

ORDINANCE NO. 4074

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2
3 AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF
4 CALIFORNIA, ADDING SUBSECTIONS 13.0613(ff) and
5 13.0613(gg) TO CHAPTER 6 OF DIVISION 3 OF TITLE I OF THE
6 SAN BERNARDINO COUNTY CODE, RELATING TO
7 COMPENSATION AND BENEFITS OF EXEMPT EMPLOYEES.

8 The Board of Supervisors of the County of San Bernardino, State of
9 California, ordains as follows:

10 SECTION 1. Section 13.0613(ff) of Chapter 6 of Division 3 of Title I of
11 the San Bernardino County Code is added to read:

12 **13.0613 Exempt Group Working Conditions.**

13 (ff) VOLUNTARY TIME OFF.

14 Voluntary Time Off (VTO) Program is intended to provide exempt employees a
15 means of taking unpaid time off work, without losing benefits which depend on the
16 employee being in a paid status. The following conditions apply:

17 (i) VTO may be taken in the same manner as vacation time
18 except that VTO must be used in one (1) hour increments and is limited to eighty (80)
19 hours per calendar year.

20 (ii) When VTO is taken, leave accruals continue as if the
21 employee was on paid time. VTO time counts as time worked toward satisfying the
22 required hours to receive Benefit Plan Contributions and Medical Premium Subsidies.

23 (iii) VTO does not count as hours worked for purposes of
24 computing overtime. Retirement System Contributions will only be paid if the
25 employee is in a paid status at least forty (40) hours in any pay period in which VTO is
26 used.

27 (iv) VTO may not be used for situations that would otherwise
28 require leave without pay, such as an employee on short term disability, or in
conjunction with leave without pay.

1 (v) VTO is an entirely voluntary program. No employee may be
2 required to take VTO.

3 (vi) VTO may be taken by request of the employee and upon
4 approval of the appointing authority.

5 SECTION 2. Subsection 13.0613(gg) of Chapter 6 of Division 3 of Title I
6 of the San Bernardino County Code is added, to read:

7 **13.0613 Exempt Group Working Conditions.**

8 (gg) RETIREMENT INCENTIVE.

9 Eligible employees in identified classifications that meet the requirements for a
10 service retirement from the San Bernardino County Employees' Retirement
11 Association (SBCERA) and who retire on or before June 30, 2009, will be eligible to
12 receive a retirement incentive in the amount of \$250 for each completed quarter of a
13 year of current continuous service in a regular position with the County, payable in five
14 (5) annual payments after retirement. Such annual payments shall be made in July of
15 each year. The County Administrative Officer may exclude from eligibility
16 classifications or positions assigned to organizational units that must remain filled.

17 Example #1: An employee who has completed 36.0 years of continuous
18 regular County service and who has elected to retire on or before June 30, 2009 will
19 receive \$36,000 payable after retirement in five (5) annual payments in the amount of
20 \$7,200 per year.

21 Example #2: An employee retiring on or before June 30, 2009 who has
22 participated in SBCERA for 28 years, but currently has worked 18.75 years of
23 continuous County service in a regular position, will receive \$18,750, payable after
24 retirement in five (5) annual payments in the amount of \$3,750 per year.

25 Positions that are not eligible to receive this retirement incentive are identified
26 on the list as is on file with the Clerk of the Board of Supervisors, and as may be
27 changed by the County Administrative Officer from time to time. The number of
28 employees who may participate in the program is limited to no more than 5% of total

1 staff in each department, unless the County Administrative Officer waives the limit. If
2 more than 5% of the staff in a department apply for the retirement incentive, eligibility
3 for the incentive shall be based on years of current continuous service in a regular
4 position with the County. Final eligibility for the retirement incentive in those
5 departments in which more than 5% of staff apply shall be determined immediately
6 after June 30, 2009. Unless waived by the County Administrative Officer, vacant
7 positions created by those employees receiving the retirement incentive shall not be
8 filled for a period of 5 years. Alternatively, departments may fill vacated positions if
9 other positions with an equivalent cost savings remain vacant for a period of five
10 years.

11 Payments to an eligible employee under this program who returns to work for
12 the County in any capacity after retiring shall be temporarily suspended until the
13 employee again separates from employment with the County. Retirement incentive
14 payments shall not be considered compensation earnable for purposes of calculating
15 benefits or contributions for the SBCERA.

16 SECTION 3. This ordinance shall take effect immediately upon adoption
17 pursuant to the provisions of Government Code section 25123.

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GARY O'WITT, Chairman
Board of supervisors

23 SIGNED AND CERTIFIED THAT A COPY OF
24 THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

25 DENA M. SMITH, Clerk of the
26 Board of Supervisors

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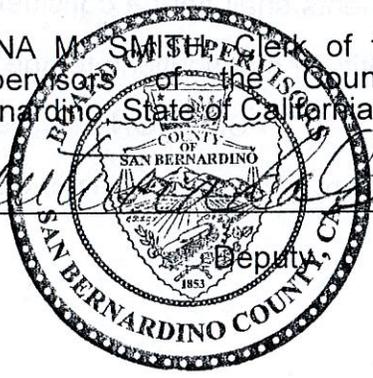

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss.

3 I, DENA M. SMITH, Clerk of the Board of Supervisors of the County of San
4 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
5 Supervisors of said County and State, held on the 17th day of March, 2009,
at which meeting were present Supervisors:
Mitzelfelt, Biane, Derry, Ovitt and Gonzales

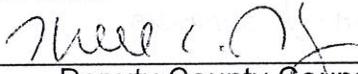
6 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
7 to wit:

8 AYES: SUPERVISORS: **Mitzelfelt, Biane, Derry, Ovitt,**
9 **Gonzales**
10 NOES: SUPERVISORS: **None**
11 ABSENT: SUPERVISORS: **None**

12 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
13 seal of the Board of Supervisors this 17th day of March, 2009.

14 DENA M. SMITH, Clerk of the Board of
15 Supervisors of the County of San
16 Bernardino, State of California
17 
18 
19 Deputy

19 APPROVED AS TO FORM:
20 RUTH E. STRINGER
21 County Counsel

22 By: 
23 Deputy County Counsel
24 Date: 2/26/09