

**SALARY AND BENEFITS  
RESOLUTION XXX-2022  
FOR UNREPRESENTED EMPLOYEES**

Adopted ~~June 28~~ November 15, 2022

Repealing and Replacing Resolution No. ~~016103~~-2022



PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote of said Board:

Ayes:

Attest:  
Kim Dawson  
Clerk of the Board of Supervisors

Noes:  
Absent:

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Lori Parlin, Chair, Board of Supervisors

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## SECTION 1: TITLE AND EFFECTIVE DATE

### 101. TITLE

This Resolution shall be known as the County of El Dorado Salary and Benefits Resolution for Unrepresented Employees.

## **102. EFFECTIVE DATE**

Except as specified otherwise herein, the effective date of this Resolution shall be the first day of the County pay period following its adoption. Any prior or existing Resolutions governing the terms and conditions of employment specified herein and contrary to these provisions, are superseded upon the original effective date of this Resolution. Without limiting the generality of the foregoing, this Resolution incorporates, amends, supersedes, and repeals as appropriate Resolution 016-2022.

The provisions of this Resolution may be superseded in whole or in part by Resolutions adopted by the Board of Supervisors of the County of El Dorado.

## **103. CHANGES AND MODIFICATIONS**

This Resolution does not constitute an employment contract. It is subject to revision at the discretion of the Board of Supervisors in any manner provided for by law. It does not and shall not limit the ability of the Board of Supervisors to take any action with regard to the employment relationship with Unrepresented Employees (defined below) that is not inconsistent with the County Civil Service or established law.

## **SECTION 2: APPLICABILITY**

The provisions of this Resolution shall apply to Unrepresented Probationary Employees, Unrepresented Employees who have achieved civil service status, and employees in the unclassified service. This Resolution applies only to Unrepresented Employees as defined in this Resolution. All Unrepresented Employees shall be governed by the provisions of the County of El Dorado Personnel Rules (Personnel Rules) adopted by the Board of Supervisors. In the event of any conflict between this Resolution and the Personnel Rules, this Resolution shall prevail.

Notwithstanding anything to the contrary, nothing in this Resolution for Unrepresented Employees shall be deemed to affect the compensation of the Board of Supervisors Members. All compensation provisions for the members of the Board of Supervisors are fixed by ordinance. Refer to El Dorado County, California Code of Ordinances, Title 2 – Administration and Personnel, Chapter 2.06 – Board of Supervisors Conduct of Business, Compensation.

## **SECTION 3: DEFINITION OF TERMS**

### **301. ADMINISTRATIVE MANAGEMENT EMPLOYEES**

Administrative Management Employees means those employees in classifications listed in the Salary Schedule as Administrative Management, union code UM, excluding Extra Help. Employees in classifications designated as UM are considered Management Employees.

### **302. APPOINTED DEPARTMENT HEAD**

Appointed Department Head means 1) those employees listed in the Salary Schedule as Department Head, union code UD, 2) positions of Undersheriff and Public Health Officer,



and 3) the administrative head of a department that has been created by ordinance. Employees in classifications that are designated as UD are considered Management Employees.

**303. BASE HOURLY RATE**

Base Hourly Rate shall mean the hourly rate corresponding to the salary step in the salary range of the classification to which the employee is appointed or elected.

**304. BASE SALARY**

Base Salary shall mean the salary associated with the salary step in the salary range of the classification to which the employee is appointed or elected.

**305. COMPENSATORY TIME OFF**

Compensatory time off means time off with pay which an employee accrues instead of cash compensation for FLSA overtime.

**306. CONFIDENTIAL EMPLOYEE**

Confidential Employee shall have the same meaning as defined in the Personnel Rules. Individual employees and classifications designated as Confidential shall be designated union code CO.

**307. ELECTED DEPARTMENT HEADS**

Elected Department Heads means those officers and employees in positions listed in the County Charter as Elected Department Heads, union code EL. Employees in classifications designated as EL are considered Management Employees.

**308. GRIEVANT**

Grievant shall mean (1) an employee who is filing a grievance as defined herein, or (2) if two or more employees have essentially the same grievance, they may, if approved by the Director of Human Resources, submit their combined grievances as one grievant.

**309. MANAGEMENT EMPLOYEES**

Management Employees means, for the purposes of this Resolution, Unrepresented Employees who occupy one of the following: Elected Department Heads (EL), Appointed Department Head (UD), or Administrative Management (UM). Management Employees are responsible for the formulation, administration, and/or implementation of County policies and/or programs.

**310. ON-CALL**

On-Call is an assigned duty outside the normal work week assignment during which an employee must be able to be contacted by telephone and be ready to immediately respond and/or physically return to work to perform an essential service for the department.

**311. PERSONNEL RULES**

Personnel Rules means the Resolution adopted by the Board of Supervisors, pursuant to

the El Dorado County Charter, and any amendments thereto or other resolutions replacing or superseding that resolution.

### **312. UNCLASSIFIED SERVICE**

Unclassified Service shall have the same meaning as defined in the Personnel Rules.

### **313. UNREPRESENTED EMPLOYEES**

Unrepresented Employees means those employees or classifications that are not represented by a recognized employee organization. For purposes of this Resolution, Unrepresented Employees shall include Elected Department Heads (EL), Appointed Department Heads (UD), Administrative Management (UM), Confidential Employees (CO), and Extra Help Employees ~~(excluding limited term)~~ who occupy classifications listed on the Salary Schedule, or in classifications that are represented by a recognized employee organization but where the recognized employee organization has not yet been granted formal recognition for representing such extra help employees.

### **314. VETERAN**

Veteran means a person satisfying the definition specified in the Military and Veterans Code.

### **315. WORKING DAY**

Working Day shall mean day(s) in which the County's main administration office is open for business.

## **SECTION 4: ALLOCATION OF POSITIONS**

### **401. AUTHORIZED PERSONNEL**

Except as expressly set forth in this Section, all matters regarding allocation of positions shall be governed by the Personnel Rules.

## **SECTION 5: ADMINISTRATION OF SALARY SCHEDULE**

### **501. SALARY ADMINISTRATION**

Except as expressly set forth in this Resolution, all salary and related matters for Unrepresented Employees are governed by the Personnel Rules, El Dorado County Charter, and El Dorado County Ordinance Code.

### **502. SALARY UPON REEMPLOYMENT**

- (a) Salary for a full-time or part-time employee who resigns in good standing and is reemployed in the same or closely related classification within the same classification series within two (2) years of resignation shall be eligible, with the approval of the appointing authority, to be rehired at any step up to and including the step received prior to resignation. If the appointing authority wishes to rehire the employee at a step which exceeds the step paid at the time of resignation, approval shall be required consistent with the Personnel Rules, Advanced Step Hiring.

- (b) Notwithstanding Section 502(a), salary for a full-time or part-time employee who resigns in good standing and is reemployed by the County within two (2) years of resignation in a classification in a different classification series or a higher classification from which the employee resigned shall be consistent with Personnel Rules, Initial Step Placement.

### **503. VACATION ACCRUAL UPON REEMPLOYMENT**

A full-time or part-time employee who resigns in good standing and is reemployed by the County within two (2) years of resignation shall, for purposes of vacation accrual rate, receive credit for the amount of prior service in effect at the time of resignation and shall be restored to the place on the vacation accrual table in effect at the time of resignation.

### **504. SALARY PROVISIONS UPON RESTORATION**

An employee who has been laid off or voluntarily demoted as a result of layoff and is subsequently restored to their former classification within a two (2) year period from the date of their layoff or voluntary demotion shall receive the following considerations and benefits:

- a) All sick leave credited to the employee's account when laid off shall be restored, unless the employee received compensation for such sick leave at the time of layoff.
- b) All prior service shall be credited for the purpose of determining sick leave and vacation accrual rate, and time in step.
- c) The employee shall be placed at the step of the salary range that was held at the time of the layoff.

### **505. SALARY STEP MOVEMENT – APPOINTED DEPARTMENT HEADS**

The Board of Supervisors has the discretion to appoint Appointed Department Heads at any salary step and to move them to any salary step at any time.

### **506. SALARY STEP MOVEMENT – OTHER UNREPRESENTED CLASSIFICATIONS**

- a) After completion of thirteen (13) biweekly pay periods of service which meets standards at step 1 of the salary range, and upon recommendation of the appointing authority, the employee shall be advanced to the next higher step. If an employee is appointed at a step higher than the first step of the salary range for that classification, the first increase shall be after completion of twenty-six (26) full pay periods of service which meets standards.
- b) After completion of twenty-six (26) biweekly pay periods of service in each of the salary steps (2 and above), if the employee has completed probation, the employee shall be automatically advanced to the next higher step in the salary range. However, the employee will not automatically advance to the next step of the applicable salary range if the employee's appointing authority or designee submits the required paperwork denying the step increase at least one (1) full pay period prior to the employee's salary review date.
- c) All increases shall be effective on the first day of the biweekly pay period following completion of the required period of service, excluding an increase from step 1 to step 2 pursuant to Section 506(a), which shall be effective on the first day of the biweekly pay period following the recommendation of the appointing authority.
- d) A change in an employee's salary because of promotion or upward reclassification will

set a new anniversary date. The salary anniversary date for an employee shall not be affected by a transfer, downward reclassification, or a demotion. Salary range adjustments for a classification will also not set a new salary anniversary date for employees.

- e) Extra Help employees are excluded from the provisions in this Section 506.

#### **507. SALARY STEP MOVEMENT – EXTRA HELP EMPLOYEES**

An appointing authority may recommend to the Chief Administrative Officer for their approval that an Extra Help Employee be advanced to the next step of the salary range of the employee's classification after the employee has worked the minimum period of service to advance in the salary range of that classification. Such advancements shall be effective on the first day of the biweekly pay period following the approval of the Chief Administrative Officer.

To be eligible to advance from step 1 to step 2, the employee must have worked a minimum of thirteen (13) pay periods at step 1 in that classification; from steps 2 and above, the employee must have worked a minimum of twenty-six (26) pay periods at the current step. Periods of service do not need to be consecutive.

The appointing authority shall submit written justification to the Chief Administrative Officer demonstrating the following:

- a) The employee has met the required minimum period of service;
- b) The employee's performance and abilities are outstanding and clearly above the level of employees in the same job class, assigned similar duties;
- c) The amount of the additional salary and benefit costs are available in the department's budget for the balance of the fiscal year (department's calculations to accompany the estimate); and
- d) Should the County's financial condition require reductions in departmental appropriations during the fiscal year, the department agrees to identify departmental savings that will offset the added cost of the Extra Help step advancement.

