

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

239



FROM: Human Resources Department

SUBMITTAL DATE:
July 1, 2013

SUBJECT: INTRODUCTION OF ORDINANCE 440.1760, an Ordinance that amends the current County of Riverside Salary Ordinance No. 440, and Revisions to the Background Check Board Policy C-33.

RECOMMENDED MOTION: That the Board of Supervisors: 1) approve the introduction of Ordinance No. 440.1760, with adoption of the Ordinance on the following agenda; and 2) approve revisions to the Background Check Board Policy C-33 regarding pre-employment and pre-appointment background checks.

BACKGROUND: Salary Ordinance No. 440, last amended by Minute Order 3.33 3/13/2012, establishes policy and provides administrative procedures related to County employment.

Departmental Concurrence



Barbara A. Olivier
Asst. County Executive Officer/Human Resources

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2013/14

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

C.E.O. RECOMMENDATION: APPROVE
BY: 
Alex Gann
County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

Dept Recomm.:
Per Exec. Ofc.:

2013 0701 -2 0410:19
Prev. Agn. Ref.: 3.33 3/13/2012; **District:** All **Agenda Number:** 3-25
 3.33 4/10/2007

BACKGROUND continued:

The Salary Ordinance requires that the Human Resources Director arrange for all prospective employees to be fingerprinted prior to employment (Section 5, Employment Procedures, subsections (f), (i), and (j)). Board of Supervisors Policy C-33, Countywide Background Check Policy (adopted by Minute Order 3.18 2/15/2005 and amended by Minute Order 3.3 4/10/2007), establishes policy for pre-employment and pre-appointment background checks and is administered by the Human Resources Department. Policy C-33 requires that all background checks include a Live Scan criminal records check through the California Department of Justice (DOJ). Human Resources also conducts Live Scan criminal records checks through the Federal Bureau of Investigation (FBI) for positions for which it is required by law and uses the services of third-party investigative consumer reporting agencies for out-of-state criminal records checks, sex offender registry checks, employment verifications, and education verifications.

The Human Resources Department is recommending that the Salary Ordinance be updated to remove the language from Section 5, Employment Procedures, subsections (f), (i), and (j), that requires all prospective employees be fingerprinted. Instead, the amended language would require all prospective employees to undergo a background check. In addition, subsection (j) would be updated to allow the Human Resources Director to waive the background check, when deemed advisable, for an employee in a regular position if the employment is intermittent or occasional in nature. Policy C-33 currently requires that pre-employment and pre-appointment criminal records checks always consist of a DOJ-level Live Scan check. Instead, we recommend that Human Resources determine the appropriate method and type of criminal records check based on job relatedness and the need to reduce risk. Of the methods available, a DOJ-level check may exceed what is necessary, especially for certain short term assignments. Other revisions to Policy C-33 are recommended to update recordkeeping requirements and to ensure County-wide departmental compliance.

Salary Ordinance and Policy C-33 revisions would allow Human Resources to establish the most suitable method for conducting the criminal records check based on the position, assignment or contract. In certain cases, a risk analysis for a particular position, assignment or contract may determine that utilizing the services of a third-party investigative consumer reporting agency is appropriate for the criminal records check rather than a Live Scan check. In some cases, adding an FBI-level check to the DOJ-level check may be appropriate. The revisions also set specific criteria for when non-employees, such as volunteers, must undergo a background check; non-employees in assignments that do not meet the criteria (i.e., those with a limited assignment posing little risk to the public or the County) would be exempted from the check.

Revisions would also allow the Human Resources Director to waive the background check, when deemed necessary, for non-employee assignments that do meet the risk-sensitive criteria if some factor sufficiently reduces the risk, such as the brief duration of an assignment. For certain positions or assignments, the background check may be redundant and unnecessary, such as in the case of members of advisory boards composed of local public officials, recipients of public assistance programs where a department is assisting in placing the recipient with an outside agency that conducts its own background check, or volunteers in a one-day assignment who are enrolled members of a well-known civic organization that conducts its own background check. Waivers would be rare but necessary from time to time to respond to unique situations.

BACKGROUND continued:

The benefit of using an investigative consumer report for the background check instead of Live Scan is lower costs and quicker placement. This method for conducting the background check would be most appropriate for non-employees working low-risk short-term assignments, such as volunteers and student interns. An investigative consumer report that includes a county-level criminal records check and sex offender registry check would cost on average about \$15 to \$25 versus the \$42 cost of a Live Scan (\$32 DOJ fee plus \$10 fingerprint rolling fee). Besides lower fees, there would be additional savings resulting from avoided administrative costs related to Live Scan fingerprinting, such as the cost of staff, equipment, records management, and delays in obtaining fingerprinting services. This revision to Policy C-33 would also prohibit departments from passing background check fees on to volunteers, formalizing a directive given by the Executive Office. In the case of volunteer assignments and internships in which a department is providing career training or work experience for the benefit of the volunteer, departments would be allowed, though not required, to pass these fees on to volunteers so as to preserve these important development opportunities.

Recordkeeping revisions to Policy C-33 would require that background check records be managed in accordance with Board Policy A-43, County Records Management and Archive Policy, as the retention of such records may be necessary for defending against legal actions or for determining an applicant's employability for other positions or an employee's future promotability. For Criminal Offender Record Information (CORI) records (i.e., the protected records maintained by DOJ and FBI), Human Resources would continue to follow the recommendation of DOJ and destroy CORI upon the hiring decision as the civil and criminal liability surrounding the unlawful disclosure of CORI to unauthorized persons makes this a best practice. A copy of CORI is provided to the subject in cases of adverse action (Penal Code Sec. 11105(t)).

Finally, revisions to Policy C-33 regarding County-wide compliance would mandate that departments conducting background checks maintain departmental policies and procedures and that Human Resources review such policies to ensure they meet or exceed Policy C-33 requirements. Changes to departmental background check policies would be reviewed by and kept on file with Human Resources. Departments that conduct background checks, usually because of more extensive requirements or because of special discounted Live Scan fees, include the Community Action Agency, the Department of Public Social Services, the Office of the District Attorney, the Office of the Public Defender, the Probation Department, the Regional Park and Open Space District, and the Sheriff's Department.

Should the Board adopt the recommended updates to the Salary Ordinance and Policy C-33, any change to use investigative consumer reports instead of Live Scan for appropriate employment positions would include a thorough risk analysis. Human Resources will immediately begin working with departments to identify assignments for which a criminal records check through an investigative consumer reporting agency may be appropriate rather than a Live Scan check, and identify non-risk sensitive volunteer assignments for which the background check may be waived or limited.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
BACKGROUND CHECK POLICY	C-33	1 of 4

Purpose:

To establish County policy for conducting pre-employment background and reference checks on potential new hires and for promotion to high-level and risk-sensitive positions, as defined herein.

Policy:

Employees

It is the policy of the Board of Supervisors to have pre-employment and pre-appointment reference and background checks conducted on potential new hires and for all regular and temporary positions, and for promotional candidates for specified high-level and risk-sensitive positions.

The successful operation of organizational units within the County of Riverside is dependent upon selection of individuals who possess the skills, knowledge, abilities and valid credentials required of their position; and have the personal and professional attributes that will enable success in the position to which they are appointed. In addition, those selected for high level positions should have a demonstrated history of responsible and effective leadership.

To enable appointing authorities to make well-informed selections/placements, ~~Live Scan~~ criminal records ~~check checks through the California Department of Justice (DOJ)~~ will be conducted prior to every new hire ~~or rehire following a break in service, but excluding reinstatement~~, for regular and temporary employment at the County of Riverside. ~~Other~~ The components of the pre-employment background ~~and reference~~ check, ~~including the criminal records check~~, are established by the Human Resources Department based on the classification and job assignment. Background and reference checks, including a Live Scan criminal ~~record~~records check, are also to be conducted prior to promotion into positions at the Deputy Director level or higher, or other sensitive positions.

Non-Employees

~~It is the policy of the Board of Supervisors to have pre-appointment and pre-selection background checks conducted on potential volunteers, interns, and contractors for risk-sensitive assignments, internships, and contracts. The components of the background check, including the criminal records check, are established by the Human Resources Department based upon the assignment, internship, or contract. Risk-sensitive is defined for non-employees as any volunteer assignment, internship, or contract involving:~~

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
BACKGROUND CHECK POLICY	C-33	2 of 4

1. The care or supervision of patients, children, the elderly, the disabled or the mentally impaired;
2. The access unsupervised by County staff to patients, children, the elderly, the disabled or the mentally impaired;
3. The care or handling of animals;
4. The direct access to prescription drugs or other controlled substances;
5. The handling of cash;
6. The use of or access to non-public, confidential information;
7. The use of or contact with hazardous substances, dangerous equipment or materials, or unsafe environments;
8. The use of a County identification badge or a building access card;
9. The use of a County vehicle or personal vehicle used for County business;
10. The use of password-protected County information systems; or
11. The issuing of public assistance benefits.

The Human Resources Director may waive the background check for non-employees meeting the risk-sensitive criteria if some factor sufficiently mitigates the risk, such as the brief duration of the volunteer assignment, internship or contract.

Policy Amplifications:

Background and reference checks are used to verify information provided by the applicant and to obtain additional information (i.e., a criminal record and/or significant job-related problems in prior employment) to determine suitability for the position for which they are being considered.

The ~~County has~~ Human Resources Department contracts with ~~several background check firms (third party vendors)~~ investigative consumer reporting agencies to conduct background and reference checks. In addition, the Human Resources Department performs Live Scan fingerprint checks.

It shall be the policy of the County for the following steps to be taken prior to extending formal offers of employment:

1. Obtain as much job-related information as possible from the current and former employer(s) of potential hires.
2. Verify degrees, licenses and other job-related credentials and current status of same.
3. Conduct criminal background and public records checks.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
BACKGROUND CHECK POLICY	C-33	3 of 4

The background check is solely intended for determining an individual's initial employability, promotability, and/or acceptability as a provider of public services. Applicants will not be cleared for hire until their background checks have been completed and approved through Human Resources, unless the Human Resources Director approves a special exemption pending receipt of the background report. The Human Resources Director may waive the background check for any employee in a regular position, the compensation for which is fixed on an hourly or piecework basis, if the employment is intermittent or occasional in character and not on a full time basis.

Applicants must complete and sign the appropriate disclosure, release, ~~waiver form(s)~~ and authorization forms prior to the County accessing background check information. ~~Job applicants~~ Applicants are consumers and are entitled to protections under the Federal Fair Credit Reporting Act (FCRA) and the California Investigative Consumer Reporting AgencyAgencies Act (ICRAA).

