

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

159



FROM: Human Resources Department

SUBMITTAL DATE:
April 1, 2009

SUBJECT: Exempt Management, Management, Confidential, and Other Unrepresented Employees Salaries and Benefits Recommendation and Adoption of Resolution No. 2009-120

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution No. 2009-120, A Resolution of the County of Riverside and Other Agencies Providing Salaries and Related Matters for Exempt Management, Management, Confidential, and Other Unrepresented Employees, to replace and supersede Resolution No. 2008-487.

BACKGROUND: The County is facing an unprecedented financial challenge due to a number of factors including rising foreclosures rates, steep declines in property values, reduced sales tax revenues, significant losses in CalPERS investments, and declining returns on County investments. The County Executive Officer has previously called for cuts to Net County Costs of 5%, 10%, 6%, and 4% starting in this fiscal year and continuing for the next three fiscal years.

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

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	NO
	Annual Net County Cost:	\$ (2,159,270)	For Fiscal Year:	2009/10

SOURCE OF FUNDS: Savings from General Fund and Department Budgets	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Bill Luna

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dept Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District:

Agenda Number:

3.52

Over the past several years the County experienced significant growth in revenue as the housing market boomed and shared generously with employees during those good times. Now that economic times are more challenging, we are optimistic that County employees will understand the need to share in some of the pain associated with falling revenues and increasing costs, in order to maintain County services.

The most significant element of Net County Cost is employee wages and benefits. Although the County is experiencing declining revenues there is still high demand for County services, which weighs against massive layoffs required to achieve budget targets.

Various alternative cost cutting measures would reduce the overall cost of payroll while retaining County employees to serve the public. Management has led the way in achieving cost savings by reducing their annual leave buy down by 75% (120 hour per year) through 2011. This represents a 3.2% reduction in compensation for the entire group. All County employees and unions will be called upon to also share the burdens proposed herein.

The proposed amendments to the Management Resolution help achieve a target wage and benefit reductions in the range of 10%, which will reinforce management's commitment to leading the effort to achieve the County's budget targets. These proposed changes will apply to all management employees covered by this Resolution except those Unrepresented employees in Group 4 and 7 (Confidential Clerical and Unrepresented Attorneys), whose terms and conditions of employment have historically been linked to others. For example, the Deputy District Attorney Association is currently in bargaining with the County for a renewal of the memorandum of understanding and employees in Group 7 will have their wages and benefits determined following the conclusion of those negotiations. Those groups should also join in this effort at the appropriate time.

The first proposed cost saving measure is a reduction in the County's 401(a) Supplemental Retirement Plan bi-weekly contribution for managers from \$50 to \$25 through 2011. To comply with IRS regulations the benefit cannot be suspended entirely without jeopardizing the legality of the County's 401(a) plan. This reduction is equivalent to 0.6% salary cut for employees covered by this Resolution. The CEO will have discretion to reinstate these at a later date.

The largest cost saving measure proposed herein, is the implementation of mandatory furloughs. Furloughs of 120 hours during the fiscal year equates to approximately a 5.8% salary savings and, combined with the two other measures outlined above, would achieve an approximate 10% overall reduction. Although a mandatory furlough at that level achieves the 10% reduction target, the actual mandatory furlough provision does not specify an exact furlough target. It leaves the final determination of the amount of time to be furloughed to the County Executive Officer and provides flexibility to address particular budget situations on a department by department basis.

Last year an education incentive benefit was extended to executive management personnel in the Sheriff's office. That benefit was to sunset on December 31, 2009, but given the scope of budget issues, we propose moving the sunset date forward to July 1, 2009, generating savings of \$150,000.

As indicated, CalPERS has experienced significant losses in its investments during the economic downturn. The County is anticipating increases in the employer contribution required to fund pension benefits to recoup these losses. As a measure to limit exposure to pension cost increases, we propose that the County contribution toward CalPERS benefits be capped at current levels, which are 11.999% of payroll for Miscellaneous members and 18.605% of payroll for Safety members. Any retirement cost increases above current levels would be shifted to the employee.

A final measure included in this amendment to the Resolution is the affirmation of the County's merit system by including the element of merit in the layoff procedure. In a time of economic uncertainty

when employees will have to do more with less, management must be able to retain the most productive employees.

Other modifications to this resolution include:

- At the discretion of the C.E.O, suspending merit increases until June 27, 2012.
- At the discretion of the C.E.O., limiting out-of-class pay and additional compensation to supervisors until June 27, 2012.
- At the discretion of the C.E.O., limiting Holiday pay until June 27, 2012.

The recommended adjustments to the Resolution are measured and designed to ensure that employees are retained in employment while permitting the County to weather the current economic storm. The discretion afforded to the CEO would provide for efficiency to react to changing economic conditions.

To recap: the financial savings generated by the proposed changes, including the earlier reductions in annual leave buy down, are estimated to be \$13.8 million annually, or 10% of payroll, as follows:

1. The annual leave buy down generates a savings of approximately \$4.4 million, or 3.2 % of payroll.
2. The 401(a) amendment generates a savings of approximately \$840 thousand, or 0.6 % of payroll.
3. At the discretion of the CEO, the mandatory furlough provides a flexible method to achieve additional savings. At the 120 hours per year level the County would realize savings of approximately \$8.0 million, or 5.8% of payroll.
4. At the discretion of the CEO, if mandatory furloughs increased to two days per month, savings would rise to approximately \$12.8 million, generating an overall savings of approximately \$18 million (or 13 % of payroll).

Approval of this Form 11 will result in an annual net county cost savings of \$2,159,270 which is achieved through the immediate implementation of items number 1 and 2 above. Additional net county cost savings will occur based upon further actions implemented at the discretion of the CEO.

RESOLUTION NO. 2009-120

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

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DEFINITIONS

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 means the date upon which a step advance in salary becomes effective under the provisions of this Resolution or the job classification is established by the Board of Supervisors to serve at the pleasure of the appointing officer.
- b. Appointive officers means the persons appointed or employed by the Board of Supervisors or otherwise as the principal employee of an agency/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 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 means an employee whose status is set forth in Article 601E of this Resolution.
- d. Continuous service, continuous employment, and similar terms, mean the continuing service of a permanent employee in a continuing payroll status, without interruption except for authorized leave of absence.
- e. Demotion means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position in a different classification allocated to a lower salary grade, whether in the same or a different agency/department. A "demotion" may be either voluntary or involuntary.
- f. Emergency employee means employees whose employment is occasioned by a condition of emergency only.

- g. Employee means only “regular” or “seasonal” employee(s) employed by the County in those classifications included in the Groups identified in Sec. 101 herein.
- h. Full time employee means 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.
- i. Holiday or paid holiday means any day, other than Saturday or Sunday, on which County offices are not open for business, in accordance with County ordinance for which employees covered under the provisions of this Resolution are eligible for compensation.
- j. Management Employee as used in this Resolution, unless otherwise stated, means employees in Groups 1 and 3, as defined in Sec. 101.
- 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 an agency/department head.
- l. Part time employee means an employee in a position that is 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 means 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, including any extensions thereto, 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, including any extensions thereto.

