The Stanislaus County Personnel Manual is a constantly evolving document. As federal, state, and county law/code change, so too must county code and policy change according to current circumstances. While this personnel manual attempts to offer the most up-to-date information available, there may be some specific items which are under revision at any given time. The revision log below tracks those changes which have been implemented since 2014. As always, if you have any questions regarding information in this manual or regarding Human Resources in general, you should contact your department's human resources staff or the Chief Executive Office.

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PERSONNEL MANUAL
TAB 01
DEFINITIONS

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3.04.010 Generally

A. When used in this title, any amendment hereof, and in any ordinance or resolution classifying and fixing the salaries and compensation or authorizing the employment of personnel in any department, bureau, or office of the County, the terms set forth in this chapter shall have the meanings set forth in this chapter unless it is clearly apparent from the context that they are used in a different sense.

B. Words used in the masculine form include the feminine and the neuter. (Ordinance NS 1021 § 1 (part), 1981; prior code § 2-180 (part).

3.04.015 Affirmative Action

"Affirmative Action" is defined as an objective program designed to assure equal employment opportunity based on the relative, job-related merit and fitness of applicants and employees. (Ordinance CS 557 § 1, 1994).

3.04.020 Allocation

"Allocation" means the assignment of an individual position to an appropriate class. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180 (a)).

3.04.030 Anniversary Date

"Anniversary Date" means the date which constitutes one year of service with the County for the purpose of computing salary range increases or fringe benefit accrual. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(b)).

3.04.040 Applicant

"Applicant" means a person who has made formal application for a County position. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(c)).

3.04.050 Appointing Authority

"Appointing Authority" means any person or groups of persons (generally department heads) having the power by law or ordinance to make an appointment to any position in County service. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(d)).

3.04.060 Appointment

"Appointment" means the offer of and acceptance by an eligible of a position in the County service in accordance with these rules. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(d)).

3.04.070 Board

"Board," when used alone, means the Board of Supervisors of Stanislaus County. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(f)).

3.04.080 Calendar Month

"Calendar Month" means any of the twelve months starting on the first day thereof and terminating at the close of the last day thereof and shall be synonymous with "month." (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(g)).

3.04.090 Calendar Year

"Calendar Year" means a year starting on January 1st and terminating at the close of the following December 31st. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(h)).

3.04.100 Certification

"Certification" means the submission by the Personnel Department of names of eligibles from an appropriate eligible list to an appointing authority pursuant to these provisions. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(i)).

3.04.110 Classification or Class

"Classification" or "class" means the organized designation of all positions in the County service such that positions having substantially similar duties and responsibilities are assigned the same descriptive title, and the same requirements as to education, experience, knowledge and ability demanded of incumbents, and so that the same schedule of compensation may be made to apply with equity. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(j)).

3.04.120 Classification Description or Class Specification

"Classification Description" or "Class Specification" means the written description of the characteristics of a class, prepared and maintained in the Personnel Department, setting forth the definition, typical tasks, minimum qualifications and other relevant standards and information. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(k)).

3.04.125 Classification Series

"Classification Series" means one or more occupational groups having classes of positions with duties substantially similar in nature and character with progressively higher levels of responsibility. (Ordinance CS 557 § 3, 1994).

3.04.130 Classified Service

"Classified Service" means all regular full-time and regular part-time positions in all departments and offices in the County as set forth in the salary and position allocation resolution except those designated by the Board of Supervisors as being in the Unclassified Service. (Ordinance CS 557 § 4, 1994; Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(l)).

Classified positions are subject to all rights and protections as allowed for by applicable Federal or State law, Memorandum of Understanding provisions, or Ordinance Code.

3.04.140 Compensation

"Compensation" means the salary, wage, fee, allowances and all other forms of valuable consideration earned by, or paid to, any employee by reason of service in any position. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(m)).

3.04.150 Compensation Plan

"Compensation Plan" means a schedule of salaries or salary ranges established by this title for the classes recognized in the classification plan, and the provisions of this title pertaining to fixing and changing compensation. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(n)).

3.68.080 Confidential Employee

"Confidential Employee" means an employee, as designated by the County, who, in the course of his duties, has access to confidential information relating to the County administration of employer-employee relations. (Prior code § 2-230(b)(2)).

3.04.160 Continuous Service

"Continuous Service" means service without break or interruption during which the employee has been employed by the County. In computing continuous service approved leaves of absence, whether with or without pay, shall not be construed as a break in employment or service. Other absences aggregating in excess of ninety days in any period of twelve months, including layoffs on account of lack of work, lack of funds, or abolishment of positions, shall be construed as breaking continuous service. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180 (o)).

Periods of unpaid leaves of absence, which include unpaid suspensions, do not count towards seniority, nor do they count towards benefit accrual.

3.68.090 Consult in Good Faith

"Consult in Good Faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counterproposals in an endeavor to reach agreement, nor is it subject to Article V of this chapter. (Prior code § 2-230(b)(3)).

3.04.170 County

"County" means Stanislaus County, California. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(p)).

3.04.180 County Service or Service of the County

"County Service" or "Service of the County" means all departments, employees and officials as defined in this chapter, that are subject to control and regulation by the Board of Supervisors. (Ordinance CS 557 § 5, 1994; Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(q)).

3.04.190 Date of Appointment

"Date of Appointment" is the first day of officially recorded employment in a position by a newly appointed employee. (Ordinance NS 1021§ 1 (part), 1981: prior code § 2-180(r)).

3.04.200 Date of Separation or Termination

"Date of Separation or Termination" is the last day of officially recorded employment in a position by an employee. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(s)).

3.04.210 Demotion

"Demotion" means a change in status of an employee, from a position in one class to a position in another class having a lower range of compensation or to a lower salary step within the same salary range. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(t)).

3.04.220 Department

"Department" is synonymous with "Office." Department means one of the officially constituted departments of the County government. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(u)).

3.04.230 Department Head

"Department Head" means the head of an established department as designated by the Board of Supervisors. (Ordinance CS 557 § 6, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(v)).

3.04.235 Director of Personnel/Personnel Department

"Director of Personnel/Personnel Department," when used in this title, means the Chief Executive Officer or Chief Executive Office. (Ordinance CS 557 § 7, 1994).

3.04.240 Dismissal or Discharge

"Dismissal" or "Discharge" means the involuntary separation of an employee by an act of the appointing authority. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(w)).

3.04.250 Elective Service

"Elective Service" means all positions of elected officials. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(x)).

3.04.260 Eligible

"Eligible" means an applicant whose name appears on an eligible list. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(y)).

3.04.270 Eligible List

"Eligible List" means an officially established list of names of persons who have been examined in an open competitive or promotional examination arranged in order of merit and are eligible for employment in a specific class. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(z)).

3.04.280 Employee

"Employee" means a person legally occupying a position with the County. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(aa)).

3.68.110 Employee Relations Officer

"Employee Relations Officer" means the County Chief Executive Officer. (Ordinance CS 557 § 60, 1994: prior code § 2-230(b)(5)).

Exempt—"Fair Labor Standards Act" Federal Law

Under Section 13 (a) of the "Fair Labor Standards Act," employees who work in a bona fide executive, administrative, or professional capacity and who are salaried employees are not covered by the overtime provisions of the Act. This includes all management employees. It also includes all other employees who meet the Act's exemption requirements and who may be eligible for overtime by County regulations and Memorandum of Understanding provisions.

3.04.290 Extra Help

"Extra Help" means employment in the Unclassified Service because of peak work load periods, regular employee absence, seasonal or unusual conditions. An individual assigned to extra help employment, is precluded from working for the County in any one or more extra help positions for a total of more than two thousand eighty hours in a year, excluding overtime work. Ordinance CS 557 § 8, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(bb)).

Fair Labor Standards Act—Federal Law

The Fair Labor Standards Act is the Federal law governing overtime work and compensation for employees determined by the County to be covered by the Act.

3.04.295 Fiscal Year

"Fiscal Year" means the period beginning July 1st and terminating at the close of the following June 30th. (Ordinance CS 557 § 2, 1994).

3.04.300 Full-time

"Full-time" means work in a position in the Classified or Unclassified Service in which the employee is required to work the standard work week or work year of two thousand eighty hours prescribed for normal employment in the classification. (Ordinance CS 557 § 9, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(cc)).

3.68.120 Impasse

"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 the 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. (Prior code § 2-230(b)(6)).

3.04.310 Layoff

"Layoff" means termination of employment of an employee because of lack of funds or work, because of changes of duties or organization, or in order to permit the exercise of rights established by ordinance, resolution or Memorandum of Understanding. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(dd)).

3.04.320 Leave of Absence

"Leave of Absence" means written request and permission to be absent from duty for specified period, which gives the employee the right to return to the position at the expiration of such period. (Ordinance CS 557 § 10, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(ee)).

3.04.330 Limited Certification

"Limited Certification" means a certification of eligibles who are selected from an existing list for specialized skill, knowledge, license, physical or funding requirements. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(ff)).

3.68.130 Management Employee

"Management Employee" means an employee, as designated by the County, having responsibility for formulating, administering or managing County policies or programs, including those with authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, to adjust their grievances or to effectively recommend such action. Management employees shall include but not be limited to department heads, assistant department heads and major division chiefs. (Prior code § 2-230(b)(7)).

The Chief Executive Officer has the authority to designate management positions.

3.04.340 Minimum Qualifications

"Minimum Qualifications" means those qualifications of education, experience, ability, knowledge, licenses and other requirements established for entrance to examinations and for appointments to the various classifications in County service. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(gg)).

3.04.350 Merit Principles

"Merit Principles" means recruiting, selecting, training, allocating and promoting employees on the basis of relative job-related abilities, knowledge and skills and requiring the fair treatment of applicants without regard to race, color, national origin, ancestry, religion, sex, pregnancy related condition, age, physical disability, (includes AIDS), mental disability, medical condition (cancer related), marital status, sexual orientation, or political affiliation. (Ordinance CS 557 § 11, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(hh)).

Non-Exempt—Fair Labor Standards Act (Federal Law)

Non-exempt means employees covered by the overtime regulations of the Fair Labor Standards Act. This includes employees in classifications that have been deemed covered under the Act as determined by the Chief Executive Officer through the application of the Act's definition of covered employees.

3.04.360 Officers

"Officers" means all County elective or appointive officers established by State Law or County Ordinance. If, for the purpose of the classification plan, the Board by ordinance or resolution should give a title to the position held by an officer, which title is different from the name of the office as established by State Law, such title shall not affect any powers or duties vested in or imposed upon such officer by law. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(ii)).

3.04.370 Participant

"Participant" means a person employed under a Federal, State or other agency employment or training program including but not limited to programs under the Comprehensive Employment and Training Act. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(jj)).

3.04.380 Part-time

A. "Part-time" means extra help work in the Unclassified Service in which the employee is authorized to work less than the standard work day, work week or work month, which may follow a predetermined schedule or seasonally recurring pattern of hours.

B. "Regular part-time" means work in the Classified or Unclassified Service in which the employee fills an allocated position and receives pro-rated benefits and is authorized to work less than the standard work day, work week or work month on a percentage basis of fifty-five percent or greater and yet less than one hundred percent, and which normally follows a predetermined schedule. (Ordinance CS 557 § 12, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(kk)).

3.04.385 Position

"Position" means any assignment or employment whether occupied or vacant calling for the performance of specified and related duties as authorized in the salary and position allocation resolution. (Ordinance CS 557 § 13, 1994).

3.04.390 Probationary Appointment

"Probationary Appointment" means the status held by an employee during the predetermined period of time required for the on-the-job trial period prior to being granted permanent status for an employee certified and appointed to the Classified Service. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(11)).

3.04.395 Probationary Release

"Probationary Release" means the action taken by the Department Head or his/her designee, releasing the probationary employee from the Classified Service during the on-the-job trial period prior to being granted permanent status. (Ordinance CS 557 § 14, 1994).

3.68.140 Professional Employee

"Professional Employee" means employees engaging 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. (Prior code § 2-230(b)(8)).

3.04.400 Provisional Appointment

"Provisional Appointment" means the status acquired by an employee who possesses the minimum qualification established for the class and who has been appointed to fill a position for which no valid eligible list exists. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2- 80(mm)).

3.04.410 Provisional Employee

"Provisional Employee" means an employee holding a position under a provisional appointment. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(nn)).

3.04.420 Reclassification/Reallocation

"Reclassification/Reallocation" means a reassignment of position by raising it to a higher classification or reducing it to a lower classification, on the basis of substantial changes in the kind, difficulty or responsibility of duties performed in such positions, or reassigning a position to another classification at the same compensation. (Ordinance CS 557 § 15, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(oo)).

3.68.160 Recognized Employee Organization

"Recognized Employee Organization" means that one employee organization which has been formally recognized by the County as the employee organization that represents the employees in an appropriate representation unit pursuant to Article III of this chapter. (Prior code § 2-230(b)(10)).

3.68.170 Supervisory Employee

"Supervisory Employee" means any employee having authority to plan, supervise, assign, direct, review and assist five or more subordinates in the performance of their work if in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Prior code § 2-230(b)(11)).

3.04.440 Suspension

"Suspension" means an enforced absence of an employee for disciplinary purposes, or pending investigation of charges made against an employee. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(qq)).

3.04.445 Termination

"Termination" means either the voluntary or involuntary separation from County service. (Ordinance CS 557 § 17, 1994).

3.04.450 Title or Title of Class

"Title" or "Title of Class" means the designation or name given to a class, or to each position allocated to such class. It shall have the meaning defined in the class specification. (Ordinance CS 557 § 18, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(rr)).

3.04.460 Unclassified Service

"Unclassified Service" means positions exempted from the Classified Service including, unless otherwise provided, all elected officials, department heads, assistant department heads; appointments to extra help, emergency, trainee positions or other limited-term positions and contracted positions compensated on an hourly flat-rate or fee-for-service basis, unless designated Classified by the Board. Unless otherwise provided, the Unclassified Service shall generally include positions responsible for the formulation or effective recommendation of policy and/or positions in a direct reporting relationship to elected officials. Employees assigned to the Unclassified Service are ineligible to gain permanent status and may be terminated without cause or notice at any time by the appointing authority. An employee filling a position assigned to the Unclassified Service who is removed therefrom, may have the right to return to the Classified Service as set forth in Section 3.08.270, Appointment from Classified Service. (Ordinance CS 557 § 19, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(ss)).

3.04.470 Year

"Year" means a period of three hundred sixty-five consecutive days. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180(tt)).

PERSONNEL MANUAL
TAB 02
DEPARTMENT HEADS

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Stanislaus County Department Head positions established by Board Resolution are:

- Aging and Veterans Services Director
- Agricultural Commissioner & Sealer of Weights and Measures
- Animal Services Director
- Assessor
- Assistant Chief Executive Officer
- Auditor-Controller
- Behavioral Health Director
- Chief Executive Officer/Personnel Director
- Chief Information Officer
- Chief Probation Officer
- Child Support Services Director
- Clerk-Recorder
- Community Services Agency Director
- Cooperative Extension & Farm Advisor
- County Counsel
- County Librarian
- District Attorney
- Employment & Training Director
- Environmental Resources/Parks and Recreation Department Director
- Health Services Agency Managing Director
- Planning and Community Development Director
- Public Defender
- Public Health Officer
- Public Works Director and Building Inspection Official
- Sheriff-Coroner and Public Administrator
- Treasurer and Tax Collector

NOTE: The Director of Stanislaus Regional 9-1-1 is a stand-alone Department Head through the Joint Powers Agency.

3.16.060 Department Heads

Department Heads shall be appointed to the Unclassified Service in the following manner:

A. As provided elsewhere by law, ordinance or agreement:

1. All elected officials,
2. Chief Executive Officer,
3. Chief Probation Officer,
4. Director of Parks,
5. Director of Public Works/Road Commissioner/Surveyor/Building Official;
6. County Counsel
7. County Agricultural Commissioner and Sealer of Weights and Measures

B. All other Department Heads shall be appointed by the Board to the Unclassified Service by the Board of Supervisors upon the recommendation of the Chief Executive Officer. (Ordinance CS 557 § 31, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.17(f)).

Agricultural Commissioner—Agreement Renewal Process

Adopted April 9, 2002/Resolution # 2002-240

The Board of Supervisors appoints the Agricultural Commissioner to a four-year term.

Chief Probation Officer

Adopted November 5, 2002/Effective November 9, 2002/Resolution # 2002-848

The Presiding Judge of the Superior Court appoints and swears in the Chief Probation Officer who serves at the pleasure of the Court. The compensation, upon appointment, is set by the Board of Supervisors.

County Counsel—Agreement Renewal Process

Adopted May 6, 2003/Resolution # 2003-424

Approximately one year prior to the expiration of his/her current term, the County Counsel may apply for a new four-year contract. In closed session, the Board of Supervisors will conduct a performance evaluation to determine if the County Counsel's term will be renewed. If the Board so deems, the County Counsel will be re-appointed to a new four-year term beginning immediately upon the expiration of the current term.

PERSONNEL MANUAL
TAB 03
POSITION CLASSIFICATIONS/APPOINTMENTS

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3.12.010 Allocation of Positions

A. All positions in all departments and offices of the County service shall be allocated to classifications as established and set forth by the Board of Supervisors by ordinance or resolution. Such classifications and allocations of positions shall constitute the classification plan of the County.

B. At any regular meeting, the Board of Supervisors may create new classifications, divide, combine, alter or abolish existing class functions, allocate new positions to appropriate class functions, or reallocate/reclassify existing positions to other classifications by resolution or ordinance in the manner provided in this chapter. (Ordinance CS 557 § 24, 1994: Ordinance NS 979 § 1 (part), 1981: prior code § 2-186(1)(part)).

3.12.020 Purpose

The classification plan of the County shall mean the arrangement and allocation of positions under distinct classifications established by the Board of Supervisors. The purpose of the classification plan shall be to designate each kind of employment in County service which shall encompass within it all positions having duties and responsibilities sufficiently similar so that the same descriptive title and the same requirements and qualifications as to education, experience, knowledge, skills and abilities may be required of incumbents and so that the same schedule of compensation may be made to apply with equity. (Ordinance NS 979 § 1 (part), 1981: prior code § 2-186(1)(a)).

3.12.030 Unclassified Service Defined

"Unclassified Service" means positions exempted from the Classified Service including, unless otherwise provided, all elected officials, department heads, assistant department heads, appointments to extra help, emergency, trainee positions or other limited-term positions and contracted positions compensated on an hourly flat-rate or fee-for-service basis unless designated classified by the Board. Unless otherwise provided, the Unclassified Service shall generally include positions responsible for the formulation or effective recommendation of policy and/or positions in a direct reporting relationship to elected officials. Employees assigned to the Unclassified Service are ineligible to gain permanent status and may be terminated without cause or notice at any time by the appointing authority. An employee filling a position assigned to the Unclassified Service who is removed therefrom, may have the right to return to the Classified Service as set forth in Section 3.08.270, Appointment from Classified Service. (Ordinance CS 557 § 25, 1994: Ordinance NS 979 § 1 (part), 1981: prior code § 2-186(1)(b)).

POLICY

Individuals appointed to these positions serve at the "will" of the appointing authority. They are not eligible to achieve permanent status and they may be released from employment, without cause or notice, at any time by the appointing authority.

PURPOSE

Over the years, departments have been required to fill these positions in the same way that they fill classified vacancies, through a competitive recruitment process. The County recognizes that a competitive process is an important recruitment tool. It also recognizes that as the appointing authority, you must have the ability to recruit and appoint key positions with the best people, in the most efficient way possible.

The Chief Executive Office encourages you to recruit for these positions competitively, when it best meets your needs and the needs of the organization. However, a competitive recruitment is not always the most effective way to fill a position. For example, you may have an employee successfully performing in an out-of-class assignment for an extended period of time. The department may have trained the individual to perform the duties and knows that they want to appoint the individual. Or, you may have a situation where an existing staff member has been performing the duties of a higher class. However, instead of reclassifying the position and due to department needs, the department acquires a new position description of the higher level duties that the employee has been performing. The department would then want to appoint that employee into the newly created unclassified, management position. This change would allow them to do so since the employees had proven themselves and know how to perform those duties.

There are many examples of reasons why a recruitment may not be the best way to fill a position. It is important, however, to remember the key issues when filling these vacancies:

1. To utilize the best method to fill the position with the right person; and

2. To do so in a manner that does not subject the Department Head or the County to unnecessary liability and potential litigation.

In filling these vacancies, departments will still be held accountable for meeting their affirmative action goals. These issues, as well as the departments needs should be reviewed before finalizing your decision on how to fill the position.

This guideline addresses a change for the recruitment of unclassified management positions only. For additional information on recruitments, please refer to Tab 5.

3.12.040 Classified Service Defined

The Classified Service shall consist of all regular full-time and regular part-time positions in all departments and offices in the County service as set forth in the salary and position allocation resolution except those positions designated by the Board of Supervisors as being in the Unclassified Service. (Ordinance CS 557 § 26, 1994: Ordinance NS 979 § 1 (part), 1981: prior code § 2-186(1)(c)).

3.12.060 Reclassification or New Classification

An appointing authority may propose that a new position be reclassified to a different classification or that a new classification be created by submitting the significant facts in writing to the Personnel Director. The Personnel Director, upon receiving such a request, upon his own initiative, or in keeping with provisions of Memoranda of Understanding may conduct a classification study and recommend the allocation of positions to a new or different classification either because a study of the position demonstrated significant changes in the duties, responsibilities or conditions of employment, or because another classification is more appropriate. Any such recommendations shall be presented to the Chief Executive Officer who shall submit the request to the Board of Supervisors with his recommendation. (Ordinance NS 979 § 1 (part), 1981: prior code § 2-186(2)(a)).

3.12.070 Allocation Principles

Allocation of a position to a classification shall be made by the Board of Supervisors upon the recommendation of the Personnel Director and the Chief Executive Officer based upon the principle that positions should be included in the same classification if:

A. They are sufficiently similar with respect to duties and responsibilities so that the same descriptive title may be used;

B. They require substantially similar minimum qualification as to education, experience, knowledge, skills and abilities required of incumbents;

C. Applicants may be selected by substantially similar procedures; and

D. The same compensation may be equitably applied. (Ordinance NS 979 § 1 (part), 1981: prior code § 2-186(2)(b)).

3.12.080 Classification Studies

Classification studies shall include consideration of the duties and responsibilities of the position, qualifications required, the relationship of the position to others in the County system and whether proposed reclassifications are appropriate for a more consistent and equitable classification plan. In recommending changes in the classification plan, the creation of unnecessary or redundant classifications will be avoided in order to avoid an unnecessary proliferation of classifications. (Ordinance NS 979 § 1 (part), 1981: prior code § 2-186(2)(c)).

3.12.090 Class Specifications

The Personnel Director shall prepare and maintain a written description of each classification in the County service and these descriptions shall constitute the official specifications of classifications in the County service. Each classification specification shall set forth the title of the classification, the principal duties, typical tasks, qualifications, desired knowledge, skills or abilities and such other pertinent information as may be considered appropriate. Class specifications shall be in a consistent format and shall be periodically reviewed to insure that they remain descriptive of the work performed by positions in the classification and that qualifications are directly related to the work required. (Ordinance NS 979 § 1 (part), 1981: prior code § 2-187 (part)).

3.12.100 Position Descriptions

Appointing authorities may prepare descriptions of the work performed in specific positions within classifications with the prior approval of the Personnel Director as long as such position descriptions are not inconsistent with the provisions of applicable classification specifications. Such elaborations on the basic class description may be used in training, assigning tasks and establishing departmental performance evaluation standards. (Ordinance NS 979 § 1 (part), 1981: prior code § 2-187(1)).

3.12.110 Use of Classification Titles

The title of the classification to which any position is allocated as set forth in the classification specification shall be used in all official personnel records and in all official personnel transactions of Stanislaus County. However, the use of these titles shall not preclude deputization of employees or their designation as officers in accordance with the law or the use of working titles for specific positions within classifications which may be more descriptive of particular assignments. (Ordinance NS 979 § 1 (part), 1981: prior code § 2-189).

3.12.120 Classifications Specifications Not Restrictive

The classification specifications are descriptive and illustrative in nature and not restrictive. They are intended to indicate the kinds of positions allocated to various classifications and shall not be construed as declaring what the duties and responsibilities of any particular position shall be. The use of particular expressions or illustrations as to duties should not be interpreted to exclude others not mentioned that are of similar kind or quantity. In matters of classification or allocation, the specification for each classification should be considered in its entirety and in relation to others in the classification plan. Qualifications commonly required of all incumbents in all positions in the various classifications such as honesty, sobriety, industry and physical and mental capability to perform the required work should be deemed to be implied as requirements for all classifications even though they may not be specifically mentioned. (Ordinance NS 979 § 1 (part), 1981: prior code § 2-188).

1. PURPOSE

To set forth the instructions and criteria necessary for a confidential designation.

2. POLICY SUMMARY

Confidential designations of selected positions protect the confidentiality of the County's bargaining position and strategy, both in general contract negotiations and in day-to-day dealing with County employee unions through processing grievances and other labor relations matters. The employees who occupy designated confidential positions serve as essential members of the County's management team and their loyalty is protected by exclusion from bargaining units that include other than confidential employees.

Consistency and control of confidential designations requires that they be deliberately restricted and not approved for the convenience of departments or for the benefit of employees.

3. DEFINITION

The term confidential employee designates only those employees who are required to regularly assist those County managers responsible for developing and effectuating County policies within the area of County labor relations. A "confidential employee" means an employee who normally participates or assists in making County policies affecting the County employees' wages, hours, and working conditions; or an employee who regularly has advance knowledge of decisions which affect labor relations; or who processes information relating to the County's confidential labor relations matters. Direct access to and processing of personnel documents affecting wages, hours and other terms and conditions of employment of County employees constitutes the basis for certain classifications to be designated Confidential.

4. GUIDELINES FOR CONFIDENTIAL DESIGNATION

The following factors are to be used by the Chief Executive Office in determining if certain positions should be designated as confidential.

A. The duties assigned to these positions include responsibility for providing secretarial support to managers who regularly participate in labor negotiations as a chief negotiator, or team member; processing paperwork relating to labor negotiations, notes, research, management proposals, contract costing, strategies and plans, strike contingency plans,

salary surveys, and problems within the department which are addressed during negotiations.

B. Responsibility for processing paperwork relating to the disposition of union grievances, Skelly Hearings, background investigations, and other documents relating to employee discipline.

C. Responsibility for the personnel/payroll function of a department or division on a full time basis.

D. Employees whose duties are essentially similar to those performed by classes in the Confidential Assistant series may be better served by an allocation to that classification. If a classification review reveals that the duties performed are more appropriately allocated to the Confidential Assistant series and consume approximately half of the employees work load, the position may be reclassified to the confidential assistant series.

E. Positions in the Payroll Section of the Auditor-Controller's Office who are responsible for the administration, maintenance, and planning of the County's Personnel/Payroll System shall be designated confidential. Such positions shall be limited to those with the ability to make on-line changes to employee salaries and benefits with the Personnel/Payroll System, or who are able to obtain confidential labor relations information through their direct access to the Personnel/Payroll System.

5. CONSIDERATION BEARING UPON GUIDELINES

The following questions and guidelines will facilitate the process of determining whether or not a particular position warrants confidential designation. Positions shall be designated "confidential" with respect to the duties performed by the incumbent as a regular part of their work assignment.

A. Does the department or division have a history of frequent union grievances, employee discipline problems and labor disputes?

B. How is the department organized? How many employees and bargaining units are in the division or department? How many confidential positions are currently in the department or division?

C. What is the physical location of the division or department? Are there several large divisions located at isolated facilities justifying the need for a confidential position at each site? Or, are the divisions located at the same site as the department's administrative and personnel function eliminating the need for additional confidential positions?

D. How is the work organized in relation to confidential labor relations material? Is the work organized in a pooled atmosphere where the confidential clerical employees complete all paperwork for various managers? Or, is the work channeled from one manager to one confidential position?

E. Can the confidential duties be reassigned to minimize the number of confidential positions?

F. Does the incumbent in the position merely act as a back up to another confidential position or the Department Secretary processing confidential paperwork only in their absence? Or, are the confidential duties assigned to the position performed on a regular basis?

6. **SPECIFICALLY EXCLUDED FROM THE "CONFIDENTIAL" DESIGNATION ARE:**

A. Employees who do not work for a management position including employees who work for persons responsible for furnishing to management factual or statistical data but who are not designated management.

B. Employees who merely substitute for or assist confidential employees, or open mail for management, or who merely handle or have occasional or indirect access to confidential County labor relations information, **shall not** be designated "confidential" on that basis alone. Managers should instead route labor relations matters directly through another available confidential employee.

C. Employees who regularly spend only a small portion of their time (less than 25%) on such duties shall not be considered confidential. This does not mean that an employee who spends more than 25% of their time on confidential duties will automatically be considered confidential. Generally, the lower the percentage time an employee spends on confidential duties the more significant those duties must be for the position to be designated confidential.

D. Employees who simply do time card entry with no other access to labor relations information.

7. **PROCEDURES**

A. Managers should obtain, complete and return a request form (Attachment 1) from the Chief Executive Office which includes:

1. The incumbents name, class title and reporting relationship;

2. The percentage of time the employee spends processing confidential labor relations material;

3. What the confidential labor relations duties consist of;

4. An explanation of why these duties cannot be handled by another (existing) confidential designee and;

5. The impact upon management if the request is denied.

B. Upon receipt and review of the initial request, the Chief Executive Office will distribute to the current incumbent a position description questionnaire (PDQ) which must be completed and returned within four (4) weeks.

C. Following a review of the PDQ, a desk audit may be conducted.

D. If the position is found to be confidential, the Chief Executive Office will initiate an amendment to the Salary and Position Allocation Resolution. The Chief Executive Office will also send Attachment #2 to the employee occupying the newly designated confidential position. The employee is required to sign this statement acknowledging:

1. That the understand the reasons for and the conditions attached to the designation, and

2. That the position, not the employee, is being granted confidential status, and

3. Return a copy to the Chief Executive Office.

E. If the request is denied, the department will be so notified.

3.08.100 Employee Selection Policy

A. All appointments to positions in the Classified Service shall be made pursuant to the policies established in this chapter and in accordance with merit principles. The intent of these policies is to insure that the job-related merit and fitness of the applicants and the needs of the County shall govern appointments.

B. Appointments in the Classified Service shall be made on the basis of Equal Employment Opportunity. It shall be a violation of this section to discriminate in employment decisions on the basis of race, religion, color, creed, national origin, political affiliation or belief, age, sex, or handicap except where a bona fide occupational qualification exists.

C. Consistent with the needs of the County, promotion of current employees pursuant to these provisions shall be encouraged.

D. It is the policy of the Board that appointments in the Unclassified Service be made in accordance with merit principles and that the services of the Personnel Department be utilized in selection of such employee. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.1).

3.08.110 Personnel Regulations

A. All County employees shall hold their positions subject to such rules and regulations as are provided for in this title or by resolution of the Board.

B. The Personnel Director may draft rules, procedures and forms necessary for the administration of County personnel and not in conflict with these provisions. Employees shall comply with all rules and procedures so prescribed and each Department Head shall enforce such rules, procedures and use of forms.

C. Department Heads are authorized to draft and enforce such further rules, policies, regulations and procedures for the governing of employees in their departments as are determined by the Personnel Director to be consistent with County Ordinances, Resolutions, or Memoranda of Understanding. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.2).

3.08.280 <u>Filling Vacancies</u>

Appointments shall be made using one or more of the following methods:

A. **Reemployment List—**Vacancies in a class shall be filled from a reemployment list when one exists.

B. **Eligible List—**Appointments may be made from eligible lists established for the class or for one with comparable qualifications. See Tab 5/Page 5.

C. **Reinstatement—**Former full-time County employees who resigned with a good record and were employed in the same or comparable class may be reinstated within one year of the date of separation. See Tab 20.

D. **Transfer—**An employee may transfer into a position in the same or comparable classification in a different department with the approval of the receiving Department Head and the Personnel Director. See Tab 20 for a detailed explanation and appropriate forms.

E. **Demotion—**The Personnel Director may approve the voluntary demotion of an employee to a vacant position in a lower class for which the employee possesses the minimum qualifications.

F. **Provisional—**In the event that no list of eligible applicants is available under the methods above, a provisional appointment may be made with the approval of the Personnel Director provided that the appointee possesses the minimum qualifications for the classification.

Provisional Clarification—June 24, 1998

Provisional appointments should be used on an exception basis only. They will only be approved if there is no existing list, and a recruitment is not feasible or practical. The intent behind limiting provisional appointments is to avoid pre-selection in recruitments.

G. **Lateral Transfers**—Upon request from a Department Head competition for an appointment may be limited to persons with permanent or probationary status employed in another public agency and originally hired in that agency through a competitive process in the same or comparable classification requiring similar minimum qualifications. (Ordinance NS 1021 § (part), 1981: prior code § 2-180.16).

See Tab 3 Page 17 for the complete Lateral Transfer Hiring Incentives Policy.

<u>DOUBLE FILLING OF POSITIONS</u>—Personnel Policy

Provision is hereby made to provide overlap for training in highly skilled or technical areas where incumbents are leaving/retiring and their replacements need to have the benefit of their expertise.

The following guidelines would be applicable:

1. The requesting department would present a request justifying the double fill to the Chief Executive Office.

2. The Chief Executive Office would affirm the need as justifiable, or reject the request.

3. If approved, the requesting department would affirm that monies were available in the departmental budget.

4. The Chief Executive Officer would notify the Auditor-Controller that a double fill had been approved subject to existing department budget limitations.

5. The double fill would last no more than **three weeks** and would cease automatically when the training is completed. Any double fill beyond three weeks requires Board of Supervisor approval before making the appointment.

3.16.010 Regular Full-time Appointment Probationary Period

Unless otherwise provided, all appointments shall be made by the appropriate appointing authority. Appointments filling regular authorized positions in the Classified Service shall be considered probationary appointments. A permanent employee who is promoted shall serve a probationary period in the new classification. Such an employee shall be restored to a position in former classification position in the department from which they promoted if rejected during the probationary period unless the employee is terminated for good cause. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.17(a)).

3.16.020 Regular Part-time Appointments

"Regular part-time appointments" means appointment from an eligible list to the Classified Service to fill a budgeted part-time or seasonally recurring position allocated in the salary and position allocation resolution. Compensation and benefits for such positions shall be determined by Board resolutions. A probationary period equivalent to two thousand eighty hours of work shall be served and may be extended up to an additional one thousand forty hours. The acceptance or refusal to accept part-time appointments shall not remove a name from any regular full-time eligible list nor be a bar to subsequent full-time employment. (Ordinance CS 557 § 28, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.17(b)).

3.16.025 Extra Help to Regular Appointment

Time spent in an extra help appointment immediately prior to a probationary appointment in the same or comparable classification may be applied in meeting the salary step increase and probationary requirement upon approval by the appointing authority and the Chief Executive Officer. (Ordinance CS 557 § 29, 1994).

3.08.270 Appointment from Classified Service

In the event that an employee in the Classified Service is appointed to a position in the Unclassified Service and is removed therefrom, the employee shall be restored to the Classified Service in their former classification and department unless the employee is terminated for cause or a vacancy in the former classification and department no longer exists. (Ordinance NS 1021 § 1 (part), 1981: prior code § 20180.15).

3.16.030 Trainee Appointments

A. Regular full-time and regular part-time positions may be filled by trainee appointment from amongst those persons who possess or will gain during the period of their trainee appointment the minimum qualifications for regular appointment. A trainee who fails to so qualify will be terminated upon or before the expiration of the appointment. Duration of trainee appointments may be for up to a maximum of two years, with the approval of the Personnel Director.

B. The intent of this provision is to provide increased employment opportunities in County service in furtherance of position employee development, affirmative action and more efficient expenditure of tax dollars. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.17€).

NOTE: The Board of Supervisors may create a specific trainee classification that is not subject to these guidelines. Example: Deputy Sheriff-Coroner Trainee—Board of Supervisors Resolution #2001-189/Adopted March 13, 2001.

TRAINEE LEVEL APPOINTMENT—Board of Supervisors Resolution—July 26, 1988
S-35-J-30

Provision is hereby made for trainee level positions in the Unclassified Service of the County. Such positions may be utilized temporarily in lieu of filling regular authorized full-time and/or regular part-time vacancies in either the Classified or the Unclassified Service.

Trainee level appointment shall be compensated at a rate of 15% below the wage rate established by ordinance or resolution for the appropriate regular position. Trainee responsibilities shall be those outlined in substance on the appropriate position job description recognizing, however, that employee development and skills acquisition are involved.

REGULATIONS FOR ADMINISTERING "TRAINEE" APPOINTMENTS

1. "Trainees" are part of the Unclassified Service of the County.

2. "Trainee" appointments are not to be considered promotions for salary administration purposes under Section 3.24.040.

3. All “Trainees” will be appointed to the first step of the salary range for the appropriate position, and will be compensated 15% below the range established for the classification involved.

   This could mean either an increase or possible temporary decrease in salary through voluntary demotion.

4. “Trainee” appointments are not to last longer than one year. However, appointments are extendible to a maximum of two years in cases where licensing or other minimum qualifications are involved.

5. “Trainees” are eligible to receive step advancements upon Department Head recommendation and approval of the Chief Executive Office, while serving in the trainee status. (Board Resolution July 1988)

6. Upon completion of the training period, the individual may be upgraded to a probationary appointment at step 1 of the salary range. (An approximate 15% increase in salary.)

7. A “Trainee” who fails to so qualify will be terminated upon or before expiration of the appointment.

8. If an employee (who has permanent status) is appointed from a lower classification to a higher classification as a “Trainee”, and is not successful in completing the training, unless for cause, that employee will be returned to their former position at the salary rate they would have been receiving had they not been appointed to a “Trainee” position.

9. For fringe benefit administration purposes, “Trainees” will be considered covered by the bargaining unit agreement which applies to the regular classification involved.

10. “Trainee” appointments will not be approved in positions designated management or including supervisory responsibility. The purpose of “Trainee” appointments is to provide increased employment opportunities, to further positive employment development and to afford the employee an opportunity to gain minimum qualifications through on-the-job-training.

3.16.050 <u>Provisional Appointments</u>

In the absence of an eligible list for a class, a provisional appointment may be made with the approval of the Chief Executive Officer and the Personnel Director, provided that the appointee meets the minimum qualifications for the class. A provisional appointment may continue until an applicant from an appropriate eligible list is selected, but in no event shall such appointment continue longer than sixty days following the establishment of an appropriate eligible list and in no event longer than twelve months from the date of appointment, unless an extension of time, not to exceed an additional six months, is approved. Time spent in a provisional appointment in the same or comparable classification may be applied in meeting salary step increase and probationary period requirements upon approval of the appointing authority and the Personnel Director. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.17€).

PROVISIONAL APPOINTMENTS—Clarification June 24, 1998

Provisional appointments should be used on an exception basis only. They will only be approved if there is no existing list, and a recruitment is not feasible or practical. The intent behind limiting provisional appointments is to avoid pre-selection in recruitments.

3.16.061 Clerk of the Board of Supervisors

The appointment of the position of Clerk of the Board of Supervisors shall be made by the Board of Supervisors. (Ordinance CS 4 § 1, 1983).

3.16.070 In-Processing of Appointee

On or before the effective date of appointment, new employees shall complete such documents, health screening and orientation as may be established. With approval of the Personnel Director, this in-processing may be completed as soon after appointment as possible. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.17(g)).

APPOINTMENT ABOVE THE FIRST STEP—**See Tab 4, Page 14.**

3.16.040 Extra Help Appointments

A. "Extra help appointments" means employment required because of temporary, limited term or seasonal workload needs for which regular full-time and regular part-time positions are not provided in the salary and position allocation resolution. Compensation is set on a per diem or hourly basis with such benefits as may be adopted by Board resolution. Extra help appointments shall be made from an appropriate eligible list and for one of the following purposes:

1. To fill encumbered vacant positions during the period of a regular employee's sick leave, leave of absence or workers' compensation disability leave;

2. Perform other work considered necessary by the Department Head for a period not to exceed one year.

B. The acceptance or refusal to accept extra help appointments shall not remove an applicant's name from an eligible list for regular full-time or regular part-time nor be a bar to subsequent regular full-time or regular part-time appointment. Such extra help appointments shall be considered unclassified, except that permanent employees accepting extra help promotional appointments shall be restored to their position in the class from which they promoted unless terminated or demoted for cause. Time spent in an extra help appointment immediately prior to a probationary appointment in the same or comparable classification may be applied in meeting the salary step increase and probationary requirement upon approval by the appointing authority and the Chief Executive Officer. (Ordinance CS 557 § 30, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.17(d)).

3.64.010 Authorized

There are further provided for each and every department such extra employees as the Chief Executive Officer or his or her designee may from time to time authorize the department to temporarily employ in order to fulfill such duties as may unexpectedly arise, provided financial provision for such employment has been made in the budget by the Board of Supervisors. Such extra help will not be entitled to step advances, vacation or sick leave. (Ordinance CS 373 § 7, 1990: Ordinance NS 998 § 1 (part), 1981: prior code § 2-220 (part)).

Except as otherwise provided by Memorandum of Understanding provision or Board Resolution.

3.64.020 Approval Required—Emergency Exception

Requests to employ extra help must be approved, in writing, by the Chief Executive Officer or his or her designee prior to the effective date of employment; provided, however, that in the event of emergency, the District Attorney, Sheriff, Director of Public Works and Stanislaus Medical Center are authorized to employ such emergency labor as needed without first obtaining the written consent of the Chief Executive Officer or his or her designee, provided such emergency employment is reported to the Chief Executive Officer or his or her designee on the first working day after such emergency employment. (Ordinance CS 373 § 8, 1990: Ordinance NS 998 § 1 (part), 1981: prior code § 2-220 (part)).

3.64.030 Budget Restrictions

The number of positions, as specified in the final budget, shall not be exceeded by any County department without securing prior written approval of the Chief Executive Officer; provided, that such approval may be granted only if the Board of Supervisors has allocated sufficient funds in the budget to cover the cost of such additional positions. Additional positions requiring the expenditure of funds over the amount which has been budgeted shall require the formal approval, by resolution, of the Board of Supervisors. (Ordinance NS 998 § 1 (part), 1981: prior code § 2-220 (part)).

3.64.040 Unclassified Service Positions

Provision is made in the Unclassified Service of the County for extra help employment. Extra help employment shall mean time-limited employment for which regular employees are not available because of peak workload periods, temporary absence of regular employees, seasonal requirements or other situations. (Ordinance NS 998 § 1 (part), 1981: prior code § 2-220(a)).

3.64.050 Appointment

Extra help appointments shall be made by appointing authorities following approval by the Chief Executive Officer. Extra help appointments shall be made only from among those individuals certified to the appointing authority by the Personnel Director. (Ordinance NS 998 § 1 (part), 1981: prior code § 2-220(b)).

RETIREE APPOINTMENT—Board Resolution

Retirees may work up to **960 hours** in any one calendar year without jeopardizing retirement benefits.

Added 01/08

PURPOSE

The purpose of the Lateral Transfer Hiring Incentives Policy is to assist Departments in the ability to attract well-qualified candidates from other public organizations for hard-to-recruit classifications. The County recognizes the need to have a competitive salary and benefits package available to assist Departments in filling such vacancies. The successful recruitment of lateral transfers from other public agencies significantly reduces the time and expense necessary to train new County employees to perform essential County services.

This policy is intended to address common issues that may prevent Stanislaus County from attracting experienced lateral transfer candidates for hard-to-recruit County positions, including a lateral transfer candidate's loss of leave accruals and permanent classified status.

LATERAL HIRING INCENTIVES POLICY

Stanislaus County Personnel Policy defines lateral transfers as persons with permanent or probationary status employed in another public agency and originally hired in that agency through a competitive process in the same or comparable classification requiring similar minimum qualifications. (Ordinance NS 1021 § (part), 1981: prior code § 2-180.16). Personnel Policies on filling of vacancies allows Departments upon request from a Department Head to fill a vacancy with a lateral transfer recruitment process (3.08.280). Additionally, the candidate must be currently employed with another governmental organization at the time of the conditional offer of employment.

Hard-to-recruit is defined as classifications with long term vacancy rates despite repeated recruitment efforts to fill vacant positions. Hard-to-recruit positions may also be identified by a documented shortage in the labor market for skilled positions. Hard-to-recruit classifications may change over time based on recruitment efforts and changes in labor market conditions. The Chief Executive Office is responsible for setting and maintaining hard to recruit classifications. Not all lateral transfer opportunities may be considered hard-to-recruit for purposes of administering this policy.

Utilizing the following hard-to-recruit lateral incentives requires Department Head and Chief Executive Office approval prior to any lateral incentive offer to a prospective candidate. Upon hiring a lateral transfer utilizing the hard-to-recruit incentives, the Department must verify and confirm through documentation the candidate's leave accruals with the candidate's current employer.

LATERAL TRANSFER HIRING INCENTIVES

1. Vacation Accruals

Current County policy provides that lateral transfer candidates are treated the same as all new entry level County employees for purposes of determining vacation leave accruals. This incentive would allow for Department Heads with prior approval of the Chief Executive Office to offer a lateral transfer to start County employment with a vacation accrual rate higher than entry level employees. This policy would not front load any vacation leave time for lateral candidates, but would provide the ability to recognize that a lateral candidate is earning vacation leave at a higher rate than entry level employees in their current position. Lateral candidates may be placed within Stanislaus County's existing vacation accrual schedule closest to their current vacation accrual rate, but they may not exceed the vacation accrual rates they are currently earning.

For example, a lateral candidate has 10 years of experience in another County and is earning 160 hours of vacation at the time they transfer employment to Stanislaus County. The lateral candidate's vacation bank would start at zero, the same as all new County employees, however the lateral candidate would begin to accrue vacation leave at a higher rate than new employees. The lateral candidate's accrual rate will be matched as close as possible to the County's applicable vacation rate schedule, but may not exceed the candidate's current 160 hours of vacation leave benefit. This section of the hiring incentive policy may also apply to unclassified management positions identified as hard-to-recruit.

2. Sick leave Accruals

This incentive would allow for Department Heads with prior approval from the Chief Executive Office to offer a lateral transfer to front load the equivalent of six months of sick leave accruals (48 hours) at the start of the first pay period following the date of hire. The lateral transfer would not accrue any additional sick leave until they have completed six months of service. This incentive is intended to provide some continuity of sick leave benefits for candidates who are considering transferring employment to Stanislaus County and losing an existing bank of accrued sick leave benefits.

3. Probationary Period

Current County policy provides that lateral transfer candidates are treated the same as all new entry level County employees and are required to serve a minimum 12 month probationary period to qualify for permanent status. This incentive would allow for Department Heads to grant a lateral transfer permanent status upon completion of six months of satisfactory employment with Stanislaus County, as evidenced by a documented performance evaluation. This provision may be used when the candidate has already gained permanent status in the same classification with his/her current employer. If the candidate were on probation with his/her current organization, the County's initial probationary period of 12 months would apply.

PERSONNEL MANUAL
TAB 04
SALARY COMPENSATION

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The following may not be totally inclusive of County policy due to exceptions which may be contained in specific Memorandum of Understanding provisions. Please refer to the appropriate Memorandum of Understanding when seeking information from this section.

3.20.010 Salary Schedule Adoption

Except as otherwise provided by law or this chapter, officers and employees shall receive the compensation provided in the basic salary schedule and compensation schedule adopted by the Board of Supervisors by ordinance or resolution for the respective classifications of positions in which they are employed, in accordance with the allocation of such classifications to ranges of the basic salary schedule and in accordance with the terms of employment set forth in this chapter. (Prior code § 2-181 (part)).

3.20.020 Principles of Setting Salary Levels

The salary of each class shall be consistent with the duties, responsibilities, and difficulty of the work involved and is and shall be based on the principle that like salaries shall be paid for comparable duties and responsibilities, and that County salary schedules shall bear a reasonable relationship to prevailing rates of pay in other public jurisdictions and in local private employment. (Prior code § 2-181 (part)).

3.20.030 Conversion to Hourly Basis

Any Department Head, with the consent of the Chief Executive Officer, may place an employee on an hourly pay basis by converting the biweekly salaries established in the basic salary schedule to an hourly basis according to the schedule set forth in the salary and position allocation resolution of the Board. (Ordinance CS 557 § 32, 1994: Prior code § 2-182).

3.20.040 Pay Periods

Employees shall be compensated on a biweekly basis. Such pay shall include all supplemental and overtime pay due the employee in accordance with the time schedule of the Auditor-Controller. (Ordinance CS 557 § 33, 1994: Ordinance CS 268 § 1, 1987: prior code § 2-183(a) (part)).

Currently employees are paid every other Wednesday, however, if the payday falls on a County recognized holiday, paychecks will be distributed one workday prior.

3.20.050 Attendance Report

The attendance report and payroll shall be certified by the Department Head or his designated representative that the employees listed have actually been employed in his or her office and that their attendance is correctly reported on the report. The report shall then be sent to the Auditor-Controller of the County, examined determine that the employees listed have been appointed, employed, promoted, demoted or their salaries increased or decreased in accordance with the provisions of this title. If found to be in order, it shall be approved by the Auditor-Controller of the County before any salaries are paid. (Ordinance CS 557 § 34, 1994: prior code § 2-183(a)(part)).

3.20.060 Biweekly Installments of Yearly Salary

Whenever compensation is fixed for any position at a rate per year, said compensation shall be paid to the person holding such position in biweekly installments as nearly equal as may be possible. (Ordinance CS 557 § 35, 1994: prior code § 2-183(b)).

3.20.070 Payment Procedure

All salaries shall be paid from the appropriate fund on the warrant of the Auditor-Controller and shall be in full payment for all services rendered, unless otherwise specifically provided. (Prior code § 2-183(c)).

3.20.080 Commencement and Termination Dates

When an employee commences service on the first working day of any calendar month which is not the first calendar day thereof, for purposes of determining the first day of such employee's probationary period and determining his eligibility for vacation, sick leave, and increases in compensation, he shall be deemed to have served all preceding calendar days in said month. If an employee terminates actual service on the last working day of any calendar month which is not the last calendar day thereof, he shall be deemed to have worked all succeeding calendar days in said month. (Prior code § 2-183(d)).

3.20.090 Partial Pay Period Worked

Any person employed in a position in which he/she draws a biweekly salary and who works less than any full pay period, except when on earned vacation or paid sick leave, shall receive as compensation for such pay period only an amount equal to that portion of his/her established biweekly salary as the number of days worked bears to the number of actual working days in such employee's normal work schedule for such pay period. (Ordinance CS 557 § 36, 1994: prior code § 2-183(e)).

3.20.100 Voter Registrars

The County Clerk is authorized and allowed to enlist the support and cooperation of interested citizens and organizations and to deputize, as registrars, as many interested citizens and members of such organizations as he deems necessary to maintain voter registration at a high level. The County Clerk is authorized and allowed to pay to such interested citizens and to the secretaries or treasurers of such organizations such amount as the Board of Supervisors may fix by resolution for each elector legally registered by them outside the office of the County Clerk. (Ordinance NS 979 § 1 (part), 1981: prior code § 2-184).

3.20.110 Judges Sitting in Relief

When any judge sits in any justice court within the County other than his own as a relief for the judge of that court when the latter is unable by reason of disability, vacation, disqualification, or service in Municipal Court, to perform his regular duties and the judge so sitting is also at the same time serving his own court, he shall receive in addition to his regular salary such additional compensation as the Board of Supervisors may fix by resolution. A claim for reimbursement for an expense incurred pursuant to this section shall be presented as provided in Government Code Sections 915 and 915.2 not later than one year after the claim first arose or accrued. (Ordinance NS 979 § 1 (part), 1981: prior code 2-185).

3.20.120 Jury Duty Pay Remittance

No deduction shall be made from the salary of an employee while on jury duty if he has waived or remitted to the County the fee for jury duty. If he has not so waived or remitted the jury fee, he shall be paid only for the time actually worked in his regular position. An employee accepted for jury duty shall immediately notify his Department Head, in writing, whether or not he waives or remits his jury fee to the County. (Ordinance CS 373 § 5, 1990: prior code § 2-209).

3.20.130 Other County Employment

A. No person employed in a full-time position shall be permitted to work for compensation for the County in any capacity other than his regular position. Exceptions hereto may be authorized by resolution of the Board of Supervisor upon a finding that the public interest requires employment of a County employee for the rendering of a special service or services and the payment of compensation therefor.

B. A person employed in a part-time position may work for compensation for the County in another capacity provided the total time for such position does not require more time than required for full-time position established for such type of work.

C. Notwithstanding the provisions of Subsection A of this section, a person employed in a full-time position shall be permitted to receive compensation from the County for providing foster care to a child duly placed with such person by an agency of the County. (Prior code § 2-216).

3.20.140 Compensation Not Fixed

In the event that the compensation of any officer, deputy, assistant or employee of the County has not been fixed or established by the Board of Supervisors, as authorized by law, then such officer, deputy, assistant or employee shall receive such compensation as may be provided by law, ordinance, or resolution now in effect, or hereafter adopted relating to his compensation. (Prior code § 2-227).

3.20.150 Government Code Section 31641.04 adopted

The provision of Section 31641.04 of the Government Code, are made applicable to the County. The Board intends that Section 31641.04 of the Government Code shall be applicable in Stanislaus County until this section is repealed, and that this Board of Supervisors may, from time to time as conditions may warrant, adopt a resolution to Section 31641.04 of the Government Code without first readopting this section. (Ordinance CS 147 § 1, 1985).

STANISLAUS COUNTY
BOARD OF SUPERVISORS RESOLUTION
ADOPTED APRIL 28, 1998/RESOLUTION # 1998-338
EFFECTIVE MAY 1, 1998
SALARY BANDS FOR NON-ELECTED MANAGEMENT EMPLOYEES

Reviewed 04/04

The Board of Supervisors approved and modified the Management Compensation Program to a Performance Based System.

POLICY ISSUES

1. Approved the creation of consolidated management designations and eight (8) tiers.

2. Approved eight (8) salary bands.

3. Approved a performance based compensation component that could add up to 5% to the base salary if it falls within the salary band. This would be reviewed on a 12-month basis or more often if a special "merit" increase is recommended.

4. Approved a performance based award of up to 2.5% of the annual base pay for exceptional performance.

5. Amended the Salary and Position Allocation to assign all Unclassified, management staff to one of the eight approved salary bands.

6. Created the following new classifications, assigned to the Unclassified, management service:

   - Manager I
   - Manager II
   - Manager III
   - Manager IV

7. Approved a system where each management employee receives feedback from a team of internal and external customers and prepares an annual development plan based on the feedback.

8. Approved making the appropriate title changes in the Unclassified, management classifications.

NON-ELECTED MANAGEMENT BANDING METHODOLOGY

1. Consolidated management/designation system. Created eight bands based upon a balancing of current and internal salary relationships and adjusted for external comparisons with eight surveyed counties.

2. Integrated Department Head and management bands to create a comprehensive management compensation system.

3. Deleted fifty-eight (58) classifications.

STANISLAUS COUNTY
BOARD OF SUPERVISORS RESOLUTION
ADOPTED SEPTEMBER 1, 1998/RESOLUTION # 1998-723
EFFECTIVE JULY 1, 1998
SALARY BANDS FOR CONFIDENTIAL EMPLOYEES

Reviewed 04/04

The Board of Supervisors approved and modified Confidential Employees Compensation Program to a Performance Based System.

POLICY ISSUES

1. Approved consolidating the classification structure from twenty-four (24) classifications to five (5) classifications in five (5) salary bands.

2. Approved a performance-based compensation that could add up to 5% to the base salary if it falls within the salary band.

3. Approved a performance bonus award up to 2.5% of the annual base pay for exceptional performance.

4. Approved providing operating departments with greater flexibility to acknowledge and reward exceptional performance.

5. Approved for lead pay of 2% when a confidential employee supervises another employee in the same band.

6. Approved 1.5% confidential assignment pay when an employee is assigned a temporary project that falls within confidential designation or when a position does not fit within one of the current salary bands. The 1.5% confidential assignment pay is provided in lieu of any other benefits.

7. Approved a system where each confidential employee receives feedback from a team of internal and external customers and prepares an annual development plan based on the feedback.

8. Created the following new classifications, assigned to the Unclassified, confidential service:

   - Confidential Assistant I
   - Confidential Assistant II
   - Confidential Assistant III
   - Confidential Assistant IV
   - Confidential Assistant V

9. Amended the Salary and Position Allocation to assign all remaining confidential positions (Bargaining Unit 2) to the appropriate classifications in Unclassified Service and assigned them to one of the five salary bands.

10. Made the appropriate title changes to the Unclassified, confidential classifications.

CONFIDENTIAL BANDING METHODOLOGY

1. Based the five bands on a grouping of positions with similar levels of responsibility and salary.

2. Compensation of each band was based upon a salary study of eight surveyed counties with minor adjustments to create an average growth potential within each band.

Below are the revised guidelines for New Appointments and Promotions under banding and the five-step system. An important change to this matrix is the **required justification memo** from the Department Head to be sent with the Personnel Action Form after appointment above the minimum of the band or promotion above the standard 5%. Just like the five-step system, appointments/promotions above the minimum of the band should be the exception not the rule. When writing your justification memos, remember to use the guidelines in **Tab 4 Page 14**, for Appointment Above the First Step.

	BANDING	FIVE STEP SYSTEM
NEW APPOINTMENT	Minimum of Band ➡ Department Head approval. Up to 25% of Band ➡ Justification memo from Department Head sent with Personnel Action Form (PAF) after appointment. 26-50% of Band ➡ CEO advance approval. 51-100% of Band ➡ BOS approval.	**First** step ➡ Department Head approval. **Second-Fourth** step ➡ Justification memo from Department Head sent with Personnel Action Form (PAF) after appointment. **Fifth** step ➡ BOS approval.
PROMOTION	5% above current salary. The Department Head has discretion for County employees promoting into an initial band or to a new higher level band to use the same guidelines listed above. CEO Memo October 12, 1999.	5% above current salary, within six (6) cents. Special Merit Increase.

DEFINITION OF BASE PAY

The conversion to the new PeopleSoft Human Resources/Payroll System required amending certain existing personnel practices. The changes effecting represented employees were negotiated with the employee organizations and recommended for implementation as provided in the appropriate Memorandum of Understanding. Effective with the December 19, 1998 system conversion date the following definition of base pay applies:

The intent is to clarify the meaning of base pay for the computation of special pays, assignment pay and deferred compensation benefits which are paid off of the "base" salary. This is not a change in current practice or definition.

A standard base pay must be defined in the new PeopleSoft system. **Base pay is that time paid the employee, or the employee works in order to calculate additional compensation.** Included in the base pay definition is paid leave time including: paid compensatory time, vacation, sick leave, bereavement leave, jury duty, paid military leave, 4850 disability time, donated time used, SDI when supplemented with other leave time, holiday time (including old holiday time), continuing education days, and attorney professional leave.

Additional compensation, is included in employee overtime rates and considered as final compensation for retirement, consistent with the Ventura decision.

HEALTH INSURANCE CHANGES

Paycheck Transition

Because the last pay date of the plan year 1998 is December 30, 1998, **the County has agreed to pay for medical health insurance for the last two days of the year.** This means that your paycheck will show a modest increase that pay date if you have an insurance deduction. In addition, the cafeteria allowance and insurance premiums will be prorated for those two days.

Due to the transition into the PeopleSoft system and the new rates for multiple health care plans beginning January 1, 1999, there will also be a change in the paycheck on January 13, 1999. **If Blue Cross or NHP HMO have been selected, there will be no cost to the employee. Other deductions may vary depending on individual circumstances.** In 1999, medical insurance will be separate from the dental, vision and supplemental life insurance.

STEP INCREASES FOR REPRESENTED EMPLOYEES

Step increases are effective one year from the date of hire or promotion, rather than being tied to the first of the month. In addition, if the County department fails to complete the necessary forms to either approve or deny the step advancement within 31 days of the date the individual would be eligible, the increase will be implemented by the Chief Executive Office retroactive to the date the step increase was due. This is the current practice with the Registered Nurses bargaining unit, and the four bargaining units represented by SCEA.

UNIFORM ALLOWANCE PAYMENTS

Eligible employees will receive a uniform allowance the first pay period of each month.

EFFECTIVE JANUARY 1, 2003, THE UNIONS NEGOTIATED THE FOLLOWING BENEFIT ADMINISTRATIVE CHANGES:

New Hires

- Health Insurance benefits are effective the **first** of the month, following date of hire.
- Deductions will be taken, and credits will be given on the first paycheck the employee receives in their first month of coverage, and semi-monthly thereafter.
- If there is a third paycheck in the month, no deductions or credits will appear.
- If the employee does not receive two paychecks in their first month of coverage, then deductions and credits for benefits will be doubled on their first paycheck.

Terminations

- Health Insurance benefits will terminate on the **last** day of the month of the event of termination (retirement, unpaid LOA or FMLA exhausting).
- The employee must work at least **one** day in the month to get coverage for the month.
- COBRA, if elected, will be effective the **first** of the month following date of termination.

Returning from Leave of Absence

- If the employee's health insurance was canceled due to an unpaid Leave of Absence, all health insurance benefits will be re-instated effective the **first** of the month following the return to work date.

Please refer to the Employee Benefits Policy and Procedures Manual regarding current health insurance effective date procedures. The link to the Employee Benefits Manual is: http://www.co.stanislaus.ca.us/riskmgt/EB%20Forms/Manual.pdf

POLICY

Allow departments the flexibility to compensate employees for special projects or assignments above their current job classification. Project pay will be on a case-by-case basis as necessary. Funds should come from the department's existing budgets and not require additional allocations.

PURPOSE

To ensure equity among departments the following criteria will be established when approving assignment pay:

- Assignment or Project should be approved for a specific duration not to exceed six (6) months, unless extended in writing. This should be done in advance of the expiration date.
- The duties are in addition to the existing workload but not equivalent to the duties assigned to an existing higher classification.
- Project may be seasonal throughout the year.
- Project Pay can be authorized up to 5% in 1% increments.
- All Project Pay will be recommended by the Department Head for approval by the Chief Executive Officer in advance of the assignment.
- If the project is only assigned a portion of the work week, the compensation should be prorated accordingly.

ASSIGNMENT PAY FOR CONFIDENTIAL EMPLOYEES

BOARD OF SUPERVISORS RESOLUTION—Approved December 4, 2001/Resolution #2001-934

The Board's approval of assignment pay for confidential employees is consistent with the policy adopted for management employees in May 1997 and will formalize an existing practice. The Board previously approved project assignment pay for represented employees in October 1999 and including confidential employees now makes the policy consistent.

3.20.160 Bilingual Pay

The Personnel Director will review a request by a department for bilingual pay for a position. The Personnel Director shall be authorized to approve bilingual pay. (Ordinance CS 373 § 1, 1990).

BILINGUAL PAY GUIDELINES FOR EXTRA-HELP
BOARD OF SUPERVISORS RESOLUTION
ADOPTED MAY 8, 2007 / RESOLUTION #2007-350
AND FOR CONFIDENTIAL EMPLOYEES ADOPTED NOVEMBER 4, 2014 /
RESOLUTION #2014-554

Represented employees in the County have negotiated additional compensation for qualified bilingual employees required to utilize bilingual skills in the workplace. On May 8, 2007, the Board approved that bilingual certification pay be made available for qualified Extra-Help employees consistent with the procedures and compensation provided in the MOU between the County and AFSCME Local #10. This additional compensation provides County Departments increased flexibility in recruiting bilingual Extra-Help employees to support the diverse needs of our community. The Board of Supervisors approved an increase in bilingual pay from $.69 to $.85 per hour for all Extra Help and Unrepresented Confidential Employees on November 4, 2014 in conjunction with an increase provided in the MOU between the County and AFSCME Local 10 which was approved on October 21, 2014. **[Revised 11/4/14]**

Bilingual pay provisions do not apply to management employees as well as to certain represented bargaining units.

The Chief Executive Officer will review the request and may require qualifying language tests. In recommending positions, it is important to remember that a position need not be designated simply because the incumbent is bilingual and occasionally uses their skills in the normal course of work. Positions approved for bilingual pay will generally be those rendering services linking the County with clients who are largely monolingual in a language other than English. Employees who use bilingual skills will be expected to continue to perform other assigned job duties in a manner acceptable to department management whether or not their positions receive bilingual pay.

Persons certified and receiving bilingual compensation may be subject to serve a seven-day period of on-call status per month to serve as interpreters without additional compensation unless called back to work. The parties agree that designation of such positions shall not be subject to the grievance procedure.

3.24.010 Administration

The salary plan shall be administered in accordance with this chapter. (Prior code § 2-219 (part)).

3.24.020 New Employees

A. Except as otherwise provided in this section, new employees shall be appointed at the first step of the salary range in effect for the particular class of position to which the appointment is made. The Personnel Director with concurrence by the Chief Executive Officer upon recommendation of the respective Department Head may, however, provide that a particular position be filled up to the fourth step within the salary range. Fifth step appointments must still require Board approval.

B. Requests for appointment above the first step shall be channeled through the Personnel Office for review and recommendation by the Personnel Director relative to the proposed compensation to be paid the person in question and shall receive the concurrence of the Chief Executive Officer. Such action, as described in Subsection A of this section, must be completed prior to the effective date of employment of the person in question.

C. When the Personnel Director with the concurrence of the Chief Executive Officer authorizes the filling of a position at a step which is higher than the first step of the salary range, the Personnel Director may advance incumbents of positions in the same class earning less than the step in the particular salary range at which the new employee enters to the same or a higher step and may also fix new salary anniversary dates for such incumbent employees. (Ordinance CS 373 § § 2-4, 1990: prior code § 2-219(a)).

