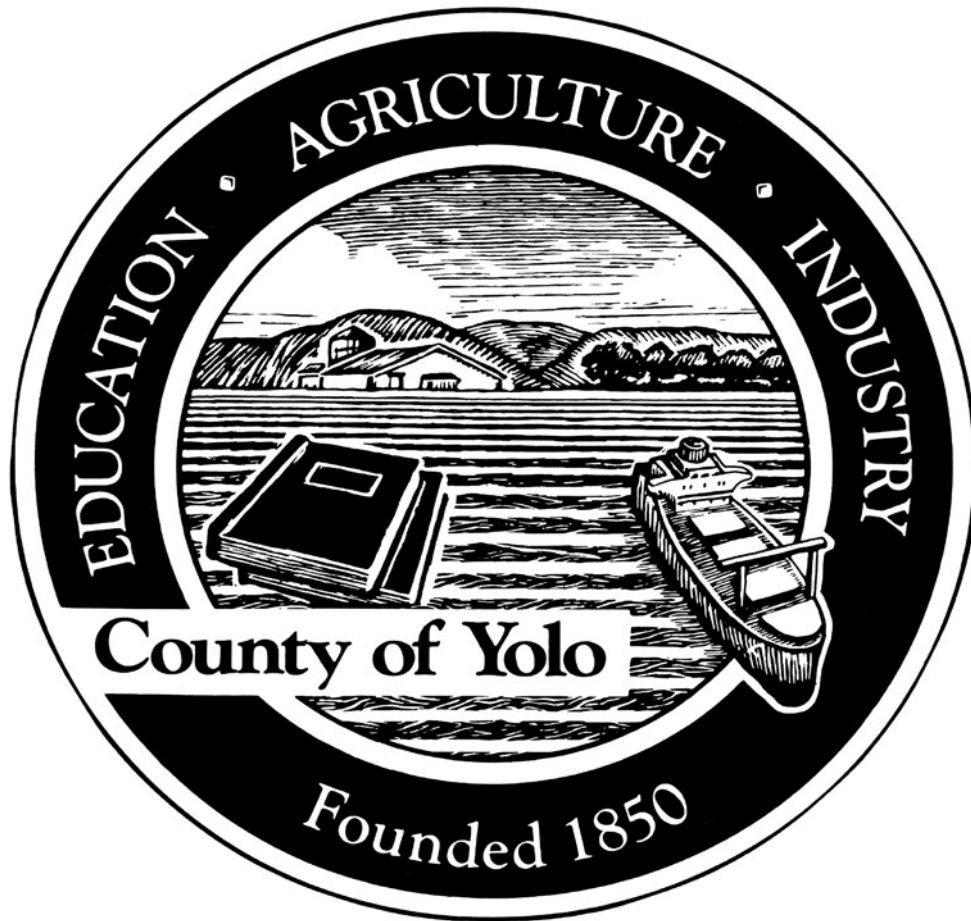


COUNTY OF YOLO PERSONNEL RULES AND REGULATIONS



**ESTABLISHED BY THE BOARD OF SUPERVISORS
ADMINISTERED BY HUMAN RESOURCES**

October 29, 2020

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CHAPTER 1. GENERAL

PURPOSE

The purpose of these rules and regulations shall be to define and set forth in detail the obligations, rights, privileges, benefits and requirements which are placed upon all employees in the service of the County and to ensure similar treatment for all applicants and employees.

PERSONNEL RULES AND REGULATIONS: ADOPTION

The Board of Supervisors shall adopt or amend the Personnel Rules and Regulations for the governance of the human resources system.

PERSONNEL RULES AND REGULATIONS: AUTHORITY

The Personnel Rules and Regulations are intended to comply with all applicable state and federal laws. In the event that a policy or procedure fails, through change in law, to comply with the applicable state and/or federal law, the applicable law shall apply.

The Personnel Rules and Regulations shall be applicable to all employees of the County except that, where the Personnel Rules and Regulations are in conflict with provisions of any Memorandum of Understanding (MOU) for employees within a representation unit created pursuant to the Employer- Employee Organization Relations Resolution, the negotiated MOU language will take precedence.

PERSONNEL RULES AND REGULATIONS: AMENDMENTS

The Director of Human Resources, in the interest of good and efficient business practices and to comply with changes in law or statute, shall be responsible for periodic review of the Personnel Rules and Regulations and for developing and submitting to the Board of Supervisors recommendations for revisions, amendments, or deletions of policies and procedures as warranted.

Employees and department heads are encouraged to submit to the Director of Human Resources written suggestions for revisions or amendments to the Personnel Rules and Regulations.

HUMAN RESOURCES SYSTEM

The employment practices of the County shall be based upon principles that provide for fairness and equity and that facilitate the efficient and economical delivery of services to the public. The human resources system shall provide the means to develop and retain an effective and responsive work force and shall include policies and procedures for employee recruitment, appointment, promotion, evaluation, training and career development, job classification, salary administration, employment benefits, discipline, discharge, and other related employment activities.

The human resources system shall be in full compliance with Approved Local Merit System/Local Agency Personnel Standards (LAPS) governing employees in the Health and Human Services Agency and Child Support Services department.

DIRECTOR OF HUMAN RESOURCES: AUTHORITY

Subject to the administrative direction of the County Administrator, the Director of Human Resources shall be responsible for the administration of a human resources system. The position and authorities of the Director of Human Resources may be incorporated into another position by order of the County Administrator.

DIRECTOR OF HUMAN RESOURCES: DUTIES

The Director of Human Resources shall establish the methods and procedures necessary for the proper functioning of the human resources system. The Director of Human Resources shall propose, promulgate and administer personnel rules and regulations for the governance of the human resources system, shall ensure that they address the terms and conditions of employment and remain consistent with applicable state and federal employment laws and statutes, and shall maintain such records as are necessary for the effective administration of the human resources system.

The Director of Human Resources shall provide such personnel services and assistance to department heads and employees as will contribute to the efficient conduct of the County's business. Such assistance shall include conducting personnel investigations, acting as a neutral, third-party hearing officer or mediator, and mentoring.

Department heads may create written procedures specific to the department's operation so long as those procedures are made available in a location readily accessible to all employees and they comply with the terms of existing applicable Memoranda of Understanding (MOUs) and the Personnel Rules and Regulations.

GOVERNANCE

In accepting employment with the County of Yolo, each employee agrees to be governed by and to comply with these Personnel Rules and Regulations.

EMPLOYER-EMPLOYEE RELATIONS RESOLUTION

The Board of Supervisors shall maintain by resolution a plan for the orderly administration of employer- employee relations between the County and its employee organizations. The Employer-Employee Relations Resolution shall define the rights and responsibilities of the parties and shall provide procedures for meeting and conferring in good faith on matters related to wages, hours and other terms and conditions of employment and other such matters that arise from the relationship between the County and the employee bargaining units.

FORMS

Where a form is specifically noted, the current version of that form, printed or electronic, shall be assumed to be in force.

SEVERABILITY

If any chapter, section, sentence, clause or phrase of these rules and regulations is found to be illegal by a court of competent jurisdiction, such findings shall not affect the validity of the remaining portion of these rules and regulations.

CHAPTER 2. DEFINITION OF TERMS

For the purposes of the Personnel Rules and Regulations, unless otherwise apparent from the common meaning within the context of the usage of the word, the following definitions for certain words and phrases shall be as follows:

Administratively Directed Leave shall be a forced paid leave directed by the appointing authority in circumstances where having the employee at the workplace would be unduly disruptive, would impede an investigation, or would subject the employee and/or others at the worksite to the potential for harm.

Appointing Authority shall mean a County officer, a department head, or any person or group of persons similarly designated to make or revoke an appointment to any position in a specified department for the County.

At-Will shall mean an employment relationship of indefinite duration that can be terminated by either the employer or the employee at any time with or without notice. At-Will shall apply to the classification so designated by resolution and to the employee(s) serving in that classification.

Authorized Position Resolution shall mean a staffing structure adopted by the Board of Supervisors setting forth the number of positions authorized in classifications for County departments and operations.

Classification (Class) shall mean the title assigned to a position of employment that has been delineated by assigned duties, authority, responsibility, and work environment.

Classification Series (Class Series) shall mean the grouping of similar classifications from the lowest to the highest level of supervision where there is a natural progression between the classifications because of the inclusion of the lowest classification in the qualifications for the highest classification.

Continuous Employment/Service shall mean the period of employment beginning with the most recent date of hire into a regular County position during which time the employee has been employed without a break or interruption. Military leaves, authorized leaves of absence (whether with or without pay), and furloughs shall not be construed as breaks in employment/service. An employee who separates employment and is subsequently rehired shall begin a new period of continuous employment/service.

Days shall mean calendar days unless otherwise stated.

Demotion shall mean a voluntary or involuntary change of employment in a given classification to employment in a different classification with a lower salary range.

Department Head shall mean a person who is the head of an established department or office and may include a County officer.

Appointed Department Head shall include the following:

- a) Agricultural Commissioner/Sealer of Weights and Measures*
- b) Chief Probation Officer*

- c) County Administrator*
- d) County Counsel*
- e) County Librarian*
- f) Director of Health and Human Services
- g) Director of Child Support Services
- h) Director of Financial Services
- i) Director of General Services
- j) Director of Human Resources
- k) Director of Innovation and Technology Services
- l) Director of Community Services
- m) Public Defender

**Appointed by the Board of Supervisors*

Elected Department Head shall mean those department heads who are elected by the populace to serve in their positions for a fixed term and shall include the following:

- a) Assessor/County Clerk-Recorder
- b) District Attorney
- c) Sheriff-Coroner

Extra Help shall mean employment in an approved classification intended to be less than year-round to cover seasonal peak work loads, emergency or other work loads of limited duration, necessary vacation and sick leave relief, and other situations involving fluctuating staffing. Extra Help shall apply both to the employment and to the person. Extra Help employees shall not be eligible for holidays, vacations, dental, vision or other benefits except as required by law. Extra Help employees may be used where no authorized position exists, but where funding exists to cover the cost.

Employees hired as Extra Help can serve continuously or intermittently so long as needed to cover work load, but in no case may the employee work one thousand (1,000) hours or more in a fiscal year or one thousand four hundred (1,400) hours in a calendar year.

Fiscal Year shall mean the period from and including July 1st of every year through and including June 30th of the following year.

Furlough shall mean a temporary period of unpaid time off from employment intended to reduce costs or avoid layoff.

Layoff shall mean a permanent termination of employment, without regard to employee performance or misconduct, due to lack of funds, lack of work, or operational reasons.

Limited Term Appointment shall mean an appointment to County service that is limited to the term for which the authorized position exists or for which the position is funded; however, Limited Term employees serve at the pleasure of the Appointing Authority and may be released at any time with or without cause. Except as set forth in these rules or otherwise prescribed, all Limited Term employees shall be subject to the same terms and conditions of employment which apply to permanent employees. A permanent employee appointed to a limited term position within his/her same department shall have the right to return to his/her former position when the limited term position ends. This right of return shall not apply to a permanent employee appointed to a limited term position outside of his/her department.

Limited Term Position shall mean an authorized position established and funded for a limited duration.

Manager shall mean any individual having the responsibility for planning, organizing, staffing, monitoring and leading a work unit and/or major program to achieve the overall goals of the department and the effective delivery of County services. A manager shall have all the responsibilities of a supervisor except that the manager's responsibilities also shall be focused on the administration of the general operations of the unit rather than on individual performance except where there is no supervisor to whom such responsibility can be delegated.

Memorandum of Understanding shall mean any collective bargaining agreement or date-specific contractual agreement between the County of Yolo and the exclusive representative of a recognized bargaining unit representing a group of Yolo County employees to address terms and conditions of employment. Memorandum of Understanding, also referenced as MOU, shall refer to those contracts so titled and others titled as Agreement or Side Letter.

Merit System Employees shall mean those county employees who, as a condition of a state-funded program or federal grant-in-aid program, are governed by the merit principles identified in California Government Code Sections 19800-19810, administered by the State Personnel Board and further articulated in the Local Agency Personnel Standards, Title 2, Division 5 of the California Code of Regulations. Such governance shall extend, but not be limited to, the setting of standards for qualifications, competency, education, experience, tenure and compensation in employment.

Pay Period shall mean a two-week (2-week) period which begins at 12:01 a.m. on Sunday morning and ends at 12:00 a.m. (midnight) on the second Saturday following except where 12:00 a.m. falls within a shift in which case the time of the beginning and ending of the pay period shall be adjusted accordingly.

- **First Pay Period of the Month** shall mean the first two-week (2-week) period that encompasses only dates within that month and coincides with the pay period schedule. Except that, for initiation of benefits, the first pay period of the month may mean the pay period that encompasses the first day of the month.
- **Pay Period Schedule** shall mean the annual calendar of twenty-six (26) pay periods.

Permanent Employee shall mean a person who has satisfactorily served a probationary period and may only be dismissed for cause in accordance with the authorizing rules and regulations including, but not limited to, these Personnel Rules and Regulations, the Yolo County Administrative Policy Manual, and the applicable Memorandum of Understanding.

Probationary Employee shall mean a person who is serving a probationary period during which he or she must demonstrate satisfactory performance in order to be accorded permanent status.

Probationary Period shall mean the specified time period that serves as an extension of the examination process and is required to be completed successfully before an employee is eligible to attain permanent status.

Promotion shall mean a change of employment from a given classification to a different classification with a higher salary range or greater opportunities for career advancement.

Reallocation shall mean the change of an authorized position to a higher or lower classification based upon substantial changes in the kind, difficulty, or scope of duties.

Reclassification shall mean the assignment of an incumbent to a higher or lower classification based upon substantial changes in the kind, difficulty, or responsibility of duties performed in such position.

Regular Position shall mean an authorized position, either full-time or part-time, established on a recurrent year-round basis.

- **Full-time** shall mean work on a schedule which is the equivalent of eighty (80) hours per pay period.
- **Part-time** shall mean work on a schedule which is greater than or equal to forty (40) hours per pay period and less than eighty (80) hours per pay period.

Regular Employee shall mean an employee hired into regular positions in a probationary or permanent status including at-will and limited term.

Salary Anniversary Date shall mean the date that a merit, longevity, or other salary range increase is due.

Service Date shall mean the hire date marking the beginning of the employee's most recent continuous regular employment with the county.

Supervisor shall mean any individual having the responsibility to direct other employees, or to adjust their grievances, or to authoritatively participate in the hire, transfer, promotion, assignment, reward, or minor discipline of those employees where the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Supervisory Position shall mean a position, the assigned duties of which include the supervision of a work unit of a department. A supervisory position shall normally be responsible for assigning, reviewing and evaluating the work of at least one (1) employee, permanent or probationary, in a subordinate reporting relationship as defined by organizational structure or classification.

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Transfer shall mean a change of employment from one position to a different position of the same classification in the same or a different department.

Year shall mean the fiscal year unless otherwise specified.

Y-rate shall mean a compensation amount that is different from the normal compensation amount for the class.

CHAPTER 3. EMPLOYEE CONDUCT

RESPONSIBILITY

Each County employee shall be responsible for treating his/her position as a public trust and for setting a good example of respectful public service. Each County employee shall be responsible for exhibiting personal conduct and ethical behavior that demonstrates commitment to the public welfare of the residents of Yolo County and that reflects positively on the reputation of the County as an organization.

ACCOUNTABILITY

Each County employee shall be held accountable for the following:

- a) Conducting official duties in a respectful, professional, and courteous manner.
- b) Avoiding granting any special consideration, treatment or advantage to any person beyond that which is available to every other person in similar circumstances.
- c) Protecting confidential information and not accessing it unless required to do so in order to accomplish assigned responsibilities or disclosing it (or assisting in disclosing it) to those for whom it is not intended without a lawful order or directive.
- d) Avoiding actual conflicts of interests and, to the extent possible, the appearance of conflicts of interest.
- e) Declining gifts, incentives or other remuneration for the work for which the employee is being paid by the County.
- f) Using County resources only on behalf of the County.
- g) Upholding and adhering to all federal, state, and local laws, ordinances and regulations.
- h) Reporting known or suspected improper governmental activities.
[SEE ALSO APPENDIX: Code of Ethics-Standards of Ethical Conduct (2013)]

WORKPLACE CIVILITY

Yolo County is committed to ensuring that employees are provided a healthy environment in which to work and are treated with respect and dignity. In keeping with this commitment, the County shall provide an environment that encourages productivity and creativity and that is free from unwarranted hostility or offensive behaviors. Each employee shares responsibility for ensuring civility in our County, and shall be responsible for:

- a) Addressing every person in a professional, courteous manner.
- b) Modeling respectful behaviors and will encourage respectful behavior in others.
- c) Fostering an inclusive work environment by recognizing and honoring individual differences and qualities.

- d) Advocating for and promoting a positive, ethical working environment.
[SEE ALSO APPENDIX: Workplace Civility Policy and Procedure (2009)]

POLITICAL ACTIVITIES

Each County employee, while on County paid time (with the exception of vacation or other authorized leave time) or while acting in the capacity of a County employee or while in uniform, shall refrain from the following:

- a) Engaging in political activities
- b) Using County offices, work stations, property, and/or communication systems for political purposes
- c) Promoting the passage or defeat of any ballot measure
- d) Displaying buttons, written materials, placards, or the like promoting a particular political candidate or ballot measure
- e) Wearing clothing promoting a particular political candidate or position on a ballot measure

Nothing in these directives shall be interpreted to restrict the political activities of County employees conducted during the hours that they are off duty and/or are not acting in their employment capacity and/or are not in uniform nor shall it extend to political displays on private vehicles. [SEE ALSO: California Government Code Section 3201-3209]

[SEE ALSO APPENDIX: Political Activities of County Employees (1982)]

Confidentiality and Application of the Health Insurance Portability and Accountability Act (HIPAA) Departments and employees determined to engage in activities covered by HIPAA are bound by County policy and the federally-mandated confidentiality and reporting requirements of the Health Insurance Portability and Accountability Act (HIPAA) enacted in 1996. This Act protects the privacy of personal health information and/or other information deemed sensitive, privileged, or confidential by law, statute, or policy applicable to individual departments. County employees are expected to share information gained through their employment only on a need-to-know basis and are held accountable to treat the information regarding others with the highest regard for privacy and integrity.

County employees will be trained on the requirements of HIPAA and other applicable laws or statutes and may be required to sign confidentiality statements as part of their County or departmental responsibilities.

[SEE ALSO APPENDIX: County Privacy and Security (2006)]

Conflict of Interest Code (Statement of Economic Interests) Employees holding designated positions who are brought under the coverage of the Conflict of Interest Code of the County of Yolo shall file an annual statement of economic interests with the Yolo County Clerk in accordance with the Fair Political Practices Act (Section 18730 of title 2 of the California Code of Regulations). The failure of an employee to file the required statement of economic interests within the prescribed time frames may subject the employee to monetary fines imposed by the

Fair Political Practices Commission (FPPC). Any fines ordered by the FPPC due to an employee's failure to file required statements in a timely manner are the sole responsibility of the employee.

CHAPTER 4. CLASSIFICATION, POSITIONS AND SALARY

ADMINISTRATION OF CLASSIFICATION SYSTEM

The Board of Supervisors shall adopt, and may from time to time amend, a classification system which shall set forth a classification title and specific written description for every position that is to be a part of County service, except for elected officers whose duties are otherwise contained in federal, state or local statutes and/or regulations. Every position in County service shall be allocated to the appropriate classification.

CLASSIFICATION SPECIFICATIONS

The specific written description for positions in County service shall include, but not be limited to, the following:

- a) Duties, responsibilities, authority and working conditions of the position;
- b) Education and experience requirements for applicants entering the classification;
- c) Job-related knowledge, skills and abilities required of incumbents;
- d) Level of supervision received and exercised; and
- e) Medical Class based on the physical factors of the position.

Levels of supervision shall be defined as follows:

- a) Trainee – Incumbents receive close and frequent supervision; employment in a trainee classification shall be limited, with a requirement that incumbents shall meet the minimum performance standards required to promote to the next level in the classification series or be terminated.
- b) Entry level – Incumbents receive direct supervision. Some prior preparation to perform the work required of the classification is often required, however, the minimum education and experience requirements for a newly-hired individual are typically more generalized so that a wide range of education and experience is qualifying. Incumbents do not perform the more complex and consequential duties at this level.
- c) Journey level – Incumbents receive general supervision, and are expected to perform the full range of duties required of the classification.
- d) Advanced journey level/Leadworker – Incumbents receive occasional supervision, are expected to provide training and guidance to less experienced staff, serve as subject matter experts, and perform complex and consequential duties.
- e) Supervisor – Individuals at this level provide direct supervision of at least one (1) regular or probationary employee.
- f) Manager – Individuals organize, direct and control programs or work units and are accountable for operational effectiveness. Individuals at the manager level may or may not supervise.

- g) Assistant Director – Individuals are responsible in the absence of the Director and have direct responsibility for the coordination and operation of a large, diverse organizational unit or a complex specialized program.
- h) Director – Individuals set policy and have direct responsibility for coordination and overall performance of a County department.

The title of the classification to which any position is allocated shall be used in all official personnel transactions and personnel records of the County; provided, however, the use of classification titles shall not preclude the deputizing of employees or the use of working titles within the department.

The Director of Human Resources is authorized to revise existing classification specifications in instances that do not involve changes to the classification title or salary. New classifications or changes to existing classification specifications involving classification title or salary shall be adopted by the Board of Supervisors upon the recommendation of the Director of Human Resources, subject to meet and confer with the applicable exclusive representative.

Classification specifications shall be interpreted as descriptive and explanatory of characteristic duties and responsibilities of positions in a classification and are not restrictive. They shall not be construed as limiting the performance of related duties and responsibilities nor shall they limit or modify the authority of any appointing authority or of the Board of Supervisors to assign related duties and to direct and control the work of employees in County service.

Appointing Authorities may prepare descriptions of work performed in specific positions within classifications so long as such duty statements are not inconsistent with the applicable classification specification.

EMPLOYEE REQUEST FOR CLASSIFICATION REVIEW

Any permanent employee may petition the Appointing Authority for a classification review of his or her position. Such petitions shall be submitted in writing and shall be accompanied by a completed Position Classification Form. No employee may request a classification review more often than once every other year.

The Appointing Authority shall, within thirty (30) calendar days after receiving the petition, notify the employee in writing whether the position is going to be recommended to the Director of Human Resources for classification review.

If the request for classification review is approved by the Appointing Authority, the employee's written petition and completed classification form shall be forwarded to the Director of Human Resources, and a classification review shall be conducted for the position as soon as resources allow.

ADMINISTRATION OF AUTHORIZED POSITION RESOLUTION

The Board of Supervisors shall adopt, and may from time to time amend, an Authorized Position Resolution, which shall set forth the classification and number of full-time equivalent positions allocated to each County budget unit. The types of authorized positions shall include:

- a) Regular Full-time

- b) Regular Part-time
- c) At-Will
- d) Limited Term

Amendments or revisions to the Authorized Position Resolution shall be recommended by the Director of Human Resources and/or the County Administrator.

A Limited Term position shall be created and limited to the term of the assignment or the duration for which the position is initially funded, not to exceed two (2) years.

No person shall be employed or appointed to any regular position in excess of the number of full time equivalent (FTE) positions set forth in the Authorized Position Resolution; except, however, that an authorized position may be double-filled for a period of time not exceeding three (3) months for the express purpose of succession planning where an incumbent is leaving/retiring and his or her replacement needs the benefit of his or her expertise.

Authorized positions may be filled by employees with classification titles matching the classification title of the authorized position, and. an appointment to an authorized position may be made from any lower level and lower paid classification within the classification series or a related classification series having similar duties and the same or a lower pay rate.

- **Underfill** refers to an authorized position that is filled by a lower level and lower paid classification within the classification series or a lower paid classification within a related classification series having similar duties.
- **Flexibly-staffed** refers to an authorized position that is allocated at the highest level within the classification series, and which provides a department with the flexibility to fill the authorized position at any level within the classification series.

An authorized position may also be filled by appointments from a higher level and higher paid classification within the classification series or a related classification series and the same or a higher pay rate on a temporary basis not to exceed ninety (90) days.

- **Overfill** refers to an authorized position that is filled by a higher level and higher paid classification within the classification series or a higher paid classification within a related classification series.

ADMINISTRATION OF AUTHORIZED SALARY RESOLUTION

The Board of Supervisors shall adopt, and may from time to time amend, the salary resolution which shall identify for each classification:

- a) Salary steps, monthly rate, hourly rate or flat-rate pay;
- b) Bargaining unit designation; and
- c) Fair Labor Standards Act exempt designation.

