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

ITEM: 3.26
(ID # 28985)
MEETING DATE:
Tuesday, October 07, 2025

FROM : HUMAN RESOURCES

SUBJECT: HUMAN RESOURCES: Increase the Flexible Benefit Contribution Amounts for Employee Only and Employee Plus One for LIUNA, SEIU, Management Resolution and Employees in the Resident/Fellowship Classifications. All Districts. [Total Cost - $11,574,589, Ongoing Cost $7,165,222 – 100% Departmental Budgets]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Side Letter Agreement with the Laborers' International Union of North America, Local 777 (LIUNA) and the County of Riverside to Increase the Flexible Benefit Contribution Amounts;

2. Approve the Triggering of the Service Employees International Union, Local 721 General Units (SEIU) Fairness Agreement with LIUNA to Increase the Flexible Contribution Amounts;

3. Adopt Resolution No.2025-272 for Exempt Management, Management, Confidential, and Other Unrepresented Employees to Maintain Flexible Benefit Contribution Parity;

4. Approve the introduction of Ordinance No. 440-1770 and amendments, with adoption of the Ordinance to Increase the Flexible Contribution Amounts for Employees in the Resident/Fellowship Classifications on the following agenda.

ACTION:

Tami Douglas-Schatz
Tami Douglas-Schatz, Director of Human Resources 9/30/2025

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Gutierrez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that the above Ordinance is approved as introduced with waiver of the reading.

Ayes:	Medina, Spiegel, Washington, Perez, and Gutierrez
Nays:	None
Absent:	None
Date:	October 7, 2025
xc:	HR, COB/NS

Kimberly A. Rector
Clerk of the Board
By: _____ Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	$ 4,410,055	$ 7,166,340	$ 11,576,395	$ 7,166,340
NET COUNTY COST	$ 0	$ 0	$ 0	$ 0
SOURCE OF FUNDS: 100% Department Budget			Budget Adjustment: No	
			For Fiscal Year: 25/26	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

In the 2024 - 2027 Memorandum of Understanding (MOU) between the County and LIUNA, the parties agreed to negotiate the County flexible benefit contribution amounts for the employee only and employee plus one pending the release of the 2026 CalPERS medical rates. Specifically, the language stated:

> Following the release by CalPERS in June/July 2025 of the rates for 2026, the parties shall engage in labor negotiations to determine the County contribution for employee only coverage and employee + 1 coverage for 2026.

The meet and confer process took place, and the County and LIUNA have reached an agreement, subject to the Board of Supervisor's approval. The Side Letter increases the County contribution by $42.54 for employee-only (from $926.52 to $969.06/month) and by $85.06 for employee-plus one (from $1,586 to $1,671.06/month). Attached is the fully executed Side Letter.

Based on the recently negotiated side letter with LIUNA, these changes will trigger the fairness agreement provision that exists in the 2024 – 2027 MOU between the County and SEIU. Specifically, Article 33, Section 1 "Fairness with LIUNA", states:

> If during the term of this MOU, LIUNA is given a higher valued merit increase, a COLA, flex benefit contribution, or additional payments by the County on behalf of employees for benefits that are not already granted in this MOU, SEIU shall be granted the identical increases, in the same fashion as afforded to LIUNA.

Accordingly, SEIU contributions will increase by $42.54 for employee-only (from $926.52 to $969.06/month) and by $60.06 for employee-plus one (from $1,611 to $1,671.06/month).

To maintain parity, the same adjustments are recommended for:

- Exempt Management, Management, Confidential, and other Unrepresented employees under the Management Resolution
- Resident/Fellowship classifications under Ordinance No. 440.1770

For both groups, the contribution will increase by $42.54 for employee-only (from $926.52 to $969.06/month) and by $60.06 for employee-plus one (from $1,611 to $1,671.06/month). Attached are the proposed amendments to the Management Resolution and introduction of proposed amendments to the Salary Ordinance 440 for employees in the Resident/Fellowship classifications. A separate agenda item will be brought forth at a later date for adoption of the Salary Ordinance 440 amendments. Any other revisions are clean-up items.

The revised contribution rates are reflected in the chart below and, upon Board approval, will be effective November 13, 2025.

Employee Group	Current Contribution Amount	New Contribution Amount
LIUNA - EE Only	$ 926.52	$ 969.06
LIUNA - EE Plus One	$ 1,586.00	$ 1,671.06
Management Resolution - EE Only	$ 926.52	$ 969.06
Management Resolution - EE Plus One	$ 1,611.00	$ 1,671.06
Resident/Fellowship Classifications – EE Only	$ 926.52	$ 969.06
Resident/Fellowship Classifications – EE Plus One	$ 1,611.00	$ 1,671.06
SEIU - EE Only	$ 926.52	$ 969.06
SEIU - EE Plus One	$ 1,611.00	$ 1,671.06

No adjustment is needed for the family contribution amount for any of these groups as the rate is already negotiated/approved at $2,087 for each of these groups.

Impact on Residents and Businesses

There is no immediate impact on residents and businesses because of this change. Increasing the flex contribution amounts offsets the health rate increases and will decrease out-of-pocket cost for health insurance to our valued employees. Having competitive rates and costs for health insurance bolsters the recruitment and retention of a highly skilled and engaged workforce to serve the residents of the County.

ATTACHMENT.

Attachment 1: Side Letter with LIUNA Modifying the Flexible Benefit Health Contributions
Attachment 2: Amended Management Resolution No. 2025-272 (Clean)
Attachment 3: Amended Management Resolution No. 2025-272 (Track Changes)
Attachment 4: Amended Ordinance No. 440.1770 (Clean)
Attachment 5: Amended Ordinance No. 440.1770 (Track Changes)

RESOLUTION NO. 2025-272

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

Effective October 16, 2025

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DEFINITIONS

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

a. Anniversary date means the date upon which an increase in salary becomes effective under the provisions of this Resolution or the job classification is established by the Board of Supervisors to serve at the pleasure of the appointing officer.

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

c. At-Will means an employee whose status is set forth in Article 601E of this Resolution.

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

e. Demotion means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position in a different classification allocated to a lower salary grade, whether in the same or a different agency/department. A "demotion" may be either voluntary or involuntary.

f. Emergency employee means employees whose employment is occasioned by a condition of emergency only.

g. Employee means only "regular" or "seasonal" employee(s) employed by the County in those classifications included in the Groups identified in Sec. 101 herein.

h. Full time employee means employees whose positions require the number of hours usual or prescribed for normal permanent County employment. All positions shall be full time unless otherwise designated or unless the compensation is fixed upon the basis of part time work.

i. Holiday or paid holiday means any day, other than Saturday or Sunday, on which County offices are not open for business, in accordance with County ordinance for which employees covered under the provisions of this Resolution are eligible for compensation.

j. Management Employee as used in this Resolution, unless otherwise stated, means employees in Groups 1 and 3, as defined in Sec. 101.

k. Officer means all "County officers" and "appointive officers" as herein defined, except where the natural construction of this Resolution otherwise indicates. "Officer" is the equivalent of an agency/department head.

l. Paid status means the payment of compensation to an employee for regular hours worked or from accrued leave banks such as vacation, sick, holiday and/or compensatory time. Payments received for disability such as short-term or long-term disability or workers' compensation shall not be considered being in a paid status and shall not entitle an employee to earn leave accruals, including accrued holiday or receive flex benefit contributions.

m. Part time employee means an employee in a position that is designated part time or for which compensation is fixed upon a basis of part time work.

n. Pay period means 14 calendar days, and refers to the period for computing compensation due for all normal working shifts ending during that period.

o. Permanent employee means a regular employee who has completed the initial probationary period in a position, not including any incumbent of an at-will position as specified in this Resolution.

p. Position means any office or employment to which a group of duties and responsibilities is assigned or delegated by competent authority, the performance of which requires the full time or part time employment of one person unless permission is granted for job sharing.

q. Probationary employee means a regular employee who has not completed the initial probationary period, including any extensions thereto, as designated in this Resolution, in a paid status in a position

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

r. Promotion means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position of a different classification allocated to a higher salary grade whether in the same or different agency/department. The appointment of an employee to a position allocated to a higher salary grade because of professional registration achieved by the incumbent shall not be deemed a promotion but a change in salary allocation.

s. Reclassification means the reallocation of a position to a different classification by a change of title and position specification, but does not necessarily involve a change of salary grade.

t. Regular employee means a holder of a regular position.

u. Regular position means a position established by County Salary Ordinance No. 440 on an ongoing basis, as distinct from a seasonal or temporary position.

v. Seasonal employee means an employee whose employment is not continuous but is regularly recurrent in the same capacity because of particular functions which occur periodically each year; such employment may be ongoing, but of an intermittent nature.

w. Temporary employee means an employee who is not a regular or seasonal employee.

x. Transfer means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position of a different classification allocated to the same salary grade in the same agency/department, or to a position of the same classification, or a different classification allocated to the same salary grade, in a different agency/department.

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

ARTICLE 1
RECOGNITION

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

Group 1	At-will or contract Department Heads and Assistant Department Heads, independent elected officials, and Board of Supervisors Members
Group 2	At-will Unrepresented
Group 3	General Unrepresented Management
Group 4	Confidential
Group 5	Other Unrepresented
Group 6	Supervisor's Board Assistants and Supervisor's Legislative Assistants
Group 7	Unrepresented Attorneys

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

Sec. 103 Non-Discrimination. The provisions of this Resolution will be applied equally to all employees without unlawful discrimination based upon sex (including pregnancy and medical conditions related to pregnancy), age, race, color, religion, national origin, ancestry, disability (mental and physical), medical condition, marital status, military and veteran status, denial of family and medical care leave, gender (including gender identity and gender expression), or sexual orientation, or any other classes protected by law.

ARTICLE 2
HOURS OF WORK, OVERTIME

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

Sec. 202 Different 80 Hour Biweekly Work Period: An agency/department head, with prior approval of the County Executive Officer and the Human Resources Director, may establish or eliminate a different biweekly work period of eighty (80) hours.

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

Sec. 204 FLSA Exempt Employees: Any employee whose position is determined to be exempt from the Fair Labor Standards Act ("FLSA") shall not be entitled to compensation for overtime of any type unless specifically provided herein. The Human Resources Director and County Counsel shall determine which employees are exempt from the FLSA.

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

A. A designated FLSA work period shall consist of 168 consecutive hours (7 days).

B. Overtime is defined as time actually worked by an FLSA non-exempt employee in excess of forty (40) hours in a designated FLSA work period. Management reserves the right to designate the FLSA work period for each employee.

C. Time worked shall not include any form of paid leave.

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

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

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

A. Compensatory Time-off: An employee eligible for paid overtime under the provisions of this Section may request, subject to management approval, the accumulation of up to 120 hours of compensatory time off ("CTO") in lieu of paid overtime. Such overtime is accumulated at the rate of one and one-half (1½) hours of compensatory time off for each hour worked in excess of forty (40)

hours during the designated FLSA work period. Accumulated overtime credit may be taken as paid time off, at a time or times agreeable to the agency/department head. This method of reducing accumulated overtime credit is encouraged. With approval of the County Executive Officer, accumulated overtime credit of 120 hours or less may be paid.

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

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

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

A. Dates for increases in leave accruals, probationary periods, anniversary dates, merit increases, and similar events are based upon service rather than hours, e.g. 1040 hours became six (6) months and 2080 hours became one (1) year.

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

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

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

Sec. 210 Special Assignments: An FLSA exempt employee covered hereunder may, with the approval of the Human Resources Director, be permitted to perform work outside the employee's regular classification by way of special assignment to another classification. Subject to approval by the Human Resources Director, the specially assigned employee shall be compensated at a flat rate determined by the agency/department, not to exceed two times the hourly rate

assigned to the classification in which the employee is specially assigned. The time worked in the special assignment will not be included in computing Annual Leave, retirement, or similar benefits. The time worked in the special assignment cannot be detrimental to the employee's health or performance in the employee's regular position. The special assignments can be terminated at any time and the employee shall not be entitled to any review or hearing procedure upon termination of the special assignment.

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

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

2. The hours actually worked in excess of the required hours must be worked in the employee's own classification.

With approval of the County Executive Officer, or designee, persons entitled to compensatory time off under this provision may be paid in lieu of receiving compensatory time off. If payment is to be made then the number of hours to be paid shall be specified by the agency/department head or designee. Upon termination, persons employed in the classifications listed in Appendix I shall be paid for any accumulated compensatory time off which has not been taken, not to exceed sixty (60) hours.

Sec. 212 Extra Shift Assignment: Any unrepresented physician classification series, who are authorized to work an extra shift assignment outside of their regularly scheduled shift, shall receive their base hourly rate for each hour actually worked during the extra shift.

Sec. 213 Electronic Fund Deposit of Payroll: Employees shall be required to receive payroll funds by electronic deposit. Employees shall receive a Statement of Earnings (pay stub) through an electronic pay advice system. The electronic pay advice system will permit employees to view/print current and previous bi-weekly pay advice/stubs.

ARTICLE 3
PREMIUM PAY

Sec. 301 Standby Duty: When placed by the agency/department head specifically on standby duty, an FLSA non-exempt employee

otherwise off duty shall be paid one (1) hour pay for eight (8) hours of such duty beyond the regular work period. Said compensation shall be in addition to the employee's regular salary entitlement. Notwithstanding any prior work practice to the contrary, said compensation shall cease when said employee reports to work.

Standby compensation shall cease when the employee reports to work.

Sec. 302 Minimum Overtime on Call-Back Pay: Except as indicated below, an FLSA non-exempt employee called back to a worksite to meet an emergency on an overtime basis, whether or not in standby duty status, shall receive minimum credit for one (1) hour of work.

If an employee should complete the work required, and subsequently be recalled during the minimum credit period, no additional compensation shall be paid for until the minimum credit period has been exhausted. Call-back pay does not include time commuting to and from the worksite.

Remote Call-Back: If an employee should perform call-back work remotely, without the employee having to physically report to a worksite, then the employee will be paid in one-tenth hour increments for all time worked while remotely responding to the call. For example, if the employee remotely completes the performance of work in twenty-five (25) minutes, the employee will be paid thirty (30) minutes for the remote call-back.

Notwithstanding any other provision, time actually worked on call-back shall be counted toward the calculation of overtime requirement.

Sec. 303 Declared Emergency: In the event and during the period of an emergency affecting any portion of the County of Riverside, and notwithstanding any other provision of this Resolution, the following provisions shall apply:

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

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

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

D. The Board of Supervisors may authorize payment on a paid overtime basis, at the rate of one and one-half times the employee's current regular rate, for those employees who are not otherwise entitled to time-and-a-half overtime and who are required to perform services during an emergency. "Emergency services," as used in this subsection, shall be such services the Board of Supervisors authorizes.

Sec. 304 Mileage Reimbursement:

A. Employees who are required to use their personal vehicles for County business shall be reimbursed at the Internal Revenue Service (IRS) standard mileage rate. Elected Officials and County executives eligible for the Executive Vehicle Benefit described in Section 304 (C) and (D) are also eligible for this reimbursement. Adjustments to the County rate, if any, shall be made pursuant to and concurrent with the IRS rate changes. To receive the reimbursement, the employee must provide proof in the format required by the County that the miles were business related and provide an accounting of every business mile to be reimbursed, which shall include information for each business use (recorded at or near the time of the business use) of the date, the business purpose and place of each trip, in addition to the mileage.

B. If an employee is required to use his/her personal vehicle while in the course and scope of his/her employment, the employee must, prior to using said vehicle, do the following:

1. Complete County of Riverside "Authorization to Drive Riverside County Vehicle or Private Vehicle for County Business," Form, authorizing the employee to use his/her personal vehicle, which must be approved by the agency/department head.

2. Ensure the vehicle in minimum limits required by the State of California. In addition, employees must have their policies of insurance endorsed to reflect business use. Such insurance must be maintained at all times while employed in a position where it is required or may be required to use a personal vehicle while in the course and scope of employment. In the event of an incident or accident, the County does not assume

responsibility for any physical damage to an employee's personal vehicle.

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

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

C. Elected Officials designated as eligible for Tier 1 of the Executive Vehicle Benefit as delineated in Appendix III of Salary Ordinance 440, shall be eligible to receive an Automobile Allowance of $550.00 per month, or be furnished with a County vehicle as provided under existing County policies and procedures.

D. Other County executives designated as eligible for Tier 2 of the Executive Vehicle Benefit as delineated in Appendix III of Salary Ordinance 440, shall be eligible to receive an Automobile Allowance of $550.00 per month.

Sec. 305 Maintenance Pay:

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

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

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

D. Medical interns and resident physicians at the Riverside County Regional Medical Center shall be furnished without charge medical

and hospital care for acute illnesses and injuries contracted or sustained by them during the period of their employment. Whether an illness or injury qualifies under this provision shall be determined by the Assistant County Executive Officer – Health Systems with the advice of the Chief Medical Officer.

Sec. 306 Moving Expenses-Current Employees: Upon the written request of an agency/department head, the Human Resources Director and the County Executive Officer may authorize payment of all or part of the actual and necessary expenses hereafter incurred for moving the household and immediate family of an employee from one part of the County to another, when the headquarters of the employee is permanently changed for the convenience of the County. Such authority shall be obtained in advance of the change, shall be subject to such reasonable conditions as the County Executive Officer may require, shall specify the maximum amount authorized, and shall not be granted more than once in any one year period for any one employee, nor for any employee until he or she has been continuously employed by the County for at least one (1) year preceding the authorization. If the employee voluntarily terminates his or her employment with the County within one year of the payment of the expenses set forth herein, the employee shall, within thirty (30) days of the effective date of the voluntary termination of employment with the County, reimburse the County the full amount of any payment received by the employee for the expenses set forth herein.

Sec. 307 Shift Differentials:

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

1. Evening Shift: FLSA non-exempt employees whose positions are not otherwise addressed in this Section who perform work between the hours of 6:00 p.m. and 11:00 p.m. shall be paid an evening differential of $1.30 per hour for the time actually worked between 6:00 p.m. and 11:00 p.m.

Exceptions:	Rate:
Employees in the classification of: • RUHS House Supervisor	$2.50 per hour Eligible for employees who work between 6:00 p.m. and 11:00 p.m.

2. Night Shift: FLSA non-exempt employees whose positions are not otherwise addressed in this Section who perform work between the hours of 11:00 p.m. and 7:00 a.m. shall be paid a night differential of $1.90 per hour for the time actually worked between 11:00 p.m. and 6:00 a.m.

Exceptions:	Rate:
Employees in the classification of: • RUHS House Supervisor	$5.00 per hour Eligible for employees who work between 11:00 p.m. and 7:30 a.m.

Sec. 308 Education for Continued Licensing of Registered Nurses:

A. Tuition and/or Registration Fee: Eligible employees may be granted time by their appointing authority to attend California Board of Registered Nurses approved courses. Time granted shall not exceed forty (40) hours every two years. Time granted shall be used for travel to and from the location of the course and for time actually spent in course attendance. The granting or denial of education time shall be at the discretion of the employee's appointing authority.

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

1. Have completed six months of continuous service with the County in a full-time, regular position or a part-time position normally working at least forty (40) hours in a pay period;

2. Have not completed the minimum number of hours required to renew the employee's professional licenses; and,

3. Be employed in a classification that requires the employee to be licensed to practice as a Registered Nurse.

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

1. The location, date, time, subject, and number of contact hours of the course to be attended;

2. The number of hours needed to renew the employee's professional license; and,

3. The date the employee's current license expires.

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

Sec. 309 Bilingual Pay:

Scope

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

Eligibility Factors

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

Skill Levels

Definitions of Skill Levels:

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

- Level 2: Task Completion
  - Employees at this level perform bilingual translation as well as written translation.

- Level 3: Written translation, and medical and legal interpretation
  - Employees at this level perform complex verbal and written translation.

Compensation

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

- Level 1: $40 per pay period ($0.50 per hour)
- Level 2: $60 per pay period ($0.75 per hour)
- Level 3: $80 per pay period ($1.00 per hour)

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

Testing Administration

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

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

The Bilingual Pay Program is administered by Human Resources.

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

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

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

Sec. 311 Performance Recognition Plan:

A. The Performance Recognition Plan (PRP) connects individual achievement to organizational goals and provides incentives for performance.

B. Eligibility: Eligible employees are those who are in leadership positions and who manage other employees or programs and have significant influence on the achievement of organizational objectives which includes Management Groups 1, 2, and 3 except as excluded below.

1. Law Enforcement Executive Management classifications covered by Article 21, excluding Chief Deputy Director, Sheriff's Administration and Unrepresented Management Attorneys covered by Article 22 are ineligible for the Performance Recognition Plan.

2. Elected officials shall not be eligible for the PRP; however, management employees reporting to an elected official, in classifications covered by this Section are eligible for the PRP.

C. Incumbents in PRP eligible classifications shall be eligible for salary increases granted pursuant to the provisions of this Section only. Such employees shall not be subject to the Merit Increase provisions set forth under Section 402 of this Resolution but shall instead be awarded increases based upon a qualifying annual performance appraisal. Increases shall not be automatic.

D. Incumbents in PRP eligible classifications are eligible to have their salary increased from zero percent (0%) up to six percent (6%), in two percent (2%) increments based on performance, unless there is less than 2% remaining on the range in which event the increase, if approved, shall be to the maximum of the range.

E. Employees in PRP eligible classifications, remain eligible for Cost-of-Living adjustments or Market Adjustments granted to employees covered by this Resolution.

F. Anniversary Dates: As a result of the annual review period of PRP eligible classifications, anniversary dates for eligible PRP employees will become January 1st, with the effective date for the increase to be the first full pay period in January. The anniversary date for newly hired employees, employees promoted into a PRP eligible classification, or employees reclassified into a PRP eligible classification will change to January 1st of the calendar year following the status change.

G. Salaries granted pursuant to this provision shall be reported to PERS as compensation earned.

Sec. 312 Confidential Premium:

A confidential employee who holds a job classification title designated with the codes "CE" (Confidential Exempt) or "CN" (Confidential Non-Exempt) and where such title designations were identified to distinguish the confidential classification from its non-confidential, union represented counterpart, shall be provided a confidential premium of approximately 2.71% for actual hours worked up to eighty (80) hours in a pay period. There shall be no premium paid to a confidential employee holding a job classification title designated with the codes "CE" or "CN" if the maximum salary of such classification exceeds its non-confidential, union represented counterpart classification by more than 2.71%.

Notwithstanding the above, the salary of the confidential classifications designated with the codes "CE" or "CN" may be set and maintained at the equivalent salary of the non-confidential, union represented counterpart classifications, subject to the Board of Supervisor's approval.

Sec. 313 Ambulatory Primary Care Physician Leader Stipend:

A. Physician In-Charge

Effective December 15, 2022, employees in the Ambulatory Primary Care Physician Leader (Job Code 57788) classification who are assigned by the Department as a Physician In-Charge shall receive a bi-weekly in-charge stipend for time spent in the assignment as outlined below.

- Oversee 5 or less physicians – $307.70 per pay period.
- Oversee 6-10 physicians – $384.62 per pay period.
- Oversee 11 or more physicians – $576.93 per pay period.

B. Program Director

Employees in the Ambulatory Primary Care Physician Leader (Job Code 57788) classification who are assigned by the Department as the Family Medicine Residency Program Director or Chief of Geriatric Medicine shall receive a bi-weekly stipend for the time spent in the assignment as outlined below.

- Family Medicine Residency Program Director - $692.31 per pay period.
- Chief of Geriatric Medicine - $576.93 per pay period.

The stipend shall be paid for all regularly scheduled hours, up to a maximum of 80 hours per pay period.

Sec. 314 Accounting and Budget Certification Pay

A. Employees who are in an eligible classification listed below and who prove they possess either a valid Certified Public Accountant (CPA), Certified Internal Auditor (CIA), Certified Information Systems Auditor (CISA), Certified Payroll Professional (CPP), or Certified Fraud Examiner (CFE) shall be eligible to receive a certification pay in the amount of five percent (5%) of the employee's base hourly rate for actual hours worked. The employee is entitled to one (1) certification pay regardless of the number of eligible certifications possessed.

1. Accountant I – CN
2. Accountant II – CE
3. Accountant Trainee – CN
4. Accounting Manager

5. Administrative Deputy
6. Administrative Deputy – County Counsel
7. Assistant County Auditor/Controller
8. Chief Accountant
9. Deputy Auditor/Controller
10. Deputy Director of DA Admin Finance
11. Executive Office Principal Budget Analyst
12. Fiscal Manager
13. Fiscal Manager – Parks
14. Principal Accountant
15. Principal Management Analyst
16. Senior Accountant – CE
17. Supervising Accountant - CE

B. Employees in eligible classifications will be eligible to receive the certification pay, for actual hours worked, the pay period following presentation of the valid certificate to the employee's supervisor, regardless of when the certificate was attained. Failure to maintain a valid certification will render the employee ineligible for this pay.

ARTICLE 4
PAY PRACTICES

Sec. 401 New Employees:

A. Except as otherwise provided by this Resolution, a new employee shall be appointed at the minimum salary of the salary grade.

B. Salary Advance: The agency/department head with the prior approval of the Human Resources Director and the County Executive Officer may appoint a new employee in a specified classification to any salary within the salary grade if the employee has: (1) qualifications substantially greater than the minimum for the classification; and/or (2) experience, which if it had been obtained in the position applied for, would have made the employee eligible for the advanced salary proposed.

When the Human Resources Director and the County Executive Officer authorize a position to be filled at such salary higher than the minimum salary of the salary grade, the Human Resources Director and the County Executive Officer may also advance all incumbents of positions in the same classification earning less than the salary so authorized to the same or one of said higher salary, based on qualifications and experience. The anniversary date shall be the first day of the pay period that is not less than one (1) year (26 pay periods) in a paid status thereafter, not including overtime. When

such an incumbent employee is already on that salary, his/her anniversary date shall not change.

C. Difficult to Recruit: Refer to Salary Ordinance 440 for Difficult to Recruit provisions.

Sec. 402 Anniversary Dates:

A. The compensation of each regular employee who is paid on a salary grade, and whose pay is below the maximum salary, shall be considered for increase upon his or her anniversary date, except as otherwise provided.

The first anniversary date as a result of an original appointment shall be the first day of the pay period following the completion of one (1) year (26 pay periods) in a paid status in the position not including overtime.

The first anniversary date as a result of promotion or reclassification which involved a salary increase shall be the first day of the pay period following the completion of six (6) months (13 pay periods) in a paid status in the position not including overtime.

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

The second anniversary date shall be the first day of the pay period following the completion of an additional one (1) year (26 pay periods) in a paid status, not including overtime, and subsequent anniversary dates shall occur at like intervals.

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

2. If, through error, the anniversary date of an employee is overlooked or a notice herein required is delayed or omitted, a resulting failure to increase the compensation may be cured by then taking the action hereinabove required, and the employee shall be paid at the increased rate from the anniversary date.

Sec. 403 Merit Increases: Effective June 20, 2019 and thereafter, every anniversary salary increase shall be 4%, except when there is less than 4% remaining, it shall be to the maximum salary of the range. Such salary increases shall be given unless there is an affirmative decision of the agency/department head to deny the increase.

Special Note: Effective July 1, 2014, the provisions of this Section no longer apply to Tier I and Tier II employees subject to the provisions of Section 311 – Performance Recognition Plan

Sec. 404 Denial of Salary Increase: The agency/department head may disallow a salary 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 salary 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.

Special Note: Effective July 1, 2014, the provisions of this Section no longer apply to Tier I and Tier II employees subject to the provisions of Section 311 – Performance Recognition Plan

Sec. 405 Re-employment:

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

B. Re-employment after military service shall conform to the requirements of the California *Military and Veterans Code* and the Federal *Uniformed Services Employment and Reemployment Rights Act* (USSERA), but in other respects shall be in accordance with this Resolution.

C. Whenever a former regular employee is or has been re-employed within twenty-four (24) months after termination, he or she may, on recommendation of the employing officer, and with the approval of the Human Resources Director and the County Executive Officer, be allowed the accrued sick leave not exceeding the amount thereof which was lost and to earn vacation at the rate at which he or she was earning at the time of termination. The anniversary date for merit increase may be expressly fixed, submitted to limitations of this Resolution, to allow credit for all or a portion of the applicable period of service prior to said termination.

Sec. 406 Re-employment of Retired Persons: An employee who is retired under the *Public Employees' Retirement Law* and who is receiving retirement benefits shall not be employed or re-employed in any position for compensation without the prior written approval of the Human Resources Director. Consistent with the requirements of the *Public Employees' Retirement Law* for discontinuance of retirement benefits, the retiree may be employed or re-employed.

The Human Resources Director may allow the employment or re-employment for up to 960 hours of actual work within any fiscal year, without loss of benefits, as specified in Section 21224 of the *Public Employees' Retirement Law*. That section permits the temporary employment only during an emergency to prevent stoppage of public business, or because the restored employee has skills needed in performing specialized work of limited duration. During the employment or re-employment, the retiree is to be paid at a rate not less than the minimum, nor more than that paid other employees performing comparable duties.

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

Sec. 407 Promotion: On promotion the employee's salary shall be at a rate on the new salary plan and grade which is 5.5% higher, where the new salary plan and grade is able to accommodate the increase. The effective date of all promotions shall coincide with the first working day of a pay period. The anniversary date shall be determined as if the date of promotion were the date of employment.

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

Sec. 409 Demotion:

On demotion (voluntary or involuntary), the employee's salary shall be 5.5% less on the new salary grade as was applicable to the previous salary grade. The anniversary date shall not change. The effective date of all demotions shall coincide with the first working day of a pay period.

Permanent employees who, within one (1) year (26 pay periods) following a promotion, voluntarily demote to their previously held classification may return to the salary of the previously held classification from which they promoted, inclusive of any cost of living adjustments that would have otherwise been afforded to the employee should they not have promoted. Permanent employees

who are not serving a promotional probation can voluntarily demote to a job classification for which they are qualified and may demote to a salary on the new range closest to their current rate of pay (employee serves the applicable probationary period if they have not already passed probation in the demoted classification). Demotion under this section shall be with the mutual agreement of the employee and involved agency/department head(s) and an opening must exist. The anniversary date shall not change.

Sec. 410 Reclassification:

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

The salary of an incumbent of a position reclassified to a classification on a higher salary plan and grade shall be at the rate which is 5.5% higher, where the new salary plan and grade is able to accommodate the increase.

B. Except for classifications subject to Section 311 – Performance Recognition plan, the anniversary date shall be determined in accordance with this Article, except that the first anniversary date shall be the first day of the pay period following the completion of six (6) months (13 pay periods) in a paid status, not including overtime, in the new classification. Thereafter, anniversary dates shall be on the first day of the pay period following each additional one (1) year (26 pay periods) in a paid status.

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

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

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

Sec. 411 Temporary Promotion:

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

B. When the absence ceases or the vacancy is filled, the employee shall return to his/her regular position and his/her salary and anniversary date shall be re-determined as if the temporary promotion had not occurred. Any salary increases which would have been due in his/her regular position shall be allowed.

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

Sec. 412 Additional Compensation to Supervisors/Managers:

A person, occupying a supervisory/management position may have his/her base salary increased by 5.5% above the base salary rate of any of his/her subordinates, not including Information Technology subordinates, provided that:

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

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

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

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

Such increased compensation shall be effective on the first day of the pay period during which the finding called for in subparagraph (A) above is made. This addition to base salary shall be effective only for the period necessary to maintain the base salary of the supervisor/manager at a rate of five and one-half percent (5.5%) above that received by the subordinate.