- q. Promotion means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position of a different classification allocated to a higher salary grade whether in the same or different agency/department. The appointment of an employee to a position allocated to a higher salary grade because of professional registration achieved by the incumbent shall not be deemed a promotion but a change in salary allocation.
- r. Reclassification means the reallocation of a position to a different classification by a change of title and position specification, but does not necessarily involve a change of salary grade.
- s. Regular employee means a holder of a regular position.
- t. Regular position means a position established by County Salary Ordinance No. 440 on an ongoing basis, as distinct from a seasonal or temporary position.
- u. Seasonal employee means an employee whose employment is not continuous but is regularly recurrent in the same capacity because of *particular functions which occur periodically each year*; such employment may be ongoing, but of an intermittent nature.
- v. Temporary employee means an employee who is not a regular or seasonal employee.
- w. Transfer means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position of a different classification allocated to the same salary grade in the same agency/department, or to a position of the same classification, or a different classification allocated to the same salary grade, in a different agency/department.
- x. 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

Sec. 101 Applicability. This Resolution shall only apply to persons employed in the following Groups:

- Group 1 At-will or contract Department Heads and Assistant Department Heads, independent elected officials, and Board of Supervisors Members
- Group 2 At-will Unrepresented (Board of Supervisor Assistants and Legislative Assistants)
- Group 3 General Management (Unit Codes: MGT, MPU, MWU, UNM)
- Group 4 Confidential (Unit Code: CNF)
- Group 5 Other Unrepresented (Unit Code: UNC)
- Group 6 Law Enforcement Executive Management
- Group 7 Unrepresented Attorneys (Deputy Public Defender, Deputy County Counsel)

Sec. 102 Reallocation. Changes to the allocation of classifications among these Groups may be made by the County Executive Officer upon the recommendation of the Human Resources Director.

Sec. 103 Non-Discrimination. The provisions of this Resolution will be applied equally to all employees without unlawful discrimination based upon sex (including gender), age (40 and above), race, color, religion, national origin (including language use restrictions), ancestry, disability (mental and physical, including HIV and AIDS), medical condition (cancer/genetic characteristics), marital status, request for Pregnancy Disability Leave, request for family medical care leave, request for leave for an employees own serious health condition, or sexual orientation.

Sec. 104 Exclusions. 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 pay period. This provision is intended to define the normal work period and does not guarantee a minimum number of hours of work.

- Sec. 202 Different 80 Hour Biweekly Work Period: 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 Overtime Policy: It is the policy of the Board of Supervisors that overtime work is discouraged and that it be limited to emergencies or 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 employees are exempt from the FLSA.
- Sec. 205 Definitions: For purposes of determining eligibility for overtime only:
- A. A designated FLSA work period shall consist of 168 consecutive hours (7 days).
 - B. Overtime is defined as time actually worked by an FLSA non-exempt employee in excess of forty (40) hours in a designated FLSA work period. Management reserves the right to designate the FLSA work period for each employee.
 - C. Time worked shall not include any form of paid leave.
- Sec. 206 Authorization for Overtime Work: Performance of overtime work may be authorized by the agency/department head or his/her designated subordinate.
- A. Agency/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 FLSA hourly rate of pay for all time worked in excess of forty (40) hours during their designated FLSA 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 (1½) hours of compensatory time off for each hour worked in excess of forty (40) hours during the designated FLSA work period. Accumulated overtime credit may be taken as paid time off, at a time or times agreeable to the agency/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. However, 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 six 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: An FLSA exempt employee covered hereunder may, with the approval of the Human Resources Director, be permitted to perform 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 agency/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 assignments 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.

Sec. 211 Compensatory Time Off: Persons employed in a FLSA exempt classification listed in Appendix I of the County Salary Ordinance No. 440 shall be entitled to equal compensatory time off for each authorized hour actually worked in excess of the number of required hours in a biweekly work period, subject to the following conditions.

1. The employee must have actually worked:
 - a. the normal 80 hour bi-weekly work period, or
 - b. the number of hours established by the agency/department;whichever is greater (the "required hours").
2. The hours actually worked in excess of the required hours must be worked in the employees own classification.

With approval of the County Executive Officer, or designee, persons entitled to compensatory time off under this provision may be paid in lieu of receiving compensatory time off. If payment is to be made then the number of hours to be paid shall be specified by the agency/department head or designee. Upon termination, persons employed in the classifications listed in Appendix I shall be

paid for any accumulated compensatory time off which has not been taken, not to exceed sixty (60) hours.

- Sec. 212 Electronic Fund Deposit of Payroll Employees shall be required to receive payroll funds by electronic deposit. Employees shall receive a Statement of Earnings (pay stub) through an electronic pay advice system. The electronic pay advice system will permit employees to view/print current and previous bi-weekly pay advice/stubs.

ARTICLE 3 PREMIUM PAY

- Sec. 301 Standby Duty: When placed by the agency/department head specifically on standby 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: Except as indicated below, an FLSA non-exempt employee called back to work to meet an emergency on an overtime basis, whether or not in standby duty status, shall receive minimum credit for one hour of work.

IT – Remote Repair Call Any after-hours repair call that requires an IT employee covered under the provisions of this Resolution to physically report to a County of Riverside site, or customer site, will be subject to the one hour minimum credit outlined above. If the repair call is resolved remotely, without the IT employee being required to physically report to a County or customer site, then the employee will be paid in quarter-hour increments for all time worked while remotely responding to the repair call (i.e. if the employee remotely resolves the repair call in 25 minutes, he/she will be paid 30 minutes for the remote call out).

- 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 agency/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 such 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, fails to so report shall be deemed absent without leave 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 employee's current regular rate, 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 the Board of Supervisors authorizes.

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.
- B. If an employee is required to use his/her personal vehicle while in the course and scope of his/her employment, the employee must, prior to using said vehicle, do the following:
 - i. Complete County of Riverside "Authorization to Drive Riverside County Vehicle or Private Vehicle for County Business," Form, authorizing the employee to use his/her personal vehicle, which must be approved by the agency/department head.
 - ii. Insure the vehicle in minimum limits required by the State of California. In addition, employees must have their policies of insurance endorsed to reflect business use. Such insurance must be maintained at all times while employed in a position where it is required or may be required to use a personal vehicle while in the course and scope of employment. In the event of an

incident or accident, the County does not assume responsibility for any physical damage to an employee's personal vehicle.

iii. Provide a copy of a valid driver's license, which is appropriate for the class of vehicle to be operated. If any restrictions apply, the employee must notify his/her supervisor of the restrictions *and/or any and all changes in the license (i.e. suspended, etc.)*.

The use of motorcycles, mopeds, and similar types of vehicles for the conduct of County business is expressly prohibited, with the exception of the Sheriff's Department sworn personnel.

- C. Designated County Officials may, at their option, elect to receive an Automobile Allowance of \$550.00 per month 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, agency/departments, and institutions under his/her 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, the Human Resources Director and the County Executive Officer 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 County Executive Officer 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 employee 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.

Sec. 308 Education for Continued Licensing of Registered Nurses:

- 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 for 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 six months 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

The 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 (\$0.50 per hour)
- Level 2: \$60 per pay period (\$0.75 per hour)
- Level 3: \$80 per pay period (\$1.00 per hour)

Payment of bilingual pay will be pro-rated based on the hours actually worked to the maximum amount indicated per pay period.

Testing Administration

Oral and written examinations will be administered by the Human Resources Assessment Center as follows:

- Level 1: Basic oral/reading test
- Level 2: Written
- Level 3: Complex Level Written

The Bilingual Pay Program is administered by Human Resources.

All current County Employees receiving bilingual pay under the previous system 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 agency/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 should include the requirement of bilingual skills.

