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:

A. Agency/Department Heads: Effective July 28, 2022, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of the County Executive Officer, such agency/department head may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same fiscal year provided, however, that no agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

B. Other Eligible Employees: Effective July 28, 2022, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of his/her agency/department head, such employee may receive pay in lieu of an additional eighty (80) hours of Annual

Leave during the same fiscal year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

Sec. 705 Annual Leave Usage:

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

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

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

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

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

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

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

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

F. Proof of Illness:

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

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

Sec. 707 Prior Sick Leave Accruals:

A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (½) of the sick leave balance for employees covered under the terms and conditions of this Resolution was converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.

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

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement, or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave for employees with at least five (5) but less than 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. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

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

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

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three (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 to a classification represented by a recognized employee organization, may continue to redeem any Annual Leave balance pursuant to Sec. 704 of this Resolution. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable Memorandum of Understanding. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the Memorandum of Understanding applicable to the employee's new classification.

ARTICLE 8
VACATION
(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

A. Subject to the limitations and exemptions of this section, every regular employee in a classification assigned to Group 4 shall be entitled annually to the following number of working hours of vacation

with pay in accordance with the record of completion of continuous years of service:

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

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

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

<u>General Rules</u>

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

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

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

B. Psychiatrist - Mental Health Medical Program: In accordance with 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.

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

D. 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.

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

F. Peace Officer Standards and Training (POST) Pay: Any Sheriff's

Communications Manager 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 receive a 6% POST differential. 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 receive a 11% P.O.S.T. differential. Employees are only eligible for one POST differential.

G. 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	SEMI-MONTHLY CONTRIBUTION
All Groups	Eff. PP 25-13 $411.50

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 Medical Premium Subsidies. Effective May 20, 2021, the County shall subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

- Employees with family coverage: Monthly premium subsidy of $200.00
- Employees with two-party coverage: Monthly premium subsidy of $50.00

Effective the beginning of the 2023 Plan Year, the County shall subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County

sponsored health care plan on the following basis:

- Employees with family coverage: Monthly premium subsidy of $300.00
- Employees with two-party coverage: Monthly premium subsidy of $75.00

The subsidies shall have no cash value.

Sec. 1704 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.

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 May 20, 2021, the minimum base salary range for classifications covered by this Resolution shall be increased by eight and thirty-five hundredths percent (8.35%). Employees who are below their classification's minimum salary range at the time of implementation will receive an increase in pay to place the employee at the new minimum salary for their classification's salary range and the employee's anniversary date shall be reset to the effective date of the salary increase.

B. Effective July 1, 2021, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). 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 the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary 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.

C. Effective July 14, 2022, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). 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 the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary 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.

D. Effective July 13, 2023, the maximum base salary range for classifications covered by this Resolution shall be increased by two and one-half percent (2.5%). 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 the 2.5% increase to the maximum salary of the range is implemented will concurrently receive a 2.5% increase to their salary 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. The salary ranges for the Deputy County Counsel – CE classification series shall be established in accordance with an internal salary benchmark of 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.

F. Board of Supervisors salary shall be established in accordance with Ordinance 780.

G. Independent Elected Officials shall receive salary 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 Annual Leave Redemption: Effective July 28, 2022, an employee may request to receive pay in lieu of up to eighty (80) hours (160 hours upon approval of the agency/department head) per fiscal year of Annual Leave.

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 Sheriff's Captain B (Job Code 37619) base rate of pay. In addition, the Assistant Chief District Attorney Investigator classification shall receive 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 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
78555	Supervising Deputy Public Defender
37490	Chief Deputy Child Support Attorney
37491	Supervising Deputy Child Support Attorney

A. Effective October 11, 2018, the classification of Chief Assistant District Attorney (Job Code 78528) base rate of pay shall be benchmarked with the Undersheriff (Job Code 74541) base rate of pay.

B. Effective October 11, 2018, the classification of Assistant District Attorney (Job Code 78539) base rate of pay shall be benchmarked with the Assistant Sheriff B (Job Code 37607) base rate of pay.

ARTICLE 23
SEPARABILITY

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

ARTICLE 24
SUPERSESSION

This resolution supersedes Resolution - 2022-158 in its entirety.

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

ROLL CALL:

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt

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.

KECIA R. HARPER, Clerk of said Board

By: _____
Deputy

08/30/2022 Item 3.37
03/24/2026 Item 3.24 - Added "Effective Date"

INDEX

A

Abandonment 48
Advanced Step 15
Alcohol 71
Annual Leave 33, 45, 80
Appeal 52
At-Will Employees 28
Automobile Allowance 10

B

Bereavement Leave 41
Bilingual Pay 12

C

Call Duty 7
Case Management Process 58
Compensatory time off 5
Comprehensive Health Statement 37, 43
Continuous Service 38
Controlled Substances 71
Critical Care Course 12
Critical Care Differential 69

D

Demotion 19, 51
Disciplinary Action 49
discrimination
  Complaint 50, 74
Discrimination 4
Dismissal 49
Drug or Alcohol Test 72
Drugs 71

E

Exempt 5

F

Fitness for Duty 41
Flexible Benefit 72

H

Harassment 74
Health Savings Accounts 22
Holidays 59

I

Illicit Drugs 71
In-lieu Contributions 26

J

Jury Duty 41

L

Layoff 61
Leave of Absence 46
Long Term Disability 14

M

Merit Systems 26
Mileage Rate 9
Military Leave 47
Money Purchase Plan 25, 81
Moving Expenses 11

N

Natural Disaster 8

O

Optical Plan 73
Out-of-Class Assignments 22
Overtime 4, 5

P

People-Soft 6
Performance Recognition Plan 14
Post-Employment Accounts 21
Prescription Drugs 71
probationary period
  Extention of Initial Probation 27
  Initial Probation 27
Professional Engineer 70
Program Chief, Mental Health 70

R

Reclassification 19
Reduction in Compensation 49
Reemployment 65
Re-employment 17

INDEX

Registered Nurses approved courses *See* Tuition
Reinstatement 65
Reinstatement Lists 64
Relatives 22
Retirement 23
3%@50 25
3%@60 25
Return to Former Class 28

S

salary and benefit adjustments 79
Seniority 61
Shift Differentials 11
Sick Leave 42
Single Highest Year 24
Special Pay Accounts 22
Standby 7
Substance Abuse 71
Suspension 49

T

Temporary Promotion 20
Time-Bank 75
Tuition 11

V

Vacation 39
Veterans Preference 26

W

Workers' Compensation 44
Written Reprimand 49

RESOLUTION NO. 2022-223

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 December 1, 2022

TABLE OF CONTENTS

DEFINITIONS 1

ARTICLE 1 RECOGNITION 4

Sec. 101 Applicability. 4
Sec. 102 Reallocation. 4
Sec. 103 Non-Discrimination 4

ARTICLE 2 HOURS OF WORK, OVERTIME 4

Sec. 201 Normal 80 Hour Biweekly Work Period 4
Sec. 202 Different 80 Hour Biweekly Work Period 4
Sec. 203 Overtime Policy 4
Sec. 204 FLSA Exempt Employees 5
Sec. 205 Definitions 5
Sec. 206 Authorization for Overtime Work 5
Sec. 207 Compensation for Overtime Work 5
Sec. 208 Fringe Benefits not Affected by Overtime 6
Sec. 209 New Payroll System. 6
Sec. 210 Special Assignments 6
Sec. 211 Compensatory Time Off 7
Sec. 212 Extra Shift Assignment: 7
Sec. 213 Electronic Fund Deposit of Payroll: 7

ARTICLE 3 PREMIUM PAY 7

Sec. 301 Standby Duty 7
Sec. 302 Minimum Overtime on Call-Back Pay 8
Sec. 303 Declared Emergency 8
Sec. 304 Mileage Reimbursement 9
Sec. 305 Maintenance Pay 10
Sec. 306 Moving Expenses 11
Sec. 307 Shift Differentials 11
Sec. 308 Education for Continued Licensing of Registered Nurses 11
Sec. 309 Bilingual Pay 12
Sec. 310 Long Term Disability Plan 14
Sec. 311 Performance Recognition Plan 14
Sec. 312 Confidential Premium: 15

ARTICLE 4 PAY PRACTICES 15

Sec. 401 New Employees 15
Sec. 402 Anniversary Dates 16
Sec. 403 Merit Increases 17
Sec. 404 Denial of Salary Increase 17
Sec. 405 Re-employment 17
Sec. 406 Re-employment of Retired Persons 18
Sec. 407 Promotion 18
Sec. 408 Transfer 18
Sec. 409 Demotion 19
Sec. 410 Reclassification 19
Sec. 411 Temporary Promotion 20
Sec. 412 Additional Compensation to Supervisors/Managers 20
Sec. 413 Post-Employment Accounts 21

ARTICLE 5 GENERAL PERSONNEL PROVISIONS 22

Sec. 501 Out-of-Classification Assignments 22
Sec. 502 Relatives 22

TABLE OF CONTENTS

Sec. 503 Retirement 23
Sec. 504 Merit System 26

ARTICLE 6 PROBATIONARY PERIOD 27

ARTICLE 7 ANNUAL LEAVE 33

Sec. 701 Annual Leave 33
Sec. 702 Annual Usage 34
Sec. 703 Maximum Accrual 35
Sec. 704 Annual Leave 35
Sec. 705 Annual Leave Usage 36
Sec. 706 Payoff Upon Retirement or Termination 37
Sec. 707 Prior Sick Leave Accruals 37
Sec. 708 Payout for Unused Sick Leave 38
Sec. 709 Prohibition Against Employment While on Annual Leave 38
Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status 38
Sec. 711 Exception to Continuous Service 38
Sec. 712 Elected Officials Exceptions 39
Sec. 713 Retention of Excess Accruals 39

