

# SHASTA COUNTY PERSONNEL RULES



**Completely Updated March 2009**

## NOTE REGARDING CHANGES TO PAGES

Occasionally, pages in the Rules must be replaced when typographical errors are discovered or other grammatical/format changes need to be made. These changes are minor in nature and do not alter any rule that would be subject to bargaining and/or approval by the Board of Supervisors. From time to time, the Board may act to add, delete, or modify a rule which causes pages to be replaced. To keep track of page and rule changes, and to ensure that individuals using the Rules are referencing the most current version, a Version Date will be noted at the bottom of any page where the contents have been changed (other than where the sole change is a page number due to reformatting). Also, a log of page changes will be listed after the index and the Version Date will be listed at the bottom of pages that have been changed. The Rules posted on Personnel's website will be kept up to date with version changes, and department liaisons will be given hard copies of revised cover pages, change log pages, and other pages that have been revised to copy and distribute to employees who have been issued a manual containing the Personnel Rules.

***The County of Shasta enacts the following revised personnel rules with the purpose of encouraging and maintaining a workplace environment of mutual respect and dignity for its employees engaged in furtherance of the mission of the county and service to its constituents.***

Regular employees whose classifications are included in a bargaining unit should refer to their Memorandum of Understanding (MOU) for the specifics about their benefits, rights, and responsibilities. Many policies in the Rules also apply to all County employees and are not modified by the terms and conditions of an MOU, such as Chapter 35 - the Personnel Files Policy. If your MOU is silent on a topic, then the Rules will normally apply. If you have any questions about which resource to consult, please contact Personnel or your union representative.

**This page intentionally  
left blank for duplex  
printing purposes.**

## TABLE OF CONTENTS

CHAPTER 1. DEFINITIONS .....	3
CHAPTER 2. EQUAL EMPLOYMENT OPPORTUNITY POLICY.....	7
CHAPTER 3. COMPENSATION SCHEDULE AND PLAN .....	9
CHAPTER 4. SALARY PAYMENT PROCEDURE .....	11
CHAPTER 5. CLASSIFICATION PLAN.....	15
CHAPTER 6. RECRUITMENTS AND APPOINTMENTS .....	19
CHAPTER 7. DISCIPLINARY ACTIONS.....	30
CHAPTER 8. APPEALS.....	36
CHAPTER 9. GRIEVANCE PROCEDURE .....	38
CHAPTER 10. WORKING HOURS, WORKWEEK AND OVERTIME.....	42
CHAPTER 11. HOLIDAYS .....	46
CHAPTER 12. VACATIONS .....	48
CHAPTER 13. SICK LEAVE AND BEREAVEMENT LEAVE.....	51
CHAPTER 14. LEAVES OF ABSENCE .....	55
CHAPTER 15. MANAGEMENT BENEFITS .....	79
CHAPTER 16. CONFIDENTIAL EMPLOYEES .....	87
CHAPTER 17. LAYOFF .....	92
CHAPTER 18. SALARY PLAN.....	99
CHAPTER 19. REGULAR PART-TIME AND EXTRA HELP .....	103
CHAPTER 20. TRAVEL AND OTHER EXPENSES - COUNTY CHARGES.....	108
CHAPTER 21. RETIREMENT SYSTEM .....	119
CHAPTER 22. POLICY AGAINST DISCRIMINATION AND HARASSMENT .....	121
CHAPTER 23. POLICY AGAINST VIOLENCE IN THE WORKPLACE .....	128
CHAPTER 24. VOLUNTARY TIME OFF WITHOUT PAY PROGRAM.....	130
CHAPTER 25. DISABILITIES NONDISCRIMINATION & ACCOMMODATION POLICY AND COMPLIANCE PROGRAM .....	132
CHAPTER 26. ELECTRONIC ASSETS AND INFORMATION SECURITY .....	140
CHAPTER 27. USE OF AND ACCESS TO COUNTY PROPERTY, AND EXPECTATIONS OF PRIVACY .....	161
CHAPTER 28. OUTSIDE EMPLOYMENT AND CORPORATE AFFILIATION POLICY .....	163
CHAPTER 29. VACATION DONATION POLICY .....	167
CHAPTER 30. SHASTA COUNTY PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING POLICY.....	171
CHAPTER 31. ALCOHOL-FREE AND DRUG-FREE WORKPLACE POLICY.....	175
CHAPTER 32. DRUG AND ALCOHOL TESTING POLICY FOR POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE.....	181
CHAPTER 33. VEHICLE OPERATIONS POLICY.....	191
CHAPTER 34. PERFORMANCE EVALUATION POLICY .....	202
CHAPTER 35. PERSONNEL FILES POLICY .....	208
CHAPTER 36. EMPLOYEE RECOGNITION PROGRAM .....	215
CHAPTER 37. EMPLOYEE ASSISTANCE PROGRAM POLICY.....	219
CHAPTER 38. CAMPAIGN ACTIVITIES.....	223
CHAPTER 39. ELECTED DEPARTMENT HEADS AND BOARD OF SUPERVISORS BENEFITS.....	220
APPENDIX A FORMS.....	232
APPENDIX B POLICIES AND RESOLUTIONS .....	321
APPENDIX C MISCELLANEOUS .....	348

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 1. DEFINITIONS

SECTION 1.1. WORDS DEFINED. When used in these Personnel Rules, any amendment, and any other ordinance classifying and fixing the salaries and compensation or authorizing the employment of personnel in any department, agency, or office of the County of Shasta, the terms set forth in this Chapter shall have the following meanings unless it shall be clearly apparent from the context that they are used in a different sense.

SECTION 1.2. “ALLOCATION:” assignment of an individual position to an appropriate class within a department, as determined in the position allocation list which is adopted by resolution by the Board of Supervisors.

SECTION 1.3. “APPOINTING AUTHORITY:” a Department Head, his/her designee, or group of persons having the power by law or ordinance to make an appointment to any position in a specified department for the County of Shasta.

SECTION 1.4. “BOARD:” when used alone means the Board of Supervisors of the County of Shasta.

SECTION 1.5. “CALENDAR MONTH:” any of the twelve months starting on the first day thereof and terminating at the close of the last day thereof.

SECTION 1.6. “CALENDAR YEAR:” a year starting on January 1 and terminating the close of the following December 31.

SECTION 1.7. “CLASSIFICATION (CLASS):” designation of duties and responsibilities sufficiently similar so that the same descriptive title may be used, the same requirements as to education, experience, knowledge, ability, and tests of fitness may be demanded of incumbents, and so that the same schedule of compensation will apply.

SECTION 1.8. “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.

SECTION 1.9. “COMPENSATION:” the salary, wages, any applicable allowances and all other forms of valuable consideration earned by, or paid to, any employee as authorized in the Salary Plan and Memorandum of Understanding.

SECTION 1.10. “CLASSIFIED SERVICE:” a regular position that the Board of Supervisors has designated as classified in the salary plan in which an employee serves an initial probationary period ("at-will" status) upon appointment.

SECTION 1.11. “CONTINUOUS SERVICE:” service uninterrupted from date of appointment except for authorized absence.

SECTION 1.12. “COUNTY:” the County of Shasta in the State of California.

SECTION 1.13. “COUNTY SERVICE OR SERVICE OF THE COUNTY:” all positions in all

departments, and offices as herein defined, that are subject to control and regulation by the Board of Supervisors of the County of Shasta.

SECTION 1.14. "DAY:" calendar day unless otherwise specified.

SECTION 1.15. "DEPARTMENT:" includes office, agency, or department as established by law or the Board of Supervisors.

SECTION 1.16. "DEPARTMENT HEAD:" the head of an office, agency, or department, having supervision of such department and office or agency. Department Head also includes all elected officers.

SECTION 1.17. "EMPLOYEE:" a person legally occupying a position in County service, including a position recognized as constituting an office under state law.

SECTION 1.18. "EXTRA HELP EMPLOYEE:" a person appointed to a classification in the salary plan on a schedule of less than one-half the hours of a regular full-time employee or less than a year around basis to cover peak workloads, emergency extra workloads of limited duration, necessary vacation relief and other situations involving a fluctuating staff or work schedules which do not meet the requirements of regular part-time employment as set forth in Section 1.28 of this Chapter. A California Public Employees Retirement System (CalPERS) retiree shall not work in excess of 960 hours in a fiscal year and others shall not exceed 1000 hours of work in a fiscal year. Fiscal year when used in this context is July 1 to June 30. Extra help employees, who also may be referred to as casual workers, or employees in seasonal or temporary appointments, serve at the will and pleasure of the appointing authority. Such employees are part of the unclassified service and are not subject to any article or provision of the Rules which may appear to confer a property right or permanent status to any extra help employee or position occupied by any extra help employee.

SECTION 1.19. "LIMITED TERM EMPLOYMENT:" effective November 26, 1996, employees who are appointed to certain positions which are wholly dependent upon limited term funding (e.g., grants or contracts) shall not receive credit toward permanent status in County employment for service in such positions. This condition shall be noted in the job offer. Time spent in such positions shall, however, count toward eligibility for leave accruals and benefits as if the employee were in a regularly funded position. These positions are at-will, and the incumbents' employment may be terminated without cause or whenever funding for the positions decreases. Employees in grant or contract-funded positions who hold permanent status shall retain and continue to accrue the benefits of permanent status while serving in such positions.

SECTION 1.20. "LOCAL AGENCY MERIT SYSTEM:" regulations administered by the State of California Personnel Board (SPB), covering employees of the County Social Services and Child Support Services Departments who are subject to the Merit System. Those employees shall have such rights and privileges and shall be subject to such regulations and limitations established by the SPB to the extent that such regulations and limitations supersede County MOU's and these Personnel Rules.

SECTION 1.21. "MONTH:" a period from a particular calendar date in a month to and including the immediately preceding date of the following month.

SECTION 1.22. "NON-EXEMPT EMPLOYEE:" a person in a position covered under the overtime provisions of the Fair Labor Standards Act (FLSA).

SECTION 1.23. "PERSONNEL:" the Personnel Division (Human Resources) of the Department of Support Services.

SECTION 1.24. "PERSONNEL DIRECTOR:" refers to the Director of Support Services.

SECTION 1.25. "POSITION:" a collection of duties and responsibilities which require the full- or part-time services and employment of one person.

SECTION 1.26. "REGULAR FULL-TIME EMPLOYEE:" an employee in an allocation established on a permanent year around basis requiring the total number of hours prescribed for normal full-time employment.

SECTION 1.27. "REGULAR PART-TIME EMPLOYEE:" an employee in an allocation established on a permanent year around basis with less than a full-time schedule of hours and not less than half the total number of hours prescribed for normal full-time employment.

SECTION 1.28. "SALARY PLAN:" Board-adopted resolution that identifies class, salary range assignments, and other provisions.

SECTION 1.29. "UNCLASSIFIED SERVICE:" as designated on the salary plan, includes appointive County officers and department heads, all persons employed to render professional, scientific, technical or expert service of an occasional or exceptional character; those positions involving such unusual or special employment conditions that the Board deems it necessary to compensate them on a special flat rate or fee basis, and all persons appointed under temporary or part-time extra help appointments. Unclassified employees serve at the will and pleasure of the appointing authority and are not subject to any article or provision of the Rules or MOUs which may appear to confer a property right or permanent status to any unclassified position.

SECTION 1.30. "YEAR:" unless otherwise specified, a period from a particular calendar month and date of a year to and including the immediately preceding date of the same month in the following year.

**This page intentionally  
left blank for duplex  
printing purposes.**

## **CHAPTER 2. EQUAL EMPLOYMENT OPPORTUNITY POLICY**

SECTION 2.1. Shasta County is an equal opportunity employer and recognizes its legal obligation (per state and federal law) not to refuse to hire or employ a person; or refuse to select a person for a training program leading to employment; or to bar or discharge a person from employment or from a training program leading to employment; or to discriminate against a person in compensation or terms, conditions or privileges of employment because of the person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, age (over 40), marital status, sex, or any other characteristic protected by state or federal law, unless based upon a bona fide occupational qualification.

SECTION 2.2. It is the policy of Shasta County to abide by all required federal and state statutes pertaining to nondiscrimination in employment practices and to apply this policy in matters of personnel administration including, but not limited to, recruitment, selection, transfer, compensation, training, layoff and recall from layoff. All employment related decisions shall be based upon the qualifications, merit, or performance of an individual, and not on unlawful criteria.

SECTION 2.3. The Personnel Director, or his/her designee, is responsible for overseeing the implementation of this policy and for coordinating the investigation of complaints regarding policy violations. This policy will be incorporated into the County Personnel Rules and a copy will be provided to every new employee. It is the duty of all employees to abide by the policy and to promote a workplace free from illegal discrimination or harassment. It is expected that managers and supervisors be particularly aware of the policy and spirit of equal employment opportunity.

SECTION 2.4. County recruitment, advertising, bulletins and related materials, and employment contracts will state that Shasta County is an equal opportunity employer.

SECTION 2.5. In addition to the foregoing, Shasta County maintains a commitment to respect and follow all of its responsibilities in regards to matters of employment.

**This page intentionally  
left blank for duplex  
printing purposes.**

## **CHAPTER 3. COMPENSATION SCHEDULE AND PLAN**

SECTION 3.1. PLAN. Except as otherwise provided by law or this division, officers and employees shall receive the compensation provided in the basic salary schedule set forth by Resolution of the Board of Supervisors for the classification of position in which they are employed, in accordance with the allocation of such classifications to ranges of the basic salary schedule and in accordance with the terms of employment hereinafter set forth. The salary of each class shall be consistent with the duties, responsibilities and difficulty of the work involved and is and shall be based on the principle that like salaries shall be paid for comparable duties and responsibilities, and that County salary schedules shall bear a reasonable relationship to prevailing rates of pay in other public jurisdictions and in local private employment.

SECTION 3.2. ELECTIVE, CLASSIFIED, AND UNCLASSIFIED SERVICES – SALARY RANGE ASSIGNMENTS. The salary ranges for the Elective (except for Supervisors), Classified, and Unclassified Services shall be established by resolution of the Board of Supervisors.

SECTION 3.3. SUPERVISOR SALARY ASSIGNMENTS. The salaries for Supervisor positions shall be set by ordinance.

**This page intentionally  
left blank for duplex  
printing purposes.**

## **CHAPTER 4. SALARY PAYMENT PROCEDURE**

**SECTION 4.1. PAYMENT ON BIWEEKLY BASIS.** Unless otherwise provided by law or ordinance, all salaries and wages shall be paid on a biweekly basis not later than the second Tuesday following the end of the pay period for the preceding two weeks' earnings. The payroll shall be approved by the appointing authority after it has been examined to determine that the employees listed have been appointed, employed, promoted, demoted or their salaries increased or decreased in accordance with the provisions of these Personnel Rules or the Salary Plan, and then approved by the Auditor-Controller before any such payments are made.

**SECTION 4.2. DIRECT DEPOSIT.** All employees hired after August 10, 2002, will be required to receive their pay as direct deposit, unless waived by the Personnel Director or his/her designee, for extraordinary circumstances, under procedures established by the Auditor-Controller. Those procedures may include an initial test of the electronic transfer to the employee's financial institution, causing the employee to receive an initial paycheck. All terminating employees will receive their last compensation as a paycheck, in order for departments to have final contact with the employee and to assure appropriate exit procedures and notifications have been completed.

### **SECTION 4.3. ALLOCATION AND ASSIGNMENT OF POSITIONS.**

- A. The number and classes of positions specified in the County budget shall not be exceeded or otherwise modified by any County department except as authorized elsewhere by the Board.
- B. Upon notification to the Personnel Director, or his/her designee, a regular full-time vacancy may be filled on a regular part-time basis if, in the judgment of the appointing authority, a full-time employee is not needed, in which case the salary for such regular part-time positions shall be determined in accordance with Section 19.1 of this manual. (See also, Policy Resolution No. 2010-2, in appendix.)
- C. Upon authorization by the Personnel Director, or his/her designee, a regular full-time or regular part-time vacancy may be filled temporarily on a provisional basis, if in the judgment of the appointing authority, it is necessary to staff the position, and there are insufficient eligibles on an appropriate list from which to appoint. No provisional appointment shall continue for more than 13 pay periods (six months) or beyond two pay periods after the establishment of an eligible list, whichever comes first, except that the Personnel Director, or his/her designee, may extend the provisional appointment in a collateral appointment if there is a vacancy due to an employees approved medical or military leave. The period of provisional appointment shall not serve toward a salary range step increase unless extended beyond six months as provided in this section. The period of provisional appointment shall not constitute a part of the probationary period nor time served toward a salary range step increase.
- D. A regular full-time or regular part-time position not specifically designated in the County position allocation list with an alternative lower classification may be filled for a period not exceeding 12 months by an appointment to an appropriate lower classification if requested by the appointing authority and authorized by the Personnel Director, or his/her designee. Such under filling of positions will be reviewed on an annual basis

during the budget process to determine if continuation is appropriate. (See also, Policy Resolution No. 2010-02, in appendix.)

#### SECTION 4.4. WORK OUT OF CLASSIFICATION.

A. When an employee is temporarily assigned work which is normally assigned to a vacant higher level position, the employee shall receive pay for performing such work at a rate equivalent to that provided for under County promotional rules after meeting the following requirements (at which time the pay increase will be effective the first day the employee started working out of class):

1. Be assigned in writing by Department Head, or his/her designee, with the approval of the Personnel Director, or his/her designee, who will assess among other factors whether the employee meets the minimum qualifications;
2. Be assigned for other than training purposes;
3. Perform the full regular duties of the higher position;
4. Perform the duties of the higher position for a period of at least 80 work hours, except with an approved interruption. (Holidays shall be treated like weekends or comparable regularly scheduled days off.)
  - a. An approved interruption shall be the use of approved leave balances not to exceed an accumulation of 16 hours during the 80 hour qualification period.
  - b. Returning to the employee's regularly assigned position for more than 16 accumulated work hours will cause the 80 hour requirement to begin again if full duties of the higher position are resumed.

B. An employee who has qualified for the higher rate shall receive such a rate on an hourly basis only for hours worked while so assigned.

C. If the work temporarily assigned is normally assigned to a position at or below the employee's salary rate, he/she shall continue to receive his/her regularly established rate.

D. A vacant higher level position, as referred to herein, shall include absences by the incumbent of the higher position of more than 10 workdays including vacation, sick or other forms of leave.

E. Working out of class to a vacant higher level position, for a period of more than six months may be approved by the Personnel Director, or his/her designee, on a case by case basis.

F. A vacant higher level position may also include a portion of a position in which the incumbent is temporarily unable to perform all of the essential functions of the job due to a documented health condition. In this case, an employee may be assigned to temporarily work out of class to perform the full duties associated with the essential

function(s) the incumbent cannot perform providing that this work accounts for at least 25% of the job. The higher rate of pay will apply only to those hours in which the employee working out of class performs duties specific to the essential functions the incumbent cannot perform. The employee assigned to work out of class must work in this capacity for more than two regularly scheduled work weeks, after which out of class pay will apply to the hours worked performing assigned higher level duties effective the first day such work was performed. Additionally, a Department Head, or his/her designee, must obtain approval from the Personnel Director, or his/her designee, prior to assigning an employee to work out of class in a position subject to the conditions described in this paragraph.

Note: This provision is limited to cases where an employee's doctor releases the employee to work in a limited capacity (including full-time work doing limited duties, and part-time work doing full or limited duties) and the County determines it can accommodate the employee with a temporary, modified duty assignment and another employee can reasonably be called upon to perform those essential functions of the job that the employee with limitations cannot perform.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 5. CLASSIFICATION PLAN

SECTION 5.1. CLASSES OF POSITIONS. All positions in County service shall be designated as Classified, Unclassified or Elective by resolution of the Board of Supervisors.

### SECTION 5.2. LIMITS OF UNCLASSIFIED SERVICE.

A. The unclassified service may include, in addition to appointive County Officers and Department Heads, only those classifications and positions which are determined by the Board of Supervisors to:

1. Function at the first level of management responsibility immediately below the appointing authority, or
2. Have primary duties as a first assistant to an elective official, or
3. Be of a uniquely professional or highly sensitive nature, or
4. Be of an extra help or temporary nature, or on a regular part-time basis with a schedule of hours of less than one-half normal full-time schedule, or
5. Include other unique or specialized assignments.

B. Any permanent classified employee who is transferred or promoted to a position within the same department in the unclassified service shall retain all rights and benefits as a permanent employee of the employee's former class while in such unclassified status. These include the right to return to the former class in the event of layoff. Service in the unclassified position shall not count toward seniority credits in the employee's former class in the event of layoff. Nothing in this subsection is intended to render any employee in an unclassified position eligible for the provisions of Chapter 7, et seq., dealing with disciplinary procedures for classified employees.

### SECTION 5.3. AMENDMENT AND MAINTENANCE.

A. Whenever one or more new classes are requested, or whenever because of any change in organization or method, a significant change in the duties or responsibilities of any existing position is to be made which requires the amendment of the classification plan, such revision and amendment of the classification plan shall be made in the manner provided herein. (See Position Classification Questionnaire and Appeal forms in appendix. See also, Policy Resolution No. 2010-2, in appendix.)

1. Whenever the appointing authority of any department proposes that a new class be established or identifies that a significant change has occurred in the duties and responsibilities of an existing position, such appointing authority shall report the significant facts, in writing, to the Personnel Director, or his/her designee. The Personnel Director, or his/her designee, shall make a study of the duties and responsibilities of any such positions and of the qualifications required for filling the same, and of the relationship of such positions in the classification plan. The results of the study may be presented with a recommendation for any

appropriate amendment to the classification plan to the CEO, or his/her designee, who shall present the request to the Board of Supervisors with his/her evaluation thereof, and his/her recommendations thereon.

2. A department head or any employee may request that the Personnel Director study a position(s) for possible reclassification as part of the annual Classification Maintenance Program or in accordance with Policy Resolution 2010-02 which address Position Reclassifications. Additionally per Policy 2010-02, the Personnel Director in consultation with a Department Head may initiate the review of a position to determine its appropriate classification. When considering reclassifying a position, the primary focus is on determining whether the scope and functions of the job have undergone such significant changes that the duties and level of responsibilities, and requisite qualifications on the part of an incumbent are more appropriately described by another classification within the County's classification plan. If such a defined classification does not exist within the classification plan, the Personnel Director may recommend that an appropriate new classification be developed and added to the plan. When reviewing a position for possible reclassification, the study is not concerned with how well an employee performs on the job, whether the amount of work assigned is appropriate, or whether the particular function or organization is properly staffed. Also, the study does not address the appropriateness of the salary range associated with a position, and positions are not reclassified based upon comparisons of the compensation other employees working within or outside of county service receive.

B. The Board of Supervisors upon recommendation of the Personnel Director, or his/her designee, or CEO, or his/her designee, at any regular meeting, may create new classes, divide, combine, alter or abolish existing classes, or allocate new positions to appropriate classes or reallocate existing positions to other classes by resolution or by amending this Chapter. (See also, Policy Resolution No. 2010-2, in appendix.)

**SECTION 5.4. CLASS SPECIFICATIONS.** The Personnel Director, or his/her designee, shall prepare and maintain the official written specification for each classification.

**SECTION 5.5. INTERPRETATIONS OF CLASS SPECIFICATIONS.** The class specifications are descriptive and explanatory and not restrictive. They are intended to indicate the kind of position allocated to various classes and shall not be construed as declaring to any extent or in any way what the duties and responsibilities of any position should be. The use of a particular expression or illustration as to duties should not be interpreted to exclude others not mentioned that are of similar kind or quality. The classification specification presents a picture of the kind of employment that the class is intended to embrace. Qualifications commonly required of all incumbents of positions of the various classes such as appropriate physical condition, honesty, sobriety and industry should be deemed to be implied as qualification requirements even though they are not specifically mentioned in the specifications.

**SECTION 5.6. USE OF CLASS TITLE OF POSITIONS.** The title of the class to which any position is allocated shall be used in all official personnel records and in all official personnel transactions of the County of Shasta; provided, however, that use of class titles shall not preclude deputization of employees, or their designation as officers in accordance with law. The provisions of this section do not preclude departments from using separate duty statement descriptions and working titles within their department so long as the duties remain within the

scope of the classification.

**SECTION 5.7. ROSTER OF EMPLOYEES AND POSITIONS.** A central record of employees and positions is to be maintained and shall include a record of the appointment and subsequent changes in classification or compensation of each employee in the classified and unclassified service and shall include dates of services, positions held, salaries received, and such other related information as the Personnel Director, or his/her designee, may consider appropriate.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 6. RECRUITMENTS AND APPOINTMENTS

SECTION 6.1. RECRUITMENT PROCEDURES. The following procedures based on merit system principles (see appendix) must be followed in the recruitment of classified employees for Shasta County. The only exceptions or modifications to these procedures are those required of Merit System Services positions that are filled in accordance with State guidelines outlined in the Merit Service Manual or those outlined in Policy Resolution 2010-02, (see appendix).

A. The appointing authority begins recruitment by forwarding a Request to Fill Position Form or, if necessary, a **REQUEST FOR CONTROLLED HIRING EXEMPTION/EXCEPTION Form**, to Personnel. Personnel then determines, after consulting with the appointing authority, the type of recruitment to conduct. The three types of recruitment are: County Promotional - open only to regular Shasta County employees; Departmental Promotional - open only to regular employees within the department where the vacancy exists; and Open - which is a general recruitment open to anyone. Promotional and Departmental Promotional recruitments will not normally be allowed if a current eligible list exists for the classification. Exceptions may apply with approval from the Director of Support Services, or his/her designee.

B. If no eligible list exists, the job description for the position and any previous bulletin(s) will be reviewed with the appointing authority for accuracy and updated if appropriate. Personnel will update the job description under authority granted by the Board of Supervisors. However, if there are proposed changes to the title or pay of the classification, or significant proposed changes in duties, such proposals require approval of the Board of Supervisors prior to proceeding. After the job description and bulletin are approved by Personnel in consultation with the department, Personnel will decide which newspapers, job websites, professional journals or other job recruiting resources to utilize. Departments may only place additional ads after consulting with Personnel. Departments may only do large-scale mailings of the job bulletin after reviewing its content with Personnel. Personnel may initiate the process to create a new eligible list if the recruitment for the current eligible list commenced a year or more before the current request to fill. A new list may also be created for compelling reasons (based on agreement between the Department Head, or his/her designee, and the Director of Support Services, or his/her designee) if the list was created less than one (1) year before the current request to fill. Notices of recruitments are posted on bulletin boards in various county offices and sent to other local agencies and distributed consistent with equal employment opportunity laws. Notices are updated and distributed by Personnel. Current open recruitments shall also be announced on the Shasta County Website ([www.co.shasta.ca.us](http://www.co.shasta.ca.us)).

C. If an existing eligible list is less than one year old, the top ten (10) names shall be certified to the appointing authority. Additionally, where possible, employees on recall lists will be referred first or in conjunction with the certified list. If the eligible list is older than one year or consists of five (5) or fewer viable names, the appointing authority, in consultation with Personnel, may either select someone from the existing list or reject the list and request the development of a new list. If the department provides valid

justification for the rejection of one or more applicants from the certified list, causing five (5) or fewer viable names to remain for the department to consider, the appointing authority, in consultation with Personnel, may reject the list and request the development of a new eligible list. The eligible list must be abolished if it is older than two years. If a Departmental Promotional eligible list exists and a County Promotional or Open list is subsequently developed, the department must use the departmental list until it expires.

If a unique, special-duty assignment exists within a broadly defined classification, Personnel may approve a request from an appointing authority for a specialized recruitment even if a current (general) eligible list exists, or to develop a new eligible list specific to the special assignment from the existing eligible list.

D. A filing period will be established by Personnel, during which time applications will be accepted. If a small number of applications are received during the recruiting period, the recruitment may be extended. Only County application forms received for current recruitments will be accepted. Applications must be received by Personnel no later than 5 p.m. on the final filing date. Supplemental questions, or additional required information must be submitted by 5 p.m. the work day following the final filing date. Typing certificates are to be submitted either with the application, or if screened in, must be submitted by 5:00 p.m. the day prior to taking the written test. If no written test is scheduled, typing certificates must be submitted by 5:00 p.m. on the day prior to a scheduled interview.

E. Department Heads are encouraged to promote employees from within their own departments, if those employees' qualifications meet the job specifications and if they successfully pass the appropriate written and/or oral examinations. Employees are encouraged to apply during Open or County Promotional Recruitments for classifications in the department where potential openings may occur because County Promotional and Departmental Promotional recruitments will not normally be allowed if a current eligible list exists for the classification.

F. All County employees shall be entitled to take such written and/or oral examinations as are scheduled to fill position vacancies in the various County departments, without loss of regular pay, subject to the determination of Personnel that those employees meet the requirements of the position as set forth in the class specifications.

**SECTION 6.2. SCREENING OF APPLICATIONS.** Applications shall be screened by Personnel and others designated by Personnel to minimum qualifications as outlined in the job specifications. If an excessive number of applications meets minimum qualifications, or if the opening is for a specialized assignment, additional work related criteria such as skills, experience, education, and training may be applied to limit the number of written and/or oral exams.

**SECTION 6.3. WRITTEN AND ORAL EXAMINATIONS.**

A. Eligible lists shall be compiled by Personnel based on ratings earned by applicants during oral and/or written examinations. Personnel will determine the appropriate exam process for the recruitment. Personnel may require written exams in addition to oral exams (interviews) for individuals applying for certain positions.

B. If ten (10) or fewer applicants are determined to be qualified as a result of the application screening process, all shall be referred to the appointing authority for interviews, thereby by passing the initial oral exam. When written and/or oral exams are scheduled, candidates will be notified by mail or telephone of the date, time and place of the exam. Departments may, upon consultation with Personnel, make the initial contact with applicants via phone to set up a time for the oral exam. If initial contact is made via phone, a confirmation letter will be sent.

C. Each oral exam panel member will be given an interview packet in order to review the materials before the interviews. An oral exam panel will ordinarily consist of three individuals selected by Personnel and the appointing authority for their knowledge and expertise regarding the position. When possible, candidates will be notified of the names of the panel members prior to being interviewed. If a candidate has a concern regarding a particular panel member, those concerns are to be made known to the Chairperson of the oral board. Additionally, a candidate may request Personnel to remove one panel member. Personnel will determine the appropriateness of the request.

D. Candidates will be notified of their exam score, typically within two weeks after the exam. The candidate will be informed only of the composite exam score; the scores of the individual panel members or from individual categories will not be made available to the candidate. Specific written exam scores will not be provided to candidates for Pass/Fail tests.

E. The oral exam panel may fail a candidate as a result of the interview based upon objective criteria that indicate that the individual is not qualified for the position. For example, the interview may reveal that the individual lacks essential knowledge, job-specific skills, necessary communication skills, a basic understanding of the job functions, or other key qualifications typically required of the position. The board panel must document such information and review it with Personnel. This may be done on panel scoring sheets instead of separate documents. Each category must have a score, and the panel members must be able to support each score. If Personnel concurs that the individual lacks sufficient qualifications to be placed on the eligible list, the hiring department must notify the individual in writing that it was the consensus of the oral board panel that he/she did not present qualifications sufficient to be placed on the eligible list, and specify the qualifications that were lacking. Personnel will consult with the contact from the hiring department about the content and structure of the letter.

G. Veterans' Preference.

1. An applicant who has received a passing score on all components of an examination (up to and including oral examinations) and who is a veteran shall receive credit for an additional five points to be added to the final examination score.

2. For the purposes of this section, a veteran has the same meaning as in Government Code § 18973, as now enacted and as may hereafter be amended. As currently written, Government Code § 18973 defines a "veteran" as any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940 to January

31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.

3. (a) An applicant who wishes to be considered for veterans' preference credit must submit a copy of his or her discharge document (DD-214 or equivalent) and information as to the type of discharge (honorable, dishonorable, etc.) with the application on or before the final filing date for the recruitment and ;

(b) Failure to submit the required credentials on or before the final filing date of the recruitment shall be deemed a waiver of the veterans' preference.

4. Veterans' preference shall apply only to examination scores used to create eligible lists from Open Recruitments and shall not affect recall lists, eligible lists created from County or Departmental Promotional Recruitments or by any other means, or any other employment decision. Should an applicant claiming a veterans' preference be hired to a regular County employment position, his or her veteran's preference shall not be applied to any subsequent County recruitment, reclassification, transfer or other employment decision during the time he or she remains employed in a regular County employment position.

5. Veterans' preference shall apply only to the examination scores for classified employment positions with Shasta County.

6. Veterans' preference shall not apply to Shasta County employment positions covered by the State Interagency Merit System, which are governed by the provisions of the Local Agency Personnel Standards (LAPS) as set forth in Title 2, California Code of Regulations, sections 17010, et seq.

#### SECTION 6.4. ELIGIBLE LISTS

A. An eligible list will be established upon the compilation of final exam scores. The top ten (10) candidates (or more if the candidates are tied with others) on the list shall be certified to the appointing authority for final consideration and interview(s) as approved vacancies occur. Should the list include eligible employees from the hiring department, Personnel will also certify the top five (5) regular full time or regular part-time if not already included in the top ten (10) candidates (or more if scores are tied). For each additional vacancy, the department will be provided one additional candidate (or more if scores are tied). The appointing authority should interview all of those certified eligible prior to making a hiring selection.

B. Current Shasta County employees wishing to transfer from their current departments to different departments within the same classification shall be considered for such transfer by submitting an application to Personnel at any time. Assuming they are otherwise eligible, their names will be referred in addition to the top ten (10) names on an eligible list. The appointing authority may consider a transfer request by a county employee without first establishing an eligible list or using the existing eligible list. These principles also apply to employees wishing to demote into classifications in which they

previously held permanent status.

C. Before being provided names of additional candidates, the department must reasonably justify the rejection of the original candidates certified. Valid justifications for rejecting certified applicants may include, but are not limited to: the applicant did not return department's phone call after two efforts; phone disconnected, no forwarding number; scheduled interview but did not attend interview; failed a background investigation that was conducted in accordance with County procedures (i.e., something was revealed in the reference check or background investigation that caused grave concern to the Department Head regarding the applicant's work ethic, attention to duty, skills, cooperation with management or coworkers, poor performance evaluations, etc.); criminal conviction of a job related nature; or other similar substantial reasons. Personnel will determine if the justification is sufficient to bypass the applicant's name in future certifications of the eligible list.

D. Employees on a recall list shall be certified in accordance with the County's layoff policy.

#### SECTION 6.5. CONTINUOUS RECRUITMENT.

A. Notwithstanding the foregoing, the Director of Support Services, or his/her designee, may authorize an open, continuous recruitment for specific classifications when such classifications have a history of multiple recruitments occurring within a year's period or the positions frequently remain vacant or under filled.

B. The process for continuous recruitments shall be as follows:

1. An appointing authority may request a continuous recruitment, (reference Section 6.1), or the Director of Support Services, or his/her designee, may initiate such recruitment.
2. The Director of Support Services, or his/her designee, will only authorize continuous recruitments if one of the criteria referenced in paragraph A is met.
3. The position will be posted as open for continuous recruitment (reference Section 6.1.B).
4. Applications will be screened on a monthly basis or more frequently as necessary (reference Section 6.2).
5. Applicants who do not meet the established qualifications will be notified by mail or email.
6. Qualified applicants will be scheduled for the examination(s) typically used to establish eligible lists for the class (reference Section 6.3).
7. Applicants completing the examination process will be informed by mail that they passed or failed the examination(s) and, if passed, of their ranking on the eligible list (reference Section 6.3).

8. Rankings will be based on examination(s) scores and how these scores compare to others already ranked on an established list. When individuals are notified of their ranking on the list, they will also be informed that their ranking may change in the future as new names are added or deleted from the list.
9. Candidates on the list may not participate in future examinations for the same job classification within six months of their initial placement on the list unless the list is being abolished and replaced with a new one.
10. Candidates' names will be removed from the list after one year from the date of their last placement on the list.
11. The Director of Support Services, or his/her designee, may discontinue a continuous recruitment for a classification at any time.

SECTION 6.6. MULTIPLE EMPLOYMENT. No employee, whether full time, part-time, or extra help, shall hold more than one employment with the County without prior concurrence of the appointing authorities for whom the employee will work and the approval of the Director of Support Services, or his/her designee,. This provision shall not apply to employees represented by the Deputy Sheriffs Association, who, if employed in a full-time position, shall not be permitted to work for compensation for the County in any capacity other than his/her regular position.

SECTION 6.7. REINSTATEMENT. Notwithstanding anything to the contrary in this Chapter and without complying with the foregoing requirements for appointment, an appointing authority may appoint to a vacant position a former employee who separated from the County's employment in good standing within three years of separation, if the employee held permanent status in the classification to which appointment is being made. Salary step placement upon reinstatement may be to the same salary step to which the former employee was assigned at the time of separation. The employee's vacation accrual rate and maximum vacation accumulation (per section 12.2) on reinstatement will be based on prior service excluding absences from County employment, and in all other respects benefits will be as in the case of new employment.

SECTION 6.8. OFFERS OF EMPLOYMENT AND REFERENCE CHECKING.

- A. Except as stated in Section 6.8.C.1 below, prior to extending verbal or written offers of county employment, the appointing authority shall conduct a background investigation (based on County policies regarding background investigations) on a prospective employee. Such a background investigation includes, but is not limited to, performing reference checks, obtaining the prospective employee's fingerprints for the purpose of conducting a criminal history check, and collecting other job related information. The appointing authority has the discretion to only conduct background investigations on certain applicants that the appointing authority has decided to move forward in the hiring process. A background investigation is not required of every applicant referred to the appointing authority
- B. Prospective employees shall sign an Authorization and Release of Information form or other releases authorizing the County to investigate and verify the information

contained on their application. Failure to sign such release(s) shall disqualify the applicant. References shall be provided by the applicant. References shall be checked only after a written release has been provided to the County.

C. Following completion of the background investigation, which includes fingerprinting for the purpose of conducting a criminal history check, the appointing authority may extend an offer of employment conditioned on the results of a medical examination.

1. The appointing authority must first complete the background investigation and evaluate all non-medical information that it reasonably could have obtained prior to extending a job offer conditioned on the results of a medical examination. The collection of non-medical information after extending a job offer conditioned on the results of a medical examination is only allowed if the appointing authority can demonstrate that the information could not reasonably have been collected prior to the offer.

2. It is the department's responsibility to verify that the applicant has passed the background investigation before extending an offer conditioned on the results of a medical examination. This may be done by contacting Personnel. (See also Chapter 30, Pre-employment Drug and Alcohol Testing Policy.)

D. The appointing authority shall notify all applicants on the certified eligible list as to their selection or rejection for employment.

#### SECTION 6.9. COLLATERAL ALLOCATION FOR THE TRAINING OF A NEW EMPLOYEE.

The Director of Support Services, or his/her designee, may create a temporary collateral allocation to provide a time period for an employee leaving County service or who has accepted a position in another County department to train a new employee. The Department Head, or his/her designee, must make the request for a collateral allocation in writing. The Director of Support Services, or his/her designee, may grant a collateral allocation for up to four weeks for a non-management position, and up to eight weeks for a management position. The department must provide to Personnel the signed resignation or notice of retirement from the employee, or confirmation from the Department Head, or his/her designee, of the new hiring department, and provide written assurance that there is funding available for the additional expense.

#### SECTION 6.10. APPOINTMENTS TO CLASSIFIED SERVICE.

All new and promotional appointments to a position in the classified service shall be made by the appropriate appointing authority. All appointing authorities shall appoint to positions in the classified service only from among those who are certified to them by Personnel as being eligible for the particular classification of employment, provided, however, that any other employee of the Departments of Social Services or Child Support Services subject to the State Merit System, shall be subject also to standards imposed under that system. Insofar as it conforms to other County regulations or policies, each Department Head, or his/her designee, shall be permitted to choose from the top ten (10) applicants in accordance with section 6.4.A.

#### SECTION 6.11. DEPARTMENT HEADS.

A. The persons lawfully holding the positions listed in this section, and such other persons as maybe designated from time to time by state law, shall be regarded as Department Heads and shall be part of the executive management of Shasta County

government. The manner of their appointment is set forth in the following subsections.

B. The following department head is appointed by and serves at the pleasure of the Board of Supervisors and may be employed by contract: County Executive Officer.

C. The following department head is appointed to a four-year term of office by the Board of Supervisors and may be removed for cause pursuant to Government Code section 27641: County Counsel.

D. The following Department Head is appointed to a four-year term of office by the Board of Supervisors from a list of eligible candidates prepared by the Director of Agriculture, and may be removed for cause pursuant to Food and Agricultural Code sections 2181 et seq. and Business & Professions Code section 12214: Agricultural Commissioner/Sealer of Weights & Measures.

E. The following Department Heads are appointed by the Board of Supervisors upon the recommendation of the County Executive Officer and serve at the pleasure of the Board of Supervisors:

1. Public Works Director
2. Director of Resource Management
3. Director of Child Support Services
4. Public Defender
5. Health and Human Services Agency Director
6. Chief Probation Officer

\*The separate position of Director of Mental Health Services is applicable only when the HHSA Director does not possess the particular qualifications required by law for the office of Director of Mental Health Services and is not otherwise approved by the State Director of Mental Health. All other provisions and conditions for Department Heads would apply.

F. The following Department Heads are appointed by the County Executive Officer and serve at his/her pleasure:

1. Director of Support Services
2. Chief Information Officer
3. Director of Housing and Community Action Programs
4. Intermountain Fair Manager
5. Veterans Service Officer

G. The following Department Heads are appointed by authorities other than the Board of Supervisors, as indicated, and serve at the pleasure of their appointing authorities:

1. Fire Warden (appointed by the California Department of Forestry - receives no county pay)
2. Farm Advisor (appointed by the University of California - receives no county pay)

H. The following Department Heads make up the elective service:

1. Assessor/Recorder
2. Auditor-Controller
3. County Clerk
4. District Attorney
5. Sheriff-Coroner
6. Treasurer-Tax Collector/Public Administrator

I. The Department Heads listed in subsections B through G shall be subject to termination upon 30 days prior written notice, except where another method of removal is required by contract, ordinance or state law. Upon such Department Heads giving notice of resignation, the County Executive Officer may, for good cause and upon a determination that the best interests of the County would be served, authorize a maximum of 30 days leave with pay pending the effective date of that resignation.

SECTION 6.12. MERIT PRINCIPLES APPLY. It is the policy of the Board that appointments to positions listed in section 6.11, will be made in accordance with merit principles (see appendix) and that the services of Personnel will be utilized in recruiting and in determining the qualifications of candidates for these positions.

SECTION 6.13. USE OF FORMS. All appointments to positions in the classified and unclassified service shall be made in writing on forms prescribed by Personnel. A copy of the appointment signed by the appointing authority or his/her authorized designee shall be delivered to Personnel for approval before the proposed appointee begins work or the proposed promotion takes effect. The appointment must be processed by Personnel before payment can be made to the appointee by the County Auditor.

SECTION 6.14. APPOINTMENT OF RELATIVES

A. Appointing authorities are prohibited from appointing relatives to positions in County service. An appointing authority shall insure that within his/her department, a supervisory person shall not have a relative under his/her supervision, regardless of the departmental budget unit to which the position occupied by such relative is allocated. Such supervision may be direct, i.e., immediate supervision, or indirect by any number of

organizational levels within the department.

B. For the purposes of this section, relative shall include brother, sister, child, parent, uncle, aunt, niece, nephew, spouse, Registered Domestic Partner, or spouses' or Registered Domestic Partners' brother, sister, parent, uncle, aunt, niece or nephew. Step-relatives of the same relationships are also included.

SECTION 6.15. INITIAL PROBATION. Upon initial appointment in classified service, all employees (except those otherwise specified in memoranda of understanding) shall serve the equivalent of 12 months of full-time service as a probationary period, during which time the employee may be dismissed without cause or right of appeal. While on initial probation, an employee may not promote to another classification (except in an unusual circumstance after approval by the Director of Support Services, or his/her designee).

SECTION 6.16. PROMOTIONAL PROBATION. Upon promotion to a classification in classified service with a higher salary schedule, an employee (except those otherwise restricted by specific memoranda of understanding) shall serve the equivalent of 12 months of full-time service as a probationary period, during which time the employee may be returned to his/her previous classification without cause or right of appeal, provided the employee had successfully attained permanent status in the previous class.

SECTION 6.17. PROBATION ON TRANSFER OR DEMOTION. For good cause shown, a Department Head, or his/her designee, may require a 12 month probationary period (full-time equivalent) as a condition of appointment in cases of lateral transfer or demotion, voluntary or otherwise, from another department. During such probationary period, the employee may be dismissed without cause or right of appeal. The employee has no right to return to his/her previous position.

SECTION 6.18. EXTENSION OF PROBATIONARY PERIOD. Any accumulated time absent during the probationary period for a period of more than five working days shall serve to extend the employee's probationary period for the total period of absence. Probation shall not be extended for any other reason.

SECTION 6.19. REJECTION FROM PROBATION. Rejection during a probation period is not a disciplinary action.

SECTION 6.20. LEAVE OF ABSENCE WHILE ON PROBATION. An employee in the initial probationary period may be granted a leave of absence without pay, but the period of leave shall not exceed four months unless otherwise required by law. An employee in any probationary status shall have his/her probationary period extended an amount of time equal to the period of leave.

SECTION 6.21. PROBATION ON RECLASSIFICATION. An appointing authority may require a probationary period of six months on reclassification when the incumbent employee has been performing the assigned duties for less than six months. Should a reclassified position be filled by recruitment, promotional probationary rules shall apply.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 7. DISCIPLINARY ACTIONS

### SECTION 7.1. GENERAL.

A. The tenure and status of every classified employee is conditioned on reasonable standards of personal conduct and satisfactory job performance. Failure to meet such standards shall be grounds for appropriate disciplinary action.

B. The procedures set forth in this Chapter shall not apply to probationary employees who are rejected during probation, to extra help employees or employees in the unclassified service of the County. These procedures shall not apply to a reduction in force, or a reduction in pay which is part of a reclassification action or reorganization approved by the County Board of Supervisors.

C. Any appointing authority may initiate disciplinary action for cause. As used in this section, appointing authority shall mean an elected or appointed Department Head, or his/her designee, who initiates the disciplinary action.

D. The procedures set forth in this Chapter shall not preclude an employee from entering into a written agreement with the County to settle a pending disciplinary matter, and further shall not preclude an employee from waiving any of the notice provisions herein provided for, as part of that written settlement agreement.

E. Time limits and formal steps may be waived by mutual written consent of the parties.

SECTION 7.2. BASIS FOR DISCIPLINARY ACTION. Disciplinary action, up to and including termination of employment may be taken against any employee for unsatisfactory performance or for misconduct including, but not limited to, the following:

A. Absence without leave.

B. Misfeasance, malfeasance, nonfeasance or neglect of duty.

C. Incompetence.

D. Inefficiency.

E. Violation of any lawful or reasonable regulation or order made or given by a superior officer.

F. Negligent or willful damage to public property.

G. Waste or misuse of public supplies or equipment.

H. Discourteous treatment of members of the public or public officers or employees while on duty.

I. The unlawful manufacture, unlawful distribution, unlawful dispensing, unlawful possession or unlawful use of a controlled substance or alcohol intoxication while on

duty, while operating a county vehicle or while in uniform. "Controlled substance" includes any substance described in sections 11054 et seq. of the Health and Safety Code.

J. Use of alcohol or controlled substances which interferes with the employee's ability to perform his/her duties.

K. Conviction of any criminal act involving moral turpitude.

L. Disorderly conduct while on duty, while attending any event related to employment, while using a County vehicle, while on County-owned or leased property, or while in uniform.

M. Conduct unbecoming a County employee which indicates the employee is unfit to perform the employee's job functions while on duty, while attending any event related to employment, while using a County vehicle, while on County-owned or leased property, or while in uniform.

N. Conduct unbecoming a County employee while off duty which by its inherent nature brings disrepute to the County or impairs its credibility with the public or other public agencies. This provision is not intended to limit an employee's constitutionally protected speech.

O. Dishonesty, including but not limited to falsifying official records, embezzlement or theft.

P. Fraud in obtaining County employment.

Q. Violation of any of the provisions of these Personnel Rules, policy, or law.

R. Violation of the County's Policy Against Discrimination and Harassment.

**SECTION 7.3. BASIS FOR OTHER TERMINATION FOR CAUSE.** Any employee covered by this article can be terminated from County employment because of mental or physical inability to perform the essential functions of the employee's job, as determined by a medical or mental examination. Likewise, an employee who voluntarily quits employment through unauthorized absence of three work days or more shall be considered to have abandoned his/her position. Employees terminated under this section shall have the availability of subsections 7.5.A, B, and the introductory paragraph of C only. (Not disciplinary in nature.)

**SECTION 7.4. TYPES OF DISCIPLINE.** The types of discipline recognized for purposes of applying one of the appeal procedures under this chapter are:

A. Written Reprimand. A reprimand, the details of which are committed to writing and placed in the employee's personnel file. An employee receiving a written reprimand may, within five working days, appeal such action to the Department Head, or his/her designee. Within five working days thereafter, the Department Head, or his/her designee, shall respond to the employee in writing by either granting in whole or part, or denying the appeal. Such response shall be final.

B. Intermediate Disciplinary Action: Suspension Without Pay, Demotion, or Reduction In Base Pay. An employee receiving a suspension without pay, demotion, or reduction in base pay shall be afforded the opportunity to clear him/herself through the notice and response provisions of Section 7.5.A. and B. below. Following a review of the proposed disciplinary action, the appointing authority or designee shall issue a decision based upon the facts presented and the employee's response. If any proposed disciplinary action is to be implemented, the decision shall include the specific findings made against the employee, the effective date of the action, and reference to this article regarding possible further appeal of the decision.

If requested within five working days following receipt of the management representative's decision, further appeal shall include: review by the County Personnel Director, or his/her designee; referral to a Mediator from State Mediation and Conciliation Service if mutually agreed by the County and the employee's representative; and/or final presentation of the matter to the Board of Employee Appeals.

C. Severe Disciplinary Action. Discharge. An employee whose employment is proposed to be terminated or termination for cause pursuant to Section 7.2 above shall be afforded the procedural protections of Section 7.5 below.

**SECTION 7.5. APPEAL PROCEDURES.** Except as otherwise required by the State Merit System for employees covered thereby, the following procedures shall be the exclusive means of appeal available to a disciplined employee, depending on the severity of discipline proposed. Disciplinary action may be implemented prior to the completion of any of the listed appeals procedures.

A. Notice. The employee shall be advised in writing of the proposed disciplinary action when such action is to result in demotion, suspension without pay, or discharge. The written statement shall contain:

1. A description of the events which necessitated the proposed disciplinary action;
2. A statement of the charges;
3. A statement of the proposed disciplinary action;
4. A copy of the materials, if any, upon which the proposed personnel action is based and notification that the employee may review or make copies of available materials, if any, which are too numerous to supply with the notice;
5. A statement of the employee's right to representation; and
6. Notification of the right of the employee to meet with the appointing authority or designee or to submit in writing his/her response to the proposed action, and the date by which the meeting must be requested or the written response submitted.

No notice shall be served upon an employee unless first reviewed and approved by the County Counsel. A copy of every notice shall be sent to the Personnel

Director or his/her designee. Upon mutual written agreement the response meeting may be delayed beyond the date set in Section 6 above.

B. Employee's Response.

1. Since the purpose of the response meeting is to enable the County to avoid error in taking disciplinary action, any evidence within the knowledge of the employee or his/her representative or which is accessible to them which is not presented in this response meeting or otherwise presented to the appointing authority or his/her designee prior to the taking of final action cannot be presented in any subsequent proceeding.

2. An employee's opportunity to respond to the designated management representative is not intended to be an adversary hearing. However, the employee may present the names of witnesses in support of his/her opposition to the proposed demotion, suspension, reduction in pay or discharge. The limited nature of this response does not obviate the appointing authority or his/her designee to initiate further investigation if the employee's version of the facts raises doubts as to the accuracy of the initial information leading to the proposed discipline. The employee may be accompanied and represented by a person of the employee's choice during the meeting.

C. Appointing Authority's Decision. Following a review of a proposed disciplinary action by the appointing authority or his/her designee, he/she shall cause to be served on the employee, by certified mail or personal delivery, a statement signed by him/her indicating, if applicable, the appointing authority's decision based on the employee's response and, if the proposed or lesser action is to be implemented, the specific findings made against the employee and the effective date of the action. Service by certified mail is effective upon the Postal Service's final attempt to deliver the statement.

1. This statement shall clearly inform the employee that the employee has the right, within five working days after receipt of the statement, to request in writing an appeal to the Board of Employee Appeals pursuant to these Personnel Rules, to contest the action of the appointing authority or his/her designee. The request must be filed by the employee with the Personnel Director, or his/her designee.

2. If, within the five working day appeal period the employee does not file an appeal, the action of the appointing authority or his/her designee shall be considered conclusive.

**SECTION 7.6. SUMMARY SUSPENSION.** Prior to any disciplinary proceedings under this section, the appointing authority may summarily place any County employee on an immediate suspended status without pay. Such suspensions shall be made only in cases where the employee's continued active duty status might, in the sole opinion of the appointing authority, constitute a hazard to the employee or others, tend to bring the County service into discredit, or prolong acts or omissions of improper employee conduct. If the disciplinary action or suspension is not subsequently ordered and/or affirmed, the employee shall be reinstated in status and restored all pay and fringe benefits lost during the summary suspension.

SECTION 7.7. RIGHT TO REPRESENTATION. An employee subject to a meeting or an investigation that may result in disciplinary action, a pre-disciplinary conference or an appeal hearing has the right to be represented by a representative of his/her choice or an attorney retained by the employee at the employee's expense.

SECTION 7.8. APPLICABILITY OF CHAPTER. For the purpose of this Chapter, discipline includes only dismissal, suspension, reduction in rank, reduction in base pay, and written reprimand, and does not include any managerial or supervisory actions that are subject to any grievance procedure established by the Board of Supervisors. It is the intention of the Board of Supervisors in enacting this section to allow each officer or employee of Shasta County with managerial or supervisory responsibilities the maximum flexibility to insure the prompt and efficient performance of public duties or delivery of public services, subject to the paramount authority of the Board of Supervisors over County government and the provisions of any applicable memorandum of understanding.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 8. APPEALS

### SECTION 8.1. APPEALS BOARD.

A. There is hereby created the Board of Employee Appeals for the County of Shasta. The Appeal Board shall be empowered to hear all appeals from employees against whom action is taken under the foregoing Chapter 7. The board shall be composed of three members of the community appointed by the Board of Supervisors to serve terms ending at 12:00 noon on the first Monday after January 1 of the odd-numbered year following their appointment. Members may be removed at any time by a four-fifths vote of the Board of Supervisors. The Board of Supervisors may appoint up to six alternate members of the community to serve on a rotational basis when regular members are unable to attend. The terms of these alternate members shall be the same as regular members. Such members shall not be County employees or relatives of County employees.

The composition of the Appeals Board shall include a representative of law enforcement during any hearing at which the appellant is a sworn peace officer.

B. The Board of Supervisors shall retain counsel for the Appeals Board.

C. The Appeals Board shall adopt rules for the conduct of its hearings. The Appeals board shall elect one of its members as chairman, and shall keep records and minutes of its proceedings.

D. The Clerk of the Board shall be ex officio secretary to the Appeals Board.

SECTION 8.2. SUBPOENA POWER. The Appeals Board shall have the authority to subpoena and swear witnesses and may employ a competent reporter to record the proceedings of the hearing if, in its opinion, such a record is necessary. Any person failing to obey a subpoena, or subpoena duces tecum, or to be sworn and testify, shall be deemed to be in contempt of the Appeals Board, and the Appeals Board shall have the power to take such proceedings and refer the contempt to the court to order the witness's compliance, as may be taken by a board of supervisors pursuant to Title 3, Division 2, Part 2, Chapter 1, Article 9 (Sections 25170-25176) of the Government Code.

SECTION 8.3. REQUEST FOR HEARING. The employee acted against may, within five working days after service on or mailing to him/her of the order as provided in the foregoing Chapter 7, appeal such an order in writing through the Personnel Director, or his/her designee, to the Appeals Board. An employee appealing an order of dismissal shall within 10 working days from the date of the order present to the Personnel Director, or his/her designee, an answer, in writing, to the charges set forth in the order of dismissal. The Personnel Director, or his/her designee, shall as soon as practicable transmit the order, appeal and answer to the Clerk of the Board. The Clerk of the Board will schedule the hearing on the appeal and transmit the order, appeal and answer to the Appeals Board for hearing. The Appeals Board shall, as soon as practicable after the filing of the appeal, commence the hearing. The Clerk of the Board shall notify the interested parties of the time and place of the hearing at least five working days in advance of the actual date of such a hearing.

SECTION 8.4. HEARING. Upon such hearing, both the appealing employee and the appointing authority whose action is reviewed shall be given an opportunity to present their cases by oral or written testimony either in person or by representative. The hearing shall be informal and the Appeals Board shall not be bound by any of the rules of evidence governing trial procedures in proceedings before State Boards. The Appeals Board shall, within 10 working days and by written order supported by findings, either affirm, modify or revoke the order. A copy of the order and findings shall be transmitted forthwith to the appointing authority, appealing employee and the Personnel Director, or his/her designee.

SECTION 8.5. EXTENSIONS OF TIME. The Appeals Board, for good cause shown, may extend any of the time limits for actions authorized in this chapter for an additional period not to exceed 10 calendar days.

SECTION 8.6. FINALITY OF DECISION AND FURTHER APPEAL. Decisions of the Appeals Board other than those providing for the employee's termination shall be final. Those decisions providing for termination shall be final upon the expiration of time allowed for requesting review by the Board of Supervisors, if such review is not requested, or upon Board denial of review, as appropriate.

SECTION 8.7. APPEAL TO THE BOARD OF SUPERVISORS. If the decision of the Board of Appeals provides for the employee's dismissal, within 10 days after service of such decision upon the appealing employee either by personal service or by registered mail, the employee may file with the Clerk of the Board written request for review by the Board of Supervisors setting out in detail the reasons why such Board should accept such review. Appeal shall not be a matter of right, but shall be granted or denied as deemed appropriate by the Board of Supervisors. It is anticipated that the Board will accept for review only those unusual decisions which, in the Board's opinion, may constitute a gross miscarriage of justice either to the employee or to the people of the County. The Board of Supervisors may, in its discretion, review the matter on the record or may require a full or partial hearing de novo and may reverse, affirm or modify the decision of the Board of Employee Appeals. The decision of the Board of Supervisors shall be final.

SECTION 8.8. REVOCAION OF DISCIPLINARY ORDER. If a final decision of the Appeals Board or Board of Supervisors revokes an order of discharge, suspension or reduction in rank, the appealing employee must be restored forthwith to his/her position prior to the order with all rights and privileges pertaining thereto, including those accruing since the order, and full back pay for the time lost, unless otherwise provided in the order.

## CHAPTER 9. GRIEVANCE PROCEDURE

### SECTION 9.1. DEFINITIONS.

A. Grievance. A grievance is a claimed violation, misapplication or misinterpretation of a specific provision of an MOU or one of the following provisions of these Personnel Rules which adversely affects the grievant.

1. Voluntary Time Off Without Pay
2. Leaves of Absence
3. Drug/Alcohol Testing Policy
4. Salary administration provisions dealing with merit steps; salary on promotion; reclassification; transfer and demotion; and anniversary dates
5. Layoff Provisions

Disciplinary actions, performance evaluations, preambles, purpose clauses and the exercise or lack of exercise of County Rights shall not be grievable, nor shall any complaint be grievable for which a separate appeal process is established.

B. Grievant. A grievant is an employee covered by this article who is filing a grievance as defined above. Individual grievances with alleged violations, misapplication, or misinterpretations affecting more than one employee in a substantially similar manner may be consolidated at the discretion of management as a group grievance and shall thereafter be represented by a single grievant.

### SECTION 9.2. GENERAL PROVISIONS.

A. If a grievant fails to carry his/her grievance forward to the next level within the prescribed time period, the grievance shall be considered settled based upon the decision rendered at the most recent step utilized.

B. If a manager fails to respond with an answer within the given time period, the grievant may appeal the grievance to the next higher level as if a negative response had been received on the final day for the decision.

C. The grievant may be represented by a person of his/her choice at any formal level of this procedure.

D. Prior to or during the steps of the grievance procedure, the grievant or his/her representative, supervisor(s), or Department Head, or his/her designee, may consult with the Personnel Director, or his/her designee.

E. Time limits and formal steps may be waived by mutual written consent of the parties.

F. Service shall be accomplished by certified mail or personal service and a record

of such service shall be maintained.

G. Personnel shall issue all grievances a tracking number and serve as the repository for all grievances filed, regardless of the step in the procedure at which each is resolved. A copy of all grievances, written replies, appeals, decisions and other supportive material shall be submitted to Personnel.

**SECTION 9.3. INFORMAL RESOLUTION.** Within 20 days from the event giving rise to a grievance or from the date the employee could reasonably have been expected to have had knowledge of such event, the grievant shall orally discuss his/her complaint with his/her immediate supervisor. The supervisor shall have seven days within which to respond. If the employee is dissatisfied with the response to the complaint, or if he/she receives no response, the complaint may, within 14 days after the supervisor's response was due, the employee may submit the complaint as a grievance in accordance with the following procedure.

**SECTION 9.4. FORMAL PROCESS.**

A. Step 1: If a grievant is not satisfied with the resolution proposed at the informal level, he/she may, within 14 days after the supervisor's response was due, file a formal written grievance to his/her manager on a form provided by Personnel containing a statement describing the grievance, the section of the applicable MOU or Personnel Rules allegedly violated, and the remedy requested. The manager (or his/her designee) shall, within seven days have a meeting with the grievant and within seven days thereafter give a written answer to the grievant.

B. Step 2: If the grievant is not satisfied with the answer, the grievant may, within seven days from the receipt of such answer, file a written appeal to the Department Head, or his/her designee. Within 14 days of receipt of the written appeal, the Department Head, or his/her designee, shall investigate the grievance, which may include a meeting with the concerned parties, and thereafter give a written decision to the grievant within seven days.

C. Step 3: If the grievant is not satisfied with the written decision from the Department Head, or his/her designee, the grievant may, within seven days from the receipt of the decision, file a written appeal to the Grievance Board. The Grievance Board shall review, investigate and hear the grievance, and render its written decision within 21 days of receipt of the employee's appeal. The majority decision of the Grievance Board shall be final and binding, subject to review by the Board of Supervisors only if the decision mandates a capital expenditure or significant, unbudgeted expenditure. In those instances, the Board of Supervisors may ratify, modify or reverse the decision of the Grievance Board. In addition to appealing to the Grievance Board, the County and the employee or employee's union representative may jointly agree to schedule the matter for mediation with a Mediator from the State Mediation and Conciliation Service (or another jointly agreed upon source). Such mediation would be scheduled prior to a hearing before the Grievance Board with the goal of resolving the issue prior to the formal hearing before the Grievance Board.

**SECTION 9.5. GRIEVANCE BOARD.**

A. The Grievance Board which shall act as neutrals shall consist of three members

as follows:

1. A Department Head, or his/her designee, of a County department other than that, in which the aggrieved employee is assigned, to be appointed by the County Executive Officer,

2. A County employee represented and designated by the grievant's exclusively recognized employee organization or, if the grievant is not part of a bargaining unit represented by an exclusively recognized employee organization, a County employee in the same unrepresented group as the grievant and designated by the grievant, and

3. The County Personnel Director, or his/her designee, who shall serve as chairperson.

B. The County employee serving on the Board shall be granted release time to participate in the activities of the Grievance Board.

SECTION 9.6. COMPLAINT PROCEDURE. An employee may bring non-grievable items to the attention of the Department Head by memo through the department's chain of command. Should the employee feel the issue is unresolved at that level he/she may bring it to the Personnel Director, or his/her designee, for consideration and final decision.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 10. WORKING HOURS, WORKWEEK AND OVERTIME

SECTION 10.1. DAYS AND HOURS. Except as may be otherwise authorized by the Board of Supervisors by ordinance or resolution, the official work period shall be as follows:

A. Five working days of eight hours each from and including Sunday through the following Saturday. The first shift of the work period shall be the first shift wherein the majority of its working hours follow 12:01 a.m. Sunday, except as provided in paragraph B below.

Where alternate work schedules are established in accordance with provisions outlined below, alternative beginning and ending work weeks may be established by the Department Head, or his/her designee, usually on either Monday or Friday, for the purpose of minimizing overtime liability.

B. An alternate work schedule is defined as a variation of the standard workweek, which for most employees is five eight-hour days between the hours of 8:00 a.m. and 5:00 p.m. Alternate schedules include 4-10 schedules, 9-80 schedules, hours from 7:00 a.m. to 3:30 p.m., and other schedules, but in each case the schedule will result in employees working a fixed schedule.

C. *Flexible Work Hours Plan*: Flexible Work Hours Plan is an alternative work schedule. Once approved, by the process described in Section D below, this plan allows an employee to voluntarily set a flex schedule each week, with the supervisor's approval. The schedule provides for working 40 hours in a week but provides time for personal or medical appointments, to participate in children's school activities, or for other reasons that would not normally be available in a regular five days per week, eight hours per day schedule unless the employee utilized leave balances. Details regarding implementation of this program may be located in the Forms section of the Personnel Rules.

D. The establishment of alternate work schedules shall be subject to the following:

1. An alternate schedule shall be established and approved in writing by the Department Head, or his/her designee, and the County Executive Officer, with the notice to the employee, Personnel, and the employee's representative, if any.

2. The Department Head, or his/her designee, may, at any time, cause any employee or group of employees to change a work schedule permanently or temporarily. Except in case of an emergency, the Department Head, or his/her designee, shall provide an employee with 14 days advance notice of a permanent schedule change and/or 12 hours notice of a temporary change.

3. During payroll periods which contain a holiday, employees may be required to revert to a standard work schedule. However, in no event shall an employee receive more than eight hours of holiday pay or holiday credit for any holiday.

4. The usage of accrued leave balances such as vacation, sick leave, and

other paid time off, shall be on an hour-for-hour basis (e.g., an employee on a 4/10 schedule who misses a day because of illness shall be charged 10 hours sick leave for that day).

E. Job sharing shall be subject to the following:

1. Job sharing is defined as the assignment of a full-time workload and set of duties to two employees. The employees who are sharing the workload of the full-time position must be equally familiar with and involved in the duties and responsibilities of the job. Employees who are job sharing assume the added responsibility of coordinating their workloads and schedules so as to maintain efficiency and productivity.

2. The establishment of job sharing arrangements shall be subject to the following:

a. A job sharing arrangement shall be established and approved in writing by the Department Head, or his/her designee, and the County Executive Officer, with notice to Personnel and the employee's representative, if any.

b. The Department Head, or his/her designee, may, at any time, cause an employee who is job sharing to revert to a standard full-time work schedule permanently or temporarily to cover the workload.

c. The accrual of leave balances, such as vacation, sick leave and holiday credit, shall be based on the actual hours worked of the reduced work schedule. Employees in a job sharing assignment shall be treated as regular full-time employees for the purposes of determining insurance benefit eligibility.

SECTION 10.2. REST PERIODS. When practical, employees shall be granted a 15 minute paid rest period during shifts of at least four hours. Employees whose shift is six hours or longer shall be granted a 15 minute paid rest period in each half of the employee's work shift. Unless otherwise approved by the Department Head, or his/her designee, such breaks shall not be taken within one hour of the employee's starting time, quitting time, or meal break and shall not be accumulated or used to supplement meal breaks, arrive at work late, or leave work early.

SECTION 10.3. ADMINISTRATIVE LEAVE EMPLOYEES. An exempt employee in a regular full-time management position designated by the Board as an administrative leave classification shall be entitled to 80 hours of compensated administrative leave per calendar year, which shall be credited on the first payday on or after January 1. An employee first appointed during a calendar year shall be credited upon appointment with a number of hours equal to 6.66 hours for each full calendar month remaining in the calendar year. No employee in an administrative leave position shall be compensated for overtime work. Unused administrative leave shall be lost if not used by the end of each calendar year and upon termination. However, in lieu of paid time off under this benefit plan, a management employee may request and receive payment for up to a maximum of 40 hours of unused administrative leave. Payment shall be made at the base hourly rate, without add-ons. A request for payment may be made in November or December, and will be granted only if the employee has already taken at least 80

hours of vacation and/or administrative leave between the preceding January 1 and the date of request for payment. The Personnel Director, or his/her designee, shall maintain a current list of administrative leave classifications.

