

# **County of Siskiyou County Personnel Policies**



**Adopted by the Board of Supervisors**

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## **Section 1: Introduction**

### **1.1 Introduction**

This policy manual was originally compiled in 2002 by a Personnel Policy Taskforce made up of employees from various bargaining units--none of whom are still County employees. It was a challenging project for them, but the resulting manual has stood the test of time.

Periodically sections have required updates. Policies that have been updated have a notice in the footer containing the update date. Policies with no update notification are original 2002 policies. These policies should not be viewed as all inclusive and some may be in a review and revision process. These policies do not guarantee employment for any specific duration and are not considered a contract.

## **1.2 Purpose**

**PURPOSE:** Purpose of the Personnel Policies and Procedures and the Disclaimers

### **Statement of Policy**

General Purpose: These policies are enacted by the County of Siskiyou to further the following goals:

1. To provide a fair and equitable system of personnel administration throughout the County service.
2. To ensure that recruitment, selection, placement, promotion, retention, and separation of County employees are based upon employee qualifications and fitness and are in compliance with federal and state laws.
3. To assist managers in the development of sound management practices and procedures and to make effective and consistent use of human resources throughout the County.
4. To promote communication between department heads, supervisors, and employees.
5. To ensure, protect, and clarify the rights and responsibilities of employees.

### **Scope**

Except for wages, benefits, and conditions of employment, these Personnel Policies and Procedures shall apply to all County employees. In the event of conflict between these policies and any collective bargaining agreements, personal services contract, county ordinance, or state or federal law, the terms and conditions of that contract, rule, or law shall prevail. These policies and procedures shall apply in all other cases.

These policies shall be deemed amended in conformance with changes in the event of the amendment of any local, state, or federal ordinance, rule, or law incorporated in this document or upon which these provisions rely.

None of these provisions shall be deemed to create a vested contractual right in any employee nor to limit the power of the County to repeal or modify these policies. The County has the right to repeal, modify, or amend these policies at any time in the same manner in which they were developed.

### **1.3 Personnel Policies, Forms, and Records**

**PURPOSE:** To establish a policy and procedure for all policies, forms, and records used in the personnel process.

#### **Statement of Policy:**

The Personnel Officer, as necessary, may issue written policy statements relating to the interpretation or application of these policies, procedures to be followed in the administration of personnel and employee relations policies, and to other matters deemed necessary for proper personnel administration.

Department heads shall ensure the dissemination of such policy statements and procedures and take appropriate action, where applicable, when violations of such policies and procedures are determined.

The Personnel Officer shall prescribe the forms and procedures to be used by County departments in matters of personnel and for the purposes of personnel administration.

The Personnel Officer shall maintain and/or have access to all employee and personnel records, except where specifically prohibited by state or federal laws.

The Personnel Officer may assign to other personnel staff employees such duties and responsibilities in connection with these policies deemed proper and expedient.

## 1.4 Fingerprint Records

**PURPOSE:** To establish a policy and procedure for maintenance of all fingerprint documents including the Criminal Offender Record Information (CORI) in compliance with requirements of the state of California, Department of Justice, Division of Criminal Justice Information Services, Communications Administration Program.

### **Statement of Policy:**

State law requires certain categories of employees must have fingerprint clearance as a post-offer, pre-employment condition. The overall responsibility for the administration of this policy shall be with the Personnel Officer.

County employees with access to criminal offender record information shall be fingerprinted and processed through the California Department of Justice.

1. **Record Security:** Any questions regarding the release, security, and privacy of CORI are to be resolved by the Personnel Officer.
2. **Record Destruction:** CORI shall be destroyed after employment determination has been made, and copies of same will be destroyed in such a way that the employee's name can no longer be identified.
3. **Record Dissemination:** CORI shall be used only for the purpose for which it was requested.
4. **Record Storage:** CORI shall be securely maintained and accessible only to the Personnel Officer or designee who are committed to protect CORI from unauthorized access, use, or disclosure.
5. **Record Reproduction:** CORI may not be reproduced for secondary dissemination.
6. **Training:** The Personnel Officer shall:
  - a. Understand and enforce this policy
  - b. Be fingerprinted and have a criminal history clearance
  - c. Have on file a signed copy of the Employee Statement form which is a part of this policy and which acknowledges an understanding of laws prohibiting misuse of CORI.
7. **Penalties:** Misuse of CORI is a criminal offense. Misuse of CORI may result in criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the Department of Justice.

## County of Siskiyou Employee Statement Form

As an employee of the County of Siskiyou you may have access to confidential criminal record information which is controlled by state and federal statutes.

Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code Section 502 prescribes the penalties relating to computer crimes. Penal Code Sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code Sections 11140-11144 and 13301- 13305 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes felony penalties for misuse of public records. Penal Code Sections 11142 and 13303 state:

“Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.”

Invasion of Privacy Civil Code Section 1798.53 states:

“Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual.”

### Civil, Criminal, and Administrative Penalties

- 11141 PC: DOJ furnishing to unauthorized person (misdemeanor)
- 11142 PC: Authorized person furnishing to other (misdemeanor)
- 11143 PC: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section I (Right of Privacy)
- 1798.53 Civil Code
- Title 18, USC, Sections 641, 1030, 1343, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

---

I have read the above and understand the policy regarding misuse of criminal record information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 1.5 Definitions

**PURPOSE:** To define certain words for understanding the intent expressed within these policies.

### **Statement of Policy:**

For the purposes of these policies and any personnel policy statement, memorandum, or correspondence, unless otherwise apparent from the context, certain words and phrases used in these policies are defined as follows:

**Affirmative Action:** A set of policies and procedures wherein Siskiyou County is committed to assure and promote Equal Employment Opportunity.

**Allocation or Position Allocation:** The assignment of a position to a classification.

**Allowance:** A fixed amount of money paid to personnel as reimbursement for equipment, supplies, and/or services as designated by a Memorandum of Understanding and/or Board resolution.

**Anniversary Date:** The date which corresponds with the bi-weekly pay period from which Probationary periods and step adjustments are measured. If an employee begins work as a new or a promoted employee on any day other than the first day of the bi-weekly pay period, the anniversary date shall be adjusted to the first day of the present pay period or first day of the next following pay period, whichever is closest.

**Appeal:** The filing of a written request for consideration of a reversal or modification of a disciplinary action.

**Applicant:** A person who has filed an official County application form at the County Administrator's Office, or at such places as designated by the Personnel Officer, according to prescribed procedures.

**Appointing Authority:** A department head, person, or board having the constitutional or statutory authority to appoint candidates to positions or a specified management employee having lawfully delegated authority to appoint candidates to positions in a department.

**Appointment:** The final selection of a candidate by an appointing authority subject to the provisions of these policies and subsequent acceptance of employment by a candidate.

**Bargaining Unit or Representation Unit:** Those persons or organizations formally authorized to represent employees as a group with common interest in matters concerning the terms and conditions of employment.

**Base Salary:** The rate of pay as determined on a given hourly, bi-weekly, or monthly basis for non-overtime work.

**Board:** When used alone, means the Board of Supervisors of Siskiyou County.

**Candidate:** A person given final selection consideration for appointment to a specific position vacancy at a particular point in time.

**Candidate Group:** Those eligible persons from among which final selection consideration for an appointment to a specific position vacancy at a particular point in time is given.

**Class or Classification:** A set of similar positions designated by a specific class title and salary range.

**Classification Plan:** An orderly arrangement of positions under separate and distinct classes so that each class will contain all those positions which are sufficiently similar in respect to duties and responsibilities that they will meet the requirements as established under the definition "class".

**Compensation:** The salary, wage, allowance, and all other forms of valuable consideration earned by or paid to an employee by reason of service in a position but shall not include any allowances authorized and incurred as incidental to employment.

**Compensation Plan:** A schedule of salaries or salary ranges established hereby for the classification recognized in the classification plan.

**Compensation Range, Salary Range, or Pay Range:** A designated set of pay rates having a specified minimum rate, intermediate rate, and maximum rate.

**Compensation Rate, Salary Rate, or Pay Rate:** A set dollar amount used as the basis for compensating an employee for working a given period of time.

**Compensatory Leave:** Time which may be taken by an employee as authorized leave with pay for having worked overtime.

**Confidential Employee:** An employee designated by the Personnel Officer, who regularly performs work related to labor relations.

**Continuous Service:** The number of calendar days during which work was actually performed for Siskiyou County which has not been interrupted by a separation, except as provided for in these policies.

**County Service or Service of the County:** All positions in all departments, as defined, which are subject to control and regulation by the Board of Supervisors.

**Day:** A calendar day unless otherwise specified.

**Demotion:** A reduction in salary and/or reappointment to a lower classification for disciplinary or other reasons of both a voluntary or involuntary nature.

**Dismissal:** Involuntary separation from County service.

**Eligibility List:** A list of candidates prepared by the Personnel Officer from which final selection consideration for appointment to a specific position at a particular point in time may be given.

**Eligible:** An applicant who has passed all appropriate examinations and has been placed on a list for a class of positions.

**Emergency Appointment:** An appointment made in response to an emergency threatening public health, safety, or welfare pursuant to these policies.

**Employee:** A person working in and compensated by Siskiyou County over which management has the right to direct and control the way the person works, both as to the final results and as to the details of when, where, and how the work is done.

**Employee Status:** A designation based on the most recent of the following types of appointments: probationary, permanent, extra help, emergency, provisional, or intern.

**Extra Help:** Those employees who are hired for seasonal work, non-recurring work, vacation relief, or any other work of a short duration which does not require the duties of a permanent full or part-time employee. This class of employee shall not be provided holiday leave, sick leave, vacation leave, group insurance, or other types of benefits provided permanent employees.

**Examination or Exam:** Any process, procedure, rating, interview, test, evaluation, or assessment, whether scored or unscored, formal or informal, which affects a person's eligibility for, or consideration for, appointment.

**Final Selection Examination or Consideration:** An interview, background evaluation, or other examination of candidates used in making an appointment decision.

**Geographical Area:** An area surrounding a work location which includes those places within a distance from which an employee would reasonably be expected to commute to work and be able to respond to on-call or standby duty if required of the job classification. For reduction in force purposes, geographical area requirements must be satisfied as well as seniority provisions.

**Grievance:** A dispute between an employee or the employee's bargaining unit and management as to the interpretation, application, or violation of any terms or provisions granted to employees by agreement, personnel ordinance, or state and federal statute. For purposes of these policies, appeals from disciplinary actions shall not be interpreted as grievances.

**Impasse:** A deadlock in discussions between a formally recognized employee organization and the designated county representative over any matters on which they are required to meet and confer in good faith or over the scope of such matters.

**Intern Appointment:** A time limited appointment of an intern where such employment constitutes a recognized phase of the student's educational or training program.

**Involuntary reappointment:** An unsought appointment of a probationary or permanent employee by the employee's department head due to a shortage of work or funds, abolishment of a position, or a critical situation adversely affecting the accomplishment of program goals. Such appointments are made to a position in a different classification having the same or lower salary range than the class of the employee's previous position.

**Lay Off:** Termination of service of an employee for non-disciplinary reasons but rather because of lack of work or funds or for other reasons not related to employee job performance. (May be referred to as Reduction in Force.)

**Leave:** An authorized absence from work during normally scheduled working hours.

**Minimum Qualifications:** Standards which designate the typical types of, and minimum levels of, training and/or experience through which one would be expected to acquire the knowledge, skills, personal characteristics, and other requirements necessary for satisfactory performance upon entry to a class, or a description of the knowledge, skills, and personal characteristics required.

**Nepotism:** The hiring of relatives, or spouses of relatives, of current County employees.

**Open Recruitment or Open Examination:** A position or employment test open to the public and not limited to applicants currently in County service.

**Performance Evaluation:** A formal review of an employee's work activities and job performance over a particular period of time.

**Permanent Position:** A budgeted position as defined by a specific classification. Excludes Extra help positions.

**Permanent Status:** When an employee assigned to a permanent position satisfactorily completes a probationary period.

**Personnel Officer:** County Administrator or designee.

**Position:** A specific office, employment, or job calling for the performance of certain tasks, duties, and responsibilities.

**Probationary Period:** The time limited period of paid service established to review an employee's job performance as an extension of the examination process required before an employee gains permanent status.

**Probationary Release:** The discharge of an employee during the established probationary employment period.

**Promotion or Promotional Appointment:** An appointment of an employee candidate having permanent or probationary status to a position in a different class having a higher pay range than the pay range of the class of the employee's previous position.

**Provisional Appointment:** An appointment of an applicant not on the eligibility list pursuant to these policies.

**Qualifying Examination:** An examination which is scored on a pass or fail basis; the scores of which do not indicate relative levels of suitability among those who are determined to be qualified.

**Ranking Examination:** An examination, the scores of which are appropriate for indicating relative levels of suitability among those who pass.

**Reclassification or Reallocation of a Position:** The changing of a position from one classification to another classification based on the duties assigned pursuant to these policies.

**Reduction in Force:** An involuntary separation from service due to shortage of funds or work, organizational changes, or other reasons of business necessity, not involving performance or conduct, which require a reduction in staff. (May be referred to as Lay Off.)

**Reinstatement:** The re-employment or restoration of a former employee to a class in which permanent status was held.

**Resignation:** Voluntary separation from County service.

**Score:** An index, indication, description, or designation of examination results.

**Seniority:** The length of continuous County service in a specific classification without a break due to separation.

**Separation:** A break in service resulting from a resignation, termination, retirement, dismissal, reduction in force, or death.

**Step:** A pay rate, expressed in hourly, biweekly, or monthly rates, designated in terms of its relationship with other compensation rates in a compensation range. **Step Date:** The date upon which an employee is eligible to receive a salary increase based on satisfactory performance and the provisions outlined in these policies.

**Supervisor:** An employee having statutory or properly delegated authority to appoint, suspend, transfer, promote, dismiss, layoff, demote, assign work, direct, or discipline other employees, or effectively recommend such action if the exercise of such authority is not of a merely routine or administrative nature, but requires the use of independent judgment.

**Suspension:** An involuntarily imposed leave for disciplinary purposes or during investigatory or judicial proceedings.

**Temporary Assignment:** An employee who works in a vacated position for a short period of time.

**Termination:** A voluntary or involuntary separation of an employee.

**Time-Limited Appointment:** An emergency, provisional, temporary, extra help, or student intern appointment made for a confined duration which must be terminated within some restricted time period.

**Transfer:** The appointment of an employee from one position to another position within the same classification.

**Voluntary Reappointment:** An appointment of a permanent or probationary employee candidate voluntarily seeking an appointment to a position in a class having the same or lower compensation range than that of the class previously occupied.

**With Cause:** Applies to the Skelly process after completion of the probationary period, and to the unemployment process, discrimination complaint process, and the grievance process.

**Without Cause:** Applies only to department heads, probationary employees, temporary employees, extra help employees, and all other non-permanent employees. It indicates the employee has no right to a reinstatement hearing under the Shelly process. It in no way abridges any rights under the unemployment process, discrimination complaint process, or the grievance process.

## Section 2: General Policies

### 2.1 Equal Employment

**PURPOSE:** To establish a policy to ensure equal employment opportunity with the County and to outline procedures for action in case of violation.

#### Definitions

1. Equal Employment Opportunity Program. The written, results-oriented program specifically set forth in this policy detailing the steps to be taken to ensure equal employment opportunity.
2. Equal Employment Opportunity Officer. That person designated by the CAO responsible for meeting the obligations and responsibilities of the Equal Employment Opportunity Program.
3. Appointed Representatives. Members of County-appointed boards, commissions, and ad-hoc committees.

#### Statement of Policy

Equal Employment Opportunity Policy. It is the policy of the County to ensure equal employment opportunity for all employees and appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees, and County representatives, and to ensure equal employment opportunity based on ability and fitness to all persons regardless of age, ancestry, color, marital status, national origin, political and/or union affiliation, race, religion, sex, sexual orientation, or the presence of any mental, physical or sensory disability unless such disability effectively prevents the performance of the essential duties required of the position.

The goals and objectives of the Equal Employment Opportunity Policy are to:

1. Ensure fair treatment and non-discrimination in County hiring, County employment, and in appointments to and service on County boards and commissions.
2. Provide compliance with state and federal equal opportunity requirements and regulations.
3. Provide a basis for encouraging those who do business with the county to practice equal employment opportunity through notification or inclusion in a contract.

#### Program Responsibility

The Personnel Officer shall serve as the Equal Employment Opportunity Officer to carry out the Equal Employment Opportunity Policy and program. The Personnel staff shall be the focal point for the County's equal opportunity efforts and shall advise and assist other staff and management personnel in all matters regarding implementation of and compliance with the Equal Employment Opportunity Policy, and be responsible for the successful execution of the program, utilizing the assistance of appropriate state and community agencies. The Equal Employment Opportunity Officer will have responsibility to examine existing internal policies or procedures which may serve as barriers to implementing the Equal Employment Opportunity Program.

## **Equal Employment Opportunity Practices**

The Equal Employment Opportunity Officer shall undertake the following actions to ensure equal employment opportunities in the county:

1. Periodically review all position qualifications and job descriptions to ensure requirements are relevant to the tasks to be performed. Make recommendations as needed to add or delete requirements related to the tasks to be performed.
2. Ensure that pay and fringe benefits depend upon job responsibility and, along with overtime work, are administered on a non-discriminatory basis.
3. Inform and provide guidance to staff and management personnel who make hiring decisions so that all applications for selections, promotion, and termination, including those of protected classes, minorities, and women are considered without discrimination and all applicants be given equal opportunity regardless of age, ancestry, color, marital status, national origin, political and/or union affiliation, race, religion, sex, sexual orientation or the presence of a mental, physical or sensory disability unless such disability effectively prevents the performance of essential duties and functions required by the position even with reasonable accommodation or the disabled individual cannot perform those essential duties in a manner that would not endanger his or her health or safety or the health and safety of others even with reasonable accommodation.
4. Create a sufficient pool of qualified candidates to encourage diversity and ensure equal employment opportunity in hiring. The following practices for listing jobs will be followed under the Equal Employment Opportunity Officer's direction:
  - a. Regular full-time jobs must be open for a minimum of three (3) workdays.
  - b. Personnel, in conjunction with the Department, will determine the most effective advertising method for job announcements. Methods may include newspapers, job websites, professional journals or other job recruiting resources.
5. Provide orientation for all new employees specifically emphasizing how the County assures equal opportunity. Encourage all employees to avail themselves of services rendered.
6. This policy shall be made known to all employees, contractors, and suppliers through distribution of the Equal Employment Opportunity Policy. Applications for employment will include an equal employment opportunity clause.

## **Appointed County Representatives**

The County will strive to achieve a balanced representation on County boards, commissions, and ad-hoc committees whenever reasonably possible. Ensuring non-discrimination in the appointment of the County's representatives will encourage the fair and even-handed administration of the County's codes and policies.

## **Employee Development**

The following actions shall be undertaken to achieve employee job satisfaction and fair treatment:

1. Ensure that there shall be no discrimination with regard to training and educational opportunities, upgrading, promotions, transfer, and demotion, layoffs, and termination of

employees. Any actions which might adversely affect employees will be brought to the attention of the Equal Employment Opportunity Officer.

2. Actively encourage employees to increase their skills and job potential through training and educational opportunities.

### **Coordination with State and Federal Laws**

The County recognizes its responsibilities to comply with and ensure that equal employment opportunity and non-discrimination policies of state or federal agencies with which it conducts business are carried out. Specifically, the County shall:

1. Be responsible for reporting to the appropriate agencies any complaints received from any employee of or an applicant for employment with any County contractor or subcontractor.
2. Cooperate in special compliance reviews or in investigations as requested.
3. Carry out minority reporting functions of contractors or subcontractors as required by state or federal laws.
4. Furnish information as required, maintaining an affirmative action file detailing its efforts.
5. County contracts will include a non-discrimination clause.

The County's Equal Employment Opportunity Policy shall be made available to any federal or state agency upon request.