ARTICLE 8 VACATION 39

ARTICLE 9 PAID LEAVE 41

Sec. 901 Jury Duty 41
Sec. 902 Bereavement Leave 41
Sec. 903 Fitness for Duty 41
Sec. 904 Sick Leave (Applicable to Employees in Group 4 Only) 42

ARTICLE 10 ON THE JOB INJURY 44

Sec. 1001 Workers' Compensation Benefits 44
Sec. 1002 4850 Exclusion 45

ARTICLE 11 LEAVES OF ABSENCE WITHOUT PAY 46

Sec. 1101 Air Pollution Emergency 46
Sec. 1102 Leaves of Absence - In General 46
Sec. 1103 Agency/Department Leave of Absence 46
Sec. 1104 Official Leave of Absence 47
Sec. 1105 Military Leave 47
Sec. 1106 Abandonment/Automatic Resignation 47

ARTICLE 12 DISCIPLINARY PROCEDURE 49

Sec. 1201 Applicability 49
Sec. 1202 Cause for Action 49
Sec. 1203 Investigatory Leave of Absence 50
Sec. 1204 Written Order for Demotion, Suspension, Reduction in Pay, Termination 51
Sec. 1205 Amended Notice of Disciplinary Action 52
Sec. 1206 Limitations 52
Sec. 1207 Appeals 52
Sec. 1208 Waiver 53
Sec. 1209 Hearing Procedure - Minor Discipline 53
Sec. 1210 Hearing Procedure - Major Discipline 54
Sec. 1211 Evidence and Procedures Applicable to Major Disciplinary Hearings 57
Sec. 1212 Non-Discrimination 59

ARTICLE 13 HOLIDAYS 59

ARTICLE 14 LAYOFF AND REINSTATEMENT 61

TABLE OF CONTENTS

Sec. 1401 Seniority 61
Sec. 1402 Reduction in Force 61
Sec. 1403 Reassignment 63
Sec. 1404 Employment Counseling and Referral 63
Sec. 1405 Departmental Reinstatement List 64
Sec. 1406 Status on Reinstatement 65
Sec. 1407 Reemployment 65

ARTICLE 14A MANDATORY FURLOUGH 65

Sec. 1401A Scope and Implementation 65
Sec. 1402A Length of Furloughs 66
Sec. 1404A Additional Mandatory Furloughs 66
Sec. 1405A Voluntary Furloughs 66
Sec. 1406A Credit for Voluntary Furlough Hours 66
Sec. 1407A Restrictions 67
Sec. 1408A Retirement 67
Sec. 1409A Holidays 68
Sec. 1410A Benefits 68
Sec. 1411A FMLA/CFRA/PDL Leave 68
Sec. 1412A Military Leave 69
Sec. 1413A Payroll Issues 69
Sec. 1414A Workload 69

ARTICLE 15 SPECIAL ADJUSTMENTS & DIFFERENTIALS 69

ARTICLE 16 ALCOHOL AND DRUG ABUSE POLICY 71

ARTICLE 17 FLEXIBLE BENEFIT PROGRAM AND OPTICAL INSURANCE 72

Sec. 1701 Flex Benefits Programs 72
Sec. 1702 Optical Insurance 73
Sec. 1703 Medical Premium Subsidies 73
Sec. 1704 Retiree Health Contributions 74

ARTICLE 18 DISCRIMINATION COMPLAINT PROCEDURE 75

ARTICLE 19 VOLUNTARY TIME-BANK 75

ARTICLE 20 SALARY AND BENEFIT ADJUSTMENTS 78

ARTICLE 21 SALARY AND FRINGE BENEFIT ADJUSTMENTS LAW ENFORCEMENT EXECUTIVE MANAGEMENT 79

Sec. 2101 Annual Leave 80
Sec. 2103 Maximum Accrual 81
Sec. 2104 Annual Leave Redemption 81
Sec. 2105 Other Provisions 82
Sec. 2106 Deferred Compensation 82
Sec. 2107 P.O.S.T. Certificate Pay 82
Sec. 2108 Salary Adjustments 83
Sec. 2109 Uniforms 83

ARTICLE 22 SALARY ADJUSTMENTS FOR MANAGEMENT ATTORNEYS AND UNREPRESENTED ATTORNEYS 84

ARTICLE 23 SEPARABILITY 84

ARTICLE 24 SUPERSESSION 85

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

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.

B. 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 $.60 per hour for the time actually worked between 6:00 p.m. and 11:00 p.m.

C. 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 $1.20 per hour for the time actually worked between 11:00 p.m. and 7:00 a.m.

Sec. 308 Education for Continued Licensing of Registered Nurses:

A. Tuition and/or Registration Fee: Eligible employees may be granted time by their appointing authority to attend California Board of

Registered Nurses approved courses. Time granted shall not exceed 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.

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. 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. Special Pay Accounts are tax-deferred investment funds. The employee may also elect a Health Savings Account, designed to be free of taxes, which may be used for future health care costs. A participant fee is charged for Health Savings Accounts. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

ARTICLE 5
GENERAL PERSONNEL PROVISIONS

Sec. 501 Out-of-Classification Assignments:
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:

A. Agency/Department Heads: Effective July 28, 2022, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of the County Executive Officer, such agency/department head may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same fiscal year provided, however, that no agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

B. Other Eligible Employees: Effective July 28, 2022, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of his/her agency/department head, such employee may receive pay in lieu of an additional eighty (80) hours of Annual

Leave during the same fiscal year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

Sec. 705 Annual Leave Usage:

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

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

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

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

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

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

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

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

F. Proof of Illness:

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

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

Sec. 707 Prior Sick Leave Accruals:

A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (½) of the sick leave balance for employees covered under the terms and conditions of this Resolution was converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.

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

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement, or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave for employees with at least five (5) but less than 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. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

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

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

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three (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 to a classification represented by a recognized employee organization, may continue to redeem any Annual Leave balance pursuant to Sec. 704 of this Resolution. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable Memorandum of Understanding. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the Memorandum of Understanding applicable to the employee's new classification.

ARTICLE 8
VACATION
(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

A. Subject to the limitations and exemptions of this section, every regular employee in a classification assigned to Group 4 shall be entitled annually to the following number of working hours of vacation

with pay in accordance with the record of completion of continuous years of service:

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

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

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

<u>General Rules</u>

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

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

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

B. Psychiatrist - Mental Health Medical Program: In accordance with 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.

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

D. 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.

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

F. 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.

G. 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	SEMI-MONTHLY CONTRIBUTION	
All Groups	Eff. PP 25-13	$411.50

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 Medical Premium Subsidies. Effective May 20, 2021, the County shall subsidize the family and two-party monthly medical insurance

premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

- Employees with family coverage: Monthly premium subsidy of $200.00
- Employees with two-party coverage: Monthly premium subsidy of $50.00

Effective the beginning of the 2023 Plan Year, the County shall subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

- Employees with family coverage: Monthly premium subsidy of $300.00
- Employees with two-party coverage: Monthly premium subsidy of $75.00

The subsidies shall have no cash value.

Sec. 1704 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.

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 May 20, 2021, the minimum base salary range for classifications covered by this Resolution shall be increased by eight and thirty-five hundredths percent (8.35%). Employees who are below their classification's minimum salary range at the time of implementation will receive an increase in pay to place the employee at the new minimum salary for their classification's salary range and the employee's

anniversary date shall be reset to the effective date of the salary increase.

B. Effective July 1, 2021, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). 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 the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary 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.

C. Effective July 14, 2022, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). 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 the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary 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.

D. Effective July 13, 2023, the maximum base salary range for classifications covered by this Resolution shall be increased by two and one-half percent (2.5%). 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 the 2.5% increase to the maximum salary of the range is implemented will concurrently receive a 2.5% increase to their salary 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. The salary ranges for the Deputy County Counsel – CE classification series shall be established in accordance with an internal salary benchmark of 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.

F. Board of Supervisors salary shall be established in accordance with Ordinance 780.

G. Independent Elected Officials shall receive salary 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 Annual Leave Redemption: Effective July 28, 2022, an employee may request to receive pay in lieu of up to eighty (80) hours (160

hours upon approval of the agency/department head) per fiscal year of Annual Leave.

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 Sheriff's Captain B (Job Code 37619) base rate of pay. In addition, the Assistant Chief District Attorney Investigator classification shall receive 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 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
78555	Supervising Deputy Public Defender
37490	Chief Deputy Child Support Attorney
37491	Supervising Deputy Child Support Attorney

A. Effective October 11, 2018, the classification of Chief Assistant District Attorney (Job Code 78528) base rate of pay shall be benchmarked with the Undersheriff (Job Code 74541) base rate of pay.

B. Effective October 11, 2018, the classification of Assistant District Attorney (Job Code 78539) base rate of pay shall be benchmarked with the Assistant Sheriff B (Job Code 37607) base rate of pay.

ARTICLE 23
SEPARABILITY

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

ARTICLE 24
SUPERSESSION

This resolution supersedes Resolution - 2022-170 in its entirety.

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

ROLL CALL:

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt

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.

