

ORDINANCE NO. 440.1757  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE, AMENDING  
ORDINANCE NO. 440, RELATING TO SALARIES

The Board of Supervisors of the County of Riverside, State of California,  
Ordains as follows:

Section 1. Ordinance No. 440, Section 1. i. is amended to read:

"Holiday" or "paid holiday" means any day on which County offices are not open for business, in accordance with County ordinance, other than Saturday or Sunday.

Section 2. Ordinance No. 440, Section 1. n. is amended to read:

"Permanent employee" means a regular or seasonal employee who has completed the initial probationary period in a position, not including any incumbent of an at-will position.

Section 3. Ordinance No. 440, Section 1. q. is amended to read:

"Probationary employee" means a regular or seasonal employee who has not completed the required initial probationary period in a paid status in a position following initial employment. "Probationary employee" also means a regular or seasonal employee who has not completed the required probationary period in a paid status in a position to which he/she has been promoted, transferred or demoted following completion of the initial probationary period.

Section 4. Ordinance No. 440, Section 3. e. is amended to read:

In the absence or incapacity of the Sheriff, the Undersheriff will command the department, followed by the Assistant Sheriff assigned to Patrol and Investigations,

followed by the Assistant Sheriff assigned to Court Services/Corrections, followed by the Assistant Sheriff assigned to Administration/Support Services.

Section 5. Ordinance No. 440, Subsection 3. i. is deleted.

Section 6. Ordinance No. 440, Section 3. j. is amended to read as follows:

Employment of Relatives. No officer shall appoint his or her spouse or the spouse of any officer superior to himself/herself in any capacity for compensation, and no such spouse shall be eligible for appointment to or continued employment in the same position of any such person who succeeded thereto pursuant to any provision of law. Continued employment shall be deemed to include promotion, demotion, or transfer, if such employee is otherwise qualified.

Except as otherwise provided herein, no person shall be denied the opportunity for employment or continued employment because such person is related to any person presently employed by the County of Riverside; provided, however, in no instance, shall a County officer or employee execute direct supervision over or initiate or participate in decisions (including but not limited to initial employment, retention, promotion or work assignments) specifically pertaining to another County employee who is related within the first degree of consanguinity whether by blood or marriage. Whether by blood or marriage shall mean husband, wife, father, mother, brother, sister, son, daughter, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law.

Should such relationship occur, the employee(s) may promote, transfer, or voluntarily demote to position(s) which the employee is eligible and selected to fill.

The promotion, transfer or voluntary demotion must be accomplished by the employee within 6 months.

Section 7. Ordinance No. 440, Section 4. A. (4) is amended to read:

Approval of New Classes and Reclassification. The Board of Supervisors shall approve the establishment of any new classes, on the recommendation of the Human Resources Director. The Human Resources Director may delete from the Class and Salary Listing, without Board of Supervisors' approval, classes which are no longer allocated to departments and not in current use.

Reclassification to an existing class and exchanges of positions shall not require Board of Supervisors approval. As an outcome of a classification study or review, the Human Resources Director, with the concurrence of the affected department head and the County Executive Officer, may reclassify positions which warrant a change to an existing job class, when no additional funding is required. This action shall be sufficient to authorize promotion or demotion through reclassification of the incumbents of the positions, on the request of the department head.

Section 8. Ordinance No. 440, Subsection 4. B. (3) is deleted.

Section 9. Ordinance No. 440, Section 4. B. (4) is amended to read:

Underfilling a Position. This action may be required when filling a position with an individual who currently qualifies for a lower level in the same class series. When any regular or seasonal position has been funded in a department, the position may

be filled in a job class of the same class series as if it were a position in the same or lower paid job class.

At a later date, the position may be filled in the originally funded job class, provided the following conditions are met:

a. The employee must meet the established minimum qualifications and is satisfactorily and substantially performing the duties of the higher class.

b. That the originally funded class is the journey level and the underfill is a lower level in the same class series, in the same representation unit and job classes in the series are not separately allocated.

c. That there is no increase in the number of positions allowed for the classes involved.

Section 10. Ordinance No. 440, Section 4. C. (1) is amended to read:

Design of Listing. The Class and Salary Listing published as an addendum to this ordinance, and by this reference made a part hereof, contains a list, by titles, of all classes of positions in the classification plan, each preceded by a class code number which is assigned for numerical reference, and followed by the range number of the salary schedule or other basis of compensation which applies to the class.

