



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: JULY 7, 2015

ITEM NUMBER: **CC-10**

**SUBJECT:** ADOPTION OF RESOLUTION 15-\_\_\_\_ TO REPEAL COUNCIL POLICY 300-4 (GENERAL LEAVE) TO BE REPLACED BY ADMINISTRATIVE REGULATION 2.xx (GENERAL LEAVE) PURSUANT TO REQUIREMENTS OF "HEALTHY WORKPLACE, HEALTHY FAMILIES ACT OF 2014."

**DATE:** JUNE 25, 2015

**FROM:** CEO's OFFICE / HUMAN RESOURCES DIVISION

**PRESENTATION BY:** RYAN THOMAS, PRINCIPAL HUMAN RESOURCES ANALYST

**FOR FURTHER INFORMATION CONTACT:** LANCE NAKAMOTO,  
HUMAN RESOURCES MANAGER, (714) 754-5172

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## **RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 15-\_\_\_ which repeals Council Policy 300-4 regarding Part-Time Employee General Leave and authorize the City CEO to implement Administrative Regulation 2.xx in compliance with "Healthy Workplace, Healthy Families Act"

## **BACKGROUND:**

Effective July 1, 2015, the "Healthy Workplaces, Healthy Families Act" (Act) requires that all employees be provided paid sick leave (including part-time employees). This leave shall be accrued at the rate of 1 hour of sick leave for every 30 hours worked. The cap for accrued leave banks must be set at a minimum of 3 days or 24 hours of paid sick leave to be provided during a 12-month period.

Use of sick leave by the City's full-time employees remains largely unaffected by this law. It primarily affects part-time employees within the first 6-months of employment with the City.

## **ANALYSIS:**

Council Policy 300-4 (attached) establishes the City's "Part-Time Employees General Leave Program." The Act provides 1 hour of leave to be accrued for every 30 hours worked. Council Policy 300-4 currently provides 1.26 hours of leave for every 30 hours worked. However, the Act requires that part-time employees begin accruing leave immediately upon the first hour worked and be able to use it after 90 days of employment. Presently, under Council Policy 300-4, the accrual of general leave does not begin until a part-time employee works their first 520 hours.

Administrative Regulation 2.xx (attached) establishes a new accrual rate of 1 hour of leave for every 30 hours worked effective upon the date of hire as required to comply with this law. The Administrative Regulation also ends the current practice of "paying out" leave accruals to employees in excess of the 84 hour cap. Should it be implemented,

general leave accruals will now cease with no payout once the cap is reached. This is to be consistent with the existing policy and procedure for full-time employees reaching the maximum vacation accruals.

**FISCAL REVIEW:**

The new accrual rate established by the Act would provide 17.68 general leave hours earlier than present accrual rate provided by Council Policy 300-4. Presently there are approximately 21 part-time employees within their first 520 hours of employment with the City, their average hourly pay is \$17.76. This equates to approximately \$6,594 of leave earned within what is presently a 520 hour “waiting period” prior to the accrual of leave.

**LEGAL REVIEW:**

The attached resolution has been reviewed by the City Attorney’s Office and approved as to form.

**CONCLUSION:**

Staff recommends that the City Council adopt Resolution No.15- \_\_\_\_ to repeal Council Policy 300-4 and authorize the City CEO to implement Administrative Regulation 2.xx (attached) in order to comply with the “Healthy Workplace, Healthy Families Act.”

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LANCE M. NAKAMOTO  
Human Resources Manager

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RYAN L. THOMAS  
Principal Human Resources Analyst

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STEVE DUNIVENT  
Interim Director of Finance

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THOMAS DUARTE  
City Attorney

DISTRIBUTION: Chief Executive Officer  
City Attorney  
City Clerk

ATTACHMENTS: I [Council Policy 300-4](#)  
II [Resolution No. \\_\\_\\_\\_\\_](#)  
III [Draft Administrative Regulation 2.xx](#)