### **EEO Grievance Procedures**

In as much as the success of the Equal Employment Opportunity Program depends largely upon the attitude of the community as well as of the employees, opinion as to what constitutes fair and equal employment opportunity and treatment may vary widely and grievances may result. The following steps shall be taken for any grievance arising from the implementation of this program so as to maintain the best possible employee/supervisor and County/community relationships:

1. Employees covered by a labor agreement containing a grievance procedure shall be encouraged to use it in seeking relief from alleged discriminatory practices. Employees may elect to bring a grievance through either the procedure outlined here or the procedure in their labor agreement, but not both.
2. Employees not subject to Paragraph 1 above shall bring their grievance to the attention of their immediate supervisor or department head who will investigate as necessary to determine the cause of the complaint and work with the employee to affect an equitable solution. Every effort shall be made to resolve the difficulty at this level.
3. At the option of either party, the services of the Equal Employment Opportunity Officer may be requested. The Equal Employment Opportunity Officer shall interview both parties, conduct additional investigation as necessary, and recommend appropriate corrective action and settlement conditions to the County Administrative Officer (CAO).
4. In the event mutual agreement cannot be achieved and resolution is required by the CAO, signed statements detailing the grievance and specific investigative action shall be obtained by the Equal Employment Opportunity Officer from the employee and her/his supervisor. The

CAO may draw upon all resources at her/his disposal to arrive at recommended corrective action and settlement conditions.

5. The CAO may elect to refer the grievance to a special committee. Such committee shall be selected from among County employees and shall consist of an equal number of management and line personnel. The Equal Employment Opportunity Officer and those directly involved in the grievance shall not be members of this committee. Proceedings of the committee shall be documented, and its decision shall be in the form of a recommendation to the CAO subject to review only by the appropriate state agency or through the judicial system. All reports, decisions, and other documentation generated by the grievance procedure shall be maintained by the Equal Employment Opportunity Officer as a matter of permanent record.
6. Nothing herein shall be construed as preventing an employee from seeking remedy through the DFEH/EEOC process.

## 2.2 Harassment Policy

- PURPOSE:**
1. To establish a policy prohibiting all forms of harassment.
  2. To define a procedure for reporting harassment.
  3. To establish guidelines for administration of discipline.

### Statement of Policy

It is the policy of the County that all employees should be treated with respect and dignity. The County will not tolerate or condone conduct which constitutes harassment of an employee on the basis of sex (including gender, gender identity, gender expression, pregnancy, medical conditions related to pregnancy or childbirth, and breastfeeding, or medical conditions related to breastfeeding), religious creed (including all aspects of religious belief, observance, and practice, including religious dress and grooming), race, color, national origin or ancestry, citizenship status (including a driver's license issued to undocumented persons), age, physical or mental disability, medical condition, marital status or status as a registered domestic partner, sexual orientation, military status, or any other consideration made unlawful by federal, state or local law. Every employee has the obligation to ensure that the work environment is free from discrimination and harassment. Specific departmental policies may be more stringent than this policy. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences.

This policy protects employees regardless of rank or title, elected or appointment, applicants, volunteers and interns.

It is also the Policy of the County to provide a procedure for investigating alleged harassment and/or retaliation in violation of this Policy. Any retaliation against a person for filing a complaint or participating in the complaint investigation or resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate disciplinary action up to and including termination.

It is County policy to fully support enforcement of state and federal anti-discrimination laws which provide that harassment is prohibited where (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. It is the right of all employees to seek redress by the state Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, or through a court of law at any time; however, employees are encouraged to exhaust the County's administrative remedies before consulting outside agencies.

Employees or job applicants who believe that they have been harassed may, within one year of the harassment, file a complaint of discrimination with the California Department of Fair Employment and Housing and/or the Equal Employment Opportunity Commission. Remedies available include civil and/or administrative penalties as well as hiring, reinstatement, back pay, promotion, or changes in the County's policies or practices.

The California Department of Fair Employment and Housing may be contacted at (916) 227-0551.

Employees should also refer to the posted notice regarding harassment for additional information regarding how to contact the appropriate agency.

### **Definition**

Harassment includes, but is not limited to: unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance. Harassment can be verbal or non-verbal, physical, or visual.

Protected activity includes, but is not limited to, making a request for or receiving an accommodation for a disability; making a request for or receiving accommodation for religious beliefs or practices; making or supporting a complaint under this Policy; opposing violations of this Policy; or participating in an investigation pursuant to this Policy.

The actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands, or other supervisory actions intended to promote positive performance, do not constitute harassment.

Sexual harassment includes verbal harassment such as epithets, derogatory comments or slurs; physical harassment such as assault, unwanted physical contact, or physical interference with movement or work; and visual harassment such as derogatory cartoon drawings, posters, leering, or obscene gestures. It also includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature including offensive comments, jokes, innuendos, and other sexually-oriented statements. Harassment need not be explicit or specifically directed at the victim and can occur between people who share the same protected classification(s).

### **Procedure**

Each employee and member of management is responsible for creating an atmosphere free of discrimination and harassment, further, employees are responsible for respecting the rights of their co-workers. Any complaint of harassment will be kept confidential to the maximum extent possible.

### ***Employee Rights and Responsibilities***

Employees have the right to work in an environment free from harassment and discrimination, have complaints taken seriously, have immediate and corrective action, and have fair treatment under the County's policies regarding resolution. Employees have the responsibility to avoid engaging in physical, verbal, non-verbal, or visual conduct which creates an offensive, intimidating, or hostile environment; promptly report incidents; cooperate with supervisors, investigators, or EEO representatives during a claim; provide complete, accurate, and truthful information; refrain from knowingly making a false claim; and respect the right of co-workers, supervisors, and public to be free from discrimination by taking harassment seriously.

### ***Complaint Procedure***

This procedure shall be used to review and resolve allegations of harassment. This procedure has both formal and informal routes of resolution, and it is the County's intent to resolve complaints at

the lowest step in the process beginning with the informal step. In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately notify the offending party that harassment is not appropriate and will not be tolerated and shall immediately report the incident to the department head or Personnel officer. The County takes a proactive approach to potential Policy violations and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

The County will take reasonable steps to protect the complainant and other employees who participated in the investigation from harassment, discrimination, or retaliation.

Some people may not be aware that their behavior is offensive or potentially harassing. Often simply advising someone of the offensive nature of his or her behavior will resolve the problem. Whenever possible, an employee who feels he or she is being harassed should inform the harasser that his or her behavior is unwelcome, offensive, in poor taste, or highly inappropriate. If this does not resolve the problem or if an employee feels uncomfortable, threatened, or has difficulty expressing his or her concern, the complaint procedure should be used. In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately notify the offending party that harassment is not appropriate and will not be tolerated.

1. Any employee subjected to or witnessing any form of harassment should immediately report such activity to his or her non-involved supervisor, department head, Personnel Officer, or directly to the CAO. Employees do not need to follow the chain of command

A supervisory employee receiving a complaint of harassment shall report harassment cases promptly to his or her department head orally and in writing by the end of that working day. The department head is required to report the matter orally and in writing to the Personnel Officer as soon as is practicable. Such reports to superiors and to the Personnel Officer are to be made regardless of how knowledge of the case was acquired.

The Personnel Officer and department head shall fully inform the employee of his or her rights and obligations; immediately conduct a thorough, objective, and complete investigation of the alleged harassment; and submit to the CAO a report setting forth the facts of the case and a recommendation for action. This investigation may involve use of the Police Department or other law enforcement agencies.

The department head and the Personnel Officer shall have full authority to investigate all aspects of the complaint. If the complainant's department head is the alleged perpetrator, the Personnel Officer and the CAO shall conduct or oversee the investigation.

The Personnel Officer and department head shall fully inform the employee of his or her rights and obligations; immediately conduct a thorough, objective, and complete investigation of the alleged harassment; and submit to the CAO a report setting forth the facts of the case and a recommendation for action. This investigation may involve use of the Police Department or other law enforcement agencies.

2. All complaints will be handled in a timely and confidential manner. In no event will information concerning a complaint be voluntarily released by the County to third parties or to anyone within the County who is not involved with the investigation, nor will anyone involved be permitted to discuss the subject outside of the investigation or resulting disciplinary action. All

employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting an investigation.

3. At the conclusion of the investigation, and after the statement of findings and remedial action has been reviewed by the department head, the Personnel Officer, the CAO, and legal counsel, the results of the investigation and the nature of the disciplinary action will be communicated by the CAO to both the complainant and the offender. If the complainant is dissatisfied with the findings or the proposed remedial action, the complainant may, within five (5) working days of such meeting, submit a written request for reconsideration. Within ten (10) working days of receipt of that request, the department head, the Personnel Officer, and the CAO will hold a meeting with that complainant.
4. Upon a finding that a County official or employee has engaged in harassment as defined in the policy, the County shall take prompt and appropriate remedial action up to and including termination of employment.

The County prohibits any form of retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. However, if after investigating any complaint of harassment or unlawful discrimination, the County determines that the complaint is false or malicious, disciplinary action may be taken against the individual who filed the false complaint or who gave the false information.

### **Training**

In accordance with Government Code section 12950.1, all supervisors shall receive harassment, discrimination, bullying and abusive conduct, and retaliation prevention training every two years. Newly appointed supervisor must receive this training within six months of appointment.

### **Dissemination of Policy**

All employees will receive a copy of this Policy when they are hired. Employees will be required to sign a form confirming that they received a copy of the Policy. The Policy may be updated from time to time and redistributed.

## **2.3 Workplace Safety from Substance Abuse**

### **Purpose and Intent**

Employees and the County have a mutual obligation to ensure a safe and healthy work environment, and to perform work for the public safely, effectively, and efficiently. This policy is instituted to ensure that the workplace be free from the influences of alcohol and drug use by its employees.

The County recognizes that drug and alcohol abuse may be considered treatable illnesses and, to the extent possible, the response to these illnesses may be treatment and rehabilitation. Employees are encouraged to seek assistance from the Employee Assistance Program.

It is recognized that when employees have placed themselves in a situation where their ability to perform their duties is impaired by drugs or alcohol or their safety or safety of fellow workers is at risk due to such impairment, they shall be subject to discipline, up to and including termination.

Disciplinary action against an employee for off-duty conduct shall not be taken unless such conduct directly impairs the employee's on-the-job performance or involves the use of County property.

### **Prohibited Substances**

Drugs shall be defined as those substances whose dissemination is regulated by law, including but not limited to narcotics, depressants, stimulants, hallucinogens, marijuana/cannabis, and alcohol. This definition shall include over-the-counter drugs and/or drugs that require a prescription or other written approval from a licensed physician or dentist for their use. Recommended use of medically prescribed drugs is not a violation of this policy if directions are followed properly and no abuse is present. Employees must notify their supervisor before beginning work when taking recommended prescription drugs which may interfere with the safe and effective performance of their duties.

### **Procedure**

1. In the event there is reasonable suspicion to believe that an employee's job performance may be impaired by drugs or alcohol, the employee's supervisor shall question the employee with regard to the behavior. The supervisor shall directly observe the employee's behavior and document the behavior. Indications of impaired behavior may include but are not limited to the following: staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment, possession of alcohol or drugs, or any unusual or abnormal behavior.
2. When possible, a second managerial employee shall also observe the employee to verify that there is reasonable cause to believe that drug or alcohol consumption may be involved. A determination shall be made as to whether or not the employee's behavior is impaired to the point of being unable to perform his or her duties effectively and safely. The employee shall be relieved of his or her duties by a supervisor and placed on suspension in a with or without pay status until a clear determination can be made as to the abuse or non-abuse of drugs or alcohol.
3. If it is concluded that there is reasonable cause to believe that drug or alcohol consumption is involved, the supervisor or appropriate manager shall request the employee to remain on the premises for a reasonable period of time until an authorized County representative can

arrange transport of the employee from the work site to the employee's residence. Refusal to remain on the premises until transportation can be arranged shall constitute insubordination.

4. An employee who is the subject of an investigation related to substance abuse may have a representative or another employee present during the investigative procedures outlined. Disciplinary actions taken by the County under this procedure shall be subject to the grievance procedure.
5. The County reserves the right to search, without employee consent but with probable cause, all areas and property in which the County maintains full or joint control with the employee for the purposes of detecting alcohol or illegal drugs or substances. Areas in which the County maintains full control include but are not limited to all County owned properties and buildings and County owned and/or leased equipment and vehicles. Areas jointly controlled by the County and the employee include but are not limited to desks, lockers, file cabinets, office cabinets, and bookshelves. The County may notify the appropriate law enforcement agency if it is believed that an employee may have illegal drugs in his or her possession.

### **Employee Responsibilities**

An employee must:

1. not possess, use or be under the influence of alcohol, or controlled substances during compensated working hours or while subject to duty on paid stand-by time. Exceptions shall be made for social functions;
2. not report to work or be subject to duty on paid stand-by time while his or her ability to perform job duties is impaired due to alcohol, substance or drug use;
3. not directly or through a third party sell or provide illegal drugs or substances to any person or to any other employee while on County compensated time or while wearing a County uniform;
4. notify his or her supervisor before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of County equipment.

### **Management and Supervisory Responsibilities**

1. Managers and supervisors are responsible for consistent enforcement of this policy.
2. It shall be the responsibility of supervisors at every level to encourage employees to seek professional assistance when deteriorating or unsatisfactory job performance does not respond to usual supervisory actions, or when a specific on-the-job incident is cause for concern.
3. Managers and supervisors must deal with suspected offenders as discreetly, inconspicuously, and confidentially as possible.

## **2.4 Americans with Disabilities Act**

**PURPOSE:** To provide a reasonable policy and procedure that will ensure:

1. Equal opportunities for disabled persons to participate in and benefit from services, programs, or activities sponsored by the County.
2. A bias-free environment for disabled employees, or for disabled persons who seek employment with the County.
3. Prompt an equitable resolution of complaints alleging discrimination on the basis of a disability.

### **Statement of Policy**

It is the policy of the County of Siskiyou not to discriminate on the basis of age, ancestry, color, marital status, national origin, political and/or union affiliation, race, religion, sex, sexual orientation or disability in employment or the provision of services. It is the intent of the County to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of County services, programs, or activities, and to allow disabled employees a bias-free work environment. The County, upon request, will provide reasonable accommodation in compliance with the Americans with Disabilities Act (ADA) and with the Fair Employment and Housing Act (DFEH) disability protections.

The County is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, upon reasonable notification the County will provide auxiliary aids and services (interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, help in filling out forms, and other similar services and actions) if necessary and if such reasonable accommodation can be provided without undue hardship to the County. Disabled persons may request the auxiliary aids and services of their choice which will be given primary consideration. Communication of accessibility will be included in County public announcements.

The County has a commitment to ensure equal opportunities for disabled County employees. Every reasonable effort will be made to provide an accessible work environment and additional accommodations including auxiliary aids and services. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination) will be administered so as not to promote discrimination of disabled employees.

Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation will be provided upon notification during an application/interview process.

The County is also committed to ensure equal opportunity for disabled persons to participate on boards and commissions. With reasonable notification, board and commission meetings will be held in accessible locations, requested auxiliary aids will be provided, and accommodation provided during the selection process of board and commission members. Through the recruitment process, the County will actively seek and invite the participation of board and commission members who are disabled.

All future construction and renovation of County-owned buildings and facilities will be carried out in accordance with Title 24 of the state of California and ADA Accessibility Guidelines (ADAAG).

In the event citizens, employees, or other participants in the County's programs, services, and activities feel the County has violated their rights under the ADA or DFEH, this policy provides a grievance procedure for handling such complaints.

County staff will be trained to ensure that disabled persons may participate in and benefit from County programs, services, and activities.

### **Grievance Procedure**

The County of Siskiyou follows an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Equal Employment Opportunity Commission (EEOC) regulations implementing Title I of the ADA and the U.S. Department of Justice regulations implementing Title II of the ADA. Title I of the ADA states that "no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." Title II of the ADA states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Complaints should be addressed to: ADA Coordinator, County of Siskiyou, PO Box 750, Yreka, CA 96097; (530) 842-8003. The ADA Coordinator has been designated to coordinate ADA compliance efforts. He or she shall maintain the files and records of the County relating to the complaints filed and ensuing investigations.

1. A complaint may be filed either in writing or verbally. It shall consist of the name and address of the person filing it or on whose behalf it is filed; the date, time, and location of the incident; the name(s) of the alleged offender(s), if any; the names of the witness(es), if any; and a brief description of the alleged violation of the ADA regulations. A complaint shall be filed within three hundred (300) calendar days after the complainant becomes aware of the alleged violation.
2. An investigation, as may be appropriate, shall follow a filing of complaint. The ADA Coordinator, or the designee of the ADA Coordinator, shall begin the investigation within ten (10) calendar days following the filing of complaint. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, an opportunity to submit information relevant to such investigation.
3. A written determination as to the validity of the complaint and a resolution of the complaint, if any, shall be issued by the ADA Coordinator and a written copy mailed to the complainant within thirty (30) calendar days following the filing of the complaint.
4. The complainant may request a reconsideration of the case determination of the ADA Coordinator in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within ten (10) calendar days following the date the complainant receives the determination of the ADA Coordinator. The request for reconsideration shall be made to the CAO, the County of Siskiyou, PO Box 750, Yreka, California 96097 (530) 842-8005. The CAO shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information. The CAO shall issue his or her decision on the request for reconsideration within twenty (20) calendar days of the

filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant.

5. The complainant may request a reconsideration of the case determination of the CAO in instances where he or she is dissatisfied with the decision of the CAO. The request for reconsideration should be made within ten (10) calendar days following the date the complainant receives the determination of the CAO. The request for reconsideration shall be made to the County Board of Supervisors through the County Clerk, or the designee of the County Clerk, County of Siskiyou, P.O. Box 338, Yreka, CA 96097. The County Board of Supervisors shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information and shall issue its decision thereon within thirty (30) calendar days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant.
6. The complainant has a right to pursue remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate state and/or federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time during the appropriate statute of limitations (EEOC - 300 days; DFEH - 365 days). Proceedings initiated with the County's ADA Coordinator need not be exhausted prior to instituting an action under this paragraph.
7. These policies shall be construed to: 1) protect the substantive rights of interested persons, 2) meet appropriate due process standards, and 3) comply with the ADA and implementing regulations.

## **2.5 Nepotism**

**PURPOSE:** To establish a hiring and employment policy for the employment and promotion of immediate relatives in order to ensure the reality and appearance of fairness in the best interest of the County.

### **Statement of Policy**

It is the County's policy that immediate family will not be hired in regular full-time, regular part-time, temporary, or seasonal positions where:

1. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
2. One relative would be responsible for auditing the work of the other.
3. Other circumstances exist which for business reasons of supervision, security, or morale, both relatives would not be allowed to work in the same department, division, or facility if the work involves potential conflicts of interest or other hazards greater for related individuals than for other persons.

Where business necessity requires the limitation of employment opportunity of spouses, the means chosen to meet the business necessity shall be those which have the least adverse impact on spouses or members of either sex. For example: The exclusion should be limited to the job, work crew, shop, or unit where the reason for exclusion exists and should not bar the person from the whole workforce unless the reason applies to the whole workforce. When it is necessary to exclude a person because of what his or her spouse does, then a determination will be made by the Personnel Officer, department head(s) and other pertinent employees, if any, as to which spouse shall continue employment. The County may require one spouse to quit 60 days after marriage if he or she is in violation of this policy and a mutually agreeable solution cannot be reached between the County and the employees.

### **Definitions**

Immediate Family includes spouse, child, parent, brother, sister, grandparent, aunt, uncle, parent-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandparent-in-law, grandchild or the spouse of any of these family members. This policy also shall apply to persons related by blood or marriage residing in an employee's home and those persons considered dependents, as identified by the Internal Revenue Service, whether residing in the home or not.

