

PERSONNEL RULES of PLUMAS COUNTY

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RULE 1 – TITLE, PURPOSE, EXEMPTION AND ADMINISTRATION

1.01 **Title and Purpose:** Plumas County Code Section 2-5.101 authorizes the adoption of these Rules by resolution of the Board of Supervisors and these Rules shall be known as “The Personnel Rules of Plumas County.”

The purpose of these rules is to provide a consistent, equitable and efficient program of personnel administration for Plumas County by:

- (1) Maintaining permanent personnel records.
- (2) Assuring equal employment opportunity.
- (3) Providing for a classification plan for all positions.
- (4) Establishing a salary plan including retirement and other benefits.
- (5) Developing procedures for recruitment, appointment, training, evaluation, promotion and termination.
- (6) Protecting employees from discrimination, arbitrary removal and political pressures.
- (7) Developing and administering an employer-employee relations policy.

1.02 **Exemptions:** These rules apply to all County employees, except:

(1) Non-classified department heads shall be exempt from Rules 5, 6 (except 6.06), 7, 8, 13, 14, 15, 16, 17, 19 and 20; classified department heads shall be exempt from Rules 8, 14, 15 and 17.

(2) Employees in departments under Interagency Merit System (IMS) jurisdiction shall be exempt from any of these rules that are inconsistent with the local agency personnel standards of the Merit System Services Agency of the California State Personnel Board.

(3) Employees covered by a memorandum of understanding binding Plumas County and a recognized employee organization shall be exempt from any of these rules that are inconsistent with the terms of such memorandum.

(4) Employees of the Sheriff’s Department shall be exempt from any part of Rule 16 that is inconsistent with Government Code Section 3300, et seq. (Public Safety Officers’ Bill of

Rights Act).

(5) Employees covered by an individual contract of employment for a specific term shall be exempt from any of these rules that are inconsistent with the terms of such contract.

1.03 Administration: The Board of Supervisors shall appoint a Human Resources Director. The Human Resources Director shall be responsible for the administration and maintenance of the Personnel Rules, the Centralized Personnel File System, the Classification Plan, the Salary Plan and compliance with MOU's.

1.04 Departmental Rules: Department heads may establish additional personnel rules for their department as long as the rules are consistent with these rules, or other County policies, in the opinion of the Human Resources Director, or any memorandum of understanding with a "recognized employee organization" (as defined in California Government Code Section 3501(b)), provided that the County comply with any "meet and confer" obligation under California Government Code Section 3505.

1.05 Amendment of Rules: These rules shall be amended as necessary by resolution of the Board; provided that the County complies with any "meet and confer" obligation under California Government Code Section 3505.

1.06 Severability: If any rule, section, or phrase of these rules is declared unconstitutional or void for any reason, such decision shall not affect the validity of the remaining portion of these rules.

1.07 Construction: These rules shall be liberally construed so as to effectuate their purposes and to avoid inequities.

1.08 Effective Date: These rules shall take effect on the effective date of the implementing resolution, unless a different operative date is specified in the resolution.

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RULE 2 – DEFINITIONS

2.01 **Administrative Employee:** A salaried employee whose primary duty consists of performance of office or non-manual work directly related to management policies which includes the exercising of discretion and independent judgment.

2.02 **Administrative Leave:** Leave ordered by an appointing authority with pay to an employee pending initiation, imposition, or conclusion of disciplinary action or appeal; or, leave with pay for any cause deemed necessary by the Human Resources Director.

2.03 **Allowance:** A payment to an employee that is intended to cover incidental job-related expenses outside the scope of regular salary.

2.04 **Anniversary Date:** The date of appointment to a particular classified position.

2.05 **Applicant:** A person who has filed a timely and complete application for employment, but who is not yet appointed.

2.06 **Appointing Authority:** The Board, a department head, or any other managerial employee who has the power and authority to make appointments to the County service.

2.07 **Appointment:** The filling of a position in the County service by means of an appointing authority's offer of employment and acceptance of that offer by an applicant.

2.08 **Board:** The Board of Supervisors of Plumas County.

2.09 **Board-Appointed Employee:** An employee examined and appointed directly by the Board.

2.10 **Class or Class Title:** All positions which are sufficiently similar in duties, authority, responsibility and working conditions to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and salary.

2.11 **Class Series:** An orderly progression of closely related classifications approved in a manner of ascending responsibility, skills, qualifications and duties.

2.12 **Classification Plan:** An orderly management of positions under separate and distinct classes so that each class or class series contains all positions which are sufficiently similar in duties, authority and responsibility.

2.13 **Classified Department Head:** A department head whose position is included in the County's classification and salary plans.

2.14 **Classified Service:** All positions of employment included in the County's classification and salary plans.

2.15 **Compensated Service:** Employee service actually paid for by the County, and not including periods of unpaid leave.

2.16 **Compensatory Time:** Paid leave granted in lieu of paid overtime.

2.17 **Confidential Employee:** An employee who in the scope of employment has access to information relating to the County's administration of employer-employee relations.

2.18 **Continuous Service:** Employment in the County service for a period of time unbroken by separation, dismissal or termination. No break shall be deemed to occur because of temporary unpaid leave authorized under Rules 16, 19, and 20, or because of layoff less than one year in duration.

2.19 **County Service:** All County offices and positions of employment authorized by the Board of Supervisors by State law.

2.20 **Court Standby Duty:** An assignment involving readiness to appear in court on short notice.

2.21 **Date of Hire:** The date when an employee commences work in the County service and begins earning compensation as shown in payroll records.

2.22 **Date of Mailing:** The date of postmark.

2.23 **Day:** Calendar day unless otherwise specified.

2.24 **Demotion:** Appointment to a position with a salary range lower than the employee's previous salary range.

2.25 **Department Head:** The County officer or employee responsible for supervising a County department.

2.26 **Disciplinary Action:** Dismissal, demotion, reduction in compensation, suspension without pay, or any other punitive action taken by an appointing authority against an employee.

- 2.27** **Dismissal:** Termination of employment.
- 2.28** **Examination:** Any competitive procedure or test used to make a differentiation between applicants for employment.
- 2.29** **Executive Employee:** A salaried employee whose primary duty is management of a department or subdivision who customarily and regularly exercises discretionary power, directs the work of at least two or more employees and has the authority to hire or fire.
- 2.30** **Extra-Help Appointment:** An appointment by an appointing authority, without an eligible list, to a position for a limited number of days.
- 2.31** **Family:** Spouse, child, mother, father, brother, sister, and grandparents, including forms of those relationships recognized by law such as “in-laws,” “step,” “foster,” and “half.”
- 2.32** **Flex-Time:** A work schedule authorized by a department head using certain mandatory times, but allowing for work hours other than the normal schedule.
- 2.33** **FLSA-Exempt Employee:** Employees in positions that are executive, administrative, or professional as defined and interpreted under the Fair Labor Standards Act, 120 USC 213 (a) (1) and 29 CFR 541. FLSA-exempt employees shall use orange time cards. FLSA-exempt positions are determined by the Human Resources Director.
- 2.34** **Full-Time Employees:** Work a full forty-hour workweek on a regular basis.
- 2.35** **Good or Reasonable Cause:** The condition or conditions existing which may justify the dismissal, demotion, or suspension without pay of an employee. Reasonable cause may include but not be limited to those listed in Rule 16.04.
- 2.36** **Grievance:** An objection to a managerial act or omission that allegedly affects adversely or unfairly an employee’s wages, hours, or other terms and conditions of employment.
- 2.37** **Holiday:** County holidays declared by resolution of the Board.
- 2.38** **Layoff:** Separation from County service due to an employee’s position being vacated or eliminated by the Board.
- 2.39** **Leave:** Authorized absence by the appointing authority from a position for a definite period of time, with a right to reinstatement on the same terms as prevailed when the absence commenced.

2.40 **Management Employee:** An employee having responsibility for advising, formulating, administering or managing the implementation of County policies or programs.

2.41 **May:** Permissive and not mandatory.

2.42 **Merit Advancement:** A salary increase within the limits of the pay range established for a class based on satisfactory performance.

2.43 **Nepotism:** The appointment in a department of a member of any employee's family to a permanent, temporary, or extra-help position resulting in the employee having substantial supervisory authority over the family member.

2.44 **Non-Classified Department Head:** A department head whose position is not included in the County's classification and salary plans, and whose salary is set by County ordinance or resolution.

2.45 **Objection:** A written statement of specific reasons for disputing a personnel action that has had an allegedly unfair and adverse impact on the employment interests of the person objecting.

2.46 **Officer:** A person elected or appointed to a County office designated by State law (Government Code Section 24000).

2.47 **On-Call:** An assignment involving readiness to appear for work on short notice.

2.48 **Out-of-Class:** The assignment to work for the majority of time in a position having duties of a class with a higher salary range.

2.49 **Part-Time Employee:** An employee assigned to work fifteen or more, but less than forty hours per week in a permanent or probationary status.

2.50 **Permanent Appointment:** An appointment by an appointing authority of an employee having successfully completed a probationary period to a permanent position.

2.51 **Position:** A collection of duties and responsibilities which require the full or part-time services and employment of one person.

2.52 **Probationary Appointment:** An at-will appointment by an appointing authority from an eligible list to a position that is authorized by the Board to be filled on a permanent basis.

2.53 **Professional Employee:** A salaried employee whose primary duty requires

knowledge of an advanced type in a field of science or learning, customarily acquired by a prolonged course of specialized instruction and study, and includes consistent exercise of discretion and judgment.

2.54 **Promotion:** Appointment of an employee to a position with a higher salary range.

2.55 **Reallocation:** A change of salary range for an existing class or class title.

2.56 **Reclassification:** A change of title or duties for an existing position classification, which may trigger a reallocation.

2.57 **Salary Plan:** The overall designation of salary ranges for all positions allocated by the Board.

2.58 **Salary Range:** The amount or extent of salary designated for each class within the classification.

2.59 **Salary Step:** The level of salary within a designated range.

2.60 **Shall:** Mandatory and not permissive.

2.61 **Supervisory Employee:** An employee, using independent judgment, having the authority to hire, transfer, suspend, layoff, promote, terminate, assign, evaluate or discipline other employees or the responsibility to assign work to and direct them or to adjust their grievances or effectively recommend such action.

2.62 **Suspension:** The involuntary placement of an employee in a non-compensated status as a result of disciplinary action.

2.63 **Temporary Appointment:** An appointment by an appointing authority from an eligible list to a position on a temporary basis not to exceed one year, unless extended by the Board.

2.64 **Transfer:** The movement of an employee from one position to another having an equal salary range.

2.65 **Volunteer:** A person, not an employee, who is willing and authorized to perform a noncompensated service for the County.

2.66 **Workday:** Eight hours per day.

2.67 **Workweek:** Forty hours per week commencing 12:01 a.m. Sunday and ending

midnight 12:00 p.m. Saturday, including holidays.

2.68 **Y-rated:** A designation given to a reclassified position when the incumbent employee's current pay rate exceeds the top pay step of the new pay range for the reclassified position; the "Y" designation means that the incumbent shall receive no further wage increases until such time as the top step of the new pay range exceeds the current rate of pay of the incumbent. (A "Y" designation shall not affect an employee's eligibility to receive merit step advancement under Rule 6.05 as long as employee's rate of pay has not exceeded the top step (not longevity) of the new pay rate, and longevity advancement pursuant to Rule 6.06.)

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RULE 3 – EMPLOYEE RECORDS

3.01 **Personnel Records:** The Human Resources Director shall maintain permanent personnel records on each individual employed by the County, covering employment status, job performance, medical condition, discipline, and grievances, and any other relevant information. The records shall be preserved for at least four years following the date of the employee’s leaving County service.

3.02 **Inspection and Review:** An employee, or his or her representative authorized in writing, shall have the right to inspect and review his or her own personnel records at reasonable intervals without loss of compensation during regular business hours at the Human Resources Department. The employee may receive a copy of such records at a cost determined by the Human Resources Director. The employee shall be provided a reasonable opportunity to respond in writing to any particular record, and the response shall become a permanent part of the employee’s personnel records. The employee shall be notified immediately of the filing of any record of a derogatory nature.

 However, the following records shall be confidential and not open to inspection and review:

- (1) Letters of reference and any materials obtained during a pre-employment background check provided that they are obtained in confidence; and
- (2) Any records relating to the investigation of a possible criminal offense.

(Reference: California Labor Code Section 1198.5 and California Government Code Section 31011)

3.03 **Disclosure to Third Parties:** Personnel records are to be used only in the normal course of authorized County business. They may not be disclosed to the public without express written consent from the concerned employee, except that the following disclosures shall be permitted:

- (1) Name, position classification, and gross salary.
- (2) Written employment contracts.
- (3) Disclosures in emergency situations made reasonably and in good faith to protect the health and safety of any person.

(4) Disclosure for law enforcement purposes, including investigations.

(5) Disclosures under specific provisions of State and Federal law.

(References: California Government Code Section 6260, discovery proceedings; California Welfare and Institutions Code Section 11578, enforcement of spousal or child support)

The Board of Supervisors may adopt rules of disclosure more restrictive than this rule for the Sheriff's Department if permitted under State law.

(Reference: California Penal Code Sections 832.5, 832.8.) Nothing in this section is intended to modify State law on the confidentiality of peace officer personnel records and citizen complaint records.

3.04 **Payroll and Retirement Records:** The County Auditor shall maintain payroll records, including time cards. The Personnel Office shall maintain records regarding Social Security numbers, accrued vacation, sick leave benefits and records necessary for retirement system purposes. Payroll and retirement records are private personnel records and shall be disclosed according to Rule 3.03.

3.05 **Volunteer Service Records:** An appointing authority who utilizes a volunteer to perform services for the County shall maintain records of the volunteer's name, dates of service, and the specific services performed. Upon request, these records shall be shared with the County's Volunteer Coordinator and the Human Resources Director.