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Amendments or revisions to the salary resolution shall be recommended by the Director of Human Resources and/or the County Administrator. Salary recommendations for a proposed new classification or for an existing classification shall be the responsibility of Human Resources, subject to meet and confer with the applicable exclusive representative.

Most classifications in County service shall be assigned five (5) monthly salary steps. Each regular salary step shall represent an approximate five percent (5%) increase. This section does not apply to classifications assigned a fixed or flat rate of pay such as elected officials and job intern trainees.

The annual salary for a given classification shall be calculated by multiplying the monthly salary step by twelve (12) months. The hourly pay rate for a given classification shall be calculated by dividing the annual salary by two thousand and eighty (2,080) full-time hours. The salary per pay period shall be calculated by dividing the annual salary by twenty-six (26) pay periods.

The salary differential between two (2) classifications shall be calculated using Step 1 of the salary range for each classification without regard to the actual salary step placement for any incumbents.

The salary for part-time positions shall be an amount proportionate to the full-time position, prorated by the number of hours of the employee's regular, part-time work schedule.

Extra Help employees shall be paid an hourly rate and shall be paid only for actual time worked.

SALARY STUDIES

The Director of Human Resources, on his or her own initiative, or upon the request of the Board of Supervisors, County Administrator or the appointing authority of any department, may conduct salary studies in order that the standing of Yolo County salaries in relation to the labor market may be assessed.

Benchmark agencies may be selected based on one (1) or more of the following criteria:

- 1) Similar population/budget size;
- 2) Geographically contiguous to Yolo County; and
- 3) Shared labor market with Yolo County.

The following additional criteria may be applied in the selection of benchmark agencies:

- 1) The agency range of functions are generally similar to the County of Yolo so that positions similar in scope, responsibility and job content are likely to be found;
- 2) Governance, demographic and economic factors, and management challenges faced by agencies are similar to those faced in Yolo County;
- 3) The agency is representative of the County of Yolo's relevant labor market for recruitment and retention purposes for a job or category of jobs; and

- 4) Selected agencies may be direct competitors to which we lose or from which we attract applicants, or indirectly reflect the geographical area out of which the County must advertise to attract applicants.

Salary data shall be collected and matched at the maximum step of the salary range attainable by all employees in the classification. Data shall be analyzed by taking an average of the salary for all matches, and a comparison shall be made to the Yolo County salary to determine its position relative to the market. Salary surveys may be expanded at the County's discretion to include other indices of compensation (e.g. Total Compensation Survey).

ADMINISTRATIVE REVIEW FOR CLASSIFICATION, POSITION OR SALARY CHANGES

The Director of Human Resources, on his or her own initiative, or upon the request of the Board of Supervisors, County Administrator or the appointing authority of any department, may utilize an administrative review process to evaluate requests for classification, position and/or salary changes including departmental requests for new positions during the annual budget preparation cycle.

A department head may request that Human Resources review classification, position and/or salary issues in the department at any time during the year.

Classification, position and/or salary actions include, but are not limited to:

- 1) Adopting a new classification
- 2) Approving a title change
- 3) Abolishing an existing classification
- 4) Approving an amendment to the Resolution Providing for Exceptions from Requirements of appointments from an Eligible List
- 5) Reclassifying an incumbent employee
- 6) Reallocating an existing authorized position
- 7) Transferring an authorized position from one budget unit to another budget unit
- 8) Deleting an authorized position
- 9) Adding a new authorized position
- 10) Amending a salary range
- 11) Approving a salary differential by classification or position

Human Resources may conduct an administrative review of the department's structure, functions and staffing levels in order to evaluate the priority and necessity for requests. This review may include, but is not limited to:

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- 1) Review of existing documents relied upon to guide department activities such as strategic planning documents, budget narratives, organizational review documents, and the like;
- 2) Meetings with the department head, assistant department head(s) and manager of unit that is subject of the administrative review;
- 3) On-site interviews with key staff members in the unit;
- 4) Identification of classifications, positions and incumbents performing functions of the unit;
- 5) Review of classifications within the County's existing classification system; and
- 6) Review of the classification and structure in surrounding and other agencies that perform similar functions.

No changes to classifications, positions or salaries shall be included in a department's annual budget request that have not received prior review and approval by Human Resources.

CHAPTER 5. EQUAL EMPLOYMENT OPPORTUNITY

GENERAL

The County of Yolo is committed to ensuring that all qualified individuals have a full and fair opportunity to compete for hiring and promotion, and to enjoy the benefits of employment with the County of Yolo. All employees and applicants shall receive equal consideration and treatment in employment without regard to race, color, religion, gender, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin, age, disability, genetic information, marital status, amnesty, or status as a covered veteran in accordance with applicable federal and state laws. Employment opportunities include, but are not limited to, recruitment, testing, selection, transfer, promotion, compensation, benefits, layoff, leave of absence, and training. The County believes that regular review and reporting of equal opportunity, and developing a proactive and innovative action plan to address underrepresentation will create an organization that achieves excellence and embraces diversity.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

The County of Yolo shall establish and administer an Equal Employment Opportunity Plan that defines the procedures by which the County will ensure that selection, hiring, and advancement of County employees is accomplished on the basis of individual merit and demonstrated abilities without regard to race, color, religion, gender, national origin, political affiliation, age as defined by law, disability, sexual orientation or other artificial factors in compliance with Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972) and any subsequent amendments, or any other statute which provides a remedy for discrimination in employment applicable to public employees.

The provisions of this Chapter together with the County Equal Employment Opportunity and Harassment Policy and Procedure, and the current EEO Analysis and Action Plan, shall constitute the complete County of Yolo Equal Employment Opportunity Plan (EEOP).

APPLICABILITY

The provisions of the County's EEOP are applicable to full-time, part-time and Extra Help hiring and employment. The policies and principles of equal employment opportunity also apply to the selection and treatment of independent contractors, personnel working on County premises who are employed by temporary agencies, and any other persons or firms doing business for or with the County.

IMPLEMENTATION AND DISSEMINATION OF EQUAL EMPLOYMENT OPPORTUNITY PLAN (EEOP)

The Director of Human Resources serves as the County's Equal Employment Opportunity Officer and, in addition to the responsibilities outlined in the County Equal Employment Opportunity and Harassment Policy and Procedure, shall be responsible for day-to-day implementation of the County EEOP; reviewing and reporting on the diversity of applicants and employees; implementing action plans to correct areas of underrepresentation; directing regular and proactive outreach and marketing efforts to promote and ensure diversity in the organization; providing regular training to employees on the equal employment opportunity plan including the County's harassment policy; complying with DFEH and EEOC requirements; filing

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the EEO-4 report biennially as required by the U.S. Equal Employment Opportunity Commission; and informing and educating employees, applicants, and the public about the County's EEOP.

Every employee at every level of the organization shall be responsible and held accountable for supporting a work environment that embraces diversity, is supportive of equal employment opportunities, and is free from any form of discrimination or harassment. Employees are responsible for reading and understanding County policies and procedures that prohibit discrimination and harassment, and for attending related County-sponsored training.

Management and supervisory personnel shall share responsibility for ensuring full and equal treatment in all departmental employment decisions in accordance with the requirements of the EEOP.

Department heads and elected officials shall be responsible for making a good faith effort to achieve a diverse workforce; taking positive measures to provide equal employment opportunity within their respective departments; and ensuring that managers, supervisors and other employees in their respective departments understand and comply with the County's EEOP.

The County's EEO policy statement shall be published on the County employment opportunities website, and the statement that Yolo County is an Equal Opportunity Employer shall be listed on every Human Resources Department page of the County's internet site, www.yolocounty.org. The full EEOP shall also be available at all times on the County website to view, print and/or download.

The EEOP (including subsequent revisions) shall be distributed as follows:

- 1) A copy shall be provided to each department head and elected official;
- 2) The complete document shall be posted on the County internet site;
- 3) Employees, members of the public and any other interested party may obtain a paper or electronic copy by contacting the Yolo County Human Resources Department directly; and
- 4) An e-mail message shall be sent to County employees on an annual basis with a reminder that the full EEOP is available for review on the County website.
- 5) Hardcopies shall be distributed to employee who do not have County e-mail.
- 6) A copy shall be provided to new employees during new hire orientation.

Records relating to the County's Equal Employment Opportunity Plan shall be kept for a period of at least three (3) years.

COUNTY PRACTICES IN SUPPORT OF EQUAL EMPLOYMENT OPPORTUNITY

The County conducts outreach and targeted recruitment efforts in order to create a pool of individuals with varied backgrounds who can contribute and effectively serve a diverse community. Recruitment, testing and selection rules are enforced with equal employment and diversity as the primary goals.

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The personnel rules and practices implemented by the County to carry out its commitment to equal employment include:

- 1) Displaying posters regarding equal employment opportunity in areas highly visible to employees;
- 2) Reviewing job classifications on a regular and ongoing basis to ensure there are no arbitrary barriers to equal employment and sufficient opportunity for entry-level employment;
- 3) Reviewing recruitment rules and procedures on a regular and ongoing basis to identify and eliminate barriers to equal employment;
- 4) Maintaining an “interest card” and “Application-on-File” system where potential applicants can receive an e-mail alert and apply online when the County begins accepting applications for the position they’ve identified;
- 5) Analyzing applicant flow data to assist in determining effective targeted recruitment strategies to attract a candidate pool that is reflective of the diversity of the Yolo County population;
- 6) Ensuring that selection examinations are valid, job-related and non-discriminatory;
- 7) Training individuals involved in the recruitment, testing and/or selection of personnel on the requirements of equal employment opportunity law, the requirements of federal and state nondiscrimination laws, and the requirements of the County’s EEOP; and
- 8) Requiring departments to interview all candidates certified for a vacancy prior to making a final selection and offer of employment.

ANALYSIS OF COUNTY’S WORKFORCE AND APPLICANT POOL

The Human Resources Department shall survey the composition of the County’s workforce and applicants for employment to evaluate the County’s success in implementing this plan and to determine whether any monitored group, as defined in statute, is underrepresented.

The survey of the County’s workforce shall be measured against the available workforce within the geographic boundaries of Yolo County. The data source for the composition of the available workforce shall be the most current U.S. Census statistics.

The results of the survey shall be summarized in a written report titled “EEO Analysis and Action Plan.” Contents of the written report shall include, but are not limited to:

- 1) An introduction containing basic information about the County, an overview of its personnel management and operations, the County’s policy statement regarding equal employment opportunity, and the effective date and duration of the EEOP. The personnel management and operations overview shall include a brief summary of the County’s ongoing equal employment opportunity efforts, progress in meeting EEO objectives and the current status of EEO efforts;

- 2) A statistical overview of the County's workforce for each EEO job category identified by gender within each racial and national origin group and converted into percentages;
- 3) A statistical overview of the available community workforce for each EEO job category identified by gender within each racial and national origin group and converted into percentages;
- 4) A utilization analysis that compares the County's workforce with that of the available community workforce in order to determine if, and in what job categories, monitored categories are underrepresented in the County's workforce. This utilization analysis is obtained by subtracting the percentages of the available workforce from the percentages of the County's workforce for all categories;
 - Underrepresentation is determined to exist whenever the percentage of the County's workforce or applicants for any monitored group is less than the percentage of the same group in the available workforce.
 - Significant underrepresentation exists when the percentage of the County's workforce or applicants for any monitored group falls below 80% of the available workforce.
- 5) A narrative that interprets the utilization analysis, identifies areas of underutilization, identifies specific objectives to address underutilization, defines the steps to be taken to meet the identified objectives, and communicates the County's plan to disseminate the EEOP to all personnel and applicants.

The EEO Analysis and Action Plan shall be prepared every odd-numbered year using June 30 data of that year and shall be disseminated by following the procedure outlined for the dissemination of the EEOP.

EQUAL EMPLOYMENT OPPORTUNITY AND HARASSMENT POLICY

Purpose

The purpose of this policy is to delineate the County's strong commitment to prohibiting and preventing unlawful discrimination and harassment in County employment, and to set forth a procedure for investigating and resolving complaints of unlawful discrimination and harassment based on legally protected characteristics.

Policy

Discrimination and harassment against any individual because of such individual's race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin, ancestry, disability, medical condition, genetic information, marital status, age, or sexual orientation is prohibited. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.

Retaliation against any person having made a complaint of discrimination or charge of harassment is prohibited. Employees found to be retaliating against another employee, or

otherwise violating this policy, shall be subjected to disciplinary action up to and including termination.

The right of a person to a prompt and equitable resolution of a complaint made under this procedure shall not be impaired by the person's pursuit of other administrative remedies such as the filing of a complaint with the appropriate federal agency.

Definitions

- **Sexual Harassment** shall mean unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature when:
 - 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

- **Disability** shall mean 1) a physical or mental impairment that limits one or more major life activities; or 2) having a record of such an impairment; or 3) being regarded as having such impairment.
 - 1) **Physical or Mental Impairments:** Physical or mental impairments include, but are not limited to: vision, speech and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV/AIDS; and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.
 - 2) **Limitation of Major Life Activities:** An individual is disabled if he or she has a physical or mental impairment that (a) renders him or her unable to perform a major life activity or that (b) limits the condition, manner or duration under which he or she can perform a particular major life activity in comparison to other people.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

In determining whether a physical or mental impairment limits the condition, manner or duration under which an individual can perform a particular major life activity the following factors shall be considered:

- a) The nature and severity of the impairment;
- b) The duration or expected duration of the impairment; and
- c) The permanent or long-term impact (or expected impact) resulting from the impairment

In determining whether a physical or mental impairment limits an individual with respect to the major life activity of “working” the following factors should be considered:

- a) The geographical area to which the individual has reasonable access;
 - b) The job from which the individual has been disqualified because of an impairment and the number and types of jobs within that geographical area utilizing similar training, knowledge, skills, or abilities from which the individual is also disqualified because of the impairment.
- 3) Having a Record of Impairment: An individual is disabled if he or she has a history of having an impairment that limits the performance of a major life activity; or has been diagnosed as having such impairment.
- 4) Regarded as Having a Disability: An individual is disabled if he or she is treated or is perceived as having an impairment that limits a major life activity (although no such impairment may exist).
- **Qualified Individual with a Disability** is a person who 1) satisfies the job-related requirements of the position, and 2) can perform the essential functions of the position despite his or her disability, or 3) with reasonable accommodation can perform the essential functions of the job.
- 5) Satisfies Job-Related Requirements: Satisfying the job-related requirements of the position means that the disabled individual possesses the appropriate educational background, employment experience, skills, and license required for the position.
- 6) Essential Functions: Essential functions are the fundamental duties of a position. (Marginal or peripheral functions of a position are not considered essential).

A function may be essential because:

- a) The reason the position exists is to perform that function;
- b) Of the limited number of employees available among who the performance of that job function can be distributed; and
- c) Is highly specialized and requires specific expertise or skill to perform.

The following factors will be considered in determining whether a function is essential:

- a) The Department’s judgment as to which functions are essential;
- b) Written job descriptions;
- c) The amount of time spent on the job performing the function;
- d) The consequences of not performing the function;
- e) The terms of a collective bargaining agreement; and

- f) The work experience of past and present incumbent in the position.
- **Reasonable Accommodation** is any change in the work environment or in the way things are customarily done that enables a disabled individual to enjoy equal employment opportunities. A reasonable accommodation may mean modifications or adjustments to:
 - 1) A job application process to enable an individual with a disability to be considered for the position; and/or
 - 2) The work environment in which a position is performed so that a disabled person can perform the essential functions of the position.

A reasonable accommodation includes making existing facilities and equipment used by employees readily accessible to and usable by individuals with disabilities.

A reasonable accommodation applies to:

- 1) All employment decisions;
- 2) The job application process and County provided services;
- 3) Facilities provided by the agency to all employees and the public;
- 4) Only known disabilities.

Reasonable accommodation is not required if:

- 1) It eliminates essential functions of a position (and the agency cannot reasonably accommodate)
- 2) Adjustments or modifications requested are primarily for the benefit of the disabled individual

The agency will not be expected to provide an accommodation that imposes an undue hardship on the operation of the County's business.

- **Undue Hardship** means significant difficulty or expense incurred in providing the reasonable accommodation. Undue hardship includes, but is not limited to, financial difficulty. Undue hardship refers to any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature of the operation of the business.

Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. The following factors will be considered in determining whether an accommodation would create an undue hardship:

- 1) The nature and cost of the reasonable accommodation;
- 2) The financial resources of the County department;
- 3) The number of employees; and

- 4) The type of operations of the County department, including the composition and functions of its work force.

When determining the appropriate accommodation, if a qualified individual with a disability requests the provision of a reasonable accommodation, the County department will informally discuss with the individual the limitations resulting from the disability and the potential reasonable accommodations that could overcome those limitations.

The reasonable accommodation process will generally involve five steps.

- 1) First, the County department must analyze the job duty at issue and re-affirm its purpose and essential function.
- 2) Second, the County department should consult with the disabled person to find out the job-related limitation imposed by the individual's disability.
- 3) Third, the County department will consult with the disabled individual to identify potential reasonable accommodations if they exist.
- 4) Fourth, the County department will assess each potential reasonable accommodation to determine if the individual can perform the essential functions of the job.
- 5) Finally, the County department will consider and implement the best reasonable accommodation that is most appropriate for both the employee and the County department.

DISCRIMINATION

For purposes of this policy, discrimination shall mean:

- 1) To limit or classify a job applicant, employee or individual in a way that may adversely affect opportunities or standing because of that person's protected status;
- 2) To participate in a contract which could subject an applicant, employee or protected individual to discrimination;
- 3) To use any standards, criteria or method of administration which could have the effect of discriminating on the basis of a protected class;
- 4) To deny equal jobs or benefits because of a protected class;
- 5) To fail to make reasonable accommodations to known disabilities unless it can be shown that the reasonable accommodation would impose an undue hardship;
- 6) To use selection criteria which excludes protected persons unless the criteria is job-related and consistent with business necessity; and
- 7) To fail to use employment tests in a manner that ensures that the test results accurately reflect the applicant's or employee's skills or aptitude for a particular job.

DISCRIMINATORY HARASSMENT

Examples of what might be construed as discriminatory harassment including sexual harassment may include, but are not limited to:

- 1) **Speech**, such as epithets, derogatory comments or slurs on the basis of race, color, religion, sex, gender, gender identity, gender expression, national origin, ancestry, disability, medical condition, genetic information, marital status, age, or sexual orientation.

This might include inappropriate e-mail, notes, or comments on appearance, dress, physical features, stories, or degrading jokes that are based on the above list of protected characteristics. Additionally, sexual harassment includes lewd propositioning on the basis of sex. This might include inappropriate sex-oriented comments on appearance, including dress or physical features, sexually degrading stories and jokes, or sexually suggestive or obscene letters, e-mail, notes, or invitations.

- 2) **Physical acts**, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement when directed at an individual on the basis of race, color, religion, sex, gender, gender identity, gender expression, national origin, ancestry disability, medical condition, genetic information, marital status, age, or sexual orientation.

This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

- 3) **Visual insults**, such as displaying or electronically transmitting derogatory posters, cartoons, drawings or other items of an inappropriate nature related to race, color, religion, sex, gender, gender identity, gender expression, national origin, ancestry, disability, medical condition, genetic information, marital status, age, or sexual orientation.
- 4) **Threats and retaliation**, or other inappropriate conduct related to race, color, religion, sex, gender identity, gender expression, national origin, ancestry, disability, medical condition, genetic information, marital status, age, or sexual orientation where the conduct is intended to or actually does interfere with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
- 5) **Unwanted sexual favors or advances**, requests for sexual favors and other acts of a sexual nature, threats, or insinuations that refusal to agree to sexual favors or advances - or even the request for a date - will harm an employee's standing in any way.

COMPLAINT PROCEDURE

- 1) An employee or job applicant who believes he or she has been discriminated against or harassed on the basis of race, color, religion, sex, gender, gender identity, gender expression, national origin, ancestry, disability, medical condition, genetic information, marital status, age, or sexual orientation may make a complaint verbally or in writing with any of the following:
 - a) Immediate supervisor;

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- b) Any supervisor or manager within or outside of the department;
 - c) Appointing authority;
 - d) County Equal Employment Opportunity Coordinator, who shall be the Human Resources Director (or designee).
- 2) Any supervisor or appointing authority who receives a discrimination or harassment complaint should notify the County Equal Employment Opportunity Coordinator immediately.
- 3) Upon receiving notification of a discrimination or harassment complaint, the County Equal Employment Opportunity Coordinator shall:
- a) Authorize the investigation of the complaint by the department and/or investigate the complaint. Depending on the circumstances the investigation may include interviews with: 1) the complainant; 2) the accused; and 3) any other persons who are believed to have relevant knowledge concerning the complaint.
 - b) Review the factual information gathered through the investigation to determine whether the alleged conduct violates County policy giving consideration to all factual information, the totality of the circumstances, including the nature of the inappropriate conduct and the context in which the alleged incidents occurred.
 - c) Report the results of the investigation and the determination as to whether discrimination or harassment occurred to appropriate persons, which may include the complainant, the alleged perpetrator, the supervisor, and the appointing authority.
- 4) If a violation of this County Equal Employment Opportunity and Harassment policy has been determined to have occurred, the County will take prompt and effective remedial action. This may include disciplinary action, which will be commensurate with the severity of the offense. Reasonable steps will be taken to protect the complainant from further harassment and any retaliation as a result of communicating the complaint.
- 5) If the County Equal Employment Opportunity Coordinator decides not to conduct an investigation or if his/her efforts to settle the problem are unsuccessful, the complainant may file an appeal within thirty (30) days from the date of notification by the County Equal Employment Opportunity Coordinator. The appeal shall be heard by an administrative hearing officer as provided for in the Yolo County Equal Employment Opportunity Appeals Process as found in Title 2, Chapter 22, Section 2-2.2201 et seq. of the Yolo County Code.
- a) Exclusion of Frivolous or Vague Appeals and Appeal Therefrom: In the event that the County Counsel determines that the complaint is frivolous, vague, or that the facts alleged in the complaint, even if true, would not substantiate a claim of sexual harassment or discrimination, or that the appeal claims discrimination based upon a factor that is not prohibited by the state or federal law or regulation, he/she shall not schedule the appeal for hearing.

- b) Hearing of Appeal: The hearing officer shall fully hear the complaint and make written findings of fact and issues a determination as provided for in Title 2, Chapter 22, Section 2- 2.2201 et seq. of the Yolo County Code.
- 6) The County Equal Employment Opportunity Coordinator will maintain the files and records relating to the complaint.

CHAPTER 6. RECRUITMENT, EXAMINATION AND SELECTION

PURPOSE

This chapter shall establish policy and procedures for recruiting, testing and selecting high-quality, productive employees with the required skills and competencies and who reflect the diversity of our community and the residents we serve, in accordance with merit system principles and state and federal law.

PRINCIPLES

The County shall abide by the following principles:

- Examination and selection shall be based on fair and open competition free of artificial barriers.
- Selection shall be on the basis of job-related skills, knowledge, demonstrated abilities and quality of performance.
- No person shall be employed or appointed to County service unless such person meets the minimum education and experience requirements for the position as set forth in the classification specification.
- No Extra Help appointment shall be made to a classification that is not appropriate for the duties to be performed.
- At-Will positions are excluded from competitive recruitment and selection rules.

COOPERATIVE AGREEMENTS

The Director of Human Resources is authorized to enter into agreements with other public agencies providing for the sharing of employment applications and/or eligible lists, combined examinations, acquisition or sharing of examination materials, and other integrated personnel activities not inconsistent with these rules.

RECRUITMENT PLAN

The Director of Human Resources or his/her designee, following consultation with the hiring department, shall determine the recruitment plan for the position. The recruitment plan consists of the following components:

- The dates and timeframes for accepting applications.
- The type of recruitment to administer (open, promotional, limited term, etc.).
- The examination(s) to be administered.

LIMITED RECRUITMENT

The Director of Human Resources may restrict the recruitment to limit the size of the applicant group by specifying a maximum number of applications that will be accepted and closing the recruitment immediately when that number is reached, and/or applying any other means that are appropriate to the circumstance.

EMPLOYMENT APPLICATION

The Director of Human Resources or his/her designee, in consultation with the hiring department, shall determine the length of time to accept applications, and will prepare employment opportunity announcements accordingly. Employment opportunities must be posted for a minimum of five (5) business days or until the advertised number of applications has been received, provided State or Federal rules and regulations are not violated by limiting the candidate pool and closing the recruitment prior to the five (5) day requirement. Appointments shall be made from persons who have employment applications on file in the Human Resources Department and who have been certified by the Director of Human Resources or his/her designee to meet the minimum qualifications of the particular classification. The employment application is part of the examination process. An applicant's answers will determine his/her eligibility to participate in the subsequent phase(s) of the selection process.