APPOINTMENT ABOVE THE FIRST STEP—Personnel Regulation

The County Code provides that employees may be hired at a salary above the first step upon approval by the Chief Executive Officer or in the case of 5th step appointments, with the approval of the Board of Supervisors, upon a department head's written recommendation.

Concurrence/non-concurrence will be based on a review of the **justification memo** submitted by the Department Head addressing three questions:

1. Why will the candidate not accept appointment at the first step? Include reference to relative fringe benefits and salary history.

2. What exceptional skills, qualifications, experience, etc. will this candidate bring to the County that other applicants do not possess? (In other words - what makes the extra expenditure appropriate?).
3. What recruitment difficulties affect the filling of this position? (Personnel will help with this question.)

APPOINTMENT ABOVE THE FIRST STEP— See chart on Page 9.

Banding

- New appointments up to the 25% level in a banded position require a justification memo from the Department Head. The justification memo can be completed after appointing the individual but must be completed before the Personnel Action Form is sent to the Human Resources Unit. No advance approval is required if these criteria are met.

- Appointments at the 26-50% level of the band require advance approval from the Chief Executive Officer. The justification memo must accompany the Personnel Action Form.

- Appointments at the 51% level of the band or higher require advance approval from the Board of Supervisors.

Step System

- Appointments at the second through fourth step require a justification memo from the Department Head. The justification memo can be completed after appointing the individual but must be completed before the Personnel Action Form is sent to the Human Resources Unit. No advance approval is required if these criteria are met.

- Appointments at the fifth step require advance approval from the Board of Supervisors.

3.24.030 Increases Within Range

A. Salary advancement shall not be automatic, but shall be given only on the affirmative recommendation of the Department Head in the case of employees and the affirmative recommendation of the Board of Supervisors in the case of officers and such recommendations may be made only on the basis of a rating of satisfactory or above as indicated on the overall rating as shown on the last performance rating of the employee or officer filed in the Chief Executive Office.

B. Employees shall be eligible for advancement to the second step of their salary range on their salary anniversary date after one year of satisfactory continuous service on the first step. Eligibility for advancement to subsequent salary steps will thereafter be based on one year of satisfactory continuous service at the prior step until the employee reaches the maximum salary step of the appropriate salary range.

Notwithstanding the provision of this section, the Department Head with approval by the Chief Executive Officer may grant a **special merit increase** within the salary range for employees with outstanding performance. A special merit increase shall be granted not more than once a year.

SPECIAL MERIT INCREASE—Personnel Policy for represented employees:

This provision shall be used to recognize outstanding service by an employee. Written justification supporting outstanding performance must accompany special merit increase recommendations. The granting of a special merit increase shall not change an employee's salary anniversary date. Only one special merit increase may be given in a twelve-month period and the special merit increase is in addition to the employee's regular step increase. This provision does not apply to individuals on the fifth step of the salary range.

SPECIAL MERIT INCREASE—Clarification June 24, 1998 for represented employees:

A special merit increase is advancement by **one step.** The intent is to allow departments to reward employees for outstanding performance, while remaining within the policy guidelines. This offers a systematic approach to performance rewards, until such time as a pay for performance system is implemented for represented employees.

SPECIAL MERIT INCREASE—Personnel Policy adopted by the BOS on January 25, 2000/Resolution # 2000-47 for managers and confidential employees:

POLICY

Align the Special Merit Criteria with the Board's approved guidelines for the Performance Based Pay system. The Board approved amending the Performance Based Pay program to allow the chief executive officer to approve special merit increases based on significant progress toward development plan goals with appropriate supporting documentation

PURPOSE

In May 1997, the Board approved the modification of the compensation system for managers to become a performance based system. In September 1998 the Confidential Employee compensation system was modified in a similar manner. The Performance Based Pay System outlined criteria for reviewing performance and awarding salary increases. This system includes a 360 degree evaluation process which requires each Manager and Confidential employee to develop a team for their evaluation to include their customer, supervisor, peer and self evaluation. Each employee is required to complete a Development Plan based on the evaluation outlining their individual goals for the coming year. Any compensation change is based on both the evaluation and the completion of this Development Plan.

At the current time, Special Merit Increases are approved by the Chief Executive Officer to recognize outstanding service by an employee. The Personnel Policy and County Code require that supporting documentation accompany any increase. This documentation should state what the employee has done which exemplifies "outstanding" performance. Current practice under the Pay for Performance program requires a second 360 degree performance evaluation.

To ensure that the guidelines for Special Merit Increases are being measured equally throughout the organization, and to ensure these increases are being awarded based on merit and not as a means to increase compensation, it is recommended that the Chief Executive Officer continue to approve all Special Merit Increases.

It is recommended that requests for special merit increases be allowed without a separate 360 degree evaluation. A formal review of performance can be documented by showing accomplishment of "significant progress" toward the achievement of the goals outlined in the employee's Annual Development Plan. These Plans are a required element of each Performance Based Pay evaluation and identify the goals each employee is required to strive toward meeting in the year following their evaluation. "Significant progress" is typically measured at a period of 3 to 6 months of work toward the Development Plan.

See Tab 19 for more information on Pay for Performance.

3.24.030 <u>Increases Within Range—continued</u>

C. Every employee in the Classified Service shall have a salary anniversary date which shall be the first day of the month following the month in which the employee completed his/her first year of service in a particular class of position, except that if an employee completes the first year of service on the first normal working day of a month, his or her salary anniversary date shall be the first day of that month.

Thirty days prior to each employee's salary anniversary date and annually thereafter until the employee reaches the maximum salary step of the appropriate salary range, the Chief Executive Office shall advise the Department Head, in writing, that the employee will be eligible for salary increase, and the Department Head shall advise the Chief Executive Office, in writing prior to the employee's anniversary date, whether or not he/she recommends that the employee be advanced to the next higher step of the range. The Chief Executive Office shall notify the Auditor-Controller, in writing, of all anniversary increases and such notification shall constitute authorization for the Auditor to make payment to the employee at a higher rate. Should an employee's anniversary date be overlooked through error or oversight, and upon discovery of the error or oversight the employee be recommended for the anniversary increase, the Auditor-Controller shall honor a supplemental payroll compensating the employee for the additional salary he/she should have received dating from his/her anniversary date.

D. The granting of any leave of absence without pay or other time off without pay exceeding fifteen calendar days shall cause the employee's anniversary date to be postponed a number of months equal to the nearest number of months for which the leave is granted based on the number of calendar days in such leave. Any employee whose salary anniversary date is postponed as provided in this section shall assume a new anniversary date which shall be determined according to Subsection C of this section.

SALARY ON UNPAID LEAVE OF ABSENCE

If an employee is on an **unpaid leave of absence for more than 15 calendar days**, even if the leave is split between two calendar months, i.e. January and February, the employee's salary anniversary date shall be postponed one full calendar month. For example, if an employee is on an unpaid leave sixteen consecutive calendar days during the months of January and February and the employee's salary anniversary date is May 1, it will be extended to June 1.

3.24.030 Increases Within Range/Salary on Probationary Release

Employees released during their probationary period from a position to which he or she had been demoted, promoted or transferred shall have their salary returned to the same step on the appropriate salary range as had been held prior to the promotion, demotion or transfer. The employee's salary anniversary date, if applicable, shall be adjusted by the equivalent number of months during which the employee did not hold the classification to which he or she is returning. (Ordinance CS 557 § 37, 1994: Ordinance CS 373 § 5, 1990; Ordinance CS 107 § § 3, 4, 1985; Ordinance NS 1021 § 2 (part), 1981; prior code § 2-219(b)).

3.24.040 Salary on Promotion

Any employee who is appointed to a position in a class allocated to a higher salary range than the class of position which he formerly occupied shall receive the nearest higher monthly salary in the new salary range, which salary shall not be less than five percent more than his former salary. Provided, however, that in no case shall the increased salary be more than the top step in the new range. Increases shall be effective upon the date on which the appointment is made. For purposes of further annual increases within the salary range, the employee's anniversary date will be changed to the date when the promotion was effective. (Prior code § 2-219(c)).

SALARY UPON NEW APPOINTMENT/PROMOTION GUIDELINES-- June 15, 1999

Please refer to the chart on **Page 9 of Tab 4.**

EXCEPTION TO 5% MINIMUM ON PROMOTION—MOU Provision/Board Resolution

An exception shall exist to the 5% minimum increase on promotion if the step to which the employee is promoted is six (6) cents or less per hour under the minimum 5% increase.

EXCEPTION TO 5% MINIMUM ON PROMOTION—Clarification June 24, 1998

When an employee is promoted to a higher classification, he/she will receive the nearest higher salary in the new salary range, which will not be less than 5%. The exception is when the next higher salary is within six (6) cents of the 5%. Departments cannot promote employees to any other step of the new salary range except for that which falls within the above guidelines. Exceptions can be made for at will, Unclassified employees.

TEMPORARY OUT OF CLASS ASSIGNMENT—MOU and Personnel Policy

The parties agree that when an employee receives a formal, written assignment by a Department Head to perform the work characteristic of a higher classification, and such work is satisfactorily performed for the majority of work days in a calendar month or for a period of twelve consecutive working days, the employee shall be paid for such out of class work at the appropriate promotional pay rate of the higher classification (a 5% minimum). Benefits remain the same.

The intent of this section is to insure that employees are fairly compensated when the needs of the County require a formal out of class assignment. It is recognized that department heads have sole discretion in selecting employees for any such assignments and that the out of class work involved is to be consistently and substantially in the higher classification.

Please comply with the following guidelines in implementing this section. The intent of this section is to provide a mechanism to maintain the efficient operation of the department.

Such circumstances would arise pending completion of a recruitment for a vacant position or when the incumbent in an authorized position is absent because of long-term paid sick leave or approved leave of absence. Such assignment should never be made unless the following elements are present:

1. The specific work involved must be performed in order to insure the fulfillment of the responsibilities of the department.

2. No more cost effective method is available. Other methods might include division of the workload among several employees or postponing deadlines or other actions.

3. Requests for temporary "out of class" assignments should be approved by the Chief Executive Officer or his designee in writing prior to the start of the assignment. Assignments must be made in writing by the Department Head to the employee after Chief Executive Officer or his designee approval.

4. The candidate for such assignment must meet the minimum qualifications for the higher paid classification.

5. These provisions may be applied in the manner indicated above to management and confidential employees.

TEMPORARY OUT OF CLASS ASSIGNMENT—Clarification June 24, 1998

Out of class assignments should be used sparingly by departments. The intent of limiting the out of class assignments is to avoid pre-selection in recruitments. Additionally, many good candidates do not apply because they believe the person in the out of class assignment will get the job anyhow. This limits the qualified candidate pool.

When a department has a vacancy due to turnover, a recruitment should be started as soon as possible to fill the position. In the interim, managers in that department should pick up the resulting additional workload. It is unfair to employees to have them perform the work without compensation. If there is a special skill that only one person possesses in the department, an out of class assignment may be approved. In all cases, the out of class assignment must be approved before the work prior to the start of the assignment. Out of class assignments will still be approved for long-term paid sick leave or leaves of absence.

SALARY UPON RETURN FROM "ACTING" OR "OUT-OF-CLASS ASSIGNMENT"—Personnel Policy

Employees temporarily promoted into an "acting" or "out-of-class assignment" upon return to the classification held prior to such promotion, shall return to the same salary step previously held. Time spent in the "acting" or "out-of-class assignment" shall be counted as time served, towards the advancement to the next step in the salary range, in the employee's regular classification, upon department head recommendation.

3.24.050 Salary on Demotion

Any employee who is demoted to a class of position having a salary range lower than the class of position from which he/she was demoted shall have his/her salary reduced to the salary in the range for the class of position to which he/she has been demoted next lower than the salary he/she received before demotion. For purposes of further annual increases within the salary range, the employee's anniversary date will be changed to the date when the demotion was effective. (Ordinance CS 557 § 38, 1994: prior code § 2-219(d)).

3.24.060 Salary on Transfer

Any employee who is transferred from one position to another in the same class or to another in a class having the same salary range shall be compensated at the same step in the salary range as he previously received. For purposes of further annual increase within the salary range, his anniversary date shall remain the same as it was before transfer. (Prior code § 2-219(e)).

3.24.070 Salary on Range Change

The salary of an employee in a classification which is adjusted to a higher salary range shall be determined as follows:

A. If such employee is on the first step of the salary range of his classification, he shall be placed upon the same step of the new (higher) salary range as he was upon the former range.

B. If such employee is on any step higher than the first step of the salary range of his classification, he shall be placed upon the same step in the new (higher) salary range as he was upon the former range, provided, however, such adjustment shall not be automatic but shall be given only on the affirmative recommendation of the employee's department head. If such adjustment is not recommended, the employee shall be placed on the salary step in the new salary range which has not less than the same dollar value as the salary step he was on in the superseded salary range.

C. The employee's anniversary date for step advancement shall not change. (Prior code § 2-219(f)).

3.24.080 Salary on Position Reclassification

The salary of the incumbent in a position which is reclassified shall be determined as follows:

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

B. If the position is reclassified to a class which is allocated to a higher salary range than the class of the position before it was reclassified, the salary of the employee shall be governed by Subsection C of this section.

C. If the position is reclassified to a class which is allocated to a lower salary range than the class of the position before it was reclassified, the salary of the employee shall not change unless such salary is greater than the maximum of the range, in which case the salary of the employee shall be reduced to the maximum salary for the classification. The employee's anniversary date shall not change. (Prior code § 2-219(g)).

3.24.090 Salary when Adjustment Occurs on Salary Anniversary Date

Whenever an employee is promoted, receives a range change, or his position is reclassified to a class which is allocated to a higher salary range than the class of the position before it was reclassified on his salary anniversary date, he may first receive any within-range increase to which he is entitled, and then receive the higher step in the new salary range as provided in this chapter. (Prior code § 2-219(h)).

3.24.100 Board Authority to Specify Salary

Notwithstanding anything in this chapter to the contrary, the Board of Supervisors may by resolution, upon recommendation of the Personnel Officer and Chief Executive Officer, specify that the incumbent of a particular position shall occupy a step on the salary range for that class either higher or lower than that provided for elsewhere in this chapter. (Prior code § 2-219(i)).

2.04.030 <u>Board of Supervisors Compensation</u>—Administrative Code

A. Each supervisor of the County, including the Chairperson of the Board of Supervisors, shall receive as compensation for services required of him by law or by virtue of his office, the sum of one thousand seven hundred seventy dollars and forty-five cents per month.

B. In addition to his/her compensation as a supervisor as provided in Subsection A of this section, the Chairperson of the Board of Supervisors shall receive as compensation for additional services required, an amount of three hundred forty-seven dollars per biweekly pay period, or an amount subsequently adopted by the Board of Supervisors.

C. The Stanislaus County Director of Personnel shall, on or before the thirty-first day of May of each year, report the base salary paid to County Supervisors in the counties of Fresno, Kern, Monterey, Sacramento, San Joaquin, Solano, Sonoma, and Ventura as of the first day of January of each year.

D. Supervisors' compensation provided in Subsection A of this section shall be increased by 3.75 percent on January 1st and July 1st of each year commencing July 1, 1998, and January 1, 1999, and continuing thereafter until such time as the report of the Chief Executive Officer established that the base salary of the Stanislaus County Board of Supervisors is not more than twenty percent below the average base salary paid to County Supervisors in the counties of Fresno, Kern, Monterey, Sacramento, San Joaquin, Solano, Sonoma, and Ventura; at which time this section shall no longer be in effect, until such time as the Board member's base salary falls below the twenty percent average.

E. Fringe benefits shall be authorized for members of the Board of Supervisors in the same manner and to the same extent as they are generally authorized for designated Department Heads in County service. (Ordinance CS 673 §§ 1,2, 1998; Ordinance CS 612 § 1, 1996; Ordinance CS 455 §1, 1991; Ordinance CS 259 §1, 1987; Ordinance CS 79 §1, 1984: Ord CS 44 §1, 1984: Ordinance NS 1037 §1, 1981: Ordinance NS 960 §1, 1980: Prior code §2-4).

POLICY ON "Y" RATES

This resolution establishes a policy concerning salary changes when demotions occur as a result of department reorganization:

1. When the salary of an incumbent exceeds the top of the salary range to which they have been demoted, their salary will be frozen until the fifth step of the new classification equals or exceeds the present salary. At that time, they will be placed on the fifth step and will become eligible for cost-of-living increases granted to incumbents of the classification.

2. When the salary of an incumbent falls within the range of the lower classification, they shall be placed on a salary step at least equal to their current salary.

3. The Y-rate shall be established for one year from the effective date of the demotion. At the end of one year, an incumbent whose salary continues to exceed the range of the new classification shall be placed on the fifth step of said classification. (See change below).

Board of Supervisors Resolution—Adopted March 19, 1996/Resolution # 96-238

The Board of Supervisors amended the policy on Y-Rating of County Employees by removing the one-year limitation effective March 15, 1996.

3.64.060 Compensation—Basis and Benefits

Compensation for extra help employment shall be established on an hourly, per diem, or other basis as may be adopted by Board Resolution. Extra help employees shall not be eligible for participation in group insurance benefits, the county retirement system, sick leave, paid vacation, paid holiday or any other benefit accorded regular employees unless specifically authorized by provisions in an applicable Memorandum of Understanding, written agreement with the extra help employee or resolution of the Board. Overtime compensation for an extra help employee shall be permitted with the approval of the Department Head and the Chief Executive Officer in accordance with this title, an applicable Memorandum of Understanding and Resolutions of the Board of Supervisors. (Ordinance NS 998 § 1 (part), 1981: prior code § 2-220(c)).

3.64.070 Compensation—Rate

Compensation for extra help employees ordinarily will be at the hourly rate equivalent to the first salary step of the appropriate salary range, but an extra help employee may be compensated at the hourly rate equivalent to the second, third or fourth salary step with the prior approval of the Chief Executive Officer. (Ordinance CS 557 § 58, 1994: Ordinance NS 998 § 1 (part), 1981: prior code § 2-220(d)).

3.64.080 Step Increases

Extra help employees will not be eligible for salary step increase except on the recommendation of the Department Head and approval by the Chief Executive Officer in cases where such employees have worked satisfactorily for at least the number of hours, excluding overtime hours, necessary for step advancement as provided under Section 3.24.030. Time spent in extra help employment immediately prior to a regular probationary appointment in the same or comparable classification may be applied in meeting salary step increase and probationary period requirements upon approval by the Department Head and the Chief Executive Officer. (Ordinance CS 557 § 59, 1994: Ordinance NS 998 § 1 (part), 1981: prior code § 2 220(e)).

EXTRA HELP ADDITIONAL COMPENSATION

Board Resolution # 81-194/Adopted February 3, 1981.

All part-time registered nurses will accrue 6.66 hours of vacation time each month for work of 80 hours or more per month.

Board Resolution # 94-1045 and # 94-1046/Adopted October 11, 1994.

All extra help registered nurses, Licensed Vocational Nurse I, II, III, Pharmacists, Group Supervisors and other extra help employees approved by the Chief Executive Officer when

appointed to a part-time (extra help) position may receive additional compensation of 10% for each hour of part-time extra help work.

EXTRA HELP EMPLOYEE STEP INCREASES—Personnel/Auditor Guideline

As a guide in administering the section above, Personnel and the Auditor's Office have agreed to the following policy:

1. No more than one step advancement based on work performed prior to the effective date of the amendment (May 11, 1978) will be approved.

2. Work prior to any break in service for part-time employees of 90 days or more will not apply for step increase purposes.

3. Work must have been performed in the same or comparable classification.

4. Requests for step increases approval must be accompanied by a performance evaluation, verification of number of hours worked, which must be a minimum of 2080 excluding overtime hours, (this will be reviewed by the Auditor's Office) and confirmation that budgeted funds for the increase are available.

5. In cases where full-time employees change status within their present class to hourly rate part-time or vice versa, they shall retain the step they formerly held.

CLARIFICATION OF BREAK IN SERVICE FOR PART-TIME EMPLOYEES

Personnel Policy

An extra-help employee who remains on the department's payroll does not break continuous service if he or she does not work for periods longer than 90 days as long as the absence is approved by the Department Head, and the employee status is not terminated. Extra-help employees are released when his/her services are no longer needed. Even if the employee did not work because work was not available, this does not constitute a break in service. Therefore, the total hours worked should be considered continuous service and applied towards extra-help employee step increases and, in calculating seniority.

3.65.010 Purpose and Intent

It is the purpose and intent of this Ordinance to establish standards for County departments to contract with temporary help firms in a manner consistent with state law.

3.65.020 Authority

Pursuant to Government Code section 31000.4, the Board of Supervisors may contract with temporary help firms for temporary help to assist county agencies, departments, or offices during any peak load, temporary absence, or emergency other than a labor dispute, provided the board determines that it is in the economic interest of the county to provide such temporary help by contract, rather than employing persons for such purpose. Use of temporary help under this section shall be limited to a period of not to exceed 90 days for any single peak load, temporary absence, or emergency situation.

It is hereby determined that it is in the economic interest of the County to provide such temporary help by contract under the circumstances described in this chapter.

3.65.030 Definitions

For the purposes of this chapter, the following definitions shall apply:

- "Peak Load" is a single period of 90 days or less during which the workload increases to a level such that the workload cannot be completed within the existing staffing levels.

- "Temporary absence" is a single period of 90 days or less during which the staffing levels have decreased due to circumstances which include, but are not limited to, leaves of absence and vacancies of allocated positions and the department is unable to maintain current levels of service due to the temporary absence.

- "Emergency" is a period of 90 days or less during which there is an unanticipated need for additional staffing to meet critical services.

- "90 days" means a single instance of 90 billable/working days, irrespective of hours worked, with no extension, waiver, or exception permitted.

3.65.040 Authority to Contract with Temporary Help Firms

Departments are authorized to contract with temporary help firms during any peak load, temporary absence, or emergency as defined in section 3.65.030, subject to approval by the Chief Executive Officer or his/her designee. All contracts with temporary help firms shall contain insurance requirements established and approved by County Risk Management and County

Counsel. The County Purchasing Agent is authorized to sign such contracts and any amendments thereto, within the monetary authority granted to the Purchasing Agent.

PERSONNEL MANUAL
TAB 05
RECRUITMENT/SELECTION

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3.08.130 Review with Department Heads

In order to insure that the provisions of this title respond to department needs, the methods and procedures to be used in the conduct of recruitments shall be reviewed with the Department Head affected. (Ordinance CS 557 § 21, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.4).

3.08.140 Cooperative Agreements

The Personnel Director is authorized to enter into agreements with other public agencies providing for sharing of eligible lists, combined examinations, acquisition or sharing of examination materials and other integrated personnel activities not inconsistent with these provisions. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.5).

3.08.150 Announcements

All examinations for positions in the Classified Service shall be publicized by the posting of job announcements in conspicuous places in the County and by means of such other notice or publicity as in the judgment of the Personnel Department will bring the examination to the attention of qualified persons. Announcements shall specify the class title, rate of pay, method of application, final filing date, method of examination, nature of work to be performed, qualifications involved and other pertinent information. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.6).

3.08.160 Final Filing Dates

There shall be a reasonable period for the filing of applications for positions in the Classified Service. Announcements shall be posted for a period of at least five working days prior to the final date to file an application for open and promotional competitive full-time positions. Final filing dates may be extended by the Personnel Department. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.7). **[Revised 09/13]**

3.08.170 Minimum Qualifications

There shall be established for each class minimum qualifications necessary for appointment to the class admission into the examination process or satisfactory performance of work in the class. Minimum qualifications shall be established by the Personnel Department and may include experience, education, license, knowledge and ability requirements, physical or medical standards or other qualifications or restrictions, the absence of which would preclude satisfactory work performance. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.8).

3.08.180 Applications

Application for position in the Classified Service shall be made on forms prescribed by the Personnel Department and shall be signed by the applicant. Application forms shall require pertinent information as to experience, education and other qualifications. The burden shall be on the applicant to submit correct and complete information as to qualifications for employment. Failure to do so shall be grounds for rejection of the application. Applications must be submitted in person or by mail to the Personnel Department on or before the final filing date established for an examination. Applications postmarked on or before the final filing date but received thereafter may be considered if it is administratively feasible to process them. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.9).

3.08.190 Disqualification

The Personnel Department may reject an application or subsequently refuse to certify an applicant who:

A. Does not possess the minimum qualifications established for the position;

B. Is physically or psychologically unfit for the satisfactory and safe performance of the duties of the position including illegal usage or abuse to drugs. Any action of this nature shall be in strict compliance with the Federal Americans with Disabilities Act (ADA);

C. Has been dismissed for good cause from public service;

D. Has used or attempted to use any personal or political influence to further eligibility or appointment;

E. Is engaged in and would refuse to discontinue employment, activity, or enterprise which, if continued while a County employee, would be incompatible and conflicting with County duties;

F. Has practiced or attempted to practice any deception, fraud or omission of a material fact in the application or examination, or in securing eligibility for appointment;

G. Has been convicted of a criminal offense involving moral turpitude. The word "convicted" shall be construed to mean a conviction by a verdict, by plea of guilty or nolo contendere or upon a judgment of the court, a jury having been waived, without regard to subsequent disposition of the case by suspension of sentence, probation or otherwise. The word "moral turpitude" shall be construed to mean any act of baseness, vileness, or depravity, or any act done contrary to justice, honesty, modesty, or good morals, or any act done with deception or through corrupt motives;

H. Has been convicted of:

1. Crimes against persons including:

   a) Murder or aggravated assault (Penal Code Sections 187 and 245),
   b) Rape (Penal Code Section 261),
   c) Kidnapping (Penal Code Section 209),
   d) Armed Robbery (Penal Code Section 211)
   e) Sex offenses as defined in Penal Sections 285 (incest), 286 (sodomy), and 288 (child molesting),

2. Crimes against property including:

   a) Arson (Penal Code Section 451),
   b) Burglary (Penal Code Section 459),
   c) Receiving or selling stolen goods (Penal Code Sections 484 and 496)
   d) Forgery and issuing bad checks (Penal Code Sections 470 and 476a)
   e) Theft (Penal Code Sections 487 and 488),
   f) Embezzlement (Penal Code Section 504 et seq.),
   g) Crimes involving controlled substances included within the proscriptions of Health and Safety Code Sections 11350, 11351, 11352, 11353, 11354, 11355, 11378, and 11380. (Ordinance CS 654 § 1, 1997; Ordinance CS 557 § 22, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.10 (part)).

3.08.210 <u>Reconsideration of Disqualification</u>

A. Any of the foregoing disqualification's may be deemed sufficient cause to exclude such applicant from examination, or to remove such eligible from any eligible list, or from the Classified Service after appointment; provided, however, that whenever any applicant is excluded from any examination, or the application is rejected, or a name stricken or erased from an eligible list for any of these causes, except for disqualification for a positive pre-placement drug test, the candidate may, by petition within seven calendar days of the date of disqualification, make a statement of the facts involved, and ask for appropriate reconsideration by the Personnel Director. Upon such request, the Personnel Director shall investigate the petition, and make a determination within thirty days.

B. **Positive Drug Test Results**. Any applicant who is disqualified for a positive result on their pre-placement drug test must be so notified and may, by petition within twenty-four hours of the date of disqualification, make a statement of the facts involved, and ask for appropriate reconsideration by the Personnel Director. Upon such request, the Personnel Director shall investigate the petition, and make a determination within seventy-two hours. (Ordinance CS 655 § 1(part), 2, 1997; Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.10 (part)).

3.08.220 Incomplete or Defective Applications

Incomplete and defective applications may be returned to the applicant with notice to amend. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.10 (part)).

3.08.080 Promotional Examinations—Time Off

All employees in the Classified Service shall be entitled to necessary time off with pay for the purpose of taking qualifying or promotional examinations administered by the Personnel Office. (Prior code § 2-212). Note: Extra Help and/or temporary employees are unclassified and as a result are exempt from this code section.

3.08.230 Examinations

A. All open and promotional examination for positions in the Classified Service shall be competitive for all persons who have filed applications, meet the requirements as specified in announcements, and who have not been disqualified. Examinations shall be of such nature as to test fairly the ability of each applicant to fulfill the requirements of the position. Examinations may include evaluations of training and experience, written test, performance or physical agility test, qualifications appraisal interviews, or other appropriate methods.

   A minimum passing rating shall be established for each total examination or any portion thereof. The passing score shall be set consistent with the minimum level of proficiency expected of persons actually working in the classification. Failure of candidate to attain a passing rating in any portion of an examination may eliminate such candidate from competing in any further portion of the examination.

B. Types of Exams.

   The Personnel Department shall determine the types of examinations to be used in order to establish eligible lists. These types may be:

   1. **Open Examinations.** Any applicant who possesses the minimum qualifications for the class may compete in open examinations.

   2. **Promotional Examinations**. Promotional examinations are limited to employees within the County or a specific department meeting minimum qualifications outlined on announcements. Eligible employees are all employees who were competitively appointed to the County Classified Service in probationary or permanent status. Participants in Federal or State funded employment and training programs in County departments may compete in promotional examinations provided that they were originally appointed to County service from a competitively established eligible list.

3. **Qualifying Examinations**. Qualifying examinations may be given to employees for specifically designated position reclassifications, transfers, demotions, promotions to other classes in a series or advancement from trainee status. Qualifying examinations may also be used to determine if an applicant meets the minimum qualifications for a class.

C. Examination Results.

As soon as examinations are scored and eligible lists established, applicants will be notified in writing of the results. Examination results may be reviewed by the Chief Executive Officer in case of any appeals alleging irregularity, fraud or error in scoring. Such appeals must be submitted in writing by the appellant within seven days after the notice of test results have been mailed, and must contain a statement of facts upon which the appeal is based.

If after reviewing such an appeal, the Chief Executive Officer finds the applicant's score was affected by such irregularity, bias, discrimination, fraud or error in scoring, the Chief Executive Officer may order such action as will provide a legal, fair and equitable remedy. (Ordinance CS 557 § 23, 1994: Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.11).

3.08.240 <u>Eligible Lists</u>

A. Eligible lists shall be established and maintained by the Personnel Department. An eligible list shall consist of names of persons who qualified in an examination with names listed in descending order of final score. Scores shall be rounded off to the nearest whole number. Types of eligible lists shall be as follows:

1. Reemployment lists shall contain the names of employees who were laid off or demoted in lieu of layoff and shall be maintained in order of seniority for a period of one year from the date of layoff. The most senior eligible shall be offered appointment in case of vacancy in the affected class and department.

   Note: An exception to the one year reemployment period exists in the Memorandum of Understanding covering employees assigned to the Community and Health Services bargaining unit.)

2. Promotional lists shall contain the names of applicants qualifying in promotional examinations. Promotional lists may be established for the County as a whole or limited to specific departments.

3. Open lists shall contain the names of applicants qualifying in open examinations.

4. Merged Lists. The Personnel Director may merge two or more eligible lists for the same or comparable classes when comparable examination methods were used. Names shall be placed on a merged list in descending order of individual scores on original lists. Applicants on merged lists shall retain eligibility until the expiration of the original list.

B. Duration of Eligible Lists. Eligibility shall remain valid for a period of six months, unless sooner exhausted or abolished. Eligible lists may be extended for up to an additional one year.

Note: As practical, it shall be the prevailing practice of the County to establish one year eligible lists in order to meet the needs of County departments.

C. Exhaustion or Abolition of Eligible Lists. When there are fewer than five eligibles remaining on a list, the Personnel Director may declare a list to be exhausted. An eligible list may also be abolished by the Personnel Director upon a finding that the needs of the County would be best met by a new examination.

D. Removal of Names from Lists. Eligibles may waive certification upon filing a written request. After three such waivers, the applicant's name may be removed from the list. The name of an eligible who terminates employment with the County shall be removed from any promotional eligible lists on which it appears.

When there have been documented efforts to contact an eligible by mail without response, the eligible shall be deemed to have waived interest in employment in the classification, and the Personnel Director may remove the name of said eligible from the list. Such disqualification may be appealed as provided under "disqualification," in Section 3.08.210.

When an eligible is certified on three separate occasions without being selected, the Personnel Department may remove the eligible's name from an eligible list for the classification. The department shall notify any eligible so removed. Such removal may be appealed as provided under "disqualification," in Section 3.08.210. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.12).

3.08.260 <u>Certification of Eligibles</u>

A. **Request of Personnel—**Whenever a vacancy in the Classified Service is to be filled, the appointing authority will notify the Personnel Department as far in advance as possible on approved forms.

B. **Certification of Eligibles—**Except as otherwise provided in this chapter, vacancies shall be filled only from among those eligibles certified from an appropriate eligible list. The Personnel Department shall certify from the eligible list the four highest scoring eligibles plus, for each vacancy, one additional eligible. Additional eligibles will be certified in case scores are tied for fifth position. Fewer than five eligibles may be certified when the list contains fewer than five eligibles with the concurrence of the appointing authority. The appointing authority may request an expanded certification of not more than a total of five additional eligibles including ties in case where recruitment difficulties or affirmative action considerations are factors.

C. **Limited Certification—**Upon a showing of need by a Department Head a limited certification may be made. Need for limited certification may involve requirements for specialized conditions of work (e.g. shifts, geographical location), job-related licenses, certificates, linguistic or other special skills, bona fide occupational qualifications such as sex or age, eligibility for funding under Federal or State guidelines. Said certifications shall be limited to individuals possessing the skill, trait or certificate required in the position; the top eligibles shall be certified in accordance with Subsection B of this section. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.14).

Immigration and Reform Control Act—Federal Law

The Immigration Reform and Control Act of 1986 makes it illegal for an employer to knowingly hire or employ unauthorized aliens. In order to comply with this law, all individuals will be required to provide verification of authorization to work in the United States, at the time an offer of employment is made. Acceptable verification would include a driver's license and social security card, birth certificate and driver's license, a U.S. passport, etc. so long as at least one of the documents contains a recent picture.

SELECTION OF INTERVIEW PANEL MEMBERS—Personnel Policy

Department heads and key staff are an important part of the process to obtain qualified interview panel members, and in many cases, directly contact and select individuals the County can rely upon to make sound judgements of candidates applying for vacancies. In making panel member selections, it is important not to communicate candidate preferences to panel members. Department heads or their representatives are free to interact with panel members in a group setting prior to interviews to let them know what you are looking for in terms of candidate job skills, knowledges and abilities. Moreover, every attempt should be made to structure rating panels so that they are diverse in terms of gender, ethnicity and disability. This is particularly important if the position being filled is in an underutilized classification. Every attempt should also be made so that panels are not composed of department personnel exclusively to avoid affirmative action and/or cronyism related challenges. This type of general input and guidance is extremely valuable and highly encouraged.

SELECTION OF INTERVIEW PANEL MEMBERS—Chief Executive Office Policy Memo dated March 2, 2000

After discussion with the Unions, the CEO's Office has reached a consensus that all interview panels will include at least one (1) person from outside the hiring department and the direct supervisor will be included only on the selection panel.

TIMEFRAME FOR REAPPLYING AFTER AN UNSUCCESSFUL ATTEMPT—Chief Executive Office Policy Memo dated March 2, 2000

To prevent an individual from competing unsuccessfully in a recruitment and then applying in the next open recruitment within a matter of weeks, the CEO's Office has implemented a policy allowing a **six (6) month period** from the point of an unsuccessful interview until the individual may submit another application for the same position.

TIMEFRAME FOR REAPPLYING AFTER AN UNSUCCESSFUL BACKGROUND INVESTIGATION—Chief Executive Office Policy Memo dated January 17, 2008

The CEO's Office has implemented a policy requiring a **one (1) year** period from the time of a disqualifying background investigation until the individual may submit another application for the same position. This should allow sufficient time for individuals to resolve the issues that were causing them to be unsuccessful in the background process.

PERSONNEL MANUAL
TAB 06
SPECIAL RECRUITMENTS

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STANISLAUS COUNTY
BOARD OF SUPERVISORS RESOLUTION
ADOPTED FEBRUARY 01, 2000/RESOLUTION # 2000-89
UPDATED SEPTEMBER 30, 2008/RESOLUTION #2008-684
PROGRESSIVE EMPLOYMENT PROGRAM (PEP)
PREVIOUSLY KNOWN AS THE HOPE PROGRAM

Revised 09/08

WHAT IS THE PEP PROGRAM?

The Progressive Employment Program (also known as the PEP Program) is the County's employment program to assist qualified individuals in removing barriers to obtaining a position with Stanislaus County. Individuals selected under the PEP Program are hired in a trainee capacity. The goal of the program is to assist individuals with employment barriers into obtaining full-time, permanent positions with the County. The program benefits the County in assisting a variety of individuals into careers with local government.

To qualify for employment under the PEP Program, an individual must be an emancipated foster youth or have a visual, hearing, speech, orthopedic, or developmental disability, mental impairment, or be a recovering alcoholic and/or addict. Placement of PEP eligible in County government can be made at the trainee level in any job classification that is PEP designated by the County Chief Executive Office/Human Resources Division and Department where the position is allocated. PEP appointees will be selected at the trainee level consistent with the County's "trainee" provision. This means that their appointments will be at 15% below the salary assigned to the position they are filling. Appointments under the "trainee" provision will be for up to 24 months. If PEP participants successfully perform the duties of the job and meet the minimum qualifications for the regular position, they will then be considered for regular appointment.

PEP CERTIFICATION

Positions that are PEP designated will be announced in Stanislaus County job announcements. Persons who are interested in applying for PEP designed positions must first be PEP certified by an established agency that provides services to emancipated foster youth or persons with disabilities. Such agencies could include the State Rehabilitation Department, physician offices, the Modesto Independent Living Center, United Cerebral Palsy Association, Stanislaus County Blind Association, Association for Retarded Citizens, Stanislaus County Department of Behavioral Health and Recovery Services, Stanislaus County Community Services Agency, to name a few. Persons interested in being certified for program consideration should have the appropriate agency complete a program eligibility form which confirms medical evidence of their disability or proof of emancipation from foster care. A completed copy of the certification form must be attached to each County application for positions applied for under PEP. The original certification form should be retained by the applicants for use in applying for future PEP designated positions.

ANNOUNCEMENTS

Job announcements allowing consideration of PEP participants will be available in the Stanislaus County Chief Executive Office/Personnel Office located at 1010 10th Street, Suite 2300, Modesto, CA and on-line at www.stanjobs.org.

HOW TO APPLY

Persons can apply for PEP designated positions at any time by completing the County's on-line application for employment for those positions that are open to PEP participants. PEP designated positions will be advertised in County job announcements. Persons interested in applying for these positions will be required to complete a County on-line application form and the PEP certification form previously mentioned. In applying for PEP designated positions, the applicant must attach the PEP certification form and any other relevant qualifying information. If an individual needs assistance in completing the on-line application form, County recruitment staff is available to assist at 1010 10th Street, Suite 2300, Modesto, CA or by calling (209) 525-63441.

Since this is a "trainee" program, persons applying under this program are not required to meet the minimum qualifications for the position for which they apply. The completed application and signed PEP certification form must be returned to the County Chief Executive Office/Personnel on or before the filing date specified on the job announcement. Individuals not specifying that they are applying under PEP will be considered under the County's regular recruitment process should a regular recruitment be taking place. The fact that persons may be disabled does not require them to apply for PEP positions if they do not wish to do so, but may apply for employment under the County's regular recruitment process.

EXAMINATION PROCESS

Submission of applications under PEP will be in the same manner as under the County's regular recruitment process. Persons needing an accessible testing location, an interpreter or other special testing arrangement should indicate so in the "Additional Information" section of the County's on-line application form. The examination process will be limited to a ranking interview only. Candidates who pass the ranking interview will be placed on an eligible list, and appointments to vacant PEP positions will be made pursuant to the County's Selection Ordinance. Eligibles will have their names placed on an eligible list for a minimum of six months, unless hired or the list is abolished sooner or extended. Eligible trainees must prove their eligibility to successfully perform assigned duties and could conceivably remain on PEP status for up to 24 months depending on the amount of experience and/or education they bring to the job and the minimum qualification requirements for the position. Appropriate reasonable accommodations will be provided to disabled PEP hires during both the trainee assignment, and after promotion to regular status, if such accommodation continues to be required.

JOB EXAMINATION PERIOD

After PEP candidates are appointed, they will be evaluated consistent with the County's trainee policies. Trainees may be evaluated and transitioned to regular employee status during the 24-month "trainee" period, upon meeting the minimum qualification requirements and approval by the employee's department. Time spent under "trainee" status by PEP employees will not be counted towards meeting probationary and step increase requirements once they are elevated to regular employee status.

IMPORTANT CONSIDERATION

The same rights which apply to employees selected under the regular personnel system will apply to PEP employees. Consistent with the County's trainee policies, PEP appointments will be made in the Unclassified Service of County government.

INFORMATION

Additional information on how the Progressive Employment Program (PEP) works can be obtained by calling the Stanislaus County Chief Executive Office/Personnel at 525-6341.

Now that you have this certification form, there are a number of steps that you must follow before you can be considered for a trainee appointment under Stanislaus County Progressive Employment Program (PEP).

PROCEDURE

1. Visit the Stanislaus County Chief Executive Office/Personnel, 1010 10th Street, Suite 2300, Modesto, CA or the County's website at www.stanjobs.org and identify those positions that are PEP designated and of interest to you.

2. Complete the standard County on-line application for employment form for those PEP designated positions that are of interest to you and that are currently open recruitments. A completed copy of this certification form must be attached to each County application for positions applied for under PEP. The original certification form should be retained by you for use in applying for future PEP designated positions. If you are unable to upload and attach your certification form, please contact the County Chief Executive Office/Personnel Office for assistance.

3. When applying for PEP designated positions make sure you indicate in the "Additional Information" section that you are applying for a trainee level position. For example, if you are applying for Administrative Clerk, you should indicate on your application that you are applying for "Administrative Clerk Trainee."

4. If you are successful in the examination process, you will be placed on an eligible list.

5. You will be certified for appointment consideration as a trainee appointee during the life of the eligible list (County eligible lists usually remain in effect for six months unless sooner abolished or extended) at such time as the department requests certification of PEP eligibles. Certification of PEP eligibles will be done pursuant to the County's Selection Ordinance.

3.08.290 Hiring Preference for Veterans

A. Purpose

The purpose of this section is to provide employment assistance to veterans who served full-time in the United States Armed Forces in time of national military emergency, or whose units were ordered to active duty by presidential order in time of state military emergency, or who have served in any military expedition of the Armed Forces.

B. Definitions

1. For purposes of this chapter, the term "veteran" is defined by United States Code Title 5, Part III, Subpart A, Chapter 21 Section 2108 (1).

2. For the purpose of this chapter, the term "disabled veteran" is defined by United Sates Code Title 5, Part III, Subpart A, Chapter 21 Section 2108 (2).

FOR THE MOST CURRENT VERSION OF THE UNITED STATES CODE PLEASE GOOGLE:

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III—EMPLOYEES
Subpart A—General Provisions
CHAPTER 21—DEFINITIONS
SECTION 2108—VETERAN; DISABLED VETERAN; PREFERENCE ELIGIBLE

http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=258600&version=258897&application=ACROBAT

C. Eligibility for Veterans' Preference Points

1. In order to be eligible for the granting of veterans' preference credit, application by a qualified veteran for County employment may be made at any time after discharge, separation or release of the applicant from active military duty.

2. Veterans' preference points shall only be applicable at initial entry to County service and shall only be open in full-time entry classifications. The County's Personnel Department shall identify such classifications. Only "unemployed" and underemployed" veterans shall be considered for preference points if they are otherwise qualified. The definition of underemployed shall be the same as used by State Employment Development Department and describes individuals who are working below their skill capacity as determined by the County Personnel Department, or working less than full-time, or have received notices they will be unemployed because their skills are becoming obsolete. Also, includes persons working part-time who desire full-time work and individuals who involuntarily worked less than a full year during the preceding twelve months. Persons working essentially full-time in occupations which pay less than poverty level incomes may be considered to be working at less than their skill capacity if they are deemed capable by the county personnel department of performing at a higher skill level. Specifically to be included as underemployed are service personnel about to be discharged who have no apparent civilian job in sight.

3. Veterans who have retired from the military service and are eligible for service retirement are not eligible for veterans' preference points, except for those veterans who are disabled as defined in Subsection B of this section.

D. Application of Veterans' Preference Credit

1. An applicant who has received a passing score in an open entry level examination in an eligible classification for County employment and who is a qualified veteran defined in Subsection B of this section, shall receive credit of an additional five grade points to be added to the final examination score except that a disabled veteran as defined in Subsection B of this section, shall be entitled to ten grade points to be added to the final examination score.

2. Veterans' preference shall apply only to full-time open entry level employment lists and shall not affect the order of eligibility of reemployment lists, or intradepartmental promotional lists or interdepartmental transfers.

3. Preference shall not apply to promotional examinations, qualifying examinations, or to any personnel transactions such as dismissals, transfers or lay off.

E. Proof of Entitlement to Veterans' Preference Credit Requirements

1. In order to claim veterans' preference in hiring, a certified copy of a discharge (DD-214) shall be submitted with the veteran's application on or before the final filing date for the recruitment. All copies shall become the property of the County and will not be returned.

2. Veterans claiming veteran disability preference shall submit proof of the service-connected disability or medical retirement provided by the disability retirement or severance board from the service from which they retired or the U.S. Department of Veterans' Affairs.

3. Failure to apply for the veterans' preference credit on or before the final filing date shall constitute a waiver of the applicable credit.

F. Implementation

1. Eligibility lists will be compiled and completed based upon final examination scores which have included all applicable veterans' preference credits. Thereafter, normal certification procedures shall be followed by the Personnel Department.

2. The County's Personnel Department shall be responsible for developing the necessary procedures to implement this chapter. (Ordinance CS 508 (part), 1993).

Veterans' Preference credits in the amount of five (5) points for non-disabled veterans and ten (10) points for disabled veterans may be claimed by unemployed and underemployed veterans who pass an open entry-level examination.

Any veteran who was released or discharged with other than a dishonorable discharge may apply for these preference credits when applying for eligible entry-level position.

To qualify, a veteran must have served during:

1. WW II (12/7/41 to 1/1/47), Korean War (6/27/50 to 1/31/55), Viet Nam Conflict (8/5/64 to 5/7/75) and/or Persian Gulf War (8/2/90 to be announced); or

2. In a reserve component under active duty orders for which a campaign badge was authorized (includes Lebanon, Grenada, Panama (Operation Just Cause) and in Southwest Asia); or

3. During peacetime in the above engagements for which a service badge was authorized; or

4. Was discharged or released from active duty during any of the periods listed above due to a service connected disability (30% or more).

Veterans who are eligible for service retirement are not eligible for veterans' preference credits. Other than those assigned to reserve units and disabled veterans as listed above, all other veterans must have served on active duty for 180 days or more.

Applicants must submit a copy of a discharge (DD-214- Member 4 if applicable) with the application on or before the final filing date for the recruitment. Those claiming disability credits must submit the Veterans' Administration claim number on or before the application deadline.

Please visit the AAA/Veteran's Office to have the form on the following page completed. Stanislaus County CEO/Personnel can not process the points without the form being complete.

Area Agency on Aging/Veteran's Office is located at:
121 Downey Avenue Suite #102
Modesto, CA 95354
(209) 558-7825

Name: _____Date: _____

Position Applied for: _____

- **This form will not be accepted if it is not fully completed or if it is submitted after the final filing date.**
- **When you submit this form with your application, include a copy of your DD-214 and your VA Claim Number for disability credit.**

I am applying for the Veterans' Preference Credit. CHECK one of the following:

[ ] Regular Credit [ ] Disability Credit

I qualify because I meet the following criteria. For Regular Credit you must have checked 1-6. For Disability Credit you must have checked 1-5 and 7.

CHECK THE APPROPRIATE SPACES TO ACKNOWLEDGE YOU MEET THE REQUIRED CRITERIA

1. [ ] My VA Claim Number is:_____
2. [ ] I served in the military service during one of the qualifying periods listed above.
3. [ ] I served for 180 days or more—for other than veterans who were assigned to reserve units and disabled veterans.
4. [ ] I received other than a dishonorable discharge.
5. [ ] I did not retire from the military service.
6. [ ] I am unemployed or underemployed.
7. [ ] I am claiming disability credit and proof of my service-connected disability—30% or more is attached to this application.
8. [ ] I am attaching a copy of my DD-214.

Applicant's Signature:_____

For Veterans' Services Office Purposes Only
Approved/Disapproved
Points Scored
Name of Service Representative

Accountant I
Administrative Clerk I
Aging Program Specialist
Agricultural Assistant I
Animal Care Specialist I
Animal Services Officer I
Application Specialist I
Appraiser I
Appraiser Technician
Assistant Cook I
Attorney I
Auditor-Appraiser I
Building Inspector I
Child Support Officer
Community Health Worker I
Crime Analyst Technician
Deputy Coroner
Deputy Probation Officer I
Deputy Sheriff
Deputy Sheriff Custodial
Drafting Technician I
Emergency Call Taker
Engineering Aid I
Environmental Health Specialist I
Equipment Service Technician
Family Services Specialist I
Group Supervisor I
Hazardous Materials Specialist I
Housekeeper/Custodian
Interviewer I
Laboratory Helper
Landfill Equipment Operator I
Legal Clerk I
Librarian I
Library Assistant I
Licensed Vocational Nurse I
Maintenance Engineer I
Medical Records Clerk
Multilith Operator
Paralegal I
Park Maintenance Worker I
Patient Finance Technician I
Resource Management Specialist I
Road Maintenance Worker I
Second Cook
Social Worker I
Stock/Delivery Clerk I
Storekeeper I
Systems Technician I
Veterans Service Representative
Victim/Witness Assistant

PURPOSE

Stanislaus County offers internships in an effort to provide college students from a wide variety of educational disciplines the opportunity to apply traditional academic classroom learning to actual work experience. The County strongly believes that internships are an important tool in recruiting, developing and retaining innovative people in local government and an important part of assisting the County in meeting the needs of today while preparing the workforce of the future.

Stanislaus County provides three different programs for students seeking to gain work experience. These are:

1. **Student Volunteers**
2. **Unpaid Student Interns**
3. **Paid Student Interns**

Each County Department will be responsible for administering the Student Internship Program within their department and ensuring the following County Student Internship guidelines are followed.

POLICY

Definitions

I. **Student Volunteers** - All student volunteers will be hired through the County's Volunteer Program in partnership with the Volunteer Center of the United Way. Departments wishing to recruit volunteers will contact the United Way. Departments are also encouraged to develop contacts with education institutions as well as departments within educational institutions to build a referral network for students looking to gain work experience in a specific field or area – Please see County Volunteer Program for further details.

Unpaid Student Interns – Students working as unpaid student interns will be receiving school credit or required work experience for their internship. These students earn only units of credit authorized and conferred by the school of attendance. Must be enrolled in college level coursework to qualify. Interns will not be used to supplement existing County positions.

All educational institutions that provide student interns to the County shall have a contractual relationship with the County. The CEO's Office will coordinate contracts with all local schools. The CEO/HR Unit will maintain a list of contracts in the CEO's

Office. Departments will need to verify a contract with the educational institute prior to contracting with an intern. The CEO/HR Unit will assist Departments in adding contracts as needed.

Paid Student Interns – The County will maintain a continuous recruitment for paid student interns. Applications will be maintained on file for six-months in the Chief Executive Office. Candidates for paid student internship positions will be required to complete a County application form. The application would need to include the type of work the candidate is interested in performing, i.e. accounting, public administration finance, marketing, health care administration, engineering, human resources, information technology, etc.

In order to qualify for a paid student internship the student would have to meet the following criteria:

1. Must have junior or senior standing and be enrolled in a four-year degree program, or be enrolled in the last semester of a two-year degree program, or be enrolled in a graduate program or be enrolled in college level coursework and have special measurable technical skills.
2. Must have a letter of recommendation from an instructor at the educational institute they are currently enrolled.
3. Must have a current cumulative GPA of at least 2.5. (Student may submit copy of last grade report with cumulative GPA.)
4. Demonstrate strong verbal and written communication skills.
5. Have strong initiative and the ability to work independently.
6. Meet Department/Division specified qualifications.

Departments wishing to hire paid student interns can contact the CEO's Office to review applications for internships.

The Chief Executive Office will send a response letter to all students applying for a paid student internship in order to notify them of the process for selection and the length of time their application will be maintained (six months).

A Department's ability to use paid student interns will be based on their internal budget constraints. Paid student interns will be hired into the extra-help Clerical Community Aide classification. When utilizing paid student interns in hard to recruit specialties requiring specific technical skills, Departments may use the Trainee designation as outlined in the County's Trainee Appointments (County Code 3.16.030). Hiring at the trainee level will require pre-approval from the CEO's Office and is set at 15% below step one of the classification. For most classifications this would be at the first level of the classification series (for example, Accountant I, Associate Civil Engineer). Departments would need to submit a memo or email to their Chief Executive Office HR Consultant that identities the specific skills required and information supporting the difficulty recruiting for this skill.

II. Recruitment of Interns

Each County Department will be responsible for identifying and communicating with educational institutions that enroll students in a degree or area of study that could be utilized by the Department.

Departments may work directly with the United Way for Student Volunteers or directly with schools in the recruitment of unpaid student interns. Departments wishing to utilize paid interns will need to complete an R&R and work with the CEO's Office to review existing applications. In all situations Departments may contact schools directly to notify students and professors of student internship opportunities. Departments are also encouraged to participate in job fairs at local schools to promote student internship opportunities.

Orientation and Training

Prior to beginning an intern assignment all student interns will be required to meet the pre-employment requirements (fingerprinting, drug screen, etc) of their assigned Department and the County.

All student interns whether volunteering, receiving units, or paid, will be provided with the Employee Conduct/Behavior Expectation policies and will sign the policy acknowledgement form. In addition, they will receive and sign any Department specific policies. The Department will also be responsible for orientating students to the organization.

Orientation should include:

- A tour of the Department and introduction to staff the student intern will be working with;
- Information on the history, vision and services of the Department;
- A clear list of expectations, job duties and goals; and,
- A list of the resources available to the student intern. This should include a workstation that has been set up for the student intern as well as the items needed by the intern to be successful in the performance of their job duties.

Student interns will also be required to complete any necessary health and safety testing because of potential exposure (TB testing, Hep B vaccine).

Evaluation of Students

All student interns should be provided with ongoing feedback on how well they are meeting the goals and expectations of their position.

All student interns, whether unpaid or paid, will receive a performance evaluation on the Student Intern Performance Evaluation Form or County Volunteer Evaluation Form at

the completion of their internship. The County will not provide letters of recommendations but will instead encourage students to use evaluations for employment verifications.

Time Period of Internship Appointment

The length of the student internship will vary based on assignment and the organization's needs. However, paid student interns who no longer meet the eligibility requirements for a paid student internship, will not be allowed to remain as a paid student intern for a period of longer than six-months. The six-month time period can be extended with prior CEO approval.

V. Transition to a County Position

Student interns completing their education or who wish to transition to a specific County Position will need to participate in the County recruitment process. Departments will be responsible for providing direction to interns regarding the County's recruitment process.

PERSONNEL MANUAL
TAB 07
PRE-EMPLOYMENT/POST-OFFER

INDEX

- Medical Examinations 1
- Fingerprinting 1
- Health Screening Procedure/CEO Rule 2

3.08.050 Medical Examinations

A. The Personnel Officer, as a condition precedent to the employment of any person shall, by medical examination or other appropriate procedures performed and conducted in accordance with rules and regulations adopted by the Board of Supervisors, ascertain:

1. that the person, if employed, would not be a hazard to himself, to other employees or to the public;

2. that the County would not assume unnecessary responsibility under existing laws for preexisting disabling conditions; and

3. that the prospective employee is physically able to perform the duties of a particular position. The medical examination may be conducted by a physician selected by the County without charge to the prospective employee.

B. Necessary documents indicating the prospective employee has been given a medical clearance shall be made a part of the personal history file of the individual in the Personnel Office.

C. Any employee, upon the request of his Department Head and with the prior approval of the Personnel Officer and Chief Executive Officer, may be required to undergo a further medical examination at any time after his employment for the purpose of ascertaining that he is physically and mentally able to perform the duties of his position. Such examinations, when authorized, will be performed by a licensed physician designated by the County and the cost of such examination shall be paid by the County. It is not the intent that examinations allowed under this section be authorized routinely, and they shall be approved only for reasons which will justify the expense thereof to the County. (Prior code § 2-211).

3.08.060 Fingerprinting

The Personnel Officer, subject to the approval of the Chief Executive Officer, shall establish and maintain a system of fingerprinting all new employees as a condition of employment. Refusal on the part of the employee to be fingerprinted or failure to report for fingerprinting shall be cause for dismissal and shall be sufficient cause for the Auditor-Controller to refuse to pay the employee. (Prior code § 2-210).

Health Screening Procedure—Chief Executive Office Rule

It is imperative that all departments comply with the following policy:

All conditional offers of employment in the County service are only to be made contingent upon completion of the County health screening questionnaire. The questionnaire shall be forwarded by the Chief Executive Office upon receipt from the Department, to the Hospital to be maintained on file during the duration of the employee's employment with the County. Upon the discretion of the County, additional medical evaluation of certain categories of high risk classifications may be required of newly appointed employees or employees promoted to the high risk classification.

PERSONNEL MANUAL
TAB 08
DRUG FREE WORKPLACE POLICY

INDEX

- Purpose 1
- Policy 1
- Process 3
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- Employee Responsibilities 3
- Management Responsibilities and Guidelines 4
- Results of Drug and Alcohol Testing 5
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I. PURPOSE

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While Stanislaus County does not intend to intrude into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence and influence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program. The County acknowledges that significant psychological and physical alcohol and drug dependency is an illness and pursuit of treatment by the employee is the preferable resolution to associated performance problems caused by such dependency. While the County will be supportive of those who seek help voluntarily, the County will be firm in identifying and disciplining those employees who do not seek help and are found to be impaired by drugs or alcohol during working hours.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of County managers and employees. To that end, the County will act to prevent the use of alcohol or drugs which impair an employee's ability to safely and effectively perform the functions of the particular job. All persons covered by this policy should be aware that violation of the policy may result in discipline up to and including termination.

In recognition of the public service responsibilities entrusted to County employees, and that drug and alcohol usage can impair an employee's ability both mentally and physically to perform the duties and functions safely and effectively, the following policy against drug and alcohol impairment is hereby adopted by the County.

II. POLICY

Definition – The term “drug” or “drugs” whenever used in this policy means any controlled substance that is not legally obtainable under State or Federal law, a prescription drug obtained or used without benefit of a valid prescription by a medical provider licensed to prescribe medications, and marijuana even if prescribed by a medical provider licensed to prescribe medications.

- Employees shall not be impaired by alcohol or drugs, nor possess alcohol or drugs at the assigned worksite. This policy also applies to employees working on-call duty.

- The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this policy to intentionally misuse and/or abuse prescription medications.

- Employees shall not sell or provide drugs or alcohol to any other employee while such employee is on duty.

- No alcoholic beverages are permitted at the assigned worksite or in County Vehicles other than at special events authorized by the Chief Executive Officer. County employees who reside on premises provided by the County shall be exempt from the restriction of this policy from possessing alcohol where they reside.

- "Probable cause" is such a state of facts as would lead a supervisor of ordinary care and prudence to believe, or to entertain an honest and strong suspicion that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee is not able to physically and/or mentally perform the duties of his or her position in a proper manner.

III. PROCESS

The County reserves the right to search without employee consent all areas and property in which the County maintains control, or joint control, with the employee. Controlled and jointly controlled areas include County vehicles, offices, desks, file cabinets, etc. Notwithstanding the above, no employee shall have his or her locker or other space for storage that is owned or leased by the County that may be assigned to him or her, searched except under one of the following conditions: in his or her presence; with his/her consent; if a valid search warrant has been obtained; or, where he/she has been notified that a search will be conducted. Employee requests to be present during the search shall be honored if the employee is able to return to the worksite within one hour of notification of the search. All such searches shall be based upon probable cause to search. Probable cause forming the basis of the search shall be provided to the employee in writing. The written document shall be given to the employee prior to the search or, if that is not possible, within twenty-four hours after the search.

Any applicable privileges or confidentiality of files or documents will be honored by the County. If the County desires to search such documents or records, or the area where such documents are located, the appropriate process for searches and seizures as defined by California law will be followed. The County may notify the appropriate law enforcement agency that an employee may have drugs in his or her possession or in an area not jointly or fully controlled by the County.

Refusal to submit immediately for drug and/or alcohol testing, based upon probable cause of drug or alcohol impairment while on duty when ordered by the Department Head or his/her designee in accordance with County Code Section 3.08.050 may constitute insubordination and may be grounds for discipline. For the purpose of this policy,

designee shall be defined as the assistant department head or other County manager who is assigned the authority to act for the Department Head during his or her absence.

Employees reasonably believed to be impaired by alcohol and/or drugs shall be prevented from engaging in further work and shall be detained for a reasonable time until they can be safely transported from the work site.

The County is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under Federal and/or State law. The County is also committed to providing reasonable accommodation to employees who use lawfully prescribed medication(s) to treat or control a disability and who may need an accommodation because of the side effects of the medication(s).

The County has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors, Human Resources, or the EAP Counselor for additional information. Information about the County's EAP is also available on the County's website at http://www.stancounty.com/riskmgmt/risk-eb-eap-sub-main.shtm

The provisions of this policy do not act to limit or restrict in any manner a law enforcement officer's ability to enforce all appropriate state and federal laws. No department shall have any rule or policy which contravenes or which is in conflict with this Drug Free Work Place Policy.

IV. APPLICATION

This policy applies to all County employees. This policy applies to alcohol and drugs which could impair an employee's ability physically and/or mentally to effectively and safely perform the functions and duties of the employee's position.

V. EMPLOYEE RESPONSIBILITIES

A. An employee must not report to work or be subject to duty while his/her physical and/or mental ability to perform job duties is impaired due to on or off duty alcohol or drug use.

B. An employee must not possess drugs or alcohol as defined by this policy during working hours or while subject to duty, on breaks, or at any time while at the assigned worksite. An exception exists for those employees whose duties require possession of drugs and/or alcohol in the course and scope of job duties (i.e., undercover, narcotics investigators).

C. An employee must not directly or through a third party sell or provide drugs or alcohol to any person, including any employee, while either employee or both employees are on duty.

D. Prescription and over-the-counter medications are not prohibited when taken in standard dosage and/or according to a physician's prescription. However, an employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist and/or the medication label to ascertain whether the medication may interfere with the ability to safely and effectively perform his or her job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to notify the supervisor or manager (e.g., call in sick, use leave, request change of duty) to avoid any unsafe workplace practices. Unless the employee is working in a position affecting public safety, the employee, is not required to reveal the existence of a disability or disclose the medications the employee is taking if the employee can manage the medications through the use of leave or benefits available to all employees without formally requesting a reasonable accommodation.

E. An employee must submit immediately to an alcohol or drug test when ordered, in writing, by a Department Head or his/her designee when probable cause exists that the employee is impaired by drugs and/or alcohol.

F. An employee may be required to submit to a fitness for duty examination where there is a reasonable and objective belief that an employee may be impaired while on duty by prescription or over-the-counter medications that the employee is taking to treat or control a disability. The purpose of the fitness for duty examination will be limited to determining whether the employee can safely perform the essential functions of the job with or without accommodation. Such fitness for duty examinations will be conducted in compliance with the limitations set forth under State and Federal law.

G. An employee must provide within two (2) working days of request bona fide verification of a current valid prescription in the employee's name for any potentially impairing medication identified when a drug screening/test is positive. Extensions of time beyond the two working days may be granted upon the showing of good cause. An employee must abide by the regulations of the Federal Drug-Free Workplace Act of 1988. Thus, such employees who are convicted after March 18, 1989 of any criminal drug statute for a violation occurring in the workplace must notify the Chief Executive Officer no later than five (5) days after the conviction. Once the County is notified of the conviction, the County must then notify the appropriate Federal agency of the conviction. With respect to any employee so convicted, the County will take appropriate personnel action up to and including termination. As a condition of continued employment, the County may require the convicted employee to satisfactorily participate in an approved drug abuse rehabilitation program.

VI. MANAGEMENT RESPONSIBILITIES AND GUIDELINES

A. Department Heads or their designees are responsible for reasonable enforcement of this policy.

B. Department Head or his/her designee may order an employee in writing to submit to an alcohol or drug test following the County's Ordered for Cause Alcohol and Drug Testing procedure including notifying the employee of their right to representation in accordance with this policy. When a Department Head or his/her designee has probable cause that an employee is intoxicated or impaired by drugs or alcohol while on the job or receiving compensation for on-call duty and thereby subject to being called, and is not physically and/or mentally able to perform the duties of his/her position. Should employee be a Department of Transportation (DOT) driver acting in the course and scope of employment, the Department Head or designee should refer to DOT policy for additional information.

C. Prior to the request for the alcohol or drug test, a Department Head or his/her designee ordering an employee to undergo an alcohol or drug test shall document in writing the facts constituting probable cause that the employee in question is intoxicated or impaired by alcohol or drugs,.

D. Any Department Head or his/her designee encountering an employee who refuses an order to submit to an alcohol or drug test shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is probable cause that the employee is then impaired by alcohol or drugs, the Department Head or his/her designee should detain the employee for a reasonable time until the employee can be safely transported home or removed to another appropriate location.

E. Any Department Head or his/her designee shall not physically search the person of employees; nor shall they search the personal possession of employees without the freely given written consent by the employee, unless such search is authorized by County Ordinance or policy.

