Resolution authorizing Deanna Clinkenbeard to hold earned compensation time to be used during maternity leave.

This request is in direct conflict with Section 8.1.4 of the Memorandum of Understanding with the SEIU Local 535 which states “Employees accruing compensatory time must take the time off within 45 days of the end of the month in which the time was accrued, or the time will be paid at the time of payment of the next payroll.”

Ms. Clinkenbeard will be going on maternity leave approximately November 25, 2002 and plans to return to full duty beginning March 1, 2003. At this time, she is uncertain as to whether or not she will have enough accumulated time to carry her through her entire leave. Having the earned compensation time will ensure that she would maintain her medical benefits and suffer no loss of pay.

Currently Ms. Clinkenbeard has accrued 70 hours of time and is expected to earn approximately 10-50 additional hours before she begins her leave. Please refer to attached memo from County Counsel and a statement of support from the S.E.I.U.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Public Works has not requested this type of action in the past.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve. The employee may suffer loss of pay and be unable to maintain her medical benefits.

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COSTS:  (X) Not Applicable
A. Budgeted current FY
B. Total anticipated costs
C. Required additional funding
D. Internal transfers

SOURCE:  ( ) 4/3ths Vote Required
A. Unanticipated revenues
B. Reserve for contingencies
C. Source description:
Balance in Reserve for Contingencies, if approved

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1. Hertfelder/Greens memo
2. Green/Hertfelder memo dated 10/23/02
3. E-mail from SEIU Union Representative

CLERK’S USE ONLY:
Res. No: 1683
Vote - Ayes:
Absent:
( ) Denied
( ) Minute Order Attached
( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: ____________________________
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: ____________________________
    Deputy

COUNTY ADMINISTRATIVE OFFICER’S
This item on agenda as:
______________________
   Recommended
______________________
   Not Recommended
______________________
   For Policy Determination
______________________
   Submitted with Comment
______________________
   Returned for Further Action

Comment: ____________________________
     ____________________________
     C.A.O. Initials:________________

Action Form Revised 5/92
Deanna Clinkenbeard has asked if she can hold her accrued compensatory time for a period in excess of the allowed 45 days. This will allow her to utilize her compensatory time during her upcoming maternity leave.

She does not have enough vacation and sick leave to cover the portion of time not covered by State Disability. The Auditor’s office suggested that if she had some compensatory time, they could hold it past 45 days and use it during her maternity leave so that she would not have to freeze her time on the books, or pay her own medical benefits for the last month of her leave.

She is approximately 20-40 hours short of having enough vacation and sick time to cover 1/3 of her leave (2/3 being covered by State Disability). I believe she has accrued to date a total of 70 hours in compensatory time, with anticipated accrual of another 10-50 or more hours.

Her maternity leave will be from November 26, 2002, to March 1, 2003, at which time she will return to work (estimated latest date). Her understanding from the Auditor's office is that the compensatory time would be exhausted first, then the sick leave, then the vacation, all in conjunction with State Disability, and she would have enough time on the books to carry her through her leave without having to pay her own medical benefits.

The compensatory time would probably only need to be held until until January 1, but without knowing the exact time frame vs. hours used per month to balance the payroll and medical, March 1, 2003, would be the safest request.

I am requesting County Counsel’s direction as to how to proceed with this request. Please let me know if this request can be accommodated and if so, what procedures do I need to implement.
MEMORANDUM

Date: October 23, 2002

To: Dana Hertfelder, Assistant Director of Public Works

From: Jeffrey G. Green, County Counsel

Re: Maternity Leave of Deanna Clipkenbeard

Thank you for your memo of October 23, 2002 regarding the above matter. Pursuant to the Memorandum of Understanding between the County and SEIU, Section 8.1.4 requires that compensatory time be taken within 45 days of the end of the month in which the time was accrued or the time will be paid. In that regard, it will require Board approval to waive this provision. I would suggest that you obtain a letter or at least verbal approval from the Union representative that they have no objection to the waiver of the 45-day period and then place this matter on the Board’s agenda for request of the waiver. You can also attach this memo to your Board action in support of your request.

Should you have any questions regarding this matter, please feel free to contact me.

rs
Dana,
This is to serve notice that SEIU Local 535, would be in support of the Board of Supervisors approving a waiver of the required 45-day period for Deanna Clinkenbeard’s compensatory time.
If you have any questions, please feel free to contact me.
Sincerely,

Debra Rockwood
Field Representative
SEIU Local 535