

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

444



FROM: Human Resources Dept.

SUBMITTAL DATE:
October 5, 2004

SUBJECT: Adoption of Resolution 2004-420, An Update to the Management Resolution, a Resolution of the County of Riverside and Other Agencies Providing Salaries And Related Matters for Exempt Management, Management, Confidential, and other Unrepresented Employees.

RECOMMENDED MOTION: That your Board approve the attached amendments to the above referenced Resolution.

BACKGROUND: The County recently negotiated an extension of the Memorandum of Understanding with the Service Employees International Union, Local 1997 for several bargaining units, including the Supervisory Unit. Many of the amendments to the terms and conditions of employment of the Supervisory Unit are also applicable to those employees covered by the Management Resolution. In addition, there are several items in the Management Resolution that require updating and/or clarification.

(continued on page 2)

Ronald W. Komers
Asst. County Executive Officer/Human Resources Dir.

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 25,000	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$ 5,500	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 25,000	For Fiscal Year:	2004/2005

SOURCE OF FUNDS: Departmental Budgets	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Venable, Wilson and Ashley
Noes: None
Absent: None
Date: October 19, 2004
xc: HR, Co.Co., LIUNA, SEIU, Auditor

Nancy Romero
Clerk of the Board
By:
Deputy

3.21

Prev. Agn. Ref.: | **District:** | **Agenda Number:**

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

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

Background (continued)

Specific amendments mirroring changes to SEIU MOU are as follows:

Definition Section – Amend definition of "employee" to provide a more accurate description of who is covered by the Resolution.

Section 307 – Clarify entitlement to shift differentials to ensure that it is paid only to qualifying employees.

Section 309 – Adopt Bilingual Pay Agreement developed by the committee. The key elements are that Departments now designate bilingual positions at a certain level, employees are tested for proficiency at that level to ensure competency, and employees are compensated for their required level of competency. This will formalize the bilingual designation process and ensure that only required employees are designated and paid for this skill.

Section 401(b) – Amend "Difficult to Recruit" language to provide greater flexibility in making the appropriate designations by specific classification(s), specific department(s), and even specific geographic area.

Section 405 (c) – Extend window upon re-employment for the reestablishment of certain benefits to 24 months to provide a greater incentive to return to County employment.

Section 708 – Clarify that entitlement to a payout of accrued sick leave is determined at the point of separation from County employment.

Section 1001 – Reduce period of full salary continuance for a worker's compensation injury from 21 days to 10 days. This will encourage employee to return to work sooner, thereby reducing workers' compensation costs.

Section 1106(b) – Amend job abandonment appeal language to reflect current practice of having the matter determined by a third party neutral.

Section 1201(a) - Remove written reprimands, except a written reprimand in lieu of suspension, from the disciplinary appeal process. This will remove approximately one-third ($\frac{1}{3}$) of appeal cases from the system, reducing costs in terms of staff time and arbitration costs accordingly.

Sections 1204(c), 1205, and 1207- Eliminate reference to the Employee Relations Manager and replaces with a reference to Human Resources Director or designee.

Section 1208 – Amend to ensure that disciplinary appeals are processed in a timely fashion at the risk of the appeal being deemed abandoned if not actively pursued by the employee. This will reduce the lengthy of the appeal process and its associated liability in cases where employees are returned to work.

Section 1209 - Amend to reflect current practice of using a third party neutral to decide appeals of minor discipline.

Section 1210 - Clarify standard of review used by neutral in assessing the disciplinary action. Require the neutral to provide a comprehensible decision to the parties. Amend to reflect practice of using a third party neutral.

Background (continued)

Section 1211 – Adopts a case management process for longer hearings to ensure that costs of these hearings are minimized and that sanctions are available for excessive delays. Raise the evidentiary standard for documentary evidence.

Section 1301(f) – Clarify existing practice with respect to payment or banking of holiday pay for non-FLSA exempt employees.

Art 16 – Omit outdated policy and replace with reference to current policy. Include right of management, for reasonable cause, to condition further employment on successful passage of drug test. Make refusal to test equivalent to a failed test.

Art 18 – Omit outdated policy and replace with reference to current policy.

Section 1901 – Clarify elements of catastrophic time bank clause, including criteria for establishing time bank.

The following amendments reflect necessary updating or clarification

Section 204 – Make the appropriate grammatical changes to the definition of "anniversary date".

Section 210 – Permit management/exempt employees to perform special assignments in addition to regular duties.

Section 601E – Clarify that certain "at will" positions are appointed pursuant to Salary Ordinance No. 440.

Section 713(B) – Amend to allow employees returned to a bargaining unit with accrued Annual Leave to buy down the leave on the same basis as other employees covered by the Resolution.

Section 903 – Amend the Fitness for Duty clause to use the services of the newly hired Employee Health Medical Director. This will reduce administrative leave expense, expedite the scheduling of examinations, and provide employees with greater accessibility to services.

Section 1206(a) – Amend to reflect recent changes to federal *Fair Labor Standards Act* regulations.

Section 1210(B) – Amend to remove the requirement to obtain a list of arbitrators from State Mediation Service.

Sections 207, 310, 503(h), Article 20, and 2106 - Remove redundant and/or outdated language.

Sections 209, 705(f), 1003(b), 1202 (p) & (q), 1301 (g) & (h), 1701, Article 22, and Article 24 – Clarify existing language to bring it in line with current practice or to ensure consistency.

We recommend the Board approve the attached recommendation. There are recommended charges that will reduce costs (e.g., Section 1211) and enhance effectiveness (e.g., Sections on Disciplinary Process). The only cost is for the new Bi-lingual Program implemented for unionized employees that should also be made applicable to employees covered by this resolution.

RESOLUTION NO. 2004 - 420

A RESOLUTION OF THE COUNTY OF RIVERSIDE

AND OTHER AGENCIES

PROVIDING SALARIES AND RELATED MATTERS

FOR EXEMPT MANAGEMENT, MANAGEMENT,

CONFIDENTIAL, AND OTHER UNREPRESENTED

EMPLOYEES

A RESOLUTION OF THE COUNTY OF RIVERSIDE AND OTHER
AGENCIES PROVIDING SALARIES AND RELATED MATTERS
FOR EXEMPT MANAGEMENT, MANAGEMENT, CONFIDENTIAL,
AND OTHER UNREPRESENTED EMPLOYEES

The Board of Supervisors of the County of Riverside, State of California, also acting ex officio as the governing board of the Riverside County Flood Control and Water Conservation District, Waste Resources Management District, the Riverside County Redevelopment Agency, and the Riverside County Regional Parks and Open Space District do ordain that this Resolution shall be known as "The Riverside County Management, Confidential, and Other Unrepresented Employees Salary Resolution". For the purpose of this Resolution, words and phrases are defined as follows:

(a) "Anniversary date" shall mean the date upon which a step advance in salary becomes effective under the provisions of this Resolution or the job class is established by the Board of Supervisors to serve at the pleasure of the appointing officer.

(b) "Appointive officers" shall mean the persons appointed or employed by the Board of Supervisors or otherwise as the principal employee of a department in the County government, or of the Riverside County Flood Control and Water Conservation District, the Riverside County Redevelopment Agency, the Waste Resources Management District, and the Riverside County Regional Parks and Open Space District which districts and agencies for the purposes of this Resolution hereunder shall be deemed the equivalent of departments of the County government, except that references in this Resolution to the County shall mean such district when the context so requires.

(c) "At-Will" shall mean an employee whose status is set forth in Article 601E of this Resolution.

(d) "Classified service" shall mean all positions provided for by the classification plan referred to in this Resolution.

(e) "Continuous service", "continuous employment", and similar terms, shall mean the continuing service of a permanent employee in a continuing payroll status, without interruption except for authorized leave of absence.

(f) "Demotion" shall mean a change of employment without intervening loss of working days from a position allocated to a given salary range to a position of a different class allocated to a lower range, whether in the same or a different department. A "demotion" may be either voluntary or involuntary.

(g) "Emergency employees" shall mean employees whose employment is occasioned by a condition of emergency only.

(h) "Employees" shall mean only "regular" or "seasonal" employee(s) as referred to in Salary Ordinance No. 440 employed by the County in those classifications heretofore or hereafter included in the units identified herein.

- (i) "Full time employees" shall mean employees whose positions require the number of hours usual or prescribed for normal permanent County employment. All positions shall be full time unless otherwise designated or unless the compensation is fixed upon the basis of part time work.
- (j) "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, for which employees covered under the provisions of this Resolution are eligible for compensation.
- (k) "Officer" means all "County officers" and "appointive officers" as herein defined, except where the natural construction of this Resolution otherwise indicates. "Officer" is the equivalent of a department head.
- (l) "Part time employees" shall mean employees in positions that are designated part time or for which compensation is fixed upon a basis of part time work.
- (m) "Pay period" means 14 calendar days, and refers to the period for computing compensation due for all normal working shifts ending during that period.
- (n) "Permanent employee" means a regular employee who has completed the initial probationary period in a position, not including any incumbent of an at-will position as specified in this Resolution.
- (o) "Position" shall mean any office or employment to which a group of duties and responsibilities is assigned or delegated by competent authority, the performance of which requires the full time or part time employment of one person unless permission is granted for job sharing.
- (p) "Probationary employee" means a regular employee who has not completed the initial probationary period as designated in this Resolution, in a paid status in a position following initial employment. "Probationary employee" also means a regular employee who has not completed the required probationary period as designated in this Resolution, in a paid status in a position to which he/she has been promoted, transferred or demoted following completion of the initial probationary period.
- (q) "Promotion" shall mean a change of employment without intervening loss of working days from a position allocated to a given salary range to a position of a different class allocated to a higher range whether in the same or different department. The appointment of an employee to a position allocated to a higher salary range because of professional registration achieved by the incumbent shall not be deemed a promotion but a change in salary allocation.
- (r) "Reclassification" shall mean the reallocation of a position to a different class by a change of title and position specification, but does not necessarily involve a change of salary range.
- (s) "Regular position" means a position established by this Resolution on an ongoing basis, as distinct from a seasonal or temporary position. "Regular employee" means a holder of a regular position.
- (t) "Transfer" shall mean a change of employment without intervening loss of working days from a position allocated to a given salary range to a position of a different class allocated to the same range in the same department, or to a position of the same class, or a different class allocated to the same range, in a different department.

(u) "Working day" means each day on which an employee performs a normal working shift, and includes holidays as specified herein that fall on days of a normal working shift. It does not include Saturday or Sunday, or equivalent normal days off for persons regularly employed on other than the usual working week basis of Monday through Friday.

ARTICLE 1 RECOGNITION

This Resolution shall only apply to persons employed in the following Units:

- | | |
|---------|--|
| Group 1 | At-will or Contract Department Heads, Assistant Department Heads, including independent elected officials and Board of Supervisors Members |
| Group 2 | At-will Unrepresented (Board of Supervisor Assistants and Legislative Assistants) |
| Group 3 | General Management |
| Group 4 | Confidential |
| Group 5 | Other Unrepresented (attorney-exempt; attorney non-exempt; non-attorney- non-exempt) |
| Group 6 | Law Enforcement Executive Management |

Changes to the allocation of classes among these groups may be made by the County Executive Officer upon the recommendation of the Human Resources Director.

The term "management employee" as used in this Resolution, unless otherwise stated, refers to employees in Groups 1 and 3.

The provisions of this Resolution will be applied equally to all employees without unlawful discrimination based upon sex, age, race, color, creed, national origin or disability.

The provisions of this Resolution are not applicable to employees of the Consolidated Municipal/Superior Courts.

ARTICLE 2 HOURS OF WORK, OVERTIME

Sec. 201 Normal 80 Hour Biweekly Work Period: Except as may be otherwise provided, the official biweekly work period of the County shall be ten (10) working days of eight (8) hours each coinciding with the two-week period. This provision is intended to define the normal work period and does not guarantee a minimum number of hours of work.

Sec. 202 An agency/department head, with prior approval of the County Executive Officer and the Human Resources Director may establish or eliminate a different biweekly work period of 80 hours.

Sec. 203 Policy: It is the policy of the Board of Supervisors that overtime work is discouraged, and that it be limited to emergencies and the performance of urgent necessary functions.

Sec. 204 FLSA Exempt Employees: Any employee whose position is determined to be exempt from the Fair Labor Standards Act ("FLSA") shall not be entitled to compensation for overtime of any type unless specifically provided herein.

The Human Resources Director and County Counsel shall determine which classes of positions are exempt from the FLSA.

Sec. 205 Definitions: For purposes of determining eligibility for overtime only:

- A. A designated work period shall consist of seven (7) consecutive days (168 hours).
- B. Overtime is defined as time worked by an employee in excess of forty (40) hours in a 168 hour designated work period. Management reserves the right under the FLSA to designate the work period for each employee.
- C. Time worked shall include paid assigned holidays, paid court appearances, and paid industrial leave, but shall not include paid sick leave.

Sec. 206 Authorization for Overtime Work: Performance of overtime work may be authorized by the Board of Supervisors or by the agency/department head or his/her designated subordinate.

A. Department Record: For employees who are entitled to overtime, actual hours of overtime work shall be reported on each attendance report. The Auditor shall maintain the record of overtime credit at one and one-half times such actual hours. Actual hours of compensatory time off shall be reported on each attendance report. If payment is to be made, the number of hours of overtime credit to be paid shall be specified.

Sec. 207 Compensation for Overtime Work: Employees who are not considered exempt under the provisions of the FLSA shall be paid at a rate of one and one-half times their regular hourly rate of pay for all time worked in excess of forty (40) hours during their designated work period. Upon termination, accumulated overtime credit shall be paid for.

A. Compensatory Time-off: An employee eligible for paid overtime under the provisions of this Section may request, subject to management approval, the accumulation of up to 120 hours of compensatory time off ("CTO"), in lieu of paid overtime. Such overtime is accumulated at the rate of one and one-half (1-1/2) hours of compensatory time off for each hour worked in excess of forty (40) hours during the designated work period. Accumulated overtime credit may be taken as paid time off, at a time or times agreeable to the department head. This method of reducing accumulated overtime credit is encouraged. With approval of the County Executive Officer, accumulated overtime credit of 120 hours or less may be paid.

B. Payoff for Unused Compensatory Time-off Upon Separation from County Service: Upon separation from County service, an employee shall be compensated at his/her rate in effect at that time for each hour, or a portion thereof, of accumulated CTO.

Sec. 208 Fringe Benefits not Affected by Overtime: Overtime work shall not be a basis for increasing vacation or sick leave benefits, nor shall it be a basis of advancing completion of the required period for probation or salary step advance. Where overtime results from necessary irregular work schedules, it may be included in computing the minimum time for salary step advance which would otherwise be delayed beyond the normal period.

Sec. 209 New Payroll System: On or about April 20, 2001, the County implemented People-Soft, a new payroll, accounting, and budgeting system. Changes related to People-Soft included:

A. Dates for increases in leave accruals, probationary periods, anniversary dates, merit increases, step advances, and similar events are based upon service rather than hours, e.g. 1040 hours became 6 months and 2080 hours became one year.

B. Leave accruals, e.g. sick leave, vacation pay, continue to require that the employee be in a paid status for each day during the pay period to receive the full accrual for that pay period.

C. Some other benefits are granted even though the employee is in a paid status for only one day during the pay period, e.g. flexible credit allowance.