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

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

The provisions of this section only apply to classifications subject to the Performance Recognition Program described in Section 311 if the increase can be accomplished by increasing the compensation of the incumbent using only the base salary range.

Sec. 413 Post-Employment Accounts:

For each regular employee covered under this Resolution who has five (5) years of regular County service and who is separating from County employment, the County shall provide post-employment accounts wherein the payable value of qualifying final accrued leave balances will be deposited, up to the legal limit. Qualifying leave balances include annual leave, vacation, extra vacation, holiday balance, and the amount of sick leave payable pursuant to Sec. 708. This does not include compensatory time off for overtime. The employee shall make an election as to how the balances shall be paid/deposited amongst options that include, but are not limited to a VEBA Health Savings Account, designed to be free of taxes, which may be used for future health care costs, Special Pay Accounts, other accounts to include pre-tax and post-tax deferred investment funds [e.g., a qualifying 457(b)], or cash. Qualifying leave balances of a separating employee who does not make an election will default to a 401(a) Special Pay Account.

ARTICLE 5
GENERAL PERSONNEL PROVISIONS

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

Sec. 502 Relatives: No officer shall appoint his/her spouse or registered domestic partner - or the spouse or registered domestic partner of any other officer superior to him/her - in any capacity for compensation. No such spouse or registered domestic partner shall be eligible for appointment to or continued employment in the same position of any such person who succeeded thereto pursuant to any provision of law. Continued employment shall be deemed to include promotion, demotion, or transfer, if such employee is otherwise qualified.

Except as otherwise provided herein, no person shall be denied the opportunity for employment or continued employment because such person is related to any person presently employed by the County of Riverside. However, in no instance shall a County officer or employee be within the direct chain of command or span of control (i.e. execute direct supervision over or initiate or participate in decisions directly impacting such person, including but not limited to initial employment, retention, promotion, or work assignments) specifically pertaining to another County employee who is closely related or has any familial relationship management determines may lead to conflict. "Closely related" and/or familial relationship shall include, but is not limited to, 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, grandparent, and the equivalent step relationships or relationships through a domestic partnership.

Should such relationship occur, the employee(s) may promote, voluntarily demote, or may be transferred to position(s) which the employee(s) is eligible and selected to fill. The employee(s) shall be granted, at minimum, six (6) months to achieve promotion, transfer, or voluntary demotion to rectify the reporting relationship.

Sec. 503 Retirement:

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

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

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

D. PERS Retirement Benefit (EPMC): Per Government Code Sec. 20636 (c)(4), effective July 2, 1998, the County elected to pay the employee's share of compensation earnable (currently approximately 8% for Miscellaneous members and approximately 9% for Safety members) as Employer Paid Member Contributions and report the same percent (value) of compensation for all PERS members covered under the provisions of this Resolution. Effective immediately the EPMC is amended as follows:

All employees hired in Groups 1 – 6 on or after December 1, 2011, will pay the full member contributions (8% for Miscellaneous and 9% for Safety), and the County will not provide EPMC.

a. Effective December 1, 2011, employees in Groups 1, 2, 3, & 6 hired prior to December 1, 2011, will pay 4% toward their member contributions, and the County will no longer provide or report that portion (value) as EPMC or as compensation to CalPERS.

b. Effective December 1, 2011, employees in Groups 4 & 5 hired prior to December 1, 2011, will pay 3% toward their member contributions, and the County will no longer provide or report that portion (value) as EPMC or as compensation to CalPERS.

c. Effective July 12, 2012, employees hired prior to December 1, 2011, in Groups 1, 2, 3, & 6, will pay an additional 4% toward their member contributions (Law Enforcement Executive Management employees will pay 5%), and the County will no longer provide or report any EPMC or as compensation to CalPERS.

d. Effective July 12, 2012, employees hired prior to December 1, 2011, in Groups 4 & 5, will pay an additional 3% toward their member contributions, and the County will no longer provide or report that portion (value) as EPMC or as compensation to CalPERS.

e. Effective June 27, 2013, employees hired prior to December 1, 2011, in Groups 4 & 5, will pay an additional 2% toward their member contributions, and the County will no longer provide or report any EPMC or as compensation to CalPERS.

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

F. Three Year Final Compensation: At such time that the County Board of Supervisors executes a CalPERS permissible contract amendment, the provision of Section 20037 of the Public Employees' Retirement Law (Three (3) Year Final Compensation) will be implemented for employees who are hired on or after that date, or who become members of the CalPERS Safety plan on or after that date.

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

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

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

i. 2% @ 60. Effective August 23, 2012, the percentage of final year compensation to be provided for each year of credited service for miscellaneous employees hired on or after and who first become members on or after the date of implementation shall be determined in accordance with Section 21353 of the Public Employees Retirement Law (2% at age 60).

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

i. 2% @ 50. Effective August 23, 2012, the percentage of final year compensation to be provided for each year of credited service for safety employees hired on or after or who first become safety members on or after the date of implementation shall be determined in accordance with Section 21362 of the Public Employees Retirement Law (2% at age 50).

K. Public Employee's Pension Reform Act (PEPRA) of 2013: Due to Assembly Bill (AB) 340, which created the Public Employee's Pension Reform Act (PEPRA), new lower retirement benefit formulas, final compensation periods, and new contribution requirements were implemented for new employees hired on or after January 1, 2013. The lower benefit formula for employees hired on or after January 1, 2013 is 2% at 62 for Miscellaneous and 2.7% at 57 for Safety. Employee contribution rates will vary based on PEPRA rules.

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

M. 401(a) of Certain At-Will Positions: Effective January 9, 2003, if any then-incumbent Deputy Director for Environmental Health; Animal Services Chief; or RUHS Chief Finance Officer accepts employment At-Will then an additional $150 per bi-weekly pay period shall be contributed to the 401(a) Money Purchase Plan for each such employee accepting At-Will status. All incumbents hired after January 9, 2003 in the aforementioned classifications (Section 503 (M)) shall receive contributions pursuant to Section 503 (L).

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

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

ii. The County's contribution to the deferred compensation plan will be based on the "normal cost" as determined by CalPERS, plus an amount equal to the current pick-up of the employee contribution, if any otherwise provided to elected officials who are in CalPERS

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

Sec. 504 Merit System/Veterans Preference: Appointments and promotions shall be made on the basis of merit and ability except as otherwise provided herein. Each officer shall appoint all necessary employees allowed for his/her agency/department by this Resolution only from among persons certified to him/her by the Human Resources Director as eligible for the respective positions. The Human Resources Director shall determine the methods of evaluating the qualifications of applicants. The methods shall be practical in nature and may involve any combination of written test, oral test, performance test, rating of education, training, and experience and shall take into consideration a system of veteran's preference in accordance with the Veterans' Preference Resolution adopted by the Board of Supervisors. The veteran's preference program shall be administered by the Human Resources Director. County Officers and classifications identified in Appendix II of the Riverside County Salary Ordinance 440 are exempt from the merit system, rather the appropriate County Officer(s) may appoint qualified candidates to these classifications.

ARTICLE 6
PROBATIONARY PERIOD

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

A. Length of Initial Probation: Except as set out below, the length of the initial probationary period for employees in classifications covered under this Resolution is one (1) year (26 pay periods) in a paid status.

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

The initial probationary period may be extended once by three (3) months or twice by an additional three (3) months.

C. Initial Probationary Period Affected by Change in Classification: An employee who has not completed an initial probationary period and voluntarily promotes, demotes, or transfers to another classification, shall have his/her initial probationary period automatically extended an additional one (1) year (26 pay periods) in a paid status beyond the date of promotion, demotion, or transfer each time the employee voluntarily promotes, demotes, or transfers to another classification prior to completing the initial probationary period, including any extensions thereto.

D. Probation of Permanent employees following change in classification or lateral transfer: During the first one (1) year (26 pay periods) of service in a paid status following a promotion, transfer or demotion, a regular employee who held permanent status at the time of the promotion, transfer or demotion shall, upon the agency/department head's request, be returned to a position in the previously held classification in the former employing agency/department. If the

return involves a change in classification, the salary shall be the same salary which the employee had immediately prior to the promotion, transfer or demotion, and the employee's anniversary date will be re-determined based on the number of pay periods of service in a paid status the employee had at the time of promotion, transfer or demotion. Written notice of return to former classification shall be given to the employee prior to the employee completing 26 pay periods in the probationary period and the pay and title changes of the return shall be made prior to the employee completing 26 pay periods following the promotion, transfer, or demotion. Computation of the probationary period in a paid status does not include overtime, standby, on-call or military leave of absence.

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

1. Agency/Department Heads appointed after November 29, 1983, shall serve at the pleasure of the Board of Supervisors (i.e. At-Will). Prior to such appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held. Such employee may be terminated from service at any time, without notice, cause, or rights of appeal, by the Board of Supervisors. An agency/department head removed from service with the County of Riverside by the Board of Supervisors shall be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary.

2. Assistant Department Heads or the equivalent thereto appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 after May 4, 1989, shall serve at the pleasure of the agency/department head (i.e. At-Will). Prior to such an appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held. Assistant Department Heads or the equivalent thereto who serve At-Will may be removed from their position at any time without notice, cause, or rights of appeal by the

agency/department head only after the agency/department head has a minimum of ninety (90) calendar days of service in that position and after consultation with the Human Resources Director and approval of the County Executive Officer. An assistant department head or the equivalent thereto removed from service with the County of Riverside by his or her agency/department head shall be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of an assistant department head or the equivalent thereto.

3. Employees in the classification of Board of Supervisor's Chief of Staff, Supervisor's Board Assistant and Supervisor's Legislative Assistant shall be appointed and serve at the pleasure (i.e. At-Will) of the individual Supervisor holding the office to which such employees are assigned. They may be terminated from service at any time by the Supervisor holding that office without notice, cause, or rights of appeal. Prior to an appointment to any of the above mentioned classifications the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

    a. Any employee serving At-Will in the above classifications removed from service by the individual Supervisor holding the office to which the employee is assigned may be entitled to one (1) month's salary as severance pay for each full year of employment in the At-Will classification up to a maximum severance pay equal to three (3) months' salary. Any such severance pay shall be at the sole discretion of the Board of Supervisor. Severance pay is not applicable to a situation involving the layoff of any incumbent of the At-Will classifications.

4. The Local Agency Formation Commission (LAFCO) Executive Officer shall be appointed by the Local Agency Formation Commission and shall serve at the pleasure and will of the Local Agency Formation Commission (i.e. At Will). Prior to such an appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property

rights to any and all former classifications/positions the appointee may have previously held. Such employee may be terminated from service at any time, without notice, cause or rights of appeal, by the Local Agency Formation Commission. An Executive Officer of LAFCO removed from service with the Local Agency Formation Commission may be entitled to one (1) month's salary as severance pay for each year of employment with the Local Agency Formation Commission up to a maximum severance pay equal to six (6) months' salary. Any such severance pay shall be at the sole discretion of the Local Agency Formation Commission.

5. Employees in the classifications of:

37605	Assistant Sheriff
37606	Assistant Sheriff A
37607	Assistant Sheriff B
37582	Chief Deputy Sheriff
37583	Chief Deputy Sheriff A
37584	Chief Deputy Sheriff B
37624	Chief Deputy Director, Sheriff's Administration
52218	Correctional Chief Deputy
13831	Sheriff's Public Information Manager

appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 shall serve at the pleasure (i.e., At-Will) of the Sheriff. They may be terminated from service at any time by the Sheriff, without notice, cause, or rights of appeal. Prior to the appointment to any of the above classifications, the Sheriff shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

Any employee serving At-Will in the above classifications removed from service by the Sheriff may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

6. Employees in the classification of:

73557	Deputy Director
73523	Chief Veterinarian
74257	Public Health Officer

appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 shall serve at the pleasure (i.e., At-Will) of the Director of Public Health/Animal Services Director/Director of Environmental Health. They may be terminated from service at any time by the Director of Public Health/Animal Services Director/Director of Environmental Health, without notice, cause or rights of appeal. Prior to the appointment to any of the above classifications, the Director of Public Health/Animal Services Director/Director of Environmental Health shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

Any employee serving At-Will in the above classifications removed from service by the agency/department head may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

7. Employees in the classifications of:

78539	Assistant District Attorney
78535	Chief Deputy District Attorney
78527	Managing Deputy District Attorney
37672	Assistant Chief District Attorney Investigator
37678	Chief District Attorney Investigator
79779	Director of Victim Services and Family Justice Center Liaison

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

Attorney shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

Any employee serving At-Will in the above classifications removed from service by the District Attorney may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

8. In addition to those classifications specifically mentioned above, any employee appointed to a classification authorized by the Riverside County Salary Ordinance, No. 440 and listed in Appendix II of such Ordinance, shall serve at the pleasure of the agency/department head (i.e. At-Will). He/she may be terminated from service at any time by the agency/department head without notice, cause, or rights of appeal. Prior to the appointment to any of these classifications the Human Resources Director shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

   a. Any employee serving in any classification of Section 601 (8) of this Article who is removed from service and whose severance was not otherwise stated above may be entitled to one (1) month's salary as severance pay for each full year of employment in the At-Will classification up to a maximum severance pay equal to three (3) months' salary. Any such severance pay shall be at the sole discretion of the County Executive Officer. Severance pay is not applicable to a situation involving the layoff of any incumbent of the At-Will classifications.

9. Appointment of an At-Will Employee:

   a. Because an At-Will employee serves at the pleasure of the appointing authority, the At-Will employee will not serve a probationary period and may be terminated at any time without cause. For current employees, the employee voluntary relinquishes any property rights to any and all

former classifications/positions the appointee may have previously held. Prior to an appointment into an At-Will position, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status

b. The County has the discretion to set the salary of an At-Will employee within the salary schedule, regardless if the individual is a current or new employee with the County. For current employees, an appointment into an At-Will position shall not be considered a promotion or a reclassification under this Resolution.

10. Severance Provision:

a. Any employee who receives severance pay in accordance with this article and who is subsequently hired in a regular position shall forfeit any severance pay received and shall be required to repay the full amount of severance received at time of their prior separation. Such repayment agreement shall be signed on the date of hire and shall be made within a reasonable period of time.

b. Any employee who receives severance pay in accordance with this article and who subsequently retires and is rehired into a regular position is not eligible to receive severance pay.

ARTICLE 7
ANNUAL LEAVE
(Not Applicable to Employees in Group 4)

Sec. 701 Annual Leave:

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

A. Accrual Rates: (Groups 1, 2, 3, & 5. For Law Enforcement Executive Management, see Article 21)

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

Accrual Rates: for Group 3 – Board of Supervisors Chief of Staff and for Group 6 - Supervisor's Board Assistants and Supervisor's Legislative Assistants

ALL SERVICE	BI-WEEKLY ACCRUAL
Supervisor's Board Assistant	10.46 hours
Supervisor's Legislative Assistant	12.00 hours
Board of Supervisors Chief of Staff	12.00 hours

Annual Leave for Unrepresented Attorney Management:

Effective July 12, 2012, the job classifications listed in Article 22 of this Resolution will receive an additional 4 hours per pay period to their annual leave accrual. This additional leave accrual will expire at the end of the last pay period in June 2014. In addition, the maximum accrual for annual leave (or vacation) will be raised by 200 hours to 2,000.

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

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

Sec. 702 Annual Usage: During the first twenty-six (26) pay periods of employment, employees shall be encouraged to use no less than forty (40) hours of Annual Leave and, thereafter, employees shall be encouraged to use no less than eighty (80) hours of Annual Leave in each succeeding twenty-six (26) pay periods of employment. While on Annual Leave, sick leave, holiday leave, or compensatory time

off, an employee shall be compensated and receive benefits at the same rate as if he/she were on the job.

Sec. 703 Maximum Accrual: Unless otherwise approved by the County Executive Officer, all employees covered under the terms of this Resolution may accumulate annual leave to a maximum of 1800 hours. Upon approval of the County Executive Officer, additional annual leave may be accrued to a maximum of 2,080 hours. It is the mutual responsibility of the employee and the agency/department head to assure that no employee shall exceed the maximum accrual.

Effective on the first day of the pay period following Board approval of this Resolution, all Supervisor's Board Assistants and Supervisor's Legislative Assistants shall have their annual leave bank reduced to 1764 hours and any hours above 1764 hours will be placed in a separate bank in which further leave cannot be accrued. Thereafter, Supervisor's Board Assistants and Supervisor's Legislative Assistants may accumulate annual leave to a maximum of 1800 hours.

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

Sec. 704 Annual Leave:

Agency/Department Heads: Effective beginning the first pay period of calendar year 2024, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may elect to receive pay in lieu of up to eighty (80) hours of Annual Leave per calendar year. Upon approval of the County Executive Officer, such agency/department head may elect pay in lieu of an additional eighty (80) hours of Annual Leave during the same calendar year provided, however, that no agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any calendar year.

Elections for pay in lieu of Annual Leave must be made during the annual open enrollment period to be paid out in pay periods 12 and 25 of the following calendar year. Elections of 80 hours or less shall be paid out in Pay Period 12 of the Calendar Year following the election. Elections in excess of 80 hours shall be paid out in Pay Period 25 of the Calendar Year following the election. For example,

an employee electing pay in lieu of Annual Leave of 120 hours during the 2023 enrollment period shall have the first 80 hours of Annual Leave paid out in PP12 of 2024, and the remaining 40 hours of Annual Leave paid out in PP 25 of 2024. Elections for pay in lieu of Annual Leave are irrevocable once the open enrollment period ends. Only the time accrued in the calendar year following when the irrevocable election was made is eligible for pay in lieu of Annual Leave. In order to be eligible for pay in lieu of Annual Leave, an employee's Annual Leave balance must be below the maximum accumulation.

For employees experiencing a financial hardship, limited exceptions may be made to this provision pursuant to IRS code (26 USC Section 409 a).

For employees who elect to defer their pay in lieu of Annual Leave into a 457 Deferred Compensation account, it will be subject to the annual IRS limits.

Other Eligible Employees: Effective beginning the first pay period of calendar year 2024, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may elect to receive pay in lieu of up to eighty (80) hours of Annual Leave per calendar year. Upon approval of his/her agency/department head, such employee may elect pay in lieu of an additional eighty (80) hours of Annual Leave during the same calendar year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any calendar year.

Elections for pay in lieu of Annual Leave must be made during the annual open enrollment period to be paid out in pay periods 12 and 25 of the following calendar year. Elections of 80 hours or less shall be paid out in Pay Period 12 of the Calendar Year following the election. Elections in excess of 80 hours shall be paid out in Pay Period 25 of the Calendar Year following the election. For example, an employee electing pay in lieu of Annual Leave of 120 hours during the 2023 enrollment period shall have the first 80 hours of Annual Leave paid out in PP12 of 2024, and the remaining 40 hours of Annual Leave paid out in PP 25 of 2024. Elections for pay in lieu of Annual Leave are irrevocable once the open enrollment period ends. Only the time accrued in the calendar year following when the irrevocable election was made is eligible for pay in lieu of Annual Leave. In order to be eligible for pay in lieu of Annual Leave, an employee's Annual Leave balance must be below the maximum accumulation.

For employees experiencing a financial hardship, limited exceptions may be made to this provision pursuant to IRS code (26 USC Section

409 a).

For employees who elect to defer their pay in lieu of Annual Leave into a 457 Deferred Compensation account, it will be subject to the annual IRS limits.

Sec. 705 Annual Leave Usage:

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

B. While generally Annual Leave usage is required to be scheduled in advance, the County recognizes that from time to time employees may desire to use Annual Leave for an unforeseen absence due to illness/injury or other personal reason. Annual Leave may be used to restore pay otherwise lost due to such unscheduled absence from work provided that:

i. The employee notifies his/her agency/department head, or designee, on the first (1st) day of such absence and as often thereafter as directed by his/her agency/department head, or designee;

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

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

C. Any employee absent for a period of five (5) consecutive workdays due to illness or accident may, at the discretion of his/her agency/department head or the Human Resources Director, be required to have a physical examination by a County approved physician before returning to active duty. Such physical examination

shall be performed by a physician designated by the Human Resources Director and shall be at County expense.

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

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

F. Proof of Illness:

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

Sec. 706 Payoff Upon Retirement or Termination: Any regular employee who terminates or is terminated shall be credited with all accrued Annual Leave at the same rate as that received on the last day worked or last day of approved leave with pay. Terminal Annual Leave pay shall be paid at the election of the employee into a Post-Employment Plan account designated by the employee in accordance with Section 413, Post-Employment Accounts, or as cash upon separation. Qualifying leave balances of a separating employee who does not make an election will default to a 401(a) Special Pay Account.

Sec. 707 Prior Sick Leave Accruals:

A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (½) of the sick leave balance for employees covered under the terms and conditions of this

Resolution was converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.

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

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement, or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave for employees with at least five (5) but less than fifteen (15) years of service shall be credited at the rate of fifty percent (50%) of the current salary value thereof provided, however, that the total payment shall not exceed a sum equal to 960 hours of full pay. Unused accumulated sick leave for employees with more than fifteen (15) or more years of service shall be credited at the rate of the current salary value provided, however, that that the total payment shall not exceed a sum equal to 960 hours of full pay. Terminal sick leave pay shall be paid into a Post-Employment Plan account designated by the employee in accordance with Section 413, Post-Employment Accounts, or as cash upon separation. Qualifying leave balances of a separating employee who does not make an election will default to a 401(a) Special Pay Account.

Sick leave compensation resulting from death shall be made to the persons entitled to it otherwise, in accordance with the Probate Code. Eligibility for a payout under this section is made at the time of separation from County employment and not at a later date.

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

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three (3) years (780 days) of continuous service, succeeds or is appointed to an appointive position without interruption of service, the Human Resources Director shall ascertain the minimum amount of continuous service rendered by such person and shall report the same to the Board of Supervisors, who shall thereupon determine the number of days of such continuous service, and the Annual Leave accrual rate shall be fixed accordingly.

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

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

Sec. 713 Retention of Excess Accruals:

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

B. Employees covered under the provisions of this Resolution who, as the result of a change in classification, are assigned to a bargaining unit represented by a recognized employee organization pursuant to the Employee Relations Resolution, and who have accrued Annual Leave hours, shall be permitted to maintain those accrued hours as Annual Leave. Such hours may continue to be used for vacation, sick leave or other approved leave.

An employee who is no longer eligible to accrue Annual Leave, as the result of a change in classification shall no longer be eligible for pay in lieu of Annual Leave pursuant to Sec. 704 of this Resolution. Any elections for pay in lieu of Annual Leave shall be void at the time annual leave buy down elections are processed and the employee has been deemed ineligible as the result of a change in classification to a classification no longer eligible to earn annual leave. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable Memorandum of Understanding. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the Memorandum of Understanding applicable to the employee's new classification.

ARTICLE 8
VACATION
(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

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

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

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

All employees covered under the terms of this Resolution may accumulate accrued vacation for not more than a maximum of 480 hours. Upon the written request of an agency/department head showing reasonable necessity and good cause, submitted prior to the accumulation of the maximum vacation entitlement, the County Executive Officer may by order temporarily enlarge for a specific employee the maximum accumulation by extending the period of additional vacation accrual for not more than three (3) months, unless a different period shall be specified in the order.

B. Any person whose employment is terminated shall be entitled to pay for all earned vacation as determined under the provisions of this Resolution. For the purpose of this paragraph, vacation shall be deemed earned to the date of termination. While such terminal vacation pay shall be chargeable to the salary appropriation of the agency/department, the position shall be deemed vacant and may be filled provided funds are available therefore. Terminal vacation pay shall be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

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

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

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

ARTICLE 9
PAID LEAVE

Sec. 901 Jury Duty: Any employee summoned for attendance to any court for jury duty during the employee's normal working hours shall be deemed to be on duty and there shall be no loss of base salary, but any jury fees received shall be paid into the County treasury.

Witness Absence(s): Any employee who shall be called as a witness arising out of and in the course of County employment, shall be deemed to be on duty and there shall be no loss of base salary, but any witness fees received shall be paid into the County treasury, together with any mileage allowed if County transportation is used. Any employee absent as a witness in a non-County matter shall not be entitled to be paid during such absence.

Sec. 902 Bereavement Leave: The County agrees to allow up to five (5) days of bereavement leave, three (3) of which will be paid, and the additional two (2) days to be deducted from the employee's sick leave or Annual Leave. Eligible employees must be in an active payroll status and be compelled to be absent from duty by reason of the death, or critical illness where death appears imminent, of the employee's father, father-in-law, mother, mother-in-law, brother, sister, spouse, child, grandparent, grandchild, and the equivalent step-relationships or relationships through a domestic partnership. The County has the right to require proper documentation in support of the requested leave.

Sec. 903 Fitness for Duty: With prior approval by the Human Resources Director, an agency/department head, or a designee, when in his/her judgment reasonable cause exists, order an employee off work until

such time as the County's Employee Health Medical Director or designee determines that the employee is able to return to work without impairing the health of the public, the employee's health, or the health of the other employees in the agency/department.

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

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

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

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

1. A regular part-time employee shall accrue sick leave in the same manner as a full-time employee, except the accrual shall be pro-rated for hours actually worked.

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

3. Accrued sick leave of any person whose employment is permanently terminated shall automatically be canceled. However, any employee whose employment is terminated while they are on sick leave shall continue to be compensated for the duration of their illness to the extent of their accrued sick leave, but after such termination shall derive no other benefits under this Resolution which result from being in a paid status. Unless the employee shall have retired, payment for sick leave continuing after termination shall be conditioned upon prior receipt of a physician's certificate or other adequate written proof of illness and in the event of any doubt as to future duration of the illness may be paid on biweekly increments as used. If an employee receives a layoff notice, payment for sick leave shall continue conditioned upon receipt of a physician's certificate or other adequate written proof of illness given to the County prior to payment, and payment

shall not continue beyond the exhaustion of accrued sick leave.

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

B. Medical Certification Program:

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

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

   Every regular employee shall use accrued vacation, then holiday time, and then may use compensatory time, when sick

leave has been exhausted due to extended illness or injury unless he/she is on a medical certification program in accordance with B.1 of this section.

Proof of Illness:

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

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

D. Reason for Usage: Use of accrued sick leave shall be allowed for the purpose of preventative medical, dental care, and care of the family. Family is defined to mean a spouse, parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor), child, foster child, registered domestic partner, child of registered domestic partner, parent, brother, or sister of the employee, grandparent, grandchild and the equivalent relationships through lawfully registered domestic partnership.

E. Payout for Sick Leave: Upon service retirement, disability retirement or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement System, unused accumulated sick leave shall be credited at the rate of fifty (50) percent of the current salary value thereof for each such person who has had five (5) full years of service in a payroll status provided, however, that the total payment shall not exceed a sum equal to 960 hours of full pay. Terminal sick leave pay shall be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

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

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

ARTICLE 10
ON THE JOB INJURY

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

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

In the event of substantial doubt whether temporary disability payments are payable under the Workers' Compensation Law for the disability, or doubt as to the extent thereof, payment on account of sick leave or annual leave shall be withheld, except to the extent authorized by this section, until the issue is determined either by assumption of liability by the compensation insurance carrier or by adjudication of liability.

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

In the event of substantial doubt whether the disability is compensable pursuant to Section 4850 of the *Labor Code,* payment of salary shall be withheld, except as to so much thereof as shall be equal to the value of accrued sick leave, Annual Leave, vacation and

compensatory time off for overtime, until the issue shall be adjudicated.

ARTICLE 11
LEAVES OF ABSENCE WITHOUT PAY

Sec. 1101 Air Pollution Emergency: An employee unable to work on a regularly scheduled work day due to an air pollution emergency shall be granted a leave of absence without pay for the period.

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

A. Illness or disability when sick leave has been exhausted.

B. Maternity.

C. To take a course of study which will increase the employee's usefulness on return to the County.

D. Personal reasons acceptable to the authority whose approval is required.

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.

Sec. 1103 Agency/Department Leave of Absence: Agency/department leave of absence up to 480 hours in any one (1) calendar year period may be granted to any employee by the agency/department head. Such leave of absence for an agency/department head shall be granted only by the Board of Supervisors, for such period as the Board may determine. Such leave shall be reported as leave of absence via the agency/department's payroll. The agency/department head, or Board of Supervisors, may require the leave of absence to be for a specified period of time and appropriate conditions may be imposed, such as providing sufficient medical documentation or other evidence substantiating the leave as required by the agency/department head or Board of Supervisors.

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

only as accommodation as required under the *Americans with Disabilities Act*, the *California Fair Employment and Housing Act,* a County designed temporary modified duty assignment, and/or the County return to work program.

Sec. 1104 Official Leave of Absence: A regular employee may request an official leave of absence exceeding 480 hours, but not exceeding one (1) year (2,080 hours). Official leave of absence may be granted upon written request by or on behalf of the employee, specifying the period and the reason, upon the written recommendation of the agency/department head and with the written approval of the Human Resources Director. Application must be made on a form supplied by the Human Resources Department in advance of the effective date of the leave, unless circumstances make such advance request impossible. If the Human Resources Director does not approve the request, it shall be so endorsed and returned to the agency/department head, who may present it to the Board of Supervisors. The Board of Supervisor's action shall be final. Any official leave of absence granted shall be for a specified period and appropriate conditions may be imposed such as the employee providing sufficient medical documentation or other evidence documenting the leave as required by the Human Resources Director or a designee.

An employee on leave of absence for illness or disability reasons will be required to present a return to work statement from the attending physician releasing the employee to full duty, prior to being allowed to return to work. Any release to less than full duty will be allowed only as an accommodation as required under the *Americans with Disabilities Act*, the *California Fair Employment and Housing Act,* a County designed temporary modified duty assignment, and/or the County return to work program.

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

Nothing herein shall prevent the earlier return to duty by the employee, except the agency/department head may require two (2) weeks advance notice of the employee's intention to return.

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

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

Sec. 1106 Abandonment/Automatic Resignation:

A. Absence without leave of any employee, whether voluntary or involuntary, for five consecutive working days is an automatic resignation from County service, providing the employee upon written agency/department notification does not respond to the agency/department and/or does not provide a satisfactory explanation for the absence and his/her failure to obtain an approved leave. The notification to the employee must be in writing prior to the agency/department finalizing the resignation and must contain an opportunity within three (3) working days of service for the employee to respond. A second notice, after the time to respond has passed or after the employee has given an unsatisfactory explanation, must be sent to the employee stating the effective date of the abandonment/automatic resignation. Notices may be personally served or served by first class mail (return receipt requested) to the last known address of record of the employee and are complete upon mailing or hand delivery.

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

1. Appeals shall be heard by a mutually agreed upon third party neutral (herein referred to as a "neutral") from a list of five (5) neutrals approved by the Human Resources Director. The neutral's decision may be verbal or in writing. The decision of the neutral shall be binding on both parties, neither of which shall have the right of further appeal.

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

personal knowledge and that which the attorney may be competent to testify.

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

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

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

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

7. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.

