BOARD OF SUPERVISORS
COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 12-097

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE ESTABLISHING RULES FOR THE ADMINISTRATION OF THE MERIT SYSTEM AND PERSONNEL PROGRAM

WHEREAS, by ordinance adopted on June 15, 1976, the Board of Supervisors reenacted Article VI of Chapter 2 (Section 2-27 to 2-37) of the Butte County Code to provide for the establishment of a Merit System and Human Resources Program to regulate the appointment, advancement, and removal of persons in the employ of the County; and

WHEREAS, Section 2-28 of Article VI of Chapter 2 of the Butte County Code, as reenacted, provides that the Board of Supervisors shall by resolution adopt rules providing for the administration of the Merit System and Human Resources Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the rules for the administration of the Merit System and Human Resources Program under Article VI, Chapter 2 of the Butte County Code are as contained in Exhibit A, attached.

PASSED AND ADOPTED by the Board of Supervisors of the County of Butte, State of California, on the 14th of August, 2012 by the following votes:

AYES: Supervisors Connelly, Wahl, Kirk, Yamaguchi and Chair Lambert
NOES: None
ABSENT: None
NOT VOTING: None

Steve Lambert, Chair - Butte County Board of Supervisors

ATTEST:
Paul Hahn
Chief Administrative Officer
and Clerk of the Board of Supervisors

By:

COUNTY OF BUTTE

MERIT SYSTEM

AND

PERSONNEL RULES

2012

Prepared by:

Butte County Human Resources Department
3-A County Center Drive
Oroville, CA 95965-3387
(530) 538-7651

Table of Contents

1-2.53 RESERVED 1

DEFINITIONS 1

2.54 REASONABLE CAUSE 6

3 ADMINISTRATION 7

3.1 HUMAN RESOURCES DIRECTOR 7

3.2 AMENDMENT OF RULES 7

3.3 SERVICES 7

3.4 PERSONNEL RECORDS 7

3.5 PAYROLL RECORDS 8

3.6 PERSONNEL FORMS 8

3.7 VOLUNTEER RECORDS 8

3.8 DESTRUCTION OF RECORDS 8

3.9 RECORDS ACCESS 8

3.10 EXTENDING COVERAGE TO OTHER AGENCIES 8

3.11 EMPLOYEE ELIGIBILITY 8

3.12 EXEMPT POSITIONS 8

4 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM 9

PURPOSE 9
OBJECTIVE 9
PLAN 10
Personnel Inventory 10
Classification 10
Selection Process 10
Recruitment Procedure 10
Discrimination Complaints 11
RESPONSIBILITIES 11
The Director – Human Resources 11
Appointing Authorities 11

4.5 SEXUAL HARASSMENT PREVENTION POLICY 11

4.6 EMPLOYMENT OF PERSONS WITH DISABILITIES 11

4.7 EMPLOYEES WITH SERIOUS HEALTH CONDITIONS OR DISABILITIES 13

Confidentiality 13
Equal Treatment 14
Benefits 14
Management 14
Medical Authority 15

5 CLASSIFICATION OF POSITIONS 15

CLASSIFICATION PLAN 15
AMENDING THE CLASSIFICATION PLAN 15
ALLOCATION OF POSITIONS 15
SPLIT POSITIONS 15
POSITION RECLASSIFICATION 16

6 APPLICATION, QUALIFICATIONS, CERTIFICATION AND APPOINTMENT 16

RECRUITMENT 16

APPLICATION FOR EXAMINATION....17
Veterans' Preference Points....17
Relevant Experience.....17
QUALIFICATIONS....18
PROMOTIONAL AND OPEN EXAMINATION PROCESS....18
TRANSFER PREFERENCE....18
PROMOTIONAL INTERVIEWS....19
PROMOTIONAL STEP INCREASES....19
EXAMINATION REVIEW....19
SELECTION PROCESS APPEAL....19
CERTIFICATION....19
ELIGIBLE LISTS....20
ESTABLISHMENT OF ELIGIBLE LISTS....20
COMPOSITION OF ELIGIBLE LIST....20
CERTIFICATION FROM COMPARABLE ELIGIBLE LIST....20
EFFECTIVE DATE OF ELIGIBLE LIST....20
DURATION OF ELIGIBLE LIST....20
EXHAUSTION OF ELIGIBLE LIST....20
MERGING ELIGIBLE LISTS....20
ORDER OF ELIGIBLE LISTS....20
REINSTATEMENT LISTS....20
CONTACTING ELIGIBLES....20
WAIVERS....21
PLACEMENT OF ELIGIBLES INACTIVE....21
INACTIVE ELIGIBLES....21
CERTIFICATION OF NAMES....21
REINSTATEMENT LIST TO LAYOFF DEPARTMENT....21
REINSTATEMENT LIST TO OTHER DEPARTMENTS....21
PROMOTIONAL AND OPEN ELIGIBLE LISTS....21
LIST WAIVER....22
SELECTIVE CERTIFICATION....22
6.13 APPOINTMENTS....22
REGULAR....22
PROVISIONAL....22
EXTRA HELP....22
ADMINISTRATIVE APPOINTMENTS....23
EMERGENCY APPOINTMENTS....23
NEPOTISM....23
UNDERFILLING....23
REEMPLOYMENT....23
PROMOTIONS WITHIN CLASSIFICATION SERIES....23
TERM APPOINTMENT....24
REASSIGNMENT....25
7 CONDITIONS OF EMPLOYMENT....25
7.1 STATUS OF ADMINISTRATIVE APPOINTEES....25
7.2 PROBATIONARY PERIOD OF NEW EMPLOYEES....25
7.2.1 EXTENSION OF PROBATIONARY PERIOD....26
7.3 PROBATIONARY PERIOD OF PROMOTED EMPLOYEES....27

7.4 PROBATIONARY PERIOD OF DEMOTED EMPLOYEES 27
7.5 HOURS OF WORK 27
7.6 ATTENDANCE 28
7.7 POLITICAL ACTIVITIES 28
7.8 OUTSIDE EMPLOYMENT 28
7.9 PERFORMANCE REVIEW 28
7.10 PROMOTION AND VOLUNTARY DEMOTION 28
7.11 NOTICE OF DISCIPLINARY ACTION 29
7.12 MEDICAL DEMOTION, TRANSFER, TERMINATION, OR RETIREMENT 30
7.13 WRITTEN REPRIMAND REMOVAL 30
7.14 LAYOFF 31
7.15 SEPARATION 31
EFFECTIVE DATE 31
CHANGE OF EFFECTIVE DATE 31
ABSENT WITHOUT LEAVE 31
8 ALCOHOL AND DRUG ABUSE POLICY 31
9 EMPLOYEE SAFETY 31
SAFETY PROGRAM 31
Purpose 31
Objective. 31
Plan. 32
Authority. 32
Policy. 32
9.2 VIOLENCE IN THE WORKPLACE 32
9.3 SAFETY FOOTWEAR 32
9.4 VOLUNTEERS, BOARDS, AND COMMISSIONS 32
9.5 TRUCK DRIVER PHYSICAL EXAMINATIONS 32
9.6 REIMBURSEMENT FOR EMPLOYEE PERSONAL PROPERTY LOSS 33
9.7 ELECTRICAL OUTAGES 35
9.8 DISASTER PROCEDURE 35
10 EMPLOYEE RELATIONS 36
STATEMENT OF PURPOSE 36
FILING OF RECOGNITION PETITION BY EMPLOYEE ORGANIZATION 36
COUNTY RESPONSE TO RECOGNITION PETITION 37
OPEN PERIOD FOR FILING, CHALLENGING PETITION 37
ELECTION PROCEDURE 38
PROCEDURE FOR DECERTIFICATION OF RECOGNIZED EMPLOYEE ORGANIZATION 38
POLICY AND STANDARDS FOR DETERMINATION OF APPROPRIATE UNITS 39
PROCEDURE FOR MODIFICATION OF ESTABLISHED APPROPRIATE UNITS 40
APPEALS 40
SUBMISSION OF CURRENT INFORMATION BY RECOGNIZED EMPLOYEE ORGANIZATIONS 41
PAYROLL DEDUCTIONS ON BEHALF OF EMPLOYEE ORGANIZATIONS 41
EMPLOYEE ORGANIZATION ACTIVITIES-USE OF COUNTY RESOURCES 41
ADMINISTRATIVE RULES AND PROCEDURES 41
INITIATION OF IMPASSE PROCEDURES 41
IMPASSE PROCEDURES 42

COSTS OF IMPASSE PROCEDURES 42
CONSTRUCTION 42
SEVERABILITY 43

11 COMPENSATION 43

PREPARATION OF COMPENSATION PLAN 43
ADOPTION OF COMPENSATION PLAN 43
APPLICATION OF COMPENSATION RATES 43
COMPENSATION PAYMENT SCHEDULE 43
Schedule of Payment 43
Certification. 44
Separation. 44

11.5 COMPENSATION AT HIRING 44
New Employees. 44
Advanced Step Hiring. 44
Former Employees. 44

11.6 MERIT ADVANCEMENT WITHIN RANGE 45
Performance Report Required 45
Period of Employment Required for Merit Advancement 45
New Employees 45
Promotion or Demotion 45
Lateral Transfer or Voluntary Demotion 45
Lateral Transfer to a Different Classification 45
Change in Range Allocation 45
Position Reclassification 45
Step Adjustments 45
Effective Date 45
Regular Part-Time Employees 45

11.7 PROMOTION 46
11.8 DEMOTION 46
11.9 LATERAL TRANSFER 46
11.10 VOLUNTARY DEMOTION 46
11.11 CHANGE IN RANGE ALLOCATION 47
11.12 POSITION RECLASSIFICATION 47
Reclassification & No Change in Salary 47
Reclassification to Position With Higher Salary Range 47
Reclassification to Position With Lower Salary Range 47
Change In Classification Title Only 47

11.13 BOARD AUTHORITY TO SPECIFY SALARY 47
11.14 OVERTIME 48
Policy 48
Work Period 48
Authorization for Overtime Work 48
Records of Overtime Work and Justification 48
Overtime Compensation 48
Fringe Benefits Not Affected by Overtime 49
Overtime for Callback 49
Exempt Employees 49
Extra Help Employees 49

11.15 BILINGUAL PAY DIFFERENTIAL 49
11.16 TEMPORARY ASSIGNMENTS TO HIGHER LEVEL CLASSIFICATIONS 49
General 49
Vacant Positions 50
Backfilling Positions 50

Other Circumstances *50*

11.17 SHIFT DIFFERENTIAL PAY **50**

12 BENEFITS **51**

VACATION LEAVE **51**
SICK LEAVE **52**
Employee Sick Leave *52*
Reporting Requirement *52*
Medical Reports *52*
Sick Leave Buy Back Option *52*
Illness in Family *52*

12. 3 BEREAVEMENT LEAVE **53**

12.4 LEAVE OF ABSENCE **53**

LIMITED LEAVE **53**
EXTENDED LEAVE **53**
INDUSTRIAL DISABILITY LEAVE WITH PAY **53**
INDUSTRIAL DISABILITY LEAVE WITHOUT PAY **54**
MILITARY LEAVE **54**
TEMPORARY ASSIGNMENT TO FILL A POSITION **54**
BOARD LEAVE **54**

12.5 HOLIDAY LEAVE **54**

DESIGNATED HOLIDAYS **54**
HOLIDAY PRORATION **54**
PERSONAL HOLIDAYS & SPECIAL VACATION ENTITLEMENTS **55**
COMPENSATION IN LIEU OF TIME OFF **55**

12.6 JURY AND WITNESS LEAVES **55**

12.7 REST BREAKS **55**

12.8 RETIREMENT **56**

12.9 RELEASE TIME FOR WORKSHOPS **56**

12.10 HEALTH PLAN **56**

ELIGIBILITY **56**
PREMIUM **56**
RETIRED EMPLOYEE OPTIONS **57**
CONTINUATION OF COVERAGE **57**
PREMIUM HOLIDAY **58**

12.11 UNEMPLOYMENT INSURANCE **58**

12.12 DEFERRED COMPENSATION PROGRAM **58**

13 TRAVEL AND EXPENSES **58**

APPENDIX I EMPLOYEE PERFORMANCE APPRAISAL (EPA) **60**

APPENDIX II SEXUAL HARRASSMENT PREVENTION POLICY… **61**

APPENDIX III LAYOFF POLICY **64**

APPENDIX IV ALCOHOL AND DRUG ABUSE POLICY **67**

APPENDIX V VIOLENCE IN THE WORKPLACE **73**

APPENDIX VI SAFETY FOOTWEAR POLICY **78**

APPENDIX VII MEDICAL LEAVE POLICY **82**

APPENDIX VIII TRAVEL AND EXPENSE POLICY **91**

SECTIONS 1-2.53: Reserved

DEFINITIONS:

ADEQUATE NOTICE OF ACTION: Where provisions of these regulations require that a party or parties concerned be delivered, served, or notified of actions, notification by letter to that party or parties' last known address shall constitute adequate notice of action.

ADMINISTRATIVE APPOINTMENT: The appointment of a person to a department head position.

ALLOCATION: The assignment of a classified position to a budget unit.

ANNIVERSARY DATE: The date of the initial appointment to a Regular-Help position and each succeeding year thereafter, without a break in service.

APPEAL: A written statement by the person affected which declares a personal belief that: a discharge, demotion, or suspension action was without reasonable cause; does not agree with a grievance ruling or the results of a selection process; or an action of discrimination has occurred.

APPOINTING AUTHORITY: Any person, elected or appointed, who has responsibility to administer a county department or office, or who is a representative designated to perform these duties.

APPOINTMENT DATE: The date of appointment to a regular status position within the Merit System.

APPROPRIATE UNIT: A unit of employee classes or positions, established pursuant to these rules.

BOARD: The Board of Supervisors of the County of Butte.

BUDGET UNIT: Any number of classifications allocated together in a section of the salary ordinance for budgetary purposes.

CALLBACK: Occurs when an employee is required to physically return to work, to work hours outside their regular work schedule. Standby status is not callback.

CATASTROPHIC LEAVE: A leave of absence related to a serious health related condition of a regular employee (or immediate family member) that has exhausted all their own paid leave through bona fide serious illness or accident. Catastrophic leave does not apply to such conditions as the flu, colds, and conditions requiring less than a pay period's absence or to normal pregnancy. If the absence due to pregnancy is ordered in writing by the treating health care provider such absence will qualify for catastrophic leave.

CIVIL RIGHTS COMPLIANCE OFFICER: The Director - Human Resources of the County of Butte or the Director's designated representative.

CLASS OR CLASS OF POSITION: All positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and salary.

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

CLASS SERIES: An orderly progression of closely related classifications arranged in a manner of ascending responsibility, skills, and duties.

CLASSIFIED SERVICE: The positions in the classification plan as set forth in the salary ordinance which have not been designated exempt from the provisions of these rules.

COMPENSATED EMPLOYMENT: Compensated employment shall be limited to the following:

- Wages for services performed;
- Vacation credit;
- Sick leave credit;
- Holidays or holiday credit;
- Paid Administrative Leave;
- Accrued Administrative Leave;
- Bereavement leave;
- Jury duty as set forth in section 12.6;
- Paid military leave;
- Compensated industrial injury leave as set forth in these rules;
- Compensatory time off for overtime worked.

COMPENSATION: Salaries and wages paid to employees.

COMPENSATION PLAN: The schedule of salary ranges or wage rates set forth in a salary ordinance for the various classes of positions in the classification plan.

CONFIDENTIAL EMPLOYEE: An employee who, in the course of his or her duties, has access to information relating to the County's administration of employer-employee relations on a regular basis.

COUNTY: The County of Butte, and, where appropriate herein, the County Board of Supervisors or any duly authorized county representative as herein defined.

DAYS: As used in these rules, days shall be calendar days unless specifically stated.

DEMOTION: The involuntary movement of an employee from one class of position to another class of position for which the employee qualifies which has lesser responsibilities and a lower salary range.

DEPARTMENT: One or more budget units grouped together by the Board of Supervisors under the supervision and control of one appointed or elected department head.

DISCRIMINATION: Any action against a person by reason of race, national origin, politics, religion, age, sex, marital status, or disability which denies such person equal employment opportunity.

DISCIPLINARY ACTION: Disciplinary action means dismissal (except for probationary release or rejection, including promotional probationary release), demotion (except for demotion due to layoff or reduction in force), reduction in compensation, suspension without pay, and written reprimand. Disciplinary action may be taken by the appointing authority, or his/her designated representative, for just cause and reasonable cause as set forth in Section 2.54 of the Personnel Rules.

EMERGENCY: A situation in which quick action and judgment are necessary though they may not avert undesirable consequences.

EMERGENCY APPOINTMENT: The appointment of a person for no more than 30 days without using merit system principles because the position is critical and essential to the operation of the department.

EMPLOYEE: Employee is a person legally occupying a position in county service. The salary or wage of such position has been authorized by the Butte County Board of Supervisors in the salary ordinance.

EMPLOYEE ORGANIZATION: An employee organization is any lawful organization which includes county employees and which has as one of its primary purposes representing employees in their employment relationships with the County.

EMPLOYEE RELATIONS OFFICER: The Director - Human Resources of the County of Butte or the Director's designated representative.

EMPLOYEE TYPE:

- *Regular full-time employee*: An employee appointed to fill on a regular full-time basis a budgeted position shown in the salary ordinance.
- *Regular part-time employee*: An employee appointed to fill on a less than full-time basis a budgeted position shown in the salary ordinance.
- *Extra help employee*: An employee temporarily appointed to supplement the County work force because of unusual work load activities or relief.

EXTRA HELP APPOINTMENT: The temporary appointment of a qualified person to a position on a relief or unusual workload basis.

HOURS: As used in these rules the hours reported shall be work hours. The smallest portion of an hour reported shall be one-quarter (1/4) of an hour. Rounding rules shall apply as follows: 0-7 additional minutes shall round down to the nearest 15 minute increment while additional minutes of 8-15 minutes shall round up to the next fifteen minute increment.

IMMEDIATE FAMILY: The following members of an employee's family: spouse; natural, step, or legal child parent; brother; sister; brother-in-law; sister-in-law; daughter-in-law; son-in-law; grandchild; grandparent; grandparent-in-law; mother-in-law and father-in-law; registered domestic partner.

IMPASSE: The representatives of the County and a recognized employee organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a Memorandum of Understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.

LATERAL TRANSFER: The movement of an employee into the same classification within a different department or a classification for which the employee meets the minimum qualifications and the salary is within 4.9% above or below the current rate of pay comparing step one of the current class to step one of the proposed classification.

LAYOFF REINSTATEMENT LIST: Lists that contain the names of permanent employees who have been laid off or have demoted in lieu of layoff.

MANAGEMENT EMPLOYEE: An employee having responsibility for advising, formulating, administering, or managing the implementation of County policies or programs or performing professional services for the County (i.e., attorneys and doctors).

MEDICAL CAUSE: The condition or conditions existing which may justify the medical demotion, transfer, or termination of an employee. Medical cause may include but not be limited to the following:

- Inability to do satisfactory work due to ill health.
- Physical inability to perform the required work.

MERIT ADVANCEMENT: A salary increase within the limits of the pay range established for a class.

MERIT ADVANCEMENT DATE: The date on which an employee is eligible for a merit advancement.

NEPOTISM: The appointment in a department of a member of any employee's immediate family to a regular or extra help position.

PERFORMANCE REVIEW DATE: The date upon which an employee's scheduled performance report is to be completed by an appointing authority is as follows:

- At the end of the first (3) three months of the employee's probationary period.
- At least (30) thirty days before the end of the employee's probationary period.
- At least (30) thirty days before the employee's merit advancement date.
- Annually for employees in the last step of the pay range at least (30) thirty days before the employee's anniversary of the last merit advancement date.

PERMANENT STATUS: The status of an employee following the successful completion of a probationary period which entitled the employee to the rights and privileges provided in these rules.

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

PROBATIONARY PERIOD: The period of time following regular appointment during which an employee demonstrates satisfactory performance in order to justify the right to permanent status.

PROBATIONARY STATUS: The status of an employee following appointment to a regular position during which the employee may appeal disciplinary actions and discriminatory actions. While in this status the employee may not appeal probationary rejection.

PROBATIONARY REJECTION: An action by an appointing authority that results in the termination or voluntary demotion of an employee who, in the opinion of the appointing authority, fails to demonstrate satisfactory performance in the position.

PROFESSIONAL EMPLOYEE: An employee engaged in work requiring specialized knowledge and skills obtained through completion of recognized courses of instruction including but not limited to attorneys, physicians, registered nurses, engineers, and various types of physical, chemical, and biological scientists.

PROMOTION: The movement of an employee from one class of position to another class of position having greater responsibilities and a higher salary range.

PROOF OF EMPLOYEE SUPPORT:

- An authorization card recently signed and personally dated by an employee; or
- A verified authorization petition or petitions recently signed and personally dated by an employee; or

- Employee dues deduction authorization, using the payroll register for the period immediately prior to the date a petition is filed hereunder, except that dues reduction authorizations for more than one employee organization for the account of any one employee shall not be considered as proof of employee support for any employee organization. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee. The words "recently signed" shall mean within (180) one hundred eighty days prior to the filing of a petition.

PROVISIONAL APPOINTMENT: The appointment to a regular budgeted position when no eligible list exists of a person who meets the minimum qualifications of the position, for a period of time not to exceed (6) six months in duration or (60) sixty days following the establishment of an eligibility list for the position, whichever is less. Such appointment is not eligible for departmental promotional recruitments, unless employee was a regular help employee within the department immediately prior to the provisional appointment. Such employee is in all other respects a regular help employee.

REASONABLE CAUSE: See Section 2.54.

RECLASSIFICATION: A change to another classification that most accurately reflects the duties performed by the employee.

RECOGNIZED EMPLOYEE ORGANIZATION: An employee organization which has been formally acknowledged by the County as the employee organization that represents the employees in an appropriate representation unit pursuant to these rules.

REEMPLOYMENT APPOINTMENT: An appointment of an employee previously separated in good standing from County employment within three (3) years of the separation date, in a class in which the employee held permanent status or a class with the same or lower salary range for which the former employee is qualified as determined by the Director - Human Resources.

REINSTATEMENT APPOINTMENT: Any individual recalled from an established layoff reinstatement list to a regular help County position to the classification held at the time of layoff.

REGULAR APPOINTMENT: The appointment of a person using merit system principles to a budgeted position listed in the salary ordinance.

SALARY RANGE: A salary range is compensation from the beginning step (step 1) to the ending step for the classification as specified in the applicable MOU. Where it is stated that an individual's salary will be placed at least one range greater than the current range this means the employee is guaranteed to receive at least 5% greater or lesser than the current salary as compared step to step.

SENIORITY DATE: The date on which an employee began consecutive service in a regular help appointment with Butte County.

SERIOUS HEALTH CONDITION: Refer to Medical Leave Policy in Appendix VII for definition.

STANDBY: Standby means when an employee is required by direct order to:

1) Remain available and be ready to respond to calls within 2 hours from the time of notification
2) Be available by radio or telephone
3) Remain within a reasonable distance from work in order to respond to calls
4) Refrain from activities which may impair the employee's ability to perform assigned duties.

SUNSET POSITION: An allocated position that is limited in duration to a particular period of time, usually because the funding source for the position is not ongoing. Sunset positions have the same privileges and benefits as any other regular help County position.

SUPERVISORY EMPLOYEE: Any employee, regardless of job description, regularly having authority in the interest of the County to hire, transfer, suspend, lay off, recall, promote, discharge, assign, evaluate, or discipline other employees; or the responsibility to assign work to and direct them; or to adjust their grievances or effectively recommend such action; if, in connection with the foregoing functions, the exercise of such authority is not merely routine or clerical in nature, but requires the use of independent judgment.

SUSPENSION: The involuntary placement of an employee in a non-compensated status up to a maximum of (30) thirty working days as a result of disciplinary action by an appointing authority.

TERM POSITION: The appointment to a part-time or full-time position which has a fixed expiration date and which has been approved by the Board of Supervisors. For terms and conditions concerning the appointment of a Term employee, see Section 6.13j.

UNDERFILLING: The filling of a position with a lower classification authorized in the salary ordinance.

VOLUNTARY DEMOTION: The voluntary movement either within a department or between county departments of a regular employee from one class of position to another class of position, with a salary range that is at least 5% less than the current range, and for which the employee is qualified.

VOLUNTEERS: A volunteer is any and all persons allowed by an appointing authority to perform any service, activity or duty in the name of Butte County without compensation.

WORD USE CLARITY: Words used in the present tense include the future, except where the natural construction of this resolution otherwise indicates. Words in the singular number include the plural, and words in the plural number include the singular; and the word "shall" is mandatory and not discretionary.

WORK DAY: The normal number of hours of assigned work, excluding overtime, is eight (8) hours. An appointing authority may, in the interest of the County, modify the normal workday hours, provided the total assigned hours do not exceed 40 hours per week.

"Y" RATE: A salary rate which may be assigned to an incumbent employee whose salary range has been reallocated to a lower salary range, shown in the salary ordinance, for which there is no comparable rate in the reallocated range. An employee may, when demoted or demoting for non-disciplinary reasons, be Y-rated at the discretion of the County.

2.54 REASONABLE CAUSE

Reasonable cause refers to the condition or conditions existing which may justify the discharge, demotion, or suspension of an employee. Reasonable cause may include, but not be limited to, the following:

a) Omission or willful misrepresentation of a material fact or other fraud in securing employment;
b) Unsatisfactory performance;
c) Inefficiency;
d) Insubordination;

e) Discourteous, or disrespectful treatment of the public or other employees;
f) Failure to get along with other employees;
g) Conviction of a felony;
h) Political activity prohibited by state or federal law;
i) Conduct either during or outside duty hours which causes discredit to the department or the County;
j) Unexcused absence from duty, abuse of sick leave or excessive absenteeism (except for those absences related to qualifying family medical leave);
k) Violation of a departmental rule or county policy;
l) Incompetence;
m) Inexcusable neglect of duties;
n) Dishonesty;
o) The use of alcohol, drugs, or medications which impair an employee's ability to effectively and safely perform job duties;
p) Refusal to take and sign any oath or affirmation which is a federal, state, or county requirement; and
q) Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's position specification.
r) Misappropriation, unauthorized or misuse of county funds or property.
s) Failure or refusal to cooperate, or knowingly providing false, misleading, or inaccurate information in an investigation being conducted by the County.