D. The pay date changed from the second Friday following the end of the pay period to the second Wednesday following the end of the pay period.

Sec. 210 Special Assignments: General Management and Confidential employees covered hereunder may, with the approval of the Human Resources Director, be permitted to perform non-management work outside the employee's regular classification by way of special assignment to another classification. Subject to approval by the Human Resources Director, the specially assigned employee shall be compensated at a flat rate determined by the Department, not to exceed two times the hourly rate assigned to the classification in which the employee is specially assigned. The time worked in the special assignment will not be included in computing Annual Leave, retirement or similar benefits. The time worked in the special assignment cannot be detrimental to the employee's health or performance in the employee's regular position. The special assignment can be terminated at any time and the employee shall not be entitled to any review or hearing procedure upon termination of the special assignment.

ARTICLE 3 PREMIUM PAY

Sec. 301 Standby Call Duty: When placed by the department head specifically on standby or call duty, an FLSA non-exempt employee otherwise off duty shall be paid one (1) hour pay for eight (8) hours of such duty beyond the regular work period. Said compensation shall be in addition to the employee's regular salary entitlement. Notwithstanding any prior work practice to the contrary, said compensation shall cease when said employee reports to work.

Sec. 302 Minimum Overtime on Call-Back: An FLSA non-exempt employee called back to work to meet an emergency on an overtime basis, whether or not in a standby or professional call duty status, shall receive minimum credit for one hour of work.

Sec. 303 Declared Natural Disaster: In the event and during the period of an officially declared natural disaster affecting any portion of the County of Riverside, and notwithstanding any other provision of this Resolution, the following provisions shall apply:

A. Any officer, in order to perform the work of his department or a civil defense function, may employ emergency employees without reference to the salary or classification plans at rates which appear to be prevailing for the type of work to be performed at the time of their employment.

B. For the same purpose, any officer may employ on a paid overtime basis his current employees at hourly rates equivalent to their current compensation basis.

C. Any employee who reports to his regular or a designated place of employment or to a civil defense assignment shall be deemed to be employed in his usual position in a regular payroll status. Any employee who without adequate reason for absence under the terms of this Resolution who fails to so report shall be deemed absent without authority and shall not be paid during such absence.

D. The Board of Supervisors may authorize payment on a paid overtime basis at the rate of one and one-half times the hourly rate equivalent to the employee's then current compensation basis for those employees who are not otherwise entitled to time-and-a-half overtime, and who are required to perform emergency services during a County-declared emergency. "Emergency Services" as used in this subsection, shall be such services as the Board of Supervisors finds to institute such, at the time it authorized the payment thereof.

Sec. 304 Mileage Reimbursement:

A. Employees who are required to use their personal vehicles for County business shall be reimbursed at the Internal Revenue Service (IRS) standard mileage rate. Adjustments to the County rate, if any, shall be made pursuant to and concurrent with the IRS rate changes. The current mileage rate is 36 cents effective January 1, 2003.

B. Designated County Officials may, at their option, elect to receive \$550.00 per month Automobile Allowance or be furnished with a County vehicle as provided under existing County policies and procedures.

Sec. 305 Maintenance Pay:

A. Rates for maintenance, including living quarters, meals, or laundry service, furnished by the County to any officer or employee, shall be fixed by a resolution of the Board of Supervisors from time to time. Payment therefore shall be made by a deduction from compensation, or by performance of additional services, as may be determined by the Board of Supervisors.

B. No charge for meals shall be made where the same are furnished for the convenience of the County, such as for employees at County institutions who are required by the nature of their duties to take their meals in connection with such employment. No person shall receive maintenance at any institution unless on duty at such institution.

C. Nothing herein shall prohibit the furnishing of meals on a cost basis where necessary or convenient. It shall be the duty of each officer to make certain that the provisions of this section are complied with as to all employees, departments and institutions under his control and to keep the Auditor properly informed as to any payroll deductions required hereunder.

D. Medical interns and resident physicians at the Riverside County Regional Medical Center shall be furnished without charge medical and hospital care for acute illnesses and injuries contracted or sustained by them during the period of their employment. Whether an illness or injury qualifies under this provision shall be determined by the Hospital Administrator with the advice of the Chief of Medical Staff.

Sec. 306 Moving Expenses-Current Employees: Upon the written request of an agency/department head, with the written approval of the County Executive Officer, the Board of Supervisors may authorize payment of all or part of the actual and necessary expenses hereafter incurred for moving the household and immediate family of an employee from one part of the County to another, when the headquarters of the employee is permanently changed for the convenience of the County. Such authority shall be obtained in advance of the change, shall be subject to such reasonable conditions as the Board may require, shall specify the maximum amount authorized and shall not be granted more than once in any one year period for any one employee, nor for any employee until he or she has been continuously employed by the County for at least one year preceding the authorization. If the employee voluntarily terminates his or her employment with the County within one year of the payment of the expenses set forth herein, the employer shall, within 30 days of the effective date of the voluntary termination of employment with the County, reimburse the County the full amount of any payment received by the employee for the expenses set forth herein.

Sec. 307 Shift Differentials:

A. Applicability of Shift Differentials: Unless otherwise specifically provided herein, only FLSA non-exempt employees shall be eligible for shift differentials. Shift differentials do not apply to vacation, sick leave, holiday pay, or standby duty. The hourly rate for each shift differential is payable in tenths of an hour.

B. Evening Shift: FLSA non-exempt employees whose positions are not otherwise addressed in this Section working their regularly scheduled shift that ends after 6:00 p.m. and who perform work between the hours of 3:00 p.m. and 11:00 p.m. shall be paid an evening differential of \$.60 per hour for the time actually worked between 3:00 p.m. and 11:00 p.m.

C. Night Shift: FLSA non-exempt employees whose positions are not otherwise addressed in this Section working their regularly scheduled shift that ends after 11:00 p.m. and who perform work between the hours of 11:00 p.m. and 7:00 a.m. shall be paid a night differential of \$1.20 per hour for the time actually worked between 11:00 p.m. and 7:00 a.m.

D. Shift Differentials for Chief of Respiratory Therapy: Any Chief of Respiratory Therapy who works between the hours of:

1. 3:00 p.m. and 11:00 p.m. shall be paid an evening shift differential of \$.75 per hour for the time actually worked between 3:00 p.m. and 11:00 p.m.;
2. 11:00 p.m. and 7:00 a.m. shall be paid a night shift differential of \$1.30 per hour for the time actually worked between 11:00 p.m. and 7:00 a.m.;
3. or, if working a day shift commencing before 1:00 p.m., shall be paid differential rates set forth in 1 and 2 above only for the hours actually worked between the hours of 5:00 p.m. and 7:00 a.m.

Sec. 308 Education for Continued Licensing:

A. Tuition and/or Registration Fee. Eligible employees may be granted time by their appointing authority to attend California Board of Registered Nurses approved courses. Time granted shall not exceed 40 hours every two years. Time granted shall be used for travel to and

from the location of the course and time actually spent in course attendance. The granting or denial of education time shall be at the discretion of the employee's appointing authority.

B. Eligible Employees. In order to be eligible for paid education time, an employee shall:

1. Have completed 1040 hours of continuous service with the County in a full-time regular position or a part-time position normally working at least 40 hours in a pay period;
2. Have not completed the minimum number of hours required to renew the employee's professional licenses; and,
3. Be employed in a classification that requires the employee to be licensed to practice as a Registered Nurse.

C. Procedure. An eligible employee desiring education time must request approval from the appointing authority a reasonable time in advance of the requested date or dates. A request for education time shall be in writing and state:

1. The location, date, time, subject, and number of contact hours of the course to be attended;
2. The number of hours needed to renew the employee's professional license; and,
3. The date the employee's current license expires.

Mandatory critical care course hours required in the Riverside County Regional Medical Center (RCRMC) shall not be deducted from an employee's hours in education for continued licensing. The County shall pay the cost of mandatory courses offered by the RCRMC. Courses offered outside of the RCRMC must receive prior approval of the RCRMC in order to be paid.

Sec. 309 Bilingual Pay:

Scope

This scope of this policy covers all full time and part time Employees who are assigned work on a regular and continuing basis that requires a second language to effectively meet the service demands of the County's customers.

Eligibility Factors

Eligibility Factors require use of a second language at least five times per week or once per day for eligibility.

Skill Levels

Definitions of Skill Levels:

Level 1: Basic Oral Communication
Employees at this level perform bilingual translation

Level 2: Task Completion

Employees at this level perform bilingual translation as well as written translation.

Level 3: Written translation, and medical and legal interpretation

Employees at this level perform complex verbal and written translation.

Compensation

Employees who have qualified for bilingual compensation will receive additional compensation as follows:

Level 1: \$40 per pay period

Level 2: \$60 per pay period

Level 3: \$80 per pay period

Testing Administration

Oral and written examinations will be developed with labor/management and will be administered as follows:

Level 1: Basic oral/reading test

Level 2: Written

Level 3: Complex Level Written

Level 1: Administered by Human Resources Testing Center

Level 2: Administered by Human Resources Testing Center

Level 3: Administered by Human Resources Testing Center

Plan Implementation

The Bilingual Pay Program, once approved by the Board of Supervisors, will be administered by Human Resources.

All current County Employees receiving bilingual pay will continue to receive the rate of pay they are receiving, as long as they continue in their current position. Qualified Employees, whose positions are designated by Departmental Supervisors as requiring/desiring bilingual skills, are encouraged to test for higher skill levels if required by the department.

Designation of positions eligible to receive bilingual pay is the responsibility of the supervisor with the approval of Human Resources. All future recruitments for a position designated as such would include the requirement of bilingual skills.

Payment of bilingual pay will be pro-rated based on the hours actually worked.

Sec. 310 Long Term Disability Plan: The Long Term Disability (LTD) Plan applicable to employees covered under this Resolution has a required waiting period to qualify for benefits of 30 days.

Sec. 311 Executive Performance Recognition Plan: A Group 1 contract employee or other employee who serves At-Will to the Board of Supervisors or County Executive Officer may, subject

to the terms and conditions set forth below, be eligible to have his/her salary increased to a maximum of ten steps beyond the regularly assigned top step of his/her current salary range or salary set forth in an existing contract. Such increase(s) shall not be subject to the Step Advance provisions set forth under Section 402 of this Resolution but shall, instead, be accomplished by certification of the County Executive Officer, based upon completed performance appraisals, of an affected individual's "outstanding performance". The continuation of increases granted pursuant to the provisions of this Section shall not be automatic, and failure to sustain "outstanding performance" shall cause the manager's pay to revert to the regularly assigned top step for his/her classification. Eligibility for additional steps granted to all managers as part of changes to the Management Resolution shall not be adversely affected by the manager's status in steps granted beyond the regularly assigned top step pursuant to the provisions of this Section. Salaries granted pursuant to this provision shall be reported to PERS as compensation earned.

ARTICLE 4 PAY PRACTICES

Sec. 401 New Employees:

A. Except as otherwise provided by this Resolution, a new employee shall be appointed at the first step of the salary range. The agency/department head with the prior approval of the Human Resources Director and the County Executive Officer may appoint a new employee in a specified class to any step within the salary range if the employee has: (1) qualifications substantially greater than the minimum for the class; and (2) experience, which if it had been obtained in the position applied for, would have made the employee eligible for the advanced step proposed.

When the Human Resources Director and the County Executive Officer authorize a position to be filled at such step higher than the first step of the range, the Human Resources Director and the County Executive Officer may also advance all incumbents of positions in the same class earning less than the step so authorized to the same or one of said higher steps, fixing the minimum initial salary on such advanced step. The anniversary date shall be the first day of the pay period that is not less than one year (26 pay periods) in a paid status thereafter, not including overtime. When such an incumbent employee is already on that step, their anniversary date shall not change.

B. Notwithstanding the provisions of (A) and above, there shall be up to an additional four steps (approximately 11%) which shall be reserved for those specific classifications in a specific Department designated by the Human Resources Director, subject to the approval by the County Executive Officer, as "difficult to recruit". Further, different locations or regions may qualify for difficult to recruit designation or for different levels (i.e. percentages) of compensation under a difficult to recruit designation.

This designation shall be granted based upon a determination by the Human Resources Director, subject to approval by the County Executive Officer, on a specific classification and specific Department basis, that a serious recruiting or retention problem exists for specific classification(s) in a specific Department, or that the increases granted to subordinate "difficult to recruit" classifications in the specific Department has created serious compaction problems, and that a percentage increase up to and including 20 salary ranges (approximately 11%) would assist the County in recruiting and retaining employees in the specific classification(s) in the specific Department. Advancements to any of these ranges in the specific Department shall not be

automatic nor shall such a determination have any bearing on the same or similar classifications within the Department or in any other Departments with same or similar classifications. Upon such determination and approval, any increase granted pursuant to these provisions shall be implemented in the specific Department as follows:

1. Upon prior authorization of the Human Resources Director, the initial salary placement for newly hired employees in the specific classification in the specific Department may be at any step on the salary range for his/her classification up to and including a step on the salary ranges established pursuant to Section 401(B).
2. In the event the salary granted to a newly hired employee in the specific classification in the specific Department pursuant to Section 401(B)(1) exceeds that for any present permanent, regular full-time or regular part-time employee in the specific classification in the specific Department who has successfully completed one year or more of service at the top of the salary range for that specific classification(s), such employee(s) shall be placed on the same salary range and step as that granted to the new employee.
3. All other regular full-time and regular part-time employees assigned to the affected specific classification in the specific Department, who have completed less than one year of service at the top of the salary range for that specific classification may, upon a review of their qualifications and approval by the Human Resources Director, have their salary adjusted to an amount no less than the lowest salary received by an employee hired as the result of an open recruitment to fill a vacancy in that specific classification in the specific Department.
4. Subsequent merit increases for employees not compensated at the top of the salary range(s) for the specific classifications in the specific Department affected by the provisions of this Section may be granted pursuant to Section 402 of this Resolution.

In the event the Human Resources Director determines the circumstances that created the recruiting or retention problems for any or all classifications in the specific classification in the specific Department no longer exist, he shall advise the County Executive Officer of his findings. If the County Executive Officer concurs, he shall declare the provisions described above inoperative for such specific classification(s). At that time, the salary for any employee compensated at a rate above that to which he or she would otherwise have been entitled shall be frozen and shall not be increased until the regular salary for the specific classification exceeds the rate established pursuant to the provisions described above.

Sec. 402 Step Advance:

A Applicability of Step Increases: The compensation of each regular employee who is paid on a step basis or pay range, and whose pay is below the highest step, shall be considered for increase upon his or her anniversary date, except as otherwise provided.

The first anniversary date as a result of an original appointment shall be the first day of the pay period following the completion of one year (26 pay periods) in a paid status in the position not including overtime.

The first anniversary date as a result of promotion or reclassification which involved a salary increase shall be the first day of the pay period following the completion of six months (13 pay periods) in a paid status in the position not including overtime.

Re-employment at a rate other than that of the first step of a range shall be considered an original appointment for purpose of fixing the anniversary date.

The second anniversary date shall be the first day of the pay period following the completion of an additional one year (26 pay periods) in a paid status, not including overtime, and subsequent anniversary dates shall occur at like intervals.

1. The provisions of this section shall be subject to other specific provisions of this Resolution affecting a change of anniversary dates.

2. Four pay periods before the anniversary date of each employee holding a regular position on a salary range, except as to an employee compensated at the rate of the highest step, the Human Resources Director shall inform the agency/department head in writing on an appropriate form that the employee will be eligible for a salary increase.