ARTICLE 12
DISCIPLINARY PROCEDURE

Sec. 1201 Applicability:

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

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

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

Sec. 1202 Cause for Action: Any employee may be disciplined for just cause, which includes, but is not limited to the following acts/omissions:

a. Dishonesty;
b. Unsatisfactory performance;
c. Inefficiency or negligence in performance of duties;
d. Neglect of duty;
e. Insubordination;
f. Violation of an employee regulation prescribed by the Board of Supervisors or the head of the agency/department in which the employee is employed;
g. Absence without approved leave;
h. Conviction of a felony, any crime involving moral turpitude, or any offense in connection with or affecting the employee's duties other than minor traffic violations. Conviction means a plea of guilty or *nolo contendere* or a determination of guilt in a court of competent jurisdiction;
i. Discourteous treatment of the public or other employees;
j. Political activity in violation of federal or state law;
k. Physical or mental unfitness to perform assigned duties;
l. Making a material misrepresentation in connection with obtaining or maintaining employment or position, or to obtain a benefit;
m. Conduct either during or outside of duty hours which adversely affects the employee's job performance or operation of the agency/department in which he/she is employed.
n. Failure to maintain the license, registration, certificate, professional qualifications, education, or eligibility required for the employee's classification when the failure of the employee to maintain such requirements adversely affects the employee's ability to perform his or her job or the performance of the agency/department. The agency/ department shall prescribe procedures to ensure that employees affected by the requirements are informed of them.
o. Substance abuse in violation of the County of Riverside Alcohol and Drug Abuse Policy (Board Policy C-10).
p. Violation of the County's Workplace Violence, Threats and Securities Policy (Board Policy C-27).
q. Violation of the County's Non-Discrimination and Anti-Harassment Policy and Complaint Procedure (Board Policy C-25).

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

the employee on a leave of absence for a period of time not to exceed fifteen (15) working days with pay.

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

Sec. 1204 Written Order for Demotion, Suspension, Reduction in Pay, Termination: The continuing employment of every permanent employee shall be contingent upon good behavior. Any such employee may be terminated, demoted, suspended, reduced in pay, demoted and suspended, or reprimanded in lieu of suspension (accrued leave(s) cannot be used to satisfy disciplinary action) for cause by the appointing authority in the following manner:

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

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

C. Notwithstanding the above, in cases where the disciplinary action involves a suspension of forty (40) hours or less the agency/department head, with approval of the Human Resources Director or designee, may suspend the employee immediately; in which case the Notice of Proposed Disciplinary Action, and the

opportunity to respond thereto, shall be provided to the employee within the period of suspension or a reasonable time thereafter.

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

Sec. 1205 Amended Notice of Disciplinary Action:

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

B. If the amended or supplemental notice presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense thereto. Any objections to the amended or supplemental causes or allegations may be made orally or in writing prior to the appeal hearing. The employee shall not be required to file a further appeal in the event that an appeal was filed on the original disciplinary action.

Sec. 1206 Limitations:

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

B. Reduction in compensation under this section shall consist only of a change within the salary grade from the existing salary to a lower salary for a specified duration of one (1) or more full pay periods, but not to exceed thirteen (13) pay periods. Reduction in compensation used as a disciplinary measure for employees who are exempt from the *Fair Labor Standards Act* will be imposed in accordance with the provisions of the Act.

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

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

Sec. 1208 Waiver: If an employee fails to appeal the disciplinary action within the time specified, or after appealing, withdraws the appeal, the right to review is waived. Further, after an appeal is filed if the employee, or his/her representative, fails to take the next step to advance the appeal at any point in the process for thirty (30) days the appeal is deemed to be withdrawn and the right to review is waived.

Sec. 1209 Hearing Procedure - Minor Discipline:

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

B. Appeals shall be heard by a third party neutral (hereinafter referred to as a "neutral") agreed to by the parties from a list of five neutrals approved by the Human Resources Director. The neutral's decision may be verbal or in writing. The neutral's decision shall be binding on both parties.

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

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

E. The judgment of the neutral shall be binding on both parties neither of which shall have the right of further appeal.

F. The neutral will not substitute his/her discretion and judgment for that of management for sustained charges unless the neutral finds that discrimination, capriciousness, or arbitrary action by the County is proven.

G. The neutral may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action imposed to be greater than in Section 1209(A) herein.

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

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

J. All costs for the service of the neutral and the hearing room, if any, shall be borne by the County. The cost of the transcripts, if any, shall be borne by the ordering party.

K. Any hearing expense incurred as the result of a postponement or cancellation of a hearing shall be borne by the postponing or canceling party.

L. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.

Sec. 1210 Hearing Procedure - Major Discipline:

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

B. The parties shall select a neutral from a list of five (5) neutrals approved by the Human Resources Director. The neutral shall be selected by the striking method. The only remaining name after the striking process shall serve as the neutral. If unable to agree on who should strike first, the first name shall be struck by the party winning the toss of a coin. If the neutral chosen is unable to serve within a

time frame acceptable to both parties, the last name struck will serve as the neutral.

C. The date, time, and venue for the hearing shall be set by the Human Resources Director, or designee, within a reasonable period based on the neutral's availability and other scheduling factors.

D. The employee and the agency/department head may be represented by counsel or other representative.

E. It shall be the duty of any County officer or employee to attend a hearing and testify upon the written request of the employee, the agency/department head, or the neutral, provided reasonable notice is given the agency/department employing the officer or employee. The Human Resources Director, or designee, shall arrange for the production of any relevant County record. The neutral is authorized to issue subpoenas.

F. All appeal hearings involving the termination of an employee shall be reported by a stenographic reporter. All other appeals need not be reported but either the employee or the agency/department head may, at its own expense, provide a reporter for the hearing.

G. The expenses of the neutral shall be paid by the County. The cost of transcripts, if required, shall be paid by the ordering party. Each party shall make arrangements for and pay expenses of witnesses who are called by such party, except that any County employee called as a witness shall be released from work without loss of compensation or other benefits to attend the disciplinary hearing.

H. Any hearing expense incurred as the result of a postponement or cancellation of a hearing shall be borne by the postponing or canceling party.

I. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.

J. Within 21 days following the submission of the appeal, the neutral shall submit written findings of fact, conclusions of law, and the decision to the parties together with a copy of the appeal and a summary of the evidence taken at the hearing. The decision of the neutral shall be final, subject to the right of either party to seek judicial review under Section 1280 et. seq. of the California *Code of Civil Procedure*.

General Rules

1. The neutral shall confine the decision to issues raised by the statement of charges, including all the supporting documentation, and responses. The neutral shall act in judicial, not legislative manners. The neutral shall not amend, modify, nullify, ignore, add to, or subtract from the provisions of this Resolution but, rather, shall interpret and apply its terms.

2. The neutral will not substitute his/her discretion and judgment for that of management for sustained charges unless the neutral finds that discrimination, capriciousness, or arbitrary action by the County is proven.

3. In the case of suspension/reduction in compensation or demotion, if the action is modified or rescinded, the appellant shall be entitled to restoration of pay and/or fringe benefits in a manner consistent with the neutral's decision.

4. In the case of termination, if the neutral finds the order of termination should be modified, the appellant shall be either demoted to an appropriate classification or reinstated to a position in the classification held immediately prior to termination subject to forfeiture of pay and fringe benefits for any period of suspension imposed by the neutral.

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

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

7. Restoration of pay and/or benefits shall be subject to the employee's obligation to take reasonable steps to mitigate his/her loss. This will include but not be limited to deduction of all unemployment insurance and outside earnings which the appellant received since the date of termination which would not have been earned had the appellant not been disciplined. The appellant shall supply such outside employment earning records during the period of time in question when requested.

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

Sec. 1211 Evidence and Procedures Applicable to Major Disciplinary Hearings:

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

B. Hearsay evidence shall be admitted and may be used for the purposes of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support disciplinary action as defined in Section 1201.a. herein, unless it is the type of hearsay admissible over objection in a civil action.

C. Irrelevant and unduly repetitious evidence shall be excluded.

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

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

F. Employees not testifying in their own behalf may be called and cross-examined.

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

1. To call and examine witnesses;
2. To introduce exhibits;
3. To cross-examine opposing witnesses on any matter relevant to the issue, even though the matter was not covered in the direct examination;

4. To impeach any witness regardless of which party first called the witness to testify; and
5. To rebut any derogatory evidence.

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

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

In cases involving hearings in excess of three (3) days the parties must engage in a case management process with the neutral. The case management meeting must be held no later than thirty (30) days prior to the first scheduled date for the hearing and may be held telephonically. The neutral shall consider:

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

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

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

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

If the neutral, upon application by either party to the appeal hearing, determines that legal counsel for the other party has unnecessarily prolonged the hearing and/or increased the cost of the hearing beyond the reasonable expectations of the parties at the commencement of the hearing then the neutral is authorized to impose sanctions on the offending party including, but not limited to, ordering such offending party to pay all or part of the non-offending party's increased costs of the hearing, to pay all or part of the non-offending party's attorney fees, to pay all or part of the non-offending party's cost of the neutral, to pay all or part of the non-offending party's costs of the transcripts, or such other relief that the neutral deems appropriate in the circumstances.

Sec. 1212 Non-Discrimination: Disciplinary actions shall be taken without regard to any protected class under federal or state law.

ARTICLE 13
HOLIDAYS

Sec. 1301 Paid Holidays:

A. County Holidays:

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

B. Qualifying Factors

1. Only regular employees in a current paid status shall be eligible for paid holidays. "Current paid status" does not include payments received from outside sources (e.g. County disability benefit plans or Worker's Compensation benefits).

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

3. An employee who is in an unpaid status for either the regularly scheduled working day before the holiday, or the regularly scheduled working day after the holiday shall not be paid for the holiday.

C. Payment for the Holiday:

1. Working the Holiday. All full-time regular employees covered under the provisions of this Resolution who work on a paid holiday shall be paid at their base hourly rate for the time actually worked.

   In addition, such full-time regular employee shall have a choice of:

   a. Banking holiday hours not to exceed eight (8) hours for such holiday or;
   b. Payout for the equivalent holiday hours worked at the base hourly rate of pay not to exceed eight (8) hours for such holiday.

2. Not Working the Holiday. A full-time regular employee whose regularly scheduled day off falls on a paid holiday shall be entitled to bank holiday hours equal to the regularly scheduled workday not to exceed eight (8) hours for such a holiday.

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

   When a holiday falls on a normal workday and the employee does not work, an FLSA Exempt employee shall be paid for the holiday based on the employee's regularly scheduled work hours on such holiday.

3. Part-Time Employees. A regular part-time employee who actually works on a paid holiday shall be paid at their base hourly rate for the time actually worked. In addition, a regular part-time employee shall

have the choice to receive holiday pay or bank holiday hours for the holiday, or portion thereof, which coincides with their regularly scheduled working hours not to exceed eight (8) hours pay (e.g., a part-time employee who regularly works four (4) hours each Monday shall receive four (4) hours holiday pay for any holiday falling on a Monday). If the part-time employee regularly works more than eight (8) hours a day, the part-time employee shall use accrued vacation, holiday time or compensatory time off to makeup the required hours worked in excess of eight (8) hours on the holiday.

If a regular part-time employee does not have a regular shift schedule, the employee shall receive holiday pay in an amount equal to the reduction of hours for that scheduled workweek not to exceed eight (8) hours pay (e.g., a part-time employee with an irregular schedule who normally works twenty (20) hours per week but who, as a result of the holiday, only works sixteen (16) hours that week shall receive four (4) hours holiday pay for that week). If the regular hours of work for such employee are not reduced during the holiday week, then no holiday pay is due.

4. Scheduling Holiday Banked Time Off. Holiday banked time off shall be scheduled in the same manner as regular time off (e.g., annual leave or vacation) and shall be granted within a reasonable time following the request.

ARTICLE 14
LAYOFF AND REINSTATEMENT

Sec. 1401 Seniority:

A. Definition of Seniority: Seniority shall be defined as the length of an employee's continuous service with the County, in a regular position, and is based on most recent date of hire.

B. Definition of Department: Department, for the purposes of this procedure, shall be defined as an agency, department, or district of the County.

C. Whenever more than one (1) employee in a Department has the same most recent date of hire, seniority shall be determined in the following order: hours of County service from the most recent date of hire, seniority in classification, and seniority in the Department or agency.

D. Except as otherwise provided in this procedure, an employee shall lose seniority upon resignation, retirement, termination, or removal from all Departmental Reinstatement Lists.

Sec. 1402 Reduction in Force:

A. When it becomes necessary to reduce the work force in a Department, the agency/department head shall designate the job classification(s) to be affected, and the number of employees to be eliminated within the Department. No regular employee shall be laid off in any job classification if there are temporary employees or seasonal employees in an active status in the same job classification within the Department. It is not the intention of the County to use per diem employees for a replacement of regular laid off employees.

B. Any reduction in the number of regular employees holding a job classification designated by an agency/department head for layoff shall be made in the following order of employment status:

1. Temporary promotion employees (return to former classification);
2. Probationary new employees;
3. Probationary transfer employees, probationary promotional employees, and all other regular employees.

C. Layoffs of employees within each classification shall be based primarily on merit and ability, as determined by the Department Head or designee, and reflected in the employee's most recent performance evaluation, with a rating of at least "meets standard" (or equivalent). In the event that two or more employees have at least a "meets standard" rating then the layoff shall be based on seniority, with the least senior employees being laid off first. Whenever an agency/department head believes the best interest of the County requires the retention of an employee with special qualifications, skills, abilities or fitness for his/her position, the agency/department head may prepare a written request to the Human Resources Director to grant an exception to the order of layoff. Subsequent to conducting a review of the request, the Human Resources Director shall forward the request, together with his/her recommendation, to the County Executive Officer for final action. An employee who is laid off out of seniority shall be given written notice of this action.

D. After consultation with the Human Resources Director or a designee, the agency/department head shall give notice to each regular employee affected by a reduction in force at least fourteen (14) days prior to the effective date of the action. A list containing the names of the employee(s) to be laid off shall be given to the Human Resources Director. The notice shall include:

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

E. If an employee who has received official notice of layoff has previously held regular status in another job classification in the County, was not removed therefrom for disciplinary reasons, and the Department Head, or designee, is satisfied that the employee has the merit and ability to perform such job, such employee shall, upon his/her request, be given a transfer or demotion within the Department to such other classification in lieu of layoff unless such action cannot be accomplished without authorization of another position or displacement of an employee with greater seniority, and only if it can be accommodated with the positions funded under the layoff plan. The affected employee must request such transfer or demotion within seven (7) days of written notification of layoff by personal delivery or mailing of a certified letter to the agency/department head.

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

Sec. 1403 Reassignment:

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

1. The employee is being reassigned to a position previously occupied by an employee who was laid off within twenty (20) working days of the effective date of the reassignment; and

2. The new work location is more than forty (40) miles from the employee's current work location or the employee's home, whichever is closer;

An employee who chooses to be laid off and have his/her name placed on the Departmental Reinstatement List under this section shall notify the agency/department head in writing of the decision at least three (3) working days prior to the effective date of reassignment. Such layoff shall be on the same date as the reassignment would have been effective.

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

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

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

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

D. Employees who exercise their option under Section 1402(E) of this Resolution or who have accepted any regular County position following notice of layoff will not be eligible for subsections A or B of this Section however, the employee will remain on the Departmental Reinstatement List in accordance with the provisions of Section 1405 of this Resolution.

Sec. 1405 Departmental Reinstatement List:

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

B. Any vacancy to be filled within a Department shall be offered first to individuals named on the Departmental Reinstatement List based on merit and ability, as determined by the Department Head or designee. In the event that two or more employees have relatively equal merit and ability the position shall be offered in order of greatest seniority for the classification of the position to be filled.

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

1. The expiration of two (2) years from the date of placement on the list.

2. Failure to report to work within seven (7) days of mailing of a certified letter containing a notice of reinstatement to a position which is less than forty (40) miles from the last work location or the employee's home, whichever is closer.

3. Failure to respond within seven (7) days of mailing of a certified letter regarding availability for employment. It shall be the responsibility of the employee to notify their agency/department head, in writing, of the employee's current mailing address.

4. Request in writing to be removed from the list.

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

A. Restoration of all sick leave credited to the employee's account on the date of layoff that have not been paid into a post-employment account.

B. Continuation of seniority.

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

D. Placement on the salary grade at the previously held salary prior to layoff or reduction, or the salary which is nearest the employee's current pay rate, whichever is higher. The anniversary date for salary advance may be expressly fixed, to allow credit for all or a portion of the applicable period of service prior to the layoff.

Sec. 1407 Reemployment:

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

1. Restoration of all sick leave credited to the employee's account on the date of layoff that have not been paid into a post-employment account.

2. Continuation of seniority shall be credited to the employee upon successful completion of the applicable probationary period.

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

ARTICLE 14A
MANDATORY FURLOUGH

Sec. 1401A Scope and Implementation: The mandatory furlough will be effective when authorized by the County Executive Officer and may be terminated at any time by the County Executive Officer. When implemented in an agency/department, the mandatory furlough is applicable to all employees covered by this Resolution within that agency/department.

Sec. 1402A Length of Furloughs: Employees shall furlough the number of hours or days established for the agency/department by the County Executive Officer or designee during each fiscal year.

Sec. 1403A Scheduling: The agency/department head shall work with the County Executive Officer to determine how the mandatory furlough will be implemented in accordance with the budgetary and operational needs of the agency/department. Part-time employees shall furlough on a pro-rata basis.

Sec. 1404A Additional Mandatory Furloughs: In the event the County Executive Officer determines that additional mandatory furloughs, beyond the number of hours or days originally established, are required for the agency/department then the affected employees shall be given two (2) pay periods notice of the additional furlough requirements and the reasons therefore, except when the additional furlough requirements are in response to a fiscal emergency that makes providing two pay periods notice impossible or impractical (e.g. external funding is cut off).

Sec. 1405A Voluntary Furloughs: Employees will be permitted to take additional voluntary furlough time beyond the mandatory furlough required herein in accordance with Board of Supervisors Policy C-31. As indicated in Policy C-31, supervisors and managers are encouraged to approve these requests unless operational needs preclude them from doing so. However, voluntary furloughs will not be granted if they will result in the need for another employee to work overtime to perform the duties that would otherwise be completed by the furloughed employee or otherwise result in net loss of County revenue.

Sec. 1406A Credit for Voluntary Furlough Hours: In the event a mandatory furlough is implemented, an employee who has taken a voluntary furlough pursuant to Board of Supervisors Policy C-31 adopted 12/23/08 shall be credited the hours taken under the voluntary furlough program towards the hours required by the mandatory furlough program.

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

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

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

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

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

Employees who are exempt from the overtime provisions of the FLSA will lose their exemption during any week in which they take a budget-required furlough and for which their pay is accordingly reduced (i.e. mandatory furlough but not voluntary furlough). These employees must report their actual hours of work during the week of furlough. Exempt employee shall refrain from working any additional hours during the remainder of the furlough week beyond their normal work day in order to avoid the payment of overtime for that week and/or the recapture of time that otherwise would be furloughed.

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

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

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

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

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

- Flexible benefit allowance
- Medical/dental/vision/life insurance eligibility and coverage
- Rate of differential and premium pay that is included in the compensation base for pension calculation, except to the extent that they are based on the actual number of hours worked. This includes bilingual pay, shift differentials, etc.

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

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

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

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

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

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

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

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

ARTICLE 15
SPECIAL ADJUSTMENTS & DIFFERENTIALS

Sec. 1501 Special Medical Care Assignments:

A. Psychiatrist - Mental Health Medical Program: In accordance with Sections 621 and 522 of Title 9, California Administrative Code,

when the Program Chief, Mental Health Service position is vacant, or if occupied by a non-medical incumbent, the Mental Health Director may assign medical program responsibility for all those acts of diagnosis, treatment, or prescribing or ordering of drugs which may only be performed by a licensed physician to the incumbent of a Psychiatrist position who shall then be compensated at an hourly rate which is 10.2% above his/her regular rate of pay while performing these services.

B. Any Staff Psychiatrist I, II, III, or IV shall be entitled to a salary differential of $2.40 per hour worked above their regular rate of pay when assigned to the Emergency Treatment Services Facility, Inpatient Treatment Facility or Detention Health Facility, or the Riverside University Health System (RUHS) Medical Center.

C. Any Staff Psychiatrist I, II, III, and IV shall be entitled to an hourly differential of forty-two dollars ($42.00) per hour, in addition to their base rate of pay, for all time worked during an evening shift, on a weekend, or on a holiday in the Emergency Treatment Services Facility (ETS), RUHS Medical Center, or Inpatient Treatment Facility (ITF). For the purposes of this provision, an evening shift is defined as all hours worked between 8:00 p.m. and 8:00 a.m.; a weekend shift is defined as all hours worked between 12:01 am Saturday and 11:59 pm Sunday; a holiday is defined as all hours worked during the twenty-four (24) hour period of a County holiday.

D. Engineering, Survey, Architect Licensure: The incumbent of a professional engineering position who is not required by the classification plan to be registered, but who is registered as a Professional Engineer by the State of California, shall be compensated at the rates applicable to the salary grade which is 5.5% higher than that specified for such position, at the option of the employee's department head.

E. Peace Officer Standards and Training (P.O.S.T.) Certification Educational Incentive: Any Sheriff's Communications Manager who possesses a valid P.O.S.T. Certificate issued to them by the Commission on Peace Officer Standards and Training of the State of California, shall receive an hourly differential for all hours actually worked as follows:

1. Intermediate P.O.S.T. Certification, but not an Advanced Certificate – equal to six percent (6%) of the employee's base hourly rate of pay paid as a differential.

2. Advanced P.O.S.T. Certification – equal to eleven percent (11%) of the employee's base hourly rate of pay paid as a

differential, whether or not they possess the Intermediate Certification.

Employees are only eligible for one P.O.S.T differential. Eligibility for this differential will commence the pay period following presentation by the employee to the Department of the possession of the valid certification.

F. RUHS Incentive: Qualifying classifications may be eligible to receive up to $50,000 annually as incentive pay for exceptional performance, provided the Riverside University Health System meets revenue or budget projections and has available funds for this incentive (as determined by the County Executive Officer). The parameters of the incentive shall include, but are not limited to: productivity, quality, and citizenship measures. These parameters will be developed by the Riverside University Health System and submitted to the Assistant CEO/Human Resources Director prior to each calendar year. Once the parameters are approved by the Assistant CEO/Human Resources Director, the parameters will be provided to eligible employees. Eligibility for the incentive may be granted on a quarterly basis (up to a maximum of $12,500 per quarter) based on the approved formula. A list of eligible employees who the Riverside University Health System determined has exceeded performance will be submitted to the Assistant CEO/Human Resources Director for review and final approval of the incentive. The incentive payment shall be processed no later than the second full pay period following each quarter. Incentive pay is not guaranteed to employees, nor shall it be considered a part of base salary, and shall not be calculated into any other component of compensation.

The job classifications qualifying for this incentive will be determined at the recommendation of the Chief Medical Officer and with the approval of the Assistant County Executive Officer – Health Systems and the Assistant CEO/Human Resources Director.

ARTICLE 16
ALCOHOL AND DRUG ABUSE POLICY

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

person while on duty unless authorized by law; or sell, provide, distribute, or dispense alcohol to any other employee while such employee is on duty.

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

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

ARTICLE 17
FLEXIBLE BENEFIT PROGRAM AND OPTICAL INSURANCE

Sec. 1701 Flex Benefits Programs.

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

GROUPS — MONTHLY CONTRIBUTION

All Groups

COVERAGE LEVEL	TOTAL COUNTY CONTRIBUTION EFFECTIVE NOVEMBER 16, 2023	TOTAL COUNTY CONTRIBUTION EFFECTIVE NOVEMBER 14, 2024 (PAY PERIOD 25)	TOTAL COUNTY CONTRIBUTION EFFECTIVE NOVEMBER 13, 2025 (PAY PERIOD 25)
Employee Only:	$873.00	$926.52	$969.06
Employee Plus One Dependent:	$1,561.00	$1,586.00	$1,671.06
Employee Plus Family:	$1,561.00	$1,800.00	$2,087.00

*For the County Contribution Effective November 16, 2023, these amounts are inclusive of the flex contribution amount and the subsidies that the County provided.

The County's monthly Flexible Benefit contribution for current, regular employees who were hired prior to November 13, 2003, covered under the provisions of this Resolution who waive County medical shall be as follows:

GROUPS	SEMI-MONTHLY CONTRIBUTION	
All Groups	Eff. PP 25-05	$267.00

The County's monthly Flexible Benefit contribution for current, regular employees who were hired or rehired on or after November 13, 2003, covered under the provisions of this Resolution who waive County medical shall be as follows:

GROUPS	SEMI-MONTHLY CONTRIBUTION	
All Groups	Eff. PP 25-19	$100.00

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

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

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

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

A. Plan Selection Requirement. Employees who fail to either timely elect medical coverage or waive all participation in the flexible benefit plan will be placed in the lowest-priced employee-only PPO medical plan available.

B. Waiving Medical Coverage. Employees may elect to not take medical health insurance coverage, if the employee provides evidence of other group hospital and medical health plan coverage from their spouse or other qualifying group plans as defined by Human Resources and signs a statement that they are enrolled and covered under another group hospital and medical health plan. Evidence is defined as a dated certificate of coverage, plan enrollment card, policy, etc. Notice of waiver form showing other hospital and medical coverage shall be received by the Human Resources Department within sixty (60) days from date of hire or qualified status change as defined by the Internal Revenue Service (IRS) or when requested by Human Resources.

C. Effective November 7, 2019 if monies remain after deduction of elected benefits, said monies shall be forfeited.

Sec. 1702 Optical Insurance. The County provides an optical plan to employees covered under the provisions of this Resolution with no premium cost to the employee. Such optical plan is not part of the Flexible Benefits Program described under the provisions of this Article.

Sec. 1703 Retiree Health Contributions

A. The County shall contribute a monthly amount toward the payment of premiums for a Riverside County-sponsored medical and hospital health plan for eligible retirees and their eligible dependents.

To be eligible, the following conditions must be met:

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

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

B. The monthly retiree health contributions for retirees who meet the eligibility conditions listed above is as follows:

1. Effective September 1, 2019, the County shall provide a monthly retiree medical contribution of $256.00 per month, or the minimum PEMHCA amount required by CalPERS, whichever is greater, toward the premiums for a Riverside County-sponsored health plan in which the retiree is enrolled.
2. Effective January 1, 2026, the County shall contribute an additional twenty-five dollars ($25.00) per month on behalf of each eligible retiree, inclusive of the retiree's dependents, enrolled in a CalPERS Medical Plan, toward the payment of premiums for health insurance.

ARTICLE 18
DISCRIMINATION COMPLAINT PROCEDURE

The County has established a strong commitment to prohibit and to prevent unlawful harassment and/or discrimination in employment, and has set forth

a procedure for investigating and resolving internal complaints in Board of Supervisors Policy C-25, which policy is included in this Resolution by reference.

ARTICLE 19
VOLUNTARY TIME-BANK

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

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

B. Definition of catastrophic illness or injury. Catastrophic illness or injury is a severe illness or injury which is expected to completely and totally incapacitate the employee for at least two (2) weeks and which creates a financial hardship because the employee has exhausted all accumulated leave at the time the application is submitted. Catastrophic illness or injury is further defined as a debilitating illness or injury of an immediate family member (i.e., the spouse, son, daughter, step-son, step-daughter, foster-son, foster-daughter, parents, grandparents, brother or sister of the employee, registered domestic partner, or child of a registered domestic partner) that results in the employee being required to take time off from work for at least two (2) weeks to care for the family member creating a financial hardship because the employee has exhausted all accumulated leave at the time the application is submitted.

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

1. The Human Resources Department will establish and maintain all Time-Banks.

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

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

contact the Human Resources Department and recommend the establishment of the program.

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

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

6. On establishing a Time-Bank program, the Human Resources Department should ensure that only credits that are necessary are donated. Human Resources will apply donated credits to the recipient's Annual Leave or vacation balance on a pay period by pay period basis to mitigate the recipient being in an absent without pay (AWOP) status.

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

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

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

3. The donation of leave hours that have been added to the recipient's leave balance are irreversible. Should the person receiving the donation that has been applied not use all donated leave for the catastrophic illness/injury, any balance will remain with that person or will be credited to them upon separation.

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

5. Donated leave that has been added to the recipient's balance shall be changed to its cash value and then credited to the recipient in equivalent hours at the recipient's base hourly rate of Annual Leave or vacation leave. Donated leave will only be applied to the recipient's Annual leave or vacation leave

after the recipient has exhausted their available leave balances.

6. Employees will use a provided form to submit donations directly to the Human Resources Department. Adjustment to donors and recipient's paid leave balances will be made.

E. Conditions under which leave credits in a Time-Bank may be used.

1. Only the employee for whom the Time-Bank has been established may receive leave credits from the Time-Bank. Such leave credits shall be added to the employee's Annual Leave or vacation balance.

2. The affected employees will provide verification of their (or immediate family member's) illness or injury on an Attending Physician's Statement to Support Leave or Return from Leave while using time donated under this program.

3. The use of donated credits may be for a maximum of twelve (12) continuous months for any one catastrophic illness request.

F. Steps to be taken by the agency/department to establish a Time-Bank program.

An agency/department head who decides that the agency/ department will participate in a Time-Bank program will arrange with the Human Resources Department for the establishment of the Time-Bank for the individual. The procedure to be followed must include:

1. Receipt of written approval from the employee to announce the need for a Time-Bank transfer.

2. Notify the Human Resources Department of the need for the program and coordinate the program's establishment.

3. Require that employee donations be made directly to the Human Resources Department to ensure that employee's decision to donate or not donate is kept confidential.

The Human Resources Department will:

1. Establish, operate, and maintain all approved Time-Banks to ensure compliance with these procedures.

2. Receive from the employee benefiting from the Time-Bank proof of eligibility and a signed agreement allowing publication of the employee's situation.

3. Determined qualification, under the standards above, for the establishment of a Time-Bank.

4. The employee benefiting from the Time-Bank and the Human Resources Department will agree on the content of the publicity.

5. Publicize the establishment of the Time-Bank program. The notice will inform all employees of:

   a. The establishment of the voluntary program.
   b. Their opportunity to donate.
   c. How donations are submitted.

6. Notify the agency/department head immediately if the program cannot be established and the reason(s).

7. Immediately investigate any allegations of pressure or coercion in the solicitation of donations for the Time-Bank and take appropriate action.

ARTICLE 20
SALARY AND BENEFIT ADJUSTMENTS

The salary and benefit adjustments described below are applicable to all employees covered by this Resolution except for Elected Officials and attorney classifications now represented by a collective bargaining group.

A. Effective the first full pay period following Board approval of this Resolution, all classifications covered by this Resolution shall receive a five percent (5.0%) increase to their base salary. Employees will receive a five percent (5.0%) increase except those employees who are above the maximum of the salary range for their classification. Employees who are above the maximum of the salary range shall receive an increase in base salary up to the maximum of the new salary range not to exceed five percent (5%).

B. Effective May 1, 2025, all classifications covered by this Resolution shall receive a four percent (4.0%) increase to their base salary. Employees will receive a four percent (4.0%) increase except those employees who are above the maximum of the salary range for their classification. Employees who are above the maximum of the salary range shall receive an increase in base salary up to the maximum of the new salary range not to exceed four percent (4%).

C. Effective April 30, 2026, all classifications covered by this Resolution shall receive a four percent (4.0%) increase to their base salary. Employees will receive a four percent (4.0%) increase except those employees who are above the maximum of the salary range for their classification. Employees who are above the maximum of the salary range shall receive an increase in base salary up to the maximum of the new salary range not to exceed four percent (4%).

D. The salary ranges for the Deputy County Counsel – CE classification series shall be established in accordance with an internal salary benchmark of no less than five and one-half percent (5.5%) above the represented Deputy County Counsel series. Employees who have been at the maximum of their classification's salary range for one year or longer as of the beginning of the pay period in which a salary adjustment is implemented as a result of the internal salary benchmark will concurrently receive the equivalent increase to their salary, up to a maximum of 4.0%, in order to place them at the new maximum in the salary range in which case the employee's anniversary date will be reset to the beginning of the pay period in which the increase to the maximum salary of the range is implemented.

