

- **Board of Directors**  
**Legal, Claims and Personnel Committee**

December 14, 2004 Board Meeting

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8-5

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**Subject**

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Amend Sections 1106 and 6225 of the Metropolitan Water District Administrative Code regarding Holidays

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**Description**

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It is recommended that Administrative Code Sections 1106 and 6225 concerning Metropolitan holidays be amended effective January 1, 2005, as set forth on [Attachment 1](#), showing additions and deletions, to simplify the administration of Metropolitan holidays. [Attachment 2](#) sets forth the sections as they would appear in the Administrative Code. Sections 1106 and 6225 currently list 14 Metropolitan holidays, with an involved explanation as to how these holidays are received if they fall on a scheduled day off. In particular, for the 2-day Christmas and New Year's holidays, the current provisions provide for "floating" holidays at the choice of the employee, subject to the approval of the employee's Department Head, if the holidays fall on a weekend. The provisions for "floating holidays" also set forth detailed restrictions on if they can be taken by employees who begin or end their employment during the course of a year, which are not found in the negotiated MOUs.

Subject to board approval, the proposed amendments to Sections 1106 and 6225 have been approved by AFSCME and Management. These amendments eliminate "floating" holidays and apply the same procedure for accounting for any holiday falling on an employee's regularly scheduled day off. The amendments provide that the holiday shall be deemed to fall on the employee's next scheduled working day if the holiday is on a Sunday or Monday. Otherwise, the holiday is deemed to fall on that employee's last scheduled working day preceding the holiday.

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**Policy**

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Organization and contents of the Administrative Code affecting organization and personnel policies of Metropolitan

Legal aspects and legal consequences of executed Memorandum of Understanding

Metropolitan Water District Administrative Code Sections 2461(h) and (i)

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**California Environmental Quality Act (CEQA)**

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CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

**Board Options/Fiscal Impacts**

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**Option #1**

Adopt the CEQA determination and approve the proposed amendments to Administrative Code Sections 1106 and 6225 as set forth in **Attachment 1** effective January 1, 2005.

**Fiscal Impact:** Minimal

**Option #2**

Do not approve the proposed amendments to Administrative Code Sections 1106 and 6225.

**Fiscal Impact:** AFSCME, Local 1902 would have the right to request an appeal to their grievance before a hearing officer and unknown costs would be incurred for proceeding with this appeal.

**Staff Recommendation**

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Option #1

  
Jeffrey Kightlinger  
General Counsel

11/22/2004  
Date

**Attachment 1 – The Administrative Code of The Metropolitan Water District of Southern California (showing additions and deletions)**

**Attachment 2 – The Administrative Code of The Metropolitan Water District of Southern California**

**THE ADMINISTRATIVE CODE OF  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
(showing additions and deletions)**

**§ 1106. Holiday.**

Whenever the word "Holiday" is used in this Code, it shall include January 1, the third Monday in January (observance of Martin Luther King's birthday), the third Monday in February (Presidents' Day), March 31 (observance of Cesar Chavez's Birthday), the Friday before Easter, the last Monday in May (Memorial Day), July 4, the first Monday in September (Labor Day), November 11, Thanksgiving Day, the day following Thanksgiving Day, December 24 ~~if December 24 falls on a Monday, Tuesday, Wednesday, or Thursday~~, December 25, December 31 ~~if December 31 falls on a Monday, Tuesday, Wednesday, or Thursday~~, and any day or portion of a day declared by the Board as a Holiday. If any Holiday ~~other than December 24 and 31~~ falls on Sunday, the following Monday is a Holiday. If any Holiday ~~other than December 24 and 31~~ falls on Saturday, the preceding Friday is a Holiday.

**§ 6225. Holidays.**

(a) Except as provided in Section 6225(~~eb~~), employees shall be entitled to leave of absence without loss of pay on all Holidays. ~~Each Holiday shall consist of eight (8) hours.~~ When a Holiday, ~~other than December 24 and 31~~, falls on an employee's regular scheduled day off, the Holiday shall be deemed to fall on the employee's next scheduled working day if the Holiday is on a Sunday or Monday. Otherwise, the Holiday, ~~other than December 24 and 31~~, shall be deemed to fall on the employee's last scheduled working day preceding the Holiday. ~~If December 24 falls on a Friday, Saturday or Sunday, the Holiday shall be deemed to fall on the employee's last scheduled working day preceding the days observed for December 25. If December 31 falls on a Friday, Saturday or Sunday, the Holiday shall be deemed to fall on the employee's last scheduled working day preceding the day observed for January 1 of the following year.~~

~~(b) If the total number of Holidays in any annual payroll cycle determined in accordance with the definition in Section 1106 of this Administrative Code is less than 13, each employee shall be entitled to so many additional Holidays to be taken in units of 8 hours per day on days of the employee's choice within the annual payroll cycle, subject to the approval of the employee's Department Head, as will make the total of all Holidays in that cycle equal to 13.~~

~~————(c) Any employee beginning employment with the District no later than the end of the thirteenth pay period of a cycle shall be entitled to take at any time after the annual payroll cycle after the thirteenth period no more than one Holiday of the employee's choice made available by~~

~~this section, if any. Any employee beginning employment with the District after the thirteenth period of a cycle shall not be entitled in the annual payroll cycle to any Holiday other than Holidays specified in Section 1106 of this Administrative Code by date.~~

~~———(d) Any employee whose employment with the District terminates with at least thirteen but no more than twenty-six pay periods of continuous service shall be entitled to take during the term of employment no more than one Holiday of the employee's choice made available by this section, if any. Any employee whose employment with the District terminates with less than thirteen pay periods of service, shall not be entitled to any Holiday other than Holidays specified in Section 1106 of this Administrative Code by date.~~

(eb) When an employee is on leave without pay on both the scheduled working day preceding and the scheduled working day following a Holiday, the employee shall not be entitled to be paid for the Holiday.

~~(f) If an employee terminates after taking and being paid for Holidays in addition to those permitted by Section 6225(d), the monies paid shall be withheld from severance pay made pursuant to Section 6248 or shall be otherwise repaid by the employee.~~

**THE ADMINISTRATIVE CODE OF  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**§ 1106. Holiday.**

Whenever the word "Holiday" is used in this Code, it shall include January 1, the third Monday in January (observance of Martin Luther King's birthday), the third Monday in February (Presidents' Day), March 31 (observance of Cesar Chavez's Birthday), the Friday before Easter, the last Monday in May (Memorial Day), July 4, the first Monday in September (Labor Day), November 11, Thanksgiving Day, the day following Thanksgiving Day, December 24, December 25, December 31, and any day or portion of a day declared by the Board as a Holiday. If any Holiday falls on Sunday, the following Monday is a Holiday. If any Holiday falls on Saturday, the preceding Friday is a Holiday.

**§ 6225. Holidays.**

(a) Except as provided in Section 6225(b), employees shall be entitled to leave of absence without loss of pay on all Holidays. When a Holiday falls on an employee's regular scheduled day off, the Holiday shall be deemed to fall on the employee's next scheduled working day if the Holiday is on a Sunday or Monday. Otherwise, the Holiday shall be deemed to fall on the employee's last scheduled working day preceding the Holiday.

(b) When an employee is on leave without pay on both the scheduled working day preceding and the scheduled working day following a Holiday, the employee shall not be entitled to be paid for the Holiday.