Prior to the anniversary date the agency/department head, after review with the employee involved, shall inform the Human Resources Director in writing on the appropriate form whether or not the increase is allowed. The Human Resources Director shall promptly act on each increase allowed and the employee shall be paid at the increased rate from the anniversary date. If, through error, the anniversary date of an employee is overlooked or a notice herein required is delayed or omitted, a resulting failure to increase the compensation may be cured by then taking the action hereinabove required, and the employee shall be paid at the increased rate from the anniversary date. Such salary increases shall be given only on the affirmative decision of the agency/department head, which shall be made only on the basis of continued satisfactory performance in the position.

Sec. 403 Pay Increases by Salary Steps: Every anniversary salary increase shall be to the rate of the second next higher step, except when there are less than two steps remaining, it shall be to the last step.

Sec. 404 Denial of Step Increase: The agency/department head may disallow a step increase only after the performance evaluation is reviewed and approved by the Human Resource Director or a designee. If the increase is not granted, the department head shall state the reasons on the form, which shall be given to the employee for signature. The agency/department head shall reconsider the step increase at least quarterly, and may allow it effective on the first day of any pay period after the date it could have been granted. The responsibility for submitting a written allowance of increase, after its denial, shall be with the department head. The anniversary date shall be postponed until an increase is allowed.

Sec. 405 Re-employment:

A. Upon recommendation of the agency/department head and approval of the Human Resources Director, a former regular employee may be re-employed in the same class of position which they previously occupied, at the same step of the salary range as the step applicable at the time of their termination, provided they were terminated in good standing.

B. Re-employment after military service shall conform to the requirements of the Military and Veterans Code, but in other respects shall be in accordance with this Resolution.

C. Whenever a former regular employee is or has been re-employed within twenty-four months after termination, he or she may, on recommendation of the employing officer and with the approval of the Human Resources Director and the County Executive Officer, be allowed all or a portion of credit for prior County Service and hours in step for setting the Annual Leave accrual rate, anniversary date, and accrued sick leave, not exceeding the amount which was lost on separation.

Sec. 406 Re-employment of Retired Persons: An employee who is retired under the Public Employees Retirement Act 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. Consistent with the requirements of the State Employees Retirement Act for discontinuance of retirement benefits, the retiree may be employed or re-employed.

The Human Resources Director may allow the employment or re-employment for up to 120 working days or 960 hours in any calendar year, without loss of benefits, as specified in Section 21224 of the California Public Employees' Retirement Law. That section permits the temporary employment 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. During the employment or re-employment the retiree is to be paid at a rate not less than the minimum, nor more than that paid other employees performing comparable duties.

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

Sec. 407 Promotion: On promotion, the salary shall be at a rate on the new salary range which is two (2) steps higher, or immediately greater than 2 steps higher, than that paid on the range for the former position where the new range is able to accommodate the increase. The effective date of all promotions shall coincide with the first working day of a pay period. The anniversary date shall be determined as if the date of promotion were the date of employment.

Sec. 408 Transfer: On transfer, the salary shall be the same as that paid previously. The anniversary date shall not change.

Sec. 409 Demotion:

A. On demotion, the salary shall be at the rate of the same step on the new range as was applicable to the previous range. If the step on the previous range is a higher step number than is available on the new range, the salary shall be at the highest step available on the new range. The anniversary date shall not change. The effective date of all demotions shall coincide with the first working day of a pay period.

B. Permanent employees who, within one year (26 pay periods) following a promotion, voluntarily demote to their previously held classification may return to the step of the previously held classification from which they promoted. Demotion under this section shall be with the mutual agreement of the employee and involved agency/department head(s) and an opening must exist. The anniversary date shall not change.

Sec. 410 Reclassification:

A. The salary of an incumbent of a position reclassified to a class on the same salary range shall not change. The anniversary date shall not change.

B. The salary of an incumbent of a position reclassified to a class on a higher salary range shall be at the rate which is two (2) steps (approximately 5.5%) higher, or immediately greater than two (2) steps higher, than that paid on the range of the former position, where the new range is able to accommodate the increase.

The anniversary date shall be determined in accordance with this Article, except that the first anniversary date shall be the first day of the pay period following the completion of six months (13 pay periods) in a paid status, not including overtime, in the new classification. Thereafter, anniversary dates shall be on the first day of the pay period following each additional one year (26 pay periods) in a paid status.

C. The salary of an incumbent of a position reclassified to a class on a lower salary grade shall be placed on a step of the new grade which is closest to, but not higher than, the employee's current rate of pay. Where the employee's current rate of pay exceeds the maximum of the new grade, it shall be reduced to the maximum. At the discretion of the Human Resources Director and the County Executive Officer, the salary of an incumbent of a position reclassified to a class on a lower salary grade may be frozen at the hourly rate of pay immediately prior to the date of the downward reclassification and may not be increased until the maximum of the salary grade assigned to the new classification exceeds the hourly rate of pay the incumbent was earning immediately prior to the establishment of the frozen rate. The anniversary date shall not change.

D. The effective date of a reclassification shall coincide with the first working day of a pay period.

E. At the discretion of the Human Resources Director and the County Executive Officer, the benefits of an incumbent of a position reclassified to a class represented by a recognized employee organization, and if the new class is not eligible for the same benefits, shall be entitled to a special flexible benefit amount as long as service continues in the new classification. The new flexible benefit amount will be determined on a case-by-case basis by the Human Resources Director and the County Executive Officer.

F. At the discretion of the Human Resources Director and the County Executive Officer, an incumbent of a position reclassified to a class represented by a recognized employee organization may continue to be eligible for the pick-up of the required employee's share of the PERS contributions.

Sec. 411 Temporary Promotion:

A. A regular employee may be promoted on a temporary basis to fill a vacant position as a result of a leave of absence of the incumbent of that position, or pending appointment of another person to that position. Such promotion is designated "temporary promotion". The salary of an employee temporarily promoted shall be determined as if the temporary promotion were an original appointment to the position.

When the absence ceases or the vacancy is filled, the employee shall return to their regular position, and their salary and anniversary date shall be re-determined as if the temporary promotion

had not occurred. Any step increases which would have been due in their regular position shall be allowed.

B. An employee temporarily promoted pursuant to the provisions set forth in (A) above shall be entitled to receive the benefit assigned to the higher classification.

Sec. 412 Additional Compensation to Supervisors: A person, occupying a supervisory position, may have his/her base salary increased by two steps to a rate approximately 5.5% above the base salary rate of any of his/her subordinates provided that:

A. The appointing authority, the Human Resources Director, and the County Executive Officer find that he/she is exercising substantial supervision over the subject subordinate and that he/she is satisfactorily performing the full supervisory duties of the position; and,

B. The organization is a permanent one approved by the County Executive Officer; and,

C. Both the supervisor and subordinate have been appointed to full-time positions; and,

D. The classifications of both the supervisor's and subordinate's positions are appropriate to the organization and their duties.

Such increased compensation shall be effective on the first day of the pay period during which the finding called for in Subparagraph (A) above is made. This addition to base salary shall be effective only for the period necessary to maintain the base salary of the supervisor at a rate of five and one-half percent (5-1/2%) above that received by the subordinate.

When the conditions authorizing this increase cease to exist, then the base salary of the supervisor shall be adjusted to the base salary he/she would have attained except for the provisions of this Section. The effective date of said adjustment shall be the first day of the pay period following the action creating the changed condition.

The provisions of this Section shall not, under any circumstances, be applied retroactively. Furthermore, it shall be the responsibility of the supervisor to assure that payments made pursuant to this Section cease when the conditions which resulted in such payments no longer exist.

Sec. 413 Post-Employment Accounts: For each regular employee covered under this Resolution who is separating from County employment, the County shall provide post-employment accounts wherein the payable value of qualifying final accrued leave balances will be deposited, up to the legal limit. Qualifying leave balances include annual leave, vacation, extra vacation, holiday balance, and the payable amount of sick leave. They do not include compensation time for overtime. Special Pay Accounts are tax-deferred investment funds. The employee may also elect a Health Savings Account, designed to be free of taxes, and which may be used for future health care costs. A participant fee is charged for health savings accounts. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

ARTICLE 5
GENERAL PERSONNEL PROVISIONS

(NOTE: Per People-Soft, the hours described in this Article were converted to weekly or monthly equivalents.)

Sec. 501 Out-of-Class Assignments: No regular employee shall be assigned to exercise the powers or perform the duties of any classification other than his/her own classification for an accumulated period of 480 hours or more during any one calendar year. Such accumulated hours of such assignment(s) shall be credited toward qualifying experience for possible promotion only when such assignments have been authorized or verified by the department head or designee in writing.

Sec. 502 Employment of Relatives: No officer shall appoint his or her spouse or the spouse of any other 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 approximately 6 months.

Sec. 503 Retirement:

A. Purchase of Military Service Credit as Public Service (Miscellaneous and Safety Members). Pursuant to Section 21024 of the Public Employees Retirement Law, an employee may elect to purchase up to four years of service credit for any continuous active military or merchant marine service prior to employment provided, however, that the employee must contribute an amount equal to the contribution for current and prior service that the employee and the County would have made with respect to that period of service.

B. Post-Retirement Survivor Allowance (Miscellaneous and Safety Members): Pursuant to the provisions of Sections 21624 and 21626 of the Public Employees Retirement Law, an allowance may be continued to a surviving spouse upon the death of a member after retirement.

C. Post-Retirement Survivor Allowance to Continue After Remarriage (Miscellaneous Members Only). Effective December 24, 1998, the County amended its contract with PERS by adding the provisions of Section 21635 that permits the post-retirement survivor allowance to continue after the remarriage of the surviving spouse.

D. PERS Retirement Benefit (EPMC): Per Government Code Sec. 20636 (c)(4), effective July 2, 1998, the County elected to pay the employee's share of compensation earnable (currently approximately 8% for Miscellaneous members and approximately 9% for Safety members) as

Employer Paid Member Contributions and report the same percent (value) of compensation for all PERS members covered under the provisions of this Resolution.

E. Single Highest Year: The provisions of Section 20042 of the Public Retirement Law (Single Highest year) shall apply to all miscellaneous and safety employees covered under the provisions of this Resolution.

F. 1959 Survivor Benefits (Safety members Only): The provisions of Section 21571 of the Public Employees' Retirement Law shall apply to safety employee members.

G. Pre-Retirement Optional Death Benefits: The provisions of Section 21548 of the Public Employees' retirement Law (Pre-Retirement Optional Death Benefit) shall be applicable to safety employee members covered under the provisions of this Resolution.

H. Retirement Calculations (Miscellaneous Members):

The percentage of final compensation to be provided for each year of credited prior and current service for Miscellaneous members covered under the provisions of this Resolution shall be determined in accordance with Section 21354.3 of the Public Employees Retirement Law subject to the reduction provided therein for Federal Social Security (3% at age 60 Full and Modified formula).

I. Retirement Calculations (Safety Members): The percentage of final compensation to be provided for each year of credited prior and current service for Safety members covered under the provisions of this Resolution shall be determined in accordance with Section 21362.2 of the Public Employees retirement Law (3% at age 50).

J. 401(a) Money Purchase Plan: The County shall contribute \$50.00 per biweekly pay period to a 401(a) money purchase plan for each enrolled regular employee covered under this Resolution. This contribution is in addition to any other deferred compensation contribution provided by contract or other authority.

K. 401(a) of Certain At-Will Deputy Directors: Effective January 9, 2003, if any incumbent Deputy Director I, Public Health, Deputy Director II, Public Health, Deputy Director for Environmental Health, Administrative Director, CHA, Operations Chief, Animal Services, Chief Finance Officer, CHA, and Chief of Medical Services, CHA, accepts employment At-Will, an additional \$150 per bi-weekly pay period shall be contributed to the 401(a) Money Purchase Plan for each such employee accepting At-Will status.

L. In-lieu Contributions: Elected officials who are not members of PERS shall have an amount equal to what the County's contribution to their retirement would have been if they were members of the system deposited on their behalf to a qualified 401(A) Money Purchase Plan.

The County's contribution to the Deferred Compensation plan will be made in accordance with the terms of the official Riverside County Plan document.

The County's contribution to the deferred compensation plan will be based on the "normal cost" as determined by CalPERS, plus an amount equal to the current pick-up of the employee contribution.

As a condition of accepting contributions under this provision, an elected official who exercises rights under Section 31648.5 of the Government Code to join the retirement association and buy back prior service credit shall have a contractual obligation to reimburse the County for the employer's share, with interest, of the contribution made hereunder.

Sec. 504 Non-Smoking Policy: Pursuant to Board of Supervisors Policy A-23, smoking in County facilities is prohibited.

In shared buildings or floors, Department Heads or their designees will jointly identify common smoking areas. This policy shall apply to County employees and the general public.

The County may designate up to 100% of its unassigned and assigned vehicle fleet as no-smoking areas.

Each department must have a written smoking policy. If there is no smoking allowed in your department or certain buildings or areas, make that declaration. If there are exceptions, you must identify rooms or areas within each building, whether County owned or leased, where smoking is allowable including shared areas, i.e., stairwells, hallways, restrooms, etc.

It is the responsibility of the Department Head and departmental supervisors to enforce the non-smoking policy of the County.

In order to assist employees, the County has instituted a Stop Smoking Program for employees. Employees are authorized to attend the program without charge and on County time. Employees who continue to smoke in non-designated areas may be subject to discipline under the Disciplinary Procedure up to and including discharge.

Sec. 505 Merit Systems/Veterans Preference: Appointments and promotions shall be made on the basis of merit and ability. Each officer shall appoint all necessary employees allowed for their department by this Resolution only from among persons certified to them by the Human Resources Director as eligible for the respective positions. The Human Resources Director shall determine the methods of evaluating the qualifications of applicants. The methods shall be practical in nature and may involve any combination of written test, oral test, performance test, rating of education, training and experience and shall take into consideration a system of veterans preference as may be adopted by the Board of Supervisors, by resolution. The veterans preference program shall be administered by the Human Resources Director.

ARTICLE 6 PROBATIONARY PERIOD

Sec. 601 Computation: Each regular employee shall be in an initial probationary status from the effective date of their initial employment in a position in a paid status until the required initial probationary period, and any extension, is completed without separation from County employment. Computation of the initial probationary period in a paid status does not include overtime, standby, on-call or military leave of absence. A regular employee who has not completed the initial probationary period serves at the pleasure of the agency/department head and may be released from employment without cause.

A. Length of Initial Probation: The length of the initial probationary period for persons in classes of the General Management, Confidential, and Unrepresented Units is one year (26 pay periods) in a paid status.

B. Extension of Initial Probation: The initial probationary period of an employee may be extended by the employing agency/department head with the approval of the Human Resources Director. Extensions of an initial probationary period are discouraged and must be approved by the Human Resources Director or his designee in writing at least 80 hours before the end of the existing initial probationary period. Approval is made on a case-by-case basis and must be supported by documentation justifying the request.

The one year initial probationary period may be extended once to one year and three months or twice to one year and six months.

C. Initial Probationary Period Affected by Change in Class: An employee who has not completed an initial probationary period and voluntarily promotes, demotes or transfers to another class, shall have his/her initial probationary period automatically extended an additional six months (13 pay periods) in a paid status.