SECTION 10.4. OVERTIME. All regular employees who are entitled to overtime shall be compensated for overtime in accordance with the following provisions:

A. Work beyond the assigned work period described in Section 10.1. must be expressly approved by the Department Head, or his/her designee, in advance. Unless specifically authorized in advance, employees may not begin work more than 15 minutes prior to the regular starting time, take work home, or otherwise engage in overtime work.

B. Except as indicated in Sections C below, all eligible employees shall be entitled to overtime compensation at a rate of 1-1/2 times each hour worked in excess of 40 hours in a seven day work period.

C. Overtime will be computed on actual minutes worked, adjusted to the nearest increment of six minutes. Only those hours actually worked, vacation or holiday credit hours taken, jury duty hours served and paid travel time may be used to qualify for overtime compensation. All time lost as a result of a job related injury or illness will be considered as hours worked for purposes of overtime compensation.

D. Eligible employees shall be entitled to compensatory time off or cash payment as overtime compensation. The Department Head, or his/her designee, shall determine the form of overtime compensation based on operational needs. Cash payments shall be made in the pay period in which the overtime is earned. Compensatory time off shall accrue and may be used upon approval of the Department Head, or his/her designee. Compensatory time off may be accrued up to 60 (40 hours at time-and-one-half). The Department Head, or his/her designee, may, upon the request of an employee and with the concurrence of the Personnel Director, or his/her designee, extend the limit on accrued compensatory time off in excess of 60 hours. Hours accrued in excess of the maximum accruals shall be paid in cash at the appropriate overtime rate.

E. Accrued compensatory time off shall be scheduled and used prior to the use of accrued vacation or holiday time unless the employee is within 12 pay periods of incurring a loss of accrued leave.

F. Upon separation from County employment or transfer to a management classification, employees shall be paid in cash for accrued compensatory time off at the appropriate rate.

G. Unless otherwise provided, the workweek on which overtime calculations will be based shall begin each Sunday at midnight (12:01 a.m.) and each workday shall begin daily at midnight (12:01 a.m.).

SECTION 10.5. MINIMUM REPORTING TIME AND CALLBACK. An employee who is called back to work shall be credited with two hours work time in the event actual time worked is less than two hours. Should callback time become contiguous with regular work hours, time worked shall not be credited as callback and the two hour minimum shall not apply.

SECTION 10.6. TELECOMMUTING. Most County employees report to work at a regularly assigned County-owned work site. Telecommuting is a type of work schedule that allows an employee to work at a location other than the conventional office, such as an employee's home or a satellite office. Telecommuting can be used for part of the regular workweek, or periodically, as occasions arise where departments and employees would benefit from such an arrangement.

A. Elements needed for successful telecommuting include: work that is independent in nature (e.g., writing, reading, organizing data, telephoning, data entry, and word processing); employees who are productive, responsible, highly self-motivated, and skilled in their jobs; and supervisors who are willing and able to supervise without being in constant contact with employees.

B. Shasta County's Telecommuting Program is designed only for selected employees who meet the specific work standards and can meet the expectations that are described in the Telecommuting Handbook (included as an appendix to these Personnel Rules).

C. An employee whose department is participating in the Telecommuting Program may apply for telecommuting if his/her job assignment and work performance are appropriate for telecommuting. Employees must have a current evaluation of at least meets expected standards overall to apply for a telecommuting schedule. To apply, the employee must:

1. Read all sections of the Telecommuting Handbook, paying special attention to Participation Guidelines, Selection Criteria, and the application form.

2. Complete the application and submit it to his/her supervisor. If approved by the supervisor, the employee will route the application through department channels to the Department Head, or his/her designee. If the Department Head approves the application, it will be submitted to the County Executive Officer (CEO) for consideration. Final approval is at the sole discretion of the CEO a copy will be returned to the Department and copies will be routed to the Personnel Director, or his/her designee, and the appropriate union.

D. Once the telecommuting schedule has been approved by the CEO, the employee and supervisor will finalize the agreement, including the details of equipment ownership, security, safety, work site, work product standards, etc.

D. Departments are not required to participate in a telecommuting program. Each Department Head, or his/her designee, has the sole authority to assess the business needs of his/her department to ascertain if such a program could be integrated in the production needs of the department. Final approval of a telecommuting schedule is at the sole discretion of the CEO. The Department Head, or his/her designee, may, at any time, cause any employee to change a work schedule permanently or temporarily. Except in the cases of an emergency, the Department Head, or his/her designee, shall provide an employee with 14 days advance notice of a permanent schedule change and/or 12 hours notice of a temporary change.

## CHAPTER 11. HOLIDAYS

SECTION 11.1. OFFICIAL HOLIDAYS. The following are official holidays for appointed County Officers, Department Heads, regular full-time, and regular part-time employees:

1. January 1, New Year's Day
2. The third Monday in January, Martin Luther King, Jr. Day
3. February 12, Lincoln's Birthday
4. The third Monday in February, Presidents' Day
5. The last Monday in May, Memorial Day
6. July 4, Independence Day
7. The first Monday in September, Labor Day
8. November 11, Veterans' Day
9. The fourth Thursday in November, Thanksgiving Day
10. The day following Thanksgiving Day.
11. December 24
12. December 25

SECTION 11.2. OBSERVED HOLIDAYS.

A. When a holiday listed above falls on Sunday, Monday will be observed as the paid holiday in lieu thereof. When a holiday listed above falls on a Saturday, the immediately preceding Friday shall be observed as the paid holiday in lieu thereof.

B. In those years in which December 24 falls on a Friday, December 23 shall be observed as the paid holiday in lieu thereof.

C. In those years in which December 25 falls on a Monday, December 26 shall be observed as the paid holiday in lieu thereof.

SECTION 11.3. ANNUAL HOLIDAY SCHEDULE. The annual holiday schedule shall be announced by the Personnel Director, or his/her designee, in January of each year, but such announcement shall not alter any provision of this chapter.

SECTION 11.4. EQUIVALENT TIME OFF OR PAY FOR HOLIDAYS.

A. Holiday Pay and Accrual

1. Regular Full-Time Employees

a. An employee shall receive holiday pay equal to the number of full-time hours normally worked, not to exceed eight hours, when a holiday falls on a scheduled workday.

b. An employee shall receive eight hours of holiday credit when the holiday falls on a scheduled day off.

c. An employee whose shift overlaps part of a holiday shall receive holiday pay for the number of hours the shift falls on the holiday.

2. Regular Part-Time Employees

a. An employee working on a holiday shall receive holiday pay in proportion to the number of part-time hours worked during that pay period if the holiday falls on a scheduled day off.

b. An employee shall receive holiday credit in proportion to the number of part-time hours scheduled during that pay period if the holiday falls on a scheduled day off.

3. Maximum Accrual. No more than 60 hours of holiday credit may be accrued. An employee shall receive cash payment at the equivalent rate accrued in excess of 60 hours. However the Department Head, or his/her designee, may, upon the request of the employee and with the concurrence of the Personnel Director, or his/her designee, extend the limit on accrued holiday time.

B. Work on a Holiday. A regular non-management employee who works on an official holiday shall earn overtime compensation at a rate of 1 1/2 times the hours worked, not to exceed eight hours. An employee who does not work on the holiday must be in a paid status the working day before and the working day after the holiday to be eligible to receive credit for the holiday. An employee who is hired and commences working on the holiday shall receive holiday compensation.

C. Time Off or Pay for Holiday

1. An employee shall be entitled to choose to receive either equivalent time off for hours worked on a holiday or cash payment, subject to departmental budgetary limitations.

2. An employee on a ten-hour shift schedule whose normal schedule includes a holiday shall receive eight hours Holiday pay (at regular rate X eight hours or Credit Holiday Earned - [CHE]) plus 1 1/2 times the employee's regular hourly rate for eight hours. All other hours actually worked on the holiday will be straight time pay unless the employee otherwise qualifies for time and one half pay.

3. An employee who works a 10 hour shift schedule and whose scheduled day off falls on a paid holiday shall receive eight hours of holiday credit.

## CHAPTER 12. VACATIONS

SECTION 12.1. ACCRUAL SCHEDULE. Regular full-time and regular part-time employees, excluding elected officials, shall accrue the following hours vacation time for each paid regularly scheduled working hour not to exceed 80 regularly scheduled working hours in any one pay period. An employee with a minimum of six months of County service shall become eligible for vacation up to the maximum time accrued as of the date such vacation is taken.

<u>Years of Continuous Service</u>	<u>Vacation Hours Accrued Per Hour</u>	<u>Equivalent Days Per Year</u>
0 through 3	.0385	10
4 through 9	.0577	15
10 through 15	.0654	17
16 and thereafter	.0769	20

For any employee initially hired after March 9, 2014 to a management position (as defined in Section 15.2 of the Personnel Rules), the “years of continuous service” calculation may include years of continuous service with a county or public entity that the employee earned prior to regular full-time or regular part-time employment with the County of Shasta if the following factors are demonstrated to the satisfaction and approval of the County Executive Officer and the Director of Support Services:

1. The time period from the date the employee left his or her prior employment with a county or public entity to the date the employee is employed as a regular full-time or regular part-time employee with Shasta County does not exceed 180 days.
2. The employee’s duties with Shasta County as a regular full-time or regular part-time employee are similar in nature to the employee’s duties in the last position held with his or her prior employment with a county or other public entity.
3. It will serve Shasta County’s interest in being able to recruit and hire highly qualified candidates by including the aforementioned time in the “years of continuous service” calculation.

SECTION 12.2. TIMES AND CONDITIONS OF TAKING VACATION.

A. It is County policy that employees use their annual vacation accruals each year at such time or times as may be approved by the Department Head, or his/her designee. However, for reasons deemed sufficient by the Department Head, or his/her designee, an employee may take less than their annual vacation accruals one year and a correspondingly longer vacation the following year. No employee shall be allowed paid vacation time off in excess of that accrued.

B. The maximum vacation accumulation which may be accrued by a regular full-time or regular part-time non-management employee without losing additional credit shall be 52 times the bi-weekly rate of accumulation of a regular full-time or regular part-time employee. The maximum time limits for vacation accrual shall be extended by the appointing authority as follows:

1. For up to 13 pay periods if the department cancelled a previously scheduled employee vacation or rejected a timely employee vacation request if the Department Head, or his/her designee, determines that circumstances so warrant.

2. For a period of any paid leave of absence due to illness or injury, plus, at the discretion of the Department Head, or his/her designee, up to 13 pay periods, if an employee attains maximum accumulation during such leave.

3. Additional time accrued by an employee under paragraphs 1. or 2. above shall not be lost at the end of the extension; provided, the employee takes time off to reduce his/her maximum accumulation to that provided under A. above within the 13 pay periods immediately following the extension. Such an extension shall not be approved more than once in each calendar year.

C. The maximum vacation accumulation which may be accrued by a management employee without losing additional credit shall be 78 times the employee's biweekly accrual rate. The maximum vacation accumulation for managers may be extended under the provisions of subsection A. above. Maximum time limits for vacation accrual of appointed Department Heads may be extended for up to 13 biweekly pay periods, upon approval of the CEO, or his/her designee,.

D. Once, during each calendar year, a non-management employee may choose to receive payment for up to 20 hours of accrued vacation leave or compensatory time. Payment shall be at the base hourly rate only, without add-ons. A request for payment may be made following notification from Payroll. Such payment shall be made in November or December of each year, and will be granted only if the employee has taken off at least 40 hours of vacation/compensatory time during the calendar year.

E. Once, during each calendar year, a management employee may choose to receive payment for up to 40 hours of unused administrative leave. Payment shall be at the base hourly rate only, without add-ons. Request for payment may be made following notification from Payroll. Such payment shall be made in November or December of each year, and will be granted only if the employee has taken at least 80 hours of vacation/administrative time during that calendar year.

F. Vacation requests of over five days for appointed Department Heads shall be forwarded in writing to the CEO, or his/her designee, for approval. In order to assure the best continued service of each department, an appointed Department Head shall, where practical, arrange his/her vacation in such a manner that the employee normally in charge in the Department Head's absence is on duty during the period of such vacation.

SECTION 12.3. PAYMENT IN LIEU.

A. Any person terminating County employment, or who is laid off under the provisions of Chapter 17 of this manual, or who is granted military leave of absence, other than temporary military leave for a period not exceeding six months, shall be entitled to payment in lieu of earned vacation not taken at the equivalent hourly rate of salary.

B. Persons retiring under the provisions of the Public Employees' Retirement System may remain on the payroll on vacation status until such accumulated vacation time for which they are eligible has been exhausted. An appointing authority may fill such a position immediately following the last day actually worked, provided funds are available.

C. Employees shall not accrue additional paid leave benefits while running out accumulated vacation time.

SECTION 12.4 NO COUNTY COMPENSATED WORK DURING PAID VACATION. No person shall be compensated for work for the County in any capacity during the time of his/her paid vacation, except as may be authorized in Section 6.6.

## CHAPTER 13. SICK LEAVE AND BEREAVEMENT LEAVE

SECTION 13.1. EARNED ACCRUAL RATE. Regular full-time and regular part-time employees, excluding elected officials shall accrue .0462 hours of sick leave for each regularly scheduled hour not to exceed 80 regularly scheduled working hours in any one pay period.

A. Usage. Paid sick leave can only be granted upon the recommendation of the Department Head in cases of bona fide illness, treatment by an approved licensed medical practitioner, or in the event of illness/medical appointments in the employee's immediate family as referenced in B. below. No paid sick leave may be taken prior to the completion of three months of continuous service.

B. Family Illness/Medical Appointments. Sick leave granted because of illness in the immediate family or because of scheduled doctor/dentist appointments for members of the immediate family shall normally be limited to 56 working hours per calendar year for all incidents. Additional accrued sick leave can be authorized to be used for reasons held to be sufficient by the employee's Department Head, or his/her designee. Immediate family means father, mother, spouse, registered domestic partner, son, daughter, sister or brother, grandparents, grandchildren, step grandparents, step parents, step children, step sisters, step brothers, step grandchildren, foster children, foster parents, or others as stipulated by law.

C. Verification of Illness. Written verification by an approved licensed medical practitioner or other satisfactory proof of illness or family illness may be required at the discretion of the Department Head, or his/her designee.

SECTION 13.2. INDUSTRIAL LEAVE.

A. To receive industrial leave, an employee must apply for workers' compensation benefits and supply supportive medical evidence that there was an industrial injury or disease contracted in the course and scope of employment which prevents the employee from performing his/her duties.

B. Industrial leave compensation shall be applied to wage loss for the date of injury and subsequent workdays lost during the 30 days immediately following the date of injury. In no event shall compensation exceed 32 hours.

C. On the fourth consecutive calendar day following the date of injury or illness, provided the employee remains off work, temporary disability benefits will then be paid in accordance with Labor Code 4653.

D. Beginning with the date temporary disability benefits are applicable (Labor Code 4653) and every day of covered absence thereafter, in the following order, an employee's sick leave, compensatory time off, administrative leave, and vacation may be charged to assure that, when added to temporary disability benefits paid under workers' compensation, the employee will receive as near to but not exceeding his/her full salary or wage. The employee, at his/her option, may elect any order of application of sick leave, compensatory time, administrative leave, vacation, or none of the preceding

benefits if he/she notifies Risk Management in writing within 14 days of the date of injury.  
(See County of Shasta Administrative Manual 3-130.)

SECTION 13.3. EXCEPTIONS. No County employee shall be entitled to sick leave while absent from duty on account of any of the following causes:

- A. Sickness or disability sustained while on leave of absence other than his/her regular vacation.
- B. An employee who becomes ill while on vacation leave and wishes to be placed on sick leave shall make such request to the Department Head, or his/her designee, as soon as possible. The Department Head, or his/her designee, shall then make a determination whether to approve such request based on the criteria normally utilized in approving sick leave.

SECTION 13.4. BEREAVEMENT LEAVE.

- A. Regular full-time and regular part-time employees shall be entitled to bereavement leave without loss of pay or charge against sick leave up to a maximum of 24 working hours for each nonconcurrent death in the immediate family, including the immediate family of the spouse or registered domestic partner; provided however, that not more than two additional working days chargeable against accumulated sick leave may be granted for reasons deemed sufficient by the Department Head, or his/her designee; provided further that such leave with pay shall not be authorized for time expended in business or estate matters. Immediate family means spouse, registered domestic partner, father, mother, son, daughter, sister, brother, grandparent, grandchild, step grandparents, step parents, step children, step sisters, step brothers, and step grandchildren.
- B. Verification of Bereavement Leave. Satisfactory proof of death may be required at the discretion of the Department Head, or his/her designee, for any use of bereavement leave.

SECTION 13.5. SICK LEAVE RETENTION INCENTIVE PAYMENT. Upon separation or termination, other than discharge for cause, any regular full-time or regular part-time employee shall become entitled to payment for accumulated sick leave in accordance with the table below.

<u>Years of Continuous Service</u>	<u>% of Accumulation Eligible for Cash Payment</u>	<u>Maximum Payment</u>
5 through 9	10.00%	\$3,500
10 through 14	25.00%	\$4,500
15 through 19	37.50%	\$6,000
20 or more	50.00%	\$6,000

SECTION 13.6. SICK LEAVE - CalPERS SERVICE CREDIT CONVERSION. An employee may convert some or all of his/her accumulated but unused sick leave to CalPERS service credit upon retirement. Any sick leave utilized for cash payment as provided in the above section shall not be available for conversion.

SECTION 13.7. STATE DISABILITY/PAID FAMILY LEAVE BENEFITS. Disability

insurance benefits shall be extended to employees in accordance with the terms and conditions of the State Disability Insurance Program. Each employee shall contribute to the plan through payroll deductions. Accrued sick leave shall be used to supplement the disability benefit and must be exhausted prior to the use of other accrued leave balances. An employee may elect, in advance, to use accrued vacation, compensatory time off or holiday time to supplement the disability benefit. The total compensation from accrued leaves and disability benefits shall not exceed the employee's base salary at the time of disability. Disability benefits will be considered the primary benefit and leave accruals will be used and treated as secondary to supplement the employee's earnings. Paid Family Leave insurance will be administered as described above, except employees will be required to use other leave balances after Family Sick Leave (if appropriate) has been exhausted.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 14. LEAVES OF ABSENCE

### SECTION 14.1. LEAVES OF ABSENCE.

A. A permanent employee may request a leave of absence of up to one year by submitting a written request for consideration to the appointing authority. Leaves of up to one year require approval of the appointing authority and the Personnel Director, or his/her designee. The Personnel Director, or his/her designee, may grant or deny the requested leave of absence for some or all of the requested period. Requests for leaves of absence shall not be unreasonably denied.

B. With regard to an employee holding a position deemed by the Personnel Director, or his/her designee, to be a position that must be filled for legitimate business reasons, the absent employee's position may be filled if the Personnel Director, or his/her designee, creates a collateral position and the absent employee is moved into that collateral position. During the period of leave granted to the absent employee, the employee moved to the collateral position shall retain the right to return to an existing position in the employee's department in the class he occupied at the time the leave was granted in a manner otherwise consistent with the procedures set forth in Chapter 17.

C. Such an appointment is either a provisional appointment or a probationary appointment as described in Chapter 6, depending on whether a complete eligible list exists.

D. The appointing authority may require the returning employee to submit to a medical examination, if the leave of absence was due to health reasons, in order to demonstrate the employee's fitness to return to duty.

SECTION 14.2. INDUSTRIAL LEAVES OF ABSENCE. The County shall continue making its portion of Health Plan payments, including dependent premiums, for employees who are on medical leave without pay due to on-the-job disability for a maximum of 26 pay periods. If applicable, this benefit shall run concurrently with the provisions of the Federal Family and Medical Leave Act, the California Pregnancy Disability Leave Act, and the California Family Rights Act. Workers' Compensation benefits shall not be considered as pay when applied to this section.

### SECTION 14.3. RELEASE FROM DUTY.

A. When the best interest of the County requires the immediate removal of the employee from his position, any employee may be released from regularly assigned duties with pay and benefits by the appointing authority for a period not to exceed 80 working hours upon the approval of the Personnel Director, or his/her designee. Upon showing of good cause by the appointing authority, such release from duty may be extended up to an additional 80 work hours by the Personnel Director or his/her designee.

B. When an employee who voluntarily participated in a smallpox vaccination or other bioterrorism response or preparedness program is unable to work for up to 24 hours or three work days as a result of the vaccination, the Public Health Director may recommend, subject to the approval of the Personnel Director, or his/her designee, that

the employee be released from duty with pay for that period of time. Additional release from duty not to exceed a total of 160 hours may be approved by the Personnel Director, or his/her designee, for other compelling reasons related to bioterrorism preparedness or response.

SECTION 14.4. LEAVE AFFORDED UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA), INCLUDING SERVICEMEMBER FMLA AND THE CALIFORNIA FAMILY RIGHTS ACT (CFRA)

A. Notices. Shasta County provides eligible employees with the leaves of absence identified in the Federal Family and Medical Leave Act (FMLA), including Servicemember FMLA, and the California Family Rights Act (CFRA). The rights and responsibilities for employers and employees in connection with these leaves are described in the following documents located in the Appendix to the Personnel Rules: Employee Rights and Responsibilities Under the Federal Family and Medical Leave Act; Employee Rights and Responsibilities Under the California Family Rights Act and/or Pregnancy Disability Leave Law.

B. The Leave Policy. Under the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), eligible employees may take up to 12 weeks of unpaid Family and Medical Leave within a calendar year and, subject to any defense allowed under the law, be restored to the same or an equivalent position upon the employee's return from leave provided: (1) the employee has worked for the County for at least 12 months, and for at least 1,250 hours in the 12 months immediately preceding the commencement of the leave; and (2) the employee is employed at a worksite that has 50 or more employees within a 75-mile radius.

Except where prohibited by law, FMLA leave and CFRA leave will run concurrently.

C. Reasons for Leave. An employee may take Family and Medical Leave for any of the following reasons:

1. The birth of a child and to care for such child;
2. The placement of a child with the employee for adoption or foster care and to care for the newly-placed child;
3. To care for a spouse, registered domestic partner, child, or parent ("covered relation") with a serious health condition; or
4. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his/her position.

Leave because of reasons "1" or "2" must be completed within the 12-month period beginning on the date of birth, adoption, or placement. In addition, spouses employed by the County who request leave because of reasons "1" or "2" only may take a combined total of 12 weeks leave during any 12-month period.

D. Notice of Leave. If an employee's need for Family and Medical Leave is foreseeable, he/she must give the County at least 30 days' prior notice of the need for leave, preferably in writing. If this is not possible or the need for leave is unforeseeable, the employee must at least give notice as soon as practicable (generally either the same day or the next business day after learning of the need for leave). Failure to provide such notice may be grounds for delay of leave. Additionally, if the employee is planning a medical treatment, he/she must consult with the County first regarding the dates of such

treatment.

E. Medical Certification and Recertification. If an employee is requesting leave because of his/her own or a covered relation's serious health condition, the employee must provide appropriate medical certification from the relevant health care provider within 15 calendar days after the request for leave, if practicable. Medical certification forms are located in the Forms Section of the Personnel Rules. If the employee provides at least 30 days' notice before the commencement of the leave, he/she should provide the medical certification before leave begins. Failure to timely provide a complete and clear medical certification may be grounds for delay or denial of leave, or for non-designation of the leave as either FMLA or CFRA leave.

The County, at its expense, may require an examination by a second health care provider designated by the County, if it reasonably doubts the medical certification the employee initially provides for his or her own serious health condition. If the second health care provider's opinion conflicts with the original medical certification, the County, at its expense, may, but is not required to, retain a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

The County may require a new medical certification annually if a serious health condition continues beyond one calendar year. The County may also require recertification under certain circumstances, such as when a current certification expires, upon request for an extension of the leave, after the expiration of the anticipated minimum duration of the serious health condition, if circumstances have changed, or at six (6) month intervals for certain conditions. Failure to timely provide (within 15 days if practicable) a complete and clear medical certification may be grounds for delay or denial of leave, or for non-designation of the leave as either FMLA or CFRA leave.

F. Reporting While on Leave. If an employee takes leave because of his/her own serious health condition or to care for a covered family relation, the employee must contact the County as directed regarding the status of the condition and his/her intention to return to work. In addition, the employee must give reasonable notice (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

G. Pay Status. Family and Medical Leave is unpaid leave unless an employee has accrued leave balances (including compensatory time off, administrative leave, holiday credit, vacation, and sick leave). Where the employee has accrued leave balances, the following will apply:

1. Where the leave is for Reasons (1) or (2) in Section 14.4(C), the employee must use accrued vacation, administrative leave, holiday credit, and/or compensatory time off prior to unpaid leave.
2. Where the leave is for Reason (4) in Section 14.4(C), the employee must use accrued personal sick leave, vacation, administrative leave, holiday credit, and/or compensatory time off prior to unpaid leave.
3. Where the leave is for Reason (3) in Section 14.4.(C), the employee must use accrued vacation, administrative leave, holiday credit, and/or compensatory

time off prior to unpaid leave. The employee also has the option, but is not required, to use accrued family sick leave.

4. However, if an employee is receiving wage replacement benefits including, but not limited to, State Disability Insurance (SDI), Paid Family Leave (PFL) insurance, or workers' compensation payments, while taking FMLA/CFRA leave, the employee will not be required to coordinate accrued leave balances with these benefits unless he/she so chooses. An employee must notify Payroll immediately if/when he/she receives wage replacement benefits and if he/she wishes accrued leave to be coordinated with these benefits.

The substitution of paid leave for unpaid leave does not extend the maximum 12-week leave period. Further, in no case may the substitution of paid leave for unpaid leave, or coordinating leave balances with wage replacement benefits, result in the employee receiving more than 100% of his/her salary. If the employee is not eligible to substitute paid leave, he/she may still be eligible for unpaid Family and Medical Leave. An employee will not earn any additional paid time off during the unpaid portion of his/her leave.

H. Medical and Other Benefits. The County will continue to make its normal premium contribution towards an employee's group health plan while he/she is on FMLA or CFRA leave for up to 12 weeks in a 12 month period.

1. The employee must pay his/her normal share of the premium, for himself/herself and his/her dependents, in order to maintain health benefits. If the employee is in a pay status, his/her portion of the premium will be deducted from his/her paycheck. If the employee is not in a pay status, his/her premium payment must reach the Payroll Division of the Auditor's Office by the first of the month.

2. After twelve weeks, if the employee is not in a pay status but has been granted additional leave, he/she may continue to participate in the group health plan, without interruption, by paying the full premium amount to the Auditor's Office by the first of the month. An employee has a minimum 30-day grace period in which to make premium payments.

3. If payment is not made timely, the employee's group health insurance may be canceled, provided the employee is notified in writing at least 15 days before the date that his/her health coverage will lapse.

4. If an employee does not return to work following his/her leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle him/her to FMLA or CFRA leave, or other circumstances beyond the employee's control, he/she may be required to reimburse the County for its share of health insurance premiums paid on the employee's behalf during his/her FMLA/CFRA leave.

I. Intermittent and Reduced Schedule Leave. Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-leave schedule (reducing the usual number of hours an

employee works per workweek or workday) if there is a medical need for the leave, and if that need can be best accommodated through an intermittent or reduced leave schedule. Employees also may be eligible for certain intermittent leave or reduced schedule leave for birth or placement of a child if the County agrees to such leave.

For salaried employees the County may reduce an employee's salary based on the amount of time actually worked. An employee may use accrued leave balances to make up the difference.

In addition, if the employee needs leave intermittently or on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the County's operations.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, a family member, or a covered servicemember, or if the County agrees to permit intermittent or reduced schedule leave for the birth or placement of a child, the County may temporarily transfer him/her to an available alternative position for which the employee is qualified that better accommodates his/her recurring leave and has equivalent pay and benefits.

J. Returning from Leave.

1. Return to Work Certification. If an employee takes leave because of his/her own serious health condition (except if the employee is taking intermittent or reduced schedule leave), he/she cannot return to work until the employee provides the County with a return-to-work medical certification form from his/her health care provider that states he/she is fit to return to work (and listing any limitations or restrictions on his/her ability to perform the essential functions of his/her former position). No employee will be permitted to resume work until a return-to-work medical certification is provided.

2. Return to Work Certification In Connection With Intermittent Leave or Reduced Schedule Leave. The County is entitled to a certification of fitness to return to duty for absences taken on an intermittent or reduced leave schedule once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took such leave. The term "reasonable safety concerns" means a reasonable belief of significant risk of harm to the individual employee or others.

3. Reinstatement. Under most circumstances, an employee who returns from a Family and Medical Leave will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he/she had been continuously employed rather than on leave.

K. Servicemember Family and Medical Leave. The federal Family and Medical Leave Act provides eligible employees time off from work for a covered family member's service in the Armed Forces ("Servicemember FMLA"). This policy supplements the County's current FMLA policy and provides general notice of an employee's rights to

Servicemember FMLA. Except as mentioned below, an employee's rights and obligations with respect to Servicemember FMLA are governed by the existing FMLA policy (as previously described) to the extent it is applicable.

1. Leave Entitlement. Servicemember FMLA provides eligible employees with unpaid leave for either of the following reasons:

a. Qualifying Exigency. A "qualifying exigency" arising out of the fact that a spouse, parent or child of the employee is on covered active duty or has been notified of an impending call or order to covered active duty.

i. The term "covered active duty" means either of the following:

(1) If the spouse, parent or child is a member of the regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country;

(2) If the spouse, parent, or child is a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty.

ii. An eligible employee may take FMLA leave for any of the following "qualifying exigencies:"

(1) Shortnotice deployment (fewer than seven (7) days' notice),

(2) Military events and related activities,

(3) Childcare and school activities,

(4) Financial and legal arrangements,

(5) Counseling,

(6) Rest and recuperation,

(7) Post-deployment activities, and

(8) Other additional activities to address events that arise out of the covered military member's covered active duty or call to covered active duty.

b. To Care for a Covered Servicemember. To care for an employee's spouse, parent, child or next of kin who is an ill or injured covered servicemember.

i. The term “ill or injured covered servicemember” means either of the following:

(1) A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for an injury or illness that was incurred in the line of duty while on active duty in the Armed Forces (or existed before the beginning of active duty and was aggravated by service in the line of duty on active duty in the Armed Forces), and that may render the family member medically unfit to perform the duties of the member's office, grade, rank or rating.

(2) A veteran who:

(a) is undergoing medical treatment, recuperation, or therapy, for a qualifying (as determined by the U.S. Secretary of Labor) injury or illness that was incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran; and

(b) was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy

2. Duration of Servicemember FMLA.

a. Qualifying Exigency When leave is due to a “qualifying exigency,” an eligible employee may take up to 12 workweeks of leave during a calendar year. However, unless another covered reason applies, leave because of “short-notice” deployment may not exceed seven (7) calendar days, beginning on the date a covered military member is notified of an impending call or order to active duty in support of a contingency operation.

b. To Care for a Covered Servicemember. When leave is to care for an injured or ill servicemember, an eligible employee may take up to 26 workweeks of leave during a single 12-month period for that purpose. The 12-month period is measured forward from the first day of leave.

Any portion of the 26 workweeks of leave remaining at the end of the single 12-month period is forfeited.

An eligible employee may be entitled to take more than one period of 26

workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

When an eligible employee takes leave to care for more than one covered servicemember or for a subsequent serious injury or illness of the same covered servicemember, and the “single 12-month periods” corresponding to the different leave entitlements overlap, the employee is limited to taking no more than 26 workweeks of leave in each “single 12-month period.”

An eligible employee may take leave to care for an injured or ill servicemember and may also take other Family and Medical-qualifying leave during a single 12-month period. However, the leave for other Family and Medical qualifying reasons cannot exceed 12 work weeks and the total amount of all leaves may not exceed 26 workweeks in a single 12-month period.

If an employee and his/her spouse both work for the County, their combined leave can be limited to 26 weeks in a single 12-month period if the leave is taken for (1) birth of the employee’s son or daughter or to care for the child after birth; (2) for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; (3) to care for the employee’s parent with a serious health condition; or (4) to care for a covered servicemember with a serious injury or illness.

Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law, including, but not limited to, CFRA leave and the leave described in Section 14.7 (Leave for Spouses and Registered Domestic Partners of Persons Serving in the Military).

If leave to care for a covered servicemember is taken concurrently with leave for another FMLA-qualifying reason, the leave will first be designated as servicemember leave. Leave that qualifies under the FMLA as both (1) leave to care for a covered servicemember and (2) leave to care for a family member with a serious health condition during the single 12-month period will not be designated and counted as both FMLA leave to care for a covered servicemember and FMLA leave to care for a family member with a serious health condition. It will be designated as FMLA leave to care for a covered servicemember.

3. Notice of Need for Servicemember FMLA. An employee must provide as much advance notice as practicable of his/her need for Servicemember FMLA. If the leave is for the planned medical treatment of a covered servicemember, the employee must provide 30 days’ advance notice, unless such notice is not practicable. If 30 days’ notice is not practicable, the employee must provide notice as soon as is practicable.

4. Certification. If an employee is requesting leave for a “qualifying exigency,” the County may require him/her to provide a copy of the covered servicemember’s active duty orders or other documentation verifying the covered

servicemember is on active duty or has been called to active duty to support a contingency operation, and the dates of active service. The County may also require the employee to provide a certification verifying eligibility for leave.

If an employee is requesting leave to care for a covered servicemember, the County may require him/her to provide a medical certification from an authorized health care provider verifying certain information regarding the covered servicemember and his or her injury or illness. For purposes of this certification, the term "health care provider" includes: (a) a United States Department of Defense health care provider; (b) a United States Department of Veterans Affairs health care provider; (c) a United States Department of Defense TRICARE network authorized private health care provider; or (d) a United States Department of Defense non-network TRICARE authorized health care provider.

5. **Verification.** If an employee requests leave because of a "qualifying exigency," the County may contact the Department of Defense to verify the covered servicemember is on or has been called to duty. Additionally, if the employee is taking leave to meet with a third party, the County may contact the third party to verify the meeting and its purpose.

6. **Pay Status.** Servicemember FMLA is unpaid leave unless an employee has accrued leave balances (including compensatory time off, administrative leave, holiday credit, vacation, and sick leave). Where the employee has accrued leave balances, the following will apply:

a. Where the leave is for a qualifying exigency, the employee must use accrued vacation, administrative leave, holiday credit, and/or compensatory time off prior to unpaid leave.

b. Where the leave is to care for a covered servicemember, the employee must use accrued vacation, administrative leave, holiday credit, and/or compensatory time off prior to unpaid leave. The employee also has the option, but is not required, to use accrued family sick leave.

c. However, if an employee is receiving wage replacement benefits including, but not limited to, State Disability Insurance (SDI), Paid Family Leave (PFL) insurance, or workers' compensation payments, while taking Servicemember FMLA, the employee will not be required to coordinate accrued leave balances with these benefits unless he/she so chooses. An employee must notify Payroll immediately if/when he/she receives wage replacement benefits and if he/she wishes accrued leave to be coordinated with these benefits.

The substitution of paid leave for unpaid leave does not extend the maximum leave period. Further, in no case may the substitution of paid leave for unpaid leave, or coordinating leave balances with wage replacement benefits, result in the employee receiving more than 100% of his/her salary. If the employee is not eligible to substitute paid leave, he/she may still be eligible for unpaid Servicemember FMLA. An employee will not earn any additional paid time off during the unpaid portion of his/her leave.

7. Medical and Other Benefits. The County will continue to make its normal premium contribution towards an employee's group health plan while he/she is on Servicemember FMLA.

a. The employee must pay his/her normal share of the premium, for himself/herself and his/her dependents, in order to maintain health benefits. If the employee is in a pay status, his/her portion of the premium will be deducted from his/her paycheck. If the employee is not in a pay status, his/her premium payment must reach the Payroll Division of the Auditor's Office by the first of the month.

b. After expiration of the FMLA leave entitlement, if the employee is not in a pay status but has been granted additional leave, he/she may continue to participate in the group health plan, without interruption, by paying the full premium amount to the Auditor's Office by the first of the month. An employee has a minimum 30-day grace period in which to make premium payments.

c. If payment is not made timely, the employee's group health insurance may be canceled, provided the employee is notified in writing at least 15 days before the date that his/her health coverage will lapse.

d. If an employee does not return to work following his/her Servicemember FMLA leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle him/her to FMLA leave, or other circumstances beyond the employee's control, he/she may be required to reimburse the County for its share of health insurance premiums paid on the employee's behalf during his/her Servicemember FMLA leave.

#### SECTION 14.5 PREGNANCY DISABILITY LEAVE/REASONABLE ACCOMMODATION

A. Notice. Shasta County complies with the Pregnancy Disability Leave and reasonable accommodation (PDL) provisions of the California Fair Employment and Housing Act (FEHA). The rights and responsibilities for employers and employees in connection with PDL are described in the following document located in the Appendix to the Personnel Rules: Employee Rights and Responsibilities Under the California Family Rights Act, and/or Pregnancy Disability Leave Law.

B. Pregnancy Disability Transfer & Reasonable Accommodations. The County will provide reasonable accommodations for a female employee for conditions related to pregnancy, childbirth, or related medical conditions, if she so requests, with the advice of her health care provider. This includes, but is not limited to, temporarily transferring a pregnant female employee to a less strenuous or hazardous position or to less strenuous or hazardous duties for the duration of her pregnancy, if she so requests, with the advice of her physician, where that transfer can be reasonably accommodated.

C. Pregnancy Disability Leave. If a female employee is disabled by pregnancy, childbirth or related medical conditions, or needs to take time off for prenatal care, she is entitled to take an unpaid pregnancy disability leave of up to four months for the period

of time she is actually disabled.

1. A “four month leave” means the number of days the employee would normally work within four months. For a full time employee who works five eight-hour days per week, “four months” means 88 eight-hour days of leave entitlement. For employees who work more or less than five days a week, or who work on alternative work schedules, the number of working days which constitutes “four months” is calculated on a pro rata or proportional basis.
2. Leave may be taken intermittently or on a reduced work schedule when medically advisable, as determined by the employee’s health care provider.
3. A pregnancy disability leave contains a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under the law.

D. Notice. If an employee’s need for a pregnancy disability leave or transfer is foreseeable, she must give the County at least 30 days’ prior notice of the need for leave or transfer, preferably in writing. If this is not practicable or the need for leave is unforeseeable, the employee must at least give notice as soon as practicable (generally either the same day or the next business day after learning of the need for leave). Failure to provide such notice may be grounds for delay of leave. Additionally, the employee must consult with the county and make a reasonable effort to schedule any planned medical treatment or supervision so as to minimize disruption to County operations. Any such scheduling will be subject to the approval of the employee’s health care provider.

E. Medical Certification & Recertification. In connection with a request for a pregnancy disability leave or transfer, the employee must provide appropriate medical certification from the relevant health care provider within 15 calendar days after the request for leave, if practicable. A medical certification form is located in the Forms Section of the Personnel Rules. If the employee provides at least 30 days’ notice before the commencement of the leave, he/she should provide the medical certification before leave begins. Failure to timely provide a complete and clear medical certification may be grounds for delay or denial of the leave or transfer, or for non-designation of the leave as Pregnancy Disability Leave.

1. The certification indicating disability necessitating a leave should contain:
  - a. The date on which the woman became disabled due to pregnancy.
  - b. The probable duration of the period or periods of disability, and
  - c. An explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
2. The certification indicating the medical advisability of a transfer should

contain:

- a. The date on which the need to transfer became medically advisable,
- b. The probable duration of the period or periods of the need to transfer, and
- c. An explanatory statement that, due to the woman's pregnancy, the transfer is medically advisable.

Upon the expiration of the time period which the health care provider originally estimated that the employee needed, the County may require the employee to obtain recertification if additional time is requested by the employee.

F. Pay Status. Pregnancy Disability Leave is unpaid leave unless an employee has accrued leave balances (including compensatory time off, administrative leave, holiday credit, vacation, and sick leave). Where the employee has accrued leave balances, the following will apply:

1. The employee must use accrued sick leave. The employee also has the option, but is not required, to use vacation and other accrued leave balances.
2. However, if an employee is receiving wage replacement benefits including, but not limited to, State Disability Insurance (SDI), Paid Family Leave (PFL) insurance, or workers' compensation payments, while taking Pregnancy Disability Leave, the employee will not be required to coordinate accrued leave balances with these benefits unless he/she so chooses. An employee must notify Payroll immediately if/when she receives wage replacement benefits and if she wishes accrued leave to be coordinated with these benefits.

The substitution of paid leave for unpaid leave does not extend the maximum leave period. Further, in no case may the substitution of paid leave for unpaid leave, or coordinating leave balances with wage replacement benefits, result in the employee receiving more than 100% of his/her salary. If the employee is not eligible to substitute paid leave, she may still be eligible for unpaid Pregnancy Disability Leave. An employee will not earn any additional paid time off during the unpaid portion of his/her leave.

G. Relationship with CFRA Leave. If an employee is eligible for a Pregnancy Disability Leave and for a CFRA leave, the County will not run Pregnancy Disability Leave concurrently with a CFRA leave. An eligible employee may be able to take both a Pregnancy Disability Leave and a subsequent CFRA leave for the reason of the birth of her child.

However, if the employee is eligible for a Pregnancy Disability Leave and for an FMLA leave, the County will run the Pregnancy Disability Leave concurrently with the FMLA leave.

H. Medical and Other Benefits. Where an eligible employee has her Pregnancy Disability Leave and FMLA leave run concurrently due to her pregnancy, the County will

continue to make its normal premium contribution towards the employee's group health plan while she is on FMLA/PDL leave for up to 12 weeks in a 12 month period.

1. The employee must pay her normal share of the premium, for herself and her dependents, in order to maintain health benefits. If the employee is in a pay status, her portion of the premium will be deducted from her paycheck. If the employee is not in a pay status, her premium payment must reach the Payroll Division of the Auditor's Office by the first of the month.
2. After twelve weeks, if the employee is not in a pay status but has additional Pregnancy Disability Leave, she may continue to participate in the group health plan, without interruption, by paying the full premium amount to the Auditor's Office by the first of the month. An employee has a minimum 30-day grace period in which to make premium payments.
3. If payment is not made timely, the employee's group health insurance may be canceled, provided the employee is notified in writing at least 15 days before the date that his/her health coverage will lapse.
4. If an employee does not return to work following her leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle her to FMLA leave, or other circumstances beyond the employee's control, she may be required to reimburse the County for its share of health insurance premiums paid on the employee's behalf during her FMLA leave.
5. If the employee receives twelve weeks of this health insurance benefit during her FMLA/Pregnancy Disability Leave, the employee will not receive an additional twelve weeks of this health insurance benefit during a subsequent CFRA leave for the reason of the birth of her child.

**SECTION 14.6. MILITARY LEAVE OF ABSENCE POLICY.** This policy is a restatement of the provisions of the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and the California Military and Veterans Code as they relate to leaves of absence for military duty. This policy is intended to describe in lay terms the conditions and benefits of military leaves of absence as prescribed by federal and state law. There is no intention to create any rights or benefits in addition to those in the law except as described in Section 14.6.1. There is also no intention to deprive the County of any defenses as allowed by state or federal law. Where there may be a conflict or question of interpretation or change, the actual language of the law applies.

A. Definition of "Military Duty Leave of Absence": Except as otherwise noted in this section, the term "military duty leave of absence" is defined as a leave of absence from County employment to engage in the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty, and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by federal law.

B. Right of Reemployment from Military Duty Leave of Absence

An employee returning from a military duty leave of absence who is otherwise entitled to reemployment under state and federal law, shall be promptly reemployed as follows:

1. Service of less than 91 days in the uniformed services:
  - a. Employee shall be reemployed in the position that he would have attained if he had been continuously employed, so long as he is qualified for the position or can become qualified after reasonable efforts by the County to qualify the person.
  - b. If the employee is not qualified for the position mentioned in subsection 14.6.B.1.a above, the employee shall be reemployed in the position of employment in which the employee was employed on the date of the commencement of the service in the uniformed services.
2. Service for more than 90 days in the uniformed services:
  - a. Employee shall be reemployed in the position that he would have attained if he had been continuously employed, or a position of like seniority, status and pay, so long as he is qualified for the position or can become qualified after reasonable efforts by the County to qualify the person.
  - b. If the employee is not qualified for the position(s) mentioned in subsection 14.6.B.2.a above, the employee shall be reemployed in the position of employment in which the employee was employed, or, if such position has ceased to exist, a position of like seniority, status, and pay, the duties of which the employee is qualified to perform.
3. Employees With Disabilities

In the case of an employee who has a disability incurred in, or aggravated during service in the uniformed services and who (after reasonable efforts by the County to accommodate the disability) is not qualified due to such disability to be employed in the position that he or should would have attained if he had remained continuously employed:

- a. The employee shall be reemployed in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the County; or
- b. If not employed under subsection 14.6.B.3.a above, in a position which is the nearest approximation to a position referred to in subsection 14.6.B.3.a above, in terms of seniority, status, and pay consistent with the circumstances of each person's case.

4. Employees No Longer Qualified for Reemployment Positions

In the case of an employee who is not qualified for the employment positions stated under subsection 14.6.B.1 or subsection 14.6.B.2 above, and cannot become qualified with reasonable efforts by the County for such employment positions:

a. The employee shall be reemployed in any other position which is the nearest approximation to, first, the position of employment that he would have attained if he had remained continuously employed, and then, to the position that he held at the time he commenced service in the uniformed services, which such employee is qualified to perform, with full seniority.

5. Temporary or Seasonal Positions

As a general rule, the County is not required to reemploy an employee if the employment he left to serve in the uniformed services was for a brief, nonrecurrent period and there is no reasonable expectation that the employment would have continued indefinitely or for a significant period.

C. Health Insurance Benefits

1. An employee on a military duty leave of absence for less than 31 days shall have his health insurance benefits continue with the County paying its regular share and the employee paying his regular share for such coverage.

2. An employee on a military duty leave of absence for 31 days or more may elect to continue coverage, including coverage for any dependents, for up to a 24 month period and may not be required to pay more than 102% of the full premium.

D. Pension Benefits

An employee reemployed from a military duty leave of absence shall be credited with time spent on a military duty leave of absence for purposes of retirement (in accordance with the California Public Employees' Retirement System laws and policies.)

E. Accrual of Leaves and Use of Accrued Leaves

1. Except as otherwise provided in this Chapter, an employee shall not accrue vacation, sick leave, or other paid leaves, during the period he is on a military duty leave of absence.

2. An employee is permitted to use appropriate accrued leave balances while on a military duty leave of absence. However, the County does not require an employee to use accrued leave balances while on a military duty leave of absence.

F. Salary or Compensation While On a Military Duty Leave of Absence

Except as otherwise provided in this Chapter, the County shall not pay the employee his regular salary or compensation while on a military duty leave of absence.

G. Benefits and Obligations Upon Reemployment

1. An employee who is reemployed from a military duty leave of absence is entitled to the seniority and other rights and benefits determined by seniority that the employee had on the date he commenced service in the uniformed services, plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

2. An employee who is reemployed from a military duty leave of absence is entitled to such other rights and benefits not determined by seniority as are generally provided by the County to employees having similar seniority, status, and pay who are on a comparable leave of absence under a County Personnel Rule or applicable provision of an MOU in effect at the commencement of such service in the uniformed services or established while such person performs such service. An employee shall not be entitled to any benefits under this subsection to which the employee would not otherwise be entitled if the employee had remained continuously employed.

a. To the extent required by state and federal law, an employee shall be credited with time spent on a military duty leave of absence for purposes of promotion and merit salary increases.

b. To the extent required by state and federal law, the employee shall be placed on the step in the salary range that would have been attained had the employee not entered into military service.

3. If an employee is serving a probationary period at the time he commences a military duty leave of absence, the employee's probationary period shall be extended by the length of the absence.

4. USERRA provides that an employee who is reemployed from a military duty leave of absence shall not be discharged from such employment except for cause:

a. Within one year after the date of such reemployment, if the person's period of uniformed service before the reemployment was more than 180 days; or

b. Within 180 days after the date of such reemployment, if the person's period of uniformed service before the reemployment was more than 30 days but less than 181 days.

5. Subsection 14.6.G.4 above serves only to provide notice of the USERRA provisions and does not confer any substantive rights on employees beyond what is provided for in USERRA. It does not create a "property interest" in employment and it does not confer any "due process" rights or appeal rights on employees.

H. Paid Temporary Military Duty Leave of Absence - This is defined as a leave of absence from County employment to engage in ordered military duty (exclusive of inactive duty training, such as drills or regularly scheduled weekend meetings) for a period not to exceed 180 calendar days, including travel time, for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or Armed Forces of the United States, or the National Guard, or the Naval Militia.

1. The following shall apply to any Paid Temporary Military Duty Leave of Absence:

a. Eligibility-To be eligible for a Paid Temporary Military Duty leave of absence, employees must meet the following requirements:

(1) Be a regular employee, occupying a regularly budgeted position and working a minimum of 20 hours per week (extra help employees are not eligible for such leave).

(2) Have been employed by the County for not less than one year immediately prior to the date upon which leave begins (time previously spent by the employee in recognized military service shall be used in computing the one year of employment).

b. Effect on Compensation/Benefits - During an approved Paid Temporary Military Duty Leave of Absence, employees shall:

(1) Be entitled to receive their regular salary and compensation as County employees for the first 30 calendar days of such leave in any one fiscal year.

(2) Accrue the same vacation, sick leave and holiday privileges they would have enjoyed had they not been absent. The right to accrue vacation, sick leave, and holiday privileges will also apply to a period of ordered inactive duty training that does not exceed 180 calendar days.

I. Inactive Duty Training Such as Weekend Drills or Regularly Scheduled Meetings - Employees who are required to attend inactive duty training, such as monthly weekend drills and/or regularly scheduled meetings, that coincide with their regular working days, shall have the option of using any previously earned vacation or compensatory time, or being placed on voluntary time off without pay for such periods of time.

J. Paid Regular Active Military Duty Leave - This is defined as a leave of absence for full-time military service as a result of being ordered into active duty as a member of the Reserves, National Guard or Naval Militia or as a result of induction, enlistment or otherwise being ordered or called into active duty as a member of the Armed Forces of the United States. The following shall apply to any Paid Regular Active Military Duty Leave:

1. Eligibility - To be eligible for a Paid Regular Active Military Duty Leave of Absence, an employee must:

Have been employed by the County for not less than one year immediately prior to the date upon which the leave begins (National Guard members called into service during a state of extreme emergency proclaimed by the Governor are not required to meet the one year service requirement).

2. Effect on Compensation/Benefits - During an approved Paid Regular Active Military Duty Leave, employees shall:

a. Be entitled to receive their regular salary and compensation as County employees for the first 30 calendar days of such leave in any one fiscal year. However, National Guard members called into service during a state of extreme emergency proclaimed by the Governor may receive their regular salary and compensation for the first 30 calendar days of any declared emergency in the state regardless of the number of emergencies declared during a fiscal year.

b. Not be entitled to sick leave, vacation or other salary and compensation during the period of active military service. However, National Guard members called into service during a state of extreme emergency proclaimed by the Governor shall be entitled to accrue vacation and holiday privileges, but not sick leave, for the first 30 calendar days of such leave.

K. Maximum Salary or Compensation Allowance

Except as otherwise provided in this Chapter, no more than the pay for a period of 30 calendar days shall be allowed under the provisions of subsections 14.6.H (Paid Temporary Military Duty Leave of Absence) and 14.6.J (Paid Regular Active Military Duty Leave) for any one military leave of absence or during any one fiscal year. However, National Guard members called into service during a state of extreme emergency proclaimed by the Governor may receive their regular salary and compensation for the first 30 calendar days of any declared emergency in the state regardless of the number of emergencies declared during a fiscal year.

L. Military Duty Orders - It shall be the responsibility of the employee concerned to provide his immediate supervisor with a copy of the orders specifying a tour of military duty for the employee. These orders shall be presented in sufficient time, if possible, prior to the start of the military duty tour, to permit review for the eligibility, obtaining required approvals, and the processing of paperwork for a leave of absence. (See Jury Duty/Military Leave form in appendix.)

**SECTION 14.6.1. TEMPORARY AMENDMENT TO SECTION 14.6., MILITARY LEAVE OF ABSENCE POLICY.**

On November 13, 2001, the Shasta County Board of Supervisors temporarily amended Section 14.6, MILITARY LEAVE OF ABSENCE POLICY, of the Shasta County Personnel Rules as follows:

For regular County employees called to temporary or regular active military duty on or after September 11, 2001 in response to the acts of terrorism that were inflicted upon the United States that day or the war on global terrorism that have been proclaimed by the President of the United States, the requirement for one year of County service as referenced in 14.6 A 1 a (2) [Paid Temporary Military Duty Leave (See Now subsection 14.6.H.1.a.(2))] and 14.6 B 1 b [Paid Regular Active Military Duty Leave (See Now subsection 14.6.J.1.b)] is waived, and said employees will receive supplemental compensation equivalent to the difference between their regular County and military pay for up to 365 calendar days for qualified military service in addition to the 30 days of regular salary referenced in 14.6 A 1 b (1) [See Now subsection 14.6.H.1.b.(1)] and 14.6 B 2 a [See Now subsection 14.6.J.2.a].

This amendment does not bestow any additional benefits to qualified employees other than supplemental compensation as described herein. This supplemental compensation is not intended to be paid leave time, but rather a special stipend attached to military pay. PERS does not accept this supplemental compensation to be considered for contributions toward the PERS retirement plan. Payroll will develop procedures for employees to follow so they will receive special compensation concurrently with military pay. This temporary amendment does not affect any other benefits provided for under the Military Leave of Absence Policy or any requirements for receiving such benefits.

This temporary amendment (Section 14.6.1) will sunset as of July 1, 2003 unless the Board of Supervisors acts to suspend it earlier than that date or to extend it beyond that date. Employees on military leave subject to this amendment on or before June 30, 2003 will continue to receive supplemental compensation until their qualified military service ceases or they exhaust their 365 calendar days of supplemental compensation, whichever comes first.

On May 13, 2003, the Shasta County Board of Supervisors extended the term of this temporary amendment to July 1, 2004. On June 22, 2004, the Shasta County Board of Supervisors extended the term of this temporary amendment to July 1, 2007. On December 18, 2007, the Shasta County Board of Supervisors approved the continuation of this benefit retroactive to July 1, 2007, and extended the term of this temporary amendment to July 1, 2010. On November 9, 2010, the Board reauthorized this temporary amendment for the period July 1, 2010 up to July 1, 2012.

**SECTION 14.7. LEAVE FOR SPOUSES AND REGISTERED DOMESTIC PARTNERS OF PERSONS SERVING IN THE MILITARY.**

This policy is designed to implement California law providing that spouses and registered domestic partners of members of the Armed Forces, National Guard, or Reserves, be allowed to take up to 10 days of unpaid leave when their respective spouses and registered domestic partners are on leave from deployment during a period of military conflict.

**A. Employees Qualified for Leave**

To be qualified for leave, an employee must meet the following criteria:

1. The employee must be the spouse or a registered domestic partner of a person who is any of the following:
  - a. A member of the Armed Forces of the United States who has been deployed during a period of military conflict in an area designated as a combat theater or combat zone by the President of the United States.
  - b. A member of the National Guard who has been deployed during a period of military conflict.
  - c. A member of the Reserves who has been deployed during a period of military conflict.
2. The employee must perform service for the County for an average of 20 or more hours per week.
3. The employee must provide his/her Department Head, or his/her designee, with notice, within two business days of receiving official notice that his spouse or registered domestic partners will be on leave from deployment, of his intention to take the leave provided for in this section.
4. The employee must submit written documentation to his/her Department Head, or his/her designee, certifying that his spouse or registered domestic partner will be on leave from deployment during the time off provided for in this section is requested.

**B. Amount of Leave**

1. A qualified employee shall be allowed to take up to ten days of unpaid leave during a period when his spouse or registered domestic partner is on leave from deployment during a period of military conflict.
2. This section shall not affect or prevent a qualified employee from taking a leave that he is otherwise entitled to take.
3. The employee may use appropriate accrued leave balances concurrently with the leave provided for in this section. The County may also require the employee to use appropriate accrued leave balances concurrently with the leave provided for in this section.

**C. No Retaliation**

A qualified employee shall not be subject to retaliation for requesting or taking the leave provided for in this section.

**SECTION 14.8. RETURN FROM LEAVE.** An employee shall notify the Department Head, or his/her designee, as soon as possible in advance of an anticipated early return from leave.

No employee shall be permitted to return from leave due to illness or injury without proper medical clearance. Written notification shall be made to the Personnel Director, or his/her designee, by the Department Head, or his/her designee, of return from leave or failure to return.

**This page intentionally  
left blank for duplex  
printing purposes.**



## CHAPTER 15. MANAGEMENT BENEFITS

SECTION 15.1. The Board of Supervisors recognizes the greater responsibilities inherent in a management position.

SECTION 15.2. There are three levels of management:

A. Executive Management: comprised of appointed Department Heads. (See Section 6.11 of the Personnel Rules.) For an appointed Department Head who serves a term of office fixed by law or contract, his or her appointment and subsequent reappointments to that office shall not be construed as a break in service from existing County service as a County appointed officer or employee.

B. Senior Management: includes those positions, usually titled "assistant" or "deputy," which assist Executive Managers in the formulation and administration of agency or departmental policies and procedures. In the absence of the Executive Manager, a Senior Manager may take charge of all or part of a department, with full program accountability normally associated with Executive Management.

C. Management: includes those positions which are accountable to Executive Managers, whether or not organizationally through a Senior Manager, for the performance of major agency or departmental activities. Managers are responsible for the execution of County policies, attainment of specific County goals or objectives, administration of Countywide programs or services, and representation of the agency or department before official bodies.

D. Managers: The term manager referenced throughout this chapter includes Department Heads, Assistant and/or Deputy Department Heads, and Managers. This chapter excludes Elected Department Heads and Board of Supervisors.

SECTION 15.3. SICK LEAVE RETENTION INCENTIVE.

A. Upon retiring under the provisions of CalPERS, or upon death, unused sick leave accrued by a County management employee shall be paid in accordance with the table below. Upon resignation, the employee shall be entitled to either a) a maximum payment of 50% of that provided for under retirement or death, or b) the maximum provided non-management employees by the appropriate formula, whichever is greater.

B. These provisions are applicable for retirement or death whether or not a portion of the accrual was earned in a position other than that from which the employee is terminating.

<u>Years of Continuous Service</u>	<u>Percentage of Accrual Subject to Compensation</u>
5 through 9	20% of first 30 days, 10% of accrual balance
10 through 14	40% of first 60 days, 15% of accrual balance
15 through 19	60% of first 60 days, 30% of accrual balance
20 or more	80% of first 60 days, 45% of accrual balance

C. As an option to the above payoff provisions, a retiring employee may request in writing for pre-retirement time off, in lieu of equivalent direct compensation. Such time off is to be computed on the basis of dividing the total eligible payoff by the employee's daily rate as of when the requested time would be used by the employee. It shall be taken as full-time off immediately prior to his/her stated retirement date to the extent of the computed number of days of eligibility. Employees shall not accrue any additional leave benefits while running out accrued sick leave prior to retiring. This option, once requested and granted, is binding on the County and the employee.

D. An employee retiring may convert some or all of his/her accumulated but unused sick leave to CalPERS service credit upon retirement. Any sick leave utilized for cash payment as provided in the above section shall not be available for such conversion.

E. Employees who are depleting leave balances (including vacation, sick leave or administrative leave) immediately prior to retirement shall not be eligible for holiday pay or accrual, which might otherwise accrue during the leave period.

SECTION 15.4. LIFE INSURANCE. The County shall provide a group life and accidental death and dismemberment policy at County expense equal to each management employee's actual base salary. In no event shall such amount be less than \$50,000, nor more than \$80,000. Management employees shall be allowed to purchase additional insurance in an amount up to three times annual salary at the employee's own expense.

SECTION 15.5. SALARIED STATUS. Employees occupying positions designated by County resolution as management positions are salaried employees and are exempt from the overtime provisions of FLSA. For payroll purposes, such employees are compensated on a biweekly salary basis, and need not submit documented time reports. The provisions of such salaried status are as follows:

A. For the performance of prescribed duties, a management employee receives a salary and is expected to work the necessary hours required to fulfill the responsibilities of the position.

B. For absences of one full workday or more, a management employee will submit an exception document that deducts such time from the employee's applicable vacation, sick leave or administrative leave accrual.

C. Subject to approval by the Department Head, or his/her designee, reasonable time off of amounts of less than one full workday is authorized for a management employee for personal use during normal work hours, without loss of salary. The County may utilize the exception to the Fair Labor Standards Act (FLSA) created by the Family Medical Leave Act (FMLA) to dock an employee's salary or leave balances for ongoing partial-day absences taken as authorized under the FMLA without affecting the exempt status of the employee (29U.S.C. 2612(c)).

D. In addition to Section 15.5 C above, when an employee is medically required to work part time on a temporary basis (of at least ten work days or more) or who otherwise requests a part time schedule on a temporary basis (of at least ten work days or more), and the employee's request is approved by the employee's Department Head, or his/her

designee, the employee's partial day absences during that time will be deducted from the employee's leave balances and the employee will receive his/her full salary. However, if the employee is medically required to work part time on a permanent basis, or the employee otherwise requests a part time schedule on a permanent basis, and the employee's request is approved by the employee's Department Head, or his/her designee, the department will reduce the employee's allocation to reflect the expected reduced work schedule (for example .5 FTE for half time work instead of 1.00 FTE) and the employee will receive a salary commensurate with the reduced permanent allocation.

SECTION 15.6. ADMINISTRATIVE LEAVE.

A. A management employee is entitled to 80 hours of administrative leave per calendar year, which shall be lost if not used by the end of the year. This time will be credited on the first payday on or after January 1 and is neither accumulative from year to year nor to be considered part of earned vacation accrual.

A new eligible employee will receive a portion of the time, in advance, on a prorated basis consistent with his/her date of appointment.

B. Pre-retirement Leave. Unit members who are depleting leave balances immediately prior to retirement shall not be eligible for additional administrative leave credit which might otherwise accrue during the leave period.

C. In lieu of paid time off under this benefit, a management employee may request and receive payment for up to a maximum of 40 hours of unused administrative leave. Payment shall be made at the manager's current hourly rate (which may include stipends). A request for payment may be made following notification from Payroll and will be granted only once. The payment shall be made in November or December of each year, and will be granted only if the employee has taken off at least 80 hours of vacation/administrative leave time during the calendar year.

Additionally, effective January 4, 2009, a management employee may request to receive payment for up to an additional forty (40) hours of unused administrative leave if approved by the Department Head, or CEO, or his/her designee, for appointed Department Heads. Request for payment of this second 40 hours may be made in November or December, of each year according the schedule established by Auditor – Controller. The initial 40 hours (and the additional 40 hours) will be granted only if the employee has already taken at least eighty (80) hours of vacation and/or administrative leave between the preceding January 1 and the date of request for payment. Part-time management employees shall not be eligible for this sell back option. Such payment shall be at the base hourly rate only, no add-ons.

D. A management employee separating from County employment will not receive payment for unused administrative leave.

SECTION 15.7. MANAGEMENT EDUCATIONAL FUND. An annual, non-accumulative amount of \$5,000 will be allocated to cover expenses relating to such generic management training components as seminars and workshops. This fund will be administered by the Personnel Director, or his/her designee, and will be used for Countywide training purposes.

SECTION 15.8. EXPENSE ALLOWANCE. Each management employee shall receive an allowance for legitimate business expenses based upon the following:

- A. Each appointed Department Head shall receive an additional \$50.00 biweekly stipend for reimbursement of business expenses within the County which are not otherwise claimable under current County policy.
- B. Each senior manager and manager shall receive a lump sum allowance on or near each January 1, of \$200.00 and \$100.00 respectively, for unreimbursed expenses incurred in the conduct or promotion of county business.

SECTION 15.9. VACATION ACCRUAL. The maximum vacation accumulation which may be accrued by a management employee shall be 78 times the employee's biweekly accrual rate, as determined by the schedule.

SECTION 15.10. HEALTH INSURANCE PREMIUMS.

A. Managers: Eligibility for medical and dental insurance shall begin the first of the month following employment unless otherwise required by the insurance provider(s). The County maximum health contribution to the medical, dental, and vision plans shall be the same as for employees represented by the Mid-Management Bargaining Unit (MMBU), including the spouse accommodation benefit provided to other bargaining units (if an employee and his/her spouse or registered domestic partner both work for the County and both are eligible for County provided health insurance and contributions), unless set otherwise by resolution of the Board. County contributions towards medical and dental, as provided above, shall commence the first of the month following six months of employment unless otherwise required by the insurance provider(s). Employees who are otherwise eligible for insurance coverage during their first six months of employment and elect such coverage shall pay the insurance premiums through payroll deductions. This provision shall not apply to employees recalled from layoff who were receiving the County contribution at the time of layoff.

1. Effective upon approval of CalPERS for any changes made to the County contribution, the County will pay the full premium cost for Employee Only medical premium and sixty-five percent (65%) of the Employee plus One and Employee plus Family medical premium cost categories of PERS Choice (or equivalent plan). The County contribution includes the PEMHCA minimum contribution. Those percentages shall be converted to monthly maximums which dollar amounts shall not be exceeded without specifically being changed by resolution of the Board. The employee will pay the portion of the premium not contributed by the County.

B. Retired Managers:

1. The County shall provide the same County contribution towards each retired manager's premium for the CalPERS medical plan as made for currently employed managers in accordance with CalPERS enrollment and premium contribution regulations.

2. For persons hired or promoted to management positions on or after January 1, 2013, in accordance with the California Public Employees' Pension Reform Act (PEPRA), and unless otherwise required by the insurance provider(s) or contractual obligation, the County shall provide payment toward each retired manager's medical/dental premiums, provided such manager retires from active Shasta County service, and remains uninterrupted in the medical plan provided by the County. Such payment shall equal ten (10) percent of such premium and only apply to retirees having a minimum of ten (10) years of County service. Such County service need not be continuous.

3. For persons hired or promoted to management positions prior to January 1, 2013, and unless otherwise required by the insurance provider(s), the County shall provide payment toward each retired manager's medical/dental benefit premiums, provided such manager retires from active Shasta County service and remains uninterrupted in the Shasta County medical/dental plan. The percentage amount of County payment shall be based on the following formula.

10 years of County service	25% County payment of premium
15 years of County service	50% County payment of premium
20 years of County service	100% County payment of premium

4. County service for the purposes of sections 15.10.B.2 and 15.10.B.3 above is defined as total time spent in the employment of the County, and need not be continuous. Such time will be totaled as qualifying for this benefit, and will include non-management service time, if any.

F. For covered employees hired prior to January 1, 2017 who retire from active County service and have not elected to be covered under Section 15.10.F; the retiree medical premium will be paid as follows:

1. The County will continue to pay the statutory minimum amount prescribed by Government Code section 22892 directly to CalPERS;

2. CalPERS will deduct the balance of the medical premium from the retiree's retirement payment; and

3. The County will reimburse the retiree the County's contribution amount based upon the PERS Choice (or equivalent plan) rates for the coverage in which the employee is enrolled (i.e., Employee Only, Employee plus One, or Employee plus Family), minus the statutory amount prescribed by Government Code section 22892 paid by the County directly to CalPERS.

G. For covered employees hired on or after January 1, 2017 who retire from active County service; the retiree medical premium will be paid as follows:

1. The County will continue to pay the statutory minimum amount prescribed by Government Code section 22892 directly to CalPERS; and

2. CalPERS will deduct the balance of the medical premium from the retiree's retirement payment.

- H. If the legal requirements of the Affordable Care Act have an impact on County rights and obligations regarding health benefits for County management employees, the County retains the right to make any necessary modifications under this section.
- I. 401(A) PLAN. Any covered employee hired on or after January 1, 2017, shall not be eligible to earn or receive the County contribution to retiree medical benefit as described in Section 15.10.B, but shall receive only the County's minimum contribution amounts required under Government Code section 22892 if they elect to continue CalPERS healthcare after retirement.

Any covered employee who was hired prior to January 1, 2017, may voluntarily elect to participate in the Section 401(a) Plan in lieu of the benefit provided in Section 15.10.B. If the employee voluntarily elects to participate in the 401(a) Plan in lieu of receiving the benefit under Section 15.10.B, the County will contribute the minimum contribution required under Government Code section 22892. The employee will receive contributions into the 401(a) Plan as set forth below. The decision to elect to participate in the 401(a) Plan in lieu of receiving the benefit under Section 15.10.B shall be irrevocable.