## **2.6 Smoking within County-owned Facilities**

**PURPOSE:** To respond to the increasing evidence that tobacco smoke creates a danger to the health of persons who are present in a smoke-filled environment and to establish County policy to regulate the use of smoking materials by County employees while on duty. Every attempt will be made to obtain to the greatest extent possible freedom for the non-smoker from the harmful effects of smoking materials such as odor and allergic substances while preserving a reasonable degree of freedom for those who choose to smoke.

### **Statement of Policy**

In order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, smoking in County offices, facilities, and vehicles is prohibited.

**Smoke** or **smoking** as used in this policy shall mean and include the smoking or carrying of any kind of smoking materials.

Smoking will be restricted to designated outdoor areas. No smoking in County vehicles.

Smoking shall further be prohibited in the County Courthouse, including all counter areas frequented by the general public, in all meeting rooms used by County staff, in all stairways and restrooms, and in all work areas where non-smokers and/or sensitive equipment may be subject to the effects of smoke.

Areas designated for smoking may change from time to time to meet the needs of the County and desires of its employees and the public. In the event there is a conflict about the establishment of a smoking area, the right of the non-smokers to breathe clean air free from smoke shall supersede the right to smoke.

Signs prohibiting smoking shall be conspicuously posted in every facility and major work area where smoking is prohibited. Smoking breaks are to be confined to the affected employees lunch period or rest break.

### **Procedure**

The effectiveness of this policy shall depend largely on the understanding and willingness of all employees to abide by its provisions and to request others to do so. Smokers must consider the health concerns and comforts of their non-smoking co-workers and non-smokers must consider the freedom of choice of the smoker.

It shall be the responsibility of each employee to abide by the policies and regulations contained in this policy, and it shall be the responsibility of the affected department head to see that the policy is applied in an equitable manner and adhered to by all employees.

Complaints of violation of the policy should be directed to the department head responsible for the particular work area or facility involved in the complaint. The department head shall be responsible for notifying the violator of the pertinent portions of this policy.

## **Section 3: Employment Policies**

### **3.1 Hiring Process**

**PURPOSE:** To establish a policy and procedure for all phases of the hiring process.

#### **Statement of Policy**

The Personnel Officer will administer and coordinate the hiring process for all position vacancies to ensure compliance with contractual, legal, and equal employment opportunity requirements.

The following procedures will be adhered to by all departments in announcing position vacancies. The departments of Human Services and Child Support Services are covered by Merit System Personnel Standards of the California State Personnel Board and shall not be obligated to adhere to sections of this policy that conflict with those Standards. Where conflicts arise between this policy and Merit Systems, the Merit Systems Personnel Standards shall supersede and take precedence. When conflicts are not present, Human Services and Child Support Services will comply with the requirements of this policy.

#### **Recruitment**

Applications shall be accepted by the Personnel Office only if there is a current vacancy in a County position or if the classification has been determined to be continuously open for recruitment by the Personnel Officer. An interest card may be completed by individuals seeking employment for a position that currently is not vacant. That interest card will remain on file for six months.

1. The Personnel Office will be notified of all potential openings for recruitment. All departments must submit a Request to Fill a Vacant Position form.
2. The affected department will be asked to assist the Personnel Officer in formulating the job announcement, ads, and in determining applicant sources.
3. A determination will be made by the Personnel Officer, in cooperation with the affected department, whether to accept in-house candidate applications only (In-House Recruitment) or whether outside candidates (Open and Promotional Recruitment) will be considered for employment also.
4. The County may terminate a recruitment at any time. Applicants shall be notified that no further activity on their application will take place as a result.

#### **In-House Recruitment**

At the written request of the appointing authority, the Personnel Officer may limit certification to current employees of the particular department provided such request is made prior to any certification for the vacancy.

The Personnel Officer may limit certification to current County employees. If the department head, after interviewing those certified, determines that other candidates should be reviewed, the Personnel Officer shall provide a list of certified candidates solicited from the general public.

1. In-house candidates will mean any employee of the County of Siskiyou whether probationary or permanent.

2. In-house recruitments may be restricted to one department or unit when the classification only resides in this department or unit. The Personnel Office will notify appropriate department(s) or unit(s) of the job announcement for a minimum of three (3) work days.
3. Applications shall be submitted to the Personnel Office using the County internal application form. Applications will not be accepted at any other location unless specified by the Personnel Officer.
4. No applications for a position will be accepted after the closing date unless prior approval has been granted by the Personnel Officer.
5. Applications of all candidates shall be available for review by the affected department prior to scheduling candidates for testing and interviews. The hiring department and the Personnel Officer will screen all applications received to determine qualification for the position to be filled.

### **Open and Promotional Recruitment**

1. Ads for local newspapers, trade publications, and professional journals will be developed and placed by the Personnel Office staff with assistance provided by the affected department. Funding of all advertisements in local newspapers will be accomplished through the personnel budget. Funding for advertisements in other sources will be the responsibility of the department.
2. The Personnel Office staff will maintain interest cards for possible candidates. These candidates will be contacted by U. S. mail to determine current interest in County employment prior to the closing date listed on the employment notice.
3. The County reserves the right to use the services of any private employment agency, either employer or employee paid.
4. Applications shall be submitted to the Personnel Office using County employment application forms. In-house candidates interested in applying for another position within the County should follow these same procedures. Applications will not be accepted at any other location unless specified by the Personnel Officer.
5. No applications for a position shall be accepted after the published closing and/or receipt date. Postmarks are not acceptable. A faxed copy shall be accepted only as a place holder. The original application must follow immediately in the U. S. Mail for the applicant to be considered. If there are insufficient qualified candidates at the closing date, the position shall be re-opened and re-advertised.
6. Applications of all candidates will be available for review by the affected department and Personnel Officer prior to scheduling candidates for testing and interviews. The hiring department will screen all applications received to determine qualification for the position to be filled.

### **Applicant Disqualification**

Applicants may be disqualified for consideration for employment when any of the following facts are evident:

1. They do not possess the qualifications for the job.

2. They have demonstrated an unsatisfactory employment record or personal record as evidenced by information contained on the application form or by reference check.
3. They have made false statements on any material fact or practiced deception in their application.
4. They are physically, mentally or otherwise unable to perform the essential functions of the position.
5. The applicant is not within the legal age limits prescribed by law.

## **Testing**

1. Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required, and resources available.
2. The examination may consist of application review/oral interview, a structured questionnaire, practical tests, written tests, in-basket exercises, an assessment center, or such other methods as deemed necessary and appropriate. In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills, and abilities for the position. All tests for the same position in the same recruitment shall be the same.
3. The examination contents shall be developed by the Personnel Officer with assistance provided by the affected department. Examination contents are confidential and are not to be disclosed to any candidates prior to the examination. Outside consultants and/or Subject Matter Experts (SMEs) may be contacted to assist with test development or recruitment.
4. The testing process will be administered by the Personnel Office staff unless otherwise delegated by the CAO. Employees seeking promotional opportunity may test on county time or request to test during a time when not scheduled to work. An employee on sick leave is ineligible for this consideration.
5. The Personnel Office staff shall ensure that all testing is based on bona fide occupational qualifications. Test results shall be monitored continually. Any test results, where a significant number of applicants fail to receive a passing score, will be re-evaluated for content. This process may include having several employees currently serving in a classification covered by the test take the test for validation.
6. The Personnel Office staff shall ensure that reasonable accommodations are made in test procedures to ensure that persons with disabilities may be tested in an appropriate manner. The following are some of the ways in which the County may accommodate an applicant with a disability: replace written tests with on-the-job tests or verbal testing, enlarge print in exams, use amplification devices and/or interpreters, and allow a candidate additional time to complete his or her responses.
7. The Personnel Officer shall inquire in testing announcements whether the applicant requires an accommodation.
8. Test dates, or approximate dates if exact date is not established at the time the recruitment begins, will be listed in the job announcement allowing candidates to identify if a scheduling conflict exists at the time applications are submitted.
9. Test scores will be combined with the scoring from the Oral Review Board for final consideration. The test score and the averaged scores from Oral Review Board panel

members will be weighted at 50% each. Oral Review Board panel members will not have test score results available to them until after the eligibility list is compiled. Calculation of the two combined scores will be done by the Personnel Officer or designee. Applicants must have a final score of 70% or more for placement on the eligibility list.

## **Interview Process**

The employment interview is a supplement to and part of the selection process. The primary function of the interview is to obtain data or information regarding certain knowledge, skills, and abilities of a candidate not available through review of resumes or other testing mechanisms. Certain guidelines will be observed to maximize the validity and reliability of the interview process as well as ensure the adherence to current EEOC requirements. There may be two or more types of interview panels. The oral review board interviews all successful candidates and establishes the eligibility list. The recruiting department then has the option of interviewing selected candidates from the list. Both activities must meet the approval of the Personnel Officer. Oral review board dates, or approximate date if an exact date is not established at the time the recruitment begins, will be listed in the job announcement allowing candidates an opportunity to identify if a scheduling conflict exists at the time applications are submitted.

1. The hiring department, in coordination with Personnel office staff, shall coordinate the interview process including selection of panel members, scheduling candidates, development of interview questions, and any other activities as deemed appropriate.
2. The interview panel will be selected and confirmed by the hiring department with input from the Personnel staff. Generally, no more than three individuals will serve on the interview panel. The composition of the interview panel generally shall consist of County personnel or other qualified individuals who have expertise with the technical elements of the position. Relatives or personal friends of the applicants will be excluded from serving on the panel.
3. Reasonable accommodation shall be made for disabled applicants to allow participation in the interview process provided the applicant has notified the Personnel Office staff of this request at the time an interview appointment is scheduled.
4. The Personnel Officer and the department head of the department in which the position vacancy exists (the CAO in vacancies involving department heads) shall be responsible for the development of interview questions and standards for measurement of candidate responses. Consistency will be maintained in the questions asked of all candidates. The questions must be job related and based on the analysis described above. Questions will be designed to measure job knowledge, experience, and education, or to solicit responses which reflect those personal traits which are job related. Questions which pertain to age, ancestry, color, marital status, national origin, political and/or union affiliation, race, religion, sex, sexual orientation, or other inquiries which tend to directly or indirectly disclose such information are prohibited. Any questions that would indirectly divulge an applicant's age, national origin, or other discriminatory factor shall be made in strict accordance with law.
5. The representative of the hiring department will inform the interview panel of the responsibilities and requirements of the position to be staffed. Copies of the applications of final candidates will also be provided to the interview panel members along with interview questions. A representative of the Personnel office will meet with panel members prior to the interview for an orientation on appropriate interview and assessment techniques needed to evaluate each

candidate objectively. The department head or designee also may meet with the panel to brief them on special skills or attributes the successful candidate should possess.

6. Each panelist will score the candidates independently.
7. Following the interview, the interview panel shall attempt to reach consensus. Any scoring with more than a ten-point differential--high to low--shall be discussed to bring the panel scores within this recommended ten-point spread and report in writing the interview results and recommendations to the Personnel Officer. The final top candidates, including their strengths and weaknesses, will be reported. An interview does not guarantee placement on the eligibility list.
8. The Personnel office staff shall establish a list of eligible candidates for a job vacancy.

### **Establishment of Eligibility Lists**

1. The Personnel Officer, when necessary, shall establish and maintain eligibility lists of applicants who have passed required examinations and/or have otherwise been determined to be eligible for specific classes. Such eligibility lists shall contain at least the following information: the names of the eligibles, the examination scores, if applicable, and the geographical areas in which the eligibles are willing to work.
2. Where an adequate employment eligibility list is not available for a classification, the Personnel Officer may certify the names and scores of the eligibles from a related class eligibility list.
3. An eligibility list shall be effective from the date on which it is approved by the Personnel Officer.
4. All eligibility lists shall be valid for twelve (12) months unless otherwise extended or shortened by the Personnel Officer in which case notification shall be sent to those individuals on the eligibility list.
5. If there are three (3) or less names on any eligibility list, the Personnel Officer may consider that list to be exhausted.

### **Merging Eligibility Lists**

1. The Personnel Officer may supplement an eligibility list for a class whenever it is deemed necessary or upon the request of the appointing authority.
2. When a supplemental eligibility list is merged with an existing list, the names shall be placed on the new eligibility list according to highest scores.
3. Persons whose names appear on a merged eligibility list shall retain eligibility until the date the original eligibility list will expire.

### **Placement on Eligibility Lists of Previous Employees and Eligibles Not Hired**

1. Any person previously employed in a permanent position by the County who separated in good standing shall have the right to placement on an eligibility list for the same class in which previously employed with that previous employee's most recent examination score provided that:

- a) The previous employee submits a new application form which is approved pursuant to the current application procedures.
  - b) The minimum qualifications for the class have not changed requiring additional qualifying training or experience since the employee's last appointment to that class.
  - c) The examinations, scoring procedures, and passing points for the examination for that class have not changed since the previous employee was last examined for that class.
  - d) It has not been more than eighteen (18) months since the previous employee's separation from employment in the class.
2. Employees voluntarily seeking consideration for appointments including promotions, transfers, and reappointments to positions in classes other than that of their currently held position shall submit applications, meet the minimum qualifications, and pass any required examination prior to placement on any eligibility list.
  3. Current employees voluntarily seeking consideration for a lateral transfer from one department to another while remaining in the same classification may have the examination waived if approved by the appointing authority.
  4. Any person who has been previously placed on any eligibility list and not hired from that eligibility list and whose term of eligibility on the eligibility list has expired may be placed on the new eligibility list for that class at the discretion of the Personnel Officer provided that:
    - a) The individual submits a new application approved according to the current application procedures.
    - b) The minimum qualifications for the class have not changed since the individual was first placed on the eligibility list.
    - c) The examinations, scoring procedures, and passing points for the class have not changed since the individual was last examined for the class,
    - d) It has not been more than eighteen (18) months since the individual was last examined for the class.

### **Removable of Eligibles from Eligibility Lists**

Eligibles may be removed from eligibility lists by the Personnel Officer for any reason set forth in the following:

1. The eligible has failed to provide notice of any change of name, address, telephone number, or information which would affect qualifications for the class.
2. The eligible has failed to respond within the prescribed time limit when an attempt has been made to contact the individual in writing at the last known address.
3. The eligible has failed to appear for a previously scheduled final selection examination.
4. The eligible has been on the eligibility list for over twelve (12) months.
5. The eligible has failed to pass any phase of a final selection examination.
6. The eligible notifies, in writing to the Personnel Officer, that he or she no longer desires consideration for an appointment.

7. The eligible has failed to respond within a reasonable time to an inquiry to determine if the individual desires continued consideration for an appointment.
8. The eligible has refused an offer of appointment to a given class in a location and/or position meeting other conditions of availability previously indicated.
9. The eligible has been appointed from the eligibility list.
10. The eligible has been appointed to a higher paying class unless the individual has specifically requested to remain on the eligibility list for the lower paying class.
11. An appointed candidate fails to report for duty, without good cause, on the date agreed to by the candidate and the appointing authority.

### **Decertification of an Eligibility List**

The Personnel Officer shall have the authority to abolish an eligibility list or require the reapplication and/or reexamination of eligibles on an eligibility list when:

1. The minimum qualifications for the class have changed.
2. The positions having that classification no longer exist in the County service.
3. The examinations, scoring procedures, or passing points have been changed since those eligible were placed on the eligibility list.
4. For other reasons involving the adequacy of the eligibility list in meeting current needs.

### **Reference Check**

1. Before any offer of employment is extended by the County, a reference check shall be conducted on the final candidate(s). The check shall include verification of employment duties, dates of employment, and last salary earned. Reference checks may be delegated to the affected department.
2. No reference check or background investigation shall be conducted without first notifying the applicant of the investigation in accordance with applicable state and federal regulations.
3. Certain positions may be designated by the Personnel Officer to undergo a thorough background check by a designated individual/agency.
4. Results of the reference check and/or background check will help determine the applicant's fitness.
5. A recommendation for hire will be forwarded by the department head to the Personnel Officer for final approval.

### **Applicant Notification**

1. Any of the qualified applicants may be offered the position. After careful consideration, the department head may recommend for hire any one of the candidates on the eligibility list.
2. After references are verified and a final decision reached, the Personnel Officer shall notify the candidate of the department's selection, make an employment offer in writing, and request that the offer be accepted or rejected within a set number of days. No offer of employment may be made to any applicant until after the specified deadline for that position has passed and

sufficient time has elapsed for the processing of applications, administration of exams, and the certification and referral of applicants.

3. If the first offer is rejected, the department head will select another candidate from the eligibility list. In the event the eligibility list contains fewer than three names, a decision may be made to recruit for a new list of candidates.
4. Once a candidate accepts the employment offer, all other candidates shall be notified in writing by the Personnel Officer that they were not selected for the position.

### **Appointment**

1. For all positions, an employment confirmation letter shall be forwarded to the selected candidate outlining the terms of employment. The letter shall be prepared and mailed by the Personnel Officer in cooperation with the affected department.
2. After the candidate has accepted the position, a Personnel Action Form (PAF) will be prepared for the new employee by the hiring department.

### **Applicant Expense**

1. The County shall not reimburse any applicant for travel costs in conjunction with the hiring process unless the Board of Supervisors has specifically authorized this expense.
2. Relocation costs shall be paid in full by the employee unless the Board of Supervisors has specifically authorized this expense.
3. The applicant should be advised of Items 1 and 2 above before reporting for the interview and accepting employment.

### **Extra Help**

Appointments of candidates to provide additional help above that provided by regular permanent positions may be allowed provided adequate funds are available for such purpose in a department's budget.

The classification for such extra help employees shall be determined by the Personnel Officer based on the department head's request and the duties assigned the position.

The maximum duration of employment for all extra help appointments shall be 866 hours per fiscal year. Where the hiring authority demonstrates a compelling need to retain an individual on extra help status, the Personnel Officer may authorize an extension. Such extension will be subject to CalPERS regulations.

Steps 1-7 listed under **Recruitment** section of this policy will be adhered to in the recruitment of extra (temporary) help. A letter requesting permission to hire an individual as an extra help employee shall be sent to the Personnel Officer for approval. Extra help employees shall be selected off an established eligibility list, however, former employees are excluded from this provision. Exceptions must meet the approval of the Personnel Officer.

### **Emergency Appointments**

In the event of an emergency condition such as a fire, flood, earthquake, or other public calamity which threatens public life or property, the CAO or designee may employ such persons as may be

needed for the duration of the emergency without regard to the personnel ordinance or policies affecting appointments. Such appointments shall be reported to the Personnel Officer as soon as possible.

## **3.2 Employee Orientation**

**PURPOSE:** To establish a policy and procedure for processing new County employees.

### **Statement of Policy**

All new regular full-time and regular part-time employees of the County will be scheduled to meet with representatives from the Auditor's and Personnel offices on the first day of employment and are in a paid status.

The Auditor representative and Personnel Officer will distribute and explain the various enrollment and benefit forms that must be filled out.

Each new employee will be provided with information on employee benefits, County policies, operations, and information on employee organizations.

The hiring department provides additional information to the new employee, including:

- A. Work standards and regulations
- B. Hours of work, timecards or reports, leave requests
- C. Duties of the position
- D. Safety rules and procedures, location of safety or protective equipment
- E. Tour of the work area, including location of equipment, supplies, etc.
- F. Introduction to co-workers
- G. Schedule for lunch and breaks
- H. When and to whom to report absence from work
- I. Performance planning and review

### 3.3 Employee Separation

**PURPOSE:** To establish procedure for employee separation with the County by service or disability retirement, resignation, probationary period release, or layoff. The procedures are designated to provide the least disruption and inconvenience to the employee and the County.

#### Statement of Policy

**Service Retirement** is voluntary termination after having satisfied the age and length of employment requirements of the Public Employees Retirement System (PERS) procedures for applying for retirement benefits.

**Disability Retirement** is voluntary or involuntary termination necessitated by an injury or illness which renders the employee incapable of performing his or her usual job. The termination is preceded by a memo, letter, or resolution advising of the disability ruling, date of termination, and supporting documentation. PERS rules shall be followed in all aspects of this process.