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RULE 4 – EQUAL EMPLOYMENT OPPORTUNITY

4.01 **Policy:** It shall be the policy of Plumas County to promote in its personnel administration the principles of equal employment opportunity and affirmative action.

4.02 **Prohibited Discrimination:** Discrimination in any aspect of personnel administration is prohibited regarding race, national origin, color, religious creed, ancestry, physical condition, marital status, sex, and age, as those terms are defined in the California Government Code Sections 12900, et seq.

The County’s hiring practices and promotional practices shall conform to the Federal Civil Rights Act of 1964.

(Reference: California Government Code Section 50084)

Any selection in hiring or promotion on the basis of sex, age, or physical fitness shall be based on bona fide occupational requirements of the position.

All educational prerequisites and examination methods shall be job-related.

(Reference: California Government Code Section 50085)

4.03 **Relief from Discriminatory Acts:** Any County employee or applicant for County employment who alleges discrimination in violation of Rule 4.02 shall be required to submit a written objection to the Human Resources Director. The Human Resources Director/Affirmative Action Officer shall immediately notify the County Counsel and the appointing authority. If the objection cannot be settled within fifteen (15) days of its submittal, the objecting party shall be notified pursuant to Rule 18.

4.04 **Affirmative Action Plan:** The Board, Human Resources Director/Affirmative Action Officer, and appointing authorities are responsible for administering an affirmative action plan in order to widen opportunities for those who have suffered discrimination and to make equal opportunity a reality at all levels of the County work force.

The affirmative action plan shall be described by separate resolution of the Board. (Reference: Plumas County B.O.S. Resolution No. 2511 of October 16, 1973.) Copies of any amendments of the affirmative action plan shall be provided to State and Federal agencies as required by California Government Code Section 50085.5.

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RULE 5 – CLASSIFICATION

5.01 **Classification Plan:** The Board shall adopt and periodically amend by resolution the County classification plan covering all positions in the County service except those for which the salary is set by ordinance.

Each position shall be allocated to a class identified by class title. Positions shall have the same class title when they conform to the same class specification or when the positions' descriptions are similar as to qualifications, responsibilities, level of supervision, and other relevant characteristics.

The class title of a position shall be used in the County's salary plan, personnel records, and personnel administration.

5.02 **Reclassification and/or Reallocation:** No positions shall be reclassified and/or reallocated except by action of the Board. Review of a position's classification may become necessary due to actual or proposed changes in the position's description. Such review may be requested only by the concerned department head or by the Board.

Department head requests may be directed to the Human Resources Director only once per year, during the month of January, by means of an official form available from the Human Resources Director. After the Human Resources Director has completed a study and prepared a recommendation, he or she shall review it with the department head and present it to the Board for action.

5.03 **Out-of-class Claims:** Any employee claim based on alleged out-of-class work shall be resolved through the grievance procedure in Rule 17. The County shall not recognize any claim for back pay due to out-of-class work alleged to have occurred more than ninety days prior to the filing of a written grievance on the matter. No Board-authorized reclassification shall constitute an admission that the occupant of the position was previously working out-of-class.

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RULE 6 – SALARY

6.01 Salary Plan: Each position classification shall be allocated by Board resolution to a salary range in the County's salary plan. The plan shall represent a scale of compensation for work exclusive of allowance, paid leave, overtime, or fringe benefits. The plan shall be adopted and amended as necessary by resolution of the Board.

Within each salary range shall be a series of steps from A through E. The base salary in the range shall be A, with advanced steps representing incremental increases of approximately five percent between steps.

6.02 Salary on Position Reallocation: When a position classification is reallocated to a different salary range, the salary of the employee whose position is affected shall be determined in accordance with Rule 6.04.

6.03 Salary Step at Hiring: All newly hired employees shall be appointed by the department head at step A or B depending upon qualifications. The department head may, upon approval of the County Administrative Officer, appoint at Steps C, D or E based on the applicant possessing extraordinary qualification. Upon denial by the County Administrative Officer, the department head may request Board approval for Steps C, D and E.

(Reference: Plumas County B.O.S. Resolution No.98-6208)

6.04 Salary on Position Reclassification: The salary of an employee whose position is reclassified shall be determined as follows:

(1) If reclassified and allocated to a salary range equal to the previous range, the employee's anniversary date shall not change.

(2) If reclassified and allocated to a salary range lower than the previous range, the employee's salary and anniversary date shall not change, but the position shall be Y-rated.

(3) If reclassified and allocated to a salary range higher than the previous range, the employee shall remain at the same step which the employee had prior to the reclassification. The anniversary date shall not change. This allocation is not considered a promotion.

6.05 Merit Advancement by Salary Step: Advancement through the salary steps A through E depends on satisfactory performance at the prior step for the equivalent of twelve months of full-time compensated and continuous service before advancement to the next higher step; provided that an employee who is promoted shall be eligible for one advancement to the next higher step after six months of continuous and compensated service measured from the date of the promotional appointment.

Satisfactory performance shall be evidenced by an appointing authority's personnel action form and evaluation to the Human Resources Director, who shall furnish the personnel action form to the County auditor. The personnel action form shall be based on performance evaluations conducted pursuant to Rule 15.

An employee who receives a merit step advancement after failing probation in a promotional appointment shall not be paid for the step advancement during the period of the promotional appointment.

When merit advancement is denied to an employee, the employee's performance shall be reevaluated within ninety (90) days. If performance is satisfactory upon re-evaluation, the employee may be advanced to the next step effective the date of the re-evaluation. The anniversary date shall not change.

6.06 **Longevity Advancement:** An employee's salary shall be increased five percent (5%) at the following times: upon completion of seven (7), ten (10), fourteen (14), eighteen (18) and twenty-one (21) years of full-time continuous and compensated service, or the equivalent, measured from date of hire.

(Reference: Plumas County B.O.S. Resolution No. 2020-8507)

6.07 **Salary Step on Promotion:** When promoted to a position classification in a higher salary range, the employee shall be appointed at Step A or to such advanced step representing at least a five percent (5%) increase over present salary (excluding longevity), whichever is greater. The anniversary date shall become that date which is 6 months from the effective date of the promotional appointment.

6.08 **Salary Step on Demotion:** Upon disciplinary demotion to a position classification in a lower salary range and for which the employee meets the minimum qualifications, the salary step may be either the same as it was at the time of the demotion, or a lesser step as determined by the appointing authority. The anniversary date of the employee shall not change. A probationary employee must complete the probationary period in the demotion class.

Upon request for voluntary demotion to a position classification at a lower salary range for which the employee is qualified, the department head may, with concurrence of the Human Resources Director, demote the employee to the lower range but to a step which may be higher, up to a Step "E", for the purpose of mitigating a loss of salary rate as a result of the voluntary demotion. Such action on the effective date of the demotion shall not cause the salary rate to exceed the salary rate paid to the employee for the position from which they are demoting. A probationary employee must complete the probationary period in the demotion class.

(Reference: Plumas County B.O.S. Resolution No. 96-5906)

6.09 **Salary on Transfer:** When an employee is transferred either voluntarily or not, or within the department or not, and there is no change in salary range, the employee's salary step and anniversary date shall not change.

6.10 **Salary on Temporary Assignment Out-of-Class:** When an employee is assigned to work half-time or more in a position classification allocated to a salary range higher than the employee's present range, then the employee shall be paid at step A of the higher salary range or at such advanced step that represents at least a five percent (5%) increase over present salary (excluding longevity), whichever is greater. A personnel action from shall reflect the assignment.

6.11 **Wages for Extra-Help, Temporary or Permanent Part-Time Employees:** Extra-help, temporary, or permanent part-time employees shall be paid at an hourly wage rate that is the pro rata equivalent of the full-time salary for the classified position, or, if the position is unclassified, at an hourly wage rate authorized by the Board. Rule 6.03 is incorporated here by reference. Rule 6.045 shall apply to permanent part-time employees. Notwithstanding the foregoing, a biweekly salary may be paid to a full-time temporary employee who is employed by contract for a specific term that entitles such employee to any or all benefits allowed to full-time permanent employees under these rules. as specified in the contract.

6.12 **Education Pay:** All deputized officers in the Sheriff's Department shall be paid education pay at the following rate upon completion of the following programs:

- (1) For an intermediate P.O.S.T. Certificate, three percent (3%) over base pay.
- (2) For an advanced P.O.S.T. Certificate, five percent (5%) over base pay.

6.13 **On-Call Pay:** On-call duty assigned by the departments of Mental Health, Probation and Social Services shall be compensated as follows: The hourly equivalent of the employee's monthly salary shall be paid at the rate of ten (10) hours for each week-long assignment of on-call duty or pro-rated for assignments of less than one week. On-call assignments are not considered overtime.

6.14 **Pay Periods:** Employees shall be paid biweekly on the second Wednesday following the designated pay period. Paychecks shall be available from the Auditor. When a payday falls on a holiday, employees shall be paid on the closest preceding workday. Non-classified department heads shall be paid monthly on the last workday of each month.

6.15 **Extra Duty Stipend:** When an employee is assigned in writing by the department head to perform extra duties of a position that is at least 5 ranges higher than the employee's position classification, the department head shall add a stipend to the employee's regular compensation for the hours of extra duty work. The extra duty stipend ("EDS") shall be twenty

percent (20%) of regular compensation, and shall be recorded on the employee's time card as hours of work coded "EDS."

The extra duty stipend shall not exceed fifty percent (50%) of the hours of the employee's regular workweek, nor shall any extra duty assignment exceed ninety (90) days in any 12-month period. Department heads, non-classified employees, temporary employees, and extra-help employees shall not be eligible for this stipend. The department head shall forward a copy of each written EDS assignment to the Personnel Office for its review and use.

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RULE 7 – OVERTIME

7.01 **Policy:** Overtime work shall be discouraged but shall be permitted to meet particular departmental time constraints and emergencies.

7.02 **Overtime Pay for Permanent, Permanent Part-Time and Probationary Employees:** For purposes of this rule, and to conform to regulations issued under the Fair Labor Standards Act (FLSA), "workday" and "workweek" shall be defined as set forth in Rule 2.

Overtime shall be paid on the following basis:

(1) Road Department employees, except FLSA-exempt employees, shall be paid one and one-half (1 1/2) times the number of hours worked in excess of the workday or workweek, and one and one-half (1 1/2) times any hours worked on a Sunday or holiday (and on top of holiday pay).

(2) Sheriff's Department employees, except FLSA-exempt employees, shall be paid one and one-half (1 1/2) times the number of hours worked in excess of their normal workweek, and one and one-half (1 1/2) times any hours worked on a holiday (and on top of holiday pay).

(3) Other County employees, except FLSA-exempt employees, shall be paid one and one-half (1 1/2) times the number of hours worked in excess of the workday or workweek, and one and one-half (1 1/2) times any hours worked on a holiday (and on top of holiday pay).

A vacation day, paid holiday, or sick leave used shall be counted in regular workday or workweek for purposes of computing overtime.

All FLSA-exempt employees shall be paid at the rate of one hour for every hour worked in excess of the workday or workweek.

7.03 **Overtime Pay for Extra-Help and Temporary Employees:** Overtime shall be paid on the following basis:

(1) All employees, except FLSA-exempt employees, shall be paid one and one-half (1 1/2) times the number of hours worked in excess of 8 hours in a day or 40 hours in a week and shall be paid regular straight-time pay for work on a Sunday or holiday unless they exceed 8 hours for that day or 40 hours for that week.

(2) Temporary employees employed by a contract may be paid as in Section 7.02 if so specified in the contract.

7.04 **Compensatory Time Off:** Compensatory time off shall be accrued in lieu of overtime pay for overtime work as set forth below.

(1) In lieu of overtime pay, employees may be required to accrue compensatory time off, subject to limits stated in this rule, and calculated to be the equivalent value of overtime pay.

(2) FLSA-exempt employees shall accrue one hour of compensatory time off for each hour worked in excess of the workday or workweek.

(3) Each employee and employee's department head shall keep records showing all compensatory time off accrued and used, so that the net balance of unused compensatory time off is known at all times. Such records shall be substantiated by the time cards maintained by the Auditor.

(4) No department head shall authorize the accruing of compensatory time off if the employee's net unused balance is greater than ninety (90) hours; provided that the Sheriff's Department may exceed ninety (90) hours, but not more than 480. When an employee is authorized to perform overtime work which would result in accrual of a net balance of compensatory time off in excess of the above limits, the employee shall be paid for that overtime work.

(5) Compensatory time off shall be accrued and used as authorized by the department head.

(6) Upon termination from the classified service or County service, whichever occurs first, an employee shall be paid the value of unused compensatory time off. The value shall be based upon the hourly equivalent of the employee's salary at the date of termination.

(7) Extra-help and temporary employees shall not accrue compensatory time of unless specified by contract.

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RULE 8 – WORK SCHEDULES

8.01 **Call-Back and Standby Duty:** A workday shall consist of twenty-four hours starting at midnight and ending at midnight. The regular workday and workweek shall be consistent with the definitions in Rules 2.66 and 2.67. A permanent employee shall be entitled to a minimum of forty hours of regular time pay during each week.

An employee's regular workday or regular workweek may be rescheduled to any other period by giving the employee at least eight hours' lead notice. The employee's regular workday may also be rescheduled if the employee is given less than eight hours' notice, but that portion of the first rescheduled shift occurring before 8:00 a.m., shall be paid at the call-back rate.

8.02 **Call-Back and Standby Duty for the Sheriff's Department:**

(a) **Standby Time:** Standby time shall not be computed toward overtime.