Applicants are required to submit the specified application during the designated recruitment period. Applications shall only be accepted when there is an open recruitment except in the following circumstances:

- **Employee Application to Transfer:** A current County employee may submit an application to transfer within his/her current classification or in a different classification in which he/she previously held permanent status.
- **Application for Extra Help:** Applications for extra help shall be accepted on a continuous basis for consideration for intermittent and/or sporadic staffing needs.
- **Application for Employment Following Layoff:** Permanent Yolo County employees laid off from employment may submit an employment application to be considered for positions that are different from the former employee's classification provided he/she meets the minimum qualifications for the different position. This option is valid for up to two (2) years from the date of layoff. In addition, this option in no way affects a laid off employee's status on a valid reemployment list, nor does it provide a laid off employee with any right of reemployment beyond those rights already provided for in the respective Memorandum of Understanding or these Personnel Rules and Regulations.

SUPPLEMENTAL APPLICATION DOCUMENTS

Depending upon the examination criteria for the position, applicants may be required to submit supplemental materials as part of the application process in order to verify possession of the qualifications for the position. These supplemental documents may include, but are not limited to, the following:

- Verification of education (official or unofficial transcripts, copy of degree or diploma, or a letter of verification on college or university letterhead).

- Verification of special certification or licensure.
- Copy of California driver's license and/or printout of driving record obtained from the California Department of Motor Vehicles.
- Responses to supplemental questions.

An applicant's failure to submit supplemental application documents as required in the employment opportunity announcement for the position may result in disqualification.

RECRUITMENT TYPES

The types of recruitments that may be conducted are as follows:

- **Open-Competitive:** Recruitment open to everyone, including County employees and members of the public.
- **County Promotion:** Recruitment open to current permanent County employees, those former employees on a valid reemployment list, and Yolo County employment training program participants with an active work assignment in a Yolo County department (e.g., CalWorks, WIA).
- **Department Promotion:** Recruitment open to current permanent and/or probationary County employees of a specific department, those former employees on a valid reemployment list, and Yolo County employment training program participants with an active work assignment in that department (e.g., CalWorks, WIA).
- **Limited Term:** Recruitment for a position established for a limited term or funded for a limited term.
- **Extra Help:** Recruitment for a position intended to be occupied on less than a year-round basis to cover seasonal peak workloads, emergency work loads of limited duration, and other situations involving fluctuating staffing.
- **Continuous:** Recruitment for classes in which there is a demonstrated difficulty in sustaining a pool of adequate eligible and available candidates. Human Resources receives applications, conducts examinations, and creates eligible lists continuously.

When determining the appropriateness of a promotional recruitment, the Director of Human Resources or his/her designee will consider the availability of an adequate number of qualified applicants within the County or department work force as well as the diversity of qualified applicants within the County or department work force.

RECRUITMENT ELIGIBILITY FOR FORMER EMPLOYEES

Any former employee laid off from County employment shall be eligible to apply for County Promotion and Department Promotion opportunities during the time his/her name is on a valid reemployment list provided he or she meets the minimum qualifications for the position.

TYPES OF EXAMINATIONS

The Director of Human Resources or his/her designee shall determine the type of examination(s) to be administered in order to ensure that the examination measures the job related knowledge, skills and abilities required of an individual upon hire. The types of examinations to be administered depend upon the requirements of the position and the composition of the applicant pool.

Examination types include, but are not limited to: Minimum Qualification Screening, Training and Experience Evaluation, Written Examination, Qualification Appraisal Panel (Oral) Examination, Physical Agility Test, Practical (Performance) Examination, and Behavioral Examination; and can be given in any combination.

Minimum Qualification Screening

Human Resources shall screen all applications that are complete and received by the recruitment closing date. Applications shall be evaluated for satisfaction of the minimum education, experience, licensure and any other application requirements as soon as practical following the end of the application filing period.

Training and Experience Evaluation (Screening for Best Qualified)

A Training and Experience Evaluation is a structured approach to measuring and evaluating a candidate's overall education, job-related training, experience, accomplishments, or possession of knowledge, skills, and abilities required by the job.

To allow full consideration of the relevance, level, progression and quality of candidates' education and experience, the Director of Human Resources or his/her designee may require that written responses to supplemental questions, and/or transcripts of college credits be submitted in addition to the standard application form. Such requirements shall be clearly stated on the employment opportunity announcement.

A Training and Experience evaluation may be used when it is desirable to limit the number of candidates to be interviewed for a given class. A Training and Experience Evaluation is developed by Human Resources in conjunction with the hiring department. A panel of Subject Matter Experts will electronically score the Training and Experience evaluation against pre-defined evaluation criteria.

Written Examination

A written examination is typically defined as a written, multiple choice job knowledge test. Written tests are used for testing knowledge that the applicant is expected to bring to the job, for general aptitude, or for cognitive ability. In cases where very large candidate groups are expected, a written test is likely to be administered.

Oral Examination

Oral examinations are used to evaluate experience, training or education, and other factors that relate to the knowledge and abilities required to perform the work of the position or class. The County will perform an oral examination where a written examination is not appropriate, and where the candidate pool is such that could be feasibly tested over a one to two-day period.

Oral examination panels will be comprised of diverse panel members as follows:

- A representative of the hiring department who shall serve as the Panel Chairperson.
- One or more persons who is not a Yolo County employee.
- One or more persons familiar with the job requirements of the class for which the examination is being held.
- One or more persons who shall be a member of an ethnic minority group as designated in the County's Equal Employment Opportunity Policy.
- One or more women.

Panel members may fulfill more than one of the above stated requirements. A panel will consist of a minimum of 3 members and a maximum of five members unless otherwise requested by the County Administrator. If, after significant effort, the County is unable to obtain panel members as defined above, an examination may be given without meeting these requirements. The exception should be noted in the examination file.

Physical Agility Examination

Physical agility tests may be used to measure agility, strength, coordination, or general physical fitness required to perform the duties of the class.

Practical (Performance) Examination

Performance tests may be used to evaluate the skill, speed, or accuracy with which principal tasks of the class are performed.

Other Examinations

Other examinations may also be utilized, including, but not limited to behavioral testing, assessment centers, writing exercises, in-basket exercises, personality measures, etc.

The Director of Human Resources or his/her designee is authorized to make changes to the examination plan at any time including after the employment opportunity is posted, provided the change does not disqualify an applicant otherwise qualified under the original posting and the examination is administered equitably to every similarly situated candidate.

DISQUALIFICATION FROM EXAMINATION

The Director of Human Resources or his/her designee may disqualify an applicant at any time during the recruitment, testing and selection processes for any one (1) of the following reasons:

- Failure to meet the minimum qualifications for this class.
- Failure to submit a completed application packet by the final filing date.
- Cheating or falsification of information.

- Attempting to interfere with the fair, equitable and orderly conduct of any part of the competitive examination process.
- Failure to follow instructions of the examination proctor, or being disruptive at the examination.
- Failure to appear for or arriving late to a scheduled examination.
- Failure to achieve a passing score on any examination.

EXAMINATION SCORING

The Director of Human Resources or his/her designee shall determine the procedure for scoring examinations. If the examination plan contains more than one type of examination, the Director of Human Resources or his/her designee will determine a percentage weight for each examination, totaling 100% when considering all examination steps. The final candidate score shall be determined by the total of the scores for each examination, taking into consideration the weight of each examination.

TRANSFER OF EXAMINATION SCORE

An applicant who has taken and passed a written examination may apply the previous test score to a future recruitment under the following conditions:

- The candidate has submitted a valid application for the current recruitment.
- The prior written examination score was received within the previous one (1) year period.
- The prior written examination score was not previously transferred.
- The written examination to be administered for the current recruitment are identical to the written examination administered for the prior recruitment.
- The candidate has requested in writing that his or her score be transferred to the new recruitment.

If all of the above conditions are met, Human Resources will transfer the examination score to the new recruitment; however, the applicant's name shall be placed on the eligible list ranked in descending order of all applicants' final scores.

TRANSFER OF A T-SCORE FROM ANOTHER AGENCY

An applicant for a law enforcement position that utilizes a standardized state-wide test (Correctional Officer, Probation Officer, Detention Officer, Deputy Sheriff, etc.) may transfer his/her t-score from another public agency under the following conditions:

- The score was obtained in the past 12 months.
- The score notice clearly details the name of the exam given (i.e. Adult Correctional Officer).

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- The score notice contains a “t-score”.
- The score notice is on official Agency letterhead, or if the score notice is an email, that the email contains the name and email address/phone number of the Analyst in the other agency to verify the t-score.
- The candidate has requested in writing that his or her score be transferred to the new recruitment and provides a copy of the score notice.

If all of the above conditions are met, Human Resources will transfer the examination score to the recruitment; however, the applicant’s name shall be placed on the eligible list ranked in descending order of all applicants’ final scores.

VETERAN’S PREFERENCE POINTS

Applicants who have received a passing grade in an open examination and who are veterans shall receive credit for an additional five (5) points to be added to the final examination score or an additional ten (10) points if he or she has a service-connected disability rated at not less than ten (10%) percent by the United States Veterans Administration.

For the purposes of this section, a veteran is a person who has served on active duty in the United States Armed Forces in the time of war or a national emergency or for a period in excess of 180 days in the time of peace for which service a campaign or expeditionary medal has been authorized by the Government of the United States and who has been discharged or released from active duty under honorable conditions.

An original or photocopy of a discharge form (Form DD-214 and/or GS-6954) shall be submitted with the veteran’s application on or before the final filing date for the position. Failure to apply for the veterans’ preference points or to submit the required credentials at the stated time period for the submission of applications will be deemed a waiver of the points.

COUNTY EMPLOYEE PREFERENCE POINTS

Permanent employees who have received a passing score in an examination shall receive an additional five (5) points to be added to the passing examination score. Former employees laid off from County employment shall receive County Preference Points during the time their names are on a valid reemployment list. County Preference Points shall not be added for County-only promotional recruitments and/or examinations.

ELIGIBLE LIST

An eligible list of qualified candidates shall be created for each examination plan administered, and all appointments to regular County positions shall be made from an eligible list except as provided below. Eligible lists shall continue in force for a period of one (1) year and may be extended by the Director of Human Resources or his/her designee upon the request of the appointing authority.

Candidates who receive a passing final score shall be placed on an eligible list ranked in descending order of their final scores, as defined in the Examination Scoring section of these rules. Final scores of fractional percentage points shall be rounded upward to the next highest

whole percentage point. The names of all candidates achieving the same whole percentage score shall constitute one rank.

Eligible lists shall become effective upon the certification by the Director of Human Resources or his/her designee that the list was legally prepared and represents candidates' relative final score in comparison with other candidates in the same examination.

A list may be extended in six-month increments, but in no event shall a list remain in effect for more than two years, nor shall any name remain on such a list for more than the life of the list. The Director of Human Resources or his/her designee may extend an eligible list, based on, but not limited to, the following guidelines:

- Number of candidates on list: originally, appointed, remaining.
- Number of openings anticipated.
- Type of examination(s).
- Effect on promotional opportunities.
- Unusual expenses or circumstances regarding development or administration of examination.
- Equal Employment Opportunity concerns.
- Unexpected events or circumstances affecting use of list.

At any time during the life of an eligible list the Director of Human Resources or his/her designee may establish a new eligible list through giving another examination. However, the existing eligible list, up to six months old, shall be exhausted before any candidates from the new list are certified to a department.

EXEMPTIONS TO APPOINTMENTS FROM AN ELIGIBLE LIST

The following types of appointments to regular County positions are exempt from the requirement to hire from an eligible list:

- Promotion of an employee to the next highest classification of a series of related classifications when the provision is made for alternate staffing of the position from such a series of related classifications ("flexibly staffed" positions).
- Appointment of an Extra Help or Limited Term employee when the employee was initially hired from a valid eligible list for the same classification.
- Reinstatement of a former employee within one (1) year following separation.
- Transfers or demotions to classifications for which the employee meets the minimum qualifications or in which the employee formerly served.
- Appointments to At-Will positions as set forth by resolution.

The requirement for appointment from an eligible list does not apply to a reclassification of an incumbent employee where he or she has actually performed duties that significantly exceeded those set forth in the classification specification.

ELIGIBLE LIST TYPES

The types of eligible lists that may be established include, but are not limited to:

- Open - Competitive
- Limited Term
- Extra Help
- County Promotion
- Department Promotion
- Transfer
- Re-Employment List

CERTIFICATION OF ELIGIBLE LISTS

Upon request from an Appointing Authority, the Director of Human Resources or his/her designee shall certify the top ten (10) candidates from the eligible list for one (1) vacancy. The certification list will be accompanied by a Certification Packet to be completed and returned to Human Resources upon completion of the hiring process. The components of the Certification Packet include the following four resource documents:

- 1) A hiring guidelines and requirements booklet, which outlines the expectations and responsibility of the department with regards to ensuring the hiring process is fair, valid, and legal.
- 2) A certification checklist, which outlines all the steps the department must take prior to making an offer of employment, and requires the department to certify that they followed these personnel rules and regulations and complied with the guidelines and requirements set forth by Human Resources.
- 3) A listing of suggested competency-based interview questions.
- 4) Panel Member Certification Forms.

The Director of Human Resources or his/her designee has the authority to provide additional names beyond the top 10 candidates to the Appointing Authority for the following reasons, provided that the certification of additional names does not violate State or Federal rules and regulations:

- Where additional vacancies exist within the same department for the same classification.
- Where the classification has historically documented high turnover rates.

- Where it is known that another vacancy is occurring in the next 90 days (e.g. pending retirement, newly approved budgeted position, etc.).
- Where the class requires a Law Enforcement background check.
- Where the labor market for the class is extremely competitive and lack of certification of additional names would result in the loss of potential, qualified candidates.
- When trying to fill Limited Term positions, where candidates are less likely to accept an offer of employment.

ORDER OF CERTIFICATION OF ELIGIBLE LISTS

Eligible lists shall be certified in the following order:

- 1) Re-Employment List
- 2) Transfer
- 3) County/Department Promotion
- 4) Open – Competitive (Existing List)
- 5) Open – Competitive (Alternate List)
- 6) Open – Competitive (New Recruitment)

This order of certification shall not prevent the Director of Human Resources or his/her designee from certifying multiple eligible lists to a department for consideration in filling a single vacancy in accordance with the Certification of Eligible Lists section of these rules.

ALTERNATE ELIGIBLE LIST

Where no eligible list is in existence for a classification, certification may be made from a list created for another classification if the duties of the classification are substantially similar to the duties of the position to be filled.

SELECTIVE CERTIFICATION

When a position becomes vacant that is assigned special duties, or is required by law to meet certain requirements the Director of Human Resources or his/her designee may determine which applicants on an existing eligible list meet these special requirements and shall certify the names of those individuals in accordance with these rules.

CONTINUOUS FILING ELIGIBLE LISTS

The Director of Human Resources or his/her designee may continuously add new names to an existing eligible list for a continuous filing recruitment. The names of the new eligible candidates shall be merged with the existing unexpired candidates. Names shall be placed on the merged list in descending order of their scores on the examination(s). Candidates on the list shall retain their eligibility for one year from the date they were originally placed on the list.

MERGING ELIGIBLE LISTS

The Director of Human Resources or his/her designee may create a new eligible list for a classification whenever an existing eligible list contains less than five (5) names or three (3) names in the case of a promotional examination. The names of the new eligible candidates shall be merged with the existing unexpired list. Names shall be placed on the merged list in descending order of their scores on the examination. Persons whose names are merged to a new eligible list shall retain their eligibility until the date the original list on which they appeared would have expired.

WAIVERS OF APPOINTMENT

A candidate on an eligible list may waive an appointment to a position; provided, however, should he or she waive appointment two (2) times, his or her name shall be removed from the eligible list.

REMOVAL OF NAMES FROM ELIGIBLE LISTS

A candidate may have his or her name removed from an eligible list by the Director of Human Resources for any one (1) of the following reasons:

- Failure to continue to meet the requirements for the position.
- Waiver of an invitation to interview two (2) times.
- False statements or cheating in the application or examination process.
- Positive result on a pre-employment drug/alcohol screening.
- Disability which renders the applicant unable to perform the essential functions of the position.
- Conviction of any crime which renders the person unsuitable for a position in the classification.
- Dismissal from prior employment for a cause rendering the applicant unsuitable for a position in the classification.
- Use or attempted use of political pressure or bribery to secure an advantage in an examination or appointment.
- HIPAA violation as reported by the Office of the Inspector General if germane to the position sought.
- Permanent appointment to a position in the class for which the eligible list was established, or for which the list is deemed suitable by the Director.
- Upon written request of an eligible person that his/her name be placed in inactive status on the list.

- Any other action of the applicant that renders the applicant unsuitable for employment for any position in the classification upon review and a decision by the Director of Human Resources or his/her designee.

APPEAL OF ELIGIBLE LIST DETERMINATION

If a candidate believes an error has been made in the eligible list process, he/she may submit a written appeal to the Director of Human Resources within five (5) days of receipt of notice of their status. The decision of the Director of Human Resources shall be final.

DEPARTMENT RESPONSIBILITIES UPON RECEIPT OF CERTIFICATION LIST

Prior to making a contingent job offer, a department must consider every candidate. "Consider" is defined as having made reasonable attempts to contact and offer an interview to every candidate certified, unless the person was previously interviewed within the past six (6) months for the same classification, by the same panel members, and using the same interview questions. The Appointing Authority may only offer employment to an individual on a certification list to the class title for which the certification list was created. Upon request of the Human Resources Department following appointment of a candidate from a certification list, or upon exhaustion of a certification list without appointment, the Appointing Authority shall promptly return a copy of the Certification Packet to the Human Resources Director.

DEPARTMENT RESPONSIBILITIES FOR RETURNING THE CERTIFICATION PACKET

The Certification Packet returned to Human Resources will be complete, and include comprehensive information about the hiring process utilized by the department. The completed Certification Packet should include the following five documents:

- 1) The completed Certification Checklist, which outlines what steps the department took to ensure the process was fair, valid, and legal, and in compliance with these personnel rules and regulations and the guidelines and requirements set forth by Human Resources.
- 2) Completed Panel Member Certification Forms.
- 3) A copy of interview questions used.
- 4) The annotated certification list, indicating thereon the action taken with regard to each candidate certified. The department must provide specific reasons as to why each candidate was not interviewed or was interviewed but not selected.
- 5) (For Promotional Interviews Only) All hiring interview materials including rating sheets and panel notes.

Certification Checklist

The Certification Checklist requires the hiring department to validate that all of the appropriate steps were taken, including:

- Confirmed receipt of the Certification Packet.

- Contacted all candidates on the list at least twice.
- Reviewed the interview schedule, questions and rating scale with the panel.
- Reviewed the ideal candidate characteristics for the position with the panel.
- Reviewed the interviewing procedures, which include the legal limitations of questioning, verbal and nonverbal behaviors, and the opening and closing of each interview with the panel.
- Confirmed all Panel Members have received Panel Member Training.
- Confirmed all Panel Member Certification Forms completed and collected.
- Confirmed all candidates annotated appropriately on the list.
- Confirmed all licenses, certifications, and other qualifications not screened by HR have been verified.
- Confirmed all interview materials have been filed away in a secure location, noted with a date two years from the date of filing.
- Confirmed all internal candidates not selected were offered opportunity to receive feedback about the interview and a development plan to improve chances of success in future, if desired.
- Submitted copies of interview questions to Human Resources.
- (For promotional interviews) Submitted copies of all rating sheets and panel member notes to Human Resources.

Panel Member Requirements

In order to participate on a hiring interview panel, each internal panel member must have received Hiring Interview Panel Member training provided by Human Resources. In addition, each Hiring Panel shall consist of:

- One or more persons who is not a Yolo County employee.
- One or more persons familiar with the job requirements of the class for which the interview is being held.
- One or more persons who shall be a member of an ethnic minority group as designated in the County's Equal Employment Opportunity Policy.
- One or more women.
- (For Promotional Exams) A representative from County Human Resources.

Panel members may fulfill more than one of the above stated requirements. If, after significant effort, the County is unable to obtain panel members as defined above, an interview may be given without meeting these requirements, but must be reported to Human Resources.

Panel Member Certification Form

The Panel Member Certification Form is used to document panel member participation as a hiring interview panel member and obtain panel member agreement to follow the necessary procedures outlined by Human Resources. The form covers topics such as confidentiality, conflicts of interest, security of materials, legality of interviews, and mandatory training required to be a panel member.

Certification List & Annotations

In the event there is no suitable candidate for the vacancy after all individuals on the initial certification list were interviewed or offered an interview, the Appointing Authority may request ten (10) additional candidates be certified, but only after the department has completed and returned the Certification Packet to Human Resources.

BACKGROUND AND REFERENCE CHECKS

Prior to making a contingent job offer, departments are responsible for conducting reference checks, verifying candidate possession of education, certification and/or licensure required for the job, verifying candidate possession of a valid California driver's license if applicable, and checking the Office of Inspector General List of Excluded Individuals if position will have access to client's confidential medical records. Upon notification of the individual selected, Human Resources may elect to conduct additional background investigation deemed appropriate for the position.

CONTINGENT JOB OFFER

Following successful completion of background and reference checks, the Appointing Authority is responsible for making a job offer to the candidate contingent upon his or her successful completion of the pre-employment medical examination and/or drug and alcohol screening, and California Department of Justice background check. Peace officer background checks and pre-employment medical and psychological examinations are the responsibility of the hiring department.

PRE-EMPLOYMENT DRUG/ALCOHOL SCREENING

All new employees must successfully pass a pre-employment drug/alcohol screening prior to the first day of work as a condition of employment. The alcohol and drug test may screen for any legal or illegal substance that could impair an employee's ability to effectively and safely perform the functions of the job. Testing shall be conducted by a laboratory that has been duly certified by the State of California.

Applicants who test positive for any illegal substance and are subsequently rejected from employment as a result must wait at least six (6) months before re-applying for County employment. [SEE ALSO APPENDIX: Drug & Alcohol Policy and Testing Procedure (1994)]

LIVE SCAN

Electronic fingerprints of all new employees and existing employees where required by state or federal laws, rules and/or regulations shall be live scanned and processed by the Department of Justice (DOJ) as a condition of County employment. The County Administrator, Director of Human Resources, Sheriff- Coroner, County Counsel, and each appointing authority and/or their designee are hereby authorized to have access, on a need-to-know-basis, to information from the State Summary Criminal History Information which is provided as a result of the DOJ Applicant Fingerprint Response, as provided for in Section 11105 of the Penal Code of the State.

The Director of Human Resources is hereby appointed to be the Records Security Officer and shall adopt procedures for the safeguarding of the State Summary Criminal History Information.

Persons or entities authorized to receive information as identified above shall be given information from the State Summary Criminal History Information as permitted by the Director of Human Resources. No one shall be given a copy of the State Summary Criminal History Information unless authorized by the Director of Human Resources in writing.

If the applicant or employee for whom the State Summary Criminal History Information is obtained is subsequently hired or cleared, then the State Summary Criminal History Information shall be destroyed within ten (10) working days after receipt. The State Summary Criminal History Information may be retained by the Director of Human Resources only where it contains information that results, in whole or in part, in the disqualification of the applicant from examination or employment. Furthermore, if an applicant or incumbent is disqualified from employment based on the information contained in the State Summary Criminal History, then the Director of Human Resources or his/her designee must provide a copy of the report to the disqualified individual.

A person shall be automatically excluded from consideration if the class specification specifically includes a job-related prohibition for a certain offense or if federal, state or local statute prohibits the hiring or employment of an individual convicted of a specific offense for a certain job. All other conviction information shall be evaluated on a case-by-case basis, and may include consideration of the following:

- Type and seriousness of the conviction.
- Recency of the conviction.
- Job relatedness of the type of conviction.
- Evidence of rehabilitation.
- Mitigating/aggravating circumstances leading to conviction.
- Extent of supervision the applicant would receive on the job if selected.

PRE-EMPLOYMENT MEDICAL EVALUATIONS

New employees in certain classifications with identified physical factors beyond that of normal office work must successfully pass a pre-employment medical examination. Such medical

examination shall be limited to only those areas necessary to determine whether the new employee is physically and emotionally capable of performing the specific duties of the position. The pre-employment medical evaluation shall be given by a physician designated by the Director of Human Resources. The inability to pass a pre-employment medical evaluation shall disqualify the applicant for employment by the county in that classification and the candidate's name will be removed from the applicable eligible list.