#### **508. SALARY OF INTERNAL CANDIDATE ON PROMOTION**

Upon promotion of an employee from a position for which the County pays the full California Public Employees' Retirement System (CalPERS) retirement contribution or a portion of the employee contribution to a position for which the employee pays the employee contribution to CalPERS, such employee shall be placed at a salary step in the higher salary range which is closest to and provides an increase in compensation of no less than 5% above the combined former salary step and employee-paid CalPERS retirement contribution. In no case shall the salary step placement exceed the top step of the new range.

#### **509. CALPERS RETIREMENT PLAN BENEFITS**

Determination of each employee's pension formula will be administered as required by CalPERS.

- a) Miscellaneous Tier 1 – Retirement benefits for miscellaneous employees hired into the miscellaneous classification prior to October 5, 2012, shall be calculated

using the retirement formula of 2% ~~@-at age~~ 55 with Single-Highest Year Final Compensation.

- b) Safety Tier 1 – Retirement benefits for safety employees hired into the safety classification prior to October 5, 2012, shall be calculated using the retirement formula of 3% ~~@-at age~~ 50, with Single-Highest Year Compensation.
- c) Miscellaneous Tier 2 – Retirement benefits for miscellaneous employees hired into the miscellaneous classification on or after October 5, 2012, shall be calculated using the retirement formula of 2% at ~~age~~ 60, with Average of Three –Year Final Compensation.
- d) Safety Tier 2 – Retirement benefits for safety employees hired into the safety classification on or after October 5, 2012, shall be calculated using the retirement formula of 2% ~~@-at age~~ 50, with Average of Three-Year Final Compensation.
- e) Miscellaneous Tier 3 – New members to the CalPERS system hired on or after January 1, 2013, shall have retirement benefits calculated using the retirement formula of 2% ~~@-at age~~ 62, with Average of Three-Year Final Compensation.
- f) Safety Tier 3 – New members to the CalPERS system hired on or after January 1, 2013, shall have retirement benefits calculated using the retirement formula of 2.7% at age 57, with Average of Three-Year Final Compensation.

#### **510. CALPERS RETIREMENT CONTRIBUTION**

- (a) Miscellaneous (non-safety) employees (except for Elected Department Heads and Appointed Department Heads) subject to Tier 1 and Tier 2 shall pay 3% of the 7% employee portion of the CalPERS contribution; miscellaneous Elected Department Heads and Appointed Department Heads shall pay the entire 7% employee portion.
- (b) Safety employees (except for Elected Department Heads and Appointed Department Heads) subject to Tier 1 and Tier 2 shall pay 4% of the 9% employee portion of the CalPERS contribution; the Undersheriff, safety Elected Department Heads, and safety Appointed Department Heads shall pay the entire 9% employee portion.
- (c) Miscellaneous and safety employees, including Elected Department Heads and Appointed Department Heads, subject to Tier 3 (effective January 1, 2013) shall pay 50% of the total normal cost rate of their pension benefits as determined by CalPERS and required by law.

The County agrees to continue the provisions contained in Section 414(h)(2) of the Internal Revenue Code concerning the tax treatment of employee retirement contributions to CalPERS.

#### **511. SURVIVOR BENEFITS**

The County will provide miscellaneous employees “Level III” tier of the 1959 Survivors’ Benefits. The County will provide “Level IV” tier of the 1959 Survivors’ Benefits for safety employees covered by this Resolution. Each employee shall contribute ninety-three cents (\$.93) per pay period plus any additional employee contribution required by CalPERS regulations.

### **SECTION 6: DESIGNATED SALARIES**

## **601. SALARIES - UNREPRESENTED EMPLOYEES**

Standard salary ranges shall be established and amended as set forth in the Personnel Rules.

The base salary wage scale of the Deputy County Counsel classification shall be set and maintained so that it is equal to the base salary wage scale of the Deputy District Attorney IV classification. The Associate Deputy County Counsel and Sr. Deputy County Counsel classifications shall also receive base wage adjustments at the same time as any given to the Deputy County Counsel and Deputy District Attorney IV in equivalent percentage adjustments. The Associate Deputy County Counsel, Deputy County Counsel, and Sr. Deputy County Counsel classifications shall not receive any other base wage adjustments, including but not limited to base wage adjustments generally granted to Unrepresented Employees, except as set forth in this paragraph.

The base wage scale for Snow Removal Worker – Extra Help shall be set and maintained equal to that of Highway Maintenance Worker III.

The base wage scale for Executive Assistant in the Confidential Unit shall be set and maintained equal to that of Administrative Technician.

## **602. SALARIES/COMPENSATION - ELECTED AND APPOINTED DEPARTMENT HEADS**

The salary for Elected Department Heads shall be established by Resolution.

No longer than every four (4) years in March of the year prior to the filing deadline for election to office, the Department of Human Resources will conduct a salary survey and provide information to the Board of Supervisors with a salary recommendation for each Elected Department Head based upon external and internal comparison data. Elected Department Heads shall be entitled to benefits and entitlements provided as specified in this Salary and Benefits Resolution.

Notwithstanding the foregoing, unless otherwise authorized by the Board:

- (a) The base salary of the District Attorney shall be maintained so that it is equal to the base salary of the Sheriff/Coroner/Public Administrator.
- (b) The base salary for the Sheriff/Coroner/Public Administrator shall be set and maintained at two and one-half percent (2.5%) above the Undersheriff, calculated at step 5 of the Undersheriff base salary plus education differential and POST certificate pay.
- (c) The Treasurer-Tax Collector base salary shall be maintained so that it is equal to the base salary of the Assessor.
- (d) Step 5 of the base salary for the Public Defender shall be set fifteen percent (15.0%) below the District Attorney's base salary.
- (e) Step 1 of the base salary for the Alternate Public Defender shall be set five percent (5.0%) below step 1 of the Public Defender's base salary.
- (f) Step 5 of the base salary for the Chief Administrative Officer shall be set at two percent (2.0%) above the Sheriff/Coroner/Public Administrator's base salary.

## **SECTION 7: HOLIDAYS**

## **701. SCHEDULED HOLIDAYS**

~~The County shall designate specific days as County holidays.~~ Full-time and part-time Management and Confidential Employees (other than Elected Department Heads and Extra Help Employees) shall be eligible to receive paid scheduled holidays and floating holidays. The County shall designate specific days as County holidays.

The following days shall be the official County holidays:

1. January 1- New Year's Day
2. January (Third Monday) - Martin Luther King Jr.'s Birthday
3. February (Third Monday) - Washington's Birthday
4. May (Last Monday) - Memorial Day
5. July 4 - Independence Day
6. September (First Monday) - Labor Day
7. November 11 - Veterans Day
8. November – Thanksgiving Day
9. November - Friday after Thanksgiving
10. December 24 - Christmas Eve (exception: see Section 703)
11. December 25 - Christmas Day

In addition, every day appointed by the President or Governor, upon concurrence by the County Board of Supervisors, for a public fast, Thanksgiving, or holiday shall also be considered a holiday.

## **702. FLOATING HOLIDAYS**

Eligible employees shall be entitled to up to sixteen (16) hours of floating holiday time in lieu of Lincoln's Birthday and Columbus Day. Regular part-time and unrepresented limited term employees shall receive this holiday time on a prorated basis proportionate to each employee's full-time equivalence (FTE).

For continuing employees, sixteen (16) hours of floating holiday time will be credited in pay period 01 of each year. Newly-hired employees will be credited with floating holiday time on their hire date as follows:

Hire date in pay periods 1-13: 16 hours

Hire date in pay periods 14-26: 8 hours

Floating holidays shall be taken at a time agreeable to both the employee and the appointing authority.

Lincoln's Birthday and Columbus Day will not be considered holidays for payroll purposes. Floating holiday time must be used by the last day of pay period 26 of each year and is not subject to the payoff provisions. Any unused floating holiday time will be lost.

## **703. DAY OBSERVED**

If a holiday falls on a Sunday, the following Monday shall be observed as the holiday in lieu thereof. If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday in lieu thereof.

If Christmas Day falls on a Thursday, the day after Christmas shall be observed as a holiday in lieu of Christmas Eve. If Christmas Day falls on a Monday, the following Tuesday shall be observed as a holiday in lieu of Christmas Eve.

Eligible employees who are on an alternative work week schedule shall be entitled to the same number of paid holidays as those employees on a regular work week schedule. If an employee works a schedule other than Monday through Friday, their first day off shall be treated as if it were Saturday and their second day off as if it were Sunday.

#### **704. COMPENSATION FOR HOLIDAYS**

Eligible employees shall receive pay for all authorized holidays at their current hourly rate, not to exceed eight (8) hours for any one (1) day, provided they are in a paid work status the scheduled workday before and the scheduled workday after the recognized holiday. Part-time employees shall be entitled to receive holiday pay in proportion to the employee's ~~full-time equivalency (FTE)~~. Any payable leave time, such as vacation, and sick shall be considered hours worked for the purpose of holiday pay eligibility. The appointing authority may approve holiday pay when an eligible employee has insufficient sick leave accruals as required to maintain paid status for the full day immediately preceding and following the holiday, provided the employee will use at least twelve (12) hours of sick leave or the maximum number of hours required in the coordination of SDI during the pay period that includes the holiday.

A non-exempt Confidential Employee who is required to work on a holiday shall be paid premium compensation at time and one-half (1 ½) the employee's base hourly rate of pay for all hours actually worked, in addition to holiday pay.

### **SECTION 8: VACATION**

#### **801. GENERAL**

This Section describes annual rates, maximum accumulation, payoff, and usage of vacation by covered employees. Except as set forth herein, vacation leave benefits for Unrepresented Employees are governed by the Personnel Rules.

Elected Department Heads and Extra Help Employees are not eligible for vacation benefits. Time spent as extra help does not count towards the required continuous service for vacation benefits.

#### **802. ACCRUAL RATES AND MAXIMUM ACCUMULATION – APPOINTED DEPARTMENT HEADS**

- (a) Appointed Department Heads shall accumulate vacation leave with pay as follows:
  - 1. First through forty-eighth (1 – 48) month employment (1-4 years): 0.05875 per hour in pay status (4.7 hours earned per full pay period paid). Maximum accumulation of 320 hours.
  - 2. Forty-ninth through one-hundred thirty-second (49 – 132) month of employment (4-11 years): 0.07750 per hour in pay status (6.2 hours earned per full pay period paid). Maximum accumulation of 360 hours.
  - 3. One-hundred thirty-third (133) and higher months of employment (11+ years): 0.0963 per hour in pay status (7.7 hours earned per full pay period paid). Maximum accumulation of 360 hours.
- (b) Employment time for purposes of vacation for employees covered by this Section shall



include total continuous service with the County of El Dorado; provided that time spent in extra help status shall not count in the calculation of vacation benefits.