(1) **Strict Standby:** An officer in the strict standby situation shall be required to remain at a defined location and shall be fully ready for immediate recall to duty. Time spent in the strict standby situation shall be compensated at the straight time rate of pay.

(2) **Court Standby:** If the District Attorney and the employee agree, a subpoenaed officer may be placed on court standby time while awaiting a court appearance, and shall receive one-half of the officer's rate of pay applicable to that time period; provided the officer would have to be reachable to appear in court within two (2) hours of being contacted. While on court standby, the officer would be released to conduct personal business.

(b) **Call-Backs:** If a superior officer or a dispatcher calls back any full-time employee after his or her normal working hours to perform work, the County shall pay the employee for all hours actually worked, but in no event shall the employee receive less than a minimum of two hours' pay.

8.03 **Call-Back and Standby Duty for All Other County Employees Excluding the Sheriff's Department:**

(a) **Call-Backs:** When an employee is ordered back to work and the required emergency work is to be commenced within eight hours of the order, the employee shall be paid at one and one-half (1 1/2) times his or her normal rate of pay for a minimum of two hours while on call-back. If the employee has worked less than eight consecutive hours immediately prior to 8:00 a.m., he or she shall receive his or her regular rate of pay for any hours worked after 8:00 a.m. during the regular workday. If he or she has worked in excess of eight hours while on call-back and

is required to continue working, he or she shall receive one and one-half (1 1/2) times his or her normal rate of pay until he or she is finished with the work or is relieved by another employee.

(b) **Standby Duty:** Standby duty shall be performed by an employee during any nonregular working hours as required and ordered by a supervisor. The employee so ordered to standby duty shall be paid according to the following schedule:

(1) For the fifteen and one-half hours immediately following any regular workday, except Friday, the employee shall receive one and one-half times his or her regular rate of pay for the first five hours of standby duty, and no additional compensation shall be allowed for the remaining ten and one-half hours of standby duty.

(2) When on standby duty during the same period for less than one-half (7 3/4 hours) of the above-mentioned fifteen and one-half hours, the employee shall receive one and one-half times his or her regular rate of pay for the first three hours of standby duty, and no additional compensation shall be allowed for the remainder of the standby shift.

(3) For the thirty-one and one-half hours between 4:30 p.m., Friday and midnight Saturday, the employee shall receive one and one-half times his or her regular rate of pay for the first seven hours of standby duty, and no additional compensation shall be allowed for the remaining twenty-four and one-half hours of standby duty.

(4) For the thirty-two hours between midnight Saturday and 8:00 a.m., Monday, the employee shall receive one and one-half times his or her regular rate of pay for the first seven hours of standby duty, and no additional compensation shall be allowed for the remaining twenty-five hours of standby duty.

(5) When on standby duty during the same period for less than one-half of either of the above-mentioned hours (31 1/2 and 32), the employee shall receive one and one-half (1 1/2) times his or her regular rate of pay for the first five hours of standby duty, and no additional compensation shall be allowed for the remainder of the standby shift.

One employee may perform the standby duty for a full weekend.

8.04 **Flex Time:** In a department head's discretion, departmental employees may be authorized to work a flexibly scheduled workday as long as core (mandatory) time between 10:00 a.m. and 3:00 p.m. per day is worked, with remaining work hours scheduled outside the core time.

8.05 **Four-Day Workweek:** Upon Board authorization, and with the agreement of affected employees, a department head may schedule an employee's workweek into four ten-hour days. For this purpose, Rule 2.64 shall be deemed to define "workday" as ten hours instead of eight

hours; and Rule 6.05 shall be applicable so that eligibility for salary step increases is determined on a calendar day basis.

8.06 Release Policy for Inclement Weather:

(1) **Closing of Offices:** In the Board’s absence, only the County Administrative Officer (CAO) can declare the closing of offices and the releasing of employees with pay.

(2) **Employee Absences:** Employees who cannot work due to inclement weather conditions must obtain authorization from the Department Head to remain off work using compensatory time off, vacation or unpaid leave. Time cards must reflect this leave accurately. Authorization to remain off work shall not be withheld if the employee cannot drive safely to work.

(3) **Power Outages and Storms:** Unless the office is declared closed, the employees must remain at the worksite in order to receive hourly wages. (Employees who are in positions exempt from the Federal Fair Labor Standards Act may not lose salary for authorized absence of less than a day.)

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RULE 9 – APPLICATION PROCEDURE

9.01 Job Announcement: All employment opportunities, except extra-help, shall be announced at least five working days prior to the final filing date by posting in the Courthouse Lobby, Courthouse Annex, Road Department, and by publication in a summary fashion in a County-wide newspaper. However, publication shall not be made for exclusively promotional opportunities. The need for additional advertising of an announcement shall be determined by the Human Resources Director in accordance with Rule 4.04 and the anticipated availability of applicants.

The announcement shall state in bold letters “**PLEASE POST IN A CONSPICUOUS PLACE**” and shall include:

- (1) Application procedures and final application filing date.
- (2) Minimum and additional desirable qualifications.
- (3) Class title, compensation and job description.
- (4) General description of the examination process.
- (5) Notice that applications and attachments become County property and may not be returned.
- (6) Notice that the County is an equal opportunity employer and does not discriminate on the basis of handicapped status (31 CFR 51.55 (e)).
- (7) An offer of employment may be conditioned on passing a medical examination or completing a medical history form.

9.02 Filing of Application: To merit consideration, an application must be complete in all respects, and must either be delivered personally to the Human Resources Department or mailed and be received by the County prior to 5:00 p.m. on the final application filing date. FAX or electronically transmitted copies may be accepted to fulfill the date requirement; however, the original must be received prior to examination date.

9.03 General Qualifications: Applicants must:

- (1) Be United States citizens, if required by State or Federal law, immigrants admitted for permanent residence, or other aliens who are permitted to work as determined by the U.S. Department of Justice, Immigration and Naturalization Service; and
- (2) Possess all the minimum qualifications established for the position; and
- (3) Be mentally and physically fit to perform in the position.

9.04 Disqualification of Applicants: The Human Resources Director shall refuse to admit to an examination, or shall disqualify an applicant after examination, or shall remove an

applicant from an eligible list, or shall refuse to certify an applicant as eligible, when any of the following occurs:

- (1) The application is incomplete, or contains false information, or is not timely filed.
- (2) The applicant fails to meet the minimum qualifications.
- (3) The applicant has taken part in the compilation, administration, or correction of the examination.
- (4) The applicant has defrauded the examination process, or has obtained information to which examinees are not entitled.
- (5) The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in the examination or appointment.
- (6) The applicant has been discharged from any previous employment for cause indicating unfitness for performance of the position applied for.

9.05 Background Investigation: The County may conduct such investigation of the applicant's training, employment experience, and mental and physical fitness as may be necessary to verify and clarify statements contained in the application.

Excepting the Sheriff's Department and Probation Department, no applicant shall be disqualified because of any criminal arrest or detention which did not result in a conviction; and no appointing authority shall ask for such information except as to an arrest for which the applicant is out on bail, or on his or her own recognizance, pending trial.

(Reference: California Labor Code Section 432.7)

9.06 Notice of Disqualification: Applicants disqualified under Rule 9.04 shall be promptly mailed notice of disqualification to their last known address.

9.07 Objection to Disqualification: Any written objection by an applicant to disqualification under Rule 9.04 shall be submitted to the Human Resources Director who shall immediately inform the County Counsel. A meeting may be scheduled with the applicant to discuss the objection. The burden of proof shall be on the applicant, and denial of an objection is not appealable. If the objection is accepted, the Human Resources Director shall have the discretion to reconsider the application, provided that such action shall not affect any person hired, or the results of an examination conducted, during the period of the applicant's disqualification.

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RULE 10 – EXAMINATION

10.01 Policy: All examinations shall be designed to measure the capacity of the applicant to perform the work of the position, and shall be conducted in a fair and reasonable manner.

(Reference: California Government Code Section 50085)

10.02 Examination Schedule: Examinations shall be scheduled by the Human Resources Director in coordination with the appointing authority in accordance with County needs. Scheduled examinations may be postponed or cancelled for any reason so long as advance notification is made to all interested persons.

Applicants unable to appear or complete any part of an examination shall be disqualified unless the Human Resources Director exercises discretion to make special arrangements that do not materially prejudice the other applicants.

10.03 Admission to Examination: Each applicant shall receive timely notification as to admission to examination. Notification by telephone is required for applicants who are in fact admitted, unless notice is mailed at least 15 days prior to the examination.

The County reserves the right to limit admission to examination to only three or more of the best qualified applicants based solely on evaluation of the completed application, provided that any such limitation complies with Rule 4.04 (affirmative action).

Applicants not admitted to examination shall be promptly mailed a notice to that effect, thanking them for applying, and stating the County's policy regarding using applications at some future time.

10.04 Methods of Examining: The appropriate methods of examining shall be at the discretion of the Human Resources Director in coordination with the appointing authority, and may include any of the following: written and/or oral exams; practical performance tests; tests of physical agility, strength, or stamina; personal interviews; application rating; reference inquiry relative to past performance; and any other valid and reliable method of examination.

Each part of a written competitive examination shall be assigned a maximum score and a passing score. An applicant shall be required to pass each part in addition to having an overall passing score. Written examinations shall be conducted so that the identity of the candidates shall not be known to persons administering or scoring exams until all exams have been scored and an overall passing score established.

10.05 **Open and Promotional Examinations:** In a promotional examination, only County employees are eligible to participate, if necessary with time off with pay and benefits. When in the best interest of the County, vacant positions in the classified service may be filled through promotion, in the discretion of the appointing authority.

Open examinations shall consist of outside applicants and County employees participating on an equal basis. For open examinations during working hours, County employees shall be granted time off with pay and benefits.

10.06 **Notice of Results:** Each applicant shall be notified by mail of the result of his or her examination and of any invalidation of any part of the examination, notwithstanding any telephonic notice.

10.07 **Review of Examination:** Within fifteen days from the mailing notice of results, any applicant may request a meeting with the Human Resources Director in order to review the applicant's examination performance. Disclosure of examination records shall be subject to Rule 3.

Test questions, scoring keys, and other examination data are exempt from public record disclosure requirements.

(Reference: California Government Code Section 6254(g))

10.08 **Objection to Examination:** An applicant may submit to the Human Resources Director an objection to the conduct or results of an examination. The Human Resources Director shall promptly notify the County Counsel and the appointing authority and schedule a meeting with the applicant. The burden of proof shall be on the applicant. Denial of the objection is not appealable.

If the objection is accepted, the Human Resources Director shall have the discretion to revise the applicant's results or to invalidate any part of the examination or any eligible list based on the examination, provided that such action shall not affect any person hired from the list prior to its invalidation.

(Reference: 156 Cal.App.3d 867 (1984))

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RULE 11 – MEDICAL EXAMINATION

11.01 **Policy:** The efficient and economical administration of the County service requires that each employee meet the minimum medical and physical standards for satisfactory performance of his or her position. This policy is promoted by requiring either medical examinations or completing a medical history form, or both.

11.02 **Requirement: New Appointments:** All new and promotional appointments shall be conditioned on the appointee's passing a fitness-for-employment medical examination or completing a medical history form, or both. This requirement may be waived for extra-help employees and for appointees who have passed a County medical examination within the past one year as determined by the Human Resources Director, who shall determine whether the new position is more physically demanding or has more exposure to health risks. Elected employees shall be encouraged to complete a medical history and take the examination, although passing is not required.

11.03 **Requirement: Existing Employees:** Existing employees may be required to take and pass a fitness-for-continued-employment medical and/or psychological examination upon reliable evidence of unfitness for work in their position. Such examinations shall be administered by a licensed professional selected by the County at County expense.

If the examination is not passed, the employee may be required to perform temporarily assigned duties for which he or she is fit, provided that the duties are related to the employee's regular position classification. If temporary assignment is not feasible, the employee may be required to leave employment until becoming medically or psychologically fit to return. During such absence, the employee may utilize leave specified in Rules 19 and 20.

11.04 **Administration:** Medical examinations shall be administered at County expense. However, the appropriate medical authority shall make the final determination of fitness for employment after considering the hiring department's input, and the examination results in light of the work requirements of the particular position in question. Reasonable accommodation is determined by the appointing authority.

The medical history and records of the examination shall be confidential. Such information shall not be released except upon employee authorization, subpoena, or other grounds provided in Civil Code, sections 56.20 and following. The medical history shall be deemed part of the employment application for purposes of Rule 9.04.

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RULE 12 – ELIGIBLE LISTS

12.01 **Required Use of List:** All appointments, except extra help appointments, shall be made on the basis of an eligible list established by the Human Resources Director for each class title. An eligible list shall consist of all applicants who have passed the relevant examination, ranked from highest to lowest in terms of overall passing score.

12.02 **Duration:** Any eligible list shall remain effective for at least six months, and not exceeding two years, provided that the list may be declared ineffective whenever fewer than three eligible applicants remain on the list. A list may also be declared ineffective at any time after a higher salary range has been allocated to the class title.

12.03 **Removal of Names:** An applicant's name may be removed for any of the following reasons:

(1) A reason listed in Rule 9.04.

(2) Upon reliable evidence that the applicant cannot be located, or that the applicant is no longer interested in being considered for appointment.

12.04 **Notification of Removal:** Each applicant shall be promptly notified by mail, sent to the last known address, of any removal pursuant to this Rule. Such notice shall include the reason for removal and the effective date of removal.

12.05 **Objection to Removal:** Any objection by any applicant to removal under Rule 12.03 shall be handled as set forth in Rule 9.07; and for that purpose, removal shall be deemed disqualification.

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RULE 13 – APPOINTMENTS

13.01 **Appointments from Eligible List:** All appointments to vacant positions except extra help shall be made by the appointing authority from an eligible list in the following manner:

(1) Non-promotional appointments shall be made from the eligible list of applicants provided by the Human Resources Director based on an open examination.