3 ADMINISTRATION

3.1 HUMAN RESOURCES DIRECTOR

The Director - Human Resources shall be responsible for establishing procedures for the administration of rules as set forth in this resolution. An appointing authority may appeal an action of the Director - Human Resources to the Board.

3.2 AMENDMENT OF RULES

These rules may be amended by resolution of the Board.

3.3 SERVICES

The Director - Human Resources shall make available to appointing authorities and employees such counseling and services as will assist them in Human Resources matters which are covered by, but not necessarily limited to, the provisions of these rules.

3.4 PERSONNEL RECORDS

The Director - Human Resources shall keep a file for each employee and place in the employee's file a copy of the employee's application and any other personnel records affecting the employee's status. The Director - Human Resources shall have access to review any county employee's personnel record maintained by an appointing authority.

3.5 PAYROLL RECORDS

The Human Resources Department shall maintain such records which are necessary for payroll and retirement system purposes.

3.6 PERSONNEL FORMS

Every appointment, promotion, transfer, demotion, salary change, separation, or other information or action required which affects an employee shall be initiated on appropriate forms supplied by the Director - Human Resources. Such forms shall be used as prescribed by the Director - Human Resources.

3.7 VOLUNTEER RECORDS

Each appointing authority allowing volunteers to participate in Butte County service activities shall maintain records of such service including the name of the employee or official authorizing the service, the name of the volunteer, the nature of the service, and the time the service was performed. Information concerning each volunteer shall be provided to the Director - Human Resources in a manner and form prescribed by the Director - Human Resources.

3.8 DESTRUCTION OF RECORDS

Employment related records will be destroyed as provided by law and the Board Resolution titled, "Resolution Establishing An Orderly System for Destruction of Records of the County of Butte."

3.9 RECORDS ACCESS

An employee, or a representative authorized in writing by the employee, shall have the right during normal business hours to review said employee's individual personnel records.

An appointing authority may have authorization to review an employee's personnel records.

3.l0 EXTENDING COVERAGE TO OTHER AGENCIES

As determined by the Director - Human Resources, upon the initial extension of this merit system to another agency, an incumbent who has held regular status with the agency may obtain regular probationary status with the County by passing a non-competitive qualifying examination.

3.11 EMPLOYEE ELIGIBILITY

All persons occupying regular-help positions on August 7, l976, shall be recognized as meeting the minimum standards and shall be eligible to hold the positions they are filling.

3.12 EXEMPT POSITIONS

Except as specifically indicated, all elected and appointed department heads are exempt from the provisions of these rules.

4 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (EEOP)

4.1 PURPOSE

The County of Butte is an equal opportunity employer and is committed to an active Equal Employment Opportunity Program (EEOP). It is the stated policy of the County of Butte that all employees and applicants shall receive equal consideration and treatment in employment without regard to race, color, religion, ancestry, national origin, age (over 40), gender, sex, sexual orientation, marital status, medical condition, or physical disability (including HIV and AIDS), or any other characteristic protected by law.

All recruitment, hiring, placements, transfers, and promotions will be on the basis of individual skills, knowledge and abilities, and the feasibility of any necessary job accommodation, regardless of the above identified bases. All other personnel actions such as compensation, benefits, layoffs, terminations, training, etc., are also administered without discrimination. Equal Employment Opportunity (EEO) will be promoted through a continual and progressive EEOP.

The objective of an EEOP is to ensure non-discrimination in employment and wherever possible, to actively recruit and include for consideration for employment minorities, women, and the physically disabled.

The County of Butte will also conform with the Americans with Disabilities Act of 1990 (ADA, 42 USC Sections 12101 et. Seq., and US Department of Justice Implementing Regulations, 28 CFR, Part 35).

The Director – Human Resources is the designated EEOP Coordinator. Inquiries concerning the application of Federal and State laws and regulations should be referred to him/her. The Coordinator is responsible for administering program progress and initiating corrective action when appropriate. All personnel actions are monitored and analyzed to ensure the adherence of this policy. Annual reports shall be submitted to the Chief Administrative Officer for review and evaluation of progress.

To achieve the goals of Butte County's EEOP, it is necessary that each employee and official, appointed or elected, understand the importance of the program and his/her individual responsibility to contribute towards its maximum fulfillment.

4.2 OBJECTIVE

The objective of the County's EEOP is to provide equal employment opportunity to persons from minority and disadvantaged groups as follows:

To achieve the employment of minority persons representative of the total county work force population.

To provide opportunity to minority and disadvantaged persons to be employed in all classifications and departments including supervisory, technical, and administrative, as well as unskilled positions, on the basis of merit system principles.

To provide procedures to resolve complaints of discrimination.

4.3 PLAN

In order to fulfill the above described objectives, Butte County initiates an Equal Employment Opportunity Program which will include, but may not necessarily be limited to, the following actions:

a) Personnel Inventory

The base data for the establishment of equal employment opportunity goals for the achievement of equal opportunity will be developed from an analysis of the county population and work force composition in accordance with the latest census data.

An ongoing analysis of the status of minority employment within the county service will be made by department, classification, and position. This analysis will be conducted by the Director - Human Resources with the cooperation of all appointing authorities.

The Director - Human Resources will administer an ongoing statistical record system of all county departments, classifications, and positions pertaining to minority composition of the county working force.

b) Classification

The Director - Human Resources will periodically conduct a program of occupational analysis, job redesign, and job restructuring. This will be accomplished by reviewing classifications to assure there are no arbitrary barriers and to provide opportunity for entry employment.

Career ladders and lattices for upward and lateral job movement will be analyzed and developed where feasible to remove career gaps within classifications.

Job descriptions will be studied and rewritten if the feasibility of creating lower entry classes exists.

c) Selection Process

The Director - Human Resources will make efforts to insure that examinations are valid, job related, and non-discriminatory.

Oral interviews will be conducted on a fair, equitable, and non-discriminatory basis.

d) Recruitment Procedure

The Director - Human Resources will:

Identify the minority organizations within the geographic boundaries of Butte County;

Obtain assistance from the minority organizations for job announcements and recruitment; and

Develop and expand county involvement in special employment and training programs.

e) Discrimination Complaints

Any person filing a discrimination complaint against a county department shall use the following procedure:

If a person believes there is reason to file a discrimination complaint against a county department, the person may request a confidential informal meeting with the Civil Rights Compliance Officer within ten (10) days from the occurrence, or the person's knowledge of the occurrence, which gives rise to the discrimination complaint. The Civil Rights Compliance Officer or a designated representative shall meet with the person within (5) five days after their request and discuss the complaint in an effort to clarify the issue, to investigate the complaint, and to work towards settlement of the complaint. The Civil Rights Compliance Officer shall verbally present a decision to the person bringing the discrimination complaint within (5) five days of the time of the informal discussion.

4.4 RESPONSIBILITIES

a) The Director – Human Resources

The Director - Human Resources will advise the Board of the Equal Employment Opportunity Program, its budget requirements, and will take measures to insure that the resources allocated to the EEOP are sufficient to achieve its approved goals.

The Director – Human Resources shall coordinate the implementation and interpret the provisions of this program.

The Director-Human Resources shall monitor the effectiveness of this program and make periodic reports to the Board.

b) Appointing Authorities

Appointing authorities and county officials shall assist the Director - Human Resources in completing inventories of personnel assigned to their departments, and in the implementation of the approved Equal Employment Opportunity Program.

Appointing authorities and county officials shall insure that supervisors and other personnel in their departments understand and carry out the spirit of the approved Equal Employment Opportunity Program.

Appointing authorities and county officials shall be responsible to insure that non-discriminatory employment practices are followed within the department of their authority.

4.5 SEXUAL HARASSMENT PREVENTION POLICY

See Appendix II.

4.6 EMPLOYMENT OF PERSONS WITH DISABILITIES

Persons with disabilities who apply for employment require special consideration as part of the employment process. State and Federal laws require that job applicants are not discriminated

against in recruitment, examination, selection, and other employment decisions. There continue to be changes in both the definition of persons with a disability and in what steps an employer may or may not take in making employment decisions.

Generally, applicants with disabilities, or disabilities that are perceived by the public to be disabling conditions, are protected. These statutes include the California Fair Employment and Housing Act (Government Code Section 12900 et seq. `FEHA'), State Rehabilitation Act (Section 1135 of the Government Code) and Section 503 and 504 of the Federal Rehabilitation Act of l973 (29 U.S. Code subsection 792-793).

In addition to the general definition above, Federal law covers applicants with substance abuse problems and mental illness, while State law covers specific medical conditions. It is difficult to generalize how individuals with these conditions are protected under the law.

The basic provisions of these laws prohibit requiring something different from applicants with disabilities than for those without disabilities. For practical purposes the disability of an applicant may not be considered until after a decision has been made to offer employment.

When a candidate with a disability is offered a position, it should be made subject to determining the extent to which accommodations will need to be made to have the job performed. These accommodations may involve such things as raising a desk in order that a wheel chair may be in the correct position for typing, allowing the use of the candidate's specially equipped vehicle when on County business, or other modification to the work.

The appointing authority shall consult with the Director – Human Resources, or his/her designee, on all reasonable accommodation requests prior to taking action on the request.

Accommodation would be for a specific position, not a class of positions. As an example: If a person has been accommodated in the Class of Social Worker and a vacancy occurs in another division of the Department of Employment and Social Services, the process of selection, evaluation of the physical demands of the new position, necessary accommodation, etc., would need to be repeated to consider this person for the position in the other division. Accommodations, however, are to be reasonable and not place an undue hardship on the County to accommodate the disability.

In order to properly consider accommodations, the limitations to performing the job without accommodation, the nature of the accommodation required, including cost and the extent of ongoing efforts to accommodate, need to be documented.

Should an appointing authority in consultation with the Director-Human Resources determine that it would place an undue hardship on the County to accommodate a candidate with a disability, the candidate shall be notified of the decision in writing. Such a decision shall not remove a person with a disability from the eligibility list for the class, unless all positions within the class would require the same accommodations.

Such factors as anticipated future health care costs, potential workers' compensation claims, or future disability retirement applications may not be considered in making the decision to hire a person with a disability.

Both the probability of a candidate's having excessive absences from employment and the extent to which they may pose a danger to themselves and others may be considered, but only after evaluating what accommodations could be made to reduce the effect of absences and reduce the danger they may pose to themselves or others. If the review determines that the measures necessary to reduce the impact of absences, or the hazards to them and others, would create an undue hardship on the County, the candidate may be denied employment.

As with other employees and applicants, medical condition information is confidential and may only be released to supervisors or medical emergency personnel who would meet the test of having a legitimate need to know.

4.7 EMPLOYEES WITH SERIOUS HEALTH CONDITIONS OR DISABILITIES

Butte County recognizes that employees with serious health conditions or disabilities, or those who are perceived to have a serious health condition or disability, including but not limited to cancer, heart disease or AIDS*, may wish to continue to engage in as many of their normal activities, including work, as their condition permits. As long as these employees are able to meet acceptable performance standards and medical evidence indicates that the employee is physically and mentally able to perform the essential functions of the job, Butte County will support the affected employee's right to work.

At the same time, Butte County also recognizes that it has an obligation to provide a safe environment. Every precaution should be taken to ensure that an employee's condition does not present a health, security, and/or safety threat to County employees, clients** or others.

Butte County expects all of its employees to be sensitive to these issues, and to make every effort to treat employees consistent with this philosophy and the following guidelines:

* AIDS - Acquired Immunodeficiency Syndrome (includes any person who has AIDS Related Complex (ARC) or is seropositive with Human Immunodeficiency Virus (HIV) as defined by the Centers for Disease Control).

** Client - a member of the public who is requesting or receiving services from Butte County and, as appropriate, may include an individual in the detention or correctional facility.

a) Confidentiality.

An employee's health condition is personal and private, and reasonable precautions should be taken to protect information regarding an employee's health condition. Communications regarding the affected employee's health condition, to the extent known, shall be restricted to those with a demonstrated job-related need-to-know.

Butte County understands that employees and supervisors may have questions and concerns when dealing with an individual who has a serious health condition or disability; therefore, resources are available through the County Public Health Department and Employee Assistance Program.

b) Equal Treatment

Employees or job applicants who have a serious health condition or disability are addressed by laws and regulations that protect them against discrimination for exercising their legal rights. Questions by management relating to an employee's or job applicant's status as a disabled person should be directed to the Human Resources Department for consideration.

Transfers or reassignments of employees with serious health conditions or disabilities shall be made in accordance with the Personnel Rule 6.13(k), and/or labor and union agreements.

Any transfers of co-workers of an employee with a serious health condition or disability shall be made in accordance with the Butte County Personnel Rules and/or labor and union agreements. Where it has been determined that the continued presence of an employee with a serious health condition or disability possess no health, security or safety risk to co-workers, clients, or others, transfers will not be granted on the basis of a perceived health, security, or safety risk.

c) Benefits

Employees with serious health conditions or disabilities, provided that they are otherwise eligible, are entitled to all County provided benefits including coverage under the County's sick leave plan. In addition, confidential consultation regarding employee benefits may be obtained through the County's Human Resources Department.

The County, through its Public Health Department and Employee Assistance Program, will provide access to agencies which offer supportive services to employees and their household members who may be affected by serious health conditions or disabilities.

d) Management

If the job performance of an employee with a serious health condition or disability is a concern, management should contact Human Resources for assistance. Decisions will be made in accordance with Butte County Personnel Rules and/or labor and union agreements.

The Human Resources Department should be contacted to determine if a statement should be obtained from the employee's health care provider that continued presence at work will pose no threat to the employee, co-workers or clients.

Reasonable accommodations will be made to modify the affected employee's duties or work conditions consistent with the business needs of the particular County department. Determination shall be made on a case-by-case basis, in conference with Risk Management, Human Resources, County Counsel, and the employee's representative, if required.

If it is necessary to temporarily increase a department’s staffing in order to hire a replacement or partial replacement for an employee who is on paid sick leave or reduced hours due to a serious health condition or disability, the department head shall contact the Chief Administrative Officer. The CAO may approve or disapprove such a temporary increase.

For assistance in adding a temporary employee, the department should contact the Human Resources Department. Such a temporary increase in complement will continue at the discretion of the department's appointing authority or Chief Administrative Officer.

Each department may develop specific guidelines to address needs specific to its department not already addressed by the policy and shall be developed in consultation with Risk Management, Human Resources Department, and the employee's representative, if required.

e) Medical Authority

This policy statement and guidelines are based on the most current and generally accepted medical information and are subject to on-going revision.

5 CLASSIFICATION OF POSITIONS

5.1 CLASSIFICATION PLAN

All positions shall be included in a classification plan except those positions held by elected and appointed department heads and appointed boards and commissions. The classification plan shall be maintained by the Director - Human Resources so that all positions substantially similar in duties, responsibilities, authority, and qualifications required are so classified that schedules of compensation may be applied equitably. Each classification shall have a written specification setting forth the title of the class, defining the class, describing duties and responsibilities of the positions in the class, and setting forth qualifications of applicants for positions in the class.

5.2 AMENDING THE CLASSIFICATION PLAN

The Director - Human Resources may create new classes or revise or abolish existing classes.

5.3 ALLOCATION OF POSITIONS

The number and classifications of permanent positions shall be as approved by the Board of Supervisors in the salary ordinance. No appointing authority shall appoint more employees to a class of position than is provided in the salary ordinance except that a new employee or a promoted employee may be appointed to a position not more than (30) thirty working days before the employee being replaced is separated.

5.4 SPLIT POSITIONS

a. The Director - Human Resources may authorize Physician, Psychiatrist, Psychologist, and nursing and health care professional positions to be filled by less than full-time employees in any number so long as the total aggregate time in each class does not exceed the full-time equivalent of the positions authorized in the salary ordinance.

b. With the concurrence of the department head, the Director-Human Resources may authorize any two (2) employees, within the same classification and department to share one (1) allocated position. All sick leave, vacation leave, earned administrative leave and holiday leave shall be prorated on a 50/50 basis. PERS retirement accrual shall be calculated on a prorated basis pursuant to PERS regulations. Additional hours worked by either of the two parties to this provision shall be paid on a straight time (non-overtime) basis up to forty (40) hours in a week with prior approval of the immediate supervisor.

5.5 POSITION RECLASSIFICATION

Upon review and analysis, the Board may take action to reclassify a position when there has been a significant change in the duties and responsibilities of the position. When a position is reclassified to a higher classification, the Director - Human Resources shall make a determination whether or not an incumbent is qualified to advance to the higher class. If there are other qualified employees in the same class as the incumbent whose position was reclassified, the Director - Human Resources may conduct promotional examinations for the higher class of position. Any employee being reclassified must meet the current minimum qualifications associated with the new classification. The Director-Human Resources may make exceptions on a case by case basis for good cause. Refer to section 11.12 for procedural specifics.

Either an appointing authority or the Director - Human Resources, after consulting the appointing authority, may request that a position be reclassified as follows:

An appointing authority may request a review of a current classification whenever permanent and substantial changes have occurred to the position to the extent that the position has become significantly different in nature than it was when last classified. Such requests shall be made on forms as prescribed by the Director – Human Resources and include the position classification, name of the current incumbent, and the nature of the changes in the responsibilities and duties of the position.

If an employee believes that changes, as described above, have occurred within the incumbent's position, the employee may submit to the appointing authority a written request for a review of the position's classification. If the appointing authority determines that a review of the classification is warranted, such request shall be forwarded, on the prescribed forms, to the Director – Human Resources pursuant to subsection 1 of this section for determination of appropriateness. In the event that the appointing authority determines a review of the classification is not warranted, the employee may then submit a request to the Director – Human Resources for a final determination as to whether a review is appropriate.

Prior to submission to the Board of Supervisors for implementation of a classification change, the Director – Human Resources shall forward the analysis and recommendation to the appropriate bargaining unit for review and invitation to meet and confer.

6 APPLICATION, QUALIFICATIONS, CERTIFICATION AND APPOINTMENT

6.1 RECRUITMENT

The Director - Human Resources shall be responsible for the recruitment of persons who are to be considered for employment. The Director - Human Resources may make use of announcements, advertising, and any other method of publicizing employment opportunities so that a sufficient number of qualified applications may be recruited.

6.2 APPLICATION FOR EXAMINATION

A separate application must be submitted for each examination. The application must be submitted during the announced recruitment period using the County's current application process. The application form must be completed in sufficient detail to allow a job-related, comprehensive review and evaluation of the applicant's qualifications. Failure to file the application during the recruitment period or to complete the application in sufficient detail will constitute failure of the initial step in the examination process and the application will be placed in the inactive files. It is the applicant's responsibility to notify the Human Resources Department of any change in address, name, or other pertinent information. The Director - Human Resources shall be responsible to establish rules, procedures, and forms necessary to carry out the provisions of this section.

a) Veterans' Preference Points

Applicants for open, non-promotional examinations who have served in the United States' Armed Forces as defined in Government Code Section 18540 and who qualify as veterans shall be eligible for five (5) veterans' preference points to be added to their score, provided that they achieve a passing score in the overall examination. Qualified veterans with a service-connected disability of 30% or more shall be eligible for an additional five points to be added to a passing score of an open, non-promotional examination. To receive the additional five (5) veterans' preference points, a copy of an official statement, dated within the last twelve (12) months, from either the Department of Veterans Affairs, or a branch of the Armed Forces indicating that applicant's disability is 30% or more must be attached to each specific Application for Examination.

For the purposes of this section, a veteran means any person who has served in the United States' Armed Forces and who has been discharged or released under conditions other than dishonorable and who served:

- During the period December 7, 1941 to July 1, 1995; or
- At least 181 consecutive days since January 31, 1995; or
- During the Gulf War from August 2, 1990 through January 2, 1992; or
- In a campaign or expedition for which a campaign medal has been authorized, including El Salvador, Grenada, Haiti, Lebanon, Panama, Somalia, Southwest Asia, and Bosnia.
- The campaign in Iraq and the war on terrorism.
- In any other campaign approved by the Board of Supervisors.

To receive veterans' preference points, each eligible veteran shall submit to the Director - Human Resources during the announced recruitment period for each specific open, non-promotional examination, a written request for veterans' preference and written proof of eligibility (DD214 Form).

b) Relevant Experience

Permanent regular County employees shall be provided an additional five (5) points on Training and Experience examinations when prior County experience of (6) six months or more is relevant to the position being sought as determined by the Director – Human Resources.

6.3 QUALIFICATIONS

All examination applicants for appointment or promotion to a class of position in the classified service must be qualified for the work they will be required to do. In determining whether or not an applicant is qualified, the Director - Human Resources shall apply any or all of the following selection processes as may, in the opinion of the Director - Human Resources, be necessary:

a) Satisfactory evidence of certification, registration, license, or educational attainment where such requirement is stated in a class specification.

b) Satisfactory evidence of compliance with experience requirements as set forth in a class specification.

c) Satisfactory evidence of an applicant's character, integrity, and success in previous employment.

d) Satisfactory evidence that the applicant has not been convicted of a felony by the review of criminal offender record information pursuant to California Penal Code Section 11105. For this purpose the Director - Human Resources is authorized to receive criminal offender record information.

e) Successful completion of a written, performance, or oral examination, or a combination of two or more of such examinations, designed to test the applicant's knowledge, skills, physical ability, and personal attributes as related to the class of position for which the examination is established. Ratings of such examinations shall be in conformity with the provisions set forth on the examination announcement and shall be applied equably using appropriate scientific techniques and procedures determining the final scores.

f) Satisfactory evidence of status of the applicant's physical and mental health with regard to the job-related factors of the classification.

g) Prior to beginning work, all persons selected for appointment must execute a loyalty oath to support and defend the Constitution and also agree to submit to fingerprinting and photographing for the purpose of identification.

6.4 PROMOTIONAL AND OPEN EXAMINATION PROCESS

The Director - Human Resources may announce and hold promotional or open examinations for the purpose of establishing promotional or open eligible lists on a departmental, county-wide, or open basis. Competitive examinations shall be held when there are more than nine (9) qualified and eligible applicants for any examination. The Director - Human Resources may waive the examination process when there are nine (9) or less qualified and eligible applicants for any examination.

6.5 TRANSFER PREFERENCE

When filling regular help positions, an appointing authority shall consider lateral transfer requests from employees in the same class as the vacancy. An appointing authority shall, before filling the position, interview all transfer applicants on file with the Human Resources Department. Transfer requests shall be filed with the Human Resources Department.

6.6 PROMOTIONAL INTERVIEWS

When an appointing authority receives a certified list of eligibles from the Human Resources Director to fill a regular-help position by promotion, the appointing authority shall interview each of the eligibles on the list that is available and interested in the position before making a final selection for the position.

6.7 PROMOTIONAL STEP INCREASES

Employees who are promoted within ninety (90) days prior to their merit date will be granted an additional salary step increase beyond what is normally provided by Personnel Rule 11.6. Such additional step may be denied for reasonable cause; including the employee being hired, promoted or receiving extraordinary step increases within the previous twelve (12) months, etc.

In addition to the provisions of Personnel Rule 11.6 (Merit Advancement within Range), the following shall apply to all employees: The appointing authority may grant out of sequence step advancements up to a maximum of two steps for an employee in a specific classification.

6.8 EXAMINATION REVIEW

Participants in a written examination process may within (5) five days following the examination, review their individual test answer sheet to obtain assurance no scoring errors were made. Standardized written examinations are not subject to review.

6.9 SELECTION PROCESS APPEAL

Any applicant who has participated in a selection process may appeal to the Director - Human Resources for review of the rating received in any part of the selection process to assure uniform rating procedures have been equitably applied.

Such appeal must be filed in writing with the Director - Human Resources within (20) twenty days after the date on which the notification of the results of such selection process was mailed to the applicant. A selection appeal must clearly state the selection process rating questioned, the date of the process, and the action requested. The decision by the Director - Human Resources shall be final.

Any correction in rating shall not affect appointments which may have already been made from the eligible list which resulted from the selection process rating in question.

6.10 CERTIFICATION

When a vacancy in an authorized position occurs or is about to occur, the appointing authority shall notify the Director - Human Resources and may request a list of qualified applicants. Before approving the request the Director - Human Resources may request the Administrative Officer to make a judgment as to the need for the position. The Administrative Officer may make an appropriate recommendation to the Board. If the vacancy is to be filled, the Director - Human Resources shall take the necessary steps to certify to the appointing authority an eligible list of qualified applicants.