~~Information received~~ Background check records are managed in accordance with Board Policy A-43, County Records Management and Archive Policy. As recommended by the California Department of Justice (DOJ), Criminal Offender Record Information (CORI) records (i.e., the protected records maintained by DOJ and FBI) related to background checks shall not be stored electronically and will be destroyed after the hiring or licensing determination. Destruction of this information shall be to the extent that the identity of the individual can no longer be determined. Pursuant to Penal Code section 11105(t), a copy of the CORI will be expeditiously furnished to the person to whom the information relates if the information is a basis for adverse action.

Background check fees are paid by the hiring, appointing, or selecting department. If a department is providing career training or work experience through a volunteer service assignment, such as in an unpaid professional internship, the department may require that the volunteer pay the background check fees.

Departments conducting background checks will maintain departmental background check policies and procedures for completing and approving background checks. Such policies and procedures will be reviewed by the Human Resources Department to confirm that they meet or exceed Board Policy requirements and comply with applicable laws and regulations. Changes to departmental policies must be reviewed by and kept on file with the Human Resources Department.

Reference:

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject:

BACKGROUND CHECK POLICY

Minute Order 3.18 of 02/15/05
Minute Order 3.3 of 04/10/07
[Minute Order x-xx of 00/00/00](#)

**Policy
Number**

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BOARD OF SUPERVISORS POLICY

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To enable appointing authorities to make well-informed selections/placements, a criminal records check will be conducted prior to every new hire or rehire following a break in service, but excluding reinstatement, for regular and temporary employment at the County of Riverside. The components of the pre-employment background and reference check, including the criminal records check, are established by the Human Resources Department based on the classification and job assignment. Background and reference checks, including a Live Scan criminal records check, are also to be conducted prior to promotion into positions at the Deputy Director level or higher, or other sensitive positions.

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It is the policy of the Board of Supervisors to have pre-appointment and pre-selection background checks conducted on potential volunteers, interns, and contractors for risk-sensitive assignments, internships, and contracts. The components of the background check, including the criminal records check, are established by the Human Resources Department based upon the assignment, internship, or contract. Risk-sensitive is defined for non-employees as any volunteer assignment, internship, or contract involving:

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BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
BACKGROUND CHECK POLICY	C-33	2 of 3

1. The care or supervision of patients, children, the elderly, the disabled or the mentally impaired;
2. The access unsupervised by County staff to patients, children, the elderly, the disabled or the mentally impaired;
3. The care or handling of animals;
4. The direct access to prescription drugs or other controlled substances;
5. The handling of cash;
6. The use of or access to non-public, confidential information;
7. The use of or contact with hazardous substances, dangerous equipment or materials, or unsafe environments;
8. The use of a County identification badge or a building access card;
9. The use of a County vehicle or personal vehicle used for County business;
10. The use of password-protected County information systems; or
11. The issuing of public assistance benefits.

The Human Resources Director may waive the background check for non-employees meeting the risk-sensitive criteria if some factor sufficiently mitigates the risk, such as the brief duration of the volunteer assignment, internship or contract.

Policy Amplifications:

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BOARD OF SUPERVISORS POLICY**

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Background check fees are paid by the hiring, appointing, or selecting department. If a department is providing career training or work experience through a volunteer service assignment, such as in an unpaid professional internship, the department may require that the volunteer pay the background check fees.

Departments conducting background checks will maintain departmental background check policies and procedures for completing and approving background checks. Such policies and procedures will be reviewed by the Human Resources Department to confirm that they meet or exceed Board Policy requirements and comply with applicable laws and regulations. Changes to departmental policies must be reviewed by and kept on file with the Human Resources Department.

- Reference:**
Minute Order 3.18 of 02/15/05
Minute Order 3.3 of 04/10/07
Minute Order x-xx of 00/00/00

ORDINANCE NO. 440.1760
AN ORDINANCE OF THE COUNTY OF RIVERSIDE,
AMENDING ORDINANCE NO. 440, RELATING TO SALARIES

Ordinance No. 440 Narrative

Edition 7

July 30, 2013

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

Section 1. TITLE AND DEFINITIONS

This ordinance shall be known as "The Riverside County Salary Ordinance". For the purpose of this ordinance, words and phrases are defined as follows:

- a) "Appointed officers" shall mean the persons appointed or employed by the Board of Supervisors or otherwise as the principal employee of a department or agency in the County government, or of the Riverside County Flood Control and Water Conservation District or the Riverside County Regional Park & Open-Space District, which districts for the purposes of this ordinance and resolutions hereunder shall be deemed the equivalent of departments of the County government, except that references in this ordinance or said resolutions to the County shall mean such districts when the context so requires.
- b) "County officers" shall mean the officers designated as such by or pursuant to the law of the State of California.
- c) "Demotion" shall mean a change of employment without intervening loss of working days from a position allocated to a given salary plan and grade to a position of a different class allocated to a lower plan and grade, whether in the same or a different department.
- d) "Employees" shall mean all persons employed by the County of Riverside or the Riverside County Flood Control and Water Conservation District, or the Riverside County Regional Park & Open-Space District, other than officers.
- e) "Full time employee" shall mean employees whose positions require the number of hours usual or prescribed for normal permanent County employment. All positions shall be full time unless otherwise designated or unless the compensation is fixed upon the basis of part time work.
- f) "Holiday" or "paid holiday" means any day on which County offices are not open for business, in accordance with County ordinance, other than Saturday or Sunday.
- g) "Officers" shall mean all "County officers", and "appointed officers" as herein defined, except where the natural construction of this ordinance otherwise indicates: "officer" is the equivalent of "agency/department head".
- h) "Part time employees" shall mean employees in positions which are designated part time or for which compensation is fixed upon a basis of part time work.
- i) "Pay period" means 14 calendar days from Thursday (starting at midnight) through and including the second Wednesday thereafter, and refers to the period for computing compensation due for all normal working shifts ending during that period.
- j) "Permanent employee" means a regular or seasonal employee who has completed the initial probationary period in a position, not including any incumbent of an At-Will position.
- k) "Physician", and designations of other positions herein which require a license to practice medicine or surgery, including specialties, shall mean and be equivalent to the designation of County Physician as used in State law.

- l) "Position" shall mean any office or employment to which a group of duties and responsibilities are 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.
- m) "Probationary employee" means a regular or seasonal employee who has not completed:
- i) the required initial probationary period in a paid status in a position following initial employment; or
 - ii) the required probationary period in a paid status in a position to which he/she has been promoted, transferred, or demoted following completion of the initial probationary period.
- n) "Promotion" shall mean a change of employment without intervening loss of working days from a position allocated to a given salary plan and grade to a position of a different class allocated to a higher grade whether in the same or different agency/department. The appointment of an employee to a position allocated to a higher salary plan and grade because of professional registration achieved by the incumbent shall not be deemed a promotion but a change in salary allocation.
- o) "Reclassification" shall mean the reallocation of a position to a different class by a change of title and position specification, but does not necessarily involve a change of salary plan and grade.
- p) "Regular employee" means a holder of a regular position.
- q) "Regular position" means a position established by this ordinance on an ongoing basis, as distinct from a seasonal or temporary position.
- r) "Retire", "retired", and "retirement" means receiving a pension through the California Public Employee Retirement System (CalPERS) pursuant to the California Public Employees' Retirement Law (*California Government Code* (Title 2, Division 5)).
- s) "Seasonal employees" shall mean employees 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 permanent, but of an intermittent nature.
- t) "Temporary employee" means an employee who is not a regular or seasonal employee.
- u) "Transfer" shall mean a change of employment without intervening loss of working days from a position allocated to a given salary plan and grade to a position of a different class allocated to the same grade in the same agency/department, or to a position of the same class, or a different class allocated to the same grade, in a different agency/department.
- v) "Working day" means each day on which an employee performs a normal working shift, and including holidays as specified herein which fall on days of his or her normal working shift.

Section 2. EMPLOYMENT AND ORGANIZATION

- a) The various officers are hereby allowed assistants, deputies, and employees, to be appointed or employed in the manner and to the extent as provided in this ordinance and by law.
- b) The powers and duties of officers shall be such as are provided by or pursuant to the law of the State and ordinances of the County of Riverside. Appointive officers shall also have such additional powers and duties as may lawfully be delegated to them by the Board of Supervisors.

c) All employees shall have and exercise such powers and perform such duties as may be directed by the respective officers under whose direction they work, subject to the provisions of this ordinance.

d) The conditions of employment specified in this ordinance shall apply to all officers and employees except as otherwise provided by law or any applicable memorandum of understanding between the County and a recognized employee organization (herein "MOU"). One or more of such conditions may be varied as to Resident Physicians and Surgeons at the Riverside County Regional Medical Center by resolution of the Board of Supervisors.

e) In the absence or incapacity of the Sheriff, the Undersheriff will command the department, followed by the Assistant Sheriff assigned to Patrol and Investigations, followed by the Assistant Sheriff assigned to Court Services/Corrections, followed by the Assistant Sheriff assigned to Administration/Support Services.

f) After an agency/department head has been continuously absent as the result of illness, injury, or leave of absence for more than 20 working days, the assistant agency/department head, or if there is none, the senior employee next in authority, if he/she possesses any required license, shall automatically assume the designation as acting agency/department head, unless the Board of Supervisors appoints another person as acting agency/department head. This shall be deemed a temporary promotion. If the position of agency/department head becomes vacant, or in any case not covered by the foregoing provision, the Board of Supervisors shall designate the acting agency/department head, which shall be a temporary promotion.

When the absence ceases or the vacancy is filled, the temporarily promoted 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.

g) Except as by law otherwise provided, every officer shall be a citizen of the United States.

h) When in the judgment of the Board of Supervisors it becomes necessary or desirable to use the services of an employee within the same agency/department in a capacity other than that for which he/she is regularly employed, the Board of Supervisors may by resolution authorize such additional employment, fix any conditions, and provide for the rate of pay. Such additional employment shall not be included in computing vacation, sick leave, or similar benefits; or eligibility for step advance.

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

Except as otherwise provided herein, no person shall be denied the opportunity for employment or continued employment because such person is related to any person presently employed by the County of Riverside. 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, evaluation, promotion, or work assignments) specifically pertaining to another County employee who is related within the first degree of consanguinity whether by blood or marriage. "Whether by blood or marriage" shall mean spouse, father, mother, brother, sister, son, daughter, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, or the equivalent relationships through a lawfully registered domestic partnership.