### **803. ACCRUAL RATES AND MAXIMUM ACCUMULATION - OTHER UNREPRESENTED CLASSIFICATIONS**

Full-time and part-time Management and Confidential Employees (other than Appointed and Elected Department Heads) shall accumulate vacation leave with pay as follows:

- a. First through forty-eighth (1- 48) month employment (1-4 years): 0.03875 per hour in pay status (3.1 hours earned per full pay period paid). Maximum accumulation of 240 hours.
- b. Forty-ninth through one-hundred thirty-second (49 – 132) month of employment (4-11 years): 0.05875 per hour in pay status (4.7 hours earned per full pay period paid). Maximum accumulation of 320 hours.
- c. One-hundred thirty-third (133) and higher months of employment (11+ years): 0.07750 per hour in pay status (6.2 hours earned per full pay period paid). Maximum accumulation of 320 hours.

Employment time for purposes of vacation accrual for employees covered by this Section shall include continuous service with the County of El Dorado beginning on the hire date (or adjusted service date for employees re-employed in accordance with the Personnel Rules); provided that time spent in extra help status shall not count in the calculation of vacation benefits.

### **804. DONATION OF VACATION LEAVE**

Employees covered by this Resolution shall be governed by the donation of vacation leave provisions set forth in the Personnel Rules.

~~Vacation leave donation is designed to allow an employee to transfer vacation leave to a coworker in times of exceptional need due to a catastrophic medical condition, injury, or incapacitation anticipated to last at least ten (10) calendar days.~~

- ~~a) To be eligible to request and receive donations of vacation leave, an employee must have been employed by the County for one (1) continuous year and worked no less than 1,250 hours over the immediate preceding 12 months. In addition, this leave may not be used for more than 12 weeks in any 12-month period.~~
- ~~b) The employee requesting leave donations (requestor) must first exhaust their sick and vacation leave.~~
- ~~c) Contributions will cease if/when the catastrophic occurrence is resolved, or when 12 weeks from the first transfer has elapsed.~~
- ~~d) The amount of donated time paid to the requestor will be reported as taxable income.~~
- ~~e) Hours received shall not be considered hours worked for purposes of determining the recipient's eligibility for holiday pay, on-call duty compensation, Tahoe employment differential, bilingual differential, overtime, time in classification, or any other special pays or differentials.~~

## **SECTION 9: SICK LEAVE**

### **901. GENERAL**

Employees covered by this Resolution, except for Elected Department Heads, shall be governed by the leave provisions set forth in the Personnel Rules.

### **902. PAYMENT FOR UNUSED SICK LEAVE**

In order to receive payment for unused sick leave at the time of retirement, layoff or voluntary separation, a Management or Confidential Employee must have five (5) or more years of County service; provided, however, that Appointed Department Heads who retire prior to completion of five (5) years of service are entitled to receive a payoff of 100% of their unused sick leave in accordance with this Section.

- a) Management Employees - Management Employees shall be entitled to receive a payoff of their unused sick leave up to a maximum of five hundred four (504) hours. Payment shall be made at the employee's last hourly rate of pay.
- b) Confidential Employees - Confidential Employees shall be entitled to receive a payoff of their unused sick leave as follows:
  - 1. Employees that have completed at least 60 months (5 Years) of service shall receive 20% of their unused sick leave.
  - 2. Employees that have completed at least 120 months (10 years) of service shall receive 40% of their unused sick leave.
  - 3. Employees that have completed at least 180 months (15 years) of service shall receive 70% of their unused sick leave.
  - 4. Employees that have completed 240 months (20 years) or more of service shall receive 100% of their unused sick leave.

The maximum number of hours paid shall not exceed 500. Payment shall be made at the employee's last hourly rate of pay.

- c) Death - In the event an employee dies while in active service with the County, their sick leave pay-off will be made in accordance with the provisions of this Section 902.

## **SECTION 10: MANAGEMENT, SUPERVISORY, AND SPECIAL LEAVE**

### **1001. MANAGEMENT LEAVE**

Part-time employees eligible for management leave shall receive a prorated share of management leave based upon their ~~full-time equivalency~~FTE.

- (a) Full-time Appointed Department Heads shall be credited with up to ninety-six (96) hours of management leave per year. Continuing employees shall be credited with ninety-six (96) hours in pay period 01 of each year. Newly-hired employees will be credited with management leave on their hire date as follows:

	Full-Time	Part-Time
Hire date in pay periods 1-13	96 hours	Prorated <del>basis</del> proportionate to employee's FTE
Hire date in pay periods 14-26	48 hours	Prorated <del>basis</del> proportionate to employee's FTE

Full-time Administrative Management Employees shall be credited with up to eighty (80) hours of management leave per year. Continuing employees shall be credited with eighty (80) hours in pay period 01 of each year.

- (b) Newly-hired employees will be credited with management leave on their hire date as follows:

	Full-Time	Part-Time
Hire date in pay periods 1-13	80 hours	Prorated <del>basis</del> proportionate to employee's FTE
Hire date in pay periods 14-26	40 hours	Prorated <del>basis</del> proportionate to employee's FTE

- (c) Management leave time must be used by the last day of pay period 26 of each year and is not subject to the payoff provisions. Any unused management leave time will be lost.
- (d) Elected Department Heads and Extra Help Employees are not eligible to receive management leave.

## 1002. SUPERVISORY LEAVE

Confidential supervisory employees will receive up to sixteen (16) hours of supervisory leave per year. Continuing employees shall receive up to sixteen (16) hours of supervisory leave in pay period 01 of each year. Confidential ~~Supervisory~~ supervisory employees newly entering the Confidential Unit shall receive supervisory leave on their appointment date as follows:

Appointment Date	Full-Time	Part-Time
In pay periods 1-13	16 hours	Prorated proportionate to employee's FTE
In pay periods 14-26	08 hours	Prorated proportionate to employee's FTE

Confidential employees newly assigned supervisory responsibilities shall receive supervisory leave as prescribed above based on the date a subordinate is assigned on an ongoing basis as documented on the prescribed personnel action form.

Part-time supervisory employees shall receive this leave time prorated proportionate to employee's FTE. Such leave does not accrue from year to year and must be used by the last day of pay period twenty-six (26) of each year and is not subject to payoff provisions. Any unused supervisory leave time will be lost. This benefit is forfeited immediately upon leaving the supervisory classification.

## 1003. SPECIAL LEAVE FOR CONFIDENTIAL EMPLOYEES

- (a) Non-Exempt: upon appointment, full-time non-exempt Confidential Employees shall be credited with up to thirty-two (32) hours of special leave per year. Continuing employees shall be credited with thirty two (32) hours in pay period 01 of each year. Newly-hired employees will be credited with special leave on their hire date as follows:

	Full-Time	Part-Time
Appointment date in pay periods 1-13	32 hours	Prorated <del>basis</del> proportionate to employee's FTE
Appointment date in pay periods 14-26	16 hours	Prorated <del>basis</del> proportionate to employee's FTE

- (b) Exempt: upon appointment, full-time exempt Confidential Employees shall be credited with up to fifty-six (56) hours of special leave per year. Continuing employees shall be credited with fifty-six (56) hours in pay period 01 of each year. Newly-hired employees will be credited with special leave on their hire date as follows:

	Full-Time	Part-Time
Appointment date in pay periods 1-13	56 hours	Prorated <del>basis</del> proportionate to employee's FTE
Appointment date in pay periods 14-26	28 hours	Prorated <del>basis</del> proportionate to employee's FTE

- (c) Part-time employees shall be entitled to receive special leave in proportion to the employee's FTE.
- (d) Unused special leave does not accrue from year to year and must be used by the last day in pay period 26 of each year. Special leave is not subject to the payoff provisions; any unused special leave time will be lost.
- (e) Confidential Employees shall have no more than the maximum hours specified.
1. An exempt Confidential Employee who moves into a non-exempt Confidential position forfeits any hours in excess of the non-exempt Confidential Employee maximum amount immediately upon the position change.
  2. A non-exempt Confidential Employee who moves into an exempt Confidential position is only eligible for difference in hours between the exempt and non-exempt position based on the appointment date, provided the additional hours plus any hours previously credited that calendar year do not exceed the maximum allowed for exempt positions (*i.e. an existing full-time non-exempt employee who moves into an exempt Confidential position in pay period 15 would receive twelve [12] hours of special leave upon appointment [28 exempt – 16 non-exempt = 12 hours] on top of the thirty-two [32] hours received in pay period 01 for a total of forty-four [44] hours that initial year*).

## SECTION 11: OTHER LEAVES

### 1101. GENERAL

Employees covered by this Resolution shall be governed by the leave provisions set forth

in the Personnel Rules.

#### **1102. WORKERS' COMPENSATION FOLLOW-UP DOCTOR VISITS**

Employees who return to work and are receiving Workers' Compensation benefits and have follow-up doctor appointments related to their Workers' Compensation injury/illness, may use County-paid time for these doctor visits. Eligibility for use of County-paid time for these doctor visits is limited to up to forty-eight (48) hours.

#### **1103. LEAVE OF ABSENCE WITHOUT PAY**

In addition to provisions in the Personnel Rules governing leaves of absence without pay, and except as otherwise provided by law, an employee's accrual of service time for the purposes of eligibility for merit salary step increases, longevity pay increases, and vacation accrual rates shall be tolled commensurately for each full pay period an employee is on authorized leave without pay.

### **SECTION 12: SPECIAL PAYS**

Consistent with Government Code Section 21224(a) extra help retired annuitant employees are not eligible for any special pays beyond the hourly rate of pay.