KECIA R. HARPER, Clerk of said Board

By: _____
Deputy

11/29/2022 Item 3.33
03/24/2026 Item 3.24 - Added "Effective Date"

INDEX

A

Abandonment 48
Advanced Step 15
Alcohol 71
Annual Leave 33, 45, 80
Appeal 52
At-Will Employees 28
Automobile Allowance 10

B

Bereavement Leave 41
Bilingual Pay 12

C

Call Duty 7
Case Management Process 58
Compensatory time off 5
Comprehensive Health Statement 37, 43
Continuous Service 38
Controlled Substances 71
Critical Care Course 12
Critical Care Differential 69

D

Demotion 19, 51
Disciplinary Action 49
discrimination
  Complaint 50, 74
Discrimination 4
Dismissal 49
Drug or Alcohol Test 72
Drugs 71

E

Exempt 5

F

Fitness for Duty 41
Flexible Benefit 72

H

Harassment 74
Health Savings Accounts 22
Holidays 59

I

Illicit Drugs 71
In-lieu Contributions 26

J

Jury Duty 41

L

Layoff 61
Leave of Absence 46
Long Term Disability 14

M

Merit Systems 26
Mileage Rate 9
Military Leave 47
Money Purchase Plan 25, 81
Moving Expenses 11

N

Natural Disaster 8

O

Optical Plan 73
Out-of-Class Assignments 22
Overtime 4, 5

P

People-Soft 6
Performance Recognition Plan 14
Post-Employment Accounts 21
Prescription Drugs 71
probationary period
  Extention of Initial Probation 27
  Initial Probation 27
Professional Engineer 70
Program Chief, Mental Health 70

R

Reclassification 19
Reduction in Compensation 49
Reemployment 65
Re-employment 17

INDEX

Registered Nurses approved courses *See* Tuition
Reinstatement 65
Reinstatement Lists 64
Relatives 22
Retirement 23
3%@50 25
3%@60 25
Return to Former Class 28

S

salary and benefit adjustments 79
Seniority 61
Shift Differentials 11
Sick Leave 42
Single Highest Year 24
Special Pay Accounts 22
Standby 7
Substance Abuse 71
Suspension 49

T

Temporary Promotion 20
Time-Bank 75
Tuition 11

V

Vacation 39
Veterans Preference 26

W

Workers' Compensation 44
Written Reprimand 49

RESOLUTION NO. 2022-228

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 December 15, 2022

TABLE OF CONTENTS

DEFINITIONS 1

ARTICLE 1 RECOGNITION 4

Sec. 101 Applicability. 4
Sec. 102 Reallocation 4
Sec. 103 Non-Discrimination 4

ARTICLE 2 HOURS OF WORK, OVERTIME 4

Sec. 201 Normal 80 Hour Biweekly Work Period 4
Sec. 202 Different 80 Hour Biweekly Work Period 4
Sec. 203 Overtime Policy 4
Sec. 204 FLSA Exempt Employees 5
Sec. 205 Definitions 5
Sec. 206 Authorization for Overtime Work 5
Sec. 207 Compensation for Overtime Work 5
Sec. 208 Fringe Benefits not Affected by Overtime 6
Sec. 209 New Payroll System 6
Sec. 210 Special Assignments 6
Sec. 211 Compensatory Time Off 7
Sec. 212 Extra Shift Assignment: 7
Sec. 213 Electronic Fund Deposit of Payroll: 7

ARTICLE 3 PREMIUM PAY 7

Sec. 301 Standby Duty 7
Sec. 302 Minimum Overtime on Call-Back Pay 8
Sec. 303 Declared Emergency 8
Sec. 304 Mileage Reimbursement 9
Sec. 305 Maintenance Pay 10
Sec. 306 Moving Expenses 11
Sec. 307 Shift Differentials 11
Sec. 308 Education for Continued Licensing of Registered Nurses 11
Sec. 309 Bilingual Pay 12
Sec. 310 Long Term Disability Plan 14
Sec. 311 Performance Recognition Plan 14
Sec. 312 Confidential Premium: 15

ARTICLE 4 PAY PRACTICES 16

Sec. 401 New Employees 16
Sec. 402 Anniversary Dates 16
Sec. 403 Merit Increases 17
Sec. 404 Denial of Salary Increase 17
Sec. 405 Re-employment 18
Sec. 406 Re-employment of Retired Persons 18
Sec. 407 Promotion 18
Sec. 408 Transfer 18
Sec. 409 Demotion 19
Sec. 410 Reclassification 19
Sec. 411 Temporary Promotion 20
Sec. 412 Additional Compensation to Supervisors/Managers 21
Sec. 413 Post-Employment Accounts 22

ARTICLE 5 GENERAL PERSONNEL PROVISIONS 22

Sec. 501 Out-of-Classification Assignments 22
Sec. 502 Relatives 22

TABLE OF CONTENTS

Sec. 503 Retirement 23
Sec. 504 Merit System 26

ARTICLE 6 PROBATIONARY PERIOD 27

ARTICLE 7 ANNUAL LEAVE 33

Sec. 701 Annual Leave 33
Sec. 702 Annual Usage 35
Sec. 703 Maximum Accrual 35
Sec. 704 Annual Leave 35
Sec. 705 Annual Leave Usage 36
Sec. 706 Payoff Upon Retirement or Termination 37
Sec. 707 Prior Sick Leave Accruals 37
Sec. 708 Payout for Unused Sick Leave 38
Sec. 709 Prohibition Against Employment While on Annual Leave 38
Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status 38
Sec. 711 Exception to Continuous Service 38
Sec. 712 Elected Officials Exceptions 39
Sec. 713 Retention of Excess Accruals 39

ARTICLE 8 VACATION 39

ARTICLE 9 PAID LEAVE 41

Sec. 901 Jury Duty 41
Sec. 902 Bereavement Leave 41
Sec. 903 Fitness for Duty 41
Sec. 904 Sick Leave (Applicable to Employees in Group 4 Only) 42

ARTICLE 10 ON THE JOB INJURY 45

Sec. 1001 Workers' Compensation Benefits 45
Sec. 1002 4850 Exclusion 45

ARTICLE 11 LEAVES OF ABSENCE WITHOUT PAY 46

Sec. 1101 Air Pollution Emergency 46
Sec. 1102 Leaves of Absence - In General 46
Sec. 1103 Agency/Department Leave of Absence 46
Sec. 1104 Official Leave of Absence 47
Sec. 1105 Military Leave 48
Sec. 1106 Abandonment/Automatic Resignation 48

ARTICLE 12 DISCIPLINARY PROCEDURE 49

Sec. 1201 Applicability 49
Sec. 1202 Cause for Action 49
Sec. 1203 Investigatory Leave of Absence 50
Sec. 1204 Written Order for Demotion, Suspension, Reduction in Pay, Termination 51
Sec. 1205 Amended Notice of Disciplinary Action 52
Sec. 1206 Limitations 52
Sec. 1207 Appeals 53
Sec. 1208 Waiver 53
Sec. 1209 Hearing Procedure - Minor Discipline 53
Sec. 1210 Hearing Procedure - Major Discipline 54
Sec. 1211 Evidence and Procedures Applicable to Major Disciplinary Hearings 57
Sec. 1212 Non-Discrimination 59

ARTICLE 13 HOLIDAYS 59

ARTICLE 14 LAYOFF AND REINSTATEMENT 61

TABLE OF CONTENTS

Sec. 1401 Seniority 61
Sec. 1402 Reduction in Force 61
Sec. 1403 Reassignment 63
Sec. 1404 Employment Counseling and Referral 63
Sec. 1405 Departmental Reinstatement List 64
Sec. 1406 Status on Reinstatement 65
Sec. 1407 Reemployment 65

ARTICLE 14A MANDATORY FURLOUGH 66

Sec. 1401A Scope and Implementation 66
Sec. 1402A Length of Furloughs 66
Sec. 1404A Additional Mandatory Furloughs 66
Sec. 1405A Voluntary Furloughs 66
Sec. 1406A Credit for Voluntary Furlough Hours 66
Sec. 1407A Restrictions 67
Sec. 1408A Retirement 68
Sec. 1409A Holidays 68
Sec. 1410A Benefits 68
Sec. 1411A FMLA/CFRA/PDL Leave 68
Sec. 1412A Military Leave 69
Sec. 1413A Payroll Issues 69
Sec. 1414A Workload 69

ARTICLE 15 SPECIAL ADJUSTMENTS & DIFFERENTIALS 69

ARTICLE 16 ALCOHOL AND DRUG ABUSE POLICY 71

ARTICLE 17 FLEXIBLE BENEFIT PROGRAM AND OPTICAL INSURANCE 72

Sec. 1701 Flex Benefits Programs 72
Sec. 1702 Optical Insurance 74
Sec. 1703 Medical Premium Subsidies 74
Sec. 1704 Retiree Health Contributions 74

ARTICLE 18 DISCRIMINATION COMPLAINT PROCEDURE 75

ARTICLE 19 VOLUNTARY TIME-BANK 75

ARTICLE 20 SALARY AND BENEFIT ADJUSTMENTS 78

ARTICLE 21 SALARY AND FRINGE BENEFIT ADJUSTMENTS LAW ENFORCEMENT EXECUTIVE MANAGEMENT 79

Sec. 2101 Annual Leave 80
Sec. 2103 Maximum Accrual 81
Sec. 2104 Annual Leave Redemption 82
Sec. 2105 Other Provisions 82
Sec. 2106 Deferred Compensation 82
Sec. 2107 P.O.S.T. Certificate Pay 82
Sec. 2108 Salary Adjustments 83
Sec. 2109 Uniforms 83

ARTICLE 22 SALARY ADJUSTMENTS FOR MANAGEMENT ATTORNEYS AND UNREPRESENTED ATTORNEYS 84

ARTICLE 23 SEPARABILITY 84

ARTICLE 24 SUPERSESSION 86

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

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.

B. 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 $.60 per hour for the time actually worked between 6:00 p.m. and 11:00 p.m.

C. 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 $1.20 per hour for the time actually worked between 11:00 p.m. and 7:00 a.m.

Sec. 308 Education for Continued Licensing of Registered Nurses:

A. Tuition and/or Registration Fee: Eligible employees may be granted time by their appointing authority to attend California Board of

Registered Nurses approved courses. Time granted shall not exceed 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 Physician In-Charge Stipend:

Employees in the Ambulatory Primary Care Physician Leader (Job Code 57788) classification who are assigned as a Physician In-Charge shall receive an in-charge stipend for time spent in the assignment as outlined below.

- Oversee 5 or less physicians – $3.85 per hour.
- Oversee 6-10 physicians – $4.81 per hour.
- Oversee 11 or more physicians – $7.21 per hour.