**Resignation** is voluntary termination for any reason other than formal retirement. An employee wanting to leave the County in good standing shall provide a written resignation to his or her immediate supervisor with as much advance notice as possible and at least 14 calendar days prior to the effective date of resignation. The resignation letter should include the reason for leaving as well as the proposed effective date. Two weeks' notice is understood to mean that the resigning employee will be available for work during this time. Exceptions to these requirements may be granted by the department head.

A resignation shall be effective on the date specified in the employee's notification. If an employee fails to provide notice, the effective date of the resignation shall be the date provided the Personnel Officer by the appointing authority. An employee, after having provided notification, wishing to change the effective date or rescind the notice may be allowed to do so at the discretion of the department head in conjunction with the Personnel Officer.

**Probationary Release** is discharge of an employee during the established probationary employment period. A newly hired employee may be released at any time during the initial probationary period when the individual's work performance is found not to meet the required standards for the position or for any other job-related reason. A probationary release occurs only after the supervisor has held a consultation with the Personnel Officer.

**Layoff** is termination of an employee by the County for lack of work, lack of funds, or other changes that have taken place. A reduction in force is accomplished in accordance with labor contracts. Work schedules shall be planned to keep periodic or recurring layoffs to a minimum.

The County shall give equal consideration to an employee's ability and performance of the duties required in the job and to an employee's length of continuous service with the County in the classification. In applying this provision, where qualifications, experience, and performance are equal, seniority shall govern. Every effort will be made to transfer an employee to other departments when a position is open for which the employee is qualified.

The order of termination for layoff shall be by employee status categories and shall be as follows:

1. Emergency employees

2. Student interns
3. Extra help employees
4. Provisional employees
5. Probationary employees
6. Permanent part-time employees working less than 20 hours a week, based on seniority.
7. Permanent part-time employees working more than 20 hours a week, based on seniority.
8. Permanent full-time employees based on seniority.

Seniority rights shall be based on all continuous County employment in a permanent position within the affected class without a break due to separation, subject to the provision contained in these policies. Rights to transfer and/or demote shall be within the employee's department only, unless more seniority is held in the same department in a classification previously held with permanent status.

An employee subject to layoff may submit a written request to be considered for transfer to any vacant position in a class for which the employee meets the minimum qualification as provided in the job specification and as determined by the Personnel Officer provided such class has an equivalent or lower salary range. Equivalent salary range means a range with a maximum salary which is not more than the salary range for the class from which the transfer is sought.

Approval of the appointing authority in that position is required, and the appropriate probationary period will be in effect. Seniority in the new class will be based upon the effective date of the transfer.

An employee subject to layoff may request a voluntary transfer to a vacant position in the employee's current classification or a classification previously held with permanent status. If no vacancy exists in the same department, the employee has the right to transfer to a vacancy in the same or lower level classification previously held with permanent status county-wide. A more senior employee may displace the least senior employee in the same department in a classification previously held with permanent status.

Seniority credit shall not be granted for those periods an employee is on leave of absence without pay in excess of thirty (30) calendar days, due to layoff, or other periods of uncompensated leave, when an employee is in extra help status, or not otherwise occupying a permanent position. When two or more employees have the same seniority, the tie shall be broken, and preference given in the following sequence:

1. employees with the greatest seniority in the class series in the department in which the layoff is being made;
2. total County service; and
3. recommendation of the department head.

The County shall provide an employee with at least two (2) weeks prior notice and will make every attempt to provide for a longer notice period. A laid off employee shall keep the County informed of the mailing address and telephone number where he or she can be contacted.

If the County wishes to recall an employee and is unable to contact the employee via the U.S. mail to the last known mailing address within fourteen (14) calendar days, the County's obligation to recall the employee shall terminate. The County shall have no obligation to recall an employee after he or she has been on continuous layoff for more than two (2) calendar years. Should an employee not return to work when recalled, the County shall have no further obligation to recall him or her.

An employee reinstated to the same position or a position in the same class following layoff from the County will have his or her anniversary period extended by the same length of time as the duration of the layoff.

### **Exit Review**

The supervisor shall schedule an exit review, for regular and probationary employees, with the Personnel Officer prior to the last day of employment.

The Exit Review Questionnaire shall be maintained separately from the employee's official personnel file. Completion of this document by the employee is optional.

The Payroll Department is notified of the employee's separation date via the Separation Report. Employees shall receive pay for work performed through the last hour worked and for unused benefits as stipulated by policy and laws governing such payments.

Termination pay shall be reduced by any authorized legal deductions, authorized pension plan, credit union, tax sheltered annuity, voluntary contribution, union dues, and any other amounts specifically agreed upon orally or in writing by the employee and the County. The employee's signature on the Employee Separation Checklist will signify written authorization for these arrangements.

Before the final paycheck is issued to the employee, the employee shall be required to follow the clearance process outlined on the Employee Separation Checklist. The terminating employee is responsible for ensuring all appropriate items on the form have been addressed. The official date of termination will be the last day in a paid status.

Benefits cease on the last date in a paid status except health benefits which cease on last day of month in which termination is effective. The employee portion of the health benefit premium must be paid for the entire month.

For those employees who are not retiring, the employee's portion of the retirement contribution accumulated in the employee's retirement account may be refundable. Forms required to request this refund are available in the Auditor's office.

All claims for unemployment compensation as filed by a terminating employee shall be processed by Risk Management. Requests for information about unemployment compensation should be forwarded to Risk Management immediately to avoid unauthorized charges against the County's account.

### 3.4 Personnel Records

**PURPOSE:** To establish procedures and responsibilities for the maintenance of employee Personnel Records.

#### Statement of Policy

1. Procedures and responsibilities for the maintenance of personnel records.
  - a. The Personnel Officer shall establish and maintain an official personnel file for each employee of the County. Medical files and workers' compensation files shall be maintained separately in the Personnel office.
  - b. Department heads shall forward documents for inclusion in the Personnel files of those employees assigned to their department.
  - c. Each employee may verify information contained in the personnel file through an audit. A Personnel office representative must be present when the file is audited. Only the Personnel office staff may remove items from the personnel files. The purpose of the audit or inspection is to ensure accuracy and completeness of the file.
  - d. Separate personnel files shall not be maintained by individual departments except as required by the law or POST. A department working file may be maintained and only shall contain the employee's home address and phone number, information for emergency contact, and documents pertaining to employee performance to be used in regularly scheduled performance evaluations. This file is not available for audit by an employee but may be audited by the Personnel Officer.
2. Information to be included in the employee's personnel file:
  - a. Permanent Documents. Documents retained in the folder throughout the association of an employee with the County:
    - i. Employee application
    - ii. Job description and specification information
    - iii. Job performance ratings and evaluations
    - iv. Education/training information
    - v. Personnel data card
    - vi. Payroll/Personnel Forms (PAFs)
    - vii. Discipline documents
  - b. Temporary documents (Personnel). Documents which have limited retention according to the County's retention schedule unless otherwise provided pursuant to labor agreement. Examples include:
    - i. Administrative correspondence relating to leave/vacation requests.
    - ii. All other administrative documents of limited informational time span.
3. Procedures for the release and accessibility of information and audit of the personnel files.

- a. All employee information is confidential except when requested to verify information relating to job title, department, base salary, and dates of employment.
  - b. Information contained in the personnel file (other than items listed in Section 3A) will not be released to the public without the express written permission of the employee. Information contained in the personnel file may be required to be released when subpoenaed or requested in connection with support obligations of the employee.
  - c. Access to information contained in the personnel file will be limited to the CAO, Personnel office staff, respective department heads, immediate supervisor, and the employee. Files pertaining to employees who are bona fide candidates of interdepartmental transfer will be accessible to the prospective department head or designee.
  - d. Each employee folder will contain an entry log for recording every person's access to the records and purpose.
4. Items not included in the official personnel file and/or official Auditor's records of the County may not be used for either promotional or disciplinary proceedings unless the employee falsified time and information.
  5. This policy will be periodically reviewed to ensure compatibility with current accepted personnel procedures and state and federal law.
  6. These records are maintained during the tenure of the employee and in accordance with the County's retention schedule (seven years) after the employee leaves County employment.

### **3.5 Position Descriptions**

**PURPOSE:** To provide for position descriptions for all County positions

#### **Statement of Policy**

Position descriptions and job specifications shall be maintained by the Personnel office for all regular full-time and regular part-time positions.

The position descriptions shall include: Class Title, Effective Date, FLSA Status, Bargaining Unit, EEO Level, Supervision Conditions, Definition, Examples of Duties, Essential Job Functions, Qualifications, Physical Requirements, Working Conditions, Special Requirements, and Licenses.

The position description does not constitute an employment agreement between the County and employee and is subject to change as the needs of the County and the requirements of the job change.

Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omissions of specific statements of duties does not exclude them from the position if the work is similarly related or a logical assignment to the position.

Each employee's position description is maintained as part of his or her personnel file. Additional copies of position descriptions may be obtained through the Personnel office upon request of the supervisor.

Updates or revisions to position descriptions will be handled in accordance with the section on **Reclassification Procedure**.

## 3.6 Performance Evaluations

**PURPOSE:** The functions of the employee performance evaluation are to provide positive recognition of strengths and special abilities and an opportunity to improve deficiencies, to provide an ongoing performance record which may become part of documentation used in making personnel decisions, to provide employees with an opportunity to discuss ways and means for improvement, and to cause current job descriptions to be formulated and/or maintained.

### Statement of Policy

**Probationary Employees.** Employees on probationary employment status shall be evaluated at the midpoint of such status and two weeks prior to the end of the probationary period. Evaluations are to provide probationary employment employees with timely reports of their progress and allow for correction of deficiencies. Prior to the end of the probationary period the employee shall be advised of his or her status (regular or released). Extended probationary employment may be an option but may not exceed twenty-six (26) pay periods unless an extended leave of more than thirty (30) days has occurred.

**Permanent Employees** All personnel shall be evaluated at least once a year. Department heads may choose to evaluate employees more often and employees also may request evaluations more often.

**Employee Anniversary Date List** It shall be the responsibility of each department head to maintain a list of employee anniversary dates and to evaluate his or her employees within the time frame given.

### Process

The immediate supervisor shall complete an Employee Performance Evaluation Form. During this preparation, the employee and the immediate supervisor shall discuss various aspects of completion of the form. When the supervisor has completed the form, he or she shall arrange for a conference. During the conference, the employee and supervisor may discuss each portion of the form and the relationship between the employee's performance of the job and the description of the job itself. The employee and supervisor shall strive to reach a consensus on each section. If there is a disagreement, or consensus is not achieved, the supervisor's comments shall take priority and the employee may, if he or she wishes, use the **Employee Remarks** section to respond. The supervisor and employee shall sign the completed form and the supervisor shall send it to the appointing authority (if other than the supervisor completing the evaluation) for review, comment and signature. It shall be returned to the supervisor, and a copy shall be given to the employee. The signed employee performance evaluation conference report shall be placed in the personnel file and shall remain filed for the length of time required by law or policy.

### 3.7 Date of Hire/Anniversary Date

**PURPOSE:** To establish definitions and a policy for administering the date of hire and anniversary date for County employees.

#### Statement of Policy

**Current Hire** Shall mean the first date in a paid status in a permanent part-time or full-time position.

**Original Hire** shall mean the first date in a paid status in an extra help or permanent position. This date shall not change even when an employee's classification changes or a break in service has occurred.

**Adjusted Service** shall mean the date signifying service credit to the County. It is adjusted to accommodate unpaid leaves of absence, or separation and subsequent re-employment. It does not include extra help employment.

**Seniority** shall mean the first date in a paid status in current classification and initiates the probationary period. The anniversary date shall be established as twenty-six pay periods from this date.

**First Workday** shall mean the first date in a paid status in current classification in current department.

**Last Workday** shall be the last date in a paid status prior to separation from employment with the County.

A regular employee, still in the probationary period, who transfers to another department but remains in the same job classification will have his or her probationary period extended for thirteen pay periods from the date of transfer. The first workday will change; however, seniority will remain unchanged and the merit increase is not affected as long as performance remains satisfactory.

A regular employee who is promoted, demoted, or transferred to a different job classification will have his or her first workday and seniority changed to the effective date of the promotion, demotion, or transfer.

A regular employee returning from a leave of absence without pay lasting 30 days or longer will have his or her anniversary date extended by the same length of time the employee was on leave without pay for purposes of the merit increase. Please refer to the sections on **Medical Leave of Absence** and **Personal Leave of Absence** in these regulations.

There will be no change in an employee's anniversary date in the following instances: Reallocation of an employee's position to a new classification title when there have been no recent, abrupt and/or significant changes in assigned tasks and responsibilities.

### **3.8 Employee Identification Cards**

**PURPOSE:** To establish procedures for the issuance of identification cards to County employees.

#### **Statement of Policy**

It is the policy of the County of Siskiyou to issue employee identification cards to all regular full-time and regular part-time employees. Cards may also be issued to other employees who may require County identification while working in remote job sites. The card contains the following information: photo, employee name, position, and department.

The card should be carried at all times when an employee is acting in an official capacity. The card shall be used as identification, if requested by a member of the public, other agency, or another County employee. It also provides immediate access to emergency information should an employee become injured or incapacitated on or off the job.

Unauthorized or inappropriate use of the employee identification card is prohibited.

#### **Procedure**

Personnel office staff is responsible for the preparation of the identification card. Each employee is responsible for possession of his or her identification card and to take care to protect it from loss, theft, or misuse.

Should a card be lost, damaged, or destroyed, it should be immediately reported to the Personnel office.

All identification cards remain the property of the County and shall be returned to the Personnel office upon termination of employment or by special request by the employee's department head or the Personnel Officer.

It shall be the employee's responsibility to ensure accurate and timely updates of information contained on the employee identification card. All requests for re-issuance of employee identification cards shall be made by the employee to the Personnel office. All old cards shall be returned to the Personnel office before issuance of a new card.

### **3.9 Outside Employment/Incompatible Employment/Dual Employment**

**PURPOSE:** To establish guidelines for outside employment and dual employment within the County.

#### **Statement of Policy**

1. A local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. The officer or employee shall not perform any work, service, or counsel for compensation outside of his or her local agency employment where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of his or employing body, unless otherwise approved by the Board of Supervisors.
2. For purposes of determining those outside activities which, for County employees are inconsistent with, incompatible to, or in conflict with their duties as local agency officers or employees, the following outside employment, activity, or enterprise is prohibited if it:
  - a. Involves the use for private gain or advantage of his or her local agency time, facilities, equipment, and supplies; or the badge, uniform, prestige, or influence of his or her local agency office or employment.
  - b. Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a local agency officer or employee.
  - c. Involves the performance of an act in other than his or her capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the agency by which he or she is employed.
  - d. Involves the time demands as would render performance of his or her duties as a local agency officer or employee less efficient.
3. Subsections 2(a)-(d) shall not be deemed to be exclusive circumstances which may constitute prohibited employment or activity.
4. Officers and employees who engage in the prohibited activities are subject to disciplinary action, up to and including termination.
5. Any officer or employee who is determined to be in violation of the foregoing prohibited activities may appeal such determination of applicability to the County of Siskiyou Board of Supervisors. Said appeal will be heard in accordance with rules of procedure adopted by the Board for the purpose of conducting such appeal hearings.
6. Notice of the foregoing prohibited employment, activity, or enterprise and discipline for violation thereof shall be given to all new County officers and employees at the employee's New Employee Orientation. Notice to presently employed officers and employees shall be provided through the Personnel Officer.

There shall be no conflicting hours of work when a person is employed by two (2) or more County departments or in two (2) or more positions in the same department. Dual employment within the County service shall be subject to review and approval by the Personnel Officer.

## **Section 4: Pay Policies**

### **4.1 Pay Procedures**

**PURPOSE:** To establish a uniform pay period schedule for County employees.

#### **Statement of Policy**

County employees are paid every other Friday.

If a pay day falls on a holiday (i.e., Friday after Thanksgiving), the day of pay shall be the last working day preceding the normal pay day.

Checks and direct deposit receipts are available for distribution to the Payroll Manager in each department in the Auditor's office on the Friday following the close of the pay period. Employees receive, with each paycheck, a statement of earnings, deductions, vacation, sick leave balances, and compensatory time balances for the period covered by the payment.

## **4.2 Payroll Deductions**

**PURPOSE:** To define required and voluntary payroll deductions for County employees.

### **Statement of Policy**

The following deductions are required by law from each employee paycheck:

1. Federal Income Tax withholding
2. State Income Tax withholding
3. Other mandatory tax withholding
4. Retirement contributions (PERS or OBRA).
5. Social Security (as applicable)
6. Deductions authorized by law such as garnishments.
7. Medicare (as applicable)

Additional deductions which are optional and may be requested by the employee include but are not limited to:

1. Deferred compensation.
2. Union dues (if provided in labor agreement)
3. Payment of health insurance premium (if applicable).
4. Payment of dental insurance premium (if applicable).
5. Other authorized employee deductions.

With each paycheck, the County employee receives a statement of deductions and earnings which itemizes the various deductions made, as well as appropriate cumulative totals.

It is the employee's responsibility to maintain current payroll deduction information with the Auditor's staff.

Employees wishing to add or change their payroll deductions should contact the Auditor's Office for an appointment.

### **4.3 Garnishment**

**PURPOSE:** To provide a procedure for handling garnishment of employee's wages

#### **Statement of Policy**

Any notice of garnishment will be received and signed for by the appropriate Auditor's office staff. Garnishment is defined as a legal deduction of a specified sum from wages to satisfy a creditor or other lawful debt.

#### **Procedure**

The Auditor's staff will make the required deductions from the employee's wages and a check for the garnished amount will be written and forwarded to the Creditor as directed.

Auditor's office staff shall provide the employee a copy of the Notice of Garnishment within ten working days of receipt of the Notice.

## **4.4 Timesheets/Preparation of Payroll**

**PURPOSE:** To establish guidelines for preparation of employee timecards and County payrolls.

### **Statement of Policy**

It is the policy of the County to comply with applicable laws that require records to be maintained of the hours worked by employees. To ensure that accurate records are kept of the hours actually worked (including overtime hours where applicable) and of the accrued leave time taken. To ensure that employees are paid in a timely manner, they will be required to record time worked and absences on the County's official time record form. This form should be completed daily and signed and forwarded to the supervisor on a weekly basis.

After reviewing the form and resolving any discrepancies, the supervisor will sign the form and forward it to the departmental payroll technician for processing.

Please ensure that the actual hours worked and leave time taken are recorded accurately. Falsification of a time record is a breach of County policy.

Time sheets, as supplied by the Auditor, are to be completed by all departments. All hours should be charged to the appropriate budget line item.

Auditor's office staff shall compute earnings as well as deductions. Changes in rate, position, and status shall be supported by a PAF approved by the department head or designee and Personnel Officer. The PAF shall be made a part of the personal history record of the employee. No salary change shall be implemented unless accompanied by an approved PAF.

Paychecks will be distributed to the employee's department head unless other arrangements have been pre-approved. An employee's paycheck may be released to the employee's spouse, designated family member, or to another person only if authorized in writing by the employee 48 hours in advance of pay dates.

Payroll records shall be maintained by the County for a minimum of seven years.

Employees may direct inquiries concerning payroll matters to the Auditor's Office staff.

## Section 5 Compensation Policies

### 5.1 Compensation Plan

**PURPOSE:** To establish policy and procedures for compensating County employees

#### **Statement of Policy**

It is the policy of the County and the purpose of this plan to establish a compensation system that will allow the County to effectively compete for qualified personnel and to ensure that salaries are equitable and commensurate with the duties performed by each employee.

The salary schedule shall be adopted by the Board of Supervisors and shall apply to all employees. Employees covered by labor contract shall be compensated as provided in the contract. Copies are available for viewing in the Personnel Office. Subsequent salary range adjustments are subject to meet and confer regulations prior to implementation. Incumbents affected by such adjustments shall retain their step and anniversary date in the new range.