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

j) The Executive Director, Salton Sea Authority and the Executive Secretary for the Salton Sea Authority shall be appointed by the Board of Directors of the Salton Sea Authority and shall serve at the pleasure and will of the Board of Directors. Prior to appointment, the County of Riverside Human Resources Director shall obtain written acknowledgment from the prospective appointee(s) acknowledging his or her understanding of such at-will status. Any person appointed to either of these positions may be terminated from service at any time, by the Board of Directors of the Salton Sea Authority, without notice, cause, or rights of appeal. The Board of Directors of the Salton Sea Authority shall by employment agreement determine the compensation, benefits, and conditions of employment for the Executive Director, Salton Sea Authority.

Section 3. CLASSIFICATION PLAN

a) ADOPTION AND AMENDMENT

i) Class Specifications. Unless otherwise ordered by the Board of Supervisors, the Human Resources Director may adopt and from time to time amend a classification plan which shall consist of a separate class specification containing the title, general statement of duties, typical tasks, and minimum qualifications, for each class of position other than County officers. Each new or revised class specification shall be approved by the Human Resources Director.

ii) Maintenance of the Plan. The classification plan shall be maintained in a current condition by the Human Resources Director and the classification plan shall be made available in a format readily accessible by County agency/departments.

iii) Classification Studies. The Human Resources Director shall have the responsibility for recommending changes in the classification plan to keep the same currently in a condition to meet the needs of the County and its agency/departments. From time to time the Human Resources Director may, and upon order of the Board of Supervisors shall, initiate classification studies of the various positions and class specifications, their relation to the salary plan, and related matters, and make appropriate recommendations to the Board of Supervisors for amendment of the classification plan, this ordinance and resolutions, orders and regulations made pursuant thereto. The Human Resources Director shall have the primary responsibility for preparation of class specifications.

iv) Approval of New Classes and Reclassification. The Board of Supervisors shall approve the establishment of any new classes, on the recommendation of the Human Resources Director. The Human Resources Director may inactivate from the Class and Salary Listing, without Board of Supervisors' approval, classes which are no longer allocated to agencies or departments and not in current use. Reclassification to an existing class and exchanges of positions shall not require Board of Supervisors approval. As an outcome of a classification study or review, the Human Resources Director, with the concurrence of the affected agency/department head, may reclassify positions which warrant a change to an existing job class, when no additional funding is required. This action shall be sufficient to authorize promotion or demotion through reclassification of the incumbents of the positions, on the request of the agency/department head.

b) CONFORMANCE TO PLAN

- i) Requirement for Class Specification. No person shall be employed in or appointed to any regular or seasonal position until the classification plan shall contain a class specification for such position.
- ii) Minimum Qualifications. No person shall be employed in or appointed to any regular or seasonal position unless said person meets the minimum qualifications set forth in the class specification except as otherwise provided in this section. No person shall be employed in or appointed to any temporary position unless said person meets the minimum qualifications set forth in the class specification, unless the Human Resources Director shall certify that there is no qualified person available for the temporary position.
- iii) Underfilling a Position. This action may be required when filling a position with an individual who currently qualifies for a lower level in the same class series. When any regular or seasonal position has been funded in a agency/department, the position may be filled in a job class of the same class series as if it were a position in the same or lower paid job class.

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

- a. The employee must meet the established minimum qualifications and is satisfactorily and substantially performing the duties of the higher class.
- b. The originally funded class is the journey level and the underfill is a lower level in the same class series, in the same representation unit and job classes in the series are not separately allocated.
- c. There is no increase in the number of positions allowed for the classes involved.

c) CLASS AND SALARY LISTING

- i) Design of Listing. The Class and Salary Listing, by this reference made a part hereof, contains a list, by titles, of all classes of positions in the classification plan, each preceded by a job code number which is assigned for numerical reference, and followed by the salary plan and grade or other basis of compensation which applies to the class.

The Human Resources Director may include in the publication of the Class and Salary Listing other reference information by class, such as the designated union code or salary.

- ii) Amendments to the Class and Salary Listing and Appendices. The Class and Salary Listing; Appendix I, relating to overtime; Appendix II, At-Will classifications; and Appendix III, Executive Vehicle Benefit classifications, may be amended by resolution of the Board of Supervisors and shall be effective on the first day of the first full pay period following Board adoption, unless a different date is established by the Board.
- iii) Technical Title Changes and Additions. The Human Resources Director may change the title of a class of positions as listed in the Class and Salary Listing, without changing the job code number or salary, when an occupational title change is warranted because of technical or programmatic developments. These changes shall be effective on the first day of the first full pay period following approval.

The Human Resources Director may administratively duplicate an existing class for a separate program or district position when necessary to preserve benefits that have been lawfully afforded to an employee group, using a variation on the title according to the program area, and a distinguishing job code. Included in the provision of this authority is the ability of the Waste Management Department to fill a position in either a generic class or district class when needed to accommodate an employee whose benefits have been "grandfathered" under an earlier district arrangement. The salary of the duplicated class in the Class and Salary Listing shall be equivalent to the existing class, allowing, however, for a different salary plan and grade table appropriate to the representation unit.

The Human Resources Director may change the job code numbers for existing classes, without at the same time changing their class titles or salaries, for enhancement of administrative processes.

Whenever an administrative change or inactivation of a class listing is made by the Human Resources Director, or when an addition or change by resolution of the Board of Supervisors is made in the title of a class or its job code, the change shall also operate with respect to the listing of the class in Appendix I, II, or III, in the class specification, in any applicable MOU, and/or in any applicable Resolution of the Board of Supervisors.

Any or all sections of this ordinance, its appendices, and any personnel related supplements may be published by the Human Resources Director to include the technical changes authorized by this subsection, without separate Board of Supervisors' action.

Section 4. POSITIONS ALLOWED

a) AUTHORIZED POSITIONS

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

ii) Change in Allocated Positions. The Human Resources Director may adjust the number of positions allocated to a agency/department, without Board of Supervisors action, when no additional funding is required. The request would require a detailed statement of the reason and need for a new position/(s), a justification of the reason for the specific classifications requested and an affirmative statement signed by the agency/department head that no additional County appropriations would be required to sustain the requested position(s) in the current and following fiscal year. Agency/departments requesting a change in the number of positions during the fiscal year, without a change in funding, may request the change using the format prescribed by the Human Resources Director.

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

b) PART TIME AND JOB SHARING

- i) Part-Time Positions. When any full time regular position has been established or allowed in any agency/department by or pursuant to this ordinance, and in the opinion of the agency/department head only a part time employee is needed to perform the work, the position may be filled by a part time employee. A regular part time employee shall be scheduled to work in each pay period a minimum of one half (1/2) the number of hours prescribed for full time normal permanent County employment.
- ii) Job Sharing. Notwithstanding any provisions of this ordinance to the contrary, the Human Resources Director may authorize that two part time employees job share one regular position, provided that each employee is scheduled to work in each pay period one half (1/2) the number of hours prescribed for full time normal permanent County employment.

c) COMPANION POSITIONS

- i) Advance Replacement of Terminating Employee. An agency/department head, with prior approval of the Human Resources Director, may fill a regular position with a replacement up to 30 calendar days in advance of a terminating employee. Under exceptional circumstances, the position to be vacated may be filled with a replacement for a specified period in excess of the 30 calendar days. On approval, there shall be automatically established in the agency/department, an additional position of the same class which shall be automatically abolished on the effective date of said termination.
- ii) Companion Position During Unpaid Leave. When an employee is authorized a leave of absence without pay for a period in excess of 20 working days, his/her position shall not be filled during such absence. On the agency/department head's request, a temporary companion position of the same class shall be allowed to the agency/department, only for the duration of the approved leave. If a regular employee is placed in such temporary position, he/she shall be entitled to the same benefits as if the position were a regular position. The agency/department head shall promptly inform the Human Resources Director of the adding of the companion position, and of its deletion upon the return to work or separation of the absent employee. The format provided by the Human Resources Director shall be used for this purpose.
- iii) Companion Position During Paid Leave. When an employee is absent on authorized paid leave as above, a companion position may be allowed with the prior approval of the Human Resources Director.

Section 5. EMPLOYMENT PROCEDURES

- a) The Human Resources administration under this ordinance is designated a local merit system. Appointments and promotions shall be made on the basis of merit and ability. Each officer shall appoint all necessary employees allowed for his or her agency/department by this ordinance 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 veterans' preference as may be adopted by the Board of Supervisors by resolution. The veterans' preference program shall be administered by the Human Resources Director.
- b) Employees may participate in County employment selection processes on County time, so long as it does not interfere with the discharge of their duties or agency/department operations.

- c) Request for referral of applicants and appointments shall be made in writing on forms prescribed and furnished by the Human Resources Director. Appointment forms duly executed shall be filed with the Human Resources Director.
- d) In the event of transfer, promotion, demotion, or reclassification of a regular or seasonal employee an appointment shall be filed as for a new employee but no termination of the preceding employment shall be necessary.
- e) A written termination of employment signed by the employing officer shall be promptly filed with the Human Resources Director, who shall notify or file copies thereof with other appropriate offices, whenever any employee is separated from County employment. Forms for this purpose shall be provided by the Human Resources Director and shall be completely filled out, giving the date of termination and the reason therefore. A termination of employment shall automatically terminate a separate appointment as a deputy.
- f) The Human Resources Director shall arrange for a background check and physical examination; cause the oath of office or affirmation to be administered as required by the Constitution of California; and cause other necessary records to be completed, executed, and filed with the appropriate offices.
- g) The Board of Supervisors shall adopt Medical Standards which shall be applied in determining the physical qualifications for employment. Every person initially employed or re-employed in a regular, seasonal, or temporary position within a designated Group I or II Medical Class under such standards, shall undergo a physical examination at the County's expense prior to the commencement of employment. The Human Resources Director may, when indicated, require that candidates within a designated Group III Medical Class undergo medical history, physical evaluation, and/or a physical examination at the County's expense prior to the commencement of employment. On the basis of the record and report, the Human Resources Director shall determine whether the applicant is physically qualified for the employment, which determination may be conditional, and the agency/department head shall be notified.
- h) The Human Resources Director shall arrange for the candidate for employment to report to such physician as the Human Resources Director may designate, with a written request for physical examination. The physician shall make the examination and promptly submit to the Human Resources Director a detailed written report thereof, together with his or her determination as to whether or not the employee is physically qualified for the position in accordance with the standards adopted by the Board of Supervisors. To the extent permitted by state and/or federal law the record of such examination may be examined and a copy made by the hiring officer, the County Health Officer, the District Attorney, the County Counsel, the employee or his or her representative authorized in writing, and the authorized representative of any insurance carrier of the County, in any matter in which the County's interest is involved. The record shall be retained by the Human Resources Director, who may require a complete or partial re-examination as may be necessary from time to time or upon a change of work assignment of the employee.
- i) Employees to be employed in security or sensitive positions as designated by the Human Resources Director and all prospective employees shall undergo a background check prior to employment. The Human Resources Director shall make the necessary arrangements for conducting the background check. When the results are received, the Human Resources Director shall inform the hiring officer of the contents thereof.
- j) The requirements of this ordinance for a background check or physical examination or both may be waived by the Human Resources Director for any employee in a regular position, the compensation for which is fixed on an hourly or piecework basis, if the employment is intermittent or occasional in character and not on a full time basis.