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. A Group 1 employee, 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 fourteen 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 employee'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 employee's pay to revert to the regularly assigned step for his/her classification. Eligibility for additional steps granted to all employees as part of changes to the Management Resolution shall not be adversely affected by the employee's status in steps granted beyond the regularly assigned step pursuant to the provisions of this Section. Salaries granted pursuant to this provision shall be reported to PERS as compensation earned.

- B. A Group 1 or Group 3 employee who serves At-Will to an At-Will Group 1 County agency/department head may, subject to the terms and conditions set forth below, be eligible to have his/her salary increased to a maximum of five 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 to the County Executive Officer, based upon completed performance appraisals, of an affected employee'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 employee's pay to revert to the regularly assigned step for his/her classification. Eligibility for additional steps granted to all employees as part of changes to the Management Resolution shall not be adversely affected by the employee's status in steps granted beyond the regularly assigned step pursuant to the provisions of the 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 grade. 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 classification to any step within the salary grade if the employee has: (1) qualifications substantially greater than the minimum for the classification; 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.
- B. 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 salary grade, the Human Resources Director and the County Executive Officer may also advance all incumbents of positions in the same classification 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, his/her anniversary date shall not change.

- C. 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 agency/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.

- D. 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 agency/department basis, that a serious recruiting or retention problem exists for specific classification(s) in a specific agency/department, or that the increases granted to subordinate "difficult to recruit" classifications in the specific agency/department has created serious compaction problems, and that a percentage increase up to and including four steps (approximately 11%) would assist the County in recruiting and retaining employees in the specific classification(s) in the specific agency/department. Advancements to any of these salary grades in the specific agency/department shall not be automatic nor shall such a determination have any bearing on the same or similar classifications within the agency/department or in any other agency/departments with same or similar classifications. Upon such determination and approval, any increase granted pursuant to these provisions shall be implemented in the specific agency/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 agency/department may be at any step on the salary grade for his/her classification up to and including a step on the salary grades 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 agency/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 agency/department who has successfully completed one year or more of service

at the top of the salary grade for that specific classification(s), such employee(s) shall be placed on the same salary grade 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 agency/department, who have completed less than one year of service at the top of the salary grade 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 agency/department.
4. Subsequent merit increases for employees not compensated at the top of the salary grade(s) for the specific classifications in the specific agency/department affected by the provisions of this Section may be granted pursuant to Section 402 of this Resolution.
5. 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 agency/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:

Between April 30, 2009 and June 27, 2012, this Section may be suspended by the County Executive Officer, in whole or in part, for whatever period of time he deems appropriate due to budgetary restraints.

- A. Applicability of Step Increases: The compensation of each regular employee who is paid on a step basis on a salary grade, 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 salary grade 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. 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.

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. Such salary increases shall be given unless there is an affirmative decision of the agency/department head to deny the increase.

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 agency/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 agency/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, former regular employees may be re-employed in the same classification which they previously occupied at the same step of the salary grade 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 California *Military and Veterans Code* and the Federal *Uniformed Services Employment and Reemployment Rights Act* (USERRA), 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 that was lost on separation.

Sec. 406 Re-employment of Retired Persons: An employee who is retired under the *Public Employees' Retirement Law* and who is receiving retirement benefits shall not be employed or re-employed in any position for compensation without the prior written approval of the Human Resources Director. Consistent with the requirements of the *Public Employees' Retirement Law* 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 960 hours of actual work within any fiscal year, without loss of benefits, as specified in Section 21224 of the *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 *Public Employees' Retirement Law* is employed or re-employed, his/her retirement status must be specified in the documentation of appointment to a permanent or temporary position.

Sec. 407 Promotion: On promotion the employee's salary shall be at a rate on the new salary grade which is two (2) steps higher than the closest salary step on the new salary grade to the employee's step on the salary grade for the former position where the new salary grade 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 employee's salary shall be the same as that paid previously. The anniversary date shall not change.

Sec. 409 Demotion:

A. On demotion the employee's salary shall be at the rate of the same step on the new salary grade as was applicable to the previous salary grade. If the step on the previous salary grade is a higher step number than is available on the new salary grade, the salary shall be at the highest step available on the new salary grade. 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 classification on the same salary grade shall not change. The anniversary date shall not change.

The salary of an incumbent of a position reclassified to a classification on a higher salary grade shall be at the rate which is

two (2) steps higher than the closest salary step on the new salary grade to the employee's step on the salary grade of the former position, where the new salary grade is able to accommodate the increase.

- B. 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 classification on a lower salary grade shall be placed on a step of the new salary 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 salary 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 classification 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 classification represented by a recognized employee organization, and if the new classification 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 classification 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 a "temporary promotion". The salary of an employee temporarily promoted shall be determined as if the temporary promotion were an original appointment to the position.
- B. When the absence ceases or the vacancy is filled the employee shall return to his/her regular position and his/her 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 his/her regular position shall be allowed.
- C. An employee temporarily promoted pursuant to the provisions set forth in (A) above shall be entitled to receive the benefits assigned to the higher classification.

Sec. 412 Additional Compensation to Supervisors/Managers:

Between April 30, 2009 and June 27, 2012, this Section may be suspended by the County Executive Officer, in whole or in part, for whatever period of time he deems appropriate due to budgetary restraints.

A person, occupying a supervisory/management position may have his/her base salary increased by two steps to a rate approximately 5.5% (approximately two steps higher means within 10 cents per hour plus or minus of a two step increase) above the base salary rate of any of his/her subordinates, not including Information Technology subordinates, provided that:

- A. The appointing authority, the Human Resources Director, and the County Executive Officer find that he/she is exercising substantial supervision/management over the subject subordinate and that he/she is satisfactorily performing the full supervisory/managerial duties of the position;
- B. The organization is a permanent one approved by the County Executive Officer;
- C. Both the supervisor and subordinate have been appointed to full-time positions; and

- D. The classifications of both the supervisor's/manager'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/manager at a rate of five and one-half percent (5.5%) above that received by the subordinate.

When the conditions authorizing this increase cease to exist then the base salary of the supervisor/manager 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/manager 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 has five years of regular County service and 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 amount of sick leave payable pursuant to Sec. 708. This does not include compensatory time off 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, 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

Sec. 501 Out-of-Classification Assignments:
Between April 30, 2009 and June 27, 2012, this Section may be suspended by the County Executive Officer, in whole or in part, for whatever period of time he deems appropriate due to budgetary restraints.

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 agency/department head or designee in writing.

Sec. 502 Relatives: No officer shall appoint his/her spouse or registered domestic partner - or the spouse or registered domestic partner of any other officer superior to him/her - in any capacity for compensation. No such spouse or registered domestic partner 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. 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 closely related. "Closely related" means 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, and the equivalent step relationships or relationships through a domestic partnership.

Should such relationship occur, the employee(s) may promote, transfer, or voluntarily demote to position(s) which the employees are eligible and selected to fill. The promotion, transfer or voluntary demotion must be accomplished by one of the employees within approximately six (6) months.

Sec. 503 Retirement:

- A. The County's employer contribution to the CalPERS pension plan for employees covered by this Resolution shall be capped at fiscal year 2008/2009 (FY 08/09) contribution levels (i.e. 12.116% for miscellaneous members and 19.014% for safety members). Employees shall be responsible for any increase in the CalPERS employer contribution rate above the FY 08/09 level.

- B. 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 with the County 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.

- C. 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.

- D. 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.

- E. 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.