**New Employees:** As recommended by the department head and approved by the Personnel Officer, all employees will ordinarily be paid at Step 1 in the appropriate salary range. Anything above Step 1 must be approved by the County Administrator. Step 1 shall be paid for the first thirteen (13) pay periods of continuous employment for all permanent County employees working one-half time or more. Upon satisfactory performance at Step 1, the employee shall become eligible for an increase to Step 2. Permanent County employees working one-half time, or more shall be eligible for increases to Steps 3, 4, and 5 respectively after satisfactory performance during twenty-six (26) consecutive pay periods at the preceding lower step.

If an employee begins work as a new hire on any day other than the first day of the biweekly pay period, the date from which the length of service shall be adjusted to the first day of that pay period or the first day of the next pay period, whichever is closer.

Whenever a permanent employee working one-half time or more takes an authorized leave of absence in excess of thirty (30) calendar days, the length of service in the current step shall be extended accordingly, and a new anniversary date shall be established.

#### ***Extra Help***

Extra help and permanent employees working less than one-half time shall be hired at Step 1 of the appropriate range for the class and may be granted step increases by the Personnel Officer upon satisfactory performance and at the department head's request. Step increases, however, shall be computed on an hourly basis equal to 2080 hours (one year of full-time employable hours).

Upon request of the department head and approval from the County Administrator or designee, an extra help employee may be hired above Step 1 of the appropriate range.

#### ***Transfers***

If an employee transfers to a different position in the same class or to a different classification with the same salary range, no pay adjustment shall be made and the individual's anniversary date shall remain the same.

## ***Voluntary Reappointment***

Upon a voluntary reappointment, the employee shall continue to receive the same rate of pay if that rate corresponds with a step in the new range. If the employee's rate of pay does not correspond with a step in the range for the new class, the employee's rate of pay shall be reduced to the nearest dollar amount in the new range. If the employee's pay prior to the voluntary reappointment is above the maximum step in the new range, the pay shall be established at the maximum step in the new class. Under no circumstance shall an employee receive a salary increase upon a voluntary reappointment.

- Promotions: See related section in these regulations.
- Demotions: See related section in these regulations.
- Transfers: See related section in these regulations.

Refer to WORKING OUT OF CLASSIFICATION PAY section for **Acting** status or **Out-of-Classification** duties.

**Re-Evaluation:** In the event that the salary of any position is adjusted, and the Board authorizes action which results in an increased or decreased salary range for the position, the employee shall retain his or her current salary within the range or assume the entry level step of the new range, whichever is greater.

**Pay Rates Exceeding Range Maximum:** Any employee whose pay rate exceeds the maximum prescribed for his or her classification as a result of a reallocation of his or her position to a lower classification will not be reduced in pay. The employee will not be eligible for future salary increases until he or she occupies a position for which the salary range maximum is more than the pay rate he or she currently receives. This does not apply to demotions.

**Classification Plan:** Jobs with similar duties and responsibilities are assigned to the same salary level. The Personnel office staff may conduct periodic studies of various jobs when there is an indication the employee is working above or below the established responsibilities for that position. These studies are normally initiated at the request of the department head and are conducted in accordance with the section on RECLASSIFICATIONS.

**Maintenance of the Salary Plan:** The Personnel Officer shall be responsible for the continuous maintenance and administration of the County's Compensation Plan. The review will include an analysis of prevailing rates of pay for similar positions in comparable labor markets, organizations, cost-of-living factors, budgetary considerations, and other related factors. Based on this information, the Personnel Officer shall recommend to the County Board changes to keep the plan current, uniform, and equitable. Such changes shall be approved by the CAO and shall then be submitted in the annual budget to the Board of Supervisors.

Employees shall not conduct salary surveys on County time or equipment without the prior written approval of the Personnel Officer. If a department employee is authorized to conduct a survey pursuant to this policy, the employee shall make arrangements through the appropriate department head.

## **5.2 Reclassification Procedure**

**PURPOSE:** To establish County policy and procedures for the request, consideration and approval of position reclassification.

### **Statement of Policy**

Revision of position descriptions and reallocation within the classification plan shall be made during the budget process. Requests shall be submitted to the Personnel office. A review of the request and a response will be forwarded to the respective department in time for budget consideration and review. Should a reclassification become necessary during the budget year, the Personnel Officer shall make a recommendation to the Board for consideration.

It shall be the duty of the Personnel Officer to examine the nature of all positions and to allocate them to existing or newly created classes, to make changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions, and to periodically review the entire classification plan and recommend appropriate changes in the allocation or in the classification plan.

When a new position is requested by a department head, or the duties of an old position are substantially changed, the department head shall submit the appropriate forms to the Personnel Office including justification for the reclassification, emphasizing changes in position responsibilities or requirements for qualifications. The request will be reviewed by the Personnel Officer. If the request is justified, the budget impact will be determined. If approved, the Personnel Officer will take the necessary steps to effect the reclassification.

If the Personnel Officer does not concur with the request, the department head will be informed of the reasons. If the requested action is for a downgrading of a position, and the CAO concurs, the Personnel Officer shall coordinate implementation steps.

Any employee who considers his or her position improperly classified shall first submit a request in writing for reclassification to his or her department head who shall review the request and transmit it with written recommendation to the Personnel Office. A Job Analysis Questionnaire will be sent to the employee for completion and subsequent review by the Personnel Officer. A change in compensation may come about as a result of reclassification, and due to an overall increase/decrease in the responsibilities of a position, resulting in a salary adjustment for the position.

### **5.3 Working Out of Classification Pay**

**PURPOSE:** To define and delineate circumstances when an employee will receive compensation for the temporary performance of duties in a higher classification that he or she is normally assigned.

#### **Applicability**

The provisions of this policy apply to all employees of the County unless existing labor contracts specifically provide for a more beneficial working out of classification procedure.

#### **Statement of Policy**

1. Compensation for working out of classification is provided as monetary recognition to an employee for the assumption and performance of duties normally performed by an employee of higher classification.
2. The assumption and performance of the duties of the higher classification must encompass the full range of responsibilities of the higher classification. This shall not apply to temporary assignments which are made pursuant to prior mutual agreement between the employee and his or her immediate supervisor for the purpose of providing a training opportunity to the employee for a mutually agreed upon period of time.
3. The performance of such duties must be for more than ten (10) consecutive working days, or the same number of working hours, wherein a need exists to fulfill the duties and responsibilities of the vacant position.
4. Working out of classification compensation shall be allowed only after written recommendation of the department head and concurrence by the Personnel Officer.
5. The employee's compensation will be increased to the starting salary of the higher classification in which the employee is substituting, or five percent (5%), whichever is higher, upon the eleventh (11th) working day. The compensation is retroactive back to the first date of paid duty in the higher classification. Once the period of time for working out of class exceeds 2,080 hours within a three-year period, the employee would be eligible for another five (5%) percent increase in the higher classification in which they are serving.
6. When the assignment is completed, the employee's salary will be re-adjusted to its previous level or the level where it would have attained, including general salary adjustment and within range increases, if the out- of-classification pay had not been made. The employee's date of hire, adjusted service date, and bargaining unit will remain unchanged through- out the temporary assignment. The Department Head, in conjunction with the Personnel Manager, will make the determination as to when the assignment is completed.

## 5.4 Overtime and Compensatory Time Pay

**PURPOSE:** To establish policy guidelines for the recording, utilization, and auditing of overtime and compensatory time performed by employees of the County.

### Statement of Policy and Authority

1. FLSA: This policy shall comply with the provisions of the federal Fair Labor Standards Act (FLSA) pertaining to the minimum rate of compensation for employment in excess of an established work period.
2. The County's responsibility for payment of overtime and the granting of compensatory time is as follows:
  - a. The County is not obligated by statute to grant all employee requests for compensatory time off instead of overtime pay.
  - b. The County is required to compensate overtime as designated under the Fair Labor Standards Act.
  - c. Upon request of the employee, the County may grant compensatory time off in lieu of overtime at its discretion at the rate of one and one-half.
  - d. Compensatory time off may be accumulated however as of December 31, the maximum can be no more than indicated in the applicable MOU.
  - e. Upon transfer from one cost center to another, all compensatory time shall be paid off by the cost center in which the compensatory time was earned.

### Definitions

**Overtime:** Overtime shall be defined as all work performed in excess of the hours permitted under the FLSA work week or as determined by existing contractual agreement. Overtime shall be paid at a rate of one and one-half times the employee's straight time hourly rate.

**Compensatory Time:** Compensatory time is defined as time off granted an employee in compensation for hours worked in addition to the employee's regularly scheduled work week. Compensatory time shall be allocated at a rate of one and one-half times the number of hours worked in excess of the work week.

### Responsibilities

#### *Department Heads*

1. It shall be the responsibility of each department head to equitably administer the provisions of this policy within his or her respective departments.
2. Department heads are the authorized authority for the approval of overtime requests. It shall be the responsibility of the department head to determine whether overtime or compensatory time be granted to the employee. Such departmental overtime policy is to be made known to employees prior to any overtime worked.
3. Department heads shall ensure that all overtime and compensatory time earned and used is recorded on the employee's timecard as it occurs.

4. Department heads will exercise extreme discretion in the utilization of overtime within their departments. Overtime shall be considered necessary only in situations where in additional effort is needed to complete a task.

### ***Individual Employee***

It is the responsibility of the individual employee to request compensatory time in lieu of overtime if so desired. Additionally, it is the responsibility of the employee to ensure that accrued compensatory time is used within the time limitation set forth by this policy.

### ***Auditor's Office***

1. The Auditor's staff shall ensure that a permanent record of overtime/compensatory time accrued and used is kept on all employees based on information provided by department heads, and that the proper financial transactions are completed at the end of each pay period.
2. Upon termination, Payroll staff shall ensure that eligible employees are given credit for all overtime accrued and all unused compensatory time within the limitations established by this policy.

## 5.5 Promotions

**PURPOSE:** To establish a policy for application and appointment to vacant positions by current employees.

Employees are encouraged to apply for any vacancy for which they may qualify in accordance with the section on HIRING PROCESS. Selection of an employee for a promotion (or lateral transfer) is based on past work record, education, knowledge of the job duties, as well as time in service.

No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. Temporary assignments may be made by the department head for a specified time or assignment as necessary. Such appointments are made on an **acting** basis and the employee returns to his or her regular position upon completion of the assignment. The actual salary for **acting** appointments is set by the department head in consultation with the Personnel Officer, pursuant to the section on WORKING OUT OF CLASSIFICATION.

Unless otherwise provided by union contract, whenever an employee is promoted to a higher position, or whenever an employee's position is upgraded, said employee will enter the new grade/position at the entry level of the new position. In the event the entry level step of the new or upgraded position does not provide a pay period salary increase of 5% or more over the pay period rate, the employee shall enter at the next closest step which provides a salary increase of 5% or more. The new pay rate, upon promotion, shall not exceed the maximum of the new pay range. Promotions do not change the person's date of hire. However, the anniversary date for future pay increases will be revised to coincide with the promotion date.

Employees so promoted will be subject to the standard probationary period for the new position, unless specifically waived by the Personnel Officer. If a promoted employee fails to achieve satisfactory performance in the new position, he or she shall have the right, in lieu of termination, to voluntarily demote back to the former class in which permanent status is held.

## **5.6 Demotions**

PURPOSE: To establish a policy for demotions.

### **Statement of Policy**

An employee reassigned to a position in a lower classification regardless of the reason (disciplinary, in lieu of layoff, for reasons of disability or incapacity) will receive a reduction in pay commensurate with the nature of the demotion as determined by the department head in consultation with the Personnel Officer.

Demotions do not change the person's date of hire. The anniversary date for future salary increases changes. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications.

Except when demotion occurs as a result of a disciplinary action, an employee being demoted shall be notified two weeks prior to demotion except in emergency situations. A demotion occurring as a result of a disciplinary action shall be governed by the policies as set forth in the Disciplinary portion of these policies. If an employee was demoted to prevent a layoff situation, and that employee's position becomes open again, the employee shall be reinstated.

Employees demoted to new positions will be subject to the standard probationary period for the new position. Employees demoted to a position in which they had retained permanent status shall not be subject to the probationary period.

## **5.7 Light Duty**

**PURPOSE:** To establish a policy for allowing regular full-time and regular part-time employees to return to work while recovery from an injury or illness.

### **Statement of Policy**

The County strongly feels that it is in the best interest of both the recovering employee and the County to have the employee return to duty as soon as is medically possible. Employees who are capable of working at some level in some capacity following an injury or illness, whether such injury occurred on or off duty, may be assigned to work. When appropriate and applicable, an employee may be returned to light duty, or modified duty, when the nature of the injury is such that the employee is expected to return to full, unrestricted duty in his or her original position. It is important to remember that there may be no light duty available, and that the individual capabilities of the employee determine what duties he or she can accomplish. The determination of the assignment shall be made, adjusted, and terminated by the Personnel Officer in consultation with the department head and Risk Management. Guidelines from the Americans with Disabilities Act also will be followed when applicable.

If light duty is deemed appropriate, the light duty assignment need not be necessarily confined to the employee's specific department. A review of the doctor's release to return to work, the employee's capabilities, and the needs of the County may result in assignment to another department.

The County will write a memorandum to the employee, including limitations as indicated by the treating physician, the nature of the light duty, and restrictions placed by the County. Under no circumstances shall an employee be returned to any light duty position without this memorandum. The first light duty assignment will not exceed sixty (60) calendar days. Directions to the employee, including limitations as indicated by the treating physician, the nature of the light duty, and restrictions placed by the County shall be written at the beginning of the light duty and at thirty (30) calendar days. It shall be the responsibility of the department head to ensure that all mandates of the restrictions are enforced.

The light duty assignment may be extended up to one hundred and twenty (120) calendar days with express approval of the Personnel Officer. Light duty may be extended beyond one hundred and twenty (120) calendar days if approved by the Personnel Officer.

Medical reports from the treating doctor shall be submitted by the employee to the Personnel office on a monthly basis. Reports shall include:

1. The last time employee was evaluated by physician completing report.
2. Condition of the employee as of the date of the report.
3. Prognosis for a full and complete recovery of the employee.
4. Status of light duty.
5. Specific limitations and conditions of light duty employment.

Should this report not be submitted monthly, the conditions of light duty employment may be revoked. Light duty employees are required to follow the restrictions indicated on the physician's release to return to work.

When the light duty assignment is within another County department, the same rate of pay and classification will apply to the light duty employee. Salary costs will be borne by the department in which the employee is working light duty.

Prior to returning to regular duty from a light duty assignment, the employee shall submit a written acknowledgment from the treating physician that the physician has received a copy of the employee's job description and duties and that the employee is able to perform those duties. Any restrictions that may attach to the release shall not prevent the employee from performing the essential job functions assigned to the employee's position.

## 5.8 Flexibly Staffed Classifications

PURPOSE: To establish uniform guidelines for flexibly staffed classifications

### Statement of Policy

Flexible staffing is used to designate classifications in a promotional series in which both the entry and journey level classes are assigned the same kinds of duties, the difference being the range of duties performed, the level of skill required, and the amount of supervision received.

Flexible staffing allows departments to hire at the lower level class in the series, provide on-the-job training, and to promote to the next higher level in the series through a non-competitive certification process once the full range of duties is being performed.

For classes to be designated as flexibly staffed, the following criteria must be met:

1. The lower-level class must be entry level, requiring limited job skills, while the higher-level class must be the full journey/working level in the series.
2. The two levels should be assigned the same type of duties and responsibilities permitting the various tasks to be assigned incrementally with employees in the lower level class initially assigned a limited range of duties to be performed under close supervision. As experience is gained, assignments cover a wider range and a higher level of duties.
3. By the time the experience requirement for promotion is met, the full range of duties should have been assigned, requiring a minimum of supervision. At this time, if the employee can satisfactorily perform the full range of duties, he or she should be certified for promotion to the higher class.

An employee serving in a flexibly staffed position shall be promoted, upon the recommendation of the appointing authority, from the entry level class to the experienced working level class in the same class series. Promotion is accomplished through certification by the department head that the incumbent meets the minimum requirements, has completed the probationary period, is performing satisfactorily at the higher level, and no budgetary limitations exist on the number of positions that can be filled at the higher level in the flexibly staffed series.

If an employee is not recommended for promotion when he or she is eligible, the employee should be advised by the employing department of the reasons why the promotion is not being recommended and of the improvements needed before promotion is recommended.

The experience requirements for promotion to the higher-level classification may be met in part by experience gained outside the County service, but in no event shall outside experience be counted toward more than one-half of the experience requirement. When outside experience is used to meet the minimum qualifications, documentation of the outside experience must be submitted to the Personnel Officer for approval.

Promotion in a flexibly staffed classification differs from a promotion from one job class to another job class nor is it considered a reclassification.

### Flex-Staff positions include:

Accountant Auditor I/II/III

Administrative Support Assistant I/II

Agricultural Aide I/II  
 Agriculture and Standards Inspector I/II  
 Air Pollution Specialist I/II  
 Attorney I/II/III/IV\*\*\*  
 Behavioral Health Nurse I/II/Sr\*  
 Behavioral Health Services Clinician I/II  
 Behavioral Health Services Specialist I/II  
 Board Clerk/Senior Board Clerk  
 Branch Library Assistant I/II  
 Building Inspector I/II  
 Building Maintenance Worker I/II  
 Cadastral Mapping Technician/Sr  
 Child Support Specialist I/II  
 Child Support Technician I/II  
 Communications Dispatcher I/II  
 Correctional Officer I/II  
 Deputy Probation Officer I/II  
 Deputy Sheriff I/II  
 Elections Assistant I/II  
 Eligibility Worker I/II  
 Engineering Technician I/II  
 Environmental Health Specialist I/II  
 Fiscal Assistant I/II  
 Fiscal Technician II/III\*\* Health Assistant I/II  
 Information Systems Specialist I/II/III  
 Integrated Case Worker I/II  
 Juvenile Correctional Officer I/II  
 Librarian I/II  
 Library Assistant I/II  
 Management Analyst I/II/Sr  
 Micrographics Assistant I/II  
 Nutrition Assistant I/II/III  
 Public Health Nurse I/II/Sr\*  
 Recording Clerk I/II  
 Road Maintenance Worker I/II  
 Social Worker I/II  
 Staff Psychologist I/II  
 Treasury Tax Collection Specialist I/II  
 Victim Witness Advocate I/II

\* Advanced skills and/or testing required for top level position

\*\* Fiscal Technician III available in Auditor's Office only

\*\*\*Attorney IV (County Counsel, District Attorney and Public Defender only)

## **5.9 Retired Employees Insurance**

**PURPOSE:** To establish uniform guidelines for retirees election to continue with the health benefits plan after their retirement.

### **Statement of Policy**

Please refer to the applicable MOU for information on retiree health insurance.

## Section: 6: Work Policies

### 6.1 Levels of Employment and Eligibility for Benefits

**PURPOSE:** To establish guidelines and definitions for levels of employment and for entitlements to benefits

#### Statement of Policy

1. The levels of County employment are:
  - a. **Probationary Employee:** An employee in a probationary status during a specified initial period of employment, demotion to a classification in which permanent status had not been previously attained, or promotion.
  - b. **Permanent Full-Time Employee:** An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration and works a shift schedule which will total no less than 2080 hours per year.
  - c. **Permanent Part-Time Employee:** An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration and works a shift schedule of 20 hours or more, but less than 40 hours, per week. Such employees are subject to PERS regulations.
  - d. **Extra Help Employee:** An employee whose work assignment is limited in duration. Anything over 860 hours requires written permission from the Personnel Officer and the employee may be subject to PERS regulations if total hours in a fiscal year total 1,000 or more.
  - e. **Student Intern Employee:** An extra help employee who is regularly enrolled as a student in a recognized educational institution and is assigned to a full or part-time position which, in the case of post-secondary students, is related to the student's course of study, and which will continue for no longer than the current semester or term at the student's school provided, however, that subsequent work assignments may be made for the same student for periods which correspond to the student's subsequent semester or term. Student Intern Employees shall not fill permanent full-time or part-time position without prior approval from the Personnel Officer.
  - f. **Emergency Employee:** An employee who, to meet immediate requirements of an emergency condition which threatens public life or property, is appointed as needed for the duration of the emergency without regard to the policies affecting appointments.
2. Employee compensation shall be stated in terms of bi-weekly salary, monthly salary, or hourly wage.
3. Employees classified as permanent full-time and permanent part-time shall receive all employee benefits as provided by law and current MOUs. Probationary employees shall be entitled to the same benefits as permanent, full-time employees, subject to applicable eligibility provisions and time periods.