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

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. 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. Special Pay Accounts are tax-deferred investment funds. The employee may also elect a Health Savings Account, designed to be free of taxes, which may be used for future health care costs. A participant fee is charged for Health Savings Accounts. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

ARTICLE 5
GENERAL PERSONNEL PROVISIONS

Sec. 501 Out-of-Classification Assignments:
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:

A. Agency/Department Heads: Effective July 28, 2022, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of the County Executive Officer, such agency/department head may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same fiscal year provided, however, that no

agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

B. Other Eligible Employees: Effective July 28, 2022, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of his/her agency/department head, such employee may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same fiscal year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

Sec. 705 Annual Leave Usage:

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

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

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

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

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

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

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

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

F. Proof of Illness:

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

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

Sec. 707 Prior Sick Leave Accruals:

A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (½) of the sick leave balance for employees covered under the terms and conditions of this Resolution was converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.

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

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement, or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave for employees with at least five (5) but less than 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. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

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

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

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three (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 to a classification represented by a recognized employee organization, may continue to redeem any Annual Leave balance pursuant to Sec. 704 of this Resolution. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable Memorandum of Understanding. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the Memorandum of Understanding applicable to the employee's new classification.

ARTICLE 8
VACATION

(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

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

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

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

All employees covered under the terms of this Resolution may accumulate accrued vacation for not more than a maximum of 480 hours. Upon the written request of an agency/department head showing reasonable necessity and good cause, submitted prior to the accumulation of the maximum vacation entitlement, the County Executive Officer may by order temporarily enlarge for a specific employee the maximum accumulation by extending the period of additional vacation accrual for not more than three (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. Critical Care: Any Assistant Director of Nursing Services shall be entitled to a salary differential of $2.00 per hour above their regular rate of pay when assigned in the following critical care areas:

Emergency Room/Trauma Services

Intensive Care Unit
Labor and Delivery
Neonatal Intensive Care Unit
Operating Room
PACU
PCU
Pediatrics
Pediatrics Intensive Care Unit
Psychiatry

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

B. Psychiatrist - Mental Health Medical Program: In accordance with 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.

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

D. 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.

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

F. 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.

G. 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	SEMI-MONTHLY CONTRIBUTION
All Groups	Eff. PP 25-13 $411.50

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 Medical Premium Subsidies. Effective May 20, 2021, the County shall subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

- Employees with family coverage: Monthly premium subsidy of $200.00
- Employees with two-party coverage: Monthly premium subsidy of $50.00

Effective the beginning of the 2023 Plan Year, the County shall subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

- Employees with family coverage: Monthly premium subsidy of $300.00
- Employees with two-party coverage: Monthly premium subsidy of $75.00

The subsidies shall have no cash value.

Sec. 1704 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.

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 May 20, 2021, the minimum base salary range for classifications covered by this Resolution shall be increased by eight and thirty-five hundredths percent (8.35%). Employees who are below their classification's minimum salary range at the time of implementation will receive an increase in pay to place the employee at the new minimum salary for their classification's salary range and the employee's anniversary date shall be reset to the effective date of the salary increase.

B. Effective July 1, 2021, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). 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 the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary 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.

C. Effective July 14, 2022, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). 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 the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary 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.

D. Effective July 13, 2023, the maximum base salary range for classifications covered by this Resolution shall be increased by two and one-half percent (2.5%). 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 the 2.5% increase to the maximum salary of the range is implemented will concurrently receive a 2.5% increase to their salary 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. The salary ranges for the Deputy County Counsel – CE classification series shall be established in accordance with an internal salary benchmark of 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.

F. Board of Supervisors salary shall be established in accordance with Ordinance 780.

G. Independent Elected Officials shall receive salary 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 Annual Leave Redemption: Effective July 28, 2022, an employee may request to receive pay in lieu of up to eighty (80) hours (160 hours upon approval of the agency/department head) per fiscal year of Annual Leave.

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 Sheriff's Captain B (Job Code 37619) base rate of pay. In addition, the Assistant Chief District Attorney Investigator classification shall receive 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 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
78555	Supervising Deputy Public Defender
37490	Chief Deputy Child Support Attorney
37491	Supervising Deputy Child Support Attorney

A. Effective October 11, 2018, the classification of Chief Assistant District Attorney (Job Code 78528) base rate of pay shall be benchmarked with the Undersheriff (Job Code 74541) base rate of pay.

B. Effective October 11, 2018, the classification of Assistant District Attorney (Job Code 78539) base rate of pay shall be benchmarked with the Assistant Sheriff B (Job Code 37607) base rate of pay.

ARTICLE 23
SEPARABILITY

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

phrase thereof, irrespective of the fact that any one, or more than one sentence, clause, or phrase thereof be declared unconstitutional or invalid.

ARTICLE 24
SUPERSESSION

This resolution supersedes Resolution - 2022-223 in its entirety.

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

ROLL CALL:

Ayes: Jeffries, Spiegel, Washington, and Hewitt

Nays: None

Absent: Perez

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.

KECIA R. HARPER, Clerk of said Board

By: _____
Deputy

12/13/2022 Item 3.21
03/24/2026 Item 3.24 - Added "Effective Date"

INDEX

A

Abandonment 48
Advanced Step 15
Alcohol 71
Annual Leave 33, 45, 80
Appeal 52
At-Will Employees 28
Automobile Allowance 10

B

Bereavement Leave 41
Bilingual Pay 12

C

Call Duty 7
Case Management Process 58
Compensatory time off 5
Comprehensive Health Statement 37, 43
Continuous Service 38
Controlled Substances 71
Critical Care Course 12
Critical Care Differential 69

D

Demotion 19, 51
Disciplinary Action 49
discrimination
  Complaint 50, 74
Discrimination 4
Dismissal 49
Drug or Alcohol Test 72
Drugs 71

E

Exempt 5

F

Fitness for Duty 41
Flexible Benefit 72

H

Harassment 74
Health Savings Accounts 22
Holidays 59

I

Illicit Drugs 71
In-lieu Contributions 26

J

Jury Duty 41

L

Layoff 61
Leave of Absence 46
Long Term Disability 14

M

Merit Systems 26
Mileage Rate 9
Military Leave 47
Money Purchase Plan 25, 81
Moving Expenses 11

N

Natural Disaster 8

O

Optical Plan 73
Out-of-Class Assignments 22
Overtime 4, 5

P

People-Soft 6
Performance Recognition Plan 14
Post-Employment Accounts 21
Prescription Drugs 71
probationary period
  Extention of Initial Probation 27
  Initial Probation 27
Professional Engineer 70
Program Chief, Mental Health 70

R

Reclassification 19
Reduction in Compensation 49
Reemployment 65
Re-employment 17

INDEX

Registered Nurses approved courses *See* Tuition
Reinstatement 65
Reinstatement Lists 64
Relatives 22
Retirement 23
3%@50 25
3%@60 25
Return to Former Class 28

S

salary and benefit adjustments 79
Seniority 61
Shift Differentials 11
Sick Leave 42
Single Highest Year 24
Special Pay Accounts 22
Standby 7
Substance Abuse 71
Suspension 49

T

Temporary Promotion 20
Time-Bank 75
Tuition 11

V

Vacation 39
Veterans Preference 26

W

Workers' Compensation 44
Written Reprimand 49

RESOLUTION NO. 2023-016

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 January 12, 2023

TABLE OF CONTENTS

DEFINITIONS 1

ARTICLE 1 RECOGNITION 4

Sec. 101 Applicability. 4
Sec. 102 Reallocation. 4
Sec. 103 Non-Discrimination 4

ARTICLE 2 HOURS OF WORK, OVERTIME 4

Sec. 201 Normal 80 Hour Biweekly Work Period 4
Sec. 202 Different 80 Hour Biweekly Work Period 4
Sec. 203 Overtime Policy 4
Sec. 204 FLSA Exempt Employees 5
Sec. 205 Definitions 5
Sec. 206 Authorization for Overtime Work 5
Sec. 207 Compensation for Overtime Work 5
Sec. 208 Fringe Benefits not Affected by Overtime 6
Sec. 209 New Payroll System. 6
Sec. 210 Special Assignments 6
Sec. 211 Compensatory Time Off 7
Sec. 212 Extra Shift Assignment: 7
Sec. 213 Electronic Fund Deposit of Payroll: 7

ARTICLE 3 PREMIUM PAY 7

Sec. 301 Standby Duty 7
Sec. 302 Minimum Overtime on Call-Back Pay 8
Sec. 303 Declared Emergency 8
Sec. 304 Mileage Reimbursement 9
Sec. 305 Maintenance Pay 10
Sec. 306 Moving Expenses 11
Sec. 307 Shift Differentials 11
Sec. 308 Education for Continued Licensing of Registered Nurses 11
Sec. 309 Bilingual Pay 12
Sec. 310 Long Term Disability Plan 14
Sec. 311 Performance Recognition Plan. 14
Sec. 312 Confidential Premium: 15
Sec. 313 Physician In Charge Stipend. 15

ARTICLE 4 PAY PRACTICES 16

Sec. 401 New Employees. 16
Sec. 402 Anniversary Dates 16
Sec. 403 Merit Increases 17
Sec. 404 Denial of Salary Increase 17
Sec. 405 Re-employment 18
Sec. 406 Re-employment of Retired Persons 18
Sec. 407 Promotion 18
Sec. 408 Transfer 18
Sec. 409 Demotion 19
Sec. 410 Reclassification. 19
Sec. 411 Temporary Promotion 20
Sec. 412 Additional Compensation to Supervisors/Managers 21
Sec. 413 Post-Employment Accounts 22