6.11 ELIGIBLE LISTS

a) Establishment of Eligible Lists. The Director - Human Resources shall establish eligible lists for each class of position in the classified service whenever it is deemed necessary.

b) Composition of Eligible List. An eligible list consists of the names and scores of applicants who qualified with a minimum final score of 70% for the class of position in the selection process. The final scores of the applicants shall be recorded in incremental score groups ranging from 70% to 100%.

c) Certification from Comparable Eligible List. Where no eligible list is in existence for a classification, the Director - Human Resources may certify the names and scores from an eligible list or lists for a related class. Waiver of certification from such comparable lists will not affect the eligible's' standing on the original list.

d) Effective Date of Eligible List. An eligible list shall be in effect from the date on which it is approved by the Director - Human Resources.

e) Duration of Eligible List. All eligible lists shall continue in force for a period of (1) one year from the effective date unless extended or shortened by the Director - Human Resources.

f) Exhaustion of Eligible List. If there are three (3) or less eligibles available, the Director - Human Resources may consider that list to be exhausted.

g) Merging Eligible Lists. The Director - Human Resources may create an additional eligible list for a class whenever it is deemed necessary. Such a list may be merged with an existing list. Names shall be placed on the merged list in order of their scores on the original lists. Persons whose names appear on merged lists shall retain their eligibility until the date the original list on which they appeared would have expired.

h) Order of Eligible Lists The Director - Human Resources shall certify names and scores to the appointing authority in the following order pursuant to the provisions of these rules:

1. Reinstatement lists
2. Promotional eligible lists
3. Open eligible lists

i) Reinstatement Lists. The Director - Human Resources shall establish a reinstatement list for each class in which a layoff occurs. Such lists shall contain the names of permanent employees who have been laid off or demoted in lieu of layoff. Names of persons laid off or demoted in lieu of layoff shall be placed on the appropriate reinstatement list in the inverse order of separation, the most senior first. Names on the reinstatement list shall be automatically removed upon the expiration of twenty four (24) months. Names on the reinstatement list shall be removed for any of the reasons set forth in these rules.

j) Contacting Eligibles. Eligibles may be contacted to ascertain interest in County employment. Such eligibles shall be given five (5) days from the date of notice to respond. The conditions of employment will be described in sufficient detail to identify the job on the contact notice.

k) Waivers. An eligible's name which appears on a list resulting from an open competitive examination shall be removed from the eligibility list when the eligible indicates no interest in offered employment on three (3) written inquiries. Employees whose names appear on promotional eligibility lists or reemployment lists shall be allowed an unlimited number of waivers for the duration of the list or the expiration of the reemployment request. Once an eligible's name is removed from a list, it may not be restored to the list.

l) Placement of Eligibles Inactive. The names of eligibles may be placed inactive for any of the following reasons:

1. A request by the eligible in writing that the eligible's name be temporarily withdrawn;
2. On evidence that the eligible cannot be located by the postal authorities;
3. On receipt of a statement from the eligible declining an appointment or stating that they no longer desire consideration for a position with the County; or
4. For failure to respond within stipulated time after notice of certification, without suitable explanation.

m) Inactive Eligibles. An eligible's name may be restored to the active eligible list for the duration of the original list upon written request by the eligible to the Director - Human Resources.

6.12 CERTIFICATION OF NAMES

a) Reinstatement List to Layoff Department. The Director - Human Resources shall certify to an appointing authority whose department has had a layoff the name of the most senior available eligible from the departmental reinstatement list for the class of vacancy who has expressed a willingness to accept reinstatement in the vacant position. When there is no reinstatement list for the class of vacancy, the Director - Human Resources shall certify the entire departmental reinstatement list of available eligibles in any higher class within the same class series.

b) Reinstatement List to Other Departments. The Director - Human Resources shall, in addition to a departmental promotional list, certify to an appointing authority whose department has not had a layoff in the vacant class of position, the names of all eligibles from other departmental reinstatement lists from any equivalent class requiring substantially the same minimum qualifications, or higher classes in the same class series as the vacancy, who have expressed a willingness to accept reinstatement in the vacant position.

c) Promotional and Open Eligible Lists. The Director - Human Resources shall certify to the appointing authority from the appropriate promotional or open eligibility list for the class of position, the names of the highest ranking three (3) incremental score groups of eligibles who have indicated a willingness and availability to accept the conditions of employment. In the event that there are less than five (5) names of eligibles in the three (3) highest incremental score groups to be certified to an appointing authority for a vacancy, or when the request for eligibles is for multiple vacancies in the same class of position and there are less than five (5) eligibles plus one eligible for each additional vacancy in the three (3) highest incremental score groups, the Director - Human Resources may certify in addition the names of eligibles in the next lower incremental score group or groups.

d) List Waiver. If an eligible receives a probationary or permanent appointment, such appointment shall constitute a waiver of all rights to certification from any other eligible list on which the eligible's name appears for a class, the salary of which is either lower than or equal to that salary covered by the appointment, unless the eligible requests in writing that the name be retained for certification from such lists.

e) Selective Certification. When a position which is assigned special duties, or is required by law to meet certain requirements, becomes vacant, the Director - Human Resources may determine which applicants on the eligibility list meet these special requirements. The Director - Human Resources shall certify the names of the highest ranking eligibles who meet the special requirements in the same manner specified in Section 6.12(c) above.

6.13 APPOINTMENTS

a) Regular. Appointments shall be made from the eligibility list certified by the Director - Human Resources. When an appointing authority has received from the Director - Human Resources a list of qualified applicants, the appointing authority may interview any or all of the applicants certified and make an appointment to the appropriate vacant position. No appointing authority may appoint more employees to a class of position than authorized by the Board or as provided in these rules.

b) Provisional. The Director - Human Resources shall approve a provisional appointment made by an appointing authority only when an eligibility list cannot be certified. Any person appointed provisionally shall meet the minimum standards for the appointed class. A provisional appointment shall not exceed six (6) months in duration or sixty (60) days following the establishment of an eligibility list for the position, whichever is less.

In order to qualify and be considered for a regular appointment to the position, a provisional employee must, during the period of his/her provisional appointment, apply for the position. Provisional employees must be within hiring range on the eligibility list to be placed in a regular help appointment status.

When appointed provisionally and no list is developed within the six (6) months as described above, the provisional appointment may be extended by no more than an additional ninety (90) days with the prior approval of the Director - Human Resources. In the case of an employee represented by the Butte County Management Employees' Association, who is provisionally assigned to a classification represented by said Association, additional extensions beyond the 90 days may be made on a month to month basis by mutual agreement between the Human Resources Director and the Association for up to three months.

An employee appointed provisionally shall not be eligible to compete in a departmental promotional recruitment unless the employee was already a regular help employee holding a position within the department prior to the provisional appointment.

c) Extra Help. An appointing authority may make an extra-help appointment not to exceed 30 days. Should such an appointment need to exceed 30 days, an appropriation for extra-help must be authorized. Prior to commencement of work, the appointing authority shall obtain approval of the Director-Human Resources or designee. Any person employed for extra-help shall meet the minimum qualifications for the class corresponding to the duties of work to be assigned. Extra-help workers shall be employed at the hourly rate appropriate to the

applicant's experience and class proposed for appointment, as approved by the Director-Human Resources.

Extra-help appointments shall not exceed 125 working days or 1000 hours in any fiscal year unless the extra help employee is a PERS annuitant, in which case the appointment may not exceed 960 hours in a fiscal year. This limit may only be exceeded under extraordinary circumstances when pre-approved in writing by the Chief Administrative Officer and does not relieve the appointing department from compliance with applicable State laws including those pertinent to the enrollment of extra help employees into the retirement system.

d) Administrative Appointments. All administrative appointments shall be made by the Board.

e) Emergency Appointments. An appointing authority, with the approval of the Director - Human Resources, may make an emergency appointment to fill a regular or extra-help position deemed to be critical and essential to the department when no eligible list or no one who meets the minimum qualifications is available. Emergency appointments shall be for no longer than thirty (30) days.

f) Nepotism. No appointing authority shall appoint a member of their immediate family within their department. Further, no appointing authority shall appoint or assign any employee to directly supervise a member of such employee's immediate family.

g) Underfilling. When the Board allocates a position with alternate staffing levels in the salary ordinance, the appointing authority may fill a position with a lower classification of the same series.

h) Reemployment. An appointing authority may appoint an employee previously separated in good standing from county employment within three (3) years of the separation date, in a class in which the employee held permanent status or a class with the same or lower salary range for which the former employee possesses the current minimum qualifications, if qualified as determined by the Director - Human Resources. The competitive examination process will not be required to reemploy a qualified individual on the reemployment list. An employee reemployed under the provisions of this section shall serve a probationary period in the class in which the reemployment occurs. When a vacancy in a department occurs, an appointing authority shall consider any reemployment request or consider such request in addition to an eligibility list for the position, except that no reemployment shall occur in a classification where a layoff - reinstatement list exists.

Employees reemployed within twelve (12) months, shall be reinstated at the leave accrual rate obtained just prior to the separation in good standing as a Butte County employee; ability to earn at the next higher level of accrual shall be calculated on a cumulative time served basis. Said individual’s seniority calculation score from the prior continuous County service shall be added to any seniority calculation scores earned in the rehired status.

i) Promotions within Classification Series. An appointing authority may promote employees within their own department without the employee going through the open recruitment or traditional departmental promotional process. This specific situation is when there is a vacancy or a flexibly staffed position within a classification series, and the department wants to promote an employee from the lower level classification to the higher level classification. It is the appointing authority’s discretion for determination on whether or not an employee is

qualified for promotion to the higher level classification. It is the Human Resources Department's determination as to whether or not the employee meets the minimum qualifications for the higher level classification. Refer to Appendix I of the Personnel Rules for specific procedures, as well as a list of classifications that are determined to be eligible for this procedure.

j) Term Appointment. Appointments to a term position may be made where there is an allocation made by the Board of Supervisors to the position allocation schedule and for which there is a vacancy in the department for a part-time or full-time position which has a fixed expiration date. Termination at the time a "term" position ends can be waived by the Director - Human Resources only under the following circumstances:

1. A request for a waiver has been made by the department head based on a continued need in the department. This need will be identified and subsequently approved by the Board of Supervisors as part of a salary ordinance amendment and,
2. The employee affected by the waiver was selected for the term position through the competitive recruitment process, including being hired or selected from a certified eligible list.

   or

   the employee affected by the waiver is currently on the certified eligible list for the position and is in a reachable score group band;

   or

   the employee affected by the waiver was selected for the term position through the competitive recruitment process, including being hired or selected from a certified eligible list, is in a flexibly staffed term position and was promoted pursuant to the Personnel Rules.

3. The employee affected has either:
   - Completed one year of service and has received the required performance evaluations as would any regular-help probationary employee, with a meets or exceeds standards testing.

     or

   - The employee affected has completed less than one year of service, has received required performance evaluations, as would any regular-help probationary employee, with a meets or exceeds standards rating.

This employee will become probationary regular-help employee for the period of time equal to that necessary to complete a one-year probationary period prior to becoming a permanent employee. During the completion of the probationary period, the employee is subject to the same limitation and requirements as all other probationary employees.

The affected employee will be brought into regular-help status at the same step of the term position so long as the employee's step was set in accordance with the Personnel Rules.

When termination is waived pursuant to this section, health benefits, accrued vacation, administrative leave, sick leave, holiday, and seniority will transfer with the employee to the regular-help position.

If, prior to the end of a term position, a term employee is transferred into a regular position in the same classification as the term position and was selected for the term position from a certified list for the classification held, all accrued benefits shall be retained. Time served in the term position shall serve as time served toward the required regular-help probationary period in that classification.

When a current County employee accepts a term position in the same department as currently employed, and the term assignment ends, the employee shall be reinstated to the same classification as was held prior to the term assignment. In this event, the time spent in the term position shall count toward seniority and the probation period of the employee's prior position where the required probationary period was not completed prior to movement to the term position.

k) Reassignment. When an employee is permanently unable to perform the essential functions of his/her current position because of a serious health condition or disability, the employee may be reassigned subject to the following considerations:

1. The employee must be unable to perform the essential functions of his/her position because of a serious health condition or disability.
2. The employee must be able to perform all of the essential functions of the reassigned position with or without a reasonable accommodation.
3. The reassigned position must be vacant or soon to be vacant.
4. The employee must meet the minimum qualifications of the reassigned position.
5. The reassigned position does not result in the employee's promotion.
6. With or without a reasonable accommodation, the reassigned position must meet the employee's functional limitations and/or restrictions as identified by an appropriate health care provider.

All reassignments are made at the direction of the Director-Human Resources, or his/her designee. Any employee who is reassigned pursuant to this section is not required to submit an application and participate in the competitive recruitment and selection process. Employees who are reassigned begin at a place on the Salary Range of the reassigned position as determined by the Director-Human Resources. The Director-Human Resources shall consider the employee's comparable job experience in the position to which the employee is being assigned.

7 CONDITIONS OF EMPLOYMENT

7.1 STATUS OF ADMINISTRATIVE APPOINTEES

Appointed department heads shall serve at the will of the Board subject to the conditions of applicable contracts, regulations, or law. Other employees may also serve at the will of the appointing authority as provided by state law.

7.2 PROBATIONARY PERIOD OF NEW EMPLOYEES

All new regular employees shall serve a (12) twelve-month probationary period.

During the probationary period the appointing authority shall observe the employee's performance. If the appointing authority rejects the employee at any time during the probationary period, the appointing authority shall, in writing, inform the employee and the Director - Human Resources. The employee shall then be terminated.

An individual reclassified to a higher classification or promoted during the initial hire probationary period, must only complete the initial 12-month probation in order to gain permanent employee status and property rights. The individual must complete a concurrent 6-month promotional probationary period. If the individual does not pass the promotional probationary period, and the initial-hire twelve months have passed, that individual may voluntarily "bump" back to the original classification of hire.

If an individual who would otherwise be terminated in an initial-hire probationary period voluntarily demotes to another classification, a new six-month probation must be served in the new classification from the date of transfer. Failure to pass this probationary period will result in separation from employment.

Except for allegations of discrimination raised pursuant to Section 4.1 of these rules, employees shall have no right to appeal a rejection during the probationary period. If, at the end of the probationary period, the appointing authority believes the employee is performing satisfactorily, the appointing authority shall, in writing, inform the employee and the Director - Human Resources and the employee shall be granted permanent status and may enjoy such privileges as are set forth in these rules. Should the appointing authority fail to perform the employee's probationary review at the end of the probationary period, the employee shall automatically be granted permanent status. A provisional employee in a class, who is subsequently appointed to that class as a probationary employee without break in service, shall have the time served as a provisional employee applied to fulfillment of the required probationary period.

7.2.1 EXTENSION OF PROBATIONARY PERIOD

The initial hire probationary period or a promotional probationary period may be extended due to a personal illness (this may include time off due to pregnancy) or to care for a critically ill family member. The minimum amount of time that a probationary period may be extended under this policy is two full and consecutive pay periods with the understanding that an extension of probation is calculated in biweekly increments. The individual's merit date will be extended proportionate to the extension of the probationary period.

Either an appointing authority, or designee, or a qualifying employee may request an extension, but in any event the prescribed form must be signed by the employee and appointing authority.

Under such approved circumstances, and upon the employee's return to work, the probationary period will be extended by an amount of time equal to the period of time that the employee is absent under this policy. Said employee's merit advancement date shall also be adjusted accordingly.

If the employee returns to work at a date that is neither the first day nor the last day of a full pay period, the extended probationary period will be calculated by rounding to the first day of the closest full pay period.

Benefits and seniority will not accrue during an absence under this policy except for any time that the employee is on paid leave.

If it becomes necessary to extend the approved leave of absence under this policy, an appointing authority or designee at their sole discretion may approve the extension if the employee submits a signed, dated, note from a medical care provider indicating a specific anticipated date of return. Such extensions are not automatic and are subject to approval by the appointing authority or designee. Upon return to work, the employee's probationary period will be extended as described above.

A signed copy of the required form shall be maintained in the individual's personnel file located in the Human Resources Office.

7.3 PROBATIONARY PERIOD OF PROMOTED EMPLOYEES

An employee who is promoted shall serve a (6) six month probationary period in the higher classification except employees promoted to the class of Deputy Sheriff, Correctional Officer and Public Safety Dispatcher, who shall serve a twelve (12) month probationary period. During the probationary period an employee who has permanent status in a lower class shall be regarded as having permanent status in the former class.

If the employee is rejected during the probationary period in the higher class of position, the employee shall have the right, in lieu of termination, to voluntarily demote back to the former class of position in which permanent status was held. Except for termination for allegations of discrimination raised pursuant to Section 4.1 of these rules, probationary employees shall have no right to appeal a rejection in probation. If, at the end of the probationary period, the appointing authority believes the employee is performing in a satisfactory manner, the appointing authority shall, in writing, inform the employee and the Director - Human Resources. The employee shall then have permanent status in the higher classification. Should the appointing authority fail to perform the employee's probationary review at the end of the probationary period, the employee shall automatically be granted permanent status in the higher classification.

7.4 PROBATIONARY PERIOD OF DEMOTED EMPLOYEES

An employee who is demoted for disciplinary purposes shall serve a probationary period in the new class unless the employee previously held permanent status in that class or a higher class in the same class series. An employee who voluntarily demotes to a classification with a lower salary range shall not be required to serve a new probationary period provided the employee held permanent status in an equivalent or higher class level. Employees who have not held permanent status and who voluntarily demote while on probation must complete the probationary period in the lower classification.

7.5 HOURS OF WORK

The normal work period shall be eighty (80) hours per biweekly pay period for each full-time employee. Appointing authorities shall schedule the employee's hours in such a manner as to maintain County offices open for business 8:00 a.m. to 5:00 p.m. each day of the year except Saturdays, Sundays, and holidays. Departments which necessitate a different daily operation schedule shall maintain and post an employee assignment schedule. No employee, except in the case of emergency, shall be required to work a different schedule than assigned unless the employee has been notified at least ten (10) days in advance of the change in the work schedule.

7.6 ATTENDANCE

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All appointing authorities shall keep daily attendance records of employees. The Director - Human Resources may establish procedures for reporting such attendance records to the Human Resources Department.

7.7 POLITICAL ACTIVITIES

All employees shall comply with the applicable provisions of county, state, and federal law, including the County Charter and the Federal Hatch Act, which specifically controls employees' political activities.

7.8 OUTSIDE EMPLOYMENT

No regular employee of the County shall engage in any occupation or outside activity which is incompatible with County employment. Any employee who proposes to engage in an occupation or outside employment for compensation shall inform the appointing authority in advance of the nature of such employment. The appointing authority, after making a determination whether or not such employment is in conflict with County employment, may approve or disapprove the employee's request for outside employment. A copy of the approval or disapproval shall be forwarded to the Director - Human Resources to be included in the employee's personnel file. Regular employees of any County department may be employed as extra-help employees (unless in the same occupational field) in the same or any other County department with the approval of all involved department heads and the Director - Human Resources. Hours worked as extra-help shall not count for retirement purposes, seniority purposes, or overtime computation purposes.

7.9 PERFORMANCE REVIEW

The appointing authority or a designated representative shall by the employee's performance review date, conduct a scheduled performance evaluation of each regular-help employee. Performance evaluations shall be in writing on forms prescribed by the Director - Human Resources. A performance evaluation shall provide recognition of effective performance and also identify areas which need improvement. The performance evaluation shall be discussed with the employee. A copy of the performance review form shall be given to the employee and the original copy forwarded to the Director - Human Resources to be placed in the employee's personnel file. Unscheduled performance evaluations may be made at the discretion of the appointing authority or a designated representative.

7.10 PROMOTION AND VOLUNTARY DEMOTION

The Director - Human Resources and appointing authorities shall inform employees of opportunities for promotion to more responsible positions in the merit system. All employees in the classified service shall be entitled to necessary time off with pay for the purpose of taking qualifying or promotional examinations conducted by the Director - Human Resources. Satisfactory performance for the County shall be an important consideration in reviewing qualifications of an applicant certified on an eligibility list for promotion. A regular employee may request a voluntary demotion to any vacant position within the County merit system for which the employee meets the minimum qualifications as determined by the Director - Human Resources. Upon approval of the appointing authority, a voluntary demotion request may be authorized.

Within three years of separation, reclassification, or voluntary demotion date, a regular employee who has been reemployed in a class lower than that in which the employee held permanent status prior to separation in good standing, or an employee who has been reclassified or voluntarily demoted to a class lower than that in which the employee held permanent status, may be considered for promotion to a class in which permanent status was held or a lower class for which the employee qualifies. Such employees need not be on an eligibility list to be considered for promotion as indicated above except when a valid layoff reinstatement list exists for the class of vacancy.

A person promoted under this section shall serve a new probationary period and shall be governed by the promotional pay provisions of these rules. The Director - Human Resources shall establish forms and procedures for the purpose of carrying out the provisions of this section.

7.11 NOTICE OF DISCIPLINARY ACTION

An appointing authority or designee who proposes to take disciplinary action against a regular employee of a suspension without pay that is greater than five (5) days, shall first serve the employee with notice of the proposed discipline including the right to respond to the appointing authority prior to the effective date of the action being taken. The notice shall be served at least seven (7) days prior to the effective day of the action and shall be served on the employee personally or by certified mail. If the employee is personally served, the date of service shall be considered the first day of notification. If the employee is served by certified mail, neither the day of the mailing nor the following calendar day shall be considered in the seven (7) calendar days for notification purposes.

The notice shall clearly specify the action taken, the reason for the action including the particular facts and specific incident(s) involved, the effective date(s) of the action, and, in cases of demotion, shall contain a statement as to the wages and duties of the new position. The notice shall also advise the employee that a copy of the material upon which the action taken is based is attached or available for review upon request during normal business hours; of the right to be represented and to respond verbally or in writing to the appointing authority or designated representative prior to the effective date of the action; and of the right to appeal the action and the time within which the appeal may be made.

An appointing authority or designated representative taking disciplinary action against an employee may, when it is necessary for the operation of the department or to conduct an investigation into the allegations, assign the employee to less critical duties during the review period. When extraordinary circumstances exist that require the immediate removal of the employee from the premises, an appointing authority or designated representative may place the employee on paid administrative leave, subject to call. A copy of all notices and written responses shall be forwarded to the Director - Human Resources.

7.12 MEDICAL DEMOTION, MEDICAL TRANSFER, MEDICALTERMINATION, OR MEDICAL RETIREMENT

The appointing authority may require an employee to submit to a medical examination by a physician or physicians designated by the Director - Human Resources to evaluate the capacity of the employee to perform the work of the position. When such a requirement is made of an employee, fees for the examination shall be paid by the County.

When the appointing authority, after considering the conclusions of the medical examination provided for by this section or medical reports from the employee's physician and other pertinent information, finds medical cause that the employee is unable to perform the work of the present class of position, but is qualified and able to perform the work of another class of position of less capacity, the appointing authority may initiate a demotion or transfer of the employee to such an available position in the department for which the employee meets the minimum qualifications as determined by the Director - Human Resources.

When the appointing authority finds that a medical cause exists and the employee is unable to perform the essential functions of the employee's present position or any other available position, with or without reasonable accommodation,, the employee may be terminated. Such terminations shall be made in consultation with the Director-Human Resources. All original copies of medical reports, findings, and information shall be submitted by the appointing authority to the Director - Human Resources to be placed in the employee's file.

The Director - Human Resources may make applications on behalf of Butte County for disability retirement for all employees regardless of classification and may initiate requests for reinstatement of such employees who are retired for disability.

The Director - Human Resources shall make determinations, under the applicable sections of the Government Code, on behalf of Butte County, of disability, and whether such disability is industrial-related, for employees classified as local safety members. The Director - Human Resources shall certify such determinations and other necessary information to the Public Employees' Retirement System.

7.13 WRITTEN REPRIMAND REMOVAL

Upon the employee's request and five (5) years from its effective date, a written reprimand in an employee's personnel file shall be permanently removed, given there has been no other disciplinary actions taken against the employee during that five (5) year period, or unsatisfactory overall performance evaluations. In the absence of any performance evaluation during this five (5) year period, performance will be considered as having met standards. Such a request shall be promptly honored and a statement verifying the permanent removal of the reprimand shall be provided to the employee. Neither the employee request for such a removal, nor the statement verifying the removal, shall be placed in the employee's personnel file. Notwithstanding the above, written reprimands that are a result of a violation of civil rights, HIPAA, violation of patient standard of care or rights, harassment or discrimination will not be removed from employee personnel files. This section does not apply to BCEA-General or BCEA-SSW. For information regarding the removal of materials from personnel files for these units, see applicable MOU.

7.14 LAYOFF

See Appendix III.

7.15 SEPARATION

An employee intending to voluntarily separate from county service shall submit said notice in writing to the immediate supervisor specifying the effective date and time of the intended resignation. Such notification should be provided as far in advance as possible.

a. Effective Date. A resignation shall be effective on the date specified in the employee's notification. If an employee fails to provide notice, the effective date of the resignation shall be the date provided the Director – Human Resources by the appointing authority.

b. Change of Effective Date An employee, after having provided notification pursuant to subsection (a) of this section wishing to change the effective date or rescind the notice, may be allowed to do so at the sole discretion of the appointing authority. This may be allowed provided that no vacancy announcements or notices for the anticipated vacancy have been released or recruitment has otherwise been undertaken by the Human Resources Department. In the event of unusual circumstances and at the discretion of the appointing authority and the Director – Human Resources, an employee may be allowed to change the effective date or rescind the notice subsequent to onset of recruitment.

c. Absent Without Leave An employee who, without approved leave, fails to report to duty for five (5) consecutive days of the regular schedule, shall be deemed to have voluntarily terminated from the position.

8 ALCOHOL AND DRUG ABUSE POLICY

See Appendix IV.

9 EMPLOYEE SAFETY

9.1 SAFETY PROGRAM

a) Purpose. The purpose of the Safety Program is to safeguard the lives of county employees by providing a safe work environment and require that employees follow safe work methods. Therefore, it shall be the policy of the County of Butte that each county department establish and maintain a safety and accident prevention program. Accident prevention shall be the direct responsibility of each official (whether elected or appointed), appointing authority, manager, supervisor, and employee of this county. Each appointing authority shall be responsible for motivating employees to practice safe work habits. Each employee is responsible for compliance with safety regulations and procedures.

b) Objective. The Butte County Safety Program is established to eliminate and prevent accidents. Accidents can be eliminated and prevented by stopping the unsafe acts of individuals and removing unsafe working conditions. The success of this program can be achieved by the complete understanding for its need and the positive support for its implementation by all county officials, supervisors, and employees.

c) Plan. In order to fulfill the program objective, each department shall initiate a safety program.

d) Authority. Senate Bill 198 which was passed in 1989 included a number of significant changes regarding safety and health in the workplace in California, the most significant of which added Labor Code Section 6401.7.

