



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 16 - 0 1 1 1
APR 0 1 2016

REPORT RE:

**DRAFT ORDINANCE AMENDING LOS ANGELES ADMINISTRATIVE CODE
SECTION 4.110.1 TO UPDATE AND CLARIFY LANGUAGE REGARDING
COMPENSATED PERSONAL TIME OFF BENEFITS FOR INTERMITTENT
NON-REPRESENTED EMPLOYEES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 N. Spring Street
Los Angeles, California 90012

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This ordinance amends Los Angeles Administrative Code Section 4.110.1, pertaining to compensated time off benefits for intermittent non-represented City employees to provide updated, clarifying language and delete obsolete language.

Council Rule 38 Referral

A copy of the draft ordinances was sent, pursuant to Council Rule 38, to the City Administrative Officer (CAO). The CAO recommends adoption of these ordinances.

If you have any questions regarding this matter, please contact Assistant City Attorney Vivienne Swanigan at (213) 978-7182. She or another member of this Office will be available when you consider this matter to answer any questions you may have.

Very truly yours,
MICHAEL N. FEUER, City Attorney


By DAVID MICHAELSON
Chief Assistant City Attorney

DM:VAS:sm
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 4.110.1 of the Los Angeles Administrative Code, pertaining to compensated personal time off benefits for intermittent non-represented City employees, to provide updated and clarifying language.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 4.110.1 of the Los Angeles Administrative Code is amended to read as follows:

Intermittent non-representative employees shall be eligible to accrue compensated time off (CPTO) at a rate of 2.75 minutes for every hour compensated. Employees must complete a period of six consecutive months of City service and must have been compensated for at least 500 hours before qualifying to use the CPTO. This benefit may be used in no less than one-hour increments for the following:

1. Sick leave, which may be used for an employee's own health condition or that of a family member, including preventive care. "Family member" includes child, step-child, parent, step-parent, spouse, registered domestic partner, grandparent, grandchild, and sibling.
2. Personal business, subject to approval of the supervisor;
3. Holidays assigned off. When a holiday falls on an employee's assigned schedule and the employee is not required to work on that holiday, an employee may request to use CPTO. If the qualifying employees choose not to use CPTO for the holiday, the employees may be allowed, subject to the approval of the supervisor, to adjust their work schedules and make up the time in full not later than the next succeeding payroll period.

CPTO may be accumulated for up to a maximum of 48 hours. Any accrued, unused CPTO hours remaining at the end of the calendar year, which do not exceed that maximum accrual, shall carry over to the following calendar year. Any CPTO accumulated in excess of such amount shall be deemed waived and lost.

There shall be no payment of any form for unused CPTO hours upon separation from City service for any reason.

Employees who hold more than one intermittent position concurrently shall be eligible to accrue CPTO in only one position.

Intermittent and half-time employees must request permission from their primary employing department to hold more than one position concurrently. Employees must designate a primary employing department in writing with their primary and secondary employing departments and with the Controller's Office. Temporary Elections workers are exempt from this requirement. If an employee fails to designate a primary employing department the Controller's Office will designate the first department to hire the employee as the primary employing department. Employees may change their designated primary department during Open Enrollment period of October 1-31. If an employee changes departments outside the Open Enrollment period, the Controller's Office will designate the first department to hire the employee as the primary employing department, unless the employee notifies the Controller's Office otherwise within 30 calendar days of the effective date of the change.

Employees who are receiving time off benefits as a full-time or half-time employee in another department or capacity, or are a retired member of LACERS shall not be eligible to receive CPTO benefits as an intermittent employee.

Employees who are paid per diem or by the session shall not be eligible to accrue CPTO.

Intermittent employees with accrued CPTO hours who become full-time or half-time employees as defined in Section 4.110 of this Code, shall be allowed to carry-over into their 100% sick leave bank a maximum of 16 hours of unused CPTO, and shall be eligible immediately as a full-time or half-time employee to accrue and use sick leave at the appropriate rate.

Sec. 2. This ordinance shall be operative upon publication pursuant to Charter Section 252(g).

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
VIVIENNE SWANIGAN
Assistant City Attorney

Date 4/1/16

File No. _____