(2) Promotional appointments shall be made only from an eligible list of applicants provided by the Human Resources Director based on a promotional examination.

(3) Prior to the selection of one of the eligible applicants, the appointing authority may conduct additional interviews or background checks to assist in the selection decision.

13.02 **Types of Appointments:** All appointments, whether full-time or part-time, shall be identified as one of the following:

(1) **Extra Help Appointment:** Shall be made by the appointing authority only when the Board has budgeted for extra help positions in a department or when a vacancy occurs but no eligible list exists and workload justifies the need for extra help until an eligible list can be established. No such appointment, within a fiscal year, shall be effective longer than a period of thirty calendar days to establish an eligible list or ninety calendar days when the Board has budgeted other wages for special projects. If an eligible list cannot be established within the thirty calendar days, and extra help is still needed or a department requires extra help to work for more than the ninety calendar days, the appointing authority shall request the Board's authorization to extend the extra help appointment.

(2) **Temporary Appointment:** Shall be made from an eligible list by an appointing authority when the Board has expressly authorized that a position be filled on a temporary basis.

For purposes of this rule, "temporary basis" means seasonal employment or a continuous period of employment not exceeding one year unless extended by the Board beyond one year. Prior to the one-year limit, the appointing authority shall request reauthorization from the Board on whether the position should continue to be filled on a temporary basis, whether it should be filled by probationary appointment, or whether the position should be eliminated.

A temporary employee shall not be entitled to the privileges and benefits of permanent appointment under these rules, and may be terminated without cause; provided that none of the above shall limit the Human Resources Director and County Counsel, upon request of the

appointing authority and approval of the Board, in designing an employment contract for a specified term so as to grant to a full-time temporary employee any or all of the benefits allowed to permanent employees under these rules.

(3) **Probationary Appointment:** Shall be made from an eligible list to a position that the Board authorizes to be filled on a permanent basis, other than by reemployment, transfer, demotion, or temporary assignment. The probationary appointment shall become a permanent appointment after successful completion of a probationary period. The probationary period shall be six months of continuous and compensated service measured from the anniversary date.

A probationary employee may be terminated without cause, except that a permanent employee who becomes probationary due to a promotion shall be demotable without cause to the pre-promotion position.

(4) **Permanent Appointment:** Shall be for an indefinite period after an employee's successful completion of the probationary period as evidenced by a written satisfactory performance evaluation signed by the appointing authority. In the absence of such evaluation, the appointment shall be deemed permanent after completion of the probationary period.

13.03 Prohibited Appointments: No appointing authority shall appoint any family member to any position. No appointment or assignment shall be made that would result in any employee having substantial supervisory authority over a family member of that employee.

(Reference: 69 Cal. Ops. Atty. Gen. 255 & California Government Code 12490 (a)(3))

13.04 Termination of Appointment: The appointing authority shall file a Notice of Employee Separation with the Human Resources Department. Appointments shall be terminable as set forth below:

(1) Permanent appointments are terminable under Rules 14, 16, and 19.02.

(2) Any non-permanent appointments are terminable without cause with no right to hearing or appeal, provided that the employee receives written notice of the effective date of the termination.

(3) Resignation by an employee, who desires to leave the County service in good standing, shall be submitted in writing to the appointing authority at least two weeks in advance of the proposed effective date of resignation. This time limit may be waived in the discretion of the appointing authority. A resignation is revocable only by written concurrence of the employee and the appointing authority.

(Reference: Withdrawal of Resignation: 22 Cal.3d 198 (1978))

(4) When an employee resigns in order to avoid disciplinary action, the appointing authority shall inform the employee in writing of the employee's right to consult a representative of choice, and that the resignation may be revoked by the employee within the next five (5) days. If not revoked within five days, the resignation shall be deemed to be accepted by the appointing authority. In this circumstance, the Rule 13.04(3) shall not apply.

(5) Implied resignation shall occur after an unauthorized absence for more than five (5) consecutive working days. Unless the appointing authority has reason to believe that the employee did not intend to resign, the employee shall be deemed to have intended to resign and shall be terminated automatically with no right to hearing or appeal.

(Reference: 145 Cal.App.3d 817 (1983))

(6) Upon layoff, an appointment shall be deemed terminated subject to any right of transfer, demotion, or reinstatement as set forth in Rule 14. Such right shall expire one year from the date of layoff.

(7) An appointment shall be deemed terminated as of the legal date of death of an employee.

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RULE 14 – LAYOFFS

14.01 **Policy:** The Board may authorize a reduction in the number of employees in the classified service as part of any administrative reorganization for more efficiency in County operations, or as part of a program to reduce expenditures due to inadequate revenue.

14.02 **Procedure:** Upon recommendations by the appointing authorities and the Human Resources Director, the Board shall order which departments are affected and which class titles in the department are affected. Where there is more than one employee in the affected class in a department, the order of layoff shall be by status of appointment; first, extra help and temporary employees; second, probationary employees; and third, part-time employees; and finally, full-time permanent employees.

When two or more employees in an affected class have the same status of appointment in the department, the order of layoff shall be determined as follows: The appointing authority shall review the employees' performance evaluation for the three years' preceding the date of the Board's order. The employee with a history of overall unsatisfactory or below average performance within the past three years shall be laid off first. If there is no difference between the employees, the order of layoff shall be by seniority. Seniority shall be computed on the basis of one point for each month of full-time continuous service or a pro rata amount for each month of part-time continuous service. Employees with the least seniority shall be laid off first.

14.03 **Notice:** Thirty (30) days prior to the effective date of layoff, as ordered by the Board, each employee to be laid off shall be given a written notice of layoff, the result of the procedures as described in Rule 14.02, and the effective date of layoff. The notice shall also inform the employee of the right to voluntary transfer, voluntary demotion, and reinstatement.

14.04 **Voluntary Transfer or Demotion:** It shall be County policy to offer employment whenever possible to laid-off employees, consistent with the duty of appointing authorities to appoint qualified individuals.

Within ten (10) days of receipt of a layoff notice, the employee may notify the Human Resources Director and request in writing transfer to another position for which the employee is qualified. The appointing authority shall, for a period of one year from the layoff, offer any such position within the department to the employee without regard to any applicable eligible list.

Further, the appointing authority shall notify the Human Resources Director who shall notify all other County departments which might have vacancies in positions for which the employee is qualified. An appointing authority for another department may, in his or her discretion,

fill a vacant position with the laid-off employee without regard to any applicable eligible list.

14.05 Reinstatement: An employee who is laid off shall have the right to be reinstated to his or her former position within one year of the date of layoff should the appointing authority seek to fill the position during that year.

Reinstatement shall be on the same terms and conditions as prevailed on the date of layoff, including appointment status and seniority, except that adjustment shall be made for any accrued benefits that were paid off during the period of layoff. The payoff of any accrued benefits during the period of layoff shall be considered final and in full satisfaction of any claims covered by the payoff.

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RULE 15 – PERFORMANCE EVALUATION

15.01 Policy: Each appointing authority shall be responsible for effectively evaluating the performance and conduct of the department's employees. The frequency shall be at least once a year. An effective evaluation provides written documentation, in a regular and timely manner, on the quality of performance and employee developmental needs. Such documentation shall provide a basis for future personnel decisions. The performance evaluation shall be completed and presented to the employee prior to the end of the calendar date covered by the evaluation.

15.02 Performance Standards: Performance standards shall be established by each appointing authority according to the general needs of the department, and to the particular features of each position description. Employees shall be made aware of the prevailing standards. The standards shall include:

- (1) Required attendance at work, and authorized exceptions;
- (2) Proper use of County property;
- (3) Safety rules;
- (4) Standards for personal attire and grooming;
- (5) Standards related to Rule 16.04.

15.03 Evaluation: An evaluation shall distinguish between five levels of performance as to each performance standard, and as to overall performance, along the lines of:

- “Exceptional” – Outstanding performance consistently exceeding expectations;
- “Standard” – Performance consistently exceeding expectations;
- “Satisfactory” – Performance meets expectations;
- “Below Standard” – Performance occasionally below expectations;
- “Unsatisfactory” – Performance consistently below expectations.

The calendar period covered by the evaluation shall be stated clearly. When an employee's performance is evaluated as other than “satisfactory,” the appointing authority (or his or her designee) shall attach a written explanation of the reasons for finding a level of performance other than satisfactory. Further, evaluations of “below average” and “unsatisfactory” shall be accompanied by a written explanation of suggested corrective actions to be taken by the employee. At the employee's request, the appointing authority shall discuss the evaluation with the employee.

Prior to placing the evaluation in the employee's personnel file, the appointing authority or his or her designee shall have the employee sign an acknowledgment of receipt of the evaluation. The employee may also submit written comments on the evaluation for placement in the personnel file.

15.04 **Disputed Evaluation:** When an employee disputes an evaluation, the employee may, within fifteen (15) days, file a grievance in accordance with the procedures in Rule 17.

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RULE 16 – DISCIPLINARY ACTION

16.01 **Notice of Intended Disciplinary Action:** A permanent employee shall not be dismissed, demoted, or suspended without pay unless the appointing authority serves the employee with a “notice of intended disciplinary action” at least seven (7) working days before the action is taken.

Prior to service of the notice, the appointing authority shall consult with the Human Resources Director about the intended action. The notice may be served personally while the employee is on duty. If the employee is absent, the notice may be served by certified mail/return receipt, and also by first class mail. Service shall be deemed completed ten (10) days after the date of mailing. Service may also be accomplished by delivery to the employee’s residence.

The notice shall include:

- (1) The intended disciplinary action and the date it will be taken.
- (2) Specific reasons for the action, and a concise factual description of the conduct warranting discipline.
- (3) Identification of the documents and other evidence on which the action is based, with copies attached to the notice.
- (4) Advisement of the right to a pre-discipline hearing and the right to file a written response.
- (5) Advisement of the right to representation at the pre-discipline hearing by someone of the employee’s own choosing (e.g., steward, friend, attorney, etc.).

16.02 **Pre-discipline Hearing:** Within five (5) working days from the date of service of the notice of intended disciplinary action, an employee may request a pre-discipline hearing and/or may file a written response to the notice.

The appointing authority shall schedule a hearing within ten (10) days, unless mutually waived by both parties. The hearing shall be closed. The appointing authority shall conduct the hearing informally, and no official record or transcript shall be made, although the parties may make notes. The employee may be assisted by a representative, and may call witnesses. All participants shall be allowed time off with pay to attend.

Within five days from the conclusion of the hearing, the appointing authority shall

serve the employee with a written notice of disciplinary action imposed, if any, and the grounds and evidence on which it is based. If discipline is imposed, the employee shall be notified of the right to appeal pursuant to Rule 18. An appeal shall not stay imposition of the discipline. If dismissal has been imposed, the appointing authority shall file a Notice of Employee Separation with the Human Resources Department.

16.03 **Administrative Leave:** An appointing authority may suspend with pay an employee pending initiation and/or imposition of the disciplinary action and/or conclusion of any appeal. Suspension with pay shall be deemed administrative leave with no punitive consequence, and therefore it shall not be subject to appeal under Rule 18.

16.04 **Causes for Disciplinary Action:** An employee may be disciplined for any good cause including the following which are indicative rather than all-inclusive:

- (1) Absence without leave, or abuse of authorized leave.
- (2) Incompetency, neglect of duty, or inefficiency.
- (3) Insubordination, or violation of any lawful or reasonable order given by a supervisor or department head.
- (4) Working under the influence of alcohol or drugs.
- (5) Intentional, material misrepresentation or concealment of any fact in connection with obtaining employment.
- (6) Misappropriation of County funds or property.
- (7) Dishonesty or theft.
- (8) Conviction of any criminal act involving moral turpitude.
- (9) Any violation of Rule 22.

16.05 **Letters of Reprimand:** To correct the unsatisfactory conduct or performance of any employee, the appointing authority may deliver a formal letter of reprimand to the employee. The letter shall be identified as a reprimand, and shall describe the problem in detail, make reference to relevant rules, policies and laws, demand correction of the problem, and indicate that more serious disciplinary action shall be imposed if the problem persists.

A copy of the letter shall be filed in the personnel record of the employee, and the

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employee may file a written response pursuant to Rule 3.02. When permitted under Rule 17, an employee may initiate a grievance in order to seek revocation or modification of a letter of reprimand.

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RULE 17 – GRIEVANCE PROCEDURE

17.01 Policy: The County hereby establishes a grievance procedure to deal promptly and equitably with employee grievances that are properly presented. No employee shall be subject to reprisal or disciplinary action for making a grievance in good faith.

17.02 Definition: A grievance is a written objection to a managerial act or omission that allegedly affects adversely or unfairly an employee’s wages, hours, or other terms and conditions of employment, and for which the County has provided no other procedure for administrative relief.

The subject matter of a grievance may include:

- (1) Working condition not covered by an MOU (Memorandum of Understanding);
- (2) Interpretation of an MOU;
- (3) Violation of an MOU or these Rules by an officer or employee;
- (4) Work assignments exceeding position classification;
- (5) Denial of merit salary increases;
- (6) Interpretation of County policies affecting wages, hours, and other terms and conditions of employment;
- (7) Disagreements between employees and supervisors over the implementation of departmental personnel policies.

17.03 Grievance Procedure:

(a) **Step One (I): Informal Meeting:** Within ten (10) days of the occurrence or the employee’s knowledge of the occurrence which gives rise to the grievance, the employee may request an informal meeting with their immediate supervisor. The immediate supervisor shall meet with the employee within five (5) days to discuss the grievance in an effort to clarify the issue(s) and work towards agreement. The supervisor shall verbally present a decision within five (5) days of the informal meeting.