The California Code of Regulations, Title 8, Section 1509(2) of the Construction Orders, Section 3203 of the General Industry Safety Orders, and Labor Code Section 6401.7 directed the California Occupational Safety and Health Standards Board to adopt new regulatory requirements regarding an occupational injury and illness prevention program. On July 1, 1991, every employer in California was required to have a written injury and illness prevention program, with no exceptions to this requirement.

e) Policy. The Board of Supervisors adopted the Injury and Illness Prevention Program on June 25, 1991.

The policy adopted by the Board of Supervisors defined the County's Injury and Illness Prevention Program for compliance with the provisions of the California Code of Regulations and the California Labor Code.

The Injury and Illness Prevention Program adopted by Resolution 91-77 has been disseminated to all responsible parties.

The Chief Administrative Officer is responsible for the Injury and Illness Prevention Program for Butte County employees. This responsibility has been delegated to each department head, and/or appointing authority.

It is the responsibility of these persons to ensure the overall implementation of the Injury and Illness Prevention Program by directing the tasks identified in the plan.

9.2 VIOLENCE IN THE WORKPLACE

See Appendix V.

9.3 SAFETY FOOTWEAR

See Appendix VI.

9.4 VOLUNTEERS, BOARDS, AND COMMISSIONS

All volunteers, board members, and commission members who are performing non-paid authorized service for Butte County pursuant to county and state law, are covered by the County's Workers' Compensation Insurance Policy while performing such service.

9.5 TRUCK DRIVER PHYSICAL EXAMINATIONS

Employees of any department who are required to possess motor vehicle Class B and Class A driver's license shall, upon request to the appointing authority and without cost to the employee, be provided, by the County Physician, the physical examination necessary to renew such licenses.

9.6 REIMBURSEMENT FOR EMPLOYEE PERSONAL PROPERTY LOSS

The County of Butte shall provide payment of the costs of replacing or repairing property or prostheses of an employee necessarily worn, used, or carried by the employee when such items are lost or damaged in the line of duty. Payment of claims under such coverage shall not be appealable under the grievance procedure.

The County shall pay deductible expenses to a maximum of five hundred dollars ($500.00) when employees, using their own vehicles, are involved in an accident on County business, except in cases where the accident was caused by the gross negligence of the employee. Reimbursement for the use of an employee's private vehicle on county business is provided for in these rules. Such mileage reimbursement includes maintenance, repair, and insurance costs.

Each appointing authority shall approve or deny employee claims based on the following reimbursement schedule and establish procedures to verify claims and notify the claimant of the decision:

Reimbursement for trades or crafts tools will be at full comparable replacement value and shall be limited to those items which appear on a written inventory of tools required by the appointing authority to be supplied by the employee for use in work. For each incident, a deductible of ($50) fifty dollars shall be applied to each employee's loss.

If stolen tools are recovered in an undamaged condition and replacement tools have been secured, the employee shall return to the County the replacement tools. When the replacement tools are returned to the County, the employee shall receive from the County a ($50) fifty-dollar deductible. If replacement tools have not been secured, the employee shall return all reimbursement funds received from the County.

Reimbursement for personal prostheses such as hearing aids or corrective lenses, will be at comparable replacement cost of such items damaged beyond repair and the repair cost of items that are repairable. The amount of reimbursement shall not include the cost of fittings or examinations.

Jewelry items do not come within the definition of property as set forth in the Government Code. Therefore, no reimbursement will be made for damaged or lost jewelry items. Reimbursement for damaged or lost watches is limited to the functional value of the watch, not to exceed ($70) seventy dollars.

The amount of reimbursement for damaged articles of clothing will be determined by the following formula based on the comparable replacement cost, the age, the life expectancy, and the condition of the damaged article:

LIFE EXPECTANCY RATES

MEN'S WEAR

ITEM	RATE (yrs)
1) Coats & Jackets	4
Leather & Suede	5
2) Hats	2
3) Neckties	2

WOMEN'S WEAR

ITEM	RATE (yrs)
1) Blouses	3
2) Coats & Jackets	4
Leather & Suede	5
3) Dresses	5

4)	Rainwear	
	Plastic	2
	Fabric	4
5)	Shoes	3
6)	Shirts	3
7)	Slacks	4
8)	Sport Coats	5
9)	Suits	4
10)	Sweaters	4
11)	Underwear	2
12)	Work Clothes	3

4)	Rainwear	
	Plastic	2
	Fabric	4
5)	Shoes	2
6)	Shirts	5
7)	Slacks	3
8)	Suits	5
9)	Sweaters	4
10)	Underwear	
	Slips	2
	Foundation Garments	1
	Panties	1

CALCULATION OF CLAIMS REIMBURSEMENT VALUES
Life Expectancy Rating of Article

Age of Article in Months					% Replacement Cost Based on Condition		
1	2	3	4	5	**Excellent**	**Average**	**Poor**
0-4	0-4	0-4	0-4	0-4	100%	100%	100%
4-7	4-7	4-10	4-13	4-16	75%	75%	60%
7-9	7-13	10-19	13-25	16-31	70%	60%	45%
9-11	13-19	19-28	25-37	31-46	50%	40%	30%
11-13	19-25	28-37	37-49	46-61	30%	20%	15%
13+	25+	37+	49+	61+	20%	15%	10%

An employee shall report loss or damage of personal property to the appointing authority using the county accident report form. Damaged articles for which reimbursement is made may be required to be surrendered to the appointing authority, and shall be disposed of in a manner approved by the Purchasing Agent.

The appointing authority shall conduct a complete investigation of the incident and damage to include interviewing claimant and any witnesses, inspecting damaged property when applicable, and evaluating the condition of the article in accordance with the reimbursement schedule. Based on the investigation, the appointing authority shall in writing approve, deny, or modify the claim.

Reimbursement cost authorized under the rules shall be submitted by claim to the Auditor by the appointing authority and charged to the department to which the employee was assigned at the time of the loss.

No reimbursement is authorized for loss or damage primarily attributable to the claimant's own negligence or to normal wear and tear or for claims filed after 30 days of the loss or damage or the employee's knowledge of such loss or damage.

9.7 ELECTRICAL OUTAGES

In the event of a loss of electrical power, any decision to close a County work site must be made by the department head or designee; but in no event will employees be required to remain at the workplace if to do so would jeopardize individual health or safety.

Employees must remain at work if electrical outages are one to two hours in length during the regular work schedule, unless to do so would jeopardize employee health or safety. In buildings without generators, alternate lighting sources such as battery lanterns, light sticks and such will be used. If service to the public cannot be reasonably provided after two hours, the Chief Administrative Officer may make the decision to close a building to the public, deploy the employees to generator-powered buildings, or to send employees home.

In the event that it is no longer possible to perform work duties at the current or another departmental work site, and the department head (or designee), determines it is necessary to close the work site, the following information should be considered and communicated to employees prior to excusing them from work:

1. If the blackout occurs close to the regular meal period for employees working at the affected work site, supervisors and managers are expected to keep the work site open, but are encouraged to allow employees to take a meal break. If a manager chooses to send employees to lunch early due to a blackout, employees should be informed to return to their work site immediately following completion of their meal break. In these situations, meal breaks should be neither shorter nor longer than the employee's normal assigned meal break.

2. Regular employees who are sent home shall be provided "administrative pay" for the balance of their regular work day; however, such employees shall remain ready and available to be called back to work by their supervisor for the duration of their regular work day should such a circumstance arise. Employees who seek approval to leave work without having been ordered to, shall use appropriate leave time for the time off.

3. Regular employees who are sent home, and who are not called back to work that day will be expected to return to work at their regularly scheduled work time on the next scheduled workday.

   If the work site closure extends beyond the first work day of closure, employees are expected to remain ready and available for assignment to their original or another County work site as quickly as possible.

9.8 DISASTER PROCEDURE

In the event that there is a disaster or major infrastructure failure, the Department Head shall confer with the County Chief Administrative Officer's office to determine whether to continue business operations.

10 EMPLOYEE RELATIONS

10.1 STATEMENT OF PURPOSE

These rules implement Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) captioned "Local Public Employee Organizations," by providing orderly procedures for the administration of employer-employee relations between the County and its employee organizations.

However, nothing contained herein shall be deemed to supersede the provisions of the state law, County (Charter), ordinances, and rules which establish and regulate the merit and civil service system, or which provide for other methods of administering employer-employee relations. These rules are intended, instead, to strengthen merit, civil service, and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations, and the County. It is the purpose of these rules 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 law (or the County Charter).

However, nothing herein shall be construed to restrict any legal or inherent exclusive county rights with respect to matters of general legislative or managerial policy, which include, among others: the exclusive right to determine the mission of its constituent departments, commissions, and boards; to set standards of service; to 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.

10.2 FILING OF RECOGNITION PETITION BY EMPLOYEE ORGANIZATION

An employee organization that seeks to be formally acknowledged 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 representing employees in their employment relations with the County.

e) A statement as to 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 by-laws.

g) A designation of those persons, not exceeding (2) two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.

h) A statement that the employee organization has no restriction on membership based on race, national origin, politics, religion, age, sex, marital status, or handicap.

i) The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.

j) A statement that the employee organization has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the County. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.

k) A request that the Employee Relations Officer formally acknowledge 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 the proof of employee support and all accompanying documentation, shall be declared to be true, correct, and complete, under affirmation, by the duly authorized officer(s) of the employee organization executing it.

10.3 COUNTY RESPONSE TO RECOGNITION PETITION

Upon receipt of the petition, the Employee Relations Officer shall determine whether:

a) There has been compliance with the requirements of the Recognition Petition; and
b) The proposed representation unit is an appropriate unit in accordance with these rules.

c) If an affirmative determination is made by the Employee Relations Officer on the foregoing (2) two matters, the Employee Relations Officer 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 (30) thirty days thereafter. If either of the foregoing matters is 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 these rules.

10.4 OPEN PERIOD FOR FILING, CHALLENGING PETITION

Within thirty (30) days of the date written notice was given 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 acknowledged 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 (30) percent and otherwise in the same form and manner as set forth in these rules.

If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in these rules. The petitioning employee organizations shall have

(15) fifteen days from the date of notice of such 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 these rules.

10.5 ELECTION PROCEDURE

The Employee Relations Officer may consult with the recognized employee organization(s) in arranging for a secret ballot election. However, to ensure a prompt election procedure the Employee Relations Officer may directly arrange for a neutral third party to conduct the secret ballot election in accordance with generally recognized employee election procedures subject to the provisions of these rules. All employee organizations who have duly submitted petitions which have been determined to be in conformance with these rules shall be included on the ballot. The choice of "no organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons employed in regular positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation, or other authorized leaves of absence, and who are employed by the County in the same unit on the date of the election.

An employee organization shall be formally acknowledged as the Recognized Employee Organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three (3) or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two (2) choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a run-off election. There shall be no more than one (1) valid election under these rules pursuant to any petition in a twelve (12) month period affecting the same unit. Costs of conducting elections shall be borne in equal shares by the County and by each employee organization appearing on the ballot.

10.6 PROCEDURE FOR DECERTIFICATION OF RECOGNIZED EMPLOYEE ORGANIZATION

A Decertification Petition alleging that the incumbent Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may only be filed with the Employee Relations Officer 1) during the month of January of any year following the first full year of recognition or 2) during the thirty (30) day period commencing one hundred eighty (180) days prior to the termination date of a Memorandum of Understanding then having been in effect less than three (3) years, whichever occurs later or 3) at any time after the Memorandum of Understanding for the bargaining unit has expired and the parties have not ratified a successor Memorandum of Understanding.

A Decertification Petition may be filed by two (2) 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:

a) The name, address, and telephone numbers of the petitioners and a designated representative authorized to receive notices or requests for further information.

b) The name of the established appropriate unit and of the incumbent Recognized Employee Organization sought to be decertified as the representative of that unit.

c) An allegation that the incumbent Recognized Employee Organization no longer represents

a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.

d) Proof of employee support that at least (30) thirty percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party within the time limits specified in these rules.

The names of individuals wishing to decertify is considered confidential and not subject to release to the public.

e) An employee organization may, in satisfaction of the Decertification Petition requirements hereunder, file a petition under this section in the form of a Recognition Petition that evidences proof of employee support of at least (30) thirty percent, and otherwise conforms to the requirements of these rules.

f) The Employee Relations Officer shall initially determine whether the petition has been filed in compliance with the applicable provisions of these rules. If the determination is in the negative, the Employee Relations Officer shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization, and if such determination thereafter remains unchanged, shall return such petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with these rules.

g) If the determination of the Employee Relations Officer is in the affirmative, or if the negative determination is reversed on appeal, the Employee Relations Officer shall give written notice of such Decertification of Recognition Petition to the incumbent Recognized Employee Organization and to unit employees. The Employee Relations Officer shall thereupon arrange for a secret ballot election to determine the wishes of unit employees as to the question of decertification, and if a Recognition Petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with these rules.

10.7 POLICY AND STANDARDS FOR DETERMINATION OF APPROPRIATE UNITS

The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on the efficient operations of the County, its compatibility with the primary responsibility of the County and its employees to effectively and economically serve the public, and providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

a) Similarity of the general kinds of work performed, types of qualifications required, and general working conditions.

b) History of representation in the County and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.

c) Consistency with the organizational patterns of the County.

d) Number of employees and classifications and the effect on the administration of employer-

employee relations of dividing a single or related classification among (2) two or more units.

e) Notwithstanding the foregoing provisions of these rules, each appointed department head, as designated in the salary ordinance, shall be excluded from representation in any unit. Management, confidential, and supervisory employees may be included in units consisting of other management, confidential, and/or supervisory employees.

f) The Employee Relations Officer shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions to, and delete eliminated classifications or positions from units, in accordance with the provisions of this section.

10.8 PROCEDURE FOR MODIFICATION OF ESTABLISHED APPROPRIATE UNITS

Requests by employee organizations for modifications of established appropriate units may be considered by the Employee Relations Officer only during the period specified in these rules. Such requests shall be submitted in the form of a Recognition Petition, and in addition to the requirements set forth in these rules, 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 these rules. The Employee Relations Officer shall process such petitions as other Recognition Petitions under these rules.

The Employee Relations Officer may propose, during the period specified in these rules, that an established unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), 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 these rules, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided by these rules. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, employee organizations may thereafter file Recognition Petitions seeking to become the Recognized Employee Organization for such new appropriate unit or units pursuant to these rules.

10.9 APPEALS

An employee organization aggrieved by an appropriate unit determination of the Employee Relations Officer under these rules may, within ten (10) days of notice thereof, request the intervention of the California State Conciliation Service pursuant to Government Code Sections 3507.l and 3507.3, or may, in lieu thereof or thereafter, appeal such determination to the Board for final decision within fifteen (15) days of notice of the Employee Relations Officer's determination or the termination of proceedings pursuant to Government Code Sections 3507.1 or 3507.3, whichever is later.

An employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition, Challenging Petition or Decertification of Recognition Petition, or employees aggrieved by a determination of the Employee Relations Officer that a Decertification Petition, has not been filed in compliance with the applicable provisions of these rules, may, within fifteen (15) days of notice of such determination, appeal the determination to the Board for final decision.

Appeals to the Board shall be filed in writing with the Clerk of the Board, and a copy thereof served on the Employee Relations Officer. The Board shall commence to consider the matter within thirty (30) days of the filing of the appeal. The Board may, in its discretion, refer the dispute to a third party hearing process. Any decision of the Board on the use of such procedure, and/or any decision of the Board determining the substance of the dispute, shall be final and binding.

10.10 SUBMISSION OF CURRENT INFORMATION BY RECOGNIZED EMPLOYEE ORGANIZATIONS

All changes in the information filed with the County by a Recognized Employee Organization under these rules shall be submitted in writing to the Employee Relations Officer within (30) thirty days of such change.

10.11 PAYROLL DEDUCTIONS ON BEHALF OF EMPLOYEE ORGANIZATIONS

Upon formal acknowledgment by the County of a Recognized Employee Organization under these rules, only such Recognized Employee Organization may be provided payroll deductions of membership dues and insurance premiums for plans sponsored by such organization upon the written authorization of employees in the unit represented by Recognized Employee Organization on forms provided therefore 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 Memorandum of Understanding and/or applicable administrative procedures.

10.12 EMPLOYEE ORGANIZATION ACTIVITIES-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 extent provided for in Memorandum of Understanding and/or 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, organization meetings, and elections, and shall not interfere with the efficiency, safety, and security of county operations.

10.13 ADMINISTRATIVE RULES AND PROCEDURES

The Employee Relations Officer is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of these rules after consultation with affected employee organizations.

10.14 INITIATION OF IMPASSE PROCEDURES

If the meet and confer process has reached impasse as defined in these rules, 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 herein.

10.15 IMPASSE PROCEDURES

Impasse procedures are as follows:

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 forty five (45) days after the mediator commenced meeting with the parties, the employee organization may submit the impasse to fact-finding in accordance with applicable law.

If the impasse is not resolved through mediation, fact finding and/or any other impasse procedures, the Board shall take such action regarding the impasse as, in its discretion, it deems appropriate as being in the public interest. Any legislative action by the Board on the impasse shall be final and binding.

10.16 COSTS OF IMPASSE PROCEDURES

The costs for the services of a mediator and fact-finder or chairman of a fact-finding panel utilized by the parties, and other mutually incurred costs of mediation and fact-finding, shall be borne equally by the County and the Recognized Employee Organization. The cost for a fact-finding panel member selected by each party, and other separately incurred costs, shall be borne by such party.

10.17 CONSTRUCTION

These rules shall be administered and construed as follows:

a) Nothing in these rules 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 (or County Charter provisions).

b) These rules shall be interpreted so as to carry out the employee relations purposes.

c) Nothing in these rules shall be construed as making the provisions of California Labor Code Section 923 applicable to county employees or employee organizations, or of giving employees or employee organizations the right to participate in, support, cooperate, or encourage, directly or indirectly, any strike, 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 discipline up to and including termination and may be deemed to have abandoned their employment; and employee organizations may thereby forfeit all rights accorded them under this resolution and other county law for a period up to (1) one year from commencement of such activity.

10.18 SEVERABILITY

If any provision of these rules, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of these rules, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

11 COMPENSATION

11.1 PREPARATION OF COMPENSATION PLAN

The Director - Human Resources may prepare a compensation plan covering positions in the classified service. The Director - Human Resources shall consider the following:

a) Unless specified in individual memoranda of understandings, the rates of pay for comparable work under comparable working conditions in the counties of: El Dorado, Nevada, Placer, Plumas, Shasta, Sutter, Yolo, Yuba and local prevailing pay practices when applicable.

b) The Consumer Price Index data as published by the Bureau of Labor Statistics for the United States Western Cities, 1967 Base Year.

c) The achievement of equitable relationships between the various classes of positions in the classified service in accordance with their relative difficulty and responsibility.

d) The recent experience of the County in attracting and retaining personnel in the various classes of positions in the classified service after extensive recruitment efforts have been made.

e) The comments of employees, recognized employee organizations, and management regarding the adequacy and equity of the current compensation and fringe benefit plans.

f) The ability of the County to finance adjustments in the compensation and fringe benefit plans.

11.2 ADOPTION OF COMPENSATION PLAN

The Board shall annually adopt a compensation plan for County employees.

11.3 APPLICATION OF COMPENSATION RATES

An employee shall be paid a salary or wage within the range or rate or equivalent hourly rate, established for the class of position to which the person has been appointed as provided in the salary ordinance, except as provided by these rules.

11.4 COMPENSATION PAYMENT SCHEDULE

a) Schedule of Payment. Notwithstanding any provisions of the Personnel Rules to the contrary, adjustments to the biweekly salaries for rates shown in those sections of the salary schedule which outline the salary plans for classified positions represented by the County's recognized bargaining units, and those sections which outline the salary plans for appointed department heads, elected department heads, and appointed officials shall be rounded to the nearest whole cent. The biweekly rate for classified positions presented by the County's recognized bargaining units shall be calculated by multiplying the hourly rate (which is rounded to the hundredth of a cent) by eighty (80) hours.

For the purpose of setting pay periods throughout the year beginning January l, l972, each biweekly pay period will commence on Saturday at 12:01 a.m. and will end at 12:00 midnight on the second Friday following. Each fourteen (14) day biweekly period will normally encompass ten (10) assigned compensated days including holidays for regular employees.

Regular employees performing less than full-time services during any biweekly period shall be compensated on a prorated basis, the ratio being the percentage of time worked to the aforesaid biweekly period. Extra-help employees shall be paid on an hourly basis for hours actually worked. Said hourly rates shall be computed by dividing the biweekly rate for the assigned classification by the eighty (80) hours and rounded off to the nearest 1 (one) cent.

b) Certification. Each appointing authority shall at the time the payroll is submitted to the Human Resources Department certify that each employee has performed all services required. The Human Resources Department shall not issue a payroll warrant unless there is a valid Human Resources action form approved by the Director - Human Resources to substantiate the position, classification, and pay rate for each employee shown in the salary ordinance, or as authorized in these rules for the department payroll. The Chief Financial Officer shall determine and certify the payroll of the employees of the Human Resources Department before payroll warrants are issued to such employees.

c) Separation. When an employee leaves county service for any reason, an action form shall be prepared and forwarded to the Director - Human Resources. The appointing authority may immediately prepare a special payroll, certify it as provided in this section, and submit it to the Human Resources Department who shall issue a warrant upon the receipt of an action form approved by the Director - Human Resources.

11.5 COMPENSATION AT HIRING

a) New Employees. All newly appointed regular employees shall be paid at the first step of the salary range for the class of position to which the employee is appointed unless otherwise specified in these rules. Extra-help employees are typically compensated at the hourly rate of the first step of the salary range of the position to which they are appointed.

b) Advanced Step Hiring. An appointing authority may place a newly appointed regular employee up to step 3 of the designated salary range, with documentation provided to Human Resources demonstrating that the employee's experience and education exceeds that of the minimum qualifications in the job specification. The appointing authority may hire above step 3 with recommendation from Human Resources and Chief Administrative Officer approval.

Medical classifications that include physicians, psychologists, nurses, therapists, and Mental Health Clinicians may be hired at any necessary step.

c) Former Employees. A person who previously held permanent status in a class from which the person was separated in good standing may, when reemployed in a regular-help position in a class with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination or the nearest lower applicable rate for the class to which the person is appointed provided such regular reemployment occurs within (12) twelve months from the date of termination.

11.6 MERIT ADVANCEMENT WITHIN RANGE

a) Performance Report Required. An appointing authority shall review a regular employee's performance to determine whether or not the employee should receive a merit advancement within the salary range. This determination shall be noted on a performance evaluation form and together with an action form be forwarded to the Director - Human Resources.

b) Period of Employment Required for Merit Advancement. Unless otherwise specified in these rules, each employee shall, in addition to the required performance standards, complete the following required time in regular-help status to be eligible to receive a merit increase.

c) New Employees. A person hired as a new county employee shall have a merit advancement date which is (1) one year following the appointment date.

d) Promotion or Demotion. An employee who is promoted or demoted shall have a merit advancement date which shall be (1) one year from the date of promotion or demotion.

e) Lateral Transfer or Voluntary Demotion. An employee who transfers into the same classification as currently held or who voluntarily demotes to a class of position at a lower salary range shall have no change in merit advancement date.

f) Lateral Transfer to a Different Classification. An employee who transfers to a different classification shall have a merit advancement date which is one (1) year following the appointment date. Section 6.7 would not apply in this situation.

g) Change in Range Allocation. If the salary range for an employee's class is changed, the employee's merit advancement date shall not change.

h) Position Reclassification. An employee whose position is reclassified to a classification having the same or a lower salary range shall have no change in merit advancement date.

An employee whose position is reclassified to a classification having a higher salary range shall have a merit advancement date which is (1) one year following the effective date of the position reclassification.

i) Step Adjustments. An employee whose salary step is adjusted to a higher step within the salary range shall have a merit advancement date effective one (1) year from the date of adjustment.

j) Effective Date. When an employee's merit advancement date falls in the first week of a pay period, the employee's merit increase shall take place on the first day of that pay period. When an employee's merit advancement falls in the second week of the pay period, the employee's merit increase will take place on the first day of the next pay period.

An appointing authority may delay the effective date of a merit advancement up to ninety (90) days beyond the employee's merit advancement date without affecting the employee's normal merit advancement date. In case of such delay, the employee's merit advancement shall be effective the first day of the pay period following the approval of the appointing authority.

If a merit advancement is delayed beyond ninety (90) days from the employee's merit advancement the employee shall not be eligible for merit increase until the employee's next normal merit advancement date.

k) Regular Part-Time Employees. For the purpose of this section regular part-time employees shall be considered in full-time service and shall be eligible for merit increases at the time prescribed.

11.7 PROMOTION

Regular employees promoted to a position in a class with a higher salary range shall have compensation set at Step 1 of the new salary range or to the nearest higher step that is within five dollars ($5.00) of a five percent (5%) increase in the biweekly rate whichever is greater.

11.8 DEMOTION

Regular employees demoted to a position in a class with a lower salary range may be paid either at a rate that is (1) one less than the employee's rate before the demotion or at a lesser rate as determined by the appointing authority.

11.9 LATERAL TRANSFER

Upon the approval of the appointing authority, an employee may transfer into the same classification within a department or a classification for which the employee meets the minimum qualifications. The salary range cannot be greater than 4.9% above or below the current salary range of the classification held by the employee. An employee who laterally transfers shall have a merit advancement date which shall be (1) one year from the date of transfer, unless the lateral transfer is in the same classification. A probationary employee must complete the probationary period in the lateral transfer class.