- k) Any employee, upon the request of the Human Resources Director or a delegate, shall undergo a further physical examination at any time, upon the same conditions as his or her initial examination. Such subsequent examinations shall not be given routinely but only for reasons which in the opinion of the Human Resources Director shall justify the expense thereof to the County.
- l) Any County officer may deputize an employee by separate written appointment as deputy filed with the Human Resources Director, and any County officer may likewise appoint as many unpaid deputies as are necessary or convenient for the performance of his or her duties; provided any employee holding a regular position the title of which describes the position as deputy or assistant to a County officer shall be a deputy without a separate appointment as such. The constitutional oaths and appointments as deputies filed with the Human Resources Director shall be deemed filed with the County Clerk, who shall at all times have access thereto. This provision shall not apply as to oaths of office for County officers required by law to be filed with the County Clerk.
- m) Records of employees kept by the Human Resources Director are confidential and shall not be open to public inspection, except as may be required by state or federal law. They may be examined by County officials having an interest therein as a matter of official duty, and information therefrom may be released by the Human Resources Director at his or her discretion in accordance with usual and customary procedures.

Section 6. SALARY PROCEDURES

a) BASIS OF COMPENSATION

- i) Full Compensation. The compensation of each officer and employee as fixed in this ordinance and otherwise by Board of Supervisors' approval, shall be full compensation for the services required of him or her by law or by virtue of his or her office or employment. Except as otherwise specifically provided by law or ordinance, all fees, commissions, and mileage allowed to or received by any officer, his/her deputy, assistant, or employee from a third party by virtue of his/her office or position or the performance of any function thereof, shall be the property of the County and shall be deposited in the County Treasury not later than the fifth day of the month following its receipt.
- ii) Non-acceptance of Gratuities. Whether on duty or off duty, no employee or officer shall accept any gift or favorable treatment which could reasonably be perceived as potentially influencing any decision or action of the officer or employee in his or her official capacity, or any decision or action of the County agency/department which he or she represents.
- iii) Devoting Time to County Business. Every officer and employee holding a full time position shall devote his or her full time to County business and shall not engage in private activities for profit during his or her working hours. This provision shall not apply to hospital based physicians and surgeons, who shall be permitted to attend to private patients at the Riverside County Regional Medical Center in accordance with terms fixed by the Board of Supervisors.
- iv) Absence Without Pay. Unauthorized absence from duty shall be without pay and accounted for as absence without pay ("AWOP"). An employee who plans to take time off may be allowed approved AWOP when an appropriate leave balance is not available, but when an appropriate leave balance is available, may not be allowed approved AWOP, except in the case of military leave or a furlough program approved by the Board of Supervisors.
- v) Pay and Records Adjustments. The Human Resources Director may cause benefits and records of service to be corrected and approve payment of claims in the resolution of grievances and disciplinary matters concerning amounts owed to employees for work performed.

b) ATTENDANCE RECORDS AND REPORTS

i) Each officer shall keep an accurate and current record of the attendance, absences, and status of employees, including sick leave and vacation accrued and allowed, and related matters. Each officer shall report on forms provided by the Auditor-Controller following the completion of each pay period as to the attendance of each employee in his or her agency/department, listing all absences and such other information as may be required. Such other reports concerning employees shall be made as the Auditor-Controller and Human Resources Director may require. From such reports, the Auditor-Controller and Human Resources Director shall maintain a record for each employee, including vacation and sick leave, accrued and allowed, payroll status, anniversary dates, and similar data. From such reports and records the compensation due each officer and employee shall be determined.

c) PAYMENT

i) The County Auditor-Controller shall distribute the salary warrants no later than the second Wednesday following the end of a pay period. Terminated employees shall be paid on the regular payday for the pay period during which they were terminated.¹

ii) An officer shall not be paid until he/she has submitted the attendance reports required by or pursuant to this ordinance and such other reports or documents as are required by law.

iii) No officer or employee whose employment is terminated shall be entitled to receive the compensation then due him/her unless and until he/she has paid over or delivered to the appropriate officer of the County all County funds and property in his or her possession or control and any other funds or property held by him/her in his or her official capacity and has properly accounted therefore, or has been lawfully relieved of the obligation to do said acts.

Section 7. VOLUNTARY FURLOUGH

a) Subject to any applicable Board of Supervisors' Policy, a voluntary furlough may be granted to employees who desire to assist their agency/department in coping with budgetary constraints.

b) An agency/department head whose current or projected funding level for any budget organization within the agency/department, which in the opinion of the Executive Office, will not sustain the current agency/department staffing level, may advise employees of the entire agency/department that they are eligible for voluntary furloughs. A simple announcement and/or posting or printing of the furlough provisions shall be the limit of such publication by the agency/department, without any promotional campaign or pressure on employees to participate. In agencies/departments which are not identified by the Executive Office as constrained in budget to an extent to warrant voluntary furloughs, the employees of such agency/department are not eligible to be granted a voluntary furlough.

c) A voluntary furlough may be granted to regular employees under the conditions specified in this subsection. Hours taken as voluntary furlough shall be counted separately from any leave of absence which may be granted, so a furlough does not reduce the number of hours which an agency/department may grant as a leave of absence, nor does it reduce the number of hours which may be granted as an official leave of absence. An employee may be granted a furlough of eight (8) hours up to 240 hours in any one fiscal year period,

¹ The County is exempt from Section 201 of the CA Labor Code which requires immediate payment on termination (see § 220).

July through June, in increments of full shifts.

- d) Furlough hours shall not be paid hours, but the fact that there is a reduction from full time in the number of hours of paid status in any pay period in which a furlough is taken shall not constitute a part time status for the purpose of the calculation and entitlement of any benefit. A full time employee on furlough shall continue to receive the full employee benefits over which the County has control. A furlough shall not be taken during temporary military duty, other than weekend drills.
- e) A furlough may be requested by the employee on a form or in a format prescribed by the Human Resources Director. The request shall be submitted to the agency/department head through appropriate channels, and shall require the agency/department head's approval. The agency/department head may deny the furlough request when in their judgment the employee cannot be spared from duty, for operational reasons. Furlough records shall be kept by the agency/department, and a copy shall be sent to the Human Resources Department – Employee Benefits and Records.

Section 8. SALARY PLAN AND ADMINISTRATION

a) SALARY SCHEDULE EXPLANATION

- i) The base pay for job classes, unless otherwise specified in this ordinance, shall consist of a minimum and maximum hourly, monthly, and annual pay rate or a flat rate. Pay rates may be expressed as biweekly rates in the case of salaried employees.
- ii) For the compensation for job classes having salary grades, the Class and Salary Listing contains the hourly, monthly and annual rates of compensation. Each salary plan and grade in the salary schedule includes the number of steps, which are shown to the right of the grade number.

b) NEW EMPLOYEES

- i) Refer to the applicable Memorandum of Understanding or Resolution of the Board of Supervisors for the rules governing the placement of new employees on the salary grade, including any advanced step, and/or any "difficulty to recruit" salary adjustments. Refer to Section 10 herein for the rules applicable to temporary employees.

c) CHANGE IN SALARY ALLOCATION

- i) The salary of an incumbent of a position in a class which shall be reallocated to a different salary plan and grade shall be at the same percentage or number of steps from the minimum pay rate on the new grade as on the previous grade. The anniversary date shall not change. All changes in salary allocation shall coincide with the first working day of a pay period.

d) SPECIAL SALARY ADJUSTMENTS

- i) The Human Resources Director may expressly set a different salary and anniversary date for the incumbent of any position, than that called for under other provisions of this ordinance, MOU, or Board resolution. Unless otherwise specified, such action shall automatically fix a new anniversary date on the first day of a pay period which is one year in a paid status after the resulting change of salary.

ii) When a higher pay rate has been established to temporarily compensate an employee for additional responsibilities beyond those normally performed in the position, the Human Resources Director may, at the agency/department head's request, adjust such pay rate to compensate for step increases and cost of living adjustments which the employee would have earned at the normal pay rate, maintaining the differential intended by the original special adjustment. When the additional responsibilities are concluded, the Human Resources Director may return the employee's pay to the normal rate, as though the temporary increase had not occurred.

iii) The County Executive Officer may order changes to the rate of pay of employees paid on the EXE Salary Plan to meet budgetary restraints faced by the County. Any adjustments shall be accomplished through an across-the-board percentage adjustment, to each employee's wages.

e) RE-EMPLOYMENT

i) Re-employment after military service shall conform to the requirements of the Military and Veterans Code and the Uniformed Services Employment and Reemployment Rights Act, but in other respects shall be in accordance with this ordinance.

ii) Re-employment of Retired Persons. An employee who is retired under the California Public Employees Retirement Law and who is receiving retirement benefits shall not be employed or re-employed in any position for compensation without the prior written approval of the Human Resources Director. The Human Resources Director may allow the employment or re-employment following disability retirement, or following service retirement for up to 120 working days or 960 hours in any calendar year, without loss of retirement benefits, as specified in the California Public Employees Retirement Law. The law generally permits employment following disability retirement or only during an emergency to prevent stoppage of public business, or because the restored employee has skills needed in performing specialized work of limited duration.

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

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

Section 9. TRAVEL AND EXPENSE

a) Every officer and employee is hereby allowed his or her actual and necessary traveling expense incurred in the discharge of his or her official duties, upon proper claim therefore itemized and presented as required by law. Rates for meals and other usual items may be established by the Board of Supervisors in aid of this provision, and rules and regulations in connection with travel and expense may be adopted by them.

i) Mileage Reimbursement. 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 the IRS rate effective at the time mileage is incurred.

Subject to different requirement by the Board of Supervisors, claims for reimbursement of expenses shall be accompanied by a receipt or other voucher.