ARTICLE 5 GENERAL PERSONNEL PROVISIONS 22

Sec. 501 Out-of-Classification Assignments. 22

TABLE OF CONTENTS

Sec. 502 Relatives 22
Sec. 503 Retirement 23
Sec. 504 Merit System 26

ARTICLE 6 PROBATIONARY PERIOD 27

ARTICLE 7 ANNUAL LEAVE 33

Sec. 701 Annual Leave 33
Sec. 702 Annual Usage 35
Sec. 703 Maximum Accrual 35
Sec. 704 Annual Leave 35
Sec. 705 Annual Leave Usage 36
Sec. 706 Payoff Upon Retirement or Termination 37
Sec. 707 Prior Sick Leave Accruals 37
Sec. 708 Payout for Unused Sick Leave 38
Sec. 709 Prohibition Against Employment While on Annual Leave 38
Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status 38
Sec. 711 Exception to Continuous Service 38
Sec. 712 Elected Officials Exceptions 39
Sec. 713 Retention of Excess Accruals 39

ARTICLE 8 VACATION 39

ARTICLE 9 PAID LEAVE 41

Sec. 901 Jury Duty 41
Sec. 902 Bereavement Leave 41
Sec. 903 Fitness for Duty 41
Sec. 904 Sick Leave (Applicable to Employees in Group 4 Only) 42

ARTICLE 10 ON THE JOB INJURY 45

Sec. 1001 Workers' Compensation Benefits 45
Sec. 1002 4850 Exclusion 45

ARTICLE 11 LEAVES OF ABSENCE WITHOUT PAY 46

Sec. 1101 Air Pollution Emergency 46
Sec. 1102 Leaves of Absence - In General 46
Sec. 1103 Agency/Department Leave of Absence 46
Sec. 1104 Official Leave of Absence 47
Sec. 1105 Military Leave 48
Sec. 1106 Abandonment/Automatic Resignation 48

ARTICLE 12 DISCIPLINARY PROCEDURE 49

Sec. 1201 Applicability 49
Sec. 1202 Cause for Action 49
Sec. 1203 Investigatory Leave of Absence 50
Sec. 1204 Written Order for Demotion, Suspension, Reduction in Pay, Termination 51
Sec. 1205 Amended Notice of Disciplinary Action 52
Sec. 1206 Limitations 52
Sec. 1207 Appeals 53
Sec. 1208 Waiver 53
Sec. 1209 Hearing Procedure - Minor Discipline 53
Sec. 1210 Hearing Procedure - Major Discipline 54
Sec. 1211 Evidence and Procedures Applicable to Major Disciplinary Hearings 57
Sec. 1212 Non-Discrimination 59

ARTICLE 13 HOLIDAYS 59

ARTICLE 14 LAYOFF AND REINSTATEMENT 61

TABLE OF CONTENTS

Sec. 1401 Seniority 61
Sec. 1402 Reduction in Force 61
Sec. 1403 Reassignment 63
Sec. 1404 Employment Counseling and Referral 63
Sec. 1405 Departmental Reinstatement List 64
Sec. 1406 Status on Reinstatement 65
Sec. 1407 Reemployment 65

ARTICLE 14A MANDATORY FURLOUGH 66

Sec. 1401A Scope and Implementation 66
Sec. 1402A Length of Furloughs 66
Sec. 1404A Additional Mandatory Furloughs 66
Sec. 1405A Voluntary Furloughs 66
Sec. 1406A Credit for Voluntary Furlough Hours 66
Sec. 1407A Restrictions 67
Sec. 1408A Retirement 68
Sec. 1409A Holidays 68
Sec. 1410A Benefits 68
Sec. 1411A FMLA/CFRA/PDL Leave 68
Sec. 1412A Military Leave 69
Sec. 1413A Payroll Issues 69
Sec. 1414A Workload 69

ARTICLE 15 SPECIAL ADJUSTMENTS & DIFFERENTIALS 69

ARTICLE 16 ALCOHOL AND DRUG ABUSE POLICY 71

ARTICLE 17 FLEXIBLE BENEFIT PROGRAM AND OPTICAL INSURANCE 72

Sec. 1701 Flex Benefits Programs 72
Sec. 1702 Optical Insurance 74
Sec. 1703 Medical Premium Subsidies 74
Sec. 1704 Retiree Health Contributions 74

ARTICLE 18 DISCRIMINATION COMPLAINT PROCEDURE 75

ARTICLE 19 VOLUNTARY TIME-BANK 75

ARTICLE 20 SALARY AND BENEFIT ADJUSTMENTS 78

ARTICLE 21 SALARY AND FRINGE BENEFIT ADJUSTMENTS LAW ENFORCEMENT EXECUTIVE MANAGEMENT 79

Sec. 2101 Annual Leave 80
Sec. 2103 Maximum Accrual 81
Sec. 2104 Annual Leave Redemption 81
Sec. 2105 Other Provisions 81
Sec. 2106 Deferred Compensation 82
Sec. 2107 P.O.S.T. Certificate Pay 82
Sec. 2108 Salary Adjustments 83
Sec. 2109 Uniforms 83

ARTICLE 22 SALARY ADJUSTMENTS FOR MANAGEMENT ATTORNEYS AND UNREPRESENTED ATTORNEYS 84

ARTICLE 23 SEPARABILITY 84

ARTICLE 24 SUPERSESSION 85

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

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.

B. 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 $.60 per hour for the time actually worked between 6:00 p.m. and 11:00 p.m.

C. 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 $1.20 per hour for the time actually worked between 11:00 p.m. and 7:00 a.m.

Sec. 308 Education for Continued Licensing of Registered Nurses:

A. Tuition and/or Registration Fee: Eligible employees may be granted time by their appointing authority to attend California Board of

Registered Nurses approved courses. Time granted shall not exceed 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 Physician In-Charge Stipend:

Employees in the Ambulatory Primary Care Physician Leader (Job Code 57788) classification who are routinely and consistently assigned as a Physician In-Charge shall receive an in-charge stipend for time spent in the assignment as outlined below.

- Oversee 5 or less physicians – $3.85 per hour.
- Oversee 6-10 physicians – $4.81 per hour.
- Oversee 11 or more physicians – $7.21 per hour.

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

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. 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. Special Pay Accounts are tax-deferred investment funds. The employee may also elect a Health Savings Account, designed to be free of taxes, which may be used for future health care costs. A participant fee is charged for Health Savings Accounts. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

ARTICLE 5
GENERAL PERSONNEL PROVISIONS

Sec. 501 Out-of-Classification Assignments:
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:

A. Agency/Department Heads: Effective July 28, 2022, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of the County Executive Officer, such agency/department head may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same fiscal year provided, however, that no

agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

B. Other Eligible Employees: Effective July 28, 2022, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of his/her agency/department head, such employee may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same fiscal year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

Sec. 705 Annual Leave Usage:

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

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

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

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

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

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

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

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

F. Proof of Illness:

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

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

Sec. 707 Prior Sick Leave Accruals:

A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (½) of the sick leave balance for employees covered under the terms and conditions of this Resolution was converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.

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

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement, or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave for employees with at least five (5) but less than 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. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

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

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

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three (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 to a classification represented by a recognized employee organization, may continue to redeem any Annual Leave balance pursuant to Sec. 704 of this Resolution. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable Memorandum of Understanding. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the Memorandum of Understanding applicable to the employee's new classification.

ARTICLE 8
VACATION

(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

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

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

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

All employees covered under the terms of this Resolution may accumulate accrued vacation for not more than a maximum of 480 hours. Upon the written request of an agency/department head showing reasonable necessity and good cause, submitted prior to the accumulation of the maximum vacation entitlement, the County Executive Officer may by order temporarily enlarge for a specific employee the maximum accumulation by extending the period of additional vacation accrual for not more than three (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. Critical Care: Any Assistant Director of Nursing Services shall be entitled to a salary differential of $2.00 per hour above their regular rate of pay when assigned in the following critical care areas:

Emergency Room/Trauma Services

Intensive Care Unit
Labor and Delivery
Neonatal Intensive Care Unit
Operating Room
PACU
PCU
Pediatrics
Pediatrics Intensive Care Unit
Psychiatry

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

B. Psychiatrist - Mental Health Medical Program: In accordance with 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.

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

D. 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.

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

F. 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.

G. 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	SEMI-MONTHLY CONTRIBUTION
All Groups	Eff. PP 25-13 $411.50

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 Medical Premium Subsidies. Effective as soon as administratively possible following the Board of Supervisors approval, the County shall subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

- Employees with two-party or family coverage: Monthly premium subsidy of $688.00

The subsidies shall have no cash value.

Sec. 1704 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.

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 May 20, 2021, the minimum base salary range for classifications covered by this Resolution shall be increased by eight and thirty-five hundredths percent (8.35%). Employees who are below their classification's minimum salary range at the time of implementation will receive an increase in pay to place the employee at the new minimum salary for their classification's salary range and the employee's anniversary date shall be reset to the effective date of the salary increase.

B. Effective July 1, 2021, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). 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 the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary 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.

C. Effective July 14, 2022, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). 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 the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary 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.

D. Effective July 13, 2023, the maximum base salary range for classifications covered by this Resolution shall be increased by two and one-half percent (2.5%). 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 the 2.5% increase to the maximum salary of the range is implemented will concurrently receive a 2.5% increase to their salary 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. The salary ranges for the Deputy County Counsel – CE classification series shall be established in accordance with an internal salary benchmark of 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.

F. Board of Supervisors salary shall be established in accordance with Ordinance 780.

G. Independent Elected Officials shall receive salary 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 Annual Leave Redemption: Effective July 28, 2022, an employee may request to receive pay in lieu of up to eighty (80) hours (160 hours upon approval of the agency/department head) per fiscal year of Annual Leave.