#### **1201. LONGEVITY PAY**

- (a) Employees with a hire date after November 7, 2017, are not eligible for longevity pay.
- (b) Management and Confidential Employees (excluding Undersheriff) who were hired or transitioned into an unrepresented classification (including former members of the Deputy County Counsel bargaining unit) after November 7, 2017, and before February 4, 2020, from a represented job classification at the County that was eligible for longevity pay pursuant to its applicable Memoranda of Understanding at the time of hire or transition, shall continue to be eligible for longevity pay as determined by this Section 1201 (e) and 1201 (f) below, provided that there is no break in service.
- (c) Management and Confidential Employees (excluding Undersheriff) hired into an unrepresented classification on or after February 4, 2020, who (1) were hired directly from a represented job classification at the County that was eligible for longevity pay pursuant to its applicable Memorandum of Understanding at the time of hire, and (2) were receiving longevity pay in their prior represented position at the time of their hire into an unrepresented classification, shall continue to be paid longevity pay at their current longevity tier, but will not be eligible for any further longevity pay advancement thereafter.
- (d) Effective January 1, 2019, Elected Department Heads are not eligible to receive longevity pay beyond the elected term inclusive of that date. After January 1, 2019, newly elected and re-elected Department Heads will no longer receive longevity pay regardless of first date assuming office. Effective December 18, 2018, Department Heads appointed by the Board of Supervisors who are receiving longevity pay shall be frozen in the tier they are eligible to receive and shall not be eligible for any further longevity pay advancement thereafter. Department Heads appointed by the Board of Supervisors prior to November 7, 2017, but who have not yet achieved the first

longevity tier shall not be eligible for any longevity pay.

- (e) Management Employees - A regular full-time or part-time Management Employee (excluding the Undersheriff) hired prior to November 7, 2017, shall receive longevity pay in recognition of continuous service in paid status with the County. The longevity pay shall be effective on the first day of the biweekly pay period following completion of the required years of service. Longevity pay is not cumulative.

Completion of 10 years	5.0% of base salary
Completion of 15 years	10.0% of base salary
Completion of 20 years	13.0% of base salary
Completion of 25 years	15.0% of base salary
Completion of 30 years	16.0% of base salary

For Administrative Management Employees and Appointed Department Heads, longevity pay increases shall be based upon continuous service with the County in an allocated position, subject to adjustment in accordance with the Personnel Rules, and shall be effective on the first day of the biweekly pay period following completion of the required period of service. Time spent as extra help shall not be considered in calculating longevity.

- (f) Confidential Employees - A regular full-time or part-time Confidential Employee shall receive longevity pay in recognition of continuous service in paid status with the County. The longevity pay shall be effective on the first day of the biweekly pay period following completion of the required years of service. Longevity pay is not cumulative.

Completion of 10 years	5% of base salary
Completion of 15 years	7.5% of base salary*
Completion of 20 years	10% of base salary

\* Represents total amount of longevity granted; amount shown is not cumulative.

Longevity pay increases shall be based upon continuous service with the County in an allocated position, subject to adjustment in accordance with the Personnel Rules, and shall be effective on the first day of the biweekly pay period following completion of the required period of service. Time spent as extra help shall not be considered in calculating longevity.

## **1202. POST CERTIFICATE PAY**

The Undersheriff shall receive POST certificate pay based upon the most advanced certificate they possess. POST certificate pay is not cumulative.

Intermediate POST certificate	5.0% of base salary
Advanced POST certificate	10.0% of base salary
Supervisory POST certificate	12.0% of base salary
Management POST certificate	13.0% of base salary
Executive POST certificate	15.0% of base salary



### **1203. TAHOE EMPLOYMENT DIFFERENTIAL**

In recognition of limited choices of health care plans, providers, and associated costs in the Tahoe Basin, full-time Administrative Management and Confidential Employees (other than Elected Department Heads and Appointed Department Heads) who are eligible employees as defined below shall receive a total of ninety-two dollars and thirty cents (\$92.30) biweekly; part-time eligible employees as defined below shall receive a bi-weekly total of forty-six dollars and fifteen cents (\$46.15). Extra Help Employees shall not be eligible for the provisions of this Section 1203.

Eligible employees are those employees who meet one of the following criteria:

1. The employee resides in the Tahoe Basin;
2. The employee resides outside of the coverage area for the County's HMO medical care plan (historically having an eastern boundary of Placerville) and the employee's primary work location is in the Tahoe Basin.

Employees not meeting one of these criteria shall not be eligible for this differential. For purposes of determining eligibility, an employee's residence shall be as documented by the physical home address on file with the Department of Human Resources. This differential shall only apply when an eligible employee is in paid status for a majority of their assigned hours in a pay period.

### **1204. GEOGRAPHIC DIFFERENTIAL**

Employees regularly scheduled to work more than twenty (20) hours per week (greater than 0.5 ~~full-time equivalent~~ [FTE]) who reside in the Tahoe Basin (defined as the Tahoe Regional Planning Agency jurisdiction boundary around Lake Tahoe) shall receive two hundred dollars (\$200.00), paid twenty-four (24) pay periods per year (the first two pay days of each month); employees regularly scheduled to work twenty (20) hours or fewer per week (0.5 ~~full-time equivalent~~ [FTE] or less) shall receive half this amount. For purposes of determining eligibility, an employee's residence shall be as documented by the physical home address on record with County Payroll.

### **1205. DISTRICT ATTORNEY ON-CALL PAY**

The District Attorney may assign an employee in the classification of Chief Assistant District Attorney to be in an "on-call" status in order to provide immediate legal advice and search and arrest warrants to law enforcement officers investigating complex criminal cases.

Employees in the classification defined above who are assigned on-call duty shall be compensated at the rate of one hundred ninety-six dollars and eighty cents (\$196.80) per weekly assignment of such duty.

### **1206. EXTRA HELP PSYCHIATRIST ON-CALL PAY**

- (a) The appointing authority may assign an Extra Help Employee in the classification of Psychiatrist to be in an "on-call" (i.e., medical backup) status to provide emergency psychiatric services. When so assigned, the employee shall receive two (2) hours of pay at the Psychiatrist-Extra Help rate for each on-call shift so assigned. An on-call (medical backup) shift shall include all hours within a twenty-four (24) hour period in which the employee is assigned to be on call.
- (b) On weekends and/or holidays, an employee assigned to a twenty-four (24) hour on-

call shift and who is required to physically return to work (e.g., leave home or another off duty location) in order to perform required duties to make "rounds" shall, in addition to the above, receive an additional two (2) hours of pay at the Psychiatrist-Extra Help rate.

**1207. ON-CALL DUTY AND CALL-BACK PAY FOR NON-EXEMPT CONFIDENTIAL AND EXTRA HELP EMPLOYEES**

- (a) On-Call - When warranted and in the interest of the County's operations, appointing authorities or their designees may assign non-exempt Confidential and Extra-Help Employees to "on-call" duty for an "on call period" determined by the employee's department.

1. On-Call Compensation

- i. Employees of the Health and Human Services Agency shall be compensated at an hourly rate of twenty percent (20%) of the employee's base hourly rate for each hour the employee is assigned to on-call duty.
- ii. Employees working for all other agencies and departments assigned to on-call duty shall be compensated at the rate of two dollars and fifty cents (\$2.50) per hour.

2. If the County and the employee agree, an employee on an approved vacation may be placed on the on-call duty list if the employee is willing and able to return to work if called during the vacation.

- (b) Call-Back Compensation for Non-Exempt Confidential and Extra Help Employees

When a non-exempt Confidential or Extra Help Employee returns to work because of a department request made after the employee has completed their normal work shift and left the work station, the employee shall be credited with a minimum of two (2) hours of work plus any hours of work in excess of two (2) hours in which the employee is continuously engaged in work for which they were called back.

An employee who is physically called back to work shall be entitled to the aforementioned two (2) hour minimum only once during a single on-call period or twice during a weekend on-call period.

There shall be no duplication or pyramiding of rates paid under this Section. No employee shall be compensated for on-call duty and call-back duty simultaneously. Hours worked on call-back duty shall be deducted from the prescribed on-call duty to determine the appropriate on-call pay.

"Call-back" time shall be paid as premium compensation at one and one-half (1 ½) times the employee's base hourly rate of pay.

The two (2) hour minimum shall apply only when an employee is required to physically return to work (e.g., leave home or another off duty location) in order to perform required duties. An employee who performs work after regular hours, but who is not required to leave home, shall be compensated with a one (1) hour minimum or actual time spent at the premium rate. The one (1) hour minimum is not meant to be provided on a per phone call basis and the duplication and/or pyramiding of pay will be prohibited in this instance.

Call-back provisions, including the two (2) hour minimum, shall not apply if an



employee is called to work within one (1) hour of their normal starting time. If an employee is called to work within the one (1) hour prior to their normal starting time, they shall be compensated solely for the time actually worked.

## **1208. ACTING STATUS**

An acting assignment is defined as the assignment of a regular employee to work in a classification for which the compensation is greater than the employee's regularly assigned classification. If the employee works in the acting assignment for more than fifteen (15) work days, the employee shall receive compensation for such work retroactive to the first day of the assignment at the rate of pay established for the higher classification, pursuant to the Personnel Rules Section, "Salary on Promotion."

An acting assignment may occur in the following circumstances:

- a) Where an authorized position has become "vacant" due to the temporary absence of the position's incumbent.
- b) Where an authorized position has become "vacant" due to the permanent separation of the position's incumbent, and a recruitment and/or selection process has not been completed, or the appointing authority finds the need to hold the position vacant for a period of time.
- c) In an exceptional circumstance, when a vacancy does not exist but an employee has been assigned to perform duties which exceed the scope of the employee's classification.

All acting assignments are subject to the following provisions:

- a) Requests for acting assignments shall be made in accordance with the Personnel Rules Section, Requests for Personnel, and approved in advance by the Director of Human Resources.
- b) The nature of the assignment shall be such that the employee in the lower classification becomes fully responsible for the duties of the position of the higher classification.
- c) An employee selected for an acting assignment must meet the minimum qualifications for the higher classification. This determination shall be made by the Director of Human Resources prior to the commencement of the acting assignment.
- d) Acting assignments shall not be utilized as a substitute for regular promotional procedures.
- e) Out of class acting assignments shall not exceed nine hundred sixty (960) hours in each fiscal year.
- f) Acting status may be terminated by the appointing authority at any time by initiating the appropriate process prescribed by the Department of Human Resources. If an employee's acting assignment is terminated and subsequently reinstated within thirty (30) days, and the employee had been receiving compensation at the rate of pay for the higher classification, the employee shall receive the higher rate of pay effective the first day of reinstatement of the acting assignment.
- g) Overtime pay will be paid based upon the rate of pay for the higher acting classification, if the acting assignment classification is Fair Labor Standards Act (FLSA) overtime eligible.