F. Managers and supervisors shall notify their Department Head or designee when there is probable cause to believe that an employee may have drugs or alcohol in his or her possession or in an area not jointly or fully controlled by the County. If the Department Head or designee concurs that there is probable cause of alcohol or drug possession, the Department Head shall notify the appropriate parties, including Human Resources and County Counsel.

G. The Department Head or his/her designee shall give due consideration to the employee's completion of any generally recognized treatment plan, including that treatment as may be recommended by the Employee's Assistance Program when determining whether disciplinary action shall be taken and/or the appropriate level of discipline.

VII. RESULTS OF DRUG AND ALCOHOL TESTING

A. A positive result from a drug and/or alcohol test may result in disciplinary action, up to and including termination.

B. If the alcohol or drug test is positive, the County shall conduct an investigation to gather all relevant facts. The decision to discipline or discharge will be carried out in conformance with the County's discipline procedures and policies.

C. Testing and reporting of test results will follow the guidelines and all subsequent amendments as established by the Department of Health and Human Services as promulgated in Volume 53, No. 69 of the Federal Register and as incorporated herein and made a part of this policy by reference.

VIII. CONFIDENTIALITY

Medical or laboratory reports or test results shall not appear in an employee's general personnel file unless they result in discipline. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Chief Executive Officer/Director of Personnel or designee. The reports or test results may be disclosed to County management on a strictly need-to-know basis and to the employee upon request. Disclosures without employee consent may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure; (4) when requested by DOT or any state or local officials with regulatory authority over the County or any of its safety-sensitive employees.

Tab 9
New Hire Documentation
For Department HR Staff

Not Applicable to On-Line
Personnel Manual

PERSONNEL MANUAL
TAB 10
TIME

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REPORTING OF EMPLOYEE TIME—Personnel Policy

For those employees who are required to report working hours on their time cards, department heads or their designees must insure that employees report the time actually worked, so that it is accurately reflected on the payroll documents which are submitted to the Auditor-Controller for payment. It is a violation of the law to allow an employee to flex his or her hours by indicating on certain days that they have worked when in fact they have not. For example, if an employee works 10 hours on Monday and 6 hours on Tuesday it should be reflected that way, and not reflected as 8 hours on both. Allowing an employee to report time other than as actually worked places the County at considerable risk.

3.32.010 Work Week—Designated

A. Except as may be otherwise provided in this chapter, the official work week of Stanislaus County shall begin at eleven p.m. on a Friday and end at eleven p.m. on the following Friday. It shall be the duty of each Department Head to arrange the work of his/her department so that each employee in a full-time position shall work forty hours in each work week.

B. Employees whose official work week is other than forty hours per week shall accrue time for sick leave, holidays, and vacation at a rate that is proportionately equal to the rate applied to forty-hour per week employees and their accruals will be charged with the actual time used when time is taken off.

C. If the number of hours in an employee's official work week is changed, all accrued time will be converted to a new balance, which will be proportionately equal to the former balance. (Ordinance CS 557 § 42, 1994; prior code § 2-203(a)).

3.32.060 Work Week—Other Than Standard

A work week for departments and divisions within departments may be established which is different than the official work week as set forth in Section 3.32.010 if requested by a Department Head and the request is concurred with by the Auditor-Controller and the Personnel Director and approved by the Chief Executive Officer. (Prior code § 2-203(f)).

3.32.090 Rest Periods—Breaks

Each Department Head is empowered to grant to the employees in his department rest periods during the working hours of the day, such rest periods not to exceed fifteen minutes in any four consecutive hours of work. (Prior code § 2-203(i)).

REST PERIODS—BREAKS—Personnel Policy

Rest periods or "breaks" are intended to improve work performance by providing some relaxation during a period of concentrated effort. Therefore, breaks are not to be used at the beginning or end of a four hour work period in order to extend the lunch hour or leave the work place early. It also follows that break-time may not be accrued; a break missed or skipped is not time-off available for later use. Short rest and stretch breaks, of five minutes or less are recommended after each hour of continuous, repetitive work, such as use of a computer keyboard or continuous writing.

LACTATING/BREASTFEEDING BREAKS—Effective January 1, 2002

California Labor Code provides that every employer shall provide the following to lactating/ breastfeeding employees:

Section 1030

Every employer, including the State and any political subdivision, shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the rest time authorized for the employee by the applicable wage order of the Industrial Welfare Commission shall be unpaid.

Section 1031

The employer shall make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this section.

Section 1032

An employer is not required to provide break time under this chapter if to do so would seriously disrupt the operations of the employer.

Section 1033

A. An employer who violates any provision of this chapter shall be subject to a civil penalty in the amount of one hundred dollars ($100) for each violation.

B. If, upon inspection or investigation, the Labor Commissioner determines that a violation of this chapter has occurred, the Labor Commissioner may issue a citation. The procedures for issuing, contesting, and enforcing judgments for citations or civil penalties issued by the Labor Commissioner for violations of this chapter shall be the same as those set forth in Section 1197.1.

C. Notwithstanding any other provision of this code, violations of this chapter shall not be misdemeanors under this code.

LUNCH—Personnel Policy

An unpaid lunch period of at least one-half hour must be taken during each workday of six hours or more. A lunch break need not be taken for a workday of only six hours, upon mutual agreement of the employee and supervisor.

NON-EXEMPT EMPLOYEE PAY DURING DAYLIGHT SAVINGS TIME

County Policy—MOU Provision

Employees will be paid for actual hours worked. In April, this might cause an employee to be compensated for only seven (7) hours during the shift, dependent upon the work schedule. Conversely, an employee who is scheduled to work nine (9) hours in the fall must be compensated for all hours worked.

An overtime liability may occur during the fall shift if an employee is required to work more than eight (8) hours. Dependent upon "Fair Labor Standards Act" and MOUs, this may necessitate payment or compensation at time-and-one half.

During the fall, paid time shall be limited to eight (8) hours (or the regularly scheduled number of hours) for employees who are scheduled to work but take vacation, sick or other paid time off.

During the spring, an employee may elect to use vacation or compensatory time so that the hours paid will total 80 for the two (2) week period.

3.32.070 Federal Standards

Employees who are subject to the United States Fair Labor Standards Act of 1938, as amended, shall be compensated in the manner set forth in such Act and the regulations duly adopted pursuant thereto. (Prior code § 2-203(g)).

COVERAGE UNDER THE FAIR LABOR STANDARDS ACT—Federal Law

Effective April 15, 1986 Stanislaus County was covered by the Fair Labor Standards Act (FLSA) Amendments of 1985. The Amendments to the Act modify the Act as it applies to public sector employers. Each County classification has been designated as either exempt (not covered by the Acts provisions) or non-exempt (covered by the Act). Employees who are covered by the Act, i.e., non-exempt, shall have specific rights regarding overtime work, which are more restrictive than County policy, which applies to exempt employees. Note that non-exempt employees, who come to work early, stay late, or work through their lunch period "voluntarily" may in fact be performing compensable work under FLSA. To avoid unintended overtime liability, employees

should be reminded of the work schedule and that work performed outside of the schedule should be avoided or if overtime is performed, then must be compensated, either through cash payment or compensatory time off, or by flexing the employee hours during the assigned work week in order to avoid the overtime liability. Under FLSA if such "extra volunteering" is occurring by implied or direct department policy, overtime liability could be incurred, and if not compensated, penalties can be required by the Department of Labor.

3.32.050 <u>Overtime—Policy</u>

A. Approved overtime work performed by an employee shall be compensated either by cash payment at the rate of one and one-half times the employee's regular hourly rate for the work week in which overtime was worked or by allowing compensating time off at the rate of one and one-half times the overtime worked. Cash payment for overtime worked shall be authorized by the Chief Executive Officer before such payment may be made. Earned compensatory time off not taken within one hundred twenty days of such overtime work shall be paid for in cash and no compensatory time off shall be authorized except that in unusual circumstances the Chief Executive Officer may extend this time limitation to one hundred eighty days after such overtime work. It is the policy of the County that earned compensatory time off shall be taken as soon after the date that it is earned as is possible and it is the duty of each Department Head to adhere to this policy.

B. Registered Nurses and other classifications which may be designated by Board Resolution ordered to work in excess of twelve hours in a work day shall be compensated as provided in this section except that the compensation shall be at the rate of two times the employee's regular hourly rate for those hours worked in excess of twelve.

   The operative date of this provision shall be December 1, 1977. The Board finds that the retroactive application of Subsection B of this section is necessary to implement the agreement between this Board and classified employees of the County effective on December 1, 1977, to the effect that the rate of compensation for employment after that date was under negotiation and the effective date of changes in compensation would be December 1, 1977, or such later date that the Board might select after employee negotiations. On April 25, 1978, this Board approved a Memorandum of Understanding between the County and the California Nurse's Association, the duly authorized representative for employees in the classification of Registered Nurse. (Prior code § 2-203(e)).

<u>CASH OUT OF COMPENSATORY TIME</u>—Personnel Policy

Department heads may approve individual employee requests to cash out accrued compensatory time prior to the 120 or 180 day maximum, based on the Department's financial ability to pay. Requests for cash out may be made by employees in increments of not less than twenty hours each pay period. If the total time accrued is less than the twenty hour minimum all of the compensatory time on the books shall be cashed out, upon Department Head approval.

3.32.020 Overtime—Computation

Work in excess of forty hours in a work week shall be considered overtime work; provided, however, that overtime in an amount less than thirty minutes in a work week is not compensable and shall not be reported on attendance records, nor shall overtime services performed because of shift rotation or other similar changes in hours of work be considered as overtime work. For the purpose of computing overtime, all hours for which pay is received shall be considered hours worked. (Prior code § 2-203(b)).

APPLICATION OF "FAIR LABOR STANDARDS ACT"

Non-exempt employees covered by the "Fair Labor Standards Act" shall be compensated for all overtime work, including time less than thirty minutes in a work week.

3.32.030 Overtime—Purpose

It is the policy of the County to avoid overtime work whenever possible. Overtime work shall be used only to supply essential public services or perform necessary duties during emergencies or where performance of overtime work by regular employees is more economical than adding new employees by creation of new regular or extra help positions. (Prior code § 2-203(c)).

3.32.040 Overtime—Approval

If, in the judgment of a Department Head, overtime work is required, he may order such overtime work, provided:

A. Time worked in addition to the regular forty-hour week shall not be considered overtime work unless specifically ordered by the employee's Department Head.

B. No overtime work shall be ordered in excess of two hours for any employee in any one work week without prior approval of the Chief Executive Officer or his or her designee, except that in case of emergency to prevent loss of life or damage to property, or to meet a legal obligation of the County, a Department Head may order overtime work without such approval but must, at the earliest opportunity, report such overtime work to the Chief Executive Officer or his or her designee. (Ordinance CS 373 § 6, 1990; prior code § 2-203(d)).

APPLICATION OF "FAIR LABOR STANDARDS ACT"

Departments may not permit non-exempt employees to work on a voluntary basis. Employees must be compensated for all time worked if the Department Head or his designee has knowledge or should have had knowledge of the overtime work performed.

3.32.080 Overtime—Salary Classification

No Department Head may employ a person from outside the service of the County, or from outside his department, as a substitute for a regular employee who is on leave of absence with pay on account of overtime work, nor shall any Department Head assign or transfer any person who is on leave of absence with pay on account of overtime work, when the person so assigned or transferred receives an increase in pay as a result of such assignment or transfer, it being the intent of this provision that where persons are allowed compensatory time off with pay for overtime work, the department must arrange to perform the duties of such absentee without additional cost or expense. (Prior code § 2-203(h)).

3.32.100 Personnel Ineligible for Overtime

Department heads, assistant department heads and such other classifications of employment as may be designated by Resolution of the Board of Supervisors shall not be subject to the provisions of this chapter. (Ordinance CS 557 § 43, 1994: prior code § 2-203(j)).

OVERTIME—TRANSFER BETWEEN DEPARTMENTS—Personnel Policy

Employees having earned overtime (compensatory) time in one department, then transferring to another department shall be "cashed-out" prior to transferring to the other department. Except for an employee transferring to a management position, this compensatory time may be transferred upon the approval of the receiving Department Head. Employees transferring to management must be cashed out for all compensatory time prior to the transfer.

WORK HOURS

No employee is to work outside of his or her designated work hours. Hours may vary based upon work functions, with management approval. Managers shall arrange the work of their staff to maintain coverage, efficiency and integrity of services. Weekly work schedules are approved by supervisors in advance, and cannot be changed without supervisor authorization. For most staff, work is performed between 8:00 a.m. and 5:00 p.m. with an hour for lunch Monday through Friday.

VARIANCE OF WORK HOURS

With supervisor approval, employees may deviate from the usual work hours instead of using vacation or sick time for occasional absences from work. This variance is not intended to alter the workweek on an ongoing basis. Likewise, when demands of the organization require work more than eight hours in one day, the supervisor will make every attempt to vary hours to ensure that the workweek does not exceed forty hours. Variances of work hours allowed for education/school purposes will be reviewed on a quarterly basis.

PERCENTAGE SCHEDULE

With Department Head approval, employees are permitted to work a reduced number of hours while maintaining their benefits and seniority. Employees on a percentage schedule are required to work a minimum of 30 hours each week to maintain their health benefits. Employees working 30-34 hours per week will be credited with 75% of benefit contributions. Employees working 35-39 hours per week will be credited with 90% of benefit contributions. (See current Health Insurance Agreement.) Additional employee contributions to health insurance premiums will be paid through payroll deduction. All other benefits will accrue based on hours worked.

Percentage schedules are usually granted for a maximum of one year. Employees are required to reapply at the end the time granted in order to extend their percentage schedule.

Justification for a percentage schedule include situations such as:

1. Caring for yourself or an immediate family member due to serious illness;
2. Continuing education related to your position;
3. Returning from maternity leave;
4. Emergency Child Care (3 months or less); and/or
5. Departmental needs determined by supervisor.

This policy has been designed to establish a twelve month pilot program for confidential, management and represented employees. It is recognized that this program could be subject to modification based on the results of the pilot program.

DEFINITION/ELIGIBILITY

Job sharing is defined as one full-time allocated position in a Department being occupied by two employees working a total of 80 hours per pay period. The position is split into two 50% positions and each employee is scheduled to work 40 hours in an eighty-hour pay period.

The County may permit two employees to share a permanent full-time allocated position if:

- Both employees occupy the same classification. Block-budgeted positions may be filled at different levels with department head approval.
- Both employees and their Department Head agree, in writing, to a "job share" contract.
- Both employees share the same desk, equipment and other work space. No additional work space or equipment will be provided to accommodate the "job share". If additional space and equipment are available and there is no additional fiscal impact, upon department head approval more than one work space may be permitted.
- Both employees agree to adjust their work hours, when requested by the Department Head, to work when the other employee has planned training, vacation or leave.
- Both employees agree to schedule, whenever possible, medical and personal appointments during time off.

With the approval of CEO/Human Resources, a re-employment, transfer or eligibility list may be used to fill one or both of the job sharing positions. At its option, CEO/HR may conduct a specific recruitment to develop an eligibility list for the classification being job shared.

BENEFITS

Employees occupying a "shared" position will be eligible for the following benefits (pro-rated for authorized hours of work - i.e. 40 hours per pay period):

- Those required by law (social security, FICA, workers comp, etc.).

- Those provided by County policy (vacation, sick leave, holiday pay, health insurance, retirement, etc.)

Employees occupying a shared position will each receive 50% of benefits provided to full-time employees, including a 50% contribution for health, dental, vision premiums. Employer paid benefit contributions for each job sharing employee will be equivalent to 50% of what is being paid by the employer on behalf of full-time permanent employees. Employee costs for health insurance (medical, dental, vision) will be deducted from employee paychecks in the same manner as employees who choose health coverage requiring an employee contribution.

OTHER CONDITIONS/IMPACTS OF JOB SHARING

A. As required by the Fair Labor Standards Act (FLSA), hours worked up to 40 hours in a work week will be compensated at straight time, while hours in excess of 40 hours in a work week will be compensated at time-and-one-half. Work in excess of 40 hours in a pay period will not entitle an employee to health, vacation, holiday or sick leave benefits beyond 50% of what a full-time position receives.

B. If one of the two job sharing employees begins an extended leave, the Department Head may offer the remaining employee additional work hours. So as not to incur extra costs, the remaining employee will not be eligible for additional "County policy" benefits until the employee on leave is in a non-pay status. The job sharing agreement will remain in force and effect if the employee on leave has return rights. When the employee on leave returns to work, both employees will return to the hours and benefits specified in the job sharing agreement.

C. An employee participating in a job sharing agreement shall be eligible for merit increases and block-budgeted promotions after working 2080 regular hours.

D. Annually, on the effective date of the job sharing agreement, the Department Head shall review the effectiveness of the job sharing arrangement with the job sharing employees. This review is intended to provide all parties with an opportunity to discuss the need and advisability of continuing the job sharing arrangement.

E. Existing County personnel policies are to be followed unless specifically addressed by this document.

TERMINATING JOB SHARING

Employees:

An employee may cause the job sharing agreement to be terminated by:

- Leaving County employment.

- Accepting another County position.

- Being terminated from employment.

- The remaining employee will receive a minimum of 30 calendar days' notice from the Department Head to return to full-time employment. Within the notice period, the remaining employee may:

  1. Search for another employee in the same class to participate in a new job sharing agreement acceptable to the Department Head.

  2. Return to full-time employment.

  3. Voluntarily resign.

  4. Continue working under the job sharing agreement or some other schedule approved by the Department Head.

  5. If no new job sharing contract is executed by the end of the notice period and the employee does not return to full-time work or to some other schedule approved by the Department Head, the employee will be separated from employment and such separation shall be considered a voluntary resignation.

DEPARTMENT HEAD

The Department Head may terminate the job sharing agreement with a 30 calendar day written notice to both employees. Within the notice period, an effort will be made to transfer the junior employee to a vacant position in the same classification. If, at the end of the notice period both employees remain sharing one position, the more senior employee (as defined by length of service in County employment) will occupy the permanent full-time position and the other employee will be laid off from County employment. (The senior employee, at their option, may choose to accept the lay off and the junior employee shall return to full-time employment.) While the separation of either employee in this circumstance shall be considered involuntary, a job sharing employee may only exercise bumping rights for positions occupied by probationary employees on initial County probation within the same department in classifications where the employee held permanent status. Additionally, an involuntarily separated job sharing employee in good standing shall be eligible for re-employment rights as specified in the County Code.

Each County Department Head has the discretion to develop, implement and authorize a flex-time policy. Please check with your individual department for information on their flextime policy and procedure. Listed below are the basic concepts of flextime:

1. Departments can offer a flextime work schedule to full-time hourly employees when it is in the best interest of the organization and the employee. Management shall maintain the right to designate a work schedule for any particular function if necessary to maintain the efficiency and integrity of the organization.

2. Departments can offer flextime to:

   A. Provide staff and the organization with certain benefits such as increasing service hours without creating the need for overtime;

   B. Provide employees with a quiet time free of client contact;

   C. Ease childcare problems for working parents;

   D. Reduce the use of sick leave for medical appointments; and/or

   E. Increase family time for employees.

3. Employees using flextime are still expected to work 40 hours—except percentage employees.

4. Staff flextime schedules may be subject to rotation within a program in order to accommodate as many requests as possible.

5. Flextime schedules must accommodate business hours.

6. Flextime policies must have a procedure in place to track productivity and hours.

7. Final approval and authorization for employees to use a flextime schedule rests with the Department Head, director or designee.

8. Flextime schedules may be revoked for any reason. Examples may include the employee:

   A. Is not accountable to their flextime schedule;
   B. Is abusing the flextime schedule;
   C. Is not performing assigned duties;

D. If the business needs of the organization are not met; and/or
E. Due to customer needs.

9. Abuse of flextime is subject to disciplinary action and elimination of flextime privileges.

10. The most common flextime schedules are:

    A. **4/10 schedule**—four (4) ten-hour shifts;

    B. **4/9 and 1/4 schedule**—four (4) nine-hour shifts and one (1) four-hour shift;

    C. **9/80**—eight (8) nine-hour days and one (1) eight-hour day and one day off in each two-week pay period with a three-day weekend every other week—the day off must be a Monday or Friday.

11. Holidays—Employees who work a flextime schedule of over eight hours a day should be aware that they will only be credited with eight hours of holiday time. If an employee has a regularly scheduled day off which falls on a holiday, the employee will receive a total of eight hours holiday credit.

12. Meetings—Employees may be required to come in on a day they are not scheduled to work. If this should occur, time will be adjusted in the pay period. This procedure is not unlike staying beyond regularly scheduled hours.

13. Sick—With pre-approval by the employee's supervisor, the employee can make up time missed due to illness.

14. Transfers—Flextime schedules are not transferable from one program to another. Employees will need to reapply to continue their schedule in the new program.

NOTE: Flextime is a privilege not a right. Flextime is not subject to meet and confer.

APPROVED TIME OFF—ATO

When circumstances necessitate and with the approval of the Department Head, an employee can take time off without compensation when he/she has run out of vacation and/or sick time. A leave of absence without pay must be approved in advance, except in the case of illness or disability when advance notice is impossible.

Usually the employee initiates approved time off. However, the Department Head can grant, modify, or deny the request. Requests for a leave of absence without pay shall state the reason for the request and the beginning and ending dates of the leave.

If the leave request is for thirty (30) days or more the employee's request and the action of the Department Head shall be forwarded to the Chief Executive Officer for final approval, denial, or modification.

If an employee has either vacation, sick, or comp time left on the books, the employee cannot use Approved Time Off (ATO).

DOCK TIME—DOC

Occurs when an employee takes time off from work without compensation for an unspecified reason. Dock time can be:

1. Used when the employee has run out of vacation and/or sick time;
2. Used when the employee takes time off **without** the approval of the Department Head.

DOC may be used even if the employee has time on the books. For example, the employee may have a leave restriction that does not allow the use of sick or vacation time in which case DOC time is used.

PURPOSE

The purpose of this policy is to provide uniform guidelines for all County departments in implementing a voluntary time off program.

VOLUNTARY TIME OFF POLICY

It is the policy of the County that County Department Heads have the discretion to implement Voluntary Time Off (VTO) procedures as a cost savings measure to assist County budgets and to help reduce the need for a reduction-in-force (RIF).

Regular full-time County employees may voluntarily request unpaid VTO as a reduced work schedule. VTO may include a minimum four hours per pay period to a maximum of 32 hours per pay period, but may not exceed 104 hours per fiscal year. Employees requesting reduced work schedules exceeding 104 hours per fiscal year may utilize the existing provisions of the County's Percentage Employment Policy (Tab 10, page 7 of the Personnel Manual).

Employees approved for VTO will be required to sign an agreement to confirm the total number of hours in the fiscal year they will go unpaid. This agreement is to assist the Department for budget planning purposes and may only be changed during the fiscal year if approved or required by the Department Head or designee (exceptions may be provided if the employee can demonstrate a financial hardship such as loss of other family income, etc).

If the County implements a mandatory furlough program during the same fiscal year an employee has participated in the VTO program, the employee shall be eligible to use the VTO as credit towards the mandatory furlough requirement.

GUIDELINES FOR IMPLEMENTING THE VOLUNTARY TIME OFF POLICY

The following guidelines apply to the County's VTO Policy:

1. No form of salary compensation may be taken in lieu of the unpaid voluntary time off hours, including sick, compensatory, and/or vacation time.

2. County seniority would not be affected. VTO is not considered a break in service for the purposes of calculating seniority under the County's Reduction-in-Force Policy. Employees' evaluation dates, including probationary review dates and eligible step increases will not be changed based on participation in the VTO program.

3. Scheduled VTO days may not result in the need for any other employee to work overtime/comp time or create any additional cost to the department. VTO eligibility would typically not include posted positions which require another employee to backfill behind them (detention facilities, etc).

4. Health benefits would continue as if the VTO was not in place provided the employee receives a minimum of 22 paid hours per week.

5. Leave time accruals (vacation, sick leave, etc.) would not be impacted by the use of VTO.

6. Retirement service credit and contributions would be calculated on the actual hours worked when an employee elects to participate in the VTO program. The VTO hours of the work week that are not worked, will not be eligible for purchase as a retirement service credit. A "year of service" will be calculated as set forth in Government Code section 31640.5.

7. Vacation cash outs will not be considered in the same fiscal year an employee participates in the VTO program. If the employee provides a documented retirement date in the same fiscal year, the Department Head shall approve vacation cash outs provided the employee meets all eligibility criteria for cash out.

8. VTO agreements will be documented on forms provided by the Chief Executive Office and must be approved by the employee and Department Head or designee prior to the implementation of the VTO schedule.

9. VTO shall not be scheduled on a paid County holiday. Existing holiday provisions shall not be impacted by participating in the VTO program. Employees utilizing VTO during the same pay period as a paid County holiday are entitled to the same level of holiday pay provided in their existing MOU.

PERSONNEL MANUAL
TAB 11
LEAVE TIME BENEFITS

INDEX

The Federal Family Medical Leave Act has recently been updated to incorporate the recent Federal regulatory changes. Sections of this tab are currently being updated to include these recent changes and are being reviewed. To view the new changes to the regulations now, please click on the following link:

http://www.stancounty.com/riskmgmt/risk-medical-leaves-sub-main.shtm

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MEMORANDUM OF UNDERSTANDING PROVISIONS

Provisions of Memoranda of Understanding approved by the Board of Supervisors shall become operative on the dates set forth in such memoranda, notwithstanding the fact that some sections may conflict with provisions of ordinances or resolutions in effect at the time of approval of the memoranda. Pending amendment of any such conflicting ordinance or resolution sections, the provisions of Memoranda of Understanding shall govern the administration on matters of wages, hours and terms and conditions of employment.

HOLIDAYS

3.48.010 Designated

Except as otherwise provided in Memoranda of Understanding, County officers and employees, other than temporary part-time, seasonal or personal service contract employees, shall be entitled to the following holidays, which shall be credited or charged as vacation time at the rate of eight hours per observed holiday or at a rate that is proportionately equal as prescribed in Section 3.32.010:

A. January 1st, New Year's Day;

B. The third Monday in January, Martin Luther King Day;

C. The third Monday in February, Washington's Birthday;

D. The last Monday in May, Memorial Day;

E. July 4th, Independence Day;

F. First Monday in September, Labor Day;

G. November 11th Veterans Day;

H. November—the Thursday designated as Thanksgiving Day;

I. The day after Thanksgiving Day;

J. December 25th, Christmas Day;

K. Employees whose holidays are specified in Subsections A through J of this section were converted to optional holidays by Memorandum of Understanding shall be credited in the pay period in which the holiday occurs with eight hours vacation time or a proportionate rate after working the major fraction of that particular pay period;

L. Only the immediate days of mourning declared by the President of the United States and the Governor of California will be considered as County holidays;

M. Every Monday following a Sunday which falls on January 1st, July 4th, November 11th, or December 25th;

N. Four hours when Christmas Eve falls on any day of the week except Saturday or Sunday. Employees required to work full shifts, including Saturday or Sunday, on Christmas Eve shall be credited with four hours of vacation time.

O. Every Friday preceding a Saturday which falls on January 1st, July 4th, or November 11th. (Ordinance 671 §§ 1,2, 1998; Ordinance CS 557 §55, 1994: Ordinance CS 107 §§10, 11, 12, 1985; prior code §2-204(a), (b)).

3.48.020 <u>Employees Required to Work on Holidays</u>

All employees, except temporary, part-time, seasonal or personal services contract employees, who are required to work on an observed holiday shall be entitled to equivalent vacation time off. (Ordinance CS 557 § 56, 1994: Ordinance CS 107 § 8, 1985: prior code § 2-204(c)).

3.48.030 <u>Holiday Falling on Scheduled Day Off</u>

If a holiday listed in Section 3.48.010 falls on a Saturday or on a regularly scheduled day off for employees who work a schedule other than Monday through Friday, all employees except temporary, part-time, seasonal or personal service contract employees, shall be entitled to equivalent vacation time off. It is the intent of this provision that all employees except temporary, part-time, seasonal or personal services contract employees shall be allowed the same number of days off each year regardless of the day of the week on which the holiday falls. (Ordinance CS 557 § 57, 1994: Ordinance CS 107 § 9, 1985: prior code § 2-204(d)).

MOU provisions exist which may in part modify the compensation for represented employees on holidays.

VACATION

3.36.010 Applicability and Policy

A. This ordinance shall apply to all County officers and employees other than elected officers, temporary, part-time and seasonal employees, and personal service contractors unless otherwise provided by resolution of the Board of Supervisors.

B. It is the policy of the County that employees use all of the vacation time they earn each year. However, an employee may, with the consent of their Department Head, use less than the vacation time they earn in one year and take a correspondingly longer vacation the following year. All vacations shall be taken at such time or times as are approved by the Department Head. In the event that an employee is not permitted to use vacation they have requested, the employee shall be entitled to accumulate said vacation, provided, however, that the employee may not earn vacation after they have accumulated 450 hours of vacation (or a proportionately equal number of hours as prescribed in Section 3.32.010). Provided that the earning and accumulation of vacation shall be subject to all applicable Memoranda of Understanding. The accumulated vacation limit of 450 hours shall not apply to department heads, employees designated by the Chief Executive Officer as "management employees," nor to employees classified as "confidential employees."

C. With regard to employees classified as "confidential" employees, effective December 23, 1995, the "effective date," they shall continue to earn and accumulate vacation until they have reached the applicable limit described herein below:

1. The "GENERAL" limit. All confidential employees who as of the effective date have accumulated 450 hours or less of vacation time shall continue to earn vacation until they have earned the "General" limit which is the sum calculated as follows: 450 hours, plus, the amount of vacation they are entitled to earn in any current calendar year pursuant to applicable ordinances and resolutions, if any;

2. The "SPECIAL" limit. All "confidential" employees who as of the effective date have accumulated more than 450 hours of vacation time shall continue to earn vacation until they have earned the "Special" limit which is the sum calculated as follows: The amount of accumulated vacation of said employee as of the effective date, plus the amount of vacation they are entitled to earn during any current calendar year pursuant to applicable ordinances and resolutions, if any.

D. With regard to department heads and employees designated by the Chief Executive Office as "management employees," effective December 23, 1995, the "effective date," they shall continue to earn and accumulate vacation until they have reached the applicable limit described herein below:

1. The "GENERAL" limit. All department heads and management employees who as of the effective date have accumulated 800 hours or less of vacation time shall continue to earn vacation until they have earned the "General" limit which is the sum calculated as follows: 800 hours, plus, the amount of vacation they are entitled to earn in any current calendar year pursuant to applicable ordinances and resolutions, if any;

2. The "SPECIAL" limit. All department heads and management employees who as of the effective date have accumulated more than 800 hours of vacation time shall continue to earn vacation until they have earned the "Special" limit which is the sum calculated as follows: The amount of accumulated vacation of said employee as of the effective date, plus the amount of vacation they are entitled to earn during any current calendar year pursuant to applicable ordinances and resolutions, if any.

E. The foregoing "limits" upon the ability to earn vacation, are subject to the following provisions:

1. In cases where the employee has made a timely request for vacation but the County's need for the services of such person conflicts with that person's ability to utilize vacation, and as a result they would exceed their accumulated vacation limit then, they will be paid for that portion of the vacation time they had requested and not been allowed to use, subject to any limits provided in an applicable Memoranda of Understanding, which would cause them to exceed their limit; or

2. If not being able to use such timely requested vacation time would not cause the person to exceed their accumulated vacation limit, then, the vacation time they were not allowed to use shall be accumulated; provided, however, that in such case management and confidential employees may have such time either accumulated or converted to cash at the election of the said person.

F. The "special" vacation accumulation limits set forth in this ordinance, at parts "C.2." and "D.2." above, shall be recalculated annually to recognize the fact that an employee may elect to reduce their individual "special" limit by using more vacation in a year than they earn in a year, by converting accumulated vacation to monetary compensation or other benefits, or by any other method provided for by an ordinance or Resolution of the Board of Supervisors. Also, both the said "special" limits and the "general" vacation accumulation limits set forth in this ordinance, at parts "C.1." and "D.1." above, shall be recalculated annually to recognize any and all changes in the amount of vacation a person may be entitled to earn during a current calendar year. Said annual recalculations shall be done at the end of each year on a date selected by the Auditor. (Ordinance CS 598 § § 1, 2(part), 1995).

VACATION ACCRUAL FOR MANAGEMENT EMPLOYEES WHO BECOME NON-MANAGEMENT—Board Resolution

In the event an employee is removed from management status through lay-off, voluntarily, for cause, or for any other reason, the vacation time accrued may either be frozen or cashed out partially or in its entirety with Department Head approval. If the accrual is frozen on the books, the time will be maintained separately from any vacation earned in the non-management status. The new vacation accrual will be subject to the applicable vacation accrual maximum.

3.36.020 Vacation Earning Rates

A. All vacation and sick leave earned pursuant to this ordinance shall be prorated in the event that the employee or Department Head does not work or otherwise earn, through sick leave or vacation, etc., the total number of hours required of them for a bi-weekly pay period.

B. Unless otherwise provided by ordinance or resolution, County employees other than department heads shall earn vacation at the rate of 3.08 hours for each bi-weekly pay period (or a proportionately equal amount as prescribed in Section 3.32.010), until their completion of the second year of continuous service at which time the rate of earning vacation shall be governed by the other applicable provisions of this Chapter.

C. Department heads and such other classifications as are listed by resolution of the Board of Supervisors shall earn vacation at the rate of 4.62 hours for each bi-weekly pay during their first year of continuous service, at the rate of 6.16 hours for each bi-weekly pay period during their second year of continuous service and continuing through their twentieth year of continuous service, and at the rate of 7.70 hours for each bi-weekly pay period for their twenty-first year and thereafter until separation from County service.

D. Upon completion of the second year of continuous service, all employees other than department heads and such other classifications as listed by Resolution of the Board of Supervisors shall earn vacation at the rates set forth below:

   1. For the third year through and including the tenth year of continuous employment, vacation shall be earned at the rate of 4.62 hours for each bi-weekly pay period (or a proportionately equal number of hours as prescribed in Section 3.32.010);

   2. For the eleventh year through and including the twentieth year of continuous employment, vacation shall be earned at the rate of 6.16 hours for each bi-weekly pay period (or a proportionately equal number of hours as prescribed in Section 3.32.020);

   3. For the twenty-first year and thereafter until separation from County service, vacation shall be earned at the rate of 7.70 hours for each bi-weekly pay period (or a proportionately equal number of hours as prescribed in Section 3.32.010);

E. All employees, other than department heads and management employees, shall earn 16 hours, or the amount provided by applicable resolution or Memoranda of Understanding, of "special" vacation time each calendar year, department heads and management employees shall earn 32 hours of "special" vacation time each calendar year. "Special" vacation shall be earned in addition to the regular vacation provided for herein and shall be earned by prorating said amount over twenty-six pay periods.

F. The granting of any leave of absence without pay or other time off without pay exceeding fifteen calendar days shall cause the employee's date of eligibility for increased vacation accrual rates to be postponed by the equivalent number of months to the nearest number of months for which the leave of absence is granted based on the number of calendar days in each month." (Ordinance CS 712 §§ 4, 1999; Ordinance CS 598 §3(part), 1995).

3.36.030 Payment for Accrued Vacation Upon Separation from County Employment

Upon separation from County employment, County officers and employees shall be paid cash in an amount equal to the cash value of their unused accrued vacation time as of their date of separation from County service. Nothing in this section shall prevent a Department Head from filling a position vacated by separation immediately following the last day actually worked by the separated employee, provided funds are available for that purpose. Vacation pay of the employee separating from County service shall be identified on the monthly payroll certificate. (Ordinance CS 598 § 4(part), 1995).

3.36.040 County Employment During Vacation

No person shall be permitted to work for compensation for the County in any capacity during the time of his or her paid vacation from County service, provided however, that there shall be an exception for Election Day service as a poll worker or precinct inspector, as follows:

A County employee may work for compensation in the form of the applicable statutory stipend and mileage allowance from the Registrar of Voters whenever that employee voluntarily utilizes regular days off, department-approved vacation time or department-approved compensatory time off to serve as, or attend training to serve as, an Election Day poll worker or precinct inspector. (Ordinance CS 598 § 5 (part), 1995; Ordinance 857, § 2003).

3.36.050 Approval Required (revised 6/16)

A. All requests for vacation must be approved by the employee's Department Head. The Department Head is responsible for determining that the employee is eligible for the vacation requested. No employee shall be allowed to use vacation time in an amount which exceeds their balance of earned vacation unless otherwise provided pursuant to this ordinance or pursuant to an applicable Memoranda of Understanding.

3.36.060 **Repealed**

(Ordinance CS 598 § 7(part), 1995; Prior code § 2-205(e)).

3.36.070 **Repealed**

(Ordinance CS 598 § 7(part), 1995; Prior code § 2-205(f)).

PAYMENT OF ACCRUED VACATION TIME UPON BECOMING AN ELECTED OFFICIAL—County Counsel Opinion

County employees who become elected officials may choose to cash out their vacation prior to taking office. However, the newly elected official may choose to bank the time for future use. Any "banked" time that is subsequently cashed out, will be at the salary level in effect prior to assuming elective office.

SICK LEAVE

3.40.010 Sick Leave Earning Rate and Use (revised 06/16)

A. While in the continuous service of the County, County officers and employees, other than temporary, part-time, seasonal, or personal service contract employees, shall be entitled to 3.7 working hours or a proportionately equal number of hours as prescribed in Section 3.32.010 of sick leave pay for each bi-weekly pay period of actual service. Such sick leave with pay can only be granted upon the recommendation of the Department Head in case of bona fide illness of the employee or in the event of serious illness in the employee's immediate family. "Immediate family" normally means father, mother, husband, wife, son, daughter, sister, brother, grandparents, grandchildren, father-in-law, or mother-in-law; however, for reasons held to be sufficient by the employee's Department Head and approved by the Chief Executive Officer, this definition may be expanded to include other persons whom the employee had enjoyed a parent or family-like relationship.

B. Bona fide illness shall include pregnancy when the pregnancy incapacitates the employee to the extent that she cannot fully perform the duties of her job. A statement from the employee's physician verifying such incapacity shall be required before sick leave with pay will be granted, and the statement shall accompany the payroll on which the first illness is shown.

BEREAVEMENT LEAVE

C. In the event of a death in the employee's immediate family, bereavement leave, not to exceed forty working hours or a proportionately equal number of hours as prescribed in Section 3.32.010, may be granted the employee without charge to sick leave. (Ordinance CS 712 §§ 3, 1999; Ordinance CS 557 §47, 1994: Ordinance NS 976 §1, 1981: prior code §2-206(a)).

BEREAVEMENT LEAVE—Chief Executive Office Policy Memo dated August 13, 2001

County policy generally provides that in the event of a death in the employee's immediate family, the employee may be granted up to 40 working hours of bereavement leave, without charge to sick leave.

"Immediate family" normally means father, mother, husband, wife, son, daughter, sister, brother, grandparents, grandchildren, father-in-law, or mother-in-law; however, for reasons held to be sufficient by the employee's Department Head, this definition may be expanded to include other persons whom the employee had enjoyed a parent or family-like relationship.

The Department Head has the discretion to grant up to 40 hours of bereavement leave. Department heads are urged to use their best judgment, keeping in mind the unique composition of today's modern family.

3.40.020 Certificate Required

All employees who claim sick leave with pay, upon return to work after an illness, shall complete a certificate of illness on a form provided by the Chief Executive Office. An employee shall furnish a certificate issued by a licensed physician or other satisfactory proof of illness upon the request of the Department Head concerned. The certificate of illness signed by the Department Head shall accompany the payroll on which illness is shown. In the event this form does not accompany the payroll, the time away from work shall be charged to either accrued vacation or the employee shall be marked absent on the payroll. No sick leave will be honored without completion of this form. (Ordinance CS 557 § 48, 1994: prior code § 2-206(b)).

3.40.040 Disallowed Causes

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

A. Disability arising from any sickness or injury purposely self-inflicted or caused by any of his/her willful misconduct;

B. Sickness or disability sustained while on leave of absence other than his/her regular vacation. (Ordinance CS 557 § 50, 1994: prior code § 2-206(d)).

3.40.050 Termination Payment

All employees whose service with the County is terminated after one year of continuous service shall be paid a sum of money equal to twenty-five percent of their hourly rate of pay at the time of their termination multiplied by their total number of accumulated and unused hours of sick leave. Termination of service shall include death, in which event payment shall be made to the person or persons entitled to succeed to the estate of the deceased employee. This section, as amended, shall include all accumulated or unused sick leave acquired while in the service of County. (Prior code § 2-206(e)). **See Tab 12 for specific cash-out provisions.**

3.40.060 Elective Officers Exempt

Elective officers shall not be subject to the provisions of this chapter. (Prior code § 2-206(f)).

SICK LEAVE PAY UPON BECOMING ELECTED OFFICIAL—County Counsel Opinion

County employees who become elected officials may choose to cash out their sick leave prior to retirement at the applicable percentage cash out limitation in effect at the time of entering elective service. However, the newly elected official may choose to bank the time for future use.

Any "banked" time that is subsequently cashed out, will be at the salary level in effect prior to assuming elective office.

MANAGEMENT EMPLOYEE SICK LEAVE CASH OUT UPON DEATH WHILE IN ACTIVE SERVICE—County Counsel Opinion April 18, 2000

Management employees with at least a year of service with the County, who die while actively employed, should receive the 75% cash out amount for unused sick leave up to the cash out maximum.

TRANSFER ACCRUED SICK LEAVE TO DEFERRED COMPENSATION

See Tab 12.

<u>ACCRUED SICK LEAVE/CARE OF DOMESTIC PARTNER</u>—Effective January 1, 2002

California Labor Code Section 233

A. Any employer who provides sick leave for employees shall permit an employee to use in any calendar year the employee's accrued and available sick leave entitlement, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, to attend to an illness of a child, parent, spouse, or domestic partner of the employee. All conditions and restrictions placed by the employer upon the use by an employee of sick leave also shall apply to the use by an employee of sick leave to attend to an illness of his or her child, parent, spouse, or domestic partner. This section does not extend the maximum period of leave to which an employee is entitled under Section 12945.2 of the Government Code or under the Federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2606 et seq.), regardless of whether the employee receives sick leave compensation during that leave.

B. As used in this section:

1. "Child" means a biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis.

2. "Employer" means any person employing another under any appointment or contract of hire and includes the state, political subdivisions of the state, and municipalities.

3. "Parent" means a biological, foster, or adoptive parent, a stepparent, or a legal guardian.

4. "Sick leave" means accrued increments of compensated leave provided by an employer to an employee as a benefit of the employment for use by the employee during an absence from the employment for any of the following reasons:

   a) The employee is physically or mentally unable to perform his or her duties due to illness, injury, or a medical condition of the employee.

   b) The absence is for the purpose of obtaining professional diagnosis or treatment for a medical condition of the employee.

   c) The absence is for other medical reasons of the employee, such as pregnancy or obtaining a physical examination. "Sick leave" does not include any benefit provided under an employee welfare benefit plan subject to the federal Employee Retirement Income Security Act of 1974 (Public Law 93-406, as amended) and does not include any insurance benefit, workers' compensation benefit, unemployment compensation disability benefit, or benefit not payable from the employer's general assets.

C. No employer shall deny an employee the right to use sick leave or discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using, or attempting to exercise the right to use, sick leave to attend to an illness of a child, parent, spouse, or domestic partner of the employee.

D. Any employee aggrieved by a violation of this section shall be entitled to reinstatement and actual damages or one day's pay, whichever is greater, and to appropriate equitable relief.

E. Upon the filing of a complaint by an employee, the Labor Commissioner shall enforce the provisions of this section in accordance with the provisions of Chapter 4 (commencing with Section 79) of Division 1, including, but not limited to, Sections 92, 96.7, 98, and 98.1 to 98.8, inclusive. Alternatively, an employee may bring a civil action for the remedies provided by this section in a court of competent jurisdiction. If the employee prevails, the court may award reasonable attorney's fees.

F. The rights and remedies specified in this section are cumulative and nonexclusive and are in addition to any other rights or remedies afforded by contract or under other provisions of law.

The domestic partnership must be officially registered with the Secretary of State in accordance with Family Codes Section 299 for this provision to apply.

WORKERS' COMPENSATION

3.40.030 Injury Received in County Employment

A. Any County officer or employee, other than a temporary, part-time, seasonal or personal service contract employee, who is compelled to be absent from active service, as a result of sickness or injury arising out of and in the course of his employment, shall be entitled to receive full compensation during the first three calendar days of such absence without sick leave charge.

B. Thereafter, during such absence, he/she shall be entitled to receive compensation equal to the difference between his/her base salary and the weekly compensation benefits received by the employee up to the amount of his/her accumulated sick leave time, vacation, holiday or compensatory time, on the basis of a pro rata charge to such leave based on the difference between the employee's base salary and benefits received.

C. At such time as sick leave is exhausted, the employee shall be placed on leave of absence without pay until able to return to active service.

D. Any employee compelled to be absent as provided in this section shall not lose any earned vacation, holiday or accumulated overtime, if not used, notwithstanding any limitations elsewhere in this title as to the time within which the same may be taken. Such accumulated vacation, holiday or overtime may be taken upon the employee's return to active service, or upon termination of employment, subject to other regulations provided for in this title. (Ordinance CS 557 § 49, 1994: prior code § 2-206(c)).

BOARD OF SUPERVISORS RESOLUTION—Adopted September 26, 2000/Resolution #2000-764

The Board of Supervisors recommended that the following provision apply to all employees. The change becomes effective June 1, 2000 to address the employees affected by this action:

Employees who are at work shall be granted **release time*** when they are directed by the County to attend a medical-legal evaluation during the employee's regularly scheduled work time. No overtime liability shall be incurred by the County if the evaluation extends beyond the employee's normal work hours. The employee must notify his or her immediate supervisors of the evaluation.

*Release time is defined as granting an employee time off to attend a medical evaluation to determine if a Workers' Compensation claim should be accepted or not or to determine level of permanent disability. Release time **does not** apply to medical treatment visits. For any medical treatment visit the employee may use sick leave, vacation, comp time, flex his/her schedule with prior Department Head approval or take "approved time off" in an unpaid status.

STANISLAUS COUNTY BOARD OF SUPERVISORS RESOLUTION
ADOPTED SEPTEMBER 21, 2004/RESOLUTION # 2004-706
AMENDED JANUARY 2008
VOLUNTARY TIME BANK FOR CATASTROPHIC ILLNESS
INJURY LEAVE PROCEDURE

Revised 1/08

A. PURPOSE

The Voluntary Time Bank for Catastrophic Illness or Injury is designed to assist employees who have exhausted, or are about to exhaust, all accrued leave. This accrued leave includes sick leave, vacation, compensatory time, old holiday time and management or professional leave. This policy allows other employees the ability to donate vacation, holiday, compensatory, and sick time to an incapacitated or primary care giving employee so that she/he can remain in a paid status for a longer period of time, thus partially relieving the financial impact of the illness, injury or condition.

STEPS FOR APPLYING TO RECEIVE DONATED TIME (each step is further explained below)

1. Submit the "Employee/Physician Catastrophic Leave Application" to the Department's Human Resources Unit.

2. Department Human Resources will complete the Donated Time Eligibility form.

3. The Department Head, or designee, will review and approve the request for catastrophic leave if all eligibility criteria are met, and then forward the request to the Donated Time Review Board for consideration. If the Department Head, or designee, denies a request only on the basis of the catastrophic illness or injury, the request will be forwarded to the Donated Time Review Board for final consideration.

4. The Donated Time Review Board will convene and either approve or deny the request for Donated Time. If approved, the participating employee will be eligible to receive donated time as outlined below.

CONDITIONS FOR RECEIVING EMPLOYEE

Upon request of an employee, or an employee's family member or co-worker (with written concurrence of the employee, if he or she is able to provide such), and upon approval of the Donated Time Review Board, sick leave, vacation, holiday time or compensatory time may be transferred from one or more employees (donating employees) to another employee (receiving employee) on an hour-for-hour basis. The donating employees may be from County departments other than that of the receiving employee. The receiving employee may participate in the program under the following conditions:

A. The receiving employee has sustained a catastrophic illness or injury, or an immediate family member has sustained the illness, that has been confirmed by a medical doctor for medical leave. The Donated Time Bank Review Board, based on the information provided by the employee and medical doctor determine if the illness or injury meets the "catastrophic" definition.

   Generally, a catastrophic illness is defined as cancer, heart attack, stroke, or serious injury resulting in the employee having to take an extended period of time off work to recuperate or requires their presence to care for an immediate family member. Extended period of time would generally be considered as thirty (30) calendar days or more. For this policy, the definition of immediate family member would typically include the employee's spouse or children or other family members.

   "Other family member" typically means father, mother, sister, brother, grandparents, grandchildren, father-in-law or mother-in-law; however, for reasons held to be sufficient by the employee's Department Head, this definition may be expanded to include the person with whom the employee has enjoyed a parent or family-like relationship. (refer to Ord. NS 976 Section 1, 1981: prior codes Section 2-206(a).

B. The receiving employee must be filling an authorized benefited County position and eligible to receive accrued leave time. The receiving employee must have been employed in the County for 12 months or achieved permanent status. (Extra-help/part-time employees and Personal Services Contractors are excluded from participation.) Absent extenuating circumstances, employees participating in the State Disability Insurance (SDI) program and who waive eligible SDI benefits are not eligible to participate in the Voluntary Time Bank for Catastrophic Illness or Injury. Donated time is supplemented with Workers Compensation pay, State Disability Insurance and any short term and/or long term disability programs.

C. The receiving employee is about to exhaust all accrued leave time, including vacation, sick leave, holiday time, compensatory time, and management or professional leave.

D. The receiving employee has completed the application form and Human Resources has verified that the criteria outlined in the Donated Time Bank Request Checklist has been met.

E. The Department Head or designee reviews the request and approves or denies checklist requirements to determine eligibility. If criteria other than nature of injury/illness is met, the Department Head or designee submits the application form and the completed checklist to the Donated Time Review Board.

F. The receiving employee is not eligible to participate in the Voluntary Time Bank for Catastrophic Illness or Injury if they have:

   1. had attendance problems in the previous twelve (12) months of their employment and are currently on a corrective action plan for attendance (not including approved leave time or attendance issues related to the injury or illness qualifying for donated time),

2. received formal discipline (suspension, demotion) for attendance in the previous twelve (12) months (not including disciplinary action under appeal),
3. currently on initial County probation, or
4. has received donated time in the last twelve (12) consecutive months.

G. The receiving employee must be medically unable to return to work, or unable to return to work because he/she is required to care for an immediate family member suffering from a catastrophic illness or injury for a period of time confirmed by a physician. In addition, the employee would not have sufficient leave time, i.e. vacation, holiday, management leave, compensatory time, sick leave or professional leave of his/her own to cover the approved absence. The employee must request the donation of time to cover the unpaid leave from the Department Head or his or her designee, and the Donated Time Review Board in accordance with existing County and department policy. The Department Head or designee will require medical verification of the absence and/or periodic status reports.

H. The time received may not exceed more than 1040 hours in a consecutive twelve (12) month period, and may only be utilized by the employee to cover the period of the absence approved for the catastrophic illness or injury. Every attempt shall be made by the department to ensure that no more than the amount of time necessary to cover the period of the absence is donated by employees. If time received is in excess of the needed time to cover the absences, it shall not be returned to the donating employee(s) nor shall the time be subject to cashout, or used by the employee for purposes other than catastrophic illness/injury. This time shall not be included in any cashout, as part of the survivor benefit, in the case of the death of the County employee. Any unused donated leave will be deleted from employee accrual balances upon their termination.

I. An employee who is on unpaid status may return to paid status using donated time. Once the donated time is exhausted and the employee returns to unpaid status, the employee is no longer eligible to receive donated time and return to paid status. Employees are only eligible to return to paid status once using donated time. On an individual bases exceptions related to long-term disability being denied may be approved allowing an employee to return to paid status using donated time as approved by Human Resources Deputy Executive Officer.

J. Time transferred shall be maintained as a separate category of leave time called "Donated Time" and recorded as such on the payroll record. It shall not be intermixed with sick leave or vacation accrual balances.

K. A leave of absence without pay may be granted for a period not to exceed one (1) year. For this purpose, donated time is considered to be "unpaid leave" and is included in the one-year calculation. This does not preclude the granting of an unpaid leave of absence, if necessary, for absences extending beyond the one (1) year limitation. Exceptions to this policy may be granted by the County Chief Executive Officer in the role as Director of Personnel.

L. During the leave period, the Department Head or designee may at any time make requests for updated physician verification and may request the Donated Time Review Board to re-

evaluate the employee's continued eligibility if the circumstances change under which the leave was originally approved.

M. Employees shall continue to earn all benefits (i.e. vacation, sick leave, health insurance, retirement, seniority credit, etc.) while on catastrophic illness/injury leave, with donated time being utilized, in addition to any accrued time, during the period of absence. Additional compensation such as specialty pay, bilingual pay, out-of-class assignment pay, and shift differential will be stopped while the employee is absent from work on catastrophic illness/injury leave. Additional compensation identified under Memorandum of Understanding (MOU) will continue to be paid as provided by each applicable labor agreement.

N. Employees who have applied to participate in the Voluntary Time Bank program and have been determined to not be eligible will be informed of the decision in writing including the reason for the denied request.

L. TRANSFERRING TIME

The following applies when donations of time occur:

A. An employee may donate a minimum of four (4) hours of either vacation time or holiday time, compensatory or sick leave up to a maximum of forty (40) hours per donation per catastrophic illness/injury. If the receiving employee exhausts all donated time, employees may donate additional time, however, it may not exceed the forty (40) hour maximum per donating employee. The maximum amount of donated time cannot exceed 1040 hours for the receiving employee.

B. Exceptions to the forty (40) hour maximum may be allowed in cases where the donated time is being transferred between immediate family members. Immediate family members would include parent, spouse, sibling, and/or child (including step parents/children, etc.). The donating individual would still need to meet the minimum vacation and sick leave accruals before donating time.

C. The employee seeking to donate accrued sick leave time to a fellow employee will only be permitted to donate sick leave if they have a minimum of 160 hours of sick time or more left on the books after the transfer. Sick time leave donations are limited to a maximum of forty (40) hours per donating employee for each individual catastrophic leave time bank approval.

   Employees seeking to donate accrued vacation time to a fellow employee will only be permitted to donate vacation time if after the transfer they have a minimum of forty (40) hours of vacation remaining. Vacation time, holiday time, and/or compensatory time may not be combined at the time of each donation. At no time shall the donation of sick leave, vacation or holiday time be permitted which results in a negative balance.

D. Vacation, holiday time, compensatory and sick leave may be transferred by employees on an hour-for-hour basis regardless of relative salary in the current pay period. Management leave time may not be transferred.

DONATED TIME REVIEW BOARD

A. The Donated Time Review Board consists of four (4) members. The panel members will be two (2) management employees and two (2) members of the County labor work force. A County Registered Nurse will sit on the panel in an advisory capacity. Three (3) panel members will review each application. If the applicant and a panel member are from the same Department, the panel member will not be eligible to review. The Donated Time Review Board will meet in the Chief Executive Office whenever there is a request to consider.

B. The Donated Time Review Board is responsible for reviewing and making the final determination if the receiving employee meets the criteria set forth in the "Voluntary Time Bank for Catastrophic Illness or Injury" policy.

C. When necessary, the Registered Nurse will be responsible for obtaining any further medical information needed from the employee to make a decision whether an illness or injury meets the catastrophic definition. The Nurse will confirm consent to release medical information in compliance with medical confidentiality policies and regulations.

D. The decision will be based on the information provided by the receiving employee and the department. The majority vote rules the decision.

E. Members of the Donated Time Review Board will be chosen annually. Each represented bargaining unit will submit a potential member's name and Department Heads will submit manager's names. The Review Board will be chosen at random for the next year based upon the names submitted. The two labor representatives randomly selected may not be from the same association or union.

ESTABLISHING THE LEAVE BANK

A. The employee may request, or a family member or fellow employee may request on behalf of the employee with his or her written concurrence, establishment of a catastrophic illness/injury leave bank. The reason that the employee's written concurrence is necessary (if he or she is able to provide it) is that the nature of the illness may become public. It should be the affected employee's prerogative to what extent he or she may wish this information to be disseminated to others. Departments are sensitive to the confidentiality rights of their employees.

   The "Employee/Physician Catastrophic Leave Application" form may be obtained from CEO/HR or departmental human resources/payroll.

If the employee meets all criteria outlined in "Part I" of the "Voluntary Time Bank for Catastrophic Illness or Injury Leave" eligibility application, the Department Head or designee will confirm eligibility for participation in the leave program and the application will be forwarded to the Donated Time Review Board for review.

If the Donated Time Review Board approves participation in the leave program, the Department Head or designee and receiving employee will be notified. In addition, a copy of the approved request will be forwarded to the Auditor-Controller for notification.

B. In order for the donated time to accrue to the receiving employee, Department Head or designee approval, with final approval by the Donated Time Review Board is required, including donations of time across department lines. In the case of donations across department lines, approval will be required by the Department Head or designee, of the employee wishing to donate the time to the receiving employee in the other department. While donation of time may be made across departmental lines, a transfer of funds to cover the cost of the donated time will not be made. The Department Head or designee will notify the employee if the request is denied. The Department Head's decision shall be final.

   The Donated Time Review Board has sole authority to approve or deny the receiving employee's participation in the program.

C. Individual employee agreements to donate time shall be verified by the department coordinating the donation of leave time program (i.e. the department employing the receiving employee) to ensure that the minimum number of hours will be maintained by the donating employee. The department will submit the donation forms to the Auditor-Controller's Office for processing after approval from the Donated Time Review Board. Departments are to submit only enough hours, in four (4)-hour increments, for the current pay period.

D. The Auditor-Controller's Office will audit the individual leave time donations and make the adjustments to the donating and receiving employee's accrual balances. At the time the Auditor-Controller has credited the receiving employee with the donated time, the department may begin charging the absence to that time in order to compensate the receiving employee.

   The Auditor-Controller will notify the department Payroll Clerk in writing of the total amount of time credited to the receiving employee's donated time leave accrual. The department payroll clerk or the department human resources staff will notify the employee if/when there is no more time left in the time bank.

E. Participation in the donation of leave program is voluntary and every effort should be made to ensure that employees are not pressured or coerced to participate in the voluntary program.

F. The Voluntary Time Bank for Catastrophic Illness or Injury to a County employee or immediate family member is a bona fide leave sharing arrangement for a "medical

emergency" as defined in IRS Ruling 90-29. Pursuant to Ruling 90-29, leave transferred under such arrangement will not be considered wages for the employee who donated the leave and, therefore, will not be included in gross income or subject to withholding.

G. Participation or denial of donated time bank is a benefit, not a right. All actions of the Donated Time Review Board are final and binding. There is no appeal process and denial of benefits is not a grievable issue under any Memorandum of Understanding.

LEAVES OF ABSENCE

3.44.010 Use

Any employee in the Classified Service who has permanent or probationary status may be granted a leave of absence without pay upon written request of the employee which is approved by his or her Department Head. Except in cases of leave without pay of thirty calendar days or more, the approval of the Chief Executive Officer or his or her designee shall be required.

Time worked during the probationary period will be counted toward permanent status even if the person has an intervening leave of absence during the probationary period.

A leave without pay may be granted for any of the following reasons:

A. Illness or disability;

B. Pregnancy;

C. To take a course of study which will increase the employee's usefulness on return to his/her position; and

D. Personal reasons acceptable to the employee's Department Head and the Chief Executive Officer. (Ordinance CS 557 § 51, 1994: Ordinance CS 107 § 6, 1985: prior code § 2-207(a)).

3.44.020 Request and Approval

Requests for leave of absence without pay shall be made upon forms prescribed by the Chief Executive Officer and shall state specifically the reason for the request, the date when it is desired to begin the leave and the probable date of return. The request shall normally be initiated by the employee and shall be promptly transmitted by the employee or his or her designee to the Department Head. The Department Head shall grant, modify or deny the request. If the leave request is for thirty days or more the employee's request and the action of the Department Head shall be forwarded to the Chief Executive Officer for final approval, denial or modification of the request. The request for leave must be approved by the proper authority prior to the beginning date of the leave, except in the case of illness or disability when such action is impossible. (Ordinance CS 557 § 52, 1994: prior code § 2-207(b)).

3.44.030 Period

A leave of absence without pay may be granted for a period not to exceed one year; provided, that the Chief Executive Officer may extend such leave for an additional period not to exceed one year. Procedure in granting extensions shall be the same as that in granting the original leave; provided, that the request for extension must be made before the expiration of the original leave. Failure of an employee to return to his/her County employment upon termination of an authorized leave of absence shall be grounds for dismissal from County service. (Ordinance CS 557 § 53, 1994: prior code § 2-207(c)).

3.44.050 Return Before Expiration

Whenever an employee who has been granted a leave without pay desires to return before expiration of such leave, he/she shall notify his/her Department Head as soon as possible in advance of his/her return. The Chief Executive Office shall be promptly notified of such return. (Ordinance CS 557 § 54, 1994: prior code § 2-207(e)).

MILITARY LEAVE

3.44.040 Military Leave

Military leave shall be governed by provisions of the Military and Veterans Code. (Prior code § 2-207(d)).

3.44.060 Filling Vacancy Resulting from Leave

A vacancy resulting from an approved leave of absence shall be filled by a temporary appointment and the person appointed to fill such a vacancy shall be informed by his Department Head that his appointment is temporary. However, a position occupied by an employee on a military leave for in excess of thirty calendar days may be occupied simultaneously by another employee, but the employee on such military leave has an absolute right to return to the position following termination of his leave; provided, however, such person on military leave meets the requirements of the Military and Veterans Code pertaining to reinstatement rights. (Prior code § 2-207(f)).

ENHANCED MILITARY BENEFITS TO COUNTY EMPLOYEES CALLED BACK TO ACTIVE MILITARY SERVICE

In 1991, the County implemented a program to assist those County employees who were reservists and were called to active duty during the Gulf War. The Board of Supervisors adopted a resolution establishing a similar program for County employees who were called back to active military service as a result of the War On Terrorism—Operation Enduring Freedom.

Stanislaus County's Personnel Policies and Procedures currently provide that any employee who is on temporary military leave of absence and who has been in County service for a period of not less than one year immediately prior to the date on which the absence begins will be entitled to pay for up to 30 calendar days.

The Board of Supervisors authorized the payment after a 30 day minimum and up to 150 additional days of the difference between an employee's military pay and the employee's regular salary for employees called back to active military service in support of Operation Enduring Freedom. In addition, the Board of Supervisors authorized the employee's health benefits to be continued for the additional 150 days.

POLICY

1. Eligibility

   A. The program is for any regular County employee who is ordered to active military duty as a result of the War on Terrorism—Operation Enduring Freedom, which for purposes of this program commenced on September 11, 2001 and Operation Iraqi Freedom which began in March of 2003.

   B. An employee qualifies for program benefits after all paid military leave has been exhausted.

2. Duration

   A. Supplemental pay shall cease on the date the employee officially is released from active military duty or at the end of six (6) months of military pay supplement, whichever occurs earlier.

B. Supplemental pay may be extended beyond what is authorized here pursuant to the sole discretion of the Board of Supervisors.

3. Compensation and Benefits

A. The amount paid the employee will be the difference between the employee's base plus biweekly pay including, any special pays and other pay differentials and the base military pay, excluding other allowances.

B. If the employee's military base pay exceeds the County's base pay plus allowances, the employee will receive no additional pay allowances or paid leave benefits under this program.

C. While eligible for a military pay supplement, the County will continue to pay its full required contribution each pay period toward the County retirement program and the employee shall contribute the required employee contribution. Retirement contributions shall be made during this period only if the employee's military pay supplement is sufficient to cover the employee's contribution. Upon return from military leave, if there is no military pay supplement or the supplement is insufficient to make the full required contributions, the County Auditor-Controller shall withhold contributions based on the member's salary at the time the leave commenced equal to the number of pay periods for which no retirement contributions were made. However, the employee may, within ninety (90) days of reinstatement, elect not to make the additional contributions nor receive the corresponding service credit.

D. During the full period of active military duty leave, the County shall contribute the full premium for health insurance.

E. The employee will continue to accrue vacation, sick or other leave benefits at their regular accrual rate.

F. The employee will receive service credit for layoff purposes during the period of military leave.

4. Condition of Payment

A. Prior to processing of any paycheck, the employee will be required to submit to the Auditor-Controller a copy of the orders to active duty and copies of his/her military pay stubs, for the sole purpose of determining amounts of supplemental pay.

CALIFORNIA MILITARY AND VETERANS CODE
CHAPTER 7—PRIVILEGES AND PENALTIES

Compensation of Public Employees on Temporary Military Leave of Absence

Section 395.01

A. Any public employee who is on temporary military leave of absence for military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises, or like activity as such member, provided that the period of ordered duty does not exceed 180 calendar days including time involved in going to and returning from the duty, and who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the day on which the absence begins, is entitled to receive his or her salary or compensation as a public employee for the first 30 calendar days of any such absence. Pay for those purposes may not exceed 30 days in any one fiscal year. For the purposes of this section, in determining the one year of public agency service, all service of a public employee in the recognized military service shall be counted as public agency service.

B. Notwithstanding subdivision (A), a local public agency may, but is not required to, pay an employee during a period of inactive duty training.

