

REPORT TO CITY COUNCIL

DATE: DECEMBER 13, 2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: RAMIRO ADEVA, ASSISTANT CITY MANAGER
CELESTE BIRD, HUMAN RESOURCES MANAGER

SUBJECT: ADOPT RESOLUTION NO. 23-2051 AMENDING THE EMPLOYEE HANDBOOK

Periodically, the Employee Handbook is reviewed to ensure compliance with the most current labor laws, and to provide clarifications as well as revisions needed to guide the City's workforce and operations. Recently, Governor Newsom signed into law Senate Bill 616, which expands California's existing paid sick leave law – the Healthy Workplaces, Healthy Families Act of 2014. Beginning on January 1, 2024, employers must increase the amount of sick leave for Temporary Part-Time employees from three days/24 hours to five days/40 hours in a 12-month period.

The proposed revisions to the Employee Handbook have been reviewed and approved by the City Attorney's Office.

Below is the proposed amendment to the Employee Handbook.

Section Personnel Rules

- 1. Rule VI Leaves, Section 4 Sick Leave, (B) Temporary Part-Time Employees (5), pg. 18:** Revises language increasing the amount of sick leave provided to employees from three days/24 hours to five days/40 hours in a 12-month period.

FISCAL IMPACT

Sick leave is included in the personnel calculations for each position during budget season. Increasing the sick leave bank does not affect the personnel fund balance as this benefit is not paid out in the event of separation from the City.

RECOMMENDATION

It is respectfully recommended the City Council approve Resolution No. 23-2051, amending Section 1 Personnel Rules contained in the Employee Handbook.

Attachments: Resolution No. 23-2051
Exhibit A, Redlined Personnel Rules

RESOLUTION NO. 23-2051

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AGOURA HILLS, CALIFORNIA, APPROVING THE
EMPLOYEE HANDBOOK AS AMENDED**

**THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS,
RESOLVES, AND ORDERS AS FOLLOWS:**

SECTION 1. The City Council of the City of Agoura Hills hereby approves the Employee Handbook as amended in Exhibit A, Rule VI of the Personnel Rules. The effective date of these amendments will be January 1, 2024.

PASSED, APPROVED, AND ADOPTED this 13th day of December 2023, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Illece Buckley Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

Exhibit A

RULE VI

LEAVES

SECTION 1 - MANAGEMENT LEAVE:

(A) Regular full-time employees designated as management employees earn management leave as set by City Council resolution. Regular three-quarter employees designated as management employees earn 75% of management leave as set by City Council resolution.

(B) An employee shall be entitled to take such leave as it accrues.

(C) Management leave may be accumulated to a maximum amount equal to two (2) years accrued leave. Upon discharge or termination of employment, management employees shall be paid accrued management leave to a maximum of two years accrual.

SECTION 2 – ADMINISTRATIVE LEAVE:

(A) Regular full-time employees designated as administrative employees earn administrative leave as set by City Council resolution. Regular three-quarter employees designated as administrative employees earn 75% of administrative leave as set by City Council resolution.

(B) A regular employee shall be entitled to take such leave as it accrues.

(C) Administrative leave may be accumulated to a maximum amount equal to two (2) years accrued leave. Upon discharge or termination of employment, administrative employees shall be paid accrued administrative leave to a maximum of two years accrual.

SECTION 3 - VACATION LEAVE:

(A) Effective July 1, 1995, regular full-time employees are entitled to the following paid vacations. No vacation accrues during an unpaid leave of absence or while on disability salary continuation unless the employee coordinates disability salary continuation with accrued benefits.

Vacation accruals recommence when the employee returns to work. Regular three-quarter employees will accrue vacation at a rate of seventy-five (75) percent of the rate applicable to regular full-time employees.

<u>Length of Continuous Employment</u>	<u>Hours of Vacation</u>
1 through 5 years	80 per year
6 through 10 years	120 per year
11 years and more	160 per year

(B) An employee shall be entitled to take vacation leave upon six (6) months continuous employment as a regular full-time employee or regular three-quarter employee. However, with written approval of the City Manager or his/her delegate, an employee with less than six (6) months of employment may utilize any accrued leave other than vacation leave and/or take unpaid leave. Vacation time may accumulate to a maximum of two hundred (200) hours, except that employees designated as management employees may accumulate to a maximum of four hundred (400) hours. Employees designated as regular three-quarter employees may accumulate seventy-five (75) percent of the maximum hours applicable to regular full-time employees or management employees, whichever applies. Once an employee reaches the maximum vacation leave accrual, the employee shall cease to accrue any further vacation leave until the amount of accumulated leave falls below the maximum.