The 401(a) Plan will be administered as follows:

1. The County shall continue to provide an Internal Revenue Code Section 401(a) Plan consistent with this section. The County shall continue to contribute into the 401(a) Plan an amount on behalf of each covered employee electing to participate under this section equal to the amount contributed by that employee from his or her own pre-tax salary into one of the County's Section 457 deferred compensation plans, but not to exceed 3% of the employee's pre-tax salary. Accordingly, if an employee contributed a total of 1-3% of his or her pre-tax salary to a 457 plan, then the dollar amount of the County's 401(a) contribution would fully match the employee's 457 contribution; if an employee contributed more than 3% of his or her pretax salary to a County 457 plan, then the dollar amount of the County's 401(a) contribution would only be equal to 3% (and not more) of the employee's pretax salary and would not fully match the employee's 457 contribution. The employee may direct the investment of said contributions in accordance with the options or limitations provided by the 401(a) Plan. Each such employee shall vest (that is, earn the right to withdraw) the County's contributions into the 401(a) Plan on their behalf based on years of County service, as set forth below, subject to any of the plan's requirements.
2. The 401(a) Plan implementing this section shall provide the following schedule of vesting requirements for any participating employee to earn and be eligible to withdraw or otherwise receive a portion (or in some cases all) of his or her total account value at the time of termination:

<u>Years of COUNTY Service</u>	<u>Portion of Account Value Vested</u>
Less than 1 year	0%
1 year plus 1 day to 2 years	10%
2 years plus 1 day to 3 years	20%
3 years plus 1 day to 4 years	30%
4 years plus 1 day to 5 years	40%
5 years plus 1 day to 6 years	50%
6 years plus 1 day to 7 years	60%
7 years plus 1 day to 8 years	70%
8 years plus 1 day to 9 years	80%
9 years plus 1 day but less than 10 years	90%
10 years	100%

3. In addition to and notwithstanding the foregoing, employee's options for withdrawing, "rolling over," and otherwise using account money (and the tax consequences of such withdrawals and use), shall be subject to any legal requirements or limitations of Internal Revenue Code Section 401(a) and any other applicable laws with which the County and the Plan must comply.

SECTION 15.11. VISION CARE. The County shall provide management employees with County-approved vision insurance. Employees may enroll their dependents in the vision plan provided the employee pays any additional cost associated with such enrollment.

SECTION 15.12. BAR DUES. The County shall provide payment of the total dues required in order to continue membership in the California Bar Association, providing bar membership is a requirement of the position.

SECTION 15.13. LONG-TERM DISABILITY PROGRAM. The County provides a long term disability program for management employees, which will include a 120 day elimination period, a 66.67% of earnings benefit, and a monthly maximum of \$2,500.00.

SECTION 15.14. IRC SECTION 125 BENEFIT PLAN. Employees shall sign appropriate authorization forms to establish or decline participation in payroll deductions of pre-tax earnings for payment by the County of employees medical and dental insurance premiums and flexible spending accounts (including child and dependent care expenses and unreimbursed medical expenses) in accordance with Section 125 of the Internal Revenue Code and Board action of November 3, 1998 and subsequent updates.

A. Beginning January 1, 2017, with respect to any full-time covered employee and any part time covered employee hired prior to January 1, 2017 who is enrolled in CalPERS medical insurance, the County will continue to contribute into the 125 Benefit Plan the percentage amount based upon the PERS Choice (or equivalent plan) rates for the coverage in which the employee is enrolled (i.e., Employee Only, Employee plus One, or Employee plus Family), minus the statutory amount prescribed by Government Code section 22892 paid by the County directly to CalPERS on behalf of that employee and minus the required amount contributed by the employee.

B. In no event will the County's contribution under Government Code section 22892 and the resulting premium payment of this chapter exceed the actual cost of the benefit. The covered employee must authorize a payroll deduction for their required contribution. If no

authorization is made, the County will not make a contribution to the 125 Benefit Plan.

SECTION 15.15. RETIREMENT. CalPERS retirement will continue as adopted in the County's contract with CalPERS. Beginning with the pay period that includes January 1, 2012, appointed Department Heads and Unrepresented Managers are responsible to pay 100% of the employees' share of retirement. Effective for new employees after May 8, 2011, the County will provide the retirement formula calculation of the last 3 consecutive years for Miscellaneous 2% @ 60 retirement. Those hired prior to May 8, 2011, are covered under the 2% @ 55 formula, based on highest 12 months.

SECTION 15.16. DEFERRED COMPENSATION. The County will match appointed Department Heads' contributions to a qualified deferred compensation plan on a dollar-for-dollar basis up to 50% of the normal base contribution for the calendar year.

SECTION 15.17. MANAGEMENT PAY DIFFERENTIAL.

A. Principles of a Management Pay Differential. The salary of an employee in a management classification should be set at a range that is at least 5% more (F step to F step comparison including subordinates' pay stipends, if appropriate) than the subordinate classifications the manager is required to supervise. This concept includes as a principle that the manager be responsible for performance evaluations, direction of the work performed, and input into the hiring and discipline process. In order to qualify for pay differential, a person directing and evaluating the work of a subordinate would have to be of the same profession. That means for example that an accountant who supervises a licensed social worker would not qualify because, even if the manager did performance evaluations and assigned work, he/she could not judge the professional aspects of the subordinate's work.

B. Process for Management Pay Differential. A Department Head, or his/her designee, may apply in writing, through the Department Head, or his/her designee, to the Personnel Director, or his/her designee, for consideration of a pay class stipend if a subordinate classification is at a salary range that is not at least 5% less than the manager's classification. Such stipends will be granted in one-half percent (.5%) increments. When applied, the effect of this stipend will be that the manager's salary range will be 5% above the subordinate's salary range (based on F step comparisons including subordinates pay stipends, if appropriate), without regard to the salary step of the current subordinate. The pay stipend will be processed as a salary earnings type on a Personnel Action Form. The Personnel Director, or his/her designee, will review the stipend periodically for continued appropriateness or when classifications are changed due to reclass, MOU salary and benefit changes, or other such changes. The decision of the Personnel Director, or his/her designee, to grant or not grant a pay stipend is final unless the Department Head, or his/her designee, appeals to the CEO. The findings of the CEO are final. This process is not subject to the grievance process.

SECTION 15. 18. EMPLOYEE ASSISTANCE PROGRAM (EAP). Unrepresented managers shall be entitled to utilize the services contained in the EAP plan as offered and paid for by the County.

SECTION 15.19. LONGEVITY STIPEND. Effective October 27, 2007, the County will implement a 5% (five percent) longevity stipend for non-executive unrepresented managers who

have at least 20 years of cumulative service with Shasta County, of which at least two years shall serve in a management position. Effective, January 4, 2009, the County will implement a 5% longevity stipend for executive unrepresented managers (Department Heads) who have at least 20 years of cumulative service with Shasta County, of which at least two years shall be service in a management position. Those executive managers hired before January 4, 2009, will be eligible to consider up to a maximum of 5 years of service with another California County (based on how many years were previously served) towards the 20 year requirement. Beginning at 12:00 noon on January 7, 2019, elected Department Heads shall not be eligible for any longevity stipend provided by this section. Members of the Board of Supervisors have not been and continue to not be eligible for any longevity stipend provided by this section.

## **CHAPTER 16. CONFIDENTIAL EMPLOYEES**

SECTION 16.1. DEFINITION. A non-management employee who, in the course of his/her duties, is regularly privy to management planning or decision-making regarding the County's administration of employer-employee relations as determined by the Board of Supervisors.

SECTION 16.2. MISCELLANEOUS PROVISIONS. Other benefits and working conditions for Confidential employees not specified in this section shall be construed to be equivalent to benefits available to employees in the general bargaining unit as defined in the general bargaining unit MOU unless otherwise set by Board resolution.

SECTION 16.3. CONFIDENTIAL DIFFERENTIAL. The salary range for Confidential classifications will be at least 5% in base salary above the salary range for the same non-confidential classification unless otherwise set by Board resolution.

SECTION 16.4. MEDICAL PLAN. Employees and their eligible dependents may select medical insurance coverage from the available options under any authorized County medical plan. Eligibility, participation, and enrollment shall be in accordance with the requirements set forth by the plans unless otherwise set by Board resolution.

A. For covered employees hired prior to January 1, 2017 who retire from active County service and have not elected to be covered under Section 16.4.D; the retiree medical premium will be paid as follows:

4. The County will continue to pay the statutory minimum amount prescribed by Government Code section 22892 directly to CalPERS;

5. CalPERS will deduct the balance of the medical premium from the retiree's retirement payment; and

6. The County will reimburse the retiree the County's contribution amount based upon the PERS Choice (or equivalent plan) rates for the coverage in which the employee is enrolled (i.e., Employee Only, Employee plus One, or Employee plus Family), minus the statutory amount prescribed by Government Code section 22892 paid by the County directly to CalPERS.

B. For covered employees hired on or after January 1, 2017 who retire from active County service; the retiree medical premium will be paid as follows:

3. The County will continue to pay the statutory minimum amount prescribed by Government Code section 22892 directly to CalPERS; and

4. CalPERS will deduct the balance of the medical premium from the retiree's retirement payment.

C. If the legal requirements of the Affordable Care Act have an impact on County rights and obligations regarding health benefits for County management employees, the County retains the right to make any necessary modifications under this section.

D. 401(A) PLAN. Any covered employee hired on or after January 1, 2017, shall not be eligible to earn or receive the County contribution to retiree medical benefit as described in Section 16.4.A, but shall receive only the County's minimum contribution amounts required under Government Code section 22892 if they elect to continue CalPERS healthcare after retirement.

Any covered employee who was hired prior to January 1, 2017, may voluntarily elect to participate in the Section 401(a) Plan in lieu of the benefit provided in Section 16.4.A. If the employee voluntarily elects to participate in the 401(a) Plan in lieu of receiving the benefit under Section 16.4.A, the County will contribute the minimum contribution required under Government Code section 22892. The employee will receive contributions into the 401(a) Plan as set forth below. The decision to elect to participate in the 401(a) Plan in lieu of receiving the benefit under Section 16.4.A shall be irrevocable.

The 401(a) Plan will be administered as follows:

4. The County shall continue to provide an Internal Revenue Code Section 401(a) Plan consistent with this section. The County shall continue to contribute into the 401(a) Plan an amount on behalf of each covered employee electing to participate under this section equal to the amount contributed by that employee from his or her own pre-tax salary into one of the County's Section 457 deferred compensation plans, but not to exceed 3% of the employee's pre-tax salary. Accordingly, if an employee contributed a total of 1-3% of his or her pre-tax salary to a 457 plan, then the dollar amount of the County's 401(a) contribution would fully match the employee's 457 contribution; if an employee contributed more than 3% of his or her pretax salary to a County 457 plan, then the dollar amount of the County's 401(a) contribution would only be equal to 3% (and not more) of the employee's pretax salary and would not fully match the employee's 457 contribution. The employee may direct the investment of said contributions in accordance with the options or limitations provided by the 401(a) Plan. Each such employee shall vest (that is, earn the right to withdraw) the County's contributions into the 401(a) Plan on their behalf based on years of County service, as set forth below, subject to any of the plan's requirements.

5. The 401(a) Plan implementing this section shall provide the following schedule of vesting requirements for any participating employee to earn and be eligible to withdraw or otherwise receive a portion (or in some cases all) of his or her total account value at the time of termination:

<u>Years of COUNTY Service</u>	<u>Portion of Account Value Vested</u>
Less than 1 year	0%
1 year plus 1 day to 2 years	10%
2 years plus 1 day to 3 years	20%
3 years plus 1 day to 4 years	30%
4 years plus 1 day to 5 years	40%
5 years plus 1 day to 6 years	50%
6 years plus 1 day to 7 years	60%
7 years plus 1 day to 8 years	70%
8 years plus 1 day to 9 years	80%
9 years plus 1 day but less than 10 years	90%
10 years	100%

6. In addition to and notwithstanding the foregoing, employee's options for withdrawing, "rolling over," and otherwise using account money (and the tax consequences of such withdrawals and use), shall be subject to any legal requirements or limitations of Internal Revenue Code Section 401(a) and any other applicable laws with which the County and the Plan must comply.

SECTION 16.5. COUNTY CONTRIBUTION TO MEDICAL PLANS. The County maximum contributions to the medical plan shall be the same as for employees represented by the General Bargaining Unit unless otherwise set by Board resolution.

SECTION 16.6. CalPERS RETIREE ADMINISTRATIVE FEE. The County and employee contributions to the PERS retiree administrative fee maximum shall be the same as for employees represented by the General Bargaining Unit unless otherwise set by Board resolution.

SECTION 16.7. COUNTY CONTRIBUTION TO DENTAL PLAN. Premium and County maximum contributions to the dental plan shall be the same as for employees represented by the General Bargaining Unit unless otherwise set by Board resolution.

SECTION 16.8. BENEFIT AND CONTRIBUTION WAITING PERIOD. Eligibility for medical and dental insurance shall be the same as those for employees represented by the General Bargaining Unit unless otherwise set by Board Resolution

SECTION 16.9. VISION PLAN. The County shall provide a vision plan for all confidential employees using the plan approved for the County as the minimum standard. The County shall pay for the premiums for all confidential employees. Confidential employees may enroll their eligible dependents in the vision care program and pay the premiums through payroll deductions unless otherwise set by Board Resolution.

SECTION 16.10. LIFE INSURANCE AND ACCIDENTAL DEATH AND DISMEMBERMENT POLICY. A group life and accidental death and dismemberment policy shall be provided at County expense to confidential employees equal to each such employee's actual annual base salary. In no event shall such amount be less than \$50,000 or more than \$70,000.

SECTION 16.11. STATE DISABILITY INSURANCE/PAID FAMILY LEAVE. Disability insurance benefits shall be extended to employees in accordance with the terms and conditions of the State Disability Insurance Program. Each employee shall contribute to the plan through payroll deductions. Accrued sick leave shall be used to supplement the disability benefit and must be exhausted prior to the use of other accrued leave balances. An employee may elect, in advance, to use accrued vacation, compensatory time off or holiday time to supplement the disability benefit. The total compensation from accrued leaves and disability benefits shall not exceed the employee's base salary at the time of disability. Disability benefits will be considered the primary benefit and used leave accruals will be treated as secondary to supplement the employee's earnings.

Paid Family Leave insurance will be administered as described above, except employees will be required to use other leave balances after Family Sick Leave (if appropriate) has been exhausted.

SECTION 16.12. IRS SECTION 125 BENEFIT PLAN. Employees shall sign appropriate authorization forms to establish or decline participation in payroll deductions of pre-tax earnings for payment by the County of employee's medical and dental insurance premiums and flexible spending accounts (including child and dependent care expenses and unreimbursed medical expenses) in accordance with Section 125 of the Internal Revenue Code and Board action of November 3, 1998 and subsequent changes.

C. Beginning January 1, 2017, with respect to any full-time covered employee and any part time covered employee hired prior to January 1, 2017 who is enrolled in CalPERS medical insurance, the County will continue to contribute into the 125 Benefit Plan the percentage amount based upon the PERS Choice (or equivalent plan) rates for the coverage in which the employee is enrolled (i.e., Employee Only, Employee plus One, or Employee plus Family), minus the statutory amount prescribed by Government Code section 22892 paid by the County directly to CalPERS on behalf of that employee and minus the required amount contributed by the employee.

D. In no event will the County's contribution under Government Code section 22892 and the resulting premium payment of this chapter exceed the actual cost of the benefit. The covered employee must authorize a payroll deduction for their required contribution. If no authorization is made, the County will not make a contribution to the 125 Benefit Plan.

SECTION 16.13. RETIREMENT. All Confidential employees newly hired during and after the pay period that includes July 1, 2010 shall pay the full employee contribution toward PERS pension benefits through payroll deductions. All Confidential employees working prior to that pay period who are paying the full employee share of contributions for PERS pension benefits shall continue to do so on a permanent basis. All Confidential employees working prior to that pay period for which the County is paying the full employee portion of contributions for PERS pension benefits on the employees' behalf shall start paying half (currently 3.5% of salary) of the employees' share of PERS pension contributions (currently 7% of salary) effective the pay period that includes July 1, 2010. Effective the pay period that includes January 2, 2011, the employees will pay the full employee share (100%) of PERS pension contributions. Additionally, employees hired after May 8, 2011, will be covered under the PERS 2% @ 60 miscellaneous formula and the retirement formula will be based upon the last 3 consecutive years of service.

Employees hired prior to May 8, 2011, are covered under a 2% @ 55 miscellaneous formula, calculated on highest average salary over a period of twelve consecutive months of service.

SECTION 16.14. EMPLOYEE ASSISTANCE PROGRAM. Employees covered under this chapter will be eligible for the services contained in the plan as offered and paid for by the County.

## CHAPTER 17. LAYOFF

### SECTION 17.1. LAYOFF PROCEDURES.

A. These procedures are applicable to all employees in the Classified Service. These procedures are also applicable to employees in the Unclassified Service to the extent as provided in Section 5.2.B. of these Personnel Rules.

B. Within a department, in the event of layoff of employees in the classified service, the appointing authority, in consultation with the Personnel Director, or his/her designee, shall make a determination of the number of employees by class to be laid off in accordance with the criteria specified in this Chapter.

C. Positions covered by the Merit Systems Service shall be governed by these procedures except where they are in conflict with Merit Systems' rules. In such cases, Merit Systems' rules shall prevail.

SECTION 17.2. LAYOFF DEFINED. Layoff is defined as an involuntary separation of an employee or a reduction in hours from regular full-time to regular part-time due to lack of work or funds, reorganization, or economic or other reasons as deemed necessary by the Board of Supervisors or appointing authority. Layoff does not include separation for cause as defined by Chapter 7.

SECTION 17.3. VOLUNTARY LAYOFF. Layoff may be voluntary in the event an employee having more seniority, as defined below, elects, with Department Head, or his/her designee, approval, to accept layoff in lieu of the layoff of a less senior employee. The effect of such action may be separation of the employee, displacement of another affected employee, or transfer or demotion of the employee to a vacant position, depending in part on the manner by which the employee's rights are exercised.

### SECTION 17.4. ORDER OF LAYOFF BY STATUS.

A. The sequence to be used in determining the order of layoff by status shall be:

1. First, provisional employees in inverse order of seniority;
2. Next, probationary employees in inverse order of seniority;
3. Next, permanent employees in inverse order of seniority.

B. Extra help employees shall not be retained to the extent that laid-off employees in the same class or higher class in the same class series may desire to accept such extra help employment.

SECTION 17.5. SENIORITY DEFINED. Except as provided in Section 17.6 below, seniority for the purpose of layoff is defined as length of continuous employment within a class in the classified County service. Seniority for the purpose of displacement is defined in Section 17.7.

SECTION 17.6. COMPUTATION OF SENIORITY.

A. Seniority within a class of affected full-time employees shall be determined by the allocation of one employment service point for each month of continuous employment in that class. Seniority of affected part-time employees within a class shall be determined by the allocation of 3/4 of one employment service point for each month of continuous employment in that class. A full-time or part-time employee shall be allocated 1/2 of one point when employed 15 to 29 days in a month, and shall be allocated zero points when employed less than 15 days in a month. For the purpose of this section, the computation of each month of continuous employment begins on the date of the employee's appointment to that class. Seniority shall be retained, but shall not accrue, during any period of leave without pay except that employees who are on leave without pay due to an on the job injury or illness shall continue to accrue employment service points.

B. In the event both affected full-time and affected part-time employees occupy positions in the same class, a single layoff list for that class shall be developed based on the above method of computation.

SECTION 17.7. TOTAL SENIORITY- MORE THAN ONE CLASS.

A. For the purpose of computing total seniority in two or more non-alternately staffed classes, an employee shall receive service points for time served in the class which the employee is occupying plus any time previously served in a higher class or any directly related class at the same level. The Personnel Director, or his/her designee, shall review such circumstances on a case-by-case basis to assure full seniority credit is given to such employee.

B. A class at the same level is one in which the maximum base salary is the same as the maximum base salary of another class.

C. A higher level class is one in which the maximum base salary is greater than the maximum base salary of another class.

SECTION 17.8. ALTERNATELY STAFFED POSITIONS. If a position is allocated to an alternately staffed class series, time served by an employee in each such class shall be added together for seniority computation purposes. In all other respects, provisions of this Chapter shall apply to alternately staffed positions in the same manner as non-alternately staffed positions. Nothing in this section shall prohibit an appointing authority from designating a specified class for layoff within the alternatively staffed class series.

SECTION 17.9. COMPUTATION OF SENIORITY ON COUNTY SERVICE BASIS. Notwithstanding the provisions of Section 17.7, an employee who, prior to August 28, 1984, laterally transferred or promoted from one County department to another with continuous employment and who assumed a position in a class series different than the series from which having laterally transferred or promoted, will be allowed to have seniority computed as length of total continuous County classified service. Such computation will only be allowed when the class series from which the employee laterally transferred or promoted does not exist in the current department.

SECTION 17.10. CHANGE IN CLASSES. To the extent possible, an employee shall not lose seniority rights as a result of a classification study which results in reallocation of the position occupied by the employee, or the class being abolished, retitled, or revised. The Personnel Director, or his/her designee, shall review such circumstances on a case-by-case basis to assure full seniority credit is given to such employee.

SECTION 17.11. PERFORMANCE POINTS. In addition to employment service points, an affected full-time employee whose two most recent regularly scheduled performance ratings in the current class are at least Exceeds Standards overall shall be granted an additional 12 points; an affected part-time employee whose two most recent regularly scheduled performance ratings in the class are Exceeds Standards overall shall be granted an additional nine points. Affected full-time and part-time employees whose two most recent regularly scheduled performance ratings in the class are Improvement Needed overall shall have subtractions of six and four points, respectively; similarly, Unacceptable ratings shall have subtractions of 12 and nine points respectively. Such additions and subtractions will be combined with employment service points to establish the final inverse order of seniority.

	Exceeds Standards	Improvement Needed	Unacceptable
Full-Time Employee	12	-6	-12
Part-Time Employee	9	-4	-9

SECTION 17.12. TIE BREAKING. When two or more employees in a class have the same final total points, the tie shall be broken as follows:

- A. Total continuous time employed within the department of layoff;
- B. Total continuous time employed within the County;
- C. Names drawn by lot by the appointing authority.

SECTION 17.13. NOTICE OF LAYOFF. Each affected employee shall be given a minimum of 21 calendar days' written notice of layoff, with the exception of Employment Services Instructor I/II classifications of which shall be given a minimum of seven calendar days' written notice of layoff. The notice shall be served personally upon the employee during business hours. Should such service be unsuccessful, the notice will then be sent by certified mail to the employee's last known address; service shall be deemed effective upon mailing. The notice shall include a listing of the classes in which the employee is entitled to displace another employee. Such employee shall advise the appointing authority within three working days of the date of such notice of the employee's intent and manner of exercising rights, if any. The employee's failure to timely advise the appointing authority shall constitute a waiver of rights.

SECTION 17.14. DISPLACEMENT.

- A. Demotion or Transfer to Vacant Position in a Department. Upon receiving notice of layoff, an employee with permanent status in the class, or probationary status in the class due to promotion, demotion for other than disciplinary or performance reasons, or transfer, shall have the right to be appointed to a vacant position in the current department in a class at the same or lower level in which the employee held prior

permanent or probationary status. In no instance shall an employee have the right to be appointed to an unfilled position in a higher level class.

B. Seniority for Displacement. For the purposes of displacement rights, seniority for the displacing employee is computed by adding together performance points, plus all employment service points earned in the class from which the employee is being laid off, employment service points earned in the lower classes, and employment service points earned in the class to which the employee is returning.

C. Displacement Within the Department. In the event there are no such vacancies, the employee shall have the right to a position in the current department in a lower class in which the employee last held permanent status, and displace another employee who is less senior in that class. In the event there is no less senior employee in that class, the affected employee shall have the right to a position in the current department in the lower class in which the employee next last held permanent status, and displace an employee who is less senior in that class. In no instance shall an employee have the right to be appointed to a filled position in a class at the same or higher level.

D. Displacement to a Previous Department. Upon receiving notice of layoff, an employee who previously held permanent status, and who is now in a probationary status due to promotion to another department, shall have the right to return to the classification in the previous department from which the employee promoted.

SECTION 17.15. TRANSFER OR DEMOTION TO A VACANT POSITION IN ANOTHER DEPARTMENT. Upon receiving notice of layoff, an employee prior to being laid off shall have the right to transfer or demote to an available vacant position in another department, provided such employee held permanent status in that class and provided such class has been designated as non-supervisory. If there is more than one displaced employee eligible for such transfer, the appointing authority may choose which employee to accept without regard to seniority.

SECTION 17.16. SEPARATION. If the affected employee cannot exercise his/her rights of transfer or displacement, the affected employee shall be separated from County service.

SECTION 17.17. RECALL FROM LAYOFF.

A. The names of employees in an affected class within a department who are laid off under procedures set forth in this Chapter, ranked in the order of their combined employment service and performance points, shall constitute the layoff list for that class. Persons on such a list shall have the right, in accordance with their ranking on the list, to be recalled from layoff to vacancies in that class within that department before other persons are considered for appointment to that class in that department. Employees voluntarily laid off as referenced in Section 17.3 shall be similarly ranked on the recall list. Permanent employees shall be eligible for recall before probationary employees.

B. Employees who are laid off and contacted by the department for recall may waive their right to recall. Upon the third such waive, the County's obligation to the laid off employee for recall or any other rights under this chapter shall terminate.

SECTION 17.18. RECALL PERIOD. The right to be recalled from layoff shall be for a

period of 18 months. If recalled within that period, an employee shall resume employment conditions in the class on the same basis as those that existed at the time of layoff, subject to modifications made subsequent to layoff.

SECTION 17.19. SICK LEAVE ACCRUAL BALANCE. At the time of layoff, an affected employee shall have the option to receive a sick leave payoff under the applicable formula. If electing such option and subsequently recalled, the employee shall receive no sick leave accrual balance restoration, unless he/she returns to the County the full cash payoff amount received at the time of layoff.

SECTION 17.20. STAFF REDUCTION - POLICIES. If, for any reason, a County department reduces its staff, causing employees to be terminated through no fault of their own, then it shall be the policy of the County to make every effort to relocate those employees in some other County department, provided that the employee adequately meets the appropriate job specifications.

SECTION 17.21. REFERRAL TO VACANCIES - OTHER DEPARTMENTS. During the 18 month recall period, a person in layoff status shall be referred to vacancies in other departments in the same class from which laid off by submitting the appropriate forms to Personnel. Personnel will then refer the name of such person to the appointing authority along with, but separate from, an eligible list for that class.

SECTION 17.22. RIGHTS FOLLOWING APPOINTMENT TO ANOTHER DEPARTMENT DURING RECALL PERIOD.

A. A person referred to a vacant position in the same class in another department, if selected during the recall period, shall resume employment conditions in the class on the same basis as those that existed at the time of layoff subject to modifications made subsequent to layoff.

B. Such a person may be required to serve a probationary period and may be appointed to any step on the salary range not to exceed the employee's salary step in effect at the time of layoff. Such employee shall retain the right to be recalled to a position in the class in the department from which laid off until permanent status in the new appointment is obtained or until the 18 month period is over, whichever is later.

SECTION 17.23. ABOLISHMENT OF POSITION. In the event the position and class occupied by a laid off employee have been abolished, thus precluding recall or reinstatement, such former employee, upon returning to County service, will also be entitled to a vacation accrual rate based on prior service excluding absences. Such entitlement is limited to employees rehired within a three year period following layoff, including employees who formerly occupied unclassified management positions.

SECTION 17.24. PROMOTIONAL EXAMINATIONS. An employee on a recall list shall have the right to compete in Countywide or his/her own departmental promotional examinations, providing it would not result in displacement of an employee. In some instances, the examinations may be for a position in a class at the same or lower level as the class from which the employee was laid off.

SECTION 17.25. WORK REASSIGNMENTS/LAYOFF PERIOD. If an employee is laid off,

the employee's duties shall not be assigned to or performed by a general assistance worker, inmate worker, or a community service worker for a period of one year following the effective date of layoff.

SECTION 17.26. APPEAL PROCEDURE. An employee affected by layoff may appeal to the Personnel Director or his/her designee, in writing. Such appeal must be submitted within seven calendar days after receipt of the notice of layoff, and must specify the manner in which these provisions, in the opinion of the employee, have been inappropriately applied. The Personnel Director, or his/her designee, shall respond to the appeal prior to the effective date of layoff.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 18. SALARY PLAN

### SECTION 18.1. SALARY RANGE STEPS.

A. Except as otherwise provided in this chapter, new provisional or probationary employees shall be appointed at Step "A" of the assigned salary range; provided, however, that the Personnel Director, or his/her designee, may authorize that a new employee be appointed at the "B" or "C" Step of the assigned salary range based on exceptional qualifications and/or recruitment difficulties. Placement of employees at "D", "E", or "F" steps requires recommendation by the Personnel Director, or his/her designee, and approval by the CEO, or his/her designee, because of exceptional qualifications and experience or recruiting difficulties. (See also Policy Resolution No. 2010-02, in appendix.)

B. Placement of a current extra help employee, who is at D, E, or F step of the salary range, into a regular position in the same classification at D, E, or F step, may be recommended by the Department Head, or his/her designee, for approval by the Personnel Director, or his/her designee, if the employee has qualified through the normal recruitment process. The Department Head, or his/her designee, must submit a written request to the Personnel Director, or his/her designee, prior to offering regular employment.

C. When the filling of a position at a step which is higher than the first step of the salary range is authorized, a department may after assessing the incumbents' qualifications, submit a request to the Personnel Director, or his/her designee, that incumbents of positions in the same class, earning less than the step in the particular salary range at which the new employee enters, may be advanced to the same or a higher step. Any employee receiving a step advancement will also receive a new salary anniversary date.

### SECTION 18.2. SALARY INCREASES WITHIN RANGE.

A. Progression to higher steps within the salary range, shall not be automatic, but shall be based on merit and given only upon the affirmative written authorization of the appointing authority and the certification of the Personnel Director, or his/her designee, that the recommended increase is in accordance with the provisions of the County Personnel Manual and Salary Resolution. Such authorization may be given by a Department Head, or his/her designee, on behalf of an employee in the classified service only if the most recent performance evaluation indicates an overall rating of meets expected standards or above. (Refer to evaluations policy in Chapter 34.) Delay of a merit increase due to a performance evaluation of less than meets expected standards shall result in a change of salary anniversary date. (See also Policy Resolution No. 2010-02, in appendix.)

B. Each person employed in a classification assigned to a salary range shall be eligible for merit increases within the range as follows (See also Policy Resolution 2010-02, in appendix.):

1. Eligibility for advancement to the B step shall be the beginning of the first pay period following completion of 13 pay periods of continuous service unless otherwise stipulated in a Memorandum of Understanding.

2. Eligibility for advancement to the C step and each subsequent step shall be the beginning of the first pay period following completion of 26 pay periods in each step of the range.

3. A leave of absence other than that for which full pay is received, (e.g., vacation, sick leave, administrative leave or compensatory time off), shall cause the step increase eligibility date to be postponed by one pay period for each pay period of such leave. If the leave of absence is for one-half or more of a pay period, the step increase eligibility date will be postponed a full pay period.

4. An employee who works the regular schedule of hours for more than one-half of the regularly scheduled workdays in the first pay period shall be deemed to have started on the first day of the pay period for the purposes of this section.

C. The Personnel Director, or his/her designee, shall establish procedures which will assure timely notification and processing by all parties concerned.

D. Should it be determined that a merit increase was overlooked through error and that the employee would have otherwise met the requirements for such increase, salary adjustment shall be made effective from the original date of eligibility for the increase up to a maximum of 26 pay periods; provided, however, that this provision shall apply only in cases of persons in the employ of the County at the time such error is claimed.

### SECTION 18.3. SALARY ON PROMOTION.

A. An employee who is appointed to a position in a class allocated to a higher salary range than the class of position which he/she formerly occupied shall receive the nearest higher salary in the new salary range as of the date upon which the appointment becomes effective; provided, however, that no such increases shall be less than 5% nor more than the maximum of the salary range of the higher classification. For purposes of further step increases within the salary range, the employee's anniversary date will be changed to the date when the promotion was effective. In cases of promotion, the provisions of Section 18.2 shall be applicable in determining the eligibility of the employee for step increases within the range of the higher classification.

B. Effective for promotions on and after July 1, 2002, and notwithstanding the provisions of subsection A of this section, a Department Head, or his/her designee, may request, in writing to the Personnel Director, or his/her designee, appointment of a current employee to B or C step. (The intention of this section is to allow the County the opportunity to consider, for the purposes of salary range step placement upon promotion, the skills and qualifications of existing employees in a manner similar to non-employees, as described in Section 18.1.)

All of the following conditions must be met:

1. The employee qualifies for A or B step of the salary range under the provisions of subsection B of this section.
2. The employee is not promoting from one alternatively staffed level to another (such as Accountant Auditor I to Accountant Auditor II).
3. The experience and qualifications of the employee are such that, were he/she a non-employee applicant, the Department Head, or his/her designee, could reasonably be expected to request appointment at higher than A step. For purposes of further step increases within the salary range, the employee's anniversary date will be changed to the date when the promotion was effective. In cases of promotion, the provisions of Section 18.2. shall be applicable in determining the eligibility of the employee for step increases within the range of the higher classification.

SECTION 18.4. SALARY ON DEMOTION.

A. Any employee who is demoted shall have his/her salary reduced to any step in the range for the class of position to which the employee is demoted as determined by the employee's Department Head, or his/her designee, provided the salary is lower than the employee's current salary.

B. Notwithstanding subsection A, effective April 1, 2008, with regard to demotions related to department reorganization, layoff, career track demotion or similar reasons, other than just cause, a Department Head, or his/her designee, may request, in writing to the Personnel Director, or his/her designee, demotion to B or C step, in consideration of the skills and qualifications of the employee. If this placement provides an increase to the employee's salary, the increase shall not be more than 5% of employee's current base salary. All of the following conditions must be met:

1. The employee is not being demoted for reasons related to discipline or other just cause.
2. The employee qualifies for B or C step of the new salary range.
3. The experience and qualifications of the employee are such that, were the employee a non-employee applicant, the Department Head, or his/her designee, could reasonably be expected to request appointment at higher than A step.

C. For purposes of further step increases within the salary range, the employee's anniversary date will be changed to the date when the demotion is effective. The provisions of Section 18.2. shall be applicable in determining the eligibility of the employee for step increases within the range of the lower classification.

SECTION 18.5. SALARY ON TRANSFER. Any employee who is transferred from one position to another in the same class or to another in a class having the same salary range shall be compensated at the same step in the salary range as he/she previously received. For

purposes of further step increases within the salary range, the employee's anniversary date shall remain the same as it was before transfer.

SECTION 18.6. SALARY ON RANGE CHANGE. An employee, who receives a range change (adjustment) to a higher overlapping salary range, shall be placed at the same step in the new salary range. The employee's salary anniversary date for step advancement shall not change.

SECTION 18.7. SALARY ON POSITION RECLASSIFICATION. The salary of the incumbent in a position which is reclassified shall be determined as follows:

A. If the position is reclassified to a class which is allocated to the same salary range as is the class of the position before it was reclassified, the salary and anniversary date of the employee shall not change.

B. If the position is reclassified to a class which is allocated to a higher salary range than the class of the position before it was reclassified, the salary placement of the employee shall be treated the same as Section 18.3, Salary On Promotion. The employee shall receive a new anniversary date effective the date of reclassification.

C. If the position is reclassified to a class which is allocated to a lower salary range than the class of the position before it was reclassified, the incumbent shall be demoted to the new class without reduction of current salary and shall receive a new anniversary date as of the effective date of demotion. Such salary shall remain unchanged until such time as the amount of the salary step of the new salary range to which the employee would otherwise be assigned exceeds that of the salary being received.

SECTION 18.8. ADJUSTMENT ON SALARY ANNIVERSARY DATE.

A. Whenever an employee is promoted, receives a range change, or his/her position is reclassified to a class which is allocated to a higher salary range than the class of the position before it was reclassified, on his/her salary anniversary date he/she may first receive any within-range increase to which he/she is entitled, and then receive the higher step in the new salary range.

B. A permanent employee who is off the job due to a work-related injury or illness shall not have his/her anniversary date changed, unless the off-the-job time period is so extensive as to cover a second anniversary date, which then will be extended until the employee returns to the job.

## CHAPTER 19. REGULAR PART-TIME AND EXTRA HELP

### SECTION 19.1. REGULAR PART-TIME EMPLOYEES.

- A. Regular part-time employees as defined in Section 1.28:
  - 1. Are eligible for and subject to the provisions of this Chapter, except that benefit accumulations shall be proportionally in accordance with the hours worked.
  - 2. Shall be compensated at the appropriate range and hourly rate prescribed for the classification to which the position is assigned.
  - 3. May be further employed in another or similar capacity, provided that the combined hours do not exceed those of full-time employment and that compensation for the additional work assignments in the same department shall normally be at the same hourly rate as the rate assigned to the primary position unless otherwise provided in this Chapter or in the County Salary Resolution.
- B. Standby duty hours shall not apply in determining regular part-time employment.

### SECTION 19.2. EXTRA HELP EMPLOYEES.

- A. The rights, benefits, privileges and permanent status provided in these Personnel Rules shall not be applicable to extra help employees as defined in Section 1.18.
- B. A California Public Employees Retirement System (CalPERS) retiree shall not work in excess of 960 hours in a fiscal year. (If a CalPERS retiree works for multiple CalPERS employers, the total hourly limit for all employers is 960 hours in a fiscal year). Non-retired extra help employees shall not exceed 1000 hours of work in a fiscal year.
- C. Under the CalPERS law, if an employee retires before his or her normal retirement age ("early retiree"), that employee must have a bona fide separation from service with the County, as documented by a Personnel Action Form (PAF) submitted to Personnel by the employee's department, before that early retiree may be re-hired in an extra-help capacity.
  - 1. A "bona fide separation from service" is defined as follows:
    - a. There is no predetermined agreement between the County and the early retiree prior to retirement to return to work for the County after retirement; and
    - b. There is a separation in service of at least 60 calendar days between the date of the early retiree's retirement and the first day of work for the County in an extra-help capacity. The 60 days commences on the day after retirement.
  - 2. The term "normal retirement age" is the age stated in the employee's retirement benefit formula. For example, the normal retirement age for a 2% at 55 benefit formula is 55. If an employee has more than one benefit formula, the highest

benefit formula age is used. For example, if an employee is covered under the 2% at 55 formula at the time he/she retires from employment with Shasta County, but part of the employee's retirement benefit is based upon previous employment with a CalPERS agency that had a retirement formula with a higher age factor (e.g., 2% at 60), the employee's normal retirement age will be that of the highest formula (60, in this example).

3. The re-hiring of an early retiree in an extra-help capacity shall be subject to Shasta County Personnel Rules section 6.8 with the following modification. An early retiree whose re-hire date in an extra-help capacity is within 180 days of his or her retirement date shall not be required to submit fingerprints for the purpose of conducting a criminal history check as stated in Shasta County Personnel Rules section 6.8 unless otherwise required by law or required by the early retiree's appointing authority. An appointing authority's decision to not require the submission of fingerprints from an early retiree does not relieve an appointing authority from the requirement to consider the early retiree's criminal history and other job related information in the hiring process as provided in Shasta County Personnel Rules section 6.8.

4. An employee wishing to work in an extra help capacity subsequent to retirement must, before starting work in an extra-help capacity, provide a copy to Personnel of his or her annual statement from CalPERS that shows the retirement formulas upon which retirement benefits are calculated.

5. Departments may not start working a retiree in an extra help capacity until it is determined if the individual is an early retiree as defined in section 19.2.C above.

D. As for employees who retire at or beyond their normal retirement age, the following shall apply:

1. The provisions in section 19.2.C, subparagraphs 1 and 2 above, do not apply to the hiring in an extra-help capacity of employees who retire at or beyond their normal retirement age.

2. Upon completion of the requirements in section 19.2.C, subparagraphs 4 and 5 above, such an employee may, prior to his or her retirement date, be moved directly from regular to extra help status at an appointing authority's discretion with submission of a PAF to Personnel.

3. If the employee is not moved directly from regular to extra-help status as stated above, resulting in a separation from service that precedes the hiring in an extra-help capacity, the provisions of section 19.2.C, subparagraph 3 shall apply to the re-hiring of employees in an extra-help capacity who retire at or beyond their normal retirement age.

E. Under the CalPERS law, if a CalPERS retiree receives unemployment insurance (U.I.) benefits arising out of an extra-help appointment with Shasta County, the CalPERS retiree will not be eligible for a subsequent extra-help appointment with Shasta County for a period of at least twelve months after the date of the retiree's last receipt of U.I. benefits.

1. A department contemplating an appointment of a CalPERS retiree as an extra help employee, who has previously worked in an extra help capacity with the County as a retiree, must have the retiree complete a form provided by Personnel certifying whether or not the CalPERS retiree has received U. I. benefits within the 12 months prior to the contemplated appointment. The form will then be submitted to Personnel.

2. Under the CalPERS law, the term "appointment" refers to an appointment of a CalPERS retiree (1) that does not exceed a total of 960 hours for all CalPERS employers in any fiscal year and (2) that is either during an emergency to prevent stoppage of public business or because the retired employee has skills needed in performing work of limited duration. A complete separation from County service is not required to establish a new appointment for purposes of section 19.2.E.

F. Except as otherwise provided in this Chapter or the County Salary Resolution, the hourly rate for an extra help employee shall be the rate prescribed for the first step of the range for the position classification in which employed; provided, however, that the Personnel Director, or his/her designee, may authorize that such extra help employee may be appointed at the "B" or "C" step of the range based on exceptional qualifications and/or recruitment difficulties. Placement of new employees at "D", "E", or "F" steps requires prior Board approval and shall only be recommended by the Personnel Director, or his/her designee, and the CEO, or his/her designee, because of exceptional qualifications and experience or recruiting difficulties. (See also Policy Resolution 2010-02, in appendix.)

G. Placement of a current regular employee, who is at D, E, or F step of the salary range, into extra help status in the same classification at D, E, or F step, may be recommended by the Department Head, or his/her designee, for approval by the Personnel Director, or his/her designee, if the employee is in continuous employment and will be fulfilling the full duties of the classification. The Department Head, or his/her designee, must submit a written request to the Personnel Director, or his/her designee, prior to offering employment. The Personnel Director, or his/her designee, may approve D, E, or F step in a lower, related classification if an employee leaves employment and immediately moves to an extra help status, when it is not appropriate to retain the employee in the higher classification. Such may be the case if the employee was a Department Head or supervisor whose duties as extra help would not require use of the current classification. After the initial appointment to extra help, the Department Head, or his/her designee, may request to appoint the employee to another related classification at D, E, or F step under the same conditions, if there is a change in assignment.

H. Extra help employees hired at step A, who have worked at least 2,080 hours over a period of time are eligible for advancement to step B. If they have worked a minimum of 2,080 hours at "B" step, they are eligible for advancement to step C. Additional salary step advances each require an additional 2,080 hours of work, and requests must be approved by the Personnel Director, or his/her designee. In all cases, the Department Head, or his/her designee, must have completed a performance evaluation which shows the employee is performing the full duties of the class and is meeting accepted standards.

I. In the event an extra help employee does not meet the class specifications of the position in which employed, an equivalent rate shall then be established corresponding to the appropriate level classification which most closely describes the accordingly revised duties.

J. All extra help employees, assigned to work on the Mental Health Urgent Care / Crisis Team, who are required to work on an official holiday, shall be paid for such holiday hours worked at a rate of one and one-half times the employee's equivalent hourly rate.

K. Extra help employees shall be entitled to shift differential under the same terms and conditions and at the same rate as regular employees in the same classification except for the classification series of Deputy Sheriff and Correctional Officer. Employees in the extra help classification of Registered Certified Professional who are assigned to the Mental Health Urgent Care / Crisis Team will receive shift differential under the same terms and conditions as Staff Nurse II.

L. STANDBY FOR MENTAL HEALTH.

1. The Director of Mental Health or his/her designee may assign extra help employees to standby. Non-management employees assigned standby shall be compensated at a rate of \$2.50 per hour while so assigned. Standby duty shall cease during the hours for which callback is paid.

2. In order for an extra help employee to become eligible for standby pay, the employee must be assigned to standby status by his/her Department Head, or his/her designee, requiring the employee to:

a. Review the projected standby assignment schedule within the deadlines established by the applicable department;

b. Wear a County-provided pager and/or carry an approved cellular phone during standby assignment;

c. Contact the department and respond to the callback location within the time period established by the Department Head, or his/her designee;

d. Refrain from activities that impair the employee's ability to perform assigned duties;

e. Accept the applicable standby pay referred to in subsection I.1. as full consideration for any inconvenience the standby assignment may pose.

3. Standby pay is to be distinguished from the uncompensated status of being subject to call or on call, wherein an employee returns to work during off-duty hours in response to being called, but is not required to meet the standby criteria.

4. Extra help employees, when called to duty from standby status, shall be compensated for the hours worked at the hourly rate of their classification. The minimum for each callback from standby duty shall be three hours. Such time worked shall not include travel time between an employee's residence and his/her regularly assigned work location. Responding to a phone call when not required to respond to the worksite, shall entitle the incumbent to be paid for the actual time involved in that phone call. This does not constitute a callback from standby.

M. Unless otherwise specified in this Chapter, extra help employees shall be entitled to overtime compensation in compliance with the minimums established by the Fair Labor Standards Act. Currently, overtime compensation is at a rate of one and one-half times each hour worked in excess of 40 hours in one seven day work period.

N. Extra Help classification for Chief of Psychiatry. Flat rate at hourly rate equal to F step, for full time employee in this classification, for hours worked. Five percent stipend (to a maximum of 15% additional) for each board certification (see footnote 28). \$20 per hour for weekday on-call (hourly rate would apply when working). \$700 per day holiday and weekend on-call (flat rate, no additional hourly rate when there is patient work). This management position is exempt from overtime.

Extra Help classification for Senior Psychiatrist. Flat rate at hourly rate equal to F step, for full time employees in this classification, for hours worked. Five percent stipend (to a maximum of 15% additional) for each board certification (see footnote 28). \$20 per hour for weekday on-call (hourly rate would apply when working). \$675 per day holiday and weekend on-call (flat rate, no additional hourly rate when there is patient work). This position is exempt from overtime.

All other EH conditions would apply.

This page intentionally  
left blank for duplex  
printing purposes

## CHAPTER 20. TRAVEL AND OTHER EXPENSES -COUNTYCHARGES

### SECTION 20.1. TRAVEL POLICY.

A. When reimbursement is not available from non County funds, any employee who is compelled to travel in the performance of his/her duties and in the service of the County shall be reimbursed for his/her own actual and necessary expenses for transportation, lodging, meals and other necessary incidental charges in conformance with the policies, rates, and provisions herein set forth. As used in this Chapter, "travel" means the duration of an authorized departure continuing until the first return.

B. In all travel, County officers and employees are expected to secure transportation, lodging, meals and other incidental charges as economically as possible.

SECTION 20.2. BOARD OF SUPERVISORS' EXPENSES. Members of the Board of Supervisors shall be allowed their actual expenses in going to, attending, and returning from state association meetings and their actual and necessary expenses when traveling outside the County on official business, subject to the specific provisions of this Section and Section 20.5. They shall also be allowed their actual and necessary expenses for meals and lodging related to official business, as prescribed in this Section and Section 20.5.

A. When reimbursement is otherwise authorized by statute, the County may reimburse members of the Board of Supervisors for actual and necessary expenses incurred in the performance of official duties.

B. The types of activities that qualify a member of the Board of Supervisors to receive reimbursement of expenses relating to meals, lodging, registration fees, out-of-county travel, and other actual and necessary expenses include the following:

1. Communicating with representatives of regional, state, and national government on County-adopted policy positions;
2. Attending educational seminars designed to improve the Board member's skill and information levels;
3. Participating in the meetings of regional, state, and national organizations whose activities affect the County's interests;
4. Meeting to discuss bona fide County business with private sector, non-profit, or business persons, or officials representing other counties, city, state, or federal agencies; and
5. Meeting with commissions, task forces, and ad hoc committees which include Shasta County business as an agenda item.

C. A Board member may also be reimbursed for, or be provided meals at, County-conducted events and meetings of the Board of Supervisors.

- D. All other expenditures require approval by the Board of Supervisors.
- E. The reasonable reimbursement rates for travel, meals, and other actual and necessary expenses are those prescribed in Section 20.5.A. Lodging expenses shall be reimbursed as prescribed in subsections F. and G. of this Section.
- F. If lodging is in connection with a conference or organized educational activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Supervisors at the time of booking. If the group rate is not available, the member of the Board of Supervisors shall use comparable lodging that is consistent with the rates set by the Internal Revenue Service (IRS) in Publication 463 or any successor publication.
- G. Members of the Board of Supervisors shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging when available.
- H. All expenses that do not fall within the rates prescribed in this Section, Section 20.5., or the IRS reimbursable rates, shall be approved by the Board of Supervisors, in a public meeting before the expense is incurred, or ratified after the expense is incurred, when prior action is not possible due to the urgency of the requirement for the expense.
- I. If a Board member chooses to incur additional costs that are above the rates established by this Section and Section 20.5., and those additional costs have not been approved pursuant to subsection H above, then the Board member may incur them at his/her own expense.
- J. Members of the Board of Supervisors shall use claim forms provided by the County Auditor-Controller to obtain reimbursement for actual and necessary expenses incurred on behalf of the County in the performance of official duties.
1. The claim forms shall document that the expenses meet the requirements of this chapter for expenditure of public resources.
  2. Members of the Board of Supervisors shall submit claims to the County Auditor-Controller no later than the 15th calendar day after the expense is incurred, and each claim shall be accompanied by original receipts documenting each expense.
  3. Members of the Board of Supervisors shall provide brief reports on meetings attended at the expense of the County at the next regular Board meeting.
  4. All documents related to reimbursable County expenditures are public records subject to disclosure under the California Public Records Act (Government Code Sections 6250 and following).

SECTION 20.3. AUTHORITY FOR TRAVEL.

- A. Members of the Board of Supervisors are hereby authorized to travel as necessary in the performance of their duties.
- B. Travel by members of other Boards and Commissions of the County shall be first approved by the Board of Supervisors except as provided by ordinance or State law.
- C. Department Heads are authorized to travel in state within the performance of their duties and within the limits of budgeted funds. County employees are permitted to travel in state as may be authorized by the Department Head, or his/her designee. Department Heads' in state travel of more than three consecutive workdays shall first be approved by the CEO, or his/her designee. Any out-of-state travel by any Department Head or employee shall first be approved by the CEO, or his/her designee.

SECTION 20.4. MEANS OF TRANSPORTATION (Refer to the Vehicle Operations Policy, Chapter 33, for additional information).

- A. In compliance with Chapter 33 of the Personnel Rules, County Vehicles will be used when available as determined by the Department Head, or his/her designee.
- B. If a County Vehicle is not available, a vehicle may be rented through a County authorized agency as approved by the Department Head (See Administrative Policy 8-103, Section B.14) or a private vehicle may be used or may be required to be used only upon the approval or direction of the Department Head (See Personnel Rules Chapter 33). The County shall not be liable for any claim for vehicle repair or restoration arising out of the use of a privately-owned automobile except reimbursement for expenses as provided herein, unless otherwise required by law.
- C. Air (coach class), train, or other means of transportation may be authorized by the Department Head, or his/her designee, when in the best interests of the County. No nonscheduled air transportation may be used except upon prior approval of the CEO, or his/her designee. The traveling officer or employee is responsible for obtaining any tax exemption or other benefit available to the County or its employees.

SECTION 20.5. REIMBURSEMENT. No allowance shall be made for travel by any employee to and from his/her assigned place of work except as specifically provided in this chapter. Department Heads and employees shall be reimbursed for their expenses incurred in the course of work as follows:

- A. Expense allowance
  - 1. Employees who are required or authorized to use private vehicles in the course of County business shall be reimbursed at the rate allowed by the IRS. According to the IRS, the mileage rate is intended to cover the following costs associated with the performance of the employee's job: vehicle depreciation (or lease payments), insurance, registration and license fees, personal property taxes, gasoline and all taxes thereon, oil, tires, and routine maintenance and repairs.

2. The use of other approved transportation shall be reimbursed at actual costs. A receipt is required to support the expense.

3. Lodging expenses shall be reimbursed at actual, reasonable and necessary costs as approved by the Department Head, or his/her designee. A receipt is required to support the expense.

4. The County shall provide reimbursement at Peace Officer Standards and Training (P.O.S.T.) approved rates for meals for which the County is fully reimbursed by the State. In cases where participation in an official convention or conference would be interfered with by the imposition of these limits, additional reasonable and necessary meal expenses are allowed upon submission of a receipt and approval by the employee's Department Head, or his/her designee.

5. Meals shall be reimbursed at maximums of \$6.00 for breakfast, \$10.00 for lunch, and \$18.00 for dinner, which are the current rates, set by the State of California. The rate will increase or decrease in the future based on changes to the State rate. In cases where participation in an official convention or conference would be interfered with by the imposition of these limits, additional reasonable and necessary meal expenses are allowed. A meal costing over the prescribed maximum shall be fully reimbursed upon submission of a receipt and approval by the employee's Department Head, or his/her designee.

a. For the purpose of determining entitlement for meal reimbursements the following will apply:

(1) Breakfast - Necessary travel began not later than 7:00 a.m. lasting at least four hours.

(2) Lunch - Necessary travel began not later than 11:00 a.m. and extended at least four hours.

(3) Dinner - Necessary travel began not later than 5:00 p.m. and extended to or after 7:00 p.m.

b. Employees will be reimbursed for tips paid to servers of meals in restaurants, in the actual amount paid, not to exceed fifteen percent (15%) of the cost of the food and non-alcoholic beverages. Reimbursement is not authorized for alcoholic beverages or for any part of a tip attributable to the cost of alcoholic beverages. No tips will be reimbursed in connection with per diem meal claims.

c. In accordance with the rules of the IRS governing "taxable meal benefits," when an employee is paid for a meal expense(s), whether being reimbursed or being paid a stipend, and the employee does not remain overnight away from the general area of his/her headquarters, the corresponding meal expense payments are deemed to be taxable compensation and as such shall be processed with the County Payroll. These requests for same day meal expense payments will be processed

on the next available payroll cycle immediately following the travel reimbursement request audit. The meal expense payments provided for herein shall not be applied to the employee's California Public Employees' Retirement System (CalPERS) base salary in accordance with CalPERS rules. Headquarters shall mean the building or site at which the officer or employee normally works.

6. For expenses for authorized travel incurred by sworn employees of the Deputy Sheriffs Association (DSA) and the Sheriffs Administration Association (SAA), relative to State sanctioned and reimbursed training, {i.e., P.O.S.T. and Standards and Training for Corrections (STC)}, meal rate provided shall be consistent with State travel reimbursement schedules. Further, such employees shall receive one-hundred percent (100%) travel advance for such estimated training expenses.

7. All other authorized travel expenses incurred in the course of work shall be advanced and reimbursed in accordance with Section 20.5.A.1. through 6.

8. All advances are to be made on forms and in accordance with procedures established by the County for making such advances.

9. No reimbursement will be made for meals eaten within County limits unless the travel involves remaining away from the general area of an employee's headquarters overnight, except that the evening meal may be claimed, in accordance with Section 20.5.A.5.c., with the approval of the Department Head, or his/her designee, if by reason of County business an employee must remain away from the general area of his/her headquarters later than 7:00 p.m. or must remain on continuous duty for at least four hours in excess of his/her normal shift. Nothing in this subparagraph is intended to preclude payment for meals which are otherwise reimbursable herein.

10. In addition, with prior approval by the Department Head, or his/her designee, reimbursement for in County meal expense shall be allowed for breakfast, lunch, or dinner in the following circumstances:

- a. Meetings to discuss bona fide County business with private sector business persons or officials representing other counties, cities, states, or federal agencies;
- b. Meetings with commissions, task forces, and ad hoc committees which include Shasta County business as an agenda item; and
- c. Training sessions whereby it is necessary or appropriate for the employee to remain on site during the meal period.

Responsibility for prior authorization shall be with the individual Department Head, or his/her designee.

11. Employees who are required to work extended shifts of at least three hours preventing them from being at their residence during normal morning and

evening meal times may be entitled to actual reasonable and necessary meal expenses not to exceed the limits provided in Section 20.5.A.5. and in accordance with Section 20.5.A.5.c. when the meals are authorized by the Department Head, or his/her designee, and supported by a receipt. If, during unusual and extreme circumstances as determined by the Department Head, or his/her designee, it is not practical or possible for a Public Works employee to leave his/her work during normal morning or evening meal times during an extended work period, he/she will be provided a meal by the department or be entitled to a meal allowance consistent with Section 20.5.A.5. and in accordance with Section 20.5.A.5.c., unless otherwise stipulated (except for the provisions in Section 20.5.A.5.c.) in the Memorandum of Understanding for the General Teamsters Local 137 Trades and Crafts Unit.

12. In addition to the above, the following expenses may be claimed if incurred in the performance of official County business:

- a. Parking and storage fees;
- b. Street car, bus and train fares;
- c. Automobile rental (if unable to utilize a County contract for these services (See Administrative Policy 8-103, Section B.14);
- d. Taxi or shuttle service fares, plus the amount of any tip actually paid to the driver, up to 15% of the fare;
- e. Luggage handling tips for bell captains, not to exceed \$1.00 per bag;
- f. Ferry, bridge, and road tolls;
- g. Long distance telephone and fax charges on County business;
- h. Upon approval of the Department Head, or his/her designee, registration and conference fees and meal expenses when the meals are part of a conference;
- i. Upon approval of the Department Head, or his/her designee, other necessary extraordinary expenditures (however, no claim for personal services such as cleaning, laundering, barbering or similar items of expense will be allowed).

B. Notwithstanding other provisions of this Section, the Board of Supervisors may allow reimbursement not to exceed actual costs for any travel, specifically authorized by the Board, where such reimbursement is necessary to effectively accomplish the purposes for which the travel is undertaken.

C. The Director of Support Services, or his/her designee, may approve reimbursement for actual and necessary meal expenses for persons not in Shasta County employment who provide training to County employees, who serve on the Board

of Employee Appeals, or who serve on employee selection panels appointed by the Director of Support Services, or his/her designee. Persons traveling from outside Shasta County who provide such service shall be eligible for the same reimbursement for mileage, lodging, meals, and necessary personal expenses as that provided for employees in subsection A. of this Section.

**SECTION 20.6. TRAVEL AND EXPENSE REIMBURSEMENT FOR PROFESSIONAL RECRUITMENTS.** The Director of Support Services, or his/her designee, is authorized to approve travel and expense reimbursement for professional recruitments when, because of the nature of a position or because of a particularly difficult recruitment, it is beneficial to the County to pay for the candidate's travel and related expenses in order for the candidate to come to Shasta County for an interview.

A. Shasta County will reimburse a candidate for necessary travel, meal and lodging expenses associated with the candidate's interview for a position with Shasta County. This reimbursement includes:

1. Travel: air fare, taxi fare, mileage incurred to or from the interview at a rate consistent with that allowed County employees.
2. Car rental: the use of a rental vehicle for one day.
3. Lodging: hotel/motel and room charges, including Transient Occupancy Tax (TOT).
4. Meals: food for the applicant consumed during the time it is necessary for the applicant to travel for the interview period, excluding alcoholic beverages.

B. The following expenses are not reimbursable by the County:

1. Alcoholic beverages;
2. Personal sundry and other non-related expenses;
3. Recreational expenses;
4. In-room movies; and/or
5. Any expenses for family members, except as provided in paragraph C.

C. Shasta County will reimburse a candidate's spouse for reasonable and necessary travel, lodging, and meal expenses, as described in paragraph A., if:

1. The candidate is a finalist for a professional position which the Director of Support Services, or his/her designee, determines is difficult to fill; and
2. The Department Head, or his/her designee, has obtained prior approval of the Director of Support Services, or his/her designee, to pay such expenses (or the Board pre authorizes reimbursement of spouse expenses).

D. The Director of Support Services, or his/her designee, is also authorized to approve additional expenses related to the interview process such as, but not limited to, additional meal, lodging or travel expenses which are incurred by the candidate or the candidate's spouse (i.e., additional hotel costs due to travel restrictions, etc.).

E. If there is any question regarding a potential expense being covered, the department should contact the Director of Support Services, or his/her designee.

F. After receiving prior approval from the Director of Support Services, or his/her designee, the Department Head, or his/her designee, will provide written verification to the candidate of the approved expenses, prior to commencement of travel.

G. Wherever possible the recruiting department will arrange for any necessary air travel, lodging, meals and a rental car. Such expenses shall be fully documented, using invoices and receipts which will be billed directly to the recruiting department for reimbursement through the Auditor-Controller's Office.

H. In all cases, Personnel will be required to approve all expenses prior to the Department Head's, or his/her designee, submittal to the Auditor-Controller's Office.

I. Reimbursement shall be provided to county employees for meal expenses incurred in conjunction with interviews of candidates for professional recruitments as defined in this policy.

SECTION 20.7. CLAIMS PROCEDURE. Claims for reimbursement for travel expenses shall be made on forms prescribed by the Auditor-Controller. Receipts must be attached for air or rail travel, automobile rental, lodging, registration fees and other expenses for which receipts are normally issued. Failure to complete the forms as required or to submit the proper receipts may be grounds for denying reimbursement.

SECTION 20.8. TRAVEL ADVANCES. Travel expenses, except those for same day meal expenses as defined in Section 20.5.A.5.c., will be advanced at eighty percent (80%) of estimated costs except for the following pre-payments which may be advanced at one hundred percent (100%):

A. Lodging, registration, and/or tuition expenses.

B. Air, train, and/or bus fares.

SECTION 20.9. TRAVEL TIME AS COMPENSABLE TIME WORKED. For employees who are subject to and not exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), travel time shall be considered compensable time worked in accordance with the policies stated in this Section and the FLSA. Nothing in this policy is designed to provide for compensable work time beyond the requirements of the FLSA. Should any of these policies conflict with the FLSA, the provisions of the FLSA shall control.

A. Time spent in the course of job related travel (1) driving an automobile, or (2) riding in an airplane, train, boat, bus, or automobile as a required assistant or helper or while performing work specifically required by the employee's supervisor to be performed while traveling, or (3) traveling as a passenger on an airplane, train, boat,

bus, or automobile where the travel is not overnight shall be considered as compensable time worked including instances of travel on normal days off. However:

1. Normal commuting time shall not be considered as compensable time worked.
2. Travel time between home and an airport or railroad station which is comparable to normal commuting shall not be considered as compensable time worked.
3. Duty-free meal time, while in transit, shall not be considered as compensable time worked.

B. Time spent traveling as a passenger on an airplane, train, boat, bus, or automobile on overnight travel (including travel time to the location and returning from the location) shall only count as compensable time worked when such time spent traveling is during normal work hours, including normal days off. Duty-free meal time, while in transit, shall not count as compensable time worked.

C. If an employee is offered by his/her Department Head, or his/her designee, to use public transportation for job related travel, but the employee requests permission to drive his/her personal vehicle instead and that request is approved by the Department Head, or his/her designee, the County may count as compensable time worked either the time spent driving the personal vehicle or the time the County would have had to count as compensable time worked during working hours if the employee had used the public transportation. Each and every Department Head, or his/her designee retains discretion to require that an employee use a particular mode of transportation for job related travel.

D. In determining total hours worked for overtime purposes, applicable travel time as identified in A. and B. and C., shall be combined with actual hours worked.

**SECTION 20.10. REIMBURSEMENT FOR TUITION AND OTHER TRAINING AND EDUCATION COSTS.**

A. It is the policy of the Board of Supervisors to encourage employees to participate in costeffective training which will improve the quality and timeliness of those services County employees provide.

B. Upon prior approval of the employee's Department Head, or his/her designee, the County will pay for or reimburse an employee for the actual, reasonable, and necessary costs of:

1. Enrollment in and materials for continuing education classes which are required to maintain licensure or qualification for continued County employment, and not taken for the purpose of qualifying for another position or qualifying for non County employment.
2. Enrollment in and materials for seminars or workshops not exceeding ten class days which are related to the employee's current employment and are not

taken for the purpose of qualifying for another position or qualifying for non County employment.

3. Enrollment in and materials needed for P.O.S.T. or STC training.

4. Enrollment in and materials for education classes conducted in a web-based or on-line format, and not taken for the purpose of qualifying for another position or qualifying for non-County employment. The Department Head, or his/her designee, may authorize payment for on-site or off-site classes. The Department Head, or his/her designee, may authorize use of county property while employee is engaged in pre-approved training in accordance with Chapter 26. Electronic Assets and Information Security and Chapter 27. Use and Access to County Property and Expectations of Privacy. The Department Head, or his/her designee, assumes no responsibility for making county property available for completion of said training should computer equipment and other related electronic systems be unavailable for use.

C. Upon the Department Head, or his/her designee, obtaining the prior approval of the Director of Support Services, or his/her designee, the County will pay for or reimburse an employee for the actual, reasonable, and necessary costs of other classes, seminars, or workshops related to the employee's current employment and which are not taken for the purpose of qualifying for another position or non County employment.

SECTION 20.11. TRAVEL ALLOWANCE FOR EMPLOYEES ASSIGNED TO THE CONSORTIUM IV (C-IV) AUTOMATION MIGRATION PROJECT. Employees assigned by the Health and Human Services Agency to the C-IV Automation Migration Project to work full time in Sacramento County shall receive a travel allowance as follows:

A. Lodging, meals and incidentals at no more than the United States General Services Administration maximum rate for Sacramento (covering the arrival for work at noon on Monday through noon on Friday).

B. Mileage at the current IRS rate for 351 miles per week.

In accordance with the rules of the IRS governing "nonaccountable fringe benefit plans," the travel allowance provided for herein shall be processed through county payroll as taxable compensation. Each pay period, the travel allowance as prescribed herein shall be added to the compensation earned by any county employee assigned by the Health and Human Services Agency to the C-IV Automation Migration Project in Sacramento County. The travel allowance provided for herein shall not be applied to the employee's California Public Employees' Retirement System (CalPERS) base salary in accordance with CalPERS rules.

All travel arrangements are the responsibility of the employee.

## CHAPTER 21. RETIREMENT SYSTEM

SECTION 21.1. STATE CONTRACT. The retirement system for employees of Shasta County shall be maintained by contract between the Board of Supervisors of Shasta County and the Board of Administration, California Public Employees' Retirement System (CalPERS).

SECTION 21.2. EXECUTION AND AMENDMENT OF CONTRACT. Such contract has heretofore been adopted by Ordinance No. 293, and amended by Ordinance numbers 411, 415, 451, 472, 496, 497, 504, 513, 514, 516, 621, 622, 626, 646, 651, 659 and others, which remain in full force and effect and are not codified.

SECTION 21.3. FINAL COMPENSATION. An employee's final compensation for purposes of determining retirement shall be based on the last 3 consecutive years of county service. This provision shall apply as follows:

1. Miscellaneous 2% at 60 retirement benefit, effective May 8, 2011, is based on the last 3 consecutive years;
2. Safety 3% at 55 retirement benefit, is based on last 3 consecutive years, effective May 8, 2011.

For employees hired prior to May 8, 2011, retirement will be based on the following:

3. Miscellaneous 2% at 55 retirement benefit, effective January 8, 2006, is based on the last or highest consecutive 12 months;
4. Safety 2% at 50 retirement benefit, is based on last or highest consecutive 36 months except for employees who are covered by the 2006 settlement with CalPERS and the retroactive contract revision adopted by the Board on December 19, 2006;
5. Safety 3% at 50 retirement benefit effective August 19, 2007, is based on the last or highest consecutive 12 months.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 22. POLICY AGAINST DISCRIMINATION AND HARASSMENT

SECTION 22.1. POLICY AGAINST DISCRIMINATION AND HARASSMENT. Shasta County fully supports efforts to protect and safeguard the rights and opportunities of all people to seek, obtain and hold employment with the County without unlawful discrimination or harassment. The County denounces unlawful discrimination against or verbal, visual and/or physical harassment of an applicant for employment or a current County employee on the basis of race, color, religious creed, age (persons over age 40), sex or gender, national origin, ancestry, marital status, physical or mental disability (including HIV and AIDS), pregnancy, medical conditions relating to a diagnosis of cancer or a record or history of cancer, genetic characteristics or sexual orientation, or on the basis that the applicant or employee is perceived to be a member of a protected class or is associated with a member of a protected class. This policy is also intended to prohibit treating a county client or customer in a discriminatory or harassing manner.

A. Under federal and state laws it is illegal to discriminate or harass on one or more of the foregoing bases in hiring, firing, compensation, and other terms or conditions, privileges or benefits of employment.

B. All employees shall be informed of the discrimination or harassment complaint process and be assured of their right to file complaints without fear of reprisal. All supervisors and managers shall be trained regarding behavior that constitutes discrimination or harassment.

C. Discrimination against or harassment of another employee or an applicant for employment in violation of this policy may be grounds for disciplinary action up to and including termination.

