employers to offer a minimum amount of paid sick leave to employees, including part time, seasonal/temporary employees, effective July 1, 2015. The sick leave policy for regular full time and regular part time employees meets compliance.

The District implemented the change in compliance with employment law. Whenever any policy or portion of a policy contained with the Personnel Policy Manual is in conflict with rules, regulations or legislation having authority of the District, said rules, regulations or legislation prevail.

Section 9 – Other Leaves:

- 1) Include the Administrative Leave benefit of 80 hours for the District Administrator from the employment contract in the Personnel Policy.
- 2) Propose 40 hours of administrative leave for the other exempt positions. The other two dependent recreation and park districts as well as other local recreation and park districts provide Administrative leave for their exempt employees.

RECOMMENDATION:

Staff with the support and recommendation of the Policy and Program Committee requests that the Advisory Board approve these updates to the District Personnel Policy effective November 17, 2017.

Carmichael Recreation & Park District
PERSONNEL POLICY

Section 3 EMPLOYEE STATUS

Exempt Employees

Exempt employees are exempt from overtime pay within the meaning of State and Federal Wage and Hour Laws and are not eligible to receive payment of overtime compensation. Exempt employees are engaged in work which is primarily intellectual, managerial, and/or creative, and which requires exercise of discretion, independent judgment, and supervisory control over other employees. Exempt employees are paid a fixed salary that is intended to cover all the compensation to which they are entitled, regardless of the number of hours worked in any work week. Exempt employees have sufficient control over their time to establish a personal work schedule in coordination with their supervisor. Therefore, exempt employees are not entitled to overtime pay under any circumstances. The following positions are considered exempt:

- a. District Administrator
- b. Administrative Services Manager
- c. Recreation Services Manager
- d. Park Services Manager
- e. Recreation Supervisor
- e-f. Administrative Analyst

Comment [IP1]: New Position

These positions are exempt under one or more of the following categories:

1. Administrative Employees: An administrative employee exempt from overtime must be one whose duties and responsibilities involve the following:
 - a. The employee is compensated on a salary basis at a rate of not less than legal minimums per week; and
 - b. The employee's primary duties must be the performance of office or non-manual work directly related to management or general business operations of the employer or the employer's customers; and
 - c. The employee's primary duties include work which requires the exercise of discretion and independent judgment with respect to matter of significance.

Carmichael Recreation & Park District
PERSONNEL POLICY

Section 6 HOLIDAYS

This policy shall apply to all probationary and regular full time and part-time employees only.

Whenever a holiday listed occurs on an employee's regularly scheduled day off, that employee is entitled to an additional day off with pay.

Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday.

If an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

If any probationary/regular full-time employee and/or probationary/regular part-time employee is required to work on any of the holidays as listed by classification, he/she shall be paid ~~in the form of compensated time off~~ for the holiday, **at the overtime rate of time and one-half** their regular rate of pay for the hours actually required to work on the holiday.

Comment [IP2]: Clarifies form of compensation

Holidays, by mutual consent, may be held in abeyance and taken at a predetermined time, with the understanding that employees working on a rescheduled holiday will not receive the appropriate time and one-half their regular rate of pay for the work performed on that holiday.

Any holiday time must be used during the same calendar year in which it was accrued.

Full Time:

The following days shall be recognized and observed as paid holidays for all probationary and regular full time employees:

New Year's Day,	Martin Luther King, Jr.'s Birthday
Lincoln's Birthday	Washington's Birthday (Presidents Day)
<u>Cesar Chavez Day</u>	Memorial Day
Independence Day	Labor Day
Columbus Day	Veteran's Day
Thanksgiving Day	Day after Thanksgiving
One-half Day Christmas Eve Day (or last working day prior to Holiday)	Christmas Day
One-half Day New Year's Eve Day (or last working day prior to Holiday)	

and any other Holiday recognized by Sacramento County and approved by the Advisory Board of Directors.

Part-Time

Probationary/Regular part-time employee will be paid in an amount equal to the employee's regular work schedule

The following days shall be recognized and observed as paid holidays for all probationary and regular part-time employees:

New Years Day	Independence Day
Memorial Day	Labor Day
Thanksgiving	Day after Thanksgiving
Christmas Day	

Religious Holidays

When an employee gives adequate notice, the District will make reasonable accommodation, by rescheduling working hours or releasing employee from work without pay, to allow the employee to observe special religious holidays; except under the circumstances when such accommodations would unduly interfere with District operations. Such release time may be charged to vacation or compensated time off (CTO), if requested by the employee.