The Human Resources Director may include in the publication of the Class and Salary Listing other reference information by class, such as the designated bargaining unit, retirement/benefit code, or salary which derives from an employment agreement approved by the Board of Supervisors.

Section 11. Ordinance No. 440, Section 4. C. (2) is amended to read:

Amendments to the Class and Salary Listing and Appendices. The Class and Salary Listing and Appendix I, relating to overtime, and Appendix II, at-will classifications, may be amended by resolution of the Board of Supervisors.

Section 12. Ordinance No. 440, Section 5. A. (1) is amended to read:

Position Control. No person shall be appointed to a position in any department until the position has been allowed. The number of positions allowed to be filled in each department shall be allocated by job class and employment type (e.g., regular, seasonal, temporary, or Per Diem) in the approved department budget. The Human Resources Director shall maintain the official count of positions, which may be allowed when approved by the Board of Supervisors in the department's final budget, or by resolution of the Board of Supervisors. A resolution concerning the number of allowed positions shall be effective on the date of its adoption unless a different date is set by the resolution.

Section 13. Ordinance No. 440, Section 5. A. (2), Paragraph 2 is amended to read:

Other changes in the number of positions, those requiring additional funding, may be requested by department heads via Form 11 submitted to the Board of Supervisors. Such requests shall contain the job code, job title, and department number of the requested position.

Section 14. Ordinance No. 440, Section 6. f. is amended to read:

The Human Resources Director shall arrange for fingerprinting and physical examination, cause the oath of office or affirmation to be administered as required by the Constitution of California, and cause other necessary records to be completed, executed and filed with the appropriate offices.

Section 15. Ordinance No. 440, Section 7. A. (4) is amended to read:

AWOP - Absence Without Pay. Unauthorized absence from duty shall be without pay and accounted for as absence without pay.

An employee who plans to take time off may be allowed approved AWOP when an appropriate leave balance is not available, but when an appropriate leave balance is available, may not be allowed approved AWOP, except in the case of military leave or a furlough program approved by the Board of Supervisors.

Section 16. Ordinance No. 440, Section 7. C. (1) is amended to read:

The County Auditor shall distribute the salary warrants not later than the second Wednesday following the end of a pay period. Terminated employees shall be paid on the regular payday for the pay period during which they were terminated.

Section 17. Ordinance No. 440, Section 8. E. (2) is amended to read:

Re-employment of Retired Persons. An employee who is retired under the California Public Employees Retirement Law and who is receiving retirement benefits shall not be employed or re-employed in any position for compensation without the prior written approval of the Human Resources Director. The Human Resources Director may allow the employment or re-employment following disability retirement, or following service retirement for up to 120 working days or 960 hours in any

calendar year, without loss of retirement benefits, as specified in the California Public Employees Retirement Law. The law generally permits employment following disability retirement or only during an emergency to prevent stoppage of public business, or because the restored employee has skills needed in performing specialized work of limited duration.

Consistent with the requirements of the California Public Employees Retirement Law for discontinuance of retirement benefits, the retiree may be employed or re-employed.

When a retiree under the California Public Employees Retirement Law is employed or re-employed, his/her retirement status must be specified in the documentation of appointment to a permanent or temporary position.

Section 18. Ordinance No. 440, Section 11. a. is deleted.

Section 19. Ordinance No. 440, Section 12. A. is amended to renumber Subsections (21) through (24) as (22) through (25), and Subsection (21) is added, to read:

Premium Pay – The County Executive Officer may authorize differential premium pay for Exempt Unit job classes at rates not more than those established for regular job classes, as needed to maintain efficient business operations. Such premium authorization may be ended by the County Executive Officer as warranted by operations or funding.

Section 20. Ordinance No. 440, Section 12. D. (2) a. is amended to read:

"Per Diem Employee" shall mean anyone who occupies a position within a classification established in the Class and Salary Listing as a Per Diem class. All Per Diem employees shall serve at the pleasure of the department head.

Section 21. Ordinance No. 440, Section 12. D. (5) a. is amended to read:

Basis of Compensation. Per Diem employees receive compensation at the hourly rate assigned to the classification in which they are employed. The County Executive Officer may authorize differential premium pay for Per Diem job classes at rates not more than those established for regular job classes, as needed to maintain efficient business operations. Such premium authorization may be ended by the County Executive Officer as warranted by operations or funding.

Section 22. This Ordinance shall take effect 30 days after the date of adoption.