Reimbursement for the use of a privately owned vehicle shall be permitted only when a County owned vehicle is not available or upon order of the Board of Supervisors, and subject to rules and regulations established by the Board of Supervisors.

ii) County vehicles shall be used only for the purpose of County business and not for personal business or pleasure of any person whatsoever. No employee shall take a County vehicle outside the County or keep any vehicle at his or her residence without authorization by the agency/department head or his/her designee and subject to the Overnight Retention of County Vehicles Policy (Policy D-10). The Director of Fleet Services shall have the primary authority for the administrative interpretation of the Travel and Transportation Policies (D Policies). Each officer or employee having the custody of a County vehicle shall exercise due caution and prudence in the operation of such vehicle, and shall minimize the risk of damage to such vehicle using available off-street parking whenever reasonably possible, particularly during the night. Such officer or employee shall be liable to the County for damages and other expense resulting from and caused by his or her willful misconduct in the use or operation of such vehicle.

iii) When provided in the statute, ordinance, or resolution establishing a standing board, commission, or committee, or by specific resolution of the Board of Supervisors, the members of such a standing board, commission, or committee shall be reimbursed for their necessary actual expenses in attending the meetings thereof within the County, and for such other necessary actual travel expenses as may be authorized by the Board of Supervisors. Such expenses may include mileage for use of a private vehicle at rates fixed by resolution of the Board of Supervisors. All such travel and expenses shall be subject to the provisions of this ordinance and to rules and regulations applicable to County officers and employees.

iv) Each member of the Board of Supervisors shall receive his or her actual traveling expenses from his or her residence to the place of meeting of the Board at the County seat when attending such meetings and his or her necessary actual expenses in traveling from his or her residence or other point of origin to attend upon and while engaged in County business and returning therefrom, including mileage for use of a private vehicle at rates fixed by resolution of said Board.

v) The Human Resources Director may authorize the reimbursement of the actual transportation cost of an applicant, for any position, who at the request of the Human Resources Director shall travel to the place of interview in connection with consideration of his or her appointment to such position, unless such applicant withdraws his or her application after such interview or refuses the position after it is offered to him or her. This authorization shall not apply to more than three applicants for any one position at the same time.

Section 10. TEMPORARY EMPLOYMENT PROVISIONS

a) APPLICABILITY²

These Temporary Employment Provisions apply to:

Unrepresented job classes that are temporary or limited-term in nature (e.g. Professional Student Intern and Resident Physician and Surgeon); and unrepresented seasonal, temporary, or Per Diem employees.

These Temporary Employment Provisions do not apply to any employees in the County's Temporary Assignment Program ("TAP").

² Refer to Memoranda of Understanding for personnel rules for employees represented by a Registered Employee Organization, to Board of Supervisor Resolutions for personnel rules for other unrepresented employees, and to the TAP Employee Handbook for personnel rules for TAP employees.

b) GENERAL PROVISIONS (Not Applicable to Per Diem Employees)

i) Except as otherwise provided by this ordinance, a new employee shall be appointed at the first step of the salary plan and grade.

ii) Upon prior authorization from the Human Resources Director, the initial salary placement for newly hired employees may be at any pay rate within the salary plan and grade for his/her classification.

iii) Notwithstanding the provisions of this resolution there shall be up to an additional four steps (approximately 11%) which shall be reserved for those classifications designated as "difficult to recruit". Advancements to any of these steps shall not be automatic. They shall, instead, be granted based upon a determination by the Human Resources Director that a serious recruiting or retention problem exists for a classification(s), or that the increases granted to subordinate "difficult to recruit" classifications 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 that classification(s). Such designation may be made by geographical area or restricted within a classification to specific positions in specific departments. Upon such determination and approval, any increase granted pursuant to these provisions shall be implemented as follows:

(a) Upon prior authorization of the Human Resources Director, the initial salary placement for newly hired employees may be at any step on the salary plan and grade for his/her classification up to and including a step on the salary grades established pursuant to this subsection.

(b) In the event the salary granted to a newly hired employee pursuant to this subsection exceeds that of any permanent, regular full-time or regular part-time employee who has successfully completed one year or more of service at the top of the salary plan and grade for that classification(s), such employee(s) may, upon recommendation of the agency/department head, be placed on the same salary step as that granted to the new employee.

(c) All other regular full-time and regular part-time employees assigned to the affected classification(s), who have completed less than one year of service at the top of the salary plan and grade for that classification may, upon recommendation of their agency/department head, 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 classification.

(d) Subsequent merit increases for employees not compensated at the top of the salary grade(s) for the classifications affected by the provisions of this subsection may be granted pursuant to the standard procedures for step advances.

(e) 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/she shall advise the County Executive Officer of his/her findings. If the County Executive Officer concurs, he/she shall declare the provisions described above inoperative for such specific classification(s). At that time, the "difficult to recruit" (DTR) salary plan will return to a standard salary plan, as directed by the Human Resources Director. Any employee compensated at a rate above that to which he/she would otherwise have been entitled upon removal of DTR from the top of the salary grade 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. In the event the Human Resources Director deems it necessary to remove the DTR from the bottom of the assigned DTR salary grade, the salary step of the affected employees shall be adjusted downward according to the number of DTR step(s) removed in order to preserve their current rate of pay.

- iv) Promotion. On promotion, the salary shall be at a rate on the new salary plan and grade which is approximately two steps higher or immediately greater than two steps higher, than that paid on the salary grade for the former position where the new grade is able to accommodate the increase. The effective date of all promotions shall coincide with the first working day of a pay period.
- v) Transfer. On transfer, the salary shall be the same as that paid previously. The anniversary date shall not change.
- vi) Demotion. On demotion, the salary shall be the same percentage or number of steps from the minimum pay rate on the new grade as on the previous grade, where the new grade is able to accommodate the percentage or number of steps. The anniversary date shall not change. The effective date of all demotions shall coincide with the first working day of a pay period.
- vii) Reclassification. The salary of an incumbent of a position reclassified to a class on the same salary plan and grade shall not change. The anniversary date shall not change.

The salary of an incumbent of a position reclassified to a class on a higher salary plan and grade shall be at the rate which is approximately two steps higher, or immediately greater than two steps higher, than that paid on the grade of the former position, where the new grade is able to accommodate the increase.

The salary of an incumbent of a position reclassified to a class on a lower salary plan and grade shall be placed at the same rate of pay, or on a step of the new grade which is closest to but not higher than the employee's current rate of pay; where the employee's current rate exceeds the maximum of the new grade, it shall be reduced to the maximum. The anniversary date shall not change.

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

- viii) Authority to Specify Salary. An agency/department head may specify a higher pay rate within the salary plan and grade for an employee who is newly hired or re-employed than the step that would be called for under other provisions in this ordinance.

ix) Working Hours and Overtime

(a) FLSA Exempt Employees. Any employee whose position is determined to be exempt from the FLSA shall not be entitled to compensation for overtime of any type unless specifically provided herein.

(b) Definitions: For purposes of determining eligibility for overtime only:

- (1) A "FLSA work week" shall consist of 168 consecutive hours (i.e. seven (7) days).

(2) Overtime is defined as time actually worked by an employee in excess of forty (40) hours in an FLSA workweek. Management reserves the right under the FLSA to designate the FLSA workweek for each employee.

c) Authorization for Overtime Work. Performance of overtime work may be authorized by the agency/department head or his or her designated subordinate.

d) Reporting and Calculation. Actual hours of overtime work shall be reported on each attendance report. The Auditor-Controller 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 for shall be specified.

e) 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 regular hourly rate of pay for all time actually worked in excess of forty (40) hours during the designated FLSA workweek. Upon termination, accumulated overtime credit shall be paid for.

f) 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, in lieu of paid overtime. Such overtime is accumulated at the rate of one and one-half (1-1/2) hours of compensatory time off for each hour actually worked in excess of forty (40) hours during the designated FLSA work week.

Accumulated overtime credit may be taken in compensatory 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, banked overtime credit may be paid for.

g) If any employee is permitted to accumulate overtime credit in excess of 120 hours, the agency/department head, within two weeks after such excess has been paid for, shall file a written report with the County Executive Officer and a copy with the Auditor-Controller, setting forth the number of hours paid for as to each employee and explaining the reasons for permitting such accumulation.

h) Payoff for Unused Compensatory Time Off Upon Separation from County Service. Upon separation from County service, an employee shall be compensated at his/her hourly rate in effect at that time for each hour, or portion thereof, of accumulated compensatory time off (CTO).

i) 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 required period for probation or salary step advance. Where overtime results from necessary irregular work schedules, it may be included in computing the minimum time for salary step advance which would otherwise be delayed beyond the normal period.

x) Standby. When placed by the agency/department head specifically on standby duty, an employee otherwise off duty shall be paid one (1) hour's pay for eight (8) hours of such duty, to the nearest tenth of an hour.

xi) Minimum Overtime on Call-Back. A non-exempt employee called back to work to meet an

emergency on an overtime basis, whether or not in a standby duty status, shall receive minimum credit for one hours' work.

xii) Jury Duty and Court Appearances. A temporary employee shall be entitled to retain jury fees, since the individual may not be paid as an employee for time not actually worked.

Any employee who shall be called as a witness arising out of and in the course of County employment, shall not suffer any loss of salary, but any witness fees received shall be paid into the County Treasury, together with any mileage allowed if the employee uses County transportation. Any employee absent as a witness in a private matter shall not be entitled to be paid during such absence.

xiii) Sick Leave

(a) Accrual. Every employee shall accrue sick leave on an hourly basis computed at the rate of .05 hours accrued per hour in a paid status to a maximum of four (4) hours per pay period.

(b) A seasonal employee shall be allowed to take sick leave only when the employee is in an active payroll status.

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

(d) Accrued sick leave of any person whose employment is permanently terminated shall automatically be canceled. However, any employee whose employment is terminated while he/she is on sick leave shall continue to be compensated for the duration of his/her illness to the extent of his or her accrued sick leave, but after such termination shall derive no other benefits under this ordinance 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 pursuant to this ordinance, 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.

(e) 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. 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. When in the judgment of the agency/department head good reason exists for believing an employee may be abusing sick leave the employee shall be

placed on notice in writing. The employee shall also be placed on a medical certification program and be allowed paid sick leave by producing a certificate of a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician; or other 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.

(g) Every employee shall be able to use accrued vacation, compensatory time, or holiday time when sick leave has been exhausted due to extended illness or injury unless they are on a medical certification program in accordance with the above.

(h) 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.

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

(j) Reason for Usage. Use of accrued sick leave shall be allowed for the purpose of preventative medical, dental care, and care of the family. For this purpose family is defined to mean a spouse, child, parent, brother, or sister of the employee, and the equivalent relationships through a lawfully registered domestic partnership.