C. If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4, of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

Public Employees Who Are National Guard Members; Absence From Service Compensation

Section 395.05

A. Any public employee who is a member of the National Guard, shall be entitled to absent himself from his duties or service, without regard to the length of his public service, while engaged in the performance of ordered military or naval duty and while going to and returning from such duty, provided such duty is performed during such time as the Governor may have issued a proclamation of a state of extreme emergency or during such time as the National Guard may be on active duty in one or more of the situations described or included in Section 146 of this code provided such absence does not exceed the duration of such emergency. During the absence of such officer or employee while engaged in such military service during such emergency and while going to and returning from such duty, and for a period not to exceed 30 calendar days, he shall receive his salary or compensation as such officer or employee and shall not be subjected by any person directly or indirectly by reason

of such absence to any loss or diminution of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuance in office, employment, reappointment to office, or reemployment.

B. If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

Guidelines for Administering Military Leaves

The Attorney General's opinion says that paid military leave is not to be authorized for what is described as "inactive military service." This refers mainly to the weekend drills associated with service in the National Guard or military reserve units. This "inactive military service" contrasts with "active service" which includes annual encampments such as guard or reserve two-week summer camps, active duty orders associated with special military schools, or active duty in time of national or State emergency.

Since the inactive military service associated with weekend drills is no longer to be authorized as paid military leave, please be guided by the following approach as you respond to employee requests for military leave:

1. Distinguish between whether the request involves inactive or active military services as defined above.

2. If the request involves active military service, the employee continues to be entitled to paid military leave of up to 30 days per fiscal year consistent with past practice.

3. If the request involves inactive military service, bear in mind that the County is not authorized to grant paid military leave for weekend drills. We have an obligation as an employer to allow employees to take time off to participate in national guard or reserve service including weekend drills. Since paid time off to attend scheduled reserve drills is not authorized, the time off must be at the employee's expense (i.e., by the use of vacation time, holiday time, compensatory time, free time or leave without pay).

   Provided the employee gives five working days notice, the employee may elect to use vacation time, holiday time or compensatory time. We are obligated to make every attempt to reschedule the work shift so the employee can attend the drill during his free time if he so desires. Rescheduling, however, cannot be forced. The rule is that an employee who is required to attend scheduled drills during a time when the employee ordinarily would be working is entitled to an unpaid leave of absence and cannot be <u>required</u> to use holiday, overtime or vacation time for such purposes.

4. State military code provides for up to 180 calendar days military leave, however, Federal code permits extension of this time period. Such additional time should be reasonable in consideration of department operational needs, and generally consistent with existing Attorney General opinion, will not exceed an extension of 180 calendar days in duration for a total of one year.

SUBPOENA

3.44.070 Absence to Appear in Court—Subpoena

A. An employee who is absent from work because of subpoena to appear as a witness for the County shall not be entitled to witness fees or mileage from the County, but shall be deemed to be in County service and entitled to his usual compensation for the time spent in going to, attending and returning from court.

B. An employee who is subpoenaed by a party other than the County in a matter in which he is not a party or called as an expert witness shall be deemed to be in the service of the County during the period of his absence. The employee under subpoena shall pay over to the County any and all fees, statutory and otherwise, received by reason of the subpoena, which sums shall be credited to the fund from which the employee's salary was paid. This subsection shall not be applicable to appearances for which the employee receives compensation in excess of his regular earnings.

C. An employee who is subpoenaed as an expert witness in a matter other than one in which he is a party, by a party other than the County, may be deemed to be in the service of the County during the period of his absence. Such determination shall rest in the discretion of the employee's Department Head, according to such rules, policies, regulations or procedures as may be authorized in this section. When so deemed by his Department Head to be in the service of the County, the employee under subpoena shall pay over to the County any and all fees, statutory and otherwise, received by reason of the subpoena or testimony, which sums shall be credited to the fund from which the employee's salary was paid.

D. Except as otherwise provided in Subsections B and C of this section, an employee subpoenaed to appear on behalf of any party other than the County shall be deemed absent from County service and shall not be entitled to his usual compensation during the period of absence, unless the employee elects to apply accrued compensatory time and accrued vacation to the absence. An employee in such case should not absent himself without a subpoena. At the time of service of subpoena, the employee should demand the witness fee and mileage provided for by law, which the employee may retain. (Prior code § 2-217).

3.20.120 Jury Duty Pay Remittance

No deduction shall be made from the salary of an employee while on jury duty if he has waived or remitted to the County the fee for jury duty. If he has not so waived or remitted the jury fee, he shall be paid only for the time actually worked in his regular position. An employee accepted for jury duty shall immediately notify his Department Head, in writing, whether or not he waives or remits his jury fee to the County. (Ordinance CS 373 § 5, 1990: prior code § 2-209).

See appropriate M.O.U. for exceptions/clarification.

JURY DUTY MILEAGE REIMBURSEMENT—County Counsel Opinion

When County employees receive a check for jury duty, they will be able to keep the part of the payment related to mileage reimbursement and only have to remit the part of the reimbursement they received which was related to jury duty service. The standard departmental jury fee payment form should be utilized with the employee returning the amount related to jury duty service. Remittance may be made by personal check or cash.

CRIMINAL GRAND JURY REIMBURSEMENT

The Criminal Grand Jury is selected periodically by the Presiding Judge of the Superior Court. Nineteen grand jurors are chosen and are required to serve for a maximum of six indictment hearings or one fiscal year, whichever comes first. Serving on a Criminal Grand Jury is mandatory if selected by the Presiding Judge. For this reason, reimbursement procedures are the same as regular jury duty.

CIVIL GRAND JURY REIMBURSEMENT

Serving on a Civil Grand Jury is voluntary and requires a time commitment of 20-30 hours a month. Civil grand jurors serve a term of one fiscal year. Being a civil grand juror requires numerous hours away from work. The County is not legally obligated to pay an employee while serving on the Civil Grand Jury. Please check with your Department Head, director, or manager for approval before accepting a position on the Civil Grand Jury.

GENERAL INFORMATION

State Disability Insurance (SDI) benefits begin on the eighth day of a disability, or the first day of hospitalization, whichever comes first. Claim forms for SDI are available from your department Payroll Clerk, Personnel, or the Employment Development Department. The claim form has two parts: Claim Statement from Employee and Doctor's Certificate. Both sections must be filled in completely or benefit payments may be delayed.

If you are on a Medical Leave and have applied for State Disability through your doctor, you will receive Disability paychecks from the State through U.S. Mail. County payroll **does not** handle State Disability payments or forms.

COMPLETING THE CLAIM FORM

Claimants should pay particular attention to questions #5 and #6 on this form.

Question #5

Give complete information as illustrated in the example below:

Employer's Business Name:	Stanislaus County Assessor's Office
Employer's Business Address:	1010 10th Street, Suite 2400 Modesto, California 95354 Attention: Payroll Clerk

Response to State inquiries will be more quickly processed if they are directed to the appropriate person initially.

There are several advantages to supplementing SDI benefits with accrued sick leave, vacation, or holiday time:

1. Claimant receives a full paycheck if employee has sufficient accrued time.

2. Claimant continues to accrue sick leave, holiday and vacation time at the normal rate.

3. The County pays premiums for employee medical and dental benefits as long as the employee continues to be on a paid status.

Question #6

Please note the last question which reads, "Has or will your employer continue your pay by means of sick leave, pension, gift or other means?"

Claimants wishing to supplement SDI with accrued time should mark "Yes" and write - "supplement SDI only" in space by this question.

Claimants marking "yes" alone will have their claims denied by SDI as this answers implies that there will be no wage loss.

Claimants marking "no" will receive SDI benefit payments alone. The County will not use any accrued time such as sick leave, vacation, or holiday and will not pay for dental and medical insurance.

Do you wish to request that your Department Head approve supplementing SDI benefits with any or all time accrued:

Indicate below:

[ ] Yes [ ] No

If you mark yes, and the Department Head concurs, your accrued benefits will be used in the following order unless otherwise specified—sick leave; compensatory time; vacation; holiday.

Signature_____

Date_____

Department_____

This form should be given to your Payroll Clerk. Your signature above indicates that you have read this form as well as notified your Payroll Clerk about your desire to supplement SDI benefits. Your Payroll Clerk will be able to help you project your coverage under this plan and provide necessary information to the State.

Department Head Name: _____

Department Head Signature: _____

Circle One: Supplement Approved/Supplement Disapproved

Date Reviewed: _____

PERSONNEL MANUAL
TAB 12
OTHER BENEFITS

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Benefit packages for County employees are revised annually and available on-line by going to the following location:

http://www.stancounty.com/riskmgmt/docs/eb-forms/benefit-summaries.pdf

This document includes benefit packages for the following categories:

- Regular Full-time / Represented Employees
- Confidential Employees
- Management Employees
- Management Attorney Employees
- Department Heads
- Board Members and Other Elected Officials

STANISLAUS COUNTY NOTICE ADVISEMENT AND WAIVER
TRANSFER ACCRUED SICK LEAVE TO DEFERRED COMPENSATION
ADOPTED BY DEFERRED COMPENSATION COMMITTEE
FEBRUARY 4, 1998

Revised 11/04

County employees may transfer accrued sick leave to deferred compensation at their retirement conversion rate, during the last **three years (thirty-six months)** before regular service retirement with Department Head approval, and contingent upon the following limitations:

1. Sick leave hours cannot be transferred that are above the employee's individual sick leave cash out accrual limit or below a minimum of 600 hours total sick leave accrued. Upon retirement sick leave hours within an employee's cash out limit that have not been transferred to deferred compensation can still be cashed out as in the past.

2. Sick leave cash out conversion to deferred compensation can only begin after a retirement date has been established. The retirement date cannot exceed a period of three years (thirty-six months) from the date the retirement date was first established.

3. The employee's individual sick leave cash out limit (including those at 600 hours) will be reduced by the number of hours that are transferred to deferred compensation.

4. Only one request for sick leave transfer can be made for each calendar year in which the employee is eligible.

5. The hourly rate of the conversion to deferred compensation <u>will be at the hourly rate at the time of request at the same conversion rate that would be applicable upon retirement</u>, and will constitute wages for Social Security purposes, but consistent with the current practice, will not be included in final compensation for County Employees' Retirement Law of 1937, commonly referred to as the 1937 Act, (Government Code Section 31450 et seq.) purposes.

6. If the employee's plans change, and the employee is no longer entitled to the cash out at the retirement conversion rate, the employee must refund the applicable amount.

TRANSFER OF ACCRUED SICK LEAVE TO
DEFERRED COMPENSATION WAIVER

I, _____, have read the Notice and Advisement and wish to take advantage of the option presented to me to transfer accrued sick leave to deferred compensation on the terms stated above. I understand that in doing so that the amount I receive under this option in deferred compensation will not be included as compensation for retirement purposes under the 1937 Retirement Act (Government Code Section 31450 et seq.). If some tribunal does construe this cash out as compensation under the 1937 Retirement Act (Government Code Section 31450 et seq.), I hereby waive my right to receive it as such compensation.

Dated: _____Employee Signature: _____
Approved as to form: County Counsel

On February 6, 1990, the Board of Supervisors approved guidelines for optional relocation expenses for managers or department heads recruited outside Stanislaus County. Guidelines for initiating this provision are as follows:

1. The Director of Personnel must first determine that the classification of the applicant for expense reimbursement is covered for reimbursement purposes.

2. The department head or appointing authority must have available funds in the budget to reimburse for relocation expenses.

3. The applicant for employment must be changing his/her place of residence in order to accept employment with Stanislaus County.

Providing that the above criteria have been met, reimbursement for relocation expenses shall be made in an amount not to exceed $2,500 for management and $3,000 for department heads under the following conditions:

1. The applicant must be relocating from outside Stanislaus County's borders.

2. The applicant must agree to remain with Stanislaus County for at least two years and be required to reimburse the County as follows:

   A. 100% if employed less than six months;
   B. 75% if employed 6 months but less than 12 months;
   C. 50% if employed 12 months but less than 18 months;
   D. 25% if employed 18 months but less than 2 years.

Reimbursement will not be required if employment is discontinued because of death, prolonged illness, disability, or rejection during the two-year period.

The following expenses are reimbursable up to the $2,500 or $3,000 maximum allowance:

1. Moving company expenses;
2. Temporary housing (maximum $1,000);
3. Applicant's interview/travel expenses;
4. Other expenses as deemed appropriate by the appointing authority with concurrence by the Director of Personnel.

In order for the above expenses to be reimbursed, appropriate documentation and/or receipts shall be provided to the appointing authority and the County Auditor-Controller.

COUNTY OF STANISLAUS
MOVING EXPENSE CLAIM FORM

Employee Name: _____ID#_____

Department: _____Date:_____

(1) Claims MUST be certified by the claimant and the proper authority before being filed, reviewed, and approved with the County Auditor._____ Auditor Department Approval.

(2) All necessary receipts MUST accompany this claim, i.e. household goods, lodging, travel etc.

Position Classification, Check one box only:

_____ Department Head **_____ Management**

Date	Description of Reimbursement	Amount	
		Dollars	Cents
	Deductible moving expenses (MVN):		
	1. Moving of household goods and personal effects.		
	2. Traveling (including lodging but not meals) to a new home.		
	3. Travel by car (either actual expense or standard mileage at 12 cents a mile)		
	4. Storage Expenses (household goods and personal effects)		
	Total Deductible moving expenses (MVN):		
	Non Deductible <u>Taxable</u> Moving Expenses (MTX): (Expenses approved by a Department Head for reimbursement but excluded by the IRS code)		
	TOTAL:		

Total claim: $_____	I HEREBY CERTIFY that the above listed expenditures are in compliance with current Moving Expense Guidelines: and that the costs were incurred for purposes that relate directly to the employee's present position.
Total Authorized: $_____	_____ **Department Head Signature**

I HEREBY CERTIFY that the above claim and the items, amounts and statements are true and correct; that no part thereof has been paid; that the amount claimed is justly due and consistent with the County Moving Expense Policy.

Employee Signature:_____

On February 6, 1990, the Board of Supervisors approved a monthly car allowance for those management individuals who use their private vehicles consistently in the course of County work. Guidelines for this program were revised by the Chief Executive Office on November 27, 1995. Please refer to the Certification Form found in the Human Resource Forms page on the County's web site. **Minimum mileage requirements have been eliminated**. As in the past, no additional appropriations will be provided to fund this benefit within your department budget.

This certification **does not** have to be completed for department heads or for those employees who receive a car allowance under a Memorandum of Understanding. Once granted, the management car allowance will remain in effect until rescinded by the department head.

The certification must be completed and returned to the Auditor-Controller's Payroll Division to become effective. A certification must also be completed for any new hire or any employee authorized by the department head during the year.

STANISLAUS COUNTY PERSONNEL MANUAL
CERTIFICATION FOR MANAGEMENT CAR ALLOWANCE FORM

Employee Name _____ Effective Date _____

Employee I.D. # _____ Department_____

The above named manager uses a private vehicle "consistently[1] in the course of County work" and is eligible for the car allowance specified below, plus mileage reimbursement. (Check either "Monthly $100" or "Monthly $200")

Monthly $100.00 _____ Monthly $200.00 _____

GUIDELINES FOR CAR ALLOWANCE

1. Department heads shall be responsible for determining eligibility for this benefit and certifying that the employee meets the criteria.

2. The management employee shall have a valid California driver's license.

3. The management employee shall have adequate liability insurance and in no case less than the minimum requirements of the State's Financial Responsibility Law.

4. In the event of an accident, any insurance deductible will be paid by the employee.

5. The employee and any passengers shall wear seat belts or restraints.

6. County employees who receive a car allowance are prohibited from checking out a County vehicle or rental vehicle for use within the County. Exceptions would include the use of a special vehicle, such as a van or truck, for transporting passengers or materials.

7. Management employees who receive a car allowance are also eligible to receive mileage reimbursement as governed by the County Travel Policy.

8. Car allowance is to be paid only for the use of automobiles, vans, or pick-up trucks. Motorcycles, bicycles, or motor-driven scooters do not qualify.

I HEREBY CERTIFY that I have read and understand these guidelines.

_____
Employee Signature

I HEREBY CERTIFY that the manager listed above qualifies for the category of car allowance as noted. I further certify that the manager has been informed of the car allowance guidelines specified above.

_____
Department Head Approval

I. Professional Development Allowance:

The Professional Development Allowance provides an annual reimbursement allowance to assist eligible employees in achieving professional and educational growth related to their professional position within Stanislaus County. The Allowance covers work-related expenditures such as classes and seminars, professional memberships, registration fees, educational materials, tools, and equipment (see section *II. Reimbursable Benefits Covered* for further detail).

All benefits provided under this Allowance are subject to applicable provisions of federal and/or state law, and all applicable County policies and procedures, as approved by the County Administrator and the Board of Supervisors. These policies and procedures include but are not limited to the County Travel Policy, Vehicle Use Policy, Purchasing Card Policy, and the Internet and Email Policy. The Professional Development Allowance may be used in conjunction with the Educational Reimbursement program, up to but not exceeding the full amount of the qualifying incurred expense.

All requests for reimbursement must be submitted on a professional development claim form (available on the intranet) with invoice and proof of payment attached. This form must be signed by the department head and submitted to the Auditor-Controller's Office Payroll Division for payment.

ANNUAL AMOUNT OF PROFESSIONAL DEVELOPMENT ALLOWANCE

Bargaining Unit	Fiscal Year Allowance
Confidential—BU 2	$400.00
Attorneys—BU 3*	$900.00
Management Attorneys—BU M	$900.00
Management—BU M	$900.00
Department Heads—BU 0,1	$1200.00
Board of Supervisors—BU O	$1200.00

*Bar Dues are also reimbursed in addition to the Professional Development Allowance

According to the Attorneys' Memorandum of Understanding (M.O.U.), the County agrees to the full payment of basic bar dues for each attorney. Each attorney must provide to the department head or his designee, his or her individual bar due bill so that the County can submit the payment to the State directly on behalf of the attorney. Professional development reimbursement provisions are specified in the Attorneys' M.O.U.

Professional Development Allowance must be used or it expires at our fiscal year-end (June 30th). Claims will not be paid retroactively. For example, an employee pays for a reimbursable refresher course in January; however, the employee forgets to turn in the claim for reimbursement prior to June 30th. This expense would not be eligible for reimbursement. Each employee receiving Professional Development Allowance is personally responsible for filing his or her annual claim in a timely manner.

II. Reimbursable Benefits Covered

The Professional Development Allowance provides reimbursements for applicable expenses to assist employees in achieving professional and educational growth related to their professional position within Stanislaus County. As such, all expenses must be related to the employee's current career within the County.

APPLICABLE BENEFITS		
Benefit	**Description**	**Notes**
Training • Training that maintains or improves skills related to the employee's current career with the County.	• Registration-related expenses • Textbooks • Parking • Travel and lodging • Meals • Materials related to job promotions • Mileage Reimbursement • Student Activity Fee	• Includes tuition, registration fees, ID badge, mandatory health fees, lab fees, and textbooks. • Includes all County sponsored or required training. • Student Health Fee excluded.
Professional Meetings, Seminars, & Conferences	• Registration • Textbooks • Parking • Travel and Lodging • Meals • Mileage Reimbursement	• Social events and luncheons that are not related to County business are not reimbursable.
Computer and Mobile Device Hardware and Software	• Educational and reference material • Application software • Computer hardware devices include desktop computers or laptops, and peripheral connectivity devices. • Mobile devices include e-readers, tablets, etc.	• Productivity Applications are applicable. • Specifically excludes: cellular phone hardware, digital cameras, camcorders, GPS devices, smart watches, gaming devices, data or internet service charges, etc.
Licenses and Certifications: Required and highly desired professional certifications	• Professional licenses and certification • Re-licensing and Re-Certification	
Membership Dues	• Dues to professional or technical organizations	• Charitable contributions and fines excluded.
Reading Material Media Material	• Books • Professional or Technical journals • Periodicals • Audio media • Video media	• Excludes magazine subscriptions, newspapers, and general interest journals and periodicals.
NOTE: If applicable, all policy regarding benefit allowances as outlined in the Memorandum of Understanding for specific bargaining units supersedes this list.		

If the employee finances a computer purchase on their personal credit card, or some other type of payment plan, they will be reimbursed up to the employee's maximum allowance when the employee submits their professional development claim. Documentation for installment purchases must be submitted each time that reimbursement is claimed. **The employee must have made actual installment payments in order to qualify for reimbursement. Do not submit originals with the claim.** Documentation must include a copy of the sales invoice, and/or contract of sale and a copy of the payment document, such as credit card receipt, check, or cash receipt, if applicable.

The unclaimed balances for the purchase of computer equipment only may be applied against future Professional Development benefits. For example, an employee purchases a computer for $1,400 in March, and as a management employee, claimed $900 Professional Reimbursement. In the following Stanislaus County fiscal year, the employee could claim the remaining balance of $500 as Professional Reimbursement for the purchase of the computer.

PROFESSIONAL DEVELOPMENT PURCHASES MAY NOT BE MADE ON A COUNTY PURCHASING CARD.

III. Regarding Taxability

Allowable Professional Development reimbursements are considered, by default, to be taxable by the County, being a fringe benefit.

The Internal Revenue Code (IRC) defines a working condition fringe benefit as a form of pay for the performance of services, including property, services, cash or cash equivalent. Fringe benefits for employees are considered taxable wages unless specifically excluded by relevant sections of the Internal Revenue Code. The reimbursable benefits provided through the Professional Development Allowance are primarily governed by IRC §132.

All benefits provided through this Allowance are subject to taxability requirements of the Internal Revenue Code and any other applicable federal and/or state law relating to the provision of employment fringe benefits.

Only those benefits which are <u>directly related to</u> or <u>required for the qualifying employee's job</u> with Stanislaus County are non-taxable, as defined by federal and/or state law and can be excluded from taxable wages, otherwise the reimbursement amount is considered a taxable wage and will be taxed appropriately through payroll. According to the IRS, benefits are excluded from federal gross income as a working condition fringe benefit to the extent that, if the employee had paid the expense, they could claim the expense as a deductible business expense under IRC§162.

In rare cases as described above, benefits provided through this Allowance may be non-taxable. To be excluded from taxable wages, the working condition fringe benefits for governmental employees must be:

- Directly job-related and either necessary to maintain or improve current job skills, or is required training or education by the employer. It must be directly related to the employee's current job class.

- A training course cannot be used to meet the minimum educational requirements of the current job or would otherwise qualify the employee for a new job outside of the job class, including promotion to a higher job class.

- The expense must actually be incurred by the employee.

Examples of Non-Taxable Training Reimbursable Benefits

- Training courses, seminars, or professional conferences that are directly job-related. A course qualifying an employee for a new position within the same or similar job class would be non-taxable. For example, a Manager I enrolls in an advanced managerial course as it is required in order to be able to be promoted to a Manager III.

- Other training expenses that qualify as non-taxable include registration, tuition, books, supplies and equipment for the class, training or conference and travel, transportation and temporary housing costs (hotel) to attend the class, training, or conference that are directly job-related as described above.

Examples of Taxable Training Reimbursable Benefits

- Training courses are considered taxable if they are needed to meet the minimum educational requirements of the current job, or to be used to get a new job in a different job class (for example, a Confidential Assistant going to school to obtain an Associates of Arts degree in Nursing).

- Training courses to acquire a license or special certifications leading to a new job class or trade (for example, an Account Clerk III taking classes to become an Accountant I).

Examples of Other Non-Taxable Reimbursable Benefits

- Costs/dues of professional licenses and professional organizations which are directly related to the employee's job (for example, an auditor's CPA license or a financial officer's dues to a national association of financial officers).

Examples of Other Taxable Reimbursable Benefits

- Computer Hardware: Laptops, Tablets, e-Readers, etc.

  All computer hardware must have an application to the employee's current position and class at Stanislaus County in order to be a reimbursable expense.

  All application, reference, and educational software must be job related.

STANISLAUS
COUNTY OF STANISLAUS
PROFESSIONAL DEVELOPMENT CLAIM FORM

Revised 06/16

Employee Name: _____ID# _____

Department: _____Date: _____

(1) Claims MUST be certified by the claimant and the proper authority before being filed with the County Auditor-Controller.
(2) All necessary receipts MUST accompany this claim, i.e. lodging, registration, computer purchases, etc., and all applicable Trip Authorizations must be on file and in accordance with the County Travel Policy.

Position - Check one box only: **_____ Board Supervisor** **_____ Confidential**
_____ Department Head **_____ Management** **_____ Management Attorney**

Date	Description of Reimbursement	Amount	
		Dollars	Cents
	TOTAL		

Prior Total Used:
$_____

Add this Claim:
$_____

Total Used:
$_____

Total Authorized:

$_____

I HEREBY CERTIFY that the above claim and the items, amounts and statements are true and correct; that no part thereof has been paid; that the amount claimed is justly due and consistent with the County Professional Development Allowance Policy, and is presented within one year after the last item thereof has accrued.

_____
Employee Signature

I HEREBY CERTIFY that the above listed expenditures are in compliance with current Professional Development Guidelines: and that the costs were incurred for purposes that relate to the employee's present position.

_____
Department Head Signature

If you wish to claim any reimbursement(s) as tax exempt, please describe in detail how the item(s) meets the threshold of being directly related to or required for your job with Stanislaus County in order to assist the County Auditor in determining if the expenses are tax exempt.

PERSONNEL MANUAL
TAB 13
EMPLOYEE ASSISTANCE PROGRAM—EAP
WORKPLACE WELLNESS

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PURPOSE

Personal problems, such as alcoholism, drug abuse, marital, family, and emotional problems can contribute to poor job performance. Such problems can be treated, especially if they are identified early. Stanislaus County has a program designed to help identify, diagnose and treat employees having such problems. When these problems are effectively confronted and treated, employees become healthier and are likely to perform more productively in their jobs.

Stanislaus County has also developed a Drug-Free Workplace Policy in conformance with mandatory Federal guidelines. The Employee Assistance Program can provide both employees and supervisors support in their efforts to deal with substance abuse in the work place.

POLICY

The following policy has been established for the Stanislaus County Employee Assistance Program (EAP):

A. The primary objectives of this program are to provide an opportunity for effective assistance and treatment to those individuals in need; and to help union/management deal more effectively with employees experiencing personal problems. The EAP will help in crisis intervention, diagnosis, and, if needed, referral for ongoing assistance.

B. Utilization of this program is to be implemented through self-referral or through management and supervisory personnel whose responsibility it is to identify employees whose patterns of job performance may indicate referral to the Employee Assistance Program.

C. The County's concern with personal problems is strictly limited to their effect on the employee's performance on the job. Diagnosis of a problem requiring treatment is to be made only by a professional, qualified by training to do so. It is the personal responsibility of the employee to seek appropriate help when such problems are recognized whether by himself/herself or the supervisor. Employees are encouraged to contact the EAP voluntarily when they suspect they have a personal problem and believe they need assistance.

   Informal supervisory referrals to EAP are encouraged. However, when the supervisor determines that generally accepted supervisory methods are not bringing about improvement in an employee's work performance, and the supervisor suspects personal problems, the supervisor should:

1. Discuss the situation with an EAP counselor. At these supervisory consultations, the counselor acquires a good understanding of the employee's performance problems and assists the supervisor in referring the employee, if appropriate. The supervisor should also discuss the situation with assigned Chief Executive Office staff.

2. Offer the employee referral to the EAP. The supervisory referral to the EAP should be written as well as oral. The written referral is the supervisor's record that an offer of counseling has been made to the employee. The written referral should (1) document the inadequate work performance; (2) specify that neither the documentation nor the referral to the EAP constitutes a disciplinary action; (3) indicate that the supervisor has spoken to an EAP counselor; and (4) offer EAP services to the employee. (The employee shall be given a copy of the written referral.)

3. Allow a reasonable period, as determined jointly by the supervisor and the counselor, for the employee's work performance to improve.

4. Consult with the assigned Chief Executive Office staff concerning administrative or disciplinary actions if acceptable job performance does not result after the decided-upon period.

D. All problems and records handled through this program will be treated in a strictly confidential manner. Employees need to be assured that involvement in this program will not jeopardize his/her job security and/or promotional opportunities.

E. The EAP personnel will not disclose any information about a participating employee to the employee's supervisor without the written consent of the employee. The only exception is if the employee receives supervisory approval to meet with the EAP counselor during working hours. In this case, the supervisor may be informed about whether or not the employee kept the appointment(s).

INTRODUCTION

ComPsych Guidance Resources EAP is a no-cost County sponsored benefit that is available to regular full-time employees and their dependents. The ComPsych Employee Assistance Program is a confidential counseling service to help address personal issues. This service, staffed by experienced clinicians, is available by calling a toll-free phone line available 24 hours a day, seven days a week. A Guidance Consultant will refer to a local counselor or to resources in the community.

ComPsych also offers Crisis Intervention which is designed to help the County effectively handle a traumatic incident 24 hours a day. By providing knowledgeable and reliable crisis intervention and critical incident counseling, ComPsych helps employees and the County recover from crises more quickly, reducing business disruption.

ELIGIBILITY

All regular full-time employees and their immediate family members are eligible for this service. Immediate family is defined as family members who occupy the current life space of the employee. It is not defined by age.

BENEFITS

The basic clinical benefit offered to employees and family members consists of five (5) counseling sessions with a professional, licensed therapist to discuss problems (whether personal or work related) that interfere with the employee's normal life functioning. Confidential referrals to local counseling services are available by phone 24 hours a day, seven days a week. Call any time with personal concerns, including: relationships, substance abuse, stress, anxiety, depression, job pressures, marital conflicts, grief and loss, and empty-nesting.

Employees of Stanislaus County, are allowed leave time from work for their first EAP appointment. The supervisor must pre-approve the employee's absence. Leave time for additional appointments, which occur during working hours, are at the discretion of the supervisor or can be accounted for as a doctor's visit under sick leave.

CRITICAL INCIDENT/CRISIS INTERVENTION

ComPsych's critical incident response programs are customized to meet the various types of critical incidents that an employee might experience. Following any workplace trauma such as death, accident, medical emergency, crimes such as robbery or hostage situations, or any life threatening incident, a counselor will meet with affected personnel to debrief individuals regarding their emotional response to the situation. Crisis Intervention includes a vast network of providers who meet strict credentialing requirements and conduct on-site counseling sessions both for groups and individuals. Counselors can begin crisis intervention and management consultation in as little as two hours when necessary. ComPsych experts will provide a management report and give recommendations, including follow-up services and planning for future crises.

COST

ComPsych is sponsored by the County's Life and Disability Carrier- ReliaStar ING. There is no charge to the employee for the basic benefits described above.

CONFIDENTIALITY

All visits with an EAP counselor are strictly confidential, even if a supervisor has referred the employee. Information, even to the extent of informing another party as to whether an employee had, or kept, an appointment can be released only with the employee's written permission.

APPOINTMENTS/REFERRALS

Call ComPsych at **(877) 533-2363** for information and appointments. No prior referral from a supervisor or doctor is required.

Information including printable fliers are located on the Employee Benefits website: http://www.stancounty.com/riskmgmt/risk-eb-eap-sub-main.shtm.

ABOUT COMPSYCH

ComPsych Corporation is the world's largest provider of employee assistance programs and the leading provider of EAP services under the Guidance Resources brand. ComPsych provides services to more than 13,000 organizations covering more than 35 million individuals throughout the U.S. and over 100 countries.

ComPsych was founded in 1984 by Chairman and CEO Dr. Richard A. Chaifetz. Their relentless focus on core competencies and commitment to providing the highest quality services has fueled double-digit, year-over-year growth in the company since its inception, resulting in long-standing customer partnerships and unmatched financial stability.

ReliaStar ING has included several new additional employee assistance plan options that are provided at no cost to the County or to County employees. The following additional benefit options are available to eligible employees and their dependents:

Travel Assistance
Travel planning services, emergency services (legal assistance, translation, medical referrals), and emergency transportation services

Estate Planning
Online Will preparation service

Financial Planning
Consultation with Certified Financial Planners and Certified Public Accountants

Legal Support
Consultation with legal staff specializing in a variety of legal disciplines

Funeral Planning and Concierge Service
Provides assistance researching, planning, negotiating and scheduling funeral services

Please visit Employee Benefit's EAP webpage online at:
http://www.stancounty.com/riskmgmt/risk-eb-eap-sub-main.shtm for more information on each of these available benefits and for instructions on how to access services

EMPLOYEE WELLNESS POLICY

Stanislaus County supports and is committed to the overall health and well being of its employees. A healthy workforce results in a more productive workforce with less absenteeism, fewer accidents, lower health care demands, and greater overall savings by reducing the incidence of disease and disability. County employees are encouraged to participate in education classes and disease screening that help identify and reduce health risks before serious health problems occur or allow better management of existing conditions.

PURPOSE

Through the County Employee Wellness Program and partnerships with community organizations and County health care providers employees are able to access classes, screenings, and follow up assistance to identify and manage health issues and preventable illness.

GUIDELINES FOR EMPLOYEE WELLNESS

The County encourages healthy lifestyles by:

A. Promoting wellness programs through the County's website and the annual Employee Wellness Week.

B. Encouraging the inclusion of healthy food options at meetings, potlucks, and special events.

C. Supporting the availability of healthy food options in vending machines and cafeterias operating at the workplace.

D. Encouraging employees to utilize breaks for walking, stretching or other physical activity.

E. Incorporating exercise/stretch breaks into meetings when practical.

F. Promoting the use of stairs and walking paths.

G. Providing educational resources/classes that promote exercise, good nutrition and healthy lifestyles within and outside the workplace.

PERSONNEL MANUAL
TAB 14
EMPLOYEE SUGGESTION AWARDS PROGRAM

INDEX

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STANISLAUS COUNTY BOARD OF SUPERVISORS RESOLUTION
ADOPTED NOVEMBER 7, 1989
EMPLOYEE SUGGESTION AWARDS PROGRAM

Revised 8/04

PURPOSE

The Suggestion Awards Program is a plan to reward employees for ideas that become beneficial to the County of Stanislaus. The purpose is to encourage employees to think creatively and submit ideas which will save money, aid in the progress, efficiency and welfare of the County and its employees.

ADMINISTRATION OF PROGRAM

The Employee Suggestion Program Administrator, under the direction of the Chief Executive Officer, is responsible for the overall administration of the Program. The Program shall be governed by the procedures contained within these regulations.

DEFINITIONS

Whenever the following terms are used, the following definitions shall apply:

Adoption - A suggestion shall be considered to have been adopted when the new or revised procedures and/or methods it proposed are implemented. Partial adoption may occur when only part of the suggested idea is used or adopted.

Award - Appropriate recognition, either monetary or by certificate, presented for an approved and implemented suggestion.

Initial Award - The first cash award paid for an implemented contribution or based on management's commitment to implement. It could be the first award allowed with higher levels of management having authority for further awarding.

Additional Award - Any award, or series of awards, paid in addition to and after the initial or first award.

Benefits (Tangible) - Those adopted suggestions that have measurable financial savings or specific monetary value demonstrable by:

1. Increased output without a commensurate increase in cost of operation.

2. Application of resource saved for some other necessary activity.

3. Appropriate savings.

Benefits (Intangible) - Savings which improve efficiency, service, save time or space, simplify procedures, or in some other way improve County government, but which will not alter the budget or its intended use in any way.

Certificate of Commendation - A document presented by the Board of Supervisors commending an employee for submitting a suggestion which has been adopted and implemented and has not resulted in a net savings to the County but does provide benefit to the County.

Employee - All persons employed by Offices, Departments, Divisions, Districts and Bureaus governed by the Board of Supervisors.

Evaluator - An individual assigned by the Office of Primary Responsibility (OPR) to evaluate the suggestion.

Implementation - A contribution that has actually been placed into use by the Office of Primary Responsibility (OPR).

Net Savings - The actual gross first year savings minus implementation costs resulting from the adoption and implementation of a suggestion.

Nonadoption - A contribution which has been evaluated by the Office of Primary Responsibility and determined not to be feasible for adoption containing specific reasons in the narrative as to why it could not be adopted.

Office of Primary Responsibility (OPR) - The organization or office with technical jurisdiction over the subject matter. It has the functional interest in, authority over, and primary responsibility for the specific operation, procedure, system, product, or equipment. OPRs are at all levels. Suggestions should be reviewed by an OPR at each level up through the final approval/disapproval authority.

Responsible Official - An individual above the evaluator responsible for the subject matter who, by their signature on the evaluation, attests to the validity of the review.

Program Administrator - The person who provides staff support for the Program. (The Administrator shall be appointed by the Chief Executive Officer.)

Suggestion - A voluntary contribution that defines a problem and recommends a specific solution, proposing improvement to management operations or services.

Suggestion File - A record of required, signed forms, supporting documents and other information concerning the suggested contribution.

Suggestion Form - The official document for recording and submitting a suggestion.

Duplicate Suggestion - A contribution that exactly duplicates another contribution which still has ownership rights.

Joint or Group Suggestion - A suggestion that has more than one author (suggester). Signature of all the contributors should be submitted with the suggestion. Any award is usually divided equally between all the contributors.

ELIGIBILITY OF SUGGESTER

Any employee of Stanislaus County is eligible to submit a suggestion to the Employee Suggestion Awards Program. Management employees are not eligible for award consideration for any suggestion within the scope of his/her job responsibilities. Employee Suggestion Awards Program staff are not eligible to submit employee suggestions.

SUGGESTIONS ACCEPTABLE FOR CONSIDERATION

Suggestions which are acceptable for consideration include:

1. Simplify or increase efficiency of operations, procedures, processes, systems or equipment;
2. Save time required to accomplish a task;
3. Improve quality;
4. Save materials or property;
5. Save staffing requirements/money;
6. Improve service, safety conditions, or morale.

SUGGESTIONS NOT ACCEPTABLE FOR CONSIDERATION

Suggestions which are not acceptable for consideration include:

1. Vaguely state a problem, but does not propose a specific method or way to solve the problem;

2. Relate to normal maintenance, unless such suggestions contribute to a solution of maintenance problems;

3. Relate to salary adjustment, grievances, job classifications, or other items considered to be employee relations matters;

4. Contain an idea which is already under active consideration by the County;

5. Are proposals for improvements which the employee would normally be expected to suggest or accomplish. This determination should be by the employee's supervisor;

6. Duplicates of suggestions submitted within the last 24-month period.

DUPLICATE/JOINT SUGGESTIONS

When the Employee Suggestion Program Administrator determines that duplicate suggestions are developed independently and received together and are selected for award, each suggester will receive an award. The parties will split any monetary award equally.

When two or more employees submit a suggestion together and the suggestion is adopted and implemented, the employees will split the monetary award equally.

AWARDS

The maximum award for any suggestion is $5,000. An employee suggestion award is ten (10) percent of the actual net savings for the first year the suggestion is implemented. The net savings are determined by subtracting the cost to implement a suggestion from the gross 12-month's savings.

If savings are projected to exceed $5,000 during the first 12 months, the award will be paid in two installments: the first installment ($500) is paid when the suggestion is implemented i.e., when savings begin, and the final payment (based on actual savings for the life of the improvement up to 12 months) is paid 12 months after implementation. Interest is not paid on such deferred awards.

If savings are projected to be $5,000 or less, the award will be ten (10) percent of the estimated net savings and will be paid at implementation (i.e., when savings begin).

If a suggestion is determined to provide the County benefit but does not result in net savings to the County, the employee will be presented with a Certificate of Commendation by the Board of Supervisors. If the suggestion provides exceptional intangible benefit to the County, a maximum award of $25 may be approved by the Board of Supervisors.

PROCEDURES FOR SUBMITTING SUGGESTIONS

1. Suggestion Form - Each suggestion form submitted shall contain the following information:

    A. A description of the present method or problem, if any, and a clear statement of what is suggested.

    B. What the suggestion aims to accomplish.

C. How it is proposed to be accomplished.

D. Sketches, drawing, maps, photographs or other descriptive material which may be necessary to fully and clearly present the suggestion.

E. If possible, the estimated amount of money the County may be expected to save if the suggestion is adopted and placed into operation.

F. The signature of the employee making the suggestion. If it is a joint suggestion, the signature of all the employees joining in the suggestion shall appear.

G. A return mailing address to which replies should be addressed, and the telephone number, if any of the employee.

2. Transmittal - All suggestions shall be transmitted to the Employee Suggestion Program Administrator.

3. Receipt - The Administrator shall, upon receipt of the suggestion, place on each the date and time it was received and assign to it an identification number.

4. Acknowledgement - Immediately upon receipt of a suggestion, the Administrator shall transmit a letter to the suggester; acknowledging its receipt and informing the suggestor of the suggestion's identification number.

5. Records - The Administrator shall maintain a file of all matters pertaining to each suggestion and a log showing the current status or final disposition of each suggestion.

6. Processing Suggestions -

A. Identical Suggestions - If, at any time during the course of processing a suggestion, it is found that a suggestion submitted previously presents the same proposal, only the suggestion received first shall be eligible for any award or certificate, and the employee submitting the duplicate suggestion shall be so informed by the Administrator.

B. Priority - The Administrator shall process suggestions in the order received.

C. Analysis - The Administrator shall forward the suggestion to the evaluator in the appropriate department. The evaluator shall conduct an analysis and evaluation of the suggestion within 30 days and shall forward the suggestion for appropriate action. If the evaluator determines the suggestion is non-adoptable, it will be returned to the Employee Suggestion Administrator. If the evaluator determines the suggestion is adoptable, the suggestion shall be forwarded to the Department Head for concurrence and the Department Head shall forward the suggestion and evaluation to the appropriate Analyst in the Chief Executive Office for concurrence within 30 days. The Analyst shall review the evaluation within 30 days. If he/she concurs, the Analyst shall sign the evaluation and return it to the Employee Suggestion Program Administrator. If he/she does not concur, the Analyst shall return the suggestion and evaluation to the evaluator for re-evaluation and notify the Administrator of this action.

   If the evaluator determines the suggestion is non- adoptable, the Administrator shall notify the employee and shall give the reason for this action in writing.

D. Recommendation - The Employee Suggestion Program Administrator, upon receipt of the completed evaluation, shall recommend to the Board of Supervisors the disposition of each suggestion in accordance with the following provisions:

   1) Monetary Award - The Administrator may recommend monetary awards upon finding that cost of savings will accrue to the County through the adoption and placing into operation of a suggestion. Such award shall not exceed 10% of the estimated first year savings or a total of $5,000.

   2) Suggestions which do not offer a tangible savings but which are considered to be of particular or special merit and benefit to the County may be recommended for a monetary award not to exceed $25 for any one such suggestion.

   3) When monetary awards are given, the suggester shall be given a Certificate of Award as permanent evidence of his/her contribution. Copies of Certificates of Award and Certificates of Commendation shall be made a part of the permanent personnel file of the Suggester.

E. Certificate of Commendation - The Administrator may recommend the employee be presented with a Certificate of Commendation.

F. Honorable Mention - The Administrator may recommend that a suggestion, whether to be adopted or not, does not qualify for a monetary award or certificate, and may recommend it be listed for honorable mention.

G. Preliminary and Supplementary Award - If the evaluator believes that a suggestion should be practically tested before arriving at the amount of a monetary award, the Administrator may recommend a preliminary award not to exceed $100 and request permission of the Board to re-evaluate the suggestion after it has been in use or operation for a period not to exceed one year, and to recommend a supplementary award for any one suggestion which shall not exceed $5,000.

7. As soon as practicable after a final decision, the employee shall be notified of the disposition of his/her suggestion.

RE-EVALUATION OF ADOPTED SUGGESTIONS

When additional information is provided in writing within 60 days from notification of the adoption of a suggestion, the suggester may request a re-evaluation. As new information becomes available from the suggester or other sources that has an effect on the implementation or award, the Employee Suggestion Program Administrator will re-evaluate the suggestion.

RE-INVESTIGATION OF NON-ADOPTED SUGGESTIONS

If a suggestion is not adopted, the suggester or any of the employees authorized to approve the suggestion may request re- investigation if additional written evidence is provided, such as new material/information, if significant issues or questions are clarified or if it appears the suggestion has been subsequently utilized. The re-investigation request may be submitted any time during two years following the date of notification to the employee of the non-adoption of the suggestion, i.e., the final action. After two years, it may be submitted to the Employee Suggestion Awards Program as a new suggestions.

FINAL DECISION

Upon receiving the evaluation of a suggestion and a recommendation, the Board of Supervisors shall consider the recommendation. In the event the Board does not agree with the recommendation, the Board shall direct the Administrator to re-evaluate the suggestion. Upon approval by the Board, the monetary award, if any is recommended, shall be paid. The Board of Supervisors shall make the formal presentation of awards to employees.

OWNERSHIP OF SUGGESTION

All suggestions become the property of the County of Stanislaus and shall not form the basis of a future claim upon the County by the suggester, their heirs, supervisors, including suggestions which are subsequently patented.

PERSONNEL MANUAL
TAB 15
PROBATIONARY PERIOD

INDEX

- Probationary Period Ordinance 1
- Department Probation 2
- Probationary Period Procedures 2
- Regular Full-time Appointment Probationary Period Ordinance 4

3.16.090 Probationary Period

Note: Some MOUs have specific provisions regarding probationary periods. Please refer to the applicable MOU or consult with the Chief Executive Office.

A. Persons entering the County service by appointment, to permanent positions in the Classified Service shall be required to serve a probationary period of one-year dating from the date of appointment. Upon the successful completion of the probationary period, an employee shall be granted permanent status unless his probationary period is extended.

B. If for any reason an appointing authority desires to have the probationary period of an employee extended beyond the one-year period, he may, in writing, request the Personnel Director to extend the probationary period an additional six months or monthly fraction thereof, stating reasons therefor. The Personnel Director may grant or deny the request, but in no instance shall this period exceed an additional six months.

C. Any absence without pay exceeding fifteen calendar days shall cause the employee's probationary period to be extended by the number of calendar days of such absence.

D. An employee with permanent status who is promoted to a position in a classification with a higher salary allocation shall serve a probationary period of one year in the position to which he has been promoted, dating from the date of such promotion unless the probationary period is extended.

E. An employee with probationary status who voluntarily demotes to a position in a classification with a lower salary range shall serve a probationary period of one year, unless extended, in the position to which he has demoted dating from the date of such demotion unless the employee previously held permanent status in that classification. An employee with permanent status who voluntarily demotes to a position in the same classification series shall not again serve a probationary period. Employees with permanent status who voluntarily demote to another classification not in the same series shall serve a probationary period of one year, unless extended.

F. An employee with probationary status who is transferred from a position in one department to a position in the same or other department in a different classification shall serve a probationary period of one year, unless extended, in the classification to which he transferred dating from the date of such transfer unless the employee previously held permanent status in that classification. An employee with permanent status who is transferred from a position in one department to a position in the same or other department in a different classification shall serve a probationary period of one year in the new classification dating from the date of such transfer unless the probationary period is extended or the employee previously held permanent status in the classification to which he transferred.

G. A probationary employee may be separated from County service at any time during the probationary period without the right of appeal or hearing.

H. Notwithstanding any other provision of this section, an employee dismissed during the probationary period from a position to which he had been promoted, demoted or transferred and who had previously held permanent status shall be restored to the position from which he had promoted, demoted or transferred unless dismissed from County service for cause pursuant to Chapter 3.28 of this title.

I. When as a result of departmental reorganization ordered by the Board of Supervisors it is desirable to remove an officer or employee from a position in the Unclassified Service to which he was appointed by the Board and to place him in a position in the Classified Service, such action may be taken by the Board of Supervisors at any regular meeting thereof. The Board may grant the officer or employee so moved permanent status in the position to which he is moved in the Classified Service if he has held a position in the Unclassified Service for a period of one year or more immediately preceding such move. (Ordinance NS 997 §1, 1981: prior code §2-201; Ordinance CS 677 § 1, 1998).

DEPARTMENT PROBATION—MOU Provision

Departments may require that employees with permanent status, seeking interdepartmental transfers, serve a department probationary period in certain limited circumstances. The department probation may only be required of employees assigned to bargaining units for which the applicable Memorandum of Understanding provides for such.

When permanent employees transfer between departments in the same classification or demote in the same classification series they may be required to serve a new probationary period as a condition of the departmental transfer. The department must notify the employee prior to the appointment that he or she will be required to serve a department probation. The department probationary period will be for six months and cannot be extended. The anniversary date and step increases will be granted in accordance with existing policy as stated in Section 3.24.030 of the Stanislaus County Code. The appointing authority will provide a written statement for the employee's personal history folder maintained in the Chief Executive Office in the event that the incumbent does not successfully complete the department probationary period pursuant to Section 3.16.090 - G of the County Code. The employee shall have the right to return to his former position where permanent status was gained, unless dismissed for cause.

PROBATIONARY PERIOD PROCEDURES—Personnel Policy

Classified employees are eligible for permanent appointment after one year of satisfactory probationary service, unless the probationary period is extended. The Department Head may request an extension of the probationary period up to a maximum of six additional months. The Department Head request is then granted or denied by the Chief Executive Officer (Section 3.16.090 of the County Code).

FAILURE TO TAKE ACTION PRIOR TO THE EXPIRATION OF THE PROBATIONARY PERIOD RESULTS IN THE EMPLOYEE AUTOMATICALLY RECEIVING PERMANENT STATUS.

The following procedure should eliminate problems when you anticipate recommending extension of an employee's probationary period or termination for failure to perform satisfactorily during the probationary period:

1. Keep in mind that the probationary period ends exactly one calendar year from the effective date of the employee's appointment, demotion, promotion or reclassification date. A notification will be sent to you approximately one month prior to the expiration of the probationary period. This serves as a reminder for you to approve permanent status, terminate the employee, or recommend that the Chief Executive Officer extend the employee's probationary period.

2. Upon receiving notification that the probationary period is due to expire, a performance evaluation or record of discussion must be completed and discussed with the employee, supporting the reasons for granting permanent status, or extending probation. **YOU SHOULD NOT WAIT UNTIL THE EMPLOYEE'S PROBATIONARY PERIOD IS ABOUT TO EXPIRE BEFORE TAKING ACTION.** For example, if after three months on the job you notice performance deficiencies, inform the individual of the inadequacies by completing a performance evaluation, or conducting a conference with the employee to discuss performance, (i.e., how the person is failing and what you expect), and provide additional training or supervision, if needed. **Recommendations to release the employee from probationary status should be supported by prior written documentation and/or performance evaluations that have been discussed with the employee.**

   You should contact the CEO Management Consultant who works with you to review a draft of the evaluation and/or to review your intended action and the supporting documentation prior to review with the employee. It is advisable to contact the CEO Management Consultant when you first notice the employee is having serious performance problems.

3. The Personnel Action Form (PAF) recommending permanent appointment, extension of the probationary period, or termination, accompanied by either a performance evaluation or the release letter, must be received in the Chief Executive Office for the Chief Executive Officer's approval/denial **prior to the expiration of the probationary period**. If it comes one day late, the person automatically becomes a permanent employee. Termination personnel forms should indicate, "Not granted permanent status; unsuccessful completion of probationary period."

4. If the deadline arrives, and the employee is not at work, review the situation with the Management Consultant who will work with you in obtaining the approval of the Chief Executive Officer for your intended action and direction on how to proceed.

KEY POINTS

1. Department heads recommend the action;

2. Approval to grant permanent status, to extend probation or terminate employment must be obtained from the Chief Executive Officer prior to the expiration of the probationary period; and

3. The impending action should be supported by the contents of a **performance evaluation** or prior written counseling memorandums or records of discussion that have been reviewed with the employee.

Remember that failure to act in a timely way results in the employee being granted permanent status by default.

3.16.010 Regular Full-time Appointment Probationary Period

Unless otherwise provided, all appointments shall be made by the appropriate appointing authority. Appointments filling regular authorized positions in the Classified Service shall be considered probationary appointments. A permanent employee who is promoted shall serve a probationary period in the new classification. Such an employee shall be restored to a position in former classification position in the department from which they promoted if rejected during the probationary period unless the employee is terminated for good cause. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.17(a)).

PERSONNEL MANUAL
TAB 16
EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS

INDEX

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3.08.010 Employees Subject to Standards

Employees of the County who are subject to the Local Agency Personnel Standards as contained in the California Administrative Code, shall have such rights and privileges as may from time to time be set forth in this title. (Prior code § 2-223(a)).

3.08.020 Rules and Regulations Compliance

All County employees shall hold their positions subject to such rules and regulations which may be established by Resolution of the Board of Supervisors. (Prior code § 2-223(b)).

3.08.250 Employment of Relatives—Nepotism

Except as to persons already employed on the effective date of this section, no person related to a full-time elected or appointed County officer, employee or contract employee by blood or marriage to the third degree of relationship shall be appointed or transferred into a department employing such relative in a direct conflict of interest position. For the purpose of this section, a direct conflict of interest shall mean a situation in which the employee of the relative would be in a position to affect the terms and conditions of one another's employment, including making decisions about work assignments, compensation, discipline, advancement or performance evaluation. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.13).

Note: The above-referenced provision also applies to personal service contracts and extra-help employees.

3.32.110 Failure to Perform Duties

Except when on authorized leave, any employee who fails to report for duty and work during the officially established work hours and days of his employment, and any employee who participates in a work stoppage against the County, shall be considered to have committed an act or acts which shall be grounds for dismissal from County service. (Prior code § 2-203(k)).

3.20.130 Other County Employment

A. No person employed in a full-time position shall be permitted to work for compensation for the County in any capacity other than his regular position. Exceptions hereto may be authorized by Resolution of the Board of Supervisors upon a finding that the public interest requires employment of a County employee for the rendering of a special service or services and the payment of compensation therefor.

B. A person employed in a part-time position may work for compensation for the County in another capacity provided the total time for such position does not require more time than required for full-time position established for such type of work.

C. Notwithstanding the provisions of Subsection A of this section, a person employed in a full-time position shall be permitted to receive compensation from the County for providing foster care to a child duly placed with such person by an agency of the County. (Prior code § 2-216).

3.36.040 <u>County Employment During Vacation</u>

No person shall be permitted to work for compensation for the County in any capacity during the time of his or her paid vacation from County service, provided however, that there shall be an exception for Election Day service as a poll worker or precinct inspector, as follows:

A County employee may work for compensation in the form of the applicable statutory stipend and mileage allowance from the Registrar of Voters whenever that employee voluntarily utilizes regular days off, department-approved vacation time or department-approved compensatory time off to serve as, or attend training to serve as, an Election Day poll worker or precinct inspector. (Ordinance 857, § 2003; Ordinance CS 598 § 5(part), 1995).

3.08.030 <u>Legal Services by County Employees</u>

A. The County Counsel, District Attorney, and Public Defender, and such other attorneys as may be employed full time in their respective offices, shall devote full time to their official duties and may not engage in the private practice of law, except that they may represent themselves, their relatives and members of their families in probate proceedings and other unprotected legal matters, without fee, with deduction of time devoted thereto from accrued vacation time.

B. The County Counsel shall act as attorney for the Public Administrator in all estates in which he is executor, administrator with the will annexed or administrator. In such matters the County Counsel shall collect the attorney's fees allowed by law and pay them into the County Treasury. (Prior code § 2-223(c)).

<u>Outside County Employment (Moonlighting)</u>—Personnel Policy

Employees should review any outside employment or business endeavors with his/her supervisor to ensure there are no conflicts with County employment. There are specific outside County employment policies for law enforcement and attorneys. Please refer to the Conflict of Interest Policy and Code of Ethics located in Tab 16 for guidance.

SMOKING IN COUNTY FACILITIES

9.53.010 Responsibility of employers

It shall be the responsibility of employers to provide a smoke free workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications. (Ordinance CS 516 § 2 part), 1993).

SMOKING IN COUNTY VEHICLES

Smoking will be prohibited in all County cars.

All County officials and personnel shall adhere to the following code to build public trust and ensure equitable treatment for all:

Trustworthiness

- Demonstrate the highest standards of personal integrity, truthfulness, and honesty in all public activities.
- Protect confidential information from inappropriate use.

Respect

- Treat all individuals in a respectful, courteous, and professional manner.
- Respect the County's responsibility to comply with State and Federal regulations.

Responsibility

- Uphold the public trust.
- Conduct and perform job duties diligently and promptly.
- Make no promises of any kind which conflict with one's public duty and responsibilities.

Fairness

- Treat others with impartiality and equity and provide or accept no special favors or privileges that may be perceived as influencing the performance of one's duties.
- Impartially apply applicable laws and regulations to everyone.

Caring

- Create and maintain positive relationships.
- Consider the consequences of decisions on those affected by them.
- Strive to find solutions to our customer's issues or problems and offer suggestions for improvement to leadership when appropriate.

Citizenship

- Make decisions that benefit the public interest.
- Engage only in activities that are consistent with the performance of one's duties.
- Comply with all laws and regulations applicable to the county.

ACCEPTANCE OF GIFTS AND OTHER TOKENS OF APPRECIATION BY COUNTY EMPLOYEES

California Penal Code Section 70 makes it a misdemeanor for any public employee or officer to receive any gratuity or reward or promise thereof for doing an official act. California Government Code Section 87300 and the County Personnel Policies Manual set forth the provisions by which every County department establishes a conflict of interest code. **This code designates certain County employees occupying decision-making positions who must annually report gifts received if valued at $50 or more.** An important rule to keep in mind is, when there are questions, seek advice, and, when in doubt, do not accept the gift and/or provide full disclosure as appropriate.

The following guidelines describe Stanislaus County policy regarding acceptance of gifts and other tokens of appreciation by County employees or agents of the County not formally designated in their department's conflict of interest code. These guidelines set forth the acceptable courses of action to take when such gifts are received from members of the public. Gift giving between and/or among County employees is regarded as acceptable and not a topic of concern in this document.

"County Employee" is defined as a person officially occupying a position with the County. This includes all probationary, permanent, full-time, or part-time employees or extra-help employees and others who are considered "agents" of the County as defined by contract between the individual and the County.

A. Basic Tenet:

Avoid any appearance of impropriety and any act which appears improper even though it may not be illegal, i.e., neither seek nor accept directly or indirectly favor for performing duties as an employee.

1. **Do not discriminate** in the provision of services to the public. This means not receiving gifts or other tokens of appreciation in connection with services rendered in the performance of duties for which they are already paid and not bestowing special favors upon any member of the public in return for gifts or gratuities.

2. **Do not solicit any gift or accept or receive any gift** whether it be money, services, loan, travel, entertainment, hospitality, promises, or any other form under circumstances where it can be reasonably inferred or expected that the gift was intended to influence in the performance of official duties or the gift is intended to serve as a reward for official action on the part of the employee.

3. **Do not receive economic advantage or discount** not available to all County employees. Examples of these occurrences include but are not limited to free or reduced admission to places of amusement or sporting events.

B. Basic Tenet:

Recognize the problem in advance; intervene immediately.

Recognizing that on some occasions, especially at Christmas or other holiday times, gifts such as candy, fruit, plants, or other tokens of appreciation are given to employees or departments, the purpose of this document is to standardize County employee behavior when such gifts are received. Responsibility for implementation of the guidelines herein lies at the department level.

C. Basic tenet:

When the cumulative value of gifts received is $50 or more, reporting is required under the Fair Political Practices Commission's rules and regulations.

Gifts of $50 or greater individual retail value (or, if several smaller gifts, $50 cumulative value) must be reported on an annual basis following the provisions set forth in the Conflict of Interest Code.

D. Basic tenet:

Use the departmental chain of command to remove any appearance of impropriety.

1. If, during the course of his/her official duties, a County employee receives a gift directed personally to him/her or to his/her department, he/she is obligated to report receipt of the gift to the immediate supervisor. When in doubt about the acceptability of a particular gift, the employee should advise his/her immediate supervisor of the situation and allow the supervisor to make the appropriate decision using a standard of reasonable care and judgment.

2. It is Stanislaus County policy that, with the exception of alcoholic beverages, if a gift such as candy is opened and made available for all department employees to share, the action is acceptable. If the same gift, however, is taken home for an employee's singular benefit, the action is unacceptable. If the item is alcoholic in nature, nonperishable, or impossible to divide among employees for some reason, the recommended course of action, at the discretion of the Department Head, is to donate the item to a local charity or return the gift to the donor with a note of thanks. In this manner, no one employee benefits from receipt of the gift.

E. Basic tenet:

Be courteous; explain the gift policy in positive terms if asked.

If members of the public bestow gifts upon County employees or inquire about the County's policy as to acceptance of such gifts, be courteous in your explanation of the policy. If a gift is deemed by a Department Head to be unacceptable and, therefore, returned to the giver, the accompanying note of thanks should be brief, concise, and polite so as not to offend the giver or create a negative impression of County employees.

POLICY STATEMENT

In addition to any Federal or State conflict of interest requirements which may apply, no member of any board, commission, or committee shall make, participate in making, or in any way attempt to use their position to influence a decision in which he or she knows or has reason to know he or she has a financial interest. In all such cases, the affected member shall disclose their interest in the records of the board, commission, or committee and shall refrain from participating in all discussions and votes concerning the matter in which they have a financial interest.

The purpose of this policy is not only to avoid actual improprieties but also the appearance of possible improprieties. Therefore, it is the policy of the Board of Supervisors that any doubts as to whether a member should refrain from participating in a particular matter should be resolved in favor of nonparticipation.

MANAGEMENT RESPONSIBILITY

The Clerk of the Board shall provide all appointees to the County commissions, committees, and boards with copies of the Board's Conflict of Interest Policy.

PURPOSE

The purpose of the County's technology-based systems is to share information and computing resources, and improve the way service is provided to the public. As modern technology provides connectivity, the actions of one person can impact the integrity and security of a telecommunications network used by many. Any employee given the privilege of using Stanislaus County's computing and information resources is expected to act in a responsible manner by complying with all policies, relevant laws, and contractual agreements related to computers, networks, software, computer information and data to which an employee has access.

COMPUTER INFORMATION

All computer information, including e-mail, created or received utilizing County computing resources is the property of the County. Subject to applicable legal privileges and confidentiality requirements, all computer information entered or received on County computers, including e-mail, is public and is subject to disclosure upon the demand of the County at any time. The physical location of the computer does not alter this policy. Unauthorized printing or tampering with computer information is not allowed. (i.e.: changing data in a central data base without authorization)

CONFIDENTIALITY/PRIVACY

There is no right to privacy in any information created or received on any County computer or through any County computing resource. This includes any and all e-mails sent to and from an employee, any Internet Websites the employee has accessed, or any information created, sent to or stored on any County computer or system. The County has the right to monitor the computer use of its employees, to read or download any information or e-mails which any employee has accessed, created, stored or downloaded, and will take the appropriate disciplinary action for any misuse. This includes the County Network system as well as the employee's own personal drive at his/her own workstation, and any private e-mails which are accessed through the County's Internet system (AOL Mail, Yahoo Mail, etc.).

Since network access and use are to be used for County business, employees shall have no right or expectation of privacy in any Internet or e-mail activity using County equipment or networks. This includes Internet or e-mail activity that occurs after business hours. The County has software and systems that monitor and record all Internet and e-mail usage. Each World Wide Web site visit, newsgroup or e-mail message and each file transfer into and out of our internal networks is recorded. Department Heads, management, supervisors, Management Information Systems, the CEO's office and County Counsel have the right to review any Internet or e-mail activity of any employee at any time for any reason. The County reserves the right to inspect

any and all files stored in private areas of the network or a computer system in order to assure compliance with this policy.

NETWORK USE POLICIES

"Network" refers to the connection of a computer workstation to a server or any other computer system through a local or wide area network. This policy applies to all Internet, Intranet, e-mail, file transfers (FTP), web browsers, word processors, spreadsheets or other software that can use networks to communicate.

ACCEPTABLE USES OF NETWORKS/COMPUTER SYSTEMS

Stanislaus County network access and use of computers are intended to be used to conduct County business. Employees are encouraged to use technical resources as an efficient and effective business tool.

Networks and computers must be used in a manner that does not jeopardize security, confidentiality, or place the County in a litigious position as a result of breaking any local; state or federal law pursuant to privacy, public record, or copyright.

UNACCEPTABLE USES OF THE NETWORK/COMPUTER SYSTEMS

County network access or individual computer usage may not be used for transmitting, retrieving, receiving or storing of any communications of a discriminatory or harassing nature or materials that are perceived as being obscene. Harassment of any kind is prohibited by County policy. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language will be transmitted through the County's network system. Electronic media may not be used for any other purpose that is illegal, against County policy, causes discredit to the employee's department or the County, or is contrary to the County's best interest.

Computers and computer networks shall be used only for authorized County business. It is unacceptable for employees to use networks for personal gain or profit, or for personal reasons that would result in depleting resources, impeding the organization's ability to conduct business, or cause any interruption or delay in service to the public.

NETWORK/COMPUTER COMMUNICATION

Each employee is responsible for the content of all text, audio or images that they place or send over the County's network system, or which appear on their computer (including screensavers). No electronic communication may be sent which hides the identity of the sender or represents the sender as someone else, unless authorized by departmental directive. All messages communicated on the County's network system shall contain the employee's name. Any messages or information sent by an employee are statements that reflect on the County. All

communications sent by employees via the County's network system must comply with this and other County policies and may not disclose any confidential or proprietary County information.

SOFTWARE DOWNLOADS

To protect the integrity of the network, downloading of software from anywhere on the network, including the Internet is limited to software that has been purchased by the County department or has been approved for downloading by the departmental network administrator. No employee may bring software from home or outside of authorized County purchases and install it on his/her computer even if only installed on the personal drive, without first having received permission from his/her manager or Department Head.

COPYRIGHT ISSUES

All employees obtaining access to copyrighted materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except where expressly allowed by the copyright law or with expressed written permission from the right owner.

