

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION 078718
ESTABLISHING THE SALARY AND BENEFITS OF UNREPRESENTED ATTORNEY
EMPLOYEES OF THE COUNTY OF SAN MATEO FOR THE TERM FEBRUARY 20,
2022 THROUGH OCTOBER 5, 2024**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the Board of Supervisors sets the salary and benefits, including accrued paid leave, for Attorneys working for the County by resolution; and

WHEREAS, the Resolution Establishing the Salary and Benefits of Unrepresented Attorney Employees of the County of San Mateo (the “Resolution”) provides for the accrual of paid Administrative Leave, which if unused, may be converted to cash payment at the option of the employee; and

WHEREAS, it is recommended that this Board amend the Resolution in order to align the conversion of Administrative Leave hours to cash payment with guidelines from the Internal Revenue Service and recent changes to County collective bargaining provisions with represented employees; and

NOW THEREFORE, IT IS HEREBY ORDERED that the Board of Supervisors authorizes an amendment to Resolution 078718 Establishing the Salary and Benefits of Unrepresented Attorney Employees of the County of San Mateo for the Term February 20, 2022 through October 5, 2024 as follows:

A: Section 11 of the Resolution is amended as indicated to reflect the following changes:

11. Administrative/Management Leave Time

Employees who have management overtime (MOT) hours available may use such time balances as time off. Any time balance not taken as time off prior to retirement or termination will be cashed out at that time.

Attorney employees, not including elected employees or any Attorney who receives overtime compensation, shall receive 5 hours of administrative leave (also known as Compensatory Time for Attorneys in the County's payroll system) each pay period. No more than 260 hours of such administrative leave time may be accumulated at any one time. Except as provided below, time accruals may only be compensated by being allowed time off.

Part-time Attorney employees shall be entitled to Administrative Leave hours in proportion to the designation of the position as either half or three-quarters time, not the specific hours worked. (Half-time will equal 2.5 hours per pay period and three-quarters time will equal 3.75 hours)

Effective November 27, 2022, administrative leave can be accrued up to a maximum of three hundred sixty (360) hours, at which point employees shall stop accruing administrative leave until such time the total number of accrued hours is reduced below three hundred sixty (360) hours.

In lieu of using administrative leave hours for paid time off, an employee will be permitted to elect to receive cash payment (i.e., “cash out”) of their unused administrative leave hours, subject to the following guidelines:

- An employee’s cash out election must be made in the calendar year preceding the calendar year in which the County pays the cash out amount to the employee. Such election must be made no later than the close of business on December 31st. An election to cash out (or to not cash out) administrative leave is irrevocable and may not be changed.

An employee may elect to cash out only administrative leave amounts that the employee is scheduled to accrue in the following year (for example, for full time employees, this will be 5 hours per pay period x 26 pay periods = 130 hours max per year).

- Payments of an employee’s cash out election will be made in the calendar year following election, in the final full payroll period.

The County’s payment of the employee’s elected cash out amount may not exceed the lesser of (i) the total hours of administrative leave actually accrued by the employee in the year of cash out, or (ii) the employee’s unused administrative leave balance as of the cash out payment date.

- On a one-time basis only in calendar year 2023, employees may elect to take two (2) administrative leave cash outs. Such election must be made no later than the close of business on December 31, 2022. Employees may elect to cash out only administrative leave amounts that the employee is scheduled to accrue in the following year. Full-time employees can elect to cash out up to thirty (30)

hours of administrative leave hours in April 2023 and up to one hundred (100) hours in December 2023, in the final full payroll period.

Requests to use leave pursuant to this section will follow established time off policies. Any time balance not taken as time off prior to retirement or termination will be cashed out at that time.

B: All changes to the Resolution effected by this amendment are effective on November 17, 2022.

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