E. Board of Supervisors salary and benefits shall be established in accordance with Ordinance 780.

F. Independent Elected Officials shall receive salary, benefits, and/or cost of living adjustments in accordance with Ordinance 781.

ARTICLE 21
SALARY AND FRINGE BENEFIT ADJUSTMENTS
LAW ENFORCEMENT EXECUTIVE MANAGEMENT

This Article provides salary and/or fringe benefit adjustments (as specified) for employees in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Director, Sheriff's Administration, Correctional Chief Deputy, Chief District Attorney Investigator or Assistant Chief District Attorney Investigator classifications. Unless specifically provided herein, this Article is not intended to alter, amend, add to, or subtract from the existing wages, hours, and other terms and conditions of employment set forth for these employees in applicable County Ordinances, Resolutions, or minute orders.

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

Sec. 2101 Annual Leave: The provisions of Sections 2101 through 2105 are only applicable to employees in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Director, Sheriff's Administration,

Correctional Chief Deputy, Chief District Attorney Investigator, or Assistant Chief District Attorney Investigator classification.

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

B. Accrual Rates:

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

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

Sec. 2103 Maximum Accrual:

A. Employees in the classifications described in Section 2101 shall not accrue more than 2600 hours of annual leave.

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

B. Vacation Conversion: Effective February 11, 1999, accrued vacation banks (including extra vacation) for then current employees in one of the classifications described in Section 2101 were converted to Annual Leave on an hour-for-hour basis to a maximum of 2,400. Any regular employee who subsequently transfers or promotes into one of these classifications shall have his/her accrued vacation balance similarly converted to annual leave on an hour for hour basis at the time of such transfer/promotion.

C. Prior Sick Leave Accruals:

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

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

Sec. 2104 Pay In Lieu of Annual Leave: Effective beginning the first pay period of calendar year 2024, an employee who accrues Annual Leave may elect to receive pay in lieu of up to eighty (80) hours (160 hours upon approval of the agency/department head) per calendar year of Annual Leave.

Elections for pay in lieu of Annual Leave must be made during the annual open enrollment period to be paid out in pay periods 12 and 25 of the following calendar year. Elections of 80 hours or less shall be paid out in Pay Period 12 of the Calendar Year following the election. Elections in excess of 80 hours shall be paid out in Pay Period 25 of the Calendar Year following the election. For example, an employee electing pay in lieu of Annual Leave of 120 hours during the 2023 enrollment period shall have the first 80 hours of Annual Leave paid out in PP12 of 2024, and the remaining 40 hours of Annual Leave paid out in PP 25 of 2024. Elections for pay in lieu of Annual Leave are irrevocable once the open enrollment period ends. Only the time accrued in the calendar year following when the irrevocable election was made is eligible for pay in lieu of Annual Leave. In order to be eligible for pay in lieu of Annual Leave, an employee's Annual Leave balance must be below the maximum accumulation.

For employees experiencing a financial hardship, limited exceptions may be made to this provision pursuant to IRS code (26 USC Section 409 a).

For employees who elect to defer their pay in lieu of Annual Leave into a 457 Deferred Compensation account, it will be subject to the annual IRS limits.

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

Sec. 2106 Deferred Compensation:

A. Effective September 14, 2006, the County shall increase the contribution from $20.00 to $50.00 per biweekly pay period to a 401(a) money purchase plan for each enrolled regular employee in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Director, Sheriff's Administration, Correctional Chief Deputy, Chief District Attorney Investigator, or Assistant Chief District Attorney Investigator classification.

B. Effective July 29, 2010, the County shall contribute $50.00 per biweekly pay period to a 401(a) money purchase plan for each enrolled regular employee in the Correctional Chief Deputy classification.

For all employees identified in this section the $50 per biweekly pay period contribution will be reduced to $25 per biweekly pay period from June 4, 2009, to June 30, 2010.

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

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

Any Assistant Sheriff, Chief Deputy Sheriff, Chief District Attorney Investigator, or Asst. Chief District Attorney who proves that he/she possesses a valid Intermediate Certificate, but not an Advanced Certificate, issued to them by the Commission on Peace Officer Standards and Training of the State of California, shall be compensated at a rate applicable to the position which is 7.0% higher than otherwise specified for such position. If they prove that they possess a valid Advanced Certificate issued to them by said Commission, whether or not they possess the Intermediate Certificate, they shall be compensated at a rate which is 12.0% higher than that specified for such position. The increase in P.O.S.T. pay is effective June 28, 2012.

The applicable rate for possession of the Intermediate Certificate shall be indicated in the Table and Index by the letter "A" following

the classification title, and for the Advanced Certificate, by the letter "B", each with an appropriate code number, but in the departmental sections the basic position code number and classification title shall be deemed to include positions occupied by incumbents possessing either of said certificates.

Sec. 2108 Salary Adjustments

A. Effective October 11, 2018, the classification of Chief District Attorney Investigator (Job Code 37678) base rate of pay shall be benchmarked with Chief Deputy Sheriff B (Job Code 37584) base rate of pay.

B. Effective October 11, 2018, the classification of Assistant Chief District Attorney Investigator (Job Code 37672) base rate of pay shall be benchmarked with the Sheriff's Captain B (Job Code 37619) base rate of pay. In addition, the Assistant Chief District Attorney Investigator classification shall be compensated no less than an additional 5.5% above the Sheriff's Captain B classification to compensate for the "At-Will" status.

Sec. 2109 Uniforms

Pursuant to California Code of Regulations 571(a) Uniform Allowance is compensation paid or the monetary value for the purchase, rental and/or maintenance of required clothing (in an amount not to exceed one thousand dollars ($1,000) annually), including clothing made from specially designed protective fabrics, which is a ready substitute for personal attire the employee would otherwise have to acquire and maintain. This excludes items that are solely for personal health and safety such as protective vests, pistols, bullets, and safety shoes.

A. Uniform Allowance as Compensation Earnable for Classic Members:

1. Effective June 2, 2006, the benefits received pursuant to the provisions of this Article 21, Section 2109 shall be considered compensation earnable for CalPERS purposes for CalPERS classic members.

B. Uniform Allowance as Pensionable Compensation for New Members:

1. Employees hired on or after January 1, 2013 shall be considered new members under the Public Employees' Pension Reform Act (PEPRA) of 2013.

2. Effective January 1, 2013, the benefits received pursuant to this section shall be considered pensionable compensation for

CALPERS purposes under regulations of the Public Employees' Pension Reform Act (PEPRA) of 2013.

ARTICLE 22
SALARY ADJUSTMENTS FOR MANAGEMENT ATTORNEYS AND UNREPRESENTED ATTORNEYS

74254	County Counsel
78517	Chief Assistant County Counsel
78515	Principal Deputy County Counsel
78518	Chief Deputy County Counsel
78528	Chief Assistant District Attorney
78539	Assistant District Attorney
78535	Chief Deputy District Attorney
78527	Managing Deputy District Attorney
78536	Supervising Deputy District Attorney
74245	Public Defender
78557	Assistant Public Defender
78565	Chief Deputy Public Defender
78555	Supervising Deputy Public Defender
37490	Chief Deputy Child Support Attorney
37491	Supervising Deputy Child Support Attorney

A. The salary alignment for classifications under Article 22 shall be established as follows.

1. The classifications of Supervising Deputy Public Defender and Supervising Deputy Child Support Attorney shall have their base rate of pay established on equivalent salary ranges.
2. The classifications of Managing Deputy District Attorney and Chief Deputy County Counsel shall have their base rate of pay established on equivalent salary ranges.
3. The classifications of Chief Deputy District Attorney, Chief Deputy Child Support Attorney, and Chief Deputy Public Defender shall have their base rate of pay established on equivalent salary ranges.
4. The classifications of Assistant District Attorney, Assistant Public Defender, and Chief Assistant County Counsel shall have their base rate of pay established on equivalent salary ranges.

B. The base salary for classifications under Article 22 shall be established as follows:

1. The maximum base salary for At-Will Management Attorney classifications covered by Article 22 shall be maintained at least 11%

above the maximum base salary of the highest paid RCDDAA or RCAA represented subordinate classification.

2. The maximum base salary for non-At-Will Management Attorney classifications covered by Article 22 shall be maintained at least 8% above the maximum base salary of the highest paid RCDDAA or RCAA represented subordinate classification.
3. The maximum base salary for Management Attorney classifications covered by Article 22 shall be maintained at least 8% above maximum base salary of the highest paid subordinate Management Attorney classification.

ARTICLE 23
SEPARABILITY

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

ARTICLE 24
SUPERSESSION

This Resolution 2025-272 supersedes Resolution 2024-278 in its entirety. Resolution 2024-278 was effective from December 17, 2024 through October 15, 2025.

Unless otherwise specifically stated herein, the provisions and amendments contained in Resolution 2025-272 shall become effective the first day of the first full pay period upon adoption by the County's Board of Supervisors, which is October 16, 2025.

Reference:		
Minute Order 3.41 dated 06/23/98	Resolution 2008-245 dated 05/13/08	Resolution 2022 -170 dated 08/30/22
Resolution 98-322 dated 10/13/98	Resolution 2008-364 dated 07/29/08	Resolution 2022-223 dated 11/29/22
Resolution 99-080 dated 03/09/99	Resolution 2008-487 dated 11/18/08	Resolution 2022-228 dated 12/13/22
Resolution 2000-044 dated 02/01/00	Resolution 2009-120 dated 04/07/09	Resolution 2023-016 dated 01/10/23
Resolution 2002-195 dated 06/04/02	Resolution 2009-261 dated 07/21/09	Resolution 2023-053 dated 02/28/23
Resolution 2002-240 dated 06/25/02	Resolution 2010-033 dated 06/08/10	Resolution 2023-280 dated 10/31/23
Resolution 2003-071 dated 02/18/03	Resolution 2010-200 dated 07/13/10	Resolution 2023-287 dated 11/07/23
Resolution 2003-228 dated 05/20/03	Resolution 2010-230 dated 07/27/10	Resolution 2024-023 dated 01/09/24
Resolution 2003-513 dated 12/09/03	Resolution 2011-278 dated 11/15/11	Resolution 2024-039 dated 01/30/24
Resolution 2004-235 dated 05/18/04	Resolution 2012-137 dated 06/12/12	Resolution 2024-054 dated 02/06/24
Resolution 2004-420 dated 10/19/04	Resolution 2012-177 dated 07/31/12	Resolution 2024-077 dated 04/30/24
Resolution 2004-520 dated 12/14/04	Resolution 2012-243 dated 11/27/12	Resolution 2024-197 dated 08/27/24
Resolution 2005-280 dated 06/07/05	Resolution 2014-152 dated 06/17/14	Resolution 2024-227 dated 10/08/24
Resolution 2005-372 dated 08/23/05	Resolution 2014-187 dated 11/04/14	Resolution 2024-278 dated 12/17/24
Resolution 2005-475 dated 11/01/05	Resolution 2015-245 dated 12/15/15	Resolution 2025-272 dated 10/07/25
Resolution 2006-323 dated 08/29/06	Resolution 2016-212 dated 04/11/17	
Resolution 2006-395 dated 10/03/06	Resolution 2017-110 dated 05/23/17	
Resolution 2006-466 dated 12/12/06	Resolution 2018-192 dated 10/02/18	
Resolution 2007-016 dated 01/09/07	Resolution 2019-117 dated 05/21/19	
Resolution 2007-318 dated 06/08/07	Resolution 2019-149 dated 06/25/19	
Resolution 2007-436 dated 09/18/07	Resolution 2021-095 dated 04/27/21	
Resolution 2007-542 dated 11/20/07	Resolution 2022-096 dated 05/10/22	
Resolution 2008-031 dated 01/08/08	Resolution 2022-158 dated 07/26/22	

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Board of Supervisors **COUNTY OF RIVERSIDE**

RESOLUTION NO. 2025-272

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

ROLL CALL:

Ayes:	Medina, Spiegel, Washington, Perez, and Gutierrez
Nays:	None
Absent:	None
Abstain:	None

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

KIMBERLY A. RECTOR, Clerk of said Board

By: _____

Deputy

10/07/2025 Item 3.26

ORDINANCE NO. 440.1770
AN ORDINANCE OF THE COUNTY OF RIVERSIDE, AMENDING ORDINANCE NO. 440, RELATING TO SALARIES

Ordinance No. 440 Narrative

October 7, 2025

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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" shall mean 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" shall mean fourteen (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" shall mean 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 (1) person unless permission is granted for job sharing.

m) "Probationary employee" shall mean a regular or seasonal employee who has not completed:

1. the required initial probationary period in a paid status in a position following initial employment; or
2. 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 an incumbent within a filled position to a different class by a change of title and class specification, but does not necessarily involve a change of the salary plan and/or grade.

p) "Regular employee" shall mean a holder of a regular position.

q) "Regular position" shall mean a position established by this ordinance on an ongoing basis, as distinct from a seasonal or a temporary position.

r) “Retire”, “retired”, and “retirement” shall mean 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" shall mean 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 and Pharmacist Resident at the Riverside University Health System – Medical Center (RUHS – MC) 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 twenty (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 regular salary plan and grade and anniversary date shall be re-determined as if the temporary promotion had not occurred. Any merit increases which would have been due in his/her regular position shall be allowed.

g) Except as otherwise provided by law 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 a merit increase.

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 be within the chain of command or span of control (i.e. execute 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 or any familial relationship that management determines may lead to conflict. Familial relationship shall include, but is not limited to, 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, grandparent, or the equivalent relationships through a lawfully registered domestic partnership.

Should such relationship occur, the employee(s) may promote, voluntarily demote, or will be transferred to position(s) which the employee is eligible and selected to fill. The promotion, transfer, or voluntary demotion must be accomplished within six (6) 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

1. 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.

2. 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.

3. 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.

4. 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 however, shall require the approval of the Human Resources Director and the County Executive Officer. 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

1. Requirement for Class Specification. No person shall be employed in or appointed to any regular or seasonal position until the class specification for such position exists within the classification plan.

2. 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.

3. Underfilling a Position. An underfill shall mean a classification within the same class series, generally the journey level classification within a promotional growth series. 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(n) 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

1. 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.

2. Amendments to the Appendices Impacting the Class and Salary Listing. The following Appendices: Appendix I, relating to overtime; Appendix II, At-Will classifications; and Appendix III, classifications eligible for the Executive Vehicle benefit, 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.

3. 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.

4. Classification Duplication. The Human Resources Director may administratively duplicate an existing class (including for a separate program or district position) when necessary to preserve benefits that have been lawfully afforded to an employee group. The duplicated classification shall only differ from the existing classification by minimal modification of the following factors: title, class concept, essential duties, and recruiting guidelines. The duplicated classification shall be in accordance with the program area of the requesting department, and assigned a separate 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 appropriate to the representation unit. It is not the intent of this provision to duplicate an existing classification solely based on salary and/or at-will status.

Whenever an administrative change or inactivation of a class is made by the Human Resources Director, or by resolution of the Board of Supervisors, 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

1. 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.

2. Change in Allocated Positions. The Human Resources Director may adjust the number of positions allocated to a(n) 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

1. 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.

2. 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

1. 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 thirty (30) calendar days in advance of a terminating employee. Under exceptional circumstances, the position to be vacated may be filled with a replacement for up to an additional sixty (60) calendar days with the prior approval of the Human Resources Director. 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.

2. Companion Position During Unpaid Leave. When an employee is authorized a leave of absence without pay for a period in excess of twenty (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.

3. 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 except as otherwise provided herein. 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. County Officers and classifications identified in Appendix II of this Ordinance are exempt from the merit system, rather the appropriate County Officer(s) may appoint qualified candidates to these classifications.

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) When an employee is separated from County employment 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. 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

1. 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 (5^{th}) day of the month following its receipt.

2. 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.

3. 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 University Health System – Medical Center in accordance with terms fixed by the Board of Supervisors.

4. 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.

5. 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

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

1. 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]

2. 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.

3. 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.

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

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

cannot be spared from duty, for operational reasons. Furlough records shall be kept by the agency/department.

Section 8. SALARY STRUCTURE AND ADMINISTATION

a) SALARY PLAN TABLE

1. The Human Resources Department shall maintain a Salary Plan Table that defines the compensation rates assigned to each salary grade. The Salary Plan Table shall include the following information: an effective date that reflects the date of the start of the first full pay period, following Board of Supervisors approval; the employee group(s) to which the table applies; salary plan code; grade level; salary range width; and the minimum and maximum compensation displayed as hourly, monthly and annual rates.

2. The Human Resource Department shall make publicly available the most current Salary Plan Table one pay period after Board of Supervisors approval.

3. Subject to Board of Supervisors approval, the Human Resources Director may establish new salary plan tables and/or modify existing salary plan tables to meet the operational needs and collective bargaining obligations of the County.

b) COMPENSATION TABLE

1. The Human Resources Department shall maintain a Compensation Table that defines the salary plan and grade assignment for all active County job classes and details other benefits or statuses that are linked to the job class. The Compensation Table shall include the following information: an effective date that reflects the date of the first full pay period following Board of Supervisors approval; job class code and title; salary plan and grade assignment; FLSA exempt status; overtime rate; at-will status; automobile benefit; and pre-employment medical grouping.

2. The Human Resources Department shall make publicly available the most current Compensation Table. The published Compensation Table shall include, in the same document, the Salary Plan Table(s) that define the value of each assigned salary grade.

3. Subject to Board of Supervisors approval, the Human Resources Director may change the grade assignment of any job class to meet the operational needs and collective bargaining obligations of the County.

4. Class grade assignment will be recommended by the Human Resources Department based primarily on market considerations through comparison and analysis of current prevailing wages for comparable work. The Human Resource Department may also conduct an internal job comparison to determine relative value and to maintain internal parity.

c) CLASS AND SALARY LISTING

1. Job classes not assigned to a salary structure under subsections a-b above, are assigned a salary plan and grade and all plan/grade assignments will be made publicly available on a Class and Salary Listing, which is distinct from the Salary Plan Table and Compensation Table.

2. The base rate of 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.

3. The County as an employer shall not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex, regardless of race, gender or ethnicity, for substantially similar work on jobs where the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where the payment is made pursuant to a seniority system, a merit system, a system which measures earnings, by quantity or quality of production, or a differential based on any bona fide factor other than gender, race, and ethnicity.

d) SPECIAL SALARY ADJUSTMENTS

1. 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 (1) year in a paid status after the resulting change of salary.

2. 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 merit 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.

3. The County Executive Officer may order changes to the base 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 base rate of pay.

e) CHANGE IN SALARY ALLOCATION

The salary of an incumbent of a position in a class which shall be reallocated to a different salary plan and grade may be adjusted to the same percentage 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.

f) NEW EMPLOYEES

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 rate, and/or any “difficulty to recruit” salary adjustments. Refer to Section 10 herein for the rules applicable to temporary employees.

g) RE-EMPLOYMENT

1. 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.

2. 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 fiscal 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

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.

a) 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.

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

   2. 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.

b) 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.

c) 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.

d) 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.

e) 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

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

Only subsection (e) of Section 10 applies to unrepresented Per Diem employees, unless otherwise specified.

a) APPLICABILITY[2]

These Temporary Employment Provisions apply to:

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

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

1. Except as otherwise provided by this ordinance, a new employee shall be appointed at the minimum pay rate of the appropriate salary plan and grade.

[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.*

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

3. Difficult to Recruit (DTR)

   A. Classifications or Positions Designated as DTR on or after January 5, 2016. Notwithstanding the provisions of this ordinance, employees shall be compensated at a rate up to twenty percent (20%) of their earnings to a maximum of eighty (80) hours actually worked in a pay period for those positions identified in specific classifications in a specific agency/department designated by the Human Resources Director as “difficult to recruit” (DTR).

      Eligibility for the DTR differential shall be determined by the Human Resources Director based on a specific position, classification, geographical location, and/or agency/department basis that a recruitment or retention issue exists and the DTR designation would assist the County in recruiting and retaining employees in the specific position, classification, geographical location, and/or agency/department.

      Eligibility for the DTR differential shall not be automatic nor shall such a determination have any bearing on the same or similar classifications (or similarly situated classifications). Upon such determination and approval, any differential 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 pay rate on the salary plan and grade for his/her classification and shall be compensated a DTR differential.

      b. The DTR differential shall only apply to actual hours worked, up to eighty (80) hours in a pay period.

      c. The assignment of the DTR differential shall trigger a review by the Human Resources Department of the position and classification. The review shall consist of review of market benchmarks, turnover rates, exit surveys and other factors that may have created the recruitment/retention issue. In the event the Human Resources Director determines the circumstances that created the recruiting or retention problem(s) for any and/or all position(s) in the specific classification in the specific agency/department no longer exist, he/she shall declare the provisions described above inoperative for such specific position(s)/classification(s). At that time, the DTR differential shall cease. In the event the Human Resources Director determines the recruitment/retention issue is related to a market parity issue, the Human Resources Director may recommend to the Board of Supervisors an adjustment to the salary range of the classification for parity purposes or propose another solution to resolve the recruitment/retention problem deemed acceptable within the provisions of this Ordinance. Should a salary adjustment occur due to a market parity issue, the DTR differential shall no longer apply.

d. A review of all position(s)/classification(s) designated as DTR shall be conducted annually.

B. Classifications or Positions Designated DTR prior to January 5, 2016. Notwithstanding the provisions of this resolution there shall be up to an additional approximately eleven percent (11%) which shall be reserved for those classifications designated as "difficult to recruit".

Advancements within the DTR range 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 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 rate on the salary plan and grade for his/her classification up to and including a rate 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 rate as that granted to the new employee.

c. 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 salary grade, the salary rate of the affected employees below the new minimum shall be adjusted upwards to the new minimum of the salary range.

4. Promotion. On promotion, the salary shall be at a rate on the new salary plan and grade which is five and a half percent (5.5%) 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 day of a pay period.

5. Transfer. On transfer, the salary shall be the same as that paid previously. The anniversary date shall not change. The effective date of transfers shall coincide with the first day of a pay period.

6. Demotion. On demotion, the salary shall be the same percentage on the new grade as on the previous grade, where the new grade is able to accommodate the percentage. The anniversary date shall not change. The effective date of all demotions shall coincide with the first day of a pay period.

7. 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 five and a half percent (5.5%) 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 at a pay rate 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 day of a pay period.

8. 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 pay rate that would be called for under other provisions in this ordinance.

9. 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 one hundred twenty (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. 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).

h. 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 merit advance. Where overtime results from necessary irregular work schedules, it may be included in computing the minimum time for merit advance which would otherwise be delayed beyond the normal period.

10. 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.

Standby compensation shall cease when the employee reports to work.

11. Minimum Overtime on Call-Back. A non-exempt employee called back to a worksite to meet an emergency on an overtime basis, whether or not in a standby duty status, shall receive minimum credit for one (1) hours' work.

If an employee should complete the work required, and subsequently be recalled during the minimum credit period, no additional compensation shall be paid for until the minimum credit time has been exhausted. Call-back pay does not include time commuting to and from work.

Remote Call-Back: If an employee may perform call-back work remotely, without the employee having to physically report to a worksite, then the employee will be paid in one-tenth hour increments for all time worked while remotely responding to the call. For

example, if the employee remotely completes the performance of work in twenty five (25) minutes, the employee will be paid thirty (30) minutes for the remote call-back.

12. Jury Duty and Court Appearances. A temporary employee shall be entitled to retain jury fees, since the individual shall not be paid 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 in their base hourly rate of pay, 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 due to private legal matters shall not be entitled to be paid during such absence.

13. 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.

e. 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.

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

g. 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.

h. 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.

i. 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 or Registered Domestic Partner, child, parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor), brother, or sister of the employee, grandparent, grandchild and the equivalent relationships through a lawfully registered domestic partnership.

j. 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, 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 paid 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 (5) or more years of service in a paid status 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.

14. Bereavement Leave. Employees who are entitled to accrue sick leave (under this Article) may be allowed up to five (5) days of leave, three (3) of which will be paid, and the additional two (2) days shall be deducted from the employee's sick leave accruals. 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.

15. 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.

16. 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.

17. 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.

18. 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 (1) 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 thirty (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).

19. Vacation. Persons employed in the classes of Resident Physician and Surgeon or Pharmacist Resident shall be entitled to one hundred twenty (120) hours (approximately fifteen (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 or Pharmacist Resident shall be paid for any unused vacation. All other employees shall not be entitled to paid vacation.

20. Paid Holidays. Only seasonal employees, Resident Physicians and Surgeons, Pharmacist Resident, and employees in the Physician Assistant Fellowship classification, in a 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 not in a paid status 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.

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[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.

21. 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, release time, 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.

(1) Evening Shift (swing). Employees who perform work between the hours of 6:00 p.m. and 11:00 p.m., shall be paid an evening differential of $0.60 per hour for the time actually worked between 6:00 p.m. and 11:00 p.m.

(2) Night Shift. Employees 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.

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

22. 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: $0.50 per hour
Employees at this level perform bilingual translation.

Level 2: Task Completion: $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: $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 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.

23. Health Benefits (applicable only to Resident Physicians and Surgeons, Pharmacist Resident, and employees in the Physician Assistant Fellowship classification).

A. The County's monthly Flexible Benefit contribution for Resident Physicians and Surgeons, Pharmacist Resident, and employees in the Physician Assistant Fellowship classification shall be as follows:

COVERAGE LEVEL	**TOTAL COUNTY CONTRIBUTION** EFFECTIVE NOVEMBER 14, 2024 (PAY PERIOD 25)	**TOTAL COUNTY CONTRIBUTION** EFFECTIVE NOVEMBER 13, 2025 (PAY PERIOD 25)
Employee Only:	$926.52	$969.06
Employee Plus One Dependent:	$1,586.00	$1,671.06
Employee Plus Family:	$1,800.00	$2,087.00

1. Employees must select a medical plan to receive these amounts.

B. In addition, the County shall provide optical insurance, to be paid by the County, for employees in these classifications.

C. Effective for the plan month April 2021, if monies remain following the deduction of elected benefits, said monies shall be forfeited.

24. Additional Compensation for Resident Physicians. Any Resident Physician employed with the County who possesses a valid Physician and Surgeon License, a Drug Enforcement Administration Certificate, and has been authorized to work extra hours as a licensed Physician with the County shall be compensated at the employee's base

hourly rate, plus a stipend of eighty ($80.00) dollars per hour for each hour actually worked.

25. Resident Physician Stipend for Education Related Expenses. Resident Physician Stipend for Education Related Expenses. Resident Physicians employed through the County's Graduate Medical Education (GME) program shall be eligible for an annual stipend for education related expenses of $2,214 (less tax withholdings) per academic year, to be issued on the first full pay period of August of the County's payroll calendar year. All Resident Physicians who are enrolled in the County's GME program at the start of the program's academic calendar year shall be eligible for the $2,214 (less tax withholdings) stipend. At the discretion of the Department Head or designee, Resident Physicians who enroll in the County's GME program after the start of the academic year may be eligible to receive a prorated stipend.

    Additionally, all Resident Physicians who are enrolled in the County's GME program the pay period following Board of Supervisors approval of this Ordinance shall be eligible for a one-time payment adjustment equivalent to the difference between the previously received $2,000 (less tax withholdings) stipend and the revised $2,214 (less tax withholdings) stipend for the 2024/2025 Academic Year, to be paid as soon as administratively possible following approval.

    Resident Physicians who leave the GME program prior to the completion of the academic year shall pay back a prorated amount of the education stipend to the County within sixty (60) days of their separation.

26. 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.

27. 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 RUHS - MC 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 Assistant County Executive Officer – Health Systems with the advice of the Chief Medical Officer.

28. 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

1. 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, 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 twelve (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 (1) 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 twelve (12) month initial probationary period may be extended once to fifteen (15) months or twice to eighteen (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 promotes, demotes or transfers to another class, will serve a new twelve (12) month probationary period following such promotion, demotion, or transfer. The twelve (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.

2. 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 ensure 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.

3. Merit Increase

a. Applicability of Merit Increases. The compensation of each seasonal employee whose pay is below the maximum rate 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.

Re-employment at a rate other than that of the minimum rate 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.

c. Limit on Unpaid Status. Months in a paid status toward a merit increase need not be continuous, but for a seasonal employee, accrued months shall be lost in the event that there is a period of more than one (1) year when the employee is in an unpaid status.

d. Salary Increases. Every anniversary salary increase, unless otherwise dictated within a recognized employee organization's Memorandum of Understanding (MOU) shall be to the rate of four percent (4%) higher, except when there is less than four percent (4%) remaining, it shall be to the maximum 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 Merit Increase. The agency/department head may disallow a merit 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 merit 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

1. Compensation. Temporary employees shall be compensated at the minimum pay rate of the salary plan and grade for their job class, unless an advanced increase is authorized at the time of appointment. Temporary employees do not receive merit increases within the salary grade based on hours of service.

2. 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.

3. 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 one thousand (1000) working hours (approximately six (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 one thousand (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 one thousand (1000) hours in that fiscal year.[4]

e) UNREPRESENTED PER DIEM EMPLOYEE PROVISIONS

1. 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 unrepresented Per Diem employees.

2. 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 and that is not represented by a collective bargaining unit. 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.

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.

3. <u>Conformance to Plan</u>

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.

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

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.

4. 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.

5. 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 Wednesday following the end of a pay period.

d. General Salary Adjustments. Effective the Pay Period following Board of Supervisors approval of this Ordinance, Per Diem classifications covered by this Ordinance, with the exception of Psychiatrist and Psychiatrist-Detention classifications, shall have their rate of pay established equivalent to the maximum rate of the represented counterpart classification. Psychiatrist and Psychiatrist-Detention classifications shall have their rate of pay increased by three percent (3%).

Effective May 1, 2025, Per Diem classifications covered by this Ordinance, with the exception of Psychiatrist and Psychiatrist-Detention classifications, shall receive a four percent (4.0%) increase to their rate of pay. Psychiatrist and Psychiatrist-Detention classifications shall have their rate of pay increased by three percent (3%).

Effective April 30, 2026, Per Diem classifications covered by this Ordinance, with the exception of Psychiatrist and Psychiatrist-Detention classifications, shall receive a four percent (4.0%) increase to their rate of pay. Psychiatrist and Psychiatrist-Detention classifications shall have their rate of pay increased by three percent (3%).

6. Difficult to Recruit (DTR). The DTR provisions of Section 10 subsection b) 3 shall apply to unrepresented Per Diem employees as reviewed and approved by the Human Resources Director.

7. 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 will be entitled to their base rate of pay for each authorized hour worked in excess of the established FLSA workweek.

8. 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 the classification(s) listed below shall not be paid shift differential:

      Pharmacist – C – PD

   b. Evening Shift - General. Per Diem employees whose classes are specifically mentioned below, who perform work between the hours of 6:00 p.m. and 11:00 p.m., shall be paid an evening differential as set out below for the time actually worked between 6:00 p.m. and 11:00 p.m.

Classifications:	Rate:
• Electrocardiograph Technician - PD ♦	25¢ per hour ♦ For employees in this Per Diem classification working at the Riverside University Health System – Medical Center.
• Nursing Assistant - PD	35¢ per hour
• Pharmacy Technician II - PD	60¢ per hour
• House Supervisor - PD	Classification(s) authorized by the County Executive Officer to receive the same premium as employees in the equivalent regular classifications including the time periods in which to be considered eligible.

   c. Night Shift - General. Per Diem employees whose classes are specifically mentioned below 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:
• Electrocardiograph Technician - PD♦	50¢ per hour ♦ For employees in this Per Diem classification working at the Riverside University Health System – Medical Center.
• Nursing Assistant - PD	75¢ per hour
• Pharmacy Technician II - PD	$1.20 per hour
• House Supervisor - PD	Classification(s) authorized by the County Executive Officer to receive the same premium as employees in the equivalent regular classifications including the time periods in which to be considered eligible.