Return of At-Will Employees

Any employee who has completed an initial probationary period, and is subsequently appointed to an at-will position (which is not a department head) shall have the right to return to the position in the same department from which appointed if the position is vacant.

If no vacant position exists in the department where the employee came from, then the employee shall have the right of return to any other vacant position in that department which is not an at-will position and for which the employee qualifies at the same or higher salary and benefit level for the classification they held prior to appointment to the at-will position. In the event that the returning employee's former position is no longer vacant and there are no vacant positions in that department which are not at-will positions, a position of the same classification they held prior to appointment to the at-will position will be created.

The right to return as specified in this section will only apply if:

- The employee was appointed to the at-will position in the same department;
- There was not a break in service between the completion of the probationary period and the at-will appointment; and
- The right to return was specified and approved by the department head in writing, at the time of appointment to the at-will position.

Nothing in this section shall be construed to imply that an employee returning has any right to the assignment held prior to the appointment to the at-will position. The assignment of an employee returning under these provisions is solely at the discretion of the department head.

No employee may exercise the right of return under this section if removal from the at-will position was for criminal activity, acts of moral turpitude, or major disciplinary reasons. Any employee who exercises the rights specified in this section shall be considered to have been continuously employed without a break in service during service in the at-will position.

CHAPTER 7. EMPLOYMENT AND HOURS

STANDARD WORK PERIOD

Except as otherwise provided in this chapter or revised by resolution of the Board, the standard work week of the County shall be forty (40) hours during seven consecutive days, and the normal workday of the County shall be eight (8) hours.

PART-TIME EMPLOYMENT

All regular part-time employees shall have a regular/fixed schedule of work days and work hours which shall provide for a minimum of forty (40) hours of work in each bi-weekly pay period. Once a regular/fixed schedule has been established, such part-time employees may be permitted to work additional hours by mutual agreement.

EXCEPTIONS TO STANDARD WORK PERIODS (ALTERNATIVE WORK SCHEDULES)

A department head may establish alternative work schedules for the employees of his or her department. Eligibility, participation in and implementation of any such work schedule shall be at the sole discretion of the department head.

Alternative work schedules shall include, but not be limited to:

- 1) 4/10 Schedule: a weekly work schedule consisting of forty (40) hours of work scheduled for four (4) workdays consisting of ten (10) hours scheduled on each workday.
- 2) Flex Time Schedule: a weekly work schedule consisting of forty (40) work hours during five (5) work days with start and end times at other than the traditional 8:00 a.m. to 5:00 p.m. hours.
- 3) 9/80 Schedule: a biweekly work schedule consisting of eighty (80) hours of work in nine (9) hour work days, and with no more than nine (9) hours scheduled on any work day. For FLSA non- exempt employees, such a schedule shall require a designation of a work week which starts and ends at noon on Mondays or noon on Fridays for employees on such schedule and shall involve forty (40) regular hours worked in such a designated week. Work schedules that begin at noon on Mondays shall have the day off on the first Monday of the pay period and work an eight (8) hour day on the second Monday. Work schedules that begin at noon on Fridays shall work an eight (8) hour day on the first Friday of the pay period and have the day off on the second Friday.
- 4) 12/12 schedule: a biweekly work schedule consisting of eighty hours of work scheduled for six (6) workdays consisting of twelve (12) hours per workday and one (1) workday consisting of eight (8) hours. The fourteen (14) day pay period shall require designation of a work week which starts and ends at noon on Sunday.

Alternative work schedules may be discontinued at the sole discretion of the department head upon ten (10) days written notice to the affected employees.

ACCOUNTING FOR ABSENCES

Both employees who are “exempt” (generally salaried executive, administrative, or professional classifications) or “non-exempt” (generally hourly classifications eligible for overtime pay) under the Fair Labor Standards Act (FLSA) must document absences from work of any duration and, in the case of most leaves, time away from work must be requested and approved in advance of the absence. Both exempt and non-exempt employees must draw from accrued leave balances for time away from work unless an employee is off work on an approved leave of absence without pay. In some circumstances, employees may be allowed to “work back” time away from work during the same pay period.

EMPLOYMENT OF RELATIVES (NEPOTISM)

It is the policy of the County of Yolo to seek the most qualified candidates for County service. The County shall not discriminate in its employment practices and personnel actions on the basis of familial or marital relationship. The County shall ensure, to the extent possible, the fair and impartial treatment of its employees by supervisors or others with oversight authority.

An appointing authority shall not appoint persons who are related to him/her by familial or marital status. The County of Yolo reserves the right to regulate, for reasons of supervision, safety, security, or morale, the terms of employment of persons who are related by familial or marital status, whether or not living in the same household, and who are employed in the same department, division, facility or unit. In no case shall supervision or oversight authority be less than two (2) supervisory levels between the related persons, unless approved by the Director of Human Resources due to exigent circumstances.

Where it is demonstrated that the performance of business functions or the working environment has been negatively impacted by the employment of persons related by familial or marital status, the Director of Human Resources shall be authorized to take good faith measures, including, but not limited to, reassignment, relocation, change in supervision, or transfer to eliminate the negative impact. Such measures may be temporary or permanent.

- **Related by familial or marital status** shall mean an employee’s mother, father, spouse or domestic partner, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, step-brother, step-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law, sister-in-law, legal guardian, any other persons who are living as a member of and in the same household as the County employee, and/or any in loco parentis relationship.
- **Supervisory or oversight authority** shall mean when one employee has direct influence on the decisions concerning selection and hiring, which includes making recommendations for hiring, assignment or review of work, providing input on employee performance appraisals, transfer, promotion, grievance review, or other terms and conditions of employment over another employee.

CERTIFICATE OF APPOINTMENT/OATH OF ALLEGIANCE

Public employees must take and subscribe an oath or affirmation to support and defend the Constitution of the United States and the Constitution of the State of California (Article 20, Section 3 of the California Constitution, Govt. Code Section 3100). Upon appointment to County

employment, an employee must complete the oath in the presence of a Deputy of the Yolo County Auditor.

DISASTER SERVICE WORKER

Each County employee, in compliance with California Government Code Section 3100-3109, is designated as a Disaster Service Worker and may be required to provide assistance in conditions of disaster or peril to life, property, or resources from natural, manmade, or war-caused emergencies under the provisions of the California Emergency Services Act (Government Code 8550-8551).

OBJECTIVE OF PROBATIONARY PERIOD

The probationary period shall serve as a continuation of the hiring process during which time the work habits, attitude, performance of the employee and his/her general suitability for the position shall be closely monitored and assessed.

INITIAL PROBATIONARY PERIOD

A newly-hired employee filling a regular position, including an employee converting from Extra Help or a Limited Term position, shall serve a probationary period of twelve (12) months from the date of hire into the regular position. A newly-hired employee shall not retain any right to continued employment with the County should he/she be released during the probationary period. Employees shall not serve a new probationary period upon transfer.

PROMOTIONAL PROBATIONARY PERIOD

Upon promotion from a previously held position, an employee holding permanent status shall serve a probationary period of six (6) months from the date of the promotion. If the employee is rejected from probation, he/she shall return to the same classification, salary range and step from which he/she promoted in his/her former department provided that he/she held permanent status and a vacant position exists. In the event there are no vacant positions for the same classification in the former department, the employee shall be placed into a vacant position in the same classification elsewhere in the County. If there are no current vacancies in that classification, the employee shall be placed into another vacant position for which he/she qualifies in his/her former department. All placement possibilities within the former department shall be exhausted before attempting to place the employee in any vacant position elsewhere in the County for which the employee qualifies.

An employee who did not hold permanent status in the former position may return to the position from which he/she promoted if it remains vacant. In such cases, the County shall make a good faith effort to place the employee in another position for which he or she qualifies. In either case, with the exception of Merit Systems employees, the employee shall serve the remainder of his or her initial probationary period.

ABSENCE DURING PROBATIONARY PERIOD

Any consecutive absence with or without pay exceeding eighty (80) hours shall be counted against the time required to be served to satisfy the initial probationary period of twelve (12) months. Any consecutive absence with or without pay exceeding forty (40) hours shall be counted against the time required to be served to satisfy the promotional probationary period of

six (6) months. A new date for the end of the probationary period shall be calculated by adding the full duration of the absence to the initial date for the end of the probationary period and setting the first day of the pay period following that addition as the new date for the end of the probationary period. Such extension shall not affect the eligibility for a merit step increase.

EXTENSION OF INITIAL PROBATIONARY PERIOD

With the exception of employees in the Health and Human Services Agency and the Department of Child Support Services [whose probationary period is determined elsewhere in law governing Merit Systems employees], the probationary period may be extended for a period of up to three (3) months by mutual agreement between the Appointing Authority, the Director of Human Resources, and the exclusive representative.

RELEASE FROM PROBATION

During the probationary period the employee may be released without notice or cause and such discharge is not subject to grievance or appeal. Release during the probationary period is not a disciplinary action.

EMPLOYEE PERFORMANCE APPRAISAL

All Probationary, Permanent, Limited Term and At-Will employees shall have their work performance evaluated at regular intervals by their immediate supervisor(s). The County shall provide an Employee Performance Appraisal form or At-Will Appraisal form for such purpose, or shall authorize a departmentally- authored form for that purpose where the unique duties of the department prompt the need for an appraisal form more specific to that department. The supervisor completing the appraisal form shall discuss such evaluations with the employee. A copy of the employee's performance appraisal, signed by the supervisor, the department head and the employee, shall be sent to Human Resources to be recorded and shall be maintained in the employee's personnel file.

The schedule for employee performance appraisals is as follows:

- 1) An employee performance appraisal for probationary employees serving a probation period of twelve (12) months should be completed at the end of the third (3rd) month, before the end of the sixth (6th) month, before the end of the ninth (9th) month, and before the end of the twelfth (12th) month.
- 2) An employee performance appraisal for probationary employees serving a probationary period of six (6) months should be completed at the end of the third (3rd) month and before the end of the sixth (6th) month of employment.
- 3) Employee performance appraisals for permanent, limited term and At-Will employees should be completed annually within thirty (30) days of the due date. Appraisals for limited term and At-Will employees shall be for the instruction of the employee and shall not confer any right to continued employment or suggestion of permanency.

Nothing shall preclude special evaluations where needed to address issues of poor performance.

When an employee has been noted in the overall performance appraisal as requiring improvement to meet the minimum expectations of the position, the supervisor shall commit to writing and provide the employee with a plan to remediate the deficiencies that includes at a minimum the following:

- 1) A clear statement of the problem and the measures that have previously been taken to assist the employee in meeting expectations including dates of training, coaching or counseling specific to the problem;
- 2) The steps to be taken to effectuate remediation of the problem;
- 3) How the employee's progress toward improvement will be measured or evaluated; and,
- 4) The timeframe for improvement, including dates within that timeframe where the supervisor will meet with the employee to assess and advise the employee of his or her progress.

REINSTATEMENT OF FORMER EMPLOYEES

During the one (1) year following an employee's termination, an appointing authority may request to reinstate a former County employee to a classification in which the former employee held permanent status or any lower classification within the classification series provided the former employee terminated in good standing. Such request shall be subject to the review and approval of the Director of Human Resources. A reemployed employee shall be considered a new employee for all purposes and will be required to serve a probationary period.

RESIGNATION

Employees may provide notice of resignation in writing; however, in order to be determined to have resigned in good standing and thus be eligible for rehire at a later date, an employee is required to submit a written resignation to the Appointing Authority, giving at least two (2) weeks' notice prior to his or her intended last day of employment. In an emergency circumstance or as the needs of the department dictate, the Appointing Authority may authorize the employee to terminate in good standing with less than two (2) weeks or no advance notice.

EXIT INTERVIEW PROGRAM

The purpose of the Exit Interview Program is to gather information from separating employees that will assist with efforts to continuously improve the quality of supervision, coaching, management, working conditions, and the work environment of the County of Yolo. Departments shall notify Human Resources as soon as possible after receiving notice from an employee of his/her intent to resign/retire. The employee should be encouraged to submit such notice in writing addressed to the department head. The department shall allow the departing employee time to participate in an exit interview with Human Resources Department staff prior to the date of separation.

Employees will be asked by Human Resources to complete an Exit Interview Questionnaire and to participate in a face-to-face interview. At the exit interview, a Human Resources staff member will meet with the employee to discuss the completed questionnaire. Interviews will be conducted in private and written information will be reviewed to facilitate understanding and to encourage the sharing of candid and constructive additional information from separating

employees. All specific content from exit interviews will be held strictly confidential unless the employee gives permission to Human Resources in writing to attribute the content, except that if the exiting employee reveals information which alleges violations of law or policy and which would require a County investigation, the employee will be informed that such information cannot be held confidential.

Information gathered from exit interviews will be summarized (on an anonymous basis) and revealed to County management or others appointed to resolve problems, improve the working environment, safety practices, supervision and management practices, and/or to sustain good management practices and a culture of quality service. Specific feedback from employees separating from their department may be given to an appointing authority within the parameters of confidentiality guaranteed in the Exit Interview Program.

JOB ABANDONMENT

An employee who has been absent without notice and without approval for five (5) consecutive work shifts shall not be paid for the period of absence and shall be considered to have abandoned his or her position and to have voluntarily resigned.

The employee shall be notified of the proposed separation from employment by certified mail, mailed to the last recorded address on file with Human Resources. Such notice shall contain a recommended date and time for a response meeting with the appointing authority or his or her designee.

CHAPTER 8. COMPENSATION

SALARY AND BENEFITS UPON HIRE

New employees shall be appointed at step 1/A of the salary range for the particular class to which the appointment is made. A department head may approve an appointment up to and including step 3/C of the salary range. The County Administrator or his/her designee may approve an appointment up to and including step 5/E of the salary range.

ADVANCEMENT WITHIN SALARY RANGE (MERIT STEPS)

- 1) Every regular employee shall have a salary anniversary date which shall be the first day of the pay period following the completion of thirteen (13) biweekly pay periods of service if the appointment was at Step 1/A or twenty-six (26) biweekly pay periods of service if the appointment was at Step 2/B, 3/C or 4/D. The biweekly pay period in which the employee is hired shall count as the first pay period for purposes of calculating the salary anniversary date.
- 2) Employees shall be eligible for advancement to Step 2/B of the salary range on their salary anniversary date after thirteen (13) biweekly pay periods of continuous service on Step 1/A. Eligibility for advancement to Step 3/C shall require twenty-six (26) biweekly pay periods of continuous service on Step 2/B. Eligibility for advancement to Step 4/D shall require twenty-six (26) biweekly pay periods of continuous service on Step 3/C. Eligibility for advancement to Step 5/E shall require twenty-six (26) biweekly pay periods of continuous service on Step 4/D.
- 3) Merit step increases shall be given only on the affirmative recommendation of the department head, and such recommendation shall be made on the basis of the employee's continued satisfactory performance on the job. An Employee Performance Appraisal form for the review period shall be completed for each employee and shall be forwarded to Human Resources.
- 4) Should an employee's anniversary date be overlooked through an error and, upon discovery of the error, the employee be recommended for the anniversary increase, the Human Resources office, on the following biweekly pay period, shall compensate the employee for the additional salary he/she would have received, dating from his/her anniversary date.
- 5) Except as required by law, forty (40) hours of unpaid leave of absence within the review period shall postpone the salary anniversary date one whole pay period. When the leave of absence hours exceed forty (40) within the review period, the number of pay periods to postpone the merit step shall be determined by dividing the total number of unpaid leave of absence hours by eighty (80) hours and rounding to the nearest whole number of pay periods.

DEFERRAL OR DENIAL OF MERIT INCREASE

Where overall employee performance is less than satisfactory, a merit increase may be deferred for a defined period not to exceed thirteen (13) pay periods or denied until the next anniversary date if the performance has not improved. The employee should be notified of the deferral or denial of merit increase not less than thirty (30) days prior to the scheduled merit increase.

Deferral or denial of a merit increase shall be made in writing and shall indicate the specific period of deferral or denial. At the conclusion of the period of deferral or denial, the employee shall be notified in writing whether or not the performance has improved and whether or not the delayed merit increase has been approved. Awarding of the merit increase shall be made on the first day of the pay period following the end of the term of the deferral.

Deferral or denial of a merit increase may not be appealed.

LONGEVITY PAY

Unrepresented employees shall be eligible for a two and one-half percent (2.5%) increase in salary after ten (10) years of continuous service to the County from the most recent date of hire. Employees who reinstate within one (1) year of separation will be deemed to have continuous service but the time not employed by the county during the break in service will be excluded in calculating the ten (10) year period. Employees who are separated due to layoff and are reinstated from a Reemployment List will be deemed to have continuous service but the time not employed by the County during the break in service will be excluded in calculating the ten (10) year period.

Unrepresented employees shall be eligible for a two and one-half percent (2.5%) increase in salary after fifteen (15) years of continuous service to the County from the most recent date of hire. This is in addition to the longevity increase provided for ten (10) years of continuous service, for a maximum of five percent (5%). Employees who reinstate within one (1) year of separation will be deemed to have continuous service but the time not employed by the County during the break in service will be excluded in calculating the fifteen (15) year period. Employees who are separated due to layoff and are reinstated from a Reemployment List will be deemed to have continuous service but the time not employed by the County during the break in service will be excluded in calculating the fifteen (15) year period.

OUT-OF-CLASS PAY

A regular employee who is temporarily assigned and substantially performing the duties and responsibilities of a position with a higher salary range shall receive a salary equal to the minimum step in the new range which provides not less than a five (5%) percent increase starting the first day the regular employee is performing the full range of duties and responsibilities.

Such assignments shall be made in writing and be for a period of ten (10) consecutive working days or more. Such assignments shall be limited to three (3) months except that by mutual consent of the department and the employee and with the approval of the Director of Human Resources, such assignments may be extended beyond three (3) months.

An employee working in an out-of-class assignment does not accrue the benefits assigned to that class.

SALARY UPON PROMOTION

Any employee who promotes to a class having a higher salary range than the class formerly occupied shall receive the minimum step in the new range which provides not less than a five (5%) percent increase. Employees who are eligible for merit step advancements in their present

salary ranges shall receive such advancement before being promoted. The employee shall receive a new salary anniversary date upon promotion.

SALARY UPON DEMOTION

Unless otherwise recommended by the department head, any employee who demotes to a class which has a lower salary range than the class formerly occupied shall receive the step in the new range which provides a pay decrease of at least five percent (5%), except that employees who voluntarily demote upon approval of the appointing authority may be placed at the step in the new range which most closely approximates the former salary, not exceeding Step 5/E in the new class. The employee shall receive a new salary anniversary date upon demotion.

Any employee who demotes to the most recent previously held class shall return to the former step on the salary range. This section shall not apply to demotions resulting from disciplinary action.

SALARY UPON TRANSFER

Any regular employee who transfers from a position in one department to the same class in a different department shall be compensated at the same step in the salary range as previously received. For the purposes of further annual increases within the salary range, the salary anniversary date shall remain the same as it was before the transfer.

SALARY UPON RANGE CHANGE

An employee who receives a salary range change shall remain on the same step in the new salary range. The employee's salary anniversary date shall not be changed.

PAY PERIODS

All salaries shall be payable on a biweekly basis. The biweekly pay period shall end at 12:00 midnight on each second Saturday, except for any department in which midnight falls within a shift. The pay period for such departments shall end at the beginning of the next shift after midnight. The payment of salaries shall be made on the Friday following the end of the pay period.

RECOVERY OF PAY AND/OR BENEFITS

It is the employee's responsibility to review his/her payroll information and deductions for accuracy. In the event that an employee is underpaid, overpaid, given insufficient or excessive leave benefits or receives any other benefit and/or compensation in error, the employee is required to notify management as soon as the error is known. Should the County discover an error, the employee shall be promptly notified. The County will take such steps to restore or recover such benefits and/or compensation as were mistakenly taken or given.

When an overpayment occurs, attempts shall be made to establish an agreed upon method to recover the benefits and/or compensation, which shall be commemorated in writing. In all cases, the employee shall be accorded at least the same amount of time to complete repayment to the County as the time period during which the error occurred (e.g. if the employee was overpaid for three (3) pay periods, the employee shall have three (3) pay periods in which to complete

repayment). If agreement cannot be reached, Human Resources shall proceed with all necessary action to recover the incorrectly provided benefits and/or compensation.

Any payroll error resulting in incorrect payment for regular wages, including ongoing supplemental pay, shall, at the employee's discretion, be corrected no later than five (5) work days following notification to Human Resources or shall be adjusted on the following paycheck.

OVERTIME

Overtime shall be defined as all hours worked in excess of the approved forty (40) hour work week. Except in the event of an emergency, all overtime hours worked must be authorized in advance. The department head may specify in advance whether overtime hours shall be compensated as compensatory time. Non- FLSA exempt employees are eligible for overtime and compensatory time.

COMPENSATORY TIME

Overtime hours worked may be compensated with compensatory time at a rate of one and one-half (1 ½) times the number of assigned overtime hours worked. An employee shall accumulate no more than one hundred twenty (120) hours of compensatory time. All overtime hours worked after one hundred twenty (120) hours of compensatory time have been accumulated shall be compensated as paid overtime.

When an employee is appointed from a non-FLSA-exempt class to an FLSA-exempt class, the employee shall be paid for any compensatory time accrued at the salary rate of the prior class.

When an employee is appointed to a class in another bargaining unit with a lower compensatory time accrual limit, the employee shall be paid the balance of compensatory hours exceeding the limit of the new bargaining unit. The payoff shall be at the salary rate of the prior class.

Requests for time off using compensatory time shall not be unreasonably denied.

STANDBY STATUS AND PAY

An employee placed on standby duty shall be compensated at the rate of \$3.00 per hour. While on standby, an employee must be ready to respond immediately to calls for service, be reachable by telephone or other electronic device, remain within a reasonable distance of the work location and refrain from activities which might impair the ability to perform assigned duties. Payment for simultaneous standby duty and call back time shall not be authorized.

CALL BACK

When a non-exempt employee is directed to return to the workplace after completing an assigned shift, the employee shall be credited for two (2) hours of work, plus any and all time worked in excess of two (2) hours in which the employee is continuously engaged in assigned work. Call back time shall be paid at the overtime rate of one and one-half (1½) times in accordance with the Fair Labor Standards Act (FLSA).

SHIFT DIFFERENTIAL

Employees who work an assigned eight (8) hour shift which includes four (4) or more hours between 6 p.m. and 6 a.m. and employees assigned to a twelve (12) hour shift which includes all the hours between 6 p.m. and 6 a.m. shall receive shift differential for the entire shift at the rate of one dollar and twenty five cents (\$1.25) per hour for that shift.

Employees who work an assigned ten (10) hour shift which includes four (4) or more hours between 6 p.m. and 6 a.m. shall receive shift differential for each of the hours worked between 6 p.m. and 6 a.m. at the rate of one dollar and twenty-five cents (\$1.25) per hour for that shift.

Employees who work an assigned twelve (12) hour shift which includes all hours between 6 p.m. and 6 a.m. shall receive shift differential for the entire shift at the rate of one dollar and twenty-five cents (\$1.25) per hour for that shift.

Employees shall not be entitled to shift differential for overtime work. Shift differential shall be paid only for time worked.

Unrepresented Library employees shall receive the shift differential for regular hours worked after 6:00 p.m. on Monday through Friday and for any regular hours worked on Saturday and Sunday.

JURY DUTY

A regular employee summoned for attendance to any court for jury duty shall be deemed to be on duty during the hours so occupied and shall be entitled to regular pay. A regular employee who appears in court as a witness in a private matter shall not be entitled to receive his/her regular pay during such absence but may use accrued vacation or compensatory time for such purpose.

If an employee normally assigned to any shift except “day shift” is called for jury or witness duty for a County-related matter and ordered to report, the employee’s shift shall be changed to “days” until the duty obligation has been fulfilled. The supervisor will be flexible in the transition from and back to their normal shift. If an employee is released from jury or witness duty and has served fewer hours than normally scheduled for work, such employee shall report to work for the remainder of the shift unless they have received prior approval for the use of appropriate time off accruals from their supervisor.

SPECIAL RECOGNITION PAY

In order to reward outstanding achievement and performance, the County Administrator may adjust the salary of any unrepresented employee up to a maximum of ten percent (10%) of base salary. This additional compensation shall be granted for a period not to exceed thirteen (13) pay periods in any twelve (12) month period.