D. This policy prohibits any violation of the California Fair Employment and Housing Act, as it currently reads or as it may be amended in the future.

E. The County encourages any employee to raise questions he/she may have regarding discrimination or harassment or the terms of this policy with the Personnel Director, or his/her designee.

### SECTION 22.2. PROHIBITED CONDUCT.

A. Definition of unlawful discrimination:

1. Discrimination in employment is unlawful when decisions regarding the terms, conditions or benefits of employment are based on an applicant's or an employee's actual or perceived protected status, such as race, national origin, gender or sex (including pregnancy), age (40 years and older), mental or physical disability, medical conditions relating to a diagnosis of cancer or a record or history of cancer, genetic characteristics, religion, marital status or sexual orientation.

2. This policy prohibits four types of illegal discrimination:

a. Disparate treatment: treating an individual differently because of his/her protected status;

- b. Disparate impact: following a policy or practice that has a discriminatory impact on a protected group of persons;
- c. Harassment: treating an individual in such an abusive or hostile way because of his/her protected status that it unreasonably interferes with an employee's work performance or creates a hostile work environment; and
- d. Retaliation: harassing or imposing an adverse employment action because an individual filed a discrimination complaint or in some other way opposed discriminatory practices, including participation in an investigation, proceeding or hearing including discriminatory practices.

B. Actions which constitute harassment include:

- 1. Verbal harassment: epithets, derogatory comments, threats, slurs or other offensive words or comments.
- 2. Physical harassment: assault, battery, impeding or blocking movement, or the physical interference with normal work, privacy or movement.
- 3. Visual forms of harassment: derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, correspondence, email messages or drawings.

C. Unlawful harassment occurs when an employee's conduct, such as that described in paragraph B of this section, is based on an individual's actual or perceived protected status AND that conduct:

- 1. Unreasonably interferes with an individual's work performance, or
- 2. Creates an intimidating, hostile, or offensive working environment, or
- 3. Influences or affects an individual's salary, employment conditions, position or some other aspect of career development.

D. This policy prohibits sexual harassment:

- 1. Sexual harassment is a type of sex discrimination and is a violation of Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act. It is against the policy of the County for any employee, male or female, to sexually harass another employee, an applicant for employment, or a member of the public while in the course of County employment, while in uniform, or while using a County vehicle.
- 2. "Sexual harassment," as used in this policy, includes any unsolicited and unwelcome sexual conduct when that conduct is directed toward a person because of that person's sex or gender, and:
  - a. Submission to the conduct is made either explicitly or implicitly a term or condition of employment;

- b. Submission to or rejection of the conduct by an employee is used as a basis for employment decisions affecting the employee; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or otherwise offensive work environment.

3. "Sexual harassment" does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work efficiency. Sexual harassment may take different forms. It may be overt or subtle. One specific form is the demand for sexual favors. Other forms of harassment include but are not limited to:

- a. Verbal: Sexual innuendos, suggestive comments, whistling, jokes of a sexual nature, sexual propositions, degrading comments, or threats, whether made in person, by telephone or in messages left on voice mail.
- b. Visual: Sexually suggestive objects, pictures, or cartoons; leering; obscene gestures; or degrading or vulgar communications made in writing or by fax, email or other computer transmission.
- c. Physical: Unwanted physical contact, including touching, pinching, brushing the body, assault, battery, coerced sexual intercourse or making explicit or implicit threats or promises in return for submission to physical acts.

E. This policy also prohibits county employees from acting in discriminatory or harassing manner toward the county's clients or customers. However, only employees are eligible to use the complaint procedure provided in Section 22.4.

F. The following conduct by County managers, supervisors and lead employees is also prohibited by this policy:

- 1. Failing to promptly report or take corrective action when the manager, supervisor or lead person knows, or reasonably should know, that an employee, applicant for employment, or a customer or client of the County is being subjected to harassment, sexual harassment or other forms of discrimination on the job or by a County employee; or
- 2. Retaliating against a person who complained of discrimination or harassment, or who testified on behalf of one who made a complaint, or who assisted or participated in any manner on behalf of a complainant in an investigation or proceeding conducted under this policy.

G. By law, Department Heads, or his/her designee, managers, supervisors and lead persons are responsible for the actions of their employees. Department Heads, or his/her designee, must ensure that employees, managers, supervisors and lead persons are aware of and comply with the County's policy. Prevention is the best tool. Prompt, appropriate action can help avoid, or at least minimize, the incidence of discrimination and harassment.

SECTION 22.3. EMPLOYEE ACTION.

A. Some people may not be aware that their behavior constitutes or may constitute harassing conduct under this policy. Often simply advising someone of the offensive nature of his/her behavior will resolve the problem.

B. An employee who feels he/she is being harassed is encouraged to inform the harasser either verbally or in writing that the behavior is unwelcome, offensive, in poor taste or otherwise inappropriate. If this does not resolve the problem or if an employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, the following complaint procedure should be used.

SECTION 22.4. COMPLAINT PROCEDURE. This procedure shall be used to review and resolve allegations of discrimination or harassment (including sexual harassment). The procedure has both informal and formal routes of resolution. It is the County's intent to resolve complaints at the lowest step in the process, beginning with the informal step.

A. Any employee or prospective employee who believes he/she has been the subject of unlawful discrimination or harassment, and who is not able to satisfactorily resolve the complaint as described in Section 22.3 or is uncomfortable discussing the matter with the harasser, should verbally report the alleged act immediately to his/her department supervisor, Department Head, or his/her designee, or the Personnel Director, or his/her designee.

B. If the verbal report does not promptly and effectively remedy the situation, the employee shall file a formal complaint as follows:

1. Any employee or prospective employee who believes he/she has been the victim of discrimination or harassment (including sexual harassment) by anyone in the workplace, including an employee or customer, supplier, or visitor, should file a complaint within 30 days of the alleged act. The complaint should be in writing and shall be filed with the Personnel Director or his/her designee. The complaint may be delivered in person or mailed to the Director of Personnel, 1450 Court Street, Room 348, Redding, CA 96001. It should be delivered in a sealed envelope, addressed to the Personnel Director or his/her designee, and marked "Confidential."

2. The written complaint must address the following information to allow a comprehensive investigation to be conducted:

- a. The complainant's full name.
- b. The complainant's job title and department (if a County employee).
- c. The full name and employment classification (if a County employee) of the person or persons allegedly responsible for the discrimination or harassment.
- d. A plain, concise statement of the facts constituting the alleged discrimination or harassment.
- e. The date or dates on which the alleged discrimination or harassment occurred.
- f. The name and telephone number of any witnesses.

g. The complainant's signature, address, and telephone number and the date of signing of the complaint.

C. A supervisory employee receiving a verbal or written complaint of or observing conduct which appears to be prohibited discrimination or harassment shall inform the Department Head, or his/her designee, of such complaint or conduct as soon as possible and in no event later than the end of the next working day. If the complaint is about the Department Head, or his/her designee,, the supervisor shall inform the Personnel Director, or his/her designee, instead of the Department Head, or his/her designee,. The Department Head, or his/her designee, will as soon as practicable notify the Personnel Director, or his/her designee, of the complaint or conduct. If the alleged perpetrator is employed in a department other than that of the complainant, the Personnel Director, or his/her designee, shall immediately inform the alleged perpetrator's Department Head, or his/her designee, of the complaint.

D. In addition to the foregoing, the Personnel Director, or his/her designee, shall, in his/her discretion, initiate an investigation of suspected discrimination or harassment based upon: (1) the Director's personal observation; (2) a report of such behavior given to him/her or her by an officer or employee who is not a party to the allegation; or (3) such other information as he/she deems sufficient to warrant further inquiry.

E. The Personnel Director, or his/her designee, in consultation with the Department Head, or his/her designee, and County Counsel, will have full authority to investigate all aspects of the complaint. If the complainant's Department Head is the alleged perpetrator, the Personnel Director, or his/her designee, and the CEO, or his/her designee, shall be in charge of the investigation.

F. If the complaint was verbal, the Personnel Director, or his/her designee, shall request the person who was the target of the alleged discrimination or harassment to submit his/her complaint in writing. If the person refuses to do so, the Personnel Director, or his/her designee, may, in his/her discretion determine that no formal investigation is necessary. The Personnel Director, or his/her designee, shall prepare a memorandum to the County Counsel concerning the verbal complaint, and the Personnel Director, or his/her designee's, decision to forego any further investigation.

G. All written complaints, which provide the information listed in subsection 22.4.B.2, will be investigated in a timely and confidential manner. Reasonable attempts shall be made to protect the confidentiality of the person who alleges that discrimination or harassment has taken place; however confidentiality cannot be guaranteed given the extent of the investigation which may take place. Information concerning a complaint will not be released by the County to third parties or to anyone within the County who is not involved with the investigation, except as required by law, nor will anyone involved be permitted to discuss the subject outside of the investigation or a resulting disciplinary action. The purpose of this provision is to protect the confidentiality of the complainant, to encourage the reporting of any incidents of discrimination or harassment, and to protect the reputation of any employee wrongfully charged with discrimination or harassment.

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

I. The investigation of a complaint will normally include conferring with the parties involved and any witnesses. The Personnel Director, or his/her designee, is empowered to require the attendance of any employee or officer at all reasonable times for purposes of conducting the investigation and receiving testimony. The investigation may include interviews with the

complainant, the alleged perpetrator, and any other persons who may have relevant knowledge concerning the complaint. The investigation shall be as thorough as possible and shall conclude within the shortest possible time reasonable given the complexity of the case at hand. When good cause is shown, temporary action may be taken pending the conclusion of the investigation. The Department Head, or his/her designee, or where the Department Head is the alleged perpetrator, the CEO, in consultation with the Personnel Director, or his/her designee, and County Counsel, shall determine whether the complaint is valid in whole or in part, based on the evidence obtained during the investigation. A statement of the factual findings and the remedial action to be taken shall be approved by the County Counsel.

J. Upon a finding that a County official or employee has engaged in unlawful harassment or discrimination against a County employee, applicant for employment, or a County client or customer, the appointing authority shall take disciplinary action against the perpetrator up to and including termination of employment. Any disciplinary action shall be commenced and prosecuted in accordance with these Personnel Rules, or any other procedures allowed by a memorandum of understanding between the County and the employee's association. Other appropriate remedial measures deemed necessary to prevent future discrimination or harassment shall also be taken.

K. After the statement of findings and remedial action has been approved by the County Counsel and the Personnel Director, or his/her designee, the Department Head, or his/her designee, or CEO shall provide the complainant with the opportunity to meet to discuss the findings and any remedial action to be taken, provided that no information protected by Penal Code section 832.7, pertaining to peace officers, or other law shall be improperly disclosed. If the complainant is dissatisfied with the findings or the proposed remedial action, the complainant may within five working days of the meeting, submit a written request for reconsideration. A meeting between the complainant, the Personnel Director, or his/her designee, the County Counsel and the Department Head, or his/her designee, or CEO will be held within ten working days of the receipt of that request. Prior to any modification of the original statement, the alleged perpetrator shall be given notice of the proposed modification and an opportunity to provide input. The complainant shall be advised of his/her right to have a representative at any and all of these meetings.

L. If misconduct is found, the statement, in its final form, may be made a part of the perpetrator's personnel file and should be attached or referred to in his/her next performance evaluation.

SECTION 22.5. POLICY AS EXCLUSIVE MEANS OF REMEDY. The procedures specified herein shall provide the exclusive internal mechanism by which all complaints of discrimination or harassment by employees or applicants shall be heard and adjudicated and no other grievance or appeals procedure otherwise provided in these Personnel Rules or applicable Memorandum of Understanding, shall be used for seeking an administrative remedy for such misconduct, or for purposes of taking testimony or hearing accusations and/or rebuttals on this subject, except that any employee against whom disciplinary action is initiated or proposed to be initiated pursuant to the application of this procedure shall have full rights to hearing, determination and appeal of such disciplinary action or proposed disciplinary action to the extent provided in this manual or the applicable MOU. The procedures specified herein will not preclude any person from utilizing the California Department of Fair Employment and Housing or the Equal Employment Opportunity Commission for redress of his/her complaint.

SECTION 22.6. FALSE COMPLAINT. The County recognizes that false accusations of discrimination or harassment can have serious effects on innocent individuals. An intentional false

complaint of discrimination or harassment may be a basis for the filing of disciplinary charges and may result in disciplinary action up to and including termination of employment.

## CHAPTER 23. POLICY AGAINST VIOLENCE IN THE WORKPLACE

### SECTION 23.1. POLICY AGAINST VIOLENCE IN THE WORKPLACE.

A. No employee should have to tolerate violence or the threat of violence in the workplace. Anyone who is the victim of any violent, threatening or harassing conduct, or who observes such conduct taking place (whether the perpetrator is a County employee or a non-employee) should not attempt to confront the perpetrator, but should immediately report the conduct to law enforcement, and/or the reporting person's supervisor, or to the Personnel Director, or his/her designee. All such complaints will be thoroughly investigated, and the County will take appropriate steps to prevent any harm from occurring or being repeated. No adverse action will be taken against anyone who makes a good faith report under this policy.

B. As part of our continuing commitment to workplace safety, Shasta County is determined to provide a work atmosphere that is free of violence and the threat of violence. Violent or threatening conduct of any kind, whether it is directed against a County employee or outside party, will not be tolerated. This policy prohibits conduct in connection with County operations or facilities including, but not limited to, the following:

1. Causing, attempting to cause, or threatening to cause physical injury to another person or damage to another person's property.
2. Fighting or challenging another person to a fight.
3. Stalking (i.e., the repeated following, calling or harassing of another, combined with the making of a verbal, written, or implied threat).
4. Possessing a firearm or any object ordinarily used or intended to be used as a weapon in a County building or at a work site (including an outdoor work site) or a County vehicle, whether or not the employee has been issued a permit to carry a concealed weapon.

C. Subsection B.4 shall not apply to peace officers who have been authorized to carry a weapon and to employees who carry knives or other weapons which are used as tools in the regular course of County business, or to properly trained employees who are authorized to carry pepper spray or mace. The CEO, or his/her designee, with the concurrence of the Personnel Director, or his/her designee, and affected Department Head, or his/her designee, may, in writing, authorize one or more employees to carry a weapon and may, where deemed appropriate, impose restrictions or conditions on such authorization.

D. All violations of this policy will be treated as serious and may lead to discipline, up to and including termination. In appropriate cases, the County may also seek criminal prosecution.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 24. VOLUNTARY TIME OFF WITHOUT PAY PROGRAM

SECTION 24.1. PURPOSE. The purpose of the Voluntary Time Off Without Pay (VTO) Program is to allow an employee to take time off without pay and maintain certain benefits when it would be beneficial to the department in which the employee works. This program was first initiated when the County was facing severe budget constraints and cost savings from wages helped the County offset potential budget shortfalls. After consultation with the Personnel Director, or his/her designee, the Department Head, or his/her designee, may grant this leave upon identifying some benefit to their departments (cost savings, program efficiencies, etc.). In the absence of benefit to the department, a Department Head, or his/her designee, may grant straight leave without pay (in accordance with Chapter 14).

SECTION 24.2. CONDITIONS. (VTO) is subject to the following:

- A. For all non-management employees, unpaid voluntary time off must be taken in increments of one full hour.
- B. For all exempt employees, unpaid voluntary time off must be taken in eight-hour increments.
- C. Credits toward sick leave and vacation shall accrue as though the employee were on paid status.
- D. This program shall apply toward time in service for step advancement, completion of probation, and seniority for purposes of layoff.
- E. Shall be granted without requiring employees to first use accumulated vacation and/or compensatory time off.
- F. Shall be available only to employees who are on paid status immediately before, as well as immediately after, voluntary time taken off. Per section 11.4.B of these rules, an employee who does not work on the holiday must be in a paid status the working day before and the working day after the holiday to be eligible to receive credit for the holiday.
- G. Shall not be available to employees who are on, or would be placed on, other leave without pay or paid industrial leave.
- H. Shall only be granted when, in the judgment of the appointing authority, such voluntary time off would not impose an undue operational hardship on the department.
- I. Health insurance premiums paid by the County and employee will remain unchanged.
- J. Employees must submit requests in writing to their Department Head, or his/her designee, and all approved requests must be documented.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 25. DISABILITIES NONDISCRIMINATION & ACCOMMODATION POLICY AND COMPLIANCE PROGRAM

SECTION 25.1. INTRODUCTION. Shasta County is subject to the Americans with Disabilities Act of 1990 ("ADA") and its related regulations; Title V, Sections 503 and 504 of the Federal Rehabilitation Act of 1973; and a number of California statutes, including the California Fair Employment and Housing Act. These laws protect individuals with disabilities from discrimination in employment, public services, public accommodations, and telecommunications. Shasta County has developed this policy in response to these laws.

### SECTION 25.2. POLICY.

A. Statement of Policy. It is the policy of Shasta County to comply with all the relevant provisions of the Americans with Disabilities Act ("ADA"), the California Fair Employment and Housing Act (CFEHA), and any other applicable nondiscrimination law.

1. Employment. Shasta County will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of that person's physical or mental disability. Shasta County also will make reasonable accommodations wherever necessary for employees or applicants with disabilities, provided that the individual is otherwise qualified to perform the essential duties and assignments connected with the job and provided further that any accommodations made would not require significant difficulty, expense, or other undue hardship.

2. Access to the County's Buildings, Facilities, Services, Programs and Activities. Shasta County does not discriminate on the basis of disability with regard to admission to, access to, or operation of its buildings, facilities, programs, services or activities.

A full statement of the rights of members of the public who have disabilities to participate in County programs, services and activities, and have access to the County's buildings and facilities, as well as the County's complaint procedures, are contained in Administrative Policy 1-117, *Rights of Persons With Disabilities; Complaint Procedures*.

B. Definitions. For the purposes of this policy, the following definitions shall apply. (Where there is a conflict, the definitions provided in laws and regulations or case law shall govern. When multiple laws and regulations address the same issue, those that take precedence over others will be followed.)

1. Disability. A person has a disability if he/she has a physical or mental impairment that limits one or more of the major life activities of the individual, or has a record of such impairment, or is regarded as having such an impairment.

2. Essential functions. Essential functions are fundamental job duties that are required to be performed to complete the tasks assigned to the position and do not include the marginal functions of the job. Whether a particular function is essential is a factual determination that must be made on a case-by-case basis.

3. Major life activity. These include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and others prescribed bylaw.
4. Reasonable Accommodation. There are three categories of reasonable accommodation:
  - a. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a County position;
  - b. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
  - c. Modifications or adjustments that enable a County employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees who do not have disabilities.
5. Qualified individual with a disability. A qualified individual with a disability is an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position and who, with or without reasonable accommodation, can perform the essential functions of that position.
6. Undue hardship. Undue hardship refers to any accommodation that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the County or one of its departments.

### SECTION 25.3. DISABILITIES COMPLIANCE PROGRAM.

- A. Appointment of Coordinator. The Personnel Director has been appointed to act as the Americans With Disabilities Act (ADA) Coordinator. The ADA Coordinator is directly responsible for Shasta County's disabilities compliance program. Within these Personnel Rules, the Disabilities Compliance Program (DCP) Coordinator shall have the same meaning as ADA Coordinator.
- B. Description of Duties. The DCP Coordinator is responsible for the following functions:
  1. Developing guidelines for handling internal and external communications about the requirements of relevant laws and regulations and the County's compliance program;
  2. Making recommendations to the Board of Supervisors on policy to comply with relevant laws and regulations;
  3. Meeting with managers, supervisors and employees to discuss any problems or concerns that may arise in accommodating individuals with disabilities and to ensure that the program is being followed;
  4. Determining the need for remedial action and helping to develop ways to correct deficiencies in the program;

5. Serving as liaison between Shasta County and enforcement agencies, persons with disabilities, and organizations representing individuals with disabilities;

6. Keeping management informed of developments in hiring and employing persons with disabilities;

7. Coordinating and facilitating the use of the Complaint Procedure (Section 25.6);

C. Notices. Shasta County and the DCP Coordinator shall make reasonable efforts to ensure that interested persons are informed of and assisted in the implementation of the Disabilities Compliance Program. The following notice, which may be modified from time to time by the DCP Coordinator, will be posted in the initial public reception area of each County department or office building: *Shasta County does not discriminate on the basis of disability in the admission or access to, or employment in, its facilities, programs, services or activities. The Director of Support Services has been designated to coordinate compliance with the non-discrimination requirements of the Americans With Disabilities Act (ADA), California Fair Employment and Housing Act (CFEHA), and other applicable laws. If you believe you have been discriminated against in violation of this policy, you may file a complaint with the ADA Coordinator. Complaint forms are available from the ADA Coordinator at (530)225-5515 or at the Shasta County Support Services Department, 1450 Court Street, Suite 348, Redding, CA96001-1676.*

Copies of this notice are available from Personnel.

#### SECTION 25.4. JOB DESCRIPTIONS.

A. Essential Function Updates. All County job specifications will be updated to articulate the essential functions of each position. Essential function updates may occur under any of the following circumstances:

1. Request to fill a position which has no defined essential functions;
2. Reclassification request;
3. Department Head request;
4. CEO request;
5. Board of Supervisors request;

B. When Board Approval is Required. Board approval shall be required if a new classification specification is developed. Job specifications updated to reflect current tasks or to include essential functions may be approved by Personnel without Board approval.

C. Purpose for Descriptions of Essential Functions. Although the regulations promulgated pursuant to law do not require employers to develop or maintain job descriptions, written job descriptions prepared before advertising or interviewing applicants for the job, as well as the employer's judgment as to which functions are essential, are among the relevant information to be considered in determining whether a particular function is essential. Thus, updating the County's written job descriptions to identify essential functions is helpful to documenting the

County's compliance with this program.

SECTION 25.5. REASONABLE ACCOMMODATION.

A. Duty to Accommodate. Any qualified individual with a disability may request accommodation from the County. A member of the public may request accommodation in order to apply and compete for a County position. A current County employee may request a reasonable accommodation in order to perform (or continue to perform) the essential functions of the employee's position.

1. NOTE: An individual may be disabled but choose not to reveal the disability and not request accommodation. It is not the County's responsibility to discover a hidden disability. However, once an individual notifies the County of his/her disability, investigation of the aspects of the disability that relate to job duties and the workplace is appropriate.

2. If no reasonable accommodation exists that enable the person to perform the essential functions of the job or would allow the person to perform the job in a manner that would not endanger the health or safety of himself/herself or others, the County may refuse to hire an applicant or may discharge an employee. According to PERS regulations, if an employee does not apply for a disability retirement on his/her own behalf, the County must apply for a disability retirement from PERS on behalf of the employee if he/she is qualified for a disability retirement prior to terminating employment. (See Admin Policy 8-130).

B. Applicants for Employment. The law does not require that an employer give preference to an applicant because the employee has a disability, but it does require that the applicant be allowed to compete for a position based on his/her qualifications to perform the essential functions of the job. The County shall not make inquiries (or assumptions) about an applicant's disability.

1. In order for an individual with a disability to compete for a position, the County may be required to provide a reasonable accommodation. A simple example of what might be considered reasonable accommodation for an applicant with a visual disability or a person who lacks manual dexterity, is staff assistance in filling out an application form. Specific reasonable accommodations will vary depending on the circumstances of each case.

2. The County will inform applicants, on the job flyer and application form, that they may request an accommodation in advance of the testing or interview process. The County may move its test site or provide for an alternate testing method in order for a qualified individual with a disability to compete for a position when it is necessary and reasonable to do so. If the applicant's disability is not readily apparent, the County may require that the applicant provide documentation from a qualified medical provider, school, or other appropriate entity.

3. The County is not required to provide accommodation for testing or interviews for an unqualified applicant. For example, if a position requires a Masters Degree and a clinical license but the applicant does not possess those, then he/she is not qualified for the position (i.e., is not a qualified applicant) and no accommodation or further accommodation is required.

4. Personnel is typically involved in all recruitment and testing and should be contacted immediately if the department receives a direct request from an applicant for testing or interview accommodation.

5. A qualified applicant may be provided a job offer conditioned on successful completion of a medical examination that is job related and consistent with business necessity. Should such a medical examination determine that the applicant has physical or mental limitations that would affect the applicant's ability to perform essential job functions due to a disability, the County will engage in an interactive process to determine whether a reasonable accommodation can be provided by the County that would enable the applicant to adequately perform all of the job's essential functions.

C. Employees. While the County has many general obligations under the law, the offering reasonable accommodation for a newly-hired or existing employee is a specific obligation requiring an assessment of the essential functions of the individual's position; evaluation of the individual's precise job limitations; evaluation of the effectiveness of each potential accommodation; consideration of the perspective of the individual requesting accommodation; and an analysis of the expense and reasonableness of the accommodation from the perspective of the County. Thus, there is no universal solution to a request for workplace accommodation and each request must be evaluated on a case-by-case basis.

NOTE: Actions (accommodations) that are taken to prevent injuries may be covered under a different policy, such as the Injury Illness Prevention Program (IIPP), which contains provisions regarding personal protective equipment and workplace hazards. For example, providing a phone headset for the worker (or for the whole department) would not usually be an accommodation under the law for a worker who complains of neck or shoulder pain due to constant use of traditional telephone equipment. This may be a workers' compensation issue which should be addressed through Risk Management. However, if the employee discloses a neck disability (certified by a health care provider) then providing a headset may be a reasonable accommodation under the law. Thus, a department may have different options or obligations to address a concern about a work site, depending upon which laws (and County policies) apply to the situation. Again, each case must be evaluated individually. Where an accommodation concerns a work-related condition, such accommodation shall be coordinated with Risk Management.

D. Employee Accommodation Request Procedure. These procedures are adopted in order to assure consistent and equitable treatment under the law for an employee who is a qualified individual with a disability. This policy is not intended to restrict Department Head, or his/her designee, from making any normal budget expenditures for informal work site modifications or improvements. Departments should maintain a record of requests for accommodations and the disposition of these requests. If an employee notifies the County of a disability or the disability is obvious, the County may inquire, pursuant to applicable law, as to whether the employee needs an accommodation. The employee may also be referred to this accommodation request procedure. However, an employee with a disability is not obligated to request an accommodation if the employee does not want an accommodation.

1. If a qualified employee with a disability wishes an accommodation, he/she may make a verbal or written request to his/her supervisor, who will consult with department management regarding the request. The department may require that the employee have his/her medical provider submit written documentation that the employee has a

disability and note the specific work limitations caused by this disability, along with suggestions for accommodating the limitations in the workplace. The Request for Consideration of Workplace Accommodation form (in appendix) may be used for this purpose. If unable to complete the form due to a disability, the employee may request that another party complete it on his/her behalf. The form requires medical substantiation of disability and information regarding the extent of work-task limitations.

2. For any individual employee's accommodation request estimated to have a financial impact of less than \$3,000, the Department Head, or his/her designee, may either resolve the accommodation request or refer it to the DCP Committee.

3. A Department Head, or his/her designee, who chooses to resolve the request shall not be limited to considering only the requested accommodation but may consider any reasonable, alternate accommodation such as making the existing work site readily accessible, providing auxiliary devices, utilizing leave balances, utilizing unpaid leave, allowing a reduced work day, providing a modified work schedule, implementing job restructuring, or reassigning the employee to a vacant position. The Department Head, or his/her designee, must obtain the employee's input prior to making a decision regarding the accommodation.

4. The department will maintain a confidential file on accommodations made for individual employees. Documents related to an accommodation request shall not be maintained in an employee's department personnel file.

5. Within ten days of the employee's receipt of the Department Head, or his/her designee, decision or recommendation, the employee may submit a written appeal of the decision or recommendation to the DCP Coordinator, who will forward it to the DCP Committee for consideration. The employee must include a copy of all previously submitted materials and an explanation as to why the employee feels the accommodation provided or recommendation made by the Department Head, or his/her designee, is not satisfactory.

6. Accommodation requests estimated to have a financial impact of more than \$3,000 will be sent by the Department Head, or his/her designee, to the DCP Coordinator. The DCP Coordinator will either, schedule a meeting of the DCP Committee to review the request, or review the request on his/her own, obtaining input from the employee.

7. Risk Management, on behalf of an employee who has suffered an on-the-job injury which results in the employee becoming permanently disabled as defined by law, may refer the employee and a description of workplace limitations (depending upon the cost estimate), to the Department Head, or his/her designee, or to the DCP Coordinator to initiate consideration of an accommodation.

8. The DCP Committee serves both to consider accommodation requests and appeals and to resolve complaints received under the Complaint Procedure. (See Section 25.6 regarding the complaint procedures). Committee membership shall be established by the DCP Coordinator, who will not serve on the Committee, but who may choose to attend any or all Committee meetings. The DCP Coordinator will appoint the chair of the committee. Department Head, or his/her designee, staff from Support Services, staff from County Counsel, outside counsel, and/or others may be requested to assist the Committee and/or attend meetings.

9. The Committee will convene as soon as practical to consider the request for accommodation. The Committee shall not be limited to considering only the specified accommodation but may consider any reasonable alternate accommodation including making the existing work site readily accessible, providing auxiliary devices, utilizing leave balances, utilizing unpaid leave, allowing a reduced work day or providing a modified work schedule, implementing job restructuring, or reassignment to a vacant position.

10. The Committee will schedule a meeting with the employee, to receive the employee's input, prior to making a recommendation. The employee will be advised that he/she may present written information to the Committee. The Committee will also meet with the affected Department Head, or his/her designee, or designee prior to making its recommendation.

11. The Committee's recommendation shall be forwarded to the DCP Coordinator and the Department Head, or his/her designee,, who will ordinarily proceed with implementation. However, due to other laws, policies, funding restrictions, or for other reasons, the Committee's recommendation may be revised by the DCP Coordinator or returned to the Committee for further consideration. The Committee is charged with making only those recommendations that it assesses are possible and reasonable to implement.

12. If not satisfied with the committee's resolution, the employee may use the appeal procedure set forth in Section 25.6 (C).

13. If implementation requires other levels of authorization, such as a budget transfer request or an allocation change, the DCP Coordinator, after consultation with the Department Head, or his/her designee, and CEO, or his/her designee, will proceed with the necessary steps.

14. If the accommodation recommended by the Committee is reassignment to another position, the DCP Coordinator shall attempt to locate an appropriate position and meet with the appointing authority of that position to discuss accommodation details. Reassignment as a reasonable accommodation will be done in accordance with applicable laws.

15. A medical release assessing fitness for duty from the employee's or County's doctor may be required prior to placement in a reassigned position.

#### SECTION 25.6. COMPLAINT PROCEDURE.

This complaint procedure is intended to provide a mechanism for prompt and equitable resolution of complaints alleging violations of Title I or Title II of the Americans with Disabilities Act (ADA), the California Fair Employment and Housing Act (CFEHA), and any other applicable laws. The law stipulates that no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, and with regard to access to facilities, programs, services or activities sponsored by a public entity. Complaints must be addressed to the ADA (DCP) Coordinator, 1450 Court Street, Suite 348, Redding, California 96001-1676, telephone (530) 225-5515; California Relay 711 OR 1-800-735-2922; fax (530) 225-5345; e-mail [ADACoordinator@co.shasta.ca.us](mailto:ADACoordinator@co.shasta.ca.us) The DCP Coordinator has been designated to coordinate compliance efforts with this program and Administrative Policy 1-117.

A. Contents of Complaints. All complaints must be in writing. At a minimum, the complaint must contain the name and address of the person filing it, with a brief description of the alleged violation, the date the alleged violation occurred and any other relevant information.

B. Time for Submitting Complaints. A complaint must be filed within thirty days after the complainant becomes aware of the alleged violation.

C. Complaints Related to Employment. Complaints regarding employment will be investigated by the DCP Committee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. The formal rules of evidence shall not apply.

1. A written determination as to the validity of the complaint and a description of its resolution shall be issued by the DCP Committee and a copy forwarded to the complainant no later than sixty days after its filing.

2. The complainant may request the DCP Coordinator to review the case in an instance where the complainant is dissatisfied with the Committee's resolution. The request for review must be made within 10 days of the date of the Committee's written resolution. The DCP Coordinator shall call a meeting at which the complainant shall and the Department Head, or his/her designee, may be present. Each party may be accompanied by a representative and may present additional relevant information. The DCP Coordinator shall issue a final decision within 20 days of the meeting.

D. Complaints Related to Access to Buildings, Facilities, Programs, Services or Activities. Complaints by members of the public regarding access to County buildings, facilities, programs, services or activities must be submitted and will be addressed pursuant to Administrative Policy 1-117, *Rights of Persons With Disabilities; Complaint Procedures*. A Complaint Form is included in Administrative Policy 1-117. The complaint will be investigated by the DCP Coordinator who may utilize other resources, such as direct contact with the complainant, the departments in question, legal counsel, or the County Administrative Office. The complaint shall be addressed as promptly as reasonably possible.

E. Maintenance of Records. The DCP Coordinator shall maintain the files and records of Shasta County relating to all filed complaints and their resolution. To the extent provided for under the law, all such records will remain confidential. Medical records, if any, shall be maintained separately and shall remain confidential.

F. Construction of Rules. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure compliance with the laws and implementing regulations.

#### SECTION 25.7. ALTERNATE FORMATS.

This policy can be provided in alternate formats to persons with disabilities. A person who requires an alternate format should contact the DCP Coordinator, using the contact information in Section 25.6.

## CHAPTER 26. ELECTRONIC ASSETS AND INFORMATION SECURITY

### SECTION 26.1. ELECTRONIC ASSETS AND INFORMATION SECURITY

- A. Computer information systems and networks are an integral part of business at Shasta County offices. The County has made a substantial investment in human and financial resources to create these systems. These policies apply to all County employees, contractors, consultants, and other workers at the County.
- B. These policies and directives have been established in order to:
1. Protect this investment.
  2. Safeguard the information contained within these systems.
  3. Reduce business and legal risk.
  4. Protect the services to the citizens of the County.
- C. Violators of these policies may be subject to appropriate disciplinary action up to and including employment termination, termination of contracts, denial of service, and/or legal penalties, both criminal and civil.
- D. The Chief Information Officer is responsible for the administration of these policies.
- E. General responsibilities pertaining to these policies are set forth in this subsection. Additional specific responsibilities are listed in subsequent subsections when applicable to a particular section.
1. Department Head Responsibilities:
    - a. Ensure that all appropriate personnel are aware of and comply with all applicable Shasta County policies dealing with electronic assets, information security, and confidentiality of County information assets.
    - b. Create appropriate performance standards, control practices, and procedures designed to provide reasonable assurance that all employees observe these policies.
  2. The Chief Information Officer's responsibility is to provide the appropriate support and guidance to assist employees to fulfill their responsibilities under this directive.
  3. The employee's responsibility is to know and abide by all applicable policies dealing with electronic assets, information security and confidentiality of County information assets.

### SECTION 26.2. ACCEPTABLE USE POLICY.

- A. The increased use of electronic communications by employees gives rise to a number of issues, including the risk of unauthorized access to or dissemination of confidential

governmental information, a potential for misuse of electronic communications for purposes of personal gain or for harassment of others, and questions concerning the ownership of and right to use the County's information assets.

1. The purpose of this section is to provide direction to employees as to the proper use of electronic data and communication systems. Employees should be aware that a violation of this section, or any other applicable provision of this policy, might result in disciplinary action.

2. This section applies to all employees, contractors, consultants, and other workers at the County, including all personnel affiliated with third parties. This section applies to all equipment owned, leased, or otherwise used by employees to conduct the business of the County.

B. The goals of this policy are to:

1. Safeguard the electronic systems belonging to Shasta County;

2. Safeguard the information assets of Shasta County;

3. Prevent inappropriate use of County owned electronic systems;

4. Clarify Department Head, or his/her designee, discretion regarding employees' reasonable use of County electronic systems and information assets;

5. Assist in providing public access to public records which are not protected from disclosure;

6. Eliminate County liability due to unauthorized information disclosure or software copyright violations; and

7. Restrict the disclosure of County information to proper and intended recipients for appropriate uses.

C. The following definitions are provided for clarification:

1. **Electronic systems** include data processing systems, software, photocopiers, video or audio recording devices, printers, personal computers, Personal Digital Assistants (PDAs), voice mail, telephone systems, pagers, facsimile machines, modems, Internet services, modem connections, cellular telephones and any other hardware peripherals.

2. **Information assets** include all data and software, whether internally developed or acquired from outside the County. Information may be represented in a variety of formats, including hard copy, magnetic tape, floppy diskette, terminal display, microfiche, microfilm or other methods of storage or transmission.

3. **Exporting** means sending, shipping, or transporting outside of the United States.

D. **PROHIBITED ACTIVITIES.** Equipment, software and data are the sole property of the County. Unauthorized use of these systems is strictly prohibited and may result in discipline.

Unauthorized use includes, but is not limited to:

1. Personal use or operation of any system, except as allowed by section 26.1, Use and Access of County Property, or other relevant provisions of this manual.
2. Use or operation of any electronic system for financial gain or in connection with political activities;
3. Operating any system in an unsafe or reckless manner;
4. Moving or disconnecting equipment without approval from the Information Technology Department;
5. Copyright violations such as the unauthorized copying, decompiling or reverse engineering of software, or the illegal creation of a derivative work from licensed software;
6. Loading software which is not authorized by Information Technology, including security packages, encryption tools, or games; or
7. Removing equipment, software or data from County premises without prior authorization.
8. Unauthorized use also includes, but is not limited to, accessing Internet sites not related to the employee's duties, playing computer games during work hours, working on personal documents during working hours, making unauthorized toll calls, making excessive personal telephone calls, etc. At the Department Head, or his/her designee's discretion, he/she may further limit employees' use of the County's electronic systems. The County's Incompatible Outside Employment Policy also limits the use of County time, tools or data for any employee's personal gain. Employees should refer to that policy for further information.
9. Exception: County policy does not hold that an occasional and brief telephone call by an employee to his/her home, child's school, child care provider, doctor's office, etc., constitutes a violation, in and of itself, of this policy. Rather, employees and supervisors are to apply common sense and reasonable judgment in a consistent, non-discriminatory manner. Department Head, or his/her designee, have the authority and responsibility to limit inappropriate or excessive personal use of County telephones and should follow the County's discipline procedures where necessary.
10. Other prohibited activities include:
  - a. Giving another person an employee's password without the Department Head, or his/her designee's prior knowledge and approval.
  - b. Accessing, without a work-related need to know and authorization from management, any database or file containing confidential information, including but not limited to medical, mental health or personnel records; welfare records; juvenile dependency or delinquency records; criminal histories ("rap sheets"); or child support records, whether or not the confidential information is disseminated to any other person.

- c. Encrypting data files without the Department Head or his/her designee's prior knowledge and approval.
- d. Accessing or transmitting "adult" or other sexually explicit websites or material, except as required for authorized law enforcement purposes.
- e. Recording, or electronically eavesdropping on the conversation of an employee without the prior authorization of all participants, unless the law or court order authorizes such recording or eavesdropping.
- f. Using the County's information systems in a manner that violates a state or federal law, which makes the access to, or dissemination or use of, specified information a crime whether or not the employee knows of the existence of that law or the criminal penalties it imposes.
- g. Violations of the rights of any person or organization protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, by any means, including, but not limited to, the installation or distribution of pirated or other software products that are not appropriately licensed for use by the County.
- h. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books, or other copyrighted sources, copyrighted music, the installation of any copyrighted software for which the County or the end user does not have an active license.
- i. Exporting software, technical information, encryption software, or technology, in violation of international or regional export control laws. The Department Head, or his/her designee, along with County Counsel should be consulted prior to any questionable exportation.
- j. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, email bombs, etc.).
- k. Revealing an employee's account password to others or allowing use of that account by others, including family and other household members when work is being done at home.
- l. Using a County electronic asset to engage in procuring or transmitting material that may violate the County's policies against discrimination and harassment.
- m. Making fraudulent offers of products, items, or services originating from any County account.
- n. Effecting security breaches or disruptions of network communication, including but not limited to, accessing data of which the employee is not an intended recipient or logging in to a server or account that the employee is not expressly authorized to access. Disruption includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information.

- o. Port scanning or security scanning without prior approval from the Chief Information Officer, or his/her designee.
- p. Executing any form of network monitoring that will intercept data not intended for the employee's computer, unless this activity is a part of the employee's normal job/duty.
- q. Circumventing user authentication or security of any host, network, or account.
- r. Interfering with or denying service to any user other than the employee's host (e.g., denial of service attack).
- s. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, by any means, locally or via the Internet/Intranet/Extranet. or
- t. Providing information about, or list of, County employees to parties outside the County without appropriate authorization.

11. The activities described in the above sub-paragraphs b, e thru o, q, s, and t of paragraph 4 may also constitute crimes under state or federal law. Employees who are believed to have violated such laws will be subject to prosecution.

12. Employees, contractors, consultants and other workers at the County ("workers") should understand that they have no reasonable expectation of privacy in connection with the County's electronic systems and information assets. The County reserves the right to review electronic systems and information assets without prior notice to workers. The County will from time to time conduct reviews or audits of electronic systems and information assets without prior notice to workers, including random reviews, when in the exercise of its business judgment, the County determines that it would be prudent to do so. Any such review or audit of electronic systems and information assets may be conducted by authorized individuals as directed by the Department Head, or his/her designee, and/or the Chief Information Officer, or his/her designee.

13. Employees should understand that Information Technology's staff can track most computer activity, including access to specific databases, and can by-pass passwords.

E. SAFEGUARDING OF INFORMATION ASSETS. All information maintained by Shasta County is considered a County asset and shall be protected from damage, loss, misuse, or inappropriate disclosure. Department Head, or his/her designee, are responsible for administering adequate controls to insure the security, confidentiality, and integrity of information. Furthermore, all County employees are required to maintain proper levels of protection for information assets.

1. The County, through the Department Head, or his/her designee, is designated as the owner of those information assets, which are held within his/her department. Individual managers and employees may be assigned custodial responsibility at the department or application system level to insure accuracy, integrity, security, adequate

controls and confidentiality (where necessary) of the information assets. Where proprietary software or property has been provided to Shasta County under confidentiality agreements, it is the Department Head, or his/her designee, responsibility to assure knowledge of and compliance with the terms of such agreements.

2. Pursuant to the California Public Records Act, "public records," not otherwise exempt from disclosure, must be open to inspection at all times during the office hours of the County and every citizen has a right to inspect any public record in accordance with the procedures of and as limited by the Act. Government Code Sections 6252 and 6254 define the term "public record" for purposes of the Act's disclosure requirements. Public record• includes most information maintained electronically.

3. Much of the data processed by Shasta County employees is of a sensitive and/or confidential nature. Each County employee must become familiar with the distinctions between the information assets of the employee's department which must be disclosed to the public and those which are exempt from disclosure. Any employee having a question concerning the possible confidentiality of information assets should question his/her Department Head, or his/her designee, before releasing any information. Further, any citizen inquiries concerning the department's procedures for processing data should be referred to the Department Head or his/her designee, who should, when necessary, consult with County Counsel. Providing access to production data or information without a work related need to know without authorization is in direct violation of this policy and could subject the employee to disciplinary action.

4. Employees who access, disclose, alter, or willfully destroy information which adversely impacts the County's services or who violate copyright laws, are and will be subject to applicable federal, state and local criminal laws as well as to disciplinary action pursuant to County policies and procedures.

5. Where possible, all PCs, laptops, and workstations must be secured with a password-protected screen saver with the automatic activation feature set at 10 minutes or less, or by logging off (control-alt-delete for Win2K users) when unattended.

6. All PDAs must be secured in a manner that requires the entry of a password whenever the device is powered on.

7. All devices used by the employee that are connected to the County Internet/Intranet/Extranet, whether owned by the employee or County, must be continually executing approved virus-scanning software with a current virus database.

8. Employees must use extreme caution when opening email attachments received from unknown senders. Email attachments from unknown senders may contain viruses, email bombs, or other malicious code. When in doubt, contact the IT Call Center prior to opening this type of email.

### SECTION 26.3. USE OF ELECTRONIC MAIL.

A. Shasta County recognizes and encourages the use of computers and the electronic mail (email) system in its daily business and communications. Shasta County's email system is a valuable tool that can assist in eliminating ■telephone tag• and reduce the production and circulation of hard copy of memoranda and other correspondence. Each individual has

responsibility as outlined in this policy relating to the professional use of the mail system.

1. This section defines the proper use of email for employees of Shasta County. Email is defined as written or typed messages, such as memos or letters, sent and delivered by communications link from person to person. Email consists of the primary text of the message and any attachments, such as word processing files, spreadsheet files, documents, and graphics.

2. The purpose of this section is to ensure that all County email communications are used in a professional manner for the purpose of conducting the County's business, to ensure that all email communications are secured to prevent unauthorized access, unintended loss or malicious destruction of data, and to provide for the integrity and availability of all email systems.

B. Inasmuch as all of the computer systems and the data stored on them are the property of the County, all email messages composed, sent, or received on County devices are and remain the property of the County. Additionally:

1. County information technology resources, including email, are to be used for the purpose of conducting the County's business. Incidental, non-business use of County information technology resources will be addressed by each County Department Head, or his/her designee, in written policy as allowed by Chapter 27, Use and Access of County Property.

2. Notwithstanding a Department Head, or his/her designee's authorization for incidental, non-business use of County email, it is county policy that the county email system shall not be used to send "mass" or "broadcast" emails that are not for the purpose of conducting the County's business.

3. Department Head, or his/her designee, have the authority and responsibility to limit inappropriate or excessive personal use of the County's e-mail system and should follow the County's discipline procedures where necessary. In the absence of a written policy, email may not be used for any personal communications of any kind.

4. Employees should understand that email messages are not private and that they have no reasonable expectation that such messages will be considered confidential. Unless a specific exemption applies, all email messages, even those that have been erased, may be considered to be public records subject to disclosure under the Public Records Act. Those messages might also be accessed by persons involved in litigation with the County and used as evidence.

5. Access to email services is a privilege that may be wholly or partially restricted, through the exercise of management prerogatives without prior notice or without consent of the user.

6. Email is subject to the policies concerning other forms of communication as well as all other applicable policies including, but not limited to, confidentiality, conflict of interest, general conduct, discrimination and harassment.

7. Email services shall not be used for purposes that could reasonably be expected to cause, directly or indirectly, unwarranted or unsolicited interference with others' use of email or the email system. Chain letters are prohibited.

8. Information Technology shall take appropriate steps to protect all email services from various types of security threats as follows:

- a. The email servers shall be placed in safe locations that are physically secured.
- b. The email servers shall have appropriate backups of software and data performed on a regular basis.
- c. The email system shall have anti-virus software to scan the server itself and all the email messages traversing the system.

9. A County owned asset cannot reside on non-County owned resources such as Hotmail, AOL, Yahoo, etc. where the County has no jurisdiction. This means that these types of services are not to be used to conduct County business.

10. Encryption of email may be appropriate in some instances to secure the contents of an email message. Each user should be cognizant of the sensitivity of information contained in email and understand that it may be passed beyond the intended recipient, even when encrypted. Encryption must follow County standards.

11. When an authorized user terminates County employment or transfers to another County department or office, the Department Head, or his/her designee, will notify Information Technology to have the employee's email account terminated or transferred.

12. An employee learning of any misuse of the email system or other violations of this policy should notify his/her Department Head, or his/her designee, or the Chief Information Officer, or his/her designee, as soon as possible. A supervisory employee who becomes aware of misuses of the email system must also report the conduct to the Department Head, or his/her designee, as required by Section 22.4 (c).

SECTION 26.4. LOGON BANNER POLICY. The purpose of this section is to establish that all County electronic computer systems will display a logon banner before a user is allowed to log on to the system. The logon banner message will inform the potential user of acceptable uses of the system, and of access restrictions, limitations and expectations imposed as a condition of such use. This section applies to all County employees, contractors, consultants, and other workers at the County, including all personnel affiliated with third parties. This section applies to all equipment owned, leased, or otherwise used by employees to conduct the business of the County.

- A. The goal of this section is to prevent inappropriate use of County-owned computer systems and to reduce the risk to the County of litigation and liability due to inappropriate use of County-owned computer systems.
- B. The contents of the banner message must contain the following:
  1. The logon banner message will include the following information:
    - a. That unauthorized access to the system is prohibited.

- b. The consequences of inappropriate system use.
  - c. That activity may be monitored, and that use of the system implies consent to such monitoring.
  - d. Law enforcement or other investigative officials for appropriate action, if warranted may use that information obtained during such monitoring.
2. The user will acknowledge acceptance of the terms and conditions described in the logon banner message by some positive action, such as pressing a key to continue to the logon screen.
  3. The word "Welcome" will not appear in the logon banner, as its appearance could imply that anyone is welcome to access and use the system.
  4. Information Technology shall determine the exact wording of the logon banner, in consultation with County Counsel.

**SECTION 26.5. PASSWORD POLICY.** Passwords are an important aspect of computer security and are usually the front line of protection for user accounts. A poorly chosen password may result in the compromise of the County's entire enterprise network. As such, all employees (including contractors, vendors, and temporary staff with access to County systems) are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

- A. The goals of this section are to establish standards for creation of strong passwords, the protection of those passwords, and the frequency of change.
- B. This policy includes all persons who have or are responsible for an account (or any form of access that supports or requires a password) on any system that resides at any County facility, has access to a County network, or stores any County controlled information.
- C. All user-level passwords (e.g., email, applications, desktop computer, etc.) must be changed at least quarterly. User accounts that have system-level privileges granted through group memberships or programs must have a unique password from all other accounts held by that user. Passwords must not be listed in email messages or other forms of electronic communication. All user-level and system-level passwords must conform to the following requirements:
  1. Passwords are used for various purposes. Some of the more common uses include: user-level accounts, email accounts, screen saver protection, voicemail password, and local router log-ins. All users should be aware of how to select strong passwords.
  2. Where permitted, passwords are to be no less than eight characters in length. All passwords are to be treated as sensitive, confidential information. No employee shall use the login ID or the password of any other employee, without Department Head, or his/her designee, approval.
  3. If an employee, contractor, consultant or other worker at the County suspects an account or password has been compromised, the employee must report the incident to the IT Call Center.

SECTION 26.6. REMOTE ACCESS POLICY. This section contains the standards for connecting to Shasta County's network from a remote location. These standards are designed to minimize the potential exposure to the County from damage, which may result from unauthorized use of County resources, such as the loss of sensitive or confidential data, violation of intellectual property, damage to the County's public image, or damage to critical County internal systems.

This policy applies to all employees, volunteers, contractors, consultants, non-County agencies, and others who are authorized to access the computer networks. This policy applies to remote access connections used to do work on behalf of Shasta County, including reading or sending email and viewing intranet web resources.

A. The following definitions are used in this section:

1. VPN - Virtual Private Network - a means of connecting a remote computer to a network across the Internet by creating a secure encrypted tunnel.
2. DMZ - Demilitarized Zone - a network segment on a Firewall that is outside the internal network (lower security) and inside the Internet (higher security), used for placing devices that may need to be accessed by the Internet (Web servers, etc.).
3. Remote Access - a means of accessing core network resources from a site not physically connected, accomplished by Dialup connection, or a DSL, or Cable modem, with a VPN tunnel.

B. The following are the limitations on remote access:

1. Remote access will be granted for authorized County work only. All remote access to the County network will be accomplished via a secure remote access method (including, but not limited to, strong authentication, Virtual Private Network (VPN), controlled dial-in/dial-out, firewall demilitarized zone (DMZ)).
2. Internet services, if allowed, will be strictly controlled by firewall technology to provide preventative and detective controls.
3. Access from a remote site to a County network that contains sensitive or restricted information may require extended identification and authentication procedures.
4. Access to County resources will only be allowed from County owned and controlled computers, unless otherwise authorized by Information Technology. All authorized employees accessing the County network from their privately-owned computers will exercise due diligence in ensuring that their systems (both hardware and software) are free from computer viral infection and unauthorized use.
5. When an authorized user terminates employment or transfers to another department or office all existing remote access services will be terminated. Remote access will have to be re-justified and re-established for any new County position. County owned hardware must be returned and software permanently deleted from privately owned equipment.

SECTION 26.7. CASUAL REMOTE ACCESS.

PURPOSE. Modern business practices often provide for an employee to be able to check electronic communications tools from home or other non-work sites, which will be referred to as casual remote access. Communication tools are voice mail, email, electronic calendar or other similar tools.

A. This section is intended to facilitate casual remote access, when appropriate, and to define the restrictions and responsibilities of employees and others who are authorized casual remote access. Managers and other employees, who are not subject to overtime pay, may have fewer limitations to casual remote access than other employees. Contractors, consultants, non-County agencies, and others who are authorized to use the County's computer networks, may be subject to these provisions.

B. The County's email System can be accessed from non-work sites through a specific secure website via a web browser or other electronic communications tools. The Information Technology Call Center will set up access, if authorized by the Department Head or his/her designee. The Department Head, or his/her designee, will establish the appropriate restrictions for the employee's casual remote access to e-mail. In some situations, the department might expect an employee who is out of the area at a work related training or conference to check e-mail, similar to expectations to check and respond to voice mail as part of the normal work day. In some situations, during non-work time an employee may be authorized, for their own convenience and in a non-pay status, to access e-mail, voice mail, or their schedule for minimal amounts of time. The department has flexibility to authorize an employee to work or work overtime, via casual remote access; however, this policy is not intended to replace the County's Telecommuting Policy.

C. The process for accessing the County's email or other electronic tools has been set up by the Information Technology Department, who reserves the right to discontinue the service if the need arises

**SECTION 26.8. INFORMATION SECURITY AWARENESS, TRAINING, AND EDUCATION POLICY.** Security Awareness Training & Education (SATE) is key to minimizing the County's exposure to both malicious threats and accidental errors and omissions. SATE is not only defined as industry best practices, it is also a statutory requirement for the HIPAA covered components of the County, (i.e., Public Health, Mental Health, Drug and Alcohol programs, County Counsel and Information Technology, see C.F.R. Section 164.308(a)(5)(i) HIPAA). This policy sets forth a minimum standard for SATE to reduce the County's risk. Each department is responsible for ensuring that all employees are trained to at least this minimum standard. In certain situations it will be necessary for Departments to provide additional training.

A. The goals of this section are to:

1. To educate employees about the County's Information Security Policies and help foster an understanding of how the policies protect the organization, its employees, and the public.
2. To document each employee's knowledge and understanding of policies and procedures, allow for disciplinary action when required, and promote the development of good working habits.
3. This policy applies to all employees, volunteers, contractors, consultants, and other workers at the County, including all personnel affiliated with third parties. The level of SATE required by an individual employee is determined by that employee's

level of access to information and information systems.

B. The term ■Security Awareness• is considered the daily ■moment-by-moment• awareness level while the term ■Security Training• relates to the basic training all employees need to build their basic security skills. Security Awareness is partially a by-product of formal training, but it also is the result of efforts made by the department to enhance awareness.

C. Basic security training will be provided for all new employees, ideally before the employee begins to perform his job duties. Additionally, all employees must complete security policy training every two years.

D. General responsibilities pertaining to this policy are set forth in Section 26.1. The following subsection lists additional specific responsibilities.

1. Manager Responsibilities:

a. Ensure that all employees complete the available basic security awareness training within the employee's first 30 days of employment.

b. Ensure that all employees have received departmental training on the difference between ■public• records and the need to keep certain information ■confidential•.

2. Information Technology Department Responsibilities:

a. Develop an Information Technology Security Awareness training program capable of training delivery, tracking, testing, and reporting to ensure implementation of and compliance with this policy.

b. Develop and maintain security curriculum.

c. Periodically provide departments notification when employees have not met security awareness training requirements.

d. Periodically provide employees with ■visual cues• or ■reminders• to help employees think about security.

3. Employee Responsibilities:

a. Successfully complete available basic Information Technology's Security Awareness training within first 30 days of employment.

b. Successfully complete Security Policy training every two years.

c. Work with Security Awareness in mind.

d. Report any potential information systems security issues to the IT Call Center immediately.

E. An employee's User ID may be temporarily disabled for non-compliance with Security Awareness training and testing requirements.

SECTION 26.9. SOFTWARE COPYRIGHTS AND LICENSING POLICY.

- A. The purpose of this section is to clarify software copyrights and licensing policies:
1. There is a significant financial liability to the County if software that has not been legally obtained is used on County-owned or leased equipment.
  2. All employees and other users of County computers shall adhere to computer software copyright statutes when on County-owned or controlled property.
  3. **Copyright infringement is a felony.** The County will not condone nor contribute to the commission of a felony. Only licensed copies of copyrighted software may be installed on the County's PCs, laptops, servers, or other electronic storage device.
  4. To facilitate the tracking of licensed software and prevent copyright infringement, all software purchases shall be made by or coordinated through the Information Technology department.
- B. The following definitions apply to this section:
1. **Outside software** is software that is written or published by any person or organization other than Shasta County Information Technology.
  2. **Copyright** is the exclusive legal right to publish, reproduce, copy, or sell the matter and form. If a work is copyrightable, it should be treated as if it is protected by copyright.
  3. **License** is an authorization by the owner of a work permitting the use of that work.
- C. The following describes the County approved software to be used:
1. Only software that has been legally acquired and licensed may be used. Employees should check the documentation provided with the software before making copies for others. Copies of software should ordinarily be made for back-up purposes only.
  2. There is a potential for introducing a virus into a County system, and possibly even Countywide, whenever outside software is used. An employee who needs to use an outside software program for business purposes must first obtain permission from his/her Department Head, or his/her designee, and from the Information Technology department.
  3. Software is only to be loaded onto County computers by Information Technology so that it can be properly inventoried and more easily supported by Information Technology. Failure to comply with this puts the department and the County at risk of copyright infringement.
  4. Software used on County-owned or controlled computer hardware shall be limited to that which:

- a. Is covered by a licensing agreement with the software author(s), publisher, or vendor.
- b. Has been donated to the County. A written record of the contribution is on file in the receiving county department. County office and license is in the name of the County. A copy of the license must be on file with Information Technology and the software must be installed by the Information Technology department.
- c. Was purchased by the County and a record of the purchase is on file in the Information Technology department.
- d. Was written or developed by an employee or consultant, for the specific purpose of being used on County computers. In the event of consultant-provided software, a formal County contract shall be in place delineating the legal requirements concerning the use of such software, and all users shall abide by such contract.

5. All software developed by employees in the course of their work becomes the sole property of Shasta County and the employee retains no rights to the software.

D. It is every Department Head, or his/her designee's, responsibility to ensure that he/she has valid licenses for all software used in that department. The County retains the right to examine, without notice, all electronic storage media, data files, logs and programs used on County computer equipment.

SECTION 26.10. VOICE MAIL POLICY.

A. Use of the County's voice mail system is a privilege and not a right. Voice mail is an electronic communication device and should be treated the same as Email or any other information system. This policy applies to all employees, volunteers, contractors, consultants, and other workers at the County, including all personnel affiliated with third parties.

B. Voice mail is an electronic communication system in which spoken messages are recorded or digitized for later playback to the intended recipient.

C. The following limitations apply to the use of voicemail:

1. Voice mail uses passwords for security. Any policy for periodically changing voicemail passwords is left to the discretion of the Department Head, or his/her designee. No employee shall use the Voicemail user ID or password of any other employee without permission from the Department Head, or his/her designee. For those departments that use a group voice mailbox, it is up to the Department Head or his/her designee, to determine the policy, keeping security a priority.

2. Voice mail messages should be limited to County business matters. Voice mail may never be used for the conduct of outside business pursuits, or political activities, although it may be used for receiving necessary messages from family members, child care providers, or the like.

3. Before attempting to access a current employee's voice mail "mailbox," the

employee's Department Head, or his/her designee, through the Chief Information Officer, or his/her designee, must make reasonable efforts to obtain the employee's consent to such access. If consent is denied, the employee must clear his/her mailbox of any personal messages within the time set by the Department Head, or his/her designee, after which time the County may access the employee's mailbox and listen to any remaining messages. In addition, an employee's mailbox may be accessed without attempting to obtain the employee's consent following the effective date of the employee's separation from employment or his/her last day of work, whichever is earlier.

4. When an authorized user terminates employment or transfers to another department, office or agency, the Department Head, or his/her designee, or the designee will notify Information Technology to have the employee's voicemail account terminated or transferred.

5. An employee learning of any misuse of the voice mail system or other violations of this policy should notify his/her Department Head, or his/her designee, or the Chief Information Officer, or his/her designee, as soon as possible.

#### SECTION 26.11. REMOVABLE STORAGE DEVICES POLICY

A. **PURPOSE.** This policy has been created to define standards for the utilization of removable storage devices such as, but not limited to, floppy discs, CDs, DVDs, USB drives, etc. These standards are designed to minimize the potential exposure to the County from damages. Damages may include the loss of sensitive or confidential data, intellectual property, damage to public image, or damage to critical County internal systems.

B. **SCOPE.** This policy applies to all County employees, volunteers, vendors, contractors, consultants, non-County agencies, and others who are authorized to access the County's resources.

#### C. **DEFINITIONS**

1. Removable Storage Device – Portable device used to copy and store information on portable media such as, but not limited to, a floppy disc, CD, DVD or USB drives, external hard drives.
2. Floppy Discs – Old style storage media. Square plastic device that holds 1.44mb of data.
3. CD – Compact Disc
4. CD-RW – Compact Disc Rewritable
5. DVD – Digital Video Disc
6. DVD-RW – Digital Video Disc Rewritable
7. USB Drive – Small drives that plug into a personal computer's Universal Serial Bus (USB) port and stores information. Also termed thumb drives, USB key fobs, flash drives, etc.
8. EPHI – Electronic Protected Health Information
9. PHI – Protected Health Information – Individual health information that: 1) identifies the individual in any way; 2) is created or received by a health care provider; or 3) is billed for payment to a third party.
10. CountyResources – For the purposes of this policy, County Resources are defined as any equipment or information owned by or in possession of the County of Shasta. This

could include, but is not limited to, equipment, computer devices, networks, software applications, documents, files, etc.

11. Reformat – perform an “unconditional” or “complete” (i.e., not “quick”) format.
12. Destroy – first perform an “unconditional” or “complete” (i.e., not a “quick”) format, then cut in half or break apart before disposing.
13. Encryption – the process of transforming electronic data using an algorithm making it unreadable except to those in possession of a key that enables the data to be decrypted. Encryption can be accomplished by using various encryption software and/or by copying files to an encrypted removable media device such as but not limited to an encrypted USB drive. The acquisition of encryption software and/or encryption devices requires prior County Information Technology Department (County IT) approval (refer to Section 2.5.3 of the Shasta County Contracts Manual).

#### D. DESCRIPTION

1. Access to the County network and resources attached to the network will only be allowed from County owned or controlled computers, unless otherwise authorized by the County IT. All authorized employees accessing the County network from their county-owned or non-county owned computers will exercise caution in ensuring that all information copied to a removable storage device is stored, used and disposed of properly as delineated in this policy.
2. Shasta County operating system files and application files are not to be copied or modified at any time.
3. Loss, theft or unauthorized disclosure of a portable or removable storage device that contains County data must be reported immediately to the appropriate Department Head, or his/her designee.
4. When an authorized user terminates County employment, transfers to another County department, office or agency, or contractual relationship with the County is terminated, all existing removable storage devices will remain with and/or be returned to the department that owns the data contained on these devices.
5. Media Reuse / Disposal

Floppy discs, CD-RW or DVD-RW containing sensitive or confidential data should never be reused for another purpose. When an employee is finished using this type of media with sensitive or confidential data, the media must be destroyed using one of the following methods.

- a. Destruction of this type of media is best accomplished by running it through a crosscut shredder that is rated to handle materials of this thickness.
- b. Contact County IT (245-7575) to have the media destroyed. County IT can shred the media, use a device that grinds the recordable surface from the media or use other appropriate destruction methods.

For the purpose of re-using Removable Storage Devices, if an employee gives a previously used floppy disc, CD-RW, DVD-RW or USB drive to another County employee for their use, the originating employee must reformat it first.

6. If an employee, volunteer, or vendor/contractor uses any of these removable storage devices for the purposes of storing or transmitting EPHI, they must password protect or encrypt any sensitive or confidential data and EPHI.
7. If an employee, volunteer, or vendor, contractor or consultant uses any of these removable storage devices for the purposes of storing or transmitting information other than EPHI, they should password protect or encrypt any sensitive or confidential data, unless there are other protective measures currently in place as allowed by departmental policy, local, state or federal law.
8. If an employee, vendor, contractor or consultant who has access to sensitive or confidential information or EPHI terminates employment or contractual relationship with the County, the Department Head, or his/her designee, must ensure all County resources, including the above referenced information, media, and all removable storage devices containing such data, remains with the County.

#### SECTION 26.12. MOBILE DATA DEVICE POLICY

- A. Mobile electronic communication devices are capable of connecting to the County network for the purpose of synchronizing data contained in an employee's County email account. Because of the mobility and the size of these devices, they are susceptible to being misplaced, lost, or stolen. Protecting the information contained on these devices from being viewed and/or exploited by unauthorized personnel is of the utmost importance.
  1. This section defines the proper use of mobile electronic communication devices connected to the County network as well as important safeguards that must be followed.
  2. The purpose of this section is to establish standards for the use of mobile electronic communication devices connected to the County network. These standards are designed to prevent unauthorized access of County information.
- B. The following definitions are used in this section:
  1. "Mobile Data Device" – a computing device that is usually much smaller than a typical laptop computer that is easily transported from place to place. These devices communicate with various networks using one or more wireless technologies - usually Wi-Fi and/or a cellular phone network. These devices are distinguished from desktop and laptop computers by the fact that a mobile data device cannot be joined to the County network through a standard Active directory configuration. Some examples of mobile data devices are smartphones, iPads, Nooks, Kindles, Zooms, and other devices running the Android operating system.
  2. "Smartphone" – a mobile telephone that also includes many of the features of a standard computer. Some of the features might include sending/receiving email, browsing the Internet, and loading software applications (apps). Some common smartphones are Blackberry, iPhone, and phones using the Android operating system.

3. "Personal Mobile Data Device" – a mobile data device that is owned by the employee and where, if the device can communicate via a cellular network, the employee is personally responsible for all charges that are incurred through the cellular network carrier.
  4. "County Provided Mobile Data Device" – a mobile data device that is provided by the County and where, if the device can communicate via a cellular network, monthly charges incurred through the cellular network carrier are paid for by the County.
  5. "Secure Digital (SD) Cards, Compact Flash (CF) Cards, Memory Sticks, Flash-Based Supplemental Storage Media" – different types of memory that can be added to increase the storage capacity of some mobile data devices.
  6. "KILL" – This is the term used to describe the process of removing a mobile data device's connection to the County network. This process also includes clearing all data from the mobile data device and returning it to its factory settings. The device returns to the state it was in when originally purchased.
- C. When a department is contemplating issuing a County provided mobile data device, they should consult with their assigned IT Analyst who can help identify features, functions, pros, and cons of the various devices available.
- D. The privilege of having a smartphone connected to the County network requires the employee to comply with certain responsibilities and rules pertaining to the use and security of data contained on the smartphone.
1. Failure to comply with these responsibilities and rules will result in immediate suspension of the employee's connection to the County network.
  2. The Chief Information Officer, or his/her designee, will make the final determination as to whether a mobile data device will be connected and/or remain connected to the County network.
- E. It is the responsibility of the employee who is connecting to the County network to ensure that all components of his/her connection remain as secure as his/her network access within the County. It is imperative that any wired (via sync cord, for example) or wireless connection, including, but not limited to mobile data devices and service, used to conduct County business be utilized appropriately, responsibly, and ethically. The following rules must be observed by employees that are using a mobile data device connected to the County network:
1. The types of devices that are allowed to connect to the County network are limited. Please check with the Shasta County Information Technology Department (County IT) to determine the current devices and software versions that are supported.
    - a. Prior to initial use for connecting to the County network, employee must execute either the Personal Mobile Data Device Agreement or the County Provided Mobile Data Device Agreement (located in Appendix A) and verify with County IT that all hardware, software and related services are compatible with the County network.

- b. Both the Personal Mobile Data Device Agreement and the County Provided Mobile Data Device Agreement must be approved by the employee's Department Head, or his/her designee, or his/her designee and sent to the Chief Information Officer, or his/her designee, for final approval.
- 2. Some mobile data devices may require the purchase of a software application (app) to allow the mobile data device to comply with County IT mandated security requirements.
  - a. Personal Mobile Data Device
 

Employee must receive prior approval from IT before installing any software application in order to ensure software and device comply with County mandated security requirements. Employee is responsible for all costs of required software applications. If the mobile data device can communicate with a cellular network, it is the employee's responsibility to set up his/her individual calling plan with their cellular network provider and to pay all charges incurred.
  - b. County Provided Mobile Data Device
 

With the employee's Department Head, or his/her designee, approval, the department will purchase the required software application.