9. Special Medical Care Assignments:

   a. Any Psychiatrist-Entry Level-Per Diem (Job Code 73835), Psychiatrist I-Per Diem (Job Code 73822), Psychiatrist II-Per Diem (Job Code 73826), and Psychiatrist III- Per Diem (Job Code 73830) shall be entitled to a salary differential of two dollars and forty cents ($2.40) per hour worked above their regular rate of pay when assigned to the Emergency Treatment Services Facility, Inpatient Treatment Facility or Detention Health Facility, or the Riverside University Health System (RUHS) Medical Center.

   b. Any Psychiatrist-Entry Level-Per Diem (Job Code 73835), Psychiatrist I-Per Diem (Job Code 73822), Psychiatrist II-Per Diem (Job Code 73826), and Psychiatrist III- Per Diem (Job Code 73830) shall be entitled to an hourly differential of forty-two dollars ($42.00) per hour, in addition to their base rate of pay, for all time worked during an evening shift, on a weekend, or on a holiday in the Emergency Treatment Services Facility, RUHS Medical Center, or Inpatient Treatment Facility. These classifications shall not be eligible to receive holiday pay under any other provision of this Ordinance.

   c. Standby Duty**:** When placed by the agency/department head specifically on standby duty, any Psychiatrist-Entry Level-Per Diem (Job Code 73835), Psychiatrist I-Per Diem (Job Code 73822), Psychiatrist II-Per Diem (Job Code 73826), and Psychiatrist III- Per Diem (Job Code 73830), otherwise off duty, shall be paid one-eighth (1/8) of the hourly base rate of pay for each hour on standby duty, not to exceed twelve (12) hours for each standby duty assignment. Standby duty pay shall cease when the employee reports to work.

10. Shift Schedule Premium:

    Employees who work two (2) – three (3) shifts in a given Pay Period shall receive a two percent (2%) differential paid at the employee's base hourly rate of pay for all hours actually worked for that Pay Period.

Employees who work four (4) or more shifts in a given Pay Period shall receive an additional three percent (3%) differential paid at the employee's base hourly rate of pay for all hours actually worked for that Pay Period.

For the purposes of this shift schedule premium, a minimum of four (4) hours worked would count towards one shift.

11. 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.

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

13. 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 fifteenth (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

RESOLUTION NO. 20254-272278

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

Effective October 16, 2025

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DEFINITIONS

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

a. Anniversary date means the date upon which an increase in salary becomes effective under the provisions of this Resolution or the job classification is established by the Board of Supervisors to serve at the pleasure of the appointing officer.

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

c. At-Will means an employee whose status is set forth in Article 601E of this Resolution.

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

e. Demotion means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position in a different classification allocated to a lower salary grade, whether in the same or a different agency/department. A “demotion” may be either voluntary or involuntary.

f. Emergency employee means employees whose employment is occasioned by a condition of emergency only.

g. Employee means only “regular” or “seasonal” employee(s) employed by the County in those classifications included in the Groups identified in Sec. 101 herein.

h. Full time employee means employees whose positions require the number of hours usual or prescribed for normal permanent County employment. All positions shall be full time unless otherwise designated or unless the compensation is fixed upon the basis of part time work.

i. Holiday or paid holiday means any day, other than Saturday or Sunday, on which County offices are not open for business, in accordance with County ordinance for which employees covered under the provisions of this Resolution are eligible for compensation.

j. Management Employee as used in this Resolution, unless otherwise stated, means employees in Groups 1 and 3, as defined in Sec. 101.

k. Officer means all "County officers" and "appointive officers" as herein defined, except where the natural construction of this Resolution otherwise indicates. "Officer" is the equivalent of an agency/department head.

l. Paid status means the payment of compensation to an employee for regular hours worked or from accrued leave banks such as vacation, sick, holiday and/or compensatory time. Payments received for disability such as short-term or long-term disability or workers' compensation shall not be considered being in a paid status and shall not entitle an employee to earn leave accruals, including accrued holiday or receive flex benefit contributions.

m. Part time employee means an employee in a position that is designated part time or for which compensation is fixed upon a basis of part time work.

n. Pay period means 14 calendar days, and refers to the period for computing compensation due for all normal working shifts ending during that period.

o. Permanent employee means a regular employee who has completed the initial probationary period in a position, not including any incumbent of an at-will position as specified in this Resolution.

p. Position means any office or employment to which a group of duties and responsibilities is assigned or delegated by competent authority, the performance of which requires the full time or part time employment of one person unless permission is granted for job sharing.

q. Probationary employee means a regular employee who has not completed the initial probationary period, including any extensions thereto, as designated in this Resolution, in a paid status in a position

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

r. Promotion means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position of a different classification allocated to a higher salary grade whether in the same or different agency/department. The appointment of an employee to a position allocated to a higher salary grade because of professional registration achieved by the incumbent shall not be deemed a promotion but a change in salary allocation.

s. Reclassification means the reallocation of a position to a different classification by a change of title and position specification, but does not necessarily involve a change of salary grade.

t. Regular employee means a holder of a regular position.

u. Regular position means a position established by County Salary Ordinance No. 440 on an ongoing basis, as distinct from a seasonal or temporary position.

v. Seasonal employee means an employee whose employment is not continuous but is regularly recurrent in the same capacity because of particular functions which occur periodically each year; such employment may be ongoing, but of an intermittent nature.

w. Temporary employee means an employee who is not a regular or seasonal employee.

x. Transfer means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position of a different classification allocated to the same salary grade in the same agency/department, or to a position of the same classification, or a different classification allocated to the same salary grade, in a different agency/department.

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

ARTICLE 1
RECOGNITION

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

Group 1	At-will or contract Department Heads and Assistant Department Heads, independent elected officials, and Board of Supervisors Members
Group 2	At-will Unrepresented
Group 3	General Unrepresented Management
Group 4	Confidential
Group 5	Other Unrepresented
Group 6	Supervisor's Board Assistants and Supervisor's Legislative Assistants
Group 7	Unrepresented Attorneys

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

Sec. 103 Non-Discrimination. The provisions of this Resolution will be applied equally to all employees without unlawful discrimination based upon sex (including pregnancy and medical conditions related to pregnancy), age, race, color, religion, national origin, ancestry, disability (mental and physical), medical condition, marital status, military and veteran status, denial of family and medical care leave, gender (including gender identity and gender expression), or sexual orientation, or any other classes protected by law.

ARTICLE 2
HOURS OF WORK, OVERTIME

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

Sec. 202 Different 80 Hour Biweekly Work Period: An agency/department head, with prior approval of the County Executive Officer and the Human Resources Director, may establish or eliminate a different biweekly work period of eighty (80) hours.

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

Sec. 204 FLSA Exempt Employees: Any employee whose position is determined to be exempt from the Fair Labor Standards Act ("FLSA") shall not be entitled to compensation for overtime of any type unless specifically provided herein. The Human Resources Director and County Counsel shall determine which employees are exempt from the FLSA.

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

A. A designated FLSA work period shall consist of 168 consecutive hours (7 days).

B. Overtime is defined as time actually worked by an FLSA non-exempt employee in excess of forty (40) hours in a designated FLSA work period. Management reserves the right to designate the FLSA work period for each employee.

C. Time worked shall not include any form of paid leave.

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

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

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

A. Compensatory Time-off: An employee eligible for paid overtime under the provisions of this Section may request, subject to management approval, the accumulation of up to 120 hours of compensatory time off ("CTO") in lieu of paid overtime. Such overtime is accumulated at the rate of one and one-half (1½) hours of compensatory time off for each hour worked in excess of forty (40)

hours during the designated FLSA work period. Accumulated overtime credit may be taken as paid time off, at a time or times agreeable to the agency/department head. This method of reducing accumulated overtime credit is encouraged. With approval of the County Executive Officer, accumulated overtime credit of 120 hours or less may be paid.

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

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

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

A. Dates for increases in leave accruals, probationary periods, anniversary dates, merit increases, and similar events are based upon service rather than hours, e.g. 1040 hours became six (6) months and 2080 hours became one (1) year.

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

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

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

Sec. 210 Special Assignments: An FLSA exempt employee covered hereunder may, with the approval of the Human Resources Director, be permitted to perform work outside the employee's regular classification by way of special assignment to another classification. Subject to approval by the Human Resources Director, the specially assigned employee shall be compensated at a flat rate determined by the agency/department, not to exceed two times the hourly rate

assigned to the classification in which the employee is specially assigned. The time worked in the special assignment will not be included in computing Annual Leave, retirement, or similar benefits. The time worked in the special assignment cannot be detrimental to the employee's health or performance in the employee's regular position. The special assignments can be terminated at any time and the employee shall not be entitled to any review or hearing procedure upon termination of the special assignment.

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

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

2. The hours actually worked in excess of the required hours must be worked in the employee's own classification.

With approval of the County Executive Officer, or designee, persons entitled to compensatory time off under this provision may be paid in lieu of receiving compensatory time off. If payment is to be made then the number of hours to be paid shall be specified by the agency/department head or designee. Upon termination, persons employed in the classifications listed in Appendix I shall be paid for any accumulated compensatory time off which has not been taken, not to exceed sixty (60) hours.

Sec. 212 Extra Shift Assignment: Any unrepresented physician classification series, who are authorized to work an extra shift assignment outside of their regularly scheduled shift, shall receive their base hourly rate for each hour actually worked during the extra shift.

Sec. 213 Electronic Fund Deposit of Payroll: Employees shall be required to receive payroll funds by electronic deposit. Employees shall receive a Statement of Earnings (pay stub) through an electronic pay advice system. The electronic pay advice system will permit employees to view/print current and previous bi-weekly pay advice/stubs.

ARTICLE 3
PREMIUM PAY

Sec. 301 Standby Duty: When placed by the agency/department head specifically on standby duty, an FLSA non-exempt employee

otherwise off duty shall be paid one (1) hour pay for eight (8) hours of such duty beyond the regular work period. Said compensation shall be in addition to the employee's regular salary entitlement. Notwithstanding any prior work practice to the contrary, said compensation shall cease when said employee reports to work.

Standby compensation shall cease when the employee reports to work.

Sec. 302 Minimum Overtime on Call-Back Pay: Except as indicated below, an FLSA non-exempt employee called back to a worksite to meet an emergency on an overtime basis, whether or not in standby duty status, shall receive minimum credit for one (1) hour of work.

If an employee should complete the work required, and subsequently be recalled during the minimum credit period, no additional compensation shall be paid for until the minimum credit period has been exhausted. Call-back pay does not include time commuting to and from the worksite.

Remote Call-Back: If an employee should perform call-back work remotely, without the employee having to physically report to a worksite, then the employee will be paid in one-tenth hour increments for all time worked while remotely responding to the call. For example, if the employee remotely completes the performance of work in twenty-five (25) minutes, the employee will be paid thirty (30) minutes for the remote call-back.

Notwithstanding any other provision, time actually worked on call-back shall be counted toward the calculation of overtime requirement.

Sec. 303 Declared Emergency: In the event and during the period of an emergency affecting any portion of the County of Riverside, and notwithstanding any other provision of this Resolution, the following provisions shall apply:

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

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

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

D. The Board of Supervisors may authorize payment on a paid overtime basis, at the rate of one and one-half times the employee's current regular rate, for those employees who are not otherwise entitled to time-and-a-half overtime and who are required to perform services during an emergency. "Emergency services," as used in this subsection, shall be such services the Board of Supervisors authorizes.

Sec. 304 Mileage Reimbursement:

A. Employees who are required to use their personal vehicles for County business shall be reimbursed at the Internal Revenue Service (IRS) standard mileage rate. Elected Officials and County executives eligible for the Executive Vehicle Benefit described in Section 304 (C) and (D) are also eligible for this reimbursement. Adjustments to the County rate, if any, shall be made pursuant to and concurrent with the IRS rate changes. To receive the reimbursement, the employee must provide proof in the format required by the County that the miles were business related and provide an accounting of every business mile to be reimbursed, which shall include information for each business use (recorded at or near the time of the business use) of the date, the business purpose and place of each trip, in addition to the mileage.

B. If an employee is required to use his/her personal vehicle while in the course and scope of his/her employment, the employee must, prior to using said vehicle, do the following:

1. Complete County of Riverside "Authorization to Drive Riverside County Vehicle or Private Vehicle for County Business," Form, authorizing the employee to use his/her personal vehicle, which must be approved by the agency/department head.

2. Ensure the vehicle in minimum limits required by the State of California. In addition, employees must have their policies of insurance endorsed to reflect business use. Such insurance must be maintained at all times while employed in a position where it is required or may be required to use a personal vehicle while in the course and scope of employment. In the event of an incident or accident, the County does not assume

responsibility for any physical damage to an employee's personal vehicle.

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

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

C. Elected Officials designated as eligible for Tier 1 of the Executive Vehicle Benefit as delineated in Appendix III of Salary Ordinance 440, shall be eligible to receive an Automobile Allowance of $550.00 per month, or be furnished with a County vehicle as provided under existing County policies and procedures.

D. Other County executives designated as eligible for Tier 2 of the Executive Vehicle Benefit as delineated in Appendix III of Salary Ordinance 440, shall be eligible to receive an Automobile Allowance of $550.00 per month.

Sec. 305 Maintenance Pay:

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

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

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

D. Medical interns and resident physicians at the Riverside County Regional Medical Center shall be furnished without charge medical

and hospital care for acute illnesses and injuries contracted or sustained by them during the period of their employment. Whether an illness or injury qualifies under this provision shall be determined by the Assistant County Executive Officer – Health Systems with the advice of the Chief Medical Officer.

Sec. 306 Moving Expenses-Current Employees: Upon the written request of an agency/department head, the Human Resources Director and the County Executive Officer may authorize payment of all or part of the actual and necessary expenses hereafter incurred for moving the household and immediate family of an employee from one part of the County to another, when the headquarters of the employee is permanently changed for the convenience of the County. Such authority shall be obtained in advance of the change, shall be subject to such reasonable conditions as the County Executive Officer may require, shall specify the maximum amount authorized, and shall not be granted more than once in any one year period for any one employee, nor for any employee until he or she has been continuously employed by the County for at least one (1) year preceding the authorization. If the employee voluntarily terminates his or her employment with the County within one year of the payment of the expenses set forth herein, the employee shall, within thirty (30) days of the effective date of the voluntary termination of employment with the County, reimburse the County the full amount of any payment received by the employee for the expenses set forth herein.

Sec. 307 Shift Differentials:

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

1. Evening Shift: FLSA non-exempt employees whose positions are not otherwise addressed in this Section who perform work between the hours of 6:00 p.m. and 11:00 p.m. shall be paid an evening differential of $1.30 per hour for the time actually worked between 6:00 p.m. and 11:00 p.m.

Exceptions:	Rate:
Employees in the classification of: • RUHS House Supervisor	$2.50 per hour Eligible for employees who work between 6:00 p.m. and 11:00 p.m.

2. Night Shift: FLSA non-exempt employees whose positions are not otherwise addressed in this Section who perform work between the hours of 11:00 p.m. and 7:00 a.m. shall be paid a night differential of $1.90 per hour for the time actually worked between 11:00 p.m. and 6:00 a.m.

Exceptions:	Rate:
Employees in the classification of: • RUHS House Supervisor	$5.00 per hour Eligible for employees who work between 11:00 p.m. and 7:30 a.m.

Sec. 308 Education for Continued Licensing of Registered Nurses:

A. Tuition and/or Registration Fee: Eligible employees may be granted time by their appointing authority to attend California Board of Registered Nurses approved courses. Time granted shall not exceed forty (40) hours every two years. Time granted shall be used for travel to and from the location of the course and for time actually spent in course attendance. The granting or denial of education time shall be at the discretion of the employee's appointing authority.

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

1. Have completed six months of continuous service with the County in a full-time, regular position or a part-time position normally working at least forty (40) hours in a pay period;

2. Have not completed the minimum number of hours required to renew the employee's professional licenses; and,

3. Be employed in a classification that requires the employee to be licensed to practice as a Registered Nurse.

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

1. The location, date, time, subject, and number of contact hours of the course to be attended;

2. The number of hours needed to renew the employee's professional license; and,

3. The date the employee's current license expires.

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

Sec. 309 Bilingual Pay:

Scope

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

Eligibility Factors

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

Skill Levels

Definitions of Skill Levels:

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

- Level 2: Task Completion
  - Employees at this level perform bilingual translation as well as written translation.

- Level 3: Written translation, and medical and legal interpretation
  - Employees at this level perform complex verbal and written translation.

Compensation

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

- Level 1: $40 per pay period ($0.50 per hour)
- Level 2: $60 per pay period ($0.75 per hour)
- Level 3: $80 per pay period ($1.00 per hour)

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

Testing Administration

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

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

The Bilingual Pay Program is administered by Human Resources.

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

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

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

Sec. 311 Performance Recognition Plan:

A. The Performance Recognition Plan (PRP) connects individual achievement to organizational goals and provides incentives for performance.

B. Eligibility: Eligible employees are those who are in leadership positions and who manage other employees or programs and have significant influence on the achievement of organizational objectives which includes Management Groups 1, 2, and 3 except as excluded below.

1. Law Enforcement Executive Management classifications covered by Article 21, excluding Chief Deputy Director, Sheriff's Administration and Unrepresented Management Attorneys covered by Article 22 are ineligible for the Performance Recognition Plan.

2. Elected officials shall not be eligible for the PRP; however, management employees reporting to an elected official, in

classifications covered by this Section are eligible for the PRP.

C. Incumbents in PRP eligible classifications shall be eligible for salary increases granted pursuant to the provisions of this Section only. Such employees shall not be subject to the Merit Increase provisions set forth under Section 402 of this Resolution but shall instead be awarded increases based upon a qualifying annual performance appraisal. Increases shall not be automatic.

D. Incumbents in PRP eligible classifications are eligible to have their salary increased from zero percent (0%) up to six percent (6%), in two percent (2%) increments based on performance, unless there is less than 2% remaining on the range in which event the increase, if approved, shall be to the maximum of the range.

E. Employees in PRP eligible classifications, remain eligible for Cost-of-Living adjustments or Market Adjustments granted to employees covered by this Resolution.

F. Anniversary Dates: As a result of the annual review period of PRP eligible classifications, anniversary dates for eligible PRP employees will become January 1st, with the effective date for the increase to be the first full pay period in January. The anniversary date for newly hired employees, employees promoted into a PRP eligible classification, or employees reclassified into a PRP eligible classification will change to January 1st of the calendar year following the status change.

G. Salaries granted pursuant to this provision shall be reported to PERS as compensation earned.

Sec. 312 Confidential Premium:

A confidential employee who holds a job classification title designated with the codes “CE” (Confidential Exempt) or “CN” (Confidential Non-Exempt) and where such title designations were identified to distinguish the confidential classification from its non-confidential, union represented counterpart, shall be provided a confidential premium of approximately 2.71% for actual hours worked up to eighty (80) hours in a pay period. There shall be no premium paid to a confidential employee holding a job classification title designated with the codes “CE” or “CN” if the maximum salary of such classification exceeds its non-confidential, union represented counterpart classification by more than 2.71%.

Notwithstanding the above, the salary of the confidential classifications designated with the codes “CE” or “CN” may be set and maintained at the equivalent salary of the non-confidential, union represented counterpart classifications, subject to the Board of

Supervisor's approval.

Sec. 313 Ambulatory Primary Care Physician Leader Stipend:

A. Physician In-Charge

Effective December 15, 2022, employees in the Ambulatory Primary Care Physician Leader (Job Code 57788) classification who are assigned by the Department as a Physician In-Charge shall receive a bi-weekly in-charge stipend for time spent in the assignment as outlined below.

- Oversee 5 or less physicians – $307.70 per pay period.
- Oversee 6-10 physicians – $384.62 per pay period.
- Oversee 11 or more physicians – $576.93 per pay period.

B. Program Director

Employees in the Ambulatory Primary Care Physician Leader (Job Code 57788) classification who are assigned by the Department as the Family Medicine Residency Program Director or Chief of Geriatric Medicine shall receive a bi-weekly stipend for the time spent in the assignment as outlined below.

- Family Medicine Residency Program Director - $692.31 per pay period.
- Chief of Geriatric Medicine - $576.93 per pay period.

The stipend shall be paid for all regularly scheduled hours, up to a maximum of 80 hours per pay period.

Sec. 314 Accounting and Budget Certification Pay

A. Employees who are in an eligible classification listed below and who prove they possess either a valid Certified Public Accountant (CPA), Certified Internal Auditor (CIA), Certified Information Systems Auditor (CISA), Certified Payroll Professional (CPP), or Certified Fraud Examiner (CFE) shall be eligible to receive a certification pay in the amount of five percent (5%) of the employee's base hourly rate for actual hours worked. The employee is entitled to one (1) certification pay regardless of the number of eligible certifications possessed.

1. Accountant I – CN
2. Accountant II – CE
3. Accountant Trainee – CN

4. Accounting Manager
5. Administrative Deputy
6. Administrative Deputy – County Counsel
7. Assistant County Auditor/Controller
8. Chief Accountant
9. Deputy Auditor/Controller
10. Deputy Director of DA Admin Finance
11. Executive Office Principal Budget Analyst
12. Fiscal Manager
13. Fiscal Manager – Parks
14. Principal Accountant
15. Principal Management Analyst
16. Senior Accountant – CE
17. Supervising Accountant - CE

B. Employees in eligible classifications will be eligible to receive the certification pay, for actual hours worked, the pay period following presentation of the valid certificate to the employee's supervisor, regardless of when the certificate was attained. Failure to maintain a valid certification will render the employee ineligible for this pay.

ARTICLE 4
PAY PRACTICES

Sec. 401 New Employees:

A. Except as otherwise provided by this Resolution, a new employee shall be appointed at the minimum salary of the salary grade.

B. Salary Advance: The agency/department head with the prior approval of the Human Resources Director and the County Executive Officer may appoint a new employee in a specified classification to any salary within the salary grade if the employee has: (1) qualifications substantially greater than the minimum for the classification; and/or (2) experience, which if it had been obtained in the position applied for, would have made the employee eligible for the advanced salary proposed.

When the Human Resources Director and the County Executive Officer authorize a position to be filled at such salary higher than the minimum salary of the salary grade, the Human Resources Director and the County Executive Officer may also advance all incumbents of positions in the same classification earning less than the salary so authorized to the same or one of said higher salary, based on qualifications and experience. The anniversary date shall be the first day of the pay period that is not less than one (1) year (26 pay periods) in a paid status thereafter, not including overtime. When

such an incumbent employee is already on that salary, his/her anniversary date shall not change.

C. Difficult to Recruit: Refer to Salary Ordinance 440 for Difficult to Recruit provisions.

Sec. 402 Anniversary Dates:

A. The compensation of each regular employee who is paid on a salary grade, and whose pay is below the maximum salary, shall be considered for increase upon his or her anniversary date, except as otherwise provided.

The first anniversary date as a result of an original appointment shall be the first day of the pay period following the completion of one (1) year (26 pay periods) in a paid status in the position not including overtime.

The first anniversary date as a result of promotion or reclassification which involved a salary increase shall be the first day of the pay period following the completion of six (6) months (13 pay periods) in a paid status in the position not including overtime.

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

The second anniversary date shall be the first day of the pay period following the completion of an additional one (1) year (26 pay periods) in a paid status, not including overtime, and subsequent anniversary dates shall occur at like intervals.

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

2. If, through error, the anniversary date of an employee is overlooked or a notice herein required is delayed or omitted, a resulting failure to increase the compensation may be cured by then taking the action hereinabove required, and the employee shall be paid at the increased rate from the anniversary date.

Sec. 403 Merit Increases: Effective June 20, 2019 and thereafter, every anniversary salary increase shall be 4%, except when there is less than 4% remaining, it shall be to the maximum salary of the range. Such salary increases shall be given unless there is an affirmative decision of the agency/department head to deny the increase.

Special Note: Effective July 1, 2014, the provisions of this Section no longer apply to Tier I and Tier II employees subject to the provisions of Section 311 – Performance Recognition Plan

Sec. 404 Denial of Salary Increase: The agency/department head may disallow a salary 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 salary 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.

Special Note: Effective July 1, 2014, the provisions of this Section no longer apply to Tier I and Tier II employees subject to the provisions of Section 311 – Performance Recognition Plan

Sec. 405 Re-employment:

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

B. Re-employment after military service shall conform to the requirements of the California *Military and Veterans Code* and the Federal *Uniformed Services Employment and Reemployment Rights Act* (USSERA), but in other respects shall be in accordance with this Resolution.

C. Whenever a former regular employee is or has been re-employed within twenty-four (24) months after termination, he or she may, on recommendation of the employing officer, and with the approval of the Human Resources Director and the County Executive Officer, be allowed the accrued sick leave not exceeding the amount thereof which was lost and to earn vacation at the rate at which he or she was earning at the time of termination. The anniversary date for merit increase may be expressly fixed, submitted to limitations of this Resolution, to allow credit for all or a portion of the applicable period of service prior to said termination.

Sec. 406 Re-employment of Retired Persons: An employee who is retired under the *Public Employees' Retirement Law* and who is receiving retirement benefits shall not be employed or re-employed in any position for compensation without the prior written approval of the Human Resources Director. Consistent with the requirements of the *Public Employees' Retirement Law* for discontinuance of retirement benefits, the retiree may be employed or re-employed.

The Human Resources Director may allow the employment or re-employment for up to 960 hours of actual work within any fiscal year, without loss of benefits, as specified in Section 21224 of the *Public Employees' Retirement Law*. That section permits the temporary employment only during an emergency to prevent stoppage of public business, or because the restored employee has skills needed in performing specialized work of limited duration. During the employment or re-employment, the retiree is to be paid at a rate not less than the minimum, nor more than that paid other employees performing comparable duties.

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

Sec. 407 Promotion: On promotion the employee's salary shall be at a rate on the new salary plan and grade which is 5.5% higher, where the new salary plan and grade is able to accommodate the increase. The effective date of all promotions shall coincide with the first working day of a pay period. The anniversary date shall be determined as if the date of promotion were the date of employment.

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

Sec. 409 Demotion:

On demotion (voluntary or involuntary), the employee's salary shall be 5.5% less on the new salary grade as was applicable to the previous salary grade. The anniversary date shall not change. The effective date of all demotions shall coincide with the first working day of a pay period.

Permanent employees who, within one (1) year (26 pay periods) following a promotion, voluntarily demote to their previously held classification may return to the salary of the previously held classification from which they promoted, inclusive of any cost of living adjustments that would have otherwise been afforded to the employee should they not have promoted. Permanent employees

who are not serving a promotional probation can voluntarily demote to a job classification for which they are qualified and may demote to a salary on the new range closest to their current rate of pay (employee serves the applicable probationary period if they have not already passed probation in the demoted classification). Demotion under this section shall be with the mutual agreement of the employee and involved agency/department head(s) and an opening must exist. The anniversary date shall not change.

Sec. 410 Reclassification:

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

The salary of an incumbent of a position reclassified to a classification on a higher salary plan and grade shall be at the rate which is 5.5% higher, where the new salary plan and grade is able to accommodate the increase.

B. Except for classifications subject to Section 311 – Performance Recognition plan, the anniversary date shall be determined in accordance with this Article, except that the first anniversary date shall be the first day of the pay period following the completion of six (6) months (13 pay periods) in a paid status, not including overtime, in the new classification. Thereafter, anniversary dates shall be on the first day of the pay period following each additional one (1) year (26 pay periods) in a paid status.

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

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

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

Sec. 411 Temporary Promotion:

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

B. When the absence ceases or the vacancy is filled, the employee shall return to his/her regular position and his/her salary and anniversary date shall be re-determined as if the temporary promotion had not occurred. Any salary increases which would have been due in his/her regular position shall be allowed.

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

Sec. 412 Additional Compensation to Supervisors/Managers:

A person, occupying a supervisory/management position may have his/her base salary increased by 5.5% above the base salary rate of any of his/her subordinates, not including Information Technology subordinates, provided that:

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

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

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

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

Such increased compensation shall be effective on the first day of the pay period during which the finding called for in subparagraph (A) above is made. This addition to base salary shall be effective only for the period necessary to maintain the base salary of the supervisor/manager at a rate of five and one-half percent (5.5%) above that received by the subordinate.

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

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

The provisions of this section only apply to classifications subject to the Performance Recognition Program described in Section 311 if the increase can be accomplished by increasing the compensation of the incumbent using only the base salary range.

Sec. 413 Post-Employment Accounts:

For each regular employee covered under this Resolution who has five (5) years of regular County service and who is separating from County employment, the County shall provide post-employment accounts wherein the payable value of qualifying final accrued leave balances will be deposited, up to the legal limit. Qualifying leave balances include annual leave, vacation, extra vacation, holiday balance, and the amount of sick leave payable pursuant to Sec. 708. This does not include compensatory time off for overtime. The employee shall make an election as to how the balances shall be paid/deposited amongst options that include, but are not limited to a VEBA Health Savings Account, designed to be free of taxes, which may be used for future health care costs, Special Pay Accounts, other accounts to include pre-tax and post-tax deferred investment funds [e.g., a qualifying 457(b)], or cash. Qualifying leave balances of a separating employee who does not make an election will default to a 401(a) Special Pay Account.

ARTICLE 5
GENERAL PERSONNEL PROVISIONS

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

Sec. 502 Relatives: No officer shall appoint his/her spouse or registered domestic partner - or the spouse or registered domestic partner of any other officer superior to him/her - in any capacity for compensation. No such spouse or registered domestic partner shall be eligible for appointment to or continued employment in the same position of any such person who succeeded thereto pursuant to any provision of law. Continued employment shall be deemed to include promotion, demotion, or transfer, if such employee is otherwise qualified.

Except as otherwise provided herein, no person shall be denied the opportunity for employment or continued employment because such person is related to any person presently employed by the County of Riverside. However, in no instance shall a County officer or employee be within the direct chain of command or span of control (i.e. execute direct supervision over or initiate or participate in decisions directly impacting such person, including but not limited to initial employment, retention, promotion, or work assignments) specifically pertaining to another County employee who is closely related or has any familial relationship management determines may lead to conflict. “Closely related” and/or familial relationship shall include, but is not limited to, 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, grandparent, and the equivalent step relationships or relationships through a domestic partnership.

Should such relationship occur, the employee(s) may promote, voluntarily demote, or may be transferred to position(s) which the employee(s) is eligible and selected to fill. The employee(s) shall be granted, at minimum, six (6) months to achieve promotion, transfer, or voluntary demotion to rectify the reporting relationship.

Sec. 503 Retirement:

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

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

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

D. PERS Retirement Benefit (EPMC): Per Government Code Sec. 20636 (c)(4), effective July 2, 1998, the County elected to pay the employee's share of compensation earnable (currently approximately 8% for Miscellaneous members and approximately 9% for Safety members) as Employer Paid Member Contributions and report the same percent (value) of compensation for all PERS members covered under the provisions of this Resolution. Effective immediately the EPMC is amended as follows:

All employees hired in Groups 1 – 6 on or after December 1, 2011, will pay the full member contributions (8% for Miscellaneous and 9% for Safety), and the County will not provide EPMC.

a. Effective December 1, 2011, employees in Groups 1, 2, 3, & 6 hired prior to December 1, 2011, will pay 4% toward their member contributions, and the County will no longer provide or report that portion (value) as EPMC or as compensation to CalPERS.

b. Effective December 1, 2011, employees in Groups 4 & 5 hired prior to December 1, 2011, will pay 3% toward their member contributions, and the County will no longer provide or report that portion (value) as EPMC or as compensation to CalPERS.

c. Effective July 12, 2012, employees hired prior to December 1, 2011, in Groups 1, 2, 3, & 6, will pay an additional 4% toward their member contributions (Law Enforcement Executive Management employees will pay 5%), and the County will no longer provide or report any EPMC or as compensation to CalPERS.

d. Effective July 12, 2012, employees hired prior to December 1, 2011, in Groups 4 & 5, will pay an additional 3% toward their member contributions, and the County will no longer provide or report that portion (value) as EPMC or as compensation to CalPERS.

e. Effective June 27, 2013, employees hired prior to December 1, 2011, in Groups 4 & 5, will pay an additional 2% toward their member contributions, and the County will no longer provide or report any EPMC or as compensation to CalPERS.