TEMPORARY UPGRADE PAY

In order to reward employees willing to work in an upgraded position or classification, the County Administrator may adjust the salary of any unrepresented employee up to a maximum of ten percent (10%) of base salary.

POST SPECIAL COMPENSATION

In order to reward unrepresented county peace officers for continued education, the following incentives are approved for the unrepresented classes of Chief District Attorney Investigator and Assistant Chief District Attorney Investigator: (1) seven and one half percent (7.5%) for possession of BA or POST Advanced Certificate; (2) five percent (5%) for possession of POST Supervisory Certificate; and (3) five percent (5%) for possession of POST Management Certificate. The maximum above base pay shall be limited to 15% under this section.

BILINGUAL PAY

The County's Bilingual Services Program shall provide for two (2) levels of interpretation skills, duties and competence. Qualifications and certifications to such levels shall be determined by the Director of Human Resources. Positions for which bilingual skills are necessary shall be determined by the department head.

- **Conversational:** The level of providing oral and written interpretation between English and another recognized language. The compensation for this level shall be \$0.55 per hour for all hours worked (regular and overtime).
- **Advanced:** The advanced level of providing written interpretation to interpret technical documents and concepts with a client in addition to the skills and abilities required at the Conversational level. The compensation for this level shall be \$0.70 per hour for all hours worked (regular and overtime).

NOTARY PUBLIC DIFFERENTIAL

Unrepresented employees who possess a Notary Public certificate and meet the criteria below may be designated to receive a five percent (5%) notary public differential. Employees may apply for notary public designation from the Human Resources department who will determine the extent to which the certificate is used for county business.

- The employee's position does not require the use of a Notary Public certificate.
- The employee has been asked to utilize his/her certificate for county business.
- The employee obtained the certificate on his/her own time.
- The employee obtained the certificate at his/her expense.

CHAPTER 9. BENEFITS

ELIGIBILITY

Full-time employees and part-time employees with a fixed schedule of forty (40) or more hours per pay period in regular and limited term positions are eligible to enroll in the health benefits program.

HEALTH INSURANCE

The County shall make available to eligible County employees a selection of health insurance plan choices. Typically the choices will include HMO's (health maintenance organizations) and PPO's (preferred provider organizations) that are widely accepted by medical providers in the area. Coverage will be available for employees and eligible family members (family members are defined by the terms of the health insurance provider contract). Employees will enroll in the program within the designated periods for new employees, during the annual open enrollment period and when qualifying events occur outside of the open enrollment period.

The County will contribute toward the cost of the health, dental and vision plans as outlined in the Memorandum of Understanding or Appendix A, Benefits for Unrepresented Employees, whichever is applicable for the employee's bargaining unit designation. The difference between the health, dental and vision benefits premiums and the County contribution will be paid by the employee as a payroll deduction.

Monthly contributions toward health benefits will be made by the County and employee in two (2) bi-weekly payroll periods. Two (2) payroll periods ending in one (1) month will be used to pay the premium for coverage in the following month. When a third (3rd) payroll period ends in one (1) month, no contributions will be made toward health benefits premiums and the Medical Benefit Package is not payable to the employee.

Regular part-time employees shall receive a pro-rated County contribution toward the cost of a health benefits plan.

DENTAL INSURANCE

The County shall provide a dental care program to full-time employees and part-time employees with a fixed schedule of forty (40) or more hours per pay period hired into regular and limited term positions. Participation is mandatory for employees, and will be available for eligible dependents at no additional cost.

VISION INSURANCE

The County shall provide a vision insurance program to full-time employees and part-time employees with a fixed schedule of forty (40) or more hours per pay period hired into regular and limited term positions. Participation is mandatory for employees, and will be available for eligible dependents at no additional cost.

RETIREE HEALTH INSURANCE

The County shall pay an amount of the health insurance premium for PERS vested retirees pursuant to negotiated Memoranda of Understanding or Appendix A, whichever is applicable.

CALPERS RETIREMENT

The County contracts with the California Public Employees' Retirement System (CalPERS) to provide a defined benefit retirement plan to eligible County employees. Membership eligibility, management of the retirement program, and the issuance of pension benefits are all defined in California law governing CalPERS. With the implementation of the Public Employees' Pension Reform Act (PEPRA) on January 1, 2013, eligible employees are categorized as "classic" members or "new" member of CalPERS. "Classic" members are employees who were in active CalPERS service prior to January 1, 2013, or were members of a qualifying reciprocal retirement systems. "New" members are employees who first entered government service after January 1, 2013, or had at least a six-month break in service since their last employment with a CalPERS or reciprocal retirement system employer.

County employees who are "Classic" members of CalPERS are eligible for the following CalPERS benefits:

- 1) Effective December 7, 2008, the miscellaneous retirement formula is 2.5% @ 55.
Effective December 7, 2008, the safety formula for County Peace Officers is 3% @ 55.
- 2) Effective December 24, 2006, the safety formula for Local Sheriff is 3% @ 50.
- 3) Employees are eligible to purchase CalPERS service credit for prior military, Peace Corps and AmeriCorps service.
- 4) The retirement calculation is based on the monthly average of the highest 12 consecutive months of compensation.
- 5) Unused sick leave may be converted to CalPERS service credit.
- 6) The Pre-Retirement Option 2W Death Benefit is available to the surviving spouse of a retirement- eligible employee.

County employees who are "New" members of CalPERS are eligible for the following CalPERS benefits:

- 1) The miscellaneous retirement formula is 2% @ 62.
- 2) The safety formula for County Peace Officers is 2.7% @ 57.
- 3) The safety formula for Local Sheriff is 2.7% @ 57.
- 4) Employees are eligible to purchase CalPERS service credit for prior military, Peace Corps, and AmeriCorps service.
- 5) The retirement calculation is based on the monthly average of the highest thirty-six (36) consecutive months of compensation.
- 6) Unused sick leave may be converted to CalPERS service credit.
- 7) The Pre-Retirement Option 2W Death Benefit is available to the surviving spouse of a retirement- eligible employee.

Payment of CalPERS Member Contributions

For “classic” members, the normal contribution for miscellaneous CalPERS members is approximately 8% of reportable earnings and the normal contribution for safety CalPERS members is approximately 9% of reportable earnings. For “new” members, the normal contribution for miscellaneous and safety CalPERS members is half the normal cost.

All normal contributions paid by the employee shall be made on a pre-tax basis as provided for under IRS Code Section 414(h).

SOCIAL SECURITY

The County participates in the Federal Old Age, Survivors, Disability Insurance program (OASDI or Social Security). Employees contribute 6.2% of wages subject to Social Security reporting. The County pays a matching contribution.

MEDICARE

The County participates in the Federal Medicare program. Employees contribute 1.45% of wages subject to Medicare reporting. The County pays a matching contribution.

DEFERRED COMPENSATION

The County provides options for employees to voluntarily participate in a pre-tax deferred compensation program under Section 457 of the IRS Code. Employees are eligible for matching contributions depending on their bargaining unit.

LIFE INSURANCE

The County purchases a group term life insurance policy for many employee groups. The policy in place for active employees may be portable upon separation of employment.

AUTO ALLOWANCE

An automobile allowance may be granted to certain County officials who use their personal vehicle in the course and scope of their County duties. The County currently provides an automobile allowance to the following County officials:

- 1) Member of the Board of Supervisors;
- 2) The County Administrator, the Assistant County Administrator and the Deputy County Administrator;
- 3) Appointed County Department Heads; and
- 4) Other County employees as designated by the County Administrator and Chair of the Board of Supervisors. The employee must be exempt from the Fair Labor Standards Act, using their personal vehicle on a frequent and significant basis in the course and scope of their County duties, and be an unrepresented employee.

The automobile allowance is payable in twenty-six (26) payroll periods each year.

UNIFORMS AND UNIFORM ALLOWANCE

The County shall provide and maintain uniforms for employees designated by the appointing authority to wear a uniform while performing their regular duties. The County may, at its option, provide a quarterly clothing allowance in-lieu of providing uniforms or clothing.

SAFETY SHOE ALLOWANCE

The County shall ensure that employees who work in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole and where such employees' feet are exposed to electrical or chemical hazards shall be provided protective footwear. The appointing authority shall determine the appropriate protective footwear based upon the duties of the employee and their potential exposure.

The County shall provide up to two hundred and fifty dollars (\$250) per fiscal year through an IRS- accountable plan for the purpose of obtaining OSHA-approved, steel-toed safety boots or safety shoes. (This amount may be different per bargaining unit MOU.) Payment shall be made by the County directly to the eligible employee each year during the month of July except that a new employee hired on or after April 1 who receives the allowance upon hire shall not be eligible for an allowance until July of the second fiscal year following his/her date of hire.

Where a change in responsibilities, assignments, or work locations places an employee who is not eligible for a safety shoe allowance into a position where he/she should otherwise be required to wear protective footwear, the department head may allow reimbursement through the claims process for the purchase of appropriate protective footwear. Such reimbursement shall not exceed the amount allowed to those employees receiving a safety shoe allowance through the County's IRS-accountable plan for the purpose of obtaining OSHA-approved, steel-toed safety boots or safety shoes.

CHAPTER 10. EMPLOYEE TRAINING AND DEVELOPMENT

GENERAL

The County is committed to promoting continuous learning throughout the organization. By providing employees with training to achieve proficiency in their current position, by encouraging employees to attain higher levels of skill and competency to prepare them for advancement, and by offering opportunities for employees to feel challenged and stimulated in their job, the County ensures the vitality of the organization. Employee training and development programs shall be designed to foster and sustain an ethical, diverse, safe, and high-performing workplace and to engage employees in the vision and mission of the County. The County is committed to providing training and development opportunities that ensure that all employees have an equal opportunity to participate.

POLICY

It shall be the policy of the County to provide ongoing training opportunities and to facilitate access to educational resources for the professional development of its employees. In addition, the County shall ensure that such training as is mandated by law or statute (e.g. HIPAA, Brown Act, sexual harassment, and profession-specific safety training) is accomplished in compliance with the applicable mandate.

EXCLUSION

County employees who are required by virtue of their function or class to obtain and retain professional licenses that require continuing education units for renewal purposes must independently fulfill the requirements of their licensing boards. The department in which the employee serves shall confirm that the required license is current and shall maintain a record, including the name of the employee, the name of the license, and the validity dates of the license, of all such licensure.

DEFINITIONS

- **Training** shall mean those activities designed to meet a specific need for a task to be learned or performed proficiently.
- **Development** shall mean those activities designed to broaden an employee's knowledge and competencies in order to enhance their opportunities for career advancement.

RESPONSIBILITIES

Employees are responsible for:

- 1) Talking with their supervisors about options for meeting training and development interests and needs;
- 2) Timely attendance and full participation in all assigned training and development activities;

- 3) Completing the training or development assignment and providing feedback to their supervisor as to its usefulness; and
- 4) Seeking out and requesting to participate in training and development opportunities.

Supervisors and managers are responsible for;

- 1) Determining training needs for the entire work unit and identifying how those needs are to be met;
- 2) Ensuring that training and development opportunities are made available to all staff;
- 3) Informing employees of training opportunities as they occur; and
- 4) Providing guidance to individual employees on professional growth and encouraging training and development that benefit the individual and the County.

PARTICIPATION IN TRAINING AND DEVELOPMENT OPPORTUNITIES

Employees may request to participate in training and development opportunities. Supervisors are encouraged to allow employees reasonable opportunities to attend requested training where that training adds value to the employee's current or prospective job duties, or where time away from job duties is feasible and funds, if applicable, are available.

YOLO TRAINING ACADEMY (YTA)

The County shall, through the operation of the Yolo Training Academy (YTA), offer an ongoing catalogue of courses designed to do the following:

- 1) Prepare employees for their specific job responsibilities.
- 2) Increase employees' level of technical, behavioral, or managerial competence.
- 3) Allow development of new skills that may lead to beneficial job changes, promotions, and/or increased responsibilities.
- 4) Prepare employees to meet the challenges brought about by organizational, technological, or workplace environment changes.
- 5) Assure compliance with and current knowledge of local, state, and federal regulations that impact the workplace.
- 6) Offer lifelong learning opportunities.
- 7) Comply with training mandates from local, state, or federal government.

Responsibility for the catalogue content shall rest with Human Resources, who from time to time shall survey employees, managers, and department heads to determine topics for training and development.

TRAINING ASSESSMENT AND RECORDS

YTA shall solicit feedback to assess the effectiveness of trainers and the value of the training content and shall maintain records of that feedback.

YTA shall maintain records of participation in YTA-sponsored training and development activities. Departments shall be responsible for maintaining records of participation in department-sponsored training and development activities.

TUITION ASSISTANCE

The County of Yolo Tuition Assistance Program provides financial assistance for training and/or educational courses designed to enhance an employee's job performance. Tuition Assistance is offered to active employees who have satisfied a probationary period during their most recent period of continuous service with the County.

Eligibility

An employee may request approval for Tuition Assistance prior to completion of probation so long as the completion of the desired course(s) will occur after the end of the probationary period. Participants must be actively employed at the time of application and still be employed by the County when they submit the necessary documents for reimbursement. Requests for Tuition Assistance and course approval must be made prior to enrolling in the selected course(s). Final approval for qualified course(s) and related fees is granted by the department head.

Approved Coursework

A course will be considered for approval if it is taken at an accredited school or through a professional certification program, earns college credits and/or satisfies professional certification requirements. The course must maintain, improve, or broaden the skills required for the employee's current job or must help to qualify the employee for a new position within the County. A course that is not primarily designed to enhance job performance will not be approved for tuition assistance unless it is required to satisfy a breadth or general education requirement as part of a degree or certification program. An exception may be made where the employee is able to demonstrate that the course will improve his/her ability to perform at a higher level in his/her current assignment or enhances his/her ability to promote within the County.

Reimbursement Limitations

For unrepresented employees and those bargaining unit employees without tuition reimbursement provisions in an existing Memorandum of Understanding, the County will reimburse the employee for the cost of tuition, books, lab fees, and registration fees up to the limit of five hundred dollars (\$500) per fiscal year so long as the course is approved and completed with a grade of "C" or better, or "Pass" for a pass/fail course, or satisfied for certification. Miscellaneous fees such as application fees, student activity or service fees, building fees, health fees, instructor fees, test/examination fees, equipment fees, insurance, parking, athletic fees, meals, lodging, transportation, and graduation fees are not covered under the Tuition Assistance Program.

Request for Tuition Assistance

The employee must make the request for Tuition Assistance on the prescribed form and submit it, along with the course description, to his/her immediate supervisor who will then forward it with his/her recommendation to the department head. The final decision to approve or decline the request will be made by the department head and communicated to the employee. The employee should retain a copy of the approved Tuition Assistance Request to attach to the reimbursement documentation.

Reimbursement Process

The employee must submit the required documentation to the department for reimbursement within sixty (60) calendar days of completing the course(s). Required documentation includes the original invoices for payment of tuition, books, and other claimed fees along with an original report of the grade attained or other similar proof of completion of the course and a copy of the approved Tuition Assistance Request.

The cost of a certificate(s) which is required for the employee's job and is not otherwise used by the employee, shall be reimbursed by the County.

CAREER COUNSELING PROGRAM

Human Resources provides employees with the opportunity to meet with a representative of the Human Resources Department to create a career development program designed to outline a potential career path for the employee's desired professional goals.

COLLEGE INTERN PROGRAM

Human Resources administers a College Intern Program that provides college students an opportunity for exposure to public sector careers. Generally, internship opportunities shall be unpaid. The work of interns is intended to augment--not supplant--the work that would normally be done by a regular County employee.

College Interns are covered as volunteers by the County's worker compensation and general liability insurance. If a department internship project requires the intern to handle sensitive and confidential matters, the Intern may be required to submit to a live scan fingerprinting clearance and/or other pre-employment testing prior to placement in an internship assignment. Interns who are required to drive a county or personal vehicle during their intern assignment, must complete a Non-County Employee Driver Authorization form.

[SEE ALSO APPENDIX: College Intern Policy and Procedure (2009)]

CHAPTER 11. EMPLOYEE RECOGNITION AND SPECIAL PROGRAMS

POLICY

It shall be the policy of the County to design programs that acknowledge the unique contributions of individual staff as well as milestones of service achieved by all employees and to encourage social opportunities for staff throughout the County's workforce designed to foster camaraderie and maintain high morale. To that end, the Director of Human Resources shall promote activities and recognition events for the benefit of the employees and shall design programs to be implemented by departments for their employees.

PROGRAMS

Such programs may include, but are not limited to, the following:

- 1) Employee Service Awards - Annual recognition of years of continuous service for those employees reaching the milestones of 10, 15, 20, 25, 30, 35 and 40 or more years of County employment.
- 2) S.P.I.R.I.T. Awards - Annual awards by nomination of fellow employees for performance that exemplifies the values of the County as identified by the Board of Supervisors.
- 3) Individual or work group recognition for accomplishments that reflect commitment and dedication to the goals of the County.
- 4) Social functions – picnics, sporting events, parties – designed to draw together staff from various departments to enjoy each others' company and common bond of public service.

CHAPTER 12. HOLIDAYS, VACATION, MANAGEMENT ADMINISTRATIVE LEAVE AND PERSONAL TIME OFF

RECOGNIZED COUNTY HOLIDAYS

Unless otherwise provided by the Board of Supervisors, by memorandum of understanding, resolution, policy, minute order, or other action, full-time and part-time employees in regular and limited term positions shall receive the following holidays:

- 1) July 4, Independence Day;
- 2) Labor Day;
- 3) Veterans Day (November 11);
- 4) Thanksgiving Day;
- 5) Day after Thanksgiving;
- 6) Christmas Day;
- 7) New Year's Day;
- 8) Christmas Eve or New Year's Eve [four (4) hours to be taken at the end of the work shift]
- 9) Martin Luther King, Jr. Day
- 10) President's Day (third Monday in February);
- 11) Memorial Day; and
- 12) All other days appointed by the President of the United States or Governor of the State for a public fast, thanksgiving, or holiday and approved by the Board of Supervisors.

When a holiday falls on a Saturday or Sunday, the Friday preceding a Saturday holiday, or the Monday following a Sunday holiday, shall be deemed to be a holiday in lieu of the day observed. When observance of Christmas Day or New Year's Day falls on a Friday, the four (4) hour holiday on Christmas Eve or New Year's Eve shall be observed on the preceding Thursday.

The normal holiday time off for a full-time employee is eight (8) hours. Holiday time off for part-time employees shall be a pro-rated number of hours based on the part-time employee's regular hours as compared to a forty (40) hour work week.

HOLIDAY ELIGIBILITY

Employees must be in a paid status the normal work day before and after the recognized County holiday to be eligible to receive holiday pay.

EMPLOYEES REQUIRED TO WORK ON HOLIDAYS

An employee who is otherwise entitled to receive overtime or compensatory time off and is required to work on any holiday shall be paid for time worked at one and one-half (1 ½) times the hourly rate in accordance with the Fair Labor Standards Act (FLSA) or shall receive an equivalent amount of compensatory time off.

HOLIDAYS ON REGULARLY SCHEDULED DAY OFF

When an employee's regularly scheduled day off falls on a County observed holiday, the employee shall be entitled to eight (8) hours equivalent time off. Equivalent time off shall be accrued as Accumulated Time Off to be taken later with prior approval. A part-time employee shall be entitled to a pro-rated number of hours based on the part-time employee's regular hours compared to a forty (40) hour workweek. Exempt employees shall not be eligible for Accumulated Time Off.

HOLIDAYS AND ALTERNATIVE WORK SCHEDULES

Full-time employees on an alternative workweek schedule shall be entitled to eight (8) holiday hours for each of the recognized County holidays. If the scheduled work hours exceed eight (8) hours, the employee shall use accrued and available leave balances for the additional time off.

FLOATING HOLIDAYS

Full-time employees shall be credited with forty (40) hours of floating holiday time on July 1 of each year. Part-time employees shall be entitled to a pro-rated number of floating holiday hours based on the part-time employee's regular hours compared to a forty (40) hour workweek. Employees hired after July 1 of the fiscal year shall be credited with floating holiday time prorated for each pay period remaining in the fiscal year after the date of employment. Floating holidays shall be taken within the fiscal year and shall not be carried over to the next fiscal year.

Upon termination, any unused floating holidays shall be paid at a straight time rate in proportion to the number of pay periods employed during the fiscal year.

VACATION ELIGIBILITY

All full-time and part-time employees shall be entitled to paid vacation. Requests to use accrued vacation hours must be submitted in advance and pre-approved by the supervisor. Employees are eligible to use accrued vacation hours after thirteen (13) biweekly pay periods of employment. Absences without pay equaling forty (40) hours within the first thirteen (13) pay periods shall cause the employee's eligibility date for vacation time to be postponed one (1) whole pay period. When the cumulative leave of absence hours exceed forty (40), the number of pay periods to postpone the vacation eligibility shall be determined by dividing the total number of unpaid leave of absence hours by eighty (80) hours and rounding to the nearest whole number of pay periods.

VACATION ACCRUAL

Vacation time accrual shall be based on regular hours paid. All hours worked in excess of forty (40) hours in a week shall be excluded for vacation accrual purposes. Regular part-time

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employees shall accrue a pro-rated amount of vacation time based on the part-time employee's regular hours compared to a forty (40) hour workweek.

MAXIMUM VACATION ACCRUAL

All regular full-time employees shall be credited with forty (40) hours of vacation time accrual after completion of thirteen (13) consecutive biweekly periods of employment. Thereafter, each employee shall accrue vacation time according to one of the following schedules based on his/her date of employment with the County:

If hired prior to June 30, 2013	Hours Earned per Pay Period	Maximum Hours Earned per Year
After 13 biweekly pay periods	3.08	80
After 3 years (78 pay periods)	4.62	120
After 11 years (286 pay periods)	4.92	128
After 12 years (312 pay periods)	5.24	136
After 13 years (338 pay periods)	5.54	144
After 14 years (364 pay periods)	5.85	152
After 15 years (390 pay periods)	6.15	160
After 16 years (416 pay periods)	6.47	168
After 17 years (442 pay periods)	6.77	176
After 18 years (468 pay periods)	7.08	184

If hired on or after June 30, 2013	Hours Earned per Pay Period	Maximum Hours Earned per Year
After 13 biweekly pay periods	3.08	80
After 5 years (130 pay periods)	4.00	104
After 10 years (260 pay periods)	4.62	120
After 15 years (390 pay periods)	5.24	136
After 20 years (520 pay periods)	6.16	160

Vacation time shall be credited as of the end of each biweekly pay period. Unless otherwise provided by memorandum of understanding, all employees shall be permitted to accumulate vacation time up to a maximum of three hundred and twenty (320) hours.

VACATION PAYOFF AT SEPARATION OF EMPLOYMENT

After thirteen (13) pay periods of employment, an employee shall be entitled to a lump sum payment for any unused or accrued vacation time upon separation of employment. Employees

with fewer than thirteen (13) pay periods of employment shall not be entitled to a lump sum payment for any unused or accrued vacation upon separation of employment.

ADMINISTRATIVE LEAVE ACCRUAL

Regular employees shall be credited with administrative leave on July 1 of each year, as specified in the applicable Memorandum of Understanding or Appendix A for unrepresented employees.

Regular part-time employees shall accrue a pro-rated amount of administrative leave based on the part-time employee's regular hours compared to a forty (40) hour workweek. For employees hired or newly eligible for administrative leave after July 1, administrative leave shall be prorated, based on the date the employee became eligible and the number of pay periods remaining in the fiscal year.

USE OF ADMINISTRATIVE LEAVE AND BALANCE CARRY OVER

The use of administrative leave is subject to department approval and must be taken within the fiscal year. Administrative leave shall not accrue from one fiscal year to the next except for a limited number of carryover hours. On July 1 of each year, employees shall be allowed to carry over up to twenty (20) hours of administrative leave from the previous fiscal year. These administrative leave hours must be used by December 31 of the following fiscal year or it will be forfeited. In no event shall an employee's administrative leave balance exceed the standard accrual on January 1.

ADMINISTRATIVE LEAVE UPON SEPARATION

In the event an employee separates employment, the employee will not be required to pay back any portion of administrative leave previously taken. The County will not pay off remaining administrative leave upon separation except in the case of retirement. In the case of retirement, employees will be paid the full amount of unused administrative leave remaining as of the employee's retirement effective date.

USE OF LEAVE BALANCES UPON RETIREMENT OR RESIGNATION

When an employee submits a notice of retirement from County employment, the employee may request to remain on payroll using accrued but unused available leave balances. In no event shall a department approve the use of leave balances beyond the month in which the employee's last day of work occurs.