(b) **Step Two (II): Written Grievance:** If not satisfied with the immediate supervisor’s oral response, the employee may file a written grievance (Step II) within ten (10) days with the next higher authority, or with the department head if the department head is the immediate

supervisor.

A written grievance shall include a description of the following:

- (1) Circumstances giving rise to the grievance;
- (2) The adverse effect on, or unfairness to the employee;
- (3) The relief sought;
- (4) The results of the informal meeting.

A grievance may be amended in writing at any time without prejudice. A grievance may be withdrawn at any time and may be refiled without prejudice.

The authority with whom the grievance is filed shall confer with the employee and others involved, and shall respond in writing within ten (10) days explaining his or her decision and proposed action.

(c) **Step Three (III): Filing with Department Head:** This provision shall apply when the authority with whom the grievance is filed is not the department head. If not satisfied with the response in Step II, the employee may file the grievance in writing within ten (10) days with the department head. A copy of the Step II response shall be included with a copy of the grievance.

The department head shall respond within ten (10) days explaining his or her decision and proposed action.

17.04 Right to Appeal: If the grievance is denied, the employee shall be notified of the right to an appeal pursuant to Rule 18.

17.05 Time Limits: Grievances shall proceed within the prescribed time limits unless there is an extension of time by mutual consent between the employee and the County. If the employee exceeds any time limit, the grievance shall be deemed resolved upon the basis of the prior managerial response. If the County exceeds any time limit, the grievance shall be automatically referred to the next step in the procedure.

17.06 Resolution: Resolution of a grievance at any step of the procedure shall be final and binding on the County and the employee.

17.07 Employee Representative: The employee shall have the right to consult with and

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be assisted by a representative, union or otherwise, during all steps of the grievance procedure., starting at Step II. Any expenses incurred by the employee in the retention of representation shall be at the expense of the employee.

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RULE 18 – PERSONNEL ACTION APPEALS

18.01 Policy: The County hereby establishes a personnel action appeals procedure in order to have an impartial hearing on disputed personnel actions which have been appealed on the basis of the following rules: 4.03 (Discrimination); 16.02 (Disciplinary Action); 17.04 (Grievance); and 19.02(3) (Medical Termination). This rule shall also apply to personnel action appeals from the Sheriff's Department. At the Board's option, the hearing shall be conducted by the Board or by a hearing officer assigned pursuant to Rule 18.03.

18.02 Request for Appeal: When a person has a right to appeal under these rules, the person may submit to the appointing authority a written request for appeal to the Board. The request for appeal must be submitted within ten (10) days from the date that the person received notification of the right to appeal the appointing authority's final decision.

Upon receiving a request for an appeal, the appointing authority shall notify the County Counsel. The County Counsel shall schedule a hearing on the appeal at the earliest time that is mutually convenient for the interested parties and the Board or assigned hearing officer.

18.03 Hearing Officer: After conferring with the employee or employee's representative, the County Counsel shall assign a mutually acceptable hearing officer who is willing and able to serve at the convenience of the interested parties, and who is qualified by education, experience, and relative neutrality toward the viewpoints of management and labor.

If the interested parties are unable to agree on the selection of the hearing officer, then County Counsel shall make the selection, and the employee or employee's representative shall have the right to object in writing or at the hearing as part of the hearing record.

The compensation and reimbursement of expenses of the hearing officer shall be charged to the County and shall be determined on a case-by-case basis.

18.04 Conduct of the Hearing: The County Counsel shall be responsible for scheduling and notification as to the time and place of the hearing, and of notifying the hearing officer of the nature of the proceeding.

Unless otherwise stipulated, the hearing shall be closed to the public and conducted in an informal manner under the direction and authority of the hearing officer. The hearing need not be conducted according to technical rules of evidence, but the hearing shall be expedited by the exclusion of irrelevant or repetitious matter.

The interested parties and their representatives shall have the right to introduce any

relevant written or physical evidence, and to call and examine witnesses. The hearing officer may subpoena witnesses pursuant to Section 1985 of the California Code of Civil Procedure. Oral testimony may be taken on oath or affirmation administered by the hearing officer. County employees called as witnesses shall serve without loss of pay in accordance with Rule 20.08.

An interested party may tape record the hearing or arrange at its own cost the services of a court reporter. Any such record of the hearing shall become a record of the proceedings for purposes of any future judicial review, pursuant to California Code of Civil Procedure Section 1094.6(c).

18.05 **Final Decision:** Within forty-five (45) days of the conclusion of the hearing, unless waived by the parties, the officer shall prepare the record of the hearing and shall submit to the Board a written decision of findings of fact, rulings of law, and recommendations for disposition. Copies shall be sent to the interested parties.

Within thirty (30) days, the Board shall adopt the hearing officer's decision as its own, provided that the Board reserves the right to modify the officer's decision, or to adopt its own decision, based on an independent review of the record. Failure to act within thirty (30) days shall be deemed adoption of the officer's decision as rendered. The Board's decision on the appeal shall be final and binding on all parties, and not subject to further administrative review.

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RULE 19 – UNPAID LEAVE

19.01 **General Leave:** A general leave of absence may be granted to employees only on duly authorized terms and conditions. Such leave shall be without compensation or accrual of benefits or seniority. Accrued vacation leave must be used up prior to the effective date of the general leave. Health insurance coverage through the County may be continued at the employee's own expense.

An appointing authority may grant a limited leave not exceeding ninety consecutive days in any twelve-month period. If specifically authorized by the Board, and with the concurrence of the appointing authority, an extended leave not exceeding two years may be granted.

No County officer shall be absent from the State for longer than thirty (30) days unless authorization is obtained according to California Government Code Section 1063.

19.02 **Disability Leave:** An employee who has become temporarily disabled for any reason shall have a right to disability leave not to exceed four months, or until the doctor certifies fitness to return to work, whichever is sooner. Such leave shall be without compensation or accrual of benefits or seniority. Accrued sick leave benefits must be used prior to the effective date of disability leave. If the employee has been covered by County-paid health insurance prior to the effective date of disability leave, the employee shall have the right to continue such insurance at the employee's own expense; provided that the County shall pay for such insurance if the employee is receiving workers' compensation benefits.

Safety members of the County's retirement plan may receive industrial disability leave on the terms and conditions required by California Labor Code Section 4850.

When disability leave is used up, and reliable medical evidence shows that the employee is still medically or physically unfit for his or her position, then the following options are available:

1) The County may submit an application for disability retirement for the employee under California Government Code Section 21153. Employees who are members of the Public Employees' Retirement System and who are incapacitated for the performance of duty may be eligible for disability retirement, in accordance with procedures found in California Government Code Section 21150 et seq. The procedure for disability retirement for safety members allows the employee to appeal an initial disability determination, in accordance with California Government Code Section 21156, with the appeal hearing conducted by an administrative law judge.

(2) The employee may apply for and be granted a general leave of absence if the

medical evidence shows a likelihood of fitness to return to work in the position within a reasonable period of time; or

(3) The employee shall be terminated from employment after receiving notice and hearing conforming to the standard of Rule 16. An employee so terminated shall have the right to appeal under Rule 18.

Disability leave under this Rule counts as family care leave under Rule 19.04.

19.03 Maternity Leave: Maternity leave of up to four months shall be available to an employee on the terms and conditions specified in the California pregnancy disability leave (“PDL”) law set forth in Government Code Section 12945. Notice of an employee’s rights under PDL is included in the notice provided under Rule 19.04, which is the notice prescribed by the Fair Employment and Housing Commission in Title 12, California Code of Regulations, Section 7291.16.

19.04 Family Care Leave: Family care leave shall be made available to an eligible employee as prescribed by the California Family Rights Act (“CFRA”). CFRA conforms with the Federal Family and Medical Leave Act (“FMLA”).

Disability leave under Rule 19.02 counts as family care leave under CFRA and FMLA.

Pursuant to Title 2, California Code of Regulations 7291.16, the following notice is given:

**FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE)
AND PREGNANCY DISABILITY LEAVE**

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 or spouse.

Even if you are not eligible for CFRA leave, if disabled by pregnancy, childbirth or related medical conditions, you are entitled to take a pregnancy disability leave 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 pregnancy disability leave 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 yourself or of a family member). For events which 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, or spouse 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 seeking a leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave 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 your department head.

(Reference: California Government Code Sections 12945 – 12945.2)

19.05 **Military Leave:** Except as provided by Rule 20.09, military leave for up to 180 days shall be granted in accordance with State law but without compensation. The appointing authority shall be given a copy of the military orders in advance of the leave, and shall have, within legal limits, the right to determine when such leave shall be taken.

(Reference: California Military and Veterans Code Section 395.01)

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RULE 20 – PAID LEAVE

20.01 Sick Leave: Sick leave is a benefit granted to full-time employees who are probationary or permanent, but permanent part-time employees are eligible for sick leave under Rule 21.04. Sick leave shall in all instances be granted subject to the following terms:

(1) An employee shall accrue sick leave at the rate of one and one-quarter (1 1/4) working days per month.

(2) An appointing authority shall approve sick leave only after ascertaining that the absence is due to illness or unfitness for work for medical reasons, and a doctor's certificate may be required. Sick leave may be granted for medical appointments, which should be scheduled so as to minimize disruption of the workday.

(3) Upon death or retirement, or upon layoff or resignation from the classified service in good standing after ten (10) years of continuous and compensated service, an employee or said employee's estate shall be paid thirty-five percent (35%) of any accrued, unused sick leave, forty percent (40%) after fifteen years' service and fifty percent (50%) after twenty (20) years' service. Valuation shall be on the basis of the hourly equivalent of said employee's monthly salary at the effective date of separation or layoff.

20.02 Catastrophic Leave Transfers (Paid Disability Leave): An employee eligible for a non-paid disability leave under Rule 19.02 may be placed on a paid disability leave provided the County receives leave transfer pledges from other employees with sufficient paid leave balances to allow a transfer of credits to an employee authorized such leave.

An employee on a paid disability leave shall continue to receive County contribution to the health plan. A paid disability leave shall be subject to the following:

(1) Leave requests may be approved by the requesting employee's department head in an increment of up to 90 days with additional increment extensions but not to exceed a total of one year, provided valid leave transfer pledges are on file with the County Auditor.

(2) County employees may pledge accrued leave in a manner, form and time prescribed by a policy established by the Auditor-Controller.

(3) An employee may voluntarily pledge accrued leave transfers up to the following maximums:

- (a) All of the donor's accrued compensatory time off.
- (b) Accrued vacation time up to an amount that the donor retains an

accrued balance of one year's accrual.

20.03 **Vacation:** Paid vacation is exclusively a benefit for full-time probationary, full-time permanent employees, and permanent part-time employees as per Rule 21.04(3). It shall be granted only on the following terms and "days" shall refer to working days.

(Reference: California Government Code Section 24005.)

(1) Accrual shall be computed from the date of hire:

(a) During the first year of compensated and continuous service, an employee shall accrue ten (10) days of vacation. Employees may be allowed to use accrued vacation time during the first year of employment with approval of their department head.

(Reference: Plumas County B.O.S. Resolution No. 97-6032)

(b) During the second year of compensated and continuous service, an employee shall accrue ten (10) days of vacation.

(c) During the third through seventh year of compensated and continuous service, an employee shall accrue fifteen (15) days of vacation.

(d) During the eighth year of compensated and continuous service, and each year thereafter, an employee shall accrue twenty-one (21) days of vacation per year.

(2) The balance of accrued unused vacation leave for any employee shall be limited to the number of days equal to twice the current year's rate of accrual. Any time an employee's accrued unused vacation leave reaches the limit, further accrual will cease until the employee takes vacation time off and brings their accrued unused amount to below the limit.

(3) Vacation leave shall be taken with the prior approval of the appointing authority, provided that there shall be a reasonable basis for denial of an employee's request for leave. No approval shall be required for vacation leave by classified department heads.

Appointing authorities shall be responsible for ensuring that employees have the opportunity to take vacation leave each year in order to relieve the stress of employment. No employee shall be denied the opportunity to take off each year two-thirds (2/3) of the employee's yearly vacation accrual, nor denied the opportunity to take off at least five (5) consecutive days each year.

Upon death, retirement, or layoff, or upon resignation from the classified service, an

employee or said employee's estate shall be paid one hundred percent (100%) of the value of any accrued, unused vacation leave. Valuation shall be on the basis of the hourly equivalent of said employee's monthly salary at the effective date of termination or resignation.

20.04 **Family Injuries and Illnesses:** In the event of injury or illness in the employee's family, an employee shall be allowed to use half of accrued sick leave per year, measured from their anniversary date. The attending doctor's statement shall be sufficient proof of such illness or injury if required by the appointing authority. Such leave shall not extend family leave taken according to Rule 19.04.

(Reference: California Labor Code Section 233)

20.05 **Family Deaths:** When a full-time permanent or full-time probationary employee is absent due to a death in the family, the employee shall receive up to five (5) days' paid leave on the following conditions:

- (1) The appointing authority was notified on the first day of such absence.
- (2) The first day of such absence is not later than five (5) days from the date of death.
- (3) The appointing authority has ascertained that the absence is reasonably related to a death in the employee's family.

20.06 **Holidays:** The following holidays are official County holidays. On such holidays, an employee shall be entitled to time off with full pay if the employee is full-time probationary or permanent. If the employee is part-time probationary or permanent, then the employee shall be entitled to time off with pay prorated on a part-time basis.

On County holidays, extra-help and temporary employees shall receive time off without pay.