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

F. Three Year Final Compensation: At such time that the County Board of Supervisors executes a CalPERS permissible contract amendment, the provision of Section 20037 of the Public Employees' Retirement Law (Three (3) Year Final Compensation) will be implemented for employees who are hired on or after that date, or who become members of the CalPERS Safety plan on or after that date.

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

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

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

i. 2% @ 60. Effective August 23, 2012, the percentage of final year compensation to be provided for each year of credited service for miscellaneous employees hired on or after and who first become members on or after the date of implementation shall be determined in accordance with Section 21353 of the Public Employees Retirement Law (2% at age 60).

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

i. 2% @ 50. Effective August 23, 2012, the percentage of final year compensation to be provided for each year of credited service for safety employees hired on or after or who first become safety members on or after the date of implementation shall be determined in accordance with Section 21362 of the Public Employees Retirement Law (2% at age 50).

K. Public Employee's Pension Reform Act (PEPRA) of 2013: Due to Assembly Bill (AB) 340, which created the Public Employee's Pension Reform Act (PEPRA), new lower retirement benefit formulas, final compensation periods, and new contribution requirements were implemented for new employees hired on or after January 1, 2013. The lower benefit formula for employees hired on or after January 1, 2013 is 2% at 62 for Miscellaneous and 2.7% at 57 for Safety. Employee contribution rates will vary based on PEPRA rules.

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

M. 401(a) of Certain At-Will Positions: Effective January 9, 2003, if any then-incumbent Deputy Director for Environmental Health; Animal Services Chief; or RUHS Chief Finance Officer accepts employment At-Will then an additional $150 per bi-weekly pay period shall be contributed to the 401(a) Money Purchase Plan for each such employee accepting At-Will status. All incumbents hired after January 9, 2003 in the aforementioned classifications (Section 503 (M)) shall receive contributions pursuant to Section 503 (L).

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

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

ii. The County's contribution to the deferred compensation plan will be based on the "normal cost" as determined by CalPERS, plus an amount equal to the current pick-up of the employee contribution, if any otherwise provided to elected officials who are in CalPERS

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

Sec. 504 Merit System/Veterans Preference: Appointments and promotions shall be made on the basis of merit and ability except as otherwise provided herein. Each officer shall appoint all necessary employees allowed for his/her agency/department by this Resolution only from among persons certified to him/her by the Human Resources Director as eligible for the respective positions. The Human Resources Director shall determine the methods of evaluating the qualifications of applicants. The methods shall be practical in nature and may involve any combination of written test, oral test, performance test, rating of education, training, and experience and shall take into consideration a system of veteran's preference in accordance with the Veterans' Preference Resolution adopted by the Board of Supervisors. The veteran's preference program shall be administered by the Human Resources Director. County Officers and classifications identified in Appendix II of the Riverside County Salary Ordinance 440 are exempt from the merit system, rather the appropriate County Officer(s) may appoint qualified candidates to these classifications.

ARTICLE 6
PROBATIONARY PERIOD

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

A. Length of Initial Probation: Except as set out below, the length of the initial probationary period for employees in classifications covered under this Resolution is one (1) year (26 pay periods) in a paid status.

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

The initial probationary period may be extended once by three (3) months or twice by an additional three (3) months.

C. Initial Probationary Period Affected by Change in Classification: An employee who has not completed an initial probationary period and voluntarily promotes, demotes, or transfers to another classification, shall have his/her initial probationary period automatically extended an additional one (1) year (26 pay periods) in a paid status beyond the date of promotion, demotion, or transfer each time the employee voluntarily promotes, demotes, or transfers to another classification prior to completing the initial probationary period, including any extensions thereto.

D. Probation of Permanent employees following change in classification or lateral transfer: During the first one (1) year (26 pay periods) of service in a paid status following a promotion, transfer or demotion, a regular employee who held permanent status at the time of the promotion, transfer or demotion shall, upon the agency/department head's request, be returned to a position in the previously held classification in the former employing agency/department. If the

return involves a change in classification, the salary shall be the same salary which the employee had immediately prior to the promotion, transfer or demotion, and the employee's anniversary date will be re-determined based on the number of pay periods of service in a paid status the employee had at the time of promotion, transfer or demotion. Written notice of return to former classification shall be given to the employee prior to the employee completing 26 pay periods in the probationary period and the pay and title changes of the return shall be made prior to the employee completing 26 pay periods following the promotion, transfer, or demotion. Computation of the probationary period in a paid status does not include overtime, standby, on-call or military leave of absence.

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

1. Agency/Department Heads appointed after November 29, 1983, shall serve at the pleasure of the Board of Supervisors (i.e. At-Will). Prior to such appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held. Such employee may be terminated from service at any time, without notice, cause, or rights of appeal, by the Board of Supervisors. An agency/department head removed from service with the County of Riverside by the Board of Supervisors shall be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary.

2. Assistant Department Heads or the equivalent thereto appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 after May 4, 1989, shall serve at the pleasure of the agency/department head (i.e. At-Will). Prior to such an appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held. Assistant Department Heads or the equivalent thereto who serve At-Will may be removed from their position at any time without notice, cause, or rights of appeal by the

agency/department head only after the agency/department head has a minimum of ninety (90) calendar days of service in that position and after consultation with the Human Resources Director and approval of the County Executive Officer. An assistant department head or the equivalent thereto removed from service with the County of Riverside by his or her agency/department head shall be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of an assistant department head or the equivalent thereto.

3. Employees in the classification of Board of Supervisor's Chief of Staff, Supervisor's Board Assistant and Supervisor's Legislative Assistant shall be appointed and serve at the pleasure (i.e. At-Will) of the individual Supervisor holding the office to which such employees are assigned. They may be terminated from service at any time by the Supervisor holding that office without notice, cause, or rights of appeal. Prior to an appointment to any of the above mentioned classifications the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

    a. Any employee serving At-Will in the above classifications removed from service by the individual Supervisor holding the office to which the employee is assigned may be entitled to one (1) month's salary as severance pay for each full year of employment in the At-Will classification up to a maximum severance pay equal to three (3) months' salary. Any such severance pay shall be at the sole discretion of the Board of Supervisor. Severance pay is not applicable to a situation involving the layoff of any incumbent of the At-Will classifications.

4. The Local Agency Formation Commission (LAFCO) Executive Officer shall be appointed by the Local Agency Formation Commission and shall serve at the pleasure and will of the Local Agency Formation Commission (i.e. At Will). Prior to such an appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property

rights to any and all former classifications/positions the appointee may have previously held. Such employee may be terminated from service at any time, without notice, cause or rights of appeal, by the Local Agency Formation Commission. An Executive Officer of LAFCO removed from service with the Local Agency Formation Commission may be entitled to one (1) month's salary as severance pay for each year of employment with the Local Agency Formation Commission up to a maximum severance pay equal to six (6) months' salary. Any such severance pay shall be at the sole discretion of the Local Agency Formation Commission.

5. Employees in the classifications of:

37605	Assistant Sheriff
37606	Assistant Sheriff A
37607	Assistant Sheriff B
37582	Chief Deputy Sheriff
37583	Chief Deputy Sheriff A
37584	Chief Deputy Sheriff B
37624	Chief Deputy Director, Sheriff's Administration
52218	Correctional Chief Deputy
13831	Sheriff's Public Information Manager

appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 shall serve at the pleasure (i.e., At-Will) of the Sheriff. They may be terminated from service at any time by the Sheriff, without notice, cause, or rights of appeal. Prior to the appointment to any of the above classifications, the Sheriff shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

Any employee serving At-Will in the above classifications removed from service by the Sheriff may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

6. Employees in the classification of:

73557	Deputy Director
73523	Chief Veterinarian
74257	Public Health Officer

appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 shall serve at the pleasure (i.e., At-Will) of the Director of Public Health/Animal Services Director/Director of Environmental Health. They may be terminated from service at any time by the Director of Public Health/Animal Services Director/Director of Environmental Health, without notice, cause or rights of appeal. Prior to the appointment to any of the above classifications, the Director of Public Health/Animal Services Director/Director of Environmental Health shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

Any employee serving At-Will in the above classifications removed from service by the agency/department head may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

7. Employees in the classifications of:

78539	Assistant District Attorney
78535	Chief Deputy District Attorney
78527	Managing Deputy District Attorney
37672	Assistant Chief District Attorney Investigator
37678	Chief District Attorney Investigator
79779	Director of Victim Services and Family Justice Center Liaison

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

Attorney shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

Any employee serving At-Will in the above classifications removed from service by the District Attorney may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

8. In addition to those classifications specifically mentioned above, any employee appointed to a classification authorized by the Riverside County Salary Ordinance, No. 440 and listed in Appendix II of such Ordinance, shall serve at the pleasure of the agency/department head (i.e. At-Will). He/she may be terminated from service at any time by the agency/department head without notice, cause, or rights of appeal. Prior to the appointment to any of these classifications the Human Resources Director shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

    a. Any employee serving in any classification of Section 601 (8) of this Article who is removed from service and whose severance was not otherwise stated above may be entitled to one (1) month's salary as severance pay for each full year of employment in the At-Will classification up to a maximum severance pay equal to three (3) months' salary. Any such severance pay shall be at the sole discretion of the County Executive Officer. Severance pay is not applicable to a situation involving the layoff of any incumbent of the At-Will classifications.

9. Appointment of an At-Will Employee:

    a. Because an At-Will employee serves at the pleasure of the appointing authority, the At-Will employee will not serve a probationary period and may be terminated at any time without cause. For current employees, the employee voluntary relinquishes any property rights to any and all

former classifications/positions the appointee may have previously held. Prior to an appointment into an At-Will position, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status

b. The County has the discretion to set the salary of an At-Will employee within the salary schedule, regardless if the individual is a current or new employee with the County. For current employees, an appointment into an At-Will position shall not be considered a promotion or a reclassification under this Resolution.

10. Severance Provision:

a. Any employee who receives severance pay in accordance with this article and who is subsequently hired in a regular position shall forfeit any severance pay received and shall be required to repay the full amount of severance received at time of their prior separation. Such repayment agreement shall be signed on the date of hire and shall be made within a reasonable period of time.

b. Any employee who receives severance pay in accordance with this article and who subsequently retires and is rehired into a regular position is not eligible to receive severance pay.

ARTICLE 7
ANNUAL LEAVE
(Not Applicable to Employees in Group 4)

Sec. 701 Annual Leave:

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

A. Accrual Rates: (Groups 1, 2, 3, & 5. For Law Enforcement Executive Management, see Article 21)

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

Accrual Rates: for Group 3 – Board of Supervisors Chief of Staff and for Group 6 - Supervisor's Board Assistants and Supervisor's Legislative Assistants

ALL SERVICE	BI-WEEKLY ACCRUAL
Supervisor's Board Assistant	10.46 hours
Supervisor's Legislative Assistant	12.00 hours
Board of Supervisors Chief of Staff	12.00 hours

Annual Leave for Unrepresented Attorney Management:

Effective July 12, 2012, the job classifications listed in Article 22 of this Resolution will receive an additional 4 hours per pay period to their annual leave accrual. This additional leave accrual will expire at the end of the last pay period in June 2014. In addition, the maximum accrual for annual leave (or vacation) will be raised by 200 hours to 2,000.

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

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

Sec. 702 Annual Usage: During the first twenty-six (26) pay periods of employment, employees shall be encouraged to use no less than forty (40) hours of Annual Leave and, thereafter, employees shall be encouraged to use no less than eighty (80) hours of Annual Leave in each succeeding twenty-six (26) pay periods of employment. While on Annual Leave, sick leave, holiday leave, or compensatory time

off, an employee shall be compensated and receive benefits at the same rate as if he/she were on the job.

Sec. 703 Maximum Accrual: Unless otherwise approved by the County Executive Officer, all employees covered under the terms of this Resolution may accumulate annual leave to a maximum of 1800 hours. Upon approval of the County Executive Officer, additional annual leave may be accrued to a maximum of 2,080 hours. It is the mutual responsibility of the employee and the agency/department head to assure that no employee shall exceed the maximum accrual.

Effective on the first day of the pay period following Board approval of this Resolution, all Supervisor's Board Assistants and Supervisor's Legislative Assistants shall have their annual leave bank reduced to 1764 hours and any hours above 1764 hours will be placed in a separate bank in which further leave cannot be accrued. Thereafter, Supervisor's Board Assistants and Supervisor's Legislative Assistants may accumulate annual leave to a maximum of 1800 hours.

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

Sec. 704 Annual Leave:

Agency/Department Heads: Effective beginning the first pay period of calendar year 2024, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may elect to receive pay in lieu of up to eighty (80) hours of Annual Leave per calendar year. Upon approval of the County Executive Officer, such agency/department head may elect pay in lieu of an additional eighty (80) hours of Annual Leave during the same calendar year provided, however, that no agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any calendar year.

Elections for pay in lieu of Annual Leave must be made during the annual open enrollment period to be paid out in pay periods 12 and 25 of the following calendar year. Elections of 80 hours or less shall be paid out in Pay Period 12 of the Calendar Year following the election. Elections in excess of 80 hours shall be paid out in Pay Period 25 of the Calendar Year following the election. For example,

an employee electing pay in lieu of Annual Leave of 120 hours during the 2023 enrollment period shall have the first 80 hours of Annual Leave paid out in PP12 of 2024, and the remaining 40 hours of Annual Leave paid out in PP 25 of 2024. Elections for pay in lieu of Annual Leave are irrevocable once the open enrollment period ends. Only the time accrued in the calendar year following when the irrevocable election was made is eligible for pay in lieu of Annual Leave. In order to be eligible for pay in lieu of Annual Leave, an employee's Annual Leave balance must be below the maximum accumulation.

For employees experiencing a financial hardship, limited exceptions may be made to this provision pursuant to IRS code (26 USC Section 409 a).

For employees who elect to defer their pay in lieu of Annual Leave into a 457 Deferred Compensation account, it will be subject to the annual IRS limits.

Other Eligible Employees: Effective beginning the first pay period of calendar year 2024, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may elect to receive pay in lieu of up to eighty (80) hours of Annual Leave per calendar year. Upon approval of his/her agency/department head, such employee may elect pay in lieu of an additional eighty (80) hours of Annual Leave during the same calendar year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any calendar year.

Elections for pay in lieu of Annual Leave must be made during the annual open enrollment period to be paid out in pay periods 12 and 25 of the following calendar year. Elections of 80 hours or less shall be paid out in Pay Period 12 of the Calendar Year following the election. Elections in excess of 80 hours shall be paid out in Pay Period 25 of the Calendar Year following the election. For example, an employee electing pay in lieu of Annual Leave of 120 hours during the 2023 enrollment period shall have the first 80 hours of Annual Leave paid out in PP12 of 2024, and the remaining 40 hours of Annual Leave paid out in PP 25 of 2024. Elections for pay in lieu of Annual Leave are irrevocable once the open enrollment period ends. Only the time accrued in the calendar year following when the irrevocable election was made is eligible for pay in lieu of Annual Leave. In order to be eligible for pay in lieu of Annual Leave, an employee's Annual Leave balance must be below the maximum accumulation.

For employees experiencing a financial hardship, limited exceptions may be made to this provision pursuant to IRS code (26 USC Section

409 a).

For employees who elect to defer their pay in lieu of Annual Leave into a 457 Deferred Compensation account, it will be subject to the annual IRS limits.

Sec. 705 Annual Leave Usage:

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

B. While generally Annual Leave usage is required to be scheduled in advance, the County recognizes that from time to time employees may desire to use Annual Leave for an unforeseen absence due to illness/injury or other personal reason. Annual Leave may be used to restore pay otherwise lost due to such unscheduled absence from work provided that:

i. The employee notifies his/her agency/department head, or designee, on the first (1st) day of such absence and as often thereafter as directed by his/her agency/department head, or designee;

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

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

C. Any employee absent for a period of five (5) consecutive workdays due to illness or accident may, at the discretion of his/her agency/department head or the Human Resources Director, be required to have a physical examination by a County approved physician before returning to active duty. Such physical examination

shall be performed by a physician designated by the Human Resources Director and shall be at County expense.

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

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

F. Proof of Illness:

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

Sec. 706 Payoff Upon Retirement or Termination: Any regular employee who terminates or is terminated shall be credited with all accrued Annual Leave at the same rate as that received on the last day worked or last day of approved leave with pay. Terminal Annual Leave pay shall be paid at the election of the employee into a Post-Employment Plan account designated by the employee in accordance with Section 413, Post-Employment Accounts, or as cash upon separation. Qualifying leave balances of a separating employee who does not make an election will default to a 401(a) Special Pay Account.

Sec. 707 Prior Sick Leave Accruals:

A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (½) of the sick leave balance for employees covered under the terms and conditions of this

Resolution was converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.

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

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement, or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave for employees with at least five (5) but less than fifteen (15) years of service shall be credited at the rate of fifty percent (50%) of the current salary value thereof provided, however, that the total payment shall not exceed a sum equal to 960 hours of full pay. Unused accumulated sick leave for employees with more than fifteen (15) or more years of service shall be credited at the rate of the current salary value provided, however, that that the total payment shall not exceed a sum equal to 960 hours of full pay. Terminal sick leave pay shall be paid into a Post-Employment Plan account designated by the employee in accordance with Section 413, Post-Employment Accounts, or as cash upon separation. Qualifying leave balances of a separating employee who does not make an election will default to a 401(a) Special Pay Account.

Sick leave compensation resulting from death shall be made to the persons entitled to it otherwise, in accordance with the Probate Code. Eligibility for a payout under this section is made at the time of separation from County employment and not at a later date.

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

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three (3) years (780 days) of continuous service, succeeds or is appointed to an appointive position without interruption of service, the Human Resources Director shall ascertain the minimum amount of continuous service rendered by such person and shall report the same to the Board of Supervisors, who shall thereupon determine the number of days of such continuous service, and the Annual Leave accrual rate shall be fixed accordingly.

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

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

Sec. 713 Retention of Excess Accruals:

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

B. Employees covered under the provisions of this Resolution who, as the result of a change in classification, are assigned to a bargaining unit represented by a recognized employee organization pursuant to the Employee Relations Resolution, and who have accrued Annual Leave hours, shall be permitted to maintain those accrued hours as Annual Leave. Such hours may continue to be used for vacation, sick leave or other approved leave.

An employee who is no longer eligible to accrue Annual Leave, as the result of a change in classification shall no longer be eligible for pay in lieu of Annual Leave pursuant to Sec. 704 of this Resolution. Any elections for pay in lieu of Annual Leave shall be void at the time annual leave buy down elections are processed and the employee has been deemed ineligible as the result of a change in classification to a classification no longer eligible to earn annual leave. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable Memorandum of Understanding. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the Memorandum of Understanding applicable to the employee's new classification.

ARTICLE 8
VACATION
(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

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

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

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

All employees covered under the terms of this Resolution may accumulate accrued vacation for not more than a maximum of 480 hours. Upon the written request of an agency/department head showing reasonable necessity and good cause, submitted prior to the accumulation of the maximum vacation entitlement, the County Executive Officer may by order temporarily enlarge for a specific employee the maximum accumulation by extending the period of additional vacation accrual for not more than three (3) months, unless a different period shall be specified in the order.

B. Any person whose employment is terminated shall be entitled to pay for all earned vacation as determined under the provisions of this Resolution. For the purpose of this paragraph, vacation shall be deemed earned to the date of termination. While such terminal vacation pay shall be chargeable to the salary appropriation of the agency/department, the position shall be deemed vacant and may be filled provided funds are available therefore. Terminal vacation pay shall be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

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

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

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

ARTICLE 9
PAID LEAVE

Sec. 901 Jury Duty: Any employee summoned for attendance to any court for jury duty during the employee's normal working hours shall be deemed to be on duty and there shall be no loss of base salary, but any jury fees received shall be paid into the County treasury.

Witness Absence(s): Any employee who shall be called as a witness arising out of and in the course of County employment, shall be deemed to be on duty and there shall be no loss of base salary, but any witness fees received shall be paid into the County treasury, together with any mileage allowed if County transportation is used. Any employee absent as a witness in a non-County matter shall not be entitled to be paid during such absence.

Sec. 902 Bereavement Leave: The County agrees to allow up to five (5) days of bereavement leave, three (3) of which will be paid, and the additional two (2) days to be deducted from the employee's sick leave or Annual Leave. Eligible employees must be in an active payroll status and be compelled to be absent from duty by reason of the death, or critical illness where death appears imminent, of the employee's father, father-in-law, mother, mother-in-law, brother, sister, spouse, child, grandparent, grandchild, and the equivalent step-relationships or relationships through a domestic partnership. The County has the right to require proper documentation in support of the requested leave.

Sec. 903 Fitness for Duty: With prior approval by the Human Resources Director, an agency/department head, or a designee, when in his/her judgment reasonable cause exists, order an employee off work until

such time as the County's Employee Health Medical Director or designee determines that the employee is able to return to work without impairing the health of the public, the employee's health, or the health of the other employees in the agency/department.

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

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

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

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

1. A regular part-time employee shall accrue sick leave in the same manner as a full-time employee, except the accrual shall be pro-rated for hours actually worked.

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

3. Accrued sick leave of any person whose employment is permanently terminated shall automatically be canceled. However, any employee whose employment is terminated while they are on sick leave shall continue to be compensated for the duration of their illness to the extent of their accrued sick leave, but after such termination shall derive no other benefits under this Resolution which result from being in a paid status. Unless the employee shall have retired, payment for sick leave continuing after termination shall be conditioned upon prior receipt of a physician's certificate or other adequate written proof of illness and in the event of any doubt as to future duration of the illness may be paid on biweekly increments as used. If an employee receives a layoff notice, payment for sick leave shall continue conditioned upon receipt of a physician's certificate or other adequate written proof of illness given to the County prior to payment, and payment

shall not continue beyond the exhaustion of accrued sick leave.

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

B. Medical Certification Program:

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

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

Every regular employee shall use accrued vacation, then holiday time, and then may use compensatory time, when sick

leave has been exhausted due to extended illness or injury unless he/she is on a medical certification program in accordance with B.1 of this section.

Proof of Illness:

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

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

D. Reason for Usage: Use of accrued sick leave shall be allowed for the purpose of preventative medical, dental care, and care of the family. Family is defined to mean a spouse, parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor), child, foster child, registered domestic partner, child of registered domestic partner, parent, brother, or sister of the employee, grandparent, grandchild and the equivalent relationships through lawfully registered domestic partnership.

E. Payout for Sick Leave: Upon service retirement, disability retirement or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement System, unused accumulated sick leave shall be credited at the rate of fifty (50) percent of the current salary value thereof for each such person who has had five (5) full years of service in a payroll status provided, however, that the total payment shall not exceed a sum equal to 960 hours of full pay. Terminal sick leave pay shall be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

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

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

ARTICLE 10
ON THE JOB INJURY

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

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

In the event of substantial doubt whether temporary disability payments are payable under the Workers' Compensation Law for the disability, or doubt as to the extent thereof, payment on account of sick leave or annual leave shall be withheld, except to the extent authorized by this section, until the issue is determined either by assumption of liability by the compensation insurance carrier or by adjudication of liability.

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

In the event of substantial doubt whether the disability is compensable pursuant to Section 4850 of the *Labor Code,* payment of salary shall be withheld, except as to so much thereof as shall be equal to the value of accrued sick leave, Annual Leave, vacation and

compensatory time off for overtime, until the issue shall be adjudicated.

ARTICLE 11
LEAVES OF ABSENCE WITHOUT PAY

Sec. 1101 Air Pollution Emergency: An employee unable to work on a regularly scheduled work day due to an air pollution emergency shall be granted a leave of absence without pay for the period.

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

A. Illness or disability when sick leave has been exhausted.

B. Maternity.

C. To take a course of study which will increase the employee's usefulness on return to the County.

D. Personal reasons acceptable to the authority whose approval is required.

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.

Sec. 1103 Agency/Department Leave of Absence: Agency/department leave of absence up to 480 hours in any one (1) calendar year period may be granted to any employee by the agency/department head. Such leave of absence for an agency/department head shall be granted only by the Board of Supervisors, for such period as the Board may determine. Such leave shall be reported as leave of absence via the agency/department's payroll. The agency/department head, or Board of Supervisors, may require the leave of absence to be for a specified period of time and appropriate conditions may be imposed, such as providing sufficient medical documentation or other evidence substantiating the leave as required by the agency/department head or Board of Supervisors.

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

only as accommodation as required under the *Americans with Disabilities Act*, the *California Fair Employment and Housing Act,* a County designed temporary modified duty assignment, and/or the County return to work program.

Sec. 1104 Official Leave of Absence: A regular employee may request an official leave of absence exceeding 480 hours, but not exceeding one (1) year (2,080 hours). Official leave of absence may be granted upon written request by or on behalf of the employee, specifying the period and the reason, upon the written recommendation of the agency/department head and with the written approval of the Human Resources Director. Application must be made on a form supplied by the Human Resources Department in advance of the effective date of the leave, unless circumstances make such advance request impossible. If the Human Resources Director does not approve the request, it shall be so endorsed and returned to the agency/department head, who may present it to the Board of Supervisors. The Board of Supervisor's action shall be final. Any official leave of absence granted shall be for a specified period and appropriate conditions may be imposed such as the employee providing sufficient medical documentation or other evidence documenting the leave as required by the Human Resources Director or a designee.

An employee on leave of absence for illness or disability reasons will be required to present a return to work statement from the attending physician releasing the employee to full duty, prior to being allowed to return to work. Any release to less than full duty will be allowed only as an accommodation as required under the *Americans with Disabilities Act*, the *California Fair Employment and Housing Act,* a County designed temporary modified duty assignment, and/or the County return to work program.

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

Nothing herein shall prevent the earlier return to duty by the employee, except the agency/department head may require two (2) weeks advance notice of the employee's intention to return.

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

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

Sec. 1106 Abandonment/Automatic Resignation:

A. Absence without leave of any employee, whether voluntary or involuntary, for five consecutive working days is an automatic resignation from County service, providing the employee upon written agency/department notification does not respond to the agency/department and/or does not provide a satisfactory explanation for the absence and his/her failure to obtain an approved leave. The notification to the employee must be in writing prior to the agency/department finalizing the resignation and must contain an opportunity within three (3) working days of service for the employee to respond. A second notice, after the time to respond has passed or after the employee has given an unsatisfactory explanation, must be sent to the employee stating the effective date of the abandonment/automatic resignation. Notices may be personally served or served by first class mail (return receipt requested) to the last known address of record of the employee and are complete upon mailing or hand delivery.

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

1. Appeals shall be heard by a mutually agreed upon third party neutral (herein referred to as a “neutral”) from a list of five (5) neutrals approved by the Human Resources Director. The neutral's decision may be verbal or in writing. The decision of the neutral shall be binding on both parties, neither of which shall have the right of further appeal.

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

personal knowledge and that which the attorney may be competent to testify.

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

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

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

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

7. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.

ARTICLE 12
DISCIPLINARY PROCEDURE

Sec. 1201 Applicability:

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

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

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

Sec. 1202 Cause for Action: Any employee may be disciplined for just cause, which includes, but is not limited to the following acts/omissions:

a. Dishonesty;
b. Unsatisfactory performance;
c. Inefficiency or negligence in performance of duties;
d. Neglect of duty;
e. Insubordination;
f. Violation of an employee regulation prescribed by the Board of Supervisors or the head of the agency/department in which the employee is employed;
g. Absence without approved leave;
h. Conviction of a felony, any crime involving moral turpitude, or any offense in connection with or affecting the employee's duties other than minor traffic violations. Conviction means a plea of guilty or *nolo contendere* or a determination of guilt in a court of competent jurisdiction;
i. Discourteous treatment of the public or other employees;
j. Political activity in violation of federal or state law;
k. Physical or mental unfitness to perform assigned duties;
l. Making a material misrepresentation in connection with obtaining or maintaining employment or position, or to obtain a benefit;
m. Conduct either during or outside of duty hours which adversely affects the employee's job performance or operation of the agency/department in which he/she is employed.
n. Failure to maintain the license, registration, certificate, professional qualifications, education, or eligibility required for the employee's classification when the failure of the employee to maintain such requirements adversely affects the employee's ability to perform his or her job or the performance of the agency/department. The agency/ department shall prescribe procedures to ensure that employees affected by the requirements are informed of them.
o. Substance abuse in violation of the County of Riverside Alcohol and Drug Abuse Policy (Board Policy C-10).
p. Violation of the County's Workplace Violence, Threats and Securities Policy (Board Policy C-27).
q. Violation of the County's Non-Discrimination and Anti-Harassment Policy and Complaint Procedure (Board Policy C-25).

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

the employee on a leave of absence for a period of time not to exceed fifteen (15) working days with pay.

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

Sec. 1204 Written Order for Demotion, Suspension, Reduction in Pay, Termination: The continuing employment of every permanent employee shall be contingent upon good behavior. Any such employee may be terminated, demoted, suspended, reduced in pay, demoted and suspended, or reprimanded in lieu of suspension (accrued leave(s) cannot be used to satisfy disciplinary action) for cause by the appointing authority in the following manner:

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

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

C. Notwithstanding the above, in cases where the disciplinary action involves a suspension of forty (40) hours or less the agency/department head, with approval of the Human Resources Director or designee, may suspend the employee immediately; in which case the Notice of Proposed Disciplinary Action, and the

opportunity to respond thereto, shall be provided to the employee within the period of suspension or a reasonable time thereafter.

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

Sec. 1205 Amended Notice of Disciplinary Action:

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

B. If the amended or supplemental notice presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense thereto. Any objections to the amended or supplemental causes or allegations may be made orally or in writing prior to the appeal hearing. The employee shall not be required to file a further appeal in the event that an appeal was filed on the original disciplinary action.

Sec. 1206 Limitations:

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

B. Reduction in compensation under this section shall consist only of a change within the salary grade from the existing salary to a lower salary for a specified duration of one (1) or more full pay periods, but not to exceed thirteen (13) pay periods. Reduction in compensation used as a disciplinary measure for employees who are exempt from the *Fair Labor Standards Act* will be imposed in accordance with the provisions of the Act.

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

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

Sec. 1208 Waiver: If an employee fails to appeal the disciplinary action within the time specified, or after appealing, withdraws the appeal, the right to review is waived. Further, after an appeal is filed if the employee, or his/her representative, fails to take the next step to advance the appeal at any point in the process for thirty (30) days the appeal is deemed to be withdrawn and the right to review is waived.

Sec. 1209 Hearing Procedure - Minor Discipline:

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

B. Appeals shall be heard by a third party neutral (hereinafter referred to as a “neutral”) agreed to by the parties from a list of five neutrals approved by the Human Resources Director. The neutral’s decision may be verbal or in writing. The neutral’s decision shall be binding on both parties.