- h) If an employee's acting assignment is in a represented bargaining unit, the employee will continue to have benefits determined by this resolution.
- i) An employee who would otherwise become eligible for and is recommended for a merit increase in the original classification shall be awarded that increase while in acting status. The acting assignment step shall, if necessary, be adjusted to maintain at least a five percent (5%) spread between the original classification and the acting classification; however, in no case shall the adjusted salary exceed the top step of the acting assignment classification.
- j) In the event that salary schedule increases go into effect while an employee is in an acting assignment, the acting step may be adjusted to maintain at least a five percent (5%) spread between the original classification and the acting classification; however, in no case shall the adjusted salary exceed the top step of the acting assignment classification.
- k) When the acting assignment ends, the employee will return to the original classification at the step the employee was at immediately prior to the acting assignment, unless a merit increase was awarded during the assignment as described in (j) above, then the employee will be placed at the higher step.

#### **1209. INTERIM ASSIGNMENTS**

The Board of Supervisors may authorize an interim designation only when an Appointed Department Head position has been permanently vacated and the vacancy is expected to continue for an extended period of time (i.e., more than three months), and until such time as a permanent appointment has been made.

Only the Board of Supervisors has authority to designate and remove an employee from interim status. Interim status shall commence on the effective date specified by the Board of Supervisors.

Employees selected for the assignment must meet the minimum qualifications for the higher classification.

While in Interim status:

- a) The employee is considered to exercise the full scope of responsibility and accountability in the higher level position.
- b) The employee shall receive compensation at the rate of pay established for the higher classification pursuant to the Personnel Rules Section, Salary on Promotion, unless otherwise designated by the Board of Supervisors.
- c) The employee shall receive management leave and vacation accrual rates and up to the maximum accruals established for the interim position to which the employee is assigned. The employee shall continue to receive other benefits as established for the previously held classification as set forth in this Resolution. If the employee is returned to a position for which lower maximum accruals have been established, the employee shall be paid for any leave the employee has accumulated in excess of the maximum accruals for the position to which the employee is returned.
- d) The employee retains status in the classification held immediately prior to the interim assignment.

#### **1210. UNIFORMS - SHERIFF AND UNDERSHERIFF**

The Sheriff and Undersheriff shall be paid a uniform allowance of forty-one dollars and sixty-six cents (\$41.66) per twenty-four (24) pay periods.

#### **1211. SHIFT DIFFERENTIAL**

- (a) A non-exempt Confidential Employee who is assigned to work and actually works a regular shift that begins at or after 2 p.m. and prior to 10 p.m. shall receive an additional one dollar (\$1.00) per hour over their regular rate of pay for all hours actually worked and overtime hours actually worked during the shift.
- (b) A non-exempt Confidential Employee who is assigned to work and actually works a regular shift that begins at or after 10 p.m. and prior to 5 a.m. shall receive an additional one dollar and twenty-five cents (\$1.25) per hour over their regular rate of pay for all hours actually worked and overtime hours actually worked during the shift.
- (c) Extra Help Employees in classifications which are represented by a recognized employee organization shall be entitled to receive shift differential in accordance with the provisions in the Memorandum of Understanding for the respective classification. Extra Help Snow Removal Workers shall receive shift differential in accordance with the provisions of the Memorandum of Understanding for the Highway Maintenance Worker III classification.

This Section 1211 does not apply to exempt employees.

#### **1212. BILINGUAL DIFFERENTIAL**

When an appointing authority designates in writing that an Unrepresented Employee must utilize bilingual skills as a required component of the employee's job duties, and is necessary for the delivery of County services, the employee will be paid a bilingual differential of one dollar (\$1.00) per hour for all hours in pay status excluding overtime. The bilingual differential shall be paid for bilingual proficiency in Spanish, Sign Language, or any other language determined by the appointing authority in writing as necessary to provide primary services to the public. The County shall adopt a language proficiency testing process to determine employees' qualification to serve as bilingual skill providers. The Department of Human Resources shall use a verbal and/or written testing process, depending upon the level of bilingual skills required, to validate the employee's skills. In order to be eligible to receive such differential, an employee must demonstrate a language proficiency acceptable to the Department of Human Resources. Written authorization for an employee to continue to receive a bilingual differential shall be reviewed and renewed annually by the appointing authority, although payment of the bilingual differential shall continue until notice is given otherwise by the appointing authority.

#### **1213. DEFERRED COMPENSATION CONTRIBUTION FOR APPOINTED AND ELECTED DEPARTMENT HEADS, AND ADMINISTRATIVE MANAGEMENT EMPLOYEES**

The County will contribute each pay period to deferred compensation for all Elected Department Heads, Appointed Department Heads, and Administrative Management employees, as specified below. Contributions will be made prospectively in each pay period and no retroactive contributions will be made.

- (a) The County will contribute two and one-half percent (2.5%) of base salary in each pay period to deferred compensation for employees in the following classifications:
  - 1. Sheriff/Coroner/Public Administrator

2. Undersheriff
  3. District Attorney
  4. Public Defender
  5. Alternate Public Defender
- (b) The County will contribute four and one-half percent (4.5%) of base salary in each pay period to deferred compensation for all Elected Department Heads, Appointed Department Heads, and Administrative Management employees excluding those specified in Section 1213 (a).

#### **1214. EDUCATION INCENTIVE**

The Undersheriff shall receive a maximum differential of five percent (5%) of base salary for possession of a four-year college degree (Bachelor of Arts and/or Bachelor of Sciences degree) from a regionally accredited institution. For the purposes of this Resolution, an "accredited institution" means an institution that has received accreditation from one of the following regional accrediting bodies: Western Association of Schools and Colleges, North Central Association of Colleges and Schools/The Higher Learning Commission, Northwest Commission of Colleges and Universities, Middle States Commission on Higher Education, Southern Association of Schools and Colleges, and New England Association of Schools and Colleges. If one of the agencies no longer exists, the body that assumes its essential functions shall be substituted in its place.

#### **1215. BUILDING DEPARTMENT CERTIFICATION PROGRAM**

Extra Help Employees in classifications covered by a recognized employee organization shall be entitled to receive building certification compensation in accordance with the provisions of the Memorandum of Understanding for the respective classification, provided that 1) no employee shall receive compensation for any individual certificate that they must possess as a requirement of the employee's current classification held, and 2) compensation under this program shall only apply when an eligible employee is in paid status during the pay period in which the certification premium is paid. Such certification requirement shall be as identified on the County's job classification specification.

#### **1216. CERTIFIED PUBLIC ACCOUNTANT (CPA) INCENTIVE**

With the approval of the Director of Human Resources, an Unrepresented Employee (other than an Elected Department Head) who is charged with performing professional accounting responsibilities or managing large, complex programs and projects, and who is a California licensed CPA with an experience completed designation of "A" shall receive a differential of ten percent (10%) of base salary.

With the approval of the Director of Human Resources, an Unrepresented Employee (other than an Elected Department Head) who is charged with performing professional accounting responsibilities or managing large, complex programs and projects, and who is a California licensed CPA with a completed designation of "G" shall receive a differential of five percent (5%) of base salary.

Each employee eligible to receive this CPA incentive shall provide proof of valid licensure in the form of a copy of the license, an official notification letter from the California Board of Accountancy, or a copy of online license standing from the California Board of Accountancy. Eligibility for the CPA incentive will cease 1) on the license expiration date, 2) upon the date

of withdrawal, decertification, or termination of the license unless proof of successful renewal of licensure is provided to the County, or 3) upon change in job assignment that no longer qualifies the employee for this differential.

#### **1217. SEVERANCE PAY**

Appointed Department Heads serve at the pleasure of the Board of Supervisors and are 'at-will' employees whose employment may be terminated by the County at any time for any reason, or for no reason, without any cause whatsoever. If the County terminates an Appointed Department Head, who has been in their current position for a minimum of one (1) year, the Appointed Department Head shall be entitled to six (6) months' base salary unless the Appointed Department Head has been convicted of commission of any felony or of any crime of moral turpitude or of any crime in the performance of, or related to, their duties; or committed misfeasance or malfeasance in their official duties; or has been terminated for any other reasonable cause as that term is defined by County of El Dorado Personnel Rules. The Appointed Department Head shall not be entitled to severance compensation under any other circumstances, including, but not limited to, resignation. For purposes of this Section, 'base salary' shall mean the monthly proration of the annual salary specified in the Salary Schedule, less applicable tax withholding. As a condition to receipt of severance compensation, the Appointed Department Head shall execute a release of all claims against County in a form deemed satisfactory to County and approved by County Counsel.

#### **1218. ATTORNEY DUES REIMBURSEMENT**

For Administrative Management, Appointed Department Head, and Elected Department Head classifications which require the incumbent possess an active membership in good standing with the State Bar of California, the County shall pay or reimburse the employee for the cost of:

- (a) The annual California State Bar dues for full-time employees. The County will reimburse part-time employees for a pro rata portion of their California State Bar dues based on their ~~full-time equivalency~~ (FTE);
- (b) Costs incurred by full-time employees to comply with any requirements of the California State Bar that are necessary to maintain a California State Bar license, such as the costs of live-scan fingerprinting. The County will reimburse part-time employees for a pro rata portion of such costs based on their ~~full-time equivalency~~ (FTE); and
- (c) Approved Mandatory Continuing Legal Education (MCLE) requirements for full-time employees. For the purposes of this Section "approved" shall mean prior approval by the appointing authority. If any travel and/or lodging are associated with MCLE requirements, then said travel, lodging, and meals shall be reimbursed in accordance with Board of Supervisors Policy D-1, Travel.

#### **1219. CHIEF ATTORNEY DEPARTMENT OF CHILD SUPPORT SERVICES INCENTIVE**

The Director of Child Support Services shall receive a differential of five percent (5%) of base salary if they satisfy both of the following: 1) they possess an active membership in good standing with the State Bar of California; and 2) they serve as the Chief Attorney for the Department of Child Support Services.

#### **1220. EXTRA HELP EMPLOYEES– BOOT ALLOWANCE**

Extra help Employees who are required by a department to wear boots shall receive a boot allowance of nine dollars and thirty-seven cents (\$9.37) paid in equal installments over the applicable pay periods per year (the first two paydays of each month), regardless of whether they work full-time or part-time. The applicable department will make the request for appropriate boot allowance using the prescribed form or system. The boot allowance will continue until such time the department no longer requires the employee to wear boots, or the employment ends, and the allowance is discontinued by the appointing authority or designee using the prescribed form or system. This Section requires that employees be in paid status in order to be eligible for the allowance.

#### **1221. COMMUNICATIONS AND OUTREACH MANAGER – EMERGENCY SERVICES DIFFERENTIAL**

During times of a declared local or statewide emergency, upon approval of the Chief Administrative Officer, the Communications and Outreach Manager shall receive a differential of ten percent (10%) of base salary. This differential will remain in effect until terminated by the Chief Administrative Officer.