BOARD OF SUPERVISORS OF THE COUNTY  
OF RIVERSIDE, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
Chair

ATTEST:

NANCY ROMERO  
Clerk of the Board

By \_\_\_\_\_  
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

612



**FROM:** Human Resources Dept.

**SUBMITTAL DATE:**  
March 8, 2004

**SUBJECT:** INTRODUCTION OF ORDINANCE 440.1757, Revisions for Amending Ordinance No. 440, An Ordinance of the County of Riverside Relating to Salaries

**RECOMMENDED MOTION:** That the Board of Supervisors approve the introduction of Ordinance No. 440.1757, and adopt the ordinance on the following agenda.

**BACKGROUND:** This proposal would update the Salary Ordinance and align it with procedural and technological changes that have occurred since its last revision in July 2001. Included is a revised "underfill" definition that will provide better guidance to County management and ensure consistent practice when a position is filled below the budgeted job level. The revised language in the Per Diem and Exempt Units would enable the Executive Office to apply to these job classes differential premium rates up to the amounts already existing for regular positions. Following is a list of recommendations:  
(Continued on Page 2)

COUNTY COUNSEL

MAR 09 2004

By *[Signature]*  
Deputy County Counsel

*[Signature]*

Ronald W. Komers  
Asst. County Executive Officer/HR Director

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2004

<b>SOURCE OF FUNDS:</b> Not Applicable	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

*[Signature]*

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Venable, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced.

Ayes: Buster, Tavaglione, Venable, Wilson and Ashley  
Noes: None  
Absent: None  
Date: March 23, 2004  
xc: HR, COB

Nancy Romero  
Clerk of the Board  
By *[Signature]*  
Deputy

**Prev. Agn. Ref.:** *[Handwritten]* | **District:** | **Agenda Number:**

**ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD**

- Policy
- Consent
- Dep't Recomm.:
- Per Exec. Ofc.:

## BACKGROUND (Continued)

### 1. **Procedural Changes:** Outdated concepts are deleted or language clarified:

- Reference to the birthday holiday that ended in 1999 (Sec 1. i.);
- Language concerning provisions no longer in Ordinance 440, but now in the Management Resolution, Memoranda of Understanding or other publication (Sec 1. n, q. ; Sec 4. B. 3.; Sec 4. C.; Sec 11. a.);
  - Consistent with practice, deletes conditions for dual appointment as regular and Per Diem, although this may occur with physicians (Sec 3. i.); and clarifies at-will status of Per Diems (Sec 12. D. 2.);
  - Adds Undersheriff to Sheriff's succession plan (Sec 3. e.);
  - Changes "hours" to months or other PeopleSoft compatible rules (Sec 3. j.);
  - Reference to allocating positions to "departmental sections" that are now included in the budget, Schedule 20 (Sec 4. A. 4; Sec 5. A.);
  - Clarifies references [Sec 6. f; Sec 7. A. (4); Sec 7. C. (1); Sec 8. E. (2)].

### 2. **Underfill Provision:** The purpose in updating the Ordinance 440 Underfill narrative is to provide a clearer definition in order to maintain more consistent use of the underfill process. Many County classifications are part of a series that is comprised of two or more levels (e.g., trainee/entry, first and/or second working levels, journey, etc.). The budgeted level is usually at the journey level in the class series. Natural Progression underfills are used by departments who choose to staff at a lower level than the budgeted/allocated level which is usually the journey level within a job class series. The typical criteria for progression through a job series with a trainee and one or two working levels is:

- Promotion from one level to the next is non-competitive.
- Promotion is based on meeting the requirements of the next higher level.
- Promotion is based on a satisfactory performance evaluation.

This is common where the staffing philosophy is to "grow your own" and is often associated with jobs that have minimal requirements at the lowest levels in the series. Examples of the "Natural Progression" underfill would be an Accountant I underfilling the journey level Accountant II.

### 3. **Per Diem & Exempt Provisions:** The purpose in updating the Ordinance 440 Per Diem and Exempt provision is to grant blanket approval for all premium pay provisions already in place for regular employees to be applied to Exempt Unit and Per Diem employees as determined appropriate by the Executive Office. In order for the County to provide an appropriate level of quality service, it is often necessary to maintain competitive premium pay to employees in various Per Diem and Exempt Unit classifications as an incentive to perform the required work [Sec 12. A. (21) and Sec 12. D. (1), (5)].

We recommend approval of this proposal.