SECURITY

County networks with access to the Internet must be protected by a firewall approved by County Management Information Services. Employees must abide County policies or any applicable local, State or Federal laws. Management Information Services routinely monitors usage patterns for its network communications for purposes of cost analysis, allocation, and managing the County's gateway to the Internet.

DEPARTMENT HEAD RESPONSIBILITIES

Department heads have the responsibility for insuring that employees in their respective departments comply with County policies regarding Internet and e-mail.

EMPLOYEE RESPONSIBILITIES

All employees have a responsibility to understand and comply with this policy. Employees and supervisors are to apply common sense and reasonable judgment in a consistent and non-discriminatory way when interpreting this policy.

VIOLATION

An employee who violates this policy may be subject to the appropriate disciplinary action which may include suspension, demotion or termination from County employment. In addition, any employee found to have violated this policy may have his/her access to the Internet and e-mail limited or revoked completely.

TELECOM POLICY

It is the policy of Stanislaus County that phones (desk phones and mobile phones) will be used to provide services to the County's customers and for internal efficiency. This policy applies to all staff, including contract employees, volunteers and all those working in any capacity for the County. Departments shall issue and manage all phones cost effectively and efficiently, ensuring that inventories, landlines and billing are aligned with staffing changes and usage. Staff are expected to adhere to departmental and County policies regarding phone use and shall acknowledge an understanding of these policies on the appropriate form prior to the actual assignment of any phone.

PURPOSE

Phones may be assigned to designated staff to conduct County business and shall be utilized according to County policy. Phones are tools to increase effectiveness, efficiency and access for customers, reducing response time, as well as improving communications within the County. Contractors will only be assigned County phones as part of their contract, under the County telecom policy.

TYPES OF PHONES AND PLANS

It is County policy that each employee should have access to a phone, whether a desk phone or a mobile phone, unless there is a specific reason, approved by the Department Head, to have both. Before selecting a mobile plan, it will be essential to establish actual usage based on experience and estimated job requirements for the individual employee. It is recommended that the least expensive plan (lowest amount of minutes) closest to the identified usage be selected. Care should be exercised when choosing a plan, to ensure it is not too low, as the extra additional minutes are costly. Usage can be monitored through review of the monthly bill or the mobile phone itself to determine if a higher cost/higher usage plan is needed.

The following guidelines have been created to assist in determining what option is the most efficient for each employee. Clearly, the most cost effective device and plan shall be selected, to meet individual staff requirements to communicate with customers (both internal and external).

DESK PHONE

Cost effective when staff stays at their desk most of the time and has no need for a mobile phone due to their assignment. As contact with staff can only be made when they are at their desk, be aware of the business impact of not being able to reach them if they are away from their desk for long periods.

MOBILE PHONE

Cost effective when staff is away from their desk working with clients, travelling, or their job function requires mobile access. If this option is selected, this should be their only phone. Various approved vendors offer options for either local coverage or for a wider roaming area. The Mobile Phone Requisition is designed to determine the most appropriate plan for the specific needs of the individual staff.

GUIDELINES FOR THE SELECTION OF MOBILE PHONE AND PLANS

The County has worked diligently to select vendors that will provide the high level of customer service required by the County on a cost-effective basis. As a result of these efforts, the vendors on the "Vendor Selection Chart and Guidelines" have signed contracts with the County and now each department can select the plan most appropriate to their needs.

A number of the older plans currently in place are very cost effective and should be retained, unless the vendors increase the cost.

Before switching any plans, an assessment shall be made of any penalties or additional costs to determine if the switch is cost effective.

PERSONAL USAGE

The County owns the phone, the rates and the contracts, which results in staff being liable for improper personal usage.

County policy does provide for limited brief personal calls by staff to their homes to check on minor children, notifying family of the need to work late and scheduling a doctor and dentist appointment. Use for family emergencies and security will be allowed, but if the emergency is ongoing, it is expected that staff make departmental leadership aware of the situation. Be aware that this also applies to incoming personal calls, regardless of billing. For staff that exceeds the brief personal calls outlined above, other arrangements must be made separate from the County.

For staff who expect to exceed this limited personal use, other arrangements must be made separate from the County. This personal usage policy applies to desk phones as well as mobile phones.

Phone plans must be selected based only on the County's needs. If the minutes on the plan are exceeded and there is unreasonable personal use identified, the employee assigned to the phone will be held responsible to reimburse the County for personal calls and the employee may be subject to disciplinary action.

If staff decide they want to have a second line on their County phone for personal use, billing on this line must be directed to their residence. Staff must ensure they do not accidentally use the County line for personal calls (and vice versa).

If the needs of the County require the unlimited minutes plan and if the staff member is required to be accessible after hours, staff may use the phone after hours for County business and for the limited personal use as defined in this policy. It will be important to ensure the County minutes plan is not exceeded.

Inappropriate use of County phones constitutes grounds for discipline under Stanislaus County Code Section 3.28.010. Inappropriate use includes unauthorized, non-business use of phones and misuse of County paid time in the conduct of such calls. It also includes unauthorized long-distance personal calls and/or loss of staff productivity because of ongoing, repeated incoming and outgoing personal telephone calls.

Department heads have the authority and the responsibility to identify inappropriate personal use of County phones in accordance with this policy and to take appropriate action if a violation occurs. This policy applies equally to County desk phones, mobile phones, two way radios and pagers and must be applied in a consistent manner. Staff should be free to use County phones for County business any time.

USE ON VACATION

Unless specifically approved (on the Mobile Phone Requisition), staff shall not use the County mobile phone line while on vacation. The only use for carrying a County mobile phone while on vacation will be for the specific purpose of County business, or if staff have the separate personal line.

MOBILE PHONE ETIQUETTE

Mobile phones should be turned off or set to vibrate mode during meetings, with rare exception, as it is not considerate of meeting attendees to take a call during a meeting. It is also an inefficient business practice. All interruptions should be kept to a minimum whenever possible. Unless staff duties require access at all times, phones should be answered during normal business hours, the exception being during breaks and lunches. Voice messages should be checked immediately upon return from a break, lunch or meeting.

The mobile phone ring should be set at an appropriate level, to avoid disturbing co-workers.

USE IN A VEHICLE

If you are on County business and driving a vehicle, mobile phone usage must be limited and must not compromise your driving ability and safety, (including the safety of those around you). It is expected that staff will pull over and stop the vehicle if the phone call will compromise safety. All staff must comply with State law.

USE OF MOBILE PHONES WHILE TRAVELING ON COUNTY BUSINESS

Refer to the Travel Policy, Tab 17, Page 24—Exception.

REPLACEMENT POLICY

A County issued phone is considered to be County property and as such shall be treated with great care. It is understood that events may occur in which a phone becomes damaged. It is County policy that in the event that a County phone is damaged and must be replaced the individual may be held responsible for replacement cost if determined to be caused by negligent care or improper handling by staff. This will be a Department Head decision.

Some replacement costs have been built into the contracts and will be taken into consideration when applying the above policy.

TYPE OF PHONE

A number of standard models of mobile phones will be made available as part of the contracts and at no cost to the County, for use by County staff. Business requirements may dictate additional options or phone specifications, to be approved by the Department Head. County sourced phones remain the property of the County.

BUSINESS CARDS

It is recommended that all business cards list a phone number where calls can be routed for reception, but allow for an individual's mobile number if desired.

FORWARDING CALLS

Reception staff receiving calls will, as always, need to use judgment when deciding what steps to take when a call is received. The following general process is suggested for both desk and mobile phones, at the staff member's discretion, unless it is an emergency:

1. Notify caller prior to transferring that he or she may reach a voicemail;
2. Transfer call if caller doesn't mind leaving a voicemail if recipient isn't available; and/or
3. If caller would prefer to leave a message with reception, e-mail message to recipient.

MANAGEMENT RESPONSIBILITIES

Each department will identify a telecommunications coordinator, responsible to the Department Head, to act as liaison with the vendors as well as to ensure billing accuracy, that inventory is well managed and surplus lines are disconnected. This role may only require a few hours a month for a small department.

PURPOSE

Stanislaus County is proud of its tradition of a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere, which promotes equal opportunities and prohibits discriminatory practices. **AT STANISLAUS COUNTY, HARASSMENT, DISCRIMINATION AND RETALIATION WHETHER VERBAL, PHYSICAL OR ENVIRONMENTAL, IS UNACCEPTABLE AND WILL NOT BE TOLERATED.**

It is the intention of this Policy to prohibit, eliminate and prevent unlawful harassment, discrimination and retaliation and its effects in the workplace. To do this, the County, through this Policy, will define unlawful harassment, discrimination and retaliation and will set forth a procedure for filing, investigating and resolving internal complaints.

POLICY

Harassment, discrimination and retaliation of an applicant or employee by an employee or non-employee on the basis of a protected classification is not acceptable and will not be tolerated. Protected classifications include, but are not limited to: race, color, religion, sex, national origin, ancestry, physical or mental disability, medical condition, marital status, age (over 40), sexual orientation, or genetic history. Annually, the Board of Supervisors reaffirms its commitment to non-discrimination by adopting the County's Equal Employment Opportunity Non-Discrimination Statement. Please review the annual Non-Discrimination Statement for updates to protected classifications. The Non-Discrimination statement is located in each department, in the Personnel Manual, and on-line on the County's Equal Rights website.

This Policy applies to all terms and conditions of employment, including, but not limited to: hiring, job assignments, promotion, disciplinary action, layoff, re-employment, transfer, leave of absence, compensation and training.

Disciplinary action up to, and including, termination will be instituted for employee's behavior which conflicts with expectations as described in the definition of harassment, discrimination, and retaliation set forth in this policy.

HARASSMENT AND DISCRIMINATION

Discrimination and harassment behavior is a form of misconduct that violates this policy and in some cases may constitute discrimination that is in violation of federal and state law. When evaluating complaints of hostile, offensive or abusive conduct the County will consider both

current legal standards and County Policy Examples of harassment, discrimination, and prohibited unlawful behavior include, but are not limited to:

- Harassment behavior of any kind that is verbal, physical, visual, or electronically communicated based upon a protected classification. Examples of prohibited unlawful behavior include but is not limited to, the following:

  - Speech such as epithets, derogatory comments, offensive remarks or slurs and lewd propositioning on the basis of a protected classification. This includes inappropriate sex-oriented comments on appearance, including dress or physical features, or race-oriented stories and jokes.

  - Physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement when directed at an individual on the basis of a protected classification. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied on-the-job threats or promises in return for submission to physical acts.

  - Visual insults, such as derogatory posters, cartoons or drawings related to a protected classification.

  - Circulation or posting of written materials or electronic circulation of jokes, messages, cartoons, pictures.

  - Conduct that affects or interferes with an individual's job performance that creates a hostile, offensive, or abusive working environment.

- Sexual harassment is illegal and is a form of sex discrimination forbidden by federal and state law. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as:

  - Unwelcome sexual advances, requests for sexual favors, and other acts of a sexual nature when such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; or

  - When rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

  - When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.

- Other examples of types of conduct which may constitute sexual harassment include:

  - Explicit sexual propositions, preferential treatment in exchange for sexual favors, retaliating or getting back at someone who turns down sexual advances;

- Sexual innuendos, suggestive comments; Sexually oriented joking or teasing, jokes about gender specific traits; or
- Dissemination of printed visual material, display or electronic communication of offensive or obscene jokes, messages, or pictures.

- **It is no defense to a claim of harassment that the alleged harasser did not intend to harass.**

RETALIATION

Any retaliation against a person for filing a harassment/discrimination charge or making a harassment/discrimination complaint is prohibited. Retaliation occurs when adverse action is taken against an individual who, reports a concern about potential illegal or unethical conduct or a violation of Stanislaus County's policies or procedures. Employees (supervisors, co-workers and management) found to be retaliating against another employee shall be subject to disciplinary action up to, and including, termination.

COMPLAINT PROCEDURE

Employees are encouraged to resolve issues and concerns under this policy at the lowest supervisory level of the organization possible given the circumstances of the issues involved. While Stanislaus County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, Stanislaus County also recognizes that power and status disparities between the individuals involved in the situation may require an alternative resolution process. In the event that such informal, direct communication between individuals is either ineffective or impractical, the County's Equal Employment Opportunity (EEO) Complaint Procedures should be followed in reporting a complaint of harassment, discrimination or retaliation. The County's EEO Complaint Procedure is located in the County's Personnel Manual and on-line on the County's Equal Rights website. To initiate the EEO Complaint Procedure, any employee, job applicant, or person seeking County services who believes he or she has been subject to harassment, discrimination or retaliation in violation of this policy may make a complaint orally or in writing with any of the following:

1. Immediate supervisor;
2. Any supervisor or manager within or outside the department;
3. Department Head;
4. Departmental Equal Rights Officer;
5. Director of Personnel or Chief Executive Office designee; or
6. County Equal Rights Officer.

This procedure shall apply to allegations of harassment, discrimination and retaliation in any employment action or in the delivery of public services based upon a protected classification. County departments may develop separate policies and procedures related to processing complaints regarding the delivery of public services in compliance with all applicable federal and state laws and regulations. Applicants or employees may also file a complaint with a

government agency such as the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission.

APPLICATION

This Policy applies to all employees of Stanislaus County, including volunteers, contract employees, supervisory employees, department heads, and elected officials. All employees shall receive a copy of this Policy and shall sign a written acknowledgment that they have received and read a copy of the policy. A copy of this acknowledgment shall be placed in the employee's official personnel file.

CONCLUSION

Stanislaus County has developed this Policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation. Stanislaus County will make every effort to ensure that all personnel are familiar with the Policy and know that any complaint received will be thoroughly investigated and appropriately resolved. Employees are encouraged to contact their department's designated Human Resources Representative, or any member of the Chief Executive Office Human Resources Division at (209) 525-6333, with any questions related to the provisions of this policy.

PURPOSE

Stanislaus County provides many health related services and is committed to safeguarding patients' privacy. The County is dedicated to raising the awareness of the importance of ensuring health privacy, in order to improve health care quality and access on both an individual and a community level.

POLICY

Stanislaus County recognizes the responsibility to respect and protect the privacy rights of health information and will comply with all HIPAA provisions. These standards apply to all individuals and County employees who have access to, use, or disclose protected health information regardless of unit or division. Each covered component is responsible for developing and implementing policies and procedures specific to their department but consistent with County-wide policies. Each internal business associate as defined by the County is responsible for developing and implementing confidentiality policies and procedures specific to their department and the services they perform.

PROVISIONS

1. Protect health insurance coverage for workers and their families when changing jobs, this is **"portability."**

2. Protect the **privacy** of Protected Health Information (PHI). The **Privacy Rule** sets standards for how protected health information should be controlled, by setting forth what uses and disclosures are authorized or required and what rights patients have with respect to their health information. The Privacy Rule prohibits the sharing of Individually Identifiable Health Information (IIHI) without a patient's permission unless the purpose of the disclosure is permitted by regulation—such as for treatment, payment or health care operations.

3. Establish **code sets**—national standards for the electronic transmission of health information. The health care industry will speak one common "language" when transmitting claim submissions and remittance advice.

4. Establish standards for the **security** of protected health information. The regulations require the adoption of administrative, physical and technical safeguards. The County will protect the integrity, confidentiality and availability of electronic protected health information from unauthorized access, alteration, deletion, or transmission. The compliance deadline for the Security Rule is April 21, 2005.

The County seeks to develop a workforce that reflects the cultural and ethnic make up of the community we serve. This is Board policy and is reflected in our hiring, promotions and retention of employees. It makes for good customer service and allows the County as an Institution to better understand all parts of our community.

Federal, State and County policy provides that employees shall not be prohibited from speaking languages other than English on the job unless it can clearly be shown that a "business necessity" exists for prohibiting language other than English. When a "business necessity" does exist, all affected employees will be immediately notified and expected to comply with the language requirements.

English is not the first language for many County employees. For some employees we seek your primary or secondary language skills and require you to use them in your job. However, the primary business language of Stanislaus County is English unless otherwise directed. This policy should be followed if you are subject to "business necessity" English only on the job.

Government Code 12951

(a) It is an unlawful employment practice for an employer, as defined in subdivision (d) of Section 12926, to adopt or enforce a **policy** that limits or prohibits the use of any **language** in any workplace, unless both of the following conditions exist: (1) The **language** restriction is justified by a business necessity. (2) The employer has notified its employees of the circumstances and the time when the **language** restriction is required to be observed and of the consequences for violating the **language** restriction. (b) For the purposes of this section, "business necessity" means an overriding legitimate business purpose such that the **language** restriction is necessary to the safe and efficient operation of the business, that the **language** restriction effectively fulfills the business purpose it is supposed to serve, and there is no alternative practice to the **language** restriction that would accomplish the business purpose equally well with a lesser discriminatory impact.

COUNTY POLICY

The rights and legal constraints on political activities by public employees under State and Federal law are summarized below.

Restrictions which pertain to activities while on duty, to the use of department facilities, and to actions of employees in an official capacity all constitute the policy of the department. Additionally, for all employees, following are the prohibited activities and the permitted activities our legal counsel has interpreted as outlined in Government Code 3201 - 3204.5 and Section 3206 of the Code.

A) PROHIBITED ACTIVITIES

Under the State law employees may **not** do any of the following:

1. Participate in political activities of any kind while in uniform (This includes official use of a County vehicle with official seal, even parked, that might imply official endorsement).

   Example: Sheriff deputies, security guards, and animal services officers may not participate in political activities of any kind while in uniform.

2. Knowingly solicit or receive political funds or contributions from OTHER OFFICERS OR EMPLOYEES OF THE COUNTY OR FROM PERSONS ON THE EMPLOYMENT LIST of the County, except:

   An officer or employee may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours to work, retirement, civil service, or other working conditions of the officer or employee. Nothing in this section prohibits an officer or an employee of the County from communicating through the mail or by other means requests for political funds or contributions to a significant segment of the public which may include officers or employee of the County. (Officer or employee home addresses obtained through the regular course and scope of ones duties may not be used for this purpose.)

3. Make, demand or give notice of any political assessment, subscription or contribution within or upon County property, or within or upon premises used for governmental purposes by the County, at any time, unless;

The County property or premises is being used for the conduct of a public or political rally or similar event or the County property, such as a park, street or public land is not being used for the governmental purposes of the County.

4. Use, promise, threaten or attempt to use their County position or official authority to influence the political actions of other County officers or employees or those seeking County employment.

B) <u>PERMITTED ACTIVITIES</u>

Generally employees **may**:

1. Express their opinions on political subjects and candidates.

2. Become a candidate for nomination or election in any partisan or nonpartisan campaign - national, state, or local.

3. Engage in partisan or nonpartisan political activities as an individual or as a member of a group.

4. Contribute to political campaign funds:

   a) IF THE CONTRIBUTION IS NOT MADE TO OR THROUGH ANOTHER COUNTY OFFICER OR EMPLOYEE, and

   b) If the contribution is <u>not</u> made on County property or County premises.

5. Join political organizations and vote on any questions presented.

6. Organize and manage political clubs; serve as officer, delegate or alternate, or as a member of any committee.

7. Participate actively in political conventions.

8. Attend political meetings, rallies, etc. and organize, prepare and conduct such gatherings.

9. Initiate, sign or circulate partisan or nonpartisan nominating petitions, distribute campaign literature, badges, etc.; <u>provided</u> THAT SUCH ACTIVITY DOES NOT TAKE PLACE DURING WORKING HOURS OR WHILE OTHERWISE ON DUTY.

10. Wear campaign badges, clothing, or buttons, provided THAT SUCH ACTIVITY DOES NOT TAKE PLACE DURING WORKING HOURS OR WHILE OTHERWISE ON DUTY. Employees may display bumper stickers, picture or posters on a private automobile or in the window of their home.

11. Speak publicly, or write letters or articles for or against any political candidates; endorse or oppose such candidate in the political advertisement.

12. Manage the campaign of a political candidate.

13. For employees whose primary job is in connection with federally funded activities (except revenue sharing) the following are prohibited and permitted activities as legal counsel has interpreted the Hatch Act.

    a) PROHIBITED ACTIVITIES / "HATCH ACT" COUNTY EMPLOYEE – These prohibitions apply to those employees whose primary job is in connection with federally funded activities (except revenue sharing) and employees whose primary job is funded with federal monies.

    YOU MAY NOT:

    1. Participate in political activities of any kind while in uniform.

    2. Knowingly solicit or receive political funds or contributions from other officers or employees of the County or from persons on the employment list of the County, except:

       An officer or employee may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the officer or employee. Nothing in this section prohibits an officer or an employee of the County from communicating through the mail or by other means requests for political funds or contributions to a significant segment of the public which may include officers or employee of the County. (Officer or employee home addresses obtained through the regular course and scope of ones duties may not be used for this purpose.)

    3. Directly or indirectly coerce, attempt to coerce, command, advise a local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.

       This section prohibits a County officer or employee from attempting to influence another County officer or employee to contribute anything of value for political purposes.

    4. Make, demand or give notice of any political assessment, subscription or contribution within or upon County property, or within or upon premises used for governmental purposes by the County, at any time, unless:

The County property or premises is being used for the conduct of a public or political rally or similar event or the County property, such as a park, street or public land is not being used for the governmental purposes of the County.

5. Use your official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

   Among other possible restrictions, this would prohibit an officer or employee from using his County title or official stationery in connection with any political campaign, and from attempting to influence anyone's vote by such methods as promising employment or threatening dismissal.

b) PERMITTED ACTIVITIES/"HATCH ACT" COUNTY EMPLOYEE

YOU MAY:

1. Express your opinions on political subjects and candidates.

2. Become a candidate for nomination or election to any nonpartisan elective office.

3. Engage in partisan or nonpartisan political activities as an individual or as a member of a group.

4. Contribute to political campaign funds:

   A. IF THE CONTRIBUTION IS NOT MADE TO OR THROUGH ANOTHER COUNTY OFFICER OR EMPLOYEE, and

   B. If the contribution is not made on County property or County premises.

5. Join political organizations and vote on any questions presented.

6. Organize and manage political clubs; serve as officer, delegate or alternate, or as a member of any committee.

7. Participate actively in political conventions.

8. Attend political meetings, rallies, etc. and organize, prepare and conduct such gatherings.

9. Initiate, sign or circulate partisan or nonpartisan nominating petitions, distribute campaign literature, badges, etc.; provided THAT SUCH ACTIVITY DOES NOT TAKE PLACE DURING WORKING HOURS OR WHILE OTHERWISE ON DUTY.

10. Wear campaign badges, clothing, or buttons, provided THAT SUCH ACTIVITY DOES NOT TAKE PLACE DURING WORKING HOURS OR WHILE OTHERWISE ON DUTY. You may display bumper stickers, pictures or posters on a private automobile or in the window of your home.

11. Speak publicly, or write letters or articles for or against any political candidates; endorse or oppose such candidates in a political advertisement.

12. Manage the campaign of a political candidate.

1. PRECEDENCE

This document does not supersede or override any regulations promulgated by State or federal agencies, such as the requirements mandated by the Department of Justice, that are more stringent or impose additional requirements than this policy.

2. CONTENTS

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3. NON-COMPLIANCE

An employee who violates this policy will be subject to the appropriate disciplinary action, which may include suspension, demotion or termination from County employment. Any criminal misuse of County computer resources will be investigated for possible legal prosecution. An employee found to have violated this policy may have his/her access to the County or departmental computer system, the Internet, the Intranet or the Email system limited or revoked completely. Any attempts to circumvent County IT Security measures shall themselves be viewed as violations of this policy.

Any employee aware of accidental non-compliance, misuse or suspicion of misuse, shall report the incident to a supervisor immediately.

Stanislaus County Departments that cannot, for whatever reason, comply with the requirements of this document**,** shall maintain a document describing the non-complying system or process. This document shall include a mitigation plan with specific budget and timetables identified, if applicable. It is understood that some current Stanislaus County information systems do not comply with certain requirements in this document. Departments shall undertake to correct/replace these systems to improve overall County IT security. Should a Stanislaus County Department need assistance in devising or implementing a mitigation plan for their non-complying system, that Department shall report it to the IT Security Manager and to request from the IT Security Manager such assistance.

Employees will not be held accountable for non-compliance when necessary items or actions to maintain compliance are within the Department's responsibility.

4. POLICY IMPLEMENTATION

Upon approval of this policy by the Board of Supervisors all County employees shall be expected to adhere to this policy as it is written. All employees have a responsibility to read, understand and comply with this policy.

The initial distribution of this policy, to all County employees, shall be through County payroll. It will be each Department's responsibility to ensure that each employee receives and signs the initial policy within thirty (30) days, absent a valid reason (e.g. vacation, leave of absence, etc.).

This policy shall apply to all County employees including, but not limited to, regular full-time, part-time, seasonal, temporary, supervisory, management, department heads, volunteers and Personal Service Contractors. This policy shall also apply to independent contractors who utilize any County computers or the County computer system.

As this policy may be frequently updated as technology and security threats change, a copy of the latest version of this policy shall be given to each employee annually by the Department. The supervisor should consider the employee's compliance with this Policy in evaluating the employee's performance. Any changes to this Policy that are of sufficiently significant nature, as determined by the Stanislaus County Security Special Interest Group and approved by the Stanislaus County Board of Supervisors and Department Heads, shall require all County employees to re-sign this Policy.

It is the Department's responsibility to ensure that all new Department hires have acknowledged receipt and reviewed this policy within 30 days of initial hire date. The Stanislaus County Security Special Interest Group, in conjunction with the CEO's office and SBT, will offer training sessions in regards to this policy. The training classes may be scheduled by contacting SBT and coordinating with the County IT Security Manager.

5. CONFIDENTIALITY/PRIVACY/DATA OWNERSHIP

a) Any Internet-related activity, such as web site visits, downloads, chat sessions or web forum postings can and will be tracked and recorded.

b) The CEO's office and County Counsel, have the right to review any Internet or email activity of any employee at any time for any reason. The Department Heads or their designee have the right to review any Internet or email activity of any of their employees at any time for any reason. The County reserves the right to inspect any and all files stored in private areas of the County information systems in order to assure compliance with this policy.

c) All electronic data, including email, created or received utilizing County information systems is the property of the County. Subject to applicable legal privileges and confidentiality requirements, all electronic data entered or received on County information systems is public and is subject to disclosure upon the demand of the County at any time.

6. INFORMATION SYSTEMS COMMUNICATION

a) Each employee is responsible for the content of all text, audio or images that they place or send over the County's information systems, or which appear on their computer. No electronic communication shall be sent which hides the identity of the sender or represents the sender as someone else unless authorized by the Department Head.

b) All messages communicated on the County's information systems shall contain the employee's name unless authorized by the Department Head. Any messages or information sent by an employee are statements that reflect upon the County.

c) All communications sent by employees via the County's information systems shall comply with this and other County policies and shall not disclose any confidential or proprietary County information without proper authorization.

7. UNACCEPTABLE USE

a) County information systems access or individual computer usage shall not be used for transmitting, retrieving, receiving or storing of any communications of a discriminatory or harassing nature or materials that are perceived as being obscene. Harassment of any kind is prohibited by County policy.

b) No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language shall be transmitted through the County's information systems.

c) Electronic media shall not be used for any other purpose that is illegal, against County policy, causes discredit to the employee's department or the County, or is contrary to the County's best interest.

d) County computers and information systems shall be used only for authorized County business. It is unacceptable for employees to use County information systems for personal gain or profit, or for personal reasons that would result in depleting resources, impeding the organization's ability to conduct business, or cause any interruption or delay in service to the public. The occasional limited use by County employees to check home email, or access appropriate internet sites during lunch, break or after hours does not constitute inappropriate use in and of itself. Additionally, employees shall only access information systems with which they have authority to do so.

8. PORTABLE DATA

a) When an individual department has a business need for staff to utilize portable data, specific departmental procedures shall be used to insure the highest level of security is attained. When transporting or transmitting County information in portable format (i.e. a DVD or USB flash drive) the staff person shall be responsible for its security and shall take all reasonable precautions (keep in personal possession, in locked brief cases, encrypt when possible, et cetera) to insure that it does not fall into unauthorized hands.

b) Removing electronic data from the work-site is prohibited without proper written authorization. Staff is discouraged from creating or modifying County documents at home on personal computers.

9. MOBILE USERS

a) County shall not, as standard practice, purchase computers, software, software licenses, Internet or phone services or office equipment such as printers, fax machines, calculators, or furniture for staff who work from home (in-home telecommuters). Purchase of such items, as well as consumable supplies, must be at the direction and approval of a Department Head, and shall be in compliance with County budget, purchasing and management information services policies.

b) Software may in some instances be provided for use on non-County-owned systems when the Department Head approves purchase of the necessary licenses. County IT staff shall only install such software on an employee's personal computing device, when the Department Head provides prior written approval. In this case, the employee must bring the device to the County location. Virus protection software and Operating System patches shall be maintained and up-to-date on any computers or devices that will connect in any way to the County information systems.

c) In addition, the selection, installation, maintenance, repair or replacement of employee- owned equipment and software is the responsibility of the employee.

Computer equipment shall have a configuration that is compatible with County's Information Technology (IT) standards and infrastructure.

d) County-issued cell phones and or mobile devices, may contain privileged or confidential information such as contact information or even emails or documents. Some "smart phones" and similar mobile devices like Blackberry, iPhones or iPads may actually connect automatically to County email systems or other information technology systems owned or maintained by the County. Any such devices that store emails and/or connect to County IT systems shall be configured to automatically lock after a period of disuse and require a password to be unlocked. The "timeout" period, after which the phone or mobile device locks, shall not exceed thirty minutes and shall not exceed sixty minutes for sworn officers. Reasonable care should be taken to use a password that is not easily guessed. Lost or stolen phones/mobile devices in this category must be reported to the department telecom coordinator as soon as possible so that protective measures, such as disabling the device may be employed. Notification must take place within 24 hours. Phones or mobile devices previously used for storing email or other sensitive County information shall be completely purged of all information before being transferred to another employee, returned to the vendor or discarded. Non-County-owned smart phones or mobile devices may only be used to store emails or connect to County IT systems with the written approval of the Department Head or their designee and signed by the owner of the device. Those connecting non-County-owned devices must agree in writing that, should they leave County employment or otherwise have their access revoked by the County, their phone may be reset to factory condition by departmental IT staff. See 'Email Access Form' located on the last page of this policy.

e) In the event any County equipment is stolen, or needs replacement, repair or maintenance, County shall be responsible for its replacement, repair or maintenance if the equipment was approved by the Department Head and the telecommuter has provided the proper care and safety of the equipment. If County-owned equipment or property is stolen it is the responsibility of the telecommuter to call the police and obtain a police report number and provide the police report number to the department. If a telecommuter is moving to a new residence and has an existing business telephone line owned by County, the Department and County Telecommunications shall be notified of the move prior to the telecommuter vacating the residence, to ensure the telephone line is disconnected on a timely basis

f) In the event of equipment malfunction, the telecommuter shall notify his/her supervisor immediately. If repairs will take some time, the telecommuter shall be asked to report to a County facility until the equipment is usable.

10. USER ACCOUNTS

a) Business applications shall automatically enforce passwords that reflect this policy whenever possible. Passwords shall consist of at least 6 characters for internal systems and at least 8 characters for Internet accessible systems, mix of alpha (upper

and/or lower case), numeric and symbols (with at least 3 of the 4 categories satisfied). Passwords must change at least every 90 days and no sooner than every 10 days. Old passwords shall not be reused. A centralized method for password resets shall be deployed.

b) Accounts shall be disabled or deleted within 24 hours of staff termination, which includes resignation or retirement. In no event shall accounts remain accessible 72 hours after termination. When staff is reassigned within their department or transfer to another department their information systems privileges shall be modified to reflect their new duties or department. This account modification shall be performed within 24 hours of effective reassignment, and the account modification shall be performed within 72 hours of reassignment. It is recommended that any staff member on an approved leave greater than 30 days have their account disabled until they return.

c) Users shall not share accounts and passwords. As those who seek unauthorized access might attempt to mislead a workforce member into divulging their password by claiming that they are County Information Technology staff, passwords shall not be given out to any individual. (See exceptions to this rule in item e)

d) Users shall not use their account passwords that are currently in use on County systems with non-County systems (e.g. personal email accounts, banking accounts, etc.). The County recognizes that it is unable to track this on a normal basis. However, it is information that may become known through the course of a data or system breech investigation.

e) In cases where systems or devices are limited in their ability to provide more than 1 administrator or "privileged" account, that account may be shared with the appropriate staff if determined necessary by the Department Head or their designee. If a system or device that falls into this category is deemed important, necessary or critical to infrastructure, the account and all changes to the password shall be shared with the Department Head or their designee immediately after such change.

11. SOFTWARE/HARDWARE INSTALLATION

a) Only designated departmental technical support staff, appointed by the Department Head may install software. Departments may pre-authorize installation of software by other departmental employees for selected software, such as commonly used Internet browser plug-ins. Under no circumstances shall authorization be given to install unlicensed software on county equipment or allow multiple use of single-user software. Technical support staff shall have the authority to delete unauthorized software (including but not limited to screen savers, toolbars, animated programs, games) when detected. In such cases, supervisor(s) will be notified.

b) County staff working on and/or installing County licensed software on private P.C.s is an exceptional circumstance and shall require the prior written approval of the Department Head.

As there is some risk to the County with staff going to private homes, the P.C. (or laptop / tablet computer) shall be brought to the department's IT area.

If there are any security or virus issues, the latest copy of virus protection software shall be installed on the P.C. (or laptop) prior to it being connected to the County network. The owner of the private P.C. is responsible for the cost of this software.

Department Head authorization of software installation is not authorization for staff to work from home.

c) All software acquired by or on behalf of the County or developed by County employees or contract personnel on behalf of the County is and shall be deemed County property. All such software shall be used in compliance with applicable licenses, notices, contracts, and agreements. Employees shall not create, obtain, possess, execute, modify, or distribute any computer programs or material in violation of copyright laws.

d) Employees shall not connect any computer hardware, either personally owned or County- owned or network hardware (including, but not limited to, wireless networking hardware) to the Stanislaus County network without Department Head or their designees approval.

12. ACCESS

a) Access to Stanislaus County information systems, except for those devoted to public use, shall be authorized only for Stanislaus County workforce members, department approved partners and software programs having a need for specific information in order to accomplish a legitimate task. All such access shall be defined and documented.

b) Appropriate Stanislaus County information system owners, Department Heads or their chosen delegates shall define and authorize all access to Stanislaus County information systems. Such information system owners/stewards and delegates shall be formally designated and documented.

c) Appropriate Stanislaus County information system owners, Department Heads or their designated delegates shall review workforce member and software program access rights to Stanislaus County information systems to ensure that access is granted only to those having a need for specific information in order to accomplish a legitimate task. All access shall be regularly reviewed and revised as necessary.

d) As appropriate, Stanislaus information systems shall support one or more of the following types of access control to protect the confidentiality, integrity and availability of data contained on Stanislaus County information systems:

i. User based: each user is assigned specific privileges based on their individual status

ii. Role based: each user is assigned to one or more predefined roles, each of which has been assigned the various privileges needed to perform that role

iii. Context based: rights are not assigned to users, but are assigned based on the particular circumstances of a transaction

e) As appropriate, security controls or methods that allow access to Stanislaus County information systems shall include, at a minimum:

i. unique user identifiers (user IDs) and a secret identifier (password) that enable persons and entities to be uniquely identified. User IDs shall not give any indication of the user's privilege level. Group identifiers shall not be used to gain access to Stanislaus County information systems,

ii. when unique user identifiers are insufficient or inappropriate, group identifiers shall be used to gain access to Stanislaus County information systems upon review by the appropriate owner/controller of the data being accessed,

iii. the prompt removal or disabling of access methods for persons and entities that no longer need access to Stanislaus County data and information systems,

iv. logging of changes to the configuration of a network using TACACS+ or similar technology for devices that support logging solutions of this type. The solution should uniquely identify who made the change, when the change was made, and "where possible" a reference number linked to documentation describing and authorizing the change by whatever party has oversight of the equipment in question.

f) Neither Stanislaus County workforce members nor software programs shall be granted access to Stanislaus County information systems until properly authorized. Only staff formally designated by the Department Head to work on information systems shall connect, move, tamper with or remove computer or network equipment from the Stanislaus County network.

g) Stanislaus County workforce members shall not provide unauthorized users access to Stanislaus County information systems.

h) Special system privileges, such as the ability to bypass normal resource access controls, shall be restricted to those directly responsible for system management and/or security. This access shall be authorized by the Department Head and documented.

i) Access to Stanislaus County information systems shall be managed in order to protect the confidentiality, integrity, and availability of all data. This pertains to any data, code or scripts stored or shared in any form on Stanislaus County owned resources. This includes: electronic information, information on paper and information shared orally or visually (such as telephone and video conferencing). County departments shall have a formal process for granting and reviewing appropriate access to Stanislaus County data and access to other information systems. The process shall include:

   i. capability for authorizing appropriate levels of access to Stanislaus County data and information systems,

   ii. procedure for tracking authorization of access to Stanislaus County data and information systems,

   iii. procedure for regularly reviewing and revising, as necessary, authorization of access to Stanislaus County data and information systems,

   iv. procedure for the Department Head or designee to authorize access to information systems based on both the right and the need to know basis,

j) The type and extent of access authorized to Stanislaus County information systems shall be based on risk analysis. At a minimum, the risk analysis shall consider the following factors:

   i. the importance of the applications running on the information system,

   ii. the value or sensitivity of the data on the information system,

   iii. the extent to which the information system is connected to other information systems

k) Where risk analysis shows it is necessary, appropriate encryption shall be used to protect the confidentiality, integrity and availability of data contained on Stanislaus County information systems. See Data Encryption Standards page 14.

l) The Department Head may determine there is a legitimate business need to provide Independent Contractors with access to County data or services. This shall be permitted only if the following requirements are met:

   i. Independent Contractors shall enter into an agreement with Stanislaus County prior to accessing any information on the Stanislaus County information systems,

   ii. Independent Contractors shall have the minimum access required to complete the tasks assigned,

iii. Independent Contractors access shall be enabled only for the time period required. Whenever possible, access should be configured to automatically expire,

iv. Independent Contractors shall be given a copy of, and comply with, all applicable Stanislaus County IT policies related to information systems,

v. accounts shall be terminated within 8 hours of the last day the Independent Contractor has worked,

vi. the standard work contract with any Independent Contractors who will be given network access shall include a copy of the Department and/or County IT Security policy and it shall include specific language about penalties that will be assessed if the policy is violated.

m) The Department shall maintain documentation on Independent Contractors who have been given network access, with appropriate detail (IP/MAC address being used, duration and terms of their access). Appropriate background investigations will be conducted on contractors who have access to sensitive information such as the Criminal Justice information systems.

n) Departments may have a legitimate business need for department employees and/or Independent Contractors to perform work from their homes or a remote site and may use the Internet as the network medium for providing said access. Remote access shall be permitted only if all of the Access requirements are met as well as the following requirements:

i. Stanislaus County Human Resources Policies regarding employees working from home shall be observed,

ii. encryption standards for Internet communications shall be employed. See Data Encryption Standards page 14

iii. remote access implementations shall include suitable encryption and logging of authentication attempts, both success and failures. Such logs shall be stored centrally and reviewed regularly by system administrators,

iv. analog access shall be used with Department Head approval only,

v. two-factor authentication shall be implemented for all remote access activity when possible. This frequently takes the form of smart card or biometrics systems,

vi. Remote access implementations using VPN's shall prohibit "Split-Tunnels" when connecting from non County owned devices or when County owned

devices are connected to non-County owned networks. The Department Head or their designee, may authorize "Split-Tunnels on a case by case basis if a critical need for such is determined."

o) The Department Head shall determine that there is a legitimate business need to allow remote control access of County systems from the Internet, either for Departmental IT staff or for Independent Contractors. This shall be permitted only if the following requirements are met:

i. any remote control mechanism shall have logging capabilities, logs shall be stored external from the device being remotely controlled

ii. in the situation where a Department has a legitimate business need to allow remote control to be performed by someone other than the local logged in user, that Department shall have a documented procedure for permitting this activity. The procedure, at a minimum, will address who may perform such remote control and under what circumstances. It is understood that there may be legitimate business needs for allowing such remote control, e.g. for system maintenance. However, as allowing such remote control provides significant opportunity for abuse and circumvention of sound security procedures, its use is discouraged

iii. when remote control is being performed by someone other than the local logged in user, the session shall be of limited duration, with a County employee monitoring the access and ensuring that it is properly terminated. Auto logins or user account caching for remote access systems is prohibited.

13. ASSESSMENT/AUDIT

a) An annual risk assessment report shall be created for every department and must be stored in a secure manner. The risk assessment shall contain defined categories of risk such as:

i. highly sensitive: areas where large amounts of confidential data is stored and maintained

ii. sensitive: areas where terminals are located which can access highly sensitive data,

iii. public access: areas where the general public has direct physical access to devices connected to the County data network.

b) Self-administered audits shall be performed at least once annually. Self- administered audits will also be performed when events trigger such actions. Events that trigger such actions would include such things as changes in network topology, changes in server software or hardware configurations, or changes in operational procedures.

c) Peer and External audits shall be performed at a minimum, biennially. A core peer group made up of internal County personnel will perform peer audits with Department Head approval, knowledge and coordination. External audits shall be performed by an independent non- biased third party vendor external from the County with Department Head approval, knowledge and coordination.

d) Stanislaus County shall provide a standard automated assessment tool to facilitate the auditing process and provide consistency. The Information Technology Security SIG will determine the requirements for such a system and the processes and procedures for its use.

e) A County-wide IT Assessment team shall be formed and shall perform penetration testing on a regular basis to determine if existing security controls are effectively protecting the County's information technology systems. No penetration testing shall be performed without Department Head approval, knowledge and coordination. Each member of the team conducting penetration testing shall have previously passed a background check appropriate for the Department and information system being tested.

f) All audit results shall be reported to the specific Department. Any results that identify County security issues shall be shared with the IT Security Manager and the Security SIG.

g) Departments shall be able to identify departmental expenses related to ongoing security needs, in accordance with guidelines to be developed by the Security SIG.

h) Stanislaus County departments shall identify and audit all access controls used to protect information technology systems annually. The audit shall be provided to the Stanislaus County Security Special Interest Group where appropriate. The annual report shall be stored in a secure manner (e.g. appropriate file access permissions are employed).

14. PERIMETER SECURITY

The County-Wide Area Network encompasses the data networks of Stanislaus County agencies. Any potential weakness at any County agency, has the ability of compromising every other County data system. There is a recognized need for some County agencies to have external network connections with partners, with the State of California, with the Federal Government and to the Internet. These links create weaknesses that shall be addressed. All perimeter security shall be protected by access controls.

a) All network security mechanisms shall at a minimum provide the following safeguards:

i) permit only the traffic required,

ii) must be hardened to deter compromise,

iii) default configurations, especially in regard to system authentication shall be replaced with reasonable alternatives,

iv) logs of all pertinent traffic permitted through the access controls shall be kept and stored separate from the access controls,

v) a current detailed network diagram of the connection to the County network, describing its purpose and defining security measures taken shall be provided to the County IT Security Manager unless an exception is approved by the CEO.

b) Wireless data networking solutions connected to the Stanislaus County Wide Area Network extend the WAN, sometimes beyond the confines of Stanislaus County properties. Therefore, more stringent security measures shall be employed. At a minimum, wireless data network implementations will:

i) use appropriate encryption, *See Data Encryption Standards page 14*

ii) require authentication, such as the IEEE 802.1x specification which deals with enhanced security,

iii) use non-default configurations for Admin account password and Service Set Identifier (SSID). The SSID should be non-descriptive so that a casual user could not identify to whom the network belongs,

iv) not allow administration from the wireless interface. Administration may only be permitted through the wired interface of the device,

v) adjust power levels such that the radio signal does not extend further than necessary,

vi) log all access, preferably to a device on the wired network.

c) Wireless data network components should also:

i) filter traffic such that only required services are supported,

ii) suppress SSID advertisements,

iii) filter devices based on pre-determined MAC addresses.

15. UPDATES/PATCH MANAGEMENT

a) Operating Systems and mission-critical applications shall be updated on a regular basis. There are several components to Updating/Patch Management:

   i) determining when updates are available,

   ii) testing updates to determine what benefit/risk is associated with them,

   iii) deploying updates in a timely fashion once it has been determined that it is safe to do so,

   iv) track which systems the update has been delivered to.

b) Each Department shall have a documented procedure for how updates/patch management is to be performed and monitored.

16. DATA ENCRYPTION STANDARDS

a) For local traffic that does not leave the Stanislaus County Wide Area network encryption mechanisms that are deemed acceptable include 3DES, AES, and SSL.

b) For wireless data networking components such as wireless access points, wireless bridges and wireless peer-to-peer networking, the strongest supported encryption method should be employed. At a minimum Wi-Fi Protected Access 2 (WPA2) shall be used. *See also Perimeter Security page 12*.

c) Where Stanislaus County data does or might reasonably traverse a non-Stanislaus County-owned network, such as the Internet, American Encryption Standards (AES) or 256-bit Secure Socket Layer shall be employed.

d) Stronger encryption methods shall be employed, but all encryption methods that vary from these Standards must be documented and reported to the Department Head and may be provided to the IT Security Manager and the Security SIG upon request.

STANISLAUS COUNTY BOARD OF SUPERVISORS RESOLUTION
APPROVED SEPTEMBER 13, 2005/RESOLUTION # 2005-718
POLICY REGULATING USE OF COUNTY VEHICLES, AIRCRAFT AND OTHER TRANSPORTATION EQUIPMENT

The use of County "vehicles" shall be restricted to official County business and work activities. County "vehicles" include, but are not limited to: vehicles, autos, boats, trucks, aircraft (both fixed and non-fixed wing), motorcycles, all-terrain vehicles and any other equipment capable of transporting people or equipment.

Use of County vehicles for personal business or for any purpose other than County business is prohibited. County vehicles shall not be used for any private or business purpose. County departments with "on-call" employees shall develop regulations governing the use of County vehicles by on-call employees.

Transportation in a County-owned vehicle of any non-County person not engaged in official County business is prohibited unless otherwise expressly permitted by applicable law or department policy, or unless prior specific authorization is given by the Chief Executive Officer or his/her designee.

When County-owned aircraft are utilized for transportation purposes, departments should consider using the most economical means of travel.

The County's aircraft operated by the Sheriff's Office shall only be utilized for law enforcement or emergency-related purposes or County governmental purposes with the prior approval from the Chief Executive Officer or his/her designee. County aircraft shall not be used for commercial purposes or the benefit of a private business. Accurate flight records shall be maintained and shall identify passengers by name and shall include the purpose of the flight and the destination unless such information would compromise or interfere with a criminal investigation.

Each County Department Head and Elected Official is responsible for the implementation and enforcement of the provisions of this policy.

The following personnel regulation is a statement of County policy concerning the promotion of particular religious beliefs by County employees and volunteers to their fellow employees, other volunteers, clients of the department, or the general public. This policy may be augmented by departmental policies relating to specific issues or operations.

It is the policy of the County that employees and volunteers are to maintain a position of "separation of church and state" and neutral non-involvement in matters of individual religious beliefs.

The promotion of particular religious beliefs, concepts, organizations, practices or the dissemination of religious material or information on County time or using County resources is prohibited. Religious items such as bibles, crosses, posters, drawings, pictures, or similar items with religious writings should not be displayed on County property.

This policy is necessary if public employees are to apply the laws and provide the services paid for by the taxpayers to everyone without regard to matters such as religion or creed.

This policy is not intended to abridge in any way an employee's right to practice or maintain his or her own religious beliefs. However, proselytizing employees or promoting one's religion in the workplace is not appropriate.

Notwithstanding the above, please note that through the course and scope of an employee or volunteer's assigned duties, particularly in the custodial facilities or inpatient settings, they may be required to display and distribute religious materials and information as requested by patients or inmates, and/or in accordance with applicable State standards.

PERSONNEL MANUAL
TAB 17
FINANCIAL POLICIES

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3.56.010 County Charges Designated

A. The following shall constitute County charges, and all officers, deputies, and employees of the County shall be entitled to the benefits thereof:

1. The traveling expenses necessarily incurred by officers, deputies and employees when away from their offices on County business; provided, however, that no claim shall be allowed for traveling expenses or for travel outside the County unless authorized by State law or unless prior to incurring the expense, permission to do so is granted by the Chief Executive Officer; and provided further, that constables shall be allowed expenses only in criminal cases, but may be allowed mileage for conveying patients to Scenic General Hospital when no other means of transportation is provided by the Board of Supervisors; and provided further, that travel shall be in the most economic manner;

2. When it becomes necessary for an officer or employee to travel by automobile in connection with the discharge of an official duty to his office or employment, and County-owned automotive equipment is not available to him, he may, with the prior written approval of the Chief Executive Officer, use his own privately-owned automobile for such travel and under such circumstances he shall be entitled to receive from the County for the use of his vehicle such reimbursement as may be established from time to time by Resolution of the Board of Supervisors;

3. Expenditures for rental for offices for the transaction of official business and necessary furniture, telephone, stationery, books, postage and other office supplies required by any officer, deputy or employee in the discharge of his official duties and allowed by the Board of Supervisors;

4. The expenses of officers, deputies and employees for travel from place of residence to temporary place of duty, to the extent the expense of such travel exceeds the expense of travel from place of residence to regular place of duty; provided, that the prior written approval of the maximum expense allowable for such travel shall be obtained from the Chief Executive Officer.

B. A claim for reimbursement for an expense incurred pursuant to this section shall be presented as provided in Government Code Sections 915 and 915.2 not later than one year after the claim first arose or accrued. (Prior code § 2-221).

3.56.020 Residence Furnished

Whenever County-owned residence is furnished to an officer or employee, an amount according to a schedule of charges, as established by Resolution of the Board of Supervisors, shall be deducted from the compensation to be paid the officer or employee. (Prior code § 2-213(a)).

3.56.030 Meals Furnished

Employees furnished meals shall pay in cash for such meals according to a schedule of charges established by Resolution of the Board of Supervisors except as otherwise provided in this chapter (Prior code § 2-213(b)).

3.56.040 Nursing Student Meals Furnished

No charges shall be made for meals in the case of vocational nurse students in training at Stanislaus Medical Center who are on duty through any meal hour. (Prior code § 2-213(c)).

3.56.050 Jail Keepers Taking Meals with Inmates

No deductions or charges shall be made for meals in the case of personnel employed at the Juvenile Hall or the Honor Farm and jail divisions of the Sheriff's Department who are required to be on duty through any meal hour and to take their meals with the inmates. (Prior code § 2-213(d)).

3.56.070 Physician Benefits at Hospital

Resident physicians required to live in County-owned quarters as a condition of employment and for the convenience of the County shall be furnished such maintenance as shall be determined by the Hospital Administrator and for which no deductions shall be made. Resident physicians and visiting staff may be furnished such meals at Stanislaus Medical Center without charge as shall be determined by the Hospital Administrator. (Prior code § 2-213(f)).

3.60.010 Accounting for Fund Collected

Each County and judicial officer authorized to collect money shall pay into the County treasury at the time required by law, but in any event on or before the fifth day of each month, all money collected by him or under his control during the preceding month that is payable into the treasury, and file with the County Auditor, on or before the fifth day of each month, a cash statement, in such form as the Auditor requires, of all money handled by him in his official capacity during the preceding month, showing cash on hand at the beginning of the month, collections and payments during the month, and cash on hand at the end of the month. Each item shall be properly classified as to whether or not it is payable into the County treasury and the County Auditor may require that each item be properly classified as to funds and accounts affected. (Prior code § 2-226).

The Board of Supervisors has approved a change in County policy for handling claims by employees for reimbursement for line of duty damage, destruction, or loss of required articles of uniform and equipment. Please handle such claims in the following way:

1. Process reimbursement claims through your department using normal claims procedures. The Department Head will be responsible for certifying in each case that the loss was in the line of duty and did not involve employee negligence.

2. Route claim forms to the Chief Executive Office for review.

3. The Chief Executive Officer will review claim forms and forward approved claims to the Auditor-Controller for payment. Claims that are denied shall be returned to the originating department.

4. In cases of disagreement with or denial of a claim during processing, the employee can file a grievance.

Stanislaus County may reimburse the employee for tuition cost subject to the following conditions:

1. The training will be of direct assistance in improving his/her job performance for the County.

2. The Department Head recommends the employee and the course of study prior to commencement of the course.

3. The Chief Executive Officer recommends approval before commencement of the course.

4. The course is successfully completed with a passing grade.

5. Employee will be responsible for providing his time, transportation, books and related expenses.

See MOU for additional education provisions.

1. INTRODUCTION

1.1 BACKGROUND

Per Board Resolution 2003-762, approved by the Board of Supervisors on August 12, 2003, a review will be completed annually by a Purchasing Card Committee, consisting of representatives from the General Services Agency (GSA) – Purchasing Division, Auditor-Controller, County Counsel, and a member of the Public at Large. This committee will be responsible for reviewing the existing policy and making recommendations for revision. The revised policy for 2011 includes recommendations made by the Purchasing Card Committee, including that the County Purchasing Card Policy be reviewed every three years, rather than annually. The Purchasing Card Procedures have been separated from the policy to allow for more timely updates, in keeping with software and other procedural changes.

County Department Heads are accountable to the Board of Supervisors and the public for the funds and assets entrusted to them. Each County Department Head is responsible for administering the basic County Purchasing Card Policy in accordance with policy guidelines and any other policies applicable to the goods and services being purchased.

1.2 POLICY STATEMENT

The purchasing card program is designed to streamline the purchasing and accounts payable process by reducing the paperwork generated by small dollar, high volume transactions, eliminating the need for purchase orders and facilitating timely procurement of goods and services.

1.3 ROLES AND RESPONSIBILITIES

A. <u>Cardholder</u>

1. Comply with all provisions of the Purchasing Card Policy and those adopted by your Department Head or designee (Department Head) governing Purchasing Cards. (Failure to comply may result in disciplinary action, including termination.)
2. Maintain security of card and card number.
3. Comply with County procurement procedures and policies as issued by the GSA Purchasing Division to ensure the best price is obtained for the County.
4. Obtain credit on the purchasing card from merchant for returned goods or discounts. Cash or gift cards may not be accepted from a merchant as to maintain the transaction integrity.

5. Immediately report to your Department Head if the card has been lost, stolen or you believe the card may have been compromised.
6. Maintain notes on actions taken with dates and name of the person spoken to whenever there is a disputed transaction. Assist the County in resolving disputed charges with vendor/Master Card.

B. Department Head

1. The Department Head shall identify their designee in writing and maintain a record of such for five (5) years.
2. Annually, determine need and limit for department Purchasing Cards, including those limits in excess of $5,000. This review shall be signed and dated by the Department Head, then maintained with Purchasing Card records for five (5) years.
3. Approve limits of less than $5,000.
4. Ensure that charges incurred by staff against the Purchasing Card are in compliance with the Purchasing Card Policy and deemed an appropriate use of public funds.
5. Ensure the timely reconciliation of the Purchasing Card statements.
6. Review all department charges made against Purchasing Cards each month for appropriateness and authenticity.
7. Request modifications to Purchasing Card as cardholder duties and responsibilities change. These modifications may include cancellation of card, monthly limit, address and name changes.
8. Request cancellation of Purchasing Card Account upon termination of employment.

C. Purchasing Agent (General Services Agency)

1. The Purchasing Agent shall identify their designee in writing and maintain a record of such for five (5) years.
2. Coordinate the Purchasing Card Policy with the Purchasing Card Committee.
3. Approve issuance of all Purchasing Card limits of $5,000 or more, including those instances when more than one card is assigned to a cardholder, resulting in a cumulative limit of $5,000 or more.
4. Maintain the listing of Master Agreements posted on the Stanislaus County intranet site.

D. Auditor-Controller

1. The Auditor-Controller shall identify their designee in writing and maintain a record of such for five (5) years.
2. Post charges to department accounts.
3. Issue Purchasing Cards following approval by Department Head and Purchasing Agent if required.
4. Perform annual audit of Purchasing Card Program providing audit results to the Department, Grand Jury, and Board of Supervisors.
5. Cancel Purchasing Card accounts upon termination of cardholder's employment.

6. Annually, create and maintain the administrative procedures for the day-to-day operation of the Program in accordance with the policy and applicable laws and accounting best practices.

E. Purchasing Card Committee
A review will be completed every three years, or as needed should an issue arise, by a Purchasing Card Committee, which will consist of representatives from the GSA Purchasing Division, Auditor-Controller, County Counsel, and a member of the Public at large. This committee will be responsible for reviewing the existing policy and making recommendations for revision.

F. Misuse of Purchasing Card
It is the responsibility of the Department Head to ensure that all purchases are reconciled and approved and that expenditures are appropriate. In the event that misuse is identified:
1. The Department Head will immediately notify the Deputy Executive Officer for Human Resources regarding the misuse.
2. The Deputy Executive Officer will inform the Chief Executive Officer and confer with County Counsel.
3. The Department Head will determine the appropriate disciplinary action after consultation with the Deputy Executive Officer for Human Resources and County Counsel, which may include termination, and may result in criminal prosecution.
4. In all cases, the cardholder is required to reimburse the County.

2. POLICIES

2.1 PURCHASING CARD ISSUANCE – AUTHORIZATION

A. Department Heads are responsible for ensuring that cardholders in their department utilize the Purchasing Cards in accordance with this policy.

B. If necessary to meet the needs of the department, the Department Head may approve assigning more than one Purchasing Card to a cardholder; however, the cumulative amount shall not exceed $5,000 per monthly use basis, unless authorized by the Purchasing Agent. Cardholders who sit on outside boards (Retirement, etc.) are authorized to have more than one card up to the approved limits for each entity.

C. If another board adopts their own purchase limits, the Auditor-Controller's Office will follow those limits when auditing, provided the entity has a written policy in place. Otherwise, they must abide by the County's policy and limits.

2.2 COORDINATION WITH OTHER COUNTY POLICIES

The County Purchasing Card Policy purchases are to be in accordance with Purchasing Card Policy guidelines and any other County policies applicable to the goods and services being purchased, including, but not limited to:

A. County Travel Policy, with respect to travel expenses;

B. Applicable safety standards and codes;

C. County standards for radio communication equipment; Departments are encouraged to contact Stanislaus Regional 911 prior to purchasing to ensure compliance

D. County technology standards for purchase of computers, printers, and other peripheral equipment, cellular phones and telephone equipment, and software;

E. The County Code of Ethics, approved by Resolution #2005-675 on August 23, 2005, as they pertain to purchasing of goods and services.

F. Contracting, public works, or uniform accounting procedures.

2.3 PURCHASING CARD USAGE AND RESTRICTIONS

A. <u>Using the Purchasing Card</u>

1. County Purchasing Cards may be used to purchase goods and services costing less than $5,000 per item, including taxes, shipping, etc. Departments must assure they are making the most economical purchase that meets their needs as well as the requirements of other interrelated departments. All County Purchasing Card users must follow the GSA Purchasing Division Policies and Procedures Manual and Customer Service Guide.
2. Items costing $5,000 or more may **not** be 'split' between multiple charges and/or cards to avoid credit limits or asset limit policies.
3. Additional Purchasing Guidelines are as follows:

    a. Cardholders shall obtain a minimum of three competitive quotes on all items exceeding $1,000, when possible or reasonable. Quotes shall be supported by written documentation and maintained by the department for 5 years.
    b. Cardholders shall consult with the GSA Purchasing Division prior to purchasing goods or services with a County Purchasing Card to see what may already be arranged through contracts that could be more cost effective (greater discounts). Use GSA Purchasing Division contracts when they exist except in cases of emergency as provided for in the County Ordinance.
    c. The County has entered into master purchasing agreements with specific office supply companies. Currently, these purchasing agreements are with: Independent Stationers/Warden's Office Supply and Staples.

Purchasing card purchases of office supplies should be limited to the above office supply vendors. If the Department required product is not available, or a lower-cost, substitutable product is available from an alternative vendor, subsequent to the purchase, the Department is to contact GSA Purchasing so the master purchasing agreement product/price list can be negotiated.

d. Cardholders shall identify themselves as a representative of Stanislaus County to receive government discount pricing.

B. Limitations/Restrictions

1. County Purchasing Card charges are subject to the limitation that sufficient funds are available in the department's budget to cover all charges, the expense provides a public benefit and is in accordance with the County Travel Policy and County Ordinance, and is incurred while performing official duties.
2. Allowable charges shall not exceed the approved credit limit established by the Department Head for that specific purchasing card.
3. County Purchasing Cards must never be used for personal purposes. Should a County Purchasing Card inadvertently be used for an unallowable purpose, the cardholder shall immediately notify their supervisor and reimburse the County. NOTE: County Purchasing Card accounts must never be used to represent personal credit worthiness to obtain a personal credit card account.
4. Purchasing Card expenditures for spouses, traveling companions, or any unauthorized individual (including travel expenses for airline tickets, meals, hotel accommodations, etc.) are prohibited.
5. County Purchasing Cards must never be used to receive cash advances.
6. Cardholders are cautioned not to carry the County Purchasing Card during off duty hours (i.e. on vacation).
7. A cardholder may not lend their assigned County Purchasing Card to another individual for their use. One cardholder may charge County business items on their card for another County employee, such as hotel or airline reservations, conference registrations, or County-related meals. If a cardholder delegates another employee to make purchases on the cardholder's card, the cardholder is still responsible for all charges placed on their card.
8. County Purchasing Cards are not to be used to purchase fuel, for private vehicles except where exempt by contract. Payroll reimbursement for mileage covers private vehicle use, according to the County Travel Policy limits and guidelines.
9. County Purchasing Cards may be used to fuel rental vehicles when a cardholder is using the rental vehicle for official County business and a Card Lock Fuel Program station is not available.
10. For motor pool or department owned vehicles County Card Lock Fuel Program stations should be utilized to purchase fuel in order to reduce County costs. Purchasing Cards may be used if there is not a Card Lock Program station available.
11. All Purchasing Card charges are subject to annual audit requirement.

12. Department Head and Elected Officials transactions will be subject to audit by the Auditor/Controller's Office and the results reviewed by the Chief Executive Officer and/or the Board of Supervisors. The Chief Executive Officer and/or the Board of Supervisors, at their discretion, may review Purchasing Card use by the Department Heads and Elected Officials at any time.
13. Intentional misuse of a County Purchasing Card may result in disciplinary action, including termination, and may result in criminal prosecution.
14. To mitigate any appearance of a conflict of interest, employees are not to make County purchases at an O'Brien's Market. This provision does not include any personal purchases employees make at any of these stores.

2.4 COUNTY ASSETS

All purchases of County assets and inventoriable equipment must comply with the Auditor-Controller Capital Asset Inventory policy.

2.5 REVIEW/CLOSING OF ACCOUNTS

A. A review of the purchasing cards assigned to a department should be reviewed by the Department Head at a minimum on an annual basis. Assigned department staff has the capability to print or view these reports through the WORKS program. A change in job task, assignment, or transfer to another division may require modification or termination of the Purchasing Card account.

B. Cardholders must return their County Purchasing Cards to the respective department before a cardholder's date of termination.

C. Departments are directly responsible for canceling Purchasing Cards when a cardholder leaves service or a card is lost or stolen. A staff termination, change of duties, or other reason may necessitate cancellation or credit limit modification of a Purchasing Card.

2.6 COSTCO MEMBERSHIPS AND CREDIT CARDS

A. County departments, with Department Head approval, may apply for a business membership with Costco Wholesale. Purchases made at Costco outlets with department memberships are restricted to business use only. Personal purchases are not allowed. Departments are responsible for submitting claims to pay off their Costco Credit Card balances in a timely manner to avoid interest charges.

B. This Purchasing Card Policy applies to the use of Costco Credit Cards. Issuance, maintenance, and cancellation are the responsibility of the department approving the card. Costco American Express cards are not allowed.

2.7 UNAUTHORIZED CREDIT CARDS

Individuals and departments are not to apply for credit cards in the County or department's name, except for the Costco Membership and credit card, or as authorized by the Board of Supervisors.

Adopted 3/2016

1. INTRODUCTION

Policy Statement

Performance of Stanislaus County (County) business may necessitate periodic travel by County officials/employees beyond their offices or locations of normal work activities. The County shall pay for business expenses when reasonable, necessary and directly related to conducting business outside the jurisdictional boundaries of Stanislaus County except for transactions that pertain to Sections 2.5.B Vehicle Travel and 4. In-county Meals. County travelers shall exercise prudent judgment and show proper discretion for accountable and economic use of public funds.

1.1 GENERAL

County department heads are accountable to the Board of Supervisors and the public for the funds and assets entrusted to them. Each County department head is responsible for administering and ensuring compliance with the basic County Travel Policy in accordance with policy mandates and guidelines. Entities that are not governed by the Board of Supervisors may each establish their own travel policy.

1.2 PURPOSE

A. The County Travel Policy mandates and guidelines establish the basic foundation of rules and requirements that departments must follow. In order to meet certain federal and/or state subvention requirements, some departments may need to develop additional internal policies relating to documentation and provide guidance for record keeping and an approval process. Departments may establish more restrictive guidelines to best meet their own unique needs.

B. Exceptions to the Travel Policy must be documented in writing with copies furnished to the Chief Executive Office. The Chief Executive Officer, or his/her designee, must approve any exceptions to the Travel Policy.

C. **All** travel must be for **business-related** purposes. This may include, but is not limited to the following: conventions, conferences, training, seminars, and meetings. Travel to meet the legal obligations of the County, which includes, but is not limited to, the transportation of prisoners, and placement of juveniles is also included in this category. Such travel expenses include meals, incidentals, lodging, and transportation for both employees and clients being transported. Each employee is expected to exercise good judgment in incurring travel expenses.