An employee who laterally transfers into a different classification shall serve a (6) six month probationary period in the new position. There shall be an employee evaluation at/before the three (3) month point of appointment; however, failure to provide evaluation does not change the probationary status of the employee. If the employee is rejected during the probationary period in the new position, the employee shall have the right, in lieu of termination, to voluntarily transfer back to the former class or position in which permanent status was held. (if applicable)

An appointing authority shall consider lateral transfer requests from employees that are in the same classification as the vacancy. An appointing authority shall, before filling the position, interview the transfer applicants on file with the Department of Human Resources.

Any employee may submit a request for transfer on a form approved by the Department of Human Resources. Such requests may be submitted at any time. If and when a vacancy occurs, the submitted applications shall be considered. Seniority shall be given consideration.

11.10 VOLUNTARY DEMOTION

A regular employee who, upon approval of the appointing authority, voluntarily demotes to a position having a lower salary range than that held by the employee and for which the employee meets the minimum qualifications as determined by the Director - Human Resources, shall receive the same salary rate the employee would otherwise be entitled to on the date the voluntary demotion is effective or the nearest lower applicable rate. A probationary employee must complete the probationary period in the demotion class. An employee who held permanent status in a class with a salary range higher than that to which the employee has voluntarily demoted shall not be required to serve a new probationary period.

A promoted employee, who during the probationary period voluntarily demotes to a class with a lower salary range, shall have the assigned pay rate and merit advancement date in the lower classification computed upon the pay rate and merit advancement date the employee held prior to the promotion.

11.11 CHANGE IN RANGE ALLOCATION

The salary step of an employee in a position in a class which is reallocated to a new salary range shall be adjusted to the corresponding step of the new range. Should the new salary range be less than the employee's existing range the employee's salary rate shall not be reduced but maintained in a "Y" rate condition until the employee's merit advancement date or the salary range for the class is increased at which time the employee's pay rate shall be adjusted to the nearest higher rate in the salary range for the class.

11.12 POSITION RECLASSIFICATION

Reclassification requests being made pursuant to Section 5.5 of the Personnel Rules shall be considered by the Human Resources Director and Chief Administrative Officer on an annual basis in concert with annual budget preparation only. Reclassification requests submitted during any other period shall not be considered until the established submission period unless deemed to be an urgent issue as approved by the Chief Administrative Officer.

The salary rate of an employee in a position which is reclassified shall be determined as follows:

a) Reclassification & No Change in Salary. If the position is reclassified to a classification at the same salary range, the employee's salary step shall not change.

b) Reclassification to Position With Higher Salary Range. If the position is reclassified to a classification with a higher salary range, the employee shall be paid at either the minimum rate of the new range or at the nearest higher rate of the new range, provided that the new rate is at least a one step increase that would have been applicable had the employee's classification not changed.

c) Reclassification to Position With Lower Salary Range. If the position is reclassified to a classification with a lower salary range, the salary rate of the employee shall not be reduced, but shall be maintained in a "Y" rate condition until the employee's merit advancement date or an adjustment is made to the salary range for the classification at which time the employee's salary rate shall be adjusted to the nearest higher rate in the pay range for the class.

d) Change In Classification Title Only. A change in title accompanied by a salary increase but with no substantive change in the classification or its duties and responsibilities is not subject to receiving a minimum 5% increase and there shall be no change in the employee's anniversary date for merit increase consideration.

11.13 BOARD AUTHORITY TO SPECIFY SALARY

Notwithstanding anything in these rules to the contrary, the Board may specify that a person appointed to a particular position shall occupy any step on the salary range for the class of position to which appointed. Action based on this section shall be taken only under unusual circumstances where such action is important to the successful operation of a dept. of the county government.

Additionally, as defined in Government Code Section 20023, the Board of Supervisors may authorize payment of a 5% pay differential or special compensation for an employee performing "special skills, knowledge, abilities, work assignment, workdays or hours, or other work conditions" for services rendered during normal working hours.

11.14 OVERTIME

The County will comply with the provisions set forth in the Fair Labor Standards Act (FLSA). Classifications designated as exempt shall not be paid overtime and classifications designated as non-exempt shall receive overtime pay as applicable.

a) Policy. It is the policy of the Board that overtime work is discouraged, that each appointing authority is to arrange the work of the department so that employees shall work not more than the standard departmental work week, that overtime work be held to a minimum consistent with the efficient performance of necessary functions, and that overtime work be used only for emergencies or when temporarily using regular employees on an overtime basis can be shown to be more economical than by using extra help. It is recognized that occasional overtime work may be necessary, and that in such instances provisions shall be made to authorize, keep records, and compensate employees for such necessary overtime work.

b) Work Period. The normal biweekly work period shall commence 12:01 a.m. every other Saturday. Each regular full-time employee shall work eighty (80) hours per biweekly period. The biweekly work period for alternate work week schedules will be defined upon implementation.

c) Authorization for Overtime Work. Employees shall be required to work overtime when assigned by the appointing authority or designated representative. No employee shall work overtime without prior approval of the appointing authority or designated representative.

   Overtime is any work rounded to the nearest fifteen (15) minutes in excess of the normal assigned workday or eight (8) hours per day or forty (40) hours per week. For employees whose normal assigned workday is in excess of eight (8) hours, overtime shall be work rounded to the nearest fifteen (15) minutes in excess of the normally assigned work hours. For purposes of calculating overtime, all paid time off, with the exception of sick leave, shall be considered time worked.

d) Records of Overtime Work and Justification. Each appointing authority shall keep an accurate record of all authorized work time including the actual overtime hours worked by the individual employee together with justification for its authorization in each case and the manner and time in which the employee was compensated for overtime work.

e) Overtime Compensation. Except as otherwise provided in these rules, employees shall be paid at one and one-half times the applicable straight hourly rate or granted the equivalent hours of compensatory time off. Compensatory time off shall be scheduled at a time mutually agreed upon by the employee and the appointing authority within (180) one hundred eighty days following the overtime worked. If the appointing authority cannot schedule the time off within (180) one hundred eighty days following the overtime worked, the employee shall be paid the equivalent compensation.

f) Fringe Benefits Not Affected by Overtime. Overtime work shall not be a basis of increasing vacation or sick leave benefits, nor shall it be a basis of advancing completion of required periods for probationary or salary step advance.

g) Overtime for Callback. A non-exempt employee who is required to return to work or handle a telephone call shall be compensated according to the employee's Memorandum of Understanding.

h) Exempt Employees. The overtime provisions of this section shall not apply to department heads or to designated classifications in positions as defined by FLSA.

i) Extra Help Employees. Extra help employees are eligible for overtime only for those hours worked over 40 (forty) in a work week.

Except as provided, an incumbent in a regular help position defined as exempt or appointed department head, shall receive administrative leave in lieu of paid overtime. (Extra help employees are not eligible to receive Administrative Leave).

Administrative leave in lieu of paid overtime shall be accumulated at a rate as specified in applicable MOU or Resolution. Administrative leave may be accumulated to a maximum of forty-four (44) days. Employees who terminate from the County in good standing shall be compensated for any administrative leave accrued under this section, up to the maximum accrued amount.

11.15 BILINGUAL PAY DIFFERENTIAL

When it has been determined that an employee's use of bilingual language skills or specialized communication skills is essential and critical for the successful performance of the functions of a county department, the employee shall receive a pay differential. The amount of pay differential is specified in each individual MOU. Authorized time off of less than four weeks shall not affect the calculation of bi-lingual pay (approved vacation of any length shall not affect the calculation of bilingual pay). The Director - Human Resources shall formulate policies and procedures for administering the provisions of this section which will require the written justification by the appointing authority, verification of the employee's language or communication skill, and procedures for review of continued need on no less than an annual basis. Extra help shall not be eligible to receive the bilingual pay differential.

11.16 TEMPORARY ASSIGNMENTS TO HIGHER LEVEL CLASSIFICATIONS

a) General. Employees may be temporarily assigned by the appointing authority or designee to work in a higher classification. Employees so assigned must perform substantially all of the duties of the higher classification, and shall be compensated with an additional five (5%) percent in salary in accordance with the specific MOU applying to the employee. Such assignments must not extend beyond a ninety (90) day period with the exception that additional ninety (90) day assignment increments may be made with the written authorization of the Director – Human Resources. Time served in each such assignment shall not contribute towards acquiring probationary or permanent status in the higher class, but may be considered as meeting minimum experience requirements for a promotional examination. Salary differentials or other pay and benefit provisions of the higher class shall apply during such assignments. Return from such assignments to the regular position is not discipline and the disciplinary appeal process does not apply under these circumstances. Assignments under

these provisions shall not supplant Personnel Rules, County Ordinances, or Resolutions with respect to appointments to positions or the allocation of budgeted positions, except as otherwise expressly provided for herein.

b) Vacant Positions. Temporary assignments to a higher level classification may be made to provide needed services created by a position becoming vacant. In such cases, the appointing authority shall give first consideration to making a provisional appointment or making a regular appointment from an established eligibility list. Assignments to meet needs created by a vacancy may extend for a period of ninety (90) days, with the exception that an additional ninety (90) day assignment may be made with the written authorization of the Director – Human Resources.

c) Backfilling Positions. The purpose of such assignments is to carry on the functions of a position which has been vacated due to an extended illness, leave of absence, or other similar circumstances as set forth in Section 12.4(f) herein. Such assignments must not extend beyond a ninety (90) day period, with the exception that an additional ninety (90) day assignment may be made with the written authorization of the Director – Human Resources. Assignments to provide required supervisory coverage for institutions such as the Jail, Juvenile Hall or Mental Health facility may exceed ninety (90) cumulative days as long as they are not ninety (90) consecutive days for both backfilling and as a result of vacancies.

d) Other Circumstances. In addition to the circumstances listed in Personnel Rule Section 12.4(f), Temporary Assignment to Fill a Position, the Chief Administrative Officer may authorize temporary assignments to higher level classes that would result in a temporary change in the specific allocation of classes of positions to a department. The purpose of such assignments would be to meet organizational needs pending changes in the classification plan contained in the Salary Ordinance or needed to meet a temporary emergency. The same time limits apply as in cases of assignments approved by the Director – Human Resources, as heretofore provided.

11.17 SHIFT DIFFERENTIAL PAY

A regular employee who is required, as part of a normal work schedule to work a majority of the shift between the hours of 5:00 p.m. and 7:00 a.m. or the Saturday and Sunday day shift, between 7:00 a.m. and 5:00 p.m. shall receive, in addition to regular pay, one dollar ($1.00) for each hour for each shift worked as shift differential compensation. Employees shall not be entitled to shift differential compensation while on sick leave, vacation, or other paid leaves. The reassignment by the appointing authority of an employee from a shift covered by differential pay to a shift not covered by differential pay shall not be considered as a demotion or loss of pay and shall not be subject to the grievance or appeal process. This assignment will also apply to temporary shift assignment (non-overtime hours) because of operational need (i.e., emergency flood assignment).

12 BENEFITS

12.1 VACATION LEAVE

Vacation accrual shall be the following for all County employees who are eligible to receive vacation benefits:

Years of Service	Hours Accrued Per Pay Period
0 – 4.99	4.616
5 – 9.99	6.160
10 – 19.99	7.696
20+	8.312

An employee who has less than six (6) months of uninterrupted service shall not be entitled to use accrued vacation leave unless specifically approved in writing by the Director-Human Resources for extraordinary reasons. Employees separating from County employment shall be entitled to a payout of unused accrued vacation upon separation. Extra-help employees shall not earn vacation.

Vacation will be credited biweekly on a prorated portion of full–time compensated service. Employees with less than six (6) months of uninterrupted service shall not be entitled to a vacation. Vacation time off may be requested by the employee subject to the approval of the appointing authority. Such requests shall be responded to in a timely manner (typically within two weeks). Effective the beginning of the first pay period commencing the calendar year, an employee's vacation accrual shall not exceed twice the annual earnings.

Employees becoming seriously ill while on scheduled vacations may request that the hours he/she were ill be charged against his/her sick leave balance rather than their vacation leave balance. This request may be made only in the case of serious health condition which required hospital and/or physician treatment and prevented the employee from carrying on normal activities. Doctor's verification is required.

Upon termination, an employee shall be compensated for all unused vacation accrual.

Vacations shall be taken at the discretion of the appointing authority. A departmental vacation schedule shall be arranged with time preference given to employees on the basis of seniority. When an employee is unable to take scheduled vacation during a calendar year due to unusual and extenuating departmental needs which result in the employee’s annual vacation accrual to exceed the maximum limits authorized, the department head shall advise the Chief Administrative Officer that the employee will exceed the annual vacation accrual limits and shall schedule the excess accrual vacation days to be taken off between the period of January 1 and March 31 of the new calendar year. Should the employee voluntarily choose not to take the scheduled vacation during the extension period, the employee shall cease earning vacation accruals until their total vacation accrual falls below two (2) times the earning rate. Should an appointing authority, as a result of emergency needs of the County, be unable to schedule the excess accrual vacation days off during the extension period, the employee shall be paid for the excess accrual of vacation days following the end of the extension period.

12.2 SICK LEAVE

a) Employee Sick Leave. Regular-help employees and appointed department heads shall earn sick leave at a rate of 3.69232 hours (96 hours per year) per biweekly pay period or prorated portion. Unused sick leave may be accumulated without limitation during a continuous period of employment. Extra-help employees shall not earn sick leave.

Sick leave shall not be considered a privilege to be used at the employee's discretion. It shall be allowed only in case of necessity for actual sickness or disability.

As provided for in the Medical Leave Policy, the employee shall provide certification from his/her health care provider that the employee's absence is medically necessary. An employee out on medical leave or incidental absences due to illness or medical appointments is required to use sick leave accruals prior to using any other leave accruals or falling into a non-compensated status. Sick leave time allowed shall be charged to the employee's accrual and paid at the employee's current rate of pay. Employees who exhaust sick leave must use other available accruals to the extent allowed by law. Refer to Medical Leave Policy, Appendix VII for details and exceptions.

b) Reporting Requirement. In those instances when the employee's need for sick leave is not foreseeable, in order to receive sick leave compensation while absent, the employee shall notify his/her appointing authority or designated representative via telephone or email no later than one hour after their scheduled start time unless circumstances make it impossible to provide such notice. If the employee is unable to speak to their appointing authority or their designated representative, the employee shall include the following information in their voicemail or email:

1. Approximate duration of absence
2. Work deadlines occurring during the employee's absence
3. A reliable contact telephone number where the employee can be reached during the absence

c) Medical Reports. In cases involving absences of more than seven (7) calendar days, the employee shall provide certification from his/her health care provider that the employee's absence is medically necessary as required pursuant to the Medical Leave Policy. The appointing authority may at anytime require employees to provide a medical certification from their health care provider for any or all absences when abuse is suspected.

d) Sick Leave Buy Back Option. Upon separation in good standing, an employee who has on accrual more than two hundred and forty (240) hours of sick leave may be compensated for that portion over two hundred and forty (240) hours at one-half (1/2) the normal rate of pay for the employee up to a maximum of three thousand dollars ($3,000). Employees retiring should refer to applicable memorandum of understanding for sick leave buy back options.

e) Illness in Family. Whenever a regular employee believes it necessary to be absent from duty because of the illness of an immediate family member, and the illness is not one that qualifies the employee under the County's Medical Leave Policy, the employee may request permission of the appointing authority to be absent for not more than eighty (80) hours with pay in a calendar year. Any time off shall be charged against sick leave.

12.3 BEREAVEMENT LEAVE

Whenever a regular employee believes it necessary to be absent from duty because of the death of a member of the employee's immediate family, the employee may request permission of the appointing authority to be absent for not more than forty (40) hours with pay for each occasion or forty-eight (48) hours for employees working four (4), regularly scheduled 12-hour shifts in a seven (7) day calendar period. Any time used in this manner shall not be charged to sick leave or vacation, but shall be documented and recorded as bereavement leave. In the case of the deaths of individuals other than those defined as "immediate family" who were living in the employee's household as family members, approval for the use of bereavement leave shall be on a case-by-case basis at the sole discretion of the Director – Human Resources.

12.4 LEAVE OF ABSENCE

An employee may be granted a leave of absence only for good and sufficient reason. All leaves of absence granted, and return from leaves, are to be documented on Human Resources action forms and filed with the Director - Human Resources. Should the classification or pay rate of the position held by an employee on a leave of absence change during the leave, the employee, upon returning from leave, shall be assigned to the new classification or pay rate.

a) Limited Leave. An appointing authority may grant a regular employee a limited non-compensated leave of absence not to exceed thirty (30) consecutive days.

b) Extended Leave. An appointing authority may authorize a regular employee an extended non-compensated leave of absence not to exceed (1) one year. During such leave, the employee shall not accrue seniority or benefits.

c) Industrial Disability Leave With Pay.

1. Each regular employee covered by Safety Member Retirement shall be granted by the appointing authority a paid industrial disability leave as prescribed by California Labor Code 4850 up to one (1) year from the date of injury or illness. Employees shall be required to reimburse the County for any and all industrial disability benefits received during the period of Labor Code Section 4850 paid leave. Employees shall accrue full benefits during the period of Labor Code Section 4850 paid leave, except Social Security. Before granting 4850 leave, or authorizing a return to work, the appointing authority shall consult with the Director - Human Resources.

2. Each regular employee not covered by Labor Code Section 4850, shall be granted an industrial disability leave in accordance with the following rules:

   (a) Employees shall be required to use any accrued leave benefits in order to receive paid leave.
   (b) Employees' earnings will be adjusted to the differential between amount paid and any industrial disability benefits received during the period of paid leave.
   (c) Employees shall have leave benefits reinstated in the equivalent value of the disability benefits.
   (d) During the period of paid industrial disability leave, employees will continue to accrue full benefits for vacation, sick leave, and holidays. Benefits for retirement and social security will be accrued on the salary differential representing the adjusted leave benefits.

d) Industrial Disability Leave Without Pay. Each regular-help employee who is injured or contracts an industrial illness while on duty shall be granted an unpaid disability leave by the appointing authority from the time accrued leave benefits are exhausted until the employee is released to return to work or it is determined by a physician the employee may not return to normal work. Before granting industrial disability leave, or authorizing a return to work, an appointing authority shall consult with the Director - Human Resources. Employees shall accrue no benefits while in this status except as provided in these rules.

e) Military Leave. Military leave shall be granted by the appointing authority in accordance with the provisions of state and federal laws and Board of Supervisor Policy. All employees entitled to military leave shall give the appointing authority an opportunity within the limits of such military regulations to determine when such leave shall be taken and shall provide the appointing authority with a copy of the military orders.

f) Temporary Assignment to Fill a Position. An employee with permanent status may be temporarily assigned to a position held by an employee who is on industrial disability leave, vacation leave, sick leave, limited leave, extended leave, military leave, jury duty, or compensatory time off.

g) Board Leave. The Board may grant an employee a paid leave of absence of up to one (1) year, or a non-compensated leave in excess of one (1) year. A Board leave shall be granted only for extraordinary circumstances.

12.5 HOLIDAY LEAVE

a) Designated Holidays. Each regular-help employee or appointed department head in a fully compensated employment status on the assigned work day immediately preceding, and the assigned work day immediately following, a designated holiday shall be entitled to full compensation for the designated holiday.

b) Holiday Proration. Employees not fully compensated on the workday before the holiday and the workday after the holiday will receive pro-rated holiday pay based on compensated hours reported on those two days. Proration will not apply if an employee is on a reduced work schedule due to an approved Workers' Compensation claim.

The following holidays are designated:

1)	New Year's Day	January 1
2)	Martin Luther King	Third Monday in January
3)	Washington's Birthday	Third Monday in February
4)	Cesar Chavez Day	March 31
5)	Memorial Day	Last Monday in May
6)	Independence Day	July 4
7)	Labor Day	First Monday in September
8)	Veterans Day	November 11
9)	Thanksgiving Day	Designated Thursday in November
10)	Post-Thanksgiving Day	Friday following Thanksgiving
11)	Christmas Day	December 25

12) Every day appointed by the President, Governor, and the Board of Supervisors for a public fast, thanksgiving, or holiday, when the day is celebrated as a State or Federal holiday. Days declared as Federal holidays shall be observed as County holidays.

When a designated holiday falls on Sunday, the following Monday shall be observed. When a designated holiday falls on Saturday, the preceding Friday shall be observed. A regular-help employee required to work on a designated holiday, or whose regular scheduled day off falls on a designated holiday, shall at the discretion of the appointing authority be entitled to either equivalent compensated time off scheduled the day preceding the designated holiday, or within one hundred eighty (180) calendar days following the designated holiday.

Regular employees exempt from paid overtime shall be entitled to compensation for designated holidays actually worked. Extra-help employees shall not be entitled to paid holidays or compensated time off for holidays worked.

c) Personal Holidays & Special Vacation Entitlements. Personal holidays and special vacation entitlements shall be applied as called for in the individually bargained Memoranda of Understanding.

d) Compensation in Lieu of Time Off. Employees shall not be compensated in pay for personal holidays in lieu of time off. Employees returning from an approved extended leave of absence shall be subject to this rule.

12.6 JURY AND WITNESS LEAVES

Employees shall notify their appointing authority immediately upon receiving notice of jury duty or call as a witness for a County-related matter. Regular-help employees and appointed department heads who serve on a jury or are served with a subpoena which compels their presence as a witness, unless they are a party to the court action or an expert witness, shall be granted a leave of absence with pay. Employees called for such court appearances may retain the court paid mileage for such appearance provided they did not use a County vehicle or claim County mileage for such appearance.

If an employee normally assigned to any shift except “day shift” is called for jury or witness duty for a County-related matter and ordered to report, the employee’s shift shall be changed to “days” until the duty obligation has been fulfilled. The supervisor will be flexible in the transition from and back to their normal shift. If an employee is released from jury or witness duty and has served fewer hours than normally scheduled for work, such employee shall report to work for the remainder of the shift unless they have received prior approval for the use of appropriate time off accruals from their supervisor.

12.7 REST BREAKS

Employees may be allowed rest periods of (15) fifteen minutes during the mid-portion of the first and second half of a shift. Rest periods shall be scheduled in accordance with the requirements of the department, but in no case shall rest periods be scheduled within (1) one hour of the beginning or ending of a work shift or lunch period. The appointing authority may designate the time and location or locations at which rest periods may be taken. Rest periods shall be considered hours worked and employees may be required to perform duties, if necessary.

12.8 RETIREMENT

Regular employees and appointed department heads holding county employment shall be members of the Public Employees' Retirement System. Elected officials may be members as provided by law and the terms of the contract in effect between the County and the Public Employees' Retirement System. The Board may amend the contract as provided by law. The Director - Human Resources shall advise the Board regarding policy matters concerning the contract or amendments to it. Hourly rated extra-help employees shall not be eligible for retirement benefits.

12.9 RELEASE TIME FOR WORKSHOPS

Reasonable release time will be granted for qualified employees to attend on-site County-sponsored PERS and Deferred Compensation (457 Plan) meetings and any other County-sponsored events.

12.10 HEALTH PLAN

a) Eligibility. All elected and appointed officials and regular employees assigned to a (1/2) one-half time or more position and the employees' dependents, including registered domestic partners, shall be entitled to participate in the County-sponsored group health plan. Eligible employees enrolling in the plan within (30) thirty days following their appointment will be covered subject to the provisions of the MOU with the appropriate bargaining unit and the contract limitations with the carrier. Employees enrolling after the (30) thirty-day enrollment period will be approved only upon evidence of insurability. Regular employees assigned less than (1/2) one-half time and extra-help employees shall not be eligible for participation in the health plan.

   Premium. Employees shall pay their share (as set forth in the MOU with the appropriate bargaining unit) of the total monthly premium for employee and dependent coverage to be paid through a payroll deduction, unless otherwise specified in this section. To be eligible for premium sharing, an employee must have no less than the total of (10) ten days of compensated employment occurring within the (2) two regular pay periods immediately preceding the pay period from which the premium deduction is made.

   All regular employees assigned to a one-half (1/2) time or more position and the employee's dependents, including registered domestic partner, shall be entitled to participate in the County-sponsored group Cafeteria Plan. Employees working less than full-time and hired after November 1, 1987, shall receive prorated health contributions rounding to the nearest one quarter time; i.e. either fifty percent (50%), seventy-five percent (75%), or one hundred percent (100%) of the County contribution for full-time employees.

Percentage Funded	Percentage of Hours Worked	Total Hours Worked Prior Two Pay Periods
100%	87.50 - 100 %	140.0 - 160.0
75%	62.50 - 87.49 %	100.0 - 139.99
50%	50.00 - 62.49 %	80.0 - 99.99
NONE	LESS THAN 50%	79.99 OR LESS

Eligible employees enrolling in the program within sixty (60) days following their appointment will be covered subject to the contract limitation with the health plan carriers. Coverage shall commence when the employee is eligible for coverage under PERS rules and the health plan carriers' rules. Employees enrolling after the sixty (60) day enrollment period will be eligible for coverage on the first day of the month following a ninety (90) day waiting period which will begin upon receipt of all necessary enrollment documents by the Human Resources Department, unless the employee can certify a qualifying loss of other coverage.

Employees with less than the required compensated days of employment may continue coverage by advancing to the Human Resources Department the total premium amount for the month. For the purpose of this section only, an employee on an approved industrial disability leave of absence, who is receiving temporary disability payments from the compensation insurance fund, shall be considered in full compensated employment status. A covered employee granted an approved non-compensated leave of absence may continue health insurance coverage by advising the Director - Human Resources and advancing to the Human Resources Department each month the total monthly premium cost.

b) Retired Employee Options. Refer to individual applicable Memoranda of Understanding or Elected, Appointed and Non-Represented Resolutions for specific retiree options. Employees selecting post-retirement health plan continuation shall file notice with the Director - Human Resources thirty (30) days before the effective retirement date in a manner and form prescribed by the Director - Human Resources.

c) Continuation of Coverage. Continuation and conversion of the health plan benefits shall be as prescribed by law or contract limitations with the plan carrier. Continuation of conversion coverage shall be paid fully by the subscriber. Employees covered under the health plan who terminate from County employment for reasons other than gross misconduct, may continue coverage under the health plan for up to 18 months. Covered child dependents of an employee who become ineligible under the terms of the plan, or the covered surviving spouse or legally separated or divorced spouse of an employee, may continue coverage under the plan for up to 36 months. Application for continuation of coverage must be made to the Director - Human Resources in a manner and form prescribed by the Director - Human Resources.

d) Premium Holiday. In the event that a "premium holiday" is declared by the County's health plan administrator or provider in which health plan premiums are not required to be paid by the County for a period of time **or** a refund is given for premiums previously paid, the County shall retain ownership and sole rights to the County's share of any unpaid premium savings or refund granted.