#### **1222. COURT APPEARANCES**

Any employee called as a witness arising out of and in the course of County employment during the employee's regularly scheduled working hours, shall receive compensation for such on duty court appearance time in accordance with the Personnel Rules.

Any FLSA non-exempt Confidential or Extra Help employee called as a witness arising out of and in the course of County employment during off duty hours shall be compensated for two (2) hours or actual duration of the court appearance, whichever is greater.

### **SECTION 13: INSURANCE PLANS**

#### **1301. PLAN DOCUMENTS OR CONTRACTS CONTROL**

In the event of any conflict between the terms of this Resolution and the terms of the various plan documents or insurance contracts governing the County Optional Benefit Plan, Life Insurance, Workers' Compensation, and Long Term Disability Programs, the terms of the plan documents and insurance contracts shall control.

#### **1302. MEDICAL, DENTAL, AND VISION PLAN BENEFITS**

##### **(a) Eligibility and Enrollment**

Enrollment procedures for medical, dental, and vision benefits are specified in the governing plan document, as approved by the Board of Supervisors, to the extent that such document does not conflict with state or federal law.

Coverage for medical, dental, and vision benefits shall become effective on the first day of the month following an employee's hire date and shall terminate on the last day of the month in which the employee separates from County service.

Employees who separate from County service and retirees who are not eligible for the Retiree Health Benefits Contribution Plan may, at their own expense, continue to be

enrolled in a County-sponsored plan in accordance with the provisions of the plan or as provided by law.

(b) Coverage and Contributions for Active Employees

- 1) Covered benefits are specified in the governing plan document, as approved by the Board of Supervisors, to the extent that such document does not conflict with state or federal law.
- 2) Health plan premiums are established by the Board of Supervisors annually for each plan year, which runs on a calendar year basis (January 1 – December 31).
  - i. Premiums are based on total program costs, including vendor premiums and County costs for administering the program.
  - ii. The County shall increase its contribution to the County's medical/dental plan by up to seven and one-half percent (7.5%). Any remaining cost shall be paid by the employee.
- 3) Published rates for each year shall become effective the first paycheck issued in the December immediately preceding the plan year.
- 4) Regular employee contributions are deducted over twenty-four (24) pay periods. No regular contributions are deducted from the third paycheck issued in any month.
- 5) Other than required by law, in order to be eligible for the full County contribution for payment of premiums, a full-time or part-time employee must be in paid status (i.e., where the employee is receiving pay from work hours, compensatory time off, vacation leave, or sick leave in accordance with the Personnel Rules) for at least sixty-four (64) hours during a pay period. An employee who is receiving workers' compensation temporary disability shall be eligible for continuation of the County's contribution until such time as eligibility for workers' compensation temporary disability ceases.
- 6) An employee who ceases to be eligible for full County contributions during a pay period must pay directly to Human Resources the full amount of the employee and County contributions, as prorated below, in order to retain benefit coverage under the County-sponsored medical/dental/vision benefit plan.

Hours in Paid Status	Employer Portion Paid by Employee
64-80	No additional charge to the employee
40->64	25% of Employer Contribution
32->40	50% of Employer Contribution
>32	100% of Employer Contribution

- 7) The County will not contribute toward the cost of any plan other than those specifically sponsored by the County.

**1303. RETIREE HEALTH CONTRIBUTION**

- (a) County contribution toward retiree health was discontinued for Unrepresented Employees hired on or after January 26, 2010; however, employees hired into an

allocated position (excluding extra help and provisional) on or after January 26, 2010 may continue to participate, at their own cost, in the County-sponsored retiree health plan options provided they meet the criteria specified in the plan.

- (b) Employees hired into and continuously employed in an allocated position (excluding extra help and provisional) on or before January 25, 2010 may be eligible for the Retiree Health Benefits Contribution Plan subject to the provisions of the Retiree Health Benefits Contribution Plan Document.

An employee who retires from County service after July 1, 1999, and who has attained a cumulative total completed years of service (excluding extra help service and provisional) with the County as specified below, shall be entitled to the percentage monthly contribution of the "employee only" Blue Shield rate toward a County-Sponsored Health Plan as follows:

Level 3	20 years plus	67%
Level 2	15 – 19 years	50%
Level 1	12 – 14 years	33%

Elected Department Heads and Appointed Department Heads shall be subject to the following additional provisions:

- 1) An Appointed Department Head who retires after July 1, 1999 and has attained ten (10) cumulative total completed years of service (excluding extra help and provisional) shall be entitled to the percentage monthly contribution of the "employee only" Blue Shield rate toward a County-Sponsored Health Plan.
- 2) An Elected Department Head who retires after July 1, 1999 and has attained eight (8) cumulative total completed years of service (excluding extra help and provisional) shall be entitled to the percentage monthly contribution of the "employee only" Blue Shield rate toward a County-Sponsored Health Plan.
- 3) A Management Employee or Elected Department Head who retires after September 27, 1997 may substitute up to fifty percent (50%) of the required County service required above with prior public service time with any county or city in the state of California.

#### **1304. OPTIONAL BENEFITS PLAN**

- (a) The County shall provide to each eligible full-time FLSA exempt Confidential Employee and each eligible FLSA exempt Management Employee (including Administrative Management, Appointed Department Heads, and Elected Department Heads) a contribution of six thousand two hundred forty dollars (\$6,240) per fiscal year, toward the purchase of benefits included within the Optional Benefit Plan (OBP), prorated and paid over twenty-four (24) benefit pay periods provided that the employee is in a paid status for the full pay period or is on an approved voluntary leave of absence. Each prorated contribution shall not be deemed earned until the pay period in which it is paid. FLSA exempt classifications shall only be eligible to receive OBP contributions as cash payments. Such cash payments shall be taxable income.



- (b) The County shall provide to each eligible full-time FLSA non-exempt Confidential Employee a contribution of six thousand two hundred forty dollars (\$6,240) per fiscal year, toward the purchase of benefits included within the OBP. The six thousand two hundred forty dollars (\$6,240) shall be prorated over twenty-four (24) benefit pay periods, provided that the employee is in a paid status for the full pay period or is on an approved voluntary leave of absence. Each prorated contribution shall not be deemed earned until the pay period in which it is paid. An FLSA non-exempt Confidential Employee eligible under this Section who has elected to receive the employee's optional benefit contribution or portion thereof in cash, may receive cash, which is taxable income, subject to the provision of the Plan.
- (c) Part-time Management and Confidential Employees hired on or after January 1, 1990, shall be eligible for the prorated amount of contribution specified in Section 1304(a), as set forth in Section 1304(e).
- (d) Optional benefits are specifically defined in the OBP. Provisions generally include the following:
  - 1) County of El Dorado Health Care Account - Eligible employees may elect to receive medical and dental benefits under the County OBP.
  - 2) Supplemental Life Insurance - Eligible employees may elect to purchase additional life insurance, subject to the provisions of the OBP and respective life insurance plans.
  - 3) Dependent Care - Eligible employees may elect to set up an account for reimbursing dependent care expenses subject to the provisions of the OBP.
  - 4) Unreimbursed Health Care - Eligible employees may elect to establish an account for reimbursing uninsured health care expenses subject to the provisions of the Plan.
- (e) Part-time Employee - A part-time employee who, on December 31, 1989, was provided with the full OBP as a full-time employee, shall continue to be eligible for the full OBP benefit, provided there has been no break in service.

A part-time employee who is hired on or after January 1, 1990, shall receive this benefit according to their regular work schedule, as documented on the Personnel Action Form, subject to the chart below:

<b>Scheduled Hours Per Pay Period</b>	<b>Optional Benefit Plan</b>
64-79	Equivalent to Full-time Employee
40->64	75% of Equivalent to Full-time Employee
34->40	50% of Equivalent to Full-time Employee
less than 34 hours	Not Eligible

A part-time employee may work additional or fewer hours than the employee's FTE without change to the level of entitlement based upon the number of hours initially set forth on the Personnel Action Form prorata contribution. The prorata entitlement level may only be changed by amending the Personnel Action Form which documents a change to the FTE.

## **1305. LIFE INSURANCE**

The County shall provide a group term life insurance plan for each Unrepresented Employee whose FTE as designated on the Personnel Action Form is at least 60 hours of work per pay period in the following amounts:

Elected Department Heads	\$ <del>60</del> <u>100</u> ,000
Appointed Department Heads	\$ <del>60</del> <u>100</u> ,000
Administrative Management	\$ <del>40</del> <u>80</u> ,000
Confidential	\$ <del>30</del> <u>60</u> ,000

Accidental Death & Dismemberment coverage is included in this Plan.

#### **1306. LONG TERM DISABILITY**

The County shall provide a Long Term Disability Plan for Management and Confidential employees whose FTE as designated on the Personnel Action Form is at least 60 hours of work per pay period, in accordance with the provision of the Long Term Disability Plan.

#### **1307. EMPLOYEE ASSISTANCE PROGRAM**

The County shall maintain an Employee Assistance Program for Unrepresented Employees.

### **SECTION 14: HOURS OF WORK AND OVERTIME**

#### **1401. WORK SCHEDULES**

The appointing authority shall fix the hours of work with due regard for the convenience of the public and the laws of the state and the County. The appointing authority shall assign Administrative Management and Confidential Employees to a regular work schedule and may change that schedule at the appointing authority's discretion.

The appointing authority shall give Administrative Management and Confidential Employees reasonable advance notice of any change in work schedule.

In no case may the work schedule of an employee who is eligible for overtime be changed during the work week when the purpose of such change is to avoid overtime compensation, unless agreed to by the employee.

Upon the recommendation of the department head, an alternate work schedule which differs from the standard work schedule of the department may be approved by the appointing authority provided that service to the public is not adversely affected.

Such approval shall occur via completing forms assigned by the County.

#### **1402. ACCUMULATION AND USE OF COMPENSATORY TIME OFF**

The maximum accumulation of CTO for eligible employees shall be one hundred fifty (150) hours.

Use of accumulated CTO shall be a time mutually agreeable to the appointing authority and the employee.

Employees may cash out CTO at any time subject to the approval of the appointing

authority.

Upon termination, any employee with accumulated CTO shall have it paid off at the base hourly rate at the time of termination.

#### **1403. REST PERIODS**

Each appointing authority shall grant rest periods to Confidential Employees and Extra Help Employees. Any such rest periods shall be governed by the Personnel Rules.