2. TRAVEL POLICY PROVISIONS

2.1 TRAVEL APPROVAL

The department head or designee(s) ("department head") is responsible for ensuring that the most cost-effective travel alternatives are selected, taking into account such factors as costs involved with travel and employee time. The department designee shall be determined by the department head in writing and include in the written documentation what the designee is authorized to approve.

A. Outside the County

A Travel Authorization Form shall be completed by all County personnel before incurring travel and other related expenses, such as registration and hotel expenses. The department head shall review and approve the Travel Authorization Form regarding employee travel. Such authorization forms must be supported by written documentation including the business purpose of the travel. If applicable, documentation should include a copy of the conference agenda or other documentation containing relevant information, such as, date, location, training information, sponsor, and registration fee. (the format of the Travel Authorization Form is left to department head discretion, but at a minimum, should include the information referenced above).

When a department head signs an employee's travel authorization form, the department head authorizes all of the elements of the travel, including transportation, lodging, and meals and incidentals. These forms are subject to audit by the Internal Audit Division of the Auditor-Controller's Office and must be available for review. Based on the needs or requirements of a position that requires unexpected or emergency or routine (repetitive) travel, the department head may pre-approve such travel with a "blanket" trip authorization covering a specified period of time. All other supporting documentation remains the same (see Appendix for Travel Authorization Form).

B. Outside the Country

Travel, including all travel related expenses, to other countries requires advance written approval from the Chief Executive Officer or the Chief Operations Officer/Assistant Executive Officer. The Board of Supervisors must approve travel to other countries for the Chief Executive Officer or the Chief Operations Officer/Assistant Executive Officer.

C. Non-salaried Boards or Commissions

Non-salaried members of boards or commissions established by state law or County ordinance may be allowed expenses incurred for meals, incidentals, lodging, mileage or public transportation while attending meetings or on authorized trips. The department head must approve in writing trips and expenses for those boards and commissions for which they have oversight responsibility.

D. Special Committees

Special committees created and appointed by the Board of Supervisors may be reimbursed for actual expenses when permitted by law and specifically authorized in

advance by the Board of Supervisors and documented in writing. Grand Jury members are to be reimbursed for mileage according to the current rate used by the County.

E. Non-County Agencies

Agencies governed by outside boards for which the County maintains complete accounting records shall notify the Auditor-Controller, in writing, of the individual(s) authorized to approve the agency's travel expense claims.

Stanislaus County Employees' Retirement Association (StanCERA)

A travel policy adopted by the StanCERA Board shall be the controlling document for all StanCERA travel costs. Travel reimbursement limits set forth in StanCERA's policy shall be authorized for Board members, County employees and staff members assigned to, or working for, the StanCERA, where the Board of Retirement has, at a regularly scheduled meeting, approved the cost(s) that exceed(ed) the County's limits. The Board of Retirement may also approve other business related expenses such as tips for taxi or airport shuttle drivers, on-line communications (which allow Board members, County employees and staff members to be productive and actively conduct business while away from their work site), or any other expense that the Board of Retirement deems to be an appropriate business expense.

F. Volunteers

Travel of volunteers may be approved by the department head and must comply with all provisions of the Travel Policy.

G. Personal Service Contract Employees

To reimburse travel expenses of personal service contract employees, such term(s) must be set forth in his or her personal service contract. Unless stipulated otherwise, all provisions of the Travel Policy apply when the personal service contract authorizes travel reimbursements.

H. Shared Employees

Contracts involving employees providing services on an interdepartmental basis will be subject to regular employee travel and expense reimbursement guidelines.

2.2 PAYMENT FOR TRAVEL EXPENSES

A. Purchasing Cards

The County Purchasing Cards are the preferred method of payment for travel expenses and are at all times governed by the County Purchasing Card Policy. Please refer to the County Purchasing Card Policy usage. Itemized receipts must be obtained to support purchasing card usage except when the per diem option is chosen for meals or for miscellaneous out of pocket expenses listed in Section 2.8.

B. Payroll Reimbursement

For reimbursement through the payroll system itemized receipts must be submitted. The Travel Authorization Form must be available for review. Any item on the Travel Authorization Form that the employee is claiming for reimbursement through payroll must include copies of the documents that substantiate the expenses. This would include items such as the business purpose of the trip, the agenda for a conference, a copy of a hotel bill, receipts for meals if the daily meal maximum is chosen and a mileage log that includes the destination and miles.

All items charged to a County Purchasing Card must be identified and excluded from the reimbursement claim being made through payroll.

C. Missing Receipts

When a receipt is lost, a Misplaced Receipt Form must be completed by the employee and signed by the department head to certify that the expense was a valid County travel expense. Please refer to the Purchasing Card Policy for specific requirements.

2.3 TRAVEL ARRANGEMENTS

A. Discounts

Employees are encouraged to take advantage of government discounts, Internet travel discounts or travel agency's special rates available for car rentals, hotels and other incidental travel requirements.

B. Travel Expenses Before / After County Business

The department head shall make a determination to include such factors as employee schedules, distance, weather conditions, meeting participation or emergencies when approving travel expenses for extended travel time before or after a conference, or seminar, etc. Reasons for approval should accompany written documentation. Examples of reasons include setting up before an early morning meeting presentation or attending an early meeting (e.g. 7:00 AM).

C. Employees Traveling Together

Employees who pay for lodging for multiple County employees, traveling together, must list the names of all employees on the receipt.

D. Cancellation of Reservations

Employees who are unable to honor a reservation will be responsible for canceling in compliance with the terms of the hotel, airline, etc. The employee must return any refundable deposits or unused airline tickets to the County. Charges to the County or lost refunds resulting from failure to cancel a reservation shall be charged to the employee unless the employee can show that such failure to cancel the reservation was the result of circumstances beyond the employee's control.

2.4 LODGING / ACCOMMODATIONS

A. Cost

Lodging accommodations should be moderate considering location, and availability. This would typically be comparable to a three-star hotel. However, it is recognized that rates for conference-negotiated hotels may be more or less than the standard hotel rate. Conference/seminar rates will be accepted with proper documentation. The department head is responsible for ensuring that the most cost-effective alternative is selected.

Additional expenses associated with extending travel to save costs (e.g., Saturday night stay for domestic travel), may be reimbursed when the cost of airfare plus the additional expenses would be less than the cost of airfare had the traveler not extended the trip. Such expenses, which include lodging, car rental, and meals, shall not exceed the amount the County would have paid had the traveler not extended the trip.

B. Internet Charges

Internet charges for laptop use when traveling on County business must be for business purposes and approved by the department head.

2.5 TRANSPORTATION

The department head is responsible for ensuring that the most cost-effective and practical method of transportation is selected. Factors that may be considered include salary cost, staff schedules, distance of travel, and department priorities. Substantiation for mileage reimbursement must include the date, business purpose, and destination. Substantiation for mileage reimbursement must be completed within a reasonable time, which is defined as no later than 30 days after incurring the reimbursable expense. Computations may be done to compare the difference between air travel, private vehicle, a department owned-vehicle, and a rental vehicle from the County-contracted vendor.

A. Air Travel

If airfare is less expensive than vehicle travel and the employee prefers to drive, reimbursement shall be made only for the cost of airfare. The department head may approve either means of travel in advance; however, reimbursement will be at the lower rate. Documentation must be provided to substantiate the difference between a reasonably scheduled flight and associated costs, such as parking, baggage costs, ground transportation and mileage reimbursement.

Reimbursement for travel by commercial aircraft shall be limited to the economy class rates. Employees are not authorized to travel in Business Class, First Class or any other class of travel (unless upgraded for free by the airline) without prior authorization by the department head. Such approval shall only be granted upon showing that no other class was available and this airline and flight are the only ones available to the employee for the travel.

Reimbursement for travel by private aircraft or chartered aircraft shall be limited to commercial airfare rates. The Chief Executive Officer may approve exceptions to the foregoing when it is necessary or desirable to meet the business obligations of the County.

B. Vehicle Travel

Departments shall compare the cost difference between a private vehicle, GSA fleet service motor pool vehicle, a department-owned vehicle, and rental vehicle from County-contracted vendor for trips greater than 100 miles one-way. Rate comparison information relating to motor pool rental and personal vehicles may be obtained from GSA-Fleet Services web site (http://saturn/intranet/Departments/PURCHASING/pdf/vehicle-cost-comparison-calculator.pdf). The department head may approve any mode of vehicle travel; however, reimbursement will be based on the lowest cost option. While the mode of vehicle travel is at the department discretion, fiscal stewardship of public funds is to be considered in making the decision.

County employees who choose to transport a spouse, companion, or other in a rental vehicle shall be required to rent said vehicle at their own expense and then submit a claim for payroll reimbursement upon their return.

County employees who receive a car allowance are prohibited from checking out a County vehicle or County-contracted rental vehicle for in-county travel. Exceptions would include use of a special vehicle, such as a van or truck, for transporting passengers or materials, and other exceptions considered at department head discretion. Reasons for the exception must be documented.

Procedures for vehicle accidents and reporting forms are available from CEO Risk Management and the GSA Fleet Services intranet site.

1. Vehicle Rental

The County has a contract for rental vehicles. Rental vehicle information is available on the GSA Fleet Services intranet site http://intranet/departments/GSA/fleet-services.

Generally, a rental car should be used when:

1. Multiple business meetings that require travel between points make use of public transportation impractical.
2. Two or more County employees are attending the same meeting and one rental car for the group would be more economical.
3. It is less expensive to rent a car overall.
4. Fueling should be done under the current GSA Fleet Services Guidelines. Current guidelines are available on the GSA Fleet intranet site as listed above.

2. GSA Fleet Services Motor Pool or Department-Owned Vehicle

The County maintains an automobile pool for authorized County employee travel. Requests for use of an automobile from the GSA fleet services motor pool by an

authorized driver shall be made to GSA fleet services at least one working day in advance of the planned trip. The County policy prohibits personal use of the County vehicle except for travel to and from the trip location and during breaks for meals. Fueling for County motor pool or department-owned vehicles should be done at Card Lock Fuel Program stations. Contact GSA Fleet Service for current card-lock fuel programs. Card-lock fuel program information is available on the GSA Fleet intranet site as listed above.

3. **Private Vehicle In and Out of County Mileage Reimbursement**
   Mileage reimbursement for both in- and out-of-county travel shall be paid according to the current mileage chart maintained by the Auditor-Controller's Office, or odometer readings, or Internet map services mileage calculations such as MapQuest or Google Maps, and attached to the Travel Authorization Form. Employees must comply with applicable state laws regarding insurance coverage.

   There is no mileage reimbursement for travel between an employee's (all employees, including elected officials) residence and their normal worksite (commute mileage). If an employee reports to work as usual and then is requested to travel to another site, the cost associated with the travel to the other site is reimbursable.

   The County has an established mileage rate, which is available from the Auditor-Controller's office. The mileage rate may be adjusted annually based on the IRS stated rate for that year. Incremental IRS rate increases are not automatic. If the IRS increases the mileage rate during the course of the year, the increase may be taken to the Board of Supervisors for approval.

4. **Mileage Reimbursement Substantiation (Non-taxable)**
   The IRS requires mileage reimbursements for in- and out-of-county travel to be substantiated for the reimbursement to be non-taxable to employees. For the mileage reimbursement to be treated as non-taxable, employees must document the mileage, destination, and business purpose of each trip. This information must be available for in- or out-of-county mileage reimbursement to be made. A mileage log that is available or attached to the Travel Authorization Form for mileage reimbursement is acceptable as long as it includes the information above (see Appendix for the Mileage Log Form). MapQuest or Google Maps may be used in lieu of the mileage chart or odometer readings.

C. Travel Time

All references are to travel time. Travel time pertains to time spent physically traveling (driving, flying, or other transport) to the location. Compensable time does not mean overtime. Departments may flex an employee's schedule to avoid overtime liability.

1. **One-Day Trips**
   Time spent traveling as part of an employee's daily work activity during regular work hours is FLSA (Fair Labor Standards Act) compensable work time. This includes travel from one job site to another, or travel from a designated meeting place to a job

site. For example, the employee reports to work as usual at 8:00 a.m., and then drives to a 10:00 a.m. meeting/training in another county.

Time spent traveling outside of regular work hours is FLSA compensable work time if the travel is from home to an alternate worksite outside the County for a one-day special assignment/ training/meeting. For example, the employee leaves home at 6:00 a.m. to travel to Sacramento for a meeting at 8:00 a.m. The employee is compensated for the travel time regardless if he/she is the driver or the passenger. However, the department should adjust the employee's work schedule to avoid any overtime liability.

2. **Overnight Travel**
For overnight travel, travel by an employee who will be away from home overnight is work time only during those periods that coincide with the employee's regular working hours (e.g., 8 a.m. – 5 p.m.) Such time is counted as hours worked even if it occurs on a non-working day (e.g., Saturday or Sunday between 8 a.m. – 5 p.m.).Travel outside of regular working hours as a passenger in a plane, train, boat, bus, or automobile does not qualify as hours worked. Travel time is only compensable if the employee is the driver. For example, the employee leaves home at 6:00 a.m. to travel on a trip that will last more than one day. If the employee is a passenger (not the driver) in a vehicle where another employee is driving outside of regular work hours, this is not FLSA compensable work time. The driver is paid for the time spent driving because that employee is working.

Overnight travel is FLSA compensable work time if the travel is away from home, keeps the employee away overnight, and work is performed while traveling. For example, the employee leaves home at 6:00 a.m. to travel for an overnight trip and is escorting a patient, client, or inmate on behalf of the County.

D. Long Term Travel Policy (Non-taxable)
The County defines long-term travel as a trip that is 5 days or more. At department head discretion, employees traveling under the long-term travel policy will have two options for meals, 1) the daily meal maximum or 2) the per diem option as stated in Section 2.6 A. Once selected, the option will apply for the duration of the trip.

If employees utilize their purchasing cards, they will comply with the established reimbursement rates for lodging and meals as stated in Section 2.4 for lodging and Section 2.6 A.1. for meals and incidentals. If employees select the per diem option, they will be required to comply with Section 2.4 for lodging and section 2.6 A.2. for meals and incidentals. Employees may chose to select the option of utilizing Advances for Long Term Travel or payroll reimbursement when choosing the per diem option. Employees selecting the per diem option for their travel are not permitted to charge meals to a County-issued purchasing card.

1. **Advances for Long Term Travel**
   Per diem advances for meals will be made available for long term travel. The advance will be requested on an approved Request for Travel Advance Form (see Appendix) and will be processed in a normal payroll cycle within 30 days of the travel start date. Requests submitted more than 30 days in advance of the travel start date will be returned to the department to resubmit within the 30-day period.

   Travel advances are not treated as wages, are not subject to employment taxes and are not retirement contributable as long as they are related to the business of the employer, substantiated by the employee, and any unused excess is returned to the County within 30 days of the trip end date.

   Upon completion of the trip employees will be required to certify that they did complete their trip and used the advanced per diem on the Per Diem Travel Certification Form (see Appendix). Departments are responsible to track cash advances and ensure that a certification form is filed with the department 30 days following completion of the travel. Failure to complete the certification form within 30 days of the trip end date will result in the full amount of the advance being repaid to the County through a payroll deduction (advances are received by employees as a single payment and will be repaid to the County as a single deduction).

   Department petty cash funds are not to be used for payment of travel advances to employees.

2. **Trips Home**
   Departments are to develop guidelines for employees, who have accepted a long-term assignment or training assignment, regarding the frequency the County will reimburse these employees to return home during the assignment. For example, when an employee attends a four (4) week training that is only available on the East Coast, a department may wish to limit County reimbursed travel to one time during the four (4) week period. A department should consider factors such as length of stay, travel distance, personal needs of employee and departmental needs.

2.6 MEALS

A. Meal Options

1. **Daily Meal Maximum**
   The meal rate option reimbursements will be made for the actual amount spent up to the limit. The limit on meals includes an allowance for a 15% tip; however, the department head is authorized to approve overages up to 20%. Tips for meals should be calculated based on the pre-tax amount of the meal as recommended by the California Board of Equalization. Meals are not reimbursable if they are purchased within County jurisdictional limits (e.g., an employee who is required to attend an all-day meeting at County Center III is not entitled to meal reimbursement).

Meal rates are as follows (including tax and tip):

Breakfast	$15.00
Lunch	$20.00
Dinner	$35.00

A higher tip limit is approved in those instances where the tip is automatically added to the bill by the restaurant for a large group. For seminars and meetings at which luncheons and/or dinners are provided, the employee is not entitled to a meal allowance. A complimentary continental breakfast is not considered a meal and a limit for breakfast is allowable.

Itemized Receipts

An itemized receipt must be retained to document the transaction when using your purchasing card or seeking payroll reimbursement for meals. Itemized receipts must be submitted to the department upon return from the trip. A detailed listing of purchases is required. A charge slip that does not list the item purchased and only contains the total amount of the purchase cannot be substituted for an itemized receipt. A Misplaced Receipt Form must be completed and approved; otherwise the employee will be responsible for payment of the charge (refer to Section 2.2 C).

2. Per Diem

The per diem rate option for meals and incidentals is determined annually by the U.S. GSA, effective the first pay period after October 1st. Please refer to the rate that corresponds to your destination site at the GSA website http://www.gsa.gov/portal/category/100120.

Under this option, the meal allowances for breakfast, lunch, dinner, and incidentals are combined into one amount. The description for incidental expenses includes fees and tips given to porters, baggage carriers and hotel staff. Employees utilizing this option are eligible for payroll reimbursement at a flat rate and are not required to provide receipts for reimbursement.

One Day Trip (Taxable)

A one day trip is defined as a trip that is 24 hours or less. A taxable allowance is authorized for trips that are 12 hours up to and including 24 hours.

Exception: please note that the per diem rate for one day trips between 0-12 hours is not included in the U.S. GSA rates. These rates will not automatically adjust with the U.S. GSA rates. The per diem rate for one day trips between 0-12 hours will be equal to the daily meal limit for lunch or $20 (see Section 2.6 A.1).

Overnight Trip

An overnight trip is defined as a trip that is over 24 hours, but less than 5 days. Per diem for meals and incidentals is available for non-travel days (24 hour periods). This

per diem amount will be adjusted to 75% on the days of travel to and from as determined annually by the U.S. GSA rates.

For seminars and meetings at which meals are provided, the employee is not entitled to a per diem allowance for those meals. The daily per diem amount will be reduced by the meal amount listed in the U.S. GSA tables for those meals that are provided. A complimentary continental breakfast is not considered a meal and the per diem for breakfast is allowable.

B. Partial Day Travel

Employees may qualify for meal allowances for the portion of the day they are out of the County on business. Allowable meals should be indicated on the Trip Authorization Form (see Section C. for guidance when authorizing meal allowances). The individual daily meal limit amounts are listed above in Section 2.6 A.1.

C. Time Schedule

The following time schedule is an ***example*** to aid the department head in authorizing meals when employees have regular 8-5 work schedules.

MEAL	TRAVEL BEGINS BEFORE	TRAVEL ENDS AFTER
Breakfast	6:00 AM	9:00 AM
Lunch	11:00 AM	2:00 PM
Dinner	4:00 PM	7:00 PM

D. Meals Submitted for Reimbursement

If a County Purchasing Card is not used (the employee pays with cash or his/her own personal credit card), meal reimbursements will be made through the County payroll system. Reimbursement through the County payroll system is available for both meal options listed in Section 2.6 A.

1. Daily Meal Maximum

Itemized receipts must be available (or the appropriate reimbursement claim form) for reimbursement through the payroll system if the daily meal maximum option is chosen. Only the cost for that meal will be allowed for reimbursement. Employees who purchase meals for multiple County employees (traveling together) must list all names on the receipt or on the Misplaced Receipt Form.

In the event a receipt is lost, or unavailable, a Misplaced Receipt Form must be submitted. If a receipt or a Misplaced Receipt Form is not submitted, the employee shall not be reimbursed for the purchase.

If the purchase was placed on a County Purchasing Card, the employee shall be financially responsible for the charges and payment.

Receipts must be retained for a five-year period or as required by grant or other legal requirements.

2. **Per Diem**
   No receipts are required if the per diem option is chosen and submitted for reimbursement through the County payroll system.

E. Taxable Meal Reimbursement

Meal reimbursements are classified as either taxable or non-taxable per IRS Regulations. Definitions and examples are provided below:

1. **Taxable Meals**
   Meals are taxable during travel that does not require sleep or rest.

2. **Non-taxable Meals**
   Meals are non-taxable based on the following:
   a) If an overnight stay is involved
   b) Group meals such as –
      - Lunch provided during training classes
      - Meals provided as part of an organized conference
      - Meals provided employees on County premises for the convenience of the employer

F. Training Meals

With department head approval, meals provided as part of a training seminar or association meeting that exceed meal rates are allowable and are not considered exceptions.

G. Meals for Legislators or their Aides

Per an Attorney General's opinion, the County may <u>not</u> lawfully expend funds to reimburse County officers and employees for their expenses in buying meals for legislators or their aides at meetings to discuss legislation of interest to the County.

2.7 ALLOWABLE TIPS

Tips are allowable and reimbursable for the following business related expenses:

- Transportation that takes you between an airport or station and your hotel plus the hotel and temporary work location or meeting place
- Hotel employees that carry baggage and provide housekeeping services (allowed only if per diem option is **not** chosen – the per diem rate includes incidental costs)
- Food and beverages: inclusive in meal limit as stated in Section 2.6 A.1. at a rate of 15% or up to 20% with department head approval.

Tip amounts will not exceed the following percentages based on the amount charged for the following services:

- Transportation: 10 – 15% of the fare
- Bellman/Porter: $1 to $2 per bag
- Housekeeping services: $2 to $10 depending on the quality of services

2.8 MISCELLANEOUS OUT-OF-POCKET EXPENSES

Itemized receipts are required for any purchase in excess of $15.00. Examples include but are not limited to:

- Taxi and BART fares
- Streetcar, city bus, ferry fares and road tolls
- Parking expenses

2.9 PROHIBITED PURCHASES

- The County will **not** pay for any costs incurred by or related to a spouse or companion. Expenses related to a spouse or companion should neither impact nor increase County costs in any manner.
- The County will **not** pay for any alcoholic beverages.
- The County will **not** pay for any type of tobacco.
- Personal expenses are **not** allowed. Personal expenses include, but are not limited to laundering, barbering, massages, tips other than allowable tips listed in this Travel Policy, any pay TV expenses and personal phone calls, except as noted below for personal communication. Any non-business charges appearing on any billings must be identified and excluded from any claim for reimbursement.

Exception - When traveling out-of-county and staying overnight, employees are permitted to make personal phone calls as defined by the County Telecom Policy.

3.0 RECORD KEEPING

Written documentation to support the travel must be located in centralized department files and available for audit purposes. Each department must retain all documentation supporting travel activity for a minimum of five (5) years, or longer, if a department Record Retention Policy so requires.

4.0 IN-COUNTY MEALS

With department head written pre-approval, in-county meals are allowable when incurred in conjunction with a County business meeting for public purpose or special project, when oral interview boards include non-county employees, and/or for recognized training programs where the employee's attendance is required all day without a discretionary lunch period and the meal cannot be claimed through another agency. County business meeting for a public purpose may include non-county employees and employees from other governmental agencies. Costs of meals will be determined by the maximum meal limits described in Section 2.6 A.1. Daily Meal Maximum

Department heads are advised to design and implement procedures to help identify abuses of in-county meals and ensure that in-county meals are only reimbursed for authorized County purposes. The business purpose of the in-county meal must be documented and retained with the accounting records as support and for audit purposes.

BACKGROUND

The following policies are intended to clarify Stanislaus County's various policies regarding the approval and reporting of contracts and agreements. These policies are designed to provide clear and specific guidance for the negotiation, creation, and execution of contracts for goods and services. Contracts covered under these policies include Independent Contractor Services, Professional Services, Personal Services and Technology Services. An exception to these policies is contractual arrangements solely between County departments. Limited exceptions, described below, also apply to the acquisition of election materials by the County Elections Officer.

It is the intent of these policies to establish a framework that insures that the contractual relationships of the County are legal, appropriate, open to public scrutiny, avoid even the appearance of conflict of interest, and keep the Board of Supervisors appropriately informed. These policies establish the minimum reporting and approval thresholds. If Departments are unsure as to how a particular matter may fit under these policies they are encouraged to err on the side of openness and Board of Supervisors' approval.

POLICY #1

Departments are required to obtain approval by the Board of Supervisors for any contract or agreement where the total cumulative compensation exceeds $100,000.

This policy allows the Board of Supervisors to review and approve any new contract, contract extension or amendment that causes the total compensation to exceed $100,000. For purposes of this policy, cumulative refers to all compensation paid by an individual department since July 1, 2003 where there has been no break in contractual services over 6 months.

Commencing with the 2006-2007 Proposed Budget, the Chief Executive Office will provide an opportunity for Departments to seek Board approval for these contracts as part of the Budget Document and Agenda item. The Final Budget, First Quarter Report, Mid-Year Budget and Third Quarter Report will also provide an opportunity for departments to submit contracts for approval as well.

As an alternative, Departments may choose to prepare a separate agenda item for Board of Supervisors' approval of their contracts. To the greatest degree possible, Departments are encouraged to consolidate these approvals into a single annual agenda item. That item should contain a spreadsheet or matrix that at a minimum identifies:

- Contractor/Vendor (or Name for Personal Services Contracts)
- Brief Description of Services (or Position/Title for Personal Services Contracts)
- Contract amount for previous contractual period (list amount and period)
- Proposed contract amount and period (list amount and period)

Once the Board has approved the contract, it is no longer necessary to return the contract to the Chief Executive Office for signature.

Sections 13001 and 14100 of the California Elections code provide an exception to the County Election Official as regards the materials necessary for conducting an election which is necessary in light of the need for the Election Official to be able to enter into contracts on short notice. The Elections Official shall make an annual presentation to the Board of Supervisors regarding the contracts necessary to fulfill the Election Official's legal obligations and will provide information regarding potential vendors and contract costs. Contracts that are not subject to Section 13001 or 14100 shall be subject to this Policy.

POLICY #2

Departments are required to provide a quarterly report to the Board of Supervisors for any new contract or agreement, contract extension, or amendment entered into during the quarter where the compensation exceeds $50,000 and the contract has not been previously approved by the Board of Supervisors.

This policy was discussed at the September 27, 2005 Board of Supervisors meeting and is intended to keep the Board of Supervisor's informed of all contractual agreements entered into during the quarter that exceed $50,000 but are under the cumulative $100,000 threshold requiring actual Board approval.

Commencing with the 2006-2007 Proposed Budget, the Chief Executive Office will provide an opportunity for Departments to notify the Board of these contracts as part of the Budget Document. The Final Budget, First Quarter Report, Mid-Year Budget and Third Quarter Report will also provide an opportunity for departments to notify the Board of contracts meeting this criteria.

As an alternative, Departments may choose to prepare a formal report to the Board of Supervisors informing them of these contracts. At a minimum, this report should contain a spreadsheet or matrix that identifies:

- Contractor/Vendor (or Name for Personal Services Contracts)
- Brief Description of Services (or Position/Title for Personal Services Contracts)
- Contract amount for previous contractual period (list amount and period)
- Proposed contract amount and period (list amount and period)

POLICY #3

Purchasing Agent approval is required on all contracts (except Personal Services Contracts) under $100,000. At least annually, the Purchasing Agent shall prepare a report to the Board of Supervisors of all contractual services (except Personal Service Contracts) provided by vendors/contractors for more than one County Department during the fiscal year where the total exceeds $50,000.

Since some contractors/vendors may provide services to more than one County department, and since oftentimes an individual department may not be aware of services provided by the contractor/vendor to these other departments, it will be necessary for the Purchasing Agent to assemble this information and report it to the Board of Supervisors. The reporting threshold is the same as in Policy # 2, but will only have an annual reporting requirement. The Purchasing Agent may choose to use the budget reports or an agenda item as the reporting mechanism. The Purchasing Agent should provide a copy of the report in advance to the departments involved for their review.

Sections 13001 and 14100 of the California Elections code provide an exception to the County Election Official as regards the materials necessary for conducting an election which is necessary in light of the need for the Election Official to be able to enter into contracts on short notice. The Elections Official shall make an annual presentation to the Board of Supervisors regarding the contracts necessary to fulfill the Election Official's legal obligations and will provide information regarding potential vendors and contract costs. Contracts that are not subject to Section 13001 or 14100 shall be subject to this Policy.

POLICY #4

The common and preferred methods of compensation for contracting are on the basis of either time and materials or lump sum payment upon receipt of deliverables or scope of work. Agreements with a retainer form of compensation should only be used under special circumstances as approved by County Counsel and the Board of Supervisors.

Retainer type agreements must have a sufficient scope of work to measure performance. The contract administrator is responsible to ascertain that work is progressing or completed prior to authorization of payment. Advance payments are strongly discouraged.

POLICY #5

No County employee or elected official shall sign the name of another employee or person. County Contracts may only be signed by individuals authorized to do so.

This policy would prohibit County employees or elected officials from signing the name of another employee or person to a contract document. Additionally, it reaffirms existing County policy that employees may only sign for matters which they are authorized to do so. This policy also would apply to electronic signatures.

POLICY #6

No independent contractor with the County shall be provided with or entitled to use County-owned equipment, such as a cell phone, pager or computer, unless specifically authorized in the contract. The contractor must agree to comply with all county policies before receipt of the equipment.

The recommended policy clarifies that no independent contractor shall be provided with County-owned equipment unless the contract specifically provides for the use of such equipment during the contract period. The policy expects that the Department will insure that all equipment is returned at the end of the contract. This policy does not apply to County employees, poll workers, or other persons assisting in the conduct of an election who are acting on behalf of the County Election Official.

POLICY #7

County employees are prohibited from participating in the selection process for contracts for goods or services when they have a close personal, financial or business relationship with any person or private entity seeking the contract.

This policy prohibits County employees from participating in a selection process for contracts for goods or services when they have a financial or business relationship with any person or private entity seeking a contract. This policy would be in addition to the policy set forth by the Fair Political Practices Commission, which prohibits individuals from entering into a contract if they have a financial interest with any person or entity seeking a contract.

POLICY #8

All contracts for goods, services and construction shall carry appropriate amounts and types of insurance coverage as determined by the Chief Executive Office Risk Management Division. Except as otherwise approved by the Board of Supervisors, any request to modify or waive insurance and indemnity provisions in contracts shall be approved by the Chief Executive Office Risk Management Division, upon concurrence by the affected department head and review by the Office of County Counsel. Insurance policies submitted by vendors shall be reviewed and approved for compliance with contractual requirements.

This policy requires the Chief Executive Office - Risk Management Division to establish specific amounts and types of insurance coverage for contracts. The policy further provides that if there is a request to modify or waive contract provisions involving insurance coverage, then those changes will have to be approved by the Chief Executive Office Risk Management Division and concurred by the affected department head, and reviewed by the Office of County Counsel. Adoption of this policy will provide uniform provisions for insurance coverage, and uniform procedures to waive or modify insurance provisions.

PERSONNEL MANUAL
TAB 18
SAFETY POLICIES

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I. PURPOSE

This policy sets forth the minimum authorization requirements for driving a County owned or privately owned vehicle by an employee or volunteer who is authorized to drive on County business and sets forth standards of driving performance.

II. DEPARTMENT HEAD AND EMPLOYEE RESPONSIBILITY

The Department Head, or his/her representative, may authorize driving privileges to an employee or volunteer who is required to drive a County owned/leased, and/or a privately owned/leased motor vehicle to perform his/her assigned functions, provided the employee or volunteer meets the following requirements:

A. Presents to the Department Head or his/her representative a valid California driver's license appropriate for the motor vehicle(s) the employee will be authorized to drive. (Medical certification and endorsements if required)

B. The employee or volunteer must certify they have minimum liability insurance coverage as required by the Financial Responsibility Law of California State Vehicle Code.

C. Current California license plates are required on the vehicle.

III. POLICY

It is the policy of Stanislaus County that every driver driving on County business meets the minimum qualifications for driving as listed in Section II above. To assure this, the following systems are to be used.

A. Occasionally Driving, Class "C" license holders:
(Occasionally Driving is defined as any driver driving less than weekly). When requesting an employee to drive, the supervisor will check with the employee to assure the employee meets the qualifications for driving as listed in section II above. All statements made during this supervisors check for qualifications will be true to the best of the employee's knowledge at the time of the check. It is the responsibility of the department to track the "occasional driver."

B. Occasionally Driving, Class "A", "B" or "C" driver's license holders with Hazardous Materials Endorsement: (Occasionally Driving is defined as any driver driving less than weekly). The driving of any vehicle or vehicle combination requiring a class "A", "B" or "C" license with Hazardous Materials

Endorsement is covered under the Department of Motor Vehicles "Pull Notice Program" included in this policy.

C. Weekly or Daily Drivers, any class license holders: (Weekly is defined as driving at least once each week. Daily is defined as every day). All non-law enforcement weekly or daily driving employees holding a class "C" license will be placed on the "Pull Notice Program". Law enforcement employees holding a Class "C" license remain the concern of the agency employing such employee, unless otherwise requested by the Department Head.

IV. AUTHORIZATION FORMS

Driver authorization forms, for both county and private cars, have been developed and shall be revised as necessary by the CEO-Risk Management Division. All Department Heads or his/her representatives shall use the form(s) designated by the CEO-Risk Management Division, for all class "C" drivers with weekly or daily exposure, or all class "A","B" or "C" driver's license holders with Hazardous Materials Endorsement.

V. CANCELLATION

An employee or volunteer shall be automatically denied driving privileges and those privileges shall be automatically canceled when the driver has an invalid California license, a suspended or a revoked license.

Authorized drivers who fail to immediately report to their supervisor a suspension or revoked action of their California State driver's license shall be subject to disciplinary action which could include suspension, demotion, or termination. A letter will be sent to the Department Head informing him/her that a license has or will be suspended/revoked.

A Department Head or his/her representative shall cancel a previously authorized driving privilege whenever an employee or volunteer retires, terminates, is discharged, or whenever the privilege is no longer necessary for the job functions.

VI. DRIVING PERFORMANCE

When an employee or volunteer is required to drive in the performance of their duties, his/her ability and willingness to drive safely is an important aspect of the overall performance of their duty. The failure of an employee or volunteer to drive safely must be a matter of concern to the Department Head who will be expected to take all means available to identify a poor driver and to improve his/her performance or possibly to relieve the employee or volunteer of their duties. The safety committees shall ensure departments review and analyze all employee and volunteer accidents, monitor the accident records of employees and volunteers to control and minimize the liability to the County. To assist Department Heads to identify potential poor drivers, the safety committee may inform them of the following situations:

A. **Repeated Non-Serious Accidents:** These are instances where an authorized driver has a record of two or more on-the-job non-serious, accidents within twenty-four months. Non-serious accidents are accidents that do not result in injuries to persons or damage to the property of any one person or the County that is more than $1500.

B. **Serious Vehicle Accidents:** A serious vehicle accident is defined as when an authorized driver has a vehicle accident on the job, resulting in injury or death, of any one person or has two accidents, within thirty-six months, resulting in damages of more than $1500 each.

C. **Willful Misconduct or Recklessness:** Willful misconduct or recklessness is any occasion when the facts reported to the safety committee appear to show acts more serious than a simple failure to exercise due care.

D. **Citizen Complaints**: Citizen complaints or complaints from other County employees against a County driver for alleged improper driving for whatever reason shall be investigated by the County Safety Officer in the CEO-Risk Management Division. He/She shall report his/her findings to the appropriate Department Head and/or the Department assigned representative for action or disposition, which is in accordance with this policy.

VII. PROCESSING A CITIZEN COMPLAINT

Any County employee can receive a complaint on another County employee/volunteer driver's performance. Anytime a citizen complaint is received a "Stanislaus County Citizens Complaint" form shall be filled out and sent to the CEO-Risk Management Division.

These reports, when received, shall be investigated by the County Safety Officer in the CEO-Risk Management Division. Findings of the investigation shall be reviewed with the appropriate Department staff.

VIII. DRIVER RESPONSIBILITY

(For both County or Personal vehicles being used on County business)

A. You are responsible for the vehicle you are driving while it is checked out, assigned to, or being used by you. Treat it as you would your own. DO NOT LEAVE IT IN AN UNSAFE PLACE!

B. LOOK at the tires and gas gauge before driving: CHECK for a good brake pedal and turn signals. Check to make sure you have a good spare tire.

C. USE YOUR SEAT BELT.

D. DRIVE CAREFULLY AND DEFENSIVELY. You are representing Stanislaus County and all its employees.

E. In case of a breakdown of a County owned vehicle on the road or if involved in an accident in a County owned vehicle, FOLLOW INSTRUCTIONS. Accident Report forms and instructions on what to do are in the glove compartment. If the forms are not in the glove box, report the lack of forms to the Motor Pool or County Fleet Services.

F. If driving your personal vehicle on County business you should, carry the same forms with you, as noted above and these forms should be checked before driving the vehicle, and follow the same instructions by filling out an accident report form.

G. If you are involved in any type of traffic accident, you must **report it immediately in writing** (Accident Report Form) to your supervisor.

H. Do not apologize or admit fault for the accident!

I. You should always be carrying an Accident Report Form when driving on County business. In a County owned vehicle they are located in the glove compartment. Complete and turn in the form to your supervisor.

J. Fill out the Accident Report Form COMPLETELY regardless of who is at fault. You **must** get the name, address, phone number, driver license number, license plate number, and insurance company of the other driver or property owner. If the information is refused report the fact to the police.

K. YOU MUST HAVE AN ACCIDENT REPORT PREPARED BY A LAW ENFORCEMENT AGENCY. This is for your own protection.

L. Check your registration/insurance to be sure it is updated. Be sure to carry it with you.

M. You must not make determinations as to the extent of damage. Leave that to the Fleet Services personnel or your insurance company.

N. Every County owned vehicle, during times of emergency, may truly become an emergency response vehicle. For that reason no County owned vehicle will be returned to the County or Department fleet with less than a half tank of gas.

IX. EMERGENCY OPERATIONS

Stanislaus County is responsible for providing a wide variety of emergency assistance to other governmental agencies. Nothing in this Driver Authorization Policy should impede the provision of emergency assistance. If at any time a department has an emergency

need which may conflict with this policy, transportation needs should be contracted out to a qualified vendor.

Instructions for Emergency Situations

Should you experience automobile trouble in a County vehicle, use the following procedures:

1. If it is something you can fix yourself, such as a flat tire, do so.

2. If it is something you cannot fix yourself:

   a. Workdays between 7:00 a.m. and 5:30 p.m. call County Fleet Services, 558-3653, and give your location, telephone number and a brief description of the trouble and ask that your department be notified. Wait by the telephone for instructions regarding you, any passengers, and the car.

   b. Workdays between 6:00 p.m. and 7:00 a.m., all weekends and holiday times, refer to the information located in the vehicle glove box.

   c. Refer to the **Breakdown/Mechanical Failure for a County Owned Vehicle** instructions located on the Intranet at http://saturn/intranet/. This can be found by selecting Departments from the top navigation menu. Open the General Services Agency site. Select the Fleet Services option under the main category of Divisions on the left navigation menu. Under County Vehicles you will find the instructions on County Breakdown/Mechanical Procedures.

3. Take care of injured.

4. For non emergency notify Emergency Dispatch Department, 552-3911.

5. For serious emergency dial 911. If in Stanislaus County, on a cellular phone dial 558-HELP (558-4357).

6. Request law enforcement investigation. (Tell them you are a County Employee on County Business).

7. DO NOT APOLOGIZE OR CLAIM RESPONSIBILITY FOR THE ACCIDENT.

8. DO NOT DISCUSS THE ACCIDENT WITH ANYONE EXCEPT POLICE AND YOUR SUPERVISOR.

IX. EXISTING ORDERS

The Board of Supervisors Resolution dated July 17, 1973 regarding a revised policy for non-employee drivers' remains in effect as does the Board Policy Resolution of October 3, 1978 regarding the use of County automobiles. However, any other Board Order or Resolution which may exist concerning authorization to drive a County vehicle and driver performance which is in conflict with this policy is hereby superseded.

A. INTRODUCTION

Stanislaus County employees provide a wide variety of services and service a wide range of clients, some of whom may be under severe stress and have nowhere else to turn. Providing these services can place County employees at risk for exposure to violent or threatening behavior; sometimes the very nature of their work or location of their work, places employees at higher risk of random violence. Risk of violence can also come from within the workforce from co-workers or those associated with co-workers.

This policy, as well as the procedures, guidelines and appendixes have been developed to address all forms and types of security and workplace violence issues. It also affirms the County's commitment to providing a safe and healthful working environment for its employees while maintaining an atmosphere conducive to openly and fully serving the public.

All employees are required to familiarize themselves with all aspects of this policy, including the procedures, guidelines and appendixes that have been developed to prepare for and reduce workplace violence.

This policy, and its accompanying procedures, guidelines and appendixes shall be incorporated into the County's Injury and Illness Prevention Program.

B. PURPOSE

The purpose of this policy, together with its procedures, guidelines and appendixes is to:

1. Reduce the risk of workplace violence.

2. Protect employees and the public from injury should an incident of workplace violence occur.

3. Identify the types and levels of workplace violence.

4. Identify potential perpetrators and threats of violence.

5. Improve the ability to defuse a hostile situation through training, awareness and avoidance.

6. Establish a means for reporting and responding to all incidents of security and workplace violence issues. Compliance with this security and anti-violence policy is a <u>condition of employment</u>. Due to the importance of this policy, employees who violate any of its terms, who engage in or contribute to violent behavior, or

who threaten others with violence will be subject to disciplinary action, up to and including immediate termination. Legal action may also be taken by the County where appropriate.

C. SCOPE

This policy applies to security risks, threats of violence, or violent acts by customers, clients, patients, visitors or any other members of the public towards County employees. It also applies to violent acts or threats of violence, either verbal or implied, made by an employee, contractor, student, volunteer or other individual providing services or acting on behalf of the County.

All employees are covered under this policy. Each employee is responsible for notifying his/her immediate supervisor or manager if that employee believes that he/she, or someone else, knows of and/or has been reported or may be a potential victim of a security threat or workplace violence incident.

D. DEFINITIONS

1. Serious threat is defined as any threat in which there is credible evidence that violence would or could occur.

2. Security threats/breaches are defined as something or someone that exposes staff, property, clients or visitors to potential harm.

3. Types of Violence

   The State of California Department of Industrial Relations Division of Occupational Health and Safety (CAL-OSHA) identifies three types of workplace violence:

   Type I: A Type I violent act is committed by an assailant who has no legitimate relationship to the workplace.

   Employees who have face to face contact and exchange money with the public, who work late at night and early morning hours, and who often work alone or in very small numbers are at greatest risk of a Type I incident. Occupations at risk of a Type I incident are cashiers, custodians, and security guards.

   Type II: A Type II violent act involves violence or a threat of violence by a recipient of a service provided by the County employee such as a patient, client, customer, passenger, criminal suspect or prisoner.

   County employees provide a wide range of services to clients and public, and may have to confront individuals who are not satisfied with the services provided or disagree with the resolution of a matter. Certain clients and patients may be

emotionally disturbed or have a mental disability which impairs their judgment; they may make threats or commit acts of violence on employees who are trying to offer their help or assistance.

Employees who are at risk for Type II acts of violence include public safety and correctional personnel, medical care providers, mental health providers, deputy district attorneys, public defenders, family support officers, social service, building inspectors, code enforcement and animal services workers.

Type III: A Type III violent act consists of an assault by an individual who has some employment-related involvement with the workplace. A Type III event usually involves a threat of violence or an act of violence resulting in a fatal or nonfatal injury by a current or former worker, supervisor or manager; a current or former spouse or lover; a relative or friend; or some other person who has a dispute directly involving a worker or workers at the workplace.

4. Prohibited Behaviors

Examples of conduct which may be considered threats or acts of violence include, but are not limited to:

a. Violence: aggressive acts or initiation of physical force exerted for the purpose of violating, damaging or abusing others.

b. Threat: an expression of direct (intent to take action), or indirect (what could happen) intention to inflict pain, injury or punishment upon another person or property.

c. Intimidation: inspiring fear in a person by a show of force or a promise of force.

d. Unlawful physical fighting: the unlawful act of aggression or initial force in physically contending with another with the intent to overpower and/or cause harm.

e. Threatened or actual destruction of County or personal property.

f. Harassing or threatening phone calls.

g. Stalking: willfully, maliciously and repeatedly following or harassing another person. A stalker can be anyone from an anonymous admirer to a co-worker to a former spouse, or a client or customer.

h. Bringing unauthorized dangerous weapons into the workplace: weapons include instruments, articles, or substances which in the possession of an employee or under the circumstances of which it is used or is threatened to

be used, is readily able to cause physical injury or death.

E. POLICY: SECURITY/VIOLENCE IN THE WORKPLACE: ZERO TOLERANCE

1. Stanislaus County is committed to providing a safe and healthy working environment for its employees while maintaining an atmosphere conducive to openly and fully serving the public. Security breaches and threats of violence and/or violent acts directed towards County employees or others, or by any employee, contractor, or other person performing services for the County is prohibited and will not be tolerated. Immediate and appropriate criminal action, as well as disciplinary action, up to and including termination, in accordance with current County disciplinary policy, will be taken by the County in order to protect its employees and others from security breaches or violent acts.

2. In order to provide a safe and healthy working environment and to reduce the risk of violence in the workplace, each department shall:

   a. Train all employees and staff in security, workplace violence reduction, prevention, response, and reporting.

3. Each employee shall:

   a. Provide a copy of any temporary or permanent restraining order which the employee has obtained which lists County property as a protected area to his or her supervisor or department head.

   b. Report all security threats, threats, or acts of violence which occur on County premises which they experience, witness or which they otherwise become aware of to their supervisor, or if the supervisor is the individual making the security threat, threat, or performing the act, then report to the departmental safety representative, department head, or to the County Safety Officer in the CEO-Risk Management Division.

   c. Report all threats or acts of violence which they experience while acting in the scope of their employment off County premises, or which relates to the legitimate business interests of the County.

   d. Report any threats or acts of violence occurring off County premises of which they are a target if there is a reasonable basis to believe that the violence will follow them to the workplace.

   e. Not make intentionally false and/or misleading reports. No employee will be disciplined, retaliated against or discharged for reporting any legitimate security threat, threat, or act of violence, however, employees found to have made intentionally false or misleading reports will be subject to disciplinary action up to and including termination.

f. In the case of imminent danger or violence where immediate assistance must be sought, contact law enforcement by dialing 911, 9-911 from some County phones, 558-HELP from cell phones and then report the incident to his or her supervisor as outlined above.

g. Report all security threats, threats, or acts of violence which relate to legitimate County business interests, regardless of any relationship which relationship which may exist between the individual who initiated the threat or engaged in the violent act and the individual who was the victim of that conduct.

h. Report any County personnel or any other individuals who are on County premises who exhibit an unusual fascination with incidents of workplace violence or an unusual fascination with firearms (especially automatic or semi-automatic weapons).

i. Report all suspicious packages found on or near County premises to his or her supervisor or department head; said suspicious packages will be treated as a possible explosive device in accordance with the procedure outlined in the Bomb Threat Policy.

4. It shall be the responsibility of each supervisor to also:

a. Follow Section D, Number 3.

b. Become familiar with the early warning signals of violence and report any employee or other party who displays one or more of those warning signs whenever a supervisor has a reasonable basis for concern or a reasonable belief that an employee or other party should be evaluated.

c. Prepare, and give to the department head, a County Security/Violence in the Workplace Incident Report based on information from the reporting employee and/or personal observation which includes specific information concerning the conduct at issue including 1) who engaged in the conduct , 2) what conduct is at issue, 3) against whom the conduct was directed, 4) what specifically was said or done, 5) whether the party at issue engaged in any physical conduct that would indicate he/she plans to follow through on a threat, 6) names of witnesses to the conduct at issue, 7) the time and place where the conduct occurred, 8) whether there is any previous history of violent or threatening conduct, 9) the relationship of the person to whom the conduct was directed and the person undertaking the conduct, and 10) any other information which will aid in the investigation.

d. Ask the reporting employee whether he/she has any suggestions for maximizing security and minimizing the risk of violence based on the information known to them.

e. Carefully document objective facts and relevant personal feelings so that trained professionals will have access to the information necessary to reach fair and accurate conclusions (subjective statements should be included only if they relate to the recording employee's or supervisor's personal feelings of fear or intimidation, and subjective conclusions should be avoided).

6. Nothing in this policy alters any other reporting obligation established in other County or departmental policies, or in state or federal law.

7. Security risk/violence prevention requires a commitment from every employee. Any employee who is concerned about security or the possibility of workplace violence shall immediately discuss the matter with his or her supervisor. Retaliation against those who report such concerns is strictly forbidden.

8. Dangerous weapons, including guns, knives and explosives are not permitted at the workplace or on County property, including parking lots, unless they are carried subject to permits issued pursuant to California law. Any employee, who has such permissive use, must notify and obtain written permission as follows:

   a. Employees working for the Sheriff, District Attorney or Probation must obtain written permission from his/her Department Head.

   b. All other workers require a written recommendation from their Department Head to the CEO who must give final written authorization. In the absence of the CEO, County Counsel may give written authorization.

   Protective devices such as mace or pepper spray that employees carry for personal protection are permitted. The employee must meet all the requirements of California State law, and notify and obtain permission from their department head if they intend to use such devices within the scope of their work.

9. The legislature of the State of California has specifically addressed the special safety and security issues facing hospital emergency department personnel, patients, and visitors through legislation (AB 508); these special concerns are of vital importance to the County as well, and these policies and procedures are intended to apply to any County hospital emergency department and staff, including behavioral health facilities and staff, pursuant to AB 508. Acts or threats of physical violence, including intimidation, harassment and/or coercion which involve or affect County staff will not be tolerated.

II. PROCEDURES

A. INTRODUCTION

The following procedures have been developed in order to assure uniform compliance with the County's zero tolerance policy against violence in the workplace.

B. PURPOSE

These procedures are designed to assist County staff and departments in their efforts to carry out the County's policy and to describe the methods by which the policy will be implemented throughout the County. These procedures also describe how staff is expected to assess and identify potential risk, seek means to reduce that risk, and train staff in workplace violence reduction, prevention, and response. Finally, these procedures describe the means by which security threats or workplace violence will be reported.

C. ROLES AND RESPONSIBILITIES

1. Department Heads

The department head is ultimately responsible for implementing the County's policies and ensuring that there is prompt action in response to security risk, incidents, threats, and reports of workplace violence. To assist in this task, each department shall also have a Departmental Safety Committee which will develop and implement the County's policies, procedures and guidelines within the department. The Department Safety Committee shall recommend to the department head any issue that is a workplace violence problem.

The County Safety Committees and County Safety Officer in the CEO-Risk Management Division can serve as a resource to the departments and can provide suggestions and consultation to department management and Department Safety Committees regarding risk reduction strategies for creating a secure physical working environment.

The department head shall have the following responsibilities:

a. Implement policies and procedures in the department.

b. Annually conduct security risk assessment of department and/or facility(s) to identify areas of potential risk.

c. Develop and adopt procedures reflecting the unique needs of the department for preventing or reducing the risk of workplace violence; guidelines have been developed by the County which may be helpful in conducting the risk assessment and in identifying risk reduction strategies.

d. Develop and adopt procedures for responding to incidents of workplace violence.

e. Assure that all acts and threats of violence or potential violence are promptly reported on the Security/Violence in the Workplace Incident Report form with distribution per the form.

f. Train staff regarding policy and procedures upon implementation of the policy and annually thereafter.

g. Direct and oversee investigations of incidents, threats and reports of workplace violence when they occur in the department.

h. Ensure a physical environment that provides safety and security to employees while maintaining accessibility to clients and public.

i. Ensure that any surveillance cameras, physical barriers, metal detectors or designated security areas are used in a manner which is conducive to the provision of public services.

j. Determine whether or not employees shall be required to wear employee identification badges, and establish rules and instruction for such use.

k. Develop rules regarding access to facilities by visitors, contractors and vendors.

2. Managers and Supervisors

Managers and Supervisors shall:

a. Have direct responsibility to make workplace security and safety their highest concern.

b. Provide support for employees in the event of a real or perceived threat of security and workplace violence.

c. Provide information and training regarding workplace violence for employees.

3. Employees

Employees shall:

a. Participate in training.

b. Read and review all policies, procedures and guidelines pertaining to

security risks/incidents and workplace violence.

c. Immediately report the loss of a building key, proximity card, or other access device to his or her immediate supervisor.

D. THREATS OF VIOLENCE BY EMPLOYEES

All acts or threats of violence by County employees are to be treated as disciplinary issues and should be immediately reported to the employee's immediate supervisor. Supervisors are responsible for reporting all threats or acts of violence to the CEO-Risk Management Division, Safety Unit and the department head for response and appropriate disciplinary action up to and including termination. When advised of threats or acts of violence, the department head is encouraged to notify the CEO-Personnel and/or County Counsel. The County advocates a preventative approach whereby civil service rules and regulations are fairly and consistently administered and where troubled employees receive guidance and assistance through the Employee Assistance Program (EAP); referrals should therefore also be made to the EAP when appropriate.

E. INVESTIGATION OF SECURITY INCIDENTS/THREATS/ACTS OF VIOLENCE OR POTENTIAL VIOLENCE

1. Security incidents, threats and acts of violence or potential violence will be investigated at the departmental level.

2. When appropriate, law enforcement will be notified if they have not yet become involved, and criminal charges may be filed.

3. If the threat is serious, or if an injury has occurred, the incident will be reported to and may be further investigated by the County CEO-Risk Management Division.

F. INCIDENT REPORTS

The County Security/Violence in the Workplace Incident Report form shall be filled out whenever there is a security incident, threat, act of violence, or potential violence.

G. RESPONDING TO SECURITY INCIDENTS OR VIOLENT ACTS

Anyone who is threatened with imminent violence, who witnesses violence, or is the victim of an act of violence, should immediately notify law enforcement by dialing 9 1 1 (9-9 1 1 from County phones). Individuals must use their best judgment in responding to individual threats or incidents; however, all employees are expected to obey law enforcement and/or other persons in authority regarding directions to evacuate, take cover, or respond appropriately to risk reduction activities that might be taking place in response to an incident. CEO-Risk Management Division, Safety Unit will be notified.

Guidelines developed by the County which augment these policies and procedures should be reviewed by all employees and may be used in training as a means of familiarizing staff with recommended risk reduction strategies.

After a violent act or threat of violence has occurred, the County will provide support and guidance to the victim(s), witnesses and others, and the affected employees will be offered services through the Employee Assistance Program (EAP).

H. EVACUATION/EMERGENCY ACTION PLANS

Each department shall establish evacuation procedures for every work location for responding to threats or acts of violence as required and in accordance with Section 6 of the County Safety Manual. If there is more than one department located in a County building, all departments should collaborate in the development of a coordinated emergency action plan which includes a specific evacuation plan.

The Chief Executive Officer of Stanislaus County, or his/her designee, is the only officer who can order an evacuation of a department without the presence of immediate danger. Examples of threats or acts of violence that could trigger an evacuation include credible bomb threats or the presence of an armed gunman in the workplace. If an immediate danger is noted, the management and supervisory staff are to assume primary responsibility for facilitating the evacuation of all employees and the public when appropriate, and for taking all necessary actions to ensure a safe and orderly evacuation.

I. TRAINING

Training on how to respond to all types of workplace violence can help county employees minimize the risk of violence and injury. In order to effectively deal with workplace violence, a copy of the County's policies, procedures, guidelines and appendixes for reducing workplace violence shall be reviewed by all employees.

Training will include an explanation of the policies, procedures guidelines, and familiarize with the appendixes that have been developed by the County to augment its policies and procedures. Training shall occur initially for all employees upon implementation of the policy procedures, and at regular intervals thereafter. New employees shall receive initial training during orientation.

Departments will structure training as described in Section 3 of the County Safety Manual, and in a manner that meets their own unique and specific needs. As a minimum, all employees will receive, upon hire, written information about the workplace violence policies, procedures, guidelines and appendixes as well as training in recognizing the warning signs of workplace violence and in risk reduction strategies.

III. GUIDELINES

A. OFFICE SAFETY

1. Employees who unlock the building in the morning should:

    a. Check the building for open doors, missing items, open windows and any disorder.

    b. Leave the building immediately if it is suspected that an intruder is present and dial 9 1 1 (non-County phone) or 9-9 1 1 (County phone) from a safe location to report any problem or suspected problem.

    c. Institute a buddy system if at all possible.

2. An employee who is working alone in any area should keep outside doors and windows locked.

3. If the workplace must accommodate the public or has public access requirements, the department head should see that procedures are adopted that reflect concerns re: employee's safety while maintaining public access during business hours.

4. Purses and valuables should be kept out of sight at all times.

5. When interacting with the public, employees may have minimal control over how the contact will progress and the contact could turn violent more quickly than one could react. As a guideline it is recommended that employees keep something between themselves and others during interaction. This may be a chair, counter or desk.

6. Employees should always maintain a safe distance between themselves and others. There are ways to reduce the risk of such harmful contact:

    a. Stay out of reach or hitting distance by either hands or feet. Also position yourself in sideways to the other person in a manner that protects you from any frontal attack.

    b. When entering a room position yourself so that no one can enter behind you.

    c. Do not allow anyone to come between yourself and the door.

    d. Always provide at least one clear means of egress/exit and two if possible.

    e. <u>Leave</u> before the contact turns violent.

f. When retreating, back out of the doorway--do not turn your back to a violent person!

7. When securing the building at the end of the day employees should make sure the building is empty including restrooms, and that no one person is left inside alone (if possible).

8. Plan ahead if leaving the building alone:

   a. Move your vehicle to a safe location beforehand.

   b. Move quickly and be aware of your surroundings.

   c. Look around and be observant.

   d. Walk in well-lighted areas as much as possible.

   e. If something is wrong, call a pre-established department before leaving the building for assistance, or dial 9 1 1 from non-County phones, or 9-9 1 1 from some County phones, or 558-HELP (558-4357) from cell phones.

B. PARKING LOT AND CAR SAFETY

1. Use the buddy system whenever possible.

2. Face traffic, and avoid doorways, bushes and other potential hiding places.

3. Have your keys in hand ready to unlock the car door.

4. Keep car doors locked when parked whether you are in or out of the car.

5. Always remove keys from the car even when leaving it momentarily.

6. Never leave the motor running while unattended.

7. Be aware of what is happening in the parking lot; observe who is there and what they are doing. If you perceive a problem, return to the building and lock yourself inside. Call a pre-established department, 9 1 1 from a non-County phone, 9-9 1 1 from some County phones, or 558-HELP from a cell phone.

8. If people ask for directions, politely but firmly tell them you do not know, and stay well away from them.

9. Check the interior and exterior of the car to make sure no one is hiding on the opposite side, under or inside, before getting near and/or into the car.

10. Keep your car doors locked when driving and close all windows tightly.

11. At the end of the workday try to make sure that your co-workers have started their cars before you leave the parking lot. If someone's car does not start, check on the co-worker's safety prior to your departure.

12. Avoid parking next to vans, especially vans without windows.

13. If your car breaks down, open the hood to indicate the need for assistance. Stay in the locked car. If people approach, open your window just enough to ask them to call for help. Do not open your car door.

C. FIELD WORK SAFETY

1. All fieldwork activities are potentially dangerous. Any case involving child, sexual, spousal, drug or alcohol abuse, either past or present, is a higher risk activity and extra care should be taken to assure personal safety.

2. The following guidelines should be considered as ways to increase your safety and reduce your risks:

    a. Wear County identification badges.

    b. If possible or appropriate, call clients before you leave the office so they will be expecting you.

    c. Before leaving the office, leave an itinerary, and if traveling by automobile, the automobile description and license plate number, with your supervisor or co-worker. This is especially important if your schedule takes you to a potentially risky home or area.

    d. Know the area you are going into. Familiarize yourself with business establishments or other safe locations you can go to in an emergency.

    e. If you feel a visit will be higher risk than usual, inform your immediate supervisor. Your supervisor should determine, before you go on the visit, an estimated time of arrival and return or other safety precautions, such as a second person or specific back-up procedure in the event of a problem. If you do not return in a timely manner, help can be notified without delay.

    f. Park as near as possible to the location where you are doing business. Park facing out toward the road so you can leave quickly. On any high risk visit consider using a County car.

    g. Car doors need to be kept locked and windows rolled up.

h. Before exiting the car look around to make sure no one is hiding. When returning to the car, check the interior and exterior to make sure no one is hiding on the opposite side, under or inside before getting into the car. Be careful when getting out of the vehicle into a gang type crowd.

i. Wear appropriate clothing. Do not wear expensive looking jewelry. Following accepted standards for professional appearance can reduce vulnerability in potentially unsafe situations.

j. Pants and flat-soled non-slip shoes with closed toe and heel should be worn for maximum mobility.

k. When entering a home, take with you only what you need to conduct your business, i.e. forms, clipboards, etc. Don't take a purse and valuables (leave these items at the office, out of sight in the locked car, or in the trunk). Keep your ID and car keys in a pocket. If you do have to make a hasty exit you will not have to worry about leaving behind any valuables. Forms and clipboards are replaceable.

l. Approach the area slowly. Be aware of avenues of escape and possible ways to get help if needed. If things do not feel right at any time during the visit, leave immediately. Your appointment can be changed to another day.

m. Watch for animals or signs of animals in the yard. Do not enter a yard when a dog is present, unless accompanied by the resident. Ask the resident to physically control or lock up the animal during the visit.

n. While knocking, stand to the side of the door rather than in front of the door. Do not enter the house until someone meets you at the door. Show your County identification or business card to the person who answers the door. Assess the situation before entering. Give and obtain preliminary information outside. Ask who is home. Ask for permission to enter. Be aware of body language of everyone in the house. Remember, you cannot know who or what may be inside. If the client is not at home, remain outside while talking to the person answering the door. Inform the person that you will return at another time.

o. If persons appear to be under the influence of drugs or alcohol, leave and return at another time. Avoid quick movement(s) in this situation. Move slowly and confidently as you leave.

p. Position yourself where no one can come in behind you. Stay between other people and the door. If you begin to feel uneasy or unsafe, leave.

q. If you need to make a retreat, back out of the area when leaving. Do not turn your back to someone in this situation.

r. Project authority. Always scan the environment.

s. If you are asked to leave the home, do so immediately.

t. If any trouble starts, leave when safe to do so. If the situation is unsafe, call or ask someone to call 9 1 1 from a non-County phone, 9-9 1 1 from some County phones or 558-HELP (558-4357) from a cell phone.

u. Any time you have a question about possible danger, or see signs of drug(s), weapon(s) or other illegal activity, leave immediately and call your supervisor.

D. VIOLENT AND AGGRESSIVE BEHAVIOR (TYPE II)

1. IDENTIFYING VIOLENT OR POTENTIALLY VIOLENT BEHAVIOR

Be aware that there are certain danger signs that may precede a violent act:

a. Observe the client's body language, facial expressions and tone of voice to see if he/she is getting agitated.

b. Clenched fists, flushed face or tense posture are signals for you to be cautious.

2. HANDLING VIOLENT AND AGGRESSIVE BEHAVIOR

When confronted with violent, threatening, or aggressive behavior, these suggestions may be helpful in de-escalating the violence or in escaping the situation:

a. Project calmness: move and speak slowly, quietly and confidently.

b. Be an empathic listener: encourage the person to talk while you listen patiently.

c. Focus your attention on the other person to let them know you are interested in what they have to say.

d. Maintain a relaxed yet attentive posture and position yourself at a right angle rather than directly in front of another person.

e. Acknowledge the person's feelings. Indicate that you can see that he or she is upset.

f. Ask for small specific favors such as asking the person to move to a quieter area.

g. Establish ground rules if unreasonable behavior persists. Calmly describe the consequences of any threatening or violent behavior.

h. Use delaying tactics which will give the person time to calm down. For example, offer a drink of water (in a disposable cup).

i. Be reassuring and point out choices. Break big problems into smaller, more manageable problems.

j. Accept criticism in a positive way. When a complaint might be true, use statements like "you could be right," or "I see your point. Maybe we need to take another look at this." If the criticism is unwarranted, ask clarifying questions.

k. Ask for the person's recommendations. Repeat back to the person what you feel he or she is requesting of you.

l. Position yourself so that a visitor cannot block your access to an exit.

m. Avoid styles of communication which generate hostility such as apathy, brush-offs, coldness, condescension, robotism, going strictly by the rules or giving the run-around.

n. Don't reject all of a client's demands from the start.

o. Don't pose in challenging stances such as standing directly opposite someone, hands on hips or crossing your arms.

p. Avoid physical contact, finger pointing or long periods of fixed eye contact.

q. Do not make sudden movements which can be seen as threatening. Notice the tone, volume and rate of your speech and adjust your speech if necessary.

r. Do not challenge, threaten or dare the individual. Never belittle the person or make him/her feel foolish.

s. Don't criticize or act impatiently toward an agitated individual.

t. Do not attempt to bargain with a threatening individual.

u. Avoid trying to make the situation seem less serious than it is.

v. Do not make false statements or promises you cannot keep.

w. It is unwise to try to impart a lot of technical or complex information when emotions are high.

x. Avoid taking sides or agreeing with distortions.

y. Don't invade an individual's personal space. Stay out of the reach or hitting distance by either hands or feet. Also position yourself sideways to the person in a manner that prevents any front attack.