D. Probation of Permanent employees following change in class or lateral transfer: During the first one year (26 pay periods) of service in a paid status following a promotion, transfer or demotion, a regular employee who held permanent status at the time of the promotion, transfer or demotion shall, upon the department head's request, be returned to a position in the previously held classification in the former employing department. If the return involves a change in class, the salary step shall be the same step which the employee held immediately prior to the promotion, transfer or demotion, and the employee's anniversary date will be re-determined based on the number of pay periods of service in a paid status the employee had in step at the time of promotion, transfer or demotion. Written notice of return to former class shall be given to the employee prior to the employee completing 25 pay periods in the probationary period and the pay and title changes of the return shall be made prior to the employee completing 26 pay periods following the promotion, transfer, or demotion. Computation of the probationary period in a paid status does not include overtime, standby, on-call or military leave of absence.

E. At-Will employees: Notwithstanding any other provision of this Resolution to the contrary, and except as provided by State Law, the terms and conditions of employment for employees the classifications set forth in below shall be as follows:

(1) Agency/Department Heads appointed after November 29, 1983, shall serve at the pleasure of the Board of Supervisors (i.e. At-Will). Prior to such appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status. Such employee may be terminated from service at any time, without notice, cause or rights of appeal, by the Board of Supervisors. An agency/department head removed from service with the County of Riverside by the Board of Supervisors, or the Local Agency Formation Commission in the case of the Executive Officer of LAFCO, may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six month's salary. Any such severance pay shall be at the sole discretion of the Board of Supervisors, or the Local Agency Formation Commission in the case of the Executive Director of LAFCO.

(2) Assistant Department Heads or the equivalent thereto, appointed pursuant to the Riverside County Salary Ordinance, No. 440, after May 4, 1989, to a position in that classification shall serve at the pleasure of the department head (i.e. At-Will). Prior to such an appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status. Assistant Department Heads or the equivalent thereto who serve At-Will may be removed from their position at any time without notice, cause, or rights of appeal by the department head only after the department head has a minimum of 90 calendar days of service in that position and after consultation with the Human Resources Director and approval of the Chief Executive Officer. An assistant department head or the equivalent thereto removed from service with the County of Riverside by his or her department head shall be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six months' salary. Severance pay is not applicable to a situation involving layoff of an assistant department head.

(3) Employees in the classification of Supervisor's Senior Administrative Assistant, Supervisor's Administrative Assistant, Supervisor's Executive Secretary, Supervisor's Board Assistant, Supervisor's Legislative Assistant, and Supervisor's Office Assistant shall be appointed and serve at the pleasure (i.e. At-Will) of the individual Supervisor holding the office to which such employees are assigned. They may be terminated from service at any time by the Supervisor holding that office without notice, cause, or rights of appeal. Prior to an appointment to any of the above mentioned classifications the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status.

(4) The Local Agency Formation Commission (LAFCO) Executive Officer shall be appointed by the Local Agency Formation Commission and shall serve at the pleasure and will of the Local Agency Formation Commission. Prior to such an appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status. Such employee may be terminated from service at any time, without notice, cause or rights of appeal, by the Local Agency Formation Commission.

(5) Employees in the classification of:

37579	Assistant Sheriff
37580	Assistant Sheriff A
37581	Assistant Sheriff B
37582	Chief Deputy Sheriff
37583	Chief Deputy Sheriff A
37584	Chief Deputy Sheriff B
37624	Chief Deputy Sheriff, Director of Administrative Services

shall be appointed pursuant to the Riverside County Salary Ordinance, No. 440, and serve at the pleasure (i.e., At-Will) of the Sheriff. They may be terminated from service at any time by the Sheriff, without notice, cause or rights of appeal. Prior to the appointment to any of the above classifications the Sheriff shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status.

Any employee serving At-Will in the above classifications removed from service by the Sheriff may be entitled to one (1) months salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months salary. The specific amount of such severance pay (up to the maximum) shall be at the sole discretion of the Sheriff.

(6) Employees in the classification of:

- 73556 Deputy Director I, Public Health
- 73557 Deputy Director II, Public Health
- 74096 Deputy Director for Environmental Health
- 74612 Administrative Director, CHA
- 73513 Operations Chief, Animal Services
- 74139 Chief Finance Officer, CHA
- 73888 Chief of Medical Services, CHA

shall be appointed pursuant to the Riverside County Salary Ordinance, No. 440, and serve at the pleasure (i.e., At-Will) to the Director, Community Health Agency. They may be terminated from service at any time by the Director, Community Health Agency, without notice, cause or rights of appeal. Prior to the appointment to any of the above classifications the Director, Community Health Agency, shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status.

Any employee serving At-Will in the above classifications removed from service by the department head may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months salary. The specific amount of such severance pay (up to the maximum) shall be at the sole discretion of the Director, Community Health Agency.

ARTICLE 7
ANNUAL LEAVE

(Not Applicable to Employees in Group 4 or 6)

Sec. 701 Annual Leave:

A. Effective July 2, 1998, regular full-time and regular part-time employees, other than elected officials and employees in Group 4, covered under the provisions of this Resolution shall neither accrue vacation and sick leave nor be granted administrative leave. They shall, instead, earn Annual Leave according to each biweekly pay period of service commencing with the employee's initial anniversary date assigned to an employee during his/her latest period of County employment according to the following schedule. Absence or time not worked and part-time employment shall cause said pay period's accrual of Annual Leave credits to be reduced on a pro-rata basis.

B. Accrual Rates: (Groups 1, 3, & 5)

<u>MONTHS OF SERVICE</u>	<u>BI-WEEKLY ACCRUAL</u>
(0 to < 36 months)	8.92 hours
(36 to < 108 months)	10.46 hours
(108 or more months)	12.00 hours

Accrual Rates: (Group 2)

ALL SERVICE

Supervisor's Board Asst
Supervisor's Sr Admin Asst
Supervisor's Legislative Asst

BI-WEEKLY ACCRUAL

10.46 hours
12.00 hours
12.00 hours

C. Accrual Rates - Other: Accrual rates for employees covered under the provisions of this resolution, who have an employment agreement with the County or other benefit level approved by the Board of Supervisors, shall accrue Annual Leave at the rate determined by the County Executive Officer.

D. Vacation Conversion: Effective July 2, 1998, accrued vacation banks (including extra vacation) for current employees shall be converted to Annual Leave on an hour-for-hour basis. Any regular employee who subsequently transfers or promotes into a classification covered under the provisions of this Resolution shall have his/her accrued vacation balance similarly converted to Annual Leave on an hour for hour basis at the time of such transfer/promotion.

Sec. 702 Annual Usage: During the first twenty-six (26) pay periods of employment, employees shall be encouraged to use no less than forty (40) hours of Annual Leave and, thereafter, employees shall be encouraged to use no less than eighty (80) hours of Annual Leave in each succeeding twenty-six (26) pay periods of employment. While on Annual Leave, sick leave, holiday leave, or compensatory time off, an employee shall be compensated and receive benefits at the same rate as if he/she were on the job.

Sec. 703 Maximum Accrual: Unless otherwise approved by the County Executive Officer, all employees covered under the terms of this Resolution may accumulate annual leave to a maximum of 1,440 hours. Upon approval of the County Executive Officer, additional annual leave may be accrued to a maximum of 2,080 hours. It is the mutual responsibility of the employee and the agency/department head to assure that no employee shall exceed said maximum accrual.

A regular employee who has been employed in a position, other than a position with the County of Riverside, which has prepared him/her for an assignment to a position in the Management unit may, with prior approval of the Chief Executive Officer and the Human Resources Director at time of hire, receive credit for such previous experience in determining their Annual Leave accrual rate (and corresponding maximum accrual), including an immediate credit of Annual Leave time, and/or the period of time before Annual Leave may be taken.

Sec. 704 Annual Leave:

A. Agency/Department Heads: An agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per calendar year. Upon approval of the County Executive Officer, such agency/department head may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same calendar year provided, however, that no agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any calendar year.

B. Other Eligible Employees: An employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in

lieu of up to eighty (80) hours of Annual Leave per calendar year. Upon approval of his/her agency/department head, such employee may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same calendar year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any calendar year.

Sec. 705 Annual Leave Usage: Annual Leave may be used to restore pay otherwise lost due to absence from work for personal reasons or illness.

A. Each agency/department head shall be responsible for scheduling the Annual Leave periods of his/her employees in such a manner as to achieve the most efficient functioning of the agency/department and of the County service. The appointing authority shall determine when Annual Leave will be taken.

B. In addition, when unscheduled usage of Annual Leave occurs, verification of the reason(s) for absence may be required from the employee. Any person absent from work shall notify his/her agency/department head on the first (1st) day of such leave and as often thereafter as directed by his/her agency/department head.

C. Any employee absent for a period of five (5) consecutive workdays due to illness or accident may, at the discretion of his appointing authority or the Human Resources Director, be required to have a physical examination by a County approved physician before returning to active duty. Such physical examination shall be performed by a physician designated by the Human Resources Director and shall be at County expense.

D. Sections 705(B) and 705(C) shall also apply to the use of existing sick leave accruals.

E. Annual Leave may be used for absence reasonably required by complications of pregnancy, continuing through delivery and reasonable period of recovery therefrom, to be determined in accordance with a written report or reports of the employee's personal physician, specifying the expected date of delivery and the date that the employee should cease work. In the event the agency/department head believes there are unusual circumstances, or that the full performance of the employee's work without undue hazard is such as to require a longer period of absence, and on the agency/department head's written request to the Human Resources Director, the determination of the period shall be subject to review and change by a physician employed or provided by the County, including a medical examination of the employee if required by such physician. The cost of this examination shall be paid by the County. In no event shall an employee return to work after pregnancy prior to a date to be fixed by her physician in a signed statement that she is physically able to perform the duties of her position.

F. Medical Certification Program:

1. When in the judgment of the department head good reason exists for believing an employee may be abusing Annual Leave, the employee shall be placed on notice in writing. The employee shall also be placed on a medical certification program and be allowed paid Annual Leave by producing a certificate of a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician or proof satisfactory to the department head. Such certificate shall include a written statement signed by a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician, stating the day(s) of the illness/injury and that the illness/injury prevents the employee from being able to work.

- (a) Employees on a medical certification program shall have their annual leave usage reviewed at least annually. If the review shows substantial improvement they shall be removed from the category of having to provide the certificate for each absence.

Proof of Illness:

2. An employee off work or contemplating to be off work due to illness or injury for an extended period of two (2) weeks or more shall provide a comprehensive health statement as to length of absence from the employee's health care provider stating any duties an employee cannot perform and any restrictions or light duty requirements.

Sec. 706 Payoff Upon Retirement or Termination: Any regular employee who terminates or is terminated shall be credited with all accrued Annual Leave at the same rate as that received on the last day worked or last day of approved leave with pay.

Sec. 707 Prior Sick Leave Accruals:

A. Effective July 2, 1998, current sick leave balances shall be frozen provided, however, that up to 50% (1/2) of the sick leave balances for employees covered under the terms and conditions of this Resolution shall be converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.

B. Any regular employee who transfers or promotes into a classification covered under the provisions of this Resolution shall, at the time of such transfer/promotion, have his/her sick leave balance converted and/or frozen in the manner described in 707(A) above.

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave shall be credited at the rate of fifty (50) percent of the current salary value thereof for each such person who has had five full years of service in a payroll status provided, however, that the total payment shall not exceed a sum equal to 960 hours of full pay. Sick leave compensation resulting from death shall be made to the persons entitled to otherwise, in accordance with the Probate Code. Eligibility for a payout under this section is made at the time of separation from County employment and not at a later date.

Sec. 709 Prohibition Against Employment While on Annual Leave: No person shall be permitted to work for compensation for the County while on Annual Leave without prior approval of the Board of Supervisors and his/her agency/department head.

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three years (780 days) of continuous service, succeeds or is appointed to an appointive position without interruption of service, the Human Resources Director shall ascertain the minimum amount of continuous service rendered by such person and shall report the same to the Board of Supervisors, who shall thereupon determine the number of days of such continuous service, and the Annual Leave accrual rate shall be fixed accordingly.

Sec. 711 Exception to Continuous Service: A previous period or periods of County employment which are interrupted in such a manner as to disqualify such period or periods from being considered in computing continuous service under the provision of this Article may be included in such computation, in full or in part, upon the request of the head of the department employing the person involved, and approval by the Board of Supervisors.

Sec. 712 Elected Officials Exceptions: Elective County officers are not subject to the provisions of this Resolution relating to Annual Leave.

Sec. 713 Retention of Excess Accruals:

A. Employees covered under the provisions of this Resolution who, as the result of administrative error, have incorrect Annual Leave accrual rates which are subsequently adjusted and whose maximum accrued hours are then in excess of those provided under this Resolution, shall be entitled to maintain such maximum accruals for a period of five (5) years during which time they must reduce their maximum balance to that provided under Section 703, or forfeit the excess accrued hours.

B. Employees covered under the provisions of this Resolution who, as the result of a change in classification, are assigned to a bargaining unit represented by a recognized employee organization pursuant to the Employee Relations Resolution No. 89-350, and who have accrued Annual Leave hours, shall be permitted to maintain those accrued hours as Annual Leave. Such hours may continue to be used for vacation, sick leave or other approved leave in accordance with the provisions of this Article.

An employee who is no longer eligible to accrue Annual Leave, as the result of a change in classification to a class represented by a recognized employee organization, may continue to redeem any Annual Leave balance pursuant to Sec. 704 of this Resolution. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable collective bargaining agreement. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the collective bargaining agreement applicable to the employee's new classification.

ARTICLE 8 VACATION

(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

A. Subject to the limitations and exemptions of this section, every regular employee in a classification assigned to Group 4 shall be entitled annually to the following number of working hours of vacation with pay in accordance with the record of completion of continuous years of service:

1. Zero through 3 years (0 to < 36 months) in a payroll status, 80 hours (10 days);
2. years 4 through 9 (36 to < 108 months) in a payroll status, 120 hours (15 days);
3. years 10 or more (108 or more months) 160 hours (20 days).

Vacation shall accrue daily at the rate appropriate to the year of service. Accrued vacation may be taken only at a time or times agreeable to the agency/department head. Except as hereinafter provided, no earned vacation shall accrue in excess of the maximum accumulation. No vacation shall ever be taken for a period exceeding the maximum accumulated.

All employees covered under the terms of this Resolution may accumulate accrued vacation for not more than a maximum of 480 hours.

Upon the written request of an agency/department head showing reasonable necessity and good cause, submitted prior to the accumulation of the maximum vacation entitlement, the County Executive Officer may by order temporarily enlarge for a specific employee the maximum accumulation, by extending the period of additional vacation accrual for not more than three months, unless a different period shall be specified in the order.

B. Any person whose employment is terminated shall be entitled to pay for all earned vacation as determined under the provisions of this Resolution. For the purpose of this paragraph, vacation shall be deemed earned to the date of termination. While such terminal vacation pay shall be chargeable to the salary appropriation of the department, the position shall be deemed vacant and may be filled provided funds are available therefore. If sufficient funds are available, terminal vacation pay may be paid in full in advance at the time of termination; otherwise, all or part thereof may be paid at the same time as if it were regular compensation and the employee had not been terminated.

C. No person shall be permitted to work for compensation for the County during vacation, except with prior approval of the County Executive Officer and the agency/department head.