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

- G. 1959 Survivor Benefits (Safety members Only): The provisions of Section 21574.5 of the *Public Employees' Retirement Law* shall apply to safety employee members.
- H. 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.
- I. 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).
- J. 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).
- K. 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.

For all employees covered by this Resolution - except employees in Group 4 and Group 7 - the \$50 per biweekly pay period contribution will be reduced to \$25 per biweekly pay period from June 4, 2009, to December 28, 2011.

At the discretion of the Chief Executive Officer, employees may have the amount of the reduced contributions (i.e. \$25 per bi-week) deposited to their 401(a) money purchase plan in one or more lump sums, as determined by the County Executive Officer, during 2012.

If due to financial restrictions payment is not possible during 2012 then the amount may be contributed during 2013.

Such repayment will only be made if the employee is still in the employ of the County on the date of the repayment.

L. 401(a) of Certain At-Will Positions: 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; or Chief of Medical Services, CHA; accepts employment At-Will then 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.

- i. Effective January 29, 2009, an additional \$871 per bi-weekly pay period (for a total bi-weekly contribution of \$921) shall be contributed to the 401(a) Money Purchase Plan for the incumbent of the County Executive Officer classification.
- ii. For all employees identified in this section, the additional contribution shall continue but the base \$50 per biweekly pay period contribution will be reduced to \$25 per biweekly pay period from June 4, 2009, to December 28, 2011.

At the discretion of the Chief Executive Officer, employees may have the amount of the reduced contributions (i.e. \$25 per bi-week) deposited to their 401(a) money purchase plan in one or more lump sums, as determined by the County Executive Officer, during 2012. If due to financial restrictions payment is not possible during 2012 then the amount may be contributed during 2013.

Such repayment will only be made if the employee is still in the employ of the County on the date of the repayment.

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

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

- iii. 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, agency/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 agency/department must have a written smoking policy. If there is no smoking allowed in an agency/department or certain buildings or areas, the agency/department head shall make that declaration. If there are exceptions, the agency/department head must identify rooms or areas within each building, whether County owned or leased, where smoking is allowable including shared areas (e.g. stairwells, hallways, restrooms, etc.).

It is the responsibility of the agency/department head and agency/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 termination.

Sec. 505 Merit System/Veterans Preference: Appointments and promotions shall be made on the basis of merit and ability. Each officer shall appoint all necessary employees allowed for his/her agency/department by this Resolution only from among persons certified to him/her 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 veteran's preference as may be adopted by the Board of Supervisors, by resolution. The veteran's 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 his/her 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: Except as set out below, the length of the initial probationary period for employees in classifications covered under this Resolution is one year (26 pay periods) in a paid status.

The length of the initial probationary period for employees in the classifications set out below is 18 months (39 pay periods) in a paid status:

Job Code	Classification
78551	Deputy Public Defender I
78552	Deputy Public Defender II
78553	Deputy Public Defender III
78554	Deputy Public Defender IV
78560	Deputy Public Defender IV-S
78556	Deputy Public Defender V

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 initial probationary period may be extended once by three months or twice by an additional three months.

- C. Initial Probationary Period Affected by Change in Classification: An employee who has not completed an initial probationary period and voluntarily promotes, demotes, or transfers to another classification, shall have his/her initial probationary period automatically extended an additional twelve months (26 pay periods) in a paid status beyond the date of promotion, demotion, or transfer each time the employee voluntarily promotes, demotes, or transfers to another classification prior to completing the initial probationary period, including any extensions thereto.

- D. Probation of Permanent employees following change in classification 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 agency/department head's request, be returned to a position in the previously held classification in the former employing agency/department. If the return involves a change in classification, 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 classification shall be given to the employee prior to the employee completing 26 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 in 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 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.

2. Assistant Department Heads or the equivalent thereto appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 after May 4, 1989, shall serve at the pleasure of the agency/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 agency/department head only after the agency/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 County Executive Officer. An assistant department head or the equivalent thereto removed from service with the County of Riverside by his or her agency/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 the layoff of an assistant department head.
3. Employees in the classification of Supervisor's Senior Administrative Assistant, Supervisor's Administrative Assistant, 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 (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. Such employee may be terminated from service at any time, without notice, cause or rights of appeal, by the Local Agency Formation Commission. An Executive Officer of LAFCO removed from service with the Local Agency Formation Commission may be entitled to one (1) month's salary as severance pay for each year of employment with the Local Agency Formation Commission up to a maximum severance pay equal to six months' salary. Any such severance pay shall be at the sole discretion of the Local Agency Formation Commission.

5. Employees in the classifications of:

37605	Assistant Sheriff
37606	Assistant Sheriff A
37607	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

appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 shall 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) 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. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

6. Employees in the classification of:

73556	Deputy Director I, CHA
73557	Deputy Director II, CHA
74096	Deputy Director for Environmental Health
74611	Administrative Director, CHA
73523	Chief Veterinarian
74140	Chief Finance Officer, CHA
73888	Chief of Medical Services, CHA

appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 shall serve at the pleasure (i.e., At-Will) of 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 agency/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. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

7. Employees in the classifications of:

78539	Assistant District Attorney
78535	Chief Deputy District Attorney

appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 shall serve at the pleasure (i.e., At-Will) of the District Attorney. They may be terminated from service at any time by the District Attorney without notice, cause, or rights of appeal. Prior to the appointment to any of the above classifications the

District Attorney 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 District Attorney 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. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

8. In addition to those classifications specifically mentioned above, any employee appointed to a classification authorized by the Riverside County Salary Ordinance No. 440 and listed in Appendix II of such Ordinance, shall serve at the pleasure of the agency/department head (i.e. At-Will). He/she may be terminated from service at any time by the agency/department head without notice, cause, or rights of appeal. Prior to the appointment to any of these classifications the Human Resources Director shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status.
9. Any employee who receives severance pay in accordance with this article, and who is subsequently hired in another regular position shall forfeit any severance pay pro-rated based upon actual County service interruption.

ARTICLE 7
ANNUAL LEAVE

(Not Applicable to Employees in Group 4 or 6)

Sec. 701 Annual Leave:

- A. 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 nor sick leave. They shall, instead, earn Annual Leave according to each biweekly pay period of service commencing with the effective date of the employee's initial employment 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 & 7)

<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)

<u>ALL SERVICE</u>	<u>BI-WEEKLY ACCRUAL</u>
Supervisor's Board Assistant.	10.46 hours
Supervisor's Sr. Admin. Assistant	12.00 hours
Supervisor's Legislative Assistant	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 then current employees were 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 or indicated below, all employees covered under the terms of this Resolution may accumulate annual leave to a maximum of 1,800 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 the maximum accrual.

Group 2 No 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 County 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: Effective January 1, 2009, 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 forty (40) hours of Annual Leave per calendar year. Effective January 1, 2012, 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: Effective January 1, 2009, 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 forty (40) hours of Annual Leave per calendar year. Effective January 1, 2012, 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:

- A. Annual Leave is to be scheduled at the discretion of the agency/department head, or designee. 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 agency/department head shall determine when Annual Leave will be taken.

- B. While generally Annual Leave usage is required to be scheduled in advance, the County recognizes that from time to time employees may desire to use Annual Leave for an unforeseen absence due to illness/injury or other personal reason. Annual Leave may be used to restore pay otherwise lost due to such unscheduled absence from work provided that:
 - i. The employee notifies his/her agency/department head, or designee, on the first (1st) day of such absence and as often thereafter as directed by his/her agency/department head, or designee;

 - ii. If requested by the agency/department head or designee, the employee produces a certificate of a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician, or such other proof satisfactory to the agency/department head; and

 - iii. Any medical certificate provided by the employee be personally signed by the medical provider described at (ii) above and include a written statement indicating the day(s) of the illness/injury and that the illness/injury prevented the employee from being able to work.