Under no circumstances may an employee who resigns for any reason other than retirement be allowed to use leave balances to extend his or her separation date.

CHAPTER 13. SICK LEAVE

ACCRUAL

Regular full-time employees, including those appointed to a limited term position, shall accrue .0461 hours of sick leave, to a maximum of ninety-six (96) hours per year, for each regular hour paid.

Regular part-time employees, including those appointed to a limited term position, shall accrue sick leave in direct proportion to the relationship the part-time service bears to full-time service.

Extra Help employees shall receive paid sick leave as provided for in the County's policy addressing paid sick leave for employees not covered by a Memorandum of Understanding or County Code.

Sick leave shall be credited as an accrual at the end of each bi-weekly pay period.

[SEE ALSO APPENDIX: Paid Sick Leave for Employees not Covered by a Memorandum of Understanding or County Code (2015)]

ABSENCE WITHOUT PAY

An employee who is absent without pay during a pay period shall accrue sick leave in direct proportion to the number of hours he/she was in paid status during that same pay period.

CARRY OVER

All unused sick leave may be carried forward into subsequent years and may be accumulated without limit.

AUTHORIZED USES

Sick leave shall be requested and granted only in cases of actual illness of or injury to the employee or the employee's immediate family member. Sick leave shall not be requested or granted to replace, supplement, or otherwise extend other types of leaves unless specifically authorized for that leave.

Sick leave may be authorized for the following:

- 1) An absence necessitated by the employee's personal illness or injury.
- 2) An absence necessitated by the illness or injury of an immediate family member.
- 3) Medical or dental appointments provided the employee requests the sick leave at least three (3) days in advance except in cases of emergency. Employees are encouraged to schedule appointments at such times as will cause the least disruption to the delivery of County services.
- 4) An absence due to exposure to a contagious disease where quarantine has been imposed by health authorities or when it has been determined by a medical practitioner that the presence of the employee on duty would endanger the health of others.

- 5) Bereavement leave.
- 6) Extenuating circumstances as determined by the Appointing Authority and approved by the Director of Human Resources.

IMMEDIATE FAMILY MEMBER

For the purposes of this Chapter, immediate family member shall mean:

- 1) Spouse or domestic partner;
- 2) Child, stepchild, or foster child;
- 3) Parents, step-parents, mother-in-law, father-in-law, siblings, brother-in-law, sister-in-law, grandparents, and grandchildren who may not live in the household; and
- 4) Persons who are living as a member of and in the household.

SICK LEAVE NOT AUTHORIZED

Sick leave shall not be authorized in the following circumstances:

- 1) Illness or injury arising from the employee's willful misconduct.
- 2) Illness or injury occurring or sustained while the employee is on leave of absence without pay.
- 3) Illness or injury due to intemperance or substance abuse unless the employee is participating in licensed rehabilitation program for which documentation of participation has been provided in advance.

SICK LEAVE APPROVAL

Upon the employee's return to work after an absence qualifying for sick leave, the employee must submit the required absence request and have it approved by the appointing authority or a designee.

REQUIREMENT FOR ADDITIONAL SICK LEAVE SUBSTANTIATION

The County, recognizing a potential for abuse of sick leave, may employ reasonable means to determine the validity of any sick leave use, including requesting a qualified practitioner's certificate for sick leave absences. Such means shall not be used to discourage the appropriate use of sick leave.

ILLNESS OR INJURY WHILE ON VACATION LEAVE

If an employee, while on vacation, becomes ill or sustains an injury that would have qualified the employee for sick leave if that employee had been on duty, the employee may make a request to convert the appropriate portion of vacation leave to sick leave. The employee must notify his/her supervisor prior to his/her scheduled return to work, if circumstances allow it, in order to

request that his/her vacation time be converted to sick leave and shall provide evidence in the form of a qualified practitioner's certificate.

WORK BACK

At the discretion of the Appointing Authority an employee may be allowed to work back a sick leave absence of four (4) hours or less within the same work week so long as such hours do not result in overtime.

SICK LEAVE UPON SEPARATION

Upon retirement or death, an employee's accumulated sick leave shall be credited toward retirement in accordance with the County's contract with CalPERS, to the extent allowed by such agreement.

CHAPTER 14. OTHER LEAVES AND LEAVES OF ABSENCE

LEAVES

When employees must be away from work for reasons other than workplace injury or illness, there may be programs available to assist with wage replacement, continuation of benefits and/or job protection. Such leaves may be paid or unpaid according to the provisions of the particular program.

FAMILY AND MEDICAL LEAVE ACT (FMLA) AND CALIFORNIA FAMILY RIGHTS ACT (CFRA)

It is the policy of the County to provide time off for family care and medical leave to eligible employees in accordance with the federal Family and Medical Leave Act of 1993 (FMLA), as amended, and the California Family Rights Act of 1993 (CFRA), as amended. Eligible employees may take off up to twelve (12) weeks of job-protected unpaid leave in a twelve (12) month period for specified family and medical reasons. Eligible employees may take time off for the following reason:

- 1) The birth of a child, and in order to care for that child;
- 2) The placement of a child with the employee for adoption or foster care;
- 3) Care of a spouse, domestic partner, child, or parent who has a “serious health condition”;
or
- 4) The employee’s own “serious health condition” which makes him or her unable to perform the functions of the job.

Disabilities due to pregnancy or pregnancy-related conditions are covered under the FMLA, but not the CFRA. In California, pregnancy and pregnancy-related disabilities are covered under the Pregnancy Disability Leave Act (PDL).

To be eligible for leave under FMLA/CFRA, an employee must have at least one (1) year of service with The County and have worked at least one thousand two hundred and fifty (1,250) hours in the previous twelve (12) months. When an employee is granted leave under FMLA/CFRA, the County will continue its contribution to the health, dental and vision insurance premiums as long as the employee continues to pay his/her share of the premium. Upon return from leave, the employee will be returned to the original job assignment or to another assignment with equivalent pay, benefits and other terms and conditions of employment.

An employee taking leave under FMLA/CFRA may use accrued leave balances during the leave, or may choose to take leave without pay. An employee shall be required to exhaust all sick leave prior to being authorized to take leave without pay, except that an employee may elect to retain a sick leave balance of eighty (80) hours for future use. An employee is not required to exhaust sick leave when the time off work is for purposes of child bonding or to care for the serious health condition of a qualifying family member.

Under FMLA , eligible employees whose spouse, child or parent is on covered active duty or called to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies, such as attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling

sessions, and attending post- deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service-member during a single 12-month period. A covered service member is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

[SEE ALSO APPENDIX: Family and Medical Leave Act of 1993 (1994)]

PREGNANCY DISABILITY LEAVE

In accordance with California State law, an employee disabled by pregnancy is entitled to up to four (4) months of Pregnancy Disability Leave (PDL). PDL may be taken before or after birth during any period of time the employee is physically unable to work because of pregnancy or a pregnancy-related condition. All leave taken in connection with a specific pregnancy counts toward computing the four (4) month period. Employees are entitled to take PDL in addition to any leave entitlement they might have under FMLA/CFRA.

NEW PARENT LEAVE

Employees may be entitled to time off with a child in accordance with the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). An employee shall be permitted up to five (5) shifts of sick leave for the purpose of caring for a spouse or domestic partner who is about to give birth or has given birth if such leave is within three (3) days of birth. Additional paid time off may be requested in accordance with the rules for using other accrued leaves.

New parents may apply for wage replacement benefits available through the Paid Family Leave (PFL) program or County Disability Insurance (CDI), depending on eligibility.

CATASTROPHIC LEAVE BANK PROGRAM (CATASTROPHIC LEAVE)

Employees who have experienced a catastrophic health event and who have exhausted all accrued leaves may apply for donated leave through the Catastrophic Leave Bank Program. Applications will be reviewed by the Catastrophic Leave Bank Committee and, if approved, leaves donated by co-workers and held in reserve in the Catastrophic Leave Bank will be awarded to the employee to help continue the employee's wages/salary for all or a portion of the recovery period after the catastrophic event.

[SEE ALSO APPENDIX: Catastrophic Leave (2009)]

BEREAVEMENT LEAVE

Bereavement leave because of the death of a member of the employee's family (spouse/domestic partner, child, father, mother, stepfather, stepmother, brother, sister, stepchild, guardian or ward, grandmother grandfather, grandson, granddaughter) shall be granted by the Appointing Authority for a maximum of ten (10) days per incident. Three (3) days

of bereavement leave shall be County paid and an additional seven (7) days shall be charged to available accrued but unused leave balances.

Up to five (5) days per event shall be allowed for the death of the employee's son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, or cousin which shall be charged to available accrued but unused leave balances.

Bereavement leave in the case of other persons shall be granted only upon the approval of the Director of Human Resources and shall be charged to the employee's available accrued but unused leave balances.

The Appointing Authority may authorize additional leave with the approval of the Director of Human Resources not to exceed a total of five (5) days based on extenuating circumstances.

STATE DISABILITY INSURANCE (SDI)

The SDI program provides benefits to eligible employees suffering a full or partial loss of wages due to disabilities that are not work-related. The California Unemployment Insurance Code states that a disability is any illness or injury, either physical or mental, which prevents an employee from performing regular or customary work. Disability may also include elective surgery and disabilities related to pregnancy or childbirth.

Employees in certain bargaining units contribute to the SDI program as a percentage of earnings deducted from the bi-weekly paycheck. Participating bargaining units include General (G), Supervisory (U), Probation (PR), and Correctional Officer (O). Employees designated as Unrepresented-Supervisory (X3) also participate in the SDI program.

When an employee files a claim for SDI benefits and receives a wage payment from the program, the employee may elect to use accrued leave balances to supplement the SDI benefits in order to receive the customary base pay earnings. An employee earning his/her usual salary when SDI benefits and leave usage are combined shall continue to accrue all benefits of employment including health insurance and leave accruals. CalPERS retirement contributions will be reduced by the amount of the SDI payments.

PAID FAMILY LEAVE (PFL)

The Paid Family Leave (PFL) program provides benefits to eligible employees suffering a full or partial loss of wages due to the need to care for a seriously ill family member or to bond with a new child.

Employees participating in the State Disability Insurance program (SDI) are also eligible to receive PFL benefits. Participating bargaining units include General (G), Supervisory (U), Probation (PR), and Correctional Officer (O). Employees designated as Unrepresented-Supervisory (X3) also participate in the PFL program.

COUNTY DISABILITY INSURANCE (CDI)

The County Disability Insurance (CDI) program provides disability and family leave benefits to most employees who do not participate in the State Disability Insurance (SDI) and/or Paid Family Leave (PFL) programs. Employees may be eligible for full or partial wage continuation

and benefits due to a non-work related injury or illness, pregnancy and maternity leave, to care for a seriously ill family member or to bond with a new child.

Participating bargaining units include Management (M), Attorneys (A), and Supervising Attorneys (A2). Appointing authorities (H), Assistant Appointing authorities (H2), Confidential Classes (C1, C2, and C3), and Unrepresented Professional (X2) employees also participate. This benefit is County-funded and there is not an employee contribution to the program.

[SEE ALSO APPENDIX: County Disability Insurance (2007)]

MILITARY LEAVE

The County shall comply with the California Military and Veterans Code and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). USERRA is a federal law intended to ensure that employees who serve or have served in the Armed Forces, Reserves, National Guard, or other "Uniformed Services":

- 1) are not disadvantaged in their civilian careers because of their service;
- 2) are promptly reemployed in their civilian jobs upon their return from duty; and
- 3) are not discriminated against in employment based on past, present, or future military service.

The County shall grant Military Leave in accordance with the California Military and Veterans Code.

Temporary Military Leave: An employee with at least one (1) year of service who is on temporary military leave of absence for military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises, or like activity is entitled to receive his or her usual base salary for up to thirty (30) calendar days in any one (1) fiscal year. The one (1) year of service may be determined by combining County service and service in the recognized military service.

Military Leave: An employee with at least one (1) year of service who is on military leave of absence for active duty purposes is entitled to receive his or her usual base salary for up to thirty (30) calendar days in any one (1) fiscal year, except that a National Guard member on active duty is entitled to receive his or her salary for the first 30-days regardless of his or her length of service with the County.

In addition to thirty (30) calendar days of pay in a fiscal year, employees may be eligible to receive supplemental pay for ninety (90) calendar days. An employee with at least one (1) year of continuous County service or one (1) year of combined County service and active military service who are called to Federal active duty, for other than training purposes, in order to respond to an international conflict, humanitarian aid, or peacekeeping need, shall be eligible to receive supplemental pay which equals the difference between the employee's base military salary and their gross pay earned by the County at the time he/she is called to duty. Employees requesting supplemental pay under this section are required to submit a copy to Human Resources of their military pay stub which shows the amount of base military salary.

PAID ADMINISTRATIVE LEAVE

From time to time it may be necessary in order to protect the employee, co-workers, the workplace, or others for an employee to be placed upon paid administratively directed leave. Such action shall be authorized by the Director of Human Resources.

Causes for Leave

Administratively directed leave may be granted only for substantial cause, which shall include the following:

- 1) Initiation of a workplace investigation where having the employee at the workplace risks compromising the objectivity of the investigation.
- 2) Any circumstance where having the employee in the workplace reasonably can be believed to expose the employee or others to workplace violence.
- 3) Any circumstance where the employee is displaying uncontrolled or unsafe behavior either due to emotional distress, apparent mental agitation, or other episodic causation.
- 4) Imposition of proposed discipline where having the employee at the workplace would create undue pressure on the employee and on co-workers during the resolution of the disciplinary process.
- 5) A situation identified by the appointing authority as best able to be diffused through the imposition of administrative leave.

During administratively directed leave the employee shall be placed upon requirements that ensure that he/she is accountable to the department and prepared to return to work upon demand throughout the employee's normally scheduled work day. Administratively directed leave should be used judiciously and should be of shortest practicable duration.

Notification

Except in cases of emergency, the employee shall be notified of his/her placement on administratively directed leave in writing with the start date of the leave and the reporting requirements during the leave. The department shall generate the appropriate personnel form(s) to notify the Human Resources Office of the employee's placement on administratively directed leave.

LEAVE OF ABSENCE WITHOUT PAY

Any regular employee may request and may be granted a leave of absence without pay upon the approval of the Appointing Authority.

Requests for leave of absence without pay must be made in writing, signed by the employee, to the Appointing authority in advance of the intended leave and must include the following information:

- 1) The specific reason for the leave of absence and such details as support the reason for the employee's extended absence, which would include the statement of the attending

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medical practitioner if for medical causation or proof of enrollment for educational leave or specific narrative of the personal hardship;

- 2) The date the leave is requested to begin;
- 3) The date the leave is planned to end;
- 4) The employee's current address and a telephone number where he/she may be reached; and
- 5) An affirmation of understanding by the employee that all benefits provided by or paid for by the County are suspended during the period of leave of absence without pay.

The appointing authority shall review the request and indicate his/her approval or disapproval. The decision of the Appointing Authority shall be final and not subject to appeal or grievance unless otherwise specified by Memorandum of Understanding. The department shall notify the employee of the approval, modification or denial of the requested leave of absence without pay.

A leave of absence without pay may not exceed one (1) year.

Any request for adjustment to the time granted for the leave of absence without pay, whether to extend or shorten the time requested, must follow the same procedures as required in the initial request.

CHAPTER 15. OCCUPATIONAL HEALTH

WORKERS' COMPENSATION

Workers' Compensation benefits extend to any County employee who has been injured on the job or becomes ill because of the job. Workers' Compensation benefits also extend to Extra Help employees and volunteers who are performing work for and under the direct supervision of the County.

Use of Accrued Leave

An employee who is required to be absent from work because of an injury or illness arising in the course of employment with The County shall be entitled to use sick leave or any other accrued paid leave during the waiting period while the Workers' Compensation claim is being processed for approval. Upon approval of the claim, any sick leave or other accrued paid leave that was charged against the employee during this waiting period will be returned to the employee's leave balance. Time credited will only extend to paid time that was taken because of the Workers' Compensation injury or illness.

Continuation of Benefits

An employee who is placed on an unpaid status while on an approved Workers' Compensation leave will continue to remain eligible for County health benefits provided that the employee continues to pay the employee's portion of the health benefit premium.

An employee who is injured on the job or becomes ill because of the job, is receiving Workers' Compensation, and is on a paid status with the County shall continue to accrue vacation time, sick leave, administrative leave, and holiday time. This provision applies only to employees who are on a paid status and receiving compensation from the County while on Workers' Compensation. Employees in an unpaid status shall not accrue leaves.

Integration of Benefits

An injured or ill employee may elect to apply accrued leave balances to time taken off work following an industrial injury or illness in a proportionate amount which, when added to Workers' Compensation temporary disability benefits, provides total compensation equal to the employee's base pay. An employee who has exhausted Workers' Compensation benefits, may request a leave of absence without pay in accordance with these rules or applicable Memorandum of Understanding provisions.

Law Enforcement Employees

An employee engaged in law enforcement, as defined by the provisions of Section 4850 of the California Labor Code, shall be entitled to full salary for a period not to exceed one (1) year in lieu of Workers' Compensation benefits if that employee suffers a disabling illness or injury arising in the course of employment. An employee designated as receiving such benefits shall relinquish to the County the Workers' Compensation benefits for such period of absence. During this time, the employee's accrued sick leave, compensatory time off, administrative leave, and vacation time shall not be charged.

Notification

An employee who is injured on the job or becomes ill because of the job is required to notify his/her supervisor within twenty-four (24) hours from the time of injury or illness. For any injury considered more serious than requiring simple first aid, the employee's department must provide the employee with a copy of the State of California Workers' Compensation Claim Form (DWC-1) within twenty-four (24) hours of notice of the accident or illness, submit the completed State of California Employer's Report of Occupational Injury or Illness (form 5020), and submit a completed Yolo County Safety Committee Accident/Incident Investigation Report to Human Resources within five (5) work days. Such forms shall be made available on the County's internal website.

Ongoing Medical Care

An employee must be deemed disabled to be eligible to receive payments and benefits, to include disability leave. An employee, who is able to perform his or her regular, modified, alternate, or otherwise customary work, is not deemed disabled. Disability will be substantiated by written order from a qualified practitioner.

An employee who requires ongoing medical care, through scheduled appointments to monitor his/her wellness and/or a periodic program of rehabilitative care, as a result of an occupational injury or illness approved by Workers' Compensation shall be required to notify the department of his/her intended absence in advance of such scheduled appointments. The employee shall be required to provide proof of having attended such appointments upon his/her first return to work after such absence in order to receive compensation under the Workers' Compensation claim.

INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)

California employers are required by the Labor Code to provide a safe and healthful workplace for their employees. Additionally, Title 8, Section 3203 of the California Code of Regulations and Cal/OSHA safety orders require California employers to have an effective Injury and Illness Prevention Program (IIPP). The IIPP must be a written plan that includes the following elements:

- 1) Management commitments/assignments of responsibilities;
- 2) Safety communications systems with employees;
- 3) Systems of assuring employee compliance with safe work practices;
- 4) Scheduled safety inspections and worksite evaluation systems;
- 5) Accident investigation procedures;
- 6) Procedures for correcting unsafe and/or unhealthy conditions;
- 7) Health and safety training and instruction; and
- 8) Cal/OSHA and OSHA recordkeeping and documentation of workplace accidents, injuries, and illnesses.

The County shall maintain a comprehensive IIPP designed to minimize the frequency and severity of employee accidents and comply with the safety laws and regulations required of California employers. Within that plan are provisions that apply to specific positions and/or classes as a condition of continued employment with the County. Each County employee shall acknowledge receipt of and responsibility for understanding and complying with the contents of the IIPP as a requirement of his/her employment.

[SEE ALSO APPENDIX: Injury and Illness Prevention Program (2013)]

HEALTH AND SAFETY COMMITTEE

The Yolo County Health and Safety Committee has the responsibility to review and make recommendations regarding the implementation of the County's IIPP. Committee members have the responsibility of assessing their departments' compliance with applicable safety regulations; reviewing County policies regarding workplace safety issues; evaluating accident/incident reports of unsafe conditions; and ensuring implementation of any identified safety corrective actions in their individual departments. The Yolo County Health and Safety Committee meets monthly and includes at least one (1) employee from each County department. Some departments have more than one (1) representative depending on the size of those departments. Committee meetings are chaired by the Risk Manager.

Duties of the Health and Safety Committee may include:

- 1) Developing a proactive program throughout the County departments and locations designed to promote safety awareness and prevention of workplace accidents and injuries;
- 2) Recommending and implementing safety and loss prevention policies throughout County departments;
- 3) Coordinating the IIPP activities in each department;
- 4) Reviewing accident and incident reports, recommending corrective action, and ensuring that corrective action is taken;
- 5) Reviewing reports relating to any identified hazardous condition brought to the attention of the committee;
- 6) Reviewing the history of periodic safety workplace inspections, reviewing determinations of causes of incidents that have resulted in injury, illness, or exposure to hazardous substances, and investigating any workplace hazardous condition brought to the attention of the County;
- 7) Participating in the inspection of workplace hazards found in their departments;
- 8) Helping identify, recommend, and coordinate workplace safety training in their departments and countywide; and
- 9) Meeting regularly to conduct committee business.

PERIODIC PHYSICALS (ASBESTOS AND HAZARDOUS MATERIALS) AND INOCULATIONS (RABIES AND HEPATITIS)

Purpose

The purpose of post-employment employee physical examinations is to provide periodic physical examinations and preventative inoculations to employees who are in positions that require a certain level of job fitness and/or where other risk factors are present in job assignments so that periodic medical testing is required for preventative care and employee safety. Medical testing includes asbestos physicals, hazardous materials physicals, rabies inoculations, bloodborne pathogens testing and inoculations.

Post-Employment Physicals: Asbestos

The County makes every reasonable effort to provide a safe work environment for employees who are responsible for performing work assignments in or near areas that contain asbestos fibers. In addition to providing protective equipment and training, periodic post-employment physical medical evaluations are given to employees as outlined in Title 8, Section 5208(j) of the General Industry Safety Order. A list of the classes required to have ongoing Asbestos physicals during their term of employment shall be maintained by Risk Management. Current classifications requiring asbestos physicals are:

- Building Craftsmechanic I
- Building Craftsmechanic II
- Building Craftsmechanic III
- Lead Building Craftsmechanic
- Supervising Telecom. Spec.
- Telecommunications Technician

Additional classifications may be added as required by their duties and/or assignment.

The testing frequency of Asbestos physicals is based on certain factors such as the age of the employee and the possible years of exposure to asbestos. Employees are tested using the following schedule:

Asbestos Class	Who is Tested	Testing Frequency
A	All New Hires	Initial Employment
B	<40 yrs and <10 yrs exposure	Every 3 rd year
C	>40 yrs or >10 yrs exposure	Annually
D (comprehensive)	>40 yrs or >10 yrs exposure	Every 3 rd year

Asbestos physicals require the employee to complete a Medical Questionnaire form prior to the physical examination for review by the medical examiner during the physical examination. Forms are provided by Human Resources, which schedules the physicals with the medical facility. Results of the examinations are returned to Human Resources by the medical examiner and are maintained in confidential medical files. Employees are informed of any medical finding that may require follow-up care.

Post-Employment Annual Physicals: Hazardous Materials

The County requires annual Hazardous Materials medical examinations for employees who may be exposed to hazardous materials or wastes as part of their job duties. Workers handling hazardous wastes perform tasks that may expose them to toxic chemicals, safety hazards, biological hazards, and radiation.

Employees in these occupations may be required to wear respirators for thirty (30) days or more a year and are required to respond to chemical spills or releases and to visit hazardous materials waste disposal sites.

A list of the classes required to have annual Hazardous Materials medical examinations during their term of employment shall be maintained by Risk Management. Current classifications requiring Hazardous Materials medical evaluations are:

- Hazardous Materials Spec. II
- Supervising Haz Mat Spec.
- Hazardous Materials Spec. III

Additional classifications may be added as required by their duties and/or assignment.

Employees are required to complete a Hazardous Materials Questionnaire form and a County Health Questionnaire form before taking the annual Hazardous Materials physical. Results of the medical examination are returned to Human Resources and are maintained in confidential medical files. Employees are informed of any medical findings that may require follow-up care.

Under the County's Workers' Compensation Program, a Hazardous Materials medical examination may be given immediately to any County employee who is exposed to hazardous materials and/or biological wastes while performing work for the County. The medical provider will ensure that the medical examinations meet the testing requirements of NIOSH, OSHA, USCG, AND EPA guidelines. Human Resources will retain the medical examination results for thirty (30) years after termination of employment.