12.11 UNEMPLOYMENT INSURANCE

County employees shall be covered by unemployment insurance pursuant to state law. The purpose of this coverage is to provide benefits to former employees who are no longer employed through no fault of their own. Employees who terminate from county employment shall complete termination forms and procedures as required by the Human Resources Department.

The Director - Human Resources shall administer the Unemployment Insurance Program. The Director - Human Resources shall provide and maintain any records required for the Unemployment Insurance Program and represent or arrange for representation of the County in unemployment insurance claims actions. The Director - Human Resources and the Chief Financial Officer shall advise the Board regarding the maintenance and administration of the Unemployment Insurance Program. The Chief Financial Office shall act as the fiscal agent for the Unemployment Insurance Program. The Human Resources Department shall provide and maintain all payroll and fiscal records and make reimbursement payments to the state as required by the Unemployment Insurance Program. The Human Resources Department shall provide to the Director - Human Resources fiscal and payroll information necessary for the fiscal management of the program.

12.12 DEFERRED COMPENSATION PROGRAM

The County shall establish and maintain a program whereby employees may voluntarily authorize deferral of a portion of their wages to be invested in an approved deferred compensation plan as authorized by the Board and regulated by applicable state and federal law.

13 TRAVEL AND EXPENSES

See Appendix VIII.

This page has been intentionally left blank.

APPENDIX I

Flexibly Staffed Classifications Approved for the "Employee Promotional Process" (EPA) Personnel Rule 6.10 i - Promotions within Classification Series:

Account Clerk; Account Clerk, Senior; Accounting Specialist	Juvenile Hall Counselor I, II
Administrative Analyst, Associate; Administrative Analyst	Landfill Maintenance Worker; Landfill Maintenance Worker, Senior
Assessment Clerk; Assessment Clerk, Senior	Landfill Scale Attendant; Landfill Scale Attendant, Senior
Auditor-Accountant, Associate; Auditor-Accountant	Library Assistant; Library Assistant, Senior
Associate Clerk of the Board; Assistant Clerk of the Board	Management Analyst, Associate; Management Analyst
Behavioral Health Counselor I; Behavioral Health Counselor II	Medical Records Technician; Medical Records Technician, Senior
Behavioral Health Education Specialist, Associate; Behavioral Health Education Specialist	Mental Health Clinician Intern; Mental Health Clinician
Bridge Maintenance Worker; Bridge Maintenance Worker, Senior	Nutrition Specialist; Nutrition Specialist, Senior
Building Crafts Worker; Building Crafts Worker, Senior	Office Assistant; Office Specialist
Building Inspector; Building Inspector, Senior	Permit Assistant; Permit Technician
Child Support Attorney I; II; III	Planner, Assistant; Planner, Associate
Contracts Specialist; Contracts Specialist, Senior	Probation Officer I, II, III
Cook; Cook, Senior	Property Appraisal Specialist, Property Appraiser; Property Appraiser, Senior
Deputy County Clerk I; Deputy County Clerk-Recorder II; Deputy County Clerk-Recorder III; Deputy County Clerk-Registrar II; Deputy County Clerk-Registrar III	Psychiatric Technician; Psychiatric Technician, Senior
Deputy County Counsel I; II; III	Public Health Assistant; Public Health Assistant, Senior
Deputy District Attorney I; II; III	Public Health Education Specialist, Associate; Public Health Education Specialist
Deputy Public Guardian/Public Administrator; Deputy Public Guardian/Public Administrator, Senior	Public Health Nurse, Associate; Public Health Nurse
Engineering Aide; Engineering Technician, Assistant; Engineering Technician, Associate	Road Maintenance Assistant; Bridge Maintenance Worker; Traffic Control Worker; Tree Trimmer; Road Maintenance Worker
Engineer, Assistant; Civil Engineer, Associate	Road Maintenance Worker; Road Maintenance, Senior
Environmental Health Specialist, Associate; Environmental Health Specialist	Sheriff's Clerk I; Sheriff's Clerk II
Equipment Mechanic, Assistant; Heavy Equipment Mechanic; Heavy Equipment Mechanic, Senior	Staff Nurse, Associate; Staff Nurse
Grounds Maintenance Worker; Grounds Maintenance Worker, Senior	Surveyor, Assistant; Surveyor, Associate
Human Resources Analyst, Associate; Human Resources Analyst	Telecommunications Specialist; Telecommunications Specialist, Senior
Information Systems Analyst, Associate; Information Systems Analyst	Traffic Control Worker; Traffic Control Worker, Senior
Information Systems Technician, Associate; Information Systems Technician	Tree Trimmer; Tree Trimmer, Senior
Investigator I, II (District Attorney's)	

Appendix II

SEXUAL HARASSMENT PREVENTION POLICY

a) General Policy

Protection from sexual harassment is provided for in Section 703 of Title VII of the Civil Rights Act of 1964. "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may include, but is not limited to:

- Sexual conduct that is explicitly or implicitly made a term or condition of an individual's employment;
- An employment decision based on the submission to or rejection of a sexual advance;
- Conduct that interferes with an individual's work performance or creates an intimidating or hostile work environment;
- Negative employment decisions or conditions based on an individual's gender identity or sexual orientation.

The County of Butte is focused on the prevention of sexual harassment in the workplace. Therefore, this policy prohibits the above conduct, as well as all other inappropriate workplace behavior directed at someone because of that person's sex, gender identity, or sexual orientation, and behavior that is sexual in nature.

The following conduct violates this policy: (1) verbal conduct (including, but not limited to, slurs, jokes, insults, epithets, gestures or teasing), (2) graphic conduct (including, but not limited to, gestures, offensive posters, symbols, cartoons, drawings, computer displays, or e-mails), and (3) physical conduct (including, but not limited to, physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it is not unlawful. Because it is difficult to define unlawful sexual harassment, employees are expected to behave at all times in a professional and respectful manner.

b) Responsibilities of Employees and Supervisors

It is the responsibility of all employees to integrate the intent and philosophy of this policy into daily operations. The supervisor is responsible for creating a favorable working atmosphere for all employees, free from inappropriate, disrespectful, or unprofessional behavior.

The following actions shall be taken by supervisory personnel:

1. Express strong disapproval of inappropriate comments or acts by anyone related to the workplace in any way;
2. Develop sensitivity among staff to the rights of others;

3. Inform employees of their rights and of how to use the internal complaint process.

Additional action may be taken if indicated on a departmental basis to further educate employees about this policy. It is important to note the County of Butte and/or individual employees could ultimately be held legally accountable for acts of unlawful sexual harassment, regardless of whether the acts were authorized or forbidden by the County, and regardless or whether management knew or should have known of the acts.

c) Non-compliance with Policy

Immediate disciplinary action shall be taken against individuals determined to be in violation of this policy. No manager, supervisor, or employee shall take any retaliatory action against any employee, agent, or volunteer in the services of the County for filing a complaint under this policy or cooperating in the investigation of such a complaint.

Individuals who believe this policy has been violated are encouraged to promptly file a complaint with the County of Butte's Civil Rights Compliance Officer, using the procedure described in Section 4.3(e) of the Personnel Rules. All complaints will be investigated as set forth in this procedure.

Internal Complaints

The County of Butte encourages all employees, whenever possible, to:

1. Communicate directly with anyone whose conduct is perceived to be in conflict with this policy;
2. Bring forth potential workplace issues early in order to prevent damaging and costly non-compliance.

3. An employee may choose to address a complaint under this policy with their department head or directly with the Civil Rights Compliance Officer (Human Resources Director or designee).

Any person filing an internal complaint under this policy shall use the following procedure:

If a person believes there is reason to file an internal complaint, the person may request a confidential informal meeting with the Civil Rights Compliance Officer to discuss the situation. The Civil Rights Compliance Officer or a designated representative shall meet with the person as soon as reasonably possible to discuss the complaint.

The County of Butte will promptly investigate the facts and circumstances of any claim this policy has been violated. To the extent possible, the County of Butte will endeavor to keep the reporting employee's concerns confidential. During the investigation, the County of Butte generally will:

- interview the complainant and the alleged wrongdoer

- conduct further interviews as necessary

- document the County of Butte's findings regarding the complaint

- document recommended follow-up actions and corrective action taken, if applicable
- inform the complainant and the alleged wrongdoer of the County of Butte's findings.

Every supervisor who learns of any employee's concern about conduct in violation of this policy, whether in a formal complaint or informally must immediately report the issue(s) to senior management, respective department head or to the County's Civil Rights Compliance Officer. Any department head, when approached by an employee with a complaint, is required to report the complaint to the Civil Rights Compliance Officer (or designee). The department head shall consult with the Civil Rights Compliance Officer (or designee) to develop a plan for proceeding with an investigation and addressing the issues comprehensively.

Upon completion of the investigation, the County of Butte will take corrective measures against any person who has engaged in conduct in violation of this policy, if the County of Butte determines that such measures are necessary. These measures may include, but are not limited to, counseling, suspension, or immediate termination. Anyone, regardless of position or title, whom the County of Butte determines has engaged in conduct that violates this policy will be subject to discipline, up to and including termination.

Appendix III

LAYOFF POLICY

An appointing authority may initiate a layoff for a regular help position(s) due to administrative reorganization, lack of work, or lack of appropriation by advising the Director - Human Resources of the number of positions, classifications, department involved, and the effective layoff date. For purposes of this section, "appointing authority" shall mean the department head or designee for the department in which the layoff(s) is to occur. Layoffs may occur as a result of a Board action, such as adoption of the County budget but do not require the express authorization of the Board of Supervisors to proceed. The Director - Human Resources shall establish a seniority list and shall consider employee status, length of service, and efficiency in determining which employee or employees are to be laid off and shall, in writing, inform the appointing authority and affected employees.

SENIORITY LIST SCORE COMPUTATION

Regular help employees appointed to a position with Butte County shall receive credit for compensated regular help employment that has not been broken by a permanent separation. When there has been a permanent separation, credit shall be given only for regular help employment following such break in service. The seniority status accrued by those incumbent employees in the Employment and Social Services Department, Health, and Civil Disaster Departments under the Local Agency Human Resources Standards prior to August 7, l976, shall remain on accrual.

One point seniority credit shall be given for each calendar month of regular help employment or any portion thereof excluding extended leaves of absence. Regular employees working part-time schedules will be given fractional point credit for each month of service on a prorated basis.

Twelve (12) points shall be subtracted from the seniority score of an employee who received a disciplinary action which included demotion, suspension or salary reduction.

When two or more employees have the same total seniority score, the tie shall be broken and preference given in the following sequence:

a) Employees with the greatest seniority in the department and the class in which layoff is being made and in related higher classes.

b) Employees with the greatest seniority in the class in which the layoff is being made and in related higher classes.

c) Employees with the greatest seniority in the department.

d) Employees whose names are drawn by lot by the Director - Human Resources.

ORDER OF SEPARATION IN REDUCTION-IN-FORCE

Employees in the same class within a department of layoff shall be separated during a reduction-in-force in the following appointment type sequence:

a) Extra Help and Emergency
b) Provisional and Probationary
c) Permanent

Separation of employees shall be in the order in which their names appear on the seniority list for the affected class, with those persons having the least seniority credit being the first separated.

LAYOFF NOTICE

The Director - Human Resources shall send written notice to the last known address of each employee affected by a layoff, and the Association, at least thirty (30) days prior to the effective date of the action, except for employees who are impacted by "bumping" in which case notice shall be sent at least fourteen (14) days prior to the effective date of the action. The notice shall include the:

a) Reason for layoff;
b) Classes to which the employee may demote within the department, if any;
c) Effective date of the action;
d) Seniority score of the employee;
e) Formula by which the seniority score is computed;
f) Appeal rights of the employee;
g) Conditions governing retention on and reinstatement from reemployment lists; and
h) Rules regarding waiver of reinstatement and voluntary withdrawal from the reemployment list.

DEMOTION IN LIEU OF LAYOFF

In lieu of being laid off, a regular employee may elect demotion to:

a) Any position held by an employee with a lower seniority score in a class with substantially the same or lower maximum salary in which the layoff employee held permanent status; or

b) Any vacant position in a class in the same line of work as the class of layoff, but of lesser responsibility if such classes are designated by the Director - Human Resources.

Demotion rights to specified classes shall be applicable only within the department of layoff. To be considered for demotion in lieu of layoff, an employee must notify the Director - Human Resources in writing of this election no later than five (5) days after receiving the notice of layoff. The County further agrees that within twenty four (24) months from the effective date of layoff, any employee who accepts a demotion in lieu of lay off pursuant to this layoff policy, solely for the express purpose of the appropriate pay range qualification for transfer to a vacant position purposes, be considered as if they were still included in the pay range of the classification from which they voluntarily demoted from, in which the layoff employee held permanent status.

An employee affected by layoff who voluntarily demotes in lieu of layoff shall be eligible to transfer at the pay range held at the time of layoff or the duration of the reinstatement list. (Example: An Administrative Assistant (range 28) who voluntarily demotes in lieu of layoff to an Office Specialist (range 19), maintains transferability at the higher range 28. This employee would be able to transfer to range 29 and below for the duration of the reinstatement list. Refer to Personnel Rule 11.9 for transfer qualifications).

LAYOFF REINSTATEMENT

A name which appears on a reinstatement list shall be removed from the reinstatement list when the individual indicates no interest in offered reinstatement on three (3) separate written inquiries.

Permanent employees laid off who are reinstated to a regular County position within twenty-four (24) months from the effective date of layoff shall be reinstated with seniority rights, including time served towards annual merit increase. Such employees shall be credited with unused sick leave on accrual at the time of layoff up to a maximum of two hundred and forty (240) hours and shall accrue vacation benefits at the rate established by prior seniority.

An employee reinstated to the same classification or lower classification in the same class series in which permanent status was held at the time of layoff shall not be required to serve a new probationary period. A former employee reinstated in a classification with an equal or lower pay range than that held by the employee at the time of layoff, pursuant to the provisions of these rules, shall remain on the valid reinstatement list. Should an employee on a layoff list be employed by the County in a classification with a higher pay range than that held at the time of layoff, the employee's name shall automatically be removed from the layoff reinstatement list upon completion of the probationary period.

LAYOFF - PROBATIONARY EMPLOYEES

Probationary employees laid off shall have their names placed back on the eligible list from which they were appointed providing it is still in existence. Should such employees be later appointed from the eligible list, the appointment will be the same as for others appointed from the list for the first time. A new probationary period and other terms and conditions of a new appointment shall apply.

Appendix IV

ALCOHOL AND DRUG ABUSE POLICY

PURPOSE

It is the intention of this policy to eliminate or prevent substance abuse and its effects in the workplace comply with the Federal Drug Free Workplace Act of 1988 and California Drug Free Workplace Act of 1990 as contained in Government Code Sections 8350-8357. While the County of Butte has no intention of intruding 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 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. While Butte County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.

Supervisors, shop stewards, and employee representatives will be trained to recognize abusers and become involved in this control process. Alcohol or drug abuse will not be tolerated, and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

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 eliminate any substance abuse (alcohol, illegal drugs, prescription drugs, or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage the County's reputation.

In recognition of the public service responsibilities entrusted to the employees of the County of Butte, and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the County of Butte.

POLICY

It is County policy that employees shall not be under the influence of or in possession of alcohol or drugs; nor possess alcohol or drugs while on County property (except at locations where the general public may be exempt from this requirement) at work locations, or while on duty or on call back status; shall not utilize such substances while they are on call back status subject to County duty, sell, or provide drugs or alcohol to any other employee or to any person while such employee is on duty or on call back status, nor have their ability to work impaired as a result of the use of alcohol or drugs.

While use of medically prescribed medications and drugs is not per se, a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking

medications or drugs which, with reasonable knowledge, could foreseeably interfere with the safe and effective performance of duties or operation of County equipment can result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

The County reserves the right to search all areas and property in which the County maintains control or joint control with an employee in accordance with applicable state and federal laws. A search of any container for employee property such as desks, cubicles, and lockers may be conducted at any time with the affected employee's prior permission. Otherwise, the County may notify the appropriate law enforcement agency that an employee may be in possession of illegal drugs.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be held for a reasonable time until they can be safely transported from the work site. Such situation may include ordering the employee to overtime status, and requesting that the employee submit to a "reasonable suspicion" drug/alcohol test and/or examination by a physician.

The County is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped under federal and/or state law.

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 or the EAP provider for additional information.

APPLICATIONS

This policy applies to all employees of, and to all applicants for positions with, the County. This policy applies to alcohol and to all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

EMPLOYEE RESPONSIBILITIES

An employee must:

a) Not report to work or be on call back status while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use.

b) Not use alcohol, use or possess impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours, on call back status, or on breaks.

c) Not be impaired by use of alcohol or impairing drugs during meal periods or at any time while on County property.

d) 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 or on call back status (this requirement is subject to having reasonable knowledge that the other employee is on duty or on call back status).

e) Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may, with reasonable knowledge, interfere with the

safe and effective performance of duties or operation of County equipment, and when in combination with one or more of the elements of reasonable suspicion listed here.

f) In cases where reasonable suspicion or positive test results exists, provide, within five (5) days of request, bona fide verification of a current valid prescription for any potentially impairing drug or medication. The prescription must be in the employee's name.

g) Exceptions to restrictions on possession and/or use as provided for above, would apply where the general public may be exempt from the requirement, such as off duty consumption of alcohol at the County owned fairgrounds in Gridley or one of the County's Veterans Memorial Buildings. In addition exception applies to such activities that are within the official capacity as an employee. Examples of the latter would be under cover law enforcement, evidence storage, court presentations, etc.

h) Notify the appointing authority of any criminal drug statute conviction occurring in the workplace no later than five (5) days after such a conviction.

MANAGEMENT RESPONSIBILITIES AND GUIDELINES

Managers and supervisors are responsible for reasonable enforcement of this policy.

Managers and supervisors may request that an employee submit to a drug/alcohol test and/or an examination by a physician when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or on call back status. "Reasonable suspicion" is a belief based on objective, specific, and articulate facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

a) Slurred speech, not normal to the employee.

b) Alcohol odor on breath.

c) Unsteady walking and movement, not normal to the employee.

d) An on duty accident or accident involving County property in cases where reasonable suspicion or positive test results exist.

e) Behavior that is not normal to the individual employee.

f) Possession of alcohol or drugs in violation of this policy.

g) Information obtained from a reliable person with personal knowledge.

h) Any manager or supervisor requesting an employee to submit to a drug/alcohol test and/or medical examination shall document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs. If information obtained from a reliable person with personal knowledge is the sole reason in determining reasonable suspicion, documentation shall include the name of that individual and their statement(s).

i) Any manager or supervisor encountering an employee who refuses an order to submit to a medical examination upon request shall remind the employee of the requirements and disciplinary consequences of such refusal. Where there is reasonable suspicion that the

employee is then under the influence of alcohol or drugs, the manager or supervisor should obtain assistance as needed and hold the employee for a reasonable time until the employee can be safely transported home.

j) Managers and supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees without the freely given consent. Employees are entitled to have a representative of their choosing, provided that representatives can be present in a reasonable period of time.

k) Managers and supervisors shall notify their department head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the County. If the department head or designee concurs that there is reasonable suspicion of illegal drug possession, the department head may notify the appropriate law enforcement agency.

DRUG OR ALCOHOL TESTING AND/OR PHYSICAL EXAMINATION PROCEDURE

The drug/alcohol test and/or physical examination may test for any substance which could impair an employee's ability to effectively and safely perform the functions of his/her job.

RESULTS OF DRUG AND/OR ALCOHOL ANALYSIS

a) Pre-employment Physicals. A positive result from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs and/or alcohol could affect requisite job standards, duties, or responsibilities.

If a drug screen is positive at the pre-employment physical, the applicant must provide within twenty-four (24) hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

b) During Employment Physicals or Alcohol/Drug Tests. A positive result from a drug and/or alcohol examination may result in disciplinary action, up to and including discharge.

If the drug screen is positive, the employee must provide within five (5) days of request bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action, up to and including discharge.

If an alcohol or drug test is positive for alcohol or drugs, the County shall conduct an investigation to gather all facts. The decision to discipline or discharge will be carried out in conformance with County Personnel Rule 7.11.

CONFIDENTIALITY

Laboratory reports or test results shall not appear in an employee's general Human Resources folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Director - Human Resources. The reports or test

results may be disclosed to County management in a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when:

a) The information is compelled by law or by judicial or administrative process;

b) The information has been placed at issue in a formal dispute between the employer and employee;

c) The information is to be used in administering an employee benefit plan; and

d) The information is needed by medical Human Resources for the diagnosis or treatment of the patient who is unable to authorize disclosure.

TESTING PROCESS AND STANDARDS

Substance testing shall comply with the following standards and procedures:

The drug testing process shall be one that is scientifically proven to be at least as accurate and valid as urinalysis using an immunoassay screening test, with all positive screening results being confirmed utilizing gas chromatography/mass spectrometer before a sample is considered positive. The alcohol testing process shall be one that is scientifically proven to be at least as accurate and valid as urinalysis using an enzymatic assay screening test, with all positive screening results being confirmed using gas chromatography before a sample is considered positive.

Substances to be tested for shall include, but are not limited to:

a) Amphetamines and Methamphetamines
b) Cocaine
c) Marijuana/Cannabinoids (THC)
d) Opiates (narcotics)
e) Phencyclidine (PCP)
f) Barbiturates
g) Benzodiazepines
h) Methaqualone
i) Alcohol

In addition, with the approval of the Human Resources Department, testing may be conducted for other controlled substances when the appointing authority reasonably suspects the use of other substances.

After consulting with expert staff of the laboratory or laboratories selected to perform the testing under this Article, the Human Resources Department shall set test cutoff levels that will identify positive test samples while minimizing false positive test results. Cut off levels for the most common substances are as follows:

Drug	Level*
Amphetamines/ Methamphetamine	300
Barbiturates	300
Cocaine	300
Cannabinoids	100
Opiates	300

Phencyclidine	75

*Nanograms per millimeter

Alcohol (sensitivity equivalent to .08% by .02% gm/deciliter weight)

Test samples will be collected in a clinical setting such as a laboratory collection station, doctor's office, hospital, or clinic or in another setting approved by the Human Resources Department on the basis that it provides for at least an equally secure and professional collection process. Samples shall be separated into two samples at the time they are collected with the second sample kept for validation purposes. The Human Resources Department shall specify procedures to ensure the true samples are obtained.

The Human Resources Department shall specify measures to ensure that a strict chain of custody is maintained for the sample from the time it is taken, through the testing process, to its final disposition.

Drug/alcohol tests shall be performed by a commercial laboratory selected based on its meeting standards that are the same as those used by the National Institute on Drug Abuse (NIDA) to certify laboratories engaged in urine drug testing for Federal agencies (Mandatory Guidelines for Federal Workplace Drug Testing Program, Federal Register, Vol. 53, No. 69) or those used by the College of American Pathologists (CAP) to accredit laboratories for forensic urine drug testing (standards for Accreditation, Forensic Urine Drug Testing Laboratories, College of American Pathologists).

The sample collection process shall include the opportunity for the employee to provide information about factors other than illegal drug use, such as taking legally prescribed medication that could cause a positive test result. At the employee's option, this information may be submitted in a sealed envelope to be opened only by the Medical Review Officer if the test result is positive.

The employee shall receive a full copy of any test results and related documentation of the testing process.

All confirmed positive samples shall be retained by the testing laboratory in secure storage for one year following the test or until the sample is no longer needed for appeal proceedings or litigation, whichever is longer. At the employee's request and expense, the sample may be re-tested by that laboratory or another laboratory of the employee's choice.

MEDICAL REVIEW OFFICER

The Director - Human Resources shall designate one or more approved clinics, which shall have licensed physicians as Medical Review Officers to receive test results from the laboratory. Upon receiving results, the Medical Review Officer shall:

Review the results and determine if the standards and procedures required by this Article have been followed.

For positive results, interview the affected employee to determine if factors other than illegal drug use may have caused the result.

Consider any assertions by the affected employee of irregularities in the sample collection and testing process.

Based on the above, provide a written explanation of the test results to the appointing power or his/her designee. The employee shall also receive a copy of this explanation.

Appendix V

VIOLENCE IN THE WORKPLACE

I. GOAL

It is the goal of Butte County to provide an environment free from threats, intimidation, or actual violence to its employees or the citizens served in the course of employment.

II. POLICY STATEMENT

As a part of the County's continuing commitment to workplace safety, the Board of Supervisors, department heads, elected officials, volunteers, and all other employees of the County of Butte, are committed to making every effort to ensure that an atmosphere free from actual or threatened violence against any employee(s) or citizens served is established and maintained.

Any acts of violence or threatening conduct, whether directed against another employee of the County or an outside party will not be tolerated. This conduct includes but is not limited to:

- Striking, punching, slapping or otherwise physically assaulting an other person;
- Fighting or challenging another person to a fight, grabbing, pinching or touching another person in an unwanted fashion (whether sexually or otherwise);
- Bringing any unauthorized firearm, knife or other weapon into/onto County owned or leased property;
- Threatening or harming another person in any way, whether verbal, written or physical;
- Any intimidating behavior reasonably perceived as a threat, including, but not limited to, yelling, shouting, swearing in anger, throwing things or slamming doors.