- (1) January 1, New Year's Day;
- (2) The third Monday in January, Martin Luther King's birthday;
- (3) February 12, Lincoln's birthday;
- (4) The third Monday in February, which is the legal observance of Washington's birthday;
- (5) The last Monday in May, which is the legal observance of Memorial Day;
- (6) July 4, Independence Day;
- (7) The first Monday in September, Labor Day;
- (8) October 10, Columbus Day;

- (9) November 11, Veterans' Day;
- (10) The day in November which is the legal observance of Thanksgiving;
- (11) The day in November following Thanksgiving;
- (12) December 24, Christmas Eve, except that when December 24 falls on a Saturday or Sunday, the preceding Friday shall be designated as the Christmas Eve holiday, and when December 24 falls on a Friday, the preceding Thursday shall be the holiday;
- (13) December 25, Christmas Day; and
- (14) Every day appointed by the President of the United States or the Governor of this State as a special one-time-only holiday.

If January 1, July 4, February 12, October 10, November 11, or December 25 falls upon a Sunday, the Monday following shall be a holiday. If such foregoing date falls upon a Saturday, the preceding Friday shall be a holiday.

(Reference: California Government Code Section 6700)

20.07 Rest Periods: An allowance not to exceed fifteen (15) minutes, twice daily, shall be granted to each employee who is required to work at least eight (8) hours in any day. Each employee working four (4) hours or more but less than eight (8) hours shall receive one allowance of fifteen (15) minutes.

20.08 Jury and Witness Leave: An employee who is called for jury duty or subpoenaed to appear as a witness during his or her scheduled work time, other than as an expert witness or party to the action, shall receive paid leave for such purpose on the terms that follow:

(1) The employee shall receive paid leave provided that any witness fees or jury fees are assigned to the County Auditor.

(2) If called as a witness in litigation in which the County is a party, or to testify in an official capacity as a County employee, the employee shall receive paid leave and an allowance for any necessary travel, provided that any witness fees are assigned to the County Auditor.

(Reference: California Government Code Section 1230)

20.09 Military Leave: Military leave with pay for up to thirty days shall be granted in accordance with State law, provided that the appointing authority is given a copy of the military orders and has, within the limits of military regulations, an opportunity to determine when such leave shall be taken. (References: California Military and Veterans Code Section 395.01; 63 Ops. Atty.Gen 483 and 924 [1980])

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RULE 21 – ADDITIONAL BENEFITS AND ALLOWANCES

21.01 **Claiming Allowances:** Claims by employees for allowances shall be submitted to the Auditor’s Office on claim forms approved by the County Auditor, and a claim shall not be paid without approval by the Auditor and the employee’s department head.

(1) **Travel Allowance:** Employees shall be reimbursed for their actual and necessary traveling expenses while engaged in official business of the County in accordance with the “County Travel and Business Expense Reimbursement Policy”. Reimbursement for use of a personal vehicle requires County Defensive Driver Training and proof of auto liability insurance.

(Reference: California Government Code Section 25305 and Plumas County B.O.S. Resolution 96-5880)

(2) **Training Allowance:** When an employee is required by the appointing authority to enroll in a specific course of training relevant to the employee’s position, the employee shall be paid the actual and necessary expenses in connection with registration or tuition, study materials, board and lodging, and travel; provided that no appointing authority shall require such training in excess of amounts budgeted for such purposes by the Board.

21.02 **Health Insurance:** Information on the terms and conditions of County-approved group health care plans is available from the Human Resources Department.

(1) **Employee Health Plan:** Except as provided in Rule 21.04, County-paid health insurance is a benefit exclusively for full-time probationary and permanent employees, non-classified department heads, and elected officials.

The County will contribute an amount per month toward the employee’s health plan premium as designated by the Board of Supervisors.

(2) **Retired Employee Health Plan:** An employee who retires from Plumas County, immediately upon termination, under the County’s PERS contract and who is covered under a County-approved health insurance plan for themselves and any eligible dependents, may continue to be covered under the plan by advancing to the County Auditor, the full premium amount each month preceding the month of coverage, under rules and procedures established by the Auditor and Human Resources Director.

For employees retiring in good standing under the above-stated conditions, who have fifteen (15) years of continuous service with Plumas County, the County shall contribute an amount equal to twenty-five percent (25%) of the County’s health premium contribution for an

active employee, until the employee reaches age 65. After twenty-five (25) years of continuous service, the contribution shall be an amount equal to fifty percent (50%).

Employees, upon retirement in good standing under the conditions stated above, may choose to convert unused sick leave accumulation to prepaid health premiums under the conditions stated below. Employees who choose this option may not utilize any portion of sick leave accrual designed for prepaid health premiums for any other retirement or cash option. The County Auditor and Human Resources Director shall establish reasonable rules and procedures for the administration of this program. Any balance in accounts shall not be refundable in the event of death of the retiree and their surviving dependent.

Prepaid Health Plan/Sick Leave Conversion Option

<u>Years of Continuous Service</u>	<u>Percent of Sick Leave Value</u>
0 - 5	25%
5 - 10	50%
10 - 15	75%
15 or more	100%

Conversion rates to be based on employee rate of pay at retirement. Retirees eligible for the basic twenty-five percent (25%) of the County-paid premium for active employees may convert accrued sick leave in an amount not to exceed a combined value of one hundred percent (100%) premium for themselves or surviving spouse.

21.03 Retirement Benefits Through PERS: Retirement benefits are offered through the County’s contract with the Public Employees Retirement System. The contract excludes hourly paid employees such as extra-help and temporary employees, and employees who are part-time and work less than twenty hours (20) per week on a regularly assigned basis.

The contract includes permanent and probationary full-time employees paid on the time base of a biweekly pay period and permanent employees who work part-time for more than twenty hours per week on a regularly assigned basis and who are paid a percent of the full-time equivalent earnings for the time base of a biweekly pay period. For all covered employees, the County shall pay the employee’s total standard contribution (nine percent (9%) of gross wages for PERS safety members, and seven percent (7%) of gross wages for other employees).

21.04 Prorated Health Insurance, Sick Leave, and Vacation for Permanent Part-time Employees: Notwithstanding any rule to the contrary, a permanent or probationary employee who is assigned regular work hours per week of fifteen (15) or more, but less than forty (40), shall receive prorated benefits as follows:

(1) The Auditor shall be informed of the type of appointment (Rule 13.02) and the number of hours per week constituting regular work hours, exclusive of any possible overtime pay, on-call pay, or other special pay. The Auditor shall prorate benefits using the fraction of a full workweek (40 hours) that the employee works according to the following schedule:

15 to 19 hours per week	0.4375 is the fraction
20 to 24	0.5625
25 to 29	0.6875
30 to 34	0.8125
35 to 39	0.9375

(2) The employee shall accrue sick leave in accordance with Rule 20.01 on the appropriate prorated basis.

(3) The employee shall accrue vacation in accordance with Rule 20.03 on the appropriate prorated basis. The rate of vacation accrual shall be based on the full-time equivalent of the employee’s continuous and compensated service measured from the date of hire.

(4) The employee may choose to be enrolled in a County-recognized health insurance plan. If so enrolled, the County shall pay the employee’s premium on the appropriate prorated basis, and the remainder of the premium shall be deducted from the employee’s earnings prior to the month covered by the premium. If the employee’s earnings are insufficient for the deduction, it shall be the employee’s responsibility to pay the remainder to the Auditor by the last working day of the month prior to the month covered by the premium.

21.05 Retirement Health Insurance for Department Heads and Members of the Board of Supervisors: Elected and appointed department heads and members of the Board of Supervisors may, upon retirement, continue to cover themselves and eligible dependents under a County-approved health plan, subject to the following terms and conditions:

(1) **Eligibility:** Eligibility for continued coverage depends on the retiree’s meeting the following conditions:

(a) The retiree must retire in good standing and immediately elect retirement under the County’s contract with the Public Employees’ Retirement System (PERS); and

(b) The retiree shall pay one hundred percent (100%) of the required premium each month preceding the month of coverage, according to rules and procedures established by the County Auditor.

(2) **County Contribution to Premium:** The County shall make a contribution toward the monthly premium on behalf of the retiree until age 65 depending on the retiree's years of continuous compensated service as a department head and/or member of the Board of Supervisors to the County. The contribution shall be calculated as an amount equal to a percentage of the County's current contribution to the health insurance premium of an active employee in the County's largest or miscellaneous bargaining unit. The applicable percentage shall be:

(a) **Department Head:** (Note: For anyone who was a department head as of 1/1/95, the applicable percentage shall be determined according to the number of years of continuous compensated service to the County.)

6 months to completion of four years of service	25%
4 years + 1 day to completion of 8 years of service	50%
8 years + 1 day to completion of 12 years of service	75%
After 12 years + 1 day of service	100%

(b) **Member of Board of Supervisors:**

12 years or over	100%
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(Reference: California Government Code Section 53201)

(3) **Survivor's Coverage:** When an eligible retiree dies prior to age 65, a surviving spouse of the retiree may elect to continue coverage. Upon such election, the surviving spouse shall pay one hundred percent (100%) of the cost of the premium. Coverage shall include the deceased retiree's eligible dependents.

(4) **Dependent Children:** Eligible dependent children may remain under the coverage until age 21, or, in the case of bona fide students, age 23. After that date, they may apply for a conversion policy with the health plan carrier.

(5) **Conversion after Age 65:** At age 65, the retiree or surviving spouse may convert coverage to the Retired Employee's Group, if one exists, by notifying the Auditor, by submitting a change of status form to the plan carrier, and by assuming one hundred percent (100%) of the cost of the monthly premium.

(6) **No Double Coverage:** When an eligible retiree or spouse obtains primary health insurance coverage through another governmental or employer-paid plan, then the County's obligation to continue coverage and/or to contribute to the monthly premium shall cease automatically and irrevocably. When such other coverage is obtained, the County shall be notified within thirty days. In the event the County is damaged because of a failure of timely notification,

the County may avail itself of any and all civil and criminal remedies in order to obtain indemnification.

(7) **Change in Status:** The participant shall annually certify to the County Auditor that monthly retirement benefits are being received from PERS, and that the participant and dependents remain eligible for continuing coverage.

(8) **Change in Plan:** The County shall advise the participant of any change in the benefits or carrier's status in connection with the County-approved health plan.

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RULE 22 – CODE OF CONDUCT

22.01 Ethical Responsibilities: Each officer and employee has an obligation to the citizens and government of the County to cooperate in accomplishing the County’s goals, to expose corruption whenever discovered, to refrain from disclosing any confidential information, to preserve and safeguard the County’s assets, and to act according to the principle that “public office is a public trust.”

(Reference: 51 Cal. App. 2d 759, 773 (1942))

22.02 Acceptance of Gratuities: No officer or employee shall accept any fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances resulting in:

- (1) The use of public office for private gain;
- (2) The preferential treatment of any person, impeding governmental efficiency or economy;
- (3) The making of a County decision outside of official channels;
- (4) Any adverse effect on the confidence of the public in the integrity of County government.

22.03 Alcoholic Beverages and Controlled Substances:

(a) **Intoxication:** While engaged in County business, no officer or employee shall be intoxicated by any alcoholic beverages or any “controlled substances” as defined in California Health and Safety Code Section 11007. (cf. California Government Code Section 3001 – County officer intoxication on duty is misdemeanor.)

(b) **Drug-Free Workplace:** Plumas County must be a drug-free workplace in order to receive and maintain contracts and/or grants from the Federal Government and the State of California.

(1) The unlawful possession, use, manufacture, distribution or dispensation of controlled substances and/or the use of alcohol within the workplace, during the workday, or while on County business is prohibited. Employees are required to advise their department heads of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. (Conviction is defined to include a plea of “nolo

contendre.”)

(2) If an employee or a family member needs private assistance for alcohol and other drug concerns, the employee may contact Plumas County’s Employee Assistance Program, designed to provide confidential professional counseling; contact the Human Resources Department.

(3) Employees who fail to adhere to this drug-free workplace policy will be disciplined up to and including dismissal.

(4) Every employee who works or may work on a proposed contract or grant from the Federal Government and/or the State of California agrees to abide by the terms of Plumas County’s drug-free workplace policy as a condition of employment on such contract or grant.

(Reference Plumas County B.O.S. Resolution 93-5434.)

22.04 Conflict of Interest Activities Outside of Employment: No officer or employee shall engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties in the County service. Standards to be applied in this area shall conform to California Government Code Sections 1125-1128 and rulings by appellate courts of this State.

Outside employment, activity, or enterprise may be prohibited by the Board if it:

(1) Involves the use for private gain or advantage of County time, facilities, equipment, supplies, badges, uniforms, prestige, or influence of County office or employment;

(2) Involves receipt or acceptance of any money or other consideration from anyone other than the County for the performance of an act which would normally be part of the duties in the County service;

(3) Involves the performance for compensation of an act, in other than his or her capacity as a County 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 of the County;

(4) Involves such time demands as would render less efficient performance of duties in the County service.

22.05 Contracts, Sales and Purchases: Pursuant to California Government Code

Sections 1090-1097, no officer or employee shall be financially interested in any contract, sale or purchase by the County which the officer or employee, in his or her official capacity, influenced or could have influenced; provided that an officer or employee shall not be deemed financially interested if the interest is remote and fully disclosed.

22.06 **Use of County Property:** Officers and employees are prohibited from using County property directly or indirectly for any purposes unrelated to County business or in any manner deviating from the manner authorized by the appropriate department head or by County law or regulation.

22.07 **Political Activities:** No officer or employee shall engage in political activity during working hours, or on County premises, unless the Board has specifically opened those premises for political activity by the public.

(Reference: California Government Code Section 3207)

All officers and employees shall be subject to the restriction on political activity in California Government Code Sections 3201 and 3202.

Any officer or employee who is paid with Federal grant money or loans, or whose principal employment is in connection with a program financed in whole or in part by a Federal agency, is subject to the political restrictions of the Hatch Act (5 U.S.C. 1501-1508, interpreted at 5 Code of Federal Regulations, Part 151).