Post-Employment Medical Inoculations: Hepatitis B Vaccine

The County has a Bloodborne Pathogens Program that applies in situations where employees are determined to be at occupational risk of exposure to blood and other potentially infectious materials (OPIM) such as human body fluids, any unfixed human tissue or organ, and/or an HIV- containing cell or tissue culture. Employees working in classes considered to be at occupational risk are provided with pre- employment and post-employment Hepatitis B vaccinations at no cost to the employee. Employees who elect to abstain from receiving the vaccine must sign the Hepatitis B Vaccine Declination waiver form, which is available by contacting the Risk Management office. The waiver may be rescinded by the employee in writing at any time and the employee may then receive the vaccine.

Any class considered by the employee's department to be at occupational risk of exposure is eligible to receive the Hepatitis B vaccination. Cal-OSHA defines an occupational exposure as: "reasonably anticipated skin, eye, mucous membrane, or external (parenteral) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." A list of classes that have been identified by the County as meeting heightened occupational exposure risks are:

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- Animal Care Attendant
- Animal Services Office Specialist Animal Services Officer
- Chief Deputy Coroner Correctional Officer Correctional Sergeant
- Corrections Records Shift Supervisor Corrections Records Specialist
- DA Investigator DA Lieutenant Deputy Coroner Deputy Sheriff
- Detention Facility Cook Detention Officer
- Senior Solid Waste Attendant Sheriff's Operations Tech Sheriff's Service Tech
- Solid Waste Attendant Waste Facility Worker
- Waste Management Operations Manager Supervising Animal Services Officer Supervising Detention Officer Supervising Probation Officer Supervising Solid Waste Attendant

Post-Employment Medical Inoculations: Rabies Preventative Vaccinations

Rabies preventative vaccinations are offered, at County expense, to employees working in classes and/or assignments where there is an identified occupational risk of contracting the rabies virus. Humans get rabies when they are bitten by or exposed through an open wound to the saliva of an infected animal. Rabies vaccine is given to employees at high risk of contracting the virus to protect them if they are exposed. The rabies vaccine can also prevent disease if it is given to an employee after exposure. Employees working in these classes are offered preventative rabies vaccinations, and are recommended to take the rabies preventative vaccination both prior to and after beginning employment. Based on the guidance of the County Health Officer, a list of classes considered high risk and likely to have frequent exposure to rabies shall be maintained by Risk Management.

A list of classes considered to be at moderate to low risk, depending on assignment, of contracting the rabies virus because of infrequent exposure shall be maintained by Risk Management. Preventative rabies vaccinations can be offered on an optional basis, although protective clothing is considered a better alternative. Current classifications requiring Hazardous Materials medical evaluations are:

- Animal Services Office Spec I
- Animal Services Office Spec II

Additional classifications may be added as required by their duties and/or assignment.

The rabies preventative vaccination is available to any County employee who may be assigned to a position considered by the employee's department to be at high occupational risk of exposure to the virus. Each request will be evaluated on a case-by-case basis by Risk Management and/or Human Resources.

Typically, the pre-exposure schedule for rabies preventative vaccination is three (3) doses, given at the following times by the medical provider:

- Dose 1: As appropriate
- Dose 2: Seven (7) days after first dose is given
- Dose 3: Twenty-one (21) days or twenty-eight (28) days after first dose was given with a titer taken at the end of the series to confirm immunity.

For the classes considered at high risk to exposure to rabies, periodic testing for immunity is recommended, and booster doses should be given as needed. Employees working in these classes who have established a rabies titer should receive the booster every other year to maintain adequate immunity.

Any employee who has been bitten by an animal or who otherwise may have been exposed to rabies should report the incident to his or her supervisor and see a doctor immediately. Completing the Workers' Compensation forms should be done as soon as possible.

An employee who has been exposed and has never been vaccinated against rabies can expect to receive five (5) doses of rabies vaccine: one (1) dose right away and additional doses on the 3rd, 7th, 14th, and 28th days. The employee should also receive a shot of Rabies Immune Globulin at the same time as the first dose for immediate protection.

An employee who has been exposed to the rabies virus and who has previously been vaccinated can expect to receive two (2) doses of rabies vaccine: one (1) right away and another on the 3rd day. Rabies Immune Globulin is not needed unless determined otherwise by the medical provider.

Department of Transportation (DOT) regulations also require periodic physical examination of employees who drive commercial vehicles which requires possession of a Class A or Class B driver's license.

FITNESS FOR DUTY

Upon demonstration of emotional instability or physical inability that causes the County to have a reasonable belief that an employee may be temporarily or permanently unable to perform the essential functions of his/her job, the County may require a medical, physical, and/or mental examination to determine an employee's fitness for duty. Such examinations shall be performed by a qualified practitioner designated by the County. The County shall bear all costs associated with the fitness for duty examination(s).

Fitness for duty examinations must be authorized by the Director of Human Resources and require that the requestor, who shall be a departmental manager, shall have provided sufficient evidence of the employee's diminished capacity or aberrant behavior to warrant an assessment of his/her ability to continue in his/her current position. Human Resources shall schedule the examination(s) and the department shall notify the employee in writing of the date, time, place and purpose of the examination(s) and shall provide the employee with the name of the practitioner who will be conducting the examination. The employee shall be required to sign a form provided by the County authorizing the doctor, psychologist or psychiatrist to receive the information necessary to conduct a thorough review of the employee's medical history as it pertains to the satisfactory discharge of his/her job duties.

The results of the fitness for duty examination will be provided to the Director of Human Resources and a determination made as to whether or not the employee is fit to do the work required of him/her. In instances where an employee is determined to have a disability, the County will engage the employee in the interactive process and consider potential appropriate reasonable accommodation(s) as required by the American with Disabilities Act and the California Fair Employment and Housing Act.

When an employee's fitness for duty examination is pending and his/her department is unable to accommodate, the employee shall be placed on paid administrative leave.

Where there is reason to believe the employee could fulfill the requirements of another County position with or without a reasonable accommodation, and without risk of harm to him/herself or others, the County shall make a good faith effort to place the employee in such position assuming there is a vacancy to be filled. If no alternate position exists, the employee shall be separated from County employment.

DRUG AND ALCOHOL TESTING POLICY AND PROCEDURE

Pursuant to the Yolo County Drug & Alcohol Policy and Testing Procedure, the County shall maintain an alcohol and drug free workplace and shall provide specific direction for the testing of employees for possible impairment in their ability to safely perform their duties.

[SEE ALSO APPENDIX: Drug & Alcohol Policy and Testing Procedure (1994)]

DOT DRUG AND ALCOHOL TESTING POLICY AND PROCEDURE

The County shall maintain a Department of Transportation (DOT) Drug & Alcohol Policy and Testing Procedure for positions that fall under the category of safety sensitive as defined by the Federal Highway Administration regulations. County classes that require an employee to possess a commercial driver's license for the operation of vehicles are covered in this policy. The Federal Department of Transportation Drug and Alcohol Testing Policy establishes the testing procedures for pre-placement, random, post- accident, reasonable suspicion, return to work and follow-up drug and alcohol testing for safety sensitive positions. A list of covered classes and employees in those positions is maintained by Risk Management.

[SEE ALSO APPENDIX: Federal Department of Transportation Drug and Alcohol Regulations and Testing Procedures Policy (1996)]

CHAPTER 16. RETURN TO WORK INJURY MANAGEMENT PROGRAM

POLICY

The County provides employees who are temporarily off work, due to an industrial or non-industrial injury or illness, the opportunity to return to work and perform tasks that have been approved by the treating qualified practitioner until they are able to return to their regular job. Every reasonable effort will be made to provide temporary modified duty to employees who are unable to perform the full range of their job duties.

The County also provides reasonable accommodation to employees who become permanently disabled (whether or not the injury or illness was caused by the job).

TEMPORARY MODIFIED DUTY ASSIGNMENTS (“LIGHT DUTY”)

To assist in the rehabilitation process following an injury or illness, the County offers employees temporary modified duty assignments based on the employee’s work capabilities as determined by the employee’s treating qualified practitioner. These temporary assignments provide work within medically prescribed restrictions. These assignments are made when a medical prognosis indicates that the employee is expected to return to full duty but has temporary medical restrictions that preclude full performance of the employee’s regular job duties. Employees continue to receive their regular salary and benefits while assigned to a temporary modified duty assignment, which shall be prorated if the modified duty assignment is less than full-time.

MANAGEMENT OF TEMPORARY MODIFIED DUTY ASSIGNMENTS

Temporary modified duty assignments will be based entirely on the restrictions or limitations given by the employee’s treating qualified practitioner. The duration of temporary modified duty is generally ninety (90) to one hundred and eighty (180) days with a medical statement from a qualified practitioner indicating the employee will be able to return to regular duties (with or without reasonable accommodation) within that timeframe. The qualified practitioner’s report will determine the length of the assignment.

TEMPORARY DEPARTMENTAL TRANSFERS

If, after reviewing its job assignments, the appointing department is unable to offer a temporary modified duty arrangement for a temporarily disabled employee, the department will contact Human Resources for recommendations of possible referrals to other departments who may be able to offer temporary modified duty which meets the employee’s temporary work restrictions. If the employee is assigned temporarily to another department, the appointing department will remain responsible for payment of salary and benefits while the employee is on temporary modified duty.

An employee who has been released by the treating qualified practitioner to participate in a temporary modified duty assignment must report for duty if modified duty assignments are available. While working at a temporary duty assignment, the employee is expected to perform to the best of his/her abilities within the medical restrictions outlined by the treating qualified practitioner. The assignment is temporary and different from regular work. The goal of

temporary modified duty is to assist with the employee's transition back to regular work duties while providing continued employment during the period of disability.

REQUIRED MEDICAL RELEASE

Before being placed in a temporary modified duty assignment, an employee must provide his or her supervisor with a medical statement from the treating qualified practitioner. The medical statement should identify the restrictions that need temporary modified duty, and note if any of the restrictions are expected to be temporary or permanent in nature. Temporary restrictions should have an expected end date, and follow-up medical statements from the treating qualified practitioner will be required to continue restrictions past that date.

PERMANENT MODIFIED JOB ACCOMMODATIONS WITHIN EXISTING CLASSIFICATION

When a qualified practitioner has made a medical determination that certifies that a disability is permanent and the employee is unable to perform some, or all, of the job duties of the class, the County will consider if the employee can be returned to work with or without a modification to the tasks of the existing class.

Consultations between the employee, the employee's supervisor or manager, and a representative from the Human Resources Office will seek to identify possible and/or special equipment that would enable the employee to remain in his/her existing class. An employee will not be eligible for a permanent modified job if the employee is medically precluded from performing the essential functions of the position with reasonable accommodation.

PERMANENT ALTERNATE JOB PLACEMENT REQUIRING CHANGE IN CLASSIFICATION

When a qualified practitioner has indicated that a disability is permanent and a determination has been made by the County that the employee's existing job cannot be modified, and other forms of reasonable accommodation cannot be provided that would enable the disabled employee to perform the essential functions of the job, the County will consider an alternate job placement to another class in the same department. Any available position with a comparable or lower salary range, for which the employee is qualified and able to perform, may be offered to the employee. If an alternate job cannot be located within the same department, Human Resources may consider whether the employee is otherwise qualified to perform the duties in other vacant positions within job classes in the same or lower salary range in other departments. An employee placed in a class with the same or lower salary range will be paid the salary range listed for that class. An employee may also voluntarily demote within the same department to a class for which the employee is qualified and meets the employee's disability restrictions.

DISABILITY RETIREMENT

Where, after thorough consideration and working with the employee, no job accommodation can be made due to the extent of the employee's permanent disability, the County shall apply on behalf of the employee for disability retirement in accordance with the provisions of the County's contract with CalPERS.

EXHAUSTION OF AVAILABLE LEAVES

At the conclusion of all available leaves of absence, paid or unpaid, if the employee is not medically able to assume the duties of his/her position and if the employee is not placed in another position as a reasonable accommodation of his/her permanent disability, the employee shall be separated from County employment and placed on a reemployment list for a period of six (6) months. During the six (6) month period, when available and if medically released to assume his/her duties, the former employee shall be reemployed in a vacant position in the class of his/her previous assignment. In the event the former employee was in a single position class, he/she shall be reemployed in a class which is similar in scope and responsibility and for which he/she meets the minimum qualifications. The former employee shall have priority over all other available candidates except for those on a reemployment list established because of layoff, in which case the employee shall be listed in accordance with appropriate seniority following layoff procedures. At the conclusion of the six (6) month period, if the former employee is not reemployed with the Count, the former employee shall lose his/her status on the reemployment list.

EMPLOYEE AND SUPERVISOR RESPONSIBILITIES

Employees who are placed in modified duty assignments and their supervisors share responsibility to comply with a disabled employee's medical work restrictions. Once work restrictions are identified by a treating qualified practitioner, the employee and the employee's supervisor shall discuss a temporary modified duty arrangement.

Temporary modified duty assignments require the employee and supervisor to understand the following responsibilities:

- 1) The supervisor is responsible for ensuring the employee is not given assignments that exceed the medical work restrictions. If any assignments are questionable, the supervisor should discuss them with the employee before the tasks are performed, and a follow-up medical statement may be requested from the treating qualified practitioner to ensure the injury will not be aggravated.
- 2) An employee is not to exceed the work restrictions indicated by the treating qualified practitioner on the medical release. If the disabled employee at any time believes that a work requirement exceeds the restrictions, the employee is not to perform that task, but should consult the supervisor for direction.
- 3) An employee needs to keep his/her supervisor informed of any medical appointments, and provide updated medical status reports while on modified duty, and as may be requested by the supervisor.

CHAPTER 17. RISK MANAGEMENT

EMPLOYEE REIMBURSEMENT FOR PERSONAL PROPERTY LOSS OR DAMAGE

Upon the recommendation of an employee's appointing authority, the County, consistent with Government Code Section 53240, may provide payment of the costs of replacing or repairing an employee's personal property or prostheses such as cell phone, eyeglasses, prescription sunglasses, hearing aids, dentures, watches, or articles of clothing necessarily worn or carried by the employee when any such personal items are lost or damaged in the line of duty and in the course of carrying out work duties without fault of the employee. If the items are damaged beyond repair, the actual value of such items may be paid.

Depreciation/Items not Covered

The value of items shall be determined as of the time of the loss or damage, and processed in accordance with this procedure taking into consideration the depreciation value of the item, if applicable. Items not considered as necessary for work, such as jewelry and sunglasses, do not come within the definition of property and as such are not reimbursable. Clothing articles are not reimbursable if the employee receives a uniform maintenance allowance from the County.

Reimbursement Request Procedure

- 1) Employee personal property reimbursement claim forms can be obtained by contacting the County's Risk Manager.
- 2) The employee shall complete an employee personal property reimbursement claim and submit to his/her appointing authority for consideration.
- 3) The Appointing Authority (or designee) shall review the circumstances of the claim, evaluate the damaged property and value of the property, and submit the property reimbursement claim to the County's Risk Manager with a recommendation as to approval of payment or denial of the claim by the County.
- 4) The Risk Manager will evaluate the employee personal property reimbursement claim and decide to pay or deny the claim.
- 5) An employee whose claim has been denied will have fifteen (15) days to submit an appeal to the Assistant County Administrator contesting the denial and providing the reasons why the claim should be paid. The decision of the Assistant County Administrator shall be final.

Personal Property Reimbursement Claim Amount Limits

Claims submitted under the employee personal property reimbursement claim process must be filed within six (6) months from the date of loss or damage, be under two thousand five hundred dollars (\$2,500), and require the approval of the Risk Manager for payment. Employee personal property reimbursement claims that exceed two thousand five hundred dollars (\$2,500) or that involve private vehicle damage that occurred within the scope of employment must be filed under the County's general liability damage claim process. Such general liability damage claims must be filed with the office of the Board of Supervisors.

Additional reimbursement for employee personal property may be provided in the employee's bargaining unit MOU.

DMV EMPLOYER PULL NOTICE PROGRAM (EPN) - COMMERCIAL DRIVER LICENSE

The County participates in the Department of Motor Vehicles (DMV) Employer Pull Notice program (EPN) which extends to all positions that require employees to possess and maintain a California commercial driver license. The EPN program provides Yolo County Risk Management with automatic annual DMV driving record reports for employees enrolled in the program. These employees are required to maintain a commercial driver license as a condition of their class and/or part of their assigned job duties. DMV EPN reports are also generated whenever an enrolled driver has any of the following actions/activities reported on their driving record:

- 1) Convictions;
- 2) Failures to Appear in Court;
- 3) Accidents;
- 4) Driver License Suspensions or Revocations; and
- 5) Any other action taken against the individual's driving privilege.

The EPN program also enrolls any employee who is employed in a class that involves the operation of a vehicle where the driver is required to have any of the following licenses:

- 1) Class A or Class B Driver License; and
- 2) Class C Driver License with Hazardous Materials Endorsement or with special certificates issued pursuant to CVC Section 2512,12517,12519,12520 or 12523.5.

Additionally, any prospective new hire or promotional candidate into a class that requires a commercial driver's license must provide his/her department with a copy of his/her current driving record before being hired and/or promoted into that class. If hired, the driving record will be reviewed, signed and dated by the department and maintained in the employee's departmental records until the employee is enrolled in the EPN program by Risk Management. Risk Management shall complete the Government Employer Pull Notice Enrollment or Deletion INF 1103 form to notify DMV whenever an employee is added to the EPN or is no longer employed or assigned to a position which requires a commercial driver's license.

Only Risk Management is authorized to receive DMV EPN reports from DMV. In order to ensure and maintain driver safety, Risk Management will review each DMV EPN driver report for any infractions and/or restrictions which may affect an employee's ability to drive any County vehicle that requires a commercial driver's license. Risk Management will notify departments of any driver's license restrictions, suspensions, or any other actions that affect an employee's driving privilege. DMV EPN reports shall be maintained by Risk Management and must be available for periodic audit inspection by the California Highway Patrol (CHP).

Medical Examination Report for Commercial Driver Fitness Determination

Employees who possess a commercial driver's license are notified by DMV whenever their license is about to expire. As part of the license renewal process employees must take and pass a medical examination to determine driver fitness before the commercial driver's license is renewed by DMV.

Employee medical appointments are scheduled at the County's designated occupational health services facility (OHS facility) by the employee's department or by Risk Management (if requested). A medical questionnaire is provided to the employee by the OHS facility. Copies of the completed medical reports are provided by the OHS facility to the employee (to take to DMV when applying for license renewal), and the OHS facility also sends a copy to Risk Management for recordkeeping. Copies of the medical reports along with other EPN reports are required to be kept and maintained by Risk Management in separate employee files that are available for periodic audits by the CHP.

DMV EMPLOYER PULL NOTICE (EPN) PROGRAM – NON-COMMERCIAL DRIVER LICENSE

All County employees are required to participate in the County Driver License Pull Notice program for non-commercial driver licenses. Each new employee upon hire is enrolled with the Yolo County Public Agency Risk Management Insurance Authority (YCPARMIA), which obtains periodic DMV driver's license reports on employees. DMV driver license reports that show expirations, suspensions, restrictions and other actions that may affect an employee's ability to drive in the performance of his/her job duties are reported to Risk Management by YCPARMIA. Risk Management notifies the employee's department of any driving restrictions and ensures that necessary action is taken to restrict the driving privileges of the employee.

[SEE ALSO APPENDIX: Federal Department of Transportation Drug and Alcohol Regulations and Testing Procedures (1996)]

CHAPTER 18. FURLOUGH

AUTHORITY

Unless otherwise provided by a Memorandum of Understanding or law, the County may temporarily furlough employees as authorized by the Board of Supervisors. The provisions of this Chapter shall apply to all County employees unless otherwise provide by a Memorandum of Understanding or law.

CAUSES

Furlough may be imposed in cases of financial hardship as determined by the Board of Supervisors.

IMPLEMENTATION

Furlough may be imposed as a block of time, as a portion of a pay period, as an increment of a workday or in such other manner as best serves the needs of the County as determined by the Director of Human Resources in accordance with the direction of the Board of Supervisors. Departments may not independently schedule furlough hours absent consultation with and approval by the Director of Human Resources.

To the extent possible, reduction in pay as a result of furloughs shall be spread over the remainder of the fiscal year to minimize the impact on any given pay period.

CONTINUATION OF WAGES AND BENEFITS

When a furlough is imposed for a specific time period, an employee who is placed on furlough shall not be entitled to payment of wages, salary or any other form of compensation for the time designated as furlough. An employee who is placed on furlough may not use vacation, administrative leave, compensatory time off, sick leave or any other form of paid leave during the furlough.

When a furlough is imposed and the time off is at the discretion of the employee with his/her supervisor's approval, the employee shall not be entitled to payment of wages, salary or any other form of compensation for the day/hours so chosen as furlough leave. On the day/hours chosen for furlough employee may not use vacation, administrative leave, compensatory time off, sick leave or any other form of paid leave during the furlough.

To the extent possible, the County will attempt to spread the cost over of a furlough over 26 pay period or the remaining pay periods in a fiscal year if an emergency furlough is ordered.

An employee on furlough shall receive health and welfare benefits and shall accrue sick leave, vacation leave, and other leaves which are accrued on the basis of time worked.

The period of furlough shall not be considered a break in service and shall be considered time worked for purposes of length of service, seniority, completion of a probationary period, eligibility for merit step increases, and eligibility for health and welfare benefits.

NOTICE

Following the decision by the Board of Supervisors to temporarily furlough employees, the Director of Human Resources shall give written notice of such decision to the affected recognized employee organizations or bargaining units. Such notice shall indicate at a minimum the dates of the furlough and, if not countywide, the classes or positions subject to furlough.

Not later than fifteen days (15) days prior to the furlough, the Director of Human Resources shall provide written notice to each employee to be furloughed, which shall include the days or dates of the furlough.

Should a decision be made by the Board of Supervisors that the duration or application of the furlough is to be revised, amended or cancelled in whole or in part, the Director of Human Resources shall provide

written notice of such revision, amendment or cancellation as soon as is practicable after such action by the Board of Supervisors.

CHAPTER 19. LAYOFF

AUTHORITY

Except as otherwise provided by Memorandum of Understanding or by law, the Board of Supervisors may take action to lay off employees for lack of funds, lack of work, operational reasons, or other such circumstances where the County determines it is necessary to reduce its workforce. The provisions of this Chapter shall apply to all County employees unless otherwise provided by Memorandum of Understanding or law.

IMPLEMENTATION

Layoffs may be made by a department, division, budget unit, function or operation of the County. The Director of Human Resources shall be responsible, after consultation with the affected departments, for identifying the targeted classes and/or positions to be eliminated through layoff, and for implementing the layoffs consistent with the general direction provided by the Board of Supervisors.

NOTICE

The Director of Human Resources shall give written notice of the decision to terminate employees by layoff to the affected recognized employee organizations or bargaining units. Such notice shall indicate at a minimum the effective date of the layoff and the classes or positions affected.

Not later than twenty-one (21) days prior to the scheduled layoff, the Director of Human Resources shall provide written notice to each employee of such layoff, which shall include the following:

- 1) The reason for the layoff;
- 2) The effective date of the layoff;
- 3) The displacement rights of the employee; and
- 4) The employee's rights relating to the layoff including the right to appeal the layoff.

Should a decision be made that the layoff is to be revised, amended or cancelled, the Director of Human Resources shall provide written notice of such decision to the employee as soon as is practicable.

SENIORITY

Seniority for purposes of layoff, unless otherwise specified below or by Memorandum of Understanding, shall be based upon the date of hire into a regular County position. Any break in employment shall result in the assignment of a new date of hire except that any permanent employee who regains employment after layoff shall regain the seniority he/she had prior to layoff and shall have his/her date of hire prior to layoff restored.

ORDER OF LAYOFFS

Layoffs will be made by department by class with credit given for countywide seniority unless otherwise specified by Memorandum of Understanding.

Prior to making the layoffs, all placements from temporary agencies doing work that would otherwise be assigned to those employees scheduled for layoff shall be released.

The order of layoff of permanent employees in the affected departments after the release of Extra Help, Limited Term, and Probationary employees shall be in the inverse order of seniority. Such layoff shall be strictly by seniority without regard to full-time or part-time employment.

Unless otherwise indicated above, where employees have the same seniority and the same order of layoff they shall jointly participate in a determination of seniority by a drawing of numbered lots with the convention of the lowest number drawn being the last in order of layoff and the highest number drawn being the first in order of layoff.