- 1) Pursuant to the provisions and limitations set forth below, a regular full-time employee may convert twenty (20) hours of accumulated vacation to a cash equivalent. A regular three-quarter employee may convert fifteen (15) hours of accumulated vacation to cash equivalent.
- 2) At the time the employee exercises the option to convert twenty (20)

vacation hours to an equivalent amount of cash, the employee must have at least one hundred and forty (140) hours of vacation leave remaining for immediate use following the conversion. At the time a regular three-quarter employee exercises the option to convert fifteen (15) hours of accumulated vacation to a cash equivalent, the regular three-quarter employee must have at least one hundred and five (105) hours of vacation leave remaining for immediate use following the conversion.

3) The option to convert vacation hours to an equivalent amount of cash may be exercised only once during any calendar year.

4) The regular full-time or three-quarter employee must exercise the option in writing to the City Manager at least two (2) weeks prior to the date the employee desires to exercise the option.

5) Payment for the conversion of twenty (20) hours vacation leave for a regular full-time employee, and fifteen (15) hours vacation leave for a regular three-quarter employee into an equivalent amount of cash shall be included in the employee's paycheck on the payday for the next pay period after the option is exercised and approved by the City Manager. If the employee leaves City employment after electing the option to convert vacation hours, but before receipt of the equivalent amount of cash, Section 2(g) of this rule shall apply.

(E) The scheduling of vacation must be approved by a department head or the City Manager. Regular full-time and three-quarter employees shall submit a written request to schedule vacation leave to their department head or the City Manager at least two (2) weeks prior to the desired date.

(F) Regular full-time and three-quarter employees shall not be granted, and accordingly

are not entitled to take annual leave in advance of its accrual.

(G) Upon discharge or termination of employment, regular full-time employees and regular three-quarter employees shall be paid accrued vacation leave (not to exceed the maximum accrual provided above).

SECTION 4 - SICK LEAVE

(A) Full-Time Employees

1) Regular full-time employees accrue paid sick leave at the rate of eight (8) hours for each full calendar month of continuous employment with the City including time served in probationary status. A regular three-quarter employee accrues sick leave at the rate of six (6) hours for each full calendar month of continuous employment with the City including time served in probationary status.

2) A regular full-time employee and regular three-quarter employee may use the amount of accrued sick leave per calendar year allowed for by federal and state statutes, for an absence for the illness of members of the immediate family.

3) Unused sick leave may accumulate to a maximum of nine-hundred and sixty (960) hours for regular full-time employees and to a maximum of seven-hundred and twenty (720) hours for regular three-quarter employees. Once a regular employee reaches the maximum sick leave accrual, the employee shall cease to accrue any further sick leave until the amount of accumulated leave falls below the maximum.

4) Pursuant to the provisions and limitations set forth below, a regular employee may convert accumulated sick leave to cash or cash and vacation equivalent.

a) A regular full-time employee may convert a maximum of sixty (60) sick leave hours into cash or cash and vacation leave each year. Of the sixty

(60) sick leave hours that an employee can convert annually, only twenty (20) sick leave hours may be converted to vacation leave.

b) A regular three-quarter employee may convert a maximum of forty-five (45) sick leave hours into cash and vacation leave each year. Of the forty-five (45) sick leave hours that a regular three-quarter employee can convert annually, only fifteen (15) sick leave hours may be converted to vacation leave.

c) At the time the regular full-time employee exercises the option to convert up to sixty (60) sick leave hours to an equivalent amount of cash or cash and vacation leave, or the regular three-quarter employee exercises the option to convert up to forty-five (45) sick leave hours to an equivalent amount of cash or cash and vacation leave, the regular full-time employee must have at least eighty (80) sick leave hours remaining for use immediately following the conversion, and the regular three-quarter employee must have at least sixty (60) sick leave hours remaining for use immediately following the conversion.

d) The option to convert sick leave hours to any equivalent amount of cash or cash and vacation leave, may be exercised twice during any calendar year not-to-exceed the total annual maximum conversion amount of sixty (60) hours for regular full-time employees and the total annual maximum conversion amount of forty-five (45) hours for a regular three-quarter employee.

e) The employee must exercise the option in writing to the City Manager at least two (2) weeks prior to the date the employee desires to exercise the option.

f) Payment for the conversion of up to sixty (60) sick leave hours into

an equivalent amount of cash shall be included in the employee's paycheck on the payday for the next pay period after the option is exercised and approved by the City Manager.

g) The foregoing limitations of this sub-section (D) notwithstanding, regular full-time employees designated as management employees may convert a maximum of one hundred and twenty (120) sick leave hours annually into cash, provided that the employee will have at least eighty (80) sick leave hours remaining for use immediately following the conversion. Regular three-quarter employees designated as management employees may convert a maximum of ninety (90) sick leave hours annually into cash, provided that the regular three-quarter employee will have at least sixty (60) hours remaining for use immediately following the conversion. Except as provided in this paragraph (7), the other provisions of this Section 4 will continue to apply to employees designated as management.