Probationary/Regular part-time employees shall be entitled to sick leave with pay on a pro-rated basis based on the hours paid in a pay period. (The values are pro-rated based on the accrual rates for probationary/regular full-time employees.) The benefit will accrue at 0.0576 for each hour paid in the pay period up to a maximum of 10 hours per month, 120 hours per year.

~~Seasonal employees,~~ independent contractors, and consultants are not eligible for sick leave benefits.

There is no limit to the amount of sick leave that an employee may accumulate. An employee separating from employment shall not be reimbursed for unused sick leave. At retirement, unused sick leave may be converted into service credit based on a Sacramento County Employees Retirement System (SCERS) formula.

Probationary employees earn sick leave credits at the same rate as non-probationary, regular employees.

Seasonal/Temporary Employees

Seasonal/Temporary employees are eligible for sick leave in accordance to California's Paid Sick Leave law, effective July 1, 2015.

All Seasonal/Temporary employees who work 30 or more days within a year are eligible for paid sick leave. Sick leave is not available for employees who do not work at least 30 days within the year.

Eligible employees will earn a maximum of 24 hours of paid sick leave credited at time of hire, renewed each July 1, the beginning of the fiscal year. Paid sick leave can be used 90 days after beginning employment, provided that the employee has worked 30 or more days (shifts).

Unused sick leave does not accrue, nor is it paid out upon separation of employment.

Sick leave may be used for the diagnosis, care, or treatment of a health condition of the employee or family member.

Family member includes:

- Child (biological, adopted, foster, stepchild, legal ward, or child for whom employee stands in loco parentis) regardless of age or dependency status;

- Parent, including adoptive, foster, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or person who stood in loco parentis when the employee was a minor child;
- Spouse;
- Registered Domestic Partner;
- Grandparent;
- Grandchild; or
- Sibling

Sick Leave may also be used in the event of domestic violence, sexual assault, or stalking.

An employee who used paid sick leave must do so with a minimum increment of two hours of sick leave.

Paid sick leave will not be considered hours worked for purposed of overtime calculation. An employee will not receive compensation for unused accrued sick leave upon termination.

An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appt. scheduled in advance). If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.

If an employee separates and is re-hired by the District within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the District before any paid sick leave can be used.

Comment [IP3]: New Policy based on Law.

Temporary Disability

If an employee's illness or disability lasts more than seven (7) calendar days, or if an employee is hospitalized before the eighth (8th) day of an absence, the employee shall be asked to apply for State Disability Insurance (SDI) benefits as a condition of being eligible to receive sick leave benefits, if appropriate. At the sole discretion of the District Administrator, sick leave benefits may be withheld from any employee who fails to apply for SDI benefits when eligible or asked to do so.

Accrued sick leave benefits, if available will be used to supplement SDI benefits only to the extent necessary to provide a combination of sick leave and SDI benefits equal to

Carmichael Recreation & Park District
PERSONNEL POLICY

Section 9 OTHER LEAVES (TIME OFF)

Personal Leave Day

All probationary/regular full-time employees shall be granted personal leave time of eight (8) hours annually. All probationary/regular part-time employees shall be granted personal leave time of four (4) hours annually. This time may be used at his/her own discretion, but ~~should~~ shall be coordinated with and approved by his/her supervisor in advance. His/her personal leave time shall be awarded at the beginning of employment and subsequently at the beginning of each calendar year and shall be used by December 31st.

Comment [IP4]: Clarification

Administrative Leave

Exempt employees shall be granted administrative leave, 80 hours for the District Administrator and 40 hours for all other exempt positions, credited at date of hire and renewed on January 1st each calendar year. Exempt positions currently include: District Administrator, Administrative Services Manager, Administrative Analyst, Recreation Services Manager, Recreation Supervisors, and Park Services Manager. The District Administrator shall be granted

Formatted: Superscript

The paid administrative days are to be scheduled and used similar to vacation, i.e. with the approval of the exempt employee's manager. These paid administrative leave days will be implemented separately from vacation and will not be added to the vacation balance but will be tracked as separate administrative leave hours.

Administrative leave does not accrue and there is no cash value associated with such Administrative leave. If there are any unused administrative hours remaining when an employee leaves employment these hours will have no monetary value.

Comment [IP5]: Proposed new benefit/policy.

Additional Leave Days

The District recognizes the following additional leaves based on the Sacramento County Personnel Ordinance procedures and policies.