- C. Any employee absent for a period of five (5) consecutive workdays due to illness or accident may, at the discretion of his/her agency/department head 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. Proof of Illness:

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. Terminal Annual Leave pay shall be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

Sec. 707 Prior Sick Leave Accruals:

- A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (½) of the sick leave balance for employees covered under the terms and conditions of this Resolution was 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 for employees with at least five (5) but less than 15 years of service shall be credited at the rate of fifty percent (50%) of the current salary value thereof provided, however, that the total payment shall not exceed a sum equal to 960 hours of full pay. Unused accumulated sick leave for employees with more than fifteen or more years of service shall be credited at the rate of the current salary value provided, however, that that the total payment shall not exceed a sum equal to 960 hours of full pay. Terminal sick leave pay shall be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

Sick leave compensation resulting from death shall be made to the persons entitled to it 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 employee shall be permitted to work for compensation for the County while on Annual Leave without prior approval of the County Executive Officer 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 agency/department head employing the person involved, and approval by the County Executive Officer.

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. 99-379, 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.

An employee who is no longer eligible to accrue Annual Leave, as the result of a change in classification to a classification 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 Memorandum of Understanding. 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 Memorandum of Understanding 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 years 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 agency/department, the position shall be deemed vacant and may be filled provided funds are available therefore. Terminal vacation pay shall be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating

employee who does not make an election will default to a Special Pay Account.

- C. No employee 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 agency/department head of the agency/department employing the person involved, and approval by the County 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 bereavement 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, and the equivalent step-relationships or relationships through a domestic partnership. 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, an agency/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 agency/department.

When the agency/department head, or a designee, orders an employee off work, the agency/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.

Sec. 904 Sick Leave (Applicable to Employees in Group 4 Only):

- A. Accrual: Every regular full-time or 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, except the accrual shall be pro-rated for hours actually worked.
 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 signed original 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 agency/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.

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.

Every regular employee shall use accrued vacation, then holiday time, and then may use compensatory time, when sick leave has been exhausted due to extended illness or injury unless he/she is 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 agency/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, registered domestic partner, child of registered domestic partner, parent, brother, or sister of the employee.
 - E. Payout for 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. Terminal sick leave pay shall be paid into a Post-Employment Plan account designated by the employee.

Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

A sick leave payout resulting from death of an employee shall be made to the persons entitled to it otherwise, in accordance with the Probate Code.

Eligibility for a payout under this section is determined at the time of separation from County employment and not at a later date.

ARTICLE 10
ON THE JOB INJURY

Sec. 1001 Workers' Compensation Benefits: An employee or officer who suffers an injury or illness which entitles him/her to benefits under the Workers' Compensation Law, and for which he/she actually receives or obtains medical treatment, shall be entitled to full compensation for the first ten (10) calendar days during which he/she 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/she shall be paid as salary the difference between the temporary disability payments due him/her under the Workers' Compensation Law and his/her 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/her 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/her temporary disability payments and his/her regular compensation, he/she shall continue to accrue Annual Leave benefits at the regular rate.

The right is reserved to make later adjustments 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.

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 or annual 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.

Sec. 1002 4850 Exclusion: The provisions of this Article 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 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.

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.

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 480 hours in any one calendar year period may be granted to any employee by the agency/department head. Such leave of absence for an agency/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, or Board of Supervisors, 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 or Board of Supervisors.

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*, the *California Fair Employment and Housing Act*, a County designed temporary modified duty assignment, and/or the County return to work program.

Sec. 1104 Official leave of absence: A regular employee may request an official leave of absence exceeding 480 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 Director 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 of Supervisor'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.

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*, the *California Fair Employment and Housing Act*, a County designed temporary modified duty assignment, and/or the County return to work program.

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 agency/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 agency/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") from a list of five neutrals approved by the Human Resources Director. 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 neutral. 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 him/her. 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 and the hearing room, if any, shall be borne by the County. The cost of transcripts, if any, will be borne by the ordering party.
7. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.

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, including any extensions thereto.
 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 termination, demotion, reduction in compensation, suspension, or written reprimand in lieu of suspension (which shall for all purposes have the effect of the equivalent suspension) of an employee.

Sec. 1202 Cause for Action: Any of the following acts of an employee who has permanent status shall be good cause for disciplinary action:

- 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 agency/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 agency/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 agency/department. The agency/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 (Board Policy C-10).
- p. Violation of the County's Workplace Violence, Threats and Securities Policy (Board Policy C-27).
- q. Violation of the County's Harassment Policy and Complaint Procedure (Board Policy C-25).

Sec. 1203 Investigatory Leave of Absence: Pending investigations by the agency/department head, or designee, of accusations of misconduct against an employee, the agency/department head, with the approval of the Human Resources Director or designee, 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 agency/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 agency/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.

Sec. 1204 Written Order for Demotion, Suspension, Reduction in Pay, Termination: The continuing employment of every permanent employee shall be contingent upon good behavior. Any such employee may be terminated, demoted, suspended, reduced in

pay, demoted and suspended, or reprimanded in lieu of suspension 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. Notwithstanding the above, in cases where the disciplinary action involves a suspension of 80 hours or less the agency/department head, with approval of the Human Resources Director or designee, may suspended the employee immediately. In which case the Notice of Proposed Disciplinary Action, and the opportunity to respond thereto, shall be provided to the employee within the period of suspension or a reasonable time thereafter.
- D. 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 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 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 advise 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. Any objections to the amended or supplemental causes or allegations may be made orally or in writing prior to the appeal hearing. The employee shall not be required to file a further appeal in the event that an appeal was filed on the original disciplinary action.

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 grade 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 service of the Notice of Disciplinary Action against which the appeal is made. An appeal shall:

- a. Be accompanied by a copy of intent and final 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 thirty (30) 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 or 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:
- B. Appeals shall be heard by a third party neutral (hereinafter referred to as a "neutral") agreed to by the parties from a list of five neutrals approved by the Human Resources Director. The neutral's decision may be verbal or in writing. The neutral's decision shall be binding on both parties.
- C. 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.
- D. 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 neutral. The neutral may consult with witnesses informally and otherwise investigate the controversy.
- E. The judgment of the neutral shall be binding on both parties neither of which shall have the right of further appeal.
- F. The neutral will not substitute his/her discretion and judgment for that of management for sustained charges unless the neutral finds that discrimination, capriciousness, or arbitrary action by the County is proven.
- G. 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 1209(A) herein.
- H. 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.

- I. 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.
- J. All costs for the service of the neutral and the hearing room, if any, shall be borne by the County. The cost of the transcripts, if any, shall be borne by the ordering party.
- K. Any hearing expense incurred as the result of a postponement or cancellation of a hearing shall be borne by the postponing or canceling party.
- L. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.