5) An employee must give reasonable advance notice for foreseeable leave such as doctors' appointments and notice as soon as practicable where the need for leave is not foreseeable. Written verification of the absence may be required by the City Manager.

6) Regular employees shall not be granted, and accordingly are not entitled to take paid sick leave in advance of its accrual.

7) Abuse of sick leave will result in employee discipline, which may include discharge.

8) Sick leave may be used for the employee's own illness, medical

appointments, or for any reason required under state or federal law.

9) Sick leave may be used for an employee who is a victim of domestic violence, sexual assault, or stalking, as provided by law.

10) Regular employees absent from work due to illness and who have no accumulated sick leave, may use accumulated management leave, vacation leave, administrative leave, holiday leave, and/or compensatory time in place of sick leave.

11) Upon discharge or termination of employment, accrued sick leave will not be paid to employees.

(B) Temporary Part-Time Employees

1) Employees who are not covered by the sick leave benefit above will receive paid sick leave subject to the minimum requirements of California's Healthy Workplaces, Healthy Families Act of 2014 (HWHFA, California Labor Code Sections 245 – 249) and the expanded requirements issued in SB 616. Any questions regarding this benefit that are not addressed in this section will be resolved by reference to the minimum requirements of the law.

2) As per the HWHFA, a temporary part-time employee working for the City in California, on or after July 1, 2015, for thirty (30) or more calendar days within a year is entitled to paid sick leave. Temporary part-time employees accrue paid sick leave at the rate of one hour per every thirty (30) hours worked during employment for the CITY. Accrual begins on the first day of employment or July 1, 2015, whichever is later.

3) Temporary part-time employees may begin using accrued sick leave on the 90th calendar day of employment.

4) A temporary part-time employee may use accrued sick leave as allowed by

federal and state statutes, for an absence for the illness of a family member. This covers diagnosis, care or treatment of an existing health condition or preventive care for an employee's family member. A "family member" for purposes of the benefit in this section includes parent, child, spouse, registered domestic partner, parent-in-law, sibling, grandchild, or grandparent. Status as a child applies regardless of age or dependency status.

5) Temporary part-time employees can use a maximum of ~~twenty-four~~ forty (4024) hours of sick leave annually. The City calculates a one-year period of time using the employee's date of hire and subsequent yearly anniversaries, not the calendar year.

6) A minimum of two (2) hours is required for each use of sick leave.

7) Accrued sick leave will be carried over to the following year and can be accumulated to a maximum of forty-eight (48) hours. After reaching this maximum, temporary part-time employees will stop accruing sick leave until unused sick leave drops below the maximum accrual amount.

8) A temporary part-time employee must give reasonable advance notice for foreseeable leave such as doctors' appointments and notice as soon as practicable where the need for leave is not foreseeable. Written verification of the absence may be required by the City Manager.

9) Temporary part-time employees shall not be granted, and accordingly are not entitled to take paid sick leave in advance of its accrual.

10) Abuse of sick leave will result in employee discipline, which may include discharge.

11) Sick leave may be used for the employee's own illness, medical appointments, or for any reason required under state or federal law.

12) Sick leave may be used for an employee who is a victim of domestic violence, sexual assault, or stalking, as provided under the HWHFA.

13) Upon discharge or termination of employment, accrued sick leave will not be paid to temporary part-time employees.

14) A temporary part-time employee rehired within one year of the date of separation will have previously accrued but unused paid sick days reinstated. The rehired temporary part-time employee will be entitled to use those sick days and to accrue additional sick days upon hire, subject to the applicable limits. A temporary part-time employee who has not satisfied the ninety (90) day requirement to begin using paid sick leave must satisfy the balance of the ninety (90) day requirement following rehire, before becoming eligible to use paid sick days.

SECTION 5 - BEREAVEMENT LEAVE: All employees may take a maximum of five (5) days or forty (40) hours when a death occurs within an employee's immediate family. To be eligible for bereavement leave, an employee must be employed for at least thirty (30) days before taking the leave. Any bereavement leave so taken may be charged against a regular employee's accumulated management leave, administrative leave, vacation leave, holiday leave, compensatory time and/or sick leave at the discretion of the employee. Part-time employees' use of sick time for bereavement leave will not count against their twenty-four (24) hour sick leave maximum. Part-time employees may use accumulated leave to compensate them for a maximum of the number of hours they are regularly scheduled to work in one week. The regular employee may also elect to take bereavement leave as a leave of absence without pay. Bereavement leave does not need to be taken all at once but must be completed during the three months after the death of the person for whom you are taking leave.