    - 1. If software applications are required, the department requesting connection of the County provided device will be responsible for making this purchase prior to the device being connected to the County network.
    - 2. The employee's department is responsible for all costs of required software applications.
    - 3. If the mobile data device can communicate with a cellular network, it is the employee's department's responsibility to set up the employee's individual calling plan with a cellular network provider and to pay all charges incurred. Any service issues or billing disputes with the carrier or vendor are the sole responsibility and obligation of the employee's department.
- 3. Employees who access, via their mobile data device, Protected Health Information (PHI), and/or Personally Identifiable Information (PII), and/or any other data deemed by policy or statute to require encryption, are required to maintain the settings on their mobile data device such that data encryption is enabled at all times.
- 4. Privacy
  - a. Personal Mobile Data Device - By voluntarily connecting a personal device to County resources, employees do not have any reasonable expectation of privacy concerning any and all of the information stored on his/her device. The County reserves the right to review and access at any time any and all of the information stored on personal devices,

including, but not limited to, wireless devices, which are used to connect to County resources, such as email. Employee access and/or connection to the County network may be monitored to record dates, times, duration of access, etc., in order to identify unusual usage patterns or other suspicious activity in order to identify accounts or systems that may have been compromised by external parties. When an employee voluntarily connects a personal device to County resources, the County has the right and the ability to review and access any and all information on the employee's personal device, including data the employee may view as personal. The County's right and ability to review and access any and all information on that personal device exists for the entire time the employee uses the device to connect to County resources. Should employee wish to terminate the connection to County resources, employee shall submit the personal device for access and review by County IT to ensure that all County related information is removed from the personal device. Any employee who refuses to surrender a personal device connected to County resources when requested by his or her supervisor to access and review the information on the device may be subject to disciplinary action.

- b. County Provided Mobile Data Device - Employees have no reasonable expectation of privacy concerning any and all of the information stored on a County provided device. The County reserves the right to review and access at any time any and all of the information stored on county provided devices, including, but not limited to, wireless devices, which are used to connect to County resources, such as email. Employee access and/or connection to the County network may be monitored to record dates, times, duration of access, etc., in order to identify unusual usage patterns or other suspicious activity in order to identify accounts or systems that may have been compromised by external parties. When an employee voluntarily accepts a County provided device, the County has the right and the ability to review and access any and all information on that device, including data the employee may view as personal. Should employee wish to stop using a County provided device, employee shall return the County provided device. Any employee who refuses to surrender a County provided device when requested by his or her supervisor may be subject to disciplinary action.
5. Employees accessing any County network with mobile data devices, are required to know and adhere to all County policies and guidelines, including policies and procedures concerning the confidentiality of the data being accessed and personal activities during work hours.
6. Any and all data obtained via the County network remains the property of the County in perpetuity.
7. Passwords and other confidential data are not to be stored on any associated storage devices such as Secure Digital (SD) and Compact Flash (CF) cards, as well as Memory Sticks and related flash-based supplemental storage media.

8. Employees who dispose of their device or return it to the vendor must remove all County information from the device before disposing of it or returning it to the vendor. Employees can contact County IT (245-7575) if they need assistance in removing County information from the employee's device.
9. Employees must immediately report a missing, replaced, or stolen mobile data device to County IT (245-7575) and to their personal cell carrier if applicable. County IT will send a "KILL" command that will clear ALL data from the device and return the device to the configuration it was in when originally purchased.
10. For Personal Mobile data devices and for County Provide Mobile data devices where the department permits the employee to store personal data on the mobile data device, it is the employee's responsibility to back up their personal data, settings, media, or applications in the event the device has to be "KILLED" by County IT.
11. The mobile data device is subject to a remote "KILL" under the following conditions:
  - Lost or stolen device.
  - Six consecutive failed password attempts (assumes the device is no longer in the owner's possession).
  - Employee leaves the employ of the County.
  - Department Head, or his/her designee, request.
  - County IT determines that any access to the County network is at risk (subject to approval of the Chief Information Officer, or his/her designee).
12. Employees must abide by all municipal, state and federal laws concerning the use of mobile devices.
13. All mobile data devices connected to the County network will be forced to comply with complex password policies. This means that to use the device, the employee will have to unlock the device by entering the valid password. Additionally, password changes will be required as determined by County IT. Mobile data devices will automatically lock (requiring the user to re-enter his/her password) after 10 minutes of inactivity. Passwords are not to be divulged to others (see Acceptable Use Policy within this chapter).
14. County IT will charge the employee's department the current IT Professional Service hourly rate for all support of personal devices connected to the County. The employee must follow his/her department's procedures for obtaining services from the County IT.

## **CHAPTER 27. USE OF AND ACCESS TO COUNTY PROPERTY, AND EXPECTATIONS OF PRIVACY**

SECTION 27.1. USE OF AND ACCESS TO COUNTY PROPERTY. County-owned or County-leased property, including, but not limited to, work sites, facilities, equipment, offices, desks, furnishings, tools and supplies are to be used for authorized public purposes only. No County officer or employee may use any County property to conduct political campaign activities or for any other personal purposes or gain. Prohibited activities include, but are not limited to, using County tools to repair or maintain an employee's own personal vehicle, tools, or equipment; working on personal projects at a County worksite; or using office equipment for the processing of personal correspondence or other documents; provided, however, occasional, incidental use of office equipment for personal reasons on non-work time may be approved by the Department Head, or his/her designee. Use of County-owned or leased property is further defined by Chapter 26, the Electronic Systems and Information Security Policy, Chapter 28, the Outside Employment Policy, Chapter 33, the Vehicle Operations Policy, and Chapter 38, Campaign Activities.

### SECTION 27.2. EXPECTATIONS OF PRIVACY.

A. County employees have a reasonable expectation of privacy as to their own personal property and effects, such as their purses, brief cases, lunch boxes or other personal items that the employee may bring to the workplace. However, the County maintains control over all County-owned, County-leased or County-supplied vehicles, offices, storage facilities, desks, furnishings, lockers, file cabinets and files. An employee has no reasonable expectation of privacy with regard to those County-owned or County-leased places or items and supervisors and managers shall have access to them at any time for any business-related reason, unless the employee's Department Head, or his/her designee, has given the employee the only access key to that vehicle, desk, file cabinet, locker or other container or enclosure. See also Chapter 26, the Electronic Systems and Information Assets Policy.

B. With regard to public safety officers as defined in the Peace Officers' Bill of Rights, County supervisors or managers shall have access to a locker or other storage space assigned to a public safety officer only in the presence of the employee, or with his/her consent, or when a valid search warrant has been obtained, or where the employee has been notified that a search would be conducted.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 28. OUTSIDE EMPLOYMENT AND CORPORATE AFFILIATION POLICY

### SECTION 28.1. PURPOSE.

A. Government Code Section •1125 et seq. prohibits local agency officers and employees from engaging in employment or activities for compensation which are incompatible, inconsistent or in conflict with their agency employment. Government Code Section 1090 prohibits government officers and employees from being financially interested in a contract or sale in both their public and private capacities. In addition, the State's common law prohibits self-dealing and requires public officers to discharge their responsibilities with fidelity, and untainted by private interests.

B. Shasta County employees have the same rights as other citizens to paid outside employment if they so desire, unless such outside employment violates the provisions of Section •1125 et seq. or this Shasta County policy adopted pursuant to Section •1126.

SECTION 28.2. GENERAL POLICY: GOVERNMENT CODE SECTION •1126. Government Code Section •1126 is applicable to all County officers and employees. The provisions of Section •1126 are hereby incorporated in this policy and any future amendments to Section •1126 duly adopted by the legislature shall be incorporated by reference as they are enacted.

A. Government Code Section •1126 now provides in pertinent part as follows:

■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/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 her employing body, unless otherwise approved in the manner prescribed by subdivision (b).

2. An employee's outside employment, activity, or enterprise may be 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, or

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, or

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, or

d. involves the time demands as would render performance of his or her duties as a local agency officer or employee less efficient . . . ."

**SECTION 28.3. PROHIBITED OUTSIDE EMPLOYMENT OR CORPORATE AFFILIATIONS.**

A. Shasta County adopts the following rules which will govern the application of Government Code Section •1126 restrictions to employees.

B. Employees are prohibited from holding employment or participating in activities for compensation, as described in Government Code section •1126 and which have the characteristics or potential impacts described in subsection D.

C. Employees are prohibited from being members, officers or directors of corporations, including non-profit corporations (hereafter referred to as "corporate affiliation"), if doing so would have the characteristics or potential impacts described in subsection D.

D. The outside employment or corporate affiliation is prohibited if it:

1. Results in repeated phone calls to or from the employee's work locations.
2. Results in persons making repeated visits to the employee's work locations.
3. Requires the use of time off from work without adequate notice or at times that interfere with the employee's County responsibilities.
4. Involves activities that are directly or indirectly subject to the review or approval of a County department under which the employee is employed.
5. Depends upon the availability of County information which would not be available to the general public.
6. Improperly represents that the outside employment, activity or enterprise for which compensation is received is provided as a county service or is endorsed by the County, when it is not.
7. Involves the use of any County property, vehicles, tools, or equipment, whether directly or incidentally.
8. Involves activities rendered to County clients in the county employee's department for private compensation which are expected to be rendered in the regular course of the duties of the County employee.
9. Interferes with the satisfactory performance of duties.
10. Involves any other activities which conflict with the employee's performance of County duties for which he or she was hired or is detrimental to County service.
11. Involves the representation to any individual, company, or firm with which the County does business that the employee can or will use his or her position with the

County to further the interests or goals of that individual, company, or firm for compensation or gifts received from that individual, company, or firm.

E. Any County employee who is a member, officer, or director of a corporation, including a non-profit corporation, shall recuse himself or herself from any involvement in establishing or influencing any contractual relationship between the County and the corporation, on behalf of either the County or the corporation, including making or influencing decisions regarding whether to enter into such contractual relationship, or involvement in procurement, contract drafting or negotiation, or monitoring of the contractor's performance, unless statutorily authorized to do so.

F. All County employees who are also subject to professional codes of ethics shall adhere to such professional ethics in any of their dealings with outside employment. Any violation of such professional ethics may result in the prohibition of the outside employment.

G. After consultation and approval by the Personnel Director, or his/her designee, any department may adopt additional policies, which shall be incorporated into departmental policies.

SECTION 28.4. NOTICE REQUIREMENTS. Employees contemplating or currently engaging in any outside employment or who change outside employment, or who are or are contemplating becoming a member, officer, or director of a corporation, shall provide their Department Head, or his/her designee, with written notification of all regular outside employment, all occasional outside employment, including self-employment, and all corporate affiliation. An outside employment statement must contain the following (See Outside Employment/Corporate Affiliation Statement form in appendix.):

A. The name and address of the employer, client/customer, or corporation, unless there is a statutory privilege making such provision of information confidential. In these circumstances, the Department Head, or his/her designee, may require additional information which is not privileged or confidential.

B. The nature of the services or products to be provided, including a copy of the job description or employment agreement.

C. The expected hours and duration of the employment or activities related to the corporation.

D. The relationship, if any of the employment to County approvals or reviews.

E. With regard to corporate affiliations, whether the corporation currently has any contracts with the County or is likely to have a contract through the employee's department in the future.

F. Any other information that will assist the department with determining the compatibility of the outside employment with County employment.

G. A certification by the employee that he or she has read this chapter and will comply with all of the rules of such policy in pursuing outside employment or corporate affiliation.

H. County employees currently engaging in outside employment, or who have a corporate affiliation, shall submit notification within 10 days of receipt of this policy. Employees

contemplating outside employment or a corporate affiliation shall submit notification prior to beginning each such employment or corporate affiliation and in no event shall notification be submitted more than five days after beginning employment or corporate affiliation.

I. Receipt and filing of the Notice does not constitute approval of such outside employment by the Department Head, or his/her designee.

J. All employees regardless of whether they intend to engage in outside employment or initiate a corporate affiliation, must sign the Outside Employment/ Corporate Affiliation Statement.

SECTION 28.5. ORDER TO CEASE OUTSIDE EMPLOYMENT OR CORPORATE AFFILIATION. A Department Head, or his/her designee, may order an employee to cease working at any outside employment or having a corporate affiliation, if the employment or affiliation is in violation of any of the provisions of this Policy. The Department Head, or his/her designee, shall notify the employee, in writing, of the order and shall provide reasons for such order. The Department Head, or his/her designee, may, for good cause, immediately demand suspension of the outside employment or corporate affiliation pending the final determination of incompatibility. (See Order to Cease Outside Employment/Corporate Affiliation form in appendix.)

SECTION 28.6. APPEAL. Employees shall have the right to appeal an order to cease outside employment or a corporate affiliation by submitting an appeal in writing to the Outside Employment/Corporate Affiliation Review Committee. The Review Committee is made up of the Personnel Director, or his/her designee, and the CEO, or his/her designee and a Department Head, or his/her designee, not involved in the matter appealed (or designee) chosen by the other two. (See Employee Appeal from Order to Cease Outside Employment/Corporate Affiliation form in appendix.)

A. The written appeal must be submitted to the Review Committee within 10 business days of the date of the employee's receipt of the order to cease outside employment or corporate affiliation. The Review Committee shall review the order, investigate the circumstances of the employee's outside employment or corporate affiliation, including meeting with the employee, as necessary, and make its decision within 30 days receipt of the written appeal.

B. In lieu of the above appeal procedure, employees shall have the right to submit a written appeal directly to the Grievance Board in accordance with the Grievance procedures contained in Chapter 9.

SECTION 28.7. DISCIPLINARY ACTION. Failure to provide written notification as required or failure to provide complete information to the best of the employee's knowledge may be cause for disciplinary action pursuant to the provisions of these Personnel Rules. Failure to comply with a written order to cease outside employment or corporate affiliation issued to the employee by his or her Department Head, or his/her designee, may be cause for disciplinary action pursuant to the provisions of these Personnel Rules.

## CHAPTER 29. VACATION DONATION POLICY

SECTION 29.1. VACATION DONATION BANK. A vacation donation bank has been established, to which regular employees are entitled to voluntarily assign accrued vacation time, either on a general basis or as a result of another employee's specifically stated need. The purpose of the bank is to provide a means by which an eligible employee may obtain authorized paid time off. In order to be eligible to access the bank, an employee must:

- A. Have a verifiable long-term illness or injury, that is serious in nature or have an immediate family member who has a medically verifiable long-term illness or injury that is serious in nature for which the employee needs to provide care. For this purpose, long-term is defined as no less than four weeks in duration. Immediate family includes father, mother, spouse, son, daughter, brother, sister, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, foster children, foster parents, registered domestic partners and children of registered domestic partners. It is the employee's responsibility to provide his or her appointing authority with an Accrued Vacation Donation Program Recipient Application, which incorporates a waiver for access to pertinent medical information, and attach to it a letter from a licensed physician certifying that the employee or the employee's family member has a long-term illness or injury of at least four weeks duration.
- B. Have exhausted all accrued vacation, sick leave (personal or family, whichever is appropriate), CTO, holiday credits, or administrative leave, resulting in the employee being in an unpaid status if on approved leave.
- C. Have the concurrence of the appointing authority to assume unpaid leave status.
- D. Receive the majority approval of the committee. A telephone poll is conducted for most requests, however a meeting of the committee (of which those in attendance will constitute a quorum for the vote) may be called if there are questions or concerns about the situation. The Vacation Donation Review Committee (VDRC) is comprised of a representative from each exclusively recognized employee organization, Payroll, and Personnel. The Committee may invite a medical professional to serve on the Committee. The Committee will only accept requests from affected employees or the heads of the departments in which affected employees work. Committee members will be held to strict standards of confidentiality regarding any medical information revealed during review of applications and will sign a confidentiality statement when assigned to the committee.
- E. Once an employee is determined eligible, he/she can only use hours in the bank beginning the first day of the first pay period following approval by the VDRC. The initial period of eligibility shall not exceed six pay periods, at which time the recipient may reapply for eligibility. Subsequent periods of eligibility shall not exceed six pay periods, at which time the recipient may reapply for eligibility. Reapplication requires completion of the same process described for application in Section 29.2 below. Under no circumstances will an employee be eligible to use hours from the bank beyond a cumulative 26 pay periods within a five year period.
- F. Requests to access the bank must be submitted to Personnel on the appropriate forms provided in the appendix. The Personnel representative will serve as the Chairperson of the VDRC. The determination by the Committee that an employee is ineligible to access the bank is final and not subject to appeal or grievance procedures. Even though the Committee's

determination is final, if the employee reapplies with additional relevant information, the Committee will consider the application. An incomplete application will not be considered by the Committee.

SECTION 29.2.        DONATION TO BANK.

A.        Employees wishing to donate accrued vacation time must complete the donation form. The donation form must be forwarded to the Department Head or his/her designee, for approval, who will forward the request form to Payroll, if approved.

B.        Donated time must be in increments of one hour, and the balance maintained in the bank will be recorded as total hours. The donors' names and the total hours donated will remain confidential. Once donated, time cannot be reclaimed by the donor.

SECTION 29.3.        ADMINISTRATION OF BANK.

A.        At no time will recipients be allowed to individually or collectively draw time from the bank in amounts greater than what is available.

B.        If two or more recipients are simultaneously accessing the bank and the bank balance is insufficient to accommodate those recipients' needs, the remaining balance will be divided equally. When additional time is subsequently donated, multiple recipients will simultaneously resume accessing the bank on an equal basis.

C.        In the event donations are made on behalf of an individual employee, if that employee qualifies under the above criteria, such time will be credited to the bank for use by that employee. If such total donations exceed the total time drawn from the bank by that recipient, the unused balance shall be retained in the bank for use by other recipients.

D.        When utilizing the bank,

1.        Recipients shall receive their regular rate of pay, as if being on paid leave status.

2.        The benefit shall not be payable until the next regularly scheduled payday provided there are sufficient hours in the bank.

3.        Employees using donation vacation time will not accrue vacation or sick leave benefits and will not accrue seniority.

4.        The County shall continue making its portion of the premium payment for Medical, Dental, or Vision insurance, including dependent premiums, according to the payroll premium schedule, for employees who receive funds from the vacation donation bank during a pay period. No County premium contribution will be made during a pay period in which the employee does not receive funds from the vacation donation bank.

5.        Employees using hours from the vacation donation bank are not eligible for service credit for such hours under the Public Employees Retirement System (CalPERS), due to CalPERS restrictions.

6.        Employees using hours from the vacation donation bank will be subject to

Social Security (FICA) and Medicare (FICA/Medicare) deductions, if applicable, and any other required payroll related deductions and taxes.

7. If applicable, this benefit shall run concurrently with the Federal Family and Medical Leave Act, and the California Family Rights Act, or other applicable benefits.

8. Recipients are required to combine payment from the vacation bank with other forms of payment from State Disability Insurance, Workers' Compensation, or any other source in such a manner not to exceed the employee's gross salary.

E. If the bank is being utilized due to the terminal illness of a member of the recipient's family, access to the bank will cease no later than five days after the death of the family member. Such time frame corresponds with bereavement leave benefits as referenced in these Personnel Rules.

**This page intentionally  
left blank for duplex  
printing purposes.**

## **CHAPTER 30. SHASTA COUNTY PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING POLICY**

### **SECTION 30.1. PURPOSE.**

- A. It is the purpose of this policy to assist Shasta County to be free from the effects of drug and alcohol abuse.
- B. It is the County's intention to maintain a safe, healthy, and productive work environment where employees can perform their duties safely and effectively for the benefit of the public, their fellow employees, and themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with the objectives and mission of the County.
- C. This policy provides guidelines for the detection and deterrence of alcohol and drug abuse for the County as a potential employer. All applicants should be aware that failure to pass the tests identified in this policy may result in the denial of employment.

### **SECTION 30.2. DEFINITIONS.** For the purposes of this policy, the following definitions shall apply:

- A. Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- B. Controlled Substance. Cocaine, amphetamines, methamphetamine, opiates, marijuana, phencyclidine (PCP), and any substance as defined in section 11007 of the Health and Safety Code as it now exists or may hereafter be amended.
- C. Drug. Any substance which, when ingested, is capable of altering an individual's mood, perception, motor skills, or judgment.
- D. Drug Test. A test of a person's blood, breath, urine, or other bodily fluid or substance for the purpose of detecting the presence of alcohol, drugs, or controlled substances.
- E. MRO. Medical Review Officer. A physician recognized by the drug testing service provider who is responsible for sample collection and testing procedure.
- F. SAMHSA. Substance Abuse and Mental Health Services Association is an agency of the U.S. Department of Health and Human Services.

### **SECTION 30.3. PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING.**

- A. All applicants for positions within the County, except those affected by the federal Department of Transportation drug testing program or the Shasta County Sheriffs Department Drug Testing Policy, who have been conditionally offered employment shall submit to a drug and alcohol test as a part of the pre-employment physical examination.
- B. All of the drug and alcohol testing protocol referenced in this Policy, and the laboratories used pursuant to this Policy, will be in compliance with the Federal Substance Abuse & Mental Health Services Administration (SAMHSA) standards, as referenced in the

U.S. Department of Transportation, Federal Highway Administration regulation 49 CFRA 40b.  
C. A positive test for a controlled substance or drug which has not been lawfully obtained and/or a positive test for alcohol may be grounds for withdrawal of the offer of employment.

D. Applicants shall be given a written notice that the physical examination will include a drug and alcohol test. The applicant will be required to sign an acknowledgment and consent form. Failure to sign this consent form will result in denial of employment.

#### SECTION 30.4. SAMPLE COLLECTION AND TESTING PROCEDURES.

A. Sample collection and drug and alcohol testing shall be conducted in accordance with the provisions of this policy by a reputable contracted provider equipped and licensed to provide such service. The collection of samples and testing under this policy shall be conducted by the contractor and comply with the following standards and procedures:

1. Tampering with a drug test sample (urine, blood, or other bodily substance) through substitution, dilution, adulteration, or some other method, constitutes a refusal to provide a sample and may be grounds for denial of employment.
2. Tampering with a positive drug test device or a willful failure to follow the instructions of the sample collector constitutes a refusal to provide a sample and may be grounds for denial of employment.
3. Refusal or failure to comply with the provisions of this policy may be grounds for denial of employment.
4. Nothing herein shall be construed to prohibit the acquisition of more than one type of sample if deemed appropriate under the particular circumstances by the Personnel Director or his/her designee.

B. Sample Collection.

1. The collection of all test samples shall be done in a medically appropriate manner designed to protect the safety and privacy of the applicant, as well as the integrity and identity of the sample in accordance with SAMHSA.
2. Applicants will be required to provide two pieces of identification, (such as Drivers License, Passport, Social Security Card, Birth Certificate Baptismal Certificate, Immigration Card, Work Visa, etc.) at least one of which must be a photo ID.
3. The collection will be conducted by the service provider at a location to be determined by the service provider. The service provider will assure that the designated collection site has all the necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of samples to the testing laboratory.
4. No unauthorized personnel shall be permitted in any part of the designated collection site when samples are collected or stored.
5. If an applicant fails to arrive at the assigned time, the collection site person

shall report the failure to arrive to the Personnel Director, or his/her designee.

6. If an applicant provides a sample determined to be diluted, a second sample shall be obtained as soon as possible. Applicants providing a second diluted sample will be denied employment. All samples suspected of being diluted shall be retained and tested.

7. Applicants providing a sample found to be outside standard temperature range will be required to provide a second sample for testing as soon as possible. The first sample will be retained.

8. An applicant who has a test deemed to be substituted, adulterated, or positive may reapply in one calendar year.

D. Testing Procedures.

1. Substances to be tested and test standards are as follows:

Initial Test Cutoff Concentration

	(nanograms/milliliter)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2000
Phencyclidine	25
Amphetamines	1000
Ethanol	20

Confirmatory Test Cutoff Concentration

	(nanograms/milliliter)
Marijuana metabolite (1)	15
Cocaine metabolite (2)	150
Opiates:	
Morphine	2000
Codeine	2000
6-Acetylmorphine (4)	10
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine (3)	500
Ethanol	20

Footnotes:

(1) Delta-9-tetrahydrocannabinol-9-carboxylic acid

(2) Benzoylcegonine

(3) Specimen must also contain amphetamine at a concentration greater than or equal to 200 nanograms/milliliter

(4) Test for 6-AM when morphine concentration exceeds 2000 nanograms/milliliter

4. In the event the test is positive, the MRO will review applicant's medical history, and review any other relevant biological factors.

5. The MRO will review medical information supplied by the applicant when a positive test could have resulted from legally prescribed medication. The MRO will have the discretion to accept evidence in any manner the MRO deems most efficient or necessary. Evidence to justify a positive result may include, but is not limited to, a valid prescription or a verification of a valid prescription from the applicant's physician. The onus is on the applicant to provide the MRO with proof of such information.

6. If the MRO determines there is no justification for a positive result, such result will then be considered a verified positive result. The contractor will then immediately report the positive result to the Personnel Director or his/her designee, by telephone and follow up with written confirmation or confirmation via fax or email.

7. The applicant may appeal the results of the pre-employment drug test to the Personnel Director, or his/her designee, who, at his/her discretion, may allow one further testing procedure to be conducted.

SECTION 30.5. CONFIDENTIALITY. Laboratory reports and/or test results shall be filed and housed by the service provider and remain confidential.

## CHAPTER 31. ALCOHOL-FREE AND DRUG-FREE WORKPLACE POLICY

SECTION 31.1. POLICY. The County of Shasta recognizes that the use of drugs or alcohol in the workplace can create health and safety problems for employees and the public they serve. Therefore, it is the County's policy that:

A. Alcohol intoxication or the unlawful manufacture, unlawful distribution, unlawful dispensing, unlawful possession or unlawful use of any controlled substance is prohibited in the workplace, while on duty, on standby for duty or while in uniform.

B. Each County employee will be notified that as a condition of employment the employee is required to:

1. Abide by this policy; and
2. Notify the County of any criminal drug or alcohol statute conviction (including a plea of nolo contendere) for a violation that occurred in the workplace, while on duty or on standby for duty or while in uniform, no later than five days after such conviction.
3. The County will take one or both of the following actions within 30 days of receiving notice of an employee being alcohol- or drug-impaired on the job or of the employee's conviction of an alcohol- or drug-related offense described in Paragraph B.2.:
  - a. Require the employee to participate in an alcohol or drug abuse rehabilitation program approved by a federal, state, or local health or law enforcement agency;
  - b. Take appropriate personnel action against the employee consistent with these Personnel Rules and relevant MOU.
4. The focus of this policy is substance abuse prevention through educating employees about the dangers of alcohol and drug abuse, and encouraging rehabilitation of those employees who have such problems. However, this policy does not preclude taking disciplinary action when appropriate. The decision whether to take disciplinary action will be made on a case-by-case basis.
5. The County shall conduct drug/alcohol abuse awareness programs that inform employees about the dangers of drug and alcohol abuse in the workplace, the availability of drug and alcohol counseling and rehabilitation programs, the County's policy of maintaining a drug-free and alcohol-free workplace, and the penalties that may be imposed upon employees for alcohol or drug violations.
6. The County, through its drug/alcohol abuse awareness program and/or Employee Assistance Program (EAP), shall provide referral to substance abuse counseling services or educational services as appropriate.
7. A County employee shall be subject to drug and alcohol testing during working hours upon the appointing authority's or the appointing authority's designee's

determination that there is reasonable suspicion that the employee is currently impaired due to the use of drugs or alcohol. The conditions of and procedures for testing are described in Section 31.2.

8. "Reasonable suspicion" is a belief based on objective facts and reasonable inferences drawn from those facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or the employee's ability to perform the job safely is reduced. Any of the following, alone or in combination, may give rise to reasonable suspicion that the employee is currently under the influence of alcohol or a drug and is impaired:

- a. Slurred or excessively rapid speech;
- b. Alcohol odor on breath or clothing;
- c. Unsteady standing, walking or movement;
- d. Pupils dilated or constricted or difficulty focusing eyes;
- e. An accident involving County property or equipment;
- f. A physical altercation;
- g. A verbal altercation; provided, however, such altercation shall not, by itself, be considered a basis for reasonable suspicion;
- h. A pattern of unusual behavior, such as hyperactivity, mood swings, hostility, absentmindedness, lethargy or withdrawal;
- i. Ingestion of alcohol or an illegal drug while on County premises or while on duty;
- j. Possession of alcohol, an open container, illegal drugs or drug paraphernalia;
- k. Substandard work performance, including increased errors or absenteeism, a decrease in quantity or quality of work performed, or deterioration of work relationships; provided, however, that substandard work performance shall not, by itself, be considered a basis for reasonable suspicion;
- l. Information obtained from a reliable person with direct personal knowledge.

9. The County shall abide by the requirements of the Drug-Free Workplace Act of 1988 (PL. 100-690).

10. This policy shall be applied without bias or prejudice.

11. Each County employee will receive a copy of this policy.

SECTION 31.2. TESTING.

A. Whenever an appointing authority or designee determines that reasonable suspicion, as defined in policy in Section 31.1.B., exists to believe that an employee is currently impaired by a drug or alcohol in violation of the County's Alcohol-Free and Drug-Free Workplace Policy, or any other law, ordinance, resolution or policy, the appointing authority or designee may, with the prior concurrence of the Personnel Director, or his/her designee, and County Counsel or their designees, require the employee to immediately submit to a urine test or, if the designated laboratory can take blood tests, at the employee's option, a blood test. The urine or blood sample will be analyzed at a laboratory with which the County contracts for drug and/or alcohol testing, or if such laboratory is not available, any other reputable laboratory equipped and licensed to provide such services.

1. A urine or blood sample shall be given by the employee at the designated laboratory or a County facility. The blood or urine samples will be split, sealed and labeled in the employee's presence. One of the samples will be screened using the Immuno-assay technique. If a positive finding is made, that sample will be analyzed using LC/MS/MS chromatography. The other sample will be secured by the laboratory so that the employee may obtain an independent analysis if he/she so chooses.

- a. If the initial test result is negative, the laboratory report, test result and test memorandum shall be destroyed unless the employee makes a written request that the material be placed in a confidential file. Laboratory reports, test results, and the test memorandum shall not appear in the employee's regular personnel file unless disciplinary action is imposed; information of this nature will otherwise be contained in a separate confidential medical folder and securely kept under the control of the Personnel Director, or his/her designee. Such information shall not be divulged to any third party or agency without the express written consent of the employee. However, such information may be disclosed to an arbitrator or the Board of Employee Appeals or any other hearing officer in the course of disciplinary proceedings. Reports of test results may be disclosed to Shasta County management strictly on a need-to-know basis.

- b. A copy of the test results and any laboratory report shall be given to the tested employee. The initial test and the County's confirming test shall be conducted at County expense.

2. Within two County business days of receiving a copy of the test results, the employee may submit to the appointing authority or designee a written explanation which may be accompanied by copies of prescriptions, counselor's reports or other documentation concerning the employee's test results.

3. The appointing authority or designee shall arrange for the employee's transportation to and from the laboratory or County facility for the test. The appointing

authority or his/her designee shall also arrange for transporting the employee home after the test should the employee appear incapable of safely or competently completing his/her shift.

4. An employee's refusal to submit to a drug/alcohol test may be considered a willful violation of a reasonable order by a superior officer and may be a ground for disciplinary action.

5. An employee's voluntary inquiries concerning or participation in a drug or alcohol rehabilitation program shall be considered confidential.

B. Whenever reasonably feasible, prior to requiring the employee to submit to testing, the appointing authority or designee shall give the employee the opportunity to be seen by a peace officer trained in the recognition of drug and alcohol abuse to confirm that reasonable suspicion exists. The employee may, at his/her option, waive the right to be seen by the peace officer.

C. As soon as practicable, but no later than the end of the County's next working day, the appointing authority or his/her designee involved in the case shall prepare a memorandum which states the facts which gave rise to reasonable suspicion. The memorandum shall be reviewed and signed by the Personnel Director or his/her designee, and County Counsel or their designees. The memorandum need not be prepared prior to the employee submitting to testing, shall be completed prior to the County considering the results of testing performed under this policy. A copy of the memorandum shall be given to the employee.

D. For purposes of the testing of Sheriff's Office sworn or safety sensitive personnel, refer to the Sheriff's Office Alcohol Free and Drug Free Workplace Policy. For purposes of the testing of any other employee, "designee" shall include only management employees.

### SECTION 31.3. SAMPLE COLLECTION AND TESTING PROCEDURES.

A. Sample collection and drug and alcohol testing shall be conducted in accordance with the provisions of this policy by a reputable contracted provider equipped and licensed to provide such. The collection of samples and testing under this policy shall be conducted by the contractor and comply with the following standards and procedures:

B. Sample Collection.

1. The collection of all test samples shall be done in a medically appropriate manner designed to protect the safety and privacy of the applicant, as well as the integrity and identity of the sample in accordance with SAMHSA (Substance Abuse and Mental Health Services Administration).

2. The collection will be conducted by the vendor at a location to be determined by the vendor. The vendor will assure that the designated collection site has all the necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of samples to the testing laboratory.

3. No unauthorized personnel shall be permitted in any part of the designated collection site when samples are collected or stored.

4. The Personnel Director, or his/her designee, or designee shall review and concur in advance with any decision by a collection site person to obtain a urine sample under the direct observation of a same gender collection site person based on a reason to believe that the employee may tamper with the sample to be provided and/or the collection equipment.

C. Testing Procedures.

1. Initial and confirmation drug testing shall be completed in accordance with SAMHSA standards.

2. Substances to be tested and test standards (as currently published by SAMHSA) are as follows:

Initial Test Cutoff Concentration

	(nanograms/milliliter)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2000
Phencyclidine	25
Amphetamines	1000
Ethanol	20

Confirmatory Test Cutoff Concentration

	(nanograms/milliliter)
Marijuana metabolite (1)	15
Cocaine metabolite (2)	150
Opiates:	
Morphine	2000
Codeine	2000
6-Acetylmorphine (4)	10
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine (3)	500
Ethanol	20

Footnotes:

(1) Delta-9-tetrahydrocannabinol-9-carboxylic acid

(2) Benzoyllecgonine

(3) Specimen must also contain amphetamine at a concentration greater than or equal to 200 nanograms/milliliter

(4) Test for 6-AM when morphine concentration exceeds 2000 nanograms/milliliter

If and when SAMHSA standards change, the standards as set forth in this policy will change to coincide with those set forth by SAMHSA.

1. Testing may be conducted for other drugs or controlled substances (e.g. LSD, etc.) when there is reasonable suspicion to believe that an employee has used other substances. Such additional testing must be approved by the Personnel Director, or his/her designee.

2. If the test is positive, the laboratory will notify the MRO (Medical Review Officer - a physician responsible for reviewing positive drug and/or alcohol from testing performed by the laboratory) and the MRO will review applicant's medical history, and review any other relevant biological factors. If there is not a current MRO in place, the Personnel Director, or his/her designee, may seek review from another qualified person or entity.

3. The MRO will review medical information supplied by the applicant when a positive test could have resulted from legally prescribed medication. The MRO will have the discretion to accept evidence in any manner the MRO deems most efficient or necessary. Evidence to justify a positive result may include, but is not limited to, a valid prescription or a verification of a valid prescription from the applicant's physician. The burden is on the employee to provide the MRO with proof of such information.

4. If the MRO determines there is no justification (reference #5 above) for a positive result, such result will then be considered a verified positive result. The contractor will then immediately report the positive result to the Personnel Director or his/her designee, by telephone and follow up with written confirmation.

## CHAPTER 32. DRUG AND ALCOHOL TESTING POLICY FOR POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE

### SECTION 32.1. POLICY STATEMENT.

A. The County of Shasta is committed to providing a safe and alcohol- and drug-free work environment. This commitment is placed in jeopardy when any employee participates in the illegal use of drugs or the abuse of alcohol. Employees who abuse drugs/alcohol, on or off duty, tend to be less productive, less reliable, and prove to have greater absenteeism, accidents, and injury to themselves and others, resulting in the potential for increased loss, delay, risk, and liability.

B. The County of Shasta complies with the requirements of the Drug-Free Workplace Act of 1988 for all County employees. This policy implements the requirements of the United States Omnibus Transportation Employee Testing Act of 1991, which mandates drug and alcohol testing of all employees required to possess a commercial driver's license. These employees may be referred to as "safety sensitive" within this chapter. Employees covered by this policy include those individuals who are required to possess a commercial driver's license (Class A or Class B) and drive one of the following commercial motor vehicles, or Class C with endorsements (if applicable):

1. A vehicle with a gross combination of at least 26,001 pounds of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. A vehicle with a gross weight of at least 26,001 pounds;
3. A vehicle designed to transport more than 16 passengers per California Motor Vehicle handbook, including the driver;
4. A vehicle of any size transporting hazardous materials as defined in the Hazardous Materials Transportation Act.

C. Employees required to possess a commercial driver's license will be subject to drug and alcohol testing as follows:

1. Random testing;
2. Drug testing only for pre-employment/transfer into such a position;
3. Reasonable suspicion that the employee is impaired by the use of drugs or alcohol;
4. Post accident;
5. Upon return to duty after a violation of the rules on drugs and alcohol; or
6. Follow-up testing after it has been determined the employee has committed an act prohibited by the regulations.

D. This policy prohibits covered employees reporting to work under the influence of alcohol or a controlled substance. Employees who have prohibited amounts of alcohol or controlled substances (unless used pursuant to the instructions of a physician who has advised the employee that the substance will not affect the employee's ability to drive) in their system when they report to work or during working hours are subject to this policy, regardless of when or where the substance entered the employee's system (this includes during off-duty hours).

E. Although the purchase and consumption of alcohol is legal, reporting to work within four hours of consuming alcoholic beverage or reporting to work under the influence on County premises or at a work site is in direct violation of this policy.

F. Use of prescribed drugs is not in direct violation of the County's policy as long as the employee's physician has advised that the prescribed drug will not impair the employee's ability to drive; however, inappropriate use or prescribed use which may cause significant impairment, thus creating a safety hazard on the job, is in direct violation of the County's policy. To help maintain a safe work place, the County may contact the employee's physician to verify if the employee's prescribed drug is acceptable in a safety sensitive position.

G. If a drug or alcohol test shows the employee is under the influence, the employee may be disciplined or terminated from employment. The employee may also be eligible for treatment or rehabilitation.

H. Both supervisors and employees will be provided with information on drug and alcohol use and treatment resources available. Supervisors will be required to attend training on signs and symptoms of drug and alcohol abuse.

#### SECTION 32.2. DEFINITIONS.

A. Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

B. Controlled Substance. Cocaine, amphetamines, opiates, marijuana, phencyclidine (PCP). Use, sale, distribution, and/or manufacture of these substances is against the law and a direct violation of this policy.

C. Drug. Any controlled or illegal substance (subject to regulation by the state or federal government) capable of altering the mood, perception, or judgment of the consuming individual.

D. Medical Review Officer (MRO). A licensed physician certified to review and interpret all drug tests before they are reported to the employer.

E. Panel 5 Drug Test. Evaluates the presence of five categories of drugs established by the federal government which fall under the definition of "controlled substances."

F. Pre-Employment Test. Conducted after a conditional offer to hire but before actually performing safety-sensitive functions for the first time. This includes when employees transfer, promote, demote, or reassign to a safety sensitive position, and when an employee returns back from a medical or other leave over 30 days.

G. Premises. Buildings, property, work areas, vehicles, parking lots, and attached ways-and-means the employee happens to be during the course and scope of County employment during regular working hours or pay status.

H. Prescription Drugs. Any drug or medication prescribed by a licensed physician for a medical condition. Use of prescribed drugs are not in direct violation of the County's policy as long as the employee's physician has advised that the prescribed drug will not impair their ability to drive; however, inappropriate use or prescribed use which may cause significant impairment, thus creating a safety hazard on the job, is in direct violation of the County's policy.

I. Random Selection. An unannounced selection of covered employees. All covered employees remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.

J. Reasonable Suspicion. A belief based on specific, contemporaneous, or articulable observations concerning the appearance, behavior, speech, and/or body odors of the employee and reasonable inferences drawn from those facts related specifically to job performance, or a threat to themselves or to the safety of others.

K. Refusal. Refusal to submit to testing means:

1. A refusal to provide a urine sample for a drug test;
2. An inability to provide a urine sample without a valid medical explanation;
3. A refusal to complete and sign the breath alcohol testing form or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
4. An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
5. Tampering with or attempting to adulterate the urine specimen or collection procedure;
6. Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
7. Leaving the scene of an accident without a valid reason as to why approval to leave was not obtained from a supervisor or manager who was authorized to make a determination whether to send the employee for a post-accident drug and/or alcohol test.
8. Consuming alcohol during the eight hours immediately following an accident, unless the employee has been informed that his/her actions have been discounted as a contributing factor, or if the employee has been tested.

L. Safety-Sensitive Personnel: Employees who hold a commercial driver's license and who may operate a vehicle covered under the Act on a full-time, part-time, or intermittent

basis.

M. Substance Abuse Professional (SAP): A licensed physician, licensed or certified psychologist, social worker, employee assistance professional, or an alcohol and drug abuse counselor certified by the National Association of Alcohol and Drug Abuse Counselors (NAADAC) Certification Commission. All persons listed in the definition must have specific knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders to qualify.

N. Under the Influence: Having a controlled or illegal substance(s) in one's system and having a verified positive test result; or being impaired physically and/or mentally as a result of drug, alcohol, and/or prescription drug ingestion.

SECTION 32.3. DRUGS FOR WHICH TESTS WILL BE CONDUCTED.

A. When drug screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the following drugs. A Panel 5 drug screen will be used for all testing. The urine sample will be split into two bottles, a "primary" sample and a "split" sample. If the primary sample yields a positive result, the employee has 72 hours to have the "split" sample tested by a different laboratory of at least equal professionally licensed and credentialed status. The results must be interpreted by a physician before being reported to the County.

<u>Screening</u>	<u>Confirmation Cutoff</u>	<u>Cutoff</u>
Cannabinoids as Carboxy-(THC)	50 ng/ml	15 ng/ml
Cocaine Metabolites as Benzoyllecgonine	300 ng/ml	150 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Opiates (codeine/morphine)	2000 ng/ml	2000 ng/ml
Amphetamines (amphetamine/methamphetamine)	1000ng/ml	500 ng/ml

B. The threshold levels used to determine when a 5-panel drug screen is positive ("screening cutoff" and "confirmation cutoff") are shown above and have been established as levels above which a person is considered under the influence. The procedures are immunoassay (EMIT) screens with gas chromatography/mass spectrometry (GC/MS) confirmation, the industry standard of the Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratories (formerly NIDA).

SECTION 32.4. ALCOHOL TESTING.

A. The rules require breath testing using Evidential Breath-Testing devices (EBT) approved by the National Highway Traffic Safety Administration (NHTSA).

B. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test.

C. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The employee and the individual conducting the breath test, a Breath Alcohol Technician (BAT), will complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test result determines any actions taken.

SECTION 32.5. PROHIBITED ACTS.

A. Any of the following conditions constitutes a violation of this policy and will result in the driver being moved from performing safety-sensitive duties immediately for up to 24 hours.

1. Having an alcohol concentration greater than 0.04 as indicated by an alcohol breath test.
2. Testing positive for the presence of drugs from a Panel 5 or Panel 10 drug screen.
3. Refusing to submit to an alcohol or drug test as required by this policy (which may also result in administrative or disciplinary action, up to and including termination).

B. In addition to the above conditions, California Department of Motor Vehicles and U.S. Department of Transportation regulations prohibit a commercial driver from possessing or consuming alcohol while on the job or consuming alcohol within four hours before going on duty.

C. The driver will not be permitted to return to duty until he/she has been assessed and cleared by either the Medical Review Officer or the Substance Abuse Professional and have tested negative for drugs or alcohol in a return-to-duty screen.

D. An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from his/her safety-sensitive position for at least eight hours. The County will then retest the employee. Before the employee may be returned to a safety sensitive position, the employee's alcohol concentration must indicate a concentration below 0.02. The employee may be subject to discipline up to and including termination.

SECTION 32.6. PRE-EMPLOYMENT/TRANSFER TESTING.

A. All pre-employment health screens will include a urine drug screen. The urinalysis will screen for cannabinoids, cocaine, phencyclidine, opiates, and amphetamines.

B. All job announcements for covered positions shall specify that drug screening shall be part of the physical examination.

C. Only applicants who have been given a job offer conditioned upon passing a medical examination shall be given a drug screening test.

D. As a prerequisite to employment, applicants must sign a consent form and submit to preemployment controlled substance testing. Any applicants who do not consent to such

testing will not be considered for employment.

E. If the test results are positive, the County will inform the individual that he/she has not passed the pre-employment physical and will not be hired.

F. No prospective employee may begin work prior to employee health approval.

G. Testing is also required when employees transfer, promote, demote, return from a medical or other leave over 30 days, or reassign from an uncovered to a safety-sensitive position.

#### SECTION 32.7. RANDOM TESTING.

A. All covered employees are subject to random selection for the purpose of alcohol and drug testing of controlled substances as follows:

1. The number of random drug tests conducted annually shall equal or exceed 50 percent of the average number of employees for which testing is required.

2. Random alcohol tests shall equal or exceed 25 percent of employees.

3. The County shall use a random selection process to select and request an employee to be tested for use of alcohol or controlled substances.

4. An employee shall submit to alcohol or controlled substance testing when selected by a random selection process used by the County.

B. To assure that the process is in fact random, all covered employees, whether or not they have been chosen for testing in the past, will remain in the pool of employees for each subsequent period. This procedure assures that the probability of any individual being selected each period is always the same, whether or not the individual was selected in a previous period.

C. Covered employees shall be assigned numbers. Under a computerized system, a random-number generating program is loaded into a computer along with the names or identification numbers for the covered parties. The computer then generates a list of employees to be tested during the current testing period.

D. The selection process is repeated until the required number of employees are selected. Once the list of test subjects is generated, employees shall not be informed that they have been selected until they must report for testing. Advance notice of testing shall not be given. As in all types of tests, accurate records of the details of testing must be kept and confidentially maintained at all times.

#### SECTION 32.8. REASONABLE-SUSPICION TESTING.

The following is an excerpt from the Federal Motor Carrier Safety Administration (FMCSA), Regulation 382.307, as of 1/2008. The County complies with this regulation, which may be updated from time to time by FMCSA.

“(a) An employer shall require a driver to submit to an alcohol test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of subpart B of this part concerning alcohol. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

(b) An employer shall require a driver to submit to a controlled substances test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of subpart B of this part concerning controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

(c) The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or company official who is trained in accordance with §382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

(d) Alcohol testing is authorized by this section only if the observations required by paragraph (a) of this section are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this part. A driver may be directed by the employer to only undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(e)(1) If an alcohol test required by this section is not administered within two hours following the determination under paragraph (a) of this section, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination under paragraph (a) of this section, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

(e)(2) Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until:

(e)(2)(i) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

(e)(2)(ii) Twenty four hours have elapsed following the determination under paragraph (a) of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.

(e)(3) Except as provided in paragraph (e)(2) of this section, no employer shall take any action under this part against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit an employer with independent authority of this part from taking any action otherwise consistent with law.

(f) A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.”

#### SECTION 32.9. POST-ACCIDENT TESTING.

A. An employee involved in an accident while operating equipment which requires a commercial driver's license shall contact a supervisor or manager as soon as practical. Employees involved in an accident shall be subject to post-accident testing if:

1. The accident results in a fatality;
2. A citation for a moving violation is issued;
3. The law enforcement official at the scene indicates there is reason to believe the driver may have been under the influence of alcohol or drugs;
4. Bodily injury with immediate medical treatment away from scene; or
5. Disabling damage to any motor vehicle requiring tow away.

B. As soon as practicable after an accident, alcohol and drug tests shall be administered to every surviving employee who receives a citation for the operation of the commercial motor vehicle or whose operation of the vehicle cannot be ruled out by the supervisor as a contributing factor.

C. The following criteria will be applied in conducting a drug/alcohol test due to accidents’.

1. A test for alcohol shall be administered as soon as possible. If it is not within two hours, the supervisor must prepare and maintain records stating why. If eight hours have passed, no test may be given. Again, the supervisor must record why the test was not administered.
2. If a drug test is not administered within 32 hours following the accident, the test may not be administered, and the supervisor shall document the reasons.
3. Following an accident, the employee shall remain available for such testing or may be deemed to have refused to submit to testing. This rule does not require the delay of necessary medical attention for injured people following an accident nor prohibit the employee from leaving the scene to obtain assistance or necessary emergency medical care.

4. An employee subject to post-accident testing may not use alcohol within eight hours following the accident or before an alcohol test, whichever comes first.

5. If a test is required per Section 1 or 2 above, an employee must be available at any time when called to test or it is considered a positive test result, and must go to an after-hour location regardless of distance, if necessary.

SECTION 32.10. RETURN TO DUTY. A covered employee who has committed any act prohibited by this policy will be referred to a Substance Abuse Professional (SAP) for assessment. The SAP may require, as a condition of return to duty, that the employee successfully complete a rehabilitation program. A covered employee who has violated this policy shall submit to a return-to-duty test and test negative for drugs or indicate an alcohol concentration of less than 0.02.

SECTION 32.11. SPLIT-TEST RESULTS. If, as a result of the primary sample testing positive, the employee exercises the option to have the split sample tested by another laboratory of at least equal professionally licensed and credentialed status, and the results are negative as to the presence of prohibited substances in the split sample, the employee shall immediately present such results to the Personnel Director, or his/her designee, for consideration in any action taken against the employee as a result of the primary sample results.

SECTION 32.12. FOLLOW-UP TESTING.

A. All employees identified as violators will be subject to follow-up testing upon returning to duty. They will be subject to a minimum of six unannounced tests over the following 12 months. The SAP can direct additional testing during this period or for an additional period up to a maximum of 60 months from the date the employee returns to duty. The SAP can terminate the requirement for the follow-up testing in excess of the minimum at any time if the SAP determines the testing is no longer necessary and is supported by the Department Head, or his/her designee.

B. Follow-up testing may include tests for other substances beyond the employee's initial positive test of alcohol and/or drug when the SAP has reason to suspect drug or alcohol use during the follow-up period.

SECTION 32.13. CONSENT. Before a drug and/or alcohol test is administered, employees and job applicants will be required to sign a consent form authorizing the test and permitting release of test results to those County representatives with a need to know. The consent form shall provide a space for employees and applicants to acknowledge that they have been notified of the Shasta County drug/alcohol testing policy.

SECTION 32.14. REFUSAL TO CONSENT.

A. A job applicant who refuses to consent to a drug/alcohol test will be denied employment with the County.

B. An employee's failure to submit to drug/alcohol testing required by the County for any reason may result in administrative disciplinary action, up to and including termination.

C. Any supervisor or manager encountering an employee who refuses an order to submit to a drug and/or alcohol screening shall remind the employee of the policy requirements and disciplinary consequences of such action.

D. An employee who has difficulty in providing sufficient urine for a test specimen is required to stay at the collection site for three hours. Employees will be encouraged to drink up to 40 ounces of water during the waiting period. Failure to supply enough urine will be cause for referral for medical review and possible determination of a "refusal to test."

SECTION 32.15. CONFIDENTIALITY.

A. Confidentiality is an essential element of this policy. The results of any testing done pursuant to this policy shall be used for employment purposes only and shall not be released for use in the criminal justice system.

B. All records pertaining to drug and alcohol testing of an employee shall be contained in a separate confidential medical file which will be securely kept under the control of the Personnel Director, or his/her designee, separate from the employee's other personnel records.

C. Absent the employee's consent, test results may only be disclosed to the employee's Department Head, or his/her designee, County Counsel, the Personnel Director, or his/her designee, or others as appropriate on a strictly need-to-know basis. At the appropriate time, the employee will be advised of the results of a positive test.

D. The County may disclose test results only when:

1. The information is compelled by law or by judicial or administrative process;
2. The information has been placed at issue by the employee in a formal dispute between the employee and the County;
3. The information is necessary to administer workers' compensation or other employee benefit plans;
4. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure; or
5. The employee provides written consent to disclosure.

E. Any positive test results which are later determined to be invalid shall be removed from the employee's file and not used for any purpose.

SECTION 32.16. RECORD KEEPING. The following records will be maintained under the control of the Personnel Director, or his/her designee:

Results of an employee's alcohol test which indicate an alcohol concentration level of 0.02 or higher; results of an employee's controlled substance test which are positive; documentation of any employee who refused to submit to a required alcohol or drug test; calibration documentation; employee assessments; and referrals by substance abuse professionals.  
Retention period: Five years.

## CHAPTER 33. VEHICLE OPERATIONS POLICY

SECTION 33.1. PURPOSE. Vehicle accidents pose a significant threat to public and personal safety. They also constitute a significant liability risk to the County. The safe, responsible, and efficient use of vehicles is vital to the operation of County government. In recognition of these considerations, this policy has been developed listing the requirements and procedures for the responsible operation of County-owned, privately-owned, and rental vehicles by County employees and non-employees during the conduct of County business.

### SECTION 33.2. DEFINITIONS.

- A. Accident: A sudden and unexpected event resulting in damage to a vehicle or injury to another, including employees.
- B. Authorized Volunteer: Any volunteer providing service to Shasta County who has been registered with Risk Management and been authorized by the Department Head, or his/her designee, to volunteer to drive a County Vehicle, Rental Vehicle, or a private vehicle on County business. Only volunteers who are registered with Risk Management may drive on County business.
- C. County Vehicle: All vehicles, no matter the funding source utilized to procure the vehicle, for which the County, and its dependent special districts (i.e., County Service Areas-CSA's), holds the vehicle title.
- D. DMV: California Department of Motor Vehicles.
- E. Moving Violation: Any violation of the Vehicle Code occurring while the vehicle is in motion, including but not limited to speeding, driving on the shoulder of the road, improper turning, failure to stop at a stop signal, etc.
- F. Ordinary Wear and Tear: The normal deterioration of a vehicle and its equipment caused by ordinary, reasonable, and proper use of the vehicle over its normal life.
- G. Private vehicle or Privately-owned vehicle: Any vehicle that does not meet the definition of a County Vehicle or Rental Vehicle.
- H. Rental Vehicle: Any vehicle rented through a County authorized agency as approved by the Department Head or his/her designee, (See Administrative Policy 8-103, Paragraph B14).

### SECTION 33.3. POLICY.

- A. County Vehicles and Rental Vehicles shall only be used for official County business. (Official County business may include incidental personal travel within the route of County business if approved by Department Head or his/her designee.) County Vehicles, Rental Vehicles, and privately-owned vehicles being operated for County business shall be operated in accordance with the California Vehicle Code.
- B. In order to be authorized to operate a County Vehicle, Rental Vehicle, or privately-

owned vehicle on County business, the driver, whether a County employee or an authorized volunteer, must possess a valid California Driver's License and meet the driver criteria outlined in Section 33.6 of the Personnel Rules.

SECTION 33.4. APPLICANT QUALIFICATIONS. Either prior to or after being selected by Shasta County for a position which involves the operation of a vehicle on County business, an applicant shall be subject to a Motor Vehicle Record (MVR) review. Such a review will be undertaken to determine if the individual's driving record meets the driving qualifications of this policy as specified below. Applicants or probationary employees who are required to operate a vehicle on County business who do not meet the requirements of this policy may be disqualified for a position requiring the operation of a vehicle on County business.

SECTION 33.5. COUNTY EMPLOYEE & VOLUNTEER DRIVER QUALIFICATIONS.

A. County employees and authorized volunteers who operate vehicles on County business shall maintain a driver record without major traffic violations or accidents pursuant to the criteria listed in Section 33.6. of this policy.

B. The driving record of all County employees and authorized volunteers who operate County Vehicles, rental vehicles, or private vehicles on County business will be reviewed at least annually through the DMV Pull Program as further described in Section 33.13 of this Policy.

C. When the MVR received from the DMV indicates an employee or authorized volunteer is approaching noncompliance with this policy, the department for whom the employee or authorized volunteer provides services may be notified to inform the employee or authorized volunteer of the actions which could be taken if the employee or authorized volunteer fails to meet the standards contained in this Policy.

D. County employees and authorized volunteers who operate vehicles on County business, whose driving records do not meet the qualifications specified in this policy, may be subject to review by the Department of Support Services and representatives from the department for whom the employees or volunteers are providing services to determine fitness to continue to drive a vehicle on County business. Nothing in this chapter shall limit a Department Head, or his/her designee's ability to take disciplinary action or other action as appropriate.

E. Nothing in this chapter shall limit the applicability of other County rules. Any regular County employee subject to any disciplinary action resulting from decisions made pursuant to this chapter shall be entitled to all applicable due process rights afforded under these Personnel Rules or applicable MOU.

SECTION 33.6. DRIVING RECORD CRITERIA.

A. Convictions Related to the Operation of a Vehicle

1. No convictions shall be allowed in the previous consecutive thirty-six (36) months for:

- a. Driving while intoxicated or under the influence of drugs;
- b. Failure to stop and report when involved in an accident (hit and run);
- c. Manslaughter, homicide, or assault arising out of the operation of a motor vehicle;
- d. Any conviction resulting in suspension or revocation of an operator's license; or
- e. Reckless driving, evading an officer, engaging in a speed contest on a public street, or driving a motor vehicle at an excessive rate of speed where injury to persons or damage to property results from that excessive speed.

2. No more than two convictions shall be allowed in any consecutive twelve (12) months for any other moving traffic violation (excluding equipment violations).

**B. Accidents**

1. **Moving Violation.** Each accident involving an employee while operating any vehicle while on County business which results in damage to property, including his/her own vehicle, or bodily injury shall be considered a moving violation.

2. **Exceptions.** Accidents shall not be considered a moving violation under B.1. above if the employee can demonstrate that the accident occurred under the following circumstances:

- a. Where the employee has been convicted of a moving violation described in A.2. above;
- b. The automobile was lawfully parked;
- c. The automobile was struck by another vehicle;
  - (1) The employee was reimbursed by or on behalf of a person responsible for the accident or has a judgment against such person; or
  - (2) The DMV Pull Report shows the employee was not at fault.
- d. The operator of the other vehicle involved in such accident was convicted of a moving traffic violation;
- e. His/her automobile was damaged by a hit and run driver;
- f. The accident involved damage by contact with animals or fowl;
- g. The accident involved damage caused by flying gravel, missiles, or falling objects; or

- h. The accident occurred while a peace officer was attempting to make an arrest or capture a fleeing suspect within a written departmental policy.

SECTION 33.7. VEHICLE MAINTENANCE REQUIREMENT. Administrative Policy 8-103, Fleet Management Program, provides specific requirements and guidelines for the maintenance of the County Fleet vehicles.

SECTION 33.8. TAKE-HOME VEHICLES.

A. An employee may take home a County Vehicle or Rental Vehicle under either of the following circumstances.

1. The employee, with the advance approval of the employee's Department Head, or his/her designee, or Department Head, or his/her designee's designee, uses a County Vehicle or Rental Vehicle to commute to and/or from work on infrequent, occasional situations, which at no time exceed one day per month; or

2. The take home of a County Vehicle or Rental Vehicle meets the following requirements:

a. The County Vehicle or Rental Vehicle is provided to the employee by the employee's Department Head, or his/her designee, (or Department Head, or his/her designee's designee), with the approval of the CEO, or his/her designee, for use in connection with official County business and is used for official County business;

b. The Department Head, or his/her designee, (or Department Head, or his/her designee's) requires the employee to commute to and/or from work in a County vehicle or Rental Vehicle for bona fide County business reasons;

c. The County Vehicle or Rental Vehicle may not be used for personal purposes, other than for commuting to and/or from work or de minimus personal use (such as a stop for a personal errand on the way between a business delivery and the employee's home);

d. Except for personal de minimus use, the employee does not use the County Vehicle or Rental Vehicle for any purpose other than commuting to and/or from work.

B. The CEO, or his/her designee, shall determine after consultation with appropriate Department Head, or his/her designee, those employees that are required to take home County Vehicles or Rental Vehicles for County business purposes as described in Section 33.9(A)(2) above. Except when emergency work is required, this approval must be obtained in writing in advance from the CEO or his/her designee.

C. When an employee is required to take a County vehicle home for County business purposes as described in Section 33.9(A)(2) above, the employee may be subject to Internal Revenue Service rules concerning additional taxable compensation.

D. Additional restrictions on an employee's ability to take home County Vehicles or Rental Vehicles may be imposed at the discretion of the employee's Department Head, or his/her designee.

SECTION 33.9. PRIVATELY-OWNED VEHICLES.

A. The use of privately-owned vehicles for official County business shall be authorized when such use is determined by the Department Head, or his/her designee, to be in the best interest of the County.

B. Use of a privately-owned vehicle for official County business shall not be mandatory unless specifically stated as a condition of employment.

C. License/Insurance

1. Any employee authorized by the Department Head or his/her designee, to use a privately-owned vehicle for official County business shall have:

a. A valid California driver's license.

b. Sufficient public liability and property damage insurance which meet the requirements of the financial responsibility laws of the State of California (Vehicle Code §16000-16075).

2. Unless otherwise required by law, the cost of damage and/or wear and tear to a privately-owned vehicle used on County business is the responsibility of the employee and is considered by the County in the mileage rate paid to the employee.

3. In cases where a County peace officer or firefighter (including reserve deputies and volunteer firefighters) is requested or directed to use a privately-owned vehicle for official County business, the provisions of California Insurance Code § 557.5 shall apply. To the extent any provisions of this policy are inconsistent with California Insurance Code §557.5, the provisions of California Insurance Code §557.5 shall control.

D. Mileage Claims

1. Only those miles traveled in the performance of official County business may be claimed for reimbursement.

2. Employees who do not regularly report to a specific facility and those who occasionally report to different work locations shall claim only the mileage that is greater than their normal commute to their assigned work location.

3. Employees shall not be reimbursed mileage claims for miles driven to and from an employee's home and the assigned regular work location.

E. Private Vehicle Requirements. In order to help insure that all County business is

conducted in a safe and prudent manner a privately-owned vehicle, while being used for official County business, shall be considered an official County Vehicle and subject to the following rules:

1. Only conventional automobiles equipped with four or more wheels and steel or fiberglass doors shall be used. Motorcycles, mopeds, scooters, bicycles, or similar vehicles may not be used to conduct County business.
2. The vehicle shall be equipped with, and each occupant will be required to use, seat belts.
3. The vehicle shall be safe to operate and shall be currently maintained in sound mechanical condition adequate to provide transportation without unreasonable delay.

SECTION 33.10. RENTAL VEHICLES. If a County Vehicle is not available, a vehicle may be rented by an employee or authorized volunteer, with the approval of the employee or authorized volunteer's Department Head, or his/her designee, through a County authorized agency (See Administrative Policy 8-103, Paragraph B14).

SECTION 33.11. DEFENSIVE DRIVER TRAINING. All employees and authorized volunteers who are required to operate a vehicle for County business three (3) or more times per month are required to attend, on County time and at County expense, a defensive driving training in accordance with Administrative Policy 3-160, Defensive Driver Training. This training will be required once every three years.

SECTION 33.12. PULL PROGRAM. To help ensure the safety of employees and the public, the driving records of all employees with a Class A, B, or C license who operate a County Vehicle, Rental Vehicle, or a private vehicle on County business will be reviewed at least annually using the Employer Pull Notice Program. California Vehicle Code requires employers to register their employees who are required to maintain a Class A or B license with the DMV. A Class A or B driver's license is required when employees operate passenger vans with seating capacity of ten (10) or more passengers, including the driver, as well as heavy truck operators (employees operating vehicles with gross vehicle weight of 26,001 pounds or more).

SECTION 33.13. PASSENGERS.

A. Vehicles used in the course of County business shall be used to transport only those passengers who are on official County business or persons directly involved in County services (e.g., welfare recipients, prisoners, speakers, fellow conference members, other public agency employees who are ride-sharing, or a member of other non-profit organizations, etc.).

B. With the approval of the Department Head, or his/her designee, a spouse (or companion for travel security) may travel in a vehicle used in the course of County business with a County employee to local, regional, or state meetings only if no additional cost is incurred and no County employee is displaced from travel. Spouses may only operate a County Vehicle if they are also an authorized volunteer of the County. Nothing herein shall be construed to prohibit the carrying of any person or persons in case of an accident or other emergency.

SECTION 33.14. DRIVER'S RESPONSIBILITIES.

- A. The driver of a motor vehicle used on County business must be satisfied that the vehicle is in safe operating condition. The following items are to be checked by the driver prior to the use of any vehicle: brakes, tires, lights, fuel, horn, rear-view mirrors, steering, and windshield wipers. All mechanical defects of a County-owned vehicle shall be reported to the Fleet Management Supervisor. Mechanical defects in rental vehicles should immediately be reported to the rental agency in accordance with their policies.
- B. The driver must operate the vehicle in a safe, reasonable manner consistent with the intended use of the vehicle.
- C. It is the driver's responsibility to ensure that the driver and all passengers are provided with and utilize seat belts. (See H. for exceptions.)
- D. Smoking in County Vehicles is prohibited. (See Administrative Manual Policy 8-103.) If utilizing a rental vehicle, in the course of County business, rental agency rules must be followed.
- E. This policy shall not be construed to prohibit the use of County Vehicles by properly authorized non-employee drivers, such as authorized volunteers (as defined in Administrative Policy 3-140). Nothing herein shall prohibit the use of County Vehicles by non-employees in case of an accident or other emergency.
- F. Employees and other drivers are prohibited from driving on County business while under the influence of alcohol or drugs. The Department Head, or his/her designee, shall be responsible for investigating all instances where it is alleged that a County employee, volunteer or other authorized driver has operated any County-owned vehicle, rental vehicle, or privately-owned vehicle on County business while under the influence of alcohol or drugs.
- G. Vehicles are to be locked and vehicle keys removed at all times when the vehicle is unattended. (See H. for exceptions.)
- H. Department operational policy may require keys to be left in a vehicle while unattended. Paragraph G. does not apply if leaving keys is within written department policy. Paragraph C. does not apply if a written law enforcement operational policy is applicable.

SECTION 33.15. ACCIDENT REPORTING. Instructions are in all County Vehicle glove boxes. Employees and authorized volunteers who are involved in a vehicle accident while driving on County business shall report the accident to Shasta County Risk Management as soon as practical, preferably within 24 hours of knowledge. A written report of the vehicle damage will be submitted within one week of the verbal report (see F.). The driver of a vehicle involved in an accident while on County-related business shall:

- A. When safe to do so, help anyone who is injured and call for emergency assistance if needed.
- B. Give his/her name, license number, and address to the police or to the other party to the accident.
- C. Obtain the name, address, telephone number, driver's license number, insurance

carrier, policy number, and vehicle license number of the other party involved in the accident. An incident (accident) form is located in the manila envelope in the vehicle glove compartment of the County Vehicle. If driving a non-County vehicle, make notes about the accident and complete and submit the incident form as soon as possible.

D. Get the names, addresses, and telephone numbers of all witnesses to the accident. Witness cards are located in the manila envelope in the vehicle glove compartment. Turn the witness information in to the employees' supervisor with the incident report as soon as possible.

E. Under all circumstances, contact the local police officials; give them details of the accident, and obtain from them any reports which must be completed. Be prepared to present the County certificate of self-insurance (on reverse side of manila jacket in the glove compartment if operating a County Vehicle) or the driver's own insurance information and registration to police if so requested. In event of an accident in a rental vehicle, provide a copy of the rental agreement. If local police officials choose not to attend to the accident, that must be documented and immediately reported to Risk Management.

F. Call Risk Management's 24-hour telephone number at 245-6010 to report his/her name, department, date, time and place of the accident as well as the name, address and telephone number of the other party involved. If it is an emergency and the employee needs to talk to someone, instructions are provided on the voice mail message for this telephone number. Employees and authorized volunteers shall not discuss the accident with the driver of any other vehicle(s) involved in the accident, or with anyone else other than the police, their supervisor, County Counsel, and the Risk Management Unit (225-5141 during business hours).

G. County Fleet Management (225-5173) should be contacted for towing services, repairs, etc., for County Vehicles. After normal business hours, the Sheriff's Office (245-6000) may also be contacted and they will contact Fleet Management personnel. The rental agency from which the Rental Vehicle was rented should be contacted for towing services, repairs, etc. for Rental Vehicles.

H. A supervisor should be contacted as soon as possible if personal injury or serious property damage is involved.

I. When possible, take or obtain photographs of the damage to show all vehicles involved and the scene of the accident to show skid marks, location of debris, and location of road signs applying to traffic at the scene. These photographs should accompany the incident report.