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

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

E. The judgment of the neutral shall be binding on both parties neither of which shall have the right of further appeal.

F. The neutral will not substitute his/her discretion and judgment for that of management for sustained charges unless the neutral finds that discrimination, capriciousness, or arbitrary action by the County is proven.

G. The neutral may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action imposed to be greater than in Section 1209(A) herein.

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

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

J. All costs for the service of the neutral and the hearing room, if any, shall be borne by the County. The cost of the transcripts, if any, shall be borne by the ordering party.

K. Any hearing expense incurred as the result of a postponement or cancellation of a hearing shall be borne by the postponing or canceling party.

L. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.

Sec. 1210 Hearing Procedure - Major Discipline:

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

B. The parties shall select a neutral from a list of five (5) neutrals approved by the Human Resources Director. The neutral shall be selected by the striking method. The only remaining name after the striking process shall serve as the neutral. If unable to agree on who should strike first, the first name shall be struck by the party winning the toss of a coin. If the neutral chosen is unable to serve within a

time frame acceptable to both parties, the last name struck will serve as the neutral.

C. The date, time, and venue for the hearing shall be set by the Human Resources Director, or designee, within a reasonable period based on the neutral's availability and other scheduling factors.

D. The employee and the agency/department head may be represented by counsel or other representative.

E. It shall be the duty of any County officer or employee to attend a hearing and testify upon the written request of the employee, the agency/department head, or the neutral, provided reasonable notice is given the agency/department employing the officer or employee. The Human Resources Director, or designee, shall arrange for the production of any relevant County record. The neutral is authorized to issue subpoenas.

F. All appeal hearings involving the termination of an employee shall be reported by a stenographic reporter. All other appeals need not be reported but either the employee or the agency/department head may, at its own expense, provide a reporter for the hearing.

G. The expenses of the neutral shall be paid by the County. The cost of transcripts, if required, shall be paid by the ordering party. Each party shall make arrangements for and pay expenses of witnesses who are called by such party, except that any County employee called as a witness shall be released from work without loss of compensation or other benefits to attend the disciplinary hearing.

H. Any hearing expense incurred as the result of a postponement or cancellation of a hearing shall be borne by the postponing or canceling party.

I. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.

J. Within 21 days following the submission of the appeal, the neutral shall submit written findings of fact, conclusions of law, and the decision to the parties together with a copy of the appeal and a summary of the evidence taken at the hearing. The decision of the neutral shall be final, subject to the right of either party to seek judicial review under Section 1280 et. seq. of the California *Code of Civil Procedure*.

General Rules

1. The neutral shall confine the decision to issues raised by the statement of charges, including all the supporting documentation, and responses. The neutral shall act in judicial, not legislative manners. The neutral shall not amend, modify, nullify, ignore, add to, or subtract from the provisions of this Resolution but, rather, shall interpret and apply its terms.

2. The neutral will not substitute his/her discretion and judgment for that of management for sustained charges unless the neutral finds that discrimination, capriciousness, or arbitrary action by the County is proven.

3. In the case of suspension/reduction in compensation or demotion, if the action is modified or rescinded, the appellant shall be entitled to restoration of pay and/or fringe benefits in a manner consistent with the neutral's decision.

4. In the case of termination, if the neutral finds the order of termination should be modified, the appellant shall be either demoted to an appropriate classification or reinstated to a position in the classification held immediately prior to termination subject to forfeiture of pay and fringe benefits for any period of suspension imposed by the neutral.

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

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

7. Restoration of pay and/or benefits shall be subject to the employee's obligation to take reasonable steps to mitigate his/her loss. This will include but not be limited to deduction of all unemployment insurance and outside earnings which the appellant received since the date of termination which would not have been earned had the appellant not been disciplined. The appellant shall supply such outside employment earning records during the period of time in question when requested.

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

Sec. 1211 Evidence and Procedures Applicable to Major Disciplinary Hearings:

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

B. Hearsay evidence shall be admitted and may be used for the purposes of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support disciplinary action as defined in Section 1201.a. herein, unless it is the type of hearsay admissible over objection in a civil action.

C. Irrelevant and unduly repetitious evidence shall be excluded.

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

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

F. Employees not testifying in their own behalf may be called and cross-examined.

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

1. To call and examine witnesses;
2. To introduce exhibits;
3. To cross-examine opposing witnesses on any matter relevant to the issue, even though the matter was not covered in the direct examination;

4. To impeach any witness regardless of which party first called the witness to testify; and
5. To rebut any derogatory evidence.

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

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

In cases involving hearings in excess of three (3) days the parties must engage in a case management process with the neutral. The case management meeting must be held no later than thirty (30) days prior to the first scheduled date for the hearing and may be held telephonically. The neutral shall consider:

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

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

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

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

If the neutral, upon application by either party to the appeal hearing, determines that legal counsel for the other party has unnecessarily prolonged the hearing and/or increased the cost of the hearing beyond the reasonable expectations of the parties at the commencement of the hearing then the neutral is authorized to impose sanctions on the offending party including, but not limited to, ordering such offending party to pay all or part of the non-offending party's increased costs of the hearing, to pay all or part of the non-offending party's attorney fees, to pay all or part of the non-offending party's cost of the neutral, to pay all or part of the non-offending party's costs of the transcripts, or such other relief that the neutral deems appropriate in the circumstances.

Sec. 1212 Non-Discrimination: Disciplinary actions shall be taken without regard to any protected class under federal or state law.

ARTICLE 13
HOLIDAYS

Sec. 1301 Paid Holidays:

A. County Holidays:

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

B. Qualifying Factors

1. Only regular employees in a current paid status shall be eligible for paid holidays. "Current paid status" does not include payments received from outside sources (e.g. County disability benefit plans or Worker's Compensation benefits).

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

3. An employee who is in an unpaid status for either the regularly scheduled working day before the holiday, or the regularly scheduled working day after the holiday shall not be paid for the holiday.

C. Payment for the Holiday:

1. Working the Holiday. All full-time regular employees covered under the provisions of this Resolution who work on a paid holiday shall be paid at their base hourly rate for the time actually worked.

   In addition, such full-time regular employee shall have a choice of:

   a. Banking holiday hours not to exceed eight (8) hours for such holiday or;
   b. Payout for the equivalent holiday hours worked at the base hourly rate of pay not to exceed eight (8) hours for such holiday.

2. Not Working the Holiday. A full-time regular employee whose regularly scheduled day off falls on a paid holiday shall be entitled to bank holiday hours equal to the regularly scheduled workday not to exceed eight (8) hours for such a holiday.

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

   When a holiday falls on a normal workday and the employee does not work, an FLSA Exempt employee shall be paid for the holiday based on the employee's regularly scheduled work hours on such holiday.

3. Part-Time Employees. A regular part-time employee who actually works on a paid holiday shall be paid at their base hourly rate for the time actually worked. In addition, a regular part-time employee shall

have the choice to receive holiday pay or bank holiday hours for the holiday, or portion thereof, which coincides with their regularly scheduled working hours not to exceed eight (8) hours pay (e.g., a part-time employee who regularly works four (4) hours each Monday shall receive four (4) hours holiday pay for any holiday falling on a Monday). If the part-time employee regularly works more than eight (8) hours a day, the part-time employee shall use accrued vacation, holiday time or compensatory time off to makeup the required hours worked in excess of eight (8) hours on the holiday.

If a regular part-time employee does not have a regular shift schedule, the employee shall receive holiday pay in an amount equal to the reduction of hours for that scheduled workweek not to exceed eight (8) hours pay (e.g., a part-time employee with an irregular schedule who normally works twenty (20) hours per week but who, as a result of the holiday, only works sixteen (16) hours that week shall receive four (4) hours holiday pay for that week). If the regular hours of work for such employee are not reduced during the holiday week, then no holiday pay is due.

4. Scheduling Holiday Banked Time Off. Holiday banked time off shall be scheduled in the same manner as regular time off (e.g., annual leave or vacation) and shall be granted within a reasonable time following the request.

ARTICLE 14
LAYOFF AND REINSTATEMENT

Sec. 1401 Seniority:

A. Definition of Seniority: Seniority shall be defined as the length of an employee's continuous service with the County, in a regular position, and is based on most recent date of hire.

B. Definition of Department: Department, for the purposes of this procedure, shall be defined as an agency, department, or district of the County.

C. Whenever more than one (1) employee in a Department has the same most recent date of hire, seniority shall be determined in the following order: hours of County service from the most recent date of hire, seniority in classification, and seniority in the Department or agency.

D. Except as otherwise provided in this procedure, an employee shall lose seniority upon resignation, retirement, termination, or removal from all Departmental Reinstatement Lists.

Sec. 1402 Reduction in Force:

A. When it becomes necessary to reduce the work force in a Department, the agency/department head shall designate the job classification(s) to be affected, and the number of employees to be eliminated within the Department. No regular employee shall be laid off in any job classification if there are temporary employees or seasonal employees in an active status in the same job classification within the Department. It is not the intention of the County to use per diem employees for a replacement of regular laid off employees.

B. Any reduction in the number of regular employees holding a job classification designated by an agency/department head for layoff shall be made in the following order of employment status:

1. Temporary promotion employees (return to former classification);
2. Probationary new employees;
3. Probationary transfer employees, probationary promotional employees, and all other regular employees.

C. Layoffs of employees within each classification shall be based primarily on merit and ability, as determined by the Department Head or designee, and reflected in the employee's most recent performance evaluation, with a rating of at least "meets standard" (or equivalent). In the event that two or more employees have at least a "meets standard" rating then the layoff shall be based on seniority, with the least senior employees being laid off first. Whenever an agency/department head believes the best interest of the County requires the retention of an employee with special qualifications, skills, abilities or fitness for his/her position, the agency/department head may prepare a written request to the Human Resources Director to grant an exception to the order of layoff. Subsequent to conducting a review of the request, the Human Resources Director shall forward the request, together with his/her recommendation, to the County Executive Officer for final action. An employee who is laid off out of seniority shall be given written notice of this action.

D. After consultation with the Human Resources Director or a designee, the agency/department head shall give notice to each regular employee affected by a reduction in force at least fourteen (14) days prior to the effective date of the action. A list containing the names of the employee(s) to be laid off shall be given to the Human Resources Director. The notice shall include:

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

E. If an employee who has received official notice of layoff has previously held regular status in another job classification in the County, was not removed therefrom for disciplinary reasons, and the Department Head, or designee, is satisfied that the employee has the merit and ability to perform such job, such employee shall, upon his/her request, be given a transfer or demotion within the Department to such other classification in lieu of layoff unless such action cannot be accomplished without authorization of another position or displacement of an employee with greater seniority, and only if it can be accommodated with the positions funded under the layoff plan. The affected employee must request such transfer or demotion within seven (7) days of written notification of layoff by personal delivery or mailing of a certified letter to the agency/department head.

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

Sec. 1403 Reassignment:

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

1. The employee is being reassigned to a position previously occupied by an employee who was laid off within twenty (20) working days of the effective date of the reassignment; and

2. The new work location is more than forty (40) miles from the employee's current work location or the employee's home, whichever is closer;

An employee who chooses to be laid off and have his/her name placed on the Departmental Reinstatement List under this section shall notify the agency/department head in writing of the decision at least three (3) working days prior to the effective date of reassignment. Such layoff shall be on the same date as the reassignment would have been effective.

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

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

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

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

D. Employees who exercise their option under Section 1402(E) of this Resolution or who have accepted any regular County position following notice of layoff will not be eligible for subsections A or B of this Section however, the employee will remain on the Departmental Reinstatement List in accordance with the provisions of Section 1405 of this Resolution.

Sec. 1405 Departmental Reinstatement List:

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

B. Any vacancy to be filled within a Department shall be offered first to individuals named on the Departmental Reinstatement List based on merit and ability, as determined by the Department Head or designee. In the event that two or more employees have relatively equal merit and ability the position shall be offered in order of greatest seniority for the classification of the position to be filled.

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

1. The expiration of two (2) years from the date of placement on the list.

2. Failure to report to work within seven (7) days of mailing of a certified letter containing a notice of reinstatement to a position which is less than forty (40) miles from the last work location or the employee's home, whichever is closer.

3. Failure to respond within seven (7) days of mailing of a certified letter regarding availability for employment. It shall be the responsibility of the employee to notify their agency/department head, in writing, of the employee's current mailing address.

4. Request in writing to be removed from the list.

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

A. Restoration of all sick leave credited to the employee's account on the date of layoff that have not been paid into a post-employment account.

B. Continuation of seniority.

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

D. Placement on the salary grade at the previously held salary prior to layoff or reduction, or the salary which is nearest the employee's current pay rate, whichever is higher. The anniversary date for salary advance may be expressly fixed, to allow credit for all or a portion of the applicable period of service prior to the layoff.

Sec. 1407 Reemployment:

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

1. Restoration of all sick leave credited to the employee's account on the date of layoff that have not been paid into a post-employment account.

2. Continuation of seniority shall be credited to the employee upon successful completion of the applicable probationary period.

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

ARTICLE 14A
MANDATORY FURLOUGH

Sec. 1401A Scope and Implementation: The mandatory furlough will be effective when authorized by the County Executive Officer and may be terminated at any time by the County Executive Officer. When implemented in an agency/department, the mandatory furlough is applicable to all employees covered by this Resolution within that agency/department.

Sec. 1402A Length of Furloughs: Employees shall furlough the number of hours or days established for the agency/department by the County Executive Officer or designee during each fiscal year.

Sec. 1403A Scheduling: The agency/department head shall work with the County Executive Officer to determine how the mandatory furlough will be implemented in accordance with the budgetary and operational needs of the agency/department. Part-time employees shall furlough on a pro-rata basis.

Sec. 1404A Additional Mandatory Furloughs: In the event the County Executive Officer determines that additional mandatory furloughs, beyond the number of hours or days originally established, are required for the agency/department then the affected employees shall be given two (2) pay periods notice of the additional furlough requirements and the reasons therefore, except when the additional furlough requirements are in response to a fiscal emergency that makes providing two pay periods notice impossible or impractical (e.g. external funding is cut off).

Sec. 1405A Voluntary Furloughs: Employees will be permitted to take additional voluntary furlough time beyond the mandatory furlough required herein in accordance with Board of Supervisors Policy C-31. As indicated in Policy C-31, supervisors and managers are encouraged to approve these requests unless operational needs preclude them from doing so. However, voluntary furloughs will not be granted if they will result in the need for another employee to work overtime to perform the duties that would otherwise be completed by the furloughed employee or otherwise result in net loss of County revenue.

Sec. 1406A Credit for Voluntary Furlough Hours: In the event a mandatory furlough is implemented, an employee who has taken a voluntary furlough pursuant to Board of Supervisors Policy C-31 adopted 12/23/08 shall be credited the hours taken under the voluntary furlough program towards the hours required by the mandatory furlough program.

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

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

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

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

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

Employees who are exempt from the overtime provisions of the FLSA will lose their exemption during any week in which they take a budget-required furlough and for which their pay is accordingly reduced (i.e. mandatory furlough but not voluntary furlough). These employees must report their actual hours of work during the week of furlough. Exempt employee shall refrain from working any additional hours during the remainder of the furlough week beyond their normal work day in order to avoid the payment of overtime for that week and/or the recapture of time that otherwise would be furloughed.

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

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

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

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

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

- Flexible benefit allowance
- Medical/dental/vision/life insurance eligibility and coverage
- Rate of differential and premium pay that is included in the compensation base for pension calculation, except to the extent that they are based on the actual number of hours worked. This includes bilingual pay, shift differentials, etc.

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

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

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

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

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

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

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

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

ARTICLE 15
SPECIAL ADJUSTMENTS & DIFFERENTIALS

Sec. 1501 Special Medical Care Assignments:

A. Psychiatrist - Mental Health Medical Program: In accordance with Sections 621 and 522 of Title 9, California Administrative Code,

when the Program Chief, Mental Health Service position is vacant, or if occupied by a non-medical incumbent, the Mental Health Director may assign medical program responsibility for all those acts of diagnosis, treatment, or prescribing or ordering of drugs which may only be performed by a licensed physician to the incumbent of a Psychiatrist position who shall then be compensated at an hourly rate which is 10.2% above his/her regular rate of pay while performing these services.

B. Any Staff Psychiatrist I, II, III, or IV shall be entitled to a salary differential of $2.40 per hour worked above their regular rate of pay when assigned to the Emergency Treatment Services Facility, Inpatient Treatment Facility or Detention Health Facility, or the Riverside University Health System (RUHS) Medical Center.

C. Any Staff Psychiatrist I, II, III, and IV shall be entitled to an hourly differential of forty-two dollars ($42.00) per hour, in addition to their base rate of pay, for all time worked during an evening shift, on a weekend, or on a holiday in the Emergency Treatment Services Facility (ETS), RUHS Medical Center, or Inpatient Treatment Facility (ITF). For the purposes of this provision, an evening shift is defined as all hours worked between 8:00 p.m. and 8:00 a.m.; a weekend shift is defined as all hours worked between 12:01 am Saturday and 11:59 pm Sunday; a holiday is defined as all hours worked during the twenty-four (24) hour period of a County holiday.

D. Engineering, Survey, Architect Licensure: The incumbent of a professional engineering position who is not required by the classification plan to be registered, but who is registered as a Professional Engineer by the State of California, shall be compensated at the rates applicable to the salary grade which is 5.5% higher than that specified for such position, at the option of the employee's department head.

E. Peace Officer Standards and Training (P.O.S.T.) Certification Educational Incentive: Any Sheriff's Communications Manager who possesses a valid P.O.S.T. Certificate issued to them by the Commission on Peace Officer Standards and Training of the State of California, shall receive an hourly differential for all hours actually worked as follows:

1. Intermediate P.O.S.T. Certification, but not an Advanced Certificate – equal to six percent (6%) of the employee's base hourly rate of pay paid as a differential.

2. Advanced P.O.S.T. Certification – equal to eleven percent (11%) of the employee's base hourly rate of pay paid as a

differential, whether or not they possess the Intermediate Certification.

Employees are only eligible for one P.O.S.T differential. Eligibility for this differential will commence the pay period following presentation by the employee to the Department of the possession of the valid certification.

F. RUHS Incentive: Qualifying classifications may be eligible to receive up to $50,000 annually as incentive pay for exceptional performance, provided the Riverside University Health System meets revenue or budget projections and has available funds for this incentive (as determined by the County Executive Officer). The parameters of the incentive shall include, but are not limited to: productivity, quality, and citizenship measures. These parameters will be developed by the Riverside University Health System and submitted to the Assistant CEO/Human Resources Director prior to each calendar year. Once the parameters are approved by the Assistant CEO/Human Resources Director, the parameters will be provided to eligible employees. Eligibility for the incentive may be granted on a quarterly basis (up to a maximum of $12,500 per quarter) based on the approved formula. A list of eligible employees who the Riverside University Health System determined has exceeded performance will be submitted to the Assistant CEO/Human Resources Director for review and final approval of the incentive. The incentive payment shall be processed no later than the second full pay period following each quarter. Incentive pay is not guaranteed to employees, nor shall it be considered a part of base salary, and shall not be calculated into any other component of compensation.

The job classifications qualifying for this incentive will be determined at the recommendation of the Chief Medical Officer and with the approval of the Assistant County Executive Officer – Health Systems and the Assistant CEO/Human Resources Director.

ARTICLE 16
ALCOHOL AND DRUG ABUSE POLICY

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

person while on duty unless authorized by law; or sell, provide, distribute, or dispense alcohol to any other employee while such employee is on duty.

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

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

ARTICLE 17
FLEXIBLE BENEFIT PROGRAM AND OPTICAL INSURANCE

Sec. 1701 Flex Benefits Programs.

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

GROUPS — MONTHLY CONTRIBUTION

All Groups

COVERAGE LEVEL	TOTAL COUNTY CONTRIBUTION EFFECTIVE NOVEMBER 16, 2023	TOTAL COUNTY CONTRIBUTION EFFECTIVE NOVEMBER 14, 2024 (PAY PERIOD 25)	TOTAL COUNTY CONTRIBUTION EFFECTIVE NOVEMBER 13, 2025 (PAY PERIOD 25)
Employee Only:	$873.00	$926.52	$~~926.52~~969.06
Employee Plus One Dependent:	$1,561.00	$1,586.00	$~~1,611.00~~1,671.06
Employee Plus Family:	$1,561.00	$1,800.00	$2,087.00

*For the County Contribution Effective November 16, 2023, these amounts are inclusive of the flex contribution amount and the subsidies that the County provided.

The County's monthly Flexible Benefit contribution for current, regular employees who were hired prior to November 13, 2003, covered under the provisions of this Resolution who waive County medical shall be as follows:

GROUPS	SEMI-MONTHLY CONTRIBUTION	
All Groups	Eff. PP 25-05	$267.00

The County's monthly Flexible Benefit contribution for current, regular employees who were hired or rehired on or after November 13, 2003, covered under the provisions of this Resolution who waive County medical shall be as follows:

GROUPS	SEMI-MONTHLY CONTRIBUTION	
All Groups	Eff. PP 25-19	$100.00

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

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

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

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

A. Plan Selection Requirement. Employees who fail to either timely elect medical coverage or waive all participation in the flexible benefit plan will be placed in the lowest-priced employee-only PPO medical plan available.

B. Waiving Medical Coverage. Employees may elect to not take medical health insurance coverage, if the employee provides evidence of other group hospital and medical health plan coverage from their spouse or other qualifying group plans as defined by Human Resources and signs a statement that they are enrolled and covered under another group hospital and medical health plan. Evidence is defined as a dated certificate of coverage, plan enrollment card, policy, etc. Notice of waiver form showing other hospital and medical coverage shall be received by the Human Resources Department within sixty (60) days from date of hire or qualified status change as defined by the Internal Revenue Service (IRS) or when requested by Human Resources.

C. Effective November 7, 2019 if monies remain after deduction of elected benefits, said monies shall be forfeited.

Sec. 1702 Optical Insurance. The County provides an optical plan to employees covered under the provisions of this Resolution with no premium cost to the employee. Such optical plan is not part of the Flexible Benefits Program described under the provisions of this Article.

Sec. 1703 Retiree Health Contributions

A. The County shall contribute a monthly amount toward the payment of premiums for a Riverside County-sponsored medical and hospital health plan for eligible retirees and their eligible dependents.

To be eligible, the following conditions must be met:

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

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

B. The monthly retiree health contributions for retirees who meet the eligibility conditions listed above is as follows:

1. Effective September 1, 2019, the County shall provide a monthly retiree medical contribution of $256.00 per month, or the minimum PEMHCA amount required by CalPERS, whichever is greater, toward the premiums for a Riverside County-sponsored health plan in which the retiree is enrolled.
2. Effective January 1, 2026, the County shall contribute an additional twenty-five dollars ($25.00) per month on behalf of each eligible retiree, inclusive of the retiree's dependents, enrolled in a CalPERS Medical Plan, toward the payment of premiums for health insurance.

ARTICLE 18
DISCRIMINATION COMPLAINT PROCEDURE

The County has established a strong commitment to prohibit and to prevent unlawful harassment and/or discrimination in employment, and has set forth

a procedure for investigating and resolving internal complaints in Board of Supervisors Policy C-25, which policy is included in this Resolution by reference.

ARTICLE 19
VOLUNTARY TIME-BANK

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

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

B. Definition of catastrophic illness or injury. Catastrophic illness or injury is a severe illness or injury which is expected to completely and totally incapacitate the employee for at least two (2) weeks and which creates a financial hardship because the employee has exhausted all accumulated leave at the time the application is submitted. Catastrophic illness or injury is further defined as a debilitating illness or injury of an immediate family member (i.e., the spouse, son, daughter, step-son, step-daughter, foster-son, foster-daughter, parents, grandparents, brother or sister of the employee, registered domestic partner, or child of a registered domestic partner) that results in the employee being required to take time off from work for at least two (2) weeks to care for the family member creating a financial hardship because the employee has exhausted all accumulated leave at the time the application is submitted.

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

1. The Human Resources Department will establish and maintain all Time-Banks.

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

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

contact the Human Resources Department and recommend the establishment of the program.

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

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

6. On establishing a Time-Bank program, the Human Resources Department should ensure that only credits that are necessary are donated. Human Resources will apply donated credits to the recipient's Annual Leave or vacation balance on a pay period by pay period basis to mitigate the recipient being in an absent without pay (AWOP) status.

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

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

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

3. The donation of leave hours that have been added to the recipient's leave balance are irreversible. Should the person receiving the donation that has been applied not use all donated leave for the catastrophic illness/injury, any balance will remain with that person or will be credited to them upon separation.

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

5. Donated leave that has been added to the recipient's balance shall be changed to its cash value and then credited to the recipient in equivalent hours at the recipient's base hourly rate of Annual Leave or vacation leave. Donated leave will only be applied to the recipient's Annual leave or vacation leave

after the recipient has exhausted their available leave balances.

6. Employees will use a provided form to submit donations directly to the Human Resources Department. Adjustment to donors and recipient's paid leave balances will be made.

E. Conditions under which leave credits in a Time-Bank may be used.

1. Only the employee for whom the Time-Bank has been established may receive leave credits from the Time-Bank. Such leave credits shall be added to the employee's Annual Leave or vacation balance.

2. The affected employees will provide verification of their (or immediate family member's) illness or injury on an Attending Physician's Statement to Support Leave or Return from Leave while using time donated under this program.

3. The use of donated credits may be for a maximum of twelve (12) continuous months for any one catastrophic illness request.

F. Steps to be taken by the agency/department to establish a Time-Bank program.

An agency/department head who decides that the agency/ department will participate in a Time-Bank program will arrange with the Human Resources Department for the establishment of the Time-Bank for the individual. The procedure to be followed must include:

1. Receipt of written approval from the employee to announce the need for a Time-Bank transfer.

2. Notify the Human Resources Department of the need for the program and coordinate the program's establishment.

3. Require that employee donations be made directly to the Human Resources Department to ensure that employee's decision to donate or not donate is kept confidential.

The Human Resources Department will:

1. Establish, operate, and maintain all approved Time-Banks to ensure compliance with these procedures.

2. Receive from the employee benefiting from the Time-Bank proof of eligibility and a signed agreement allowing publication of the employee's situation.

3. Determined qualification, under the standards above, for the establishment of a Time-Bank.

4. The employee benefiting from the Time-Bank and the Human Resources Department will agree on the content of the publicity.

5. Publicize the establishment of the Time-Bank program. The notice will inform all employees of:

   a. The establishment of the voluntary program.
   b. Their opportunity to donate.
   c. How donations are submitted.

6. Notify the agency/department head immediately if the program cannot be established and the reason(s).

7. Immediately investigate any allegations of pressure or coercion in the solicitation of donations for the Time-Bank and take appropriate action.

ARTICLE 20
SALARY AND BENEFIT ADJUSTMENTS

The salary and benefit adjustments described below are applicable to all employees covered by this Resolution except for Elected Officials and attorney classifications now represented by a collective bargaining group.

A. Effective the first full pay period following Board approval of this Resolution, all classifications covered by this Resolution shall receive a five percent (5.0%) increase to their base salary. Employees will receive a five percent (5.0%) increase except those employees who are above the maximum of the salary range for their classification. Employees who are above the maximum of the salary range shall receive an increase in base salary up to the maximum of the new salary range not to exceed five percent (5%).

B. Effective May 1, 2025, all classifications covered by this Resolution shall receive a four percent (4.0%) increase to their base salary. Employees will receive a four percent (4.0%) increase except those employees who are above the maximum of the salary range for their classification. Employees who are above the maximum of the salary range shall receive an increase in base salary up to the maximum of the new salary range not to exceed four percent (4%).

C. Effective April 30, 2026, all classifications covered by this Resolution shall receive a four percent (4.0%) increase to their base salary. Employees will receive a four percent (4.0%) increase except those employees who are above the maximum of the salary range for their classification. Employees who are above the maximum of the salary range shall receive an increase in base salary up to the maximum of the new salary range not to exceed four percent (4%).

D. The salary ranges for the Deputy County Counsel – CE classification series shall be established in accordance with an internal salary benchmark of no less than five and one-half percent (5.5%) above the represented Deputy County Counsel series. Employees who have been at the maximum of their classification's salary range for one year or longer as of the beginning of the pay period in which a salary adjustment is implemented as a result of the internal salary benchmark will concurrently receive the equivalent increase to their salary, up to a maximum of 4.0%, in order to place them at the new maximum in the salary range in which case the employee's anniversary date will be reset to the beginning of the pay period in which the increase to the maximum salary of the range is implemented.

E. Board of Supervisors salary and benefits shall be established in accordance with Ordinance 780.

F. Independent Elected Officials shall receive salary, benefits, and/or cost of living adjustments in accordance with Ordinance 781.

ARTICLE 21
SALARY AND FRINGE BENEFIT ADJUSTMENTS
LAW ENFORCEMENT EXECUTIVE MANAGEMENT

This Article provides salary and/or fringe benefit adjustments (as specified) for employees in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Director, Sheriff's Administration, Correctional Chief Deputy, Chief District Attorney Investigator or Assistant Chief District Attorney Investigator classifications. Unless specifically provided herein, this Article is not intended to alter, amend, add to, or subtract from the existing wages, hours, and other terms and conditions of employment set forth for these employees in applicable County Ordinances, Resolutions, or minute orders.

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

Sec. 2101 Annual Leave: The provisions of Sections 2101 through 2105 are only applicable to employees in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Director, Sheriff's Administration,

Correctional Chief Deputy, Chief District Attorney Investigator, or Assistant Chief District Attorney Investigator classification.

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

B. Accrual Rates:

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

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

Sec. 2103 Maximum Accrual:

A. Employees in the classifications described in Section 2101 shall not accrue more than 2600 hours of annual leave.

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

B. Vacation Conversion: Effective February 11, 1999, accrued vacation banks (including extra vacation) for then current employees in one of the classifications described in Section 2101 were converted to Annual Leave on an hour-for-hour basis to a maximum of 2,400. Any regular employee who subsequently transfers or promotes into one of these classifications shall have his/her accrued vacation balance similarly converted to annual leave on an hour for hour basis at the time of such transfer/promotion.

C. Prior Sick Leave Accruals:

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

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

Sec. 2104 Pay In Lieu of Annual Leave: Effective beginning the first pay period of calendar year 2024, an employee who accrues Annual Leave may elect to receive pay in lieu of up to eighty (80) hours (160 hours upon approval of the agency/department head) per calendar year of Annual Leave.

Elections for pay in lieu of Annual Leave must be made during the annual open enrollment period to be paid out in pay periods 12 and 25 of the following calendar year. Elections of 80 hours or less shall be paid out in Pay Period 12 of the Calendar Year following the election. Elections in excess of 80 hours shall be paid out in Pay Period 25 of the Calendar Year following the election. For example, an employee electing pay in lieu of Annual Leave of 120 hours during the 2023 enrollment period shall have the first 80 hours of Annual Leave paid out in PP12 of 2024, and the remaining 40 hours of Annual Leave paid out in PP 25 of 2024. Elections for pay in lieu of Annual Leave are irrevocable once the open enrollment period ends. Only the time accrued in the calendar year following when the irrevocable election was made is eligible for pay in lieu of Annual Leave. In order to be eligible for pay in lieu of Annual Leave, an employee's Annual Leave balance must be below the maximum accumulation.

For employees experiencing a financial hardship, limited exceptions may be made to this provision pursuant to IRS code (26 USC Section 409 a).

For employees who elect to defer their pay in lieu of Annual Leave into a 457 Deferred Compensation account, it will be subject to the annual IRS limits.