#### **1404. MEAL PERIODS**

Confidential Employees and Extra Help Employees will be allowed an uncompensated meal period. Any such meal period shall be governed by the Personnel Rules.

#### **1405. OVERTIME**

##### **(a) Definition**

- i. Except as otherwise specified in this Salary and Benefits Resolution for Unrepresented Employees, overtime shall be defined in accordance with FLSA.
- ii. Holidays will be included in the calculation of "time worked".

##### **(b) Compensation**

Overtime required by the FLSA shall be compensated at one and one-half (1 ½) times the employee's regular rate of pay, or at the employee's request and with the department's approval, CTO accrued at the rate of one and one-half (1 ½) hours off for each FLSA overtime hour worked. Overtime not required by the FLSA shall be paid as premium compensation at one and one-half times the employee's base hourly rate of pay, and shall not be eligible for CTO in lieu.

### **SECTION 15: GRIEVANCE PROCEDURE**

#### **1501. INTENT**

It is the intent of this procedure to provide for an orderly and equitable procedure for the resolution of misunderstanding and disputes between the County and its Unrepresented Employees. The use of this procedure in resolving employee grievances shall not be held against any employee.

#### **1502. INFORMAL DISCUSSION**

Every effort should be made to settle grievances, performance issues, and related disputes at the lowest level of supervision possible. If an employee has a complaint relating to a work situation, the employee is encouraged to request a meeting with their immediate supervisor to discuss the problem in an effort to clarify the issue and to work cooperatively toward settlement.

#### **1503. SCOPE OF GRIEVANCES**

A grievance is a claimed violation, misapplication, or misinterpretation of the provisions of

this Resolution or employee protections contained in ordinances, resolutions, written Personnel Rules or written policies, adversely affecting an employee's wages, hours, or conditions of employment.

Specifically, excluded from the scope of grievances are:

- 1) Subjects involving the amendment or change of Board of Supervisor's resolutions and ordinances, which do not incorporate the provisions of this Resolution or other employee protections contained in ordinances, resolutions, personnel rules, or written policies.
- 2) Discrimination complaints that allege violations of equal employment opportunity laws or employment discrimination. Such complaints shall be processed pursuant to the E-5 Board of Supervisors Policy Prohibiting Discrimination, Harassment, and Retaliation, and Reporting and Complaint Procedures.
- 3) Appeals of the Reduction in Force Policies, which fall under the appeal process contained within that policy.
- 4) Appeals of disciplinary actions resulting in termination, demotion, or suspensions without pay. Such appeals shall be processed pursuant to the County's Civil Service Appeal Procedure.
- 5) Internal department operational policies and procedures that determine the methods, processes, means, and places of providing services, except as those policies affect the terms and conditions of employment.

#### **1504. GRIEVANCE PROCEDURE**

The grievance procedure shall consist of the following steps, each of which must be completed prior to any request for further consideration of the matter unless waived by mutual consent or as otherwise provided herein.

- a) The employee shall prepare a written grievance within twenty-five (25) working days of the incident or occurrence giving rise to the complaint. The employee shall submit the grievance to the immediate supervisor and appointing authority or designated manager. The grievance shall set forth the facts at issue and identify the provision of this Resolution or section of written policy, rule, resolution, or ordinance that the employee feels has been violated; the time of the occurrence of any alleged incident or violations precipitating the grievance; and the requested remedy.
- b) The appointing authority or designated manager shall conduct such meeting(s) with the employee and investigate the grievance as is appropriate in the appointing authority's judgment. The appointing authority or designated manager shall deliver to the grievant a written decision within ten (10) working days of receipt of the grievance. If the grievance is denied, the reasons for denial shall be included in the response.
- c) If the appointing authority or designated manager's written response does not resolve the grievance and the grievant wishes to appeal the appointing authority's decision, the grievant, within five (5) working days, shall submit the grievance to the Director of Human Resources or their designee. The Director of Human Resources designee shall not be from the same department(s) where the grievance arose.

The Director of Human Resources or designee shall conduct such meeting(s), and/or investigations as are appropriate in their judgment and deliver to the grievant a written decision within fifteen (15) working days. If the grievance is denied, the

reasons for the denial shall be included in the response.

#### **1505. ARBITRATION**

- (a) If the Director of Human Resources' written response to the grievant fails to resolve the grievance, the grievant may submit the grievance to arbitration for resolution. The decision of the arbitrator is final and binding on all parties, subject to ratification by the Board of Supervisors if the decision requires an unbudgeted expenditure.
- (b) The grievant and the Director of Human Resources shall attempt to mutually agree on an acceptable arbitrator for the dispute. If no agreement can be reached on an arbitrator within five (5) working days, a list of seven (7) names from the California State Conciliation and Mediation Service shall be obtained. The parties shall alternately strike names until only one name remains, which name shall be the arbitrator in the dispute. The party to strike the first name shall be chosen by lot.  
  
The arbitrator shall have no power to add to, subtract from, alter, modify, or go beyond the applicable provisions of this Resolution.
- (c) Upon mutual agreement, in lieu of arbitration, the parties may determine to submit the matter to the Civil Service Commission for final resolution, subject to ratification by the Board of Supervisors if the decision requires an unbudgeted expenditure.

#### **1506. BASIC RULES**

- (a) Costs – All costs of arbitration or Civil Service Commission incurred jointly by both parties to the final resolution process shall be borne equally by the parties. Costs incurred separately shall be borne by the party incurring them.
- (b) Time Limits – If a grievant fails to carry their grievance forward to the next level within the prescribed time period, the grievance shall be considered settled based upon the decision rendered at the most recent step utilized. If a supervisor or manager fails to respond with an answer within the given time period, the grievant may appeal their grievance to the next higher level. Time limits may be waived by mutual written consent of the parties.
- (c) Representation – The grievant may be accompanied by one other County employee of their choice at the informal level of this procedure. At the formal and final stages of this grievance procedure, an employee may be represented by a person selected by the grievant.
- (d) Release Time – The grievant may take reasonable County time without loss of pay to prepare their grievance and meet with County representatives regarding the grievance.

### **SECTION 16: LAYOFF AND DEMOTION PROCEDURES UPON REDUCTION IN FORCE**

The following Reduction in Force Policy is hereby included as a part of this Resolution. Such inclusion, however, shall not provide avenues of appeal beyond those contained in this Section. This Reduction in Force Policy does not apply to employees who are covered by the Reduction in Force procedure defined in the California Administrative Code, Title 2, Division 5, Local Agency

### **1601. POLICY**

At the discretion of the Board of Supervisors, a reduction in the County's work force may be initiated for any lawful reason. Insofar as possible, a reduction in force may be accomplished by attrition. When it is determined by the Board of Supervisors that attrition will not provide sufficient relief for the condition warranting a reduction in the number of County employees, the Board of Supervisors may direct a specific layoff by classification, number of employees, and department(s) pursuant to this Reduction in Force Policy.

### **1602. PROCEDURE FOR PERMANENT LAYOFFS**

Reduction in force occurs when the Board of Supervisors by resolution amends the Authorized Personnel Allocation Resolution and/or adopts a Proposed or Final Budget that deletes specific positions by classification from a department.

The Department of Human Resources, with the assistance of the affected department, determines the individuals to be laid off for the initial classification in which a layoff is to occur and for succeeding lower level classification(s) if displacement by demoting in lieu of layoff is anticipated in accordance with this Section based on employee retention points. A list of the classifications in which positions have been deleted along with the names and total retention points of employees in those classifications shall be posted in the affected department. It is the department head or their designee's responsibility to ensure posting.

- a) Layoffs and displacements are made within the department involved and are not County-wide.
- b) Written notice of layoff shall be served on affected employees in person or by United States Postal Service (USPS) Priority Mail to the last address on file with the Department of Human Resources. Notice will be served or mailed no later than thirty (30) calendar days prior to the effective date of separation. The thirty (30) calendar days shall include the effective date and the date served. Notice shall be deemed served upon the USPS proof of service.
- c) The written layoff notice shall include the effective date of the separation (layoff); the reason(s) for the layoff; displacement rights, if any; rehire or restoration rights; and the appeal rights. Such notice shall also set a specific deadline of not less than five (5) working days after service of the notice for when the affected employee must notify the Department of Human Resources that they will be exercising their displacement rights.

### **1603. ORDER OF LAYOFFS**

Layoffs will be determined based on an inverse order of retention points computed as per provisions listed below by the classification within the individual department. Any required reduction in the number of employees shall be in the following order within the same classification:

1. Extra-help and provisional
  2. Probationary employees serving an initial probationary period
  3. Regular civil service status full-time and part-time employees
- (a) Longevity - A full-time employee shall receive one (1) point for each full month of

continuous service as a regular County employee in their classification. Time spent in other classifications which are at the same or higher rate of pay based upon the current salary plan applicable at the time of the layoff and which the employee occupied shall be included in the service time in the affected classification. This includes probationary time. Part-time employees shall receive a proportional amount of longevity points based upon the number of hours worked. Less than a full month of service shall be prorated. It does not include service prior to employment, interruptions caused by resignation, dismissal, or transfer to extra-help status, or disciplinary actions as defined in (b) below. It does include periods covered by authorized leaves of absences and such service accrued before a previous layoff.

- (b) Performance/Disciplinary Action - An employee who receives an involuntary demotion as a disciplinary action will have twelve (12) points deducted from that employee's retention points. An employee who receives a suspension will have one (1) point per day of suspension deducted from the employee's retention points, with a maximum deduction of twelve (12) points. This will sunset after three (3) years from the effective date of the action, and the lost retention points will be restored to the employee.
- (c) Flexibly-staffed Classifications - Classifications that are budgeted as flexible classifications (e.g., Office Assistant II/I), as stated in the Personnel Allocation Resolution, shall be treated as one classification for purposes of determining retention points.
- (d) Ties - In cases where two or more employees are tied with the same number of retention points, the following factors shall be considered in order for the purpose of breaking the tie: 1) total County of El Dorado service (including County of El Dorado service prior to the most current period of employment); 2) letters of reprimand; and 3) department head determination. Letters of reprimand will be considered as a tie breaking criteria for up to three (3) years from the date of issuance.
- (e) Volunteers for Layoff - An employee who occupies a position within a class within a department affected by a layoff and/or displacement may volunteer to be laid off in place of another employee who has fewer retention points and who would otherwise be laid off. Such employee shall be entitled to the same rights and restoration privileges as other employees in accordance with this Section.