D. A regular part-time employee shall accrue vacation in the same proportion that working hours bear to the normal working hours of a full-time position. The same proportion shall apply in determining payment of earned vacation on termination.

E. A previous period or periods of County employment which are interrupted in such a manner as to disqualify such period or periods from being considered in computing continuous service under the provision of this Resolution, may be included in such computation, in full or in part, upon the request of the head of the department employing the person involved, and approval by the Chief Executive Officer.

ARTICLE 9 PAID LEAVE

Sec. 901 Jury Duty: Any employee who shall be summoned for attendance to any court for jury duty during the employee's normal working hours shall be deemed to be on duty and there shall be no loss of salary, but any jury fees received shall be paid into the County Treasury. Any employee who shall be called as a witness arising out of and in the course of County employment, shall be deemed to be on duty and there shall be no loss of salary, but any witness fees received shall be paid into the County Treasury, together with any mileage allowed if County transportation is used. Any employee designated non-exempt from Fair Labor Standards Act (FLSA) absent as a witness in a private matter shall not be entitled to be paid during such absence.

Sec. 902 Bereavement Leave: The County agrees to allow up to five days of leave, three of which will be paid, and the additional two days to be deducted from the employee's sick leave or Annual Leave. Eligible employees must be in an active payroll status and be compelled to be absent from duty by reason of the death, or critical illness where death appears imminent, of the employee's father, father-in-law, mother, mother-in-law, brother, sister, spouse, child, grandparent, grandchild, or step-relationships of the same categories. The County has the right to require proper documentation in support of the requested leave.

Sec. 903 Fitness for Duty: With prior approval by the Human Resources Director, a department head, or a designee, when in his/her judgment reasonable cause exists, order an employee off work until such time as the County's Employee Health Medical Director or designee determines that the employee is able to return to work without impairing the health of the public, the employee's health, or the health of the other employees in the department.

When the department head, or a designee, orders an employee off work, the Department Head shall, as soon as possible, schedule an appointment for the employee with the County's Employee Health Medical Director or designee who shall examine the employee for the sole purpose of determining whether or not the employee is able to return to work..

The cost of the above mentioned medical services shall be paid by the County and the employee shall be placed on paid Administrative Leave for that period of time between his/her placement on leave and the County's receipt of the Employee Health Medical Director's determination.

ARTICLE 10 ON THE JOB INJURY

Sec. 1001 Workers' Compensation Benefits: An employee or officer who suffers an injury or illness which entitled him to benefits under the Workers' Compensation Law, and for which he actually receives or obtains medical treatment, shall be entitled to full compensation for the first ten (10) calendar days during which he is necessarily absent from duty as the result of such injury or illness, without deduction on account of accrued sick leave or other accrued salary credits. If such absence continues thereafter, he shall be paid as salary the difference between the temporary disability payments due him under the Workers' Compensation Law and his regular compensation, to the extent of the value of his accrued sick leave or Annual Leave, including, for this purpose, the values, successively, of his accrued compensatory time off for overtime and accrued vacation credit. During a period of temporary disability and in the proportion that the employee is paid for the difference between his temporary disability payments and his regular compensation, he shall continue to accrue Annual Leave benefits at the regular rate.

The right is reserved to make later adjustments as between salary and disability benefits to conform to the Workers' Compensation Law, or to conform to later development of facts, including the right to recover any overpayments directly or from future earnings.

Sec. 1002 4850 Exclusion: The provisions of this section shall not apply to any peace officer, firefighter or similar employee as to whom the benefits of Section 4850 of the Labor Code are applicable. Sick leave, Annual Leave, vacation or compensatory time off shall not be applied to absence on account of disability under that statute. Annual Leave benefits shall continue to accrue during such disability, in accordance with the law.

In the event of substantial doubt whether temporary disability payments are payable under the Workers' Compensation Law for the disability, or doubt as to the extent thereof, payment on account of sick leave shall be withheld, except to the extent authorized by this section, until the issue is determined either by assumption of liability by the compensation insurance carrier or by adjudication of liability. In the event of substantial doubt whether the disability is compensable pursuant to Section 4850 of the Labor Code, payment of salary shall be withheld, except as to so much thereof as shall be equal to the value of accrued sick leave, Annual Leave, vacation and compensatory time off for overtime, until the issue shall be adjudicated.

Sec. 1003 Sick Leave (Applicable to Employees in Group 4 Only):

A. Accrual: Every regular part-time employee who is assigned to a classification in Group 4 shall accrue sick leave pay on a daily basis and computed at the rate of four (4) hours per pay period.

1. A regular part-time employee shall accrue sick leave in the same manner as a full-time employee.

2. Sick leave shall accrue at all times when the employee is in a paid status.

3. Accrued sick leave of any person whose employment is permanently terminated shall automatically be canceled. However, any employee whose employment is terminated while they are on sick leave shall continue to be compensated for the duration of their illness to the extent of their accrued sick leave, but after such termination shall derive no other benefits under this Resolution which result from being in a paid status. Unless the employee shall have retired, payment for sick leave continuing after termination shall be conditioned upon prior receipt of a physician's certificate or other adequate written proof of illness, and in the event of any doubt as to future duration of the illness may be paid on biweekly increments as used. If an employee receives a layoff notice, payment for sick leave shall continue conditioned upon receipt of a physician's certificate or other adequate written proof of illness given to the County prior to payment, and payment shall not continue beyond the exhaustion of accrued sick leave.

4. Sick leave may be used for absence reasonably required by complications of pregnancy, continuing through delivery and reasonable period of recovery therefrom, to be determined in accordance with a written report or reports of the employee's personal physician, specifying the expected date of delivery and the date that the employee should cease work. In the event the agency/department head believes there are unusual circumstances, or that the full performance of the employee's work without undue hazard is such as to require a longer period of absence, and on the agency/department head's written request to the Human Resources Director, the determination of the period shall be subject to review and change by a physician employed or provided by the County, including a medical examination of the employee if required by such physician. The cost of this examination shall be paid by the County. In no event shall an employee return to work after pregnancy prior to a date to be fixed by her physician in a signed statement that she is physically able to perform the duties of her position.

B. Medical Certification Program:

1. When in the judgment of the agency/department head good reason exists for believing an employee may be abusing sick leave the employee shall be placed on notice in writing. The employee shall also be placed on a medical certification program and be allowed paid sick leave by producing a certificate of a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician or proof satisfactory to the department head. Such certificate shall include a written statement signed by a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician, stating the day(s) of the illness/injury and that the illness/injury prevents the employee from being able to work.

(a) Employees on a medical certification program shall have their sick leave usage reviewed at least annually. If the review shows substantial improvement they shall be removed from the category of having to provide the certificate for each absence.

(b) Every regular employee shall be able to use accrued vacation, compensatory time, or holiday time when sick leave has been exhausted due to extended illness or injury unless they are on a medical certification program in accordance with B.1 of this section.

Proof of Illness:

2. An employee off work or contemplating to be off work due to illness or injury for an extended period of two (2) weeks or more shall provide a comprehensive health statement as to length of absence from the employee's health care provider stating any duties an employee cannot perform and any restrictions or light duty requirements.

C. Reporting Requirements: In the absence of a more stringent department policy, an employee reporting off work for sick leave usage shall call the employee's supervisor or designee within one (1) hour before or after the employee's scheduled starting time.

D. Reason for Usage: Use of accrued sick leave shall be allowed for the purpose of preventative medical, dental care, and care of the family. Family is defined to mean a spouse, child, domestic partner or his/her child, parent, brother, or sister of the employee.

E. Payout for Sick Leave: Upon retirement, disability retirement or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement System, unused accumulated sick leave shall be credited at the rate of 50 percent of the and, in no event, shall the total payment exceed a sum equal to 120 days of full pay. Sick leave compensation resulting from death shall be made to the persons entitled to otherwise, in accordance with the Probate Code.

ARTICLE 11
LEAVES OF ABSENCE
WITHOUT PAY

Sec. 1101 Air Pollution Emergency: An employee unable to work on a regularly scheduled work day due to an air pollution emergency shall be granted a leave of absence without pay for the period of the emergency unless he chooses to use his accumulated overtime credit, sick leave credit, Annual Leave credit, or holiday leave credit for the period of time he was off work due to the emergency.

Sec. 1102 Leaves of Absence - In General: An agency/department leave of absence or an official leave of absence without pay may be granted for the following reasons:

- A. Illness or disability when sick leave has been exhausted.
- B. Maternity.
- C. To take a course of study which will increase the employee's usefulness on return to the County.
- D. Personal reasons acceptable to the authority whose approval is required.

Sec. 1103 Agency/Department leave of absence: Agency/department leave of absence up to 160 hours in any one calendar year period may be granted to any employee by the agency/department head. Such leave of absence for a department head shall be granted only by the Board of Supervisors, for such period as the Board may determine. Such leave shall be reported as leave of absence via the Agency/Department's payroll. The agency/department head may require the leave of absence to be for a specified period of time and appropriate conditions may be imposed, such as providing sufficient medical documentation or other evidence substantiating the leave as required by the agency/department head.

An employee on leave of absence for illness or disability reasons will be required to present a return to work statement from the attending physician releasing the employee to full duty, prior to being allowed to return to work. Any release to less than full duty will be allowed only as accommodation as required under the Americans with Disabilities Act.

Sec. 1104 Official leave of absence: A regular employee may request an official leave of absence exceeding 160 hours, but not exceeding one year (2,080 hours). Official leave of absence may be granted upon written request by or on behalf of the employee, specifying the period and the reason, upon the written recommendation of the agency/department head and with the written approval of the Human Resources Director. Application must be made on a form supplied by the Human Resources Department in advance of the effective date of the leave, unless circumstances make such advance request impossible. If the Human Resources does not approve the request, it shall be so endorsed and returned to the agency/department head, who may present it to the Board of Supervisors. The Board's action shall be final. Any official leave of absence granted shall be for a specified period and appropriate conditions may be imposed such as the employee providing sufficient medical documentation or other evidence documenting the leave as required by the Human Resources Director or a designee.

Such leave may be extended upon further written request containing justification, therefore, such request for extension is to be processed in the same manner as the original request. In the case of a request for an extension due to illness or disability, updated information of the same kind submitted for the original request will be required.

Nothing herein shall prevent the earlier return to duty by the employee, except the agency/department head may require two weeks advance notice of the employee's intention to return.

The Human Resources Director shall be promptly notified of the return of any employee from an official leave of absence. The Board of Supervisors shall have the right to cancel or revoke a leave of absence previously granted.

Sec. 1105 Military Leave: Absences on account of military duty are governed by provisions of United States Code Title 38, Chapter 43 and the California Military and Veterans Code.

Sec. 1106 Abandonment/Automatic Resignation:

A. Absence without leave of any employee, whether voluntary or involuntary, for five consecutive working days is an automatic resignation from County service, providing the employee upon written agency/department notification does not respond to the agency/department and/or does not provide a satisfactory explanation for the absence and his/her failure to obtain an approved leave. The notification to the employee must be in writing prior to the department finalizing the resignation and must contain an opportunity within three working days of service for the employee to respond. A second notice, after the time to respond has passed or after the employee has given an unsatisfactory explanation, must be sent to the employee stating the effective date of the abandonment/automatic resignation. Notices may be personally served or served by first class mail (return receipt requested) to the last known address of record of the employee and are complete upon mailing or hand delivery.

B. An employee may, within 10 calendar days of service of the second letter from the department, request in writing reinstatement from the Human Resources Director. If denied by the Human Resources Director, the employee may file a further appeal with the Human Resources Director, or designee, within ten (10) working days from service of the denial of reinstatement. Reinstatement may be granted only if the employee makes a satisfactory explanation for the absence and/or the failure to obtain an approved leave of absence, and the neutral finds the employee is ready, able, and willing to resume the discharge of the duties of the position.

1. Appeals shall be heard by a mutually agreed upon third party neutral (herein referred to as a neutral). The neutral's decision may be verbal or in writing. The decision of the neutral shall be binding on both parties, neither of which shall have the right of further appeal.

2. Only the employee and one (1) non-attorney representative, the agency/department head or a designee, and the Human Resources Director or a non-attorney designee shall take part in the presentation of any appeal, unless the employee is an attorney who is self represented. Nothing herein shall prevent an attorney testifying to facts of which the attorney has personal knowledge and that which the attorney may be competent to testify.

3. The appeal hearing and disposition of the appeal shall be informal, the object being to settle the appeal promptly by the parties. The parties shall have the right to offer evidence by witnesses at the hearing subject to the discretion of the impartial party. The neutral may consult with witnesses informally and otherwise investigate the controversy.

4. The judgment of the neutral shall be rendered within five (5) working days of submission of the controversy to them. Provided, however, the parties may mutually agree to extend the time in which the judgment may be rendered.

5. The neutral's authority shall be limited to deciding the issues submitted by the parties. The neutral shall have no jurisdiction or authority to add to, delete from, or modify any written provisions of this Resolution.

6. The cost for the service of the neutral, if any, shall be borne by the County. The cost of transcripts, if any, and the hearing room will be borne equally by the parties.

ARTICLE 12 DISCIPLINARY PROCEDURE

Sec. 1201 Applicability:

A. The provisions of this Article do not apply to:

1. At-will employees covered under the provisions of this Resolution.
2. Employees who have not completed an initial probationary period with the County of Riverside.
3. Permanent employees serving a promotional probationary period when such disciplinary action does not affect any vested rights.

As used in this procedure, "disciplinary action" means dismissal, demotion, reduction in compensation, suspension or written reprimand in lieu of suspension (for FLSA exempt employees only which shall for all purposes have the effect of the equivalent suspension) of an employee.

B. The appointing authority may dismiss, demote, suspend, demote and suspend, or impose any other disciplinary action on a probationary employee during the probationary period. Unless such action affects the vested rights of a permanent employee serving a promotional probationary period, no hearing shall be held on any disciplinary action affecting a probationary employee.

Sec. 1202 Cause for Action: Any of the following acts of an employee who has permanent status shall be good cause for dismissal, demotion, reduction in compensation, suspension, or any other action taken for disciplinary reasons:

- a. Dishonesty;
- b. Incompetence;
- c. Inefficiency or negligence in performance of duties;
- d. Neglect of duty;
- e. Insubordination;
- f. Willful violation of an employee regulation prescribed by the Board of Supervisors or the head of the department in which the employee is employed;
- g. Absence without leave;
- h. Conviction of either a felony, or any offense, misdemeanor or felony, involving moral turpitude, or any offense in connection with or affecting the employee's duties other than minor traffic violations. Conviction means a plea of guilty or nolo contendere or a determination of guilt in a court of competent jurisdiction;

- i. Discourteous treatment of the public or other employees;
- j. Political activity in violation of federal or state law;
- k. Physical or mental unfitness to perform assigned duties;
- l. Making a material misrepresentation in connection with obtaining or maintaining employment or position;
- m. Conduct either during or outside of duty hours which adversely affects the employee's job performance or operation of the department in which he is employed.
- n. Failure to maintain the license, registration, certificate, professional qualifications, education, or eligibility required for the employee's classification when the failure of the employee to maintain such requirements adversely affects the employee's ability to perform his or her job or the performance of the department. The department shall prescribe procedures to insure that employees affected by the requirements are informed of them.
- o. Substance abuse in violation of the County of Riverside Alcohol and Drug Abuse Policy.
- p. Violation of the County's Workplace Violence, Threats and Securities Policy.
- q. Violation of the County's Harassment Policy.