SECTION 33.16. VEHICLE REPAIR. Any repairs for damage to County Vehicles, other than normal wear and tear, resulting from willful abuse, misconduct, or use of the vehicle outside the course and scope of employment or County business will be at the expense of the employee or authorized volunteer. For County-owned vehicles otherwise damaged, see Administrative Manual Policies 3-150, Procedures for County Vehicle Damage Repair, and 3-105, Self-Insurance Deductibles. Repair for rental vehicles will be handled according to rental agency policy and agreement.

SECTION 33.17. TRAFFIC AND PARKING CITATIONS. Traffic citations issued to an employee

or authorized volunteer while using a vehicle on County-related business, other than those citations due to equipment violations or to over-length and over-width of vehicles, are the sole responsibility of the employee or authorized volunteer. Parking citations issued while utilizing a vehicle for County-related business, are the sole responsibility of the employee or authorized volunteer who parked the vehicle. If the employee or authorized volunteer cannot be identified, then the department to which the vehicle was assigned shall be responsible.

SECTION 33.18. EQUIPMENT AND PROPERTY IN COUNTY VEHICLES. No employee or authorized volunteer shall install or cause to be installed in or on a County Vehicle any article of personal property without prior written approval of the Department Head, or his/her designee.

SECTION 33.19. COUNTYEQUIPMENT IN PRIVATELY-OWNED VEHICLES UTILIZED FOR COUNTYBUSINESS.

A. County equipment may be installed in privately-owned vehicles utilized for County business upon the written approval of the Department Head, or his/her designee, involved. Authorization shall be granted only if private vehicle use is approved. The employee or authorized volunteer (i.e., the owner of the vehicle) shall be responsible for any damage, theft, or misuse of the equipment involved.

B. If installation of County equipment in an employee's or authorized volunteer's privately-owned vehicle is necessary for the performance of the employee's or authorized volunteer's duties, the County will pay for the necessary work to restore the car to its original condition when the need for the use of the car and equipment no longer exists.

SECTION 33.20. OTHER RELATED PROCEDURES.

A. Credit Cards

1. At the request of Department Head, or his/her designee, Fleet Management credit cards may be made available to employees and authorized volunteers who use County Vehicles or authorized rented vehicles. Employees and authorized volunteers shall use credit cards only at County-authorized fueling stations. Those cards provided by Fleet Management for national gas companies (i.e., Chevron and/or Shell) are only to be used outside the County unless otherwise authorized by Fleet Management and the Department Head, or his/her designee.

2. Employees and authorized volunteers are expected to make a reasonable effort to purchase fuel and oil at the lowest available price. At the time of any purchase, the employee or authorized volunteers shall verify the County Vehicle license number on the credit card receipt before signing it. The original or tissue copy of the credit card purchase slip shall be retained with the vehicle for later submission to Fleet Management.

3. Except for use in purchasing other items that may be needed on an emergency basis to maintain the safe operation of the vehicle (i.e., tire repairs, radiator, belts, necessary hoses, etc.), credit cards shall be used only for required purchases of gasoline and oil for County Vehicles. When emergency out-of-town repairs are required, the employee or authorized volunteer should request the mechanic to place all old or damaged parts being replaced in the trunk of the vehicle so they can be

returned to the Fleet Management Supervisor for inspection.

4. The purchase of non-emergency items which are not for the sole purpose of safe vehicle operation is prohibited. If an employee or authorized volunteer purchases non-emergency items with a County-issued credit card, he or she will be required to reimburse the County for those purchases.

B. Fuel and Mechanical Difficulties

1. Only regular unleaded fuel shall be purchased except for diesel vehicles.

2. Any County vehicles that experience mechanical difficulty (e.g., pinging, improper acceleration, etc.) should be reported to Fleet Management.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 34. PERFORMANCE EVALUATION POLICY

### SECTION 34.1 INTRODUCTION.

A. The purpose of this policy is to establish Countywide procedures and standards for conducting performance evaluations for all regular and extra help employees.

All regular employees shall receive a written performance evaluation on a County approved form a minimum of once annually. All formal performance evaluations shall be placed in the employee's personnel file in Personnel. Employees shall be given copies of any formal written review of their performance by their supervisor or other designated staff. Employees have the right to make comments in writing concerning any written performance evaluation and supporting documents and have their comments attached to the relevant evaluation and placed in their personnel file.

B. Definitions.

1. Supervisor: any person responsible for conducting performance evaluations of County employees. That person may be a manager, an employee formally designated to a Supervisory Unit, or any other person assigned to conduct an employee performance evaluation.

2. Annual Review Date (Evaluation Due Date on Personnel Action Form (PAF)): is the date the employee is scheduled for an evaluation. This may or may not be the same date as the Salary Anniversary Date depending upon the length of the initial probationary period or promotional probationary period and the step placement of the employee.

3. Salary Anniversary Date (Salary Review Date or End Probationary Date on PAF) is the date that the employee is eligible for consideration for a merit increase in compliance with these Personnel Rules. This may or may not be the same date as the Annual Review Date.

4. Permanent Appointment Date: the date that the employee is scheduled to complete an initial or promotional probationary period. This may or may not be the same date as the Salary Anniversary Date depending upon the length of the probationary period and the step placement of the employee.

C. Regular formal and informal performance evaluations and feedback between supervisor and employee are essential to promoting effective job performance. The goal of conducting evaluations is to:

1. Improve employee work performance by letting employees know what is expected;
2. Set consistent and legitimate work standards;
3. Identify and develop employee leadership, supervisory, and promotional potential;

4. Recognize and reward exceptional employee performance;
5. Serve as an accurate reflection of an employee's performance and offer constructive criticism to improve performance;
6. Encourage open communication between supervisor and employee;
7. Establish and monitor performance goals and objectives;
8. Identify employee training needs;
9. Hold employees responsible for their work; and
10. Increase the effectiveness of supervisors and hold them accountable for the performance of their employees.

SECTION 34.2. PROCEDURE.

A. Whenever a new supervisor is assigned to a work unit, a new employee begins work, or an employee changes a job assignment, the supervisor is responsible for discussing with the employee the expected standards of conduct and performance by which the employee's performance will be evaluated.

1. During the course of the evaluation period any minor performance deficiency should be promptly discussed with the employee.
2. If a discussion fails to correct a minor deficiency, a supervisor should advise the employee of the need for performance improvement and document the discussion by way of a counseling memorandum to the employee, or by other appropriate means.
3. A supervisor should coach an employee in a manner that addresses any deficiency by describing in detail the desired conduct and/or performance.

B. The performance evaluation form is used to describe the employee's performance and summarize and record the discussions during the evaluation period between a supervisor and an employee.

1. Because a written performance evaluation is part of the process of continual feedback, performance ratings and narratives should never be a surprise to an employee.
2. Each performance evaluation is to be discussed with an employee privately in a face-to-face meeting.
3. An employee must be given a copy of his or her written performance evaluation.

C. Performance evaluations are given for a variety of reasons, and may be given more than once a year. Regardless of the reason for a performance evaluation, a supervisor shall ensure that the ratings are applied consistently within the department, and are related to job

performance.

1. Annually. This is the most common.
2. Probation. A probationary employee shall be given a written performance evaluation no later than six months after his or her appointment to a position, and just before the end of his or her probationary period, or throughout the probationary period within the discretion of the Department Head, or his/her designee.
3. Lengthy or special projects. A written performance evaluation may be given during or at the conclusion of a lengthy or special project, as determined by a Department Head, or his/her designee.
4. Miscellaneous. Subject to the discretion of a Department Head, or his/her designee, a written performance evaluation may be given to an employee at any other time.

D. Performance evaluations shall be completed on or before the employee's annual review date, except as provided for in Section 34.3.

1. Personnel shall notify a department of upcoming performance evaluations approximately six weeks prior to an employee's probationary or annual review date.
2. A Department Head, or his/her designee, is encouraged to develop an evaluation process for supervisors to follow for employee classifications in their department. The examples described in subsections (a) through (c) are not exclusive. A Department Head, or his/her designee, may use any process that achieves the goals described in this chapter.

(a) Employee input. Some departments may find it useful to utilize an employee input form (an electronic sample is available from Personnel) which allows the employee to describe his or her achievements and future goals for the supervisor to consider prior to completing the evaluation form.

(b) Draft form. Some departments find it practical to provide the evaluation in draft form to the employee approximately 24 hours prior to the face-to-face meeting, in order to prepare the employee for the meeting.

(c) Supervisor review. Other departments prefer that the supervisor review the draft evaluation with the employee for the first time at the face-to-face meeting and allow the employee a period of time to respond prior to finalizing the evaluation.

3. The review process may be different from one employee classification to another in a department. However, whatever process a Department Head, or his/her designee, chooses to use, a supervisor is encouraged to make an employee aware of what to expect in the evaluation process.

E. An employee with an overall rating of "Unacceptable" or "Improvement Needed" shall not be entitled to a merit increase until his or her overall rating reaches "Meets Expected

Standards," or higher. If an employee is denied a merit increase, his or her performance evaluation must describe what action he or she must take in a specified time period for the supervisor to subsequently authorize a merit increase.

1. A merit increase granted under such circumstances shall not be retroactive.

F. An employee evaluation must be completed within 13 pay periods of the annual review date for the retroactive pay to be processed without Board of Supervisor approval.

G. Each Department Head, or his/her designee, is encouraged to establish a supervisory review process that ensures every relevant supervisor approves of the contents of a performance evaluation for an employee before it is presented to an employee. However, at a minimum, a Department Head, or his/her designee or his or her designee must approve a performance evaluation before it is presented to an employee.

1. An employee may appeal any portion of his or her performance evaluation to his or her Department Head, or his/her designee. If a Department Head, or his/her designee, is the supervisor who prepared the performance evaluation, the appeal may be made to the CEO, or his/her designee.

2. If the performance evaluation's overall rating is less than "Meets Expected Standards," by mutual agreement of the Department Head, or his/her designee, and the employee, the Personnel Director, or his/her designee, and a bargaining unit representative may participate in the appeal meeting with the Department Head, or his/her designee.

H. It is the responsibility of each supervisor to ensure that this policy is carried out for his or her employees. Each Department Head, or his/her designee, shall be accountable for administering this policy in his or her department.

I. Personnel is responsible for monitoring the timely submission of performance evaluations, and shall ensure that a department is complying with this policy. A performance evaluation that fails to provide a narrative, or fails to justify a rating below or above "Meets Expected Standard," or that otherwise fails to comply with this policy may be returned to the submitting department to correct the deficiency.

### SECTION 34.3. ALTERNATE PROCEDURE

A. A Department Head, or his/her designee, may utilize the alternate procedure for the annual evaluation, described in this section, only if an employee has:

1. had regular full-time employment with the county for three consecutive years:

2. reached the highest step in the employee's range

3. on file an annual evaluation with an overall rating of at least "Meets Expected Standards," which was completed within the preceding 15 months; and

4. not had a significant change in duties.

B. If all of the criteria set forth in paragraph A are met, the Department Head, or his/her designee, may, after reviewing the employee's most recent performance evaluation, send a memorandum, which includes the signature of the Department Head, or his/her designee, the employee's supervisor and the employee, to Personnel certifying that the ratings on the most recent performance evaluation are still appropriate. At a minimum, the text of the memorandum must read:

"I have reviewed the most recent performance evaluation for this employee. The duties performed by this employee have not changed significantly in the past year. The ratings on that evaluation are still appropriate. This memorandum will serve in

lieu of the annual performance evaluation for this evaluation cycle. An evaluation will be completed at the end of the next evaluation cycle. The current evaluation and this alternate procedure have been reviewed with the employee."

C. A supervisor must prepare a performance evaluation, in lieu of a memorandum, if an employee makes a written request for the evaluation within five business days of receiving the memorandum for signature.

D. This alternate memorandum procedure may be used no more frequently than every other year for any particular employee.

#### SECTION 34.4 USE OF THE EMPLOYEE PERFORMANCE EVALUATION FORM.

A. Personnel has approved a standard evaluation form for all county employees (available in the appendix of these Personnel Rules and in electronic form). This form is used to evaluate an employee, unless Personnel has approved a modification to the form.

B. A supervisor must complete a narrative for each rated performance category. A narrative includes, at a minimum, a short paragraph detailing how the rating was determined.

1. If a department places greater weight on any individual rating factor in an identified category, the "weighted" box must be checked for the individual rating factor.

2. All ratings checked as "Improvement Needed" or "Unacceptable" must be addressed in a Performance Improvement Plan (PIP). To be effective, and in order to appropriately guide an employee in a deficient area of performance, a PIP must set forth, in clear terms, a description of the performance problem, the standard of performance the supervisor expects the employee to meet, and a deadline for achieving that standard of performance. A PIP should also describe all training, assistance and oversight that will be provided to an employee during the next evaluation period, and should set timelines for the employee's next evaluation period.

C. A Supervisor is strongly encouraged to set goals and objectives for each employee within his or her performance evaluation for the next evaluation period. Employee success in meeting assigned goals and objectives shall be addressed in the next subsequent evaluation.

D. A supervisor shall give an employee his or her overall performance rating and shall

provide a narrative that describes the employee's job performance strengths and deficiencies for that evaluation period.

E. A supervisor is encouraged to utilize the Employee Development Plan to identify training, education, or relevant experience an employee might acquire to enhance his or her promotability and job satisfaction.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 35. PERSONNEL FILES POLICY

SECTION 35.1. PURPOSE. The purpose of this policy is to provide guidance to County Managers and Supervisors on the handling, storage, disposition, and access of records created or maintained as a result of the employment process.

### SECTION 35.2. TYPES AND LOCATION OF PERSONNEL FILES.

#### A. Repository: PERSONNEL (DEPARTMENT OF SUPPORT SERVICES)

##### 1. Official Personnel File.

a. Definition: The "Official Personnel File" is the repository for those documents necessary to document an individual's tenure and status as a County employee. The Official Personnel File is kept and maintained in Personnel. Special confidential material subject to specific privacy protections (such as medical information) shall not be kept in the official file. The employee has access to and may receive copies of everything in the Official Personnel File. An authorization to release the file to a third party must be clear, complete, and unambiguous and executed properly by a current or former employee. Examples of materials in the Official Personnel File are:

- (1) Work history information including job application, supplemental questionnaire responses, resume, letters of recommendation, DMV record; preemployment medical clearance; and new-hire packet.
- (2) Identification information (social security number, employee ID number, etc.).
- (3) Employment Eligibility Forms (I-9 Forms).
- (4) Evidence of transfers, promotions and leaves (Personnel Action Forms, (PAFs).)
- (5) Work performance information including performance evaluations, letters of commendation, etc. *(Note: The file shall not include counseling statements or supervisory notes which have not been appended to performance evaluations or disciplinary documents.)*
- (6) Disciplinary documents (letters of reprimand, charging letters and orders of discipline) *(Note: Certain documents or agreements resolving disciplinary actions may be maintained in confidential files in County Counsel's Office or under seal by the Personnel Director, or his/her designee).*
- (7) Employment contracts.
- (8) Signed acknowledgments of receipt of County policy advisements.

(9) Responses by the employee to any of the above.

2. Separate Personnel Files (Confidential material subject to privacy protections which is not kept in the Official Personnel File).

Equal Employment File. Equal Employment forms (records of sex, race, and national origin of applicants and employees) are contained in the automated applicant tracking system and in the automated personnel/payroll system.

3. Non-individualized Files. (These files are maintained by Personnel and may have information or documents related to employees but are not maintained under the employee's name).

a. Recruitment Files. Recruitment documents are filed by job classification and recruitment dates. Some recruitment information is kept in an employee's files after that employee is hired, such as the application, resume, and supplemental questionnaire.

b. Grievance Files. Grievance files, which include records of grievances and results of grievances, are numbered by year and union representation.

4. The laws governing Personnel Files and their content have changed over time. Files for long term employees will be reviewed by Personnel staff, as time allows, to bring them into compliance with the above standards.

B. Repository: RISK MANAGEMENT

1. Workers' Compensation File. The Risk Management Division of Support Services is the repository for all of the official records maintained in connection with a workers' compensation claim. Medical and litigation records are kept in these files and are not freely accessed by other County departments unless appropriate releases are obtained. The employee's Department Head, or his/her designee, may be consulted regarding the accuracy of information in a report, especially during investigations and regarding work assignment, but does not have free access to these files. These files are kept specific to the individual claimant.

2. Litigation / Claim Files. These records are organized according to the names of individual employees who sue or are sued by the County.

3. Accident Report Files. These files contain documents concerning accidents involving County personnel, real property, or equipment.

C. Repository: PAYROLL

1. Payroll files maintained on specific employees. Payroll rarely maintains a file on a specific employee; only when there is an unusual problem that needs special attention is a limited-term working file kept.

2. Payroll subject-specific file.

a. Typically, all information, data, or documents pertaining to individual employees are kept by Payroll in subject specific files, with employee-specific documents kept alphabetically within those files. Examples of such subject specific files are: requests for garnishments or other levies by outside authorities; tax withholding forms and other forms reflecting compensation, including payroll deductions; PERS health and retirement information; deferred compensation information; IRS 125 plan information; and records reflecting any other deductible items including direct deposit.

b. Time cards are immediately imaged after the pay period and kept by pay period, alphabetically by department, by employee, and maintained forever. Time sheets summaries are imaged annually, eventually merged into a one-year period and kept alphabetically by department, by employee.

c. Some copies of PAFs are kept selectively for up to six months and then destroyed.

D. Repository: EMPLOYEE'S DEPARTMENT

1. Department Personnel File - Non-Official.

a. May contain a copy of any document which is placed in the Official Personnel Department Personnel File, including PAFs, performance evaluations, documents regarding disciplinary actions, and other work history and work performance records.

b. Documents and records which are not appropriate to be maintained in the Official Personnel File may also be kept in this file or in the Supervisor's File described below. These include counseling statements, "performance log" notes, grievances filed by the employee, commendations, letters of complaints, etc.

2. Supervisor's File (Note: Smaller departments might not keep a separate supervisor's file but may instead keep all documents in the "Departmental Personnel File - Non-Official"). In addition to those documents listed above under Departmental Personnel File - Non-Official, this file may include supervisor's notes during that performance rating period, counseling statements, "log" notes, and other items that may be duplicated from the Non-Official Departmental or Official Personnel File.

3. Training Files. These files are optional in most departments; however POST and STC require that law enforcement agencies maintain training files for peace officers.

4. Departmental Medical File-Official (*Note: The County does not generally wish to be privy to an employee's medical information. However, business necessity may require the County to maintain records regarding an employee's sick leave requests including medical certifications under the Federal Medical Leave Act and California Family Rights Act. In addition, the County may have records concerning fitness for duty reports, disability accommodation considerations, and other records related to an*

*employee's work duties.)*

a. The official repository for medical-related documents of employees is the Departmental Medical File, although Personnel may keep some medical-related documents. Any records or documents (such as sick leave requests, disability accommodations, medical certifications, or FMLA requests, for example) related to an employee's sick leave, fitness for duty, or other medical related issues must be kept separately from all other files.

b. Although the official workers' compensation file is kept at Risk Management, any records or communications received by the department regarding an employee's industrial-related injury or accident should be maintained in the Departmental Medical File.

5. Investigatory Files.

a. Information received through the background check of the employee should be maintained separately from his/her general personnel files.

b. If a complaint is received or for some other reason an employee is investigated by the supervisor or someone else, the investigatory file should be maintained initially separate from other personnel files pertaining to the individual. If the investigation results in a disciplinary action, the file should be incorporated into records of the disciplinary action and made a part of the employee's Official Personnel File. If no disciplinary action is taken, the records of the investigation should be maintained in a separate investigation personnel file within the department and a cover sheet should be attached giving the outcome of the investigation.

SECTION 35.3. MAINTENANCE AND DISPOSITION OF PERSONNEL FILES.

A. General Rule. An employee's files should be kept the duration of that employee's employment plus four years following separation. However, only the "official file" must be kept; duplicate records (such as those ordinarily maintained in the Departmental Personnel File or the Supervisor's File) may be destroyed when the employee separates from the department, if the department's records retention policy allows for destruction of those records. The department should send its Official Medical File to Personnel for storage with the Official Personnel File.

B. Personnel files will be destroyed by Personnel four years after the employee's separation, except:

1. Workers' compensation claims files are maintained for seven years after the case is closed, and then the files are imaged and maintained forever.

2. Pension and benefits plan information must be kept the duration of the employee's employment plus six years (per Age Discrimination Employment Act).

3. For regular employees, a summary of county employment history is permanently maintained by Personnel, including dates of positions held and the rate of

pay for each position.

4. Recruitment files are kept two years after the eligible list is abandoned.
5. First aid records of job injuries causing loss of work time must be kept at least five years.
6. Chemical and toxic exposure records that refer to any specific employee must be kept the duration of that person's employment plus 30 years.
7. If there is any litigation or litigation is foreseeable, records and files must be kept until the end of litigation including any appeal period.
8. If there are any agreements (termination, settlement, resignation or other agreements) pertaining to employment, the file must be maintained at least as required under "general rule" above or for as long as specified in the agreement itself.
9. A citizen's complaint made against a peace officer must be kept at least five years.

C. Removal of Records from Official Personnel File. In accordance with Government Code §26205.1, the Personnel Director, or his/her designee, is authorized to destroy certain nonjudicial public records with in the Director's custody. For example, the Personnel Director, or his/her designee, may cause non-permanent records pertaining to discipline contained in the Official Personnel File to be removed pursuant to a settlement agreement or mutual agreement of all parties. Such records shall be either maintained in a separate file by County Counsel or stored. These records will be maintained in accordance with B (Exceptions) 8, above.

#### SECTION 35.4. ACCESS TO PERSONNEL FILES.

A. General Rule. The employee is guaranteed access to most records and documents generated or maintained by the County which pertain to that employee and could be used by the County to make workplace decisions about that employee.

##### B. Exceptions

1. Some files, such as records of a background investigation, are not ordinarily accessible to the employee.
2. Some records are temporarily withheld from the employee. For example, internal investigations of the employee are not freely available to the employee until the employer relies upon them to bring a disciplinary action against that employee. At that time the employee is entitled to receive copies of those records.
3. Records related to the investigation conducted pursuant to the County's policy against discrimination may not be released without County Counsel approval or a court order.

4. Other records not freely available to the employee include files or documents relating to job references, and confidential or privileged materials such as the department's correspondence with attorneys, and pre-litigated workers' compensation files.

C. Methods of Accessing Files

1. Employees or former employees may request access to their own records which are available to them by requesting to review their records. The keeper of the record must provide reasonable access at a time and place convenient to both. The employee will be required to provide identification and fill out a request form which will be placed in the file the employee wishes to see. The County provides employees access to records under the provisions of Labor Code §1198.5, which permits an employee to inspect personnel records at the location where the employer stores the records, with no loss of compensation to the employee.

2. An employee or former employee may execute an authorization for release of records to a third party to allow that party access to the employee's Official or Departmental Personnel File. The authorization must be clear, complete, and unambiguous and executed properly. The employee or former employee may authorize release of only those documents that he/she would be allowed to access personally.

3. Certain personnel records may be released subject to a valid subpoena for records. A motion to quash will be filed with the Court by County Counsel, when necessary.

4. The Personnel Director, or his/her designee, has access to the Official and Departmental Personnel Files. The employee's appointing authority, or his/her designee, has access to the Official and Departmental Personnel Files. Other Department Head(s), or his/her designee's, employees, or union representatives may only access an employee's Official and Departmental Personnel Files with a signed authorization from the employee. The authorization must be clear, complete, and unambiguous and executed properly.

## **CHAPTER 36. EMPLOYEE RECOGNITION PROGRAM**

### **SECTION 36.1. PURPOSE.**

The Shasta County Employee Recognition Program (SCERP) identifies the superior contributions of exemplary employees; instills pride in public service; and creates a standard of achievement by which to measure all employees. The desired result is increased dedication and commitment to the organization and exceptional public service.

### **SECTION 36.2. PUBLIC SERVICE ETHIC.**

Our customers are the residents, agencies, and businesses of Shasta County. Each of them is entitled to courteous, efficient, and professional service. We demonstrate this service by our genuine concern for our customers' well being, the resolution of their problems, and by helping them acquire the services they need. As public employees, we take pride in our work and responsibility for our action. We recognize that how we treat our customers contributes to the faith and trust they have in government.

### **SECTION 36.3. ELIGIBILITY.**

Every employee with at least one year of continuous service with the County of Shasta is eligible to participate in the program.

### **SECTION 36.4. TYPES OF RECOGNITION.**

There are two forms of employee recognition: the Employee of the Month, and the Employee of the Year. Each year there shall be awards for the 12 Employees of the Month and one Employee of the Year chosen from among the monthly recipients.

### **SECTION 36.5. SELECTION CRITERIA.**

To be nominated for an Employee of the Month award, employees must consistently exemplify the best qualities in public service and in particular meet the recognition standards outlined under the seven selection criteria listed below.

#### **A. Customer Service**

1. Represents the County in a courteous, friendly manner which creates a positive image.
2. Works cooperatively with all customers/clients/citizens/employees to identify problems, develop and implement solutions.
3. Diligently and patiently works to keep the customer informed about the service that is being provided.
4. Consistently attempts to be empathetic with customers to avoid conflict and increase the level of customer satisfaction with the organization.

#### **B. Professionalism**

1. Possess a high degree of technical competence.
2. Constantly strives to improve the level and quality of services.
3. Maintains a positive attitude.
4. Consistently presents a professional image.
5. Constantly strives to improve the knowledge and skill required of his/her position.

C. Ethical Standards

1. Is honest and forthright.
2. Demonstrates the highest ethical standards and consistently works to promote fairness.

D. Initiative/Innovation

1. Encourages and develops more effective and efficient ways of completing his/her work and the work of the County.
2. Assumes responsibility for correcting problems even when it requires extra time and effort.
3. Exhibits leadership to improve the work product of his/her group or department or the County.

E. Team Work

1. Works with others in a coordinated manner to achieve common goals.
2. Routinely volunteers to help solve problems.

F. Productivity

1. Works diligently.
2. Is results oriented.
3. Manages time efficiently and is willing to work additional hours if necessary, as authorized.
4. Consistently follows through on commitments in a timely manner.

G. Role Model for Other Public Employees

1. Inspires others to reach high levels of performance.
- 2.
3. Encourages loyalty and service to the County.

4. Believes in the value of public service and works diligently to retain the public's trust in the County.

#### SECTION 36.6. SELECTION PROCEDURE.

An employee may nominate any employee for an award by another employee by submitting a nomination form to the nominee's Department Head, or his/her designee, who will then screen the nominations. At the Department Head, or his/her designee's, discretion a Screening Committee may be used to determine the most deserving employees in that department. This committee shall be appointed by the Department Head or his/her designee, from a representative cross section of department staff including management, non-management, and/or volunteers. Once the departmental screening process is completed, the most deserving nominees will be submitted to Personnel. The Personnel Director, or his/her designee, will then review each nominee's personnel file to verify that the nominee has had no disciplinary action, letter of reprimand, or below expected standards evaluation during the past five years. In the absence of such actions and evaluations, nomination(s) will be forwarded to the Shasta County Employee Recognition Committee (SCERC). The Department Head, or his/her designee, will be notified about any nominations that were rejected due to the above reasons by the Personnel Director, or his/her designee.

The Department Head, or his/her designee, or department screening committee will prioritize the department's nominations. The number of nominations that any Department Head, or his/her designee, may submit to SCERC each calendar year is limited to one nomination for each ten full-time equivalent employees (FTE) employed by the department on June 30<sup>th</sup> of each year. Department Head, or his/her designee's, who employ fewer than ten persons may nominate up to one employee per calendar year. A Department Head, or his/her designee, is not required to forward the maximum allowable number of nominations, or any nominations, to the County Employee Recognition Committee.

The Department Head, or his/her designee, must submit the department's nomination on an Employee Recognition Nomination Form (appendix) to Personnel at a date set by the Committee. Nominations received after this deadline will be considered for an award during the following month.

The Employee Recognition Committee will screen the Department Head, or his/her designee's, nominations and submit the Committee's selection to the Board of Supervisors for recognition at a regularly scheduled Board meeting.

The Employee Recognition Committee shall be made up of seven members. One member shall be appointed by the Management Council, two members shall be appointed by the CEO, or his/her designee, one member shall be appointed by the Deputy Sheriffs' Association, one member shall be appointed by the Sheriffs' Administration Association, one member shall be appointed by the Shasta County Employee's Association, and a seventh member from the general public shall be appointed by the other six members of the Committee. Appointments shall be for a term of one year and may be terminated or renewed by the appointing entity or member. The Committee may make minor changes to the procedure or to the forms used for the nomination and selections. The Committee may also suggest revisions to the program. Such suggestions shall be forwarded to the Personnel Director or his/her designee, for possible submittal to the Board of Supervisors.

The entire nomination and selection process shall be confidential and impartial. No weight shall be

given to the seniority of employees, their classification, or their level of responsibility in the organization. All staff and in particular, Department Head, or his/her designee, shall take appropriate steps to assure that impartiality and fairness govern the entire process.

The selection of award recipients rests in the sole discretion of the SCERC, whose deliberations shall be confidential. The Committee's decisions shall be final and are not subject to the County's grievance procedures.

SECTION 36.7.        TYPES OF AWARDS.

Employees chosen for the Employee of the Month shall receive a framed certificate of recognition describing the reasons for their selection and their contributions to the County. Each recipient will also receive a parking permit entitling the employee to park in any designated space in any County parking lot and have his/her photograph taken and displayed outside the Board of Supervisors' Chambers.

In January of each year, the Board will also present an Employee of the Year award.

SECTION 36.8.        DEPARTMENT EMPLOYEE RECOGNITION PROGRAMS.

This policy is not intended to supersede, but to complement any departmental employee recognition program. Such programs are hereby authorized by the Board of Supervisors pursuant to Government Code Section 26206, which provides for the presentation of medals, resolutions, plaques, other materials, or nominal cost items, not to exceed \$150 per employee recognition, to exemplary employees.

## CHAPTER 37. EMPLOYEE ASSISTANCE PROGRAM POLICY

Note: Not all bargaining units are covered by this policy (as of February 2008, UPEC Professional Unit, Deputy Sheriff's Association (DSA) - Deputy / DA Investigator Unit, and DSA / Correctional Officer Unit were not covered by this policy). The employee should check the relevant MOU to confirm coverage.

### SECTION 37.1. POLICY.

A. It is the policy of Shasta County to assist employees who may have personal problems affecting their job performance by providing an Employee Assistance Program (EAP). Common examples of personal problems include, but are not limited to: family or marital stress, alcohol or drug abuse, legal or financial difficulties, child care concerns, and elder care concerns, as well as psychological or emotional disorders.

B. The County has no intention of interfering in the private lives of its employees. However, it may properly take action when an employee's job performance is affected by personal problems developed outside the work environment. In addition, the County recognizes there is no factual justification for the social stigma attached to alcoholism, drug abuse, or other personal problems. An employee who acknowledges any type of personal problem which is affecting job performance and seeks assistance to improve performance will be supported in these efforts by the County. However, the existence of a personal problem will not be accepted by the County as justification for lowering the work performance standards expected of an employee or avoiding appropriate disciplinary action. It is the responsibility of each employee to maintain his/her job performance at a satisfactory level.

C. To assist employees in resolving personal problems, the County has established an EAP. An EAP is not designed to provide ongoing treatment or assistance but typically clarifies issues, helps establish priorities for addressing issues, and finds resources for ongoing treatment or assistance.

D. An employee may contact the EAP directly for assistance (self-referral), or an employee may be referred to the EAP by his/her supervisor or manager as a result of work performance or behavioral problems (supervisor/manager referral). Employees who utilize the services of the EAP are guaranteed confidentiality.

### SECTION 37.2. PROCEDURE.

#### A. Self-Referral - Voluntary

1. An employee may seek help directly from the EAP to assist with personal problems on a 24 hour a day, seven day a week basis by calling the toll-free number ((800) 932-0034, as of 1/2008)of the provider.

2. Employees seeking assistance on their own (voluntary self-referral) can arrange to attend scheduled appointments in the same manner as used with scheduling other personal business appointments (each department has different parameters for scheduling such appointments; for example,

scheduling during non-work hours, flex scheduling, or use of appropriate leave balances).

3. A supervisor may also suggest that an employee voluntarily seek assistance from the EAP if the employee asks for guidance for some form of personal distress or if the employee's behavior indicates possible distress even though work performance has not significantly declined. Acceptance by the employee to seek assistance at this point is considered a voluntary self-referral. Brochures about the EAP will be provided to new employees and available from Payroll or Personnel. The employee bargaining unit representatives and departments also have EAP brochures.

4. Medical or other expenses incurred by the employee due to referrals recommended by the EAP provider are the responsibility of the employee and will not be paid for by the County.

B. Supervisor/Manager Referral - Mandatory

1. A supervisor who identifies a work performance or behavior problem on the part of an employee may, in consultation with the Department Head, or his/her designee, or designee, direct the employee to seek counseling or assistance through the County's EAP. Such a mandatory referral by an employee's Department Head, or his/her designee, will be based on documented evidence of job performance or behavioral problems and will be considered to be a direct work order. Prior to issuing the direct order, the department will review the matter with the Personnel Director, or his/her designee. If approved by the Personnel Director or his/her designee, the department may proceed with issuing the direct order. (For employees of the Department of Support Services, the review of the matter and the approval of the mandatory referral will be by the CEO or his/her designee). Failure of the employee to report for the initial meeting with the EAP provider once scheduled by the supervisor may result in informal or formal discipline. While the employee must attend the first meeting with the EAP provider, the decision to participate in any further activities recommended or provided by the EAP provider will be left to the employee.

2. Prior to making a mandatory referral, the supervisor/manager will conduct an interview with the employee to discuss the specific performance or behavior problem, expressing the Department's support for a positive solution to the employee's problem. The supervisor/manager will also explain the services available to the employee through the employee assistance program. If the supervisor/manager believes or the employee indicates that a personal problem is contributing to the performance or behavior problem, the department will schedule an appointment for the employee. The employee will be instructed that the initial meeting with the EAP provider is mandatory and participation in any additional activities recommended by the EAP provider will be the decision of the employee.

3. The supervisor/manager will then complete a Department Referral Form provided by the EAP provider. The Department Referral Form is a confidential document designed to provide the necessary background information to the EAP provider. The form will not become part of the employee's personnel file or record.

4. Employees participating in the EAP via a mandatory supervisor/manager referral will be granted paid time off (as provided for under release from duty time provisions in the MOUs and Personnel Rules) for up to three counseling sessions to the EAP. The EAP is a County paid benefit and the EAP will not bill the employee for any of the three sessions.

5. All counseling records prepared by the EAP provider for employees participating in the process are kept confidential. EAP counselors will not provide case information to supervisors or management unless specifically authorized to do so at the written request of the employee. In the case of a mandatory referral, the EAP provider will provide the employee's supervisor with attendance verification information. No medical information, with the exception of physician recommended job restrictions, will be provided to the supervisor or management.

6. Medical or other expenses incurred by the employee due to referrals recommended by the EAP provider are the responsibility of the employee and will not be paid for the County.

**This page intentionally  
left blank for duplex  
printing purposes.**

## CHAPTER 38. CAMPAIGN ACTIVITIES

SECTION 38.1. PURPOSE. Section 3207 of the Government Code allows the County to establish rules and regulations prohibiting or restricting the political activities of County employees during working hours or on the premises of the local agency. The purpose of this Chapter is to implement, in part, Section 3207 so as to maintain the integrity of County operations, discourage discord among employees, and promote efficient public service.

### SECTION 38.2. CAMPAIGN ACTIVITIES OF COUNTY OFFICERS AND EMPLOYEES.

- A. County officers and employees are prohibited from engaging in campaign activities related to County elective offices within County-owned or County-leased premises.
- B. The term premises means a building or other enclosed facility, but does not include the land surrounding a building or enclosed facility, or a parking lot or parking structure.
- C. The term campaign activities means:
  - (1) Communications that advocate the nomination or election of a candidate for a County elective position or the defeat of his/her opponent.
  - (2) Communications that contain references to a candidates candidacy for elective office, the candidates election campaign, the candidates position on issues relative to the elective office sought, or the candidates qualifications for elective office.
  - (3) Communications soliciting financial contributions or contributions of service on behalf of a candidate or in opposition to his/her opponent.
  - (4) Arranging, coordinating, developing, writing, distributing, preparing, or planning any communication or activity described in clauses (1), (2), or (3), above.
  - (5) Recruiting, or coordinating the campaign activities of, campaign staff on behalf of the candidate.
  - (6) Preparing campaign budgets.
  - (7) Preparing campaign disclosure statements.
  - (8) Communications directed to voters or potential voters as part of activities encouraging or assisting persons to vote if the communication contains express advocacy of the nomination or election of the candidate or the defeat of his/her opponent.
- D. The term communications includes written, oral, and pictorial words or images, including but not limited to literature, posters, campaign buttons, or email or voicemail messages in, from, or to the workplace.

**This page intentionally  
left blank for duplex  
printing purposes.**

## **CHAPTER 39. ELECTED DEPARTMENT HEAD AND BOARD OF SUPERVISOR BENEFITS**

SECTION 39.1. Notwithstanding any other provision of these Personnel Rules, this chapter expressly lists those benefits that are allowable to eligible Elected Department Heads and Board of Supervisors and shall be the exclusive statement of such benefits. The term "Elected Department Head" refers to those elected department heads enumerated in Section 6.11 of these Personnel Rules. Elected Department Heads and the Board of Supervisors may be referred to at times in this Chapter collectively as "Elected Officer" or "Elected Officers." To the extent that any of these provisions may be inconsistent or in conflict with any statutes or County ordinances, those statutes or ordinances shall control.

SECTION 39.2. LIFE INSURANCE. The County shall provide a group life and accidental death and dismemberment policy at County expense equal to each Elected Department Head's and each member of the Board of Supervisor's actual base salary. In no event shall such amount be less than \$50,000, nor more than \$80,000. Elected Department Heads and members of the Board of Supervisor's shall be allowed to purchase additional insurance in an amount up to three times annual salary at his/her own expense.

SECTION 39.3. EXPENSE ALLOWANCE. Each Elected Department Head shall receive an allowance for legitimate business expenses, in the amount of an additional \$50.00 biweekly stipend for reimbursement of business expenses within the County which are not otherwise claimable under current County policy. The Board of Supervisors are excluded from receiving this expense allowance.

SECTION 39.4. HEALTH INSURANCE PREMIUMS.

A. (1) Elected Department Heads and members of the Board of Supervisors. The County maximum health contribution to the medical, dental, and vision plans for Elected Department Heads and the Board of Supervisors shall be the same as for employees represented by the Mid-Management Bargaining Unit (MMBU), including the spouse accommodation benefit provided to other bargaining units (if an Elected Officer and his/her spouse or registered domestic partner both work for the County and both are eligible for County provided health insurance and contributions), unless set otherwise by resolution or ordinance of the Board.

(2) For Elected Department Heads and members of the Board of Supervisors who either (1) did not have Shasta County service as a County officer or employee prior to assuming elected office or (2) had a separation in excess of seven (7) days between prior Shasta County service as a County officer or employee and the assuming of elected office:

(a) Eligibility for medical and dental insurance shall begin the first of the month following assumption of office unless otherwise required by the insurance provider(s).

(b) County contributions towards medical and dental, as provided above, shall commence the first of the month following six months of service in office unless otherwise required by the insurance provider(s).

Elected Officers who are otherwise eligible for insurance coverage during their first six months in office and elect such coverage shall pay the insurance premiums through payroll deductions.

(3) Except as where a separation from County service is required by Government Code section 53227 and other applicable law, for Elected Department Heads and members of the Board of Supervisors not identified in Section 39.4(A)(2) of the Personnel Rules, upon assuming elected office they shall be considered to have had no break in service for purposes of continuation of any existing medical, dental, and vision insurance and County contributions thereto.

B. Retired Elected Department Heads and Board of Supervisors:

1. The County shall provide the same County contribution towards each retired Elected Department Head's and member of the Board of Supervisor's premium for the CalPERS medical plan as made for current active Elected Department Heads and members of the Board of Supervisors in accordance with CalPERS enrollment and premium contribution regulations.

2. For (1) persons who assumed office as an Elected Department Head or as a member of the Board of Supervisors prior to January 1, 2013; and (2) for persons who assumed office as an Elected Department Head or as a member of the Board of Supervisors for the first time on or after January 1, 2013 and (a) had Shasta County service as a County officer or management employee prior to January 1, 2013 and (b) had no separation in excess of seven (7) days between that prior County service as a County officer or management employee and the assumption of office as an Elected Department Head or as a member of the Board of Supervisors, the following shall apply:

a. Unless otherwise required by the insurance provider(s), contractual obligation or other law, the County shall provide payment toward each retired Elected Department Head's and member of the Board of Supervisor's medical/dental benefit premiums, provided such Elected Department Head and member of the Board of Supervisors retires from active Shasta County service and remains uninterrupted in the Shasta County medical/dental plan. The percentage amount of County payment shall be based on the following formula.

10 years of County service	25% County payment of premium
15 years of County service	50% County payment of premium
20 years of County service	100% County payment of premium

3. For all persons not identified in Section 39.4(B)(2) of the Personnel Rules who assumed office as an Elected Department Head on or after January 1, 2013, the following shall apply.

a. In accordance with the California Public Employees' Pension Reform Act (PEPRA), and unless otherwise required by the insurance provider(s) or contractual obligation or other law, the

County shall provide payment toward each such retired Elected Department Head's and member of the Board of Supervisor's medical/dental premiums, provided such Elected Department Head and member of the Board of Supervisor retires from active Shasta County service, and remains uninterrupted in the medical plan provided by the County. Such payment shall equal ten (10) percent of such premium and only apply to retirees having a minimum of ten (10) years of County service. Such County service need not be continuous.

4. County service for the purposes of sections 39.4(B)(2) and 39.4(B)(3) above is defined as total time spent in the employment of the County, and need not be continuous. Such time will be totaled as qualifying for this benefit, and will include non-management service time, if any.

5. (a) The provisions of this section apply to:

- (i) Persons who assumed office as an Elected Department Head or as a member of the Board of Supervisors prior to January 1, 2017; and
- (ii) Persons assuming office as an Elected Department Head or as a member of the Board of Supervisors for the first time on or after January 1, 2017 and (a) had Shasta County service as a County officer or employee prior to assuming elected office on or after January 1, 2017 and (b) had no separation in excess of seven (7) days between that prior Shasta County service as a County officer or employee and the assumption of office as an Elected Department Head or member of the Board of Supervisors; and
- (iii) The aforementioned persons have not elected to be covered under Section 39.8 of the Personnel Rules.

(b) The retiree medical premium for those persons referenced above will be paid as follows:

- (i). The County will continue to pay the statutory minimum amount prescribed by Government Code section 22892 directly to CalPERS; and
- (ii) CalPERS will deduct the balance of the medical premium from the retiree's retirement payment; and
- (iii) The County will reimburse the retiree the County's contribution amount established under Section 39.4(A) of these Personnel Rules based upon the PERS Choice rates for the coverage in which the employee is enrolled (i.e., Employee Only, Employee plus One, or Employee plus

Family), minus the statutory amount prescribed by Government Code section 22892 paid by the County directly to CalPERS.

6. (a) The provisions of this section apply to:
  - (i) Persons assuming office as an Elected Department Head or as a member of the Board of Supervisors on or after January 1, 2017 and not identified in Section 39.4(B)(5) of the Personnel Rules.
  - (b) The retiree medical premium for those persons referenced above will be paid as follows:
    - (i) The County will continue to pay the statutory minimum amount prescribed by Government Code section 22892 directly to CalPERS; and
    - (ii) CalPERS will deduct the balance of the medical premium from the retiree's retirement payment.

SECTION 39.5. VISION CARE. The County shall provide Elected Department Heads and members of the Board of Supervisors with County-approved vision insurance. Elected Officers may enroll their dependents in the vision plan provided the employee pays any additional cost associated with such enrollment.

SECTION 39.6. LONG-TERM DISABILITY PROGRAM. The County provides a long term disability program for Elected Department Heads and members of the Board of Supervisors, which will include a 120 day elimination period, a 66.67% of earnings benefit, and a monthly maximum of \$2,500.00.

SECTION 39.7. IRC SECTION 125 BENEFIT PLAN. Elected Department Heads and members of the Board of Supervisors shall sign appropriate authorization forms to establish or decline participation in payroll deductions of pre-tax earnings for payment by the County of Elected Department Heads' and member of the Board of Supervisors medical and dental insurance premiums and flexible spending accounts (including child and dependent care expenses and unreimbursed medical expenses) in accordance with Section 125 of the Internal Revenue Code and Board action of November 3, 1998 and subsequent updates.

A. Beginning January 1, 2017, with respect to any Elected Department Head and member of the Board of Supervisors who is enrolled in CalPERS medical insurance, the County will contribute into the 125 Benefit Plan the percentage amount established under Section 39.4(A) of these Personnel Rules based upon the PERS Choice rates for the coverage in which the Elected Officer is enrolled (i.e., Employee Only, Employee plus One, or Employee plus Family), minus the statutory amount prescribed by Government Code section 22892 paid by the County directly to CalPERS on behalf of that Elected Officer and minus any required amount contributed by the Elected Officer.

B. In no event will the County's contribution under Government Code section 22892 and Section 39.4(A) of the Personnel Rules exceed the actual cost of the benefit. The Elected Officer must authorize a payroll deduction for his or her required contribution, if

any. If no authorization is made for a required employee contribution, the County will not make a contribution to the 125 Benefit Plan.

SECTION 39.8 401(A) PLAN. Any Elected Department Head or member of the Board of Supervisors identified in Section 39.4(B)(6) of these Personnel Rules shall not be eligible to earn or receive the County contribution to retiree medical benefit as described in Section 39.4.B(5) of these Personnel Rules, but shall receive only the County's minimum contribution amounts required under Government Code section 22892 if they elect to continue CalPERS healthcare after retirement.

Any Elected Department Head or member of the Board of Supervisors identified in Section 39.4(B)(5) of these Personnel Rules, may voluntarily elect to participate in the Section 401(a) Plan in lieu of the benefit provided in Section 39.4.B(5) of the Personnel Rules. If the Elected Department Head or member of the Board of Supervisors voluntarily elects to participate in the 401(a) Plan in lieu of receiving the benefit under Section 39.4.B(5) of the Personnel Rules, the County will contribute the minimum contribution required under Government Code section 22892 under Section 39.4(B)(6) of these Personnel Rules. The Elected Department Head or member of the Board of Supervisors will receive contributions into the 401(a) Plan as set forth below. The decision to elect to participate in the 401(a) Plan in lieu of receiving the benefit under Section 39.4.B(5) of the Personnel Rules shall be irrevocable.

The 401(a) Plan will be administered as follows:

A. The County shall provide an Internal Revenue Code Section 401(a) Plan consistent with this Personnel Rule. The County shall contribute into the Section 401(a) Plan an amount on behalf of each covered Elected Department Head or member of the Board of Supervisors electing to participate under this Personnel Rule equal to the amount contributed by that Elected Officer from his or her own pre-tax salary into one of the County's Section 457 deferred compensation plans, but not to exceed 3% of the employee's pre-tax salary. Accordingly, if an Elected Department Head or member of the Board of Supervisors contributed a total of 1-3% of his or her pre-tax salary to a 457 plan, then the dollar amount of the County's 401(a) contribution would fully match the Elected Officer's 457 contribution; if an Elected Officer contributed more than 3% of his or her pretax salary to a County 457 plan, then the dollar amount of the County's 401(a) contribution would only be equal to 3% (and not more) of the Elected Officer's pretax salary and would not fully match the Elected Officer's 457 contribution. The Elected Officer may direct the investment of said contributions in accordance with the options or limitations provided by the 401(a) Plan. Each such Elected Officer shall vest (that is, earn the right to withdraw) the County's contributions into the 401(a) Plan on their behalf based on years of County service, as set forth below, subject to any of the plan's requirements.

B. The 401(a) Plan implementing this Personnel Rule shall provide the following schedule of vesting requirements for any participating Elected Officer to earn and be eligible to withdraw or otherwise receive a portion (or in some cases all) of his or her total account value at the time of termination:

<u>Years of COUNTY Service After 1/1/2017</u>	<u>Portion of Account Value Vested</u>
Less than 1 year	0%
1 year plus 1 day to 2 years	10%
2 years plus 1 day to 3 years	20%
3 years plus 1 day to 4 years	30%
4 years plus 1 day to 5 years	40%
5 years plus 1 day to 6 years	50%
6 years plus 1 day to 7 years	60%
7 years plus 1 day to 8 years	70%
8 years plus 1 day to 9 years	80%
9 years plus 1 day but less than 10 years	90%
10 years	100%

C. In addition to and notwithstanding the foregoing, Elected Department Heads or members of the Board of Supervisors options for withdrawing, “rolling over,” and otherwise using account money (and the tax consequences of such withdrawals and use), shall be subject to any legal requirements or limitations of Internal Revenue Code Section 401(a) and any other applicable laws with which the County and the Plan must comply.

D. If the legal requirements of the Affordable Care Act have an impact on County rights and obligations regarding health benefits for County Elected Department Heads or members of the Board of Supervisors, the County obtains the right to make any necessary modifications under this section.

SECTION 39.9. RETIREMENT. CalPERS retirement will continue as adopted in the County's contract with CalPERS, all amendments thereto, and all applicable laws. Beginning with the pay period that includes January 1, 2012, Elected Department Heads and members of the Board of Supervisors are responsible to pay 100% of the employees' share of retirement.

SECTION 39.10. COMPENSATION FOR ELECTED OFFICIALS. Elected Department Heads receive the equivalent of 40 hours of pay annually in December. Payment shall be made at the base hourly rate, without add-ons. An Elected Department Head assuming office mid-term to fill the remaining term of office shall receive a pro rata payment based on the date of assumption of office during the first calendar year of such appointment. An Elected Department Head who leaves office prior to December 31 forfeits all rights to this benefit. The Board of Supervisors are excluded from this benefit.

SECTION 39.11. DEFERRED COMPENSATION. The County will match Elected Department Heads contributions to a qualified deferred compensation plan on a dollar-for-dollar

basis up to 50% of the normal base contribution for the calendar year. The Board of Supervisors are excluded from this benefit.

SECTION 39.12. EMPLOYEE ASSISTANCE PROGRAM (EAP). Elected Department Heads and members of the Board of Supervisors shall be entitled to utilize the services contained in the EAP plan as offered and paid for by the County.

SECTION 39.13. BAR DUES. The County shall provide payment of the total dues required in order to continue membership in the California Bar Association, providing bar membership is a requirement of the elected position.

SECTION 39.14. CELL PHONE ALLOWANCE. Elected Department Heads and members of the Board of Supervisors are eligible to receive a cell phone allowance per Policy Resolution No. 2007-03 in recognition of their use of privately owned cell phones to conduct County business.

SECTION 39.15. PEACE OFFICER STANDARDS AND TRAINING (POST) SALARY STIPEND. The Elected Department Head assigned to the class of Sheriff who holds an intermediate P.O.S.T certificate shall receive four and one-half percent (4.5%) above the base salary for his or her class. The Elected Department Head assigned to the class of Sheriff who holds an advanced P.O.S.T certificate shall receive an additional three and one-half percent (3.5%) for a total of eight percent (8%) above the base wage for his or her class. The Elected Department Head assigned to the class of Sheriff who holds a management P.O.S.T certificate shall receive four percent (4%) above the base salary for his or her class. The Elected Department Head assigned to the class of Sheriff who holds P.O.S.T. intermediate, advanced, and management certificates would receive a total of twelve percent (12%) above base pay for his or her class.

SECTION 39.16 COUNTY VEHICLES. In accordance with Chapter 33 Vehicle Operations Policy, Section 33.8 Take Home Vehicles, with prior approval by the County Executive Officer, an Elected Department Head may be assigned a County vehicle to take home for use in connection with official County business. The Board of Supervisors are excluded from this benefit.

SECTION 39.17 TRAVEL REIMBURSEMENT. In accordance with Chapter 20 Travel and Other Expenses – County Charges, Elected Department Heads and members of the Board of Supervisors shall be reimbursed for their expenses incurred in the course of their work.

SECTION 39.18 PAID LEAVES. In accordance with Section 12.1 and Section 13.1 of the Personnel Rules, Elected Department Heads and members of the Board of Supervisors are excluded from accruing vacation hours and sick leave hours. In addition to the foregoing, Elected Department Heads and members of the Board of Supervisors shall not be eligible for and shall not accrue any paid leaves otherwise provided by County resolution, policy, ordinance, or agreement. Should an Elected Department Head or member of the Board of Supervisors have accrued leave balances as a result of County service prior to assuming his or her elected office, the Elected Officer shall receive payment for his or her accrued leave balances in accordance with applicable County policies. No leave balances will carry over upon the Elected Officer's assumption of office.

## APPENDIX A FORMS

Additional copies of the forms in this appendix are available at the Department of Support Services Personnel Division.

Request for Consideration of Work Place Accommodation .....	211
Jury Duty/Military Leave of Absence .....	213
Outside Employment Statement, Notice to Shasta County .....	215
Outside Employment, Order to Cease Outside Employment.....	217
Outside Employment, Employee Appeal .....	219
Recipient Application, Accrued Vacation Donation Program .....	221
Vacation Donation Program, Request for Assignment of Accrued Vacation Time ...	223
Position Classification Questionnaire .....	225
Position Classification Appeal Form .....	237
Employee Recognition Award Nomination .....	239
Shasta County Flexible Work Hours Plan.....	241
Request for Flex Schedule .....	243
Performance Evaluation Instructions.....	245
Performance Evaluation Form.....	247
Authority & Release of Information Form.....	251
FMLA/CFRA/PDL Notices and Forms	
• Notice to Employees - Employee Rights and Responsibilities Under the California Family Rights Act and/or Pregnancy Disability Leave .....	253
• Notice to Employees – Employee Rights and Responsibilities Under the Federal Family and Medical Leave Act.....	255
• Notice of Eligibility and Rights and Responsibilities – Family and Medical Leave Act and/or California Family Rights Act .....	257
• Certification of Health Care Provider - Family and Medical Leave Act and/or California Family Rights Act .....	261
• Designation Notice – Family and Medical Leave Act and/or California Family Rights Act.....	267
• Notice of Eligibility and Rights and Responsibilities – Family and Medical Leave Act and/or Pregnancy Disability Leave .....	271
• Certification of Health Care Provider – Pregnancy Disability Leave and/or Family and Medical Leave Act .....	275
• Designation Notice - Family and Medical Leave Act and/or Pregnancy Disability Leave.....	279
• Certification for Serious Injury or Illness of Covered Servicemember – Military Family Leave .....	283
• Certification of Qualifying Exigency – Military Family Leave.....	287
County-Provided Mobile Data Device Agreement.....	291
Personal Mobile Data Device Agreement.....	295

**This page intentionally  
left blank for duplex  
printing purposes.**

## REQUEST FOR CONSIDERATION OF WORK PLACE ACCOMMODATION

Under law, a person has a disability if he/she has a physical or mental impairment that limits a major life activity. A qualified employee with a disability is an employee who is qualified to perform the essential functions of a position with or without reasonable accommodation. Essential functions are primary job duties that are intrinsic to a position.

Instructions: If a qualified employee with a disability wishes to request an accommodation, he/she must complete this form and submit it to the department head. If the individual is unable to complete the form, due to a disability, he/she may request that another party complete it on his/her behalf. The form also requires medical substantiation of disability and information regarding the extent of work task limitations. Review County policy for complete directions and/or employee appeal process.

EMPLOYEE NAME / WORK PHONE # \_\_\_\_\_

CLASS & DEPARTMENT \_\_\_\_\_

EMPLOYEE'S ADDRESS \_\_\_\_\_

\_\_\_\_\_

EMPLOYEE'S HOME PHONE # \_\_\_\_\_

### TO BE COMPLETED BY EMPLOYEE:

Describe the Work Place Accommodation that you are requesting and why (attach an additional sheet of paper if you need more space). Attach your physician's statement describing specific work limitations (example: Employee has a permanent lifting restriction: cannot lift more than 20 lbs from floor to waist, and no more than 10 lbs above the waist or overhead). A request that does not provide sufficient information regarding employee's work limitations will not be processed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### TO BE COMPLETED BY DEPARTMENT HEAD, OR HIS/HER DESIGNEE:

Recommendation (If financial impact is less than \$3,000, describe the accommodation provided.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Signature/Date

Department Head, or his/her designee, Signature/Date

cc: Employee and ADA Coordinator (When form is completed)

**This page intentionally  
left blank for duplex  
printing purposes.**

**JURY DUTY/MILITARY LEAVE ABSENCE**

1. Employee's Name \_\_\_\_\_
2. Employee's Department \_\_\_\_\_
3. Type of Leave:  Local Jury Duty       Federal Jury Duty       Military Leave
4. Period of Absence \_\_\_\_\_

In order to substantiate my need for paid time off to perform jury duty or military service, attached is a copy of my Jury summons or military orders and my time card indicative "JUR" for jury duty or "MIL" for military leave for the appropriate dates.

I am also aware that all jury duty fees must either be waived or turned over to the county to partially offset the cost of the salary and benefits paid to me while I am on jury duty.

---

Signature of Employee

Date

**This page intentionally  
left blank for duplex  
printing purposes.**

**Confidential--Personnel Records**

**OUTSIDE EMPLOYMENT/CORPORATE AFFILIATION STATEMENT**  
**NOTICE TO SHASTA COUNTY**

Name \_\_\_\_\_  
Home Address \_\_\_\_\_  
Telephone: home \_\_\_\_\_ work \_\_\_\_\_  
Shasta County Dept. of Employment \_\_\_\_\_ Position \_\_\_\_\_  
Immediate Supervisor \_\_\_\_\_  
Department Head, or his/her designee, \_\_\_\_\_

**Proposed Outside Employment**

Employer \_\_\_\_\_  
Employer address \_\_\_\_\_  
Employer telephone \_\_\_\_\_  
If self-employment, describe \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nature of services or product to be provided \_\_\_\_\_  
\_\_\_\_\_

Job description (please attach if the employer has a written job description) \_\_\_\_\_  
\_\_\_\_\_

Expected hours of employment \_\_\_\_\_  
Duration of employment \_\_\_\_\_

The relationship, if any, of the outside employment to County approvals or reviews \_\_\_\_\_  
\_\_\_\_\_

Other relevant information \_\_\_\_\_  
\_\_\_\_\_

**Proposed Corporate Affiliation**

Name and address of corporation: \_\_\_\_\_  
\_\_\_\_\_

Does employee procure, draft, negotiate, or monitor contracts for the department? Describe: \_\_\_\_\_  
\_\_\_\_\_

Position with corporation: \_\_\_\_\_  
Describe any compensation from corporation (salary, stipend or reimbursements)? \_\_\_\_\_  
\_\_\_\_\_

Describe any current or likely contracts between corporation and employee's department: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I certify that I have read the Shasta County Incompatible Outside Employment Policy and I will comply with all of the rules of such policy in pursuing outside employment.**

**I certify that the foregoing is true and correct.**

Dated: \_\_\_\_\_ Employee \_\_\_\_\_

Department Head or his /her designee

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

---

---

**FOR OFFICE USE: (Confidential--File in Personnel Records Only)**

Date received: \_\_\_\_\_ Notes: \_\_\_\_\_ Initialed \_\_\_\_\_

**ORDER TO CEASE OUTSIDE EMPLOYMENT/CORPORATE AFFILIATION**

I, \_\_\_\_\_, Department Head, or his/her designee, hereby order you, \_\_\_\_\_, employee in the department under my authority, to cease working at the outside employment or to cease your corporate affiliation, described as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This order is being issued because that activity is incompatible, inconsistent, or in conflict with your employment with Shasta County for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following are additional conditions attached to this order relating to your outside employment or corporate affiliation, including terms and conditions relating to suspending such outside employment pending the final determination of this matter: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**You have 10 business days from the receipt of this order to appeal this order in writing to the Outside Employment/Corporate Affiliation Review Committee or Grievance Board in care of the Personnel Director, or his/her designee.** A Notice of Appeal form has been attached to this order for your use. You may be required to submit additional information regarding your outside employment.

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

Title \_\_\_\_\_

**This page intentionally  
left blank for duplex  
printing purposes.**

**EMPLOYEE APPEAL FORM ORDER TO CEASE  
OUTSIDE EMPLOYMENT/CORPORATE AFFILIATION -**

I, \_\_\_\_\_, hereby appeal my Department Head's, or his/her designee, order to cease my outside employment or corporate affiliation described as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I appeal this order on the basis that my outside employment or corporate affiliation is not incompatible, inconsistent or in conflict with my employment with Shasta County as determined by the Shasta County Incompatible Outside Employment/Corporate Affiliation Policy for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the foregoing is true and correct.

DATED \_\_\_\_\_

Signature \_\_\_\_\_

Print name/Title \_\_\_\_\_

When complete, submit to the Personnel Director, or his/her designee.

Date received: \_\_\_\_\_

Initialed: \_\_\_\_\_

**This page intentionally  
left blank for duplex  
printing purposes.**

COUNTY OF SHASTA  
RECIPIENT APPLICATION  
ACCRUED VACATION DONATION PROGRAM

I hereby make application to access the Accrued Vacation Donation Bank. I understand that in order to qualify as a recipient, I must meet program criteria, submit appropriate medical justification, and receive the approval of the Vacation Donation Review Committee.

I have or will have exhausted all of my accrued vacation, appropriate sick leave, CTO or administrative leave, and holiday credits and am eligible for leave without pay beginning \_\_\_\_\_.  
(date)

I believe my circumstances qualify as verifiable long-term illness or injury of self or immediate family member, and are described as follows (even though you have attached medical justification, you **must** complete the following section in your own words.):

---

---

---

---

(Attach additional sheets if necessary)

**I have received, read and understand the current Accrued Vacation Donation Policy (dated February 5, 2008)** and, in the event I am determined to be eligible as a recipient, I agree to abide by the terms of that Policy. I understand that becoming an eligible recipient does not guarantee that donated vacation time in the Bank will be sufficient to meet my needs. If I am determined to be ineligible, I understand the decision of the Vacation Donation Review Committee is final and therefore not subject to any form of appeal.

**By signing this form I understand that I am signing a medical release authorizing the Vacation Donation Review Committee to have access to pertinent personal medical information. I understand I will be responsible, as requested by the Committee, to provide the required documentation regarding my or my family member's illness or injury. I also understand that the committee will keep that information confidential and will use it only for the purposes of determining benefits under this policy.**

Please submit a separate request for leave of absence to the Department Head, or his/her designee. The Leave of Absence must be approved by your Department Head, or his/her designee, before the Vacation Donation Bank Committee can consider your request. You should provide only necessary work-related medical information when you request the Leave of Absence.

\_\_\_\_\_  
Name of Employee (Type/Print)

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Title

\_\_\_\_\_  
Vacation Donation Review Committee

\_\_\_\_\_  
Department

\_\_\_\_\_  
Action Date

\_\_\_\_\_  
Date

**NOTE: Attach medical and other relevant documentation verifying and/or clarifying your or your family's disabling illness or injury.**

**This page intentionally  
left blank for duplex  
printing purposes.**

COUNTY OF SHASTA

VACATION DONATION PROGRAM  
REQUEST FOR ASSIGNMENT OF ACCRUED VACATION TIME

I hereby request that \_\_\_\_\_ hours of vacation time now accrued to me be assigned and credited to: \_\_\_\_\_  
(Employee's Name or General Bank)

I understand that this request must be approved by my appointing authority, and that if this request is granted, the amount of my accrued vacation time will be reduced accordingly.

I hereby represent that the above request is freely made by me and that I will not be compensated for this assignment by any person or entity, including but not limited to the County of Shasta or any employee using donated hours. I hereby release the County of Shasta and all its officers, agents, and employees from any liability to me for the reduction in my accrued vacation time that will result if this request is granted.

I further understand that if this request is granted, the use by the recipient employee of the amount of vacation time donated pursuant to this request will be limited to the period of time the recipient employee remains on leave status. If the recipient employee returns to paid County employment status or terminates his/her County employment, any amount of my accrued vacation time assigned to him/her pursuant to this request that is not used by him/her prior to his/her return to paid County employment status or termination of County employment will be placed in the general bank for use by other eligible County employees.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
County ID Number

\_\_\_\_\_  
Signature of Employee

I concur with this request:

\_\_\_\_\_  
Signature of Department Head, or his/her designee

\_\_\_\_\_  
Date

To Payroll Office: \_\_\_\_\_  
(Date) Dept. No.

**This page intentionally  
left blank for duplex  
printing purposes.**

# POSITION CLASSIFICATION QUESTIONNAIRE

Shasta County  
Personnel Unit  
Department of Support Services

Return Original Copy  
to Personnel

---

## TO EMPLOYEE:

This is a job inventory. The information requested by this questionnaire will be used to evaluate your duties and responsibilities in determining the appropriate classification of your position. You are being asked to complete the form because you are the best person to provide complete information about your job. Please do not request that your position be studied if you are solely concerned about its salary range or other factors that are listed below as outside the scope of this program. You are most welcome to request a study if there have been significant changes in your duties and responsibilities.

This study is not concerned with how well you perform on the job, whether your workload is appropriate, whether your particular function or organization is properly staffed, or whether the salary of the position is appropriate. This questionnaire seeks to gather data of two types: Task data -- information regarding the specific work functions performed by you; and Behavioral data -- information regarding the knowledge, skills, and abilities necessary to adequately perform the duties of your job. This is the method used by the County to see that positions are fairly and consistently classified.

Please write your responses on one copy of the questionnaire as completely and accurately as possible, then give it to your supervisor for review and signature. Your supervisor will give it to your department head for review and signature. It will then be returned to you for signature. You sign it last. Return it to your supervisor who will forward it to the Personnel Office. Be sure to keep a copy for your files.

---

## BACKGROUND INFORMATION

Your name \_\_\_\_\_ Payroll Title \_\_\_\_\_

Working Title (if different) \_\_\_\_\_

Department \_\_\_\_\_ Division \_\_\_\_\_

Work Phone Number \_\_\_\_\_

Address where you report to work \_\_\_\_\_

Length of time in current position \_\_\_\_\_ Hours of work \_\_\_\_\_ to \_\_\_\_\_

Name, title and work phone of immediate supervisor \_\_\_\_\_

1. Has your positions been studied for reclassification in the past? If so, when, and describe what has changed since the last study.

---

---

---

---

2. Briefly describe what you believe to be the main purpose of your job.

---

---

---

---

3. Education (circle number of years you have completed):

Elementary/Secondary: 1 2 3 4 5 6 7 8 9 10 11 12  
Graduated: Yes No GED

College/University: 1 2 3 4 5 6 + Major  
Graduated: Yes No Degree

4. What license, registration or certificate (if any) is required by the County for performance of your job?\_\_\_\_\_

---





activities of your department or work unit, equipment operation skills, supervisory skills, communication skills, etc.

---

---

---

---

---

13. List those organizations, if any, with whom you come in contact. List both internal as well as external contacts, and why they are necessary in the course of work.

<u>Organization</u>	<u>Reason for Contact</u>	<u>Frequency of Contact</u>
---------------------	---------------------------	-----------------------------

<hr/>	<hr/>	<hr/>

14. What is the consequence if you make an error in the course of your duties?

---

---

---

---

15. Describe the most difficult and/or major decisions you make in the course of your duties.

---

---

---

---

16. Describe the nature of the direction or supervision you receive, and by whom.

---

---

17. List those employees under your direct supervision. If none, state so.

NamePayroll Title

---

---

---

---

---

18. Describe the nature of your supervisory responsibilities, if applicable. Please be specific, e.g., hiring, discipline, work planning, evaluations, training, etc.

---

---

---

---

19. Is there a classification that you feel is more appropriate considering your duties?

---

---

20. **PHYSICAL DEMANDS** - This section is principally included in order to update job specifications in accordance with ADA requirements.

A. How much on-the-job time is spent in the following physical activities? Show the amount of time by checking the appropriate boxes below.

	None	Up to 1/3 of time	1/3 to 2/3 of time	More than 2/3 of time
Stand				
Walk				
Sit				
Use hands to finger, handle or feel				
Reach with hands and arms				
Climb or balance				
Stoop, kneel, crouch, or crawl				
Talk or hear				
Taste or smell				

B. Does this job require that weight be lifted or force be exerted? If so, how much and how often? Check the appropriate box below.