Any employee found to have engaged in such unacceptable behavior will be appropriately disciplined pursuant to Personnel Rules Section 2.54, *Reasonable Cause*, up to and including termination from employment. In appropriate cases, the County will seek criminal prosecution or cooperation with law enforcement authorities.

No person shall be expected to tolerate violence or the threat of violence on the job. Any person who is the victim of any violent, threatening or harassing conduct, or who observes such conduct, shall report the conduct to his or her immediate supervisor. That supervisor shall initiate investigative procedures immediately and report such his/her department head who in turns shall report it to the Director-Human Resources as the County's Chair of the Butte Risk Assessment Team (BRAT).

Appropriate actions will be taken to prevent any further violent conduct or threat of violent conduct from occurring or being repeated.

III. RESPONSIBILITIES UNDER THIS POLICY

Board of Supervisors:

The Board of Supervisors shall have the ultimate authority and responsibility for the effective implementation of the provisions of the Butte County Workplace Violence Prevention Policy.

Appointed Department Heads and Elected Officials shall:

- Be responsible for implementing the Policy;
- Ensure that all managers and supervisors implement and maintain this Workplace Violence Prevention Policy;
- Assess the risk of the workplace violence and take action to mitigate any identified risk;
- Ensure that all managers/supervisors are fully informed of the elements of the Workplace Violence Prevention Policy;
- Ensure reception, front office, security, and other appropriate employees are immediately made aware of description (picture if possible) of the threatening employee, or citizen;
- Ensure that all reports of workplace violence or threats are immediately investigated and the Human Resources Director/Butte Risk Assessment Team (BRAT) Chairman is provided with a written final investigative report, including the follow-up procedures to be implemented;
- Supervise, evaluate and document employee behavior and performance in conformance with safe work practices.

Managers/Supervisors, Mid-level and First Line Employees shall:

- Implement the Workplace Violence Prevention Policy in all work areas under their authority;
- Supervise, evaluate and document employee behavior and performance in conformance with safe work practices;
- Receive and ensure immediate investigation of any reports of violence or threat of violence;
- Report all threats or violent acts to the appointing authority or designee;
- Develop, assist in the development, and implement safe work practices for the control of potential workplace violence;
- Train employees in safe work practices and ensure that they are fully informed of all the elements of the Workplace Violence Prevention Policy;
- Ensure employees follow safe work practices;
- Ensure employee safety and security to the extent possible;

- Notify employees of a potential threat, if deemed appropriate under the circumstances.

Employees shall:

- Not engage in violent, threatening or intimidating behavior toward any person;
- Not possess or have close at hand any unauthorized weapon during the course of employment with the County;
- Immediately report all threats or incidents of violent behavior to their immediate supervisor;
- Immediately disengage from any act of violence or threatened violence and contact a supervisor;
- Be fully informed of all the elements of the Workplace Violence Prevention Policy and comply with said policy.

IV. COMMUNICATION AND REPORTING

Incident Investigation

A determination will be made by the department head whether to contact the Director - Human Resources to investigate a violent or potentially violent incident. Under circumstances of imminent danger, the supervisor or person-in-charge may elect to contact the Director - Human Resources whenever a department head or assistant department head is unavailable to make a determination.

Whether conducted by the department head, or designee, or the Director-Human Resources, an incident investigation includes not only that of actual physical violence, but may include verbal threats, and/or threatening behavior as well.

Threats or incidents shall be reported in person or anonymously to a department supervisor, appointing authority, or Human Resources Director.

An investigation shall be initiated immediately upon knowledge of the incident and shall conclude as soon as possible. The reporting employee shall be informed of the procedure to be followed.

The investigation shall take precedence. The investigation may also include the Human Resources Director and law enforcement and shall include a review of previous incidents.

All individuals necessary to conduct a thorough investigation will be interviewed. All employees shall cooperate with the investigation without fear of retaliation.

The County shall utilize departmental meetings and posting to ensure that employees are aware of workplace violence issues.
When an appointing authority or supervisor forms the opinion that circumstances create a danger to the safety of staff they shall:

a) Ensure reception, security, and other appropriate employees are immediately made aware of the potential threat and provide a complete description (picture if possible) of the threatening individual.

b) Make a timely, informative telephone call to the to the Chairman of the BRAT.

c) Contact the local law enforcement agency and request increased patrol/security checks be made at the facility if appropriate.

d) If any other facilities are affected or are the object of the threats, ensure appropriate personnel at the facility are notified.

V. COMPLIANCE

When a violation of the Workplace Violence Prevention Policy occurs, with concurrence of the Human Resources Director, the suspected employee(s) may be placed on paid administrative leave while an investigation is carried out. This decision will be based upon the following:

1) Type of complaint
2) Threat or actual violence
3) Past behavior of employee
4) Potential for reoccurrence

If appropriate, the availability of professional counseling shall be communicated to the victim and accused, and may be required by the department head.

The victim will be protected to the extent possible. This may include a temporary departmental transfer of the victim or paid administrative leave.

The department head or elected official, with concurrence of County Counsel may request a temporary restraining order.

VI. FIREARMS

1. The County of Butte is committed to the principle that a work environment free of threats of violence, threatening behavior, and acts of violence is essential to providing effective and efficient government services. With the exception of paragraph 2 below, no person shall have in his/her possession, while on any property owned and/or leased by the County, County worksite (including outdoor worksites), or in County vehicles, any firearm or other dangerous weapon, or any explosive or destructive device. This includes individuals that have permits to carry a concealed weapon.

    a) Firearms and other dangerous weapons (as defined by the California Penal Code), includes, but is not limited to, pistols, handguns, rifles, shotguns, knives, swords, or martial arts weapons (such as nun chakus and tonfas).

    b) Explosive or destructive devices (as defined by the California Health and Safety Code) includes, but is not limited to, ammunition, fireworks, firecrackers, explosive or incendiary devices or materials.

2. This provision does not include peace officers (as defined by the California Penal Code) authorized by law and their appointing authority to carry weapons or employees who carry knives (and related implements) that are used as tools in the regular course of County business with the awareness and approval of their appointing authority.

3. The Chief Administrative Officer, with the concurrence of the Human Resources Director and affected appointing authority may, in writing, authorize employees to carry a weapon for justifiable, documented, and work related purposes.

4. Specific situations arising with regard to the firearms policy stated above may be reviewed on a case by case basis taking into consideration the following:

   (a) It is the intent of this policy to ensure that all employees and the public conducting business with the County of Butte be free from the threat of violence either by gesture, verbal threat, implied threat, or physical act while in the course of duties or obtaining services from the County;

   (b) implementation of this policy shall not impede the regular and necessary conduct of County business; and

   (c) interpretation of this policy shall not impede individual rights so long as the primary intent described above in 4 (a) is followed.

Appendix VI

SAFETY FOOTWEAR

GENERAL

The OSHA standard for Foot Protection Section 3385, Title 8, of the California Code of Regulations requires appropriate foot protection for employee exposed to foot hazards. The OSHA standard for Personal Protective Devices Section 3380, Title 8 of the California Code of Regulations requires employers to ensure that employee-owned personal protective equipment complies with standards and regulations prescribed by the Division of Industrial Safety. The following procedures are based on the requirements established by the Occupational Safety and Health Administration and the American National Standard for Foot Protection, ANSI Z41-1991/1999 (Reference A).

POLICY

It is the policy of Butte County to provide its employees with a safe and healthful work environment. The guidelines in this program are designed to reduce employee exposure against occupational foot injuries caused by rough or uneven walking surfaces, slipping hazards, electrical hazards, hot, corrosive, poisonous substances, falling objects, crushing, puncture, or abnormally wet locations.

RESPONSIBILITIES

1. Departments

   It is the responsibility of each Department to determine if employees face exposure to occupational foot injuries. Departments assessed to have foot injury exposure will be considered Participating Departments in the Butte County Safety Footwear Policy (Reference B). Departments are responsible to monitor job activities for foot hazards annually, whenever a new job activity is introduced, or after a related employee injury. Reference B may be revised from time to time based upon further analysis of current classifications, as well as analysis of new classifications, which may be added in the future.

2. Supervisors

   Supervisors are responsible for ensuring that all personnel under their control are knowledgeable of the foot protection requirements in the areas in which they work. Supervisors are responsible for ensuring that subordinate personnel comply with all facets of this Safety Footwear Policy including disciplinary action for violation of policy, where appropriate.

3. Employees

It is the responsibility of the employees to have an awareness of the foot protection requirements for their work activities (as explained by management). Employees who perform work activities that require them to wear work boots or safety boots are responsible to have footwear that meets all necessary guidelines and is in serviceable condition. For any job activity, footwear that is defective or inappropriate to the extent that its ordinary use creates the possibility of foot injuries shall not be worn.

PROGRAM ADMINISTRATION

The Butte County Safety Officer is responsible for the administration of the Safety Footwear Policy. Administration of the policy includes assisting Departments in hazard assessment and developing worksite specific procedures as needed, maintaining records, conducting periodic program evaluations, and addressing disputed assessments.

ASSESMENT OF FOOT HAZARDS

The participating Department Heads or their designee will assess the specific foot hazards to determine which job activities require foot protection. Assessments must be done in writing and maintained for reference. The assessment will also determine if foot protection is best accomplished by wearing external foot guards, special use footwear (such as for chemical exposure), work boots, safety boots, or some combination thereof.

CATEGORIES OF FOOT PROECTION

e. External foot guards are typically constructed of aluminum, fiberglass or steel and can be worn over usual work shoes to provide protection against falling or rolling objects. Use of external foot guards may present a tripping hazard in certain environments.

f. Special use footwear includes boots or overshoes/shoe covers designed for use around chemicals such as in pesticide applications or hazardous materials work. Specific types or materials of special use footwear may be required by material safety data sheets (MSDS).

g. Work boots are designed to cope with slipping hazards and uneven walking surfaces. They must be of sturdy construction with a traction sole.

h. Safety boots are required to meet the ANSI Z41-1991/1999 standard for foot protection, in compliance with Cal-OSHA regulations. Additional protection required for specific job activities may include:

- Impact and Compression Resistance
- Slip Resistant
- Metatarsal Footwear
- Electrical Hazard
- Conductive Footwear
- Sole Puncture
- Static Dissipative

Any employee not wearing safety footwear as identified will not be allowed to perform work activities assessed to be hazardous until such time as they are wearing the specified footwear.

Reference A

ANSI Z41-1991 Footwear Standard & ANSI Z41-1999 Revised Footwear Standard

The ANSI Z41-1991/1999 Footwear Standard was finalized and published, effective April 1991, and was subsequently adopted by the U.S. Department of Labor as an integral part of the PPE Regulations - OSHA 1910.132 and specifically OSHA 1910.136 Footwear Section for General Industry.

OSHA 1910.136 establishes the requirements that industry must follow for selecting safety footwear for their employees and specifically defers to the ANSI Z41 Standards which all safety footwear sold in the United States must conform to. Effective December 1999, the ANSI Z41 Committee issued a revision of the ANSI Z41-1991 Standard which is titled, ANSI Z41-1999 Revisions. Safety footwear manufactured in accordance with ANSI Z41-1991 does and will comply with OSHA Regulations until December 2001. Safety footwear manufactured in compliance with either ANSI Z41-1991 or ANSI Z41-1999 Revisions are both equally in compliance with both OSHA and ANSI Regulations for safety footwear. The revisions, which were made to the standard, were of a technical nature relating to testing procedures.

The Departments of Labor of all 50 states subsequently adopted the new OSHA 1910 Regulations, 29 CFR Part 1910 Personal Protective Equipment for General Industry, which included 1910.136 Safety Footwear with the ANSI Z41 referenced standards.

The 1991/1999 Revisions Standard is broken down into six basic categories:

1. Impact and Compression Resistance - This is a test of a shoe's capacity to protect the toe area of the foot against falling objects or heavy rolling objects such as a forklift. The toe area is protected by using protective toe cap construction, commonly referred to as "Steel Toes," although some safety shoes use a Non-Metallic protective cap that is equally effective.

All non-metallic toe safety shoes and boots must meet or exceed ANSI Z41 1991/1999 Revisions Maximum Class 75 Standards for Impact and Compression.

The ANSI Class 75 test standard is a measure of foot-pounds the toe cap will resist while still retaining the acceptable clearance shown. The established minimum clearance for ANSI Class 75 is: Men - 16/32 inches (12.7 mm), Women - 15/32 inches (11.9 mm), when a fifty-pound weight is dropped from eighteen inches onto the protective cap or under a 2,500-pound test load for compression.

2. Metatarsal Footwear - Established standards for the protection of the upper foot (metatarsal bones) and toe areas. Designed to prevent or reduce injuries when the toe and metatarsal areas of the foot are exposed to "drop" hazards. Iron Age/Knapp offers a full range of metatarsal protection safety shoes, both internal, and external metatarsal guards.

3. Electrical Hazard (EH) Footwear - The sole construction of electrical-hazard footwear is designed to reduce the hazards due to the contact of the sole with electrically energized parts and to provide secondary electrical-hazard protection on substantially electrically insulated surfaces. Safety footwear constructed or manufactured with electrical hazard soles and heels (Non-Conductive Electric Shock Resistant Soles and Heels) are intended to provide a **SECONDARY SOURCE OF PROTECTION** against accidental contact with live electrical circuits, electrically energized conductors, parts, or apparatus under dry conditions.

4. Conductive Footwear -Conductive footwear is designed to facilitate/discharge static electricity from your body through your shoes into grounded floors. Floors must be

grounded so that a charge can be dissipated. Conductive footwear is designed and manufactured to minimize static electricity and to reduce the possibility of ignition of volatile chemicals or explosives.

5. Sole Puncture - A set of standards that, when met, reduce the possibility of puncture wounds to the soles of the feet by objects that could penetrate the soles of footwear, e.g., nails, glass or sharp metal.

6. Static Dissipative (SD) Footwear - Footwear designed to reduce the accumulation of excess static electricity by conducting body charge to the ground, *while maintaining a high enough level of electrical resistance* - between 10^6 and 10^9 ohms under test procedures, *so as to protect the wearer from electrical hazards due to excessively low footwear resistance that may exist where SD footwear is required*.

Reference B

List of Job Classifications

Note: the following list may be revised from time to time based upon further analysis of current classifications, as well as analysis of new classifications, which may be added in the future:

Agricultural Commissioner's Office	Agricultural/Weights and Measures Inspector Deputy Agricultural Commissioner
Behavioral Health	Information Technology-ASD Administration-Facilities Manager
Child Support Services	Courier/Stock Clerk Inventory Warehouse Specialist
Development Services	Field Inspection Staff
General Services	Safety Officer, Emergency Services Officer, General Services Director, Deputy General Services Director
Fire	Volunteer Fire Fighters
Public Health	Courier/Stock Clerk Animal Control Officers Environmental Health
Probation	Probation Officers Juvenile Hall Kitchen Staff
Public Works	Fleet Services Maintenance Construction, Engineering & Survey Solid Waste Management
Sheriff's Office	Marijuana Eradication & Boat Patrol Investigation/Evidence Correctional Officers, Correctional Technician
Facilities Services	Manager, Project Specialist, Superintendent Buildings & Grounds, Administrative Assistant, Crafts Worker-Supervisor, Lead, Supervisor Janitor, Lead Janitor, Janitor, Grounds Worker-Supervisor, Lead, Senior

Appendix VII

MEDICAL LEAVE POLICY

General Policy

Under provisions of the California Family Rights Act (CFRA), CCR Section 825 and the Federal Family and Medical Leave Act (FMLA), 29 U.S.C. Section 2601 et seq., Butte County may grant medical leave to a qualifying employee, provided the employee has worked for Butte County for a minimum of 12 months, and has worked at least 1,250 hours in the 12-month period immediately preceding the date the leave begins. Leave may be taken under this policy for up to 12 workweeks in a 12-month period (leave year) for family care and medical leave. Requests for leave in excess of 12 workweeks , or for leave that is not qualifying under CFRA, FMLA, or PDL, whether in a paid or unpaid status shall be reviewed on an individual basis by the appointing authority in conjunction with the Director-Human Resources relative to the needs of the employee and the needs of the department. The 12-week allowance for FMLA and CFRA that is provided per year is calculated on a calendar year basis commencing the first day that qualifying leave is taken. FMLA and CFRA run concurrently, except in the case of pregnancy disability (discussed further under coordination of PDL, FMLA AND CFRA leaves).

Under allowable circumstances, an appointing authority may grant FMLA to a key employee but refuse reinstatement if it will cause the department substantial and grievous economic injury. In this situation, however, the department head must notify the employee in writing at the time he or she requests or commences the leave (whichever is earlier) that he or she qualifies as a key employee and what the potential consequences are with respect to reinstatement.

Except where the law authorizes a different result, an employee who complies with the provisions of this policy will be guaranteed reemployment upon expiration of an approved leave. The employee will be re-employed in the same or an equivalent position as that which he or she occupied when the leave commenced. An employee who takes a leave because of his or her own serious health condition must provide a medical certification prior to returning to work, which verifies that he or she is able to return to work. If an employee fails to return for work immediately after the expiration of the approved leave period, and unless an extension has been requested and granted, the employee may be considered to have voluntarily separated from the employer's employ. However, consideration may be given to sufficient documentation, which demonstrates both the employee's need for the extended leave and an inability by the employee to have properly notified the employer of the need.

Leave granted under this policy for part-time employees shall be calculated on a pro-rata basis in accordance with their regular work schedule. For those occupying positions with irregular hours, the average workweek shall be determined by taking an average of the hours worked per week over the previous three-month period.

Upon receipt of a request by an employee for medical leave, the department shall immediately forward such notice to the Director – Human Resources. For leave requests that are qualifying under CFRA, FMLA, or PDL, the Director – Human Resources shall have full authority to approve such requests in accordance with the provisions of this policy. For all other medical leave requests, the employee's Appointing Authority, in conjunction with the Director – Human Resources, shall have authority to approve such requests.

Definitions

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

"California Family Rights Act" (CFRA) means leave may be taken for any of the following reasons:

- For the birth of a child for purposes of bonding;
- For the placement of a child in the employee's family for adoption or foster care;
- To care for the serious health condition of the employee's child, parent, or spouse; or registered domestic partner;
- For the employee's own serious health condition.

"Certification" means a written communication from the health care provider verifying that the employee is unable to work due to his/her serious health condition or that of his/her immediate family member.

"Child" means a biological, adopted, or foster child, stepchild, or legal ward of the employee, or a child of a person standing in loco parentis who is either:

- Under eighteen years of age;
- 18 years or older who is incapable of self-care because of a mental or physical disability;
- An adult child, as approved by the Human Resource Director with evidence provided by the employee that he or she is the only individual available to provide the required care.

"Employer" means the County of Butte.

"Family and Medical Leave Act" (FMLA) means leave may be taken for any of the following reasons:

- Your own serious health condition
- Pregnancy (or disability due to pregnancy), or the birth and care of a newborn child (baby bonding)
- The placement of a child for adoption or foster care
- Because you are needed to care for your spouse; registered domestic partner; child; parent due to his/her serious health condition
- Because you are the spouse; son or daughter; parent; next of kin of a covered service member with a serious injury or illness

"Employment in the same or an equivalent position" means employment in a position that has the same or similar duties and pay, which can be performed at the same or similar geographic location as the position held prior to the leave.

"Health care provider" means an individual duly licensed as a physician, surgeon, or osteopathic physician or surgeon who directly treats or supervises the treatment of the serious health condition, or any other person determined by 29 CFR 825.800 to be capable of providing health care services under the federal Family and Medical Leave Act.

"Immediate Family" means spouse; registered domestic partner; natural, step, or legal child or parent; brother, sister; grandchild; grandparent; mother-in-law and father-in-law, brother-in-law, sister-in-law.

"Key Employee" means an employee whose salary is in the top 10% of paid employees, either at the work location or within a 75-mile radius of the work location.

"Leave Year" means 12 weeks of leave allowed under FMLA/CFRA and is calculated on the calendar year, January-December of each year.

"Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian, an other person who stood in loco parentis to the employee when the employee was a child, or as otherwise provided for by the law.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves provisions as set forth in 29 CFR 825.114 including either of the following:

- Inpatient care in a hospital, hospice, or residential care facility;
- Any period of incapacity requiring absence from work for more than three consecutive calendar days (including a subsequent treatment or incapacity relating to the same condition) that also involves:
- Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider; or
- Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

Required Notice and Medical Certification

When the Human Resources Department is notified by the employee's department that an employee has been absent for more than three (3) consecutive calendar days, if otherwise qualified the employee shall be put on provisional FMLA/CFRA pending final determination of eligibility. Certification from the employee's treating medical care provider must be provided to the Human Resource Department within fifteen (15) days following notification of provisional FMLA/CFRA status, in order to continue to be covered under this provision.

For leave that does not qualify under FMLA/CFRA, when an employee has been absent for more than seven (7) calendar days, the employee shall provide certification from the employee's treating health care provider to the employee's Appointing Authority or designee within seven (7) calendar days from the start of the leave. Such certification shall meet the sufficiency requirements set forth below.

Requests for a leave of absence that do not qualify under FMLA/CFRA may be granted pursuant to the Butte County Personnel Rules. However, all such requests for leave are granted at the discretion of the Appointing Authority in consultation with the Director-Human Resources, and require written approval. All requests for leave that are not qualifying under FMLA/CFRA and are granted pursuant to the Personnel Rules will require that the employee submit information for his or her health care provider regarding the employee's functional limitations and/or restrictions prior to approval. Once approved, all such requests for leave are subject to periodic review and/or termination at any time. In general, the County does not grant extended medical leave when the requested leave is of a long-term or uncertain duration, or where the prognosis for the employee's return to full-duty is not within a reasonable period of time.

If the employee's need for leave under this policy is foreseeable, the requesting employee shall provide his or her appointing authority with reasonable advance notice at least 30 days advance notice in writing of the need for leave. If the employee's need for leave is foreseeable, reasonable effort should be made to schedule the treatment to avoid disruption to the operations of the employer. If the employee's need for leave is not foreseeable, the requesting employee must provide notice as soon as practicable.

In the event an employee's requests for leave is foreseeable, and the employee fails to provide his or her Appointing Authority or designee with reasonable advance notice in writing or email, the request for leave may be denied.

An employee's request for leave to care for an immediate family member who has a serious health condition, shall be supported by a certification issued by the health care provider of the individual requiring care. Failure to provide such certification shall result in the denial of the requested leave. Certification shall be considered sufficient if it includes all of the following:

- The date on which the serious health condition commenced,
- The probable duration of the condition,
- An estimate of the amount of time that the health care provider believes the employee needs to care for the individual requiring the care,
- A statement that the serious health condition warrants the participation of the employee to provide care during a period of the treatment or supervision of the individual requiring care.

If additional leave is required, on or before the expiration date of the time estimated by the health care provider, the employee shall be required to obtain re-certification and shall be required to provide said re-certification to the employer.

An employee's request for leave because of the employee's own serious health condition shall be supported by a certification issued by his or her health care provider. Certification shall be considered sufficient if it includes all of the following:

- The date on which the serious health condition commenced.
- The probable duration of the condition.
- A statement that, due to the serious health condition, the employee is unable to perform the essential functions of his/her position.

Failure to provide the required medical certification may result in denial of the requested leave, and the employee may be considered to be absent without approved leave.

If additional leave is required, on or before the expiration date of the time estimated by the health care provider, the employee shall be required to obtain re-certification regarding the employee's serious health condition and to provide said re-certification to the employer.

As a condition of the employee's return from leave taken because of the employee's own serious health condition, before resuming work, the employee shall provide his/her Appointing Authority or designee with a fitness for duty certification from his/her health care provider, at the employee's expense, stating that the employee is released to resume work.

In any case in which the employer has reason to doubt the validity of the medical certification provided by the employee for the employee's own serious health condition, the employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified. In any case in which the second opinion described above differs from the opinion in the original certification, the employer may require, at the employer's expense, that the employee obtain the opinion of a third health care provider. The third health care provider must be approved by the employer and the employee; the decision of the third health care provider shall be final and binding.

Intermittent or Reduced Leave

Leave may be taken intermittently or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of the employee's own serious health condition when medically necessary, and will be counted towards the employee's 12 week FMLA/CFRA leave.

Intermittent or reduced leave that does not qualify under FMLA/CFRA may be requested because of the employee's own serious health condition when medically necessary. All such requests for intermittent or reduced leave that do not qualify under FMLA/CFRA must be supported by appropriate medical certification from the employee's health care provider, and are subject to approval by the employee's Appointing Authority in conjunction with the Director – Human Resources.

Coordination of leave accruals while on FMLA/CFRA

An employee taking leave under the Medical Leave policy (with the exception of section 1a below), shall be required to exhaust all sick leave prior to being authorized to take unpaid leave. All leave taken in coordination with the County's Medical Leave Policy is computed toward the total 12-week allowance per year under FMLA/CFRA.

MANDATORY LEAVE ACCRUAL USAGE

While out on any approved medical leave of absence (full time, or intermittent), employees must utilize leave accruals in the following order:

1. Sick leave (for personal or illness related to immediate family member)
    a. For personal illnesses:
        i. Employee must utilize sick leave first in these situations. The employee may elect to retain (for future use) up to 80 hours of sick leave in their bank prior to advancing on to the next tier of leave accruals.
    b. For illnesses related to immediate family members:
        i. Employees may, at their discretion, utilize up to 80 hours of sick leave, prior to advancing on to the next tier of leave accruals (use of sick leave is not required in this situation).
2. Banked Holiday Time (if applicable)
    a. Employees shall exhaust all such banked Holiday time, prior to advancing on to the next tier of leave accruals.
3. Compensatory Time Off – CTO (if applicable)
    a. Employees shall exhaust all such CTO leave accruals, prior to advancing on to the next tier of leave accruals.