Sec. 1203 Investigatory Leave of Absence: Pending investigations by the agency/department head of accusations against an employee alleging employee misconduct, the Department Head, with the approval of the Human Resources Department, may place the employee on a leave of absence for a period of time not to exceed fifteen (15) working days with pay.

If the investigation is not completed within the fifteen (15) days referenced above, the leave of absence may be extended to a combined maximum of ninety (90) calendar days with approval by the Human Resources Director. In such cases, and except for good cause as determined by the Human Resources Director, the department head will notify the employee in writing as to what specific allegations are being investigated. Additional leave may be granted subject to the approval of the Human Resources Director. In the event the Human Resources Director does not approve the request for additional leave, the employee shall be returned to duty pending the completion of the investigation and the imposition of any disciplinary action provided, however, the department head may alter the employee's duties or assignment until the investigation is completed when he/she determines it is in the County's best interest. Except for investigations of employment related issues that are also the subject of on-going criminal investigations, leave shall not extend beyond a maximum of one hundred eighty (180) days.

Sec. 1204 Written Order for Demotion, Suspension, Reduction in Pay, Dismissal: The continuing employment of every permanent employee shall be contingent upon good behavior. Any such employee may be dismissed, demoted, suspended, reduced in pay, or demoted and suspended for cause by the appointing authority in the following manner:

A. The appointing authority shall serve upon the employee a Notice of Proposed Disciplinary Action stating the nature of the proposed action and its effective date. Such Notice shall also set forth in writing the reasons for the proposed disciplinary action, a statement of the charges upon which the action is to be based, a notice to the employee that he/she has the right to review the materials being used against him/her, and a statement advising the employee that he/she has the right to respond to the charges.

B. Within seven (7) working days from receipt of the Notice of Proposed Disciplinary Action, unless additional time is otherwise specified by the appointing authority, the employee may respond to the County's proposed action. Such response may be presented orally or in writing.

C. At the completion of the period described in (B) above, the appointing authority shall review the employee's response, if any, and make a determination whether to dismiss, sustain, or amend the proposed disciplinary action. If the appointing authority decides to amend or sustain the proposed action, the employee will be served with a Notice of Disciplinary Action again setting forth in writing the reasons for disciplinary action and offering a statement of the charges upon which the action is based. The Notice of Disciplinary Action shall also advise the employee that the action being taken is final, and apprise him/her of the right to appeal that action to the Human Resources Director, or designee within ten (10) working days of the date the letter is served on the employee.

Sec. 1205 Amended Notice of Disciplinary Action:

A. At any time before an employee's appeal is submitted to the neutral for decision, the appointing authority may, with the consent of the Human Resources Director, or designee, serve on the employee and file with the Human Resources Director, or designee an amended or supplemental notice of disciplinary action.

B. If the amended or supplemental notice presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense thereto. The employee shall not be required to file a further appeal. Any objections to the amended or supplemental causes or allegations may be made orally or in writing at the hearing.

Sec. 1206 Limitations:

A. Suspension of an employee shall not be for more than forty (40) working days. Suspension of an employee who is exempt from the Fair Labor Standards Act shall be imposed in accordance with the provisions of the Act.

B. Reduction in compensation under this section shall consist only of a change within the salary range from the existing step to a lower step for a specified duration of one or more full pay periods, but not to exceed thirteen (13) pay periods. Reduction in compensation shall not be used as a disciplinary measure for employees who are exempt from the Fair Labor Standards Act.

Sec. 1207 Appeals: An employee may appeal any disciplinary action taken against the employee. The appeal shall be in writing and filed with the Human Resources Director, or designee within ten (10) working days after the date of notification against which the appeal is made. An appeal shall:

- a. Be accompanied by a copy of intent and final decision notice of disciplinary action served on the employee;
- b. A brief statement of the facts and reasons for the appeal; and,
- c. A brief statement of the relief requested.

Sec. 1208 Waiver: If an employee fails to appeal the disciplinary action within the time specified, or after appealing, withdraws the appeal, the right to review is waived. Further, after an appeal is filed if the employee, or his/her representative, fails to take the next step to advance the appeal at any point in the process for ninety (90) days the appeal is deemed to be withdrawn and the right to review is waived.

Sec. 1209 Hearing Procedure - Minor Discipline:

A. When disciplinary action results in a suspension of eighty (80) working hours or less, a pay reduction equal to eighty (80) hours of less of gross salary, or a written reprimand in lieu of suspension of eighty (80) hours or less, the appeal shall be determined under the following provisions:

1. Appeals shall be heard by a third party neutral (hereinafter referred to as a neutral agreed to by the parties). The neutral's decision may be verbal or in writing. The neutral's decision shall be binding on both parties.
2. Only the employee and one (1) non-attorney representative and the agency/department head or a designee and the Human Resources Director or a non-attorney designee shall take part in the presentation of any appeal, unless the employee is an attorney who is self represented. Nothing herein shall prevent an attorney testifying to facts of which the attorney has personal knowledge and that which the attorney may be competent to testify.
3. The appeal hearing and disposition of the appeal shall be informal, the object being to settle the appeal promptly by the parties. The parties shall have the right to offer evidence by witnesses at the hearing subject to the discretion of the impartial party. The neutral may consult with witnesses informally and otherwise investigate the controversy.
4. The judgment of the neutral shall be binding on both parties neither of which shall have the right of further appeal.
5. The neutral may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action imposed to be greater than in Section 1204(A) herein.
6. The judgment of the neutral shall be rendered within five (5) working days of submission of the controversy to him/her. Provided, however, the parties may mutually agree to extend the time in which the judgment may be rendered.
7. The neutral's authority shall be limited to deciding the issues submitted by the parties. The neutral shall have no jurisdiction or authority to add to, delete from, or modify any written provisions of this Resolution.
8. All costs for the service of the neutral, if any, shall be borne by the County. The cost of the transcripts, if any, and the hearing room shall be borne equally by the parties.

Sec. 1210 Hearing Procedure - Major Discipline:

A. Appeals filed in cases of termination suspension exceeding eighty (80) working hours or pay reductions exceeding eighty (80) hours of gross salary shall be heard by a third party neutral.

B. The parties shall select a neutral from a list of five neutrals approved by the Human Resources Director. The neutral shall be selected by the striking method. The only remaining name after the striking process shall serve as the neutral. If unable to agree on who should strike first, the first name shall be struck by the party winning the toss of a coin. If the neutral chosen is unable to serve within a time frame acceptable to both parties, the last name struck will serve as the neutral.

- C. The hearing shall be set by the Human Resources Director, or designee, or designee, and employee representative, or employee, within a reasonable period based on the neutral's availability and other scheduling factors.
- D. The employee and the agency/department head may be represented by counsel or other representative.
- E. It shall be the duty of any County Officer or employee to attend a hearing and testify upon the written request of the employee, the agency/department head, or the neutral, provided reasonable notice is given the department employing the officer or employee. The Human Resources Director, or designee shall arrange for the production of any relevant County record. The neutral is authorized to issue subpoenas.
- F. All appeal hearings involving the dismissal of an employee shall be reported by a stenographic reporter. All other appeals need not be reported but either the employee or the Department Head may, at their own expense, provide a reporter for the hearing.
- G. The expenses of the neutral shall be paid by the County. The cost of transcripts, if required, shall be shared equally by the parties. Each party shall make arrangements for and pay expenses of witnesses that are called by such party, except that any County employee called as a witness shall be released from work without loss of compensation or other benefits to attend the disciplinary hearing.
- H. Any hearing expense incurred as the result of a postponement or cancellation of a hearing shall be borne by the postponing or canceling party.
- I. Within 21 days following the submission of the appeal, the neutral shall submit written findings of fact, conclusions of law, and the decision to the parties together with a copy of the appeal and a summary of the evidence taken at the hearing. The decision of the neutral shall be final subject to the right of either party to seek judicial review under Section 1094.5 of the California Code of Civil Procedure.
1. The neutral shall confine the decision to issues raised by the statement of charges and responses. The neutral shall act in judicial, not legislative manners. The neutral shall not amend, modify, nullify, ignore, add to or subtract from the provisions of the Memorandum but, rather, shall interpret and apply its terms.
 2. The neutral will not substitute his/her discretion and judgment for that of management for sustained charges unless the neutral finds that discrimination, unfairness, capriciousness, or arbitrary action by the County is proven.
 3. In the case of suspension/reduction in compensation or demotion, if the action is modified or rescinded, the appellant shall be entitled restoration of pay and/or fringe benefits in a manner consistent with the neutral decision.
 4. In the case of discharges, if the neutral finds the order of discharge should be modified, the appellant shall be reinstated to a position in the classification held immediately prior to discharge subject to forfeiture of pay and fringe benefits for any period of suspension imposed by the neutral.

5. If the neutral finds the order of discharge should be rescinded, the appellant shall be reinstated to a position in the classification held immediately prior to discharge and shall receive pay and fringe benefits for all of the period of time between the discharge and reinstatement.

6. The County shall not be liable for restoring pay and fringe benefits for any period(s) of time the appellant was reduced or removed from duty which results solely from the appellant's request for written briefs in the arbitration proceedings.

7. Restoration of pay benefits shall be subject to deduction of all unemployment insurance and outside earnings which the appellant received since the date of discharge which would not have been earned had the appellant not been disciplined. The appellant shall supply such outside employment earning records during the period of time in question when requested.

8. The neutral shall render findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to advise a reviewing court of the basis for the neutral's decision. If the neutral fails to do so either party may request in writing within thirty (30) days of the issuance of the decision that the neutral render such findings.

Sec. 1211 Evidence and Procedures Applicable to All Hearings:

A. Hearings need not be conducted according to technical rules of evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

B. Hearsay evidence shall be admitted and may be used for the purposes of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support disciplinary action as defined in Section 1.a. herein, unless it is the type of hearsay admissible over objection in a civil action. The rules of privilege shall apply to the same extent to which they are recognized in civil actions.

C. Irrelevant and unduly repetitious evidence shall be excluded.

D. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. In addition, communications between Human Resources Department employees, non-attorney advocates, Management or employees of County departments involved in an arbitration, and communications between the union representative and the employee who is the subject of a personnel action shall be confidential and not subject to disclosure in a personnel hearing.

E. Oral evidence shall be taken only on oath or affirmation. Any written statements, declarations, or affidavits admitted as evidence shall be made or sworn under penalty of perjury.

F. Employees not testifying in their behalf may be called and examined as on cross-examination.

G. The employee and the agency/department head shall have these rights:

1. To call and examine witnesses;
2. To introduce exhibits;
3. To cross-examine opposing witnesses on any matter relevant to the issue, even though the matter was not covered in the direct examination;
4. To impeach any witness regardless of which party first called the witness to testify; and
5. To rebut any derogatory evidence.

H. The hearing shall be a private proceeding among the County, the employee and the employee organization.

I. The intention of the parties is that appeals be adjudicated as efficiently and economically as possible. Historically the County has found that the use of legal counsel in the appeal process can result in excessive delays, longer hearings, and increased costs. The parties to a disciplinary appeal hearing hereby commit to instructing their legal counsel to conform to the intention of this Resolution and to take all necessary steps to expedite the appeal hearing and minimize the cost of the hearing.

In cases involving hearings in excess of three (3) days the parties must engage in a case management process with the neutral. The case management meeting must be held at least thirty (30) days prior to the first scheduled date for the hearing and may be held telephonically. The neutral shall consider:

- (a) the simplification of the issues,
- (b) the possibility of obtaining admissions which might facilitate the hearing,
- (c) the quantum of damages, in the appropriate case,
- (d) any preliminary application by either party,
- (e) any other matters that may aid in the disposition of the action or the attainment of justice.

At the case management conference the neutral may, whether or not on the application of a party, order that:

- (a) a party file and deliver, within a fixed time, to each other party as specified by the neutral, any relevant documents,
- (b) any preliminary applications be brought within a fixed time or by a specified date,
- (c) a statement of agreed facts be filed within a fixed time or by a specified date,
- (d) a party deliver a written summary of the proposed evidence of a witness within a fixed time or by a specified date,
- (e) experts who have been retained by the parties confer, on a without prejudice basis, to determine those matters on which they agree and to identify those matters on which they do not agree,
- (f) the hearing be adjourned,

and, on making an order the neutral may give other directions that he/she thinks just or necessary.

If the neutral, upon application by either party to the appeal hearing, determines that legal counsel for the other party has unnecessarily prolonged the hearing and/or increased the cost of

the hearing beyond the reasonable expectations of the parties at the commencement of the hearing then the neutral is authorized to impose sanctions on the offending party including, but not limited to, ordering such offending party to pay all or part of the non-offending party's increased costs of the hearing, to pay all or part of the non-offending party's attorney fees, to pay all or part of the non-offending party's cost of the neutral, to pay all or part of the non-offending party's costs of the transcripts, or such other relief that the neutral deems appropriate in the circumstances.

Sec. 1212 Non-Discrimination: Disciplinary actions shall be taken without regard to race, color, national origin, religion, sex, age, or functional limitation.

ARTICLE 13 HOLIDAYS

Sec. 1301 Paid Holidays:

A. Only regular and probationary employees in a current paid status shall be eligible for paid holidays.

B. County Holidays:

January 1, New Year's Day
Third Monday in January, Martin Luther King, Jr.
February 12, Lincoln's Birthday
Third Monday in February, Washington's Birthday
Last Monday in May, Memorial Day
July 4, Independence Day
First Monday in September, Labor Day
Second Monday in October, Columbus Day
November 11, Veterans' Day
Fourth Thursday in November, Thanksgiving Day
(unless otherwise appointed)
Friday following Thanksgiving
December 24 and 31 when they fall on Monday
December 25, Christmas Day
December 26 and January 2, when they fall on a Friday
Friday preceding January 1, February 12, July 4, November 11 or December 25, when such date falls on Saturday; the Monday following such date when it falls on a Sunday.

(NOTE: Effective January 1, 1999, the Birthday Holiday is no longer granted to employees covered under the provisions of this Resolution.)

C. A new employee whose first working day is the day after a paid holiday shall not be paid for the holiday.

D. An employee who is terminating employment for reasons other than paid County retirement, and whose last day as a paid employee is the day before a holiday, shall not be paid for that holiday.

E. An employee who is on a leave of absence without pay for either the regularly scheduled working day before the holiday, or the regularly scheduled working day after the holiday shall not be paid for the holiday.

F. Regular, FLSA nonexempt employees covered under the provisions of this Resolution who are regularly scheduled to work on a paid holiday shall be paid at their regular rate for the time actually worked.

Regular, FLSA nonexempt employees covered under the provisions of this Resolution whose regularly scheduled day off falls on a paid holiday, but who are called in to work on such holiday, will be compensated for all hours actually worked.

In addition, such employee shall have a choice of:

1. Receiving compensatory holiday time off not to exceed eight (8) hours for such holiday or;
2. Being paid for the holiday at the regular rate of pay not to exceed eight (8) hours.