## 6.2 Probationary Period

**PURPOSE:** To establish policy and procedure for the period for new employees and current employees who transfer to a new position.

### Statement of Policy

All employees placed in new full-time and part-time positions, a lower position in which permanent status had not previously been obtained, or a promotional position must serve a period of probation. Employees serve a probationary period of not less than twenty-six consecutive bi-weekly periods (one-year) or not less than thirteen consecutive bi-weekly periods (6 months).

- All new employees will serve a one-year probationary period.
- An employee who is promoted (within a class series or to a similar classification) shall serve a probationary period of thirteen (13) consecutive bi-weekly pay periods (six (6) months) in the higher classification.
- When an employee promotes or transfers to a different classification/series the employee shall serve a new probationary period of twenty-six (26) pay periods (one (1) year).
- The Probationary Period for Deputy Sheriff I/II is described at the bottom of this section.

### Examples:

- Juvenile Correctional Officer I promoted to a Juvenile Correctional Officer II, will serve a probationary period of 13 pay periods.
- Administrative Support Assistant II promoted to an Administrative Support Assistant III, will serve a probationary period of 13 pay periods.
- Senior Legal Secretary in the District Attorney's Office promoted to an Executive Secretary in the Confidential Unit will serve a new probationary period of 26 pay periods.
- Health Assistant III in Behavioral Health promoted to a Fiscal Assistant in Behavioral Health, will serve a new probationary period of 26 pay periods.

The Personnel Manager in conjunction with the Appointing Authority (Department Head who is making the decision to hire/promote) shall determine if the promoting employee should serve a thirteen or twenty six pay period probationary period, when it is not clear if the new classification is in a different series.

The probationary period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee's potential and performance. The probation period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work to determine the employee's fitness for the position. The County reserves the right to release the employee during the probationary period without cause and without the right of appeal. Released probationary employees shall be notified of such action in writing by the Personnel Officer, and a copy of said notification shall be retained in the personnel files.

The employee is formally evaluated and provided written documentation of progress at the mid-point and prior to the end of the probationary period. Informal evaluations will be conducted during the course of the probationary period to assess performance and to advise employees of expectations

regarding performance. Significant job deficiency(ies) may be documented in the employee's personnel file.

The probationary period may be extended. This is only after an evaluation of the situation, the employee's abilities, and demonstrated potential. An extension to a probationary period is done only upon written recommendation of the supervisor and department head and approval of the Personnel Officer.

Upon successful completion of the probationary period, the employee shall be informed that he or she is now a regular employee. This will be accomplished with the approval of the appropriate supervisor, department head, and the Personnel Officer via the Employee Performance Evaluation.

If an individual has been transferred or promoted, he or she remains eligible for all fringe benefits included with the previous position during the probationary period for the transfer or promotion. If the position to which an employee has been transferred or promoted carries benefits different from those of the previous position, the person becomes eligible for the benefits of the new position.

If a promoted employee fails to achieve satisfactory performance in the new position, he or she shall have the right, in lieu of termination, to voluntarily demote back to the former class in which permanent status is held.

An employee needing to be away from the position for more than 30 days during the probationary period will have the like amount of time added to the probationary period regardless if the leave was paid or unpaid.

The salary step shall increase from 1 to 2 at end of thirteen pay periods if progress is in a satisfactory manner during the probationary period.

**Deputy Sheriff Probationary Periods:**

**Deputy Sheriff I/II**

A combined 18 months (12 months at level I and 6 months at level II for individuals hired at level I. Level II shall serve 12 month probationary period if hired at level II.

## **6.3 Transfers**

**PURPOSE:** To establish a policy for lateral transfers by County employees.

### **Statement of Policy**

All openings for County positions will be posted for a minimum of ten calendar days with each County department. It shall be the responsibility of each department to see that copies are sent to appropriate sites away from their main facility.

Any current employee (permanent part-time or permanent full-time) interested in applying for a lateral transfer must file a written request for the transfer with the Personnel Officer in accordance with the timelines listed on the employment opportunities notice.

If the employee meets the stated requirements for the position, he or she will proceed through the regular hiring procedures with all other applicants as described in the section on **HIRING PROCESS**.

The personnel file of the applicant may be made available upon request to the department head or supervisor responsible for filling the open position.

If the current employee is selected, his or her department head will be advised prior to the offer being made to the employee.

If the employee accepts the position, it will be the responsibility of the two department heads, along with the employee, to reach agreement on a transfer date which must be the beginning date of a payroll period.

If the position to which an employee transfers carries benefits different from those of the previous position, the benefits of the new position apply. Any exceptions must be stated in writing and be authorized by the CAO.

Transfers do not change a person's date of hire or anniversary date.

Transfers may also be initiated by the County in instances where the County's best interests may be served. Additional information is included in the sections on **PROMOTIONS** or **DEMOTIONS** in these regulations.

## 6.4 Re-employment/Reinstatement

**PURPOSE:** To establish a policy for re-employment or reinstatement.

### Statement of Policy

**Re-employment:** The employment of a former employee into a classification which he or she has not held previously.

**Reinstatement:** The employment of a former employee into any class he or she previously had permanent status or to another class with substantially the same duties as determined by the Personnel Officer.

Any former permanent employee who left County employment in good standing is eligible for re-employment or reinstatement.

Persons interested in re-employment or reinstatement should file a completed County application form with the Personnel office. The individual will then proceed through the regular hiring procedures with other applicants as described in the Hiring Process policy.

An individual reinstated into his or her former position may be paid at the same pay step at the time he or she left the County upon approval from the Personnel Officer provided however that the reinstatement is within two (2) years of the previous resignation. Should the request include reinstatement at a step in the pay range above the step at the time of the resignation, the Board of Supervisors must approve that request.

The compensation of an employee re-employed to a position other than a former position(s) will be subject to provisions for new hires.

Enrollment in the retirement system will be made in accordance with the rules and regulations as set by the California Public Employees Retirement System (CalPERS).

Leave accruals will be based on previous County service provided the re-employment or reinstatement is within two (2) years of the previous resignation.

An employee who is separated from employment and is re-hired within 12 months of separation is entitled to reinstatement of up to 6 days or 48 hours of previously accrued and unused sick leave.

The date of hire, service credit, and seniority will take the person's previous service with the County into account; however, future evaluations and step increases will coincide with the re-employment or reinstatement date.

The individual's previous personnel file will be re-activated once re-employed or reinstated by the County.

All individuals re-employed or reinstated by the County shall complete a new probationary period. The appointing authority, however, may request in writing that this probationary period be waived.

## **6.5 Work Periods**

**PURPOSE:** To establish work periods for purposes of complying with the Federal Fair Labor Standards Act

### **Statement of Policy**

1. The standard work period for County employees shall be a seven (7) day period beginning on Sunday at 12:01 a.m. and continuing to Saturday at 12:00 a.m. (midnight), except as provided in paragraph number two (2) below.
2. Alternative work periods may be established by the Department Head with concurrence from the Personnel Manager and are fixed until further action from the Department Head with concurrence from Personnel.

## 6.6 Hours of Work

**PURPOSE:** To establish a policy setting uniform hours of work for employees.

### Statement of Policy

Except as otherwise approved by the department head, the normal working hours for employees is eight (8) hours, from 8:00 a.m. to 5:00 p.m., with an unpaid one (1) hour lunch period. This does not include personnel engaged in shift work or flex time. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The lunch period may be scheduled to allow for continuous staffing of all offices.

Employees shall receive a rest period of not less than fifteen (15) minutes, on the County's time, for each four (4) hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four (4) hour work period. Because employees are compensated for their rest periods, they can be required to remain on the County's premises during such periods.

The County shall provide each employee with an unpaid one (1) hour break for a meal. All rest breaks and lunch breaks shall be arranged by the employee at the discretion of his or her supervisor.

The standardization of working hours is necessary to provide:

1. Continuity in access by and service to the citizenry.
2. Facilitation of teamwork.
3. Facilitation of supervisory assistance.

Individual requests for adjustment of working hours for personal reasons must be evaluated in light of the effect on the criteria enumerated in items A-C above. Occasions may arise when the service to the citizen can be improved through the adjustment of an employee's work hours. The department head shall obtain approval of the Personnel Officer for the adjustment in work hours, except for lunch period.

Advance notice of anticipated tardiness is expected; notice of unavoidable tardiness is expected when possible. Failure to do so may be construed as an unexcused absence, and the time missed may not be paid.

Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification.

Daily attendance records will be maintained by each department, including date and time absent and reason for absence. Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the County.

Hours for part-time and certain other employees may vary from the normal office hours noted above due to the nature of the duties and will be determined by the appropriate department head, with concurrence of the Personnel Officer.

## **6.7 Abandonment of Position**

**PURPOSE:** To establish a policy and procedure when an employee appears to have abandoned a position.

### **Statement of Policy**

Any employee who fails to provide notification of absence and is absent for (3) consecutive days within the normal workweek without being on authorized sick leave, authorized vacation, authorized compensatory leave, or authorized leave of absence shall have automatically resigned employment with the County.

Any unauthorized absence during any portion of the employee's normal working day shall be held to be an unauthorized absence for the entire day. Nothing in this policy shall prevent an appointing authority from suspending or discharging an employee on account of an unauthorized absence.

Any employee terminating employment in the manner provided by this policy shall be held to have left the County service by resignation.

The automatic resignation provided for in this policy may be rescinded by the department head if such employee presents satisfactory reasons for the absence in writing within five (5) days of the effective date of the automatic resignation and provided no vacancy announcements or notices for the anticipated vacancy have been released or recruitment has otherwise been undertaken by the Personnel Officer.

## Section 7: Leave Policies

### 7.1 Vacation Leave

**PURPOSE:** To ensure that vacation schedules are made with full reference to the operating needs of the County and in accordance with the approved MOU.

#### Statement of Policy

Vacation leave shall accrue at the rate specified below per pay period. An employee hired on or before the first pay period of any month shall accrue vacation leave from his or her date of hire. No vacation leave may be used prior to the completion of thirteen consecutive pay periods with the exception of appointed department heads. Appointed department heads shall be able to use vacation leave immediately upon date of hire.

An employee will be allowed to accrue vacation leave above their vacation accrual limits during the calendar year. Accrual maximums, as identified in the appropriate MOU, will be enforced on the first full payroll period in January of each year. Amounts above the accrual maximum on the first full payroll period in January shall be eliminated unless specifically authorized for carry over by the Board of Supervisors.

Bi-weekly accrual rates for employees with continuous service are as follows:

Less than five years:	3.08 Hours	=	80 hours per year
Five to ten years:	4.62 Hours	=	120 hours per year
More than ten years:	6.16 Hours	=	160 hours per year

Permanent employees and permanent part-time employees bi-weekly accrual rate shall be based on the number of hours of work normally assigned an employee as follows:

80 or more hours	100% of the base rate
60 through 79 hours	75% of the base rate
40 through 59 hours	50% of the base rate
39 or less hours	0% of the base rate

Upon resignation or retirement from County employment, an eligible employee shall be paid at his or her current rate of pay for unused vacation leave.

All requests for vacation leave must be approved by the supervisor prior to the commencement of the requested vacation leave.

Extra help employees shall not earn vacation nor be entitled to vacation payment upon separation.

Vacation leave will not accrue while an employee is on leave of absence without pay. Accrued vacation leave may be used to supplement sick leave if the employee has exhausted sick leave accruals. Paid holidays occurring during vacation are not charged to vacation. If an employee on vacation becomes sick, sick leave may be used upon verification of illness.

Vacation leave when used is rounded to the nearest quarter hour for payroll reporting purposes.

**Procedure**

1. Supervisors are responsible for managing the vacation schedules in their units and for administering the provisions of this policy.
2. Vacation leave approvals shall be made only when the efficiency of County operations will not be adversely affected.

## 7.2 Holiday Leave

**PURPOSE:** To provide a policy for uniform administration of standard County holidays

### Statement of Policy

The County shall observe the following holidays off with pay for regular full-time, and regular part-time employees:

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday of February
Cesar Chavez Day	March 31
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	1st Monday of September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday of November
Day after Thanksgiving	4th Friday of November
Day before Christmas	December 24
Christmas Day	December 25

A day off with pay will be granted upon formal government declaration authorizing a day of thanksgiving.

In the event a holiday falls upon a Sunday, the following Monday shall be deemed to be the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday.

If any holiday mentioned above, with the exception of a floating holiday, falls on an employee's regularly scheduled day off, the employee shall be granted another day off during the payroll period in which the holiday was celebrated whenever possible. The employee shall receive holiday pay of an additional eight hours or prorated accordingly if the regular work schedule is less than eight hours, if it is not possible to schedule equivalent time off during the pay period. The option on how holiday pay is awarded is the County's. If the employee is called to work on the holiday, and it is a regularly scheduled day off, the employee shall receive overtime pay in addition to the above.

When a holiday falls within a period of paid leave, the holiday shall not be counted as a leave day in computing the amount of leave debited.

An employee who is not in a fully paid status on the scheduled working day immediately preceding and following a holiday shall not be eligible for holiday pay.

Non-exempt employees required to work on any designated holiday shall receive the overtime rate of pay in addition to the holiday pay.

Extra help employees do not receive holiday pay.

### **Floating Holiday(s)**

Unless otherwise provided by a collective bargaining agreement, an employee may select three (3) floating holidays each calendar year. Permanent part-time employees will receive floating holidays on a prorated basis according to the regularly assigned work schedule. The employee shall have the approval of his or her immediate supervisor prior to taking a floating holiday.

Floating holidays must be taken during the calendar year. They do not accumulate nor carry over to the following calendar year.

Employees hired or terminated during the calendar year shall receive prorated floating holiday hours with the hours being rounded to the nearest one-third (four months) of the year. Employees hired during the year shall have the appropriate number of hours credited to their leave accruals. Unused floating holidays are not paid to terminating employees. Employees terminating employment with the County prior to the end of a calendar year shall have the appropriate number of hours deducted from their leave accruals or, if necessary, from accrued pay or final paycheck.

Floating holidays may be combined with vacation or other leaves.

### **7.3 Administrative Leave**

**PURPOSE:** To establish guidelines for the use of Administrative Leave

#### **Statement of Policy**

Each eligible employee shall receive forty (40) hours of administrative leave and based on the appropriate MOU permanent part-time employees earn administrative leave on a prorated basis.

Employees may not carry over administrative leave from one year to another.

## 7.4 Bereavement

**PURPOSE:** To establish guidelines for the use of Bereavement Leave due to death in the employee's immediate family.

### Statement of Policy

Full-time regular or part-time regular employees may use up to five (5) days of earned sick leave to arrange and/or attend funeral activities when a death occurs in the immediate family.

**Immediate family** shall be defined as spouse, child, parent, brother, sister, grandparent, parent-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent-in-law, aunt, uncle, grandchild, loco parentis, or the spouse of any of these family members. This policy also shall apply to persons related by blood or marriage residing in an employee's home for whom the employee provides in excess of 50% of his/her financial care and support or those persons considered dependents, as identified by the Internal Revenue Service.

Bereavement leave may be taken for other relatives for reasons deemed sufficient by the Department Head in consultation with the Personnel Manager.

Verification of Bereavement Leave. Satisfactory proof of death may be required at the discretion of the Department Head in consultation with the Personnel Manager for any use of Bereavement Leave.

Where insufficient sick leave is available to the employee for this purpose, compensatory leave and/or vacation leave may be granted.

If additional time is necessary, it shall be taken, with advance authorization by the appropriate department head and/or Personnel Officer, as vacation or unpaid leave if vacation has been exhausted.

Time for attendance at the funeral of non-relatives may be granted without pay by the immediate supervisor or the employee may use paid personal time such as vacation leave.

## **7.5 Jury and Witness Duty**

**PURPOSE:** To establish a policy for jury leave for County employees.

### **Statement of Policy**

Any regular full-time employee or regular part-time employee who is required to serve on a jury, or as a result of official County of Siskiyou duties is required to appear before a court, legislative committee, or quasi-judicial body as a witness in response to a subpoena or other directive shall be allowed authorized leave with pay. A probationary employee called may have his or her probationary period extended by the same amount of time as required for serving on jury duty. An employee who receives notice of jury duty or witness service must notify his or her supervisor immediately in order that arrangements may be made to provide services to the public.

The employee is responsible to turn over jury fees to the Auditor's Office excluding mileage fees. The employee may keep any court payment for services performed on the days of his or her regularly scheduled weekend or performed while on vacation or personal leave.

Jury duty will not affect vacation, sick leave, or personal leave accruals.

Employees who appear in court as the plaintiff or defendant in any action not related to their official duties shall not be paid for time away from work unless that time is accrued vacation or other paid leave. Court payments for travel expenses are to be retained by the employee.

Employees are to report to work before and after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to report to work as instructed. When an employee is subpoenaed to appear in court as a witness in his or her official capacity as a County employee in a non-County manner, he or she shall be paid the full salary with no leave deductions. A subpoenaed employee is to contact the County Counsel's office upon receipt of such a subpoena.

Extra help employees are not eligible for wages paid by the County when required to serve on jury duty or witness duty.

## 7.6 Family or Medical Leave of Absence

**PURPOSE:** To establish a policy and guidelines for the use of family or medical leave for County employees.

### Statement of Policy

As provided by the 1993 Family and Medical Leave Act (FMLA) and the regulations of the California Family Rights Act (CFRA), all eligible employees shall be entitled to take up to twelve (12) weeks (26 weeks to care for a covered service member) of unpaid, job-protected leave during any twelve (12) month period for specified family and medical reasons. Where FMLA/CFRA leave qualifies for both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

### Covered Family and Medical Reasons

1. The birth or placement of a child for adoption or foster care;
2. To care for an immediate family member (spouse, child, or parent) with a documented serious health condition; or,
3. to take medical leave when the employee is unable to work because of a documented serious health condition which shall be defined as an illness of a serious and long-term nature resulting in recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.
4. any "qualifying exigency" arising out of the fact that an employee's spouse, son, daughter, or parent is a military member on covered active duty or has been notified of an impending call or order to covered active duty status (under FMLA only, not CFRA); or
5. to care for a spouse, son, daughter, parent or "next of kin" who is a covered service member of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces (under FMLA/CFRA only, not CFRA). This leave can run up to 26 weeks of unpaid leave during a single 12-month period.

An employee may take leave if a documented serious health condition makes the employee unable to perform the functions of his or her position. Employees with questions about whether specific illnesses are covered under this policy or under the County's sick leave policy are encouraged to meet with a representative from the Personnel Office.

### Employee Eligibility

An employee shall be entitled to family leave when he or she meets the following criteria:

1. The employee has worked for at least twelve (12) months for the County. The twelve months need not have been consecutive. If the employee was on the payroll for part of a week, the County will count the entire week. The County considers fifty-two (52) weeks to be equal to twelve (12) months.

2. The employee has worked for the County for at least 1,250 hours over the twelve (12) months before the leave would begin.

### **Definition of Family Members/Parent/Spouse**

“Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day to day responsibility. “Child” includes a biological, adopted, foster or stepchild, a legal ward, or a child of a person standing in loco parentis (in place of a parent).

“Parent” means the biological, adoptive, step or foster parent, or a legal guardian of an employee, or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

“Spouse” means a husband or wife as defined or recognized under California State law for purposes of marriage. “Spouse” also includes registered domestic partners and same-sex partners in marriage.

“Domestic Partner” as defined by Family Code sections 297 and 299.2 shall have the same meaning as “Spouse” for purposes of CFRA leave.