Sec. 1210 Hearing Procedure - Major Discipline:

- A. Appeals filed in cases of termination, demotion, suspension exceeding eighty (80) working hours, pay reduction exceeding eighty (80) hours of gross salary, or written reprimand in lieu of suspension exceeding eighty (80) hours, 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 date, time, and venue for the hearing shall be set by the Human Resources Director, or designee, 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 agency/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 termination of an employee shall be reported by a stenographic reporter. All other appeals need not be reported but either the employee or the agency/department head may, at its 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 paid by the ordering party. Each party shall make arrangements for and pay expenses of witnesses who 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. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.
- J. 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 1280 et. seq. of the California *Code of Civil Procedure*.
- K. General Rules
 - 1. The neutral shall confine the decision to issues raised by the statement of charges, including all the supporting documentation, 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 this Resolution 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, 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's decision.
4. In the case of termination, if the neutral finds the order of termination *should be modified*, the appellant shall be either demoted to an appropriate classification or reinstated to a position in the classification held immediately prior to termination 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 termination should be rescinded, the appellant shall be reinstated to a position in the classification held immediately prior to termination and shall receive pay and fringe benefits for all of the period of time between the termination 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 appeal proceedings.
7. Restoration of pay and/or benefits shall be subject to the employee's obligation to take reasonable steps to mitigate his/her loss. This will include but not be limited to deduction of all unemployment insurance and outside earnings which the appellant received since the date of termination 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 Major Disciplinary 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 1201.a. herein, unless it is the type of hearsay admissible over objection in a civil action.
- 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 agency/departments involved in an appeal hearing, and communications between the representative and the employee who is the subject of a personnel action shall be confidential and not subject to disclosure in the appeal 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 own behalf may be called and cross-examined.
- 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 and the employee.

- i. The intention of the parties is that appeals be adjudicated as efficiently and economically as possible. 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 rescheduled,

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 any protected class under federal or state law.

ARTICLE 13 HOLIDAYS

Sec. 1301 Paid Holidays:

A. 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, in lieu of such date when such date falls on Saturday; the Monday following in lieu of such date when it falls on a Sunday.

B. Qualifying Factors

1. Only regular and probationary employees in a current paid status shall be eligible for paid holidays. "Current paid status" does not

include payments received from outside sources (e.g. disability benefits, worker's compensation benefits, etc.).

2. A new employee whose first working day is the day after a paid holiday shall not be paid for the holiday.
3. 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.
4. 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.

C. Payment for the Holiday:

Between April 30, 2009 and June 27, 2012, the paid holiday time and/or the compensatory holiday time off provided for in this Section may be suspended by the County Executive Officer for whatever period of time he deems appropriate due to budgetary restraints.

1. Working the Holiday Qualifying, FLSA nonexempt employees covered under the provisions of this Resolution who work on a paid holiday shall be paid at their regular rate for the time actually worked.

In addition, such employee shall have a choice of:

- a. Receiving compensatory holiday time off not to exceed eight (8) hours for such holiday or;
 - b. Being paid for the holiday at the regular rate of pay not to exceed eight (8) hours.
2. Not Working the Holiday 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.

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).

3. Part-Time Employees A regular part-time employee shall only receive compensatory holiday pay for the holiday or portion thereof that coincides with his/her regularly scheduled working hours.
4. Scheduling Holiday Compensatory Time Off Holiday Compensatory Time Off shall be scheduled by the agency/department head following a request by the employee and shall be granted within a reasonable time following the request.

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.
- 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 agency/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 classification);
 2. Probationary new employees;
 3. Probationary transfer employees, probationary promotional employees, and all other regular employees.
- C. Layoffs of employees within each classification shall be based primarily on merit and ability, as determined by the Department Head or designee, and reflected in the employees' most recent performance evaluation, with a rating of at least "meets standard" (or equivalent). In the event that two or more employees have at least a "meets standard" rating then the layoff shall be based on seniority, 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 employee(s) 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, was not removed therefrom for disciplinary reasons, and the Department Head, or designee, is satisfied that the employee has the merit and ability to perform such job, such employee shall, upon his/her 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 to the agency/department head.

Regular employees who elect to demote under this provision shall be placed on the step nearest their present salary within the salary grade of the classification 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. The new work location is more than 40 miles from the employee's current work location or the employee's home, whichever is closer;

An employee who chooses to be laid off and have his/her name placed on the Departmental Reinstatement List under this section shall notify the agency/department head 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 Departmental Reinstatement List shall be referred first to any agency/department requesting a recruitment for classifications from which the employees were laid off.

- C. Employees who meet the minimum qualifications and have either been laid off or have been given layoff notices shall be referred first to agency/departments requesting recruitments for all other classifications.
- D. Agency/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 the Departmental Reinstatement Lists for all classifications of a currently equal or lower salary grade 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 to individuals named on the Departmental Reinstatement List based on merit and ability, as determined by the Department Head or designee. In the event that two or more employees have relatively equal merit and ability the position shall be offered in order of greatest seniority 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 agency/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 that have not been paid into a post employment account.
- B. Continuation of seniority.
- C. Credit for all service prior to layoff for the purpose of determining the rate of accrual of Annual Leave or vacation.
- D. Placement on the salary grade at the previously held step prior to layoff or reduction, or the step which is nearest the employee's 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 agency/department into a regular position, only while on a Departmental Reinstatement List, other than that from which the employee had reinstatement rights to. If reemployed while the employee's name is current on any Departmental 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 that have not been paid into a post employment account.
 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 or vacation accrual.

ARTICLE 14A
MANDATORY FURLOUGH

- Sec. 1401A Scope and Implementation: The mandatory furlough will be effective when authorized by the County Executive Officer and may be terminated at any time by the County Executive Officer. When implemented in an agency/department, the mandatory furlough is applicable to all employees covered by this Resolution within that agency/department.
- Sec. 1402A Length of Furloughs: Employees shall furlough the number of hours or days established for the agency/department by the County Executive Officer or designee during each fiscal year.
- Sec. 1403A Scheduling: The agency/department head shall work with the County Executive Officer to determine how the mandatory furlough will be implemented in accordance with the budgetary and operational needs of the agency/department. Part-time employees shall furlough on a pro-rata basis.
- Sec. 1404A Additional Mandatory Furloughs: In the event the County Executive Officer determines that additional mandatory furloughs, beyond the number of hours or days originally established, are required for the agency/department then the affected employees shall be given two pay periods notice of the additional furlough requirements and the reasons therefore, except when the additional furlough requirements are in response to a fiscal emergency that makes providing two pay periods notice impossible or impractical (e.g. external funding is cut off).
- Sec. 1405A Voluntary Furloughs: Employees will be permitted to take additional voluntary furlough time beyond the mandatory furlough required herein in accordance with Board of Supervisors Policy C-31. As indicated in Policy C-31, supervisors and managers are encouraged to approve these requests unless operational needs preclude them from doing so. However, voluntary furloughs will not be granted if they will result in the need for another employee to work overtime to perform the duties that would otherwise be completed by the furloughed employee or otherwise result in net loss of County revenue.

Sec. 1406A Credit for Voluntary Furlough Hours: In the event a mandatory furlough is implemented in the same calendar year that an employee has taken a voluntary furlough then the employee shall be credited the hours taken under the voluntary furlough program in that calendar year towards the hours required by the mandatory furlough program in the same calendar year. Credit for voluntary furlough hours will not carry over from one calendar year to the next.

Office closure: If, as part of its mandatory furlough plan, an agency/department closes its office(s) on specified days, making it impossible for an employee who has already fulfilled his/her furlough obligation for the calendar year to report to work on those days, then the employee shall either make alternative work arrangements with the agency/department for the period of the closure or use accrued leave, other than sick leave, to cover the period of the closure.