(k) Payout for Sick Leave. Upon retirement, disability retirement, or death of an employee, and subject to the provisions of any applicable agreement between the employing agency and the California Public Employees' Retirement Law, unused accumulated sick leave shall be paid for at the rate of ten (10) percent of the current salary value thereof for each such person who has had five full years of service in a payroll status, plus two (2) percent for each additional year to a maximum of 50 percent, and, in no event, shall the total payment exceed a sum equal to 960 hours of full pay. Terminal sick leave pay for employees with five or more years of service shall be paid into a Health Savings Account on behalf of the employee.

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.

ix) Bereavement Leave. Employees who are entitled to sick leave are allowed up to five days of leave, three of which will be paid, and the additional two days to be deducted from the employee's sick leave. 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, step-relationships of the same categories or equivalent relationships

through a lawfully registered domestic partnership. The County has the right to require proper documentation in support of the requested leave.

x) Fitness for Duty. An agency/department head, when in his/her judgment good cause exists, may order an employee off work until such time as the employee is able to present the agency/department head a physician's certificate stating 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 orders an employee off work, the employee shall, at County expense, be referred to a County designated physician or other health care provider to obtain the required certificate.

In the event an employee has no accrued sick leave balance, the employee will then be absent from work without pay at the discretion of the agency/department head in accordance with the provisions of this ordinance. Should the physician or health care provider determine that the employee is able to return to work during the shifts from which he/she was ordered off work, the employee shall not be charged with such absence and any leave banks used to cover the absence shall be restored.

xi) On the Job Injury or Illness. An employee who suffers an injury or illness which entitles him or 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 calendar day 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 or her under the Workers' Compensation Law and his or her regular compensation, to the extent of the value of his or her accrued sick 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 sick leave and vacation benefits at the regular rate.

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

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

xiii) Leave of Absence

(a) An agency/department leave of absence or an official leave of absence without pay may be granted for the following reasons:

- (1) Illness or disability when sick leave has been exhausted;
- (2) Pregnancy;

- (3) To take a course of study which will increase the employee's usefulness on return to the County; and/or
- (4) Personal reasons acceptable to the authority whose approval is required.

(b) 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 shall be reported as leave of absence via the agency/department's payroll. The agency/department head may require the leave of absence to be for a specified period of time and appropriate conditions may be imposed, such as providing sufficient medical documentation or other evidence substantiating the leave as required by the agency/department head.

(c) Official leave of absence. A regular employee may request an official leave of absence exceeding 480 hours, but not exceeding one year. 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 disapproves the request, it shall be so endorsed and returned to the agency/department head, who may present it to the Board of Supervisors. The Board's action shall be final. Any official leave of absence granted shall be for a specified period and appropriate conditions may be imposed such as the employee providing sufficient medical documentation or other evidence documenting the leave as required by the Human Resources Director or a designee.

Such leave may be extended upon further written request containing justification therefore, such request for extension 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.

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.

An employee contemplating family/medical leave for reasons that are foreseeable must provide 30 days advance notice. In cases where the approximate timing of the need for leave is not foreseeable, the employee is required to give notice of the need for family/medical leave as soon as practicable (generally within one or two working days of learning of the need for leave).

xiv) Vacation. Persons employed in the classes of Resident Physician and Surgeon shall be entitled to 120 hours (approximately 15 days) of vacation per year. The vacation may be taken at times agreeable to the agency/department head. Unused vacation shall be carried over to the following fiscal year. Upon separation from County service, a Resident Physician and Surgeon shall be paid for any unused vacation. All other employees shall not be entitled to paid vacation.

xv) Paid Holidays. Only seasonal employees, Resident Physicians and Surgeons, and employees in the Physician Assistant Fellowship classification, in a current paid status shall be eligible for paid holidays. Other provisions notwithstanding, if duty is required any time during the 24-hour holiday period, the resident or fellow will be entitled to compensatory time off for all hours worked on the holiday. Duty is defined as any presence at the hospital for professional reasons.³

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

(b) An employee who is terminating his or her 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.

(c) 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 that holiday.

(d) Seasonal employees who are regularly scheduled to work on a paid holiday shall be paid at their regular rate for the time actually worked. In addition, such employees shall have a choice of:

(1) compensatory time off not to exceed eight (8) hours for such holiday or;

(2) being paid for the holiday at the regular rate of pay not to exceed eight (8) hours.

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

(f) A part time employee shall only receive holiday pay for the holiday or portion thereof which coincides with his or her regularly scheduled working hours.

³ This provision for holidays comes from the personal employment contract between Resident Physicians and Surgeons and the Physician Assistant fellows and the hospital.

(g) A full time employee whose regularly scheduled day off falls on a paid holiday shall be entitled to equal compensatory time off for such holiday not to exceed eight (8) hours pay.

xvi) Shift Differential

(a) Applicability of Shift Differentials. Only FLSA non-exempt employees shall be eligible for shift differentials. Shift differentials do not apply to standby duty, or to leave time, such as vacation, sick leave, or holiday leave. The hourly rate for each shift differential is payable in tenths of an hour. With agency/department approval, day shift employees on an individual basis may waive shift differentials in order to work earlier or later than their schedule would otherwise be, for their own convenience.

(b) Evening Shift (swing). Employees 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. Employees working their regularly scheduled shift that ends after 11:00 p.m., and who perform work between the hours of 11:00 p.m. and 7:00 a.m., shall be paid a night differential of \$1.20 per hour for the time actually worked between 11:00 p.m. and 7:00 a.m.

(d) Classes Not Eligible for Shift Differentials. Employees in positions of Resident Physician and Surgeon and Physician Assistant Fellowship shall not be paid a shift differential.

xvii) Bilingual Pay. All full time and part time employees who are assigned work on a regular and continuing basis that requires a second language at least five times per week or once per day to effectively meet the service demands of the County's customers, and who have qualified for bilingual compensation under this sub-section shall receive additional compensation as follows:

Level 1: Basic Oral Communication: \$40 per pay period (\$0.50 per hour)
Employees at this level perform bilingual translation.

Level 2: Task Completion: \$60 per pay period (\$0.75 per hour)
Employees at this level perform bilingual translation as well as written translation.

Level 3: Written translation, and medical and legal interpretation: \$80 per pay period (\$1.00 per hour)

Employees at this level perform complex verbal and written translation.

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

An employee must perform bilingual translation as a requirement of the job. An employee not receiving bilingual compensation shall not be expected to perform bilingual services.

Testing Administration: The Bilingual Pay Program is administered by Human Resources. 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

Designation of positions eligible to receive bilingual pay is the responsibility of the supervisor with the approval of Human Resources. An agency/department head whose department has a substantial need for regular and frequent oral or written bilingual skill of one or more positions may make an application to the Human Resources Director on a form supplied to him/her to authorize bilingual compensation for such position. All future recruitments for a position designated as such should include the requirement of bilingual skills.

When the skill is no longer needed or the employee is not required to use it or ceases to possess it, the agency/department head shall terminate the bilingual compensation by written notice to the Human Resources Director. The Human Resources Director may also terminate the bilingual compensation if he/she makes a like determination, and shall notify the department head. In either case, the department head shall notify the employee.

The Human Resources Director may designate an employee in the Human Resources Department or other County department to perform bilingual skills for other County departments and districts where there is no one available in the requesting department.

- xviii) Health Benefits. The monthly Flexible Benefit contribution for Resident Physicians and Surgeons and employees in the Physician Assistant Fellowship classification shall be \$312.50. In addition, the County shall provide optical insurance, to be paid by the County, for employees in these classifications.
- xix) Retirement Program. Retirement benefits and related matters for employees are governed by the contracts between the Board of Supervisors and the Board of Administration of the Public Employees Retirement System, by resolutions of the Board of Supervisors, and by State retirement laws.
- xx) MAINTENANCE
 - (a) Rates for maintenance, including living quarters, meals, or laundry service, furnished by the County to any 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-Controller properly informed as to any payroll deductions required hereunder.
 - (d) Resident Physicians and Surgeons at RCRMC 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.

xxi) Termination. Except as specifically set out herein, all employees shall serve at the pleasure of the agency/department head and shall not be entitled to any review or hearing procedure upon termination by the agency/department head.

c) SEASONAL EMPLOYEE PROVISIONS

i) Initial Probationary Period

(a) Initial Probationary Status. Each seasonal employee shall be in an initial probationary status from the effective date of his/her initial employment in a seasonal or regular 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 seasonal employee who has not completed the initial probationary period, or a temporary employee, serves at the pleasure of the agency/department head and may be released from employment without cause. He/she is not entitled to the review procedure provided for in this ordinance.

(b) Length of Initial Probation. The length of the initial probationary period for seasonal employees is 12 months of actual work. Months towards completion of initial probation need not be continuous but for a seasonal employee accrued months towards completion of initial probation shall be lost in the event that there is a period of more than one year when the employee is in an unpaid status.

(c) Extension of Initial Probation. The initial probationary period of a seasonal 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 or her designee before the end of the existing initial probationary period. Approval is made on a case-by-case basis and only for rare and extenuating circumstances.

The 12-month initial probationary period may be extended once to 15 months or twice to 18 months. If an employee changes classification by promotion, transfer or demotion during initial probation, extensions may also be made in the class to which he/she promoted, transferred or demoted.

(d) Initial Probationary Period Affected by Change in Class. An employee who has not completed the initial probationary period and who voluntarily promotes, demotes or transfers to another class, will serve a new 12 month probationary period following such promotion, demotion, or transfer. The 12 months required pursuant to the provisions of this section shall be in addition to any initial probationary period hours served by the employee in the position from which he/she voluntarily promoted, demoted, or transferred.

ii) Discipline, Dismissal, and Review

(a) The provisions of this subsection do not apply to:
(1) At-Will seasonal employees;
(2) Seasonal employees who have not completed an initial probationary period with the County of Riverside;

(3) Regular seasonal employees serving a promotional probationary period when such disciplinary action does not affect any vested rights.

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

(c) Any of the following acts of an employee who has permanent status shall be good cause for dismissal, demotion, reduction in compensation, suspension, or any other action taken for disciplinary reasons:

- (1) Dishonesty;
- (2) Incompetence;
- (3) Inefficiency or negligence in performance of duties;
- (4) Neglect of duty;
- (5) Insubordination or 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;
- (6) Absence without leave;
- (7) 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;
- (8) Discourteous treatment of the public or other employees;
- (9) Political activity in violation of federal or state law;
- (10) Physical or mental unfitness to perform assigned duties;
- (11) Making a material misrepresentation in connection with obtaining or maintaining employment or position;
- (12) 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/she is employed;
- (13) 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;

(14) Substance abuse in violation of the County of Riverside Alcohol and Drug Abuse Policy;

(15) Violation of the County's Anti-Violence in the Workplace Policy.