### **Calculation of Leave**

Eligible employees can use up to twelve (12) weeks of leave during a twelve (12) month period. The County will use a calendar year as the FMLA leave year which will run from January 1 to December 31 of each year. Each time an employee uses leave, the County computes the amount of leave the employee has taken under this policy, subtracts it from the twelve (12) weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken five (5) weeks of leave in the past twelve (12) months, he or she could take an additional seven (7) weeks under this policy.

The medical leave of absence *shall* be extended from twelve weeks to six months upon the employee providing a statement from a licensed physician, that he/she continues to have a serious health condition that prevents them from returning to work.

The medical leave of absence may be extended from six months to one year upon the employee providing a statement that the employee will be able to return to work by the end of one year following the beginning of the medical leave of absence.

The employee shall be responsible for payment of the full health insurance premium (employee and employer portions plus 2% for administrative costs) for themselves and any covered dependents after six months of leave of absence (from the beginning of the Family Medical Leave).

Following the exhaustion of the six (6) months of medical leave, if the employee is unable to return to work, they *may* be subject to a medical termination. (This does not apply to employees on workers compensation.)

During a medical leave the County will continue to fulfill its obligations under the Americans with Disabilities Act, as needed.

Medical leave does not preclude the County’s ability to file for PERS Disability Retirement on behalf of the employee, if the County deems it appropriate to do so.

## **Minimum Duration of Leave**

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) of less than two weeks' duration on any two occasions.

If leave is requested to care for a child, parent, spouse, or for the employee's own serious health condition, there is no minimum amount of leave that must be taken. However, the employee must comply with the notice and medical certification provisions of this policy.

## **Parents Both Employed by the County of Siskiyou**

In any case in which both parents are employed by the County of Siskiyou and are entitled to leave, the aggregate number of workweeks of leave between the two parents may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (e.g., bonding leave). Similarly, where married spouses both work for the County, they may be limited to a combined total of 12 weeks of FMLA/CFRA leave for bonding leave.

In any case in which a husband and wife both employed by the County of Siskiyou are entitled to leave, if FMLA/CFRA leave is taken to care for a covered service member, the aggregate number of workweeks during any 12-month period is limited to a combined total of 26 workweeks.

## **Maintenance of Benefits**

An employee shall be entitled to County-paid group health insurance coverage on the same basis as if he or she had continued to work at the County. If the employee is disabled by pregnancy, coverage will continue to be covered for up to 4 months each leave year. In the event an employee is disabled by pregnancy and also takes leave under the California Family Rights Act, the County will maintain the employee's health benefits while the employee is disabled by pregnancy (up to 4 months) and during the employee's CFRA leave (up to 12 weeks).

If employee informs the County that he or she does not intend to return to work at the end of the leave period, the County's obligation to provide health benefits ends. If an employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the employee to reimburse the County the amount the County contributed towards the employee's health insurance (if any) during the leave period.

If the employee contributes to a life insurance or disability plan, the County will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the County will request that the employee continue to make those payments. If the employee does not continue these payments, the County will recover the payments at the end of the leave period, in a manner consistent with the law.

The employee is entitled to accrual of seniority during the period of CFRA leave and use of family or medical leave will not cause the employee to lose seniority. In addition, use of family or medical

leave will not be considered a break in service when vesting or when eligibility to participate in benefit programs is being determined.

### **Job Restoration**

An employee who utilizes family or medical leave under this policy will be restored the same job or a job with equivalent status, pay, benefits, and other employment terms.

The County may choose to exempt certain highly compensated, key employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA/CFRA leave. Employees who may be exempted will be informed of this status when they request leave. If the County deems it necessary to deny job restoration for a key employee on FMLA/CFRA leave, the County will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

### **Use of Paid and Unpaid Leave**

Generally, if an employee has accrued paid leave of less than twelve (12) weeks, the employee will use paid leave first and take the remainder of the CFRA leave as unpaid leave. The use of paid sick leave or vacation leave will be determined based upon the nature of the request and in accordance with federal law and appropriate MOU's.

If the employee goes on Pregnancy Disability Leave, the employee shall have the option of utilizing either vacation or sick leave but is not required to utilize these leave balances.

If an employee goes on CFRA leave because of his or her own serious medical condition, the employee shall first use all paid sick leave, and then may use other paid leave entitlement prior to going into unpaid leave with the approval of the Personnel Officer.

If an employee goes on CFRA leave for any other reason (e.g., for the birth of a child, for the adoption or foster care of a child, or for the serious health condition of an immediate family member), the employee shall first use all paid vacation, personal, or other forms or paid accrued time off. The employee may then elect to use paid sick leave. The amount of sick leave utilized after this point will be decided on a case-by-case basis based on written notice from the employee's licensed medical care provider.

### **Intermittent Leave and Reduced Work Schedules**

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or for the employee's own serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

In certain cases, intermittent use of the twelve (12) weeks of family or medical leave or a part of a reduced work week shall be allowed by the County.

Employees wishing to use leave intermittently or to utilize a reduced work week will need to discuss such use with the employee's department head and mutually agree on the best utilization of this intermittent leave.

If the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the County's operations. This provision is subject to the recommendation of the health care provider.

In some cases, the County may temporarily transfer an employee using intermittent leave that is foreseeable to a different job with equivalent pay and benefits if another position would better accommodate the intermittent leave.

## **Procedures**

### **1. Requesting leave**

- a. All employees requesting leave under this policy should place the request in writing to the Personnel office.
- b. When an employee plans to take leave under this policy, the employee must give the County thirty (30) days' notice when possible. If it is not possible to give thirty (30) days' notice, the employee must give as much notice as is possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the County's operations.

### **2. Notice and Certification of Serious Health Condition**

- a. The County may require the employee to provide notice of the need to utilize leave where it is possible to know beforehand, and/or may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified health care provider. The employee should try to respond to such a request within ten (10) days of the request or provide a reasonable explanation for the delay.
- b. Qualified health care providers include doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, and nurse-midwives authorized to practice under state law and performing within the scope of their practice under state law; and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.
- c. When seeking certification of the employee's own serious medical condition, an employee should ensure that the certification contains the following:
  - Date, if known, on which the serious health condition began;
  - Expected duration; and
  - Statement that the employee is unable to work at all or is unable to perform one or more of the essential functions of his or her position.

The medical care provider shall be provided a copy of the employee's job classification description to ascertain the employee's capability in relation to the essential functions.

- d. When seeking certification of a serious medical condition of the employee's child, parent or spouse, an employee should ensure that the certification contains the following:
  - Date, if known, on which the serious health condition began;

- Expected duration;
  - Estimate the amount of time which the health care provider believes the employee needs to care for the child, parent or spouse; and
  - Statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse.
- e. If an employee is taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

### **3. *Seeking Other Medical Opinions***

The County may require a second opinion if the County has a good faith, objective reason to doubt the certification of the employee's own serious health condition. The County shall pay for the employee to be examined and/or tested by a second doctor which the County will select. If there is a conflict between the original opinion and the second opinion, the County may require the opinion of a third doctor. The County and the employee will jointly select the third doctor, and the County shall pay for the opinion. The third opinion shall be considered final.

## **7.7 Personal Leave of Absence**

**PURPOSE:** To establish procedures by which an employee may request a leave of absence from employment with the County.

### **Statement of Policy**

Requests for leave of absence without pay shall be in writing and shall state specifically the reasons for the request, the date desired to begin the leave, and the date of return. The request shall be submitted by the employee to the affected department head. The department head can grant a leave of absence to employees for a period not to exceed ninety (90) days for non-medical purposes. All leaves exceeding ninety (90) days shall require prior approval by the Board. Where non-medical leave is requested, which may qualify for Family Medical Leave, the FMLA provisions will take precedence over the policy.

No sick leave, holiday, vacation benefit, or any other fringe benefits shall accrue while the employee is on leave of absence without pay, however health insurance shall be continued for ninety (90) days with the employee paying his or her share each month in advance. Any employee on an approved leave of absence beyond ninety (90) days may continue his or her medical, dental, and vision insurance coverage by paying the full cost to the County in advance for each month or portion thereof of which he or she is absent, subject to limitations set by the insurance carrier.

Upon expiration of the leave of absence, the employee shall return to the position held at the time the leave was granted. An employee returning from a leave of absence without pay lasting 30 calendar days or longer will have his or her service (anniversary) date extended by the same length of time the employee was on leave without pay. An employee may request an extension of a 90 day leave of absence upon written request to the Board of Supervisors. The Board may grant an extension not to exceed 30 days, which extension will be based on departmental as well as employee considerations.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action.

## 7.8 Military Leave of Absence

**PURPOSE:** To establish procedures for requesting and accounting for leaves of absence by employees of the County for participation in obligations with the United States Armed Forces.

### Statement of Policy

1. Application: This policy applies to all County employees who are affiliated with the United States Armed Forces, National Guard, or Coast Guard.
2. Employer's Responsibilities:
  - a. The County is obligated to release employees for service with the Armed Forces when the employee participates in:
    - i. Annual Training (Summer Camp)
    - ii. Active Duty Training (encampment, naval crisis or special exercise, by order)
    - iii. Inactive Duty Training Assemblies (Weekend drills)
    - iv. Extended leave of absence for voluntary active duty service (Enlistment)
    - v. Involuntary call-up

Military leave of absence shall result in no loss of seniority status or benefits which would have normally accrued if the employee had not been absent for such purposes.

- b. The County is obligated to grant Military Leave with pay to the employee for absences not exceeding thirty (30) calendar days per fiscal year. The County will not require the employee to use normal annual leave (accrued vacation) for such purposes. The employee may, however, request use of vacation, compensatory time, or leave without pay to supplement absences exceeding those covered by the thirty (30) day Military Leave allowance.
- c. An employee who is called to service with the armed forces of the United States or the California National Guard is eligible for reinstatement in his or her position upon completion of service, providing that the application is made within ninety (90) days after the end of such service, and service was not voluntarily extended.
- d. The County will make a reasonable effort to adjust work schedules and assignments to accommodate employees fulfilling military obligations.
- e. An employee promoted or hired to fill a vacancy created by a person on military leave is appointed to the position subject to the return of the absent employee. Upon such return, a promoted employee is restored to his or her original position or an equivalent position. A replacement employee is subject to layoff if no other position is available.
- f. In the event an employee is called up for federal active duty for other than training purposes, the employee may retain his or her current level of health care benefits including those for dependents enrolled in the County health care program for a period of three hundred ninety-five (395) days with both the County and employee portion of the health care premiums to remain at the negotiated rates as provided in the applicable MOU.



RESOLUTION OF THE COUNTY OF SISKIYOU  
BOARD OF SUPERVISORS

WHEREAS, under California law, any public employee called up for temporary military leave, and who has been in the service of the public agency for at least one year, is entitled to receive his or her salary for the first thirty (30) calendar days of such leave, provided that pay for such purposes shall not exceed thirty (30) days in any one fiscal year; and

WHEREAS, employees of the County of Siskiyou may be called up to federal active duty for other than training purposes to respond to an international conflict, terrorist threat, or peace keeping mission; and

WHEREAS, it is in the public interest to enable County employees to support this effort without negative economic impact on the families remaining at home; and

WHEREAS, providing supplemental pay affects wages, hours, terms and conditions of employment and thus representing employee organizations have been consulted;

NOW, THEREFORE, BE IT RESOLVED, in addition to rights and benefits provided by law, this Board of Supervisors authorizes that, in the event an employee of the County of Siskiyou is called up to federal active duty for other than training purposes, supplemental pay shall be provided which equals the difference between the employee's salary received from the military and his or her gross pay earned from the County for a period of an additional three hundred sixty-five (365) days over and above the thirty (30) days per fiscal year required by law for a period not to exceed three hundred and ninety-five days.

BE IT FURTHER RESOLVED, that any County of Siskiyou employee called up for federal active duty for other than training purposes, may retain his or her current level of health care benefits including those for dependents enrolled in the County health care program for a period of three hundred ninety-five (395) days with both the County and employee portion of the health care premiums to remain at the negotiated rates as provided in the applicable Memorandum of Understanding; and

BE IT FURTHER RESOLVED that this Resolution shall be in force and effect November 11, 2001.

PASSED AND ADOPTED by the Board of Supervisors of the County of Siskiyou at a regular meeting of said Board on 6th day of November, 2001, by the following vote of said Board:

Ayes: Supervisors: Hoy, Erickson, Overman and Smith

Noes: None

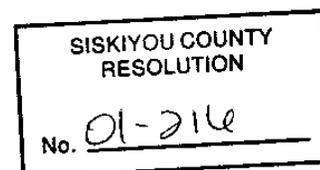
Abstain: None

Absent: None

Bill Hoy  
Chairman, Board of Supervisors

ATTEST  
COLLEEN A. BAKER  
Clerk of the Board of Supervisors of the County of Siskiyou, state of California

by: Kaura B. Gunn  
Deputy Clerk



## 7.9 Sick Leave

**PURPOSE:** To establish guidelines for the use of sick leave for personal illness and on-the-job injuries for County Employees.

### Statement of Policy

The County recognizes that inability to work because of illness or injury may cause economic hardship. For this reason, the County provides paid sick days to full-time regular employees. Part-time regular employees receive paid sick days on a pro-rated basis.

Sick leave shall accrue from the date of initial employment at the rate of 3.7 hours per pay period for regular full-time employees. Regular part-time employees will accrue sick leave on a pro-rated basis. Employees covered under the Deputy Sheriff's Association and Sheriff's Management may accrue up to a maximum of 1500 hours.

Upon termination, resignation, or other separation of employment, an employee shall not be entitled to any compensation for any accrued and unused sick leave. An employee who is separated from employment and is re-hired within 12 months of separation is entitled to reinstatement of previously accrued and unused sick leave. Upon retirement, however, accrued sick leave shall be applied to CalPERS service credit calculations in accordance with CalPERS regulations.

Permanent employees with five or more years of continuous service, upon death or retirement, shall receive 33 1/3% of the monetary value of their accrued and unused sick leave in excess of 96 hours with a maximum pay out of \$1500 unless otherwise stated in the applicable MOU.

Employees entitled to sick leave may remain away from work with pay, where such absence is the result of the following: a) diagnosis, care, or treatment of an existing health condition of, or preventative care for the employee or employee's family member, or involuntary or enforced quarantine; or b) for an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in Labor Code section 230(c) and Labor Code Section 230.1 (a).

An employee who is collecting Worker's Compensation Temporary Disability Benefits as a result of an on-the-job injury shall receive sick leave benefits to supplement such Worker's Compensation benefits in an amount sufficient to equal the employee's regular rate of pay during the period of temporary disability to the extent permitted by law. However, such supplementary benefits shall not be paid in excess of the accrued sick leave credited to the employee.

Sick leave benefits shall apply to bona fide cases of illness, injury, exposure to contagious disease, illness or injury of a member of the employee's family member requiring the employee's attendance, and medical, dental, and optical appointments to the extent that such appointments cannot be scheduled outside the work day.

"Family Member" shall include parent, child, spouse, registered domestic partner, parent-in-law, sibling, grandchild or grandparent.

A qualified medical care provider shall be a duly licensed physician, osteopath, chiropractor, chiropodist, optometrist, dentist, psychologist, licensed clinical social worker, advanced registered nurse practitioner, substance abuse professional, marriage/family therapist, certified nurse midwife, and a Christian Science Practitioner currently listed in the Christian Science Journal.

In any case in which an employee shall be entitled to benefits or payments under the Workers' Compensation Act or similar legislation of the state, or any other governmental unit, the County shall pay the difference from an employee's paid sick leave accruals between the benefits and payments received under such Act by such employee and the regular rate of compensation he or she would have received from the County if able to work to the extent permitted by law. The payment or contribution by the County shall be limited to the period of time that such employee had accumulated sick leave credits. Furthermore, sick leave benefits shall not be applicable to any employee who is covered by any relief and pension act or similar legislation providing for sickness and/or disability payments, or the state, granting substantially equal or greater benefits than provided.

Public safety employees shall not be entitled to utilize sick leave for any worker's compensation injury or illness.

When an employee suffers an on-the-job injury and receives a paycheck from the County for sick leave usage, plus receives a time-loss check from the County's worker's compensation administrator, the sick leave check shall be turned back to the County. The County then pays back the employee a proportionate amount of sick leave credits used.

Sick leave shall not accrue during leaves of absence without pay.

When an employee goes on sick leave, he or she is encouraged to notify his or her department head or designated supervisor within thirty (30) minutes after the beginning of the scheduled work day. The employee also should let the supervisor know when he or she expects to return to work.

An employee who is on authorized disability or sick leave shall keep his or her supervisor advised on a regular basis as to his or her condition and expected date of return to duty.

Sick leave shall be rounded off to the nearest quarter hour. No sick leave will be given to an employee in excess of the amount earned and available to the employee.

When an employee is transferred to another position, any unused sick leave which may have accumulated to the employee's credit shall transfer with the employee.

An employee may utilize vacation time for sick leave purposes when sick leave has been exhausted. Earned sick leave accruals must be exhausted prior to taking an unpaid medical leave of absence.

Supervisors shall have the discretion to place employees on sick leave when, in the judgment of the supervisor, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's duties.

It is the responsibility of each department head or designated supervisor to ensure the provisions of this policy are observed. Corrective action should be taken in instances of suspected abuses or misinterpretation of the utilization of sick leave.

Department heads shall ensure that any sick leave used will be reflected with the submission of time sheets.

It is the responsibility of the Auditor's office to ensure that proper accountability of sick leave is kept on all eligible employees. This shall include keeping a record of accruals and utilization.

## **7.9 (a) Paid Sick Leave for Extra Help Employees**

**PURPOSE:** The purpose of this policy is to comply with the Healthy Workplaces, Health Families Act of 2014 (“Paid Sick Leave Law”), this provision is to establish guidelines for the use of sick leave for personal illness for extra help employees.

### **Policy Guidelines**

Effective July 1, 2015 the County will provide paid sick leave to eligible extra help employees pursuant to the paid Sick Leave Law.

### **Accrual/Accumulation**

An extra help employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment.

An extra help employee is only allowed to use up to a maximum of 5 days or 40 hours of paid sick leave in a 12-month period.

An extra help employee can only accrue paid sick leave up to a cap of 10 days or 80 hours ongoing. Any unused accrued paid sick leave does carryover year to year while continuously employed.

For extra help employees who work shifts greater than 8 hours, the County will provide the greater amount of 24 hours or 3 days in a 12-month period.

Example: An employee who works a 12-hour shift would actually be able to use up to 3 days/36 hours of paid sick leave in a 12-month period.

### **Eligibility**

Extra help employees qualify for paid sick leave by working for the County for at least 30 days within a year.

Retired annuitants are not eligible for paid sick leave under this policy.

### **Use of Sick Leave**

An extra help employee shall be eligible to use their sick leave accruals beginning on the 90<sup>th</sup> day of employment. Sick leave can only be used on days the extra help employee is **scheduled** to work.

Extra help employee’s may not donate or participate in Catastrophic Leave Pools.

### **Purposes for Paid Sick Leave**

Extra help employees entitled to sick leave may use their accrued sick leave up to the limit set, where such absence is the result of the following:

- a) Diagnosis, care, or treatment of an existing health condition of, or preventative care for the employee or employee’s family member.
- b) For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in Labor Code section 230(c) and Labor Code Section 230.1 (a) .

**Family Member includes:**

Parent, child (“child” includes: biological, adopted, foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis, regardless of age or dependency status), spouse, registered domestic partner, parent-in-law, sibling, grandchild or grandparent, or designated person.

**Compensation**

Paid Sick Days will be compensated at the same wage as the extra help employee normally earns during the regular work hours. Upon termination, resignation, retirement, transitioning to a permanent position, or other separation of employment, an extra help employee shall not be entitled to any compensation for any accrued and unused sick leave.

**Notification**

An extra help employee may request to use their sick leave orally or in writing. When the need to use sick leave is foreseeable, the employee shall provide reasonable advance notification to his/her first line supervisor. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for leave as soon as practicable to his/her first line supervisor.