	None	Up to 1/3 of time	1/3 to 2/3 of time	More than 2/3 of time
Up to 10 lbs				
Up to 25 lbs				
Up to 50 lbs				
Up to 100 lbs				
More than 100 lbs				

C. Does this job have any special vision requirements? Check all that apply.

- Close Vision (clear vision at 20 inches or less)
- Distance Vision (clear vision at 20 feet or more)
- Color Vision (ability to identify and distinguish colors)
- Peripheral Vision (ability to observe an area that can be seen up and down or to the left and right while eyes are fixed on a given point)
- Depth Perception (three-dimensional vision, ability to judge distances and spatial relationships)
- Ability to Adjust Focus (ability to adjust the eye to bring an object into sharp focus)
- No Special Vision Requirements

D. Please list any additional comments on specific physical demands required for this position.

---



---



---

21. WORK ENVIRONMENT

A. How much noise is typical for the work environment of this job? Check the appropriate level below.

- Very Quiet (Examples: forest trail, isolation booth for hearing test)
- Quiet (Examples: library, private office)
- Moderate Noise (Examples: office w/typewriters or computer printers, light traffic)
- Loud Noise (Examples: metal can manufacturing, large earth moving equipment)
- Very Loud Noise (Examples: jackhammer work, front row at rock concert)

- B. How much exposure to the following environmental conditions does this job require? Show the amount of time by checking the appropriate boxes below.

	None	Up to 1/3 of time	1/3 to 2/3 of time	More than 2/3 of time
Wet, humid conditions (non-weather)				
Work near moving mechanical parts				
Work in high, precarious places				
Fumes or airborne particles				
Toxic or caustic chemicals				
Outdoor weather conditions				
Extreme cold (non-weather)				
Extreme heat (non-weather)				
Risk of electrical shock				
Work with explosives				
Risk of radiation				
Vibration				

- C. Please list any additional comments on the specific working conditions encountered while performing the duties of this position.

---



---



---



---



---



---

22. Please provide a summary statement as to why you think it is appropriate for your position to be reclassified including any significant changes in your duties and responsibilities that have occurred over the past year.

---

---

---

---

---

---

---

---

---

---

This completes the questionnaire. Please submit as stated in the earlier instructions. Thank you for your cooperation and assistance.



**PLEASE SIGN IN ORDER INDICATED:**

1. CERTIFICATE OF IMMEDIATE SUPERVISOR

Does the completed questionnaire accurately reflect the incumbent's duties, responsibilities and other factors relative to the job? Yes No (If no, see comments below)

Are there any special courses or specialized knowledge needed for the position that were not covered in the questionnaire? If so, what are they?

---

---

---

What is the most responsible/complex aspect of this job?

---

---

---

Comments (use additional sheets if necessary)

---

---

---

---

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Name (Print) \_\_\_\_\_ Phone No. \_\_\_\_\_

- 
- 
2. CERTIFICATE OF DEPARTMENT HEAD, OR HIS/HER DESIGNEE (It is not required that Department Head, his/her designee, complete this section. However, he/she is encouraged to take advantage of this opportunity to provide relevant information)

I do do not concur with the responses of the employee and the supervisor.

Comments (use additional sheets if necessary)

---

---

---

Department Head's, or his/her designee, Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Head's, or his/her designee, Name (Print) \_\_\_\_\_ Phone No. \_\_\_\_\_

- 
- 
3. CERTIFICATE OF EMPLOYEE

I certify that the responses are my own and to the best of my knowledge are complete and accurate.

Date: \_\_\_\_\_ Employee's Signature \_\_\_\_\_

09/13/01

**This page intentionally  
left blank for duplex  
printing purposes.**

POSITION CLASSIFICATION

APPEAL FORM

Shasta County  
Personnel Unit  
Original

Return Original Copy  
to Personnel

**TO EMPLOYEE**

This form is to be submitted only if you desire to formally appeal the recent recommendation made on how your position should be classified. In order to be considered, it must include as much factual information as possible. Use additional sheets if needed.

I agree with the class being recommended for my position. Yes \_\_\_\_\_ No \_\_\_\_\_

I agree with the content of the class specification being recommended for my positions.

Yes \_\_\_\_\_ No \_\_\_\_\_

I disagree because \_\_\_\_\_

Name \_\_\_\_\_ Current Payroll Title \_\_\_\_\_

Department \_\_\_\_\_ Division \_\_\_\_\_

Date \_\_\_\_\_ Employee's Signature \_\_\_\_\_

**IMMEDIATE SUPERVISOR**

I do \_\_\_ do not \_\_\_\_\_ concur with the responses of the employee.

Comments (use additional sheets if needed) \_\_\_\_\_

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

**DEPARTMENT HEAD, OR HIS/HER DESIGNEE**

I do \_\_\_ do not \_\_\_\_\_ concur with the responses of the employee and the supervisor.

Comments (use additional sheets if needed) \_\_\_\_\_

Date \_\_\_\_\_

Department Head's or his /her designee Signature \_\_\_\_\_

**This page intentionally  
left blank for duplex  
printing purposes.**

**Employee Recognition Award**

**Nomination**

**NOMINATION PROCEDURE:**

All employees and registered volunteers with a minimum of one year of service are eligible for Employee Recognition Awards. To qualify, an employee must demonstrate exemplary performance and meet the seven eligibility criteria outlined in the Employee Recognition Award Program Policy. These criteria are *customer service, professionalism, ethical standards, initiative/innovation, teamwork, productivity and role model for other public employees* (See Chapter 36 of the Personnel Rules.)

Any employee who meets these criteria may be nominated for an award. All nominations must be made by another county employee and be submitted on this ballot form to the employee's department head.

NOMINEE'S NAME: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

DIVISION: \_\_\_\_\_

JOB TITLE: \_\_\_\_\_

NOMINATED BY: \_\_\_\_\_

**REASONS FOR NOMINATION:**

Please attach a narrative description of the reasons for the nomination. Please be as specific as possible. The Employee Recognition Committee considers the following criteria: *customer service, professionalism, ethical standards, initiative/innovation, teamwork, productivity and role model for other public employees* (See Chapter 36 of the Personnel Rules). Note any activities, work projects, incidents or projects that will support your comments and illustrate the criteria listed above. If necessary use additional sheets of paper, but confine your narrative to three pages including this page.

\_\_\_\_\_  
Preparer's Signature

\_\_\_\_\_  
Date

**DEPARTMENT HEAD'S RECOMMENDATIONS AND COMMENTS**

\_\_\_\_\_  
Department Head, or his/her designee, Signature

\_\_\_\_\_  
Date

SCREENING OF PERSONNEL FILE BY PERSONNEL DIRECTOR, OR HIS/HER DESIGNEE: (review for sustained disciplinary actions, letters of reprimand or "below expected standards" evaluations for the past five years):

Eligible \_\_\_\_\_ Ineligible \_\_\_\_\_

Note: All nominations must be signed by the department head and submitted to the Personnel Director by the third Friday of each month to be considered for an award the following month.

**This page intentionally  
left blank for duplex  
printing purposes.**

## SHASTA COUNTY FLEXIBLE WORK HOURS PLAN

The Flex Plan is an alternative work schedule that is voluntary and intended as a valuable benefit to employees. The plan is also a benefit to the department because it will result in improved production by allowing employees flex time for personal business without having to use leave balances.

The plan is voluntary for employees and may be modified or discontinued by management at any time.

### FLEX SCHEDULE POLICY

The flex schedule program is a privilege to be used to accumulate hours for time off during the same 40-hour work period. General County policy requires its personnel to work a full scheduled week, although short workweeks (Labor Day, Thanksgiving, etc.) may be accommodated appropriately.

The Flex Schedule Supervisory Control Requirements:

1. Flextime will be approved by the supervisor on Monday morning for the current week and will be maintained online for all to view.
2. The supervisor must approve any changes requested within the work week.
3. There must be adequate personnel available in each work unit during office hours.

How Flex Schedule Works:

1. Employees must work 40 hours a week.
2. Flextime optional hours will be from 7:00 a.m. to 6:00 p.m. with ½ hour option for lunch.
3. No more than 9 hours can be worked per day unless approved by management.
4. Sick leave cannot exceed 8 hours in one day.
5. Employees cannot take less than a one-half hour lunch.
6. There will be no carry-over from one week to another.
7. Rest breaks will not be adjusted for flextime accumulation.
8. Rest breaks cannot be taken in conjunction with flextime.
9. Employees may not be at work earlier than 15 minutes prior to scheduled start time and leave no later than 15 minutes after scheduled quit time.
10. Flex time worked or taken must be in ½ hour increments.
11. Employees may flex from ½ hour up to a maximum of 8 hours per workweek.
12. Employee's time card must reflect the actual hours worked and must account for 40 hours each week.
13. Upon approval from the supervisor on Monday morning, employees may opt in or out for any week.

### Flextime Examples:

No. 1 (Friday afternoon off)

Monday - 7:30 am - 12:30 pm, lunch ½ hour  
1:00 pm - 5:00 pm = 9 hours  
Tuesday - 7:30 am - 12:30 pm, lunch ½ hour  
1:00 pm - 5:00 pm = 9 hours  
Wednesday - 7:30 am - 12:30 pm, lunch ½ hour  
1:00 pm - 5:00 pm = 9 hours

Thursday - 7:30 am - 12:30 pm, lunch ½ hour  
1:00 pm - 5:00 pm = 9 hours  
Friday - 7:30 am - 11:30 pm = 4 hours

Total Hours = 40

No. 2 (Monday morning off)

Same as No. 1, except that Monday is a 4-hour day, beginning at 1:00 pm and Tuesday through Friday are 9-hour days.

No. 3 (Off every day at 4:00 pm)

Monday - Friday - 7:30 am - 12:30 pm, lunch ½ hour  
1:00 pm - 4:00 pm = 40 hours

No. 4 (Start every day at 9:00 am)

Monday - Friday - 9:00 am - 1:00 pm, lunch ½ hour  
1:30 pm - 5:30 pm = 40 hours

No. 5 (Variable Flex)

Monday - Friday - 7:30 am - 5:00 pm, lunch ½ hour  
5 hours off during mid-day taken in one hour increments  
Total hours = 40

Various versions of these examples can be developed to accommodate the needs of the employee and the department.

Employees are expected to be at their workstation and ready to work at the time specified each workday. Once at work, employees are expected to remain diligently at work throughout the day, except during lunch and break periods. If an employee is late, the flex schedule should be adjusted accordingly.

## REQUEST FOR FLEX SCHEDULE

### Flex Schedule Policy

The flex schedule program is a privilege to be used to accumulate hours for time off during the same 40-hour work period. General County policy requires employees to work a full scheduled week, although short workweeks (Labor Day, Thanksgiving, etc.) may be accommodated appropriately.

### Flex Schedule Requirements

1. Flextime must be approved by your supervisor on Monday a.m. or prior for that current week's flex schedule.
2. There must be adequate personnel available to cover workloads during office hours.
3. You must still work 40 hours in a week.
4. Sick leave cannot exceed 8 hours in one day.
5. You cannot take less than ½ hour for lunch.
6. There will be no carry-over from one week to another.
7. Rest breaks will not be adjusted for flextime accumulation.
8. Rest breaks cannot be taken in conjunction with flextime.
9. Flextime worked or taken must be in ½ hour increments.
10. Your time card must reflect the actual hours worked and must account for 40 hours each week.

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Proposed Flex Schedule dates and times

\_\_\_\_\_  
Reason for Flex Schedule Request

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head, or his/her designee, Signature

\_\_\_\_\_  
Date

**This page intentionally  
left blank for duplex  
printing purposes.**

## Performance Evaluation Instructions

A Performance Evaluation (PE) for Shasta County employees is prepared as required by the County's Personnel Rules for all regular employees, and for extra help employees who have worked a cumulative total of 2080 hours (see Personnel Rules, Chapter 19). The PE is to be discussed with an employee privately in a face-to-face meeting. The attached, approved PE is used to **summarize and record** the employee's performance as well as discussions that are held between a supervisor and an employee for the period covered by the PE. As part of the process of continual feedback, PE ratings should never be a surprise to an employee. An employee must be given a copy of his or her PE.

PE's can be given for a variety of reasons. Annual and probationary period evaluations are the most common, but PE's can be given after lengthy or special projects, or as part of a performance improvement process. Regardless of the reason for a review, a supervisor should ensure that category ratings are applied consistently, and are related to job performance.

### Ratings

A supervisor should rate an employee for each applicable criterion in a category, providing comments about specific conduct and examples of incidents which support the rating. All ratings require a narrative comment. In particular, a rating above and below "Meets Expected Standards" must be fully supported by evidence. An employee's performance must be rated within one of the following criteria:

**Exceeds Standards:** An employee is consistently performing above what is normally expected. Since a certain high level of performance is expected of all Shasta County employees, this rating should be used sparingly to indicate exceptional performance.

**Meets Expected Standards:** An employee is consistently performing well. An employee at this level is meeting the high level of performance expected of County employees. He or she is consistently meeting the agreed upon standards for his or her position.

**Improvement Needed:** An employee must improve his or her performance to achieve a "Meets Expected Standards" rating. Every employee has strengths and weaknesses in different aspects of his or her job performance, and this rating can be used to indicate a weakness. If a "Needs Improvement" rating has been given, a supervisor must formulate a "Performance Improvement Plan."

**Unacceptable:** An employee demonstrates substantial or serious weaknesses in his or her job performance. If a rating of "Unacceptable" has been given, a supervisor must formulate a "Performance Improvement Plan."

### Weighted Categories

Each department may weigh rating categories differently. If a department places a greater weight on any rated category, the "weighted" box on the PE must be marked. A supervisor should explain to an employee, upon hire or placement in a position, the nature of any weighted job criteria that may appear on a PE. It is a supervisor's responsibility to inform all employees under his or her supervisory control or direction of expected standards upon hire or placement. If weighted categories change, a supervisor should inform every affected employee of the change as soon as possible.

### Rated vs. Non-Rated Categories

Dependant upon a department's business needs, as determined by the department head, certain performance categories may not be rated. Performance categories that are rated must be marked accordingly on the PE and addressed appropriately in the category narrative. Again, it is a supervisor's

responsibility to inform all employees under his or her supervisory control or direction of rated categories upon hire or placement in a position. If rated categories change, a supervisor should inform every affected employee of the change as soon as possible.

### **Goals and Objectives**

An Employee should be made aware of goals and objectives when first hired or placed in a position, and annually thereafter. As determined by the department head, each PE should include goals and objectives established for the employee by his or her supervisor for the next evaluation period. These goals and objectives should be selected to allow for opportunities for the employee to increase effectiveness in his or her position, as well as assist the department in achieving its mission. These goals and objectives may include (but are not limited to) lengthy or special projects, training, and ways to improve performance (if necessary), and will be evaluated annually under Category E of the PE.

### **Development Plan**

Maintaining and improving good performance is a responsibility shared by both the employee and his or her supervisor. A PE should address an employee's development. An employee will benefit most from a development plan if the plan has several concrete ideas on how the employee can enhance his or her performance during the next evaluation period.

### **Performance Improvement Plan**

A Performance Improvement Plan (PIP) is **mandatory** for an employee who has one or more category ratings of "Unacceptable" or "Improvement Needed." The PIP should include at least one category element for each rating below "Meets Expected Standards." To be effective, and in order to appropriately guide an employee in a deficient area of performance, a supervisor should describe, in clear terms, the performance problem, the standard of performance the supervisor expects the employee to meet, and the deadline for achieving that standard of performance. The PIP should describe all training, assistance and oversight that will be provided to an employee during the next evaluation period, and should set timelines for the employee's next performance review.

### **Affirmation**

While a PE is being discussed with an employee in a face-to-face meeting, a supervisor should use the time to review departmental and County policies and procedures. A department may add additional review topics, however, at a minimum, the County's Policy against Discrimination and Harassment (including sexual harassment) should be discussed with an employee on an annual basis. An employee should be asked to initial a statement confirming the nature of the discussion that took place between an employee and a supervisor.

### **Verification**

The department head or his or her designee must review a PE **before** it is discussed with an employee. An employee's signature in the "Signatures and Review" section of the PE does not indicate agreement with the PE. The signature is intended only to acknowledge that the content of the PE has been discussed with an employee.

**SHASTA COUNTY PERFORMANCE EVALUATION**

**I. IDENTIFICATION**

<b>Name</b> (Last, First, Middle Initial):	<b>Position Title:</b> <input type="checkbox"/> Classified <input type="checkbox"/> Unclassified ("At Will")
<b>Department Name/Division:</b>	<b>Duty Assignment:</b>
<b>Evaluation Period:</b> <b>From:</b> <b>To:</b>	<b>Type of Evaluation:</b> <input type="checkbox"/> Annual <input type="checkbox"/> Probationary Period <input type="checkbox"/> Extra Help <input type="checkbox"/> Other:

**II. GENERAL PERFORMANCE CATEGORIES – NARRATIVES TO BE COMPLETED FOR ALL EVALS**

<b>A. Core Competencies</b>	<b>*WEIGHTED</b>	<b>RATED</b>	<b>UNACCEPTABLE</b> [Did not meet Expectations]	<b>IMPROVEMENT NEEDED</b> [Occasionally did not meet expectations]	<b>MEETS EXPECTED STANDARDS</b> [Meets expectations]	<b>EXCEEDS STANDARDS</b> [Strong Performance]
Level of job knowledge necessary to perform assigned job duties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Use of job knowledge and skills related to job duties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality and Accuracy of work performed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quantity of work performed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Narrative:</b>						

<b>B. Effectiveness</b>	<b>*WEIGHTED</b>	<b>RATED</b>	<b>UNACCEPTABLE</b>	<b>IMPROVEMENT NEEDED</b>	<b>MEETS EXPECTED STANDARDS</b>	<b>EXCEEDS STANDARDS</b>
Adapts well to work changes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Problem solving skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Verbal communications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Written communications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Active listening skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Narrative:</b>						

<b>C. People Skills</b>	<b>*WEIGHTED</b>	<b>RATED</b>	<b>UNACCEPTABLE</b>	<b>IMPROVEMENT NEEDED</b>	<b>MEETS EXPECTED STANDARDS</b>	<b>EXCEEDS STANDARDS</b>
Customer service responsiveness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interacting with the public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Working as a team member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ability to resolve conflicts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintains effective, harmonious working relationships	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leadership skills (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Narrative:</b>						

\*A check in this box identifies this factor as crucial to performance and is more heavily weighted than other factors

<b>D. Work Place Awareness</b>	<b>*WEIGHTED</b>	<b>RATED</b>	<b>UNACCEPTABLE</b>	<b>IMPROVEMENT NEEDED</b>	<b>MEETS EXPECTED STANDARDS</b>	<b>EXCEEDS STANDARDS</b>
Complies with County policies and procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Complies with department policies and procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Works in a safe manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Obeys security protocols	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Takes care of resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Narrative:</b>						

<b>E. Dependability</b>	<b>*WEIGHTED</b>	<b>RATED</b>	<b>UNACCEPTABLE</b>	<b>IMPROVEMENT NEEDED</b>	<b>MEETS EXPECTED STANDARDS</b>	<b>EXCEEDS STANDARDS</b>
Starts and leaves work as scheduled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Punctual for meetings or scheduled events	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minimizes absences so as not to impact operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets work deadlines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stays on task; avoids distractions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is timely in the completion of work assignments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Competently completes assigned goals and objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Narrative:</b>						

<b>F. Management Skills</b>	<b>*WEIGHTED</b>	<b>RATED</b>	<b>UNACCEPTABLE</b>	<b>IMPROVEMENT NEEDED</b>	<b>MEETS EXPECTED STANDARDS</b>	<b>EXCEEDS STANDARDS</b>
<small>[To evaluate Manager and Supervisor classifications ONLY]</small>						
Planning skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision making skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ability to direct employees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Performance evaluations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Budget preparation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Controls costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Delegation of work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Motivates employees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Career development of subordinates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Narrative:</b>						

\*A check in this box identifies this factor as crucial to performance and is more heavily weighted than other factors

### III. OVERALL PERFORMANCE

<b>UNACCEPTABLE</b>	<b>IMPROVEMENT NEEDED</b>	<b>MEETS EXPECTED STANDARDS</b>	<b>EXCEEDS STANDARDS</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Overall Narrative Summary:</b>			

**IV. FUTURE PLANS/ACTIONS**

- GOALS AND OBJECTIVES FOR NEXT PERFORMANCE PERIOD:** With the assistance of the employee, list those goals and objectives which will increase the employee's effectiveness in his or her current position. These goals and objectives may include specific projects, tasks, or assignments that will be evaluated in Category E of this performance evaluation. Please list each goal and objective separately and include any specific completion date, if applicable, within the evaluation period. (Attach additional pages as needed.)
- EMPLOYEE DEVELOPMENT PLAN:**(Optional) This section is intended to promote career development by identifying for the employee the skills or knowledge he or she should obtain in order to enhance his or her chances of promotion. (Attach additional pages as needed.)
- PERFORMANCE IMPROVEMENT PLAN:**(This is mandatory for every employee who has one or more category ratings of "Unacceptable" or "Improvement Needed.") This plan should include at least one category element for each rating below "Meets Expected Standards." The supervisor should describe the performance problem, the standard of performance the supervisor expects the employee to meet, and the deadline for achieving that standard of performance. The plan should describe all training, assistance and oversight that will be provided to the employee during the next evaluation period, and should set timelines for the employee's next review. (Attach additional pages as needed.)

**V. STEP INCREASE**

<b>Approved</b> <input type="checkbox"/>	<b>Denied</b> <input type="checkbox"/>	<b>Not Applicable</b> <input type="checkbox"/>
---	---	---

**VI. AFFIRMATION:** **Departments may wish to place department-specific requirements here.**

As part of the evaluation process, I reviewed and understand the County's policy against discrimination and harassment (including sexual harassment) found in the Shasta County Personnel Rules \_\_\_\_\_ (Employee's initials)

**VII. SIGNATURES & REVIEW**

This evaluation represents my best judgment of the employee's performance:

Rater: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title:

I concur in and approve this evaluation:

Program Manager/Division Chief: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title:

I concur in and approve this evaluation:

Department Head, or his/her designee: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title:

I understand that my signature acknowledges the receipt of this evaluation only:

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Name:

Comments by employee (optional):(Attach additional pages as needed)

**This page intentionally  
left blank for duplex  
printing purposes.**

## **AUTHORIZATION & RELEASE OF INFORMATION**

I have applied for a position with Shasta County. I understand that, in connection with the employment decision process, Shasta County may thoroughly investigate my background, including, but not limited to, my references, educational record, work history, certifications, criminal conviction record, records of civil actions, and other public records. I understand that these investigations will be conducted by Shasta County and/or its designated representatives to assist Shasta County in determining my qualifications for the position I am seeking. In order to assist Shasta County in obtaining documents and information to confirm my background, I hereby consent to the release of information as described below.

I authorize and direct all of my former schools and employers, and any other individual or entity that possesses information about my background to release to Shasta County, or its designated representatives, any and all information, whether or not such information is maintained in writing, that they may have concerning my educational record, work history, certifications, criminal convictions, records of civil actions, and other public records. Such information shall include but not be limited to, employment positions held, dates of employment, work achievements, performance, attendance, disciplinary history, salary record, and all of the circumstances surrounding the termination/cessation of my employment with any employer. Such information shall also include whether a former employer would re-hire me.

I direct that such information be released upon the request of any designated representative of Shasta County, regardless of any agreement, instructions, or representations I may have made to the contrary with any school, employer, or other individual or entity that possesses information about my background.

I understand and agree that I will not receive and am not entitled to know the contents of confidential reports received, and I further understand that these reports are privileged. However, I am entitled to receive copies of any records documenting an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment that may be provided to Shasta County, unless I waive that right by checking the box below and signing where indicated:

I hereby waive my right to receive a copy of any record documenting an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment that may be provided to Shasta County.

Applicant's Signature Acknowledging Waiver:

\_\_\_\_\_

I release and hold harmless all schools, all past and present employers, the County of Shasta and its officers and employees, and all other individuals and entities from any and all liability or damage of whatever kind which may at any time result to me because of compliance with this authorization and release of information.

This authorization is a continuing one; if I am hired by Shasta County, it shall remain in effect during the entire period of my employment and may be used by Shasta County at any time it deems appropriate.

A copy of this form may be used in lieu of an original.

Applicant's Name: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Dated: \_\_\_\_\_

**This page intentionally  
left blank for duplex  
printing purposes.**

**NOTICE TO EMPLOYEES**  
**EMPLOYEE RIGHTS AND RESPONSIBILITIES**  
**UNDER THE CALIFORNIA FAMILY RIGHTS ACT AND/OR**  
**PREGNANCY DISABILITY LEAVE LAW**

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to an unpaid family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent, spouse or registered domestic partner.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth or related medical conditions, you are entitled to take a pregnancy disability leave (PDL) of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take both a PDL and a CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for your self or of a family member). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave.

Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy or your own serious health condition or certification from the health care provider of your child, parent, spouse or registered domestic partner who has a serious health condition before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or a reduced work schedule.

If you are taking a leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks. However, the County will grant a request for a CFRA leave of less than two weeks duration on any two occasions. You must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a CFRA leave and/or PDL may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact CountyPersonnel.

If you require time off for any reason covered by PDL or CFRA, you must contact your supervisor.

**This page intentionally  
left blank for duplex  
printing purposes.**

## NOTICE TO EMPLOYEES

### EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT

#### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

#### Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

#### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

#### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a

#### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

#### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

#### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

#### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

#### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

**This page intentionally  
left blank for duplex  
printing purposes.**

**NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES  
FAMILY AND MEDICAL LEAVE ACT AND/OR CALIFORNIA FAMILY RIGHTS ACT**

**DATE:** \_\_\_\_\_

**TO:** \_\_\_\_\_  
**[Employee's Name and Title]**

**FROM:** \_\_\_\_\_  
**[Department Manager]**

**SUBJECT:** Notice of Eligibility and Rights and Responsibilities — Family and Medical Leave Act and/or California Family Rights Act

**PART A — Notice of Eligibility**

We received information that you need leave beginning on \_\_\_\_\_  
for:

\_\_\_\_\_ The birth of a child, or placement of a child with you for adoption or foster care.

\_\_\_\_\_ Your own serious health condition.

\_\_\_\_\_ Because you are needed to care for your \_\_\_\_\_ spouse \_\_\_\_\_ registered domestic partner (CFRA Leave Only) \_\_\_\_\_ child \_\_\_\_\_ parent due to his/her serious health condition.

\_\_\_\_\_ Because of a qualifying exigency arising out of the fact that your \_\_\_\_\_ spouse \_\_\_\_\_ son or daughter \_\_\_\_\_ parent is on active duty or called to active duty status in support of a contingency operation as a member of the National Guard or Reserves (FMLA Leave Only).

\_\_\_\_\_ Because you are the \_\_\_\_\_ spouse \_\_\_\_\_ son or daughter \_\_\_\_\_ parent \_\_\_\_\_ next of kin of a covered servicemember with a serious injury or illness (FMLA Leave Only).

This is to inform you that:

\_\_\_\_\_ You are eligible for Family and Medical Leave ("FMLA"). (See Part B below for Rights and Responsibilities).

\_\_\_\_\_ You are eligible for California Family Rights Act ("CFRA") leave. (See Part B below for Rights and Responsibilities).

\_\_\_\_\_ You are not eligible for \_\_\_\_\_ FMLA leave and/or \_\_\_\_\_ CFRA leave because (only one reason need be checked, although you may not be eligible for other reasons):

\_\_\_\_\_ You have not met the 12-month length of service requirement under the FMLA and/or CFRA. As of the first date of requested leave, you will have worked approximately \_\_\_\_\_ months towards this requirement.

\_\_\_\_\_ You have not met the 1,250-hours worked requirement under the FMLA and/or CFRA.

\_\_\_\_\_ You do not work and/or report to a work site with 50 or more employees within a 75 mile radius.

\_\_\_\_\_ You have exhausted your \_\_\_\_\_ FMLA and/or \_\_\_\_\_ CFRA leave entitlement in the applicable 12-month period.

If you have any questions, refer to the FMLA/CFRA policies in the Personnel Rules or contact County Personnel.

**PART B - Rights and Responsibilities**

As explained in **Part A**, you meet the eligibility requirements for taking FMLA and/or CFRA leave and have FMLA and/or CFRA leave available to you in the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA and/or CFRA leave, you must return the following information to us. You will have at least 15 calendar days from receipt of this notice in which to provide the information; additional time may be required in some circumstances).** If sufficient information is not provided in a timely manner, your leave may be delayed, denied, or not designated as FMLA and/or CFRA leave.

If the leave is for your own serious health condition, to care for a family member, a military qualifying exigency, or to care for a servicemember, you must provide sufficient certification to support your request for FMLA and/or CFRA leave. A certification form that sets forth the information necessary to support your request is enclosed.

\_\_\_\_\_ (Check if Applicable) Sufficient documentation to establish the required relationship between you and your family member.

\_\_\_\_\_ (Check if Applicable) Other information needed:  
\_\_\_\_\_  
\_\_\_\_\_

If your leave qualifies as FMLA and/or CFRA leave, you will have the following responsibilities while on leave:

Contact Payroll to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during the FMLA and/or CFRA leave, and recover these payments from you upon your return to work.

You will be required to use your available paid sick leave (if leave is for your own serious health condition), vacation, and other leave **balances** during your FMLA and/or CFRA absence. In addition, you have the option, but are not required, to use paid family sick leave where the leave is to care for your spouse, registered domestic partner, child or parent due to his/her serious health condition or to care for an injured or ill servicemember as stated above. This means that you will receive your paid leave and the leave will also be considered protected FMLA and/or CFRA leave and counted against your FMLA and/or CFRA leave entitlement. You will not be required to use leave balances if you are receiving wage replacement benefits like state disability insurance (SDI), paid family leave insurance (PFL), or workers' compensation benefits, but your leave will still be considered protected FMLA and/or CFRA leave. You may choose to coordinate these benefits with your leave balances. **Notify Payroll and your department immediately if you receive any wage replacement benefits and state whether or not you wish to coordinate your leave balances with these benefits.** Wage replacement benefits you receive in combination with any leave balances you coordinate with these benefits may not exceed your regular weekly wages.

\_\_\_\_\_ (Check if Applicable) While on leave, you will be required to furnish us with periodic reports of your status and intent to return to work every \_\_\_\_\_ (Indicate interval of periodic reports, as appropriate for the particular leave situation).

You will be required to follow your department's regular call-in procedures to report any absences related to any required intermittent leave or leave on a reduced work schedule.

**If the circumstances of your leave change and you are able to return to work earlier than the date you have stated, you will be required to notify us at least two (2) workdays prior to the date you intend to report for work.**

If your leave qualifies as FMLA and/or CFRA leave, you will have the following rights while on FMLA and/or CFRA leave:

- You have a right under the FMLA and/or CFRA for up to 12 weeks of unpaid leave in a 12-month period calculated as the calendar year (January - December).
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period is measured forward from the first day of leave.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA and/or CFRA leave. (If your leave extends beyond the end of your FMLA and/or CFRA entitlement, you do not have return rights under FMLA and/or CFRA.)
- If you do not return to work following FMLA and/or CFRA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA and/or CFRA leave; (2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or (3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA and/or CFRA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA and/or CFRA leave, you have the right to have your sick leave, vacation, and/or other leave balances run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of County policies relating to such leaves. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA and/or CFRA leave.

For a copy of conditions applicable to sick/vacation/other leave, please refer to the County Personnel Rules and, if you are a member of a bargaining unit, the memorandum of understanding with your bargaining unit. These are available at the County's website ([co.shasta.ca.us](http://co.shasta.ca.us)).

Once we obtain the information from you as specified above, we will inform you within five (5) business days whether your leave will be designated as FMLA and/or CFRA leave and count towards your annual FMLA and/or CFRA leave entitlement.

If you have any questions, please contact CountyPersonnel at 225-5515.

Attachments:

Notice to Employees of Rights & Responsibilities Under FMLA

Notice to Employees of Rights & Responsibilities under CFRA and/or Pregnancy Disability Leave Law

Certification Form(If Eligible for FMLA and/or CFRA Leave

**This page intentionally  
left blank for duplex  
printing purposes.**



3. State the care you will provide to your family member and an estimate of the time period during which care will be provided, including a schedule if leave is to be taken intermittently or on a reduced work schedule:

---

---

---

**SECTION III: For Completion by Health Care Provider - Instructions to Health Care Provider**

The employee identified in Section I has requested leave under the FMLA and/or CFRA for his or her serious health condition and/or to care for a covered family member. Please fully answer all of the questions below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA and/or CFRA coverage. Limit your responses to the condition for which the employee is seeking leave. Finally, please be sure to sign the form on the last page.

1. Patient's name (if different from employee): \_\_\_\_\_  
2. Approximate date condition or need for treatment commenced [Note: The Health Care Provider is not to disclose the underlying diagnosis without the consent of the patient]: \_\_\_\_\_

3. Probable duration of medical condition or need for treatment. \_\_\_\_\_

4. Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility? \_\_\_ No \_\_\_ Yes

If so, provide dates of admission: \_\_\_\_\_

5. Date(s) you treated the patient for condition: \_\_\_\_\_

6. Will the patient need to have treatment visits at least twice per year due to the condition? \_\_\_ No \_\_\_ Yes

7. Was medication, other than over-the-counter medication, prescribed? \_\_\_ No \_\_\_ Yes

8. Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? \_\_\_ No \_\_\_ Yes. If so, state the expected duration of treatment:

9. The attached sheet describes what is meant by a "serious health condition" and "incapacity" under the law. Does the patient's condition qualify under any of the categories described? If so, please circle the appropriate category.

(1) (2) (3) (4) (5) (6)

**Answer Questions 10 - 13 if the certification is for the serious health condition of the employee.**

10. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his and/or her job functions.

(a) If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or chronic condition), is the employee unable to perform work of any kind? \_\_\_\_\_ No \_\_\_\_\_ Yes

(b) If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's position? \_\_\_\_\_ No \_\_\_\_\_ Yes

If so, identify the job functions the employee is unable to perform: \_\_\_\_\_

11. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? \_\_\_\_\_ No \_\_\_\_\_ Yes

If so, estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

12. Will the employee (1) need intermittent leave to attend follow-up treatment appointments or (2) need to work part-time or on a reduced schedule because of the employee's medical condition? \_\_\_\_\_ No \_\_\_\_\_ Yes

(a) If so, are the treatments, or the reduced number of hours of work medically necessary? \_\_\_\_\_ No  
Yes

(b) Estimate the number of treatments if any, including the treatment schedule and dates of any scheduled appointments and the time required for each appointment, including any recovery period: \_\_\_\_\_

(c) Estimate the part-time or reduced work schedule the employee needs, if any

\_\_\_\_\_ hour(s) per day \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

13. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? \_\_\_\_\_ No \_\_\_\_\_ Yes

(a) Is it medically necessary for the employee to be absent from work during the flare-ups? \_\_\_\_\_ No \_\_\_\_\_ Yes.

(b) Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

Duration: \_\_\_\_\_ hours \_\_\_\_\_ or day(s) per episode

**The following questions should only be answered if this certification is for the employee to care for a family member.]**

14. (a) If leave is required to care for a spouse, registered domestic partner, child, , or parent of the employee with a serious health condition, does (or will) the family member require assistance for basic medical, hygiene, nutritional needs, safety, or for transportation? \_\_\_\_\_ No \_\_\_\_\_ Yes

(b) After reviewing the information provided by the employee in Section II (Item 3) above, does the patient's condition warrant the participation of the employee (This participation may include psychological comfort and/or arranging for third party care for the family member)? \_\_\_\_\_ No \_\_\_\_\_ Yes

(c) Estimate the period of time care is needed or during which the employee's presence would be beneficial:

\_\_\_\_\_

15. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? \_\_\_\_\_ No \_\_\_\_\_ Yes.

If so, estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

16. Will the patient require follow-up treatments, including any time for recovery? \_\_\_ No \_\_\_ Yes

Is it medically necessary for the employee to be off work for these follow-up treatments and recovery periods?

\_\_\_ No \_\_\_ Yes

Estimate the treatment schedule and dates of any scheduled appointments and the time required for each appointment, including any recovery period:

17. Is it medically necessary for the employee to be off work on an intermittent or reduced schedule basis to provide care for the patient, including any time for recovery?

Estimate the hours the patient needs care on an intermittent or reduced schedule basis, if any:

\_\_\_ hour(s) per day \_\_\_ days per week from \_\_\_ through \_\_\_

18. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? No \_\_\_ Yes \_\_\_

Is it medically necessary for the employee to be absent from work to provide care during the flare-ups? \_\_\_ No \_\_\_ Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: \_\_\_ times per \_\_\_ week(s) \_\_\_ month(s)

Duration: \_\_\_ hours or \_\_\_ day(s) per episode

\_\_\_\_\_  
Signature of Health Care Provider

\_\_\_\_\_  
Type of Practice / Medical Specialty

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Facsimile Number

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

Attachment:  
Essential Functions for Employee's Position

## SERIOUS HEALTH CONDITION AND INCAPACITY

The term "incapacity" means inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore or recovery there from.

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

### 1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

### 2. Absence Plus Treatment

A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

(1) Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

### 3. Pregnancy [NOTE: An employee's own incapacity due to pregnancy is covered as a serious health condition under FMLA but not under CFRA.]

Any period of incapacity due to pregnancy, or for prenatal care.

### 4. Chronic Conditions Requiring Treatment

Any period of incapacity or treatment for such incapacity due to a chronic condition. A chronic condition is one which:

(1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)

### 5. Permanent/Long-term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

### 6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery

there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either

(1) for restorative surgery after an accident or other injury, or

(2) for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

**DESIGNATION NOTICE**

**FAMILY AND MEDICAL LEAVE ACT AND/OR CALIFORNIA FAMILY RIGHTS ACT**

**DATE:** \_\_\_\_\_

**TO:** \_\_\_\_\_  
**[Employee's Name and Title]**

**FROM:** \_\_\_\_\_  
**[Department Manager]**

**SUBJECT:** Designation Notice — Family and Medical Leave Act and/or California Family Rights Act

We have reviewed your request for leave under the Family and Medical Leave Act ("FMLA") and/or the California Family Rights Act ("CFRA") and any supporting documentation you have provided. In your request, you asked for FMLA and/or CFRA leave for the following reason:

\_\_\_\_\_ The birth of a child, or placement of a child with you for adoption or foster care.

\_\_\_\_\_ Your own serious health condition.

\_\_\_\_\_ Because you are needed to care for your \_\_\_\_\_ spouse \_\_\_\_\_ registered domestic partner (CFRA Leave Only) \_\_\_\_\_ child \_\_\_\_\_ parent due to his/her serious health condition.

\_\_\_\_\_ Because of a qualifying exigency arising out of the fact that your \_\_\_\_\_ spouse \_\_\_\_\_ son or daughter \_\_\_\_\_ parent is on active duty or called to active duty status in support of a contingency operation as a member of the National Guard or Reserves (FMLA Leave Only).

\_\_\_\_\_ Because you are the \_\_\_\_\_ spouse \_\_\_\_\_ son or daughter \_\_\_\_\_ parent \_\_\_\_\_ next of kin of a covered servicemember with a serious injury or illness (FMLA Leave Only).

We have received your most recent information. Based on that information and the other information you provided, we have made the following determination(s):

\_\_\_\_\_

\_\_\_\_\_ **Your FMLA and/or CFRA leave request is approved. All leave taken for the specified reason will be designated as \_\_\_\_\_ FMLA leave and/or \_\_\_\_\_ CFRA leave (Check one or both as applicable).** Should you fail to return to work at the end of your FMLA and/or CFRA leave, or fail to provide continued certification of your need for additional leave, we cannot guarantee reinstatement to your prior position, or that any job will be available for you upon your return to work.

If you require intermittent leave or leave on a reduced work schedule, we will provide you with the leave your or your family member's health care provider indicates is necessary to the extent required by law. However, if your need for such leave is foreseeable based on planned medical treatment, we reserve the right to reassign you to a position with equivalent pay and benefits during your leave if another position is better suited to your new temporary schedule. We will notify you if a temporary reassignment will be made. You will be required to follow your department's regular call-in procedures to report any absence related to any required intermittent leave.

The FMLA and/or CFRA require that you notify us as soon as practicable if the dates of your scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to

date, we are providing the following information about the amount of time that will be counted against your FMLA and/or CFRA leave entitlement:

\_\_\_\_\_ You currently have \_\_\_\_\_ hours of FMLA and/or \_\_\_\_\_ hours of CFRA leave available.

\_\_\_\_\_ Your leave will begin on \_\_\_\_\_ and end on \_\_\_\_\_

\_\_\_\_\_ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your \_\_\_\_\_ FMLA and/or \_\_\_\_\_ CFRA (**check one or both as applicable**) leave entitlement: \_\_\_\_\_

\_\_\_\_\_ Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA and/or CFRA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

**Please be advised :**

If you have requested to use paid leave during your FMLA and/or CFRA leave, any paid leave taken for this reason will count against your FMLA and/or CFRA leave entitlement.

You will be required to use your available paid sick leave (if leave is for your own serious health condition), vacation, and other leave **balances** during your FMLA and/or CFRA absence. In addition, you have the option, but are not required, to use paid family sick leave where the leave is to care for your spouse, registered domestic partner, child or parent due to his/her serious health condition or to care for an injured or ill servicemember as stated above. This means that you will receive your paid leave and the leave will also be considered protected FMLA and/or CFRA leave and counted against your FMLA and/or CFRA leave entitlement. However, you will not be required to use leave balances if you are receiving wage replacement benefits like state disability insurance (SDI), paid family leave insurance (PFL), or workers' compensation benefits. You may choose to coordinate these benefits with your leave balances. **Notify Payroll and your department immediately if you receive any wage replacement benefits and state whether or not you wish to coordinate your leave balances with these benefits.** Wage replacement benefits you receive in combination with any leave balances you coordinate with these benefits may not exceed your regular weekly wages.

Information about state disability insurance ("SDI") and paid family leave ("PFL") benefits are enclosed with this letter. It is your responsibility to apply for such benefits through the local Employment Development Department if you so choose.

If you are taking leave due to your own serious health condition and it is not intermittent or reduced schedule leave, you will be required to present a Fitness-for-Duty Certification to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position is attached. The Fitness-for-Duty Certification must address your ability to perform these functions.

\_\_\_\_\_ (Check if Applicable) If you are taking intermittent or reduced schedule leave due to your own serious health condition, you will be required to provide a Fitness-For-Duty Certification for such absences up to once every 30 days because it has been determined that reasonable safety concerns exist regarding your ability to perform your duties based on the serious health condition for which you are taking such leave. "Reasonable safety concerns" means a reasonable belief of significant risk of harm to you or to others, taking into consideration the nature and severity of the potential harm and the likelihood that potential harm will occur. Under this provision, for each subsequent instance of intermittent or reduced schedule leave, you will be required to submit a Fitness-for-Duty Certification unless one has already been submitted within the past 30 days. A list of the essential functions of your position is attached. The Fitness-For-Duty Certification must address your ability to perform these functions.

---

**Additional information is needed to determine if your FMLA and/or CFRA leave request can be approved (check if applicable):**

\_\_\_\_\_ The certification you have provided is not (complete/sufficient) to determine whether the FMLA and/or

CFRA applies to your leave request. You must provide the following information no later than \_\_\_\_\_ (at least seven calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts), or your leave may be delayed, denied, or not designated as FMLA and/or CFRA leave:

---

\_\_\_\_\_ We are exercising our right to have you obtain a second or third opinion health care provider certification at our expense. We will provide further details at a later time.

---

\_\_\_\_\_ Your FMLA leave request is denied.

\_\_\_\_\_ Your CFRA leave request is denied.

\_\_\_\_\_ The FMLA does not apply to your leave request.

\_\_\_\_\_ The CFRA does not apply to your leave request.

All additional information requested in this form should be directed to

---

**[Department Contact]**

Any questions about FMLA and/or CFRA leave should be directed to County Personnel.

Attachment:

Essential Functions of Position

Information about State Disability Insurance and Paid Family Leave Benefits

**This page intentionally  
left blank for duplex  
printing purposes.**

**NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES  
FAMILY AND MEDICAL LEAVE ACT AND/OR PREGNANCY DISABILITY LEAVE**

**DATE:** \_\_\_\_\_

**TO:** \_\_\_\_\_  
**[Employee's Name and Title]**

**FROM:** \_\_\_\_\_  
**[Department Manager]**

**SUBJECT:** Notice of Eligibility and Rights and Responsibilities — Family and Medical Leave Act and/or Pregnancy Disability Leave

**PART A — Notice of Eligibility**

We received information that you need leave beginning on \_\_\_\_\_ for your being disabled due to pregnancy, childbirth or related medical conditions.

This is to inform you that:

\_\_\_\_\_ You are eligible for Pregnancy Disability Leave. (See Part B below for Rights and Responsibilities).

\_\_\_\_\_ You are also eligible for Family and Medical Leave ("FMLA"). (See Part B below for Rights and Responsibilities).

\_\_\_\_\_ You are not eligible for \_\_\_\_\_ FMLA leave because (only one reason need be checked, although you may not be eligible for other reasons):

\_\_\_\_\_ You have not met the 12-month length of service requirement under the FMLA. As of the first date of requested leave, you will have worked approximately \_\_\_\_\_ months towards this requirement.

\_\_\_\_\_ You have not met the 1,250-hours worked requirement under the FMLA and/or CFRA.

\_\_\_\_\_ You do not work and/or report to a work site with 50 or more employees within a 75 mile radius.

\_\_\_\_\_ You have exhausted your \_\_\_\_\_ FMLA leave entitlement in the applicable 12-month period.

If you have any questions, refer to the FMLA/ policies in the Personnel Rules or contact County Personnel.

**PART B - Rights and Responsibilities**

As explained in **Part A**, you meet the eligibility requirements for taking Pregnancy Disability Leave and/or FMLA leave . **However, in order for us to determine whether your absence qualifies as Pregnancy Disability Leave and/or FMLA leave, you must return the following information to us. You will have at least 15 calendar days from receipt of this notice in which to provide the information; additional time may be required in some circumstances.** If sufficient information is not provided in a timely manner, your leave may be delayed, denied, or not designated as Pregnancy Disability Leave and/or FMLA leave.

Sufficient certification to support your request for Pregnancy Disability Leave and/or FMLA leave. A certification form that sets forth the information necessary to support your request is enclosed.

\_\_\_\_\_ (Check if Applicable): Additional information needed:

---

---

If your leave qualifies as Pregnancy Disability Leave and/or FMLA leave, you will have the following responsibilities while on leave:

If your leave qualifies as FMLA leave, contact Payroll to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits for 12 workweeks of leave. You have a minimum 30-day grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during the FMLA leave, and recover these payments from you upon your return to work.

You will be required to use your available paid sick leave during your Pregnancy Disability Leave and/or FMLA absence. In addition, you have the option, but are not required, to use vacation and other accrued leave balances. This means that you will receive your paid leave and the leave will also be considered protected Pregnancy Disability Leave and/or FMLA leave and counted against your Pregnancy Disability Leave and/or FMLA leave entitlement. You will not be required to use leave balances if you are receiving wage replacement benefits like state disability insurance (SDI), paid family leave insurance (PFL), or workers' compensation benefits, but your leave will still be considered Pregnancy Disability Leave and/or FMLA leave. You may choose to coordinate these benefits with your leave balances. **Notify Payroll and your department immediately if you receive any wage replacement benefits and state whether or not you wish to coordinate your leave balances with these benefits.** Wage replacement benefits you receive in combination with any leave balances you coordinate with these benefits may not exceed your regular weekly wages.

\_\_\_\_\_ (Check if Applicable) While on leave, you will be required to furnish us with periodic reports of your status and intent to return to work every \_\_\_\_\_ (Indicate interval of periodic reports, as appropriate for the particular leave situation).

You will be required to follow your department's regular call-in procedures to report any absences related to any required intermittent leave or leave on a reduced work schedule.

**If the circumstances of your leave change and you are able to return to work earlier than the date you have stated, you will be required to notify us at least two (2) workdays prior to the date you intend to report for work.**

**If your leave qualifies** as Pregnancy Disability Leave and/or FMLA leave, you will have the following **rights** while on Pregnancy Disability Leave and/or FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as the calendar year (January - December).
- You have a right under the Pregnancy Disability Leave law for up to four months of leave, depending on the periods of actual disability. The four months is defined as 88 work days for full-time employees working five (5) days per week; employees working other schedules are entitled to a pro-rata amount of leave.
- While on FMLA leave, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work. This does not apply to Pregnancy Disability Leave that fails to also qualify as FMLA leave.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from Pregnancy Disability Leave and/or FMLA leave. (If your leave extends beyond the end of your Pregnancy Disability Leave and/or FMLA entitlement, you do not have return rights under the Pregnancy Disability Leave law and/or FMLA).
- If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of

health insurance premiums paid on your behalf during your FMLA leave. This does not apply to Pregnancy Disability Leave that fails to also qualify as FMLA leave.

- If we have not informed you above that you must use accrued paid leave while taking your unpaid Pregnancy Disability Leave and/or FMLA leave, you have the right to have your sick leave, vacation, and/or other leave balances run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of County policies relating to such leaves. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid Pregnancy Disability Leave and/or FMLA leave.

For a copy of conditions applicable to sick/vacation/other leave, please refer to the County Personnel Rules and, if you are a member of a bargaining unit, the memorandum of understanding with your bargaining unit. These are available at the County's website ([co.shasta.ca.us](http://co.shasta.ca.us)).

Once we obtain the information from you as specified above, we will inform you within five (5) business days whether your leave will be designated as Pregnancy Disability Leave and/or FMLA leave and count towards your Pregnancy Disability Leave and/or annual FMLA leave entitlement.

If you have any questions, please contact CountyPersonnel at 225-5515.

Attachments:

Notice to Employees of Rights & Responsibilities Under FMLA

Notice to Employees of Rights & Responsibilities under CFRA and/or Pregnancy Disability Leave Law

Certification Form

**This page intentionally  
left blank for duplex  
printing purposes.**



4. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his and/or her job functions.

(a) Is the employee unable to perform work of any kind? \_\_\_\_\_ No \_\_\_\_\_ Yes

(b) If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's position without undue risk to herself, the successful completion of her pregnancy, or to other persons? \_\_\_\_\_ No \_\_\_\_\_ Yes

If so, identify the job functions the employee is unable to perform: \_\_\_\_\_

5. Will the employee be incapacitated for a single continuous period of time due to her medical condition, including any time for treatment and recovery? \_\_\_\_\_ No \_\_\_\_\_ Yes

If so, estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

6. Will the employee (1) need intermittent leave to attend treatment appointments or prenatal care or (2) need to work part-time or on a reduced schedule because of the employee's medical condition? \_\_\_\_\_ No \_\_\_\_\_ Yes

(a) If so, are the treatments, or the reduced number of hours of work medically advisable? \_\_\_\_\_ No  
Yes

(b) Estimate the number of treatments if any, including the treatment schedule and dates of any scheduled appointments and the time required for each appointment, including any recovery period: \_\_\_\_\_

(c) Estimate the part-time or reduced work schedule the employee needs, if any

\_\_\_\_\_ hour(s) per day \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

6. Will the condition cause episodic flare-ups periodically disabling the employee (including "morning sickness"?)  
\_\_\_\_\_ No \_\_\_\_\_ Yes

(a) Is it medically advisable for the employee to be absent from work during the flare-ups? \_\_\_\_\_ No \_\_\_\_\_ Yes

(b) Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related disability that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

Duration: \_\_\_\_\_ hours or \_\_\_\_\_ day(s) per episode

---

Signature of Health Care Provider

---

Type of Practice / Medical Specialty

---

Address

---

City, State and Zip Code

---

Telephone Number

---

Date

---

Facsimile Number

---

Employee's Signature

---

Date

Attachment:  
Essential Functions for Employee's Position

**This page intentionally  
left blank for duplex  
printing purposes.**

**DESIGNATION NOTICE**  
**FAMILY AND MEDICAL LEAVE ACT AND/ OR PREGNANCY DISABILITY LEAVE**

**DATE:** \_\_\_\_\_

**TO:** \_\_\_\_\_  
**[Employee's Name and Title]**

**FROM:** \_\_\_\_\_  
**[Department Manager]**

**SUBJECT:** Designation Notice — Family and Medical Leave Act/Pregnancy Disability Leave

We have reviewed your request for leave under the Family and Medical Leave Act ("FMLA") and/or Pregnancy Disability Leave law ("PDL") and any supporting documentation you have provided. In your request, you asked for FMLA and/or PDL for your being disabled due to pregnancy, childbirth, or related medical conditions.

We have received your most recent information. Based on that information and the other information you provided, we have made the following determinations:

\_\_\_\_\_

**\_\_\_\_\_ Your \_\_\_\_\_ PDL and/or \_\_\_\_\_ FMLA leave request is approved. All leave taken for the specified reason will be designated as PDL leave.**

**\_\_\_\_\_ Twelve weeks of your PDL leave will also be designated as FMLA leave.**

Should you fail to return to work at the end of your PDL and/or FMLA leave, or fail to provide continued certification of your need for additional leave, we cannot guarantee reinstatement to your prior position, or that any job will be available for you upon your return to work.

If you require intermittent leave or leave on a reduced work schedule, we will provide you with the leave your health care provider indicates is necessary to the extent required by law. However, for the twelve weeks your leave may qualify as FMLA leave, and if your need for such leave is foreseeable based on planned medical treatment, we reserve the right to reassign you to a position with equivalent pay and benefits during your leave if another position is better suited to your new temporary schedule. We will notify you if a temporary reassignment will be made. You will be required to follow your department's regular call-in procedures to report any absence related to any required intermittent leave or leave on a reduced work schedule.

Please notify us as soon as practicable if the dates of your scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your FMLA and/or PDL leave entitlement:

\_\_\_\_\_ You currently have \_\_\_\_\_ hours of PDL and/or \_\_\_\_\_ hours of FMLA leave available.

\_\_\_\_\_ Your leave will begin on \_\_\_\_\_ and end on \_\_\_\_\_

\_\_\_\_\_ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your Pregnancy Disability Leave entitlement: \_\_\_\_\_

\_\_\_\_\_ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your FMLA leave entitlement: \_\_\_\_\_

\_\_\_\_\_ Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your PDL and/or FMLA entitlement at this time. If your leave qualifies as FMLA leave, you have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

**Please be advised:**

If you have requested to use paid leave during your PDL and/or FMLA leave, any paid leave taken for this reason will count against your PDL and/or FMLA leave entitlement.

You will be required to use your available paid sick leave during your Pregnancy Disability Leave and/or FMLA absence. In addition, you have the option, but are not required, to use vacation and other accrued leave balances. This means that you will receive your paid leave and the leave will also be considered protected Pregnancy Disability Leave and/or FMLA leave and counted against your Pregnancy Disability Leave and/or FMLA leave entitlement. However, you will not be required to use leave balances if you are receiving wage replacement benefits like state disability insurance (SDI), paid family leave insurance (PFL), or workers' compensation benefits. You may choose to coordinate these benefits with your leave balances. **Notify Payroll and your department immediately if you receive any wage replacement benefits and state whether or not you wish to coordinate your leave balances with these benefits.** Wage replacement benefits you receive in combination with any leave balances you coordinate with these benefits may not exceed your regular weekly wages.

Information about state disability insurance ("SDI") and paid family leave ("PFL) benefits are enclosed with this letter. It is your responsibility to apply for such benefits through the local Employment Development Department if you so choose. Please inform Payroll immediately if/when you receive SDI or PFL benefits so as to avoid any sort of overpayment that could occur as a result of your choosing to coordinate leave balances with SDI or PFL benefits.

If you are not taking intermittent or reduced schedule leave, you will be required to present a Fitness-for-Duty Certification to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position is attached. The Fitness-for-Duty Certification must address your ability to perform these functions.

\_\_\_\_\_ (Check if Applicable) If you are taking intermittent or reduced schedule leave, you will be required to provide a Fitness-For-Duty Certification for such absences up to once every 30 days because it has been determined that reasonable safety concerns exist regarding your ability to perform your duties based on the condition for which you are taking such leave. "Reasonable safety concerns" means a reasonable belief of significant risk of harm to you or to others, taking into consideration the nature and severity of the potential harm and the likelihood that potential harm will occur. Under this provision, for each subsequent instance of intermittent or reduced schedule leave, you will be required to submit a Fitness-for-Duty Certification unless one has already been submitted within the past 30 days. A list of the essential functions of your position is attached. The Fitness-For-Duty Certification must address your ability to perform these functions.

---

**Additional information is needed to determine if your FMLA and/or PDL leave request can be approved (check if applicable):**

\_\_\_\_\_ The certification you have provided is not complete and/or sufficient to determine whether the PDL and/or FMLA applies to your leave request. You must provide the following information no later than \_\_\_\_\_ (at least seven calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts), or your leave may be delayed, denied, or not designated as PDL and/or FMLA leave:

---

---

---

---

\_\_\_\_\_ In connection with FMLA leave (but not PDL Leave) we are exercising our right to have you obtain a second or third health careprovider certification at our expense. We will provide further details at a later time.

---

\_\_\_\_\_ Your FMLA Leave request is denied.

\_\_\_\_\_ Your PDL Leave request is denied.

\_\_\_\_\_ The FMLA does not apply to your leave request.

\_\_\_\_\_ The PDL does not apply to your leave request.

All additional information should be directed to:

\_\_\_\_\_ [Department Contact]

Any questions about FMLA and/or PDL leave should be directed to CountyPersonnel.

Attachment:

\_\_\_\_\_ Essential Functions of Employee's Position

\_\_\_\_\_ Information about State Disability Insurance and Paid Family Leave Benefits

**This page intentionally  
left blank for duplex  
printing purposes.**



Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit)? \_\_\_\_ Yes \_\_\_\_ No If yes, please provide the name of the medical treatment facility or unit:

(2) Is the covered servicemember on the Temporary Disability Retired List (TDR)? \_\_\_\_ Yes \_\_\_\_ NO

**PART C: Care to Be Provided to the Covered Servicemember**

Describe the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care:

---

---

---

**SECTION II: For completion by a United States Department of Defense ("DOD") health care provider or a health care provider who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE Network authorized private health care provider; or (3) a DOD Non-Network TRICARE authorized private health care provider.** If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD Recovery Care Coordinator). (Please ensure that Section I above has been completed before completing this section.) Please be sure to sign the form on the last page.

The employee listed on the previous page has requested leave under the FMLA to care for a family member who is a member of the Regular Armed Forces, the National Guard, or the Reserves and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. For purposes of FMLA leave, a "serious injury or illness" is one that was incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A complete and sufficient certification to support a request for FMLA leave due to a covered servicemember's serious injury or illness includes written documentation confirming that the covered servicemember's injury or illness was incurred in the line of duty on active duty and that the covered servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Please answer all applicable parts fully and completely. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave.

**PART A: Health Care Provider Information**

Health care provider's name and business address:

Type of practice/medical specialty:

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; or (4) a DOD non-network TRICARE authorized private health care provider: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Email: \_\_\_\_\_

**PART B: Medical Status**

(1) The covered servicemember's medical condition is classified as (check one of the following):

Shasta County Personnel Rules (revised 6/2011)

\_\_\_\_\_ **(VSI) Very Seriously Ill/Injured** - Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

\_\_\_\_\_ **(S1) Seriously Ill/Injured** - Illness/injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

\_\_\_\_\_ **Other Ill/Injured** - a serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating.

\_\_\_\_\_ **None of the Above** (Note to employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition." If such leave is requested, you may be required to complete a health care provider certification form.)

(2) Was the condition for which the covered servicemember is being treated incurred in the line of duty on active duty in the Armed Forces? \_\_\_\_\_ Yes \_\_\_\_\_ No

(3) Approximate date condition commenced: \_\_\_\_\_

(4) Probable duration of condition and/or need for care: \_\_\_\_\_

(5) Is the covered servicemember undergoing medical treatment, recuperation, or therapy?  
\_\_\_\_\_ Yes \_\_\_\_\_ No.

**PART C: Covered Servicemember's Need for Care by Family Member**

(1) Will the covered servicemember need care for a single continuous period of time, including any time for treatment recovery? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, estimate the beginning and ending dates for this period of time: \_\_\_\_\_

(2) Will the covered servicemember require periodic follow-up treatment appointments? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, estimate the treatment schedule:

(3) Is there a medical necessity for the covered servicemember to have periodic care for these follow-up treatment appointments? \_\_\_\_\_ Yes \_\_\_\_\_ No

(4) Is there a medical necessity for the covered servicemember to have periodic care other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)? \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, please estimate the frequency and duration of the periodic care:

**Signature of Health Care Provider:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**This page intentionally  
left blank for duplex  
printing purposes.**

**CERTIFICATION OF QUALIFYING EXIGENCY - MILITARY FAMILY LEAVE**

**FAMILY AND MEDICAL LEAVE ACT**

**SECTION I: For Completion by Employer**

Employer name: \_\_\_\_\_

Contact information: \_\_\_\_\_

**SECTION II: For Completion by Employee - Instructions to Employee**

Please complete Section II fully and completely. The Family and Medical Leave Act ("FMLA") permits an employer to require that you submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a qualifying exigency. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "unknown" or "indeterminate" may not be sufficient to determine FMLA coverage. Your response is required. While you are not required to provide this information, failure to do so may result in a denial or delay of your request for FMLA leave or non-designation of your leave as FMLA leave. Your employer must give you at least 15 calendar days to return this form.

Your Name: \_\_\_\_\_  
                    First  Middle  Last

Name of covered military member on active duty or call to active duty status in support of a contingency operation:

\_\_\_\_\_  
                    First  Middle  Last

Relationship of covered military member to you: \_\_\_\_\_

Period of covered military member's active duty: \_\_\_\_\_

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member's active duty or call to active duty status in support of a contingency operation. Please check one of the following:

\_\_\_\_\_ A copy of the covered military member's active duty orders is attached.

\_\_\_\_\_ Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty) in support of a contingency operation is attached.

\_\_\_\_\_ I have previously provided my employer with sufficient written documentation confirming the covered military member's active duty or call to active duty status in support of a contingency operation.

**PART A: Qualifying Reason for Leave**

1. Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

2. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency

includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached. \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ None Available

**PART B: Amount of Leave Needed**

1. Approximate date exigency commenced: \_\_\_\_\_

Probable duration of exigency: \_\_\_\_\_

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency? \_\_\_\_ No \_\_\_\_ Yes

If so, estimate the beginning and ending dates for the period of absence:

3. Will you need to be absent from work periodically to address this qualifying exigency?  
\_\_\_\_ No \_\_\_\_ Yes

Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (i.e., 1 deployment-related meeting every month lasting 4 hours):

Frequency: \_\_\_\_ times per \_\_\_\_ week(s) \_\_\_\_ month(s)

Duration: \_\_\_\_ hours \_\_\_\_ day(s) per event

**PART C: Third-Party Meeting Information**

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organization), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (i.e., either the telephone or fax number or email address of the individual or entity). This information may be used by your employer to verify that the information contained on this form is accurate.

Name of Individual: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Describe nature of meeting:

**PART D: Certification**

I certify that the information I provided above is true and correct.

---

Signature of Employee

---

Date

**This page intentionally  
left blank for duplex  
printing purposes.**

## County-Provided Mobile Data Device Agreement

It is the responsibility of the employee who is connecting to the County network to ensure that all components of his/her connection remain as secure as his/her network access within the County. It is imperative that any wired (via sync cord, for example) or wireless connection, including, but not limited to devices and service, used to conduct County business be utilized appropriately, responsibly, and ethically. Failure to do so will result in immediate suspension of employee's connection to County network. For the purposes of this agreement, Mobile Data Device includes, but is not limited to, devices such as smartphones, iPads, and other tablet devices, hereinafter referred to as 'device'.

The following rules must be observed by employee:

1. The types of devices that are allowed to connect to the County network are limited. Please check with Shasta County Information Technology (CountyIT) to determine the current devices and software versions that are supported. Prior to initial use for connecting to the County network, employee must execute this agreement and verify with County IT that all hardware, software and related services are compatible with the County network.
2. Some devices may require the purchase of a software application (app) to allow the device to comply with County IT mandated security requirements. If software applications are required, the department requesting connection of the County provided device will be responsible for making this purchase prior to the device being connected to the County network. The employee's department is responsible for all costs of required software applications. Additionally, it is the employee's department's responsibility to set up the employee's individual calling plan with a cell phone provider and to pay all charges incurred. Any service issues or billing disputes with the carrier or vendor are the sole responsibility and obligation of the employee's department.
3. Employees who access, via his/her device, Protected Health Information (PHI), and/or Personally Identifiable Information (PII), and/or any other data deemed by policy or statute to require encryption, are required to maintain the settings on his/her device such that data encryption is enabled at all times.
4. Employee agrees that he/she has no reasonable expectation of privacy concerning any and all of the information stored on a county provided device. The County reserves the right to review and access at any time any and all of the information stored on county provided devices, including, but not limited to, wireless devices, which are used to connect to county resources, such as email. Employee also agrees to and accepts that his/her access and/or connection to the County network may be monitored to record dates, times, duration of access, etc., in order to identify unusual usage patterns or other suspicious activity in order to identify accounts or systems that may have been compromised by external parties. When an employee voluntarily accepts a County provided device, the County has the right and the ability to review and access any and all information on that device, including data the employee may view as personal. Should employee wish to stop using a County provided device, employee shall return the County provided device. Any employee who refuses to surrender a county provided device when requested by his or her supervisor may be subject to disciplinary action.

5. Employees accessing any County network with mobile data devices, are required to know and adhere to all County policies and guidelines, including policies and procedures concerning the confidentiality of the data being accessed and personal activities during work hours.
6. Any and all data obtained via the County network remains the property of the County in perpetuity.
7. Passwords and other confidential data are not to be stored on any associated storage devices such as Secure Digital (SD) and Compact Flash (CF) cards, as well as Memory Sticks and related flash-based supplemental storage media.
8. Employees who dispose of their device or return it to the vendor must remove all County information from the device before disposing of it or returning it to the vendor. Employees can contact County IT (245-7575) if he/she needs assistance in removing County information from his/her device.
9. Employees must immediately report a missing, replaced, or stolen device to the County IT (245-7575) and to their cell carrier. County IT will send a “KILL” command that will clear ALL data from the device and return the device to the configuration it was in when originally issued from the cell carrier.
10. For County provided devices where the department permits the employee to store personal data, settings, media, or applications on the device, it is the employee's responsibility to back up his/her personal data, settings, media, or applications so that he/she can recover his/her personal data in the event the device has to be “KILLED” by County IT.
11. The device is subject to a remote “KILL” under the following conditions:
  - Lost or stolen device.
  - Six consecutive failed password attempts (assumes the device is no longer in the owner's possession).
  - Employee leaves the employ of the County.
  - Department Head request.
  - County IT determines that any access to the County network is at risk (subject to approval by the Chief Information Officer).
12. The employee must abide by all municipal, state and federal laws concerning the use of mobile devices.
13. The County provided device will be forced to comply with complex password policies. This means that to use the device, the employee will have to unlock it by entering the valid password. Additionally, password changes will be required as determined by County IT. Devices will automatically lock (requiring the user to re-enter his/her password) after 10 minutes of inactivity. Employee agrees not to divulge passwords to others (see Section 26.2 Acceptable Use Policy in the Personnel Rules).

14. County IT will charge the employee's department the current IT Professional Service hourly rate for all support of devices connected to the County network. The employee must follow his/her department's procedures for obtaining services from County IT.

I have read, received a copy, and agree to abide by the foregoing County-Provided Mobile Device Agreement and Personnel Rule 26.12, Mobile Data Device Policy. I understand that any failure to comply with this agreement may result in the suspension of any or all remote access privileges.

_____ Employee Name	_____ Employee Signature	_____ Date	_____ Employee's Department
_____ Department Head, or his/her designee	_____ Department Head, or his/her designee, Signature	_____ Date	

*Forward completed form to: Chief Information Officer  
Mail Code IS203A*

**This page intentionally  
left blank for duplex  
printing purposes.**

## Personal Mobile Data Device Agreement

It is the responsibility of the employee who is connecting to the County network to ensure that all components of his/her connection remain as secure as his/her network access within the County. It is imperative that any wired (via sync cord, for example) or wireless connection, including, but not limited to devices and service, used to conduct County business be utilized appropriately, responsibly, and ethically. Failure to do so will result in immediate suspension of employee's connection to County network. For the purposes of this agreement, Mobile Data Device includes, but is not limited to, devices such as smartphones, iPads, and other tablet devices, hereinafter referred to as 'device'.