SENIORITY LISTS

Whenever a layoff has been authorized the Director of Human Resources shall make available in the Human Resources Office a listing of all County employees by class and seniority dates. In addition, the Director of Human Resources shall make available similar listings of departmental employees by class and seniority date for affected departments.

DISPLACEMENT RIGHTS (“BUMPING” RIGHTS)

An employee scheduled to be laid off has the right to displace another employee in the following manner and order:

- 1) First, any permanent employee designated to be laid off may bump into any lower class of equivalent FTE status in his/her current class series within the same department provided he/she is willing to accept the reduced compensation level and he/she meets the minimum qualifications for the lower class.
- 2) Second, any permanent employee possessing five (5) or more years of service to the County who is designated to be laid off and is unable to bump into a lower class within the same department may bump the least senior employee in the same class in any department.
- 3) Third, if the first or second manner of displacement is not possible, any employee who is designated to be laid off and has held permanent status in another class(s) may bump back (in sequence of most recently held) to his/her former class(s) and employing department(s), provided that such class(s) has not been abolished, he/she is willing to accept the reduced compensation level, and he/she meets the minimum qualifications for the lower class.

In no circumstance may an employee scheduled for layoff displace another employee of lower seniority who is filling an at-will position nor may the employee scheduled for layoff return to a position formerly held by him/her as an at-will position.

Requests from the employee scheduled to be laid off to exercise displacement rights (to bump another employee) shall be made in writing to the Director of Human Resources within ten (10) days of the date of the notice of layoff.

REASSIGNMENT IN-LIEU OF LAYOFF

The Director of Human Resources shall make an effort to place an employee who has been notified of an impending layoff into another vacant position for which the employee meets the minimum qualifications of the class, regardless as to whether or not the employee is currently in that class.

In those circumstances where the reassignment will result in the employee scheduled for layoff taking a position where the rate of pay is less than what he/she currently earns, he/she must consent to the reduced rate of pay, must meet the minimum qualifications of the class, and shall be subject to the probationary period for the position.

TIME OFF TO OBTAIN OTHER EMPLOYMENT

An employee who has been notified that he/she is scheduled for layoff shall be granted up to forty (40) paid hours, if a regular full-time employee, or a proportionate amount of paid hours if a regular part-time employee, for the sole purpose of obtaining other employment. Such time shall be used to submit job applications, take placement tests or attend interviews as part of a bona fide search for other employment and may be used in increments of one (1) hour or more by prior arrangement with the department.

REEMPLOYMENT LIST

An individual who has been laid off, accepts another county position in lieu of layoff, is reduced in class due to layoff, or is displaced by layoff shall be placed on a reemployment list for a period of twenty-four (24) months after the date of the layoff or displacement. Any vacancy occurring in the class from which employees have been laid off or displaced shall first be offered, in order of seniority, to an individual on the reemployment list who meets the minimum qualifications of the class and is available to fill the vacant position within not more than ten (10) days.

The County shall make a reasonable effort to contact the laid off or displaced individual during normal business hours to advise him/her of the reemployment opportunity. Where an individual is unable to be contacted by telephone during normal business hours or fails to return the County's call within three (3) business days, the County will have been deemed to have made a reasonable effort to contact the person and shall move to the next most senior individual on the reemployment list qualified for the position being offered. An individual on the reemployment list shall be responsible for providing the Director of Human Resources with a current telephone number where he/she can be reached during normal business hours.

An individual on the reemployment list may decline up to three (3) offers of reemployment. After declining three (3) offers of reemployment or at the expiration of twenty-four (24) months, the person's name shall be removed from the reemployment list.

An individual on the reemployment list may accept an Extra Help or Limited Term position without losing his/her status on the reemployment list.

REINSTATEMENT OF BENEFITS

An employee who is reemployed from the reemployment list and who did not receive a sick leave payout or retirement service credit upon layoff, shall have his/her accrued sick leave restored and shall accrue sick leave and vacation at the same rate he/she was accruing prior to layoff. The status of the employee in relation to any remaining probationary period, any scheduled merit increases, and his/her seniority shall be the same as existed at the time of layoff.

APPEAL OF LAYOFF

A permanent employee who received a notice of layoff shall be entitled to request a hearing by the County Administrative Officer (or his/her designee) prior to the effective date of the layoff. A hearing shall be granted if the employee alleges specific facts on his/her on his/her appeal form which, if true, would cause such appeal to be granted. Such a request shall be made within five (5) days of service of the notice of layoff. Failure to make such a request shall waive the right to hearing. At said hearing, the employee may challenge only the determination of seniority, bumping rights, and material compliance with this procedure. The employee shall have the right to be represented by a representative of his/her choosing, to present evidence, and to cross examine any witnesses. Following the hearing, the County Administrative Officer (or designee) shall issue an order affirming or revoking the layoff of the employee. Unless the order is to revoke the layoff, the employee shall be laid off on the date set forth in the notice.

If, after request, the hearing is not held prior to the effective date of layoff as set forth in the notice of layoff, the effective date of the layoff shall be deemed to have been extended until after the hearing and the issuance of the order by the County Administrative Officer.

Filing of an appeal to the County Administrative Officer shall not relieve the employee of the obligation to assert his/her bumping rights within the required time frame.

CHAPTER 20. DISCIPLINARY ACTION

DISCIPLINARY ACTION AUTHORIZED

An Appointing Authority may take disciplinary action against a permanent employee for just cause (due cause). For the purposes of the Chapter, Appointing Authority shall mean the Board of Supervisors, a County officer, the Director of Human Resources, a appointing authority, or any other person or group of persons having power pursuant to law to make an appointment to any position in a specified department for the County or any person designated by an Appointing Authority to act on his/her behalf.

JUST CAUSE (DUE CAUSE)

Just cause (due cause) for purposes of this Chapter shall be defined as follows:

- 1) Incompetency or inefficiency on the job;
- 2) Insubordination;
- 3) Intoxication while on duty;
- 4) Dishonesty or fraud;
- 5) Negligence or willful damage to public property or the waste of public supplies or equipment;
- 6) The violation of any proper policy, regulation or lawful order made and given by a superior;
- 7) The falsification of an employment application or other personnel record;
- 8) Unauthorized absences from duty;
- 9) Substantial off duty misconduct reasonably and directly related to the employee's public duties; or
- 10) Conviction of a felony.

DISCIPLINARY ACTION DEFINED

Disciplinary action shall mean an action taken by the Appointing Authority for corrective or punitive reasons.

- **Minor Disciplinary Action** shall mean a written reprimand, a suspension without pay up to and including two (2) work shifts for the same cause within any twelve (12) month period, or a disciplinary transfer. Minor disciplinary actions may be appealed no further than to the Director of Human Resources or, if taken against an employee of the Human Resources Office, to the County Administrator.

- **Major Disciplinary Action** shall mean a suspension of more than two (2) work shifts for the same cause within any twelve (12) month period, a demotion, a reduction in pay, or the termination of employment. Major disciplinary actions may be appealed to an Administrative Law Judge provided by the California Office of Administrative Law Judges.

EXCLUSIVE PROCEDURE

Except as otherwise provided for by Memorandum of Understanding, the procedure in this Chapter shall be the exclusive procedure for taking disciplinary action against permanent employees and for appealing such action.

LETTER OF REPRIMAND

A Letter of Reprimand may be issued by a supervisor or manager if so authorized by the Appointing Authority. Letters of Reprimand shall be maintained in the employee's personnel file. An employee has the right to provide a written response to the Letter of Reprimand and have that response attached. A

Letter of Reprimand may be removed from the employee's personnel file after three (3) years of the date of issue upon the written request of the employee to the Director of Human Resources, provided the employee has not had further documented disciplinary action during that period.

NOTICE OF PROPOSED DISCIPLINE

For minor and major disciplinary action, the employee shall be given written notice of a proposed disciplinary action, exclusive of a written reprimand, not less than ten (10) days in advance of the date the action is to be taken. Such notice shall contain the following:

- 1) The reasons for the proposed action, including the rule(s) or regulations(s) or ordinance(s) violated and a complete explanation of the reasons.
- 2) A copy of the charges and the recommended action.
- 3) Notice that the employee is entitled to respond to the charges in accordance with the provisions of this Chapter.
- 4) Notice that the employee is entitled to representation by a representative of his/her choosing during any appeal of the proposed disciplinary action.
- 5) Notice that if no response is received by the Appointing Authority prior to any scheduled appeal hearing, and unless it has been determined by the parties to the proposed disciplinary action that it is not in the best interest of the employee to exercise his/her right to appeal pursuant to this Chapter, the employee shall be deemed to have waived his/her rights to appeal any action taken and shall be considered to have failed to exhaust the administrative remedies available to him/her.

- 6) Copies of all materials upon which the proposed discipline is based or, if the materials are too voluminous to copy or are confidential within the meaning of the Public Records Act or are restricted by any provision in the Public Safety Officers Procedural Bill of Rights Act, a description of the materials and notice that the employee shall be given a reasonable opportunity to inspect, summarize or copy at his/her own expense all or some of the materials.

RESPONSE (SKELLY) MEETING

At the time and place set for the meeting giving the employee the opportunity to respond, the employee may respond orally and/or in writing.

Neither the Appointing Authority nor the employee shall be entitled to call witnesses or take testimony.

At the meeting, the Appointing Authority may consider information contained in the charges and recommendations and other information as well as information presented by the employee. If new information relating to new charges or recommendations is introduced, or if a theory constituting a new ground or occurrence as basis for discipline is alleged, the employee shall be entitled to a reasonable continuance to copy materials and respond to these new matters.

At the conclusion of the response meeting or within ten (10) days, the Appointing Authority shall issue an order taking, amending, or determining not to take the action, and shall give written notice thereof to the employee, which shall include:

- 1) an explanation of the basis for the action;
- 2) the charges upheld;
- 3) the effective date(s) of the imposed discipline;
- 4) a list of items upon which action is based or new documents, if appropriate; and
- 5) notice of employee's right to appeal.

APPEAL OF MINOR DISCIPLINARY ACTION

Minor disciplinary actions may be appealed to the Director of Human Resources or his/her designee whose decision shall be final.

APPEAL OF MAJOR DISCIPLINARY ACTION

If an employee has requested and participated in a response meeting with the Appointing Authority as set forth above, the employee shall have the right to appeal the Appointing Authority's disciplinary action to an Administrative Law Judge provided by the California Office of Administrative Law Judges, or may choose the Voluntary Mediation Process.

Nothing in this section shall prohibit a peace officer from exercising his/her rights under the Peace Officer Bill of Rights.

Filing of an appeal shall not stay the effective date of the order of disciplinary action.

COUNTY OF YOLO • PERSONNEL RULES AND REGULATIONS

A written demand for an appeal and hearing must be served on the Director of Human Resources by the employee within five (5) working days of receipt of the Appointing Authority's order affirming, reversing or modifying the proposed disciplinary action.

The failure to serve written demand for hearing within the prescribed period shall be deemed a waiver of the right to a hearing and the order of disciplinary action shall be final. Said failure constitutes a failure to exhaust administrative remedies.

The demand for hearing shall include:

- 1) Specific grounds for appeal; and
- 2) Copies of materials on which the appeal is based or, if too voluminous, reference to materials in the custody of the County.

Upon receipt of a request for a hearing, the Director of Human Resources (or his/her designee) shall, within ten (10) days of receipt of the request for a hearing, request a list of seven (7) arbitrators from the State or shall request a similar list of mediators from the California State Mediation/Conciliation Service.

Within ten (10) days of receipt of the list, the County and the Employee (or his/her representative) shall select the Arbitrator or Mediator by alternate striking of names from said list until only one name remains or until both parties agree upon the person to hear the arbitration. The party to strike first shall be determined by coin toss.

Upon selection of the arbitrator or mediator, the Director of Human Resources shall contact the Arbitrator or Mediator, obtain available hearing dates, and communicate those dates to the Employee (or his/her representative). The first available date permitted by the parties' schedules will be selected.

In the event that Voluntary Mediation Process is pursued, the mediation sessions shall be confidential in nature and attended by only the parties at interest. There shall be no record made of such sessions. The Mediator's proposed settlement shall not be binding upon the parties unless mutually agreed. If full resolution is not achieved in mediation, the Mediator shall be charged with narrowing the issues remaining in dispute for pursuit in other forums.

An appeal which has not been scheduled within six (6) months of the request for arbitration or mediation shall be deemed to have been withdrawn with prejudice.

HEARING

Rules governing the proceedings of the hearing shall be those rules as set forth by the Office of Administrative hearings in general governing administrative hearings. Any decision and/or order shall be subject to appeal to the Board of Supervisors

INELIGIBILITY FOR EMPLOYMENT

A person shall be determined to be ineligible for continued employment for any of the following reasons:

- 1) Conviction of any crime which renders the person unsuitable for a position in a class.

- 2) Failure to maintain valid certification or licensure required for the position.

Except as hereinafter provided, a person who has been convicted of any crime which renders the person unsuitable for a position in a class shall be ineligible for employment in such class; provided, however, the Director of Human Resources may disregard such conviction if he or she finds and determines that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, the length of time that has elapsed since such conviction, the age of the person at the time of the conviction, or that the conviction is not reasonably related to the qualifications, duties, or functions of the class in question.

Where the minimum qualifications for a position include valid certification or licensure and the employee fails to maintain the required certification or license, he/she will be deemed ineligible for continued employment.

In the event an employee is determined to be ineligible for continued employment, an employee shall receive pre-notice and an opportunity to respond in advance of the date the action is to be taken. The procedures for major disciplinary action outlined above would be utilized.

CHAPTER 21. RECORDS, REPORTS AND NOTICES

PERSONNEL FILES

A personnel file shall be generated by Human Resources upon hire for each person directly employed by the County. Such files shall serve as the authorized or official record of employment for all purposes. Copies of documents and notes kept by a supervisor, manager or department are not considered official personnel files.

Maintenance of Personnel Files

The official County personnel files shall be maintained by and kept at the Human Resources Office, except that files for employees who have left County service may be archived.

Contents

The official personnel file typically will contain the following:

- 1) Personnel Action Forms
- 2) Personnel Data Forms
- 3) Benefit Action Forms
- 4) Supplemental benefits enrollment forms
- 5) Beneficiary designation forms
- 6) Medical provider designation forms
- 7) Performance appraisal forms and any responses made to them by the employee
- 8) Disciplinary letters, notices, and orders
- 9) Letters of commendation or recognition
- 10) Copies of any authorizations given by the employee for the file to be reviewed by another
- 11) Evidence of any licensure required to perform the employee's assigned duties in no event shall the official personnel file contain the following:
- 12) Any written record of a medical diagnosis, medical examination result, or medical status
- 13) Any written record of immigrant status
- 14) Any record of disciplinary action proposed but either not ordered or otherwise prohibited by legal settlement
- 15) Letters of complaint against the employee unless part of the record of an ordered disciplinary action

- 16) I-9 or other form indicating legal status to work
- 17) Information obtained from background investigations and/or reference checks
- 18) Any document of which the employee has not been made aware

EMPLOYEE MEDICAL INFORMATION

A medical file shall be established for each employee that shall be maintained separate and apart from the official personnel file. The medical file will typically contain written records of a medical diagnosis, medical examination result, or medical status including, but not limited to:

- 1) Pre- and/or post-employment medical exams such as periodic physicals and fitness for duty examinations
- 2) Substantiation of sick leave usage
- 3) Requests for Reasonable Accommodation under the Americans with Disabilities Act (ADA) and/or Fair Employment and Housing (FEHA)
- 4) Requests and documentation required by the Family Medical Leave Act (FMLA), County Disability Insurance, Catastrophic Leave Program, or State Disability Insurance/Paid Family Leave
- 5) Documentation associated with the Return to Work Injury Management Program
- 6) Worker's Compensation claims and status reports

RELEASE OF PERSONAL INFORMATION (RESPONDING TO REFERENCE CHECKS)

Requests received for standard employment verification (i.e., dates of employment, positions held, confirmation of salary, and eligibility for rehire) for current or former employees shall be forwarded to Human Resources for completion. Letters of recommendation and/or additional employment reference information may be provided by designated management or supervisory representatives of a department at the request of the employee.

INSPECTION OF PERSONNEL FILES

Personnel information concerning an employee is confidential. An employee or former employee shall have the right to inspect his/her personnel file upon request and proof of identity in accordance with the Employee Records-Access to and Release of Information Guidelines policy. Such review must occur within the sight of Human Resources staff. Human Resources shall make the file available to the employee as soon as is practicable. An employee shall have access to all material in his/her personnel file and shall be provided a copy of the materials in his/her file upon request.

Only those persons with a "need to know" or "right to know" as determined by Human Resources may access an employee's personnel file. "Right to know" shall include a review of the employee's personnel file as part of the competitive hiring process of the County. A third-party review of an employee personnel file may only be allowed with a signed release from an

employee or former employee in accordance with the Employee Records-Access to and Release of Information Guidelines policy.

[SEE ALSO APPENDIX: Employee Records-Access to and Release of Information Guidelines (1995)]

INCLUSION OF DOCUMENTS INTO THE PERSONNEL FILE

Documents to be placed into the official personnel file should be forwarded to Human Resources as soon as possible after they are generated. Human Resources shall incorporate them into the official personnel file as soon as practicable so that the personnel file is kept current.

No employee may add a document to, remove a document from, or modify a document in the official personnel file unless specifically authorized by the Director of Human Resources.

REMOVAL OF DOCUMENTS FROM THE PERSONNEL FILE

No document may be permanently removed from the official personnel file without the authorization of the Director of Human Resources.

RESPONDING TO SUBPOENAS FOR PERSONNEL RECORDS

It is the County's policy that protection of confidentiality is of prime importance when responding to subpoenas. Subpoenas directed to County or subpoenas for personnel records must be personally served to Human Resources. Departments should not accept the subpoena. The County's response to subpoenas shall be made in accordance with the Employee Records-Access to and Release of Information Guidelines policy.

APPENDICES: PERSONNEL POLICIES AND PROCEDURES

- Appendix A. Benefits for Unrepresented Employees
- Appendix B. Catastrophic Leave (2009)
- Appendix C. Code of Ethics – Standards of Ethical Conduct (2013)
- Appendix D. County Disability Insurance (2007)
- Appendix E. College Intern Policy and Procedure (2009)
- Appendix F. Privacy and Security (2011)
- Appendix G. Drug & Alcohol Policy and Testing Procedure (1994)
- Appendix H. Employee Records – Access to and Release of Information Guidelines (1995)
- Appendix I. Family and Medical Leave Act of 1993 (1994)
- Appendix J. Federal Department of Transportation Drug and Alcohol Regulations and Testing Procedures Policy (1996)
- Appendix K. Injury and Illness Prevention Program (2013)
- Appendix L. Paid Sick Leave for Employees not Covered by a Memorandum of Understanding or County Code (2015)
- Appendix M. Political Activities of County Employees (1982)
- Appendix N. Workplace Civility Policy and Workplace Civility Procedure (2009)

APPENDIX A. BENEFITS FOR UNREPRESENTED EMPLOYEES

HEALTH, DENTAL AND VISION INSURANCE

For unrepresented employees with the unit designation Unrepresented-Clerical (X), the County will contribute toward the cost of the health benefits plan an amount equal to 90% of the lowest cost available health plan at each level of coverage. In addition, the County will contribute toward the cost of the dental and vision plans an amount equal to 90% of the cost of each basic plan.

For all other unrepresented employees, the County will pay three hundred and seventy (\$370) per month toward the health insurance premiums of employees and enrolled dependents in any category of approved plans. The County will contribute an additional amount which, when combined with the Health Insurance contribution above, equals an amount equal to ninety percent (90%) of the lowest cost plans for health, dental and vision coverage for the family premium rates starting with the first full pay period in December. This contribution may be used to purchase additional benefit coverage, which may include health, dental, vision, long-term disability, retiree medical trust and other voluntary benefits offered by the County. Premiums for all benefits will be deducted from the combined annual contribution and the remainder will be paid to the employee as taxable earnings.

DEFERRED COMPENSATION

- 1) Unrepresented Supervisory (X3) – up to one hundred and fifty dollars (\$150) per calendar year for employees with ten (10) years or more of County service; up to two hundred and fifty dollars (\$250) per calendar year for employees with twenty (20) or more years of County service.
- 2) Confidential Clerical (C1), Confidential Professional (C2), and Unrepresented Management (X2) – up to three hundred and fifty dollars (\$350) per calendar year for employees with one (1) year or more of County service; up to four hundred and fifty dollars (\$450) per calendar year for employees with ten (10) years or more of County service.
- 3) Supervisor's Deputy (C3) – up to four hundred dollars (\$400) per calendar year for all employees.
- 4) Department Head (H), Elected Official (E), and Assistant Department Heads (H2) - up to five hundred dollars (\$500) per calendar year.

LIFE INSURANCE

- 1) \$25,000 life insurance – Confidential Clerical (C1), Confidential Professional (C2), Supervisor's Deputy (C3), Unrepresented-Clerical (X), Unrepresented-Professional (X2), and Unrepresented Supervisory (X3).
- 2) \$50,000 life insurance – Assistant Department Head (H2)
- 3) \$50,000 life and accidental death and dismemberment insurance – Department Head (H) and Elected Official (E)

AUTO ALLOWANCE

- 1) Member of the Board of Supervisors;
- 2) The County Administrator, the Assistant County Administrator and the Deputy County Administrator;
- 3) Appointed County Department Heads; and
- 4) Other County employees as designated by the County Administrator and Chair of the Board of Supervisors. The employee must be exempt from the Fair Labor Standards Act, using their personal vehicle on a frequent and significant basis in the course and scope of their County duties, and be an unrepresented employee.

The automobile allowance is payable in twenty-six (26) payroll periods each year.

UNIFORM ALLOWANCE

Unrepresented Sheriff's Management employees shall receive an amount equal to the Yolo County Sheriff's Management Association (currently \$250 quarterly) and unrepresented Sheriff's administrative employees shall receive an amount equal to the Yolo County Supervisors and Professional Employees Association (currently \$250 quarterly).

ADMINISTRATIVE LEAVE

Employees in the unit designation of Assistant Appointing authority (H2) (exclusive of unrepresented attorneys), Non-Attorney Confidential-Professional (C2), and Non-Attorney Unrepresented-Professional (X2), shall be granted forty (40) hours of administrative leave on July 1 of each year.

Unrepresented Attorney classes in County Counsel (C2), Public Defender (X2) and District Attorney (X2) shall be granted administrative leave equivalent to the hours received by employees in the Attorney's Association (A) on July 1 of each year.

Department Heads (H) shall be granted eighty (80) hours of administrative leave on July 1 of each year.

Supervisor's Deputies (C3) shall be granted forty (40) hours of administrative leave on July 1 of each year, except that Supervisor's Deputies hired before June 10, 2008, shall receive eighty (80) hours of administrative leave on July 1 of each year.

APPENDIX B. [CATASTROPHIC LEAVE \(2009\)](#)*

APPENDIX C. [CODE OF ETHICS – STANDARDS OF ETHICAL CONDUCT \(2013\)](#)*

APPENDIX D. [COUNTY DISABILITY INSURANCE \(2007\)](#)*

APPENDIX E. [COLLEGE INTERN POLICY AND PROCEDURE \(2009\)](#)

APPENDIX F. [PRIVACY AND SECURITY \(2011\)](#)*

APPENDIX G. [DRUG & ALCOHOL POLICY AND TESTING PROCEDURE \(1994\)](#)*

APPENDIX H. [EMPLOYEE RECORDS – ACCESS TO AND RELEASE OF INFORMATION GUIDELINES \(1995\)](#)*

APPENDIX I. [FAMILY AND MEDICAL LEAVE ACT OF 1993 \(1994\)](#)*

APPENDIX J. [FEDERAL DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL REGULATIONS AND TESTING PROCEDURES POLICY \(1996\)](#)*

APPENDIX K. [INJURY AND ILLNESS PREVENTION PROGRAM \(2013\)](#)

APPENDIX L. [PAID SICK LEAVE FOR EMPLOYEES NOT COVERED BY A MEMORANDUM OF UNDERSTANDING OR COUNTY CODE \(2015\)](#)*

APPENDIX M. [POLITICAL ACTIVITIES OF COUNTY EMPLOYEES \(1982\)](#)*

APPENDIX N. [WORKPLACE CIVILITY POLICY AND WORKPLACE CIVILITY PROCEDURE \(2009\)](#)*

**Also contained in the Administrative Policy and Procedures Manual*