

**ORDINANCE NO. 3486 C.S.**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY**

**AMENDING CHAPTER 25 OF THE CITY CODE, PERSONNEL RULES AND REGULATIONS,  
ARTICLE 12, SECTION 25-12.02 SICK LEAVE, AND SECTION 25-12.11 CATASTROPHIC  
LEAVE**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

WHEREAS, the City of Monterey has become aware of several employees that are experiencing financial hardship due to a catastrophic injury or illness of an immediate family member; and

WHEREAS, the City of Monterey would like to help lessen the financial impact to its' employees in these situations by offering a more flexible leave benefit whereby the employee is able to remain in a City paid status with no increase to the City's budget; and

WHEREAS, The City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 1: Monterey City Code, Chapter 25-12.02(i) "Family Sick Leave for Catastrophic Illness or Injury" is hereby added to read as follows:

"Up to 480 hours of accrued sick leave may be used each calendar year to care for and attend to an immediate family member for a catastrophic illness or injury. All other leave banks must be exhausted before this additional sick leave can be utilized. If other accrued leaves are utilized, the combined total of leaves used cannot exceed 480 hours. An immediate family member is defined as a spouse, child, parent, or registered domestic partner. For purposes of this section, the definitions contained in Labor Code section 233 for "child" and "parent" shall apply. A catastrophic illness or injury is defined as a life threatening or debilitating illness or injury that is expected to incapacitate the employee's immediate family member that requires the employee to be absent from work, for an extended period of time. The illness or injury must be anticipated to extend longer than sixty (60) calendar days in a twelve (12) month period, as certified by a medical doctor."

SECTION 2: Monterey City Code, Section 25-12.11 "Catastrophic Leave" is hereby amended to read as follows:

"a. Purpose

The purpose of this section is to provide a method for employees to assist fellow employees who have exhausted their leave time due to a catastrophic illness or injury of the employee or his or her immediate family member. It is not the intent of this section for any employee to enrich him or herself, but to aid only those employees that are truly in need of assistance. All eligible employees, as defined in Section 25-12.11(b)(1) are covered under this policy."

"b. Definitions

1. Eligible Employee – to be eligible to receive surrendered catastrophic leave the employee must meet all the following criteria:
  - a. Be an active full-time or regular part-time employee.
  - b. Have exhausted all leave balances and applied for leave without pay due to the catastrophic illness or injury of the employee or the employee's immediate family member.
  - c. Have provided the required documentation to verify a catastrophic illness or injury of the employee, or the employee's immediate family member.
  - d. Immediate family member includes a spouse, registered domestic partner, child, or parent. For purposes of this section, the definitions contained in Labor Code section 233 for "child" and "parent" shall apply.
2. Catastrophic Illness or Injury – a life threatening or debilitating illness or injury that is expected to incapacitate the employee, or an employee's immediate family member that requires the employee to be absent from work, for an extended period of time and which creates a financial hardship because the employee has exhausted all of his or her accumulated leave. The illness or injury must be anticipated to extend for longer than sixty (60) calendar days in a twelve (12) month period, as certified by a medical doctor."

"c. General

5. A recipient employee is eligible to receive a maximum of 1000 hours of surrendered leave time for the employee's catastrophic illness or injury incident, and a maximum of 480 hours for an employee's immediate family member's catastrophic illness or injury incident; however, the initial receipt of leave time is limited to 100 hours. Once the recipient's sick leave balance drops to 50 hours then an additional surrendered leave can be added to the recipient's account up to the 100-hour limit."

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 19th day of November, 2013, by the following vote:

AYES:	5	COUNCILMEMBERS:	Downey, Haffa, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



\_\_\_\_\_  
Mayor of said City



\_\_\_\_\_  
City Clerk thereof