An employee with accumulated holiday credit may, and if requested by the agency/department head shall, within seven (7) days specify the dates of at least three (3) working days during the next two (2) succeeding pay periods that the employee desires to take as compensatory holiday time off. The agency/department head may authorize compensatory holiday time off for all or any portion of the dates specified, but shall authorize at least one of the three (3); provided however, that if in the agency/department head's judgment, such day or days will create a demonstrable hardship to the agency/department; in that event, the employee, within seven (7) days after notification by the Agency/ Department Head, shall specify three (3) other working days at least one (1) of which shall be granted. Unless otherwise agreed to by the employee, the head shall not authorize time off less than eight (8) hours. If an employee, after being requested by the agency/department head, refuses or neglects to specify the time they desire to take as compensatory holiday time off, as herein provided, the agency/department head may schedule compensatory holiday time off for the employee.

G. A regular part-time employee shall only receive compensatory holiday pay for the holiday or portion thereof which coincides with their regularly scheduled working hours.

H. A full-time employee whose regularly scheduled day off falls on a paid holiday shall be entitled to equal compensatory holiday time off for such a holiday.

I. When a Holiday falls on a normal workday and the employee does not work, the employee shall be paid for not more than eight (8) hours of Holiday Pay. An FLSA non-exempt employee on an alternative work schedule of more than eight (8) hours a day shall use accrued vacation, holiday time or compensatory time off to make-up the required hours in excess of eight (8).

ARTICLE 14
LAYOFF AND REINSTATEMENT

Sec 1401 Seniority:

- A. Definition of Seniority: Seniority shall be defined as the length of an employee's continuous service with the County, in a regular position, and is based on most recent date of hire.
- B. Definition of Department: Department, for the purposes of this procedure, shall be defined as an agency, department, or district of the County which is set out in County Ordinance No. 440.
- C. Whenever more than one employee in a department has the same most recent date of hire, seniority shall be determined in the following order: hours of County service from the most recent date of hire, seniority in classification, and seniority in the department or agency.
- D. Except as otherwise provided in this procedure, an employee shall lose seniority upon resignation, retirement, termination, or removal from all departmental reinstatement lists.

Sec. 1402 Reduction in Force:

- A. When it becomes necessary to reduce the work force in a department, the department head shall designate the job classification(s) to be affected, and the number of employees to be eliminated within the department. No regular employee shall be laid off in any job classification if there are temporary employees or seasonal employees in an active status in the same job classification within the department. It is not the intention of the County to use per diem employees for a replacement of regular laid off employees.
- B. Any reduction in the number of regular employees holding a job classification designated by an agency/department head for layoff shall be made in the following order of employment status:
 - 1. Temporary promotion employees (return to former class);
 - 2. Probationary new employees;
 - 3. Probationary transfer employees;
 - 4. Probationary promotional employees;
 - 5. Regular employees.
- C. Layoffs of employees within each classification shall be based primarily on date of hire, with the least senior employees being laid off first. Whenever an agency/department head believes the best interest of the County requires the retention of an employee with special qualifications, skills, abilities or fitness for his/her position, the agency/department head may prepare a written request to the Human Resources Director to grant an exception to the order of layoff. Subsequent to conducting a review of the request, the Human Resources Director shall forward the request, together with his/her recommendation, to the County Executive Officer for final action. An employee who is laid off out of seniority shall be given written notice of this action.
- D. After consultation with the Human Resources Director or a designee, the agency/department head shall give notice to each regular employee affected by a reduction in force at least fourteen (14) days prior to the effective date of the action. A list containing the names of the employees to be laid off shall be given to the Human Resources Director. The notice shall include:

1. The reason for layoff;
2. The effective date of the action;
3. If laid off out of seniority.

E. If an employee who has received official notice of layoff has previously held regular status in another job classification in the County, and was not removed therefrom for disciplinary reasons, such employee shall, upon request, be given a transfer or demotion within the department to such other classification in lieu of layoff unless such action cannot be accomplished without authorization of another position or displacement of an employee with greater seniority, and only if it can be accommodated with the positions funded under the layoff plan. The affected employee must request such transfer or demotion within seven days of written notification of layoff by personal delivery or mailing of a certified letter.

Regular employees who elect to demote under this provision shall be placed on the step nearest their present salary within the range of the class to which they are demoting provided such step shall not exceed present salary.

Sec. 1403 Reassignment:

A. An employee not expected to be laid off may in lieu of reassignment elect to be laid off and be placed on the Departmental Reinstatement List if both of the following conditions exist:

1. The employee is being reassigned to a position previously occupied by an employee who was laid off within twenty (20) working days of the effective date of the reassignment; and
2. If the new work location is more than 40 miles from the employee's current work location or the employee's home, whichever is closer.
3. An employee who chooses to be laid off and have their name placed on the Departmental Reinstatement List under this section shall notify the department in writing of the decision at least three (3) working days prior to the effective date of reassignment. Such layoff shall be on the same date as the reassignment would have been effective.

Sec. 1404 Employment Counseling and Referral: Prior to the effective date of layoff, every employee given notice of layoff for a period of time longer than one (1) pay period, may schedule an employment counseling session with the Human Resources Department for assistance in determining other employment opportunities within the County for which the employee may qualify.

A. Only employees who have either been given layoff notices or are currently on a reinstatement list shall be referred first to any department requesting a recruitment for classifications from which the employees were laid off.

B. Employees who meet the minimum qualifications and have either been laid off or have been given layoff notices shall be referred first to departments requesting recruitments for all other classifications.

C. Departments are required to notify Human Resources in writing why these candidates are unacceptable before outside candidates will be referred.

Sec. 1405 Departmental Reinstatement List:

A. The name of every regular employee who is laid off, transfers or demotes in the same department to a formerly held classification for longer than one (1) pay period due to a reduction in force, or who is laid off in lieu of reassignment under subsection (C) above, shall be placed on Departmental Reinstatement Lists for all classifications of a currently equal or lower salary range in which the employee ever held regular status, provided the department is allocated any positions of such classifications.

B. Any vacancy to be filled within a department shall be offered first, in order of greatest seniority, to individuals named on the Departmental Reinstatement List for the classification of the position to be filled.

C. An employee's name shall be removed from Departmental Reinstatement Lists, for specific classifications, for any of the following reasons:

1. The expiration of two (2) years from the date of placement on the list.
2. Failure to report to work within seven (7) days of mailing of a certified letter containing a notice of reinstatement to a position which is less than forty (40) miles from the last work location or the employee's home, whichever is closer.
3. Failure to respond within seven (7) days of mailing of a certified letter regarding availability for employment. It shall be the responsibility of the employee to notify their department head, in writing, of the employee's current mailing address.
4. Request in writing to be removed from the list.

Sec. 1406 Status on Reinstatement: Reinstatement is defined as recall by the same department, from a Departmental Reinstatement List, into a regular position. Upon reinstatement, the employee shall be entitled to:

A. Restoration of all sick leave credited to the employee's account on the date of layoff.

B. Continuation of seniority.

C. Credit for all service prior to layoff for the purpose of determining the rate of accrual of Annual Leave.

D. Placement on the salary range at the previously held step prior to layoff or reduction, or the step which is nearest the employees current pay rate, whichever is higher, with the employee's hours in a step being the same number of hours which the employee had at the time of layoff.

Sec. 1407 Reemployment:

A. Status on Reemployment: Reemployment is defined as being employed by the same or other department into a regular position, only while on the reinstatement list, other than that from which the employee had reinstatement rights to. If reemployed while the employee's name is current on any reinstatement list, the employee shall be entitled to:

1. Restoration of all sick leave credited to the employee's account on the date of layoff.
2. Continuation of seniority shall be credited to the employee upon successful completion of the applicable probationary period.
3. Credit for all service prior to layoff for the purpose of determining the rate of Annual Leave accrual.

ARTICLE 15
SPECIAL ADJUSTMENTS & DIFFERENTIALS

Sec. 1501 Special Medical Care Assignments:

A. Critical Care: Any Assistant Director of Nursing Education or Assistant Director of Nursing Services shall be entitled to a salary differential of \$2.00 per hour above their regular rate of pay when assigned in the following critical care areas:

Coronary Care Unit (CCU)	Labor and Delivery
Dialysis	Neuro Intensive Care Unit (Neuro ICU)
Emergency Room (E.R.)	Operating Room (O.R.)
Intensive Care Unit (ICU)	Peds Intensive Care Unite (Peds ICU)
Intensive Care Nursery	Recovery Room

No critical care differential will be paid for working in the critical care area (as herein defined) unless proof of certificate, as required, is on file with the Human Resources Officer at the Riverside County Regional Medical Center. Newly hired employees must have or obtain required certification prior to receiving any critical care differential. The Nursing Office, Human Resources Officer and/or Staff Development Office will advise all Registered Nurses working in critical care areas as to their status of certification. This shall include certificates needed and names, dates, time(s), and places when courses will be given.

B. Psychiatrist - Mental Health Medical Program: In accordance with Section 621 and 522 of Title 9, California Administrative Code, when the Program Chief, Mental Health Service position is vacant or if occupied by a non-medical incumbent, the Mental Health Director may assign medical program responsibility for all those acts of diagnosis, treatment, or prescribing or ordering of drugs which may only be performed by a licensed physician to the incumbent of a Psychiatrist position who shall then be compensated at **an hourly rate which is 8.3% above the regular rate of pay while performing these services.** ~~at the rates applicable to the range which is fifteen (15) ranges higher than specified for such a Psychiatrist position.~~

C. Engineering, Survey, Architect Licensure: The incumbent of a professional engineering position who is not required by the classification plan to be registered, but who is registered as a Professional Engineer by the State of California, shall be compensated at the rates applicable to the range which is ten (10) ranges higher than that specified for such position, at the option of the employee's department head.

D. Special Assignment of Attorneys: The incumbent of a Deputy County Counsel IV, of the County Counsel's Office, who has demonstrated exceptional performance of the most difficult and responsible legal work assignments and who is assigned supervisory responsibilities over a unit within the division may be compensated at a rate which is approximately six percent (6%) higher than that specified for such a position OR at a range midway between the salary ranges for the classes of Deputy County Counsel IV and Principal Deputy County Counsel, whichever is less. Such additional compensation 1) shall be at the discretion of the department head, 2) shall not be deemed a promotion, and 3) shall be limited to eight (8) or fewer Deputy County Counsel IV positions.

The incumbent of a Deputy Public Defender IV position, of the Public Defender's Office, who has demonstrated exceptional performance of the most difficult and responsible legal work assignments and/or who is assigned supervisory responsibilities over a unit within a division may be compensated at a rate which is approximately six percent (6%) higher than that specified for such a position OR at a range midway between the salary ranges for the classes of Deputy Public Defender IV or a Supervising Deputy Public Defender, whichever is less. Such additional compensation 1) shall be at the discretion of the department head, 2) shall not be deemed a promotion, and 3) shall be limited to ten (10) or fewer such Deputy Public Defender IV positions.

ARTICLE 16 ALCOHOL AND DRUG ABUSE POLICY

The Board of Supervisors Policy C-10 was enacted to eliminate substance abuse and its effects in the workplace. The policy provides that employees shall not be under the influence of alcohol or drugs while on duty or on a standby or an on-call status; or consume alcohol or illicit drugs while on County property or at work locations or while on duty; or possess controlled substances or prescription drugs without a prescription while on duty. Employees shall not: manufacture, sell, provide, distribute, or dispense prescription drugs or controlled substances to any other employee or to any person while on duty unless authorized by law; or sell, provide, distribute, or dispense alcohol to any other employee while such employee is on duty.

Employees are expected to be familiar with and comply with Policy C-10, which is included in this Memorandum by reference.

For reasonable cause, management may condition further employment on successful passage of a drug or alcohol test. A refusal to test shall be considered a positive result.

ARTICLE 17
FLEXIBLE BENEFIT PROGRAM AND OPTICAL

Sec. 1701 Flex Benefits Programs.

A. Contributions: The County shall contribute \$128.00 per month on behalf of each eligible retiree and such retiree's dependents enrolled in one of Riverside County employee medical and hospital plans, toward the payment of premiums for health insurance.

The County's monthly Flexible Benefit contribution for current, regular employees covered under the provisions of this Resolution, which is to be used towards the eligible cafeteria plans, shall be as follows:

<u>GROUP</u>	<u>MONTHLY CONTRIBUTION</u>		
	Eff. PP 25-03.	Eff. PP 25-04	Eff. PP 25-05
1 (Elected Officials)	\$475.50	\$525.50	\$578.50
2 (Board Assts.)	\$407.00	\$454.00	\$510.00
3 Managers	\$407.00	\$454.00	\$510.00
4 Confidential	\$407.00	\$454.00	\$510.00
5 Other	\$407.00	\$454.00	\$510.00

B. Plan Selection Requirement. Employees whose last hire date is on or after November 13, 2003 will be required to select a medical plan as part of their Flexible Benefit election each year, and will not have the option of waiving all medical coverage. Those who fail to timely elect medical coverage will be placed in the lowest-priced employee-only medical plan available.

C. Waiving Medical Coverage. Employees whose most recent hire date is prior to November 13, 2003 will have the option of waiving medical coverage if they provide proof of coverage under another group medical plan. The County's Flex Contribution available for other benefits or cash will be increased by \$30 per month to \$367.50 effective pay period 25-03 (pay date December 10, 2003), and will remain at that level for those employees who waive medical coverage. As a result, the fee for waiving will be \$39.50 effective Pay Period 25-03, \$86.50 effective Pay Period 25-04, and \$142.50 effective Pay Period 25-05.

Employees electing not to take hospital and medical health insurance coverage must provide evidence of hospital and medical health plan coverage from their spouse or other sources and sign a statement that they are enrolled and covered under another hospital and medical health plan. Evidence is defined as a dated certificate of coverage, plan enrollment card, policy, etc. Notice of waiver form showing other hospital and medical coverage shall be received by the Human Resources Department within sixty days from date of hire, and annually during Open Enrollment.

While qualifying employees may waive medical coverage, one of the flexible benefit options must be taken (medical, dental or Flexible Spending Account) to receive cash back.

D. Cash Back. If monies remain after deduction of elected benefits, said monies may be taken in cash back to the aggregate total of options selected and cash.

For example:

Group 3 Monthly Contribution	\$407.00
Health Insurance Premium for single party as of 12/11/03	206.00
Cash Back	<u>201.00</u>
Total	\$407.00

If monies remain after waiver of health insurance and deduction of other elected benefits, said monies may be taken in cash back:

For example:	
Health Care FSA	\$20.00
Cash Back	<u>347.50</u>
Total	\$367.50

E. Flex for Part-Time Employees. Part-time regular employees hired after January 11, 1990, or current employees who become part-time regular employees are eligible for the Flexible Benefit on the following basis:

Employees working 20 to 29 hours per week, 50% of the applicable County of Riverside Flexible Benefits Program contribution for full-time regular employees per month per employee.

Employees working 30 to 39 hours per week, 75% of the applicable County of Riverside Flexible Benefits Program contribution for full-time regular employees per month per employee.

Section 2. Optical Insurance. The County provides an optical plan to employees covered under the provisions of this resolution with no premium cost to the employee. Such optical plan is not part of the Flexible Benefits Program described under the provisions of this Article.

ARTICLE 18 DISCRIMINATION COMPLAINT PROCEDURE

The County has established a strong commitment to prohibit and to prevent unlawful harassment and/or discrimination in employment, and has set forth a procedure for investigating and resolving internal complaints in Board of Supervisors Policy C-25, which policy is included in this Memorandum by reference.

ARTICLE 19 VOLUNTARY TIME-BANK

Sec. 1901. Any department considering establishing a Time-Bank for its eligible employees shall follow the guidelines below:

A. Definition of eligible employees. Only employees in budgeted ("regular") positions are eligible to participate in the Riverside County Voluntary Time-bank Policy.