(d) The disciplinary and appeal procedure for seasonal employees shall be the same as in the disciplinary and appeal procedure contained in the most current Resolution of the County of Riverside and Other Agencies Providing Salaries and Related Matters for Exempt Management, Management, Confidential, and Other Unrepresented Employees.

iii) Step Advance

(a) Applicability of Step Increases. The compensation of each seasonal employee who is paid on a step basis, and whose pay is below the highest step of the grade allowed for the class shall be considered for increase upon his or her anniversary date, except as otherwise provided.

(b) Anniversary Dates. The first anniversary date as a result of an original appointment shall be the first day of the pay period following the completion of 12 months of actual work in a paid status in the position, not including overtime.

(c) Limit on Unpaid Status. Months in a paid status toward a step increase need not be continuous, but for a seasonal employee, accrued months in step shall be lost in the event that there is a period of more than one year when the employee is in an unpaid status.

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

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 of actual work in a paid status in the position, not including overtime.

The second anniversary date shall be the first day of the pay period following the completion of an additional 12 months of actual work in a paid status, not including overtime, and subsequent anniversary dates shall occur at like intervals.

The provisions of this section shall be subject to other specific provisions of this ordinance concerning change of anniversary dates.

(d) Pay Increases by Salary Steps. Every anniversary salary increase, unless otherwise dictated within a recognized employee organization's Memorandum of Understanding (MOU) 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 of the salary grade. Such salary increases shall be given unless there is an affirmative decision of the agency/department head to deny the increase.

(e) 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.

d) TEMPORARY EMPLOYEE PROVISIONS

i) Compensation. Temporary employees shall be compensated at the first step of the salary plan and grade for their job class, unless an advance step is authorized at the time of appointment. Temporary employees do not receive step advances within the salary grade based on hours of service.

ii) Function of Temporary Employees

(a) Temporary employees will normally be utilized to perform irregular, project, or overflow work that cannot be performed by regular employees within the agency/department without additional cost, including overtime costs.

(b) Temporary employment shall not be used in lieu of the probationary period in a regular or seasonal position or as a trial period of employment, but this provision shall not render a temporary employee ineligible for appointment to a regular or seasonal position.

(c) Agreements entered into between the County and a federal or state funding authority may contain provisions which will prevail over the rules of this section affecting temporary County employees.

iii) Length of Employment. No temporary employee shall be permitted to work in the same capacity in which he/she performs substantially continuous service for more than 1000 working hours (approximately 6 months of full time service) during any one fiscal year. In the event that a agency/department head has unusual circumstances to warrant employment of a temporary employee for a longer period, the agency/department head may request approval on the Board of Supervisors' agenda, prior to the employee working more than 1000 hours in the fiscal year. Any request to extend the service shall set forth the justification, the hire date of the temporary employee, and the number of hours requested in the extension. Any additional extension shall require further Board of Supervisors' approval annually, prior to the employee working 1000 hours in that fiscal year.⁴

e) PER DIEM EMPLOYEE PROVISIONS

i) Notwithstanding any other provisions of this ordinance, except as otherwise provided herein, only the provisions set forth in this section shall be applicable to persons employed as Per Diem employees.

ii) Definitions

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

(b) "Base Rate of Pay" shall mean the hourly rate of compensation as set forth in the Class and Salary Listing for a Per Diem classification.

⁴ This restriction applies only to County Temporary Employees and not to regular, seasonal, per diem, or TAP employees.

(c) "Holiday" shall be the 24-hour period which commences at 7:00 a.m. of any day on which County offices are not open for business, in accordance with County Ordinance, other than Saturday or Sunday.

(d) "Overtime" shall mean any authorized work actually performed in excess of the established FLSA work week.

(e) "Critical Care Work Areas" shall mean the following units at the hospital: ER, ICU, CCU, Neuro ICU, Peds ICU, Neonatal ICU, OR, Recovery, Dialysis, Labor and Delivery, and Anesthesia.

(f) "In Charge" shall mean the assignment by the nursing administration office, and acceptance by a licensed employee, to have total nursing management responsibility for a particular inpatient nursing unit, such responsibility to include, but not necessarily be limited to, patient care, nursing personnel, and the general environment of the unit.

(g) For acute care assignments, "weekend" shall mean the period commencing at 3:00 p.m. Friday and ending at 7:00 a.m. on Monday. For outpatient clinic or non-acute care assignments, "weekend" shall mean the period commencing at 5:00 p.m. Friday and ending at 7:00 a.m. on Monday.

iii) Conformance to Plan

(a) No person shall be employed in or appointed to any Per Diem position until the classification plan shall contain a position specification for such position.

(b) No person shall be employed in or appointed to any Per Diem position unless said person meets the minimum qualifications set forth in the position specifications.

iv) Positions Allowed

(a) The basic classification of Per Diem positions is deemed to be established by the Class and Salary Listing and the number of positions needed for each class shall be as determined from time to time by resolution of the Board of Supervisors.

(b) No person shall be appointed to a Per Diem position until such position has been allocated to the hiring agency/department.

v) Salary Procedures

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

(b) Reporting and Calculation. Actual hours of work and overtime work shall be reported for each Per Diem employee on each biweekly attendance report or by such other method as is established by the County Auditor-Controller.

(c) Payment. The County Auditor-Controller shall distribute salary warrants no later than the second Friday following the end of a pay period.

vi) Overtime. Overtime shall be paid at one and one-half times the FLSA regular hourly rate for all non-exempt employees. FLSA exempt employees who work on a Per Diem basis (physicians, psychiatrists, and dentists) will be entitled to their base rate of pay for each authorized hour worked in excess of the established FLSA workweek.

vii) Shift Differential. Shift differentials do not apply to vacation, sick leave, holiday pay, call or standby duty. The hourly rate for each shift differential is payable in tenths of an hour. Employees who work day shift between the hours of 7:00 a.m. to 6:00 p.m. shall not be entitled to a shift differential.

(a) Classes not eligible for shift differentials: Employees in positions of all the following per diem classes shall not be paid a shift differential:

Physician I, II, III, IV - PD
Pharmacist – C – PD

Psychiatrist I, II, III – PD
Public Health Physician I, II, III – PD

(b) Evening Shift - General. Per Diem employees whose classes are specifically mentioned below, 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 a night differential as set out below for the time actually worked between 3:00 p.m. and 11:00 p.m.

Classifications:	Rate:
<ul style="list-style-type: none"> • Electrocardiograph Technician - PD ♦ • Electroencephalographic Technologist - PD • Electroencephalographic Technologist, Registered - PD • Radiologic Specialist - PD • Radiologic Technologist - PD • Respiratory Care Practitioner I – Registered Eligible - PD ♦ • Respiratory Care Practitioner II – Registered - PD ♦ • Respiratory Care Technician - PD ♦ • Supervising Respiratory Care Practitioner - PD 	<p>25¢ per hour</p> <p>♦ For employees in these Per Diem classifications working at the Riverside County Regional Medical Center.</p>
<ul style="list-style-type: none"> • Nursing Assistant - PD 	<p>35¢ per hour</p>
<ul style="list-style-type: none"> • Licensed Psychiatric Technician - PD • Licensed Vocational Nurse I, II - PD 	<p>40¢ per hour</p>
<ul style="list-style-type: none"> • Clinical Laboratory Scientist - PD • Clinical Psychologist - PD • Pharmacist – PD • Pharmacy Technician II - PD • Senior Clinical Psychologist - PD 	<p>60¢ per hour</p>
<ul style="list-style-type: none"> • Registered Nurse I, II, III - PD • TAP Registry Nurse - PD • Nurse Practitioner I, II - PD • House Supervisor - PD 	<p>Positions authorized by the County Executive Officer to receive the same premium as employees in the equivalent regular classifications.</p>

(c) Night Shift - General. Per Diem employees whose classes are specifically mentioned below 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 as set out below for the time actually worked between 11:00 p.m. and 7:00 a.m.

Classifications:	Rate:
<ul style="list-style-type: none"> • Electrocardiograph Technician - PD♦ • Electroencephalographic Technologist - PD • Electroencephalographic Technologist, Registered - PD • Radiologic Specialist - PD • Radiologic Technologist - PD • Respiratory Care Practitioner I – Registered Eligible - PD♦ • Respiratory Care Practitioner II – Registered - PD♦ • Respiratory Care Technician - PD♦ • Supervising Respiratory Care Practitioner - PD 	<p>50¢ per hour</p> <p>♦ For employees in these Per Diem classifications working at the Riverside County Regional Medical Center.</p>
<ul style="list-style-type: none"> • Nursing Assistant - PD 	<p>75¢ per hour</p>
<ul style="list-style-type: none"> • Licensed Psychiatric Technician - PD • Licensed Vocational Nurse I, II - PD 	<p>80¢ per hour</p>
<ul style="list-style-type: none"> • Clinical Laboratory Scientist - PD • Clinical Psychologist - PD • Pharmacist – PD • Pharmacy Technician II - PD • Senior Clinical Psychologist - PD 	<p>\$1.20 per hour</p>
<ul style="list-style-type: none"> • Registered Nurse I, II, III - PD • TAP Registry Nurse - PD • Nurse Practitioner I, II - PD • House Supervisor - PD 	<p>Positions authorized by the County Executive Officer to receive the same premium as employees in the equivalent regular classifications.</p>

viii) Special Assignments

(a) Except as indicated below, an employee working in a Registered Nurse - Per Diem classification shall be entitled to a salary differential of \$2.00 per hour and an employee working in a Nurse Practitioner – Per Diem classification at Riverside County Regional Medical Center shall be entitled to a salary differential of \$1.10 per hour (an employee working in a Nurse Practitioner – Per Diem classification in all other departments shall be entitled to a salary differential of \$2.00 per hour) when assigned to a specialty care area if provisions (1) and (2) set out below are met. An employee working in a Licensed Vocational Nurse - Per Diem classification shall be entitled to a salary differential of \$.35 per hour when assigned to a specialty care area if provisions (1) and (2) set out below are met.

(1) Must work in specialty areas as follows: ICU, PACU, Peds ICU, Emergency Room, Operating Room, Neonatal Intensive Care Unit, Labor and Delivery, PCU, and Psychiatry.

(2) Must have completed the course(s) required to qualify for critical care differential. Course requirements for each unit are indicated below.