**Reinstatement or Rehired**

If an extra help employee separates from employment with the County and is rehired or reinstated as an extra help employee within one (1) year from the date of separation, an employee’s unused sick leave accruals at the time of separation of employment will be reinstated.

**Extra Help to Permanent**

If an extra help employee is appointed to a permanent position, he or she shall have their unused sick leave carried over to their sick leave balance upon the hire date of their permanent appointment.

**Permanent to Extra Help**

If a permanent employee moves to an extra help position, only up to 6 days or 48 hours of any unused sick leave will be carried over upon the transfer to extra help status.

A rehired employee, who returns within one year, is eligible to use their sick leave accrual immediately up on being rehired except, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the Agency before any paid sick leave can be used.

**Department Responsibilities**

It is the responsibility of each department head or designated supervisor to ensure the provisions of this policy are observed. Department heads shall ensure that any sick leave used will be reflected with the submission of timesheets.

Department heads or designee (i.e., Department Payroll staff) shall notify the Auditor-Controller’s Office when an extra help employee reaches the 30<sup>th</sup> workday. Notification must occur during the same pay period that the 30<sup>th</sup> worked day is reached. The Auditor-Controller will notify

the departments as to what they will need to submit in order to satisfy the documentation requirements.

It is the responsibility of the Auditor's office to ensure that proper accountability of sick leave is kept on all eligible employees. This shall include keeping a record of accruals and utilization.

## **7.10 Time Off to Vote**

**PURPOSE:** To establish guidelines in compliance with Election Code Section 14000

### **Statement of Policy**

If an employee does not have sufficient time outside of working hours to vote at a statewide election, the employee may take up to two (2) hours off without loss of pay at the beginning or end of the day. Prior approval for this time off by the employee's supervisor is required.

## **7.11 Short Term Disability**

**PURPOSE:** To establish a policy for the use of Short Term Disability for personal illness or injuries

### **Short Term Disability (STD)**

The County agrees to maintain in effect the following Short Term Disability Policy.

#### **Eligibility**

This STD program is only applicable to permanent full time and part time members with at least six (6) months of service. STD payments will not exceed a 90 day period per calendar year, per employee.

#### **Qualifying Event**

Any eligible employee who experiences a non-industrial injury or illness may qualify for short term disability. A doctor's note must be submitted showing the first date disabled, the date expected to be back at work, and any related information. To return to work after a short term disability, a full doctor's release must be submitted, detailing any restrictions. If the doctor release is for less than full time duty, STD will still remain in effect for the hours missed from work. Once an employee is released to full duty, and reports to work, the STD benefit will end. A workers' compensation claim that has been filed will preclude receiving short term disability until that claim has been denied. An employee will be ineligible for STD if the doctor states that he/she will be unable to return to work on a permanent basis.

#### **Use of Leave**

Any eligible employee may use sick leave, vacation leave, or any other earned leave, in that order, to augment short term disability payments in order to receive a full paycheck. In cases where the leave is due to pregnancy, please see Personnel Policy 7.6 Family Medical Leave for leave usage. In no case may an employee receive more compensation than that of an eighty (80) hour pay period. STD payments will be based on the base salary of the employee at the time of disability. In no case may a part-time employee receive more compensation than the hours for which they are budgeted (i.e., a .50 FTE may not receive more than forty (40) hours of compensation per pay period).

#### **Pay Periods**

STD payment will be issued through Payroll and will be included in your regular bi-weekly check. The payment will be fully taxable.

#### **Elimination Period**

An eligible employee who is disabled for more than 5 consecutive full working days or 40 hours whichever is least (paid holidays excluded) may apply for STD. For a permanent part time employee, the elimination period will be prorated based on the number of scheduled work hours (FTE). The date first disabled shall be determined by the "first date disabled" as stated on the doctor's note (see "Qualifying Event" above). An original completed claim form must be submitted to the CAO Department no later than thirty calendar days after the date first disabled to be considered timely. All claims received after this date will be denied.

**Duration**

STD expires on the ninetieth (90) day of disability. This use must be taken in consecutive days. An employee must apply for long term disability coverage if the injury or illness is expected to last beyond ninety (90) calendar days. Contact the CAO office for additional information on Long Term Disability.

**Maximum Rate**

STD payments will be based on a maximum of fifty (50%) percent of the employee's current base salary, at the time of injury or illness. STD earnings are not reportable to CalPERS as compensation.

**Filing a claim**

All qualified employees may file a claim for STD. The form must be submitted to the County Administrator's Office no later than thirty (30) calendar days after the date first disabled to be considered timely.

## Section 8 Conduct Policies

### 8.1 Conflict of Interest

**PURPOSE:** The purpose of this policy is to establish guidelines for ethical standards of conduct which shall govern County employees in the performance of County business and the duties of their respective jobs. This policy is intended to provide positive direction to County employees in order to prevent potential conflicts of interest.

#### Statement of Policy

1. **Conflicts of Interest** No County employee shall engage in any act which is in conflict, or creates an appearance of unfairness or conflict, with the performance of official duties. An employee shall be deemed to have a conflict if the employee:
  - a. Has any financial interest in any sale to the County of any goods or services when such financial interest was received with prior knowledge that the County intended to purchase the property, goods, or services.
  - b. Solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm, or corporation involved in a contract or transaction which is or may be the subject of official action by the County.
    - i. Recognizing that personal friendships often precede and can evolve from official contact between employees and persons engaged in business with the County, reasonable exceptions to this section are permitted for those occasions which are social in nature and are not predicated on the employee's ability to influence, directly or indirectly, any matter before the County.
    - ii. The employee will be guided in interpretation of this section by the distinction between a gift, gratuity, or favor given or received which has significant monetary value and is offered or accepted in expectation of preferential treatment, and an expression of courtesy. Examples of acceptable courtesies include a meal or social event; exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, promotions and/or a sample or promotional gift of nominal value (\$25 or less).
  - c. Participates in his or her capacity as a County employee in the issuing of a purchase order or contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the County.
  - d. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.
  - e. Except for courtesies as provided in item "B" above, no employee shall, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, commission, or gratuity from any source except the County for any matter directly

connected with or related to his or her official services as such employee with this County.

- f. Discloses or uses without authorization confidential information concerning property or affairs of the County to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the County.
- g. Have a financial interest in any action coming before the Board of Supervisors and participates in discussion with or gives an official opinion to the Board unless the employee publicly discloses at the Board meeting the nature and extent of such interest.

## **2. Use of Public Property**

- a. No employee of the County shall request, use, or permit the use of County-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of such County property is to be restricted to such services as are available to the County generally and for the conduct of official County business.
- b. Nominal personal use may be permissible as approved by the department head.

## **3. Political Activities**

- a. No County employee shall use official authority or influence for the purpose of interfering with, or affecting the results of, an election or nomination for office or directly or indirectly coerce, attempt to coerce, or advise a County employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
- b. All County officers and employees shall be subject to the provisions of Sections 3201 through 3209 of the Government Code of the state relating to political activities.
- c. All officers and employees whose employment is connected with an activity which is financed in whole or in part by loans or grants made by the United States Government or any federal agency shall be subject to the provisions of Sections 1501 through 1508 of Title 5 of the United States Code.
- d. No employee shall accept or solicit anything of value which is, or which may appear to be, designed to influence official conduct; nor shall a County employee enter into any financial or other relationship with a County department, a private business, or other organization which would constitute a conflict of interest with County employment.

## **8.2 Personal Appearance and Demeanor**

**PURPOSE:** to guide employees in style of dress and behavior

### **Statement of Policy**

Discretion in style of dress and behavior is essential to the efficient operation of the County. Employees are, therefore, required to dress in appropriate business attire and to behave in a professional, businesslike manner. Employees are expected to use good judgment in choice of work clothes and remember to conduct themselves at all times in a way that best represents the County. Work clothes, including uniforms, should be clean and in good repair.

### **8.3 Contributions and Honorariums**

PURPOSE: To establish a policy and procedure for reporting contributions and honorariums.

#### **Statement of Policy**

Speeches and presentations which are related to County services delivered by County employees to community and professional organizations are made without charge. If an organization wishes to give an honorarium or contribution for such a presentation, the remuneration must be made to the County, not to the individual employee.

An honorarium or contribution for a speech or other presentation made by a County employee to a group outside the County, either during working time or for which the County provided travel expenses, also will be made to the County.

Such contributions and honorariums shall be turned over to the Auditor's Office for disposition.

## **8.4 Solicitations**

**PURPOSE:** To establish a uniform policy for solicitations by sales representatives or agents in order to alleviate disruption of County employees during normal working hours.

### **Statement of Policy**

With the exception of County-approved activities, peddling or soliciting for sale or donation of any kind on County premises during normal working hours is not allowed.

Working hours include the working time of both the employee doing the soliciting or distributing, and the employee to whom such activity is directed.

Employees are free to discuss these matters before or after normal working hours and during lunch or rest periods.

## **8.5 Corrective and Disciplinary Action**

**PURPOSE:** To establish policies and procedures related to corrective and disciplinary action for County employees.

### **Statement of Policy**

It shall be the policy of the County to administer corrective and disciplinary actions fairly, reasonably, and impartially. Employees and the County are best served when corrective action or discipline is administered to correct actions in order to maintain the efficiency and integrity of County services.

The tenure of County employees with permanent status shall be based on reasonable standards of job performance and professional conduct. Failure or refusal to meet these standards may constitute just cause for corrective or disciplinary action, including oral or written reprimand, suspension, demotion, or termination.

Corrective action shall mean oral or written reprimands. Disciplinary action shall mean demotion, suspension without pay, reduction in pay (temporary or permanent depending on the circumstances) or termination. All disciplinary actions of employees require concurrence of the Personnel Officer and approval of the appointing authority prior to discipline being administered. Permanent Employees subjected to disciplinary action shall be provided procedural due process prior to the imposition of discipline. The degree of discipline shall depend on the severity of the infraction, as well as any prior disciplinary actions taken, and shall be in accordance with any applicable labor contract, civil service rules and regulations, and County policies and procedures, as well as local, state, or federal laws and regulations.

An employee who is represented by an employee organization has the right to have a representative present in any meeting which the employee reasonably believes may result in disciplinary action against him or her. The County shall not be responsible for advising the employee of this right.

### **Types of Corrective Action**

#### ***Oral Warning***

This type of corrective action is appropriate for infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. The oral warning shall be given in private. Supervisors shall inform the employee that he or she is issuing an oral warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the employee shall be subject to more severe corrective or disciplinary action. A conference summary of the oral warning shall be maintained in the employee's departmental file and may be removed from that file after one year from the date of the conference or at the time of the next evaluation, whichever comes first.

Oral warnings are not grievable.

#### ***Written Warning/Reprimand***

This type of corrective action shall be issued in the event the employee continues to disregard an oral warning or if the infraction is severe enough to warrant a written warning/reprimand being placed in the employee's personnel file. Except for circumstances where an investigation is initiated, written warning/reprimand notices are to be issued within thirty (30) working days of the supervisor becoming

aware of the violation. In those instances when an investigation is initiated, and the result of the investigation is that the conduct warrants a written warning/reprimand, then the written warning/reprimand must be issued within thirty (30) working days of the department head's receipt of the investigation report. The written warning/reprimand shall state the nature of the infraction, identify the facts supporting the written warning/reprimand and describe the corrective action that must be taken by the employee to avoid disciplinary action being imposed.

A copy of the written warning/reprimand shall be provided to the employee at the time of the discussion of the corrective action. The employee shall sign the written warning/reprimand to acknowledge receipt. If the employee refuses to sign the acknowledgment of receipt, then the supervisor shall note on the written warning/reprimand that the employee received a copy of the written warning/reprimand but refused to sign it. A copy of the written warning/reprimand bearing the employee's signature or, if the employee refuses to sign, the signature of the supervisor, shall be placed in the employee's official personnel file.

Written warning/reprimands may have a sunset clause.

### **Types of Disciplinary Action**

The disciplinary actions described below are guidelines only. The County reserves the right to impose whatever level of discipline it deems appropriate based on the nature and severity of the employee's actions.

#### ***Suspension without Pay***

This type of disciplinary action is appropriate for policy violations, unacceptable conduct, or for repeated acts of misconduct. A suspension without pay may also be given for minor policy violations where the employee has previously received a written warning/reprimand but has not demonstrated appropriate behavioral changes. No disciplinary suspension shall be imposed for any period exceeding thirty (30) calendar days except in those situations where the Board of Supervisors reduces a termination to a suspension without pay. In that case, the suspension shall be for the period determined by the Board of Supervisors.

#### ***Demotion***

Demotion may be used when warranted by the nature of the employee's actions or when other corrective or disciplinary actions have been ineffective. Demotion may also be justified because of the employee's unsatisfactory job performance, or when the employee is unable to perform his or her duties at an acceptable level. The demotion can be to a lower range or a lower step and may be either temporary or permanent.

#### ***Termination***

Immediate termination may be warranted for violations of this policy, or for other reasons when deemed appropriate by the Personnel Manager and Department Head. An employee may also be terminated after repeated offenses of a less serious nature if the offenses have been documented by the supervisor, and the employee has been notified of the problems and given an opportunity to improve but has failed to do so.

## **Grounds for Corrective or Disciplinary Action**

It shall be the duty of employees to maintain high standards of cooperation, efficiency, and integrity in their work for the County. While the following is not a list of all possible ground for which an employee may be subject to corrective or disciplinary action, the following are examples of the types of misconduct that could result in corrective or disciplinary action, up to and including termination, being taken. This list is not exhaustive. If an employee's conduct falls below standard, he or she may be subject to disciplinary action. The County retains the prerogative to impose discipline whenever it deems appropriate.

- a. Unauthorized absences, absences without notice, or excessive absenteeism or tardiness
- b. Conviction of a felony
- c. Misconduct outside working hours
- d. Incompetence or inefficiency
- e. Insubordination
- f. Intoxication, possession, sale, transfer, or use of illegal drugs, controlled substances, or alcohol in the workplace, while on duty, while on standby with pay, or while operating a County vehicle or equipment
- g. Neglect of duty
- h. Negligence or willful damage to public property or waste of public supplies or equipment
- i. Fraud in securing appointment
- j. Theft/Dishonesty
- k. Discourteous treatment of the public or other employees
- l. Violation of any County policy, rules, or regulations or Department rules, procedures, or orders
- m. Falsification of records or reports
- n. Fighting or threatening violence in the workplace
- o. Sexual or other unlawful or unwelcome harassment, or for discrimination or retaliation
- p. Unauthorized or excessive use of the County's telephones, mail systems, computers, or other employer-owned equipment for personal use
- q. Unauthorized disclosure of confidential information

### **Procedure Applicable to Peace Officers:**

Peace officers shall be entitled to an "administrative appeal" pursuant to Government Code Section 3304(b) whenever "punitive action" is taken.

### **Disciplinary Action Procedure**

In any disciplinary action, the employee is entitled to written notice of the proposed discipline (Skelly letter) and a Skelly conference. The date and time for the Skelly conference shall be included in the Skelly letter but may be rescheduled at the discretion of the Personnel Manager.

The Skelly conference is the employee's opportunity to respond to the proposed discipline, rebut the charges, and/or identify mitigating circumstances. It is not an evidentiary hearing, and the employee will not be allowed to call or cross-examine witnesses or interrogate the Skelly Conference Officer. The employee may have a union representative present at the Skelly conference.

The Skelly letter shall include the following information:

1. A description of the proposed discipline and the effective date of the proposed discipline.
2. The specific ground(s) and particular facts upon which the action is being taken and the materials upon which the proposed discipline is based.
3. Notice of the employee's right to respond orally and/or in writing.
4. Notice that the employee will have five (5) working days from the date of service of the letter to respond to the proposed discipline. If this notice was personally served on the employee, the effective day of service is the day of service upon the employee. If service on the employee was made by either certified or regular mail through the U.S. Postal Services, service shall be effective on the date the notice is deposited with the U.S. Postal Service, as shown on the proof of service.
5. Notice of the right to be assisted in the response and presentation, whether written or verbal, by a representative of his or her own choosing.
6. A statement informing the employee that if he/she fails to respond either orally or in writing by the date and time set forth in the Skelly letter, or by the date and time of the rescheduled Skelly Conference, the employee will be deemed to have waived his/her right to a Skelly Conference.

### **Skelly Conference Officer \***

The Skelly Conference Officer shall be designated by the Personnel Manager. The Department Head may be designated as the Skelly Conference Officer, depending on the amount of involvement in the personnel matter.

If the Department Head has been directly involved, then the Skelly Conference Officer shall be the Personnel Manager or his/her designee or any other reasonably impartial individual with the authority to make a recommendation to the Department Head. The Department Head, if not acting as the Skelly Conference Officer, may be present at, but shall not participate in, the Skelly Conference. The Personnel Manager, or his/her designee, if not the Skelly Conference Officer, shall also be present.

It is not the function of the Skelly Conference Officer to conduct a full evidentiary hearing or to evaluate whether the proposed discipline is "correct". The function of the Skelly Conference Officer is to listen to and consider the information provided by the employee. The Skelly Conference Officer may ask for clarification of issues and facts to assist him/her in determining whether the proposed disciplinary action is appropriate. The Skelly Conference Officer shall then make a recommendation to the Department Head regarding the type and severity of discipline to be imposed.

**\* (The process for designation of the Skelly Conference Officer shall be for a one year trial period. The Parties agree to meet after one year from the effective date of this policy to determine if the language should be revised.)**

## **Post Skelly Procedure**

Following the Skelly Conference, or if the employee has waived his/her right to a Skelly Conference and none is conducted, and if disciplinary action is to be imposed, the Department Head shall request, in writing, an Order of Discipline from the Personnel Officer. The Order of Discipline shall state the disciplinary action being imposed, the effective date of the disciplinary action, and the specific grounds and particular facts supporting the disciplinary action. The Order of Discipline shall inform the employee of his/her right to a full evidentiary hearing upon his/her filing an appeal to the County Board of Supervisors acting as the Appeal Board. The grounds for discipline and the discipline itself cannot exceed that specified in the Skelly letter.

The Order of Discipline shall be served immediately upon the employee by the employee's Department Head or the Department Head's authorized representative. If personal service upon the employee cannot be made, a copy of the order and a proof of service by mail shall be sent by both regular and certified mail to the employee at his or her last known mailing address. The Personnel Officer shall also furnish County Counsel, the Auditor, and the Clerk of the Board of Supervisors with a copy of the Order of Discipline, along with proof of service on the employee.

If the employee is terminated, the employee's final paycheck shall be prepared and made available to the employee at the time the termination order is served on the employee.

## **Appeals Process**

### ***Employees***

An employee wishing to appeal the imposed discipline shall, within fifteen (15) working days, file a written Notice of Appeal with the Clerk of the Board of Supervisors (Appeal Board). The Clerk of the Board shall have responsibility for placing the setting of the appeal on the Board of Supervisors' agenda as soon as possible. The hearing of the appeal itself shall be set for a time mutually acceptable to the County and to the employee, and their respective representatives or legal counsel.

The hearing shall be conducted as a full evidentiary hearing with both sides being afforded the opportunity to present testimony, oral and written, and to cross examine witnesses. The hearing shall be informal, and the Appeal Board shall not be bound by any of the rules of evidence governing trial procedures in state courts.

The Appeal Board shall within 15 working days after the hearing is concluded and all post-hearing briefs have been submitted, make an order affirming, modifying, or revoking the Order of Discipline. A modification of the disciplinary action may not result in an increase in the level of discipline imposed. If either the employee or the Department Head disagrees with the decision of the Appeal Board, that person may appeal the decision to the Superior Court in accordance with Code of Civil Procedure section 1094.6 relating to petitions seeking review of local agency decisions.

A copy of the written findings of the Appeal Board shall be transmitted to the Personnel Officer, the Department Head, the employee, and his or her representative(s), along with a proof of service showing the date of service and identifying all documents served. The Personnel Officer shall make the findings a part of the employee's personnel file.

**This policy is intended to supersede that portion of the 1970 employer-employee relations policy, pages 9, 10, 11 and lines 1-14 on page 12.**