Sec. 1407A Restrictions: Except as indicated below, no annual leave, vacation, extra vacation, sick leave, overtime, compensatory time off, or other banked leave may be used to offset mandatory furlough time.

Employees may not perform County work while on a mandatory furlough or work additional hours during the workweek in which the mandatory furlough falls to make up for the mandatory furlough time. The mandatory furlough time will not count as hours worked under the *Fair Labor Standards Act* (FLSA) or be counted towards qualification for overtime under the provisions of this Resolution.

Employees will not be permitted to be in their work areas or to perform their official duties during the period of mandatory furlough. Supervisors may not direct employees to work and employees are not to perform work for the County on their own during the period of mandatory furlough.

Supervisors shall not permit an employee, and employees shall not seek or volunteer to work overtime in a week in which mandatory furlough time is taken. Permitting an employee to earn overtime during a week in which the employee takes mandatory furlough hours would reduce the savings achieved by the mandatory furlough.

Employees who are exempt from the overtime provisions of the FLSA will lose their exemption during any week in which they take a budget required furlough (i.e. mandatory furlough but not voluntary furlough). These employees must report their actual

hours of work during the week of furlough. Exempt employee shall refrain from working any additional hours during the remainder of the furlough week beyond their normal work day in order to avoid the payment of overtime for that week and/or the recapture of time that otherwise would be furloughed.

If required by the operational needs of the department, the employee's agency/department head or designee may revoke a previously scheduled mandatory furlough and the employee will be rescheduled to take the mandatory furlough at some other time prior to June 30th of the same fiscal year.

Sec. 1408A Retirement: Employees who submit a letter of intent to retire from the County during any fiscal year in which mandatory furloughs have been authorized will still be required to furlough but may use any banked leave, except sick leave, to receive payment for their mandatory furlough hours. None of these leave hours paid for this purpose will be considered in determining eligibility for overtime.

Should any employee who submits such a notice not retire during the fiscal year identified in the letter of intent then an additional amount of paid leave equal to the amount of paid leave that was used to cover the mandatory furlough time during that fiscal year will be deducted from the employee's leave balances at the end of the fiscal year. In the event the employee has insufficient leave to cover this deduction then the amount will be deducted from the employee's leave accruals in the following fiscal year(s) or from the employee's final paycheck should the employee fail to restore the leave balances prior to his/her departure from the County.

Sec. 1409A Holidays: Mandatory furlough hours taken before or after a paid holiday will not affect payment for the holiday unless the employee specifically requests to voluntarily furlough the holiday as well. Additionally an employee, subject to department approval, may take mandatory furlough hours adjacent to other forms of paid leave.

Sec. 1410A Benefits: Employees subject to mandatory furlough will be allowed to maintain the same level of County contributions for flexible credit allowance, as well as continuation of their other employee benefit plans. They will retain their work status for benefit purposes. Mandatory furlough hours will have no effect on the following benefits:

- Flexible benefit allowance
- Medical/dental/vision/life insurance eligibility and coverage

- Rate of differential and premium pay that is included in the compensation base for pension calculation, except to the extent that they are based on the actual number of hours worked. This includes bilingual pay, shift differentials, etc.

Mandatory furlough hours will not cause a break in service or a reduction in employees' service credit for the purposes of seniority, probationary period, or anniversary date/merit salary adjustment.

Mandatory furlough participants who are required to take a block of time off in excess of a full pay period will need to arrange payment of the normal required employee contributions for benefit plans during the relevant pay period(s).

Sec. 1411A FMLA/CFRA/PDL Leave: Employees on FMLA/CFRA/PDL qualifying leave on a day (or days) they have been scheduled for mandatory furlough will be required to substitute mandatory furlough hours (unpaid leave) for paid leave on that day (or days) during the FMLA/CFRA/PDL leave.

Sec. 1412A Military Leave: Employees on paid military leave will not be scheduled for mandatory furloughs during such leave but will participate in the mandatory furlough at all other times during the fiscal year.

Sec. 1413A Payroll Issues: A special time entry code will be established to capture all mandatory furlough hours taken off, and to facilitate continuation of seniority, health and retirement benefit accruals, contributions, and payments. Employer taxes and withholdings will be calculated based on the actual hours worked and benefits received.

Participation in the mandatory furlough will reduce the employee's immediate take home pay. In scheduling mandatory furlough times the department head or designee should attempt to ensure that employees will continue to receive adequate wages to cover their normal payroll deductions (e.g., tax withholdings, deferred compensation contributions, RSA dues, life insurance, etc.).

Employees who are exempt from the overtime provisions of the FLSA will lose their exemption during any week in which they furlough. In these furlough weeks these employees shall accurately report the hours worked each day on their timesheet for that week.

Sec. 1414A Workload: The County acknowledges and recognizes that as a result of the mandatory furlough less work may be performed and that certain delays and/or reductions in service may result. Work expectations shall be commensurate with the reduced schedule.

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:

Emergency Room/Trauma Services
Intensive Care Unit
Labor and Delivery
Neonatal Intensive Care Unit
Operating Room
PACU
PCU
Pediatrics
Pediatrics Intensive Care Unit
Psychiatry

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 10.2% above his/her regular rate of pay while performing these services.

- C. Any Staff Psychiatrist I, II, III, or IV shall be entitled to a salary differential of \$2.40 per hour worked above their regular rate of pay when assigned to the Emergency Treatment Services Facility, Inpatient Treatment Facility or Detention Health Facility.
- D. Any Staff Psychiatrist I, II, III, or IV shall be entitled to a maximum premium of \$500.00 for each evening shift in the Emergency Treatment Services Facility on a pro-rata basis for each hour worked.
- E. 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 salary grade which is two (2) steps higher than that specified for such position, at the option of the employee's department head.
- F. Special Assignment of Attorneys: The incumbent of a Deputy County Counsel IV, of the County Counsel's Office, who has exceptionally performed difficult and complex legal work assignments and who is assigned supervisory, training or administrative 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 salary grade midway between the salary grades for the classifications 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.
- G. 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 salary grade midway between the salary grades for the classifications of Deputy Public Defender IV and 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 Resolution by reference.

For 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 INSURANCE

Sec. 1701 Flex Benefits Programs.

The County's monthly Flexible Benefit contribution for current, regular employees covered under the provisions of this Resolution who select a County medical plan shall be as follows:

<u>GROUPS</u>	<u>SEMI-MONTHLY CONTRIBUTION</u>	
	<u>Eff. PP 19-08</u>	
1 - 6. As defined in Article 1		\$375.64
7. As defined in Article 1	\$291.45	Eff. PP 25-07
	\$317.70	Eff. PP 25-08

The County's monthly Flexible Benefit contribution for current, regular employees covered under the provisions of this Resolution who waive County medical plan but select another County benefit shall be as follows:

<u>GROUPS</u>	<u>SEMI-MONTHLY CONTRIBUTION</u>
	<u>Eff. PP 25-05</u>
1 - 6. As defined in Article 1	\$267.00
7. As defined in Article 1	\$212.70

To be eligible for the above contribution, an employee must participate in the Flexible Benefit Program and be in a paid status at least 5 hours or be on an approved FMLA/CFRA leave during the pay period. The contribution will be paid in the first two pay dates of the month; no contribution is made in the third pay date of the month.

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 Program 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.

Part time employees who work more or less than their designated status for a fiscal year quarter shall be re-characterized at the end of that quarter based on their actual pattern of work during that quarter.