Specialty Requirements:

UNIT	REQUIREMENTS
Emergency	BCC, ACLS, Triage Certification, Non-Violent Crisis Intervention, PALS/ENPC, and MICN* (MICN is to be obtained within the first two (2) years of hire or three (3) years if a new graduate – during this time employee is eligible for critical care premium but not MICN premium)
ICU	BCC, ACLS, Hemodynamic Monitoring
OR	Operative Room Certification (RCRMC) or CNOR (either every five (5) years)
PACU	BCC, ACLS
L&D	ACLS, NRP, Fetal Monitoring
NICU	High Risk Neonate Parts 1 & 2, NRP
Trauma Services	ATCN, TNCC, ACLS and PALS
PICU	BCC for Peds, Basic Pediatric Course, PALS and Hemodynamic Monitoring
PCU	BCC and ACLS LVNs require: BCC and IV Certification
Chemotherapy	Chemotherapy Course (RCRMC)
Psychiatry	Behavior Assaultive Management (BAM), Specialized LPS Legal in-service training by in-house staff/County Counsel/Public Defender, Fifty-one Fifty Designation Training, Six (6) months of Psychiatric Nursing experience

- BCC - Basic Coronary Care
- ACLS - Advanced Coronary Life Support
- NRP - Neonatal Resuscitation Program
- PALS - Pediatric Advanced Life Support
- ENPC - Emergency Nurse Pediatrics Course
- MICN - Mobile Intensive Care Nursing
- CNOR - Certified Nurse Operating Room
- ATCN - Advanced Trauma Care Nursing
- TNCC - Trauma Nurse Core Curriculum

The Nursing Office, Human Resources Department, and/or Staff Development Office will advise all Registered Nurses working in critical care areas as to their status of certification. This shall include all certificates needed and names, dates, time(s), and places when courses will be given. As many courses as deemed practical shall be arranged by the Nursing Office with every attempt being made to supply at least two courses in each critical care certification area per year.

All Nursing personnel assigned to a specialty care area as a primary unit must meet the unit certification requirements within twelve (12) months after assignment to a specialty unit, unless otherwise indicated.

(b) Any employee working in a Registered Nurse - Per Diem or Nurse Practitioner - Per Diem classification at Riverside County Regional Medical Center who has a Mobile Intensive Care Nurse (MICN) Certificate shall be entitled to a salary differential of \$1.00 per hour above their regular rate of pay when assigned to the Mobile Intensive Care area.

ix) In-Charge Differential. An employee working in a Registered Nurse - Per Diem classification who is assigned to be "in-charge" shall be entitled to a salary differential of \$2.00 per hour for each hour worked while so assigned.

x) Holidays. A Per Diem employee who works on a holiday shall be paid at the rate of one and one half times the employee's base rate of pay for the hours actually worked with the exception of employees in the classes of Physician II - Per Diem, Physician III - Per Diem, Psychiatrist I - Per Diem, Psychiatrist II - Per Diem, Psychiatrist III - Per Diem and Dentist - Per Diem who will be paid for holidays worked at the base rate of pay.

xi) Weekend Differential

(a) An employee working in a Registered Nurse - Per Diem classification shall be entitled to a salary differential of \$2.00 per hour for each weekend hour worked. An employee working as a Licensed Vocational Nurse - Per Diem shall be entitled to a salary differential of \$.50 per hour for each weekend hour worked.

(b) Standby professional call duty shall not be a basis for payment of weekend differential.

xii) Standby Professional Call Duty

(a) When placed by the agency/department head specifically on standby or professional call duty for O.R., Dialysis, Cell Saver, or Recovery Room, any Registered Nurse I - III - Per Diem, shall be compensated for such service by payment of \$1.75 per hour for each hour of actual standby or professional call duty. Said compensation shall cease when said employee reports to work.

(b) When placed by the agency/department head specifically on standby, an employee working in the classification of Licensed Vocational Nurse II - Per Diem assigned to Riverside County Regional Medical Center operating room and Radiology Technologist - Per Diem shall be paid at the rate of \$2.25 per hour for each hour of standby duty. Said compensation shall cease when said employee reports to work.

(c) When placed by the agency/department head specifically on standby, an employee working in the classification of Radiologic Specialist - Per Diem shall be paid at the rate of \$3.00 per hour for each hour of standby duty. Said compensation shall cease when said employee reports to work.

(d) When placed by the agency/department head specifically on standby, an employee working in a Per Diem classification of Psychiatrist shall be paid an equivalent to one-eighth of the employee's hourly rate of pay for each hour of standby duty. Such compensation shall cease when the employee reports to work.

xiii) Adult Detention Differential. An employee working in a Registered Nurse - Per Diem classification shall be entitled to a salary differential of \$2.00 per hour when assigned to an adult detention facility. An employee working in a Licensed Vocational Nurse - Per Diem classification shall be entitled to a salary differential of \$1.00 per hour when assigned to an adult detention facility.

xiv) Forensic Mental Health Unit. Any employee working in a Registered Nurse III - Per Diem classification, Senior Clinical Psychologist - Per Diem classification or Clinical Psychologist - Per Diem classification assigned to the Forensic Mental Health Unit shall be compensated for the time spent in face to face contact with adult or juvenile inmates at a differential rate of three steps above their regular rate of pay.

The differential in this subsection is not to be paid for time charged to authorized leaves of

absence such as vacation leave, sick leave, or compensatory time off.

xv) Psychiatrist Call-In. Employees in the classes of Psychiatrist I - Per Diem, Psychiatrist II - Per Diem and Psychiatrist III - Per Diem who are called in to work to conduct within one hour, as required by regulations, a psychiatric assessment of the need for seclusion and restraint shall be paid a flat rate of \$250.00 per assessment call-in, regardless of the number of patients assessed.

xvi) Benefits. No benefits except those expressly provided by statute shall accrue to Per Diem employees.

xvii) Termination. All Per Diem employees shall serve at the pleasure of the agency/department head and shall not be entitled to any review or hearing procedure upon termination by the agency/department head.

Section 11. VOLUNTEER WORKERS

a) Definition. "Volunteer Worker" means a person who performs authorized voluntary service to the County of Riverside or a department, institution or agency thereof, without pay, for the benefit of the County and in aid of a recognized County purpose. The term does not include members of volunteer fire departments or companies. For the purposes of this section, the volunteer worker must be currently enrolled pursuant to this ordinance in order to be recognized as a volunteer worker. A volunteer worker is not an employee.

b) Volunteer Organizations. Any agency/department of the County government may establish one or more organizations of volunteer workers in aid of the purposes of the agency/department or may recognize a private civic organization or delegation thereof as the equivalent. No particular form of organization shall be required; it may be an unincorporated association, a committee or subordinate body of an existing organization, a corporation, or merely a series of individuals sponsored by the agency/department.

c) Enrollment of Volunteer Workers. In each agency/department having an organization of volunteer workers, the agency/department, or organization with agency/departmental approval, shall keep within the agency/department a current and continuing roster upon which volunteer workers are enrolled. This shall contain at least the name, address and telephone number, the date of enrollment and the date of termination of the enrollment; if the worker may be expected to drive an automobile in the performance of the volunteer function (other than between the worker's home and the workplace) then the roster shall include the number and expiration date of the worker's operator's license, and the name of company, policy number and expiration date of the worker's liability insurance. Records as to each volunteer worker shall be retained for three years after such worker has terminated.

The agency/department, or with its approval, the organization, shall, as a part of the roster or separately, keep a continuing record of the number of hours worked by each volunteer worker. If the services of any worker shall be terminated, or if the worker shall cease to perform voluntary service, entry of the date of termination shall promptly be made on the roster. Unless otherwise specified the termination of enrollment shall be without prejudice to later re-enrollment. The services of any volunteer worker may be refused or terminated by the agency/department at will, and shall be terminated when deemed in the best interest of the agency/departmental function or of the voluntary services program to do so.

If there is no volunteer organization within the agency/department, individual volunteer workers may be enrolled by the agency/department in the manner set forth in this subsection.

d) Motor Vehicle Usage. While unnecessary use of automobiles is to be discouraged, it is recognized that in some volunteer activities motor vehicle usage is indispensable. Privately owned

vehicles may be used on express authorization of the agency/department head specifying the purpose. County vehicle use may be authorized only by the County Executive Officer on recommendation of the agency/department head including appropriate justification. No volunteer worker shall be permitted to drive either a private vehicle or a County vehicle for volunteer business until the worker has presented his or her current operator's license and liability insurance policy with minimum limits in the amounts required by the State for bodily injury or death and property damage, and the necessary data therefrom has been placed on the roster.

e) Reimbursement of Expenses. A volunteer worker who drives a private vehicle duly authorized shall be entitled to reimbursement at a mileage rate currently fixed by the County. Other necessary travel expenses shall be reimbursed at actual cost when authorized by the agency/department. Reimbursement shall be conditional upon claim being promptly made, in no event more than 100 days after the cost was incurred.

f) County Insurance. Such liability insurance as the County may carry shall be excess insurance over any other valid and collectible insurance, including that provided by the volunteer worker. Volunteer workers are not covered by workers compensation insurance or by County self-insurance for injury or accident arising out of volunteer service.

g) Reports. Each agency/department, not later than the 15th day of each month, shall make a written report for the preceding month showing the total number of volunteer workers who performed services in that month, the total number of hours of such services, the number of new volunteer workers enrolled during the month and the number whose enrollments were terminated. The report shall be filed with the County Executive Officer, who may inspect the roster at any time, and shall do so at least quarterly to see that the enrollment of inactive workers has been terminated and that other information on the roster is in current condition.

h) Resolutions. Further rules or regulations in aid of the County's program of voluntary services, or interpretations or extensions of the provisions of this section may be made by resolution of the Board of Supervisors.

Section 12. ORDINANCE PUBLICATION

The Human Resources Director shall maintain a current record of all positions allowed for each agency/department. He/She shall cause to be re-published and circulated to the agency/departments from time to time the contents of this ordinance together with lists of the positions allowed to the respective agency/departments, and shall from time to time supply amendments thereto.

The Human Resources Director may include footnotes in the publication of this ordinance for the purpose of referencing other pertinent sections, attachments, or provisions, or to cite a change in the narrative. The Human Resources Director may re-number, and arrange in a logical order, parts of this ordinance without affecting the narrative content.

Section 13. CONFLICTS AND CONSTITUTIONALITY

The provisions of this ordinance are subject to controlling or limiting provisions of the Constitution and laws of California, and any provisions of this ordinance, which are in conflict there with, shall not be effective to the extent of such conflict.

If any paragraph, sentence, clause, or phrase of this ordinance for any reason is held to be unconstitutional or invalid, such shall not affect the remaining portions of this ordinance, 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.

Section 14. EFFECTIVE DATE

The operative date of this ordinance is July 1, 1957.

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

By: _____
Chair

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

By: _____
Deputy