3. PROTECTING YOURSELF FROM IMMINENT VIOLENT BEHAVIOR

a. Try to keep a desk or other barrier between you and the client, making sure that the client does not block your escape route.

b. If the client is directly in front of you, step back so that you are out of striking range.

c. If you sense that a client is going to commit a violent act at any second, don't hesitate to leave immediately. Find and excuse to leave the area, or if required, simply leave and get help from co-workers or security. Don't hesitate to call law enforcement if necessary. It is better to disrupt a work site than to be injured.

4. MEDIA ATTENTION FOLLOWING ACT OF VIOLENCE

a. Media is often drawn to workplace violence events. County policy regarding media interaction should be followed if there is media interest. Do not speak with the media directly, unless directed by your supervisor, department head, PIO or previously established department's protocol.

b. If an individual later seeks to interview you regarding a workplace violence incident refer that individual to your supervisor.

E. PRE-VIOLENCE, SIGNS AND WARNINGS

1. IDENTIFYING PRE-VIOLENT BEHAVIOR

Violent acts by co-workers or other persons known to you are often preceded by a number of warning signs or changes in behavior. Since these changes can be subtle, it is important to observe behavior carefully. Warning signs can include:

a. Veiled or open threats of violence, such as predicting bad things are going to happen, especially threats that are detailed or appear to be well-planned.

b. A history of disciplinary actions, or poor reactions to discipline or performance evaluations.

c. Irritability, belligerence or hostility.

d. Excessive focus on guns, police or the military; subscription to paramilitary magazines or boasting of weapons collections,

e. Changes in behavior, such as deterioration of work performance or an increase in concentration problems; becoming withdrawn, increasingly angry, agitated or out of touch with reality,

f. A resumption or escalation in drug and/or alcohol abuse.

g. Reacting with great stress to workplace events such as layoffs, discharges, demotions, re-organizations, labor disputes, or to personal or family problems such as divorce, bankruptcy, etc.

h. Depression.

i. Paranoia such as statements that everyone is against them or by panicking easily.

j. An increased propensity for aggressive behavior with disregard to the safety of self or co-workers.

k. Crossing a co-worker's or supervisor's physical boundaries (getting in their face), physical posturing or aggressiveness, stalking, excessive phone calls, etc.

l. A known personal history of violent, reckless or anti-social behavior.

m. References to or identification with mass murderers and infamous incidents of workplace violence, such as "post office shootings".

n. Having a fascination with recent incidents of workplace violence and expressing approval of the use of violence under similar circumstances.

o. An obsessive involvement with the job which becomes the sole source of identity.

p. A loner with little or no involvement with co-workers.

q. A combination of the use of stimulants, paranoid behavior, and the purchase of weapons, which can be a particularly risky mixture.

r. Unwelcome name-calling, obscene language, and other abusive behavior.

s. Intimidation through direct or veiled verbal threats.

t. Throwing objects in the workplace regardless of the size or type of object thrown, or regardless of whether a person is the target of a thrown object.

u. Physically touching another employee in an intimidating, malicious, or sexually harassing manner, including such acts as hitting, slapping, poking, kicking, pinching, grabbing, and pushing.

v. Physically intimidating others, including acts such as obscene gestures, "getting in your face," and fist-shaking.

2. PRE-EMPLOYMENT SCREENING FOR VIOLENT PROPENSITIES

a. All applicants should be thoroughly screened before hiring; usually this involves verifying all references and seeking to learn if the potential employee has a history of problems at prior places of employment. Efforts should be made to obtain whatever information can be legally sought.

b. In certain areas of employment, for example law enforcement, pre-employment screening can include criminal checks. Check with the Recruitment Unit of the Chief Executive Offices for information regarding criminal checks if you are unsure whether this is an option for your department.

F. STALKING

1. Stalking is defined as "willfully, maliciously and repeatedly following or harassing another person"--a stalker can be anyone from an anonymous admirer, a co-worker, a former spouse or client/customer.

2. The best way to prevent stalking is to not let a relationship, even a casual one, develop or continue any farther than you want it to.

3. Stalkers often have never learned to take "no" for an answer, so you must be clear and firm. When declining an unwanted invitation, make sure your answer cannot be interpreted in any way to mean "maybe". Don't give a reason or excuse that may only provide a challenge in the mind of the initiator.

4. If a person does not accept your refusal to become involved in a relationship, take the situation seriously.

5. If you think you are being stalked, notify your supervisor and local law enforcement.

6 If a coworker is engaging in this behavior tell your supervisor. It can then be dealt with as sexual harassment.

I. INTRODUCTION

The following policy shall be followed anytime a suspicious package is found, a bomb threat and/or letter bomb involving any County-owned or occupied building is received. You should follow your own department's or building's evacuation procedures for more detailed instructions.

II. RECEIPT OF THREAT AND NOTIFICATION

DIAL 9-911 (on County phones)
DIAL 911 (non-County phones)

A. Historically bomb threats are received by telephone.

1. The person receiving the call or threat should **immediately** complete the Bomb Threat Checklist and notify their supervisor.

2. The supervisor shall notify Emergency Dispatch immediately by dialing 911 (non-County phone) or 9-911 (County phone).

3. Emergency Dispatch will notify the local law enforcement agency, Sheriff's Department Watch Commander and the CEO.

B. Upon receipt of the bomb threat information or suspicious package the local law enforcement agency will evaluate the situation and decide on a course of action immediately.

1. The local law enforcement agency will assume command, and if necessary will establish a control center from which to coordinate activities involving the incident.

2. The CEO Office will notify the CEO-Risk Management Division, Safety Officer, and the General Services Agency, Facilities Maintenance Division.

3. The Chief Executive Officer shall notify the Chairman of the Board of Supervisors if a serious threat develops.

4. The CEO-Risk Management Division Safety Officer shall proceed to the scene.

5. The General Services Agency, Facilities Maintenance Division will send a representative to the scene.

III. LETTER BOMB

A. Any employee that opens mail in a public or private office today must be aware of mail bomb dangers. The following are letter and parcel bomb recognition points:

1. Foreign Mail, Air Mail and Special Delivery.
2. Restrictive markings such as CONFIDENTIAL, PERSONAL, etc.
3. Excessive postage (probably in stamps not postal strips).
4. Handwritten or poorly typed addresses.
5. Incorrect personnel or department and/or title, address.
6. Titles but no names.
7. Misspelling of common words.
8. Oily stains or discoloration.
9. No official or return address.
10. Excessive weight or thickness (more than 1 1/8" thick).
11. Rigid envelope (caused by interior cardboard brace).
12. Lopsided or uneven envelope.
13. Protruding wires or tinfoil.
14. Excessive securing material such as masking tape, string, etc.

B. If a suspicious envelope is found:

1. Do not handle unnecessarily.

2. Gently place the envelope in a stationary location near where you first picked it up.

3. Secure that location.

IV. EVACUATION

A. In all cases the safety of employees will be given first priority.

B. The decision for total, partial or no evacuation will be made by the Incident Commander and/or the CEO and/or his/her representative. In making this decision they will consider all factors involved including, but not limited to: requests of the involved Department Heads; impressions of the caller by the employee who received the threat; past history of threats to a particular department; etc.

C. If a decision is made not to evacuate, other precautions may be warranted at the discretion of the Incident Commander.

1. If deemed prudent, Department Heads and/or their assistants may be asked to check their departments for anything out of place or unusual to include a visual inspection of the work areas.

2. At no time can employees be required to place themselves in danger or be allowed to come in physical contact with possible explosive devices.

D. Anything found to be suspicious should be treated as a possible explosive device in accordance with the procedures listed under the search section of this notice.

1. After a building has been evacuated, perimeter controls by law enforcement or other County personnel will be maintained to prevent re-entry.

2. Evacuated persons should be instructed to remain a minimum of 300 feet from the building. They should assemble in one place, preferably a nearby parking lot to await further instructions and to perform an employee head count.

E. Department Heads will be responsible for training their personnel in evacuation procedures. Evacuation routes should be planned and posted in advance. Staff will be required to follow the instructions of First Responders.

V. SECURITY

The Incident Commander will be responsible for establishing necessary perimeter security.

1. The Incident Commander should utilize available personnel whenever possible.

2. Once perimeter security has been established no one will be allowed to enter the building unless officially authorized for search or security purposes.

VI. SEARCH

If time permits, a search of the premises will be conducted prior to the anticipated detonation time.

1. Department Heads should canvass their personnel for volunteers who are familiar with the area and who will agree to assist the police in the search.

2. Search units should be familiar with hallways, rest rooms, false ceilings and other possible locations where an explosive device could be concealed.

3. Maintenance and custodial personnel should be utilized to inspect elevators, storage or other vulnerable areas.

4. A floor plan of the area should be available from departments for immediate reference.

VII. SUSPECTED OR SUSPICIOUS ITEMS FOUND

A. Do not touch the item.

B. Dial 9-911 (on County phones), 911 (on Non County phones) or if they have already been contacted, notify the Incident Commander.

C. The Incident Commander will then consider evacuation, turning off gas and electrical service to the building, and contacting other assistance if needed.

D. Telephones or in-person communications should be used. DO NOT USE ANY RADIO FREQUENCY ADMITTING DEVICES (SUCH AS BLACKBERRIES, ETC.) IN AN AREA SECURED BY LAW ENFORCEMENT.

E. The Incident Commander or person designated shall notify the nearest explosive ordinance disposal (EOD) unit for removal or disarming of the device. This may be either the Sheriff's EOD unit or the EOD team from the U.S. Army depending on the circumstances of each case.

VIII. EXPLOSION

A. In the case of an actual bombing, the area should be secured immediately after the removal of the injured persons.

B. Do not tamper with debris as it will be examined by the investigating team for evidence.

C. Refer to the Safety Manual (Disaster/Fire/Evacuation Policy) for additional instructions.

IX. BUILDING RE-ENTRY

A. Once the time for detonation has passed without an explosion by at least thirty minutes, and the Incident Commander is reasonably satisfied that the danger of an explosion no longer exists, the Incident Commander will remove security personnel from the building.

B. The decision for employees to reoccupy the building will be made by the Incident Commander with the concurrence of the Chief Executive Officer, or his/her representative(s).

PROCEDURES
TELEPHONE BOMB THREAT CHECK LIST

NOTIFY SHERIFF IMMEDIATELY AT 9-911

Pretend difficulty with hearing. Keep caller talking-if caller seems agreeable to further questions, ask:

When will it go off? Hour _____ Time Remaining _____
Where is it located? Building _____ Area _____
What kind of bomb? _____
How do you know about bombs? _____
Where are you now? _____
What is your name and address? _____
_____
Write out exact words said: _____
_____
_____
_____

Notify your supervisor as instructed. Do not talk to others until instructed by your supervisor. Be available for interview by an investigating officer.
Your name: _____ Time: _____ Date: _____

Caller's Identity: Male _____ Female _____ Adult _____ Juvenile _____ Approx. Age _____

Origin of call: Local _____ Long Distance _____ Phone Booth_____ Other _____

Voice: Loud _____ High Pitch _____ Raspy _____ Intoxicated _____ Soft _____ Deep _____
Pleasant _____ Other _____

Speech: Fast _____ Distinct _____ Stutter _____ Slurred _____ Slow _____ Distorted _____
Nasal _____ Lisp _____ Other _____

Language: Excellent _____ Fair _____ Foul _____ Good _____ Poor _____Other _____

Accent: Local _____ Foreign _____ Race _____ Not Local _____ Region _____

Manner: Calm _____ Rational _____ Coherent _____ Deliberate _____ Righteous _____
Angry _____ Irrational _____ Incoherent _____ Emotional _____ Laughing _____

Background Noises: Factory Machines _____ Bedlam _____ Music _____ Office Machines _____
Mixed _____ Street Traffic _____ Trains _____ Animals _____ Quiet _____
Voices _____ Airplanes _____ Party Atmosphere _____ Other _____

Be calm. Be courteous. Listen. Do not interrupt the caller. Notify supervisor by prearranged signal while caller is on the line.

NOTIFY SHERIFF IMMEDIATELY AT 9-911

I. INTRODUCTION

Any employee who opens mail or packages, in a public or private office, must be aware of the dangers involved. By understanding those dangers, exposures can be prevented or reduced. In general departments that are opening mail or packages should:

A. Wash hands before handling the mail or packages.

B. Provide protective gloves to those staff persons that open the mail or packages.

C. Develop work practices that will reduce exposure. These practices should include opening the mail or packages in such a manner as to force any powder or chemicals that could be inside the package away from your breathing passages.

D. Do not eat, drink or smoke while handling any mail or packages.

E. Cover any skin lesion on the hands before working with the mail or packages.

F. Wash hands with soap and warm water for one minute after handling the mail or packages.

G. Surgical masks, eye protection or gowns are NOT necessary or recommended.

The following policy shall be followed anytime mail is suspected or confirmed for containing a biological/chemical agent.

II. RECOGNITION POINTS

A. The following are letter and parcel bomb/biological/chemical recognition points:

2. Foreign Mail, Air Mail and Special Delivery.
3. Restrictive markings such as CONFIDENTIAL, PERSONAL, etc.
3. Excessive postage (probably in stamps not postal strips).
4. Handwritten or poorly typed addresses.
5. Incorrect personnel or department and/or title, address.
6. Titles but no names.
7. Misspelling of common words.
8. No return address or official return address.
9. Excessive securing material such as masking tape, string, etc.
10. Powdery or crystalline material leaking from the container.
11. Oily/wet stains or discoloration.

12. Excessive weight or thickness (more than 1 1/18" thick).
13. Rigid envelope (caused by interior cardboard brace).
14. Lopsided or uneven envelope.
15. Protruding wires or tinfoil.

Should you receive an item that matches any or all of the above points, it may or may not be a credible threat. To assist you in making this decision you shall contact your department safety representative or his/her designee. The department safety representative shall contact the CEO-Risk Management, Safety Unit for further information.

III. RECEIPT OF A CREDIBLE SUSPICIOUS ITEM

A. **Do not panic.**

B. Do not shake or empty the envelope.

C. Isolate the specific area of the workplace so that no one disturbs the item.

D. ***DIAL 9-911 (on County phone)***
DIAL 911 (non-County phone)
***DIAL 558-HELP (from cell phones*)**

1. Emergency Dispatch will notify the local law enforcement agency.

2. Emergency Dispatch will notify the Sheriff's Department Watch Commander and the Chief Executive Officer.

3. The Chief Executive Officer will notify the CEO-Risk Management Division Safety Officer and the General Services Agency, Facilities Maintenance Division who will both head toward the scene to assist with the emergency.

E. Do not allow anyone to leave the office that might have touched the envelope.

F. Wash your hands with soap and water.

G. Blow your nose to expel any powder that could have entered your breathing passages.

H. Do not eat, drink or smoke until you have been cleared to do so.

IV. EVACUATION

A. In all cases the safety of employees will be given first priority. To do this the room that is affected shall be evacuated with the doors closed.

B. If you are going to seal the room, HVAC shut down should be considered.

C. The decision for evacuation past the room of the affected area will be made by the Incident Commander, and/or his/her representative and/or the CEO and/or his/her representative.

Reference Documents: Center for Disease Control
Governor's Office of Emergency Services

PERSONNEL MANUAL
TAB 19
PERFORMANCE EVALUATIONS

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- Pay for Performance 2

3.08.070 Performance Evaluations

The Personnel Officer, subject to the approval of the Chief Executive Officer, shall establish and maintain a plan for evaluating the performance of employees in the Classified Service. Evaluation shall be made periodically and one copy of each report shall be filed in the employee's personal history file in the Personnel Office. Evaluations shall be considered in approving transfers, promotions, salary increases, demotions, discharges and other personnel actions. (Prior code § 2-224).

PERFORMANCE EVALUATION—Personnel Policy

Performance evaluations should be completed on a regular basis and should be reviewed with the employee in a timely manner, which ideally should be within thirty days of the due date. This date is normally tied to the employee's salary anniversary date, even if the employee is at the top step of the salary schedule. Department heads are encouraged to evaluate all Classified employees on a regular basis, even those who have reached the top step.

Evaluations should include written comments, however, any performance evaluation containing "Excellent", "Unsatisfactory" or "Needs Improvement" ratings must contain written comments supporting the ratings.

Evaluations may be given to employees, including probationary employees, more often than once a year.

When performance deficiencies exist, the individual responsible for completion of the performance evaluation shall advise the employee being evaluated of:

1. Any work related deficiency in a timely manner;
2. Remedies, if available, to correct such deficiency; and
3. Provide reasonable assistance as practical to help the employee overcome such deficiency.

No performance evaluation shall be placed in the employee's personnel file if the employee has not been given the opportunity to discuss the evaluation with the rater.

Refer to individual Memoranda of Understanding for additional provisions that may be related to the evaluation of employee performance.

The County currently has two separate processes for evaluating performance. The evaluation process known as Pay for Performance is used to evaluate department heads, managers and confidential employees.

Represented employees are evaluated using various methods that include but are not limited to:

1. The standard Employee Performance Report—Generic Form
2. Department's evaluation tool of choice

PAY FOR PERFORMANCE—Historical Perspective

On May 13, 1997, the Board of Supervisors adopted the Performance Based Pay Process for department heads. This was the first compensation program implemented in Stanislaus County that reflected the Board's goals and created a compensation system based upon performance. In 1998, the program was expanded to include all management and confidential employees. The evaluation process was based on the criteria used in the Malcolm Baldrige National Quality Program. The evaluation tool rated employees in the areas of customer focus, leadership, strategic planning, information and analysis, human resource development, process management and business results. The Pay for Performance system involved team evaluations from peers and direct reports, an employee self-evaluation and the supervisor's evaluation. The system was amended in August 2000.

On May 23, 2006, the Pay for Performance system was further revised. The supervisor had the ability to review team and self-evaluation ratings and comments prior to completing the supervisor evaluation. The employee's self-evaluation rating was not included in the overall evaluation score. Employees were required to evaluate their progress in completing the Development Plan they adopted during the prior year evaluation. The employee analyzed the expected outcomes and actual outcomes for each goal on the Development Plan. Completion of the Development Plan comprised 40% of the supervisor's evaluation score. This Pay for Performance process applied to unclassified department heads, management and confidential employees who were not represented for labor relations purposes. Sheriff Lieutenants are represented classified management employees who participated in the Pay for Performance program through a negotiated agreement with the County. The process required all new management and confidential employees to adopt a development plan within 90 days of employment or promotion.

On September 11, 2007, the Board of Supervisors approved amending the Pay for Performance Guidelines to require adoption of a development plan for all existing unrepresented, unclassified management and confidential employees by January 1, 2008; approved amending the Pay for Performance Guidelines to remove any language referring to an employee without a development plan and required all Pay for Performance evaluations to include evaluation of the Development Plan by January 1, 2008; and, approved amending the rating scale in the Pay for Performance Guidelines effective upon adoption of this recommendation.

On June 22, 2010, the Board of Supervisors approved modifications to the Pay for Performance system to be effective July 1, 2010. The revised Pay for Performance system is designed to streamline the time required to complete the evaluation process and is anticipated to result in a savings of at least 4.5 hours of staff time per evaluation or approximately 1,700 hours total staff time county-wide. The revised guidelines do not require a development plan and no longer include team member evaluations.

PERSONNEL MANUAL
TAB 20
TRANSFER & REINSTATEMENT POLICIES

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- Transfer Process 2
- Reinstatement Ordinance 3
- Reinstatement Guidelines 3

TRANSFER POLICY—Personnel Regulation

The following policy prescribes the procedure to be followed in administering interdepartmental transfer request:

1. A transfer under this policy means a move from one department by an employee in one classification to a position in the same or comparable classification in another department. This policy does not apply to or restrict employees in matters of promotion, voluntary demotion or transfers between positions within the same department.

2. All employees seeking a transfer will complete the online transfer application in NeoGov. Applications can be submitted at www.stanjobs.org at the Job Opportunities Page and then Transfer Opportunities (Employees Only).

3. All transfer requests will be maintained on file for a period of six months. Extension of the transfer request will be made only upon the request of the employee prior to the six (6) month expiration date.

4. A separate transfer application is required for each position.

5. Employees are eligible to transfer to positions in other County departments in a classification which they currently hold or formerly held (either higher or lower than the present classification--see Reinstatement), or to lower level positions within a classification series, e.g., Account Clerk III to Account Clerk II. Employees seeking promotion or transfer to positions not within the classification series, e.g., Road Maintenance Worker to Deputy Sheriff-Custodial, must complete an interest card or application and compete in the recruitment/selection process.

6. Employees requesting transfer and meeting the minimum qualifications for a particular classification may be certified to the department for interview as vacancies occur. The Department Head or designee is not limited to considering or appointing only employees certified as candidates for transfer.

7. Intra-departmental transfers will be handled for each department on an individual basis and as provided for by applicable Memorandum of Understanding provision.

WHAT IS A TRANSFER?

When an employee moves from one department to another in the same or a comparable classification.

WHO IS ELIGIBLE FOR TRANSFERS?

Any employee is eligible to transfer. A part-time employee is eligible to transfer into another part-time position, however, a part-time employee is not eligible to transfer into a full-time position without competing in the open recruitment process. Employees are eligible to transfer at any time; there is not a set length of employment required.

HOW ARE TRANSFERS SENT TO DEPARTMENTS?

Once the Chief Executive Office has determined a department has an open position, the department is able to ask for the transfer list to be included on their Requisition in NeoGov. The department can choose to interview the entire transfer list along with the eligible list names, some of the transfer list, or none of the transfer list.

HOW LONG WILL I BE ON THE LIST?

Transfers are good for six (6) months. However, if you wish to extend your transfer application all you need to do is notify the CEO/Personnel at 209-525-6341 prior to the six (6) months expiration date. Otherwise, a new transfer application must be submitted.

3.16.080 Reinstatement

A former classified employee who was employed in a position in the same or comparable class in which a vacancy exists may be reinstated by appointment to such vacancy with the approval of the appointing authority provided that the former employee left County service with a good record not more than one year prior to the date of reinstatement. Reinstated employees may be appointed at the same step of the salary range which they formerly occupied upon the recommendation of the Department Head and approved by the Personnel Director and the Chief Executive Officer. Accrual of fringe benefits such as sick leave and vacation shall be in the same manner as elsewhere provided for individuals first entering County service. The Department Head may require a reinstated employee to serve a probationary period as a condition of reinstatement. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.17(h)).

REINSTATEMENT GUIDELINES

Generally, reinstatement applies when persons no longer employed by the County seek a return to work, and they left County service not more than one year earlier with a good record. Retirees from Stanislaus County service, may be appointed to such extra-help positions for which they hold the minimum qualifications, upon the recommendation of the Department Head and the approval of the Chief Executive Officer. The one-year time limitation does not apply to reinstated retirees.

We have also had occasion to consider the reinstatement of former employees to lower paying classifications than the one from which they left County service within the same class series such as a former Typist Clerk III being reinstated and voluntarily demoting to Typist Clerk II. Such an action would be consistent with the reinstatement ordinance.

Another case could involve an employee who returns in a lower paid classification and then subsequently seeks reinstatement to the same class from which they left County service. In such a case, as long as the basic ordinance criteria are met (leaving with a good record, not more than one year from the date of action), it would be consistent with the ordinance to permit the employee to be considered for reinstatement at the higher level. For example, a Typist Clerk III who leaves County service and three months later is reinstated to a Typist Clerk II position, may later be reinstated to the Typist Clerk III level as long as less than one year has elapsed from the time of the separation from County service.

PERSONNEL MANUAL
TAB 21
CORRECTIVE ACTION/DISCIPLINE ORDINANCES

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Discipline of Permanent Classified Employees

3.28.010 Causes for Discipline

An employee in the Classified Service who has permanent status shall be subject to the disciplinary action pursuant to this chapter. Each of the following shall constitute cause for discipline:

A. Omission or willful misrepresentation of a material fact or other fraud in securing employment;

B. Incompetence;

C. Inefficiency;

D. Inexcusable neglect of duties;

E. Insubordination;

F. Dishonesty;

G. Improper use of drugs, including (1) drunkenness on duty, (2) use of drugs while on duty, (3) incapacitation for proper performance of duties by prior use of drugs. The term "drugs" shall mean controlled substances as defined in Division 10 (commencing with Section 11000) of the California Health and Safety Code, and shall also mean alcohol;

H. Unexcused absence from duty, including but not limited to, participation in unlawful strikes or other job actions, such as sick-ins or slow-downs;

I. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this subsection;

J. Discourteous treatment of the public or other employees;

K. Willful disobedience;

L. Misuse of County property;

M. Inconsistent, incompatible or conflicting employment, activity or enterprise;

N. Violation of a departmental rule;

O. Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the employee's department or employment. (Prior code § 2-240).

3.28.020 <u>Notice of Intended Discipline</u>

Prior to discharging, suspending or reducing a permanent employee in rank or compensation for disciplinary purposes, the Department Head or designee shall:

A. Review the proposed action with the Personnel Director;

B. Prepare and serve a written notice reviewed by the County Counsel to inform the employee of the intended action, the reasons therefor, and the right to respond to the Department Head intending to impose the discipline. The notice shall identify the materials on which the action is based with sufficient certainty as to permit inspection of them by the employee. A copy of the intended charges be attached to the notice;

C. The employee, given notice of intended disciplinary action, may within seven days after service of the notice, respond to the Department Head either orally or in writing. The employee shall not be entitled to a formal hearing with examination of witnesses but he may present statements by himself, written statements of any witness and other documentary material. He may be represented by another in presenting his response. The Department Head shall fairly and impartially consider the employee's response and shall thereafter: (1) impose the intended disciplinary action; (2) notify the employee that the intended disciplinary action will not be imposed; or (3) amend the charges. In the event the Department Head substantially amends the intended charges or punishment, he shall be given another notice as provided in Subsection B of this section. (Ordinance CS 557 § 39, 1994; prior code § 2-241).

3.28.030 <u>Notice of Action and Appeal</u>

In the event of the Department Head determines to discharge, suspend or reduce in rank or compensation a permanent employee after completing the procedures provided in Section 3.28.020, he shall serve upon the employee an order in writing stating (A) the nature of the disciplinary action, (B) the effective date of the action, (C) the causes therefor, (D) the specific acts or omissions upon which the causes are based, stated in ordinary and concise language and (E) the right of the employee to appeal. The employee acted against may, within seven days after service of the order, appeal the action of the Department Head. If the employee fails to appeal within the time specified, or subsequently withdraws his appeal, the punitive action taken by the Department Head shall be final. An appeal shall be in writing, shall be filed with the Personnel Director and shall contain an answer to each charge in the order. The answer shall include any objections the employee may have as to the form or substance of the order or the

procedures followed by the Department Head. The Personnel Director shall forthwith transmit the order and appeal to the Employee Disciplinary Proceedings Hearing Board for hearing. The Hearing Board shall, within a reasonable time for the filing of the appeal, commence the hearing thereof, and shall notify the interested parties of the time and place of hearing at least five days in advance thereof. (Prior code § 2-242).

3.28.040 <u>Amendment of Order</u>

A. At any time before the hearing, the Department Head may file with the Employee Disciplinary Proceedings Hearing Board an amended or supplemental order, which shall be served upon the employee. The Hearing Board shall afford the employee a reasonable opportunity to prepare his defense to the amended or supplemental order but he shall not be entitled to file a further answer unless the Hearing Board in its discretion so orders. Any new charges shall be deemed denied by the employee. At any time before the matter is submitted for decision, the Hearing Board may order or permit amendments to the order or answer.

B. The Hearing Board may offer amendment of the order after submission of the case for decision. Each party shall be given notice of the intended amendment and opportunity to show that he will be prejudiced thereby unless the case is reopened to permit the introduction of additional evidence. If such prejudice is shown, the Hearing Board shall reopen the case to permit the introduction of additional evidence. (Prior code § 2-243).

3.28.050 <u>Notice or Order Service</u>

Whenever reference is made in this chapter to service of any notice or order, such service shall be accomplished either by handing a copy thereof to the employee or by mailing a copy to the employee at his last known address by registered or certified mail. It shall be presumed that a properly addressed letter is served on the day following the day on which the letter was mailed. The Department Head shall promptly furnish the Personnel Director with a copy of each notice or order and a statement showing by whom, the manner and the date the notice or order was served. (Prior code § 2-244).

3.28.060 <u>Hearing Board and Hearing Officer</u>

A. The Chairman of the Board of Supervisors shall appoint a three-member Disciplinary Proceedings Hearing Board to hear appeals pursuant to this chapter. The Hearing Board shall consist of a member of the State Bar of California, who shall act as Chairman, a County Department Head and an employee. Proposed members shall be selected as follows:

    1. The Personnel Director shall submit the name of a member of the State Bar of California who shall not be a member of the County service.

    2. The Personnel Director shall submit the name of a head of a department of the County.

    3. Upon the request of the Personnel Director, each recognized employee organization shall, within five working days, nominate a permanent full-time employee of the County, and

the Personnel Director shall submit the name of the employee chosen by lot, provided that if a recognized employee organization fails to nominate an employee, the Personnel Director shall do so. In the event the appellant is from the same department as a member of the Appeal Board, the Personnel Director shall submit another name for appointment to replace such member for that case only. The term of each member shall end on December 31st of each year, but a member shall continue to act on any appeal filed before that date. Two members of the Appeal Board shall constitute a quorum, provided, however, that the Personnel Director or the Chairman of the Appeal Board may request the temporary appointment of a member to replace a member who is or will be unavailable on the scheduled hearing date.

B. Upon written agreement of the County and the appellant made at any time before the Hearing Board is convened, the appeal shall be heard and decided by the Chairman of the Appeal Board as a Hearing Officer. The rules and procedures set forth in this chapter for hearing by a Hearing Board shall also apply to a hearing by a Hearing Officer. (Prior code § 2-245).

3.28.070 <u>Hearing Rules</u>

At a hearing, both the appealing employee and the Department Head whose action is reviewed shall have the right to be heard publicly, to be represented by counsel and to present evidentiary facts. The parties may agree to a hearing closed to the public, and the Hearing Board may at any time exclude any person who may be a witness in the case under consideration. The hearing shall be informal and the Hearing Board shall not be bound by any of the rules of evidence governing trial procedure in State courts. In arriving at a decision, the Hearing Board may consider any prior County disciplinary action including any letters of reprimand filed with the County Personnel Department. The Hearing Board shall make an official decision either affirming, modifying, or revoking the order. The decision shall contain findings of fact which may be stated in the language of the pleadings or be reference thereto. A copy of the written decision shall be transmitted to the Department Head and the Personnel Director. The Personnel Director shall serve a copy of the decision upon the employee, and shall notify the employee that the time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6. A copy of the decision shall be placed in the employee's personal history file. The decision of the Hearing Board shall be final. (Prior code § 2-246).

3.28.080 <u>Immediate Termination</u>

Notwithstanding the provisions of Section 3.28.020, the Department Head may discharge a permanent employee without prior notice if immediate termination is essential to avert harm to the County or to the public. In such case, the notice of discharge shall inform the employee of his right to reconsideration by the Department Head who shall follow the procedures of Section 3.28.020, and where appropriate shall follow the procedures of Section 3.28.030. (Prior code § 2-247).

3.28.090 Measures Pending Final Determination

The Department Head may, while intended disciplinary action is pending, and with prior review by the Personnel Director and the Chief Executive Officer, take one or more of the following measures:

A. Defer the imposition of the punishment until the final order of the Hearing Board;

B. Place the employee on leave of absence with compensation;

C. With the concurrence of any Department Head involved, require the employee to perform such duties as may be assigned in the same or another County department with no reduction in compensation. Reassignment without the consent of the employee shall not exceed a period of ninety days if accusations against the employee are under investigation, but such assignment may continue until the action becomes final if the employee has been given notice of discharge;

D. Suspend the employee without pay if accusations against the employee are under investigation, and the accusations are such that, if true, immediate removal is essential to avert harm to the County or to the public, provided: (1) the employee shall be accorded the rights provided by this chapter, and may appeal the order of suspension to the Hearing Board at any time during the period of suspension; (2) the period of suspension without compensation shall not exceed forty-five days; (3) that in the event the employee is not served with notice of intended charges during the period of suspension, the employee shall be reinstated in County service as of the initial date of suspension; (4) that in the event the punitive action taken against the employee does not result in termination of employment, the employee shall be restored to County service for the period of the preliminary suspension and any disciplinary suspension or reduction in rank or compensation ordered or approved by the Hearing Board shall commence on or after the date of the punitive action by the Department Head. The Department Head may discontinue an employee's leave of absence with compensation or his suspension without compensation giving the employee forty-eight hours' notice in writing to return to duty. (Ordinance CS 557 § 40, 1994; prior code § 2-248).

3.28.100 Maximum Suspension

No disciplinary suspension shall be imposed for any period exceeding forty-five days and the order of suspension shall expressly state, in addition to the reasons therefor, the date of the commencement and expiration of suspension. (Ordinance CS 107 § 1, 1985: prior code § 2-249).

Note: Some Memoranda of Understanding provide for longer suspensions.

3.28.110 Hearing Procedure

The hearing shall proceed as follows:

A. The Hearing Board may adopt rules of procedure. The Personnel Director shall be ex officio secretary to the Hearing Board, and the Personnel Director shall be authorized to issue subpoenas, make necessary orders and administer oaths in connection with the proceedings of the Hearing Board. Any person failing to obey a subpoena, or subpoena duces tecum, or to be sworn and testify, shall be deemed to be in contempt of the Hearing Board and the Hearing Board shall have the power to take such proceedings and impose such punishment thereof as may be taken by the Board of Supervisors pursuant to Title 3, Division 2, Part 2, Chapter 1, Article 9 (Sections 25170 through 25176) of the Government Code.

B. The Personnel Director shall cause the proceedings to be recorded by any method he finds to be appropriate. Any person may purchase all or part of the record provided the request therefor is made within ninety days of the date of service of the final decision of the employee, the Department Head or the Personnel Director shall have a right to purchase a transcript of a hearing held in closed session. A request for the record shall be accompanied by payment of the estimated cost thereof as determined by the Personnel Director, and the person making the request shall be obligated to pay the full cost prior to delivery of the transcript.

C. The burden of proof shall be on the head of the department issuing the disciplinary order. The quantum of proof required to sustain such action shall be preponderance of the evidence.

D. At the hearing the employee may be examined under Section 776 of the California Evidence Code. Failure of the employee to appear at the hearing or failure to testify if called as a witness, shall be deemed a withdrawal of the employee's appeal and the action of the Department Head shall be final.

E. The Hearing Board may affirm or revoke the action taken by the Department Head or may modify such action to a less severe punishment. The Hearing Board may order the employee returned to his/her position either as of the date of the punitive action by the Department Head or as of such later date as the Hearing Board may specify. If the Hearing Board shall revoke or modify the order of the Department Head, the appealing employee shall be granted forthwith all rights and privileges pertaining to County service in accordance with the order of the Hearing Board. (Ordinance CS 557 § 41, 1994; prior code § 2-250).

Binding Arbitration of discipline procedures is provided for in a number of the Memorandum of Understanding (MOU). The following procedure applies to employees in mid-management/supervisory, office worker/clerical, crafts/maintenance/institutional, technical service, Community and Health Services, Attorneys, Registered Nurses, Deputy Probation Officers and the Communications Dispatchers bargaining units. The MOU with the Deputy Sheriff's Association contains a somewhat different Binding Arbitration of discipline procedure. Please refer to the specific MOU or call CEO-Human Resources if you have questions.

Binding Arbitration by an Outside Arbitrator

Binding Arbitration by an Outside Arbitrator in Lieu of Section 3.28.060 "Hearing Board and Hearing Officer" of the Stanislaus County Discipline Ordinance.

A. Submission of the Disciplinary Appeal to the Hearing Board or Hearing Officer.

The parties agree that the employee and the recognized employee organization may elect to have the disciplinary matter heard by the current Discipline Appeals Board as provided by County Code Section 3.28.060, "Hearing Board and Hearing Officer" in lieu of Binding Arbitration by an outside Arbitrator. Should the employee and the recognized employee organization elect to utilize the Hearing Board or Hearing Officer as provided by Section 3.28.060 of the County Code, the decision of the Hearing Board or Hearing Officer shall be final and the employee shall forego the option of arbitration by an outside Arbitrator. The employee organization agrees to assume half of the cost of the Hearing Officer.

In the event that an employee chooses to represent himself/herself, or arranges for representation independent of the recognized employee organization, the cost of the Hearing Officer shall be waived. Binding Arbitration shall not be an option for an employee who is not represented or seeks representation outside of the recognized employee organization.

B. Submission of the Disciplinary Appeal to Binding Arbitration

1. Notice of Action and Appeal

In the event the Department Head determines to discharge, suspend or reduce in rank or compensation a permanent employee after completing the procedures provided in Section 3.28.020 he shall serve upon the employee an order in writing stating (A) the nature of

the disciplinary action, (B) the effective date of the action, (C) the causes therefore, (D) the specific acts or omissions upon which the causes are based, stated in ordinary and concise language and (E) the right of the employee to appeal. The employee acted against may, within seven days of service of the order appeal the action of the Department Head. If the employee fails to appeal within the time specified, or subsequently withdraws his appeal, the punitive action taken by the Department Head shall be final.

An appeal shall be in writing, shall be filed with the Director of Personnel and shall contain a complete answer to each charge set forth in the order. The answer shall include any objections the employee may have as to the form or substance of the order or the procedures followed by the department head.

The recognized employee organization, on behalf of the represented employee may, within fourteen calendar days of service of the order request in writing to the Director of Personnel the use of Binding Arbitration in lieu of the Discipline Appeals Board. Should the request for appeal be filed within the seven calendar day period and the request for Binding Arbitration not be submitted to the Director of Personnel within the specified time frame, the matter will be scheduled and heard by the Discipline Appeals Board.

2. Selection of Arbitrator

If the recognized employee organization, on behalf of the represented employee, elects to have the disciplinary proceeding heard by an Arbitrator the Arbitrator may be selected by mutual agreement between the Director of Personnel and the employee organization. However, should the parties fail to mutually agree on an Arbitrator they shall make a joint request of the State Conciliation Service for a list of five qualified arbitrators. The Arbitrator shall be selected from the list by the parties alternately striking names with the first strike determined by chance, until only one name remains, and that person shall serve as Arbitrator.

The Director of Personnel shall forthwith transmit the order and appeal to the Arbitrator for hearing. The Arbitrator shall, within a reasonable time of the filing of the appeal and the election of the Arbitrator, commence the hearing thereof, and the Director of Personnel shall notify the interested parties of the time and place of hearing at least five days in advance thereof.

3. Arbitration Issues

The parties shall endeavor to exchange summaries of evidence, and a list of witnesses to be used by each side, shall be submitted to each other and the Arbitrator no less than five (5) working days prior to the arbitration hearing.

4. Arbitration Expenses Shared

   The cost of employing the Arbitrator and the Court Reporter for all discharges excluding the transcript, shall be borne equally by both parties to the arbitration. The cost of the transcript shall be covered as provided by County Code Section 3.28.110, Subsection A "Hearing Procedure." All other costs such as, but not limited to, attorney's fees shall be borne only by the party incurring that cost. If both parties agree to the use of a Court Reporter other than for discharges, or the Arbitrator requires the use of a Court Reporter, the cost of the Court Reporter shall be shared equally.

5. Duty of Arbitrator

   The duties of the Arbitrator shall be those of the Hearing Board as referred to throughout the Stanislaus County Disciplinary Ordinance including, but not limited to County Code Sections 3.28.070 "Hearing Rules" and 3.28.110 "Hearing procedure."

6. Arbitrator's Decision Due

   Unless the parties agree otherwise, the Arbitrator shall render the decision in writing within 30 days following the close of the hearing. A copy of the written decision shall contain findings of fact which may be stated in the language of the pleadings or be referenced thereto. If requested by either party the decision shall be accompanied by findings of fact and conclusions of law.

   A copy of the written decision shall be transmitted to the Department Head and the Director of Personnel. The Director of Personnel shall cause to be served a copy of the decision upon the employee. Service by mail at the employee's last known address shall be sufficient for purposes of this section. A copy of the decision shall be placed in the employee's personal history file. The decision of the Arbitrator shall be final and binding on both parties.

7. Non-Employee Organization Representation

   In the event that an employee chooses to represent himself/herself, or arranges for representation independent of the recognized employee organization, the cost of the Hearing Officer shall be waived. Binding Arbitration shall not be an option for an employee who is not represented or seeks representation outside of the recognized employee organization.

Discipline or Termination of Probationary Employees

A. Difference between Probationary and Permanent Employment - "**Property Rights"** - Merit Systems (such as Stanislaus County's) regularly and almost universally distinguish between employees who are on "probation" and those who have attained "permanent status." Both types of employees work in authorized, generally full-time positions in the Classified Service of the County. The same fringe benefits such as participation in retirement, health insurance, holiday, sick leave and vacation programs apply to both types of employees. While there may be differences in the accrual rates for some benefits such as vacation based on seniority, probationary and permanent employees nonetheless receive similar fringe benefit packages.

   The one significant difference is that probationary employees have not yet attained what are considered to be "property rights" in their classification. Employees who have successfully completed their probation and have attained permanent status are considered to have such property rights. The landmark California Supreme Court case speaking to employee property interests was a 1975 case known as Skelly vs. State Personnel Board. In that case, the court held that civil service employees who had attained permanent status, in effect, "owned" the rights to continued employment as a matter of property. Under the Fifth Amendment to the U.S. Constitution, a person cannot be deprived of property without due process.

   In other words, employees who have attained permanent status have a right to keep their jobs unless one of two factors is present.

   1. The job no longer exists through no fault of the employee (i.e., the position is eliminated for budgetary or organizational reasons and the employee is laid off or reclassified).

   2. The employee is removed from his or her position for cause.

B. Employer Responsibilities - Permanent employees can be removed from their positions for cause if certain due process requirements are met. The employer is responsible to meet these obligations. Disciplinary action will not be sustained upon challenge if there has been failure by the employer to meet these obligations through effective personnel management. The basic obligations involve: 1) notice of intended discipline, 2) pre-disciplinary hearing rights, 3) a properly executed order for discipline and 4) the right to appeal from such actions.

   Details about these rights and disciplinary procedures for permanent employees are clearly outlined in Chapter 3.28 of the County Code.

Probationary employees have not yet attained these property rights in their classification. These employees may be removed from their position if the position is eliminated for funding or organizational reasons as described above, but may also be removed "...at any time during the probationary period without the right of an appeal or a hearing" (County Code Section 3.16.090(g)). In other words, such employees, while in a probationary status within a particular classification, serve at the pleasure of the appointing authority in that classification.

These probationary employees do not have property rights in their positions and procedural due process is not required. In fact the term "serving at the pleasure" permits removal of an employee for any reason or for no reason.

C. However, probationary employees may have "property rights" when...

Exceptions to the rule that probationary employees have no property rights and therefore, no due process rights may be present in four circumstances:

1. When the employer explicitly grants rights to probationary employees, the employer may be creating a property interest. For example, a school district personnel policy said that even probationary employees would only be discharged for a cause deemed sufficient by the School Board. The U.S. Court of Appeals recently held that this policy created a property right even for that school district's probationary employees. Vanelli v. Reynolds School District #7 (1982)

2. When probationary employees' "liberty interests" are affected. This is an important exception. A person's "liberty interests" are affected when a dismissal involves charges that may stigmatize or hurt the employee's reputation or integrity. In such cases courts have held that a person's constitutional rights to liberty must be interpreted to require that the employee be given due process rights. Lubey v. City and County of San Francisco (1979), Wilkerson v. City of Placentia (1981). In other words, even probationary employees are entitled to a due process hearing (i.e., the right to appear) if the announced basis for their discipline stigmatizes their reputation. Note, however, that for a probationary employee the due process hearing does not provide the employee with a review of the issue of whether he may be removed from the probation position. Rather it affords the employee only an opportunity to "clear his name". Shimoyama v. Board of Education of the Los Angeles Unified School District (1981). If the probationary employee who is disciplined without due process rights later shows that the action affected a liberty interest and due process was denied, the disciplinary action can be reversed. The remedies which could be imposed by a court might involve back pay, retroactive seniority, promotion, etc.

3. The third exception applies to Peace Officers covered under a law which became effective on January 1, 1977 and is generally known as the "Peace Officers Bill of Rights". In Stanislaus County the law covers the sworn deputy classifications in the Sheriff's Department and investigators in the District Attorney's Office. It does not cover employees in the Public Defender's Office or Community Services Agency.

4. Employees who have permanent status in County service and then move to a new classification by promotion serve a probationary period in the higher paid classification. Permanent employees who voluntarily demote to another classification or transfer to another classification will also most likely serve a new probationary period as outlined in Section 3.16.090 of the County Code. In these cases it is important to note that such employees have property and due process rights to County employment in the classification in which they had permanent status. They have not yet attained such rights, however, in the classification to which they were promoted, demoted or transferred. For example, a permanent employee who promoted to a higher classification and must serve probation in the new class may not be fired from County service without full due process rights. However, a person's probationary period in the higher classification may be terminated and the employee returned to the classification in which he had permanent status without due process rights.

D. Other factors

Timeliness

A decision to terminate an employee's probationary period must be made effective not later than the last day of the probationary period. Written notice of the action must also be served on the employee on or before the effective date of the action. If the appointing authority fails to terminate a probationary employee before the last day of the probationary period, that employee acquires a property right in the job and becomes entitled to procedural due process. The employee has automatically gained permanent status. Santilano v. State Personnel Board (1981).

Fraud, Misrepresentation, Omission

An employee, permanent or probationary, has no property right when it can be demonstrated that he or she obtained employment through fraud, misrepresentation or omission of a material fact. The employee has no constitutional property right in employment even if permanent status was achieved before the discovery of the fraud. Kekai v. Hargrave (1981). If such fraud, misrepresentation or omission is suspected, contact Personnel for assistance.

Unclassified Service

Employees of the County in the Unclassified Service (such as Department Heads and most management employees) serve at the pleasure of the appointing authority. Such employees do not have a "property right" to their position and therefore do not have due process rights. Note, however, that the same four exceptions above may apply. Permanent classified employees who are appointed to positions in the Unclassified Service have the right to return to the previously held position where permanent status was attained. In such unusual cases the appointing authority should consult with Personnel.

E. Summary

Disciplining County employees is a difficult and important part of all supervisors' responsibilities. As a general rule, all disciplinary actions or the termination of a person's probationary status whether or not that termination was based on a disciplinary action should be guided by several basic points:

1. Be familiar with County and department rules as well as the provision of the County Employee Discipline Ordinance (Section 3.28 of the Ordinance Code).

2. Review all disciplinary actions with the Chief Executive Office-Human Resources. This is not only a requirement under the Discipline Ordinance but is deliberately intended to provide appointing authorities with a source of advice and assistance to help accomplish department objectives effectively.

3. Be timely in making decisions about disciplining employees or terminating an individual's probationary period.

4. Make sure that proposed actions are job-related and consistently managed by supervisors within departments.

5. Do not hesitate to call the Chief Executive Office-Human Resources for advice, training or assistance any time.

PERSONNEL MANUAL
TAB 22
REDUCTION-IN-FORCE

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REDUCTION-IN-FORCE—Policy/MOU Provision

While the following policy applies to certain management and confidential employees, as well as represented employees, specific sections may vary depending upon the Memorandum of Understanding. Please refer to the appropriate MOU.

Whenever in the judgement of the Board of Supervisors, it becomes necessary in the interest of economy or because the necessity for a position no longer exists, the Board of Supervisors may abolish a position or classification, and if necessary, reduce personnel by laying off employees without the filing of disciplinary charges and without granting the employee the right of appeal except as accorded in these provisions. In reducing the number of employees every effort will be made to avoid displacing existing employees by allowing voluntary demotion or transfer to vacant positions. In laying off employees in the Classified Service the order of separation shall be based upon seniority as herein specified.

ORDER OF SEPARATION

Employees in the same class shall be separated considering seniority and type of appointment with the least senior employee in any category of appointment being the first separated and with tied seniority scores broken as provided herein. The sequence of appointment types shall be:

1. Provisional
2. Extra-Help
3. Trainee
4. Regular Full-time and Regular Part-Time

Within regular part-time and regular full-time appointments, employees with probationary status shall be laid off before employees with permanent status in the same class regardless of relative seniority.

SENIORITY

Employees' seniority will be based on amount of total continuous service with the County. In an affected classification that employee with the least total continuous service shall be the first separated from the affected department except as otherwise provided herein. In cases of equal seniority among employees, the order of separation shall be determined by the Chief Executive Officer based on a review of relative performance evaluations and such relevant material as may be submitted by the department and the affected employee in an informal hearing.

PERFORMANCE

Notwithstanding the above, service time credit for the purpose of determining seniority shall not include employment during any periods between completion of a performance evaluation evidencing an overall rating below satisfactory and completion of a subsequent evaluation with a satisfactory or better overall rating.

WRITTEN NOTICE

Written notice of layoff shall be served on affected employees in person or by certified letter mailed to the last address on file with the Chief Executive Officer. Notice will be served or mailed at least 21 calendar days prior to the effective date of the separation. Notice shall be deemed served upon return of a delivery receipt or receipt showing attempted delivery.

DEMOTION IN LIEU OF LAYOFF

In lieu of being laid off, an employee may elect to voluntarily demote within the same department to a lower paid classification in the same series or to a classification previously held. Less senior employees who may be displaced as a result of demotion actions shall in turn be subject to the provisions of this section. In order to exercise these options, the employee affected must so advise the Chief Executive Officer in writing no later than seven working days after receiving notice of layoff. (Language in this section differs slightly depending on bargaining unit.)

TRANSFER IN LIEU OF LAYOFF

In lieu of being laid off, an employee may request to voluntarily transfer or demote to a vacant position in another department in the same or comparable classification or to a classification previously held. Such requests require approval by the gaining Department Head. (Department probation, if applicable, may be applied.)

RE-EMPLOYMENT

For a period of one year from the effective date of layoff no regular position in the affected classification in the department involved shall be filled without first providing employees possessing rights to re-employment with an opportunity to be rehired.

Re-employment lists shall be in inverse order of lay-off with the most senior employee from amongst those laid-off rehired first. Such re-employment would be at the same salary step or the salary range assigned such classification and with the same seniority as the employee had earned at the time of layoff. Benefits paid out at the time of separation such as vacation or sick leave may be bought back at employee expense. Written notice of the re-employment opportunity shall be sent by certified mail to the last known-address of the former employee by the Chief Executive Officer. The former employee shall have 14 calendar days to respond to the notice. (Language in this section differs slightly depending on the bargaining unit.)

ADMINISTRATIVE DECISIONS

The Chief Executive Officer is authorized to render decisions resolving questions of seniority, performance, and continuous service incident to the administration of this section.

SPECIAL CIRCUMSTANCES

Employees assigned to a position on the basis of bona fide occupational qualifications may be exempted from the reduction-in-force list for their classification where those skills are necessary to continue the level of service rendered by the program.

APPEALS

Persons subject to layoff or demotion under these provisions may appeal to the Chief Executive Officer any allegation of error, fraud, irregularity or bias in the application of the reduction-in-force procedures. The affected person may, within seven days after receipt of the decision of the Chief Executive Officer, appeal that decision. An appeal shall be filed with the Chief Executive Officer. The Chief Executive Officer shall forthwith transmit the appeal request to the Hearing Board established pursuant to Chapter 3.28.060 of the Ordinance Code of Stanislaus County. The Hearing Board shall within a reasonable time from the filing of the appeal, commence the hearing thereof and shall notify the interested parties of the time and place of the hearing at least five days in advance thereof.

At the hearing, both the appellant and the County shall have the right to be heard publicly, to be represented by Counsel and to present evidentiary facts. The parties may agree to a hearing closed to the public and the Hearing Board may at any time exclude any person who may be a witness in the appeal under consideration. The hearing shall be informal and the Hearing Board shall not be bound by any of the rules of evidence governing trial procedure and State courts. The Hearing Board shall render a written decision, copy of which shall be transmitted to the Chief Executive Officer. The Chief Executive Officer shall serve a copy of the decision upon the appellant. The decision of the Hearing Board shall be final.

Relevant provisions in Chapter 3.28.060 and 3.28.070 of the Ordinance Code of Stanislaus County shall govern the hearing process.

REDUCTION-IN-FORCE SENIORITY CALCULATION—Guideline

In calculating total continuous service for the County, those records which are maintained by the Chief Executive Office shall be utilized. However, should there be a challenge to the validity of the calculations or cases of equal or near equal seniority, the Chief Executive Office may utilize such payroll or other records which may be on file with the Auditor-Controller's Office or other department.

"Total" in the Reduction-in-Force Policy phrase "total continuous service" refers to any and all paid service rendered to Stanislaus County by the affected individual in an employment relationship. This means that all continuous service, regardless of classification, should be counted, notwithstanding the fact that the person may have been an employee in the Classified versus the Unclassified Service, may have been a probationary versus a permanent employee, or may have had some continuous service as an extra-help or PSC employee. An extra-help employee who remains on the department's payroll does not break continuous service if he or she does not work for periods longer than 90 days as long as the absence is approved by the Department Head, and the employee status is not terminated. Even if the employee did not work because work was not available, this does not constitute a layoff. An extra-help employee who remains on the payroll is not laid off and does not break continuous service. As a result the total hours worked should be considered continuous service and applied towards extra-help employee step increase and in calculating seniority. Service to the County which is not in an employer-employee relationship such as service while an individual contractor, including personal services contract employees or service in our volunteer program does not count.

"Continuous" in the Reduction-in-Force Policy phrase "total continuous service" will be determined following the definition found in Section 3.04.160 of that section as "...service without break or interruption during which the employee has been employed by the County. In computing continuous service, approved leaves of absence and suspensions, whether with or without pay, shall not be construed as a break in employment or service. The actual period(s) of unpaid leave of absences or unpaid suspensions do not count toward seniority or benefit accruals. Other absences aggregating in excess of ninety days in any period of twelve months including lay-offs on account of lack of work, lack of funds, or abolishment of position, shall be construed as breaking continuous service.

The most expeditious method of continuous service calculations is first to determine if there was any period or periods where the employee was not on the job which totaled more than 90 days in any twelve month period <u>not including</u> any approved leaves of absence and suspensions, whether with or without pay or unpaid suspension. If there has been no such absences, then "continuous service" has not been broken and all periods of employment count in calculating seniority.

PERSONNEL MANUAL
TAB 23
SEPARATION OF EMPLOYMENT
RESIGNATION/RETIREMENT

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3.08.090 Notice of Resignation

An employee wishing to leave the Classified Service in good standing shall file with his Department Head a written resignation giving at least two weeks' notice of his intention to leave County service, unless his Department Head consent to his leaving sooner. The written resignation, together with notice of its acceptance on the forms prescribed by the Personnel Officer, shall be immediately forwarded to the Personnel Office. In the event an employee leaves the Classified Service without filing a written resignation, his Department Head shall so indicate on the form forwarded to the Personnel Office, and the employee may be denied future employment with the County. (Prior code § 2-214).

Withdrawal of Resignations—County Counsel Opinion

Upon receipt of a resignation, whether verbal or written the Department Head or his designee should provide the employee with written acceptance of the employee's resignation. Employee withdrawal of resignations shall only be considered by the Department Head within ten calendar days of the date in which the verbal or written resignation was submitted. The Department Head shall respond in writing within ten days with a final decision. Disputes of classified employees related to this section may be addressed by County Code Section 3.28.120 "Petition to Set Aside Resignation."

Automatic Resignation—Personnel Policy/MOU Provision

The general County policy as well as certain MOU provisions provide as follows, with the exception that the number of days absent may be up to five.

An employee who is absent without authorization and without contacting his or her supervisor for three consecutive working shifts, or longer, will be presumed to have voluntarily resigned from County service, effective on the date at which the unauthorized absence began. The provisions of Ordinance Code Section 3.28.120, "Petition to Set Aside Resignation" shall apply.

3.28.120 Petition to Set Aside Resignation

In the event a person claims his resignation was given by reason of mistake, fraud, duress, undue influence, or that for any other reason it was not his free and voluntary act, he may submit a written petition to the Personnel Director to set aside his resignation and such petition shall be treated in the same manner as an appeal from an order for discharge; provided, however, that no such petition shall be considered by the Hearing Board unless it is filed with the Personnel Director within thirty days after (A) the last date upon which services to the County are rendered; or (B) the date the resignation is tendered to the appointing power, whichever is later. (Prior code § 2-252).

3.52.010 County Employees Retirement Law Adopted

Stanislaus County accepts the provisions of Title 3, Division 4, Part 3, Chapter 3 (commencing at Section 31450) of the Government Code of California, cited as the "County Employees Retirement Law of 1937." All of the provisions of the chapter shall be applicable to all eligible employees of Stanislaus County. (Prior code § 2-250).

3.52.020 Increase in Benefits Adopted

The Board of Supervisors makes the provisions of Section 31681.51 of the Government Code and Section 31739.31 of the Government Code applicable in Stanislaus County as a part of the County Employees Retirement Law of 1937, being Title 3, Division 4, Part 3 of the Government Code of California which is not in full force and effect in Stanislaus County. (Prior code § 2-251).

3.52.030 Cost of Living Reserve

The provisions of Sections 31870.1, 31871, 31872 and 31873 (Chapter 3 of Part 3 of Division 4 of Title 3) of the Government Code are made applicable to the County, to be operative at 12:01 a.m., January 1, 1970, subject to the following:

A. A special reserve account shall be established entitled cost of living adjustment reserve.

B. The amount held in the contingency reserve as of the operative date of this section, which is in excess of one percent of the retirement system assets, shall be transferred to the cost of living adjustment reserve.

C. Each employee shall be required to contribute to the cost of living adjustment reserve a percentage of his compensation based upon sex and age and time of entering into the retirement system, as determined by actuarial survey of May 29, 1968.

D. The County shall contribute a monthly amount equal to that contributed by the employee, adjusted each month by the amount of the cost of living contributions refunded to the members during the month.

E. All contributions shall be made on a refundable basis.

F. Regular interest shall be credited to the cost of living adjustment reserve in the same manner as for other retirement reserves.

G. The rates as provided by the actuarial consultants prior to the adoption of this section shall be reviewed at each periodic reevaluation of the system as required by law. (Prior code § 2-252).

3.52.040 Statute Adopted on Other Employment of Incapacitated Employee

The provisions of Section 31725.5 (Chapter 3 of Part 3 of Division 4 of Title 3) of the Government Code are made applicable to the County. (Prior code § 2-253).

3.52.050 Deductions from Salary

The Board of Supervisors makes the provisions of Section 31681.51 of the Government Code and Section 31739.31 of the Government Code applicable in Stanislaus County as a part of the County Employees Retirement Law of 1937, being Title 3, Division 4, Part 3 of the Government Code which is now in full force and effect in Stanislaus County. (Ordinance NS 1068 § 1, 1982: prior code § 2-251).

RETIREE APPOINTMENT—Board Resolution

Retirees may work up to **960 hours** in any one calendar year without jeopardizing retirement benefits.

TRANSFERING ACCRUED SICK LEAVE TO DEFERRED COMPENSATION

County employees may transfer accrued sick leave to deferred compensation at their retirement conversion rate, during the last **three years (thirty-six months)** before regular service retirement with Department Head approval contingent upon certain limitations. **See Tab 12** for complete details.

SUMMARY OF RETIREMENT BENEFIT PLAN

The County sponsors and contributes to a governmental defined benefit plan known as the Stanislaus County Employees' Retirement Association—StanCERA. Given that StanCERA is a qualified retirement plan established and administered in accordance with Section 401(a) of the Internal Revenue Code, member balances cannot be withdrawn prior to a "distributable event," and the annuities provided to retirees are subject to federal compensation and benefit limits. Plan provisions such as eligibility, vesting and benefit formulas are found in the County Employees Retirement Law of 1937, a collection of statutes that govern the retirement benefits provided to a majority of county employees in California.

Persons employed on or hired after March 9, 2002 through December 31, 2010 accrue benefits as Tier 4 or Tier 5 members. Under the referenced tiers, persons employed in General job classifications are offered a retirement benefit described as "2% at 55½," while persons employed in Safety job classifications are offered a benefit described as "3% at 50." Although both tiers provide the same "enhanced" retirement benefit, Tier 4 membership is limited to employees who became members of StanCERA before July 1, 1980. New members currently enter the retirement plan on the same day that they are classified as full-time employees, and persons hired on or after January 1, 2011 accrue benefits as Tier 2 members. Under the referenced tier, persons employed in General job classifications are offered a retirement benefit described as "2% at 60," while persons employed in Safety job classifications are offered a benefit described as "2% at 50."

StanCERA membership is mandatory for full-time County employees, who are generally required to contribute a percentage of each paycheck to the retirement plan. Individual percentages vary according to entry age, tier number and membership category. In very limited cases, an employee may avoid or eliminate this contribution requirement, such as when a person is hired on or after age 60 and declines to participate in the plan or when a member accrues 30 years of service credit.

After an employee becomes a member of StanCERA, he or she accrues service credit for every hour of work with Stanislaus County, up to a maximum of 80 hours per bi-weekly pay period. As indicated in the prior paragraph, the member's cost for this service credit is a percentage of eligible compensation, which he or she contributes from each paycheck on a pre-tax basis.

Following the accrual of five (5) years of service credit (10,400 hours of paid employment), the member is fully vested in the plan and may elect to receive a pension from StanCERA, if otherwise eligible, which considers the member's age at retirement, years of service within the system and "final average salary." In order to receive monthly retirement benefits (which are funded by employee and employer-paid contributions), the member must be fully vested and ten years must have elapsed between his or her entry date and the desired retirement date. If a member meets these requirements, he or she may then retire upon the attainment of age 50 <u>or</u> the

accrual of 30 years of service credit as a General member or the accrual of 20 years of service credit as a Safety member.

Members who terminate service with Stanislaus County prior to meeting the requirements for StanCERA retirement and do not establish reciprocity with a reciprocal public retirement system may elect to (1) leave their balance in the retirement plan or (2) receive an eligible rollover distribution from StanCERA. However, terminated members who request option 2 may only receive a "refund" of their member contributions and the refundable interest thereon, regardless of whether or not they are vested.

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Separation of Employment
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For Department HR Staff

Not Applicable to On-Line
Personnel Manual

PERSONNEL MANUAL
TAB 25
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In the Event of the Death of a County Employee—CEO Policy Effective September 15, 1999

Each County Department will appoint one Lead Person who will be the designated person to make initial contact with the family and act as the liaison for the family as they work through the process. This individual will be expected to work with the family in making the appropriate appointments with the various County departments and offer any other assistance as appropriate. The Employee Benefits Manager in the CEO-Risk Management Division should be the initial contact for each Department Representative. The Employee Benefits Manager can be reached at 209-525-5717 and can also assist families in working through the issues and in making the appropriate appointments. **[Updated 10/2015]**

A list of some basic information is presented below to help answer questions often asked by survivors of deceased employees.

Auditor-Controller's Office

1010 10th Street, Suite 5100, Modesto, CA 95354. Phone 209-525-6398. This is the office for survivors to contact to arrange for obtaining any paychecks due the employee. Any monies due for time worked, sick leave, vacation, holiday, or accrued overtime, are handled by the Auditor's Office. If the estate is to be probated, the Auditor will need a certified copy of the letters testamentary or letters of administration before checks can be issued. If checks had been previously issued to the employee but not cashed, they may be returned to the Auditor's Office for reissue to the survivors.

CEO-Risk Management Division—Employee Benefits

1010 10th Street, Suite 5900, Modesto, CA 95354. Phone 209-525-5717. This office can assist with information regarding life insurance and/or continuation of survivor's health insurance. A copy of the death certificate will be necessary as part of the life insurance claim. The Chief Executive Office is also able to assist with information or referrals to other agencies.

Chief Executive Office

Touch base with your Human Resource Management Consultant, process the Personnel Action Form, and make a request to fill the vacancy if needed.

Health Department

820 Scenic Drive, Modesto, CA, 95350. Phone 209-558-8070. Death certificates are provided by the Health Department at the current fee of $21.00 per copy. Families will need death certificates for many purposes related to benefits and insurance. **[Updated 10/2015]**

Sheriff's Office - Coroner's Division

921 Oakdale Road, Modesto, CA. 95355. Phone 209-567-4500. If the death is under investigation, survivors may need the assistance of this office in many matters involving the death certificate, funeral arrangements etc. **[Updated 11/2015]**

Social Security Administration

1521 North Carpenter Road, Modesto, CA 95351. Phone 888-748-7698. Survivors should contact the Social Security Office nearest to their home to determine what Social Security benefits might be available to the employees/retiree's survivors. **[Updated 10/2015]**

StanCERA/Retirement Division

832 12th Street, Suite 600 (6th Floor), Modesto, CA 95354. Phone 209-525-6393. Arrangements for cash payment or options for retirement benefits are made through this office. A copy of the death certificate will be needed and the beneficiary must sign certain forms. Marriage license may also be required. The family can call ahead to check on what forms are needed. **[Updated 10/2015]**

Valley First Credit Union

1419 J Street, Modesto, CA 95354. Phone 209-577-2878. If the employee/retiree was a credit union member, information on loan payment insurance and shares is obtainable here.

Veterans Services Office

121 Downey Avenue Modesto, CA 95353. Phone 209-558-7380. This office can assist with information regarding Veteran's burial benefits, life insurance or other relevant benefits if the employee/retiree was a veteran of the armed forces.