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 Sheriff's Captain B (Job Code 37619) base rate of pay. In addition, the Assistant Chief District Attorney Investigator classification shall receive 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 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
78555	Supervising Deputy Public Defender
37490	Chief Deputy Child Support Attorney
37491	Supervising Deputy Child Support Attorney

A. Effective October 11, 2018, the classification of Chief Assistant District Attorney (Job Code 78528) base rate of pay shall be benchmarked with the Undersheriff (Job Code 74541) base rate of pay.

B. Effective October 11, 2018, the classification of Assistant District Attorney (Job Code 78539) base rate of pay shall be benchmarked with the Assistant Sheriff B (Job Code 37607) base rate of pay.

ARTICLE 23
SEPARABILITY

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

ARTICLE 24
SUPERSESSION

This resolution supersedes Resolution - 2022-228 in its entirety.

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

ROLL CALL:

Ayes: Jeffries, 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

01/10/2023 Item 3.16
03/24/2026 Item 3.24 - Added "Effective Date"

INDEX

A

Abandonment 48
Advanced Step 15
Alcohol 71
Annual Leave 33, 45, 80
Appeal 52
At-Will Employees 28
Automobile Allowance 10

B

Bereavement Leave 41
Bilingual Pay 12

C

Call Duty 7
Case Management Process 58
Compensatory time off 5
Comprehensive Health Statement 37, 43
Continuous Service 38
Controlled Substances 71
Critical Care Course 12
Critical Care Differential 69

D

Demotion 19, 51
Disciplinary Action 49
discrimination
  Complaint 50, 74
Discrimination 4
Dismissal 49
Drug or Alcohol Test 72
Drugs 71

E

Exempt 5

F

Fitness for Duty 41
Flexible Benefit 72

H

Harassment 74
Health Savings Accounts 22
Holidays 59

I

Illicit Drugs 71
In-lieu Contributions 26

J

Jury Duty 41

L

Layoff 61
Leave of Absence 46
Long Term Disability 14

M

Merit Systems 26
Mileage Rate 9
Military Leave 47
Money Purchase Plan 25, 81
Moving Expenses 11

N

Natural Disaster 8

O

Optical Plan 73
Out-of-Class Assignments 22
Overtime 4, 5

P

People-Soft 6
Performance Recognition Plan 14
Post-Employment Accounts 21
Prescription Drugs 71
probationary period
  Extention of Initial Probation 27
  Initial Probation 27
Professional Engineer 70
Program Chief, Mental Health 70

R

Reclassification 19
Reduction in Compensation 49
Reemployment 65
Re-employment 17

INDEX

Registered Nurses approved courses *See* Tuition
Reinstatement 65
Reinstatement Lists 64
Relatives 22
Retirement 23
3%@50 25
3%@60 25
Return to Former Class 28

S

salary and benefit adjustments 79
Seniority 61
Shift Differentials 11
Sick Leave 42
Single Highest Year 24
Special Pay Accounts 22
Standby 7
Substance Abuse 71
Suspension 49

T

Temporary Promotion 20
Time-Bank 75
Tuition 11

V

Vacation 39
Veterans Preference 26

W

Workers' Compensation 44
Written Reprimand 49

RESOLUTION NO. 2023-053

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 March 9, 2023

TABLE OF CONTENTS

DEFINITIONS 1

ARTICLE 1 RECOGNITION 4

Sec. 101 Applicability. 4
Sec. 102 Reallocation 4
Sec. 103 Non-Discrimination 4

ARTICLE 2 HOURS OF WORK, OVERTIME 4

Sec. 201 Normal 80 Hour Biweekly Work Period 4
Sec. 202 Different 80 Hour Biweekly Work Period 4
Sec. 203 Overtime Policy 4
Sec. 204 FLSA Exempt Employees 5
Sec. 205 Definitions 5
Sec. 206 Authorization for Overtime Work 5
Sec. 207 Compensation for Overtime Work 5
Sec. 208 Fringe Benefits not Affected by Overtime 6
Sec. 209 New Payroll System 6
Sec. 210 Special Assignments 6
Sec. 211 Compensatory Time Off 7
Sec. 212 Extra Shift Assignment: 7
Sec. 213 Electronic Fund Deposit of Payroll: 7

ARTICLE 3 PREMIUM PAY 7

Sec. 301 Standby Duty 7
Sec. 302 Minimum Overtime on Call-Back Pay 8
Sec. 303 Declared Emergency 8
Sec. 304 Mileage Reimbursement 9
Sec. 305 Maintenance Pay 10
Sec. 306 Moving Expenses 11
Sec. 307 Shift Differentials 11
Sec. 308 Education for Continued Licensing of Registered Nurses 11
Sec. 309 Bilingual Pay 12
Sec. 310 Long Term Disability Plan 14
Sec. 311 Performance Recognition Plan 14
Sec. 312 Confidential Premium: 15
Sec. 313 Physician In Charge Stipend 15

ARTICLE 4 PAY PRACTICES 16

Sec. 401 New Employees 16
Sec. 402 Anniversary Dates 17
Sec. 403 Merit Increases 18
Sec. 404 Denial of Salary Increase 18
Sec. 405 Re-employment 18
Sec. 406 Re-employment of Retired Persons 19
Sec. 407 Promotion 18
Sec. 408 Transfer 18
Sec. 409 Demotion 19
Sec. 410 Reclassification 19
Sec. 411 Temporary Promotion 21
Sec. 412 Additional Compensation to Supervisors/Managers 21
Sec. 413 Post-Employment Accounts 22

ARTICLE 5 GENERAL PERSONNEL PROVISIONS 23

Sec. 501 Out-of-Classification Assignments 23

TABLE OF CONTENTS

Sec. 502 Relatives 23
Sec. 503 Retirement 24
Sec. 504 Merit System 27

ARTICLE 6 PROBATIONARY PERIOD 28

ARTICLE 7 ANNUAL LEAVE 34

Sec. 701 Annual Leave 34
Sec. 702 Annual Usage 35
Sec. 703 Maximum Accrual 36
Sec. 704 Annual Leave 36
Sec. 705 Annual Leave Usage 37
Sec. 706 Payoff Upon Retirement or Termination 38
Sec. 707 Prior Sick Leave Accruals 38
Sec. 708 Payout for Unused Sick Leave 38
Sec. 709 Prohibition Against Employment While on Annual Leave 38
Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status 38
Sec. 711 Exception to Continuous Service 38
Sec. 712 Elected Officials Exceptions 39
Sec. 713 Retention of Excess Accruals 39

ARTICLE 8 VACATION 39

ARTICLE 9 PAID LEAVE 42

Sec. 901 Jury Duty 42
Sec. 902 Bereavement Leave 42
Sec. 903 Fitness for Duty 42
Sec. 904 Sick Leave (Applicable to Employees in Group 4 Only) 43

ARTICLE 10 ON THE JOB INJURY 45

Sec. 1001 Workers' Compensation Benefits 45
Sec. 1002 4850 Exclusion 46

ARTICLE 11 LEAVES OF ABSENCE WITHOUT PAY 47

Sec. 1101 Air Pollution Emergency 47
Sec. 1102 Leaves of Absence - In General 47
Sec. 1103 Agency/Department Leave of Absence 47
Sec. 1104 Official Leave of Absence 48
Sec. 1105 Military Leave 48
Sec. 1106 Abandonment/Automatic Resignation 48

ARTICLE 12 DISCIPLINARY PROCEDURE 49

Sec. 1201 Applicability 49
Sec. 1202 Cause for Action 49
Sec. 1203 Investigatory Leave of Absence 50
Sec. 1204 Written Order for Demotion, Suspension, Reduction in Pay, Termination 52
Sec. 1205 Amended Notice of Disciplinary Action 53
Sec. 1206 Limitations 53
Sec. 1207 Appeals 53
Sec. 1208 Waiver 54
Sec. 1209 Hearing Procedure - Minor Discipline 54
Sec. 1210 Hearing Procedure - Major Discipline 55
Sec. 1211 Evidence and Procedures Applicable to Major Disciplinary Hearings 58
Sec. 1212 Non-Discrimination 59

ARTICLE 13 HOLIDAYS 59

ARTICLE 14 LAYOFF AND REINSTATEMENT 62

TABLE OF CONTENTS

Sec. 1401 Seniority 62
Sec. 1402 Reduction in Force 62
Sec. 1403 Reassignment 64
Sec. 1404 Employment Counseling and Referral 64
Sec. 1405 Departmental Reinstatement List 65
Sec. 1406 Status on Reinstatement 66
Sec. 1407 Reemployment 66

ARTICLE 14A MANDATORY FURLOUGH 66

Sec. 1401A Scope and Implementation 66
Sec. 1402A Length of Furloughs 67
Sec. 1404A Additional Mandatory Furloughs 67
Sec. 1405A Voluntary Furloughs 67
Sec. 1406A Credit for Voluntary Furlough Hours 67
Sec. 1407A Restrictions 68
Sec. 1408A Retirement 68
Sec. 1409A Holidays 68
Sec. 1410A Benefits 68
Sec. 1411A FMLA/CFRA/PDL Leave 68
Sec. 1412A Military Leave 69
Sec. 1413A Payroll Issues 69
Sec. 1414A Workload 69

ARTICLE 15 SPECIAL ADJUSTMENTS & DIFFERENTIALS 69

ARTICLE 16 ALCOHOL AND DRUG ABUSE POLICY 71

ARTICLE 17 FLEXIBLE BENEFIT PROGRAM AND OPTICAL INSURANCE 73

Sec. 1701 Flex Benefits Programs 73
Sec. 1702 Optical Insurance 74
Sec. 1703 Medical Premium Subsidies 74
Sec. 1704 Retiree Health Contributions 75

ARTICLE 18 DISCRIMINATION COMPLAINT PROCEDURE 75

ARTICLE 19 VOLUNTARY TIME-BANK 76

ARTICLE 20 SALARY AND BENEFIT ADJUSTMENTS 78

ARTICLE 21 SALARY AND FRINGE BENEFIT ADJUSTMENTS LAW ENFORCEMENT EXECUTIVE MANAGEMENT 79

Sec. 2101 Annual Leave 81
Sec. 2103 Maximum Accrual 81
Sec. 2104 Annual Leave Redemption 82
Sec. 2105 Other Provisions 82
Sec. 2106 Deferred Compensation 82
Sec. 2107 P.O.S.T. Certificate Pay 83
Sec. 2108 Salary Adjustments 83
Sec. 2109 Uniforms 84

ARTICLE 22 SALARY ADJUSTMENTS FOR MANAGEMENT ATTORNEYS AND UNREPRESENTED ATTORNEYS 85

ARTICLE 23 SEPARABILITY 85

ARTICLE 24 SUPERSESSION 86

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

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.

