

## 2001-2002 SANTA CLARA COUNTY CIVIL GRAND JURY

### INQUIRY INTO TIME-OFF PRACTICES OF THE COUNTY ROADS AND

### AIRPORTS DEPARTMENT

#### INTRODUCTION

The 2001-2002 Santa Clara County Civil Grand Jury received a complaint that certain employees of the Santa Clara County Roads and Airports Department are allowed to work a minimum of three hours in a given day and then leave, having been credited for a full eight hours. The Grand Jury accepted the complaint, pursuant to Penal Code Section 925, and began an inquiry in August 2001.

#### BACKGROUND

This inquiry included three interviews, one with the complainant and one each with a deputy county executive and the branch manager of Roads and Fleet Operations, which is the department implicated in the citizen complaint. This department is responsible for building, repairing and maintaining roads within the unincorporated areas of Santa Clara County. The branch manager is primarily responsible for running this operation.

#### OBSERVATIONS

The deputy county executive stated in a memo to agency and department heads dated October 1, 1999, that all time off (leave) must be pre-approved by the employee's supervisor (attached). This policy was reiterated by the branch manager.

Employees implicated in this complaint are members of the County Employees' Management Association (CEMA), which has a contract in force with Santa Clara County. The employees in question are management exempt employees. They are salaried and expected to work the number of hours necessary to fulfill the duties of the position without overtime pay. The CEMA contract states the aforementioned.

Management employees are expected to perform the duties and responsibilities required to accomplish their jobs. Supervisor approval is required before an employee can be granted the indicated time-off benefits. The branch manager asserted that this is the practice followed in his department.

#### CONCLUSION

There is no discernable abuse of the contract. The October 1, 1999, memo states that an employee may be granted time off at the discretion of his or her manager. The employee need not state a reason for requesting time off and the time may be used as the employee wishes.

ATTACHMENT: Administrative Leave-CEMA Employees, Leode G. Franklin, 10/1/99.

**PASSED** and **ADOPTED** by the Santa Clara County Civil Grand Jury this 17<sup>th</sup> day of January, 2002.

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Bruce E. Capron  
Foreperson

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Norman N. Abrahams, DDS  
Foreperson Pro Tem

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Joyce S. Byrne  
Secretary