All officers and employees may be informed by County Counsel memorandum issued from time to time, of prohibited political activities under State and Federal law.

22.08 **Policy Against Harassment:** It shall be the policy of Plumas County to prohibit harassment in employment and to insure that all County employees are treated with respect and courtesy in the course of their employment. Harassment can be in the form of verbal or physical harassment or there can be visual forms of harassment.

Verbal harassment may include epithets, derogatory comments, stories or slurs. Physical harassment may include assault, impeding or blocking movement or any type of physical interference with normal work or movement. Visual harassment can be in the form of derogatory posters, notices, bulletins, cartoons or drawings.

(1) **Sexual Harassment Defined:** Sexual harassment can include: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.

It can also include conduct in the form of pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

(2) **Harassment Prohibited:** Harassment of an applicant or an employee by a supervisor, management employee, or co-worker on the basis of race, religion, color, national origin, ancestry, physical handicap, disability, medical condition, marital status, sex or age is prohibited. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.

Disciplinary action up to and including termination will be instituted for behavior covered under the definition of harassment.

Any retaliation against a person for filing a harassment charge or making a harassment complaint is prohibited. Employees found to be retaliating against another employee shall be subject to disciplinary action up to and including termination.

(3) **Relief from Harassment:**

(a) **Making a Complaint:** Any employee or job applicant who believes he/she has been harassed is encouraged to make a complaint orally or in writing with their supervisor, or department head, or with the County Human Resources Director.

Anyone who receives a harassment complaint should notify County Counsel immediately.

(b) **Investigation and Corrective Action:** The Human Resources Director shall promptly, thoroughly and confidentially investigate the complaint; review the information gathered through the investigation to determine whether the alleged conduct constitutes harassment; report the results of the investigation and the determination as to whether harassment occurred to the appropriate persons; and, if harassment occurred, take effective remedial action against the harasser.

The Human Resources Director shall also take reasonable steps to protect the victim and other potential victims from further harassment, take reasonable steps to protect the victim from any retaliation as a result of communicating the complaint and, if appropriate, take action to remedy the victim's loss, if any, which resulted from the harassment.

(Reference Plumas County B.O.S. Resolution 93-5433)

22.09 Conflict of Interest in Confidential Matters Affecting Interests of Present or Past Family Members: No officer or employee knowingly shall make a decision, within the scope of his or her duties involving confidential matters, where such decision affects interests of present or past family members.

On becoming aware of circumstances of this nature, the officer or employee shall promptly refer the decision to the department head. If the potential conflict of interest involves a department head, then the department head shall make an unqualified delegation of the matter to a disinterested person who has appropriate authority to make the decision.

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RULE 23 – EMPLOYER-EMPLOYEE RELATIONS POLICY

23.01 **Statement of Purpose:** This Rule implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) captioned “Local Public Employee Organizations,” by providing orderly procedures for the administration of employer-employee relations between the County and its employee organizations. However, nothing contained herein shall be deemed to supersede the provisions of State law, County ordinances, resolutions and rules which establish and regulate the merit system, or which provide for other methods of administering employer-employee relations. This Rule is intended, instead, to strengthen merit and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication among employees, employee organizations and the County.

It is the purpose of this Rule to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units when such matters are not preempted by Federal or State law.

23.02 **Definitions:** As used in this Rule, the following terms shall have the meaning indicated:

“Appropriate Unit” means a unit of employee classes or positions, established or modified pursuant to this Rule.

“Confidential Employee” means an employee, who, in the course of his or her duties, has access to information relating to the County’s administration of employer-employee relations.

“County” means the County of Plumas, and where appropriate herein, refers to the County Board of Supervisors or any duly authorized County representative as herein defined.

“Emergency” means a situation in which immediate unilateral action is necessary to protect the public health, safety, or welfare even though such action may not by itself terminate the emergency.

“Day” means calendar day unless expressly stated otherwise.

“Employee” means any person employed by the County in an authorized position as listed in the current County Budget, except elected officers and appointed department heads.

“Employee Organization” means any bona fide organization which includes employees of the County and which has as one of its primary purposes representing such employees in their relations with the County.

“Exclusive Recognition” means formal recognition by the County of an employee organization to the exclusion of other employee organizations pursuant to a vote of the employees in an appropriate representation unit.

“Exclusively Recognized Employee Organization” means an employee organization which has gained exclusive recognition in an appropriate representation unit pursuant to a vote of the employees in the unit. No other organization may represent employees in such a unit except as provided in 23.11 below.

“Impasse” means that the representatives of the County and a recognized employee organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a memorandum of understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.

“Mid-Management Employee” means any employee having responsibilities for the formulation or administration of County policies and programs, as designated by the County.

“Management Representative” means the County Human Resources Director or any persons duly designated by the County to act as a representative of the County for employer-employee relations.

“Mediation” means the efforts of an impartial third person, or persons functioning as an intermediary to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestions, and advice.

“Meet and Confer in Good Faith” means performance by duly authorized management representatives and by duly authorized representatives of a recognized employee organization of their mutual obligation to personally meet and confer promptly upon request by either party and continue for a reasonable period of time in order to freely exchange information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the public agency of its final budget for the ensuing year. This mutual obligation shall not require either party to agree to a proposal or to make a concession.

“Professional Employees” means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including but not limited to attorneys, physicians, registered nurses, engineers, architects, and the various

types of physical, chemical, and biological scientists.

“Proof of Employee Support” shall mean the documentation on forms approved by the County presented by an employee organization to the Human Resources Director indicating approval by the required number of employees whom the employee organization purports to represent. Only signatures of employees currently employed in authorized positions within the proposed presentation unit on the date the petition is filed, and those signatures have been executed within one hundred eighty (180) calendar days prior to the date the petition is filed, shall be accepted as proof of employee approval. The total number of employees in a proposed representation unit shall be determined by using the Position Allocation List, adjusted to reflect the positions occupied as of the closing date of the payroll period immediately preceding the date on which the petition is filed.

“Representation Unit” means a unit composed of County employees organized for the purpose of employee representation, and which has been established in accordance with this Rule.

“Scope of Representation” means those matters relating to employment conditions and employer-employee relations, including wages, hours, and other terms and conditions of employment; except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

“Supervisory Employee” means any employee other than a management employee regularly having authority in the interest of the County to hire, transfer, suspend, layoff, recall, promote, discharge, assign, evaluate or discipline other employees or the responsibility to assign work to and direct them or to adjust their grievances or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not merely routine or clerical in nature, but requires the use of independent judgment.

23.03 Employee Rights: Subject to the provisions of this Rule, employees of the County shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation of all matters of employee relations. Employees of the County shall also have the right to refuse to join, support, or participate in the activities of employee organizations. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of the exercise of these rights.

23.04 County Rights:

(A) Nothing in this Rule shall be construed to restrict any legal or inherent exclusive County rights with respect to matters of general legislative or managerial policy, which include, among others, the exclusive right to determine the methods, means, and personnel by

which County government operations are to be conducted, as well as to exercise complete control and discretion over its organization, operations and technology of performing its work including the contracting out of work; to determine the mission, function and necessity of all or part of each of its constituent departments, boards, and commissions and take all necessary actions to carry out their mission, functions and necessity, or any part thereof, as well as set standards of service to the public.

(B) County also retains the sole right to administer the County Personnel Policy and Ordinance, to classify and reclassify positions, add or delete positions or classes to or from the County Budget or Salary Resolution; to establish standards for employment selection and promotion of employees; to direct its employees, establish rules and regulations, take disciplinary action for proper cause, to establish work schedules and work assignments, and to relieve its employees from duty for lack of work or other legitimate reasons. The County retains the right to be the sole judge of the qualification and competence of its officers and employees.

(C) The County reserves the right to take whatever action may be necessary in an emergency situation; however, an exclusively recognized employee organization affected by the action shall be notified promptly of any such emergency action which affects the matters within the scope of representation.

23.05 **Scope of Representation:**

(A) Upon request, an exclusively recognized employee organization shall have the right to meet and confer in good faith to negotiate wages, hours, and other terms and conditions of employment with the appropriate level of management. Terms and conditions of employment mean items such as health and welfare benefits, leave and transfer policies, safety conditions of employment procedures, and procedures for processing grievances and disciplinary appeals.

(B) If agreement is reached by the representatives of the County and a recognized employee organization, they shall jointly present to the Board for its consideration and ratification a written memorandum of such understanding.

(C) The County may adopt reasonable rules and regulations after consultation in good faith with representatives of the employee organizations concerning the administration of employee relations under this Rule.

(D) The County shall give reasonable written notice to each exclusively recognized employee organization of any proposed ordinance, rule or regulation relating to matters within the scope of representation set forth in this Rule.

23.06 **Filing of Recognition Petition:** An employee organization seeking to be formally

recognized as the exclusive employee organization representing the employees in an appropriate unit shall file a petition with the Human Resources Director containing the following information and documentation:

- (A) Name and address of the employee organization.
- (B) Names and titles of its officers.
- (C) Names of employee organization representatives who are authorized to speak on behalf of the organization.
- (D) A statement that the employee organization has, as one of its primary purposes, representation of employees in their employment relations with the County.
- (E) A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, State, national or international organization, and, if so, the name and address of each such other organization.
- (F) Certified copies of the employee organization's constitution and bylaws.
- (G) 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 to the employee organization for any purpose.
- (H) A statement that the employee organization has no restriction on membership based on race, color, creed, sex, age, national origin, or disability.
- (I) The job classification or titles of employees in the unit claimed to be appropriate and the approximate number of employees therein.
- (J) Proof of employee support, as herein defined, means that at least thirty percent (30%) of the employees in the unit claimed to be appropriate desire the named organization to represent them in employer-employee relations.
- (K) A request that the County formally recognize the petitioner 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.
- (L) The petition, including all accompanying documents, shall be declared to be true, correct and complete, to be the best of their knowledge, under penalty of perjury, by the duly authorized officers of the employee organization executing it.

23.07 **County Review of Recognition Petition/Notice to Employees:** Following receipt of the petition, the Human Resources Director shall determine whether:

- (A) The petition complies with the requirements of this Rule, and
- (B) The proposed representation unit is an appropriate unit in accordance with Section 23.09.

If an affirmative determination is made by the Human Resources Director on the foregoing two matters, he or she shall in writing so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for twenty (20) days thereafter. Posting the request in conspicuous County locations shall constitute written notice to the employees. If either of the foregoing matters are not affirmatively determined, the Human Resources Director shall offer to consult thereon with such petitioning employee organization, and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefor in writing. The petitioning employee organization may appeal such determination in accordance with Section 23.14.

23.08 **Challenging Petitions/Overlapping Units:** Within twenty (20) days of the date of written notice to the affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally recognized 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 of the classifications or positions set forth in the recognition petition being challenged), by filing documentation evidencing proof of employee support in the unit claimed to be appropriate of at least thirty percent (30%) of the employees in the unit claimed to be appropriate and otherwise in the same form and manner as set forth in Section 23.06. If such challenging petition seeks establishment of an overlapping unit, the Human Resources Director shall consult with the petitioning employee organizations for the purpose of ascertaining the more appropriate unit. Thereafter, the Human Resources Director shall determine the appropriate unit or units in accordance with the standards in Section 23.09. The petitioning employee organizations shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the Human Resources Director to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 23.14.

23.09 **Appropriate Units:** The policy objectives in determining the appropriateness of units shall be 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 recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable

community of interest. Factors to be considered shall be:

- (A) The Unit shall include the broadest feasible groups of employees based upon internal and occupational community interest. Fragmentation of units is to be avoided.
- (B) The effect of the proposed unit on the efficient operation of County services and on sound employer-employee relations.
- (C) Consistency with the organizational patterns of the County.
- (D) The history of employee relations in the unit, among other employees in the County, and in similar public employment.
- (E) Similarity of duties, skills, and working conditions of employees.
- (F) No County employment classification title shall be included in more than one representation unit.
- (G) Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee organization consisting of such employees.
- (H) Mid-Management and Supervisory employees may only be represented in a unit composed solely of such employees.
- (I) Confidential employees may not be represented in a bargaining unit together with nonconfidential employees.
- (J) Elected officials and officials appointed by the Board of Supervisors shall not be members of any unit.

23.10 Procedure for Modification of Established Appropriate Units:

(A) Requests by employee organizations for modifications to established appropriate units may be considered by the Human Resources Director only during the period of 120 to 150 days prior to the expiration date of the Memorandum of Understanding. Such documentation shall be submitted in accordance with the requirements set forth in this Section and shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth herein. The Human Resources Director shall process such requests as stated below.

(B) The Human Resources Director may, on his or her own motion, propose during the period specified in this Section, that an established unit be modified and shall process such proposal as stated below.

(C) The Human Resources Director shall give written notice of the proposed modifications to all affected employee organizations and shall hold a meeting concerning the proposed modifications, at which time all affected employee organizations shall be heard.

(D) Thereafter, the Human Resources Director shall determine the composition of the appropriate unit or units in accordance with Section 23.09 and shall give written notice of such determination to the affected employee organization.

(E) The Human Resources Director may after notice to, and consultation with the affected employee organization, allocate new classifications, or positions, reallocate classifications or positions, or delete classifications in accordance with the provisions of Section 23.09.

(F) The allocation of new classifications or the deletion of abolished classifications may be done at any time and may not be considered a modification of the unit if in the determination of the Human Resources Director such additions or deletions have no significant impact on the appropriateness of the unit.

(G) If a unit is modified pursuant to the decision of the Human Resources Director hereunder, employee organizations may thereafter file petitions for new appropriate unit or units pursuant to Section 23.06.

(H) There shall not be more than one election in a twelve-month period affecting the same bargaining unit.

(I) Any determinations made by the Human Resources Director are subject to appeal as provided in Section 23.14.