B. 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 $.60 per hour for the time actually worked between 6:00 p.m. and 11:00 p.m.

C. 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 $1.20 per hour for the time actually worked between 11:00 p.m. and 7:00 a.m.

Sec. 308 Education for Continued Licensing of Registered Nurses:

A. Tuition and/or Registration Fee: Eligible employees may be granted time by their appointing authority to attend California Board of

Registered Nurses approved courses. Time granted shall not exceed 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 Physician In-Charge Stipend:

Employees in the Ambulatory Primary Care Physician Leader (Job Code 57788) classification who are routinely and consistently assigned as a Physician In-Charge shall receive an in-charge stipend for time spent in the assignment as outlined below.

- Oversee 5 or less physicians – $3.85 per hour.
- Oversee 6-10 physicians – $4.81 per hour.
- Oversee 11 or more physicians – $7.21 per hour.

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), or Certified Information Systems Auditor (CISA) 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. Chief Accountant
6. Executive Office Principal Budget Analyst
7. Fiscal Manager
8. Fiscal Manager – Parks
9. Principal Accountant
10. Principal Management Analyst
11. Senior Accountant – CE
12. 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. 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. Special Pay Accounts are tax-deferred investment funds. The employee may also elect a Health Savings Account, designed to be free of taxes, which may be used for future health care costs. A participant fee is charged for Health Savings Accounts. Qualifying leave

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

ARTICLE 5
GENERAL PERSONNEL PROVISIONS

Sec. 501 Out-of-Classification Assignments:
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:

A. Agency/Department Heads: Effective July 28, 2022, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of the County Executive Officer, such agency/department head may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same fiscal year provided, however, that no agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

B. Other Eligible Employees: Effective July 28, 2022, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of his/her agency/department head, such employee may receive pay in lieu of an additional eighty (80) hours of Annual

Leave during the same fiscal year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

Sec. 705 Annual Leave Usage:

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

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

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

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

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

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

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

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

F. Proof of Illness:

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

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

Sec. 707 Prior Sick Leave Accruals:

A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (½) of the sick leave balance for employees covered under the terms and conditions of this Resolution was converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.

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

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement, or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave for employees with at least five (5) but less than 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. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

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

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

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three (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 to a classification represented by a recognized employee organization, may continue to redeem any Annual Leave balance pursuant to Sec. 704 of this Resolution. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable Memorandum of Understanding. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the Memorandum of Understanding applicable to the employee's new classification.

ARTICLE 8
VACATION
(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

A. Subject to the limitations and exemptions of this section, every regular employee in a classification assigned to Group 4 shall be entitled annually to the following number of working hours of vacation

with pay in accordance with the record of completion of continuous years of service:

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

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

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

<u>General Rules</u>

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

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

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

B. Psychiatrist - Mental Health Medical Program: In accordance with 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.

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

D. 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.

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

F. 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.

G. 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	SEMI-MONTHLY CONTRIBUTION	
All Groups	Eff. PP 25-13	$411.50

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 Medical Premium Subsidies. Effective as soon as administratively possible following the Board of Supervisors approval, the County

shall subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

- Employees with two-party or family coverage: Monthly premium subsidy of $688.00

The subsidies shall have no cash value.

Sec. 1704 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.

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 May 20, 2021, the minimum base salary range for classifications covered by this Resolution shall be increased by eight and thirty-five hundredths percent (8.35%). Employees who are below their classification's minimum salary range at the time of implementation will receive an increase in pay to place the employee at the new minimum salary for their classification's salary range and the employee's anniversary date shall be reset to the effective date of the salary increase.

B. Effective July 1, 2021, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). 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 the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary 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.

C. Effective July 14, 2022, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). 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 the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary 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.

D. Effective July 13, 2023, the maximum base salary range for classifications covered by this Resolution shall be increased by two and one-half percent (2.5%). 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 the 2.5% increase to the maximum salary of the range is implemented will concurrently receive a 2.5% increase to their salary 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. The salary ranges for the Deputy County Counsel – CE classification series shall be established in accordance with an internal salary benchmark of 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.

F. Board of Supervisors salary shall be established in accordance with Ordinance 780.

G. Independent Elected Officials shall receive salary 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 Annual Leave Redemption: Effective July 28, 2022, an employee may request to receive pay in lieu of up to eighty (80) hours (160 hours upon approval of the agency/department head) per fiscal year of Annual Leave.

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 Sheriff's Captain B (Job Code 37619) base rate of pay. In addition, the Assistant Chief District Attorney Investigator classification shall receive 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 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
78555	Supervising Deputy Public Defender
37490	Chief Deputy Child Support Attorney
37491	Supervising Deputy Child Support Attorney

A. Effective October 11, 2018, the classification of Chief Assistant District Attorney (Job Code 78528) base rate of pay shall be benchmarked with the Undersheriff (Job Code 74541) base rate of pay.

B. Effective October 11, 2018, the classification of Assistant District Attorney (Job Code 78539) base rate of pay shall be benchmarked with the Assistant Sheriff B (Job Code 37607) base rate of pay.

ARTICLE 23
SEPARABILITY

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

ARTICLE 24
SUPERSESSION

This resolution supersedes Resolution - 2023-016 in its entirety.

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

ROLL CALL:

Ayes: Jeffries, Spiegel, Washington, and Gutierrez

Nays: None

Absent: Perez

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

02/28/2023 Item 3.21
03/24/2026 Item 3.24 - Added "Effective Date"

INDEX

A

Abandonment 48
Advanced Step 15
Alcohol 71
Annual Leave 33, 45, 80
Appeal 52
At-Will Employees 28
Automobile Allowance 10

B

Bereavement Leave 41
Bilingual Pay 12

C

Call Duty 7
Case Management Process 58
Compensatory time off 5
Comprehensive Health Statement 37, 43
Continuous Service 38
Controlled Substances 71
Critical Care Course 12
Critical Care Differential 69

D

Demotion 19, 51
Disciplinary Action 49
discrimination
  Complaint 50, 74
Discrimination 4
Dismissal 49
Drug or Alcohol Test 72
Drugs 71

E

Exempt 5

F

Fitness for Duty 41
Flexible Benefit 72

H

Harassment 74
Health Savings Accounts 22
Holidays 59

I

Illicit Drugs 71
In-lieu Contributions 26

J

Jury Duty 41

L

Layoff 61
Leave of Absence 46
Long Term Disability 14

M

Merit Systems 26
Mileage Rate 9
Military Leave 47
Money Purchase Plan 25, 81
Moving Expenses 11

N

Natural Disaster 8

O

Optical Plan 73
Out-of-Class Assignments 22
Overtime 4, 5

P

People-Soft 6
Performance Recognition Plan 14
Post-Employment Accounts 21
Prescription Drugs 71
probationary period
  Extention of Initial Probation 27
  Initial Probation 27
Professional Engineer 70
Program Chief, Mental Health 70

R

Reclassification 19
Reduction in Compensation 49
Reemployment 65
Re-employment 17

INDEX

Registered Nurses approved courses *See* Tuition
Reinstatement 65
Reinstatement Lists 64
Relatives 22
Retirement 23
3%@50 25
3%@60 25
Return to Former Class 28

S

salary and benefit adjustments 79
Seniority 61
Shift Differentials 11
Sick Leave 42
Single Highest Year 24
Special Pay Accounts 22
Standby 7
Substance Abuse 71
Suspension 49

T

Temporary Promotion 20
Time-Bank 75
Tuition 11

V

Vacation 39
Veterans Preference 26

W

Workers' Compensation 44
Written Reprimand 49

RESOLUTION NO. 2023-280

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 November 2, 2023

TABLE OF CONTENTS

DEFINITIONS 1

ARTICLE 1 RECOGNITION 4

Sec. 101 Applicability. 4
Sec. 102 Reallocation 4
Sec. 103 Non-Discrimination 4

ARTICLE 2 HOURS OF WORK, OVERTIME 4

Sec. 201 Normal 80 Hour Biweekly Work Period 4
Sec. 202 Different 80 Hour Biweekly Work Period 4
Sec. 203 Overtime Policy 4
Sec. 204 FLSA Exempt Employees 5
Sec. 205 Definitions 5
Sec. 206 Authorization for Overtime Work 5
Sec. 207 Compensation for Overtime Work 5
Sec. 208 Fringe Benefits not Affected by Overtime 6
Sec. 209 New Payroll System 6
Sec. 210 Special Assignments 6
Sec. 211 Compensatory Time Off 7
Sec. 212 Extra Shift Assignment: 7
Sec. 213 Electronic Fund Deposit of Payroll: 7

ARTICLE 3 PREMIUM PAY 7

Sec. 301 Standby Duty 7
Sec. 302 Minimum Overtime on Call-Back Pay 8
Sec. 303 Declared Emergency 8
Sec. 304 Mileage Reimbursement 9
Sec. 305 Maintenance Pay 10
Sec. 306 Moving Expenses 11
Sec. 307 Shift Differentials 11
Sec. 308 Education for Continued Licensing of Registered Nurses 11
Sec. 309 Bilingual Pay 12
Sec. 310 Long Term Disability Plan 14
Sec. 311 Performance Recognition Plan 14
Sec. 312 Confidential Premium: 15
Sec. 313 Physician In Charge Stipend 15