4. Administrative Leave (if applicable)
    a. Employees shall exhaust all such Administrative leave accruals, prior to advancing on to the next tier of leave accruals.
5. Vacation
    a. The employee may elect to retain (for future use) up to 40 hours of vacation leave in their bank.

Employees shall exhaust all such vacation leave accruals, prior to moving into a non-compensated status with the exception of 5(a) above.

Effect on benefits while on FMLA/CFRA

Paid Leave

During any period that an employee who is eligible for and has qualified for FMLA/CFRA takes paid leave under the provisions of this policy, the employer shall continue to pay the "employer" portion of the medical, dental, and vision insurance premiums; provided, however, that said employee was eligible for such county paid benefit prior to taking FMLA/CFRA.

An employee shall continue to participate in and accrue benefits during any portion of the leave in which the employee remains in a paid status.

Unpaid Leave

During any period that an eligible employee takes unpaid leave under the provisions of this policy, and the leave is qualifying under FMLA/CFRA, the employer shall continue to pay the "employer" portion of the medical, dental, and vision insurance premiums. The employee, however, shall be responsible for continued payment of the employee portion of medical, dental and vision insurance premiums, provided that said employee was eligible for such benefits prior to taking FMLA/CFRA. Coordination of payment of the employee portion of the medical, dental and vision insurance payments is made through the Butte County Department of Human Resources. The employee shall retain employee status with the employer, and the unpaid leave shall not constitute a break in service for purposes of longevity or seniority.

If an employee takes unpaid leave under the provisions of this policy, and the leave is not qualifying under FMLA/CFRA, the employee shall be responsible for payment of both the "employer" portion of the medical, dental, and vision insurance premiums, and the employee portion of the medical, dental, and vision insurance premiums, provided that said employee was eligible for such benefits prior to taking unpaid leave under the provisions of this policy. Coordination of payment of the medical, dental and vision insurance premiums is made through the Butte County Department of Human Resources. Failure of employee to pay the "employer" and employee portion of the medical, dental and vision insurance premiums within thirty (30) days of the due date may result in the employee being placed on a direct pay with the insurance providers.

When taking an approved unpaid leave under the provisions of this policy that does not qualify under FMLA/CFRA, the employee shall retain employee status with the employer. The unpaid leave, however, shall constitute a break in service for purposes of longevity or seniority.

Return to work from Medical Leave

During approved family care and medical leave that is qualifying under FMLA/CFRA, the employee shall retain employee status with the employer, and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or employee benefit plan.

If an employee qualifies for and takes unpaid leave in excess of two full and consecutive pay periods for a qualifying purpose under the County's Medical Leave Policy , the anniversary date and any associated merit increase shall be extended by an amount which is equivalent to the total unpaid leave.

For leave that is qualifying under FMLA/CFRA, any increases to pay or change in benefits, which are not dependent upon seniority, accrual during the leave period will be made effective upon the employee's return to paid status.

COORDINATION OF FMLA/CFRA/PDL

FMLA and CFRA

Leave provided under the County's Medical Leave policy shall run concurrently with leave taken pursuant to the FMLA and the CFRA (including leave taken intermittently), except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical leave exceeding twelve workweeks in a twelve month period.

FMLA, CFRA and Worker's Compensation Leave

Leaves of absence taken due to a work related injury or illness qualify under this policy. The rules for coordination of benefits for leave of this nature is the same as that for other qualifying leaves under this policy.

Paid Family Leave. Paid Family Leave is a component of the State Disability Insurance and is administered by the State Employment Development Department's Disability Insurance Branch. A claim with the State Employment Development Department may be filed for time taken to:

- To care for a seriously ill child, spouse, parent, or registered domestic partner;
- To bond with the employee's new child or the new child of the employee's registered domestic partner; or
- To bond with a child in connection with the adoption or foster care placement of the child with the employee or the employee's registered domestic partner.

Employees entitled to leave under the Family Medical Leave Act and/or the California Family Rights Act must take Paid Family Leave concurrent with the leave taken under those acts. Eligibility requirements for Paid Family Leave shall be as set forth in the Unemployment Insurance Code.

In order to remain in compensated status with the County during either the 7 day waiting period or during PFL, employees must use appropriate accrued leave pursuant to the Personnel Rules and relevant MOU provisions.

Additionally, qualifying employees may choose to integrate State Disability Insurance (SDI) with PFL at the onset of the disability.

PDL, FMLA and CFRA

Leaves related to medical disability due to pregnancy, childbirth or other related medical conditions are governed by three separate laws.

Pregnancy Disability Act. Under the California Fair Employment and Housing Act, if an employee is disabled due to pregnancy, childbirth or a related medical condition, she is eligible for Pregnancy Disability Leave (PDL). PDL provides up to four months of time off for a pregnancy related disability. Medically approved leave may be taken consecutively or intermittently for the four-month period. PDL provides job protection for the employee but does not pay medical benefits. An employee may be eligible for PDL even if she doesn't meet the qualifications for FMLA/CFRA.

Family and Medical Leave Act. The Federal Family and Medical Leave Act (FMLA) regulations define pregnancy, childbirth and related medical conditions to be a "serious health condition." FMLA runs concurrently with the four months of PDL for up to 12 weeks if the pregnancy disability lasts for the full 12 weeks of allotted FMLA leave. During the FMLA, the employer's portion of medical, dental and vision premium payments will continue to be made. The employee's portion of payments for medical benefits will be paid out of the employee's paycheck if the employee is in paid status. If the employee is in non-paid status during the FMLA, he/she will have to make arrangements to pay his/her portion of the premiums to the Butte County Human Resources Department office.

When an employee and his/her spouse, or registered domestic partner, are both employed by Butte County, a combined total of 12 workweeks is allowed for family leave for the birth or placement of a child for adoption or foster care under CFRA/FMLA.

The California Family Rights Act (CFRA). Eligibility provides for bonding after the birth of a baby. CFRA does not start until the mother is released from pregnancy disability by her doctor. If an employee has not used the full 12 weeks of FMLA, it will run concurrently with CFRA. An employee must qualify for FMLA when their pregnancy leave first begins in order to qualify for CFRA. CFRA also provides for continuation of the employer portion of the health, vision and dental benefits for the 12 week period. If an employee uses her full 12 week entitlement of continuation of health care benefits during the FMLA/PDL leave and then takes the CFRA after the birth of her child to bond, the County is not required to pay her health benefits during the CFRA leave. If an employee has exhausted her PDL/FMLA leave prior to the birth of her baby then CFRA will be started on the date her PDL runs out.

The total amount of time available for coordination of PDL, FMLA and CFRA for pregnancy disability leave shall not exceed the maximum allowed by law.

Medical Certification - Pregnancy Disability Leave

"Certification" for this purpose means a written communication from the health care provider of the employee that either the employee is disabled due to pregnancy or that is it medically advisable for the employee to be transferred to less strenuous or hazardous duties (DFEH reg. Section 7291.2).

The certification indicating disability necessitating a leave should contain:

- The date on which the employee became disabled due to pregnancy;
- The probable duration of the period or periods of disability, and

- An explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

If an employee must cease work prior to delivery, a medical certification of disability is required at that time and after delivery. (A pre-delivery statement of disability does not apply once delivery has occurred since the medical circumstances have changed.) For employees on FMLA designated leave, the medical information is required in order to know when pregnancy disability has ended and the 12-week CRFA leave entitlement begins.

Provisions Not Addressed in This Policy

For provisions not addressed herein, the provisions of FMLA, CFRA, PDL shall be controlling.

No Reprisal

In any inquiry or proceeding related to rights guaranteed under this policy, Butte County shall not discharge, fine, suspend, expel, discriminate against, or refuse to hire, any individual because of an individual's sole exercise of the right to family care and medical leave; or for an individual's giving information or testimony as to his/her own family care and medical leave, or another person's family care and medical leave.

Appendix VIII

TRAVEL AND BUSINESS REIMBURSABLE EXPENSES

BACKGROUND

This policy applies to County officers and employees, as well as members of boards and commissions required to travel in or out of the County for the conduct of County business. This policy also provides for expenses of public employees from other jurisdictions when specifically referenced in policy provisions set forth below.

For ease of reference, the Travel Policy is presented in the following sections:

1) Definitions
2) General Policy
3) Approvals Required
4) Travel Participants and Number
5) Mode of Transportation
6) Reimbursement Rates
    a) Maximum Rate Policy
    b) Private Auto
    c) Meals
    d) Lodging
    e) Other
7) Advance Payments
8) Compliance – Responsibility of Claimant

1) DEFINITIONS

a) County Employee –any employee of the County of Butte, including appointive, elective officers and heads of County departments.

b) Business Expense Reimbursements – are reimbursements for business expenses such as seminar costs, tuition, books and license fees.

c) Department Head Authorization – signature of Department Head or designee is required on the claim form.

d) Hosting Hotel – either the hotel where meetings, conferences or training sessions are held or a lodging site recommended and/or reserved by the conference/seminar sponsor.

e) Non-County Personnel – non salaried members of County commissions or similar advisory bodies or agencies.

f) Travel Expense – mileage reimbursements for personal car, common carrier, rental cars, receipted fuel for rentals, parking, tolls, air fare, meals and lodging.

g) Volunteer - any and all persons allowed by an appointing authority to perform any service, activity or duty in the name of Butte County without compensation. Not eligible for reimbursement under this policy.

h) Travel Day – when travel is required the day before or the day after event.

i) Commute – regular travel between one's place of residence and place of work, not subject to reimbursement.

2) GENERAL POLICY

a) County employees should not suffer any undue loss when required to travel on official County business, nor should said individuals gain any undue benefit from such travel.

b) County employees compelled to travel in the performance of their duties and in the service of the County shall be reimbursed for their actual and necessary travel expenses within the maximum rate limits established by the Board of Supervisors. "Actual and necessary expenses" do not include alcoholic beverages or tobacco products.

c) Travel arrangements should be as economical as practical considering the travel purpose, traveler, and time frame available to accomplish the travel mission, available transportation and facilities and time away from other duties. Individuals who have been authorized to travel under this policy are expected to take advantage of government discounts or special rates available for car rentals, hotels, and airfare.

d) Employees must obtain authorization from Department Head or designee for travel (i.e., obtain approvals before incurring costs and before commencing travel).

e) Itemized receipts are required for reimbursement of lodging costs, registration fees, and public transportation and for other expenses as specified, or as may be required by the Auditor-Controller.

f) Department Heads are responsible for ensuring that County employees adhere to all aspects of this policy.

g) Department Heads will be responsible for approval of travel and transportation expenditures and the Auditor-Controller will be responsible for periodic and unannounced audits of such expenditures. Items that are questionable charges against the County shall be submitted to the Chief Administrative Officer by the Department Head for consideration and resolution.

h) The Chief Administrative Officer may, at his or her sole discretion, authorize an exception to requirements set forth in this travel policy, based on extenuating circumstances presented by the appropriate, responsible Department Head. Any exception granted by the Chief Administrative Officer is to be applied on a case-by-case basis and does not set precedent for future policy, unless the Board of Supervisors has formally adopted it.

i) Double Claiming – To claim reimbursement for the same costs from more than one source (e.g., submitting claims for reimbursement to a State or Federal agency or other source and to the County) is prohibited by this policy. However, if another source provided only partial reimbursement, the balance up to the limits authorized by this policy, may be claimed. Appropriate documentation must be submitted with the claim (e.g., the State claim form showing the costs that are being paid by the State).

j) Insurance - Each employee who uses a privately-owned vehicle on County business shall file an affidavit prior to first time traveling and renew annually thereafter by January 31st with the Auditor-Controller.

k) County owned or leased vehicles shall be used only for the purpose of conducting authorized County business. The use of County vehicles for commuting, conducting personal business, or for other personal purposes is prohibited except as specifically authorized by the Department Head and in accordance to the County's Vehicle Usage Policy or as has been authorized by side letter agreement. The prohibition on commuting includes a prohibition against using a County vehicle for any portion of the normal trip to or from work.

l) Employees must remember that the public's perception of vehicle use is important. Each County driver shall drive responsibly, anticipate emergency situations and make every effort to avoid collisions. All employees operating a vehicle on County business represent the County of Butte and shall always project a professional image to the public.

m) Department Heads hold primary responsibility for monitoring, oversight, and enforcement of this policy within their organizations and for the proper management, operation, maintenance, and security of all assigned County vehicles.

n) County vehicles shall be operated in accordance with all safety and legal requirements and traffic rules of the County, municipality, state, and any other jurisdiction in which they are operated.

o) Each employee driving on County business of either a County or private vehicle shall have in his or her possession a valid California driver's license.

p) Each person in a County vehicle shall use a seat belt (and shoulder harness if available) while the vehicle is in motion (some exceptions may apply to law enforcement officers in the performance of their duties).

3) APPROVALS REQUIRED

a) It remains the discretion of the Chief Administrative Officer as to whether or not costs of travel not authorized in advance will be reimbursed and whether or not exceptional costs will be reimbursed.

b) Department Head approval is required for subordinate staff when travel involves any of the following:

(1) Transportation by common carrier (e.g., air, train, long-distance bus transportation)
(2) Car rental
(3) Out-of-County overnight travel

c) Appointed Department Heads shall notify the Chief Administrative Officer of the dates and location of their business related overnight travel occurring out of the County.

d) Chief Administrative Officer (or designee) approval is required for any exceptions to the provisions within this policy (e.g., travel requests not approved prior to travel, requests exceeding expense guidelines or maximums), including expense reimbursement submitted by the following: Members of Board or Commissions, or non-County personnel.

4) TRAVEL PARTICIPANTS AND NUMBER

a) It is preferable that Department Heads and Assistant Department Heads not attend the same Out-of-County conference.

b) The number of travel participants for each Out-of-County event, in most instances, should be limited to one or two staff members, and those individuals should be responsible for sharing information with other interested parties upon return. However, it is the responsibility of the Department Head to determine how many participants are necessary to travel to each Out-of-County event in order to maximize County resources.

c) Expenses incurred by a member of the Board of Supervisors to attend meetings who are not currently receiving a vehicle allowance for In-County travel, constitute an allowable County charge. Expenses include, but are not limited to, mileage incurred while traveling to and from the Board member's residence and the location of the chambers of the Board of Supervisors while going to or returning from meetings of the Board of Supervisors.

d) Non-County personnel travel expenses are not normally provided for since only costs incurred by and for County officers and employees on County business are reimbursable. However, reimbursement is allowable for County officers (elected officials and appointed Department Heads) and employees who have incurred expenses for non-County staff in the following circumstances:

(1) Conferences between County officials and consultants, experts, and public officials other than officers of Butte County, which are for the purpose of discussing important issues related to County business and policies.

(2) Transportation expenses for a group of County officers and employees and their consultants, and experts on a field trip to gain information necessary to the conduct of County business.

(3) Lodging expenses for non-County personnel are NOT reimbursable except when special circumstances are noted and approved in advance by the Chief Administrative Officer. Otherwise, such expenses must be part of service contract in order to be paid.

e) Any costs incurred by or related to a spouse or companion are not reimbursable.

5) MODE OF TRANSPORTATION

a) Transportation shall be by the least expensive and/or most reasonable means available.

b) Private auto reimbursement may be authorized by the Department Head for County business travel within Butte County and Out-of-County (please refer to section 6)b) of this policy).

c) Out-of-County travel by County vehicle or private vehicle may be authorized if the final destination of the trip does not exceed a four (4) hour driving distance from the County offices, unless to do so would be more economical than other means of transport. If air travel would be more economical, but the employee prefers to drive even though travel by car would not be in the County's best interest, the County will reimburse transportation equal to the airline ticket price; to be substantiated by airline quote. Any extra days of lodging and meals required for the convenience of the County shall be approved by the Department Head. If operational needs require it, law enforcement may travel by County vehicle.

d) Common carrier travel must be in "Coach" class unless otherwise specifically authorized in advance by the Chief Administrative Officer. Generally, any costs over and above Coach class shall be considered a personal, not reimbursable expense of the traveler.

e) Rental cars may be used as part of a trip using public transportation if use of a rental car provides the most economical and practical means of travel. Rental car costs (including insurance and navigation equipment, if required) will not be reimbursed without a receipt and Department Head approval. "Economy Car" is preferred, however, upgrades to rental cars, when necessary, must be approved in advance and in writing by Department Head.

6) REIMBURSEMENT RATES

a) Maximum Rate Policy - Maximum allowable rates for reimbursement established by County policy may not be exceeded unless due to special circumstances documented by the Department Head and approved by the Chief Administrative Officer. The amount of any reimbursement above the maximum shall be at the sole discretion of the Chief Administrative Officer (or designee). Said exceptions must be documented on the prescribed exception form (Exhibit A) provided by the Auditor-Controllers' Office, and must be submitted at the time of claim.

b) Private Auto - Travel by private auto in the performance of "official County business" shall be reimbursed at the Federal mileage rate as determined by the Internal Revenue Service. Claim forms for reimbursement requests must include purpose of travel, date and location of destination(s).

(1) Mileage for travel shall be computed from the employees' designated work place - If travel begins from the employee's residence, mileage shall be calculated from the residence or work place, whichever is less. (For example, an employee who lives in Chico and works in Oroville who must drive to a meeting in Sacramento will be compensated for travel from Oroville to Sacramento and back to Oroville.)

(2) The mileage reimbursement rate represents full reimbursement for expenses incurred by a County officer or employee (e.g., fuel, normal wear and tear, insurance, etc.) during the use of a personal vehicle in the course of service to Butte County.

(3) When In-County travel warrants it, appointing authority approves it, and appropriate funding has been budgeted, employee may be provided a monthly mileage allowance pursuant to applicable County Resolution. Additionally, employees covered by such resolutions shall be reimbursed at the Federal mileage rate as determined by the Internal Revenue Service for all work related travel in his or her private vehicle outside of the County. Any employee who has a County assigned vehicle which is available for their use during non-business hours is not eligible for this allowance.

(4) Personal Mileage and Expense Claim forms shall be completed for each calendar month (one month per claim form in order to avoid duplicate claims and to book expenses in the appropriate period which they were incurred). These monthly claims are due to the Auditor-Controller within 30 days following the end of the month; however, the deadline may be extended if deemed appropriate by the County Auditor-Controller. Such claims shall be made and submitted to the County Auditor-Controller for accounting and payment within the same fiscal year as the expense was incurred, with the allowable exception of travel expenses incurred in mid-June. Willful submission of false claims can constitute a criminal act and could results in disciplinary action up to and including termination.

c) Meals – Allowances for meals will be provided for Out-of-County travel and for In-County overnight travel. Such meals can be paid for in one of two ways:

1. **Per diem** – employees being reimbursed for out of pocket meal expenses (including gratuity) using the per diem rate as defined by the Internal Revenue Service for the destination location of the travel. Employees are required to submit a copy of the per diem rate sheet for the specific area of travel destination from the IRS website at the time the claim is submitted (http://www.gsa.gov/portal/content/110007). Failure to submit rate sheet will result in the claim being rejected.

- Daily Rate for the destination location includes breakfast, lunch, dinner and incidentals; or
- Individual Meal Reimbursement will be reimbursed at a rate of:
    - 20% of the Daily Rate for Breakfast
    - 30% of the Daily Rate for Lunch
    - 50% of the Daily Rate for Dinner
- No receipts are required for per diem claims with the exception of those departments that are specifically excluded due to a non-County funding source.
- Meals provided during travel (at the event, hotel, etc.) are not eligible for per diem reimbursement.
    - When required to travel on a "Travel Day" as defined in section 1)h), employee will be eligible for 75% of daily per diem rate.

2. CalCard – Those employees choosing to utilize the CalCard to pay for meals required for Out-of-County travel or In-County overnight travel, are subject to the same daily and individual meal maximums, as defined in section 6)c)1.

- Employees choosing to pay for meal(s) utilizing the CalCard will be required to provide receipts for purchases.
- Purchases exceeding the individual meal reimbursement rate will need to be reimbursed to the County.

Meal reimbursements will not be provided for In-County travel or In-County meetings that do not involve overnight lodging, without Department Head approval. Such meetings are discouraged unless absolutely necessary to conduct County business. In such situations, signature authority cannot be delegated to a deputized signer. In extreme circumstances where the Department Head is unavailable for an extended period in time, authorization can be granted by theChief Administrative Officer.

d) Lodging -

(1) Lodging may be reimbursed up to $150.00 per night plus tax, single occupancy. The Chief Administrative Officer may approve extraordinary costs above this limit on a case-by-case basis when the responsible Department Head and Chief Administrative Officer determine that higher cost is unavoidable, or is in the best interest of the County. Said exceptions must be documented by the prescribed form provided by the Auditor-Controllers' Office, and must be submitted at the time of claim. When lodging at the hosting hotel and the <u>discounted rate</u> exceeds $150.00 per night, an exception is not required.

(2) Single rates shall prevail except when more than one County employee occupies the room. However, nothing in this policy shall be construed to require employees to share sleeping accommodations while traveling on County business. In all travel, employees are expected to secure overnight accommodations as economically as possible and practical.

(3) Lodging arrangements should be made, whenever possible and practicable, at hotels/motels which offer a government discount, will waive charges to counties for Transient Occupancy Tax, or at which the County has established an account. When staying at such a facility, the name of the employee and the department name should appear, when possible, on the receipt of the hotel/motel bill.

(4) Lodging for the night prior to, or following a conference, training, or meeting is discouraged unless it is more efficient and practical to do so. The Department Head shall make this determination based on such factors as distance and weather conditions before approving these expenses.

(5) Personal expenses incurred with lodging (in-room movies, honor bar, snacks, bottled water, etc.) shall not be reimbursable.

(6) Room service charge for meal room service is considered as part of the meal expense (not "lodging").

(7) Receipts are always required for lodging and must be submitted with the claim for reimbursement.

(8) Lodging within County may be authorized by a Department Head if assigned activities require an employee to spend one or more nights in an area of the County which is distant from their place of residence. Any such authorization shall be made in writing.

e) Other - All other necessary expenses (i.e., parking, shuttle, taxi, etc.) may be reimbursed if a receipt is submitted with the claim. Receipts are required except for those charges where receipts are not customarily issued (i.e., bridge tolls and snow chain installation and removal fees). When specific cost guidelines are not provided by the County, necessity of the expense shall be considered by the Department Head and Chief Administrative Officer before deciding whether to approve.

(1) Any costs incurred for alcoholic beverages or tobacco products are not reimbursable.

(2) Per the Attorney General, the County may not lawfully expend funds to reimburse County employees for their expenses in buying meals for legislators or their aides at meetings to discuss legislation of interest to the County.

(3) Personal services such as cleaning, laundering, barbering or similar items shall be considered personal expenses and are not reimbursable. However, the Chief Administrative Officer may consider unforeseen costs caused by extreme circumstances for reimbursement.

(4) Gratuities are considered a personal expense and will not be reimbursed except for meals and taxi services. All reimbursable gratuities shall not exceed 18% of their cost.

7) ADVANCE PAYMENTS

a) To request a travel advance, an employee must submit a Travel Advance Request Form with Department Head approval showing the estimated cost of the trip to the Auditor-Controller's Office no later than 15 working days prior to the date of departure.

b) The Auditor-Controller may provide advance funds for estimated "out of pocket" expenses up to seventy five percent (75%), but will not provide advances in an amount less than $100.00. The "out of pocket" expenses may include meals, taxi and public transportation, lodging, parking, and pre-registration costs.

c) Travel advances at 100% will be allowed for all personnel who are attending required P.O.S.T or STC training. Documentation to support that it is P.O.S.T. or STC approved training must be submitted with the request for advance.

d) Rental car expenses will not be eligible for an advance unless pre-authorized by the Department Head.

e) Travel that is canceled or postponed for more than 30 days requires that any advanced funds be returned to the Auditor-Controller's Office within five (5) working days of the scheduled departure date. If the advance is not returned within this time frame, the employee will jeopardize their standing to receive advances in the future.

f) Travel reimbursement claims and documentation of expenditures following travel advances are due to the Auditor-Controller within 30 calendar days after completion of travel. The due date may be extended if deemed appropriate by the Auditor-Controller following written request by the Department Head outlining the extenuating circumstances that justify such extension. Claims must itemize expenses as indicated on claim forms, and must be processed with receipts attached.

g) The amount of any travel advance provided shall be shown on the claim form and shall be deducted from the total of all expenses listed on the claim form. If the amount advanced exceeds the actual expense, a remittance, in the form of a personal check or money order only, must accompany the claim and be submitted to the Auditor-Controller's Office. Said claim must be submitted to the Auditor-Controller's Office within 30 calendar days after completion of travel. It is the responsibility of the Department Head to ensure that any excess travel advances are returned to the County. Unsettled claims become taxable to the employee.

8) COMPLIANCE – RESPONSIBILITY OF CLAIMANT

a) It is the responsibility of the claimant to understand and follow all policies and procedures herein in order to receive reimbursement for mileage, travel and expense

claims. Any form completed improperly or procedure not followed may result in the return of a claim without reimbursement. Claimants who repeatedly complete forms inaccurately may be subject to disciplinary action.

b) The submitted claim shall contain adequate and sufficient information that meets the IRS requirements to substantiate business expenses (date, location of destination, business purpose of travel). The primary evidence supporting these requirements shall be receipts (except for that of per diem meal reimbursements). Claims submitted without proper documentation and Department Head authorization will be denied or reduced accordingly.

c) Authorization to incur expenses must be obtained as set forth in this County policy and as may be directed by the department.

d) Forms which require Chief Administrative Officer approval should be submitted to the Chief Administrative Officer after Department Head approval at least 25 days prior to travel to allow time for processing through County Administration and the Auditor-Controller's Department.

e) The Auditor-Controller's Office shall review claims to determine compliance, and if found incomplete will return the request to the claimant noting the areas of deficiency. All claims will be processed promptly.

Revised September, 2013 – Board Approved September 24, 2013