PERSONNEL MANUAL
TAB 26
EMPLOYER-EMPLOYEE RELATIONS

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ARTICLE I - GENERAL PROVISIONS

3.68.010 Authority

This chapter implements Chapter 10, Division 4, Title 1 of the Government Code (Sections 3500 et seq.) captioned "Public Employee Organization," by providing orderly procedures for the administration of Employer-Employee Relations between the County and its employee organizations. However, nothing contained in this chapter shall be deemed to supersede the provisions of State Law or County Ordinances which establish and regulate the Merit System, or which provide for other methods of administering Employer-Employee Relations. (Prior code § 2-230(a) (part)).

3.68.020 Purpose

A. It is the purpose of this chapter 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 and that are not preempted by Federal or State Statute or County Ordinance.

B. This chapter is intended to strengthen merit and other methods of administering Employer-Employee Relations through the establishment of uniform and orderly methods of communication between employees, employee organizations and the County. (Prior code § 2-230(a)(part).

3.68.030 Administration

This chapter shall be administered and construed as follows:

A. Nothing in this chapter 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 or State Law.

B. This chapter shall be interpreted so as to carry out its purpose as set forth in Sections 3.68.010 and 3.68.020.

C. Nothing in this chapter shall be construed as making the provisions of Labor Code Section 923 applicable to County employees or employee organizations, or of giving employees or employee organizations the right to participate in, support, cooperate or encourage, directly or indirectly, any strike, sick-out or other total or partial stoppage or slowdown of work. In the event employees engage in such actions, they shall subject themselves to possible disciplinary action up to and including termination and may be deemed to have abandoned

their employment. If an employee organization is found by the Employee Relations Officer, after a public hearing to have engaged in such activity he may withdraw all rights accorded the organization under this chapter and other County Law for a period up to one year from commencement of such activity. (Prior code § 2-234).

3.68.040 <u>County Rights</u>

Nothing in this chapter shall be construed to restrict any legal or inherent exclusive County rights with respect to matters of general legislative or managerial policy, which include but are not limited to the exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service, determine the procedures and standards of selection for employment; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work. Nothing contained in this chapter shall be construed to preclude consultation, when appropriate, between employer and employee concerning the practical consequences that decisions on these matters may have on wages, hours, and terms and conditions of employment. (Prior code § 2-230(c)).

3.68.050 <u>Employee Rights</u>

Employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of Employer-Employee Relations including but not limited to wages, hours, and other terms and conditions of employment. Employees shall also have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the County. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against because of the exercise of these rights. (Prior code § 2-230(d)).

<u>Representation</u>—Personnel Policy

> In the matter of representation in presenting and solving complaints, the policy of the County is to allow representation as a matter or right when an employee and a supervisor are meeting for the purpose of a disciplinary action against the employee or when the issue is a formal grievance. In other matters representation is not a matter of right but may be approved by the Department Head when it is likely to encourage the process of informal resolution. When the contacts between supervisors and employees relate to normal operation of County government such as supervisory instruction or training of employees, representation is neither necessary nor conducive to smooth operations.

ARTICLE II – DEFINITIONS

3.68.060 Generally

As used in this chapter, the following terms shall have the meanings indicated. (Prior code § 2-230(b)(part)).

3.68.070 Appropriate Unit

"Appropriate unit" means a unit of employee classes or positions, established pursuant to Article III of this chapter. (Prior code § 2-230(b)(1)).

3.68.080 Confidential Employee

"Confidential employee" means an employee, as designated by the County, who, in the course of his duties, has access to confidential information relating to the County administration of Employer-Employee Relations. (Prior code § 2-230(b)(2)).

3.68.090 Consult in Good Faith

"Consult in good faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counterproposals in an endeavor to reach agreement, nor is it subject to Article V of this chapter. (Prior code § 2-230(b)(3)).

3.68.100 Day

"Day" means calendar day unless expressly stated otherwise. (Prior code § 2-230(b)(4)).

3.68.110 Employee Relations Officer

"Employee Relations Officer" means the County Chief Executive Officer. (Ordinance CS 557 § 60, 1994: prior code § 2-230(b)(5)).

3.68.120 Impasse

"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 the 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. (Prior code § 2-230(b)(6)).

3.68.130 Management Employee

"Management Employee" means an employee, as designated by the County, having responsibility for formulating, administering or managing County policies or programs, including those with authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, to adjust their grievances or to effectively recommend such action. Management employees shall include but not be limited to department heads, assistant department heads and major division chiefs. (Prior code § 2-230(b)(7)).

Management Designation Criteria—Personnel Policy

In approving designation of management positions the following criteria should be present:

A. Does the position meet the exemption criteria under the Fair Labor Standards Act?

B. Is the employee personally responsible for development or effective recommendation of major departmental or County-wide policies? Is the employee responsible for implementation of policy? While the person may be responsible for repetitive, routine work, they will also be a shaper of the future for a department or program.

C. Is the employee responsible to represent the department in public gatherings, to the press, etc.? The person should be expected to speak for the Department Head or for the program.

D. Does the person act for the Department Head in significant, non-ministerial ways?

E. While supervision of others is not a required criterion, most management employees will be at least second echelon supervisors in operating department chains of command.

Recommendations that one person be designated within a multi-position classification should be reviewed carefully to ensure non-discrimination and proper classification. In addition, we should continue to work toward the goal to move all management positions to the Unclassified Service either through attrition or as new management positions are established. If the Department Head does not support assignment of the position to the Unclassified Service, then it will be questionable whether the position should be designated management.

3.68.140 Professional Employee

"Professional Employee" means employees engaging 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. (Prior code § 2-230(b)(8)).

3.68.150 Proof of Employee Support

"Proof of Employee Support" means either a statement in writing upon a form approved by the County which has been signed within ninety days of the filing of a Recognition Petition stating that an employee desires a named organization to represent him in Employer-Employee Relations or a signed payroll deduction authorization in which an employee has specifically authorized a dues deduction demonstrating membership in a particular employee organization. Such authorization must have been in effect at the payroll period prior to the date of a petition filed in accordance with this chapter. (Prior code § 2-230(b)(9)).

3.68.160 Recognized Employee Organization

"Recognized Employee Organization" means that one employee organization which has been formally recognized by the County as the employee organization that represents the employees in an appropriate representation unit pursuant to Article III of this chapter. (Prior code § 2-230(b)(10)).

3.68.170 Supervisory Employee

"Supervisory Employee" means any employee having authority to plan, supervise, assign, direct, review and assist five or more subordinates in the performance of their work if in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Prior code § 2-230(b)(11)).

ARTICLE III - EMPLOYEE ORGANIZATIONS

3.68.180 Filing of Recognition Petition

An employee organization seeking to be formally recognized as the Recognized Employee Organization representing the employees in an appropriate unit shall file a petition with the Employee Relations Officer 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 or national origin;

I. The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of employees therein;

J. Proof of employee support, as defined in this chapter, that a majority of the employees in the unit claimed to be appropriate desire the named organizations to represent them in Employer-Employee Relations;

K. A request that the Employee Relations Officer formally recognize the petitioner as the Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

The petition, including all accompanying documents, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization executing it. (Prior code § 2-231(a)).

3.68.190 Review of Recognition Petition and Notice

A. Following receipt of the petition, the Employee Relations Officer shall determine whether:

1. There has been compliance with the requirements of the Recognition Petition; and

2. The proposed representation unit is an appropriate unit in accordance with Section 3.68.230.

B. If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, he shall 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 thirty days thereafter. If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with Section 3.68.260. (Prior code § 2-231(b)).

3.68.200 Challenge of Petition by Other Organization

Within thirty days of the date of written notice to 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 Recognized Employee Organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the Recognition Petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty percent of the employees in the unit claimed to be appropriate and otherwise in the same form and manner as set forth in Section 3.68.180. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in Section 3.68.230. The petitioning employee organizations shall have fifteen days from the date of notice of such unit determination is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 3.68.260. (Prior code § 2-231(c)).

3.68.210 Election Procedure

A. Within thirty days of the last date that a Recognition Petition can be filed, as determined by Section 3.68.200 or as decided by the Board of Supervisors on an appeal, the Employee Relations Officer shall arrange for a secret ballot election to be conducted by a party agreed to by the Employee Relations Officer and the concerned employee organization(s), in accordance with the provisions of this chapter. All employee organizations who have filed petitions which have been determined to conform to this article shall be included on this ballot. Employees entitled to vote in such an election shall be those persons employed in full-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 days before the date 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. An employee organization shall be formally recognized as the Recognized Employee Organization for the appropriate unit following an election or runoff election if it receives a numerical majority of the valid votes cast in the election; provided, however, that the number of voters casting ballots constitutes at least a numerical majority of the number of eligible votes in the bargaining unit. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a runoff election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a runoff election.

B. There shall be no more than one election in a twelve-month period affecting the same appropriate unit.

C. In the event that the parties are unable to agree on the party to conduct an election, the election shall be conducted by the State Department of Industrial Relations, Division of Conciliation.

D. Costs of conducting elections, if any, shall be borne in equal shares by the County and each employee organization appearing on the ballot. (Ordinance CS 557 § 61, 1994; prior code § 2-231(d)).

3.68.220 <u>Decertification</u>

A. A Decertification Petition alleging that the Recognized Employee Organization no longer represents a majority of the employees in established appropriate unit may be filed with the Employee Relations Officer only during the thirty-day period commencing one hundred eighty days prior to the termination date of a Memorandum of Understanding then in effect, or at any time during which no Memorandum of Understanding is in effect between the County and an organization representing a particular bargaining unit.

A Decertification Petition may be filed by two or more employees, or 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 request for further information;

2. The name of the established appropriate unit and the Recognized Employee Organization sought to be decertified as the representative of that unit;

3. An allegation that the 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 showing that thirty percent of the employees in the established appropriate unit no longer desire to be represented by the Recognized Employee Organization. In lieu of a Decertification Petition, an employee organization may file a Recognition Petition conforming to the requirements of Section 3.68.180.

B. The Employee Relations Officer shall initially determine whether the Decertification Petition or Recognition Petition has been filed in compliance with the applicable provisions of this article. If his determination is in the negative, he shall offer to consult thereon with the representative of the petitioning employees or employee organization, and, if such determination thereafter remains unchanged, he shall return the petition(s) 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 3.68.260. If the determination of the Employee Relations Officer is in the affirmative, or if his negative determination is reversed on appeal, he shall give written notice that a valid decertification or Recognition Petition has been filed, to the Recognized Employee Organization and to unit employees.

C. The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about thirty days after such notice to determine the wishes of unit employees as to the question of decertification. If a Recognition Petition was filed, the ballot shall call for votes on the question of decertification and on the question of representation; in the event decertification of the Recognized Employee Organization is voted, the question of representation will be determined. Such election shall be conducted in conformance with Section 3.68.210. (Ordinance CS 107 § 2, 1985: prior code § 2-231(e)).

3.68.230 <u>Determination of Appropriate Units</u>

A. Appropriate units shall be determined, with positions and classes included, to meet the following objectives:

1. To prevent a proliferation of representation units which may interfere with efficient governmental operations and administration of Employer-Employee Relations in the County;

2. To recognize position commonality in terms of salary relationships; similarities in duties, skills and training required; working conditions and rules or regulations governing scope and method of work.

B. The Employee Relations Officer shall designate appropriate units in the County service in accordance with the foregoing objectives. The Employee Relations Officer may, after notice to and consultation with affected employee organizations, allocate new classification or positions, reallocate classifications or positions, or delete classifications in accordance with the provisions of this article. However, no employee may be represented in Employer-Employee Relations with the County by more than one employee organization. (Prior code § 2-231(f)).

3.68.240 Management, Confidential, Professional and Supervisory Employees

A. Except as provided in this section, designated management and confidential employees shall not be restricted from the exercise of the rights set forth in this article or in Section 3500 et seq. of the Government Code. Such employees, however, shall not represent a Recognized Employee Organization representing other employees in the County. The Employee Relations Officer is not precluded from establishing a bargaining unit or units consisting solely of management or confidential employees. Notwithstanding other provisions of this chapter, individual employees may be designated as management or confidential or such designation may be removed at any time during the year as the needs of the County indicate. The wages, hours and fringe benefits provided to management and confidential employees not represented by a Recognized Employee Organization shall be maintained at levels at least equal to those generally prevailing in the County service.

B. Professional employees shall not be denied the right to be represented separately from nonprofessional employees by an organization consisting solely of such employees. The Employee Relations Officer is not precluded from establishing a bargaining unit or units consisting solely of such employees.

C. Supervisory employees may be represented in a bargaining unit or units separately from non-supervisory employees. The Employee Relations Officer may preclude representation of supervisory employees by employee organizations which represent employees supervised by them. (Ordinance 934 § 1, 1980: prior code § 2-231(g)).

3.68.250 Modification of Appropriate Units

A. Requests by employee organizations for modification of established appropriate units may be considered by the Employee Relations Officer only during the month of January of any year following the first full year of recognition or during the period specified in Section 3.68.220. Such requests shall be submitted in the form of a Recognition Petition, and, in addition to the requirements set forth in Section 3.68.180, 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 in Section 3.68.230. The Employee Relations Officer shall process such petitions as recognition petitions under this article.

B. The Employee Relations Officer may, on his own motion, propose during the period specified in Section 3.68.220, than an established unit be modified. The Employee Relations Officer shall give written notice of the proposed modification to any affected employee organization and shall hold a meeting concerning the proposed modification, at which time all affected employee organizations shall be heard. Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Section 3.68.230, and shall give written notice of such determination to the affected employee organization. The Employee Relations Officer's determination may be appealed as provided in Section 3.68.260. If a new appropriate unit is established by the Employee Relations Officer under this article, employee organizations may thereafter file recognition

petitions seeking to become the Recognized Employee Organization for such new appropriate unit or units pursuant to Section 3.68.180. (Ordinance CS 107 § 7, 1985: prior code § 231(h)).

3.68.260 <u>Unit Determination Appeals</u>

A. An employee organization aggrieved by an appropriate unit determination of the Employee Relations Officer under this article may, within fifteen days of notice thereof, appeal such determination in writing to the Board of Supervisors through the Clerk of the Board for final decision. A copy thereof shall be served on the Employee Relations Officer.

B. An employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Section 3.68.180), challenging petition (Section 3.68.200) or Decertification Petition (Section 3.68.220), or employees aggrieved by a determination of the Employee Relations Officer that a Decertification Petition (Section 3.68.220), has not been filed in compliance with the applicable provisions of this article, may, within fifteen days of notice of such determination, appeal the determination to the Board of Supervisors for final decision.

C. The Board of Supervisors shall commence consideration of the matter within thirty days of the filing of the appeal. The Board of Supervisors may, in its discretion, refer the dispute to a third party hearing process. Any decision of the Board of Supervisors on the use of such procedure, and any decision of the Board of Supervisors determining the substance of the dispute shall be final and binding. (Prior code § 2-231(i)).

ARTICLE IV – ADMINISTRATION

3.68.270 Submission of Current Information

All changes in the information filed with the County by a Recognized Employee Organization under subsections A through H of its Recognition Petition under Section 3.68.180 shall be submitted in writing to the Employee Relations Officer within twenty days of such change. (Prior code § 2-232(a)).

3.68.280 Dues Deductions

The County may approve a request by a Recognized Employee Organization for payroll deduction of membership dues and insurance premiums for plans sponsored by such organization. Payroll deductions shall be made only upon the written authorization of an employee in the unit represented by the Recognized Employee Organization on forms approved by the County. The providing of such service to the Recognized Employee Organization by the County shall be contingent upon and in accordance with the provisions of the Memoranda of Understanding and applicable administrative procedures. Notwithstanding the above, employees designated as management or confidential may elect to have payroll deductions made to a Recognized Employee Organization even though such employees are not represented by that organization. (Ordinance 935 § 1, 1980: prior code § 2-232(b)).

3.68.290 Use of County Resources

Access to County work locations and the use of County paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extend provided for in Memoranda of Understanding and administrative procedures, shall be limited to activities pertaining directly to the Employer-Employee Relationship and not such internal employee organization business as soliciting membership, campaigning for office, and organization meetings and elections and shall not, in the opinion of the County, interfere with the efficiency, safety and security of operations. (Prior code § 2-232(c)).

3.68.300 Reasonable Written Notice

A. Reasonable written notice shall be given to a designated representative of each Recognized Employee Organization affected by any ordinance or resolution proposed for adoption by the Board of Supervisors when such ordinance or resolution relates directly to matter within the scope of representation of such organization. Opportunity shall be provided upon request to meet and consult or meet and confer as appropriate, with County representatives prior to adoption.

B. Adoption of emergency ordinances or resolutions is excepted from the provision of this section; however, Recognized Employee Organization representatives shall be notified of such adoptions as soon as possible. (Prior code § 2-232(d)).

3.68.310 Administrative Rules and Procedures

The Employee Relations Officer is authorized to establish such rules and procedures as are appropriate to implement and administer the provisions of this article after consultation with affected employee organizations. (Prior code § 2-232(e)).

3.68.320 Effective Date of Agreements

Provisions of Memoranda of Understanding approved by the Board of Supervisors shall become operative on the dates set forth in such memoranda, notwithstanding the fact that some sections may conflict with provisions of ordinances or resolutions in effect at the time of approval of the memoranda. Pending amendment of any such conflicting ordinance or resolution sections, the provisions of Memoranda of Understanding shall govern the administration of matters of wages, hours and terms and conditions of employment. (Prior code § 2-232(f)).

ARTICLE V – MEETING AND CONFER IMPASSE PROCEDURE

3.68.330 Initiation of Impasse Procedures

If the meet and confer process has reached impasse as defined in this chapter, 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 promptly by the Employee Relations Officer. The purpose of such impasse meeting shall be:

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 in this article. (Prior code § 2-233(a)).

3.68.340 Mediation

A. If the parties agree to submit the dispute to mediation, and agree on the selection of a Mediator, the dispute shall be submitted to mediation. 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 agree to submit the dispute to mediation or fail to agree on the selection of a Mediator, or fail to resolve the dispute through mediation within fifteen days after the Mediator commences meeting with the parties, the parties may agree to submit the impasse to fact finding. (Prior code § 2-233(b)).

3.68.350 Fact Finding--Panel Selection

If the parties agree on 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 of the panel shall be appointed by the Employee Relations Officer, one member shall be appointed by the Recognized Employee Organization, 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 American Arbitration Association. (Prior code § 2-233(c)(part)).

3.68.360 Fact Finding--Procedure

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 apply 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" means all wage compensation, including but not limited to premium, incentive, minimum, standby, out-of-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, pension and welfare benefits.

   2. The fact finders shall then adjust the results of the above comparisons based on the factors 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 make 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 Employee Relations Officer and the designated representative of the Recognized Employee Organization. If these parties have not resolved the impasse within ten 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 to the Board of Supervisors in connection with the Board's legislative consideration of the issues at impasse. (Prior code § 2-233(c)(part).

3.68.370 Board of Supervisors

If the parties agree to submit the impasse directly to the Board of Supervisors, or if the parties do not agree to mediation or the selection of a Mediator and do not agree to fact finding, or having so agreed, the impasse has not been resolved through such mediation or 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. (Prior code § 2-233(d)).

3.68.380 Costs 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 Recognized Employee Organization. The cost of a Fact Finding Panel Member selected by each part and other separately incurred costs shall be borne by such party. (Prior code § 2-233(e)).

PERSONNEL MANUAL
TAB 27
COMPLAINT AND GRIEVANCE PROCEDURES

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The following is the County procedure for settling grievances. Exceptions to this procedure, which provided for Binding Arbitration, exist in a number of Memoranda of Understanding. Please refer to the applicable MOU or check with the Personnel Department if there are questions.

PROCEDURE FOR SETTLING GRIEVANCES

A. Intent:

It is the intent of this ordinance to provide orderly and equitable procedures for the presentation and resolution of misunderstandings and disputes between the County and its employees. It is further intended that the exercises of these rights in good faith be available to all County employees, (except as herein provided) without fear of reprisal or coercion.

B. Definitions:

1. Grievance - A grievance is defined as an employee initiated allegation that a term or condition of employment established by State Law, County Ordinance, Resolution, Memorandum of Understanding or Written Departmental Policy is being violated provided, however, that such term or condition of employment is not subject to the discretion of the County or is not a subject outside of the scope of representation as defined in Section 3500 et. seq. of the Government Code or the County's Employee Relations Ordinance. This grievance procedure shall not apply to matters within the scope of applicable Federal or State grievance procedures.

2. Complaint - A complaint is defined as an employee initiated allegation or dispute concerning terms and conditions of employment which are not grievances as defined above. Complaints shall be handled as herein provided except that a complaint may not be appealed to the Chief Executive Officer.

C. Exclusion of Disciplinary Appeals and Equal Employment Opportunity Grievances - Appeals from disciplinary actions or grievances alleging violation of the County's policies of equal employment opportunity or affirmative action or involving allegations of employment discrimination will be handled pursuant to the County's Equal Employment Opportunity Grievance Procedure.

D. Representation - In presenting and resolving grievances, employees may represent themselves on County time, or may designate a representative of their own choosing. Costs associated with such representation, if any, will be borne by the employee.

E. Time Limits - The time limits herein specified may be extended to a definite date by mutual consent of the parties. Failure to meet time limits by the employee shall constitute

withdrawal of the grievance. Such failure by the County shall entitle the employee to request the next step in the procedure.

F. Grievance Procedure Steps:

1. Informal Discussion - Every effort should be made to settle grievances at the lowest level of supervision possible. The employee should advise his immediate supervisors that a grievance is present and explain it to the immediate supervisor no later than fifteen working days after he becomes or should become aware of the issue. The immediate supervisor shall thereafter hear, and decide the matter informing the employee of the decision orally within seven working days.

2. Written Grievances - If the grievance is not resolved through informal discussion, the employee may within seven working days from the date of the supervisor's informal decision, submit a written grievance to said supervisor with a copy submitted to the Department Head and the Chief Executive Officer. Such a written grievance, signed by the employee shall set forth the facts at issue, the relief sought and the time of occurrence of any alleged incident or violations precipitating the grievance. The supervisor shall thereafter further investigate and consider the grievance and deliver a written decision to the employee within seven working days after receiving the grievance.

3. Department Head Review - If the grievance is not resolved by the written decision of the supervisor, the employee may request in writing within seven working days after delivery of prior written decision that the grievance be reviewed by the Department Head. If such a request is received, the Department Head or his designee shall conduct such meeting(s) with the employee, informal hearings or investigations as are appropriate in his judgment and deliver to the employee a written decision within seven working days after receipt of the review request.

4. Advisory Opinion of Chief Executive Officer - At any point in this procedure after filing a written grievance or complaint, the Chief Executive Officer may offer, or either party may request, the non-binding advisory opinion verbal or in writing of the Chief Executive Officer concerning resolution of the grievance or complaint.

5. Grievance Appeal - If the employee wishes to appeal the decision of the Department Head, he may do so, in writing to the Chief Executive Officer within seven working days after receipt of the Department Head decision. The Chief Executive Officer shall thereafter conduct an informal hearing, and any other meetings or investigations as are appropriate in his judgment. Upon the request of either party or motion of the Chief Executive Officer, such hearing and other investigations shall be conducted by a designee(s) selected by the Chief Executive Officer with the consent of the parties. The written decision of the Chief Executive Officer shall be delivered to the employee within fifteen working days after receipt of the appeal. The decision of the Chief Executive Officer shall be the final step in the County's procedure for settling grievances except in the case of an elected Department Head, the decision of the Chief Executive Officer may

be appealed by the Department Head to the Board of Supervisors within seven working days after receipt of the decision.

PROCEDURE FOR SETTLING GRIEVANCES INCLUDING BINDING ARBITRATION (MOU PROVISION)

(The following procedure has been negotiated and applies only to those employees assigned to the following bargaining units: Mid-management/Supervisory; Office Worker/Clerical; Crafts/Maintenance/Institutional; Technical Services; Community and Health Services; Attorneys; Registered Nurses; Deputy Probation Officers, Communications Dispatchers and Fire Safety. Please refer to the MOU with the Deputy Sheriff's Association for the Binding Arbitration procedure applicable to that represented unit.)

I. Intent: It is the intent of this provision of the Memorandum of Understanding to provide orderly and equitable procedures for the presentation and resolution of misunderstandings and disputes between the County and its employees. It is further intended that the exercises of these rights in good faith be available to all County employees, (except as herein provided) without fear of reprisal or coercion.

II. Definitions:

A. Grievance - A grievance is defined as an employee initiated allegation that a term or condition of employment established by State Law, County Ordinance, Resolution, Memorandum of Understanding or Written Departmental Policy is being violated provided, however, that such term or condition of employment is not subject to the discretion of the County or is not a subject outside of the scope of representation as defined in Section 3500 et. seq. of the Government Code or the County's Employee Relations Ordinance. This grievance procedure shall not apply to matters within the scope of applicable Federal or State grievance procedures.

B. Complaints - A complaint is defined as an employee initiated allegation or dispute concerning terms and conditions of employment which are not grievances as defined above. Complaints shall be handled as herein provided except that a complaint may not be appealed to the Chief Executive Officer or to arbitration.

III. Exclusion of Disciplinary Appeals and Equal Employment Opportunity

Grievances - Appeals from disciplinary actions or grievances alleging violation of the County's policies of equal employment opportunity or affirmative action or involving allegations of employment discrimination will be handled pursuant to the County's Equal Employment Opportunity Grievance Procedure and does not include Binding Arbitration as the final step in the procedure.

IV. Representation - In presenting and resolving grievances, employees may represent themselves on County time, within reason, or may designate a representative of their own

choosing. Costs associated with such representation, if any, will be borne by the employee.

V. Time Limits - The time limits herein specified may be extended to a definite date by mutual consent of the parties. Failure to meet time limits by the employee shall constitute withdrawal of the grievance. Such failure by the County shall entitle the employee to request the next step in the procedure.

VI. Grievance Procedure Steps:

A. Informal Discussion - Every effort should be made to settle grievances at the lowest level of supervision possible. The employee should advise his immediate supervisor that a grievance is present and explain it to the immediate supervisor no later than fifteen (15) working days after he/she becomes or should become aware of the issue. The immediate supervisor shall thereafter hear, and decide the matter informing the employee of the decision orally within seven (7) working days.

B. Written Grievances - If the grievance is not resolved through informal discussion, the employee may within seven (7) working days from the date of the supervisor's informal decision, submit a written grievance to said supervisor with a copy submitted to the Department Head and the Director of Personnel. Such a written grievance, signed by the employee shall set forth the facts at issue, the relief sought and time of occurrence of any alleged incident or violations precipitating the grievance. The supervisor shall thereafter further investigate and consider the grievance and deliver a written decision to the employee within seven (7) working days after receiving the grievance.

C. Department Head Review - If the grievance is not resolved by the written decision of the supervisor, the employee may request in writing within seven (7) working days after delivery of prior written decision that the grievance be reviewed by the Department Head. If such a request is received, the Department Head or his/her designee shall conduct such meeting(s) with the employee, informal hearings or investigations as are appropriate in his/her judgment and deliver to the employee a written decision within seven (7) working days after receipt of the review request.

D. Advisory Opinion of Director of Personnel - At any point in this procedure after filing a written grievance or complaint, the Director of Personnel may offer, or either party may request, the non-binding advisory opinion verbal or in writing of the Director of Personnel concerning resolution of the grievance or complaint.

E. Grievance Appeal - If the employee wishes to appeal the Department Head's decision, he/she shall do so in writing to the Director of Personnel within ten working days after receipt of the Department Head's decision. The employee may elect to submit the grievance for final decision to the Chief Executive Officer. If the employee is represented by the recognized employee representative of the assigned bargaining unit, through the elected representative only, the grievance may be submitted for

Binding Arbitration. Within the specified time period the employee and/or the elected representative as specified herein, shall specify in writing to the Director of Personnel whether the grievance should be submitted to the Chief Executive Officer or Binding Arbitration. The decision to utilize Binding Arbitration shall be the prerogative of the recognized employee organization only, with the employee's concurrence; access to only one of the two procedures for the purpose of resolving the alleged grievance shall be given the employee(s); the option of procedure utilized shall be binding and irrevocable upon the employee and the employee's recognized employee organization; and the procedure utilized shall be limited to grievances only as defined in Section II, Subsection A "Definitions, Grievance" herein, excluding complaints.

1. Submission of the Grievance Appeal to the Chief Executive Officer

   If the employee wishes to appeal the Department Head's decision to the Chief Executive Officer, in lieu of Binding Arbitration, the employee shall do so in writing to the Director of Personnel specifically stating this option, within ten working days after receipt of the Department Head's decision. The Chief Executive Officer or his/her designee shall thereafter conduct an informal hearing, and any other meetings or investigations as are appropriate in his/her judgment. The written decision of the Chief Executive Office or his/her designee shall be delivered to the employee within fifteen working days after receipt of the appeal. The decision of the Chief Executive Officer or his/her designee shall be the final step in the County's procedure for settling grievances. For the purpose of this section, the Director of Personnel shall not serve as the designee if the Director of Personnel has rendered an advisory opinion concerning the grievance. This does not preclude the Chief Executive Officer from utilizing the advisory opinion of the Director of Personnel.

2. Submission of the Grievance Appeal to Binding Arbitration

   If the employee wishes to appeal the Department Head's decision and elects to not refer the matter to the Chief Executive Officer for final resolution, the employee may through the recognized representative of the employee's assigned bargaining unit only, elect Binding Arbitration by writing to the Director of Personnel within ten working days after receipt of the Department Head's decision. Prior to the selection of the Arbitrator and submission of the grievance for hearing by an Arbitrator, the Director of Personnel shall informally review the grievance and determine whether said grievance may be adjusted to the satisfaction of the parties. The Director of Personnel shall have ten (10) working days in which to review and seek amicable resolution of the grievance.

   a. Selection of Arbitrator

      If the required steps of the grievance procedure have been exhausted and the grievance remains unresolved and is subject to arbitration, the

Arbitrator may be selected by mutual agreement between the Director of Personnel and the grievant's recognized representative of the assigned bargaining unit. However, should the parties fail to mutually agree on an Arbitrator they shall make a joint request of the State Conciliation Service for a list of five qualified arbitrators. The Arbitrator shall be selected from the list by the parties alternately striking names with the first strike determined by chance, until only one name remains, and that person shall serve as Arbitrator.

b. Arbitration Issues

The parties shall, within 15 working days following the informal review of the Director of Personnel, exchange in writing their understanding of the questions to be submitted to arbitration. Thereafter, the parties to the arbitration shall use their best efforts to exchange a written summary of the evidence they intend to offer and to reach agreement on and reduce to writing the question or questions to be submitted to arbitration. The agreed upon question or questions, if agreement is reached, together with the exchanged summaries of evidence and a list of witnesses to be used by each side, shall be submitted to each other and the Arbitrator no later than five (5) working days prior to the arbitration hearing.

c. Arbitration Expenses Shares

The cost of employing the Arbitrator shall be borne equally by the parties to the arbitration. All other costs such as, but not limited to, attorney's fees shall be borne only by the party incurring that cost. If both parties agree to the use of a Court Reporter, or if the Arbitrator requires the use of a Court Reporter, the cost of the Court Reporter shall be shared equally. Absent mutual agreement, the side requesting use of the Court Reporter shall absorb the cost. The cost of the transcript, if one is prepared, shall be absorbed by the party requesting the transcript, unless both parties mutually agree to share the cost of the transcript. If the Arbitrator requests that a copy of the transcript be prepared both parties shall equally share the cost of the transcript.

d. Duty of Arbitrator

The Arbitrator shall conduct an informal hearing, and any other meetings or investigations as are appropriate in his/her judgment. The Arbitrator shall not have the right to amend, modify, nullify, ignore, add to, or subtract from the provisions of the Memorandum of Understanding, County Ordinance, Resolution, or Written Departmental Policy. He/she shall consider and make a decision with respect to only the specific issue(s) submitted, and shall not have authority to make a decision on any other issue not so submitted. In the event, the Arbitrator finds a violation

of the Memorandum of Understanding, applicable State or Federal law, County Ordinance, Board Resolution or Written Departmental Policy, he/she shall decide the appropriate resolution. The Arbitrator shall have no authority to substitute his/her judgment for that of the County as to any matter within the County's discretion. The decision and award of the Arbitrator shall be based solely upon the evidence and arguments presented to the Arbitrator by the respective parties. Proposals to add to or change the Memorandum of Understanding or written agreements or addenda supplementary hereto shall not be arbitrable and no proposal to modify, amend or terminate this Memorandum of Understanding, nor any matter or subject arising out of or in connection with such proposals, may be referred to arbitration under this Section.

e. Binding Decision

The decision of the Arbitrator shall be binding upon the employee, the employee's duly recognized employee organization and the County.

Based upon significant financial impact of the arbitrator's decision upon the County, within 15 working days of receipt of the arbitrator's decision the County may request that the Union meet with the County to discuss the financial impact of the decision. The Union agrees to meet and consult with the County over the impact upon the County of the decision. Absent agreement between the parties to modify or mitigate the impact of the arbitrator's decision, the decision of the Arbitrator shall be final and binding on the parties.

f. Arbitrator's Decision Due

Unless the parties agree otherwise, the Arbitrator shall render the decision in writing within 30 days following the close of the hearing to the Director of Personnel. The Director of Personnel shall immediately provide a copy of the decision to the employee, the employee's duly elected representative and the Department Head. If requested by either party, the decision shall be accompanied by findings of fact and conclusions of law.

g. Non-Employee Organization Representation

In the event that an employee chooses to represent himself/herself, or arranges for representation independent of the recognized employee organization, arbitration as provided herein shall not be available to the employee.

PURPOSE

All Stanislaus County employees operate under the requirements of numerous County policies, ordinances and contractual agreements, as well as other State and Federal laws and regulations governing employee activities. The collective requirements of all of these laws, regulations, policies, ordinances and agreements, create an environment of high standards for all County employees in the performance of their duties.

The purpose of this policy is to:

1. Establish an alternative process for reporting employee misconduct; and
2. Confirm the County's commitment to protecting whistleblowers from harassment or retaliation.

Many of the current standards governing employee conduct include specific procedures for County employees to report allegations of employee misconduct for appropriate investigation and follow-up. Some of the existing procedures for reporting misconduct are included in the County's Equal Employment Opportunity Program, the County Code of Ethics Policy and numerous Federal and State laws and regulations. The County also maintains contractual agreements with labor organizations and other private or public entities, many of which contain specific procedures for individuals to report allegations of contractual violations. This policy is not intended to replace any of the existing procedures that are currently in place for reporting issues of employee misconduct or contractual grievances. All existing procedures for reporting employee misconduct and contractual grievances remain available in conjunction with the implementation of this policy.

I. DEFINITIONS

- **Employee**—any regular, temporary or contracted employee of the County, including all appointed and elected officials.

- **Employee Misconduct**—any employee action which specifically violates any employee responsibility defined in County policies, ordinances, and contractual agreements, as well as any State and Federal laws or regulations.

- **Whistleblower**—any employee reporting an allegation of employee misconduct.

POLICY

Employees are encouraged to address allegations of employee misconduct at the lowest level appropriate for the issue. This would typically include reporting the violation to the employee's

supervisor, manager or Department Head. Employees who are not comfortable reporting employee misconduct to available supervisors, managers or Department Heads, may elect to report the allegation of misconduct to the Human Resources Division of the County Chief Executive Office for appropriate referral and follow-up. Reports may be done verbally or in writing to:

Stanislaus County
Attn: CEO - Human Resources Division
1010 10th Street, Suite 6800
Modesto, CA 95354
(209) 525-6333

Reports may be anonymous, although follow-up and investigation may be limited in some situations when the reporting party is not identified. If the allegation of misconduct involves a member of the CEO – Human Resources Division, the report may be forwarded to the following:

Stanislaus County
Attn: Chief Operating Officer
1010 10th Street, Suite 6800
Modesto, CA 95354
(209) 525-6333

An employee who in good faith reports an allegation of employee misconduct shall be protected from harassment or retaliation. Any employee who retaliates against another employee who has reported an allegation of misconduct will be subject to discipline up to and including termination of employment. Employees who knowingly file a false report of employee misconduct may also be subject to discipline up to and including termination of employment.

II. CALIFORNIA WHISTLEBLOWERS PROTECTION ACT

The California "Whistleblowers Protection Act" applies to all employers in the State of California, including Stanislaus County. The specific provisions of the Act are contained in Sections 1102.5 through 1106 of the California Labor Code. The Act protects employees when reporting any violations of State or Federal laws or regulations and requires the California State Attorney General to maintain a Whistleblower Hotline (800-952-5225) for accepting reported violations. A notice describing the Whistleblower Hotline is posted in workplaces throughout the County in compliance with the Act.

I. PURPOSE

To communicate to the employees and contractors of Stanislaus County, according to Section 6032 of the Deficit Reduction Act of 2005 (DRA), the policies and procedures related to the Federal and State False Claims Acts. These policies and procedures include preventing, detecting and responding to known or suspected incidents of fraud, waste or abuse in federal or state funded health care programs, i.e. Medicaid (Medi-Cal), Medicare, etc., within Stanislaus County. This policy is not intended to replace any of the existing procedures that are currently in place for reporting issues of employee misconduct or contractual grievances. All existing procedures for reporting employee misconduct and contractual grievances remain available in conjunction with the implementation of this policy.

II. POLICY

Every employee or contractor of Stanislaus County, as defined by the DRA, is encouraged to communicate any known or suspected incidents of fraud, waste or abuse in any federal or state funded health care program at the lowest level appropriate for the issue. This would typically include their supervisor, manager, the Compliance Officer or the Director of their Department/Agency, or the Compliance Officer or Director of the Department/Agency where the known or suspected fraud, waste or abuse has or is occurring. Employees or contractors who are not comfortable reporting to a Department/Agency, may elect to report to the Human Resources Division of the County Chief Executive Office. It is the responsibility of the supervisor, manager, Compliance Officer, Director or CEO Human Resources Division to promptly notify the Compliance Officer or Director in the Department/Agency where the known or suspected fraud, waste or abuse has or is occurring, in writing, of the nature and details of the suspected fraud, waste or abuse. The Compliance Officer or Director in such Department/Agency shall promptly initiate an investigation and implement any corrective actions that may seem appropriate as the result of their investigation. The individual reporting known or suspected fraud, waste or abuse shall have full whistleblower protections as set forth in this policy from any form of retaliation for making the report.

Stanislaus County shall provide to all required employees and contractors, as defined by the DRA, appropriate education about the Federal and State False Claims Acts, including, but not limited to, inclusion in the Personnel Manual.

REFERENCES

A. Deficit Reduction Act of 2005, Section 6032.
B. Social Security Act, Section 1902 (a) (68-69).
C. United States Code Title 31, Chapter 37, Sections 3729-3733, False Claims Act.
D. United States Code Title 31, Chapter 38, Sections 3801-3808, Administrative Remedies for False Claims and Statements.
E. California Government Code § 12650-12656.

III. PROCEDURE

A. Applicability

These policies and procedures apply to all required employees and contractors, as defined by the DRA, employed by or doing business with Stanislaus County.

B. Responsibility

The Director of each County Department/Agency is responsible for ensuring compliance with this policy. Any County Department/Agency that receives federal or state health care funding, including Medicaid (Medi-Cal) or Medicare funds, shall establish such policies and procedures, including a functional Compliance Committee, as necessary, for reporting, auditing, detecting, investigating, and resolving identified or potential issues relating to fraud, waste or abuse in federal or state health care programs.

C. Notification/Education

1. Required Stanislaus County employees, as defined by the DRA, shall be informed of this policy and procedure.

2. Required Contractors, as defined by the DRA, shall have included in their contracts a notice of the existence and applicability of this policy and procedure.

3. The Stanislaus County Personnel Manual shall include this policy, which shall serve as a specific discussion of the Federal and State False Claims Act and Whistleblower protections afforded by these acts.

4. The Stanislaus County Personnel Manual, including this policy, shall be available on the Internet for access by all employees and contractors.

D. Deficit Reduction Act of 2005 (DRA)—definitions for purposes of the DRA include:

1. **Entity** includes a governmental agency, organization, unit, corporation, partnership, or other business arrangement (including any Medicaid managed care organization, irrespective of form of business structure or arrangement by which it exists), whether for-profit or not-for-profit, which receives or makes payments,

under a State Plan approved under title XIX or under any waiver of such plan, totaling at least $5,000,000 annually.

2. **Employee** includes any officer or employee of the entity.

3. **Contractor** includes any contractor, subcontractor, agent, or other persons who, on behalf of the entity, furnishes, or otherwise authorizes the furnishing or Medicaid health care items or services, performs billing or coding functions, or is involved in the monitoring of health care provided by the entity.

E. Federal False Claims Act

1. Definitions for purposes of the Federal False Claims Act include:

   a) **Knowing** or **knowingly** mean that a person, with respect to information:

      (1) Has actual knowledge of the information;

      (2) Acts in deliberate ignorance of the truth or falsity of the information; or

      (3) Acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required.

   b) **Claim** includes any request or demand, whether under contract or otherwise, for money or property which is made to a contractor, grantee, or other recipient if the United States Government provides any portion of the money or property which is requested or demanded, or if the Government will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

2. Federal False Claims Act Provisions include:

   a) 31 U.S.C. Section 3729 (a) prohibits any individual/entity from knowingly submitting or causing the submission of a false or fraudulent claim for payment to the US government. The civil penalty for a false claim is not less than $5,000 and not more than $10,000, plus three times the amount of damages.

   b) 31 U.S.C. Section 3729 (b) defines "knowingly" as having actual knowledge of the information, acting in deliberate ignorance of the truth or falsity of the information, acting in reckless disregard of the truth or falsity of the information. The government does not have to prove that the person intended to defraud the government.

   c) 31 U.S.C. Section 3730 includes "Qui Tam" provisions that allow private citizens (relator) to sue violators on behalf of the government. The

government can take over the prosecution or allow the relator to handle the case.

d) If the government takes over the case and wins, the qui tam relator is eligible for 15-25% share of the recovery.

e) If the relator handles the case and wins, the relator is eligible for 25-35% share of the amount recovered.

f) If the action is initiated by a relator who planned and initiated the violation, then the court may reduce the share of the proceeds. If the relator bringing the action is convicted of criminal conduct arising from the violation of the False Claims Act, then they shall not receive any proceeds from the action.

g) If defendant prevails and the court finds that the qui tam relator was clearly frivolous, clearly vexatious, or took action for the purposes of harassment, then the court may award to the defendant reasonable attorney's fees and expenses.

3. Whistleblower Protections in the Federal False Claims Act.

31 USC Section 3730 (h) protects employees against discharge, demotion, suspension, threats, harassment, or discrimination by the employer because of lawful acts done by the employee in cooperating with the False Claims Act, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section.

F. Federal Administrative Remedies for False Claims and Statements

31 USC Sections 3801 to 3808 includes detailed information about the administrative process involved in the False Claims Act. Including definitions of individuals, positions and events that occur from a false claim or statement through the investigation, hearings and judicial review.

G. California False Claims Act

1. Definitions for purposes of the California False Claims Act include:

a) **Claim** includes any request or demand for money, property, or services made to any employee, officer, or agent of the state or of any political subdivision, or to any contractor, grantee, or other recipient, whether under contract or not, if any portion of the money, property, or services requested or demanded issued from, or was provided by, the state (hereinafter "state funds") or by any political subdivision thereof (hereinafter "political subdivision funds").

b) **Knowing** and **knowingly** mean that a person, with respect to information, does any of the following:

(1) Has actual knowledge of the information.

(2) Acts in deliberate ignorance of the truth or falsity of the information.

(3) Acts in reckless disregard of the truth or falsity of the information. Proof of specific intent to defraud is not required.

c) **Political subdivision** includes any city, city and county, county, tax or assessment district, or other legally authorized local governmental entity with jurisdictional boundaries.

d) **Prosecuting authority** refers to the county counsel, city attorney, or other local government official charged with investigating, filing, or conducting civil legal proceedings on behalf of, or in the name of, a particular political subdivision.

e) **Person** includes any natural person, corporation, firm, association, organization, partnership, limited liability company, business, or trust.

2. California Government Code Section 12651 states a person can be liable for three times the amount of damages and also be liable to the state or to the political subdivision for the costs of a civil action brought to recover any of those penalties or damages, and may be liable for a civil penalty of up to ten thousand dollars ($10,000) for each false claim if the person:

a) Knowingly presents or causes to be presented to an officer or employee of the state or of any political subdivision thereof, a false claim for payment or approval.

b) Knowingly makes, uses, or causes to be made or used a false record or statement to get a false claim paid or approved by the state or by any political subdivision.

c) Conspires to defraud the state or any political subdivision by getting a false claim allowed or paid by the state or by any political subdivision.

d) Has possession, custody, or control of public property or money used or to be used by the state or by any political subdivision and knowingly delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt.

e) Knowingly buys, or receives as a pledge of an obligation or debt, public property from any person who lawfully may not sell or pledge the property.

f) Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the state or to any political subdivision.

g) Is a beneficiary of an inadvertent submission of a false claim to the state or a political subdivision, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the state or the political subdivision within a reasonable time after discovery of the false claim.

3. The California False Claims Act also includes provisions that allow a private citizen to bring a civil action for a violation of this article as a "qui tam plaintiff."

   a) If the Attorney General or local prosecuting authority take over the case and prevail, the qui tam plaintiff may receive between 15% and 33% of the proceeds as determined by the court.

   b) If the Attorney General or local prosecuting authority does not proceed and the qui tam plaintiff prevails, the qui tam plaintiff may receive between 25% and 50% of the proceeds as determined by the court.

   c) There is no guaranteed minimum recovery for actions initiated by:

      (1) Present or former employees of the State or political subdivision (this includes County employees).

      (2) Present or former employees who actively participated in the fraudulent activity.

   d) If defendant prevails and the court finds that the qui tam plaintiff was clearly frivolous, clearly vexatious, or took action for the purposes of harassment, then the court may award to the defendant reasonable attorney's fees and expenses.

4. Whistleblower Protections in the California False Claims Act.

   a) California Government Code Section 12653 provides protection for employees by preventing employers from making, adopting, enforcing any rule, regulation or policy that would prevent an employee from disclosing information to a government or law enforcement agency or from acting in furtherance of a false claims action.

   b) California Government Code 12653 also requires that no employer shall discharge, demote, suspend, threaten, harass, deny promotion to, or in any other manner discriminate against, an employee in the terms and conditions of employment because of lawful acts done by the employee on behalf of the employee or others in disclosing information to a government or law

enforcement agency or in furthering a false claims action, including investigation for, initiation of, testimony for, or assistance in, an action filed or to be filed under the California False Claims Act.

IV. ROLE OF FALSE CLAIMS LAWS

The false claims laws discussed above are an important part of preventing and detecting fraud, waste and abuse in federal and state programs, because they provide governmental agencies the authority to seek out, investigate and prosecute fraudulent activities. Enforcement activities take place in the criminal, civil and administrative arenas. This provides a broad spectrum of remedies to battle these problems.

Anti-retaliation protections for individuals who make good faith reports of fraud, waste and abuse encourage reporting and provide broader opportunities to prosecute violators. Statutory provisions, such as the anti-retaliation provisions of the False Claims Act, create reasonable incentives for this purpose. Employment protections create a level of security employees need in order to help in prosecuting these cases.

PERSONNEL MANUAL
TAB 28
EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT AND PROCEDURES

INDEX

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POLICY STATEMENT

Each year the Board of Supervisors reviews and approves the County's Equal Rights/Non-Discrimination Commitment Statement. Upon approval of this Statement, it will be distributed to all County departments, all Departmental Equal Rights Officers, local community organizations, and on the County's web site at **http://www.stancounty.com/personnel/pdf/eeo-statement.pdf**.

Approval of this Commitment Statement communicates the County's commitment to a clearly defined Equal Rights Program, which is established to assure Equal Employment Opportunity and non-discrimination towards our employees, applicants, and those seeking the services provided by County government.

Stanislaus County is committed to maintaining equal opportunity in all employment actions and public services in compliance with all applicable federal and state laws. The County's Workplace Harassment, Discrimination and Retaliation Policy is intended to prohibit, eliminate and prevent unlawful harassment, discrimination and retaliation and its effects in the workplace. The policy is located in the County's Personnel Manual and on-line on the County's Equal Rights website.

The following Equal Employment Opportunity Complaint (EEO) Procedure was developed to provide specific procedures to address complaints under the County's Workplace Harassment, Discrimination and Retaliation Policy and associated complaints regarding public services. These procedures apply to every County employee, job applicant, or person seeking County services who believes he or she may have been treated differently based upon a protected classification.

All employee labor organizations have agreed to the Equal Employment Opportunity Complaint Procedure which follows. Using this procedure is the most effective way to have an equal rights complaint reviewed, investigated and possibly resolved locally and in a timely manner.

A. Intent - It is the intent of this procedure to provide an effective means of resolving individual or group problems of a sensitive nature in a timely manner and with a minimum of formal procedural requirements.

B. Scope - This procedure shall apply to allegations of harassment, discrimination and retaliation in any employment action or in the delivery of public services based upon a protected classification. County departments may develop separate policies and procedures related to processing complaints regarding the delivery of public services in compliance with all applicable federal and state laws and regulations.

C. Limitations - the establishment of this procedure for resolving complaints of discrimination, as it relates to matters of County employment practices, is not intended to supplant regular grievance or complaint procedures or prohibit employees or applicants from filing complaints with the Department of Fair Employment and Housing (DFEH), Equal Employment Opportunity Commission (EEOC), or the courts. This procedure is intended and should be viewed as a means of providing the special skills needed to promptly and fairly handle the sensitive issues involved, and to ensure full cooperation with Federal and State compliance agencies.

D. Representatives - In presenting and resolving complaints, persons submitting complaints may represent themselves or may designate a representative of their own choosing. Costs associated with such representation, if any, will be borne by the complainant.

E. Definitions

Complainant: An employee or applicant for employment who alleges that he or she has been the subject of harassment, discrimination or retaliation on the basis of a protected classification. May also be a member of the public who alleges that he or she has been denied access to County government services or been discriminated against in the provision of such services on the basis of a protected classification.

Third Party: A separate individual from the subject (Complainant) who alleges that he or she witnessed another party be subjected to harassment, discrimination, or retaliation on the basis of a protected classification and brings forward a complaint.

County Equal Rights Officer: The Deputy Executive Officer assigned to the Chief Executive Office Human Resources Division, who is in close reporting relationship to top management and is assigned the responsibility of managing the County's Equal Rights Program including the procedure for handling complaints under this policy.

Departmental Equal Rights Officer: An employee assigned the responsibility of managing a department's equal rights program trained in EEO procedures and who provides informal counseling on matters pertaining to discrimination. Each County Department Head shall have an assigned Departmental Equal Rights Officer. Departmental Equal Rights Officers may be required to offer assistance to other Departments as requested by the County Equal Rights Officer or designee.

Protected Classification: The term describes characteristics or factors which are specifically protected from harassment, discrimination or retaliation based on federal or state laws. Protected classifications include, but are not limited to, race, color, national origin, ancestry, sex, sexual orientation, religion, political affiliation, action, or belief, marital status, age (over 40), pregnancy related condition, medical or physical disability, and genetic history.

Annually, the Board of Supervisors reaffirms its commitment to non-discrimination by adopting the County's Non-Discrimination Statement. Please review the Non-Discrimination Statement for updates to the list of protected classifications. The Non-Discrimination Statement is located in each department, in the Personnel Manual, and on-line on the County's Equal Rights website.

F. Steps in the Procedure

To initiate the EEO Complaint Procedure, any employee, job applicant, or person seeking County services who believes he or she has been subject to harassment, discrimination or retaliation based on a protected classification may make a complaint orally or in writing with any of the following:

1. Immediate supervisor;
2. Any supervisor or manager within or outside the department;
3. Department Head;

4. Departmental Equal Rights Officer;
5. Director of Personnel; or
6. County Equal Rights Officer.

Complainants are encouraged to report complaints as soon as learning of the issues related to their complaint. Any delays in reporting complaints may impact the department's ability to fully investigate and respond to the issues presented.

Complainants are encouraged to use the County EEO Complaint form to assist in documenting all of the issues in the complaint. The form is located in the County's Personnel Manual and on-line at http://www.stancounty.com/personnel/equal-rights/doc/eeo-complaint-form.doc.

Department Level Complaints

Complaints should first be addressed at the department level in an effort to resolve the issues presented. The Departmental Equal Rights Officer (or alternate Departmental Equal Rights Officer) will be responsible for evaluating and responding to the complaint. Due to the nature of certain complaints, the Department and the County Equal Rights Officer may assign an alternate Departmental Equal Rights Officer to complete the departmental level review or may forward the matter directly to the County Equal Rights Officer to coordinate the appropriate follow-up.

The Department process will typically include the following:

a) Consult with the complainant to reach a complete understanding of the issues presented.

b) Make necessary inquiries in an attempt to resolve the complaint. This may include interviews with other witnesses or subjects as necessary.

c) Seek informal resolution of problems by facilitating open communications between the complainant and any other involved parties.

The Departmental Equal Rights Officer will provide a response to the complainant in writing within 60 calendar days of learning of the complaint. If the complaint will require more than 60-calendar days to fully evaluate and respond, the Departmental Equal Rights Officer will notify the complainant of the additional period of time necessary to complete their findings.

County Level Complaints

Complainants may appeal the findings of the Departmental Equal Rights Officer to the County Equal Rights Officer. It is recommended Complainants appeal to the County Equal Rights Officer as quickly as possible to assist the County Equal Rights Officer in completing a timely investigation.

The County Equal Rights Officer, upon receipt of a complaint

a) Shall review the case with the Departmental Equal Rights Officer.

b) May assign an investigator to conduct a prompt, impartial investigation, if necessary, and review finding thereafter. The complainant will be notified of the assigned investigator.

c) The County Equal Rights Officer shall be authorized to issue subpoenas as necessary.

d) Explore further the possibility of informal adjustment of the problems through negotiation or conciliation with Department Head or the parties to the complaint.

e) Respond to the Complainant in writing with the County Equal Rights Officer decision and provide notification of appeal rights. If the Complainant wishes to appeal the County Equal Rights Officer's decision, he/she may do so in writing to the County Chief Executive Officer within fourteen (14) working days of receipt of the County Equal Rights Officer's decision.

1. Appeal to Chief Executive Officer

   Upon receipt of an appeal of the County Equal Rights Officer's decision the County Chief Executive Officer shall:

   a) Review the case with the County's Equal Rights Officer, the Investigator, or Departmental Equal Rights Officer as appropriate.
   b) Request the Investigator gather further information and analysis as appropriate.
   c) Provide the complainant with a written decision and advise complainant of appeal rights.

2. Appeal of CEO's Decision to the Hearing Board

   Shall the affected individual wish to appeal the Chief Executive Officer's decision; he/she may request a hearing with the Hearing Board established pursuant to Stanislaus County Ordinance Code 3.28.060 within fourteen (14) calendar days of receipt of the Chief Executive Officer's decision. The appeal shall be in writing and shall be filed with the Chief Executive Officer. The Chief Executive Officer shall forthwith transmit the appeal request to the Hearing Board. The Hearing Board shall, within a reasonable time from the filing of the appeal, commence the hearing and shall notify the interested parties of the time and place of hearing at least five (5) working days in advance.

   At the hearing, both the complainant and the County shall have the right to be heard publicly, to be represented by counsel, and to present evidentiary facts. The parties may agree to a hearing closed to the public and the Hearing Board may, at

any time, exclude any persons who may be a witness in the appeal under consideration. The hearing shall be informal and the Hearing Board shall not be bound by any of the rules of evidence governing trial procedure and State courts. The Hearing Board shall render a written decision, a copy of which shall be transmitted to the Chief Executive Officer. The Chief Executive Officer shall serve a copy of the decision upon the appellant. The decision is final.

If you believe that you have been discriminated/harassed/retaliated against in any aspect of employment because of a protected classification which includes but is not limited to, race, color, religion, ancestry, national origin, age, sex, sexual orientation, disability, political affiliation, medical condition or marital status, please fill out the form and return it to the Departmental Equal Rights Officer or County Equal Rights Officer.

Complainant's Full Name
Street Address
City State Zip Code
Home Phone Number Work Phone Number
Which department do you believe discriminated against you?
Name and title of person (s) and/or action (s) causing discrimination.
Are you currently working for the department listed above? [ ]Yes [ ] No
What is your classification and job title?
Date which most recent alleged discrimination took place.
Have you discussed your complaint with the Departmental Equal Rights Officer? [ ]Yes [ ] No
Check below why you believe you were discriminated against: [ ] Race [ ] Sex [ ] Color [ ] Disability [ ] Religion [ ] Medical Condition [ ] Ancestry [ ] Marital Status [ ] National Origin Other_____ [ ] Age

Explain how you believe you were discriminated against and/or treated differently from other employees or applicants.
What corrective action are you seeking?
Signature of complainant:
Date of this complaint:

Every complainant who files a charge of discrimination under the County's Equal Employment Opportunity Complaint Procedure has the right to file a private lawsuit.

Every complainant is also entitled to file a complaint alleging discrimination with either or both of the following enforcement agencies:

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
1900 Mariposa Mall, Suite 130
Fresno, California 93721

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1265 West Shaw Avenue, Suite 103
Fresno, California 93711
209-487-5793

PERSONNEL MANUAL
TAB 29
PERSONNEL RECORDS
CRIMINAL HISTORY INFORMATION

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3.12.130 Classified Service Records

A central record of employees and positions is to be maintained and shall include a record of the appointment and subsequent changes in classification or compensation of each employee in the Classified Service and shall include dates of service, positions held, salaries received, vacation, sick leave, and such other related information as the Personnel Officer may consider appropriate. The central roster of employees and positions shall be maintained and continued in the Office of the County Personnel Officer or of the person or persons designated by the Board of Supervisors to fulfill the purposes required by the responsibilities for personnel control delegated to that office by the Board of Supervisors. (Prior code § 2-190).

3.08.120 Confidential Information

The Personnel Director shall maintain procedures to ensure the confidentiality of personnel records including employee and applicant files, reference check information and health screening results. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.3).

Access to Personnel Files

In order to ensure maximum security and confidentiality of Chief Executive Office files, the following procedures are established:

1. Information requested regarding official status will be released. This type of information is employee's name, class title, current salary range and actual salary contingent upon a need to know basis, date of employment and length of employment.

2. Information of a personal nature will not be released. This type of information may include the employee's birthdate, birthplace, address, telephone number, and spouse's name.

3. Only Chief Executive Office staff members and other specifically authorized personnel are allowed to review any personnel records, except in the following cases:

   A. An employee may, in the presence of a Chief Executive Office staff member, review his/her own personnel file at reasonable times.

   B. Another County Department Head or designee may, after prior consultation and with the approval of the Chief Executive Officer or his designee, review the records of employees in their department or other employees being considered for appointment in their department.

C. Access to personnel files must be approved in any other case by the Chief Executive Officer or his designee. Examples may include access in response to subpoenas, investigations, audits or other showing of good cause approved by the Chief Executive Officer or his designee.

4. Any problem which arises in enforcing this policy will be quickly referred to the Chief Executive Officer or his designee. It is very important that the public is served but, at the same time, it is important that the privacy of the employee be protected.

5. The policy set forth in paragraphs one and two above will be considered on a case-by-case basis for any public agency requesting information in its official capacity.

6. Files will be pulled from record storage cabinets only by Chief Executive Office staff members. Anyone with custody of a personnel file is responsible for ensuring its security and prompt return to the storage cabinets.

7. No personnel file will be removed from the area of the Chief Executive Office except by the Chief Executive Officer or management staff.

Security of Department Personnel Records—Personnel Policy

In addition to the central set of records and files maintained in the Chief Executive Office concerning each County employee, most departments maintain working copies of personnel records for internal operating purposes. Such records are of great importance, may contain confidential information, and must be properly secured and accounted for at all times.

The following guidelines are suggested to help department heads maintain record security:

1. Assign formal responsibility for personnel records custody, security and safety to one individual.

2. Limit access to personnel records only to those individuals who must use the records to get their jobs done. People who have a "need to know."

3. Control use of personnel records so that they are not left lying on desks and are not taken home by employees. Records are best referred to or used only in limited, restricted areas of the department. Strict accountability through a sign-out system should be assured.

4. Review record content periodically to insure that personnel files do not contain items that are not necessary or appropriate. Records should not contain documents unrelated to the employee's job or job performance.

5. Review record security procedures periodically to discover whether assigned employees understand the importance of record control, whether files are locked after business hours, and whether better measures should be instituted to safeguard important documents.

I. INTRODUCTION

Personnel records of County employees are specifically exempted from disclosure under the Public Records Act pursuant to Government Code Section 6254 (c). The disclosure of an employee's personnel records could constitute an unwarranted invasion of personal privacy which could subject all parties involved in the disclosure to liability. Therefore, the Grand Jury shall seek access to personnel records by process set forth below.

II. PROCESS

A. The Grand Jury will first attempt to obtain a written waiver from the employee authorizing the Grand Jury to review the employee's personnel file.

B. If unable to secure a waiver, then the Grand Jury shall obtain a subpoena duces tecum for the desired personnel records pursuant to the procedures required by law including California Code of Civil Procedure Section 1985.4, records maintained by the County which contain "personal information," which would include "personnel" records and which are otherwise exempt from public disclosure pursuant to Section 6254 of the California Government Code, can only be obtained through compliance with other relevant portions of the Code of Civil Procedure including, but not limited to, Section 1985.3. Briefly, Section 1985.3 of the California Code of Civil Procedure requires notification to the employee and at least fifteen (15) days opportunity for the employee who has been served with notice that their records have been subpoenaed in order to allow them to seek legal advice prior to the disclosure of these protected materials.

   Also, with regard to "personnel" records maintained on an employee who is a peace officer as defined by California law, such records can only be obtained pursuant to the procedures set forth in California Evidence Code at Sections 1043, et seq.

C. The Grand Jury member or members shall go to the Personnel Office and present either the waiver signed by the employee or the subpoena duces tecum and review the official personnel file.

D. The Grand Jury may interview the Department Head or appropriate supervisor regarding questions or concerns raised by the employee.

E. The Grand Jury shall not comment on personnel matters where litigation has been threatened or commenced until the litigation has been concluded.

III. CONFIDENTIALITY

A. Grand Jurors agree to maintain the confidentiality of employee's personnel records or discussion on any "personnel" matter.

B. Any reference to an employee's personnel records or any comments in the Grand Jury Report regarding personnel matters must be reviewed by County Counsel/District Attorney for libel prior to being made public.

3.08.200 Access to Criminal History Information

For the purpose of obtaining information concerning the foregoing, the Personnel Director or designee is authorized to have access to State Summary Criminal History Information pursuant to Penal Code Section 11105(b)(10) and to require, as a condition of employment, the fingerprinting of new employees. (Ordinance NS 1021 § 1 (part), 1981: prior code § 2-180.10 (part)).

Criminal History Information Control—Personnel Regulation

1. **Purpose**—This policy is established in order to clarify the manner in which criminal history information relates to applying for and securing employment with Stanislaus County. The policy also established the procedures and controls necessary to meet both internal County needs and the need to comply with Department of Justice regulations related to security of sensitive information.

2. **Reasons for Access**—In the recruitment, assignment, promotion, disciplining and evaluation of candidates and employees in the public service, there are job-related connections between criminal history and qualifications of individuals. Provisions related to the disqualification of the applicants for criminal convictions are set forth in Section 3.08.190 of the Stanislaus County Code and are contained in various specific position descriptions for the classifications of County service. For the County to be in a position to effectively insure that qualified applicants are appointed, access to criminal history information is necessary.

3. **Authority for Access**—Penal Code Section 11105(b)(10) permits access to criminal history information by officers or officials of the County when two criteria are met:

   - The information is needed in order to assist the County in fulfilling employment, certification or licensing requirements; and

   - When authorization for access has been specified by the Board of Supervisors.

   - The Stanislaus County Board of Supervisors has authorized access by Section 3.08.200 of the County Code which reads in part as follows:

     "...The Director of Personnel and his authorized designee are authorized to have access to State Summary Criminal History information..."

4. **Fingerprinting**—A person may begin full-time County employment without being fingerprinted, but each new employee is required to be fingerprinted as a condition of continued employment pursuant to Section 3.08.060 of the County Code. Refusal on the part of an employee to be fingerprinted can lead to termination of employment or withholding of pay. Following the fingerprinting of each employee, the Chief Executive Office sends fingerprint cards and required fees to the Bureau of Identification of the State Department of Justice. The Department of Justice reports are addressed to and shall only be opened by the Chief Executive Officer or his authorized designee.

5. **Review of Results**—In those cases where there is information of criminal history, the Chief Executive Officer makes a determination as to the job-relatedness of the information and as to whether the information in relation to application materials submitted by the employee indicate that fraud or misrepresentation in securing employment has occurred.

   In some cases where the information is job-related, necessary follow-up contact is made and the most appropriate course of action is determined. In no case, however, should employment decisions be based on criminal history information that is not job-related.

6. **Storage and Record Keeping**—Following the return of fingerprint and criminal history information from the Department of Justice, the personnel file of each employee shall have a notation added to the effect that a record check has been completed. All fingerprint cards and all printouts of criminal history information are maintained in separate files under the control and custody of the Director of Personnel.

   Fingerprint cards and printouts of criminal history information shall be maintained for a period of three years following the date of return of the information from the Department of Justice. Thereafter, the information may be destroyed.

7. **Challenges by Applicants**—State Department of Justice reports are the officially accepted source of criminal history information. Challenge to the criminal history information upon which an employment decision may be based shall be made in accordance with Section 11126 of the Penal Code.

   In the event an employee submits a request for correction pursuant to Penal Code 11126, the Chief Executive Officer may, at his discretion, withhold action pending resolution of the challenge provided, however, that actions will not be delayed beyond the probationary period of the employee.

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