ARTICLE 4 PAY PRACTICES 16

Sec. 401 New Employees 16
Sec. 402 Anniversary Dates 17
Sec. 403 Merit Increases 18
Sec. 404 Denial of Salary Increase 18
Sec. 405 Re-employment 18
Sec. 406 Re-employment of Retired Persons 19
Sec. 407 Promotion 18
Sec. 408 Transfer 18
Sec. 409 Demotion 19
Sec. 410 Reclassification 19
Sec. 411 Temporary Promotion 21
Sec. 412 Additional Compensation to Supervisors/Managers 21
Sec. 413 Post-Employment Accounts 22

ARTICLE 5 GENERAL PERSONNEL PROVISIONS 23

Sec. 501 Out-of-Classification Assignments 23

TABLE OF CONTENTS

Sec. 502 Relatives 23
Sec. 503 Retirement 24
Sec. 504 Merit System 27

ARTICLE 6 PROBATIONARY PERIOD 28

ARTICLE 7 ANNUAL LEAVE 34

Sec. 701 Annual Leave 34
Sec. 702 Annual Usage 35
Sec. 703 Maximum Accrual 36
Sec. 704 Annual Leave 36
Sec. 705 Annual Leave Usage 37
Sec. 706 Payoff Upon Retirement or Termination 38
Sec. 707 Prior Sick Leave Accruals 38
Sec. 708 Payout for Unused Sick Leave 38
Sec. 709 Prohibition Against Employment While on Annual Leave 38
Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status 38
Sec. 711 Exception to Continuous Service 38
Sec. 712 Elected Officials Exceptions 39
Sec. 713 Retention of Excess Accruals 39

ARTICLE 8 VACATION 39

ARTICLE 9 PAID LEAVE 42

Sec. 901 Jury Duty 42
Sec. 902 Bereavement Leave 42
Sec. 903 Fitness for Duty 42
Sec. 904 Sick Leave (Applicable to Employees in Group 4 Only) 43

ARTICLE 10 ON THE JOB INJURY 45

Sec. 1001 Workers' Compensation Benefits 45
Sec. 1002 4850 Exclusion 46

ARTICLE 11 LEAVES OF ABSENCE WITHOUT PAY 47

Sec. 1101 Air Pollution Emergency 47
Sec. 1102 Leaves of Absence - In General 47
Sec. 1103 Agency/Department Leave of Absence 47
Sec. 1104 Official Leave of Absence 48
Sec. 1105 Military Leave 48
Sec. 1106 Abandonment/Automatic Resignation 48

ARTICLE 12 DISCIPLINARY PROCEDURE 49

Sec. 1201 Applicability 49
Sec. 1202 Cause for Action 49
Sec. 1203 Investigatory Leave of Absence 50
Sec. 1204 Written Order for Demotion, Suspension, Reduction in Pay, Termination 52
Sec. 1205 Amended Notice of Disciplinary Action 53
Sec. 1206 Limitations 53
Sec. 1207 Appeals 53
Sec. 1208 Waiver 54
Sec. 1209 Hearing Procedure - Minor Discipline 54
Sec. 1210 Hearing Procedure - Major Discipline 55
Sec. 1211 Evidence and Procedures Applicable to Major Disciplinary Hearings 58
Sec. 1212 Non-Discrimination 59

ARTICLE 13 HOLIDAYS 59

ARTICLE 14 LAYOFF AND REINSTATEMENT 62

TABLE OF CONTENTS

Sec. 1401 Seniority 62
Sec. 1402 Reduction in Force 62
Sec. 1403 Reassignment 64
Sec. 1404 Employment Counseling and Referral 64
Sec. 1405 Departmental Reinstatement List 65
Sec. 1406 Status on Reinstatement 66
Sec. 1407 Reemployment 66

ARTICLE 14A MANDATORY FURLOUGH 66

Sec. 1401A Scope and Implementation 66
Sec. 1402A Length of Furloughs 67
Sec. 1404A Additional Mandatory Furloughs 67
Sec. 1405A Voluntary Furloughs 67
Sec. 1406A Credit for Voluntary Furlough Hours 67
Sec. 1407A Restrictions 68
Sec. 1408A Retirement 68
Sec. 1409A Holidays 68
Sec. 1410A Benefits 68
Sec. 1411A FMLA/CFRA/PDL Leave 68
Sec. 1412A Military Leave 69
Sec. 1413A Payroll Issues 69
Sec. 1414A Workload 69

ARTICLE 15 SPECIAL ADJUSTMENTS & DIFFERENTIALS 69

ARTICLE 16 ALCOHOL AND DRUG ABUSE POLICY 71

ARTICLE 17 FLEXIBLE BENEFIT PROGRAM AND OPTICAL INSURANCE 73

Sec. 1701 Flex Benefits Programs 73
Sec. 1702 Optical Insurance 74
Sec. 1703 Medical Premium Subsidies 74
Sec. 1704 Retiree Health Contributions 75

ARTICLE 18 DISCRIMINATION COMPLAINT PROCEDURE 75

ARTICLE 19 VOLUNTARY TIME-BANK 76

ARTICLE 20 SALARY AND BENEFIT ADJUSTMENTS 78

ARTICLE 21 SALARY AND FRINGE BENEFIT ADJUSTMENTS LAW ENFORCEMENT EXECUTIVE MANAGEMENT 79

Sec. 2101 Annual Leave 81
Sec. 2103 Maximum Accrual 81
Sec. 2104 Annual Leave Redemption 82
Sec. 2105 Other Provisions 82
Sec. 2106 Deferred Compensation 82
Sec. 2107 P.O.S.T. Certificate Pay 83
Sec. 2108 Salary Adjustments 83
Sec. 2109 Uniforms 84

ARTICLE 22 SALARY ADJUSTMENTS FOR MANAGEMENT ATTORNEYS AND UNREPRESENTED ATTORNEYS 85

ARTICLE 23 SEPARABILITY 85

ARTICLE 24 SUPERSESSION 86

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

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.

B. 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 $.60 per hour for the time actually worked between 6:00 p.m. and 11:00 p.m.

C. 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 $1.20 per hour for the time actually worked between 11:00 p.m. and 7:00 a.m.

Sec. 308 Education for Continued Licensing of Registered Nurses:

A. Tuition and/or Registration Fee: Eligible employees may be granted time by their appointing authority to attend California Board of

Registered Nurses approved courses. Time granted shall not exceed 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 Physician In-Charge Stipend:

Employees in the Ambulatory Primary Care Physician Leader (Job Code 57788) classification who are routinely and consistently assigned as a Physician In-Charge shall receive an in-charge stipend for time spent in the assignment as outlined below.

- Oversee 5 or less physicians – $3.85 per hour.
- Oversee 6-10 physicians – $4.81 per hour.
- Oversee 11 or more physicians – $7.21 per hour.

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), or Certified Information Systems Auditor (CISA) 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.

- Accountant I – CN
- Accountant II – CE
- Accountant Trainee – CN
- Accounting Manager
- Chief Accountant
- Executive Office Principal Budget Analyst
- Fiscal Manager
- Fiscal Manager – Parks
- Principal Accountant
- Principal Management Analyst
- Senior Accountant – CE
- 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. 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. Special Pay Accounts are tax-deferred investment funds. The employee may also elect a Health Savings Account, designed to be free of taxes, which may be used for future health care costs. A participant fee is charged for Health Savings Accounts. Qualifying leave

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

ARTICLE 5
GENERAL PERSONNEL PROVISIONS

Sec. 501 Out-of-Classification Assignments:
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 July 28, 2022, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of the County Executive Officer, such agency/department head may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same fiscal year provided, however, that no agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

Other Eligible Employees: Effective July 28, 2022, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per fiscal year. Upon approval of his/her agency/department head, such employee may receive pay in lieu of an additional eighty (80) hours of Annual

Leave during the same fiscal year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any fiscal year.

Sec. 705 Annual Leave Usage:

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

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

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

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

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

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

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

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

F. Proof of Illness:

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

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

Sec. 707 Prior Sick Leave Accruals:

A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (½) of the sick leave balance for employees covered under the terms and conditions of this Resolution was converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.

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

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement, or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave for employees with at least five (5) but less than 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. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

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

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

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three (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 to a classification represented by a recognized employee organization, may continue to redeem any Annual Leave balance pursuant to Sec. 704 of this Resolution. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable Memorandum of Understanding. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the Memorandum of Understanding applicable to the employee's new classification.

ARTICLE 8
VACATION
(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

A. Subject to the limitations and exemptions of this section, every regular employee in a classification assigned to Group 4 shall be entitled annually to the following number of working hours of vacation

with pay in accordance with the record of completion of continuous years of service:

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

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

All employees covered under the terms of this Resolution may accumulate accrued vacation for not more than a maximum of 480 hours. Upon the written request of an agency/department head showing reasonable necessity and good cause, submitted prior to the accumulation of the maximum vacation entitlement, the County Executive Officer may by order temporarily enlarge for a specific employee the maximum accumulation by extending the period of additional vacation accrual for not more than three (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. Critical Care: Any Assistant Director of Nursing Services shall be entitled to a salary differential of $2.00 per hour above their regular rate of pay when assigned in the following critical care areas:

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

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

B. Psychiatrist - Mental Health Medical Program: In accordance with 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.

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

D. 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.

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

F. 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.

G. 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	SEMI-MONTHLY CONTRIBUTION	
All Groups	Eff. PP 25-23	$436.50

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 Medical Premium Subsidies. Effective as soon as administratively possible following the Board of Supervisors approval, the County

shall subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

- Employees with two-party or family coverage: Monthly premium subsidy of $688.00

The subsidies shall have no cash value.

Sec. 1704 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.

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.