#### **1604. LAYOFF PRIVILEGES**

The following are the options open to affected individuals in each layoff instance:

- a) Displacing into a Lower Classification - An employee affected by layoff may, at the employee's discretion, in lieu of layoff, displace an employee in a classification previously held by the employee. Retention point computation for displacement purposes is made in the same manner as the original layoff. This is considered a voluntary demotion.

Restoration - Restoration shall be in inverse order of layoff. Names of employees with regular civil service status who have been laid off will be placed on an appropriate restoration list for their classification and department in order of retention points. The list will extend for a period of two (2) years. Employees shall also have restoration rights to a classification which has been replaced by a reclassification of the classification which the person previously had civil service status, provided that the duties have remained essentially the same. This list shall be maintained in the Department of Human Resources. This includes employees taking voluntary demotions in lieu of layoff who shall be placed on a

restoration list for the classification from which they were reduced. Three (3) refusals to accept restoration to a position within twenty five (25) miles from the geographical location of the position from which the employee was laid off from a departmental layoff list will remove the eligible individual's name from that list.

- b) A person notified of an offer of restoration must respond within ten (10) working days from the proof of service date. Offers of reemployment shall be sent by USPS Priority Mail to the last address on file in the Department of Human Resources. It is the employee's responsibility to ensure that a current address is provided to Department of Human Resources.
- c) Transfer and Demotion - Employees to be laid off may be permitted to transfer or demote at the discretion of the appropriate department head(s) prior to the layoff effective date. Transfer or demotion may be made to any funded vacant position where the employee meets the minimum qualifications. However, transfer will not be permitted to a position in another County department if a departmental layoff list exists for that classification. When an employee transfers or demotes in accord with provisions of this Section and is required by the department head or their designee to complete a new probationary period, which results in the employee's rejection during probation, the employee shall not be required to forfeit the employee's status on any layoff list.
- d) Placement in Other Departments - In accordance with rules on order of layoff, an employee who shall be laid off shall have a right to be placed in a vacant position in the same classification in another department which the department has determined to fill. Referral to vacant positions shall be offered based upon the inverse order of layoff. The new appointing authority shall have up to one hundred twenty (120) days to evaluate the employee's performance. If the appointing authority determines that the employee's performance does not meet job standards, the employee will be returned to the layoff list. The employee will, in accordance with the rules on restoration, be eligible for placement in another vacant position in the same classification which a department has determined to fill, according to the provisions above.
- e) Separation from County Service - Employees who are to be laid off have the option of leaving County service rather than displacing in a lower class, transferring or demoting. In the event an employee is laid off for an indefinite period, the employee may, upon request, receive payment for those benefits normally given to terminated employees.
- f) Employment Interviews - Department heads who are referred the names of individuals designated for layoff and who have requested transfers shall ensure that such persons are provided an employment interview.
- g) Status on Restoration - An employee who has been laid off or voluntarily reduced under the provisions of this Section and subsequently restored in their former classification within a two (2) year period from the date of layoff or voluntary reduction shall receive the following considerations and benefits:
  - 1. All sick leave credited to the employee's account when laid off shall be restored, unless the employee received compensation for such sick leave at the time of the layoff.
  - 2. All retention points held upon layoff shall be restored.



3. All prior service shall be credited for the purpose of determining sick leave and vacation earning rates, longevity pay increases, and time in step.
4. The employee shall be placed at the step of the salary range that was held at the time of the layoff.

#### **1605. DEVIATION FROM RETENTION POINTS**

The Board of Supervisors may approve deviations from the order of layoff by retention points or demotions in lieu of layoff (bumping) when retention points order alone would result in retaining employees unable to maintain a satisfactory level of performance in the department affected. In such cases, the department head or their designee shall fully justify and document the reasons therefore. The affected employees shall be provided a written notice of the department's request, reasons therefore and the date the Board of Supervisors shall consider the department's request.

#### **1606. APPEAL OF LAYOFF**

##### **(a) Right of Appeal**

1. Regular civil service employees receiving a notice of layoff shall have the right to appeal solely on the issue of whether or not there was compliance with the procedures prescribed in this Section.
2. The right of appeal is limited to the scope and process provided in this Section 1606.
3. The scope of any appeal shall not include such issues as the need for layoff, the reasons for layoff, or the exercise of other County prerogatives involved in layoff.

Probation, Provisional, Temporary, and Extra Help Employees have no right of appeal of a notice of layoff. Questions and disputes regarding civil service status shall be determined by the Civil Service Commission in accordance with their rules, regulations, and procedures.

##### **(b) Notice and Timing of Appeal**

1. Appeals shall be filed in writing with the Director of Human Resources or their designee.
2. Appeals shall be filed within five (5) working days after the USPS date of service of the notice of layoff as provided in Section 1602.

The notice of appeal shall state the employee's reasons for the appeal consistent with this Section.

##### **(c) Responsibilities of the Director of Human Resources**

The Director of Human Resources or their designee shall within three (3) working days of receipt of an appeal, determine which employees, if any, will be adversely affected if the appeal is successful and notify all employees potentially adversely affected of the appeal.

##### **(d) Layoff Arbitration Panel**

A tripartite Layoff Arbitration Panel shall be appointed to hear all appeals having the same effective date for layoff.

1. Appeals shall be heard by the tripartite Layoff Arbitration Panel consisting of:

- i. The Director of Human Resources or their designee.
- ii. The Chief Administrative Officer or their designee.
- iii. A neutral department head.

The Layoff Arbitration Panel shall convene and open the hearing within fifteen (15) working days of the initial filing of the appeal.

(e) Hearing Process

- 1. The employee filing the appeal and all other potentially affected employees will be notified of the date, time, and place of the hearing not less than two (2) working days in advance of the hearing.
- 2. The neutral member shall serve as Chair of the Layoff Arbitration Panel.
- 3. The hearing shall be conducted in accordance with standard administrative hearing procedures used by the Civil Service Commission.
- 4. In addition to hearing such evidence and witnesses as the parties, including any employees potentially affected by the appeal, may call, the Layoff Arbitration Panel may question witnesses and call such witnesses as they deem appropriate.

(f) Decision

- 1. The Layoff Arbitration Panel shall issue their written decision within two (2) working days of closing the hearing.
- 2. The decision of the Layoff Arbitration Panel shall be final and binding on all parties.

## **SECTION 17: CLOSURE OF COUNTY BUILDINGS**

- (a) The Chief Administrative Officer or their designee shall determine when County facilities shall be temporarily closed in an emergency as determined by the appointing authority.
- (b) Employees whose buildings have been temporarily closed may be re-assigned to work sites in the same geographic area.
- (c) Regular County employees scheduled to work but who are directed not to report to work or who are sent home from work due to the closure of their work site shall receive their regular pay for that scheduled shift. An employee shall not receive regular pay pursuant to this Section 17(c) if the employee does not report to work due to any circumstance when there has not been a County directive closing the employee's worksite.
- (d) After the first day of closure of a County building, if the County is unable to re-open a work site, or is unable to obtain an alternative work site in the same geographical area, an employee will be compensated for that day(s).
- (e) Confidential Non-Exempt Employees - During a temporary closure of County buildings, those regular employees who are still required to come to work to provide essential services as defined by the Chief Administrative Officer, will receive premium compensation at one and one-half (1 ½) times the employee's base hourly rate of pay.
- (f) Should the closure of a County facility last longer than five (5) working days, the County

reserves the right to reassign employees outside their geographical area. In the event of re-assignment outside the geographical area, the employee may at their request utilize accumulated vacation and/or CTO in lieu of re-assignment unless the Chief Administrative Officer makes a finding that the employee's services are essential to the continued operation of the County. In the event the Chief Administrative Officer finds the employee's services are essential, the employee will be provided time and compensation for their commute.

- (g) For purposes of this Section, geographical area is generally defined as:

Tahoe Basin

Western Slope

## **SECTION 18: PROBATIONARY PERIODS: UNREPRESENTED EMPLOYEES**

### **1801. APPOINTED DEPARTMENT HEADS AND ELECTED DEPARTMENT HEADS**

Appointed Department Heads serve at the will and pleasure of the Board of Supervisors and, as employees exempt from civil service, do not serve probationary periods.

Elected Department Heads, Limited Term, and Extra Help do not serve probationary periods.

### **1802. OTHER UNREPRESENTED EMPLOYEES**

Administrative Management and Confidential Employees serve a twenty-six (26) full pay period probationary period from the date of appointment to a specific single classification.

### **1803. EXTENSION OF PROBATIONARY PERIOD**

An Unrepresented Employee who is subject to a probationary period shall have their individual probationary period extended commensurately by each hour an employee is on authorized leave for more than ten (10) consecutive work days. Leaves include, but are not limited to, vacation, sick leave, compensatory time off, and leaves without pay, including leaves granted under the Family Medical Leave Act, California Family Rights Act, Pregnancy Disability Leave, Americans with Disabilities Act, and Workers' Compensation Laws. Employees who request and receive a temporary modified duty assignment due to medical conditions such that they are not performing the essential job functions of their position shall have their probationary period extended for each hour of such modified duty assignment. Nothing herein is intended to prevent the appointing authority from extending a probationary period one time for a period not to exceed six (6) months to ensure that an employee has demonstrated all of the necessary skills and traits to successfully pass probation for the job classification.

## **SECTION 19: NEPOTISM**

### **1901. EXTRA HELP ELECTIONS EMPLOYEES**

Notwithstanding any contrary provisions of the Personnel Rules regarding Nepotism, the

employment of Extra Help Employees within the County's Elections Department who are related to employees within the same supervisory unit of the Elections Department to which the Extra Help Employee is assigned is allowed to the extent that i) such appointment is limited to sufficiently staffing special events pertaining to the election cycle, ii) such appointees will not have ongoing duties/work hours outside the scope and duration of such special events, and iii) no employee shall be in the direct line of supervision with a relative. The terms "direct line of supervision" and "relative" shall be as defined by the Personnel Rules.

## **SECTION 20: SUPERVISOR'S ASSISTANT**

### **2001. SUPERVISOR'S ASSISTANT**

- (a) Supervisor's Assistant, defined by the County Charter as "any person holding a confidential position to each member of the Board of Supervisors," (i) is in the unclassified service and does not hold regular status, and (ii) serves at the pleasure of the appointing member of the Board of Supervisors, except as set forth below.
1. A person may be appointed to an at-will Supervisor's Assistant position for an individual member of the Board of Supervisors pursuant to the Personnel Rules.
  2. An incumbent can be terminated at any time without cause and without the opportunity to appeal, (i) by the appointing member of the Board of Supervisors or (ii) with a 4/5 vote by the Board of Supervisors.