- A. Plan Selection Requirement. Employees whose last hire date is on or after November 13, 2003 will be required to select a medical health insurance plan as part of their Flexible Benefit election each year, and will not have the option of waiving all medical health insurance coverage unless the flexible benefit contribution by the County is also waived. Those who fail to either timely elect medical coverage or waive all participation in the flexible benefit plan will be placed in the lowest-priced employee-only PPO medical plan available.
- B. Waiving Medical Coverage. Employees hired prior to November 13, 2003, may elect to not take medical health insurance coverage, if they provide evidence of group hospital and medical health plan coverage from their spouse or other sources and sign a statement that they are enrolled and covered under another group 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 health insurance coverage, one of the flexible benefit options must be taken (dental or Flexible Spending Account) to receive cash back.

- C. 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.

If monies remain after waiver of medical health insurance and deduction of other elected benefits, said monies may be taken as cash in the employee's pay.

Sec. 1702 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.

Sec. 1703 Retiree Health Contributions

- A. The County shall contribute a monthly amount toward the payment of premiums for a Riverside County-sponsored medical and hospital health plan for eligible retirees and their dependents. To be eligible, the following conditions must be met:

- You must retire (begin receiving your pension) within 120 days from the date you separate from employment with the County of Riverside;
- You must receive a retirement allowance from CalPERS;
- You must have been eligible for enrollment in a County-sponsored health plan on the date of separation from the County of Riverside.

An eligible retiree who chooses not to enroll in a medical plan when first retired may elect coverage at any subsequent open enrollment, and receive County contributions toward such coverage.

- B. Monthly retiree health contributions for retirees who meet the eligibility conditions listed above are as follows:

1. For employees who retire prior to November 1, 2005, the County shall contribute \$128.00 per month toward premiums for a Riverside County-sponsored health plan in which the retiree is enrolled.
2. For employees who retire on or after November 1, 2005, the County shall contribute \$256.00 per month toward premiums for a Riverside County-sponsored health plan in which the retiree is enrolled.

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 Resolution by reference.

ARTICLE 19
VOLUNTARY TIME-BANK

Sec. 1901 Procedure. Any agency/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, registered domestic partner, child of a registered domestic partner, 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 agency/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 not be 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 his/her 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 Annual Leave or 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 agency/department to establish a Time-Bank program.

An agency/department head who decides that the agency/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.

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.

- A. Effective August 14, 2008 (payday of September 10, 2008), all employees covered by this Resolution, except those employees covered by Article 21 and Article 22, shall receive a 3.5% wage increase in their base salaries.

ARTICLE 21
SALARY AND FRINGE BENEFIT ADJUSTMENTS
LAW ENFORCEMENT EXECUTIVE MANAGEMENT

This Article provides 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, or Sheriff's Executive Officer classifications. Unless specifically provided herein, this Article 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.

Please refer to Article 17, Flexible Benefit and Optical Insurance for Law Enforcement Executive Management Flexible Benefit Adjustments.

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. 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 2,400 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 then current employees in one of the classifications described in Section 2101 were converted to Annual Leave on an hour-for-hour basis to a maximum of 2,400. 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 were frozen provided, however, that up to 50% of the sick leave balances was converted to annual leave. The combined maximum hours of sick leave so converted, when added to vacation hours converted under (B.) above, did 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 forty (40) hours per calendar year of Annual Leave. Effective January 1, 2012, 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 September 14, 2006, the County shall increase the contribution from \$20.00 to \$50.00 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 Deputy Sheriff-Director of Administrative Services, Sheriff's Executive Officer, Chief District Attorney Investigator, Asst. Chief District Attorney Investigator, or Supervising District Attorney Investigator classification.

For all employees identified in this section the \$50 per biweekly pay period contribution will be reduced to \$25 per biweekly pay period from June 4, 2009, to December 28, 2011.

At the discretion of the Chief Executive Officer, employees may have the amount of the reduced contributions (i.e. \$25 per bi-week) deposited to their 401(a) money purchase plan in one or more lump sums, as determined by the County Executive Officer, during 2012. If due to financial restrictions payment is not possible during 2012 then the amount may be contributed during 2013.

Such repayment will only be made if the employee is still in the employ of the County on the date of the repayment.

Sec. 2107 P.O.S.T. Certificate Pay

Any 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 6.0% 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 11.0% 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 classification 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 classification title shall be deemed to include positions occupied by incumbents possessing either of said certificates.

Sec. 2108 Salary Adjustments

- A. Effective Pay Period 05-09 (February 12, 2009), the classifications of Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Sheriff-Director of Administrative Services, Sheriff's Executive Officer, Chief District Attorney Investigator, Assistant Chief District Attorney Investigator, and Supervising District Attorney Investigator shall receive a 1.0% wage increase in their base salaries.

Sec. 2109 Education Incentive

- A. Bachelor's Degree – As of July 3, 2008, any employee who provides proof that the employee possesses a Bachelor's degree from a university or college that is regionally or nationally accredited by an agency recognized by the U.S. Department of Education shall be paid a premium equivalent to 2.5 % of:
 - i. The employee's base salary (for employees exempt from FLSA), or

- ii The employee's base hourly wage rate for all hours actually worked, not exceeding 80 hours per pay period (for employees not exempt from FLSA).
- B. Master's Degree – As of July 3, 2008, any employee who provides proof that the employee possesses a Master's degree from a university or college that is regionally or nationally accredited by an agency recognized by the U.S. Department of Education shall be paid a premium equivalent to 5.0 % (i.e. an additional 2.5% if the employee qualifies under A above) of:
- i. The employee's base salary (for employees exempt from FLSA), or
 - ii. The employee's base hourly wage rate for all hours actually worked, not exceeding 80 hours per pay period (for employees not exempt from FLSA).
- C. Sunset – The Education Incentives outlined above shall be payable up to and including July 1, 2009. Thereafter this premium will cease to be paid.

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
78528	Chief Assistant District Attorney
78537	Assistant District Attorney
78539	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
78555	Supervising Deputy Public Defender
37490	Chief Deputy Child Support Attorney
37491	Supervising Deputy Child Support Attorney
78556	Deputy Public Defender V

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

A. Effective October 23, 2008, 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
SUPERSESSION

This resolution supersedes Resolution 2008-487 in its entirety.

Reference:

Minute Order 3.41 dated 06/23/98	Resolution 2004-235 dated 05/18/04	Resolution 2007-016 dated 01/09/07
Resolution 98-322 dated 10/13/98	Resolution 2004-420 dated 10/19/04	Resolution 2007-318 dated 06/08/07
Resolution 99-080 dated 03/09/99	Resolution 2004-520 dated 12/14/04	Resolution 2007-436 dated 09/18/07
Resolution 2000-044 dated 02/01/00	Resolution 2005-280 dated 06/07/05	Resolution 2007-542 dated 11/20/07
Resolution 2002-195 dated 06/04/02	Resolution 2005-372 dated 08/23/05	Resolution 2008-031 dated 01/08/08
Resolution 2002-240 dated 06/25/02	Resolution 2005-475 dated 11/01/05	Resolution 2008-245 dated 05/13/08
Resolution 2003-71 dated 02/18/03	Resolution 2006-323 dated 08/29/06	Resolution 2008-364 dated 07/29/08
Resolution 2003-228 dated 05/20/03	Resolution 2006-395 dated 10/03/06	Resolution 2008-487 dated 11/18/08
Resolution 2003-513 dated 12/09/03	Resolution 2006-466 dated 12/12/06	Resolution 2009-120 dated 04/07/09

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