The following rules must be observed by employee:

1. The types of devices that are allowed to connect to the County network are limited. Please check with Shasta County Information Technology (County IT) to determine the current devices and software versions that are supported. Prior to initial use for connecting to the County network, employee must execute this agreement and verify with County IT that all hardware, software and related services are compatible with the County network.
2. Some devices may require the employee to purchase a software application (app) to allow the device to comply with County IT mandated security requirements. Employee must receive prior approval from County IT before installing any software application in order to ensure software and device comply with County mandated security requirements. Employee is responsible for all costs of required software applications. Additionally, it is the employee's responsibility to set up his/her individual calling plan with his/her cell phone provider and to pay all charges incurred. Any service issues or billing disputes with the carrier or vendor are the sole responsibility and obligation of the employee.
3. Employees who access, via his/her device, Protected Health Information (PHI), and/or Personally Identifiable Information (PII), and/or any other data deemed by policy or statute to require encryption, are required to maintain the settings on his/her device such that data encryption is enabled at all times.
4. By voluntarily connecting a personal device to County resources, Employee agrees that he/ she has no reasonable expectation of privacy concerning any and all of the information stored on his/her device. The County reserves the right to review and access at any time any and all of the information stored on personal devices, including, but not limited to, wireless devices, which are used to connect to county resources, such as email. Employee also agrees to and accepts that his/her access and/or connection to the County network may be monitored to record dates, times, duration of access, etc., in order to identify unusual usage patterns or other suspicious activity in order to identify accounts or systems that may have been compromised by external parties. When an employee voluntarily connects a personal device to County resources, the County has the right and the ability to review and access any and all information on the employee's personal device, including data the employee may view as personal. The County's right and ability to review and access any and all information on that personal device exists for the entire time the employee uses the device to connect to County resources. Should employee wish to terminate the connection to County resources, employee shall submit the personal

device for access and review by County to ensure that all County related information is removed from the personal device. Any employee who refuses to surrender a personal device connected to County resources when requested by his or her supervisor to access and review the information on the device may be subject to disciplinary action.

5. Employees accessing any County network with personal devices, are required to know and adhere to all County policies and guidelines, including policies and procedures concerning the confidentiality of the data being accessed and personal activities during work hours.
6. Any and all data obtained via the County network remains the property of the County in perpetuity.
7. Passwords and other confidential data are not to be stored on any associated storage devices such as Secure Digital (SD) and Compact Flash (CF) cards, as well as Memory Sticks and related flash-based supplemental storage media.
8. Employees who dispose of their device or return it to the vendor must remove all County information from the device before disposing of it or returning it to the vendor. Employees can contact County IT (245-7575) if they need assistance in removing County information from the employee's device.
9. Employees must immediately report a missing, replaced, or stolen device to the County IT (245-7575) and to their personal cell carrier. County IT will send a "KILL" command that will clear **ALL** data from the device and return the device to the configuration it was in when originally issued from the cell carrier.
10. It is the employee's responsibility to back up his/her personal data, setting, media, or applications on the device so that he/she can recover his/her personal data, settings, media, or applications in the event the device has to be "KILLED" by County IT.
11. The device is subject to a remote "KILL" under the following conditions:
  - Lost or stolen device.
  - Six consecutive failed password attempts (assumes the device is no longer in the owner's possession).
  - Employee leaves the employ of the County.
  - Department Head request.
  - County IT determines that any access to the County network is at risk (subject to approval by the Chief Technology Officer).
12. The employee must abide by all municipal, state and federal laws concerning the use of mobile devices.
13. The employee's device will be forced to comply with complex password policies. This means that to use the device, the employee will have to unlock it by entering the valid password. Additionally, password changes will be required as determined by County IT. Devices will automatically lock (requiring the user to re-enter his/her password) after 10 minutes of inactivity. Employee agrees not to divulge passwords to others (see Section 26.2 Acceptable Use Policy in the Personnel Rules).

14.

15. CountyIT will charge the employee's department the current IT Professional Service hourly rate for all support of personal devices connected to the County network. The employee must follow their department's procedures for obtaining services from County IT.

I have read, received a copy, and agree to abide by the foregoing Personal Mobile Device Agreement and Personnel Rule 26.12, Mobile Data Device Policy. I understand that any failure to comply with this agreement may result in the suspension of any or all remote access privileges.

_____ Employee Name	_____ Employee Signature	_____ Date	_____ Employee's Department
_____ Department Head, or his/her designee	_____ Department Head, or his/her designee, Signature	_____ Date	

*Forward completed form to: Chief Technology Officer  
Mail Code IS203A*

**This page intentionally  
left blank for duplex  
printing purposes.**

## APPENDIX B POLICIES AND RESOLUTIONS

Additional copies of these documents are available at the Department of Support Services Personnel Division.

Employer-Employee Relations Resolution No. 97-154.....	301
Policy Resolution No. 2010-02 .....	315

**This page intentionally  
left blank for duplex  
printing purposes.**

RESOLUTION NO. 97-154  
EMPLOYER-EMPLOYEE RELATIONS RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SHASTA RESCINDING RESOLUTION 71-181,  
RESOLUTION 72-191, RESOLUTION 76-26, RESOLUTION 76-108,  
RESOLUTION 81-217 AND RESOLUTION 82-26 AND ADOPTING RULES, POLICIES,  
AND PROCEDURES REGARDING EMPLOYER-EMPLOYEE RELATIONS

WHEREAS, it is in the mutual best interests of the County as an employer, County employees, verified, and exclusively recognized employee organizations, and the public to provide an orderly and systematic method for the presentation, consideration, and resolution of appropriate employer-employee relations matters, and

WHEREAS, Section 3507 of the Government Code expressly permits a public agency to adopt reasonable rules and regulations governing employer-employee relations after consultation in good faith with representatives of employee organization(s); and

WHEREAS, the County has consulted in good faith with representatives of verified and exclusively represented employee organizations regarding this Resolution,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Shasta as follows:

**ARTICLE I - GENERAL PROVISIONS**

**SECTION 1. PURPOSE**

It is the purpose of this Resolution to establish policies and procedures for determining the representation status, bargaining units, impasse procedures, and the administration of these policies and procedures as they relate to regular fulltime and regular part time employees of the County which fall under the responsibility of the Board of Supervisors for employee relations purposes. However, nothing herein shall be construed to restrict any legal or inherent exclusive County rights with respect to matters of general legislative, management, administrative, and policy setting decisions including but not limited to those enumerated in Article I, Section 3 of this Resolution.

**SECTION 2. DEFINITIONS**

As used in this Resolution, the following terms have the meanings indicated:

- a. **Appropriate Unit** means a unit of employee classes and positions, established pursuant to Article II of this Resolution.
- b. **Board** means the Board of Supervisors of the County of Shasta.

- c. **Certification** means formal recognition by the County that an employee organization is the "exclusively recognized" bargaining representative of an appropriate bargaining unit.
- d. **Confidential Employee** means a non-management employee who, in the course of his or her duties, is regularly privy to management planning, or decision-making regarding the County's administration of employer-employee relations as determined by the Board of Supervisors.
- e. **Consult** means to communicate orally or in writing with verified employee organizations and exclusively recognized employee organizations for the purpose of presenting and obtaining views or advising of intended actions regarding employment; and, is distinguished from meeting and conferring in good faith with an Exclusively Recognized Employee Organization, in that it does not involve an exchange of proposals and counterproposals in order to endeavor to reach agreement in the form of a Memorandum of Understanding or otherwise, nor do the Article IV impasse procedures apply to the consultation process.
- f. **County** means the County of Shasta and, where appropriate herein, refers to the County Board of Supervisors or any Board of Supervisor's duly authorized County representative as herein defined.
- g. **Day** means calendar day unless expressly stated otherwise.
- h. **Decertification** means the process and the outcome whereby the County formally withdraws the Exclusively Recognized representation status of an employee organization after a vote of the employees in the bargaining unit that the organization had represented as further specified in this Resolution.
- i. **Decertification Petition** means a written document that: 1) includes proof of employee support of at least 30% of the employees who are eligible to vote as described in subsection k. below and 2) complies with the requirements stated in Article II, Section 6 of this Resolution.
- j. **Emergency** means an unforeseen circumstance requiring immediate action.
- k. **Employee** means a person occupying a regular full time or part time allocated position in County service.
- l. **Employer-Employee Relations** means the relationship between the County of Shasta and its employees on matters of employment.
- m. **Exclusively Recognized Employee Organization** means an organization which has been formally certified by the County, after a representation election, as the sole employee organization representing the employees in an appropriate unit pursuant to Article II of this Resolution. Exclusively Recognized Employee Organizations have the exclusive right to meet and confer in good faith with County representatives concerning statutorily required subjects pertaining to the unit they represent, and thereby assume the corresponding obligation of fairly representing such employees.
- n. **Impasse** means that when representatives of either the County or representatives

of an Exclusively Recognized Employee Organization declare that they have reached a point in their meeting and conferring in good faith where their differences remain so substantial, or have been so prolonged, that further meeting and conferring would be futile.

- o. **Management Employee** means an employee having responsibility for formulating, administering or managing the implementation of County policies and programs.
- p. **Mediate or Mediation** means the efforts of an impartial third party, functioning as an intermediary, to assist the representatives of the County and an Exclusively Recognized Employee Organization in reaching a voluntary resolution of an impasse through interpretation, suggestion, and advice.
- q. **Meet and Confer in Good Faith** means the mutual obligation of the designated representative of the County and the designated representatives of an Exclusively Recognized Employee Organization, personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation. The County has no duty to meet and confer: 1) as to any topic with any employee organization that does not have exclusively recognized status; or 2) as to matters that are subject to the Full Understanding, Modification, and Waiver article in a current memorandum of understanding between an Exclusively Recognized Employee Organization and the County; or 3) as to matters regarding which an Exclusively Recognized Employee Organization has otherwise waived its right to meet and confer; or 4) with employees who are not represented by an Exclusively Recognized Employee Organization.
- r. **Peace Officer** means an employee who is defined as a full-time "peace officer" under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code for the purposes of Government Code Sections 3300 et seq.
- s. **Professional Employee** means an employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, usually of a prolonged nature in a post-secondary institution of higher learning or a hospital, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and various types of physical, chemical, and biological scientists.
- t. **Proof of Employee Support** means an authorization card or petition recently signed and dated by an employee who is eligible to vote in a representation election. The phrase "recently signed" means that the employee executed the authorization card or petition within 120 days of the date that the employee organization files its petition.
- u. **Recognition Petition** means a written document that: 1) includes proof of employee support of at least 30% of the employees who are eligible to vote as described in subsection k, above and 2) complies with the requirements stated in Article II, Section 1 of this Resolution.
- v. **Supervisory Employee** means any employee having authority, in the interest of the County, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action if, in connection with the

foregoing, the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

- w. **Unilateral Implementation** means an action taken by the County to impose a term or condition of employment after meeting and conferring in good faith with the affected Exclusively Recognized Employee Organization, following the Exclusively Recognized Employee Organization's rejection of the County's last and final offer, and following the completion of any required or agreed upon impasse procedures.
- x. **"Unit" or "Representation Unit"** means a group of County job classifications which either the Personnel Director or the County Administrative Officer has determined constitute an appropriate collective bargaining unit under Article II, Section 4 of this Resolution, or Article II, Section 8 of this Resolution, respectively.
- y. **Unit Modification** means to alter an established unit pursuant to Article II, Section 7 of this Resolution by dividing that single unit into two or more bargaining units, or combining that unit with another established bargaining unit in whole or in part. A unit modification may also be used as a vehicle to add a classification or a group of classifications into an existing unit or to sever a group of classifications from the existing unit.
- z. **Unit Modification Petition** means a written document that: 1) includes proof of employee support of at least 30% of the employees as described in subsection k. above who are eligible to vote, and 2) complies with the requirements stated in Article II, Section 7 of this Resolution.
- aa. **Verified Employee Organization** means an employee organization which: 1) includes employees of the County; and 2) has as one of its primary purposes to assist such employees; who wish to seek representation as an exclusively recognized employee organization as specified in Article 1, Section 2, I; and 3) is in full compliance with the verification procedure listed in Article II, Section 1(A).

### **SECTION 3. COUNTYRIGHTS**

- A. It is the exclusive right of the County to make all managerial and administrative decisions, including but not limited to the following: to determine the merits, necessity, and organization of departments, boards, and commissions; to manage and direct its business and personnel; to administer the County merit system; to manage, control, and determine the mission of its departments; to manage and control buildings, and facilities; to create, change, combine or abolish jobs, policies, departments and facilities in whole or in part; to subcontract or discontinue work for economic or operational reasons; to lay off employees; to direct the work force: to increase or decrease the work force and determine the number of employees needed; to hire, assign, transfer, promote, and maintain the discipline and efficiency of its employees; to establish work standards, schedules of operation and reasonable work loads; to specify or assign work requirements and require overtime; to schedule working hours and shifts; to adopt rules of conduct and penalties for violation(s) thereof; to determine the type and scope of work to be performed by County employees and the services to be provided; to classify and reclassify positions; to establish initial salaries of new classifications; and to determine the methods, processes, means, and places of providing services; and to take whatever actions are necessary to prepare for and operate in an emergency.

- B. The right and responsibility for final decisions regarding wages, hours, fringe benefits, and other terms and conditions of employment rests solely with the Board of Supervisors

#### **SECTION 4. EMPLOYEE RIGHTS**

Except as otherwise provided by law, County employees have the right to form, join, and participate in the activities of a verified or exclusively recognized employee organization of their own choosing for the purpose of representation on all matters of employer-employee relations. County employees have the right to refuse to join or participate in the activities of verified or exclusively recognized employee organizations. The right of County employees to represent themselves individually is limited to expressing individual concerns and does not include any right to meet and confer with County representatives regarding the terms and conditions of employment pursuant to California Government Code Section 3503. Employees shall not be interfered with, intimidated, restrained, coerced, or discriminated against because of their exercise of these rights.

### **ARTICLE II - REPRESENTATION PROCEEDINGS**

#### **SECTION 1. PROCEDURE FOR FILING OF RECOGNITION PETITION(S) BY EMPLOYEE ORGANIZATION(S)**

- A. An employee organization that seeks to be certified as the Exclusively Recognized Employee Organization representing the employees in a proposed unit or in an existing unrepresented unit must file a petition with the Personnel Director. An employee organization that seeks to be certified as the Exclusively Recognized Employee Representative in an existing unit that is already exclusively represented must also concurrently file a petition that complies with all of the requirements (including the filing period limitations) described in Article II, Section 6 (Decertification) or in Article II, Section 7 (Modification), as applicable. Such petition must contain the following information and documentation:
1. Name and address of the employee organization.
  2. Names and titles of its officers.
  3. Names of employee organization representatives who are authorized to speak on behalf of its members.
  4. A statement that the employee organization has, as one of its primary purposes, the responsibility of representing employees in their employment relations with the County.
  5. A statement whether the employee organization is a chapter of, or affiliated with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization.
  6. Current copies of the employee organization's constitution and bylaws.

7. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
8. A statement that the employee organization has no restriction on membership based on race, color, ancestry, religious creed, medical status, sex (including pregnancy), marital status, national origin, age, disability, military status, sexual orientation, or any other protected status.
9. The job classifications of employees in the unit claimed to be appropriate and the approximate number of employees in those classifications.
10. Written Proof of Employee Support, as defined in Article I, Section 2(t), establishes that at least 30% of the employees in the proposed unit who are eligible to vote have signed a petition or authorization card within the past 120 days that designates the employee organization to represent them in their employment relations with the County. Such written proof must be submitted to the County for verification, and the petition must specify that the proof of support has been so submitted.
11. A request that the County certify the petitioning organization as the Exclusively Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

B. Any request under Section A above, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization executing it,

C. If the Personnel Director determines that an employee organization has complied with the requirements specified in this article, the Personnel Director shall notify the organization in writing that it has verified status on an interim basis until any of the following occurs: 1) the employee organization fails to meet and comply with the policy and standards for determination of appropriate bargaining units as specified in Article II, Section 4; or 2) the organization fails to receive a majority vote as specified in Article II, Section 5.

**SECTION 2. COUNTY RESPONSE TO RECOGNITION PETITION(S)**

- A. Upon receipt of the Petition, the Personnel Director will, within 30 days, determine whether:
1. There has been compliance with the requirements of the Recognition Petition as specified in Article II, Section 1 - Procedures for Filing of Recognition Petition(s) By Employee Organization(s), and
  2. The proposed representation unit is an appropriate unit in

accordance with Article II, Section 4 - Policy and Standards for Determination of Appropriate Units.

- B. If the Personnel Director determines that the requirements of Paragraph A of this section have not been met, the Director will inform the petitioning organization in writing of the reasons for the determination and will offer to consult thereon with such petitioning employee organization. The petitioning organization will have 15 days from the date of notice of the determination of the Personnel Director to perfect the petition, provided that this time period will not be used to obtain additional proof of employee support. If the Personnel Director determines that the criteria in Paragraph A of this section are still not met, the Director will inform that organization in writing within 10 days of resubmission (or deadline for the resubmission). Upon receipt of this notice the petitioning employee organization may appeal a negative determination in accordance with Article II, Section 8, of this Resolution. The 15 day appeal deadline, as specified in this section, shall commence upon the date the organization receives the Director's notice.
  
- C. If the Personnel Director makes an affirmative determination on the two matters set forth in Paragraph A, the Director will inform the petitioning employee organization, will give written notice regarding the filing of the recognition petition to the affected employees in the proposed unit within the initial 30 day period, and will take no action on the petition for 30 days after date of notice.

**SECTION 3. OPEN PERIOD FOR FILING CHALLENGING PETITION**

- A. Within 30 days after the date the Personnel Director gives written notice to affected employees per Article II, Section 2 that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the Exclusively Recognized Employee Organization of the employees in the same or in an overlapping unit(one which corresponds with respect to some but not all the classifications set forth in the recognition petition being challenged), by filing a petition and proof of Employee Support in accordance with Article II, Section 1 - Procedure for Filing of Recognition Petition(s) by Employee Organization(s). This procedure is only used in response to the initiating petition(s).
  
- B. The Personnel Director will respond to the challenging petition(s) in accordance with Article II, Section 2 – County Response to Recognition Petition(s). If such challenging petition(s) propose an overlapping unit, the Personnel Director will hold a hearing on such overlapping petitions within 15 days of the close of the filling period for the purpose of ascertaining the appropriate unit. The hearing will be informal, and will provide all employee organizations the right to be heard. Thereafter, the Personnel Director within 30 days after the hearing will determine the appropriate unit or units in accordance with the standards in Article 11, Section 4 of this Resolution and provide written notice of the unit determination to all affected employee organizations. The petitioning organizations will have 15 days after the date of the Personnel Director's unit determination to appeal the unit determination pursuant to Article II, Section 8 of this Resolution.

## **SECTION 4. POLICY AND STANDARDS FOR DETERMINATION OF APPROPRIATE UNITS**

- A. The standards for determining the appropriateness of units focus upon the effect of a proposed unit on (1) the efficient operations of the County and its compatibility with the primary responsibility of the County and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on a recognized community of interest. These standards require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered include, but are not limited, to the following:
1. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.
  2. History of representation in the County and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.
  3. Consistency with the organizational patterns of the County.
  4. Whether the unit determination will cause a proliferation of units that will adversely affect the administration of employer-employee relations.
  5. Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classification among two or more units.
  6. The right of professional employees to be represented separately from non-professional employees pursuant to Government Code section 3507.3.
  7. The right of full-time peace officers to join or participate in employee organizations which are composed solely of peace officers pursuant to Government Code section 3508.
- B. Notwithstanding the foregoing provisions of this Section, the fact that an employee is a management, supervisory, or confidential employee, as defined in Article I, Section 2, of this Resolution, is a determining factor, hereunder, in establishing appropriate units. Supervisory employees within an employee organization cannot act as stewards or otherwise represent non-supervisory employees in the handling of individual or collective grievances, complaints or appeals. Supervisory employees may, however, serve as officers, board members or bargaining team members in an association which represents both supervisory and non-supervisory bargaining units. Except for units in place as of the adoption date of this Resolution, management, supervisory, and confidential employees may only be included in a unit or units consisting solely of management, supervisory, or confidential employees respectively.

Management and confidential employees may not represent any employee organization which represents other employees who do not have similar management or confidential status, respectively.

## **SECTION 5. ELECTION PROCEDURE**

- A. The Personnel Director must arrange for a secret ballot election to be conducted by the State Mediation and Conciliation Service, as soon as practical after all of the following: 1) the conclusion of the 30 day Open Period for Filing a Challenging Petition(s) set forth in Article II, Section 3; 2) the Personnel Director makes an affirmative determination that the Article II, Section 2, Paragraph A requirements, or the Article II, Section 6 requirements, or the Article II, Section 7 requirements, have been met; and 3) the time for unit determination appeals under Article II, Section 8 has run. The Personnel Director may designate another party to conduct the election after consulting about that party with the affected employee organization(s).
- B. The following selections will appear on the ballot: 1) all employee organizations which the County has determined have timely submitted petitions that comply with Article II, Section 2, Paragraph A or Article II, Section 7 requirements; 2) the incumbent Exclusively Recognized Employee Organization, if any; and 3) "no organization." The choice of "no organization" will not appear on a unit modification election ballot unless a modification petition is filed concurrently with a decertification petition. In the case of an election resulting from a decertification petition filed by a group of employees, the ballot will offer the sole choice of whether to retain the incumbent organization or not.
- C. Employees eligible to vote in an election are: 1) those who hold regular full or part time positions within classifications in the unit. Notwithstanding any of the above, no person is eligible to vote unless the person is employed on the last day of the last completed pay period immediately preceding the date the election commences or another date designated by the Personnel Director. Employees eligible to vote include those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the County in the same unit on the date of the election.
- D. An employee organization is eligible for status as the Exclusively Recognized Employee Organization for a proposed unit following an election, or run-off election, if the organization receives a numerical majority of all valid votes cast in the election. A vote is "valid" if it was cast by an eligible voter, it is readily apparent which selection has been made on the ballot, and only one choice is marked in response to each of the question(s) on the ballot. In an election involving three or more choices, when none of the choices receives a majority of the valid votes cast, a run-off election will be conducted between the two choices receiving the largest number of valid votes cast as stipulated in the election agreement and shall be binding on all parties. The rules governing an initial election will be applicable to a run-off election. The Personnel Director will provide a written report to the Board of Supervisors regarding the outcome of such elections. If satisfied as to the validity of the process, the Board shall formally certify the winning

organization, if any, as the Exclusively Recognized Employee Organization for the contested bargaining unit.

- E. Notwithstanding anything in Article II Section 6(A) or Section 7(A), the certification of an exclusively recognized employee organization may be revoked only after a period of not less than 12 months following the date of certification.
- F. Costs, if any, of conducting elections, such as for hiring a third party, renting a facility or other agreed upon costs, shall be borne in equal shares by the County and by each employee organization appearing on the ballot.
- G. When an employee organization is formally certified as the Exclusively Recognized Employee Organization, that organization and the County will be bound by all the terms and conditions of any Memorandum of Understanding then in effect for the remainder of its term except for those provisions related to agency shop. When an election results in the decertification of an exclusively recognized employee organization and no other representative is chosen, the unrepresented employees will be covered by all relevant terms and conditions of any MOU then in effect until changed by the employer.

## **SECTION 6. PROCEDURE FOR DECERTIFICATION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION**

- A. A decertification petition alleging that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in an established unit may be filed with the Personnel Director.

During the period between 150 and 120 days prior to the original expiration date of a Memorandum of Understanding (MOU) covering the classifications of the employees in the unit or; 2) between 31 and 32 months after the effective date of the MOU which ever comes first; or 3) any time after an MOU has expired. However, in all instances cited above (1, 2, and 3) at least 12 (twelve) full months must have expired from the date the Exclusively Recognized Employee Organization was recognized. The petition for decertification may be filed by a group of employees or their representatives, or a verified employee organization. Those seeking exclusively recognized employee organization status must also concurrently file a petition for modification (Article II, Section 7) or for recognition (Article II, Section 1), as appropriate. The petition for decertification, including all accompanying documents, must be verified in affidavit form or by declaration under penalty of perjury by the person signing it that its contents are true. A decertification petition must contain the following information:

1. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
2. The name of the unit and the incumbent Exclusively Recognized Employee Organization sought to be decertified.

3. An allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in the unit, and any other relevant and material facts supporting that allegation.
  4. Written proof of employee support as defined in Article I, Section 2(s) that at least 30% of the employees in the unit who are eligible to vote and who have signed an authorization card or representation petition within the previous 120 days, have stated their desire not to be represented by the incumbent exclusively recognized employee organization. Such written proof shall be verified by the County.
- B. If the Personnel Director finds that the Petition for decertification contains all of the information specified in Paragraph A above, then the Personnel Director will comply with Article 11, Section 2, Paragraphs B and C, and with Article 11, Section 3, to allow other employee organizations time to file petitions as to the unit subject to decertification.
  - C. After the 30 day waiting period, plus any time for appeals, have lapsed, the Personnel Director will arrange for a secret ballot election held in accordance with Article II, Section 5 to determine if the incumbent Exclusively Recognized Employee Organization will retain its status as exclusively recognized representative.
  - D. Should the employer at any time be able to demonstrate good faith evidence that an Exclusively Recognized Employee Organization has abandoned, or relinquished its duty to represent the employees of a bargaining unit, or is no longer favored by a majority of the members of that unit, it may initiate a Decertification Election to be held under the procedures listed in Article II, Section 5 referenced above.

## **SECTION 7. PROCEDURE FOR MODIFICATION OF ESTABLISHED APPROPRIATE UNITS**

- A. Requests for modification of established appropriate units may be filed with the Personnel Director during the period between 150 and 120 days prior to the original expiration date of a Memorandum of Understanding or between 31 and 32 months after the effective date of the MOU, whichever ever comes first. A Modification Petition must contain the information specified for "Recognition Petitions" that are identified in Article II, Section 1.
- B. If the Personnel Director finds that the Petition for Modification contains all of the information specified in Article 11, Section 1, and if the modified unit the petition proposes is an appropriate unit pursuant to Article II, Section 4, then the Personnel Director will comply with Article II, Section 3 to allow time for other employee organizations to file challenging petitions. After the 30 day waiting period, plus any time for appeals, has lapsed, the Personnel Director will arrange for a secret ballot election to be held in accordance with Article II, Section 5.
- C. Technical clarifications of established bargaining units such as updating

classification titles where the duties have not changed significantly, deleting classifications no longer in use, or assigning classes where duties have changed will be made by the Personnel Director on an as-needed basis. Such changes do not constitute a "unit modification." Any decision of the Personnel Director which results in the reassignment of a classification(s) from one bargaining unit to another bargaining unit shall be subject to the appeals process referenced in Article II, Section 8.

## **SECTION 8. APPEALS**

- A. An employee organization aggrieved by the unit determination of the Personnel Director under Article II, Section 2, may, within 15 days of notice of the Personnel Director's determination, request in writing the services of the California State Mediation and Conciliation Service to mediate the dispute. If the Mediation and Conciliation Service issues a recommendation for resolving the dispute, it will submit its recommendation to the County Administrative Officer (CAO) for a final decision. The CAO will render a finding as soon as possible after receiving the recommendation.
  
- B. An employee organization aggrieved by a determination of the Personnel Director that a Recognition Petition (Article II, Section 1); Challenging Petition (per Article II, Section 3); Decertification Petition (per Article II, Section 6); or Modification Petition (per Article II, Section 7) has not been filed in compliance with the applicable provisions of this Resolution may, within 15 days of notice of such determination, appeal in writing to the CAO. The CAO will consider the written materials from the affected parties and the Personnel Director. The CAO will render a written finding within 30 days of receipt of the appeal. The CAO's decision regarding the appeal of the Personnel Director's decision will be final.

## **ARTICLE III -- ADMINISTRATION**

### **SECTION 1. PAYROLL DEDUCTIONS ON BEHALF OF EMPLOYEE ORGANIZATIONS**

After the County formally certifies an Exclusively Recognized Employee Organization, the members of such an organization, if such provision is made part of an MOU, may be provided payroll deductions of membership dues and other deductions as provided for in the MOU on forms provided for such deduction by the County. This process will be governed in accordance with the provisions of the applicable Memorandum of Understanding and/or administrative procedures.

### **SECTION 2. EMPLOYEE ORGANIZATION ACTIVITIES -- USE OF RESOURCES**

- A. Exclusively recognized employee organizations may have access to County employees at County work sites, utilize County resources, and distribute materials to the extent specified in the current Memorandum of Understanding for each of these organizations.
  
- B. Verified employee organizations that do not have exclusively recognized status, may:
  - 1. Have access to County employees at County work sites during non-

paid times such as lunch hours and before and after work limited to the following purposes:

- a. to meet with employees who are eligible to participate in the a election;
  - b. access to bulletin board or other posting space as provided by the department head; and
  - c. distribute materials to employees who are eligible to participate in the election, after the Personnel Director has received a copy of the materials and has approved such distribution.
2. Have access to County meeting rooms during non-paid times and only for the purpose of meeting with employees who will be eligible to participate in the election.

### **SECTION 3. ADMINISTRATIVE RULES AND PROCEDURES**

The Personnel Director is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Resolution after consultation with affected employee organizations.

## **ARTICLE IV -- IMPASSE PROCEDURES**

### **SECTION 1. INITIATION OF IMPASSE PROCEDURES**

If the meet and confer process with an exclusively recognized employee organization has reached impasse as defined in Article I, section 2 of this Resolution, either party may initiate impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all unresolved issues. The Personnel Director will promptly schedule an impasse meeting. The purpose of such meeting will be:

- a. To review the position of the parties in a final effort to resolve such disputed issue or issues or to reach agreement on a Memorandum of Understanding; and
- b. To identify and specify in writing the issue or issues that remain in dispute;
- c. If the impasse is not resolved, to select among the three categories of impasse procedures listed in Article IV, Section 2 of this Resolution.

### **SECTION 2. IMPASSE PROCEDURES**

Impasse procedures are as follows:

- a, If either party proposes to submit the dispute to mediation, the Personnel Director will request a mediator from the California State Mediation and Conciliation Service or another mutually acceptable mediator. All mediation proceedings will be private. The mediator must not make any public recommendations, make any public statements, nor take any public position at any time concerning the issues.
- b. If neither party requests mediation, or having utilized mediation, the impasse has not been resolved, the Personnel Director may submit the matter to the

CountyBoard of Supervisors which must take such action regarding the impasse as it deems appropriate including implementation of terms and conditions of employment for its employees in that bargaining unit, or maintaining the status quo.

- c. Any other impasse resolution procedure not identified here to which both parties have agreed upon in writing.

### **SECTION 3. COSTS OF IMPASSE PROCEDURES**

The costs, if any, for the service of any mediator or other form of intervention the parties utilize, and other mutually incurred costs of the impasse procedure, will be borne equally by the County and the Exclusively Recognized Employee Organization.

## **ARTICLE V -- MISCELLANEOUS PROVISIONS**

### **SECTION 1. CONSTRUCTION**

This Resolution must be administered and construed as follows:

- a. Nothing in this Resolution should be constructed to deny to any person, employee, organization, the County, or any authorized officer, body or other representative of the County, the rights, powers and authority granted by federal or state law.
- b. This Resolution should be interpreted so as to carry out its purposes as set forth in Article I.
- c. Nothing in this Resolution will be construed as making the provisions of California Labor Code Section 923 applicable to County employees or employee organizations, or of giving employees or employee organizations the right to participate in, support, cooperate or encourage, directly or indirectly, any strike, sickout or other total or partial stoppage or slowdown of work. In consideration of and as a condition of initial and continued employment by the County, employees recognize that any such actions taken by them are in violation of their conditions of employment except as otherwise provided by legally preemptive state law.

### **SECTION 2. SEVERABILITY**

If any provision of this Resolution, or the application of such provision to any persons or circumstance, is determined to be invalid, the remainder of this Resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, will not be affected thereby.

### **SECTION 3. EFFECTIVE DATE**

This Resolution shall be effective on and after the 28th day of October, 1997.

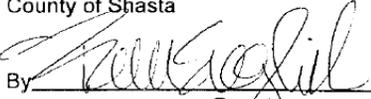
DULY PASSED AND ADOPTED this 28th day of October, 1997, by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Wilson, Clarke, Dickerson, Fust, and Hawes

NOES: None

ABSENT: None

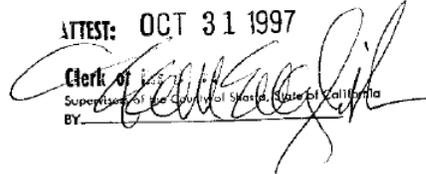
ATTEST:  
Carolyn Taylor  
Clerk of the Board  
County of Shasta

By   
Deputy

  
DICK DICKERSON, Chairman  
Board of Supervisors  
County of Shasta, State of California

This instrument is a correct copy  
of the original on file in this office. (SR-051)

ATTEST: OCT 31 1997

  
Clerk of the Board  
Supervisor of the County of Shasta, State of California  
BY

POLICY RESOLUTION NO. 2010-02

A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SHASTA ADOPTING  
POLICY ESTABLISHING AND CLARIFYING THE  
PRACTICES AND PROCEDURES FOR REORGANIZATIONS,  
RECLASSIFICATIONS, AND SALARY AND BENEFIT CHANGES

WHEREAS, the County has a policy establishing and clarifying the practices and procedures for reorganizations, reclassifications, and salary and benefit changes; and

WHEREAS, an update is needed to change its provisions;

NOW, THEREFORE, BE IT RESOLVED that Policy Resolution No. 2008-01 is hereby repealed, and the following is adopted in its place:

1. DEPARTMENT/PROGRAM REORGANIZATIONS

Purpose:

A reorganization is a significant reordering or restructuring of the functions and operations of a department or division of a department requiring a new or different reporting hierarchy, changes in job titles, changes in job descriptions, or a significant change in the mission of the organization. Such reorganizations result from legal requirements, the assumption of new functions or responsibilities, or for improved efficiency or effectiveness. A reorganization differs from a reclassification in that it affects a number of employees and results in organization-wide or program-wide changes, as opposed to working unit or individual classification changes. This process also differs from a reclassification because a reorganization typically involves employee duties that are proposed but not yet assigned.

Procedure:

To propose a reorganization, a department head must prepare a detailed report to the County Administrative Officer (CAO) which includes an explanation of the requested restructure, job duties, and program responsibilities. This report must justify the recommendation, summarize any cost savings, cost increases, program efficiencies, operational advantages, enhanced services, new mandates, or new program requirements. It must also include an updated and detailed organizational chart showing the new reporting relationships and job duties of affected positions.

The proposal will be evaluated on the basis of:

- A. Cost Savings/Revenue Enhancement: Are there financial benefits from a consolidation or expansion of duties, responsibilities, and services? Will such cost savings result in increased productivity? Will the changes generate increased revenues or incur higher operating expenses? Will new revenues offset any increase in expenditures?
- B. Demonstrated or Verifiable Operational Advantages: Does the reorganization enhance services even if it does not

save money or resources? Does the proposal include more expedited or responsive service, or a wider range of services?

- C. Compliance With Mandates: Do state and federal mandates apply to the reorganization? If they do apply, does the reorganization justification include the identification of the source, amount, and time frame for the revenue? Is the mandate unfunded?
- D. Organizational and Management Principles: What is the span of control, the relationship between positions, and how do those relationships and the proposed span of control improve the efficiency and effectiveness of the program? How does the reorganization and proposed restructure compare with other County departments, staffing levels, and salaries?
- E. Budgetary and Internal Service Impact: What is the budgetary impact, the long term funding situation and the need for any supplementary funding or administrative support from the County? What impact will it have on the ability to provide quality services?

Timeframes:

Reorganizations can be proposed during the budget process or at any other time of the year. Typically the analysis, recommendations, and submittal of the report to the Board require 90-120 days.

Responsibilities:

The appropriate department head is responsible for preparing the recommendation and supporting documentation for the reorganization and submitting it to the CAO with a copy to Personnel. The CAO, in turn, will assign it to the appropriate analyst, who will assume the lead role in applying the above criteria to analyze the justification and make a recommendation to the CAO. The CAO may recommend that the Board approve or deny the reorganization. Personnel will assist the analyst by reviewing and recommending appropriate job titles and salaries, and assuring that the reorganization does not violate personnel rules or MOU requirements. Personnel will also provide input on any labor relations impacts, recruiting timetables and other pre-employment activities if the reorganization is to be considered for approval. Personnel creates any necessary salary resolutions.

2. POSITION RECLASSIFICATIONS

Purpose:

Pursuant to Chapter 4, Section 4.03 of the Shasta County Personnel Manual, when an employee experiences a significant change in duties, the employee or the employee's department head may request that the position be studied for possible reclassification during the timeframes specified in this policy. Typically, a reclassification involves comparing the duties, responsibilities, and scope of work currently being performed by an existing employee with those duties, responsibilities, and scope of work currently assigned to the classification. Reclassification requests made as part of a reorganization or a request for a new position are

discussed in other sections of this document. Positions in Social Services and Child Support Services may be covered by separate Merit System rules.

Procedure:

To initiate a reclassification, an employee or department head must fill out a position reclassification questionnaire. This questionnaire is then considered along with the interviews of the affected employee, his supervisor, and the department head to determine if there has been sufficient change in the duties, responsibilities, and scope of work of the position to justify a reclassification. Reclassifications are recommended for approval to the Board. Employees are notified of Personnel's preliminary recommendation and provided with a justification for the decision. Appeals of recommendations are sent to the Personnel Director. The decision of the Personnel Director can be appealed by the department head of the affected department to the CAO. Based on the study, Personnel may recommend a salary decrease, the addition or deletion of supervisory status, no change, or any other reasonable change. This process is also known as "Y" rating. (See Personnel Manual Section 18.7.C)

Timeframes:

There are two annual periods for submitting a reclassification to Personnel: October and April. In most cases, reclassification requests will be solicited by Personnel for submission in October. Those reclassifications being recommended by Personnel will be submitted to the Board of Supervisors no later than May of the following year. In unusual circumstances, such as new funding or new mandates that did not occur until after the October reclassification request deadline, a reclassification may be submitted by the department head in March of each year as part of the department's preliminary budget request. The CAO analyst and Personnel will determine whether the circumstances justify consideration of a reclassification at that time. If so, then Personnel will conduct a study and make a recommendation. All reclassification requests forwarded to Personnel in March which are subsequently recommended for approval will be submitted to the Board during final budget hearings in August.

Responsibilities:

The Board of Supervisors has final approval authority for any reclassification. Personnel is responsible for administering the reclassification program. Personnel performs the analysis, and the Personnel Director handles appeals of the recommendations. The CAO considers any appeals of the Personnel Director's decisions received from department heads and reviews any reclassification recommendations affecting the staff of Support Services. Personnel creates any necessary salary resolutions.

3. SALARY ADJUSTMENTS FOR RECRUITMENT AND RETENTION PURPOSES

Purpose:

The recruitment and retention of highly qualified employees is a critical task for the County. Therefore, when a department experiences a recruitment problem or has high turnover in a given position, the problem(s) must be evaluated. A recruitment problem exists when, after two completed recruitments, a department fails to find qualified candidates for a position.

After the first failed recruitment, Personnel will evaluate the process to assure that the failure is not due to inadequate advertising or marketing of the position. After the second failed recruitment if further analysis shows that Shasta County does not offer a competitive salary, the department head may, with CAO and Personnel's approval, request that the Board of Supervisors increase the salary of the classification to allow for more competitive recruitment. It is anticipated this will be an infrequent occurrence.

A retention problem exists if a position is subject to excessive turnover in a relatively short period, particularly when such a position has not been historically subject to such turnover. In those situations, the Personnel Director, with the concurrence of the CAO, may recommend to the Board, the approval of a higher salary. In highly unusual circumstances, when Personnel learns that an incumbent in an existing position is contemplating leaving County service due to inadequate compensation, consideration may be given to adjusting the incumbent's pay in order to retain the individual. Such recommendations require CAO approval and will only be made when one or more of the following conditions exist; 1) demonstrated shortage of qualified applicants; 2) other adverse recruiting or job market conditions; 3) severe program impact from continued staff vacancies; and 4) adverse workload conditions.

Procedure:

When a department experiences a recruitment or a retention problem which is proven to be due to inadequate salary, the department head will notify the Personnel Director in writing. This communication will include an explanation of the nature of the position, its impact on the program, and a justification for a higher salary. This request will be reviewed by Personnel, who will then forward a recommendation to the CAO for review and if appropriate, approval. Depending on the specific classification and whether there are employees in the class, the union may be given an opportunity to meet and confer on proposed changes. All requests for a higher salary for a given position require approval by the Board of Supervisors prior to implementation.

Timeframes:

Recruitment or retention salary adjustments may be considered any time a prolonged vacancy occurs in an authorized position due to multiple failed recruitments or in highly unusual circumstances when an incumbent declares an intention to resign due to inadequate compensation.

Responsibilities:

Requests for salary adjustments in this situation will be submitted

to Personnel by the department head. Personnel will review them, discuss its findings and recommendations with the appropriate CAO analyst. A copy of any resulting agendized staff report will be forwarded to the affected employees and their unions. If ultimately approved by the CAO, the final staff report and salary resolution will be prepared by and presented to the Board by the department head and or Personnel. The Board of Supervisors has final approval authority for any proposed salary changes. Personnel creates any necessary salary resolutions.

4. ADDITION OF NEW POSITIONS OR DELETION OF VACANT OR UNDER FILLED POSITIONS

Purpose: Due to new or additional funding, loss of funding, changes in mandates, changes in the business needs of the department, or the approval of new budgeted positions, it may become necessary to add or delete one or more positions in a department.

Procedure: When any of the above circumstances arise, a department head may request that positions be added or deleted from the salary resolution. To delete a filled position requires a layoff pursuant to the layoff procedures in Chapter 18 of the Personnel Rules. Requesting the deletion of a filled position and immediately adding a different classification in its place is are classification and must be submitted in accordance with the procedure and timeframes specified in this policy. Departments must send a request to add or delete new or vacant positions to the CAO's office, with a copy to Personnel, to review the justification, identification of funding, and analysis of the budgetary impact. Recommendations along with salary revisions, if approved by the CAO, will be submitted to the Board for consideration.

All positions that remain vacant for a period in excess of 12 months will be reviewed by the CAO's office, after consultation with the department head and Personnel, to determine if the position is still needed and justified. In addition, all positions underfilled for a period of 12 months will be reviewed by the CAO's office, after consultation with the department head and Personnel, to determine if the position should be reallocated to the lower classification.

Timeframes: Requests to add or delete a vacant position are usually made during the budget process. However, the request may be presented at any time of the year as circumstances warrant. Review of long vacant or underfilled positions will take place during the preliminary or supplemental budget process.

Responsibilities: All recommendations approved by the CAO will then be presented to the Board of Supervisors. The CAO's analyst will review the justification, funding, and prepare the appropriate budget documentation. Personnel will determine the appropriate job title and salary. Personnel will also review such requests in light of existing rules and MOU's. Personnel creates any necessary salary resolutions.

5. SALARY PLAN FOOTNOTES

Purpose: As a result of a negotiated settlement with one or more bargaining units, or changes in the licensure, skill requirements or temporary assignment of a position in a given classification, it may be necessary to add a footnote for that classification in the Salary Plan. Such a footnote may provide for supplemental pay such as a stipend for longevity, Field Training Officer, or an Advanced POST Certificate.

Procedure: The Board may adopt footnotes as part of a salary resolution when a MOU requires a new or amended footnote, or in other unusual circumstances. Department heads must send a PAF to Personnel to assign pay by referencing the footnote.

Timeframes: Salary footnotes may be approved by the Board at any time, but would normally be included as part of an agreement for a successor, MOU or in extraordinary circumstances could be considered during the final budget process.

Responsibilities: The creation of salary footnotes may result from a request by Personnel, a department head, or as a result of an MOU. Personnel reviews the request to determine if the duties fall within or extend beyond the scope of the classification. Personnel will consult with the CAO's office, who will assess the financial and organizational impact. Personnel will also provide input on any labor relations impacts. The Board of Supervisors has final approval authority for adding, deleting, or changing a salary footnote. Personnel creates any necessary salary resolutions.

6. SALARY ADJUSTMENTS FOR ALTERNATELY STAFFED ALLOCATIONS

Purpose: Within some departments approved Position Allocation list are allocations that are alternately staffed. For example, Deputy Probation Officer (DPO) I/II is an alternately staffed position. When the Board adopts a salary resolution which includes alternately staffed positions, the department head is authorized to hire at either level, depending upon the current eligible list and a candidate's specific experience.

Procedure: Department heads who wish to hire a new employee must appoint them to the classification that matches the eligible list. Under extraordinary circumstances, with the approval of Personnel, a department may also hire a candidate who is on an eligible list for a higher, directly related level position (i.e. DPO III) for a lower level position (DPOII), but the reverse is not allowed. Thus, a candidate cannot be hired as a DPO II who is only on a DPO I list. However, when a candidate hired at the lower classification of an alternately staffed position meets the experience and/or training requirements of the higher alternate classification, the department head can process a PAF promoting the employee to the higher alternate classification. No recruitment is necessary at that time. If a department head wishes to hire a new employee from a list that includes all of the alternately staffed positions, (i.e., DPO I/II), the department head may hire the new employee at the appropriate

level for which the candidate qualifies.

Timeframes: The department head can appoint/promote an employee to a higher alternately staffed allocation at any time if he meets the qualifications of the higher level classification.

Responsibilities: Department heads have discretion to appoint/promote to any level of an alternately staffed allocation provided the employee meets the eligibility requirements. Under the recruitment rules Personnel will verify that employees meet the requirements for initial appointment and for promotion to the higher classification.

## 7. HIGHER SALARY RANGE PLACEMENT

Purpose: Pursuant to Chapter 18, Section 18.1, of the Shasta County Personnel Rules, the Personnel Director may, at the request of a department head, authorize a new employee to be placed at either "B" or "C" steps of an existing salary range if the applicant's experience is equivalent to an employee who is currently at an equivalent salary step. Placement of employees at "D" or "E" or "F" steps shall only be recommended by the Personnel Director and approved by the CAO because of exceptional qualifications and experience equal to an employee who is currently at an equivalent salary step.

At the request of a department head, the Personnel Director may authorize a new extra-help employee to be placed at either "B" or "C" steps of an existing salary range if the applicant has sufficient experience.

Procedure: Department heads wishing to place a new employee or extra-help employee at either step "B" or step "C" must submit a written request, which substantiates that the applicant meets the higher level qualification, to the Personnel Director prior to extending a job offer. Department heads wishing to place an employee or extra-help employee at "D", "E", or "F" step must submit a written request to the Personnel Director and the request must be approved by the CAO prior to extending a job offer.

Timeframes: Requests for appointment to fill a vacancy at higher than "A" step can be made at any time prior to making a job offer.

Responsibilities: Department heads make the request. Personnel approves or denies the request for "B" and "C" steps. For step placement above "C" step, Personnel receives, reviews, and makes recommendations to the CAO for approval or denial.

## 8. SALARYRANGE PLACEMENT UPON EXTRA-HELP TO REGULAR EMPLOYMENT OR REGULAR EMPLOYMENT TO EXTRA HELP STATUS

Purpose: Extra-help employees at D, E, or F step who have applied for and are offered a regular position, the Personnel Director, at the request of the Department Head, may place the extra help employee at the same step (D, E, or F) in the regular allocation as previously held while in extra help status.

When a regular employee at D, E, or F step leaves regular employment and immediately moves to an extra-help status in the same classification he held as a regular employee, the Personnel Director, at the request of the department head, may place the employee at the same step (D, E, or F) . The Personnel Director may approve D, E, or F in a lower, related classification if an employee leaves employment and immediately moves to an extra-help status, when it is not appropriate to retain the employee in the higher classification. Such may be the case if the employee was a department head or supervisor whose duties as extra help would not require use of the current classification. After initial appointment to extra-help, the department head may request to appoint the employee to another related classification at D, E, or F step under the same conditions, if there is a change in assignment.

Procedure: Department heads must submit a written request to the Personnel Director.

Timeframes: Requests for appointment at D, E, or F steps must be submitted by the department head to the Personnel Director prior to making a job offer.

Responsibilities: Departments heads make the request. Personnel reviews the request to verify that employees meet the requirements for placement at D, E, or F steps.

## 9. SALARY STEP ADVANCES

Purpose: Pursuant to Chapter 19, Sections 19.00 through 19.07 of the Shasta County Personnel Rules, employees on a salary range may be considered for merit step advances in accordance with their original starting salary and service time with the County.

Procedure: Step advances are activated following submission of a Personnel Action Form (PAF) to Personnel on the salary anniversary date of the employee, provided the employee's job performance as reflected in his most recent performance evaluation meets expected standards or above.

Timeframes: Regular full-time and part-time employees (except those represented by the Deputy Sheriff's Association) hired at "A" step who meet performance standards, as reflected in the performance evaluation advancement to "B" step after six months of full time employment. (See the DSA MOU for specific merit step increase timeframes.) Employees hired at "B" through "E" steps are entitled to advancement to the next step after one year of full time equivalent service provided their performance meets expected standards. Subsequent step advances will occur in one year increments until the employee reaches "F" step.

The salary anniversary date may change for many reasons, including promotion, demotion, suspension, performance evaluations of less than "meets expected standards," and leaves

of absence.

Extra help employees hired at step "A" who have worked at least 2,080 hours over a period of time are eligible for advancement to step "B." If they have worked a minimum of 2,080 hours at "B" step, they are eligible for advancement to step "C." Additional salary step advances each require an additional 2,080 hours of work and requests are routed to the Personnel Director. In all cases, the department head must have completed a performance evaluation which shows the employee is performing the full duties of the class and is meeting accepted standards. Again, all step increases assume the employees written performance evaluation shows they meet expected standards.

Responsibilities: The Board sets the salary ranges by approving a salary resolution. Personnel is responsible for reminding departments of the anniversary dates for step advancements for regular employees. Department heads are responsible for completing performance evaluations, preparing and transmitting the PAF's, and tracking extra help hours.

10. MEMORANDA OF UNDERSTANDING

Purpose: Pursuant to the Meyers Milias Brown Act (California Government Code Sections 3500 et. seq.) and Shasta County's Employer/Employee Relations Resolution #97-154, the County has an obligation to meet and confer with employee organizations on wages and terms and conditions of employment.

Procedure: Employee salaries may be changed as a result of an agreement reached during this process which is ratified by the union and approved by the Board of Supervisors. This agreement will be documented in a MOU.

Timeframes: Such a salary changes could occur at any time and may be effective over several years as specified in a given MOU.

Responsibilities: The Board of Supervisors has ultimate negotiations authority for the County. The CAO is the County's "Chief Negotiator." The CAO may delegate this responsibility to the Personnel Director. The CAO and the Personnel Director recommend negotiation parameters to the Board of Supervisors. The Personnel Director, in conjunction with Personnel staff, will consult with County Counsel and may utilize contract labor negotiators and attorneys.

BE IT FURTHER RESOLVED, that the above action shall be effective on and after the 6th day of April, 2010.

DULY PASSED AND ADOPTED this 6thday of April, 2010, by the Board of Supervisors of the County of Shasta by the following vote:

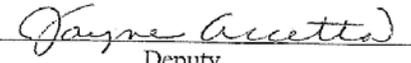
AYES: SupervisorsHartman, Baugh, Kehoe, Moty, and Hawes  
NOES: None  
ABSENT: None

ABSTAIN: None  
RECUSE: None

  
DAVID A. KEHOE, CHAIRMAN  
Board of Supervisors  
County of Shasta  
State of California

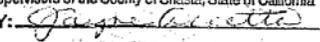
ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By:   
Deputy

THIS INSTRUMENT IS A CORRECT COPY  
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST APR 07 2010

CLERK OF THE BOARD  
Supervisors of the County of Shasta, State of California  
BY: 

**This page intentionally  
left blank for duplex  
printing purposes.**

## APPENDIX C MISCELLANEOUS

Additional copies of these documents are available at the Department of Support Services Personnel Unit.

Merit System Principles .....	327
-------------------------------	-----

**This page intentionally  
left blank for duplex  
printing purposes.**

## MERIT SYSTEM PRINCIPLES

Shasta County Personnel operates under merit system principles, which are designed to assure that employees are appointed and promoted based on merit. The merit system principles assist the County in attaining its Mission, which is **"To recruit and retain competent, committed staff and to provide professional personnel support to all departments in order to maximize the return of investment in human resources for Shasta County."**

The merit system and its governing principles are adapted from the statutory language that appears in section 2301(b) of title 5, United States Code, which states that agencies operating under this system will:

- Recruit qualified individuals from all segments of society and select and advance employees on the basis of merit after fair and open competition.
- Treat employees and applicants fairly and equitably, without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition.
- Provide equal pay for equal work and reward excellent performance.
- Maintain high standards of integrity, conduct, and concern for public interest.
- Manage employees efficiently and effectively.
- Retain or separate employees on the basis of their performance.
- Educate and train employees when it will result in better organizational or individual performance.
- Protect employees from improper political influence.
- Protect employees against reprisal for the lawful disclosure of information in "whistleblower" situations (i.e., protect people who report things like illegal and/or wasteful activities).

**This page intentionally  
left blank for duplex  
printing purposes.**

## INDEX

### A

ALCOHOL AND DRUG FREE WORKPLACE POLICY TESTING	155
ALCOHOL FREE AND DRUG FREE WORKPLACE POLICY	153
<u>APPOINTMENT OF RELATIVES</u>	26
<u>ASSIGNMENT OF POSITIONS</u>	11

### B

<u>BEREAVEMENT LEAVE</u>	50
--------------------------	----

### C

<u>CAMPAIGN ACTIVITIES</u>	199
<u>CLASSES OF POSITIONS</u>	15
<u>COLLATERAL ALLOCATION</u>	24
CONFIDENTIAL EMPLOYEES	79
CONFIDENTIAL DIFFERENTIAL	79
MISCELLANEOUS PROVISIONS	79

### D

<u>DEPARTMENT HEADS</u>	24
<u>DIRECT DEPOSIT</u>	11
DISABILITIES AND NONDISCRIMINATION & ACCOMMODATION POLICY AND COMPLIANCE PROGRAM REASONABLE ACCOMMODATION	119
DISABILITIES AND NONDISCRIMINATION & ACCOMMODATION POLICY AND COMPLIANCE PROGRAM COMPLAINT PROCEDURE	123
DISABILITIES NONDISCRIMINATION & ACCOMMODATION POLICY AND COMPLIANCE PROGRAM	117
<u>DISCIPLINARY ACTION</u>	29
APPEAL PROCEDURES	31
BASIS FOR	29
BASIS FOR OTHER TERMINATION FOR CAUSE	30
RIGHT TO REPRESENTATION	32
TYPES OF	30
<u>DISCRIMINATION AND HARASSMENT</u>	107
COMPLAINT PROCEDURE	110
EMPLOYEE ACTION	109
FALSE COMPLAINT	112
PROHIBITED CONDUCT	107
<u>DRUG AND ALCOHOL TESTING FOR POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE</u>	159

FOLLOW UP TESTING	166
POST-ACCIDENT TESTING	165
PRE EMPLOYMENT/TRANSFER TESTING	163
PROHIBITED ACTS	162
RANDOM TESTING	163
REASONABLE SUSPICION TESTING	164
REFUSAL TO CONSENT	167
RETURN TO DUTY	166

### E

<u>EMPLOYEE ASSISTANCE PROGRAM</u>	78,
80, 195	
EMPLOYEE RECOGNITION POLICY SELECTION PROCEDURE	193
TYPES OF AWARDS	194
EMPLOYEE RECOGNITION PROGRAM	191
DEPARTMENT PROGRAMS	194
ELIGIBILITY	191
SELECTION CRITERIA	191
<u>EXPECTATIONS OF PRIVACY</u>	139
<u>EXTRA HELP EMPLOYEES</u>	91
STANDBY FOR MENTAL HEALTH	93

### F

FILES POLICY	185
ACCESS TO PERSONNEL FILES	189
EMPLOYEE'S DEPARTMENT	187
MAINTENANCE AND DISPOSITION OF	188
METHODS OF ACCESSING FILES	189
PAYROLL	186
PERSONNEL	185
RISK MANAGEMENT	186

### G

GRIEVANCE	37
COMPLAINT PROCEDURE	39
FORMAL PROCESS	38
STEP 1	38
STEP 2	38
STEP 3	38

### H

<u>HOLIDAYS</u>	45
ACCRUAL REGULAR FULL-TIME EMPLOYEES	45
ACCRUAL REGULAR PART-TIME EMPLOYEES	46

EQUIVALENT TIME OFF OR PAY FOR HOLIDAYS	45	VACATION ACCRUAL	76
PAY AND ACRUAL TIME OFF OR PAY FOR	46		
<i>I</i>			
<u>INDUSTRIAL LEAVE</u>	49	OUTSIDE EMPLOYMENT/CORPORATE AFFILIATION	
<u>INDUSTRIAL LEAVE OF ABSENCE</u>	53	APPEAL	144
INFORMATION SECURITY	125	DISCIPLINARY ACTION	144
INFORMATION TECHNOLOGY		NOTICE REQUIREMENTS	143
ACCEPTABLE USE	125	ORDER TO CEASE PROHIBITED	142
CASUAL REMOTE ACCESS	134	OUTSIDE EMPLOYMENT/CORPORATE AFFILIATION	141
PASSWORD POLICY	132		
REMOTE ACCESS POLICY	133	<i>P</i>	
SOFTWARE COPYRIGHTS AND LICENSING POLICY	136	<u>PAYMENT ON BIWEEKLY BASIS</u>	11
TRAINING, AND EDUCATION POLICY	135	<u>PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING POLICY</u>	149
USE OF ELECTRONIC MAIL	130	CONFIDENTIALITY	152
VOICE MAIL POLICY	137	SAMPLE COLLECTION AND TESTING	150
<i>L</i>			
<u>LAYOFF</u>	81	PROBATIONARY PERIOD	
APPEAL PROCEDURE	85	EXTENSION OF PROBATIONARY PERIOD	27
COMPUTATION OF SENIORITY	82	INITIAL PROBATION	26
NOTICE OF	83	ON RECLASSIFICATION	27
ORDER OF BY STATUS	81	<i>R</i>	
PERFORMANCE POINTS	83	<u>RECRUITMENT PROCEDURES</u>	19
RECALL PERIOD	84	CONTINUOUS RECRUITMENT	22
TOTAL SENIORITY	82	ELIGIBLE LISTS	21
VOLUNTARY	81	REINSTATEMENT	23
LEAVE OF ABSENCE		SCREENING OF APPLICATIONS	20
LEAVE FOR SPOUSES AND REGISTERED DOMESTIC PARTNERS OF PERSONS SERVING IN THE MILITARY	70	<u>REFERENCE CHECKING</u>	23
MILITARY LEAVE OF ABSENCE	65	<u>REGULAR PART-TIME EMPLOYEES</u>	91
RELEASE FROM DUTY	53	RETIREMENT SYSTEM	105
RETURN FROM LEAVE	71	<u>ROSTER OF EMPLOYEES</u>	17
<i>M</i>			
MANAGEMENT BENEFITS	73	<u>SALARY PLAN</u>	87
ADMINISTRATIVE LEAVE	74	ADJUSTMENT ON SALARY	
COMPENSATION FOR ELECTED OFFICIALS	77	ANNIVERSARY DATE	90
DEFERRED COMPENSATION	77	INCREASES WITHIN RANGE	87
EXPENSE ALLOWANCE	75	SALARY ON DEMOTION	89
LIFE INSURANCE	74	SALARY ON POSITION	
PAY DIFFERENTIAL	77	RECLASSIFICATION	89
RETIRED MANAGERS	76	SALARY ON PROMOTION	88
RETIREMENT	77	SALARY ON RANGE CHANGE	89
SALARIED STATUS	74	SALARY ON TRANSFER	89
SICK LEAVE RETENTION INCENTIVE		SICK LEAVE	49
		EARNED ACCRUAL RATE	49
		EXCEPTIONS	50
		USAGE	49

VERIFICATION OF ILLNESS	49
<u>STATE DISABILITY/PAID FAMILY LEAVE</u>	
<u>BENEFITS</u>	50

*T*

<u>TELECOMMUTING</u>	43
<u>TRAVEL POLICY</u>	95
AUTHORITY FOR	96
AUTOMATION MIGRATION PROJECT	
ALLOWANCE	103
CLAIMS PROCEDURE	102
FOR PROFESSIONAL RECRUITMENTS	100
REIMBURSEMENT	97
TRAVEL TIME AS COMPENSABLE	
TIME WORKED	102

*V*

<u>VACATION</u>	
ACCRUAL SCHEDULE	47
PAYMENT IN LIEU	48
TIMES AND CONDITIONS OF TAKING	47
<u>VACATION DONATION</u>	145
ADMINISTRATION OF	146
DONATION TO	146
VEHICLE OPERATION	169
ACCIDENT REPORTING	175
APPLICANT QUALIFICATIONS	169
DEFENSIVE DRIVER TRAINING	173

DRIVER'S RESPONSIBILITIES	174
DRIVING RECORD CRITERIA	170
EMPLOYEE DRIVER QUALIFICATIONS	170
MAINTENANCE REQUIREMENT	172
PASSENGERS	174
PRIVATELY-OWNED VEHICLES	172
PULL PROGRAM	173
REPAIR	176
TAKE-HOME VEHICLES	172
TRAFFIC AND PARKING CITATIONS	176

<u>VIOLENCE IN THE WORKPLACE POLICY</u>	113
---	-----

VOLUNTARY TIME OFF WITHOUT PAY	115
--------------------------------	-----

*W*

<u>WORK OUT OF CLASS</u>	12
WORK PERIOD	41
ADMINISTRATIVE LEAVE EMPLOYEES	42
MINIMUM REPORTING TIME AND	
CALLBACK	43
OVERTIME	43
REST PERIODS	42
WORK PLAN	
FLEXIBLE WORK HOURS PLAN	41

**This page intentionally  
left blank for duplex  
printing purposes.**

## Change Log

- Version 2/5/08                    These Personnel Rules were updated and adopted in their entirety. The change log with the previous version of these Rules (2007) reflects changes made up to this date.
- Version 4/1/08                    Page 79-80, Section 18.4 – Add language to allow placement of an employee at a step higher than A when demotion is for reasons other than disciplinary.
- Version 11/18/08                    Page 65, Section 15.6.C. – Change manager’s payment language to current hourly rate (which may include stipends). Add paragraph allowing for administrative leave sellback to appointed executive management employees (department heads) and unrepresented non-executive managers. Page 68, Section 15.22. – Add specific detail language for Longevity Stipend for executive (department heads) and non-executive unrepresented managers. Pages 277, 278, 279 – Update Index.
- Version 3/10/09                    These Personnel Rules were updated and adopted in their entirety. Chapter 6 Recruitments and Appointments: The “Rule of Five” was changed to the “Rule of Ten”. Also, requirements regarding submission of typing certificates were changed to allow the candidate more time to provide the document.  
Chapter 19 Regular Part-Time and Extra-Help Employees: Clarification was made regarding the eligibility of CalPERS retirees’ extra-help appointments.  
Chapter 29 Vacation Donation Policy: References made to specific illnesses were deleted and replaced with the phrase, “serious in nature”.  
Chapter 34 Performance Evaluation Policy: Miscellaneous changes were made to the Performance Evaluation Policy language to provide clarity to the procedures.  
Appendix A Forms: Evaluation Forms for Management and Non-management position were updated. Detailed instructions were also added.  
Miscellaneous Changes: References to “he”, “him”, “his”, were changed to “he/she”, “him/her”. References to “husband” or “wife” were changed to “spouse”.

## Change Log

- Version 5/19/09 Chapter 14 Leaves of Absence: Revised so as to comply with recent changes to the Federal Family Medical Leave Act (FMLA) regulations. Appendix A Forms: FMLA/CFRA/PDL Notice and Forms were updated.
- Version 6/30/09 Pages 93-94 , Section 19.2 – Add specific detail language for Extra Help classifications for Chief of Psychiatry and Senior Psychiatrist.
- Version 12/4/2009 Page 54, Section 14.4 C. Reasons for Leave - Revised so as to comply with recent changes to the California Family Rights Act (CFRA). Pages 57-59, Section 14.4 K Servicemember Family and Medical Leave - Add language to comply with recent changes that expands military leave rights under the Federal Family Medical Leave Act (FMLA). It includes broadening the definition of "covered active duty" and making allowances for veterans under certain circumstances.
- Version 2/9/2010 Page 181, Correct error in lettering Section 34.2.E, change 34.2.E.2 to 34.2.F. Page 182, re-letter rest of section 34.2.
- Version 4/6/2010 Page 87, Section 18.1.A. – Revised language to allow appointment of employees at salary steps above C step upon recommendation of the Personnel Director and approval by the County Administrative Officer (CAO).  
Appendix B Policies and Resolutions: Pages 299 – 308 Policy Resolution No. 2008-01 repealed and replaced by Policy Resolution No. 2010-02 to revise Section 7, Higher Salary Range Placement, to conform to the revisions of Section 18.1 of the Personnel Rules.
- Version 6/15/2010 Page 80, Section 16.13 – Revised language concerning pension contributions for Confidential Employees.
- Version 11/9/2010 Page 70, Section 14.6.1 – Revised language concerning supplementing military pay for employees called to active duty under certain circumstances from its previous sunset date of July 1, 2010 to July 1, 2012.

Version 3/8/2011

Page 91, Section 19.2-Revised sections A-E regarding CalPERS requirements for Extra Help Employees. Pages 77 and 78, Sections 15.15 and 15.22 regarding changes to retirement contributions and cumulative service.

Version 5/8/2011

Page 77, Section 15.15-Revise language for retirement formula for new employees effective 5/8/2011. Page 80, Section 16.13- Revise language for retirement formula for new employees effective 5/8/2011. Page 106, Section 21.3 – Revise language for retirement formula for new employees effective 5/8/2011.

Version 6/28/11

Page 99, Section 20.5.A.5.C – Add “taxable meal benefits” language to this section. Page 100 – 103, various sections – Add reference to 20.5.A.5.C where applicable. Page 101, Section 20.5.B – Delete section B, which refers to allowances for temporary schooling or fieldwork away from established headquarters. Page 103, Section 20.9.A and B – Clarify compensable time worked for business travel. Section C - Add language that employee may drive personal vehicle with dept head approval, but may be compensated based on time employee would have spent using public transportation. Page 140 – 142, Section 26.11 – Add newly adopted policy on removable storage devices. Page 142 – 146 – Add newly adopted policy on mobile data devices. Page 209 – Update Forms index. Page 291 – Add form for County-Provided Mobile Data Device Agreement. Page 295 – Add form for Personal Mobile Data Device Agreement.

Version 9/25/11

Page 25, Section 6.11.E-Delete title of Director of Public Health, and add note to Director of Mental Health Services which says this title is only applicable when HHSA Director does not possess qualifications required by law for that position.

Version 5/11/12

Page 25, Section 6.1-Clarification of the County Executive Officer’s role as the “County Executive Officer”; changing the title of the “County Administrative Officer” to the “County Executive Officer”; delegating the County Executive Officer the authority to appoint the following department heads without requiring subsequent ratification of the appointments by the Board of Supervisors: (1) Director of Housing &

Community Action Programs, (2) Veterans Service Officer, (3) Inter-Mountain Fair Manager, (4) Director of Support Services, and (5) Chief Technology Officer.

Version 2/10/13                      Pages 21-22, Section 6.3-Add “Veteran’s PreferencePoints”language to this section, effective 2/5/2013.

Version 6/25/13                      Pages 83 and 85, deletion of Section 15.19 Leave Balance Payout on retirement – 401(A) Plan and Section 16.14 401 (A) Plan, effective 2/26/2013.

Pages 184-193, Chapter 33 – Revise language for Vehicle Operations Policy, effective 6/18/2013.

Version 7/1/13                      Pages 103-112, revise language for Travel and Other Expenses – County Charges, effective 7/1/2013.

Version 7/23/13                      Page 88, Section 17.13 – Revise language for Notice of Layoff, effective 7/23/2013.

Version 11/5/13                      His/her designee was added throughout document immediately after all references to a Department Head, County Administrative Officer was changed to reflect County Executive Officer all throughout the document, Chief Technology Officer was changed to reflect Chief Information Officer all throughout the document, reference to Policy Resolution 2008-1 was changed to Policy Resolution 2010-2; Section 15.10 was modified to address the requirements of Government Code 7522.40

Version 2/23/14                      Updated Section 12.1, Vacation Accrual, effective 2/23/2014.

Version 3/6/14                      Updated Section 6.11.E and 6.11.G to reflect changes to Chief Probation Officer appointment. No longer appointed by the Superior Court Judge; now appointed by the Board of Supervisors upon recommendation from the County Executive Officer.

Version 6/23/15                      Updated Section 17.13 Notice Of Layoff to extend the days of Notice from 15 days to 21 days.

Version 05/17/2016                      Updated Chapter 15, removing benefits and stipends regarding Elected Department Heads and Board of Supervisors. Created Chapter 39 Elected Department Heads and Board of Supervisors.

Version 06/21/2016

Updated Chapter 15 Management Benefits and Chapter 16 Confidential Employees adding the 401(a) Information into both chapters.