B. Definition of catastrophic illness or injury. Catastrophic illness or injury is a severe illness or injury which is expected to completely and totally incapacitate the employee for at least two (2) weeks and which creates a financial hardship because the employee has exhausted all

accumulated leave at the time the application is submitted. Catastrophic illness or injury is further defined as a debilitating illness or injury of an immediate family member (i.e., the spouse, son, daughter, step-son, step-daughter, foster-son, foster-daughter, parents, grandparents, brother or sister of the employee or any other person living in the immediate household of the employee) that results in the employee being required to take time off from work for at least two (2) weeks to care for the family member creating a financial hardship because the employee has exhausted all accumulated leave at the time the application is submitted.

C. Conditions and procedures under which a Time-Bank for catastrophic illness/injury may be established.

1. Only the agency/department head, upon concurrence from the Human Resources Director, may request establishment of a Time-Bank for an employee within the department who is suffering a financial hardship due to a catastrophic illness or injury.

2. When the agency/department head has determined that an employee would benefit from the establishment of a Time-Bank, the agency/department head will contact the employee to determine if the employee desires to participate in a Time-Bank program. If the employee desires to participate in the Time-Bank program, the agency/department head will contact the Human Resources Department and recommend the establishment of the program.

3. The Time-Bank will be established on behalf of an individual employee. The bank will accept donations of leave from one or more donors.

4. The Time-Bank will be operated by the Human Resources Department. The agency/department head will take actions to help ensure that individual employee decisions to donate or not donate to a Time-Bank are kept confidential and that employees are not pressured to participate.

5. On establishing a Time-Bank program, the Human Resources Department should ensure that only credits that are necessary are donated. All donations are non-retrievable.

D. Conditions under which leave credits may be donated to a Time-Bank.

1. Any employee may donate Annual Leave, vacation, or holiday accrual. Sick leave and compensatory time may be not donated.

2. Donations of Annual Leave, vacation, or holiday accrual must be in increments of 8 hours or more and drawn from one bank only.

3. The donation of leave hours is irreversible. Should the person receiving the donation not use all donated leave for the catastrophic illness/injury, any balance will remain with that person or will be credited to them upon separation.

4. An employee may not donate leave hours which would reduce their accrued leave balances of Annual Leave, vacation, holiday accrual, compensatory time, or sick leave to less than 168 hours.

5. Donated leave shall be changed to its cash value and then credited to the recipient in equivalent hours at the recipient's base hourly rate of Annual Leave or vacation leave.
 6. Employees will use a provided form to submit donations directly to the Human Resources Department. Adjustment to donors and recipient's paid leave balances will be made.
- E. Conditions under which leave credits in a Time-Bank may be used.
1. Only the employee for whom the Time-Bank has been established may receive leave credits from the Time-Bank. Such leave credits shall be added to the employee's vacation balance.
 2. The affected employees will provide verification of their (or immediate family member's) illness or injury on an Attending Physician's Statement to Support Leave or Return from Leave while using time donated under this program.
 3. The use of donated credits may be for a maximum of twelve (12) continuous months for any one catastrophic illness.
- F. Steps to be taken by the department to establish a Time-Bank program.
- An agency/department head who decides that the department will participate in a Time-Bank program will arrange with the Human Resources Department for the establishment of the Time-Bank for the individual. The procedure to be followed must include:
1. Receipt of written approval from the employee to announce the need for a Time-Bank transfer.
 2. Notify the Human Resources Department of the need for the program and coordinate the program's establishment.
 3. Require that employee donations be made directly to the Human Resources Department to ensure that employee's decision to donate or not donate is kept confidential.
 4. Immediately investigate any allegations of pressure or coercion in the solicitation of donations for the Time-Bank and take appropriate action.
- G. The Human Resources Department will:
1. Receive from the employee benefiting from the Time-Bank proof of eligibility and a signed agreement allowing publication of the employee's situation.
 2. Determine qualification, under the standards above, for the establishment of a Time-Bank.
 3. Control the Time-Bank program.

4. The employee benefiting from the Time-Bank and the Human Resources Department will agree on the content of the publicity.
5. Publicize the establishment of the Time-Bank program. The notice will inform all employees of:
 - a. The establishment of the voluntary program.
 - b. Their opportunity to donate.
 - c. How donations are submitted.
6. Notify the agency/department head immediately if the program cannot be established and the reason(s).
7. Immediately investigate any allegations of pressure or coercion in the solicitation of donations for the Time-Bank and take appropriate action.

ARTICLE 20
SALARY AND BENEFIT ADJUSTMENTS

Unless otherwise specifically provided, the salary and benefit adjustments described below are not applicable to Law Enforcement Executive Management, Management Attorneys, Unrepresented Attorneys, or other Management employees whose salaries are set by separate Ordinance or Resolution.

1. Effective September 30, 2004, an additional salary step (approximately 2.71%) shall be added to the top of the salary ranges for the classifications covered under the provisions of this Resolution. Effective that date, any employee assigned to one of these classifications who has been compensated at the top step of the salary range for that classification for one year (26 pay periods) or more, shall receive the one step salary increase provided herein. For any employee assigned to one of these classifications who has not been compensated at the top step of the salary range for said classification for a period of one year (26 pay periods) or more, the increase provided under this provision shall be treated in the same manner as any other merit increase and shall be granted, or denied, pursuant to the Step Advance provisions set forth this Resolution.
2. Effective Pay Period 25-04, the payday of December 8, 2004, employees covered under the provisions of this Resolution, including Management and Unrepresented Attorneys, shall receive a \$47.00 per month increase in their flexible benefit allowance, providing they are not waiving medical coverage.
3. Effective Pay Period 25-05, the payday of December 7, 2005, employees covered under the provisions of this Resolution, including Management and Unrepresented Attorneys, shall receive a \$56.00 per month increase in their flexible benefit allowance, providing they are not waiving medical coverage.

ARTICLE 21
SALARY AND FRINGE BENEFIT ADJUSTMENTS
LAW ENFORCEMENT EXECUTIVE MANAGEMENT

The following amendments to the Management, Confidential, and Other Unrepresented Employees Resolution provide salary and/or fringe benefit adjustments (as specified) for employees in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Sheriff, Director of Administrative Services, Chief District Attorney Investigator, Asst. Chief District Attorney Investigator, Supervising District Attorney Investigator, Sheriff's Program Director, or Sheriff's Executive Officer classifications. Unless specifically provided herein, this Resolution is not intended to alter, amend, add to or subtract from the existing wages, hours, and other terms and conditions of employment set forth for these employees in applicable County Ordinances, Resolutions, or minute orders. Furthermore, unless specifically provided herein, these changes are not intended to alter any of the wages, hours and other terms and conditions of employment approved by the County's Board of Supervisors on June 23, 1998, (as amended on October 13, 1998) for any other employees currently covered under the provisions of the Management Resolution.

Sec. 2101 Annual Leave: (The provisions of Secs. 2101 through 2105 are only applicable to employees in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Sheriff, Director of Administrative Services, Chief District Attorney Investigator, Asst. Chief District Attorney Investigator, or Supervising District Attorney Investigator classification.)

A. Effective February 11, 1999, employees in the classifications described above shall neither accrue vacation and sick leave nor be granted administrative leave. They shall, instead, earn annual leave according to each biweekly pay period of service commencing with the employee's initial anniversary date assigned to an employee during his/her latest period of County employment according to the following schedule. Absence or time not worked and part-time employment shall cause said pay period's accrual of annual leave credits to be reduced on a pro-rata basis.

B. Accrual Rates:

<u>MONTHS OF SERVICE</u>	<u>BI-WEEKLY ACCRUAL</u>
(0 - < 36 months)	8.92 hours
(36 - < 108 months)	10.46 hours
(108 or more months)	12.00 hours

Sec. 2102 Annual Usage: During the first twenty-six (26) pay periods of employment, employees shall be encouraged to use no less than forty (40) hours of annual leave and, thereafter, employees shall be encouraged to use no less than eighty (80) hours of annual leave in each succeeding twenty-six (26) pay periods of employment. While on annual leave, sick leave, holiday leave, or compensatory time off, an employee shall be compensated and receive benefits at the same rate as if he were on the job.

Sec. 2103 Maximum Accrual:

A. Employees in the classifications described in Section 2101 shall not accrue more than 1,600 hours of annual leave.

It is the mutual responsibility of the employee and the agency/department head to assure that no employee shall exceed said maximum accrual.

B. Vacation Conversion: Effective February 11, 1999, accrued vacation banks (including extra vacation) for current employees in one of the classifications described in Section 2101 shall be converted to Annual Leave on an hour-for-hour basis to a maximum of 1,600. Any regular employee who subsequently transfers or promotes into one of these classifications shall have his/her accrued vacation balance similarly converted to annual leave on an hour for hour basis at the time of such transfer/promotion.

C. Prior Sick Leave Accruals:

1. Effective February 11, 1999, current sick leave balances shall be frozen provided, however, that up to 50% of the sick leave balances shall be converted to annual leave. The combined maximum hours of sick leave so converted, when added to vacation hours converted under (B.) above, shall not exceed the maximum accruals set forth in Sec. 2103 (A.) above. Any remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be paid as provided under the provisions of Section 708 of this Resolution.

2. Any regular employee who transfers or promotes into a classification described in Section 2101 of this Resolution shall, at the time of such transfer/promotion, have his/her sick leave balance converted and/or frozen in the manner described in 2103 (C)(1).

Sec. 2104 Annual Leave Redemption: An employee may request to receive pay in lieu of up to eighty (80) hours (160 hours upon approval of the agency/department head) per calendar year of Annual Leave.

Sec. 2105 Other Provisions: Those provisions contained in Article 7 of this Resolution which are not specifically modified by Secs. 2101 through 2104 above, and are otherwise appropriate to this Article, shall be included by reference.

Sec. 2106 Deferred Compensation

A. Effective February 11, 1999, the County increased its contribution from \$15.00 to \$20.00 per biweekly pay period to a 401(a) money purchase plan for each enrolled regular employee in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief District Attorney Investigator, Asst. Chief District Attorney Investigator, or Supervising District Attorney Investigator classification. This is in addition to any other deferred compensation provided by contract or other authority.

B. Effective January 9, 2003, any current incumbent Chief Deputy Sheriff who accepts employment as Chief Deputy Sheriff (At-Will) shall, in addition to the above, be entitled to \$150 per biweekly pay period contributed to the 401(a) money purchase plan.

C. Effective January 9, 2003, if any current incumbent Chief Deputy Sheriff accepts employment as Chief Deputy Sheriff (At-Will), an additional \$150 per biweekly pay period shall be contributed to the 401(a) money purchase plan for each regular employee in the Sheriff, Undersheriff, or Assistant Sheriff classifications.

Sec. 2107 Flexible Benefit Contribution

A. The County's monthly Flexible Benefit contribution for regular employees in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Sheriff, Director of Administrative Services, Chief District Attorney Investigator, Asst. Chief District Attorney Investigator, or Supervising District Attorney Investigator classification shall be \$330.44 (includes \$128.00 PEMHCA amount).

B. Effective the pay period commencing January 2, 2001, the County's monthly Flexible Benefit contribution for regular employees in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief District Attorney Investigator, Asst. Chief District Attorney Investigator, or Supervising District Attorney Investigator classification shall be \$345.44 (includes \$128.00 PEMHCA amount).

Sec. 2108 P.O.S.T. Certificate Pay

Any Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief District Attorney Investigator, Asst. Chief District Attorney Investigator or Supervising District Attorney Investigator who proves that he/she possesses a valid Intermediate Certificate, but not an Advanced Certificate, issued to them by the Commission on Peace Officer Standards and Training of the State of California, shall be compensated at a rate applicable to the position which is five (5) ranges higher than otherwise specified for such position. If they prove that they possess a valid Advanced Certificate issued to them by said Commission, whether or not they possess the Intermediate Certificate, they shall be compensated at a rate which is ten (10) ranges higher than that specified for such position.

The applicable rate for possession of the Intermediate Certificate shall be indicated in the Table and Index by the letter "A" following the class title, and for the Advanced Certificate, by the letter "B", each with an appropriate code number, but in the departmental sections the basic position code number and class title shall be deemed to include positions occupied by incumbents possessing either of said certificates.

Effective January 27, 2000, Intermediate POST Pay for eligible employees in these classifications will be increased by 2% to 4.75%. The Advanced POST certificate will be 2.75% greater for a combined total of 7.5%.

ARTICLE 22
SALARY ADJUSTMENTS FOR MANAGEMENT ATTORNEYS AND UNREPRESENTED
ATTORNEYS

74254	County Counsel
78517	Assistant County Counsel
78515	Principal Deputy County Counsel
78516	Deputy County Counsel IV-S
78514	Deputy County Counsel IV
78513	Deputy County Counsel III
78512	Deputy County Counsel II
78511	Deputy County Counsel I
78537	Assistant District Attorney
78535	Chief Deputy District Attorney
78536	Supervising Deputy District Attorney

- 74245 Public Defender
- 78557 Assistant Public Defender
- 78559 Chief Assistant Public Defender
- 78546 Chief Trial Deputy
- 78555 Supervising Deputy Public Defender
- 37490 Chief Deputy Child Support Attorney
- 37491 Supervising Deputy Child Support Attorney
- 78560 Deputy Public Defender IV-S
- 78554 Deputy Public Defender IV
- 78553 Deputy Public Defender III
- 78552 Deputy Public Defender II
- 78551 Deputy Public Defender I

1. Effective January 6, 2005, an additional salary step (approximately 2.71%) shall be added to the top of the salary ranges for the above classifications. Effective that date, any employee assigned to one of these classifications who has been compensated at the top step of the salary range for that classification for one year (26 pay periods) or more, shall receive the one step salary increase provided herein. For any employee assigned to one of these classifications who has not been compensated at the top step of the salary range for said classification for a period of one year (26 pay periods) or more, the increase provided under this provision shall be treated in the same manner as any other merit increase and shall be granted, or denied, pursuant to the Step Advance provisions set forth this Resolution.

2. Effective June 23, 2005, employees in the above listed classifications shall receive a 3% increase in their base salaries.

ARTICLE 23
SEPARABILITY

If any paragraph, sentence, clause, or phrase of this Resolution, for any reason, is held to be unconstitutional or invalid, such shall not affect the remaining portions of this Resolution, and the Board of Supervisors hereby declares it would have passed each paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one, or more than one sentence, clause, or phrase thereof be declared unconstitutional or invalid.

ARTICLE 24
SUPERSESION

This resolution supersedes Resolution 2004-235 in its entirety.

Reference:

- Minute Order 3.41 dated 6/23/98
- Resolution 98-322 dated 10/13/98
- Resolution 99-080 dated 3/9/99
- Resolution 2000-044 dated 2/1/00

- Resolution 2002-195 dated 6/4/02
- Resolution 2002-240 dated 6/25/02
- Resolution 2003-71 dated 2/18/03
- Resolution 2003-228 dated 5/20/03
- Resolution 2003-513 dated 12/9/03
- Resolution 2004-235 dated 5/18/04

Roll Call:

Ayes: Buster, Tavaglione, Venable
Wilson and Ashley

Noes: None

Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

NANAY BOMERO Clerk of said Board

By  Deputy