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

Sec. 2106 Deferred Compensation:

A. Effective September 14, 2006, the County shall increase the contribution from $20.00 to $50.00 per biweekly pay period to a 401(a) money purchase plan for each enrolled regular employee in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Director, Sheriff's Administration, Correctional Chief Deputy, Chief District Attorney Investigator, or Assistant Chief District Attorney Investigator classification.

B. Effective July 29, 2010, the County shall contribute $50.00 per biweekly pay period to a 401(a) money purchase plan for each enrolled regular employee in the Correctional Chief Deputy classification.

For all employees identified in this section the $50 per biweekly pay period contribution will be reduced to $25 per biweekly pay period from June 4, 2009, to June 30, 2010.

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

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

Any Assistant Sheriff, Chief Deputy Sheriff, Chief District Attorney Investigator, or Asst. Chief District Attorney who proves that he/she possesses a valid Intermediate Certificate, but not an Advanced Certificate, issued to them by the Commission on Peace Officer Standards and Training of the State of California, shall be compensated at a rate applicable to the position which is 7.0% higher than otherwise specified for such position. If they prove that they possess a valid Advanced Certificate issued to them by said Commission, whether or not they possess the Intermediate Certificate, they shall be compensated at a rate which is 12.0% higher than that specified for such position. The increase in P.O.S.T. pay is effective June 28, 2012.

The applicable rate for possession of the Intermediate Certificate shall be indicated in the Table and Index by the letter "A" following

the classification title, and for the Advanced Certificate, by the letter "B", each with an appropriate code number, but in the departmental sections the basic position code number and classification title shall be deemed to include positions occupied by incumbents possessing either of said certificates.

Sec. 2108 Salary Adjustments

A. Effective October 11, 2018, the classification of Chief District Attorney Investigator (Job Code 37678) base rate of pay shall be benchmarked with Chief Deputy Sheriff B (Job Code 37584) base rate of pay.

B. Effective October 11, 2018, the classification of Assistant Chief District Attorney Investigator (Job Code 37672) base rate of pay shall be benchmarked with the Sheriff's Captain B (Job Code 37619) base rate of pay. In addition, the Assistant Chief District Attorney Investigator classification shall be compensated no less than an additional 5.5% above the Sheriff's Captain B classification to compensate for the "At-Will" status.

Sec. 2109 Uniforms

Pursuant to California Code of Regulations 571(a) Uniform Allowance is compensation paid or the monetary value for the purchase, rental and/or maintenance of required clothing (in an amount not to exceed one thousand dollars ($1,000) annually), including clothing made from specially designed protective fabrics, which is a ready substitute for personal attire the employee would otherwise have to acquire and maintain. This excludes items that are solely for personal health and safety such as protective vests, pistols, bullets, and safety shoes.

A. Uniform Allowance as Compensation Earnable for Classic Members:

1. Effective June 2, 2006, the benefits received pursuant to the provisions of this Article 21, Section ~~2110~~ 2109 shall be considered compensation earnable for CalPERS purposes for CalPERS classic members.

B. Uniform Allowance as Pensionable Compensation for New Members:

1. Employees hired on or after January 1, 2013 shall be considered new members under the Public Employees' Pension Reform Act (PEPRA) of 2013.

2. Effective January 1, 2013, the benefits received pursuant to this section shall be considered pensionable compensation for

CALPERS purposes under regulations of the Public Employees' Pension Reform Act (PEPRA) of 2013.

ARTICLE 22
SALARY ADJUSTMENTS FOR MANAGEMENT ATTORNEYS AND UNREPRESENTED ATTORNEYS

74254	County Counsel
78517	Chief Assistant County Counsel
78515	Principal Deputy County Counsel
78518	Chief Deputy County Counsel
78528	Chief Assistant District Attorney
78539	Assistant District Attorney
78535	Chief Deputy District Attorney
78527	Managing Deputy District Attorney
78536	Supervising Deputy District Attorney
74245	Public Defender
78557	Assistant Public Defender
78565	Chief Deputy Public Defender
78555	Supervising Deputy Public Defender
37490	Chief Deputy Child Support Attorney
37491	Supervising Deputy Child Support Attorney

A. The salary alignment for classifications under Article 22 shall be established as follows.

1. The classifications of Supervising Deputy Public Defender and Supervising Deputy Child Support Attorney shall have their base rate of pay established on equivalent salary ranges.
2. The classifications of Managing Deputy District Attorney and Chief Deputy County Counsel shall have their base rate of pay established on equivalent salary ranges.
3. The classifications of Chief Deputy District Attorney, Chief Deputy Child Support Attorney, and Chief Deputy Public Defender shall have their base rate of pay established on equivalent salary ranges.
4. The classifications of Assistant District Attorney, Assistant Public Defender, and Chief Assistant County Counsel shall have their base rate of pay established on equivalent salary ranges.

B. The base salary for classifications under Article 22 shall be established as follows:

1. The maximum base salary for At-Will Management Attorney classifications covered by Article 22 shall be maintained at least 11%

above the maximum base salary of the highest paid RCDDAA or RCAA represented subordinate classification.

2. The maximum base salary for non-At-Will Management Attorney classifications covered by Article 22 shall be maintained at least 8% above the maximum base salary of the highest paid RCDDAA or RCAA represented subordinate classification.
3. The maximum base salary for Management Attorney classifications covered by Article 22 shall be maintained at least 8% above maximum base salary of the highest paid subordinate Management Attorney classification.

ARTICLE 23
SEPARABILITY

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

ARTICLE 24
SUPERSESSION

This Rresolution 2025-272 supersedes Resolution --2024-278227 in its entirety. Resolution 2024-278 was effective from December 17, 2024 through October 15, 2025.

Unless otherwise specifically stated herein, the provisions and amendments contained in Resolution 2025-272 shall become effective the first day of the first full pay period upon adoption by the County's Board of Supervisors, which is October 16, 2025.

Reference:		
Minute Order 3.41 dated 06/23/98	Resolution 2008-245 dated 05/13/08	Resolution 2022 -170 dated 08/30/22
Resolution 98-322 dated 10/13/98	Resolution 2008-364 dated 07/29/08	Resolution 2022-223 dated 11/29/22
Resolution 99-080 dated 03/09/99	Resolution 2008-487 dated 11/18/08	Resolution 2022-228 dated 12/13/22
Resolution 2000-044 dated 02/01/00	Resolution 2009-120 dated 04/07/09	Resolution 2023-016 dated 01/10/23
Resolution 2002-195 dated 06/04/02	Resolution 2009-261 dated 07/21/09	Resolution 2023-053 dated 02/28/23
Resolution 2002-240 dated 06/25/02	Resolution 2010-033 dated 06/08/10	Resolution 2023-280 dated 10/31/23
Resolution 2003-071 dated 02/18/03	Resolution 2010-200 dated 07/13/10	Resolution 2023-287 dated 11/07/23
Resolution 2003-228 dated 05/20/03	Resolution 2010-230 dated 07/27/10	Resolution 2024-023 dated 01/09/24
Resolution 2003-513 dated 12/09/03	Resolution 2011-278 dated 11/15/11	Resolution 2024-039 dated 01/30/24
Resolution 2004-235 dated 05/18/04	Resolution 2012-137 dated 06/12/12	Resolution 2024-054 dated 02/06/24
Resolution 2004-420 dated 10/19/04	Resolution 2012-177 dated 07/31/12	Resolution 2024-077 dated 04/30/24
Resolution 2004-520 dated 12/14/04	Resolution 2012-243 dated 11/27/12	~~Resolution 2024-227 dated 10/17/24~~ Resolution 2024-197 dated 08/27/24
Resolution 2005-280 dated 06/07/05	Resolution 2014-152 dated 06/17/14	~~Resolution 2024-278 dated 12/17/24~~ Resolution 2024-227 dated 10/08/24
Resolution 2005-372 dated 08/23/05	Resolution 2014-187 dated 11/04/14	Resolution 2024-278 dated 12/17/24
Resolution 2005-475 dated 11/01/05	Resolution 2015-245 dated 12/15/15	Resolution 2025-272 dated 10/07/25
Resolution 2006-323 dated 08/29/06	Resolution 2016-212 dated 04/11/17	
Resolution 2006-395 dated 10/03/06	Resolution 2017-110 dated 05/23/17	
Resolution 2006-466 dated 12/12/06	Resolution 2018-192 dated 10/02/18	
Resolution 2007-016 dated 01/09/07	Resolution 2019-117 dated 05/21/19	
Resolution 2007-318 dated 06/08/07	Resolution 2019-149 dated 06/25/19	
Resolution 2007-436 dated 09/18/07	Resolution 2021-095 dated 04/27/21	
Resolution 2007-542 dated 11/20/07	Resolution 2022-096 dated 05/10/22	
Resolution 2008-031 dated 01/08/08	Resolution 2022-158 dated 07/26/22	

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ORDINANCE NO. 440.~~1769~~1770
AN ORDINANCE OF THE COUNTY OF RIVERSIDE,
AMENDING ORDINANCE NO. 440, RELATING TO SALARIES

Ordinance No. 440 Narrative

~~June~~ October ~~2~~47, 2025

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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" shall mean 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" shall mean fourteen (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" shall mean 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 (1) person unless permission is granted for job sharing.

m) "Probationary employee" shall mean a regular or seasonal employee who has not completed:

1. the required initial probationary period in a paid status in a position following initial employment; or
2. 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 an incumbent within a filled position to a different class by a change of title and class specification, but does not necessarily involve a change of the salary plan and/or grade.

p) "Regular employee" shall mean a holder of a regular position.

q) "Regular position" shall mean a position established by this ordinance on an ongoing basis, as distinct from a seasonal or a temporary position.

r) “Retire”, “retired”, and “retirement” shall mean 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" shall mean 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 and Pharmacist Resident at the Riverside University Health System – Medical Center (RUHS – MC) 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 twenty (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 regular salary plan and grade and anniversary date shall be re-determined as if the temporary promotion had not occurred. Any merit increases which would have been due in his/her regular position shall be allowed.

g) Except as otherwise provided by law 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 a merit increase.

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 be within the chain of command or span of control (i.e. execute 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 or any familial relationship that management determines may lead to conflict. Familial relationship shall include, but is not limited to, 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, grandparent, or the equivalent relationships through a lawfully registered domestic partnership.

Should such relationship occur, the employee(s) may promote, voluntarily demote, or will be transferred to position(s) which the employee is eligible and selected to fill. The promotion, transfer, or voluntary demotion must be accomplished within six (6) 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

1. 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.

2. 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.

3. 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.

4. 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 however, shall require the approval of the Human Resources Director and the County Executive Officer. 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

1. Requirement for Class Specification. No person shall be employed in or appointed to any regular or seasonal position until the class specification for such position exists within the classification plan.

2. 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.

3. Underfilling a Position. An underfill shall mean a classification within the same class series, generally the journey level classification within a promotional growth series. 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(n) 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

1. 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.

2. Amendments to the Appendices Impacting the Class and Salary Listing. The following Appendices: Appendix I, relating to overtime; Appendix II, At-Will classifications; and Appendix III, classifications eligible for the Executive Vehicle benefit, 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.

3. 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.

4. Classification Duplication. The Human Resources Director may administratively duplicate an existing class (including for a separate program or district position) when necessary to preserve benefits that have been lawfully afforded to an employee group. The duplicated classification shall only differ from the existing classification by minimal modification of the following factors: title, class concept, essential duties, and recruiting guidelines. The duplicated classification shall be in accordance with the program area of the requesting department, and assigned a separate 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 appropriate to the representation unit. It is not the intent of this provision to duplicate an existing classification solely based on salary and/or at-will status.

Whenever an administrative change or inactivation of a class is made by the Human Resources Director, or by resolution of the Board of Supervisors, 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

1. 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.

2. Change in Allocated Positions. The Human Resources Director may adjust the number of positions allocated to a(n) 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

1. 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.

2. 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

1. 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 thirty (30) calendar days in advance of a terminating employee. Under exceptional circumstances, the position to be vacated may be filled with a replacement for up to an additional sixty (60) calendar days with the prior approval of the Human Resources Director. 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.

2. Companion Position During Unpaid Leave. When an employee is authorized a leave of absence without pay for a period in excess of twenty (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.

3. 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 except as otherwise provided herein. 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. County Officers and classifications identified in Appendix II of this Ordinance are exempt from the merit system, rather the appropriate County Officer(s) may appoint qualified candidates to these classifications.

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) When an employee is separated from County employment 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. 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

1. 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 (5^{th}) day of the month following its receipt.

2. 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.

3. 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 University Health System – Medical Center in accordance with terms fixed by the Board of Supervisors.

4. 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.

5. 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

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

1. 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]

2. 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.

3. 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.

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

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

cannot be spared from duty, for operational reasons. Furlough records shall be kept by the agency/department.

Section 8. SALARY STRUCTURE AND ADMINISTATION

a) SALARY PLAN TABLE

1. The Human Resources Department shall maintain a Salary Plan Table that defines the compensation rates assigned to each salary grade. The Salary Plan Table shall include the following information: an effective date that reflects the date of the start of the first full pay period, following Board of Supervisors approval; the employee group(s) to which the table applies; salary plan code; grade level; salary range width; and the minimum and maximum compensation displayed as hourly, monthly and annual rates.

2. The Human Resource Department shall make publicly available the most current Salary Plan Table one pay period after Board of Supervisors approval.

3. Subject to Board of Supervisors approval, the Human Resources Director may establish new salary plan tables and/or modify existing salary plan tables to meet the operational needs and collective bargaining obligations of the County.

b) COMPENSATION TABLE

1. The Human Resources Department shall maintain a Compensation Table that defines the salary plan and grade assignment for all active County job classes and details other benefits or statuses that are linked to the job class. The Compensation Table shall include the following information: an effective date that reflects the date of the first full pay period following Board of Supervisors approval; job class code and title; salary plan and grade assignment; FLSA exempt status; overtime rate; at-will status; automobile benefit; and pre-employment medical grouping.

2. The Human Resources Department shall make publicly available the most current Compensation Table. The published Compensation Table shall include, in the same document, the Salary Plan Table(s) that define the value of each assigned salary grade.

3. Subject to Board of Supervisors approval, the Human Resources Director may change the grade assignment of any job class to meet the operational needs and collective bargaining obligations of the County.

4. Class grade assignment will be recommended by the Human Resources Department based primarily on market considerations through comparison and analysis of current prevailing wages for comparable work. The Human Resource Department may also conduct an internal job comparison to determine relative value and to maintain internal parity.

c) CLASS AND SALARY LISTING

1. Job classes not assigned to a salary structure under subsections a-b above, are assigned a salary plan and grade and all plan/grade assignments will be made publicly available on a Class and Salary Listing, which is distinct from the Salary Plan Table and Compensation Table.

2. The base rate of 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.

3. The County as an employer shall not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex, regardless of race, gender or ethnicity, for substantially similar work on jobs where the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where the payment is made pursuant to a seniority system, a merit system, a system which measures earnings, by quantity or quality of production, or a differential based on any bona fide factor other than gender, race, and ethnicity.

d) SPECIAL SALARY ADJUSTMENTS

1. 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 (1) year in a paid status after the resulting change of salary.

2. 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 merit 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.

3. The County Executive Officer may order changes to the base 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 base rate of pay.

e) CHANGE IN SALARY ALLOCATION

The salary of an incumbent of a position in a class which shall be reallocated to a different salary plan and grade may be adjusted to the same percentage 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.

f) NEW EMPLOYEES

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 rate, and/or any “difficulty to recruit” salary adjustments. Refer to Section 10 herein for the rules applicable to temporary employees.

g) RE-EMPLOYMENT

1. 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.

2. 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 fiscal 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

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.

a) 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.

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

2. 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.

b) 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.

c) 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.

d) 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.

e) 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

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

Only subsection (e) of Section 10 applies to unrepresented Per Diem employees, unless otherwise specified.

a) APPLICABILITY[2]

These Temporary Employment Provisions apply to:

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

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

1. Except as otherwise provided by this ordinance, a new employee shall be appointed at the minimum pay rate of the appropriate salary plan and grade.

[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.*

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

3. Difficult to Recruit (DTR)

   A. Classifications or Positions Designated as DTR on or after January 5, 2016. Notwithstanding the provisions of this ordinance, employees shall be compensated at a rate up to twenty percent (20%) of their earnings to a maximum of eighty (80) hours actually worked in a pay period for those positions identified in specific classifications in a specific agency/department designated by the Human Resources Director as "difficult to recruit" (DTR).

      Eligibility for the DTR differential shall be determined by the Human Resources Director based on a specific position, classification, geographical location, and/or agency/department basis that a recruitment or retention issue exists and the DTR designation would assist the County in recruiting and retaining employees in the specific position, classification, geographical location, and/or agency/department.

      Eligibility for the DTR differential shall not be automatic nor shall such a determination have any bearing on the same or similar classifications (or similarly situated classifications). Upon such determination and approval, any differential 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 pay rate on the salary plan and grade for his/her classification and shall be compensated a DTR differential.

      b. The DTR differential shall only apply to actual hours worked, up to eighty (80) hours in a pay period.

      c. The assignment of the DTR differential shall trigger a review by the Human Resources Department of the position and classification. The review shall consist of review of market benchmarks, turnover rates, exit surveys and other factors that may have created the recruitment/retention issue. In the event the Human Resources Director determines the circumstances that created the recruiting or retention problem(s) for any and/or all position(s) in the specific classification in the specific agency/department no longer exist, he/she shall declare the provisions described above inoperative for such specific position(s)/classification(s). At that time, the DTR differential shall cease. In the event the Human Resources Director determines the recruitment/retention issue is related to a market parity issue, the Human Resources Director may recommend to the Board of Supervisors an adjustment to the salary range of the classification for parity purposes or propose another solution to resolve the recruitment/retention problem deemed acceptable within the provisions of this Ordinance. Should a salary adjustment occur due to a market parity issue, the DTR differential shall no longer apply.

d. A review of all position(s)/classification(s) designated as DTR shall be conducted annually.

B. Classifications or Positions Designated DTR prior to January 5, 2016. Notwithstanding the provisions of this resolution there shall be up to an additional approximately eleven percent (11%) which shall be reserved for those classifications designated as "difficult to recruit".

Advancements within the DTR range 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 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 rate on the salary plan and grade for his/her classification up to and including a rate 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 rate as that granted to the new employee.

c. 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 salary grade, the salary rate of the affected employees below the new minimum shall be adjusted upwards to the new minimum of the salary range.

4. Promotion. On promotion, the salary shall be at a rate on the new salary plan and grade which is five and a half percent (5.5%) 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 day of a pay period.

5. Transfer. On transfer, the salary shall be the same as that paid previously. The anniversary date shall not change. The effective date of transfers shall coincide with the first day of a pay period.

6. Demotion. On demotion, the salary shall be the same percentage on the new grade as on the previous grade, where the new grade is able to accommodate the percentage. The anniversary date shall not change. The effective date of all demotions shall coincide with the first day of a pay period.

7. 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 five and a half percent (5.5%) 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 at a pay rate 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 day of a pay period.

8. 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 pay rate that would be called for under other provisions in this ordinance.

9. 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 one hundred twenty (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. 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).

h. 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 merit advance. Where overtime results from necessary irregular work schedules, it may be included in computing the minimum time for merit advance which would otherwise be delayed beyond the normal period.

10. 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.

Standby compensation shall cease when the employee reports to work.

11. Minimum Overtime on Call-Back. A non-exempt employee called back to a worksite to meet an emergency on an overtime basis, whether or not in a standby duty status, shall receive minimum credit for one (1) hours' work.

If an employee should complete the work required, and subsequently be recalled during the minimum credit period, no additional compensation shall be paid for until the minimum credit time has been exhausted. Call-back pay does not include time commuting to and from work.

Remote Call-Back: If an employee may perform call-back work remotely, without the employee having to physically report to a worksite, then the employee will be paid in one-tenth hour increments for all time worked while remotely responding to the call. For

example, if the employee remotely completes the performance of work in twenty five (25) minutes, the employee will be paid thirty (30) minutes for the remote call-back.

12. Jury Duty and Court Appearances. A temporary employee shall be entitled to retain jury fees, since the individual shall not be paid 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 in their base hourly rate of pay, 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 due to private legal matters shall not be entitled to be paid during such absence.

13. 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.

e. 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.

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

g. 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.

h. 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.

i. 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 or Registered Domestic Partner, child, parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor), brother, or sister of the employee, grandparent, grandchild and the equivalent relationships through a lawfully registered domestic partnership.

j. 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, 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 paid 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 (5) or more years of service in a paid status 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.

14. Bereavement Leave. Employees who are entitled to accrue sick leave (under this Article) may be allowed up to five (5) days of leave, three (3) of which will be paid, and the additional two (2) days shall be deducted from the employee's sick leave accruals. 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.

15. 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.

16. 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.

17. 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.

18. 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 (1) 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 thirty (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).

19. Vacation. Persons employed in the classes of Resident Physician and Surgeon or Pharmacist Resident shall be entitled to one hundred twenty (120) hours (approximately fifteen (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 or Pharmacist Resident shall be paid for any unused vacation. All other employees shall not be entitled to paid vacation.

20. Paid Holidays. Only seasonal employees, Resident Physicians and Surgeons, Pharmacist Resident, and employees in the Physician Assistant Fellowship classification, in a 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 not in a paid status 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.

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[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.

21. 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, release time, 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.

(1) Evening Shift (swing). Employees who perform work between the hours of 6:00 p.m. and 11:00 p.m., shall be paid an evening differential of $0.60 per hour for the time actually worked between 6:00 p.m. and 11:00 p.m.

(2) Night Shift. Employees 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.

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

22. 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: $0.50 per hour
Employees at this level perform bilingual translation.

Level 2: Task Completion: $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: $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 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.

23. Health Benefits (applicable only to Resident Physicians and Surgeons, Pharmacist Resident, and employees in the Physician Assistant Fellowship classification).

A. The County's monthly Flexible Benefit contribution for Resident Physicians and Surgeons, Pharmacist Resident, and employees in the Physician Assistant Fellowship classification shall be as follows:

COVERAGE LEVEL	TOTAL COUNTY CONTRIBUTION EFFECTIVE NOVEMBER 14, 2024 (PAY PERIOD 25)	TOTAL COUNTY CONTRIBUTION EFFECTIVE NOVEMBER 13, 2025 (PAY PERIOD 25)
Employee Only:	$926.52	$969.06
Employee Plus One Dependent:	$1,586.00	$1,671.06
Employee Plus Family:	$1,800.00	$2,087.00

1. Employees must select a medical plan to receive these amounts.

B. In addition, the County shall provide optical insurance, to be paid by the County, for employees in these classifications.

~~A.~~C. ~~The monthly Flexible Benefit contribution for Resident Physicians and Surgeons, Pharmacist Resident, and employees in the Physician Assistant Fellowship classification shall be $823.00. The Flexible Benefit contribution shall be equivalent to the amount provided to unrepresented employees covered by the Management Resolution.~~ Effective for the plan month April 2021, if monies remain following the deduction of elected benefits, said monies shall be forfeited.

~~B. Medical Premium Subsidies. Effective for the plan month April 2021, the County~~

~~shall subsidize the two-party and family monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan as follows:~~

~~1. Employees with two-party coverage shall have their monthly premium reduced by twenty-five dollars ($25.00).~~

~~2. Employees with family coverage shall have their monthly premium reduced by one hundred dollars ($100.00).~~

~~The medical premium subsidies shall have no cash value.~~

~~The medical premium subsidies shall be equivalent to the amount provided to unrepresented employees covered by the Management Resolution.~~

~~C.~~A. ~~In addition, the County shall provide optical insurance, to be paid by the County, for employees in these classifications.~~

24. Additional Compensation for Resident Physicians. Any Resident Physician employed with the County who possesses a valid Physician and Surgeon License, a Drug Enforcement Administration Certificate, and has been authorized to work extra hours as a licensed Physician with the County shall be compensated at the employee's base hourly rate, plus a stipend of eighty ($80.00) dollars per hour for each hour actually worked.

25. Resident Physician Stipend for Education Related Expenses. Resident Physician Stipend for Education Related Expenses. Resident Physicians employed through the County's Graduate Medical Education (GME) program shall be eligible for an annual stipend for education related expenses of $2,214 (less tax withholdings) per academic year, to be issued on the first full pay period of August of the County's payroll calendar year. All Resident Physicians who are enrolled in the County's GME program at the start of the program's academic calendar year shall be eligible for the $2,214 (less tax withholdings) stipend. At the discretion of the Department Head or designee, Resident Physicians who enroll in the County's GME program after the start of the academic year may be eligible to receive a prorated stipend.

    Additionally, all Resident Physicians who are enrolled in the County's GME program the pay period following Board of Supervisors approval of this Ordinance shall be eligible for a one-time payment adjustment equivalent to the difference between the previously received $2,000 (less tax withholdings) stipend and the revised $2,214 (less tax withholdings) stipend for the 2024/2025 Academic Year, to be paid as soon as administratively possible following approval.

    Resident Physicians who leave the GME program prior to the completion of the academic year shall pay back a prorated amount of the education stipend to the County within sixty (60) days of their separation.

26. 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.

27. 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 RUHS - MC 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 Assistant County Executive Officer – Health Systems with the advice of the Chief Medical Officer.

28. 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

1. 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, 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 twelve (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 (1) 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 twelve (12) month initial probationary period may be extended once to fifteen (15) months or twice to eighteen (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 promotes, demotes or transfers to another class, will serve a new twelve (12) month probationary period following such promotion, demotion, or transfer. The twelve (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.

2. 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 ensure 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.

3. Merit Increase

a. Applicability of Merit Increases. The compensation of each seasonal employee whose pay is below the maximum rate 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.

Re-employment at a rate other than that of the minimum rate 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.

c. Limit on Unpaid Status. Months in a paid status toward a merit increase need not be continuous, but for a seasonal employee, accrued months shall be lost in the event that there is a period of more than one (1) year when the employee is in an unpaid status.

d. Salary Increases. Every anniversary salary increase, unless otherwise dictated within a recognized employee organization's Memorandum of Understanding (MOU) shall be to the rate of four percent (4%) higher, except when there is less than four percent (4%) remaining, it shall be to the maximum 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 Merit Increase. The agency/department head may disallow a merit 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 merit 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

1. Compensation. Temporary employees shall be compensated at the minimum pay rate of the salary plan and grade for their job class, unless an advanced increase is authorized at the time of appointment. Temporary employees do not receive merit increases within the salary grade based on hours of service.

2. 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.

3. 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 one thousand (1000) working hours (approximately six (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 one thousand (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 one thousand (1000) hours in that fiscal year.[4]

e) UNREPRESENTED PER DIEM EMPLOYEE PROVISIONS

1. 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 unrepresented Per Diem employees.

2. 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 and that is not represented by a collective bargaining unit. 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.

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.

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

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.

3. 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.

4. 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.

5. 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 Wednesday following the end of a pay period.

d. General Salary Adjustments. Effective the Pay Period following Board of

Supervisors approval of this Ordinance, Per Diem classifications covered by this Ordinance, with the exception of Psychiatrist and Psychiatrist-Detention classifications, shall have their rate of pay established equivalent to the maximum rate of the represented counterpart classification. Psychiatrist and Psychiatrist-Detention classifications shall have their rate of pay increased by three percent (3%).

Effective May 1, 2025, Per Diem classifications covered by this Ordinance, with the exception of Psychiatrist and Psychiatrist-Detention classifications, shall receive a four percent (4.0%) increase to their rate of pay. Psychiatrist and Psychiatrist-Detention classifications shall have their rate of pay increased by three percent (3%).

Effective April 30, 2026, Per Diem classifications covered by this Ordinance, with the exception of Psychiatrist and Psychiatrist-Detention classifications, shall receive a four percent (4.0%) increase to their rate of pay. Psychiatrist and Psychiatrist-Detention classifications shall have their rate of pay increased by three percent (3%).

6. Difficult to Recruit (DTR). The DTR provisions of Section 10 subsection b) 3 shall apply to unrepresented Per Diem employees as reviewed and approved by the Human Resources Director.

7. 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 will be entitled to their base rate of pay for each authorized hour worked in excess of the established FLSA workweek.

8. 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 the classification(s) listed below shall not be paid shift differential:

      Pharmacist – C – PD

   b. Evening Shift - General. Per Diem employees whose classes are specifically mentioned below, who perform work between the hours of 6:00 p.m. and 11:00 p.m., shall be paid an evening differential as set out below for the time actually worked between 6:00 p.m. and 11:00 p.m.

Classifications:	Rate:
• Electrocardiograph Technician - PD ♦	25¢ per hour ♦ For employees in this Per Diem classification working at the Riverside University Health System – Medical Center.
• Nursing Assistant - PD	35¢ per hour
• Pharmacy Technician II - PD	60¢ per hour
• House Supervisor - PD	Classification(s) authorized by the County Executive Officer to receive the same premium as employees in the equivalent regular classifications including the time periods in which to be considered eligible.

c. Night Shift - General. Per Diem employees whose classes are specifically mentioned below 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:
• Electrocardiograph Technician - PD♦	50¢ per hour ♦ For employees in this Per Diem classification working at the Riverside University Health System – Medical Center.
• Nursing Assistant - PD	75¢ per hour
• Pharmacy Technician II - PD	$1.20 per hour
• House Supervisor - PD	Classification(s) authorized by the County Executive Officer to receive the same premium as employees in the equivalent regular classifications including the time periods in which to be considered eligible.

9. Special Medical Care Assignments:

a. Any Psychiatrist-Entry Level-Per Diem (Job Code 73835), Psychiatrist I-Per Diem (Job Code 73822), Psychiatrist II-Per Diem (Job Code 73826), and Psychiatrist III- Per Diem (Job Code 73830) shall be entitled to a salary differential of two dollars and forty cents ($2.40) per hour worked above their regular rate of pay

when assigned to the Emergency Treatment Services Facility, Inpatient Treatment Facility or Detention Health Facility, or the Riverside University Health System (RUHS) Medical Center.

b. Any Psychiatrist-Entry Level-Per Diem (Job Code 73835), Psychiatrist I-Per Diem (Job Code 73822), Psychiatrist II-Per Diem (Job Code 73826), and Psychiatrist III- Per Diem (Job Code 73830) shall be entitled to an hourly differential of forty-two dollars ($42.00) per hour, in addition to their base rate of pay, for all time worked during an evening shift, on a weekend, or on a holiday in the Emergency Treatment Services Facility, RUHS Medical Center, or Inpatient Treatment Facility. These classifications shall not be eligible to receive holiday pay under any other provision of this Ordinance.

c. Standby Duty**:** When placed by the agency/department head specifically on standby duty, any Psychiatrist-Entry Level-Per Diem (Job Code 73835), Psychiatrist I-Per Diem (Job Code 73822), Psychiatrist II-Per Diem (Job Code 73826), and Psychiatrist III- Per Diem (Job Code 73830), otherwise off duty, shall be paid one-eighth (1/8) of the hourly base rate of pay for each hour on standby duty, not to exceed twelve (12) hours for each standby duty assignment. Standby duty pay shall cease when the employee reports to work.

10. Shift Schedule Premium:

Employees who work two (2) – three (3) shifts in a given Pay Period shall receive a two percent (2%) differential paid at the employee's base hourly rate of pay for all hours actually worked for that Pay Period.

Employees who work four (4) or more shifts in a given Pay Period shall receive an additional three percent (3%) differential paid at the employee's base hourly rate of pay for all hours actually worked for that Pay Period.

For the purposes of this shift schedule premium, a minimum of four (4) hours worked would count towards one shift.

11. 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.

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

13. 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 fifteenth (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