

ORDINANCE NO. 3495

ORDINANCE AMENDING CHAPTER 2.44 OF TITLE 2 OF THE SAN LUIS OBISPO
COUNTY CODE

The Board of Supervisors of the County of San Luis Obispo County, State of California ordains as follows:

SECTION 1: Section 2.44.070 of the County Code is amended to read as follows:

2.44.070 Holidays and time off.

- (a) Unless otherwise provided by a memorandum of understanding approved by the board of supervisors or by a board of supervisors resolution, the following are established as paid holidays for all permanent and probationary county employees:
- (1) January 1 (New Year's Day);
 - (2) Third Monday in January (Martin Luther King Day). (Added July, 1984.);
 - (3) February 12 (Lincoln's Birthday);
 - (4) The third Monday in February (Washington's Birthday);
 - (5) The last Monday in May (Memorial Day);
 - (6) July 4 (Independence Day);
 - (7) The first Monday in September (Labor Day);
 - (8) ~~The second Monday in October (Columbus Day)~~ The fourth Friday in September (Native American Day);
 - (9) November 11 (Veterans' Day);
 - (10) That day in November designated as Thanksgiving Day;
 - (11) That Friday in November immediately following the day designated as Thanksgiving Day;
 - (12) December 25 (Christmas Day);
 - (13) All other days as may be proclaimed by the county's board of supervisors.
- (b) On May 24, 2005, a personal leave day (eight hours) was established in exchange for elimination of Admissions Day on September 9 as a paid holiday. The personal leave day will be allowed to be used at any time during the fiscal year. ~~Only permanent status employees are eligible for the personal leave day and permanent status - p~~Part-time employees shall take personal leave on the same pro rata basis as their part-time schedule bears to the full work schedule of their department. The personal leave day cannot be accrued and will be lost unless utilized during the fiscal year.

- (c) Unless otherwise specifically provided in this section, when a holiday listed herein falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed.
- (d) Unless otherwise provided in this section, when a holiday listed herein falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed.
- (e) For those employees whose five-day workweek consists of other than Monday, Tuesday, Wednesday, Thursday and Friday, if a holiday falls on their second day off, the day following the second day off shall be deemed to be the holiday in lieu of the day observed. For those employees whose five-day workweek consists of other than Monday, Tuesday, Wednesday, Thursday and Friday, if a holiday falls on their first day off, the day preceding their first day off shall be deemed to be the holiday in lieu of the day observed.
- (f) Employees required to work on a holiday as specified in this section and Section 2.44.030(1) shall receive full holiday pay in addition to straight-time pay for actual hours worked.
- (g) Employees on approved flexible workweeks shall receive eight hours pay for each holiday, rather than the number of hours of their flexible workday.
- (h) Unless otherwise provided by a memorandum of understanding approved by the board of supervisors or by a board of supervisors resolution, employees who work in one of the twenty-four-hour facilities or who work in a seven-day per week work function will be given the option to either take advantage of this section, or request to participate in the annual leave program:
 - (1) The total number of annual leave days which may be accrued at any time during a calendar year shall be limited by a board of supervisors memorandum of understanding or by board of supervisors resolution;
 - (2) The annual leave program will allow employees to accrue holidays and utilize them as paid time off. Both parties understand that for the employees opting for the annual leave ~~concept~~ program, holidays will be considered as a regular workday, but that an additional day of paid time off will be added to their leave balance as the holidays identified in this section occur;
 - (3) Employees may enter the program at any time, but may withdraw only during the month of August;
 - (4) Accrued annual leave will be utilized prior to vacation balance utilization;
 - (5) Any permanent employee who terminates, or is discharged from county service for cause, shall receive payment for the unused portion of the annual leave privilege accumulated up to the date of discharge at his/her rate of pay on the date of discharge; provided, however, that no payment shall be made for any annual leave privilege accumulated in excess of the accrual maximum.
- (i) ~~Permanent p~~Part-time employees shall take holiday time or accrue annual leave days on the same pro rata basis as their part-time schedule bears to the full work schedule of their department.
- (j) This section does not apply to temporary employees.

SECTION 2: If any section, subsection, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any other of more sections, subsection, sentences, clause, or phrases be declared invalid or unconstitutional.

SECTION 3: This ordinance shall take effect and be in full force and effect sixty (30) days after its passage, and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

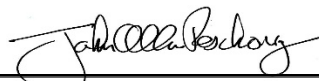
INTRODUCED at a regular meeting of the Board of Supervisors held on the 6th day of June, 2023, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 20th day of June, 2023, by the following roll call vote, to wit:

AYES: Supervisors Debbie Arnold, Bruce S. Gibson, Dawn Ortiz-Legg,
Jimmy Paulding and Chairperson John Peschong

NOES: None

ABSENT: None

ABSTAINING: None



John Peschong
Chair of the Board of Supervisors

ATTEST:

JOHN NILON
Interim Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin
Deputy Clerk

[SEAL]