23.11 Procedure for Decertification of Exclusively Recognized Employee Organizations:

(A) Proof of employee support alleging that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in an established appropriate unit shall be filed with the Human Resources Director only during the period of 120 to 150 days prior to the expiration of the agreement. Such documentation may be filed by two or more employees, their representative or an employee organization and shall contain the following information and documentation declared by the duly authorized signatory under

penalty of perjury to be true, correct and complete:

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 established appropriate unit and of the incumbent exclusively recognized employee organization sought to be decertified as the representative of that unit.

(3) An allegation that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.

(4) Proof of employee support that at least thirty percent (30%) of the employees in the established appropriate unit no longer desire to be represented by the incumbent exclusively recognized employee organization. Such proof shall be submitted for confirmation to the Human Resources Director within the time limits specified in the first paragraph of this Section.

(B) The Human Resources Director shall initially determine whether the documentation has been filed in compliance with the applicable provisions of this Section. If this determination is in the negative, he or she shall offer to consult thereon with the representative of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such documentation to the employees or employee organization with a statement of the reasons therefor in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 23.14. If the determination of the Human Resources Director is in the affirmative, or his negative determination is reversed on appeal, he or she shall give written notice of such Decertification or Recognition documentation to the incumbent exclusively recognized employee organization and to unit employees.

23.12 Election Procedure:

(A) When an initial or decertification petition meets the provisions of the rules, an election shall be conducted pursuant to this section. Within twenty (20) calendar days of the last date that a recognition petition can be filed, as determined by the Human Resources Director or as decided by an appeal, the Human Resources Director shall arrange for a secret ballot election to be conducted in accordance with the provisions of this Rule. All employee organizations that have filed petitions which have been determined to conform to Section 23.06 shall be included on the ballot. The choice of "No Organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons employed in full-time and part-time regular positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including 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.

(B) The election shall be conducted by the California State Conciliation Service unless both parties agree on another party hereinafter referred to as the Election Supervisor.

(C) Costs of conducting elections, if any, shall be borne in equal shares by the County and each employee organization appearing on the ballot. If the election is called at the request of the County, the County shall bear all normal election expenses. The party desiring observers shall provide for those observers at its own expense.

(D) The Election Supervisor shall have the final authority to make such arrangements and ruling as he deems necessary to carry out the election. No later than twenty (20) days prior to the election, the Election Supervisor shall meet with the eligible employee organizations to discuss the election arrangement and rules. Such rules shall be made available to the organizations no later than ten (10) days prior to the election.

(E) An employee organization shall be formally recognized as the exclusively recognized employee organization for the appropriate unit following an election or run-off election if it receives a numerical majority (more than 50%) of the valid votes cast.

(F) In an election where there are more than two choices on the ballot, including the choice of no organization, and none of the choices receive a majority of the votes cast by the employees within the representation unit, a run-off election shall be conducted between the choices receiving the largest and second largest number of votes.

(G) Each eligible employee organization shall submit to the Human Resources Director the designation it desires on the ballot no later than twenty (20) calendar days before the election. Such designation shall be the official name of the organization as submitted by their bylaws pursuant to Section 23.05 or an abbreviated version thereof. If any organization fails to submit such designation, the Human Resources Director shall prepare a designation for use on the ballot. The order in which the eligible choices appear on the ballot shall be determined by lot.

(H) The ballots shall include the question "Do you wish to be represented in respect to wages, hours, and other conditions of employment by?" Following the question the eligible choices shall be listed on the ballot in the order determined by the lot. The eligible choices shall also include the choice of "No Organization."

(I) A notice of election in a form approved by the Elections Supervisor shall be posted at locations serving employees in the unit involved at least five (5) days prior to the election.

(J) If agreed to by the organizations appearing on the ballot and the Human

Resources Director, each eligible employee organization and the County are authorized to provide one observer at each polling place. Each party shall be responsible for the presence of his observers and no balloting or counting shall be delayed because of the absence of one or more observers.

(K) Any authorized observer may challenge the eligibility of a voter. It shall be the duty of the Election Supervisor or his designee to place the challenged ballot in a sealed envelope indicating that the vote in question has cast a challenged ballot.

(L) The Supervisor shall subsequently determine the eligibility of the voter who cast a challenged ballot and either count or reject said vote. The decision of the Election Supervisor shall not be subject to appeal and shall be final and binding on all parties. The Election Supervisor may employ at no expense to the eligible registered organizations as assistants in the conduct of the election, persons normally employed as elections officials by the County who are not County employees. The Election Supervisor may also use the services of the Registrar of Voters and his staff and such persons that are used by the Election Supervisor are charged with strict neutrality in the conduct of their duties.

(M) Voting locations shall be agreed to by the parties or designated by the Election Supervisor after consultation with the parties no later than fifteen (15) days before the election. The election will be by secret ballot and voters will be allowed to vote without fear or restraint or coercion.

(N) At the conclusion of the election, the Election Supervisor, after disposing of the challenged ballots, shall count all ballots and certify the results of the election. These results shall be final and binding on the parties.

(O) The Election Supervisor is hereby authorized to make such administrative and procedural rulings as he or she deems necessary to carry out the elections. A violation of these rules by a party may serve to hold the election. The Election Supervisor shall have the sole authority to make a ruling under this section.

(P) Any of the above election procedures as set forth in paragraphs B through O may be altered or waived by mutual agreement of the parties.

23.13 **Granting Exclusive Recognition:** Upon a determination that an employee organization has received a majority of ballots in an election, the Board of Supervisors shall, by resolution, grant exclusive recognition for the appropriate bargaining unit. A new exclusively recognized employee organization shall assume the terms and conditions of any existing memorandum of understanding.

23.14 **Appeals:** An employee organization aggrieved by an appropriate unit determination

by the Human Resources Director may, within ten (10) days of notice thereof, request the intervention of the California State Conciliation Service pursuant to California Government Code Sections 3507.1 and 3507.3, or may, in lieu thereof, appeal such determination to the Board of Supervisors for final decision within ten (10) calendar days of notice of the Human Resources Director's determination.

23.15 Meeting and Conferring:

(A) Only exclusively recognized employee organizations in established representation units shall be entitled to meet and confer with duly designated management representatives on wages, hours, and other terms and conditions of employment for such units.

(B) The County is under no obligation to meet and confer with employee organizations who are not exclusively recognized, or who willfully violate any of the provisions of this Rule, or who are engaged in any illegal action against the County.

(C) Meeting and conferring shall not be required on any subject preempted by Federal or State law, rule, or regulation. Proposed amendments to this Rule shall be subject to consultation after reasonable notice.

(D) Agreements reached as a result of meeting and conferring shall be incorporated in a written memorandum of understanding signed by the County representative, or the designee when appropriate, and the duly designated representative of the recognized employee organization with whom the agreement has been reached. Signed memorandums of understanding shall be mutually submitted to the Board of Supervisors, but shall not be in effect or binding on the parties until formally approved by the Board of Supervisors.

23.16 Initiation of Impasse Procedures: If the meet and confer process has reached impasse as defined in the Rule, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled within ten (10) calendar days by the Human Resources Director. The purposes of such impasse meeting shall be as follows:

(A) To identify and specify in writing the issue or issues that remain in dispute.

(B) To review the position of the parties in a final effort to resolve such disputed issue or issues; and

(C) If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

23.17 Mediation:

(A) Either party may request mediation. Such mediator shall be selected from a panel to be provided by the California State Conciliation Service unless both parties agree to another mediator. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.

(B) If the parties fail to resolve the dispute through mediation within fifteen (15) calendar days after the mediator commences meeting with the parties, the parties may mutually agree to submit the impasse to fact-finding.

23.18 Fact-Finding: If the parties mutually agree to submit the impasse to fact-finding, they may agree on appointment of one or more fact-finders. If they fail to so agree on one or more fact-finders, a fact-finding panel of three shall be appointed in the following manner: one member shall be appointed by the exclusively recognized employee organization, one member shall be appointed by the County, and those two shall name a third, who shall be the chairperson. If they are unable to agree upon a third, they shall select by agreement the third member from one or more lists of names to be provided by the California State Conciliation Service. The following constitute the jurisdictional and procedural requirements for fact-finding:

(A) The fact-finders shall consider and be guided by applicable Federal and State laws.

(B) Subject to the stipulations of the parties, the fact-finders shall determine and supply the following measures and criteria in arriving at their findings and recommendations:

(1) As relevant to the issues in dispute, the fact-finders shall compare the total compensation, hours and conditions of employment of the employees involved in the fact-finding proceeding with the total compensation, hours, and conditions of employment of other employees performing similar services in public and private employment in the same and comparable communities. "Total compensation" shall mean all wage compensation, including but not limited to premium, incentive, minimum, standby, out-of-state class and deferred pay; all paid leave time; all allowances, including but not limited to educational and uniform benefits; medical and hospitalization benefits; and insurance, job injury, disability pension and welfare benefits.

(2) The fact-finders shall then adjust the result of the above comparisons based on the facts of equitable employment benefits relationships between job classifications and positions within the County, the benefits of County job stability and continuity of employment, and the difficulty, or lack thereof, of recruiting and retaining qualified personnel.

(3) The fact-finders shall then determine recommendations based on the

comparisons as adjusted above subject to the financial resources of the County to implement them, taking into account other legislatively determined and projected demands on agency resources, assurance of sufficient and sound budgetary reserves, and statutory or other limitations on tax and other revenues and expenditures.

(C) The fact-finders shall take written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria, adjustments, and limitations specified above. Any member of a fact-finding panel shall be accorded the right to file dissenting written findings of fact and recommendations. The fact-finder or chairperson of the fact-finding panel shall serve such findings and recommendations on the County and the designated representative of the exclusively recognized employee organization.

(D) If the parties have not resolved the impasse within ten (10) days after service of the findings and recommendations upon them, the fact-finder or the chairperson of the fact-finding panel shall submit them for consideration by the Board of Supervisors in connection with the Board's legislative consideration of the issues at impasse.

23.19 **Board of Supervisors:** If the parties agree to submit the impasse directly to the Board of Supervisors, or if the parties do not resolve the impasse through mediation or do not agree to fact-finding, the Board of Supervisors shall take such action regarding the impasse as it in its discretion deems appropriate in the public interest. Any legislative action by the Board of Supervisors on the impasse shall be final and binding.

23.20 **Cost of Impasse Procedures:** The costs, if any, for the services of a mediator and fact-finder or chairperson of a fact-finding panel utilized by the parties, and other mutually incurred costs of mediation and fact-finding shall be borne equally by the County and the employee organization. The cost for a fact-finding panel member selected by each party and other separately incurred costs shall be borne by each such party.

23.21 **Construction:** This Rule shall be administered and construed as follows:

(A) While this Rule shall prevail over any other policy, resolution, rule or memorandum of understanding, nothing in this Rule shall be construed 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 and State laws.

(B) This Rule shall be interpreted so as to carry out its purpose as set forth in Section 23.01.

(C) Nothing in this Rule shall be construed as making the provisions of California Labor Code Section 923 applicable to County employees or employee organization.

(D) Nothing in this Rule shall be construed to deny any employee rights set forth in California Government Code Section 3500, et seq.

23.22 Severability: If any provisions of this Rule or the application of such provisions to any person or circumstance shall be held invalid, the remainder of this Rule, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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RULE 24 – COUNTY OWNERSHIP OF AND ACCESS TO COMPUTER DATA, FILES, AND SOFTWARE

24.01 Data and Software Ownership:

(1) Rights in all data and software owned or controlled by the various departments of Plumas County government are vested in “the County of Plumas” and are subject to the policies and procedures established by the Board of Supervisors.

(2) The County may assert property rights in any and all data, files and software stored, maintained, or placed on any County computer equipment or computer media, including transferable media such as diskettes and tapes. The assertion may occur at any level along lines of supervisory authority. Request for review of such action shall be made to the applicable department head. Appeal of a department head’s decision may be made to the Board of Supervisors, whose decision as regards County property right issues shall be final. The fact that individual items or collections of data or software are public in nature, or actually are public records, does not diminish the “property” aspects of County ownership.

(3) Privately owned hardware or software utilized for County business shall be deemed subject to this policy until the legal owner of the hardware or software withdraws it from County utilization and all County data or files are transferred to County-owned equipment.

24.02 Data and Software Access:

(1) The County has an unrestricted right of access to and disclosure of all data and software on any County equipment or media through the appropriate County official(s). Such access and disclosure shall be in accordance with, and subject to any controls or restrictions imposed by, applicable statutes or licenses. This right of access is also applicable to privately owned hardware and software on which County information or files are stored.

(2) County employees, officials, or volunteers who use County equipment or media are required to provide access to, decrypt and disclose any files or data to the appropriate County official(s) on request. County employees, officials and volunteers should be informed of this requirement upon appointment or reassignment and in department training.

(3) Access to the review of computer files on County equipment or media will follow supervisory lines, except as required otherwise by statute, license or contract. The department head has authority over access and disclosure, in accordance with these policies, consistent with applicable statutes or licenses, but subordinates have no authority over access or disclosure except as specifically granted. Confidential information shall not be disclosed without

the consent of the department head, who may refuse disclosure to the extent permitted by law, Board policy, or professional codes of conduct.

(4) The security procedures that apply to the main computer system and network also apply to individual PCs, departmental minicomputers, and LANs.

24.03.1 **Data and Software Security Administration:** Development and auditing of security procedures and access control for all County computer equipment, media, data and software are assigned to the Data Processing Division. Security procedures and access controls may be delegated to the various departments on an individual basis provided the other departments maintain an approved security policy. The Data Processing Division will regularly audit the security procedures and controls, including those that have been delegated to departments.

(Reference Plumas County B.O.S